



Office of the City Clerk

The City of Morgantown

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

AGENDA
MORGANTOWN CITY COUNCIL
COMMITTEE OF THE WHOLE
March 31, 2015
7:00 p.m.

NOTE: Committee of the Whole Meetings of the Morgantown City Council are intended to provide an opportunity for the Council to receive information, ask questions, and identify policy options in an informal setting. No official action is taken at these meetings. At this Committee of the Whole Meeting the following matters are scheduled:

PRESENTATIONS:

1. Woodburn reuse commission presentation on playground
2. Republic Services update on trash pickup audit
3. CDBG – Dave Bott

PUBLIC PORTION:

ITEMS FOR DISCUSSION:

1. Recommendations requested by Council to increase budget by additional 1.4 million & draft ordinances
2. Amending Section 121.04 of Administration Code
3. RW at Tibbs Run (WVBG)
RW at Rail Trail (MRTZ)
4. Proposed purchase of real property

Woodburn School Redevelopment Commission- Proposal for Redevelopment of former Woodburn Elementary Playground

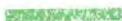
Identified Goals and Issues

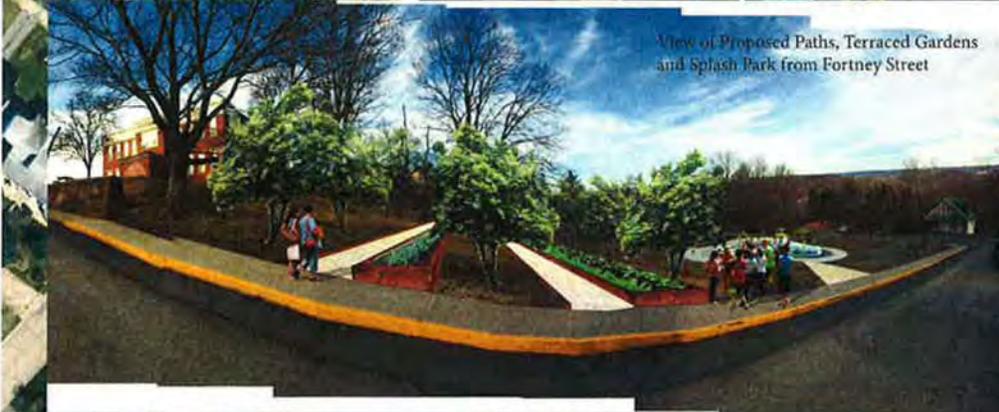
1. Residents of Woodburn and surrounding areas utilize the former Woodburn Elementary School (WES) playground area
2. This area is convenient to the rails and trails system, as well as within short distance of several neighborhoods in Morgantown and the surrounding areas
3. Most of the equipment and surfaces on the playground area are deteriorated to the point of hazard and in dire need of repair or replacement.
4. To promote safe play and to make the former WES playground a desirable recreation area in the heart of Morgantown

Proposed Improvements

- Updated Playground Equipment**
 - Inclusive Play Equipment
 - Water Spray and Play Station
 - New Swing Set
 - Renovated running/walking track
- Better Use and Safety of Green Space**
 - Safer and usable green space
 - Redesigned fencing
 - Increased and more energy efficient lighting
 - Renovated Pavilion/Stage/Performance Space

Legend/Key

- Accessible Path 
- Terrace Planting Bed 
- Fruit/Nut Bearing Tree 
- Turf Performance Seating 
- Pavilion/Theater 
- Passive Trail 
- New Play Equipment Area 
- Improved Basketball Court 



View of Proposed Paths, Terraced Gardens and Splash Park from Fortney Street

Community Development Block Grant 2015 Annual Action Plan

Draft

Community Development Office
389 Spruce Street
Morgantown, WV 26505
304-284-7508
304-284-7430 (Fax)

Source of Funds

The City of Morgantown C.D.B.G. Entitlement is \$371,158, recaptured funding from previous years projects that have been closed \$15,225.72 bringing the 2015 fiscal year funding to \$386,383.72. The Morgantown Housing Authority also anticipates \$29,372 in program income. Program Income is maintain by the Fairmont Morgantown Housing Authority and rolled over into the Housing Rehabilitation Program. Total available funding for 2015 is \$415,755.72. The U. S. Department of Housing and Urban Development regulations require the City of Morgantown to verify that all funds are utilized within the corporate limits of the City of Morgantown, or with support agencies that provide 51% of their services to City of Morgantown residents. .

Description of Projects

Administration & Planning - \$74,231

CDBG Administration \$73,731

Activity: Administration
 Source: CDBG Entitlement
 National Objective: N/A
 Regulation Citation: 570.206 (a)
 Project: #2015-1

CDBG Administrative costs are necessary for project management, implementation, and inspection of the non-housing community development projects. Administrative costs include, but are not limited to, staff salaries and fringe benefits for one full-time staff member and a part-time or intern position, general operating supplies, environmental inspections, postage, mileage expenses, printing, miscellaneous services and charges, legal expenses, fees, travel and training, and dues and subscriptions.

City of Morgantown Human Rights Commission – \$500

Activity: Planning
 Source: CDBG Entitlement
 National Objective: L/M Income
 Regulation Citation: 570.205(a) (3) (i)
 Project: #2015-2

Public Service- \$ 54,933

Morgantown Area Youth Services Project – \$11,933

Activity: CDBG Public Services Sub-recipient

Source: CDBG Entitlement

National Objective: L/M Income

Eligible Activity: Public Services

Regulation Citation: 570.201 (e)

Consolidated Plan Objective: Anti-poverty

Project: #2015-3

The Morgantown Area Youth Services Project operates under the fiscal administration of the Monongalia County Commission. MAYSP provides intervention services to youth and families primarily from low-income households that are experiencing delinquency and substance abuse problems. The proposed CDBG funded program would expand services to reach low-income youth and families living in the City of Morgantown experiencing substance abuse and underage drinking problems.

Mountaineer Boys & Girls Club - \$18,000

Activity: CDBG Public Services Sub-recipient

Source: CDBG Entitlement

National Objective: L/M Income Limited Clientele

Eligible Activity: Public Services

Regulation Citation: 570.201 (e)

Consolidated Plan Objective: Anti-poverty

Project: #2015-4

The Project Learn initiative provides after-school and summer educational enhancement and tutoring activities to at-risk students ages 6-16. The program includes homework help, tutoring services, high yield learning activities, collaboration with schools, character education, and parental involvement. Prevention Programs are offered every day including the Smart Moves prevention program and character education. The Boys and Girls Club is available to the students during non-school days and through the summer. Project Learn with the Mountaineer Boys and Girls Club serves low and very-low income children in the City of Morgantown.

The Smart Moves and Fan Club help develop skills essential for transition between youth and adulthood. Family activities and meetings play a critical role in the program. Additionally, the program will include conflict resolution and anger management education.

Literacy Volunteers of Monongalia and Preston Counties -- \$2,000

Activity: CDBG Public Service Sub-recipient

Source: CDBG Entitlement

National Objective: L/M Limited Clientele
 Eligible Activity: Public Service
 Regulation Citation: 570.201 (e)
 Consolidated Plan Objective: Anti-poverty
 Project: #2015-5

LVMPC is upgrading their office technology and record storage to ensure confidentiality and provide service efficiency. LVMPC will make a one-time purchase of a server and two laptops for office organization and programing support.

The Connecting Link - \$23,000

Activity: Homelessness
 Source: C.D.B.G. Entitlement
 National Objective: L/M Income Limited Clientele
 Eligible Activity: Public Services
 Regulation Citation: 570.201 (e)
 Consolidated Plan Objective: Homelessness
 Project: #2015-6

CDBG funding will be used for the Friend/Mentor Program offsetting the cost of dedicated staff supervising this program, perform daily intake and viSPDAT assessments. Plus work as a liaison between homeless families and individuals as well as working with the PATH Outreach Coordinator.

Housing Programs - \$83,654

Home Rehabilitation Program Fairmont/Morgantown Housing Authority \$35,000, \$29,372 Program Income

Activity: Housing
 Source: CDBG Entitlement
 National Objective: L/M Income Housing
 Regulation Citation: 570.202 (b) (9) (10)
 Consolidated Plan Objective: Housing
 Project: #2015-7

General Home Improvements

Assisting low-income homeowners make modest repairs to their homes. Qualified residents could apply for up to \$20,000 at 2% interest for up to 15 years. For elderly and disabled persons, this can be a forgivable loan with 20% forgiveness rate over 5 years. These improvements could include roof replacement, heating and cooling units, electrical or plumbing upgrades, windows, flooring, sidewalks, porches, siding, etc.

Rental Rehabilitation Program

Designed to increase the quality of non-student rental units in the City of Morgantown, Landlords will be able to apply for \$10,000 at 1% interest for 10

years to make modest renovations to their rental units. As an incentive to improve the appearance of the structure, participating landlords may be eligible for \$2500 grant for approved exterior improvements. Landlords must agree to rent to families with households income at or below 80% for the life of the loan. Dependent college students are not eligible residents.

Emergency Repair Program

Assisting low-income homeowners with the cost of repairs that may be viewed as emergency in nature and could threaten one's health and safety, Such conditions could include a leaking roof, busted pipes, faulty electric systems, broken furnace, etc. The Emergency Repair Program would provide a one-time grant of up to \$2,500 to make the home safe again.

Barrier Free Program

Assisting families with the necessary modifications or adaptations that will make their home livable as needs change. Many elderly or disabled persons run the risk of moving to assisted living facilities due to failing health or physical limitations. Adaptations may include installing grab bars, handicapped showers, modifying home entryways.

Lead Based Paint Assessment/Testing and Clearance

Federal law requires lead based paint intervention on federally funded housing programs over \$5,000. Morgantown Housing Authority will do lead based paint assessments, testing and clearance for projects as needed.

Down Payment Assistance Program

The Down Payment Assistance Program will assist low-income first time homebuyers with \$2,500 grant for down payment when purchasing property in the City of Morgantown. Homebuyers will need a 3-5 % down payment from savings, which could average \$2,778 for low-income household. By removing the down payment barrier, this grant could make the difference in a family's quest for homeownership.

City of Morgantown - \$12,000

Activity: Homeless Housing Project

Source: C.D.B.G. Entitlement

National Objective: L/M Income Limited Clientele

Eligible Activity: Public Facilities

Regulation Citation: 570.202

Consolidated Plan Objective: Homelessness

Project: #2015-8

This is housing funding and will be used to provide infrastructure, rehabilitation and health and safety improvements to housing for the homeless. The funding will be available to any organization working to expand housing to be used to house individuals and families that are homeless.

Community Housing Action Partnership, Inc. - \$7,282

Activity: Affordable Housing
 Source: C.D.B.G. Entitlement
 National Objective: All
 Eligible Activity: Organizations
 Regulation Citation: 570.205
 Consolidated Plan Objective: Housing
 Project: #2015-9

The Community Housing Action Partnership Inc.; is a collaboration of housing agencies, bankers, realtors, developers, attorneys and community leaders working to bring housing to low and moderate families and individuals. CHAP will use the CDBG funding to bring together these partners and the community to study and learn how other communities around the state have formed similar successful housing ventures.

Infrastructure -- \$108,937.72**Habitat for Humanity -- \$24,889**

Activity: Housing
 Source: CDBG Entitlement
 National Objective: L/M Income Housing
 Regulation Citation: 570.202 (b) (9) (10)
 Consolidated Plan Objective: Housing
 Project: #2015-10

Road, curb and sidewalk construction for the Deckers Court Development in Jerome Park, this project will specifically target persons with disabilities and veterans.

City of Morgantown - \$69,048.72

Activity: Public Facility Improvements
 Source: C.D.B.G. Entitlement
 National Objective: L/M Income Limited Clientele
 Eligible Activity: Public Facilities
 Regulation Citation: 570.201 (c)
 Consolidated Plan Objective: Infrastructure
 Project: #2015-11

The City of Morgantown has received grant funding to construct a foot bridge across Deckers Creek at Decker Avenue in Greenmont. In conjunction with this project CDBG funding will be used to provide ADA accessible sidewalks to connect the bridge access with other sidewalks in the area.

City of Morgantown - \$15,000

Activity: Public Facility Improvements
 Source: C.D.B.G. Entitlement
 National Objective: L/M Income Limited Clientele
 Eligible Activity: Public Facilities
 Regulation Citation: 570.201 (c)
 Consolidated Plan Objective: Infrastructure
 Project: #2015-12

Public works will repair several sidewalk curb cuts in Woodburn and Jerome Park improving accessibility. The City works to improve accessibility for all residents.

Rehabilitation – \$94,000**City of Morgantown - \$15,000**

Activity: Public Facility Improvements
 Source: C.D.B.G. Entitlement
 National Objective: L/M Income Limited Clientele
 Eligible Activity: Public Facilities
 Regulation Citation: 570.201 (c)
 Project: #2015-13

The City of Morgantown will use CDBG funding to improve disabled accessibility to the Woodburn School.

Christian Help -- \$9,000

Activity: Emergency Exit Door Replacement
 Source: CDBG Entitlement
 National Objective: L/M Income Limited Clientele
 Eligible Activity: Rehabilitation
 Regulation Citation: 570.202
 Consolidated Plan Objective: Anti-poverty
 Project # 2015-14

Christian Help, an agency serving low and very low-income individuals and families with emergency needs will repair and rehabilitate their building's emergency exits. The project will include the removal of the old metal doors in the back of the building.

United Way Agency Rehab -- \$70,000

Activity: Roof Rehabilitation
 Source: CDBG Entitlement
 National Objective: L/M Income Limited Clientele
 Eligible Activity: Rehabilitation
 Regulation Citation: 570.202

Consolidated Plan Objective: Anti-poverty
Project: #2015-15

The CDBG funding is important to make the repair and preserve the building and service in the downtown area. The roof replacement will involve the removal of the existing roof, repairs and replacement of the wood deck, and the Fully Adhered EPDM Roof System.

Geographical Distribution

Morgantown Area Youth Services Project, Project #2015-3, this is a citywide program targeting low-income children and families.

Mountaineer Boys & Girls Club, Project #2015-4, The Boys and Girls Club facility is located in the Woodburn School in Census Tract # 107.00.

Home Rehabilitation Program, Project, The Housing Rehabilitation Programs are citywide by application targeting low and moderate-income individuals and families.

Monongalia County Habitat for Humanity, Inc, Project #2011-6, Jerome Park Sub-Division Design located in Jerome Park Census Tract 107.00

The infrastructure work for the Greenmont Walking Bridge #2015-11 is located in Census Tract 109.01

The infrastructure work for Woodburn School disability accessibility project #2015-13, in Census Tract # 107.00

The United Way Roof Rehab project #2015-15 is located in Census Tract 101.00

Homeless

The Connecting Link has become the agency providing intake coordination for housing the homeless under the Housing First initiative, coordinating the intake of homeless individuals and families with services to improve the ability of the homeless to access available services.

The Homeless Housing Fund is established to assist any agency that needs funds for rehabilitation or infrastructure work in order to improve property to house the homeless.

Anti-Poverty Strategy

The City continues to assist social service agencies with education, job skills training and after school programs for working parents. Programs with a direct impact to their client receive special attention as well as programs meeting the goals in the Consolidated Plan. Due to an increase in young adults becoming homeless emphasis was given to programs assisting youth and teenagers in this program year.

The Morgantown Housing Authority will assist families with the necessary modifications or adaptations that will make their home livable as needs change. Many elderly or disabled persons run the risk of moving to assisted living facilities due to failing health or physical limitations. Adaptations may include installing grab bars, handicapped showers, modifying home entryways.

Lead-Based Paint

Federal law requires lead based paint intervention on federally funded housing programs over \$5,000. Morgantown Housing Authority will do lead based paint assessments, testing and clearance for projects as needed.

Other Actions

The Down Payment Assistance Program will assist low-income first time homebuyers with \$2,500 grant for down payment when purchasing property in the City of Morgantown.

Monitoring

To ensure appropriate use of public dollars while maintaining a consistency with Federal program requirements and regulations, the City of Morgantown Community Development staff will plan, implement, and enforce a monitoring plan for each project. In addition, this monitoring plan will ensure satisfactory progress toward the Consolidated Plan goals, promote program accountability, and further demonstrate compliance with Federal requirements.

The Community Development staff will periodically conduct on-site monitoring of sub-recipient agencies. As stated in each contract, payment is made by reimbursement only. Quarterly reports and an end-of-year performance report are also required for each project. Staff will also work with the sub-recipients on a regular basis as a resource for technical assistance in planning, implementation, project evaluation, and capacity building.

Citizen Participation

Summary of Public Hearing/Input and Approval Process

Community Development Director opens each meeting by providing information about the Community Development Block Grant Program and the expected funding levels. The discussion then turned to the status of the program year soliciting comments.

All meetings are published in local newspapers, Channel 15, and the City Web Site. Flyers were posted at sites around Morgantown to encourage low- and moderate-income individual participation. The City Administration for compliance with Federal regulations reviews the proposed projects.

Council Presentation

At the March 31, 2015 City of Morgantown City Council Committee of the Whole meeting, the CDBG proposed FY 2015 Action Plan was presented to the City Council. Council Meetings are public and televised.

30 Public Comment Period

The Draft FY 2015 Annual Action Plan for all agencies or groups receiving funding from the 2015 CDBG entitlement begins a 30-day public comment period April 1, 2015 through April 30, 2015. During the public comment period, copies of the FY 2015 Annual Action Plan are available at City Hall, the Morgantown Library, and on the City's Web Site.

CDBG Technical Meeting

The November 7, 2014, CDBG Technical Meeting presented prior to the proposal kick off meeting giving prospective agencies an opportunity to explore their desire to pursue funding. CDBG National Objectives and the City's Consolidated Plan Goals and Strategies are gone over with explanation of eligible and non-eligible activities.

Fair Housing

The Community Development Office continues to work with community agencies to address and support Fair Housing actions.



Office of the City Manager

The City of Morgantown

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

Based on the direction of City Council at the March 3, 2015 Council meeting, the following proposal provides City Council \$1.4 million in additional revenue (beyond the approved 2015-2016 budget).

	Current	Approved in 2016 budget	Proposed
B&O Service Business Rate	0.55	0.75	1.0
Estimated Amount	\$1,900,000	\$2,575,000	\$3,400,000
Options:			
15%			
Fire Fee rate Floor 1-3	.0638		.0734 = \$360,422
Fire Fee rate Floors 4 or more	.0403		.0463 = \$ 29,740
20%			
Fire Fee Entire Building	.0638		.0766 = \$480,563
Fire Fee rate Floors 4 or more	.0403		.0484 = \$ 40,148

Business and Occupation Taxes

A modification from the approved .75% to 1.0% tax would create an additional increase in Business and Occupancy Taxes on Service Businesses of an estimated \$825,000 for general operations of a whole fiscal year. For the FY 2016 approved budget, only three quarters would be collected increasing the budget by an estimated \$618,750. This would bring the B&O Tax on Service Businesses to the State maximum allowed.

Fire Service Fees

To provide options on the directive of increasing revenue to \$1.4 million dollars, an increase equal a 15% or 20% increase in Fire Service Fees is recommended. These changes would increase the Fire Service Fee collections by \$390,162 or \$520,711 respectively, and would reduce the same amount of general fund revenue to fund 62.41% and 65.08% of the Fire Department's current budget (up from the current 54.44%).

Option #1 (15% Fire Fee Increase)

Total increased collections for FY 2016 would total an estimated \$1,008,912. With the effective date of July 1, 2015, we will not be able to collect the new rates of B&O Tax in the first quarter. In FY 2016, the two recommendations would reduce the City General Fund reliance on the one-time construction revenue completely (\$700,000). It would also allow an additional \$308,912 to improve the general fund budget for the upcoming year. In FY 2017 and beyond, these changes would provide for an estimated \$1,245,162 for the general fund. That means an additional \$700,000 would be available in the capital escrow account for additional capital projects to include updating our City vehicles and equipment, improving existing or building new public facilities, and adding funds to implement public projects and improve infrastructure.

Option #2 (20% Fire Fee Increase)

Total increased collections for FY 2016 would total an estimated \$1,139,461. With the effective date of July 1, 2015, we will not be able to collect the new rates of B&O Tax in the first quarter. In FY 2016, the two recommendations would reduce the City General Fund reliance on the one-time construction revenue completely (\$700,000). It would also allow an additional \$439,461 to improve the general fund budget for the upcoming year. In FY 2017 and beyond, these changes would provide for an estimated \$1,345,711 for the general fund. That means an additional \$700,000 would be available in the capital escrow account for additional capital projects to include updating our City vehicles and equipment, improving existing or building new public facilities, and adding funds to implement public projects and improve infrastructure.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 735.24 OF ITS BUSINESS AND OCCUPATION TAX CODE

735.24 SERVICE BUSINESS OR CALLING NOT OTHERWISE SPECIFICALLY TAXED

Upon every person engaging or continuing within this City in any service business or calling not otherwise specifically taxed under this article, for tax periods beginning prior to July 1, 2015 there is likewise hereby levied and shall be collected a tax equal to fifty-five cents (55¢) per one hundred dollars (\$100.00) of value or of the gross income of any such business service or calling and for tax periods beginning on July 1, 2015 and thereafter there is likewise hereby levied and shall be collected a tax equal to one dollar (\$1.00) per one hundred dollars (\$100.00) of value or of the gross income of any such business service or calling.

This Ordinance shall be effective on July 1, 2015.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 747.01 (d) AND 747.02(a) OF ITS FIRE PROTECTION SERVICE CHARGES CODE, AS THE SAME APPLIES TO THE LEVY AND IMPOSITION OF FEES

747.01 DEFINITIONS

(d) "Stories" means the various horizontal levels of a structure including, for the purposes of this article, all identifiable horizontal levels including ~~finished~~-basements and finished attic areas, but excluding crawlspaces (areas of 4 foot height or less under a structure), ~~unfinished basements in residential structures,~~ and unfinished attic areas.

747.02 LEVY AND IMPOSITION OF FEE.

(a) There is hereby levied and imposed upon all users of the fire protection service provided by the City, a fee for the continuation, maintenance and improvement of such service. The fee shall be ~~6.38~~ 7.34 cents per square foot of space within each structure, per annum. Structures exceeding three floors shall be charged an additional ~~4.03~~ 4.63 cents per square foot of space for each additional space above the third floor.

The gross square footage of each structure shall be determined by the duly authorized and designated agents of the City in accordance with the definition of terms in Section 747.01 and the gross square footage measurements for each structure shall then be multiplied by the rates shown above to determine the amount of the fee to be charged against the use of the fire protection service.

This Ordinance shall be effective on July 1, 2015.

FIRST READING:

ADOPTED:

FILED:

RECORDED

MAYOR

CITY CLERK

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.

The City of Morgantown hereby ordains that Section 121.04 of the City of Morgantown Administrative Code is amended as follows (new matter underlined, deleted matter struck through):

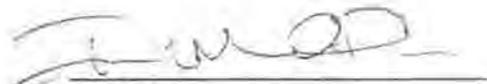
121.04 ORDER OF PROCEDURE.

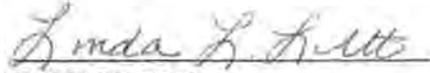
The order of procedure for regular meetings of Council shall be as follows:

- (a) Call Council to order - Mayor
- (b) Roll call by City Clerk
- (c) Pledge to Flag
- (d) Approval of minutes.
- (e) Correspondence.
- (f) Unfinished business.
- (g) Public portion which shall be subject to rules established by Council and adopted by Resolution
- ~~(g)~~(h) Special committee reports
- ~~(h)~~ (i) New business.
- ~~(i)~~ ~~Public portion which shall be subject to rules established by Council and adopted by resolution.~~
- (j) City manager's report.
- (k) Report from City Clerk.
- (l) Report from City Attorney.
- (m) Report from Council members.
- (n) Adjournment.

This Ordinance shall be effective upon date of adoption.

FIRST READING: February 5, 2013
 ADOPTED: February 19, 2013
 FILED: February 20, 2013
 RECORDED: February 20, 2013


 MAYOR


 CITY CLERK

GENERAL PROVISIONS

121.01 MEMBERSHIP ATTENDANCE.

Whenever at the time appointed for the meeting of Council, either in regular or special session, a quorum shall not be present, it shall be lawful for any three members who may be in attendance to order the Chief of Police or any policeman to arrest the absent members, or any of them, and cause them to appear forthwith at the place of meeting and there to remain until the meeting shall adjourn or their further attendance is excused. An order for bringing in an absent member shall be issued and signed by the Mayor or, in his absence, by the City Clerk, or in the absence of both, by three members of Council. The same shall be in form and effect as follows:

State of West Virginia:

To the Chief of Police, or any Policeman, of the City of Morgantown:

You are hereby commanded to take into custody _____, Member of Council of the City, and bring him forthwith to the Council Chamber to attend a meeting of such Council called according to law.

_____, Mayor

(1967 Code Sec. 2-8.)

121.02 TERM AND COMPENSATION OF COUNCILMANIC APPOINTEES.

All appointees of Council shall hold office at the pleasure of Council and receive compensation therefor as Council may determine.

(1967 Code Sec. 2-11.)

121.03 COUNCILPERSON NOT TO BE BOND SURETY.

No member of Council shall be accepted or approved by Council as surety on any official bond required by law, or any provision of the City Code or other ordinance of the City, for any officer of the City.

(1967 Code Sec. 2-13.)

121.04 ORDER OF PROCEDURE.

The order of procedure for regular meetings of Council shall be as follows:

- (a) Call Council to order - Mayor.
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- (e) Correspondence.
- (f) Unfinished business.
- (g) Public portion which shall be subject to rules established by Council and adopted by Resolution.
- (h) Special committee reports.
- (i) New business.
- (j) City Manager's report.
- (k) Report from City Clerk.
- (l) Report from City Attorney.
- (m) Report from Council members.
- (n) Adjournment. (Ord. 13-07. Passed 2-19-13.)

MEMORANDUM

TO: City Council
Jeff Mikorski, City Manager

FROM: Timothy L. Ball, General Manager, MUB

DATE: March 26, 2015

SUBJECT: **TWO ORDINANCES
COUNCIL COW MEETING INFORMATION
March 31, 2015**

This will serve as a read ahead to help you prepare for the meeting. If you have any questions please feel free to contact me.

The attached two ordinances address separate matters. Each is described below.

I will attend the Council meeting, and will be happy to provide any further explanation that you may desire.

Ordinance – Granting a Right of Way and Easement – Tibbs Run - We request that a right of way and easement (RW) be provided through the Tibbs Run property at Tyrone Rd, which serves as the site of the WV Botanic Garden. The purpose of the RW is to accommodate construction of a sanitary sewer force main, allowing MUB to extend sewer service to the Sunshine Estates area.

We have coordinated and vetted the details of the proposed route directly with the Executive Director of the WVBG.

Ordinance – Granting a Right of Way and Easement – Rail Trail at WTP - We request that a right of way and easement (RW) be provided along the rail trail at the Water Treatment Plant near Don Knotts Blvd. The purpose of the RW is to accommodate construction of a fence, allowing MUB to better secure its WTP site and finished water storage there. The WV DHHR has required that these security improvements be provided.

We have, through the City Manager, coordinated and vetted the details of the proposed fencing and route with the Executive Director of the Mon River Trails Conservancy (MRTC).

From: [Ella Belling](#)
To: [Tim Ball](#)
Subject: Re: RW at Water Plant
Date: Tuesday, March 10, 2015 6:24:53 PM

Great news! Thanks Tim. I had wondered what had happened to the process and glad to hear it is moving forward. Ella

Ella Belling
Executive Director
Mon River Trails Conservancy
P.O. Box 282
Morgantown, WV 26507
www.montrails.org
304-692-6782

On Mar 10, 2015, at 4:24 PM, Tim Ball <tball@mub.org> wrote:

Hi Ella

It was good to see you today at the MPO.

I forgot, while there, to mention to you that we are ready to proceed with the rw agreement for placing fencing along the trail at the Water Plant (WTP).

Please recall that the Health Dept has required us to install the subject fencing to better secure our treatment and water storage facilities.

We have obtained the new water fountain (with separate human and pet fixtures / bowls) and will get it installed asap, once the winter weather has finally eased. This will replace the former one that was removed during construction at the WTP.

I hope to take the rw agreement to City Council on Tues March 17.

Thanks and Best Regards,
Tim

Timothy L. Ball P.E.
General Manager
Morgantown Utility Board
Phone: 304-292-8443 Ext. 121
www.mub.org

Follow us on Facebook and on Twitter: @MUBWater

PMB #121, 714 Venture Drive, Morgantown, WV 26508-7306

COME GROW WITH US!

March 12, 2015

Douglas R. Smith, P.E.
Morgantown Utility Board
278 Greenbag Road
Morgantown, WV 26507-0852



RE: Sunshine Estates Sanitary Sewer Improvements Project
West Virginia Botanic Garden/Tibbs Run Easement

Dear Mr. Smith:

I write to certify that WVBG has no objection to the proposed sewer line easement described as Exhibit "A", attached. We understand that this easement is desirable and necessary to protect the water environment from damage caused by a nearby subdivision that is currently underserved by an obsolete package treatment plant.

I have inspected the easement route on site with your project engineer, Jim Fetty. We have agreed on the specific route of the easement that is depicted on the attached map, as well as both construction practices and recovery of the disturbed ground that he has supplied.

I am available at your convenience to discuss this matter, and I understand that this statement may be included in Council deliberations regarding the proposed easement.

Sincerely,

A handwritten signature in black ink that reads "George W. Longenecker". The signature is written in a cursive style.

George W. Longenecker
Executive Director



March 17, 2015

Mr. George Longenecker
 West Virginia Botanic Garden
 714 Venture Drive, PMB #121
 Morgantown, WV 26508-7306

**Re: Sunshine Estates Sanitary Sewer Improvement Project
 West Virginia Botanic Garden/Tibbs Run Easement**

Dear George:

Thank you for your recent letters expressing your agreement with MUB's plans for a sanitary sewer line (and accompanying right of way and easement) through the WVBG at Tibbs Run.

This letter will confirm that MUB and WVBG have agreed that, as consideration for the disturbance and related inconvenience expected to be caused by the proposed construction, MUB will pay to WVBG:

- \$700 to offset the cost of a sewer tap upon the proposed line, and
- \$1,000 to offset initial sewer use charges.

The above payments may be used in any manner chosen by the WVBG; the descriptions included are provided merely to correlate to the original requests expressed by WVBG. WVGB will remain subject to all utility fees and charges of MUB, pursuant to applicable rate ordinances.

Please note, as has been discussed between you and our engineering staff that the subject proposed sewer line will be a pressurized force main, as will be the tap to be provided thereon. For the WVBG to be served by said force main and tap will require that the WVBG provide, install, operate and maintain its own private sewage pumping station and pressurized force main / service line. The private sewage pumping station must include one (or more) check valves to prevent reverse flow from the public force main into the private pumping station, and one (or more) isolation valves to allow maintenance of the check valve(s) while still preventing reverse flow into the pumping station.

Thank you for your cooperation.

Respectfully,

MORGANTOWN UTILITY BOARD

Timothy L. Ball, P.E.
 General Manager

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A FENCE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 28, PARCEL 134, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF.

The City of Morgantown Hereby Ordains:

That the City Manager is hereby authorized to execute, on behalf of the City of Morgantown, the Right-of-Way and Easement Agreement attached to, and made a part of, this ordinance.

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

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

RIGHT-OF-WAY AND EASEMENT AGREEMENT

THIS RIGHT-OF-WAY AND EASEMENT AGREEMENT, made and executed this _____ day of _____, 2015, by and between the City of Morgantown, party of the first part, Grantor, and the City of Morgantown, West Virginia, a municipal corporation, acting by and through the Morgantown Utility Board, hereinafter sometimes referred to as the "Board," party of the second part, Grantee,

WITNESSETH: That for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part, Grantor, does hereby grant and convey, with covenants of General Warranty, unto the said party of the second part, Grantee, and to its successors or assigns, a right-of-way and easement to construct, maintain, remove, reconstruct, replace, or repair fencing in, on, under, over, and through a certain tract and parcel of land situate in Morgantown Taxing District, Tax Map 28, Parcel 134, Monongalia County, West Virginia, and which said tract and parcel of land is further described in a deed recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book No. 1161 at Page 375, to which said deed reference is hereby made for all pertinent purposes.

The location of said right-of-way and easement proposed upon said property is as follows:

±409' of fencing; all as depicted and further described in Exhibit "A," attached and incorporated herein.

The said Grantor further grants and conveys unto said Grantee, its successors or assigns, the right of ingress, egress, and regress, to and from said right-of-way and easement for all proper purposes and at all reasonable times and a temporary construction right-of-way and easement of such width as is reasonable and necessary to carry out the construction, repair, or replacement of all or part of the above-described fencing. The said Grantor does also grant and convey unto the said Grantee, its successors or assigns, the right to use said right-of-way and easement herein granted, along the course of the proposed fencing, for the further purpose of transporting fencing, fittings, machinery, and equipment to and from neighboring lands, in and about the construction, operation, maintenance, removal, and replacement of the fencing proposed to be installed on said right-of-way and easement.

The Grantor does grant and convey said right-of-way and easement to the Grantee, its successors or assigns, upon the following terms and conditions: None

This Agreement shall be binding upon the parties hereto, their successors or assigns.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned hereby declare:

That the conveyance made in the document to which this declaration is appended is exempt from taxation under the provisions of Chapter 11, Article 22, of the Code of West Virginia, for the reason that it is a conveyance made to a political subdivision of the State of West Virginia. *(Without Consideration).*

IN WITNESS WHEREOF, the City of Morgantown, has caused its name to be hereunto subscribed by Jeff Mikorski, its City Manager, by authority duly given, and the said Morgantown Utility Board, acting for and on behalf of the City of Morgantown, a municipal corporation, has caused its name to be hereunto subscribed by Timothy L. Ball, P.E., General Manager, by authority duly given.

WITNESS the following signatures:

MORGANTOWN UTILITY BOARD

On behalf of the
CITY OF MORGANTOWN

By: _____
Timothy L. Ball, P.E.
General Manager

By: _____
Jeff Mikorski
City Manager

STATE OF WEST VIRGINIA,

COUNTY OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Jeff Mikorski, City Manager, acting for and on behalf of the City of Morgantown.

My commission expires: _____

Notary Public in and for the
State of West Virginia

STATE OF WEST VIRGINIA,

COUNTY OF MONONGALIA, to-wit:

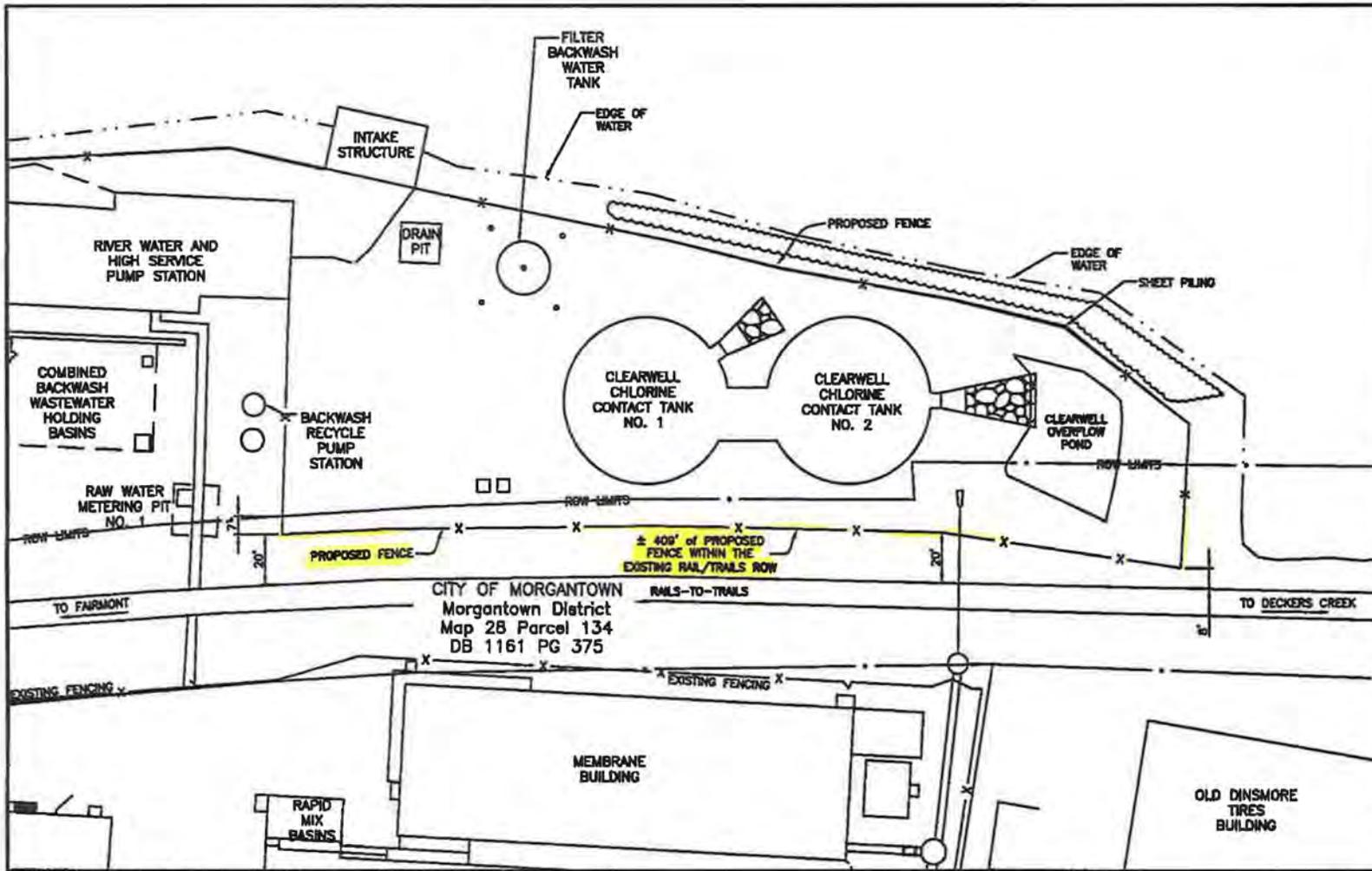
The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Timothy L. Ball, P.E., General Manager of the Morgantown Utility Board, acting for and on behalf of the City of Morgantown, a municipal corporation.

My commission expires: _____

Notary Public in and for the
State of West Virginia

This instrument prepared by:

Morgantown Utility Board
278 Greenbag Road
P.O. Box 852
Morgantown, WV 26507-0852



I certify that I am engaged in surveying exclusively for the Morgantown Utility Board, a political subdivision of the State of West Virginia, and believe I am exempt from regulations and licensing under West Virginia Code 30-13A-36.

J. Scott Wright
 J. Scott Wright

This Exhibit is not intended to be a property survey. It is intended to be used for information purposes only.

DRAWN BY:	J. Scott Wright	DATE:	10-17-14	REVISION:		DATE:	
DESIGN BY:		DATE:					
CHECKED BY:		DATE:					
APPROVED BY:		DATE:					
SCALE:	1" = 50'						

EXHIBIT "A"

MORGANTOWN • UTILITY • BOARD
 528 Cheeking Road • Post Office Box 682 • Morgantown, WV 26507-0682 • 304-283-6142

DRAWING TITLE:
 Proposed Fence Right-of-Way
 From The City of Morgantown To
 The Morgantown Utility Board.

PROJECT NUMBER	DRAWING NUMBER
AW-2230	---
	SHT. <u>1</u> OF <u>1</u>

AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE MORGANTOWN UTILITY BOARD FOR CONSTRUCTION OF A SANITARY SEWER LINE ON A PORTION OF PROPERTY IDENTIFIED ON UNION DISTRICT TAX MAP 23, PARCEL 44, AND DECLARING THE ATTACHED EASEMENT AS A PART THEREOF.

The City of Morgantown Hereby Ordains:

That the City Manager is hereby authorized to execute, on behalf of the City of Morgantown, the Right-of-Way and Easement Agreement attached to, and made a part of, this ordinance.

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

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

RIGHT-OF-WAY AND EASEMENT AGREEMENT

THIS RIGHT-OF-WAY AND EASEMENT AGREEMENT, made and executed this _____ day of _____, 2015, by and between the City of Morgantown, West Virginia, a political subdivision of the State of West Virginia, party of the first part, Grantor, and the City of Morgantown, West Virginia, a political subdivision of the State of West Virginia, acting by and through the Morgantown Utility Board, a municipal corporation and a political subdivision of the State of West Virginia hereinafter sometimes referred to as the "Board," party of the second part, Grantee,

WITNESSETH: That for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part, Grantor, does hereby grant and convey, with covenants of General Warranty, unto the said party of the second part, Grantee, and to its successors or assigns, a right-of-way and easement to construct, lay, operate, maintain, remove, reconstruct, replace, or repair pipelines for the carrying and transporting of sanitary sewage in, on, under, over, and through a certain tract and parcel of land situate in Union Taxing District, Tax Map 23, Parcel 44, Monongalia County, West Virginia, and which said tract and parcel of land is further described in a deed recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book No. 454 at Page 410, to which said deed reference is hereby made for all pertinent purposes.

The location of said right-of-way and easement proposed upon said property is as follows:

±1,905-foot sanitary sewer line easement; all as depicted and further described in Exhibit "A," attached and incorporated herein.

It is covenanted and agreed between the parties hereto that the Board shall have a centerline right-of-way and easement on said property 20 feet in width, as constructed, and an easement(s) approximately perpendicular to the installed main line in order to emplace necessary service line(s) between the main and the served parcel, in order to facilitate sewer service. It is further covenanted and agreed that the Board shall properly backfill and restore to ground level, insofar as is practicable, any ditch opened on said right-of-way and easement upon the completion of any construction work performed thereon.

The said Grantor further grants and conveys unto said Grantee, its successors or assigns, the right of ingress, egress, and regress, to and from said right-of-way and easement for all proper

purposes and at all reasonable times and a temporary construction right-of-way and easement of such width as is reasonable and necessary to carry out the construction, repair, or replacement of all or part of the above-described sewer lines. The said Grantor does also grant and convey unto the said Grantee, its successors or assigns, the right to use said right-of-way and easement herein granted, along the course of the proposed sanitary sewer line, for the further purpose of transporting pipe, fittings, machinery, and equipment to and from neighboring lands, in and about the construction, operation, maintenance, removal, and replacement of the sanitary sewer pipeline or lines proposed to be laid on said right-of-way and easement.

The said Grantor, its successors or assigns, shall use and enjoy the premises of said right-of-way and easement, except for the purposes hereinabove granted to the said Grantee, its successors or assigns, except that the said Grantor covenants and agrees not to erect any structure or place any object upon the right-of-way and easement hereby conveyed which would in any way interfere with the use and occupancy of said right-of-way and easement by the said Grantee, its successors or assigns, for the purposes hereinabove stated. Grantor further covenants and agrees not to change the contour or grade of the surface of the land upon which the above-described right-of-way and easement is located without first obtaining written permission to do so from Grantee, its successors or assigns.

The Grantor does grant and convey said right-of-way and easement to the Grantee, its successors or assigns, upon the following terms and conditions: **NONE.**

This Agreement shall be binding upon the parties hereto, their successors or assigns.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned hereby declare:

That the conveyance made in the document to which this declaration is appended is exempt from taxation under the provisions of Chapter 11, Article 22, of the Code of West Virginia, for the reason that it is a conveyance made to a political subdivision of the State of West Virginia. *(Without Consideration).*

IN WITNESS WHEREOF, the said the City of Morgantown, West Virginia, a political subdivision of the State of West Virginia, has caused by ordinance its name to be hereunto subscribed by its City Manager, by authority duly given, and the said Morgantown Utility Board, a municipal corporation, has caused its name to be hereunto subscribed by Timothy L. Ball, P.E., General Manager, by authority duly given.

WITNESS the following signatures:

MORGANTOWN UTILITY BOARD

CITY OF MORGANTOWN

By: _____
Timothy L. Ball, P.E.
General Manager

By: _____
Jeff Mikorski
City Manager

ATTEST:

City Clerk
City of Morgantown

[SEAL]

STATE OF WEST VIRGINIA,

COUNTY OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Jeff Mikorski, City Manager, who is duly authorized to act for and on behalf of said City of Morgantown.

My commission expires: _____.

Notary Public in and for the
State of West Virginia

STATE OF WEST VIRGINIA,

COUNTY OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Timothy L. Ball, P.E., General Manager of the Morgantown Utility Board, acting for and on behalf of the City of Morgantown, a municipal corporation.

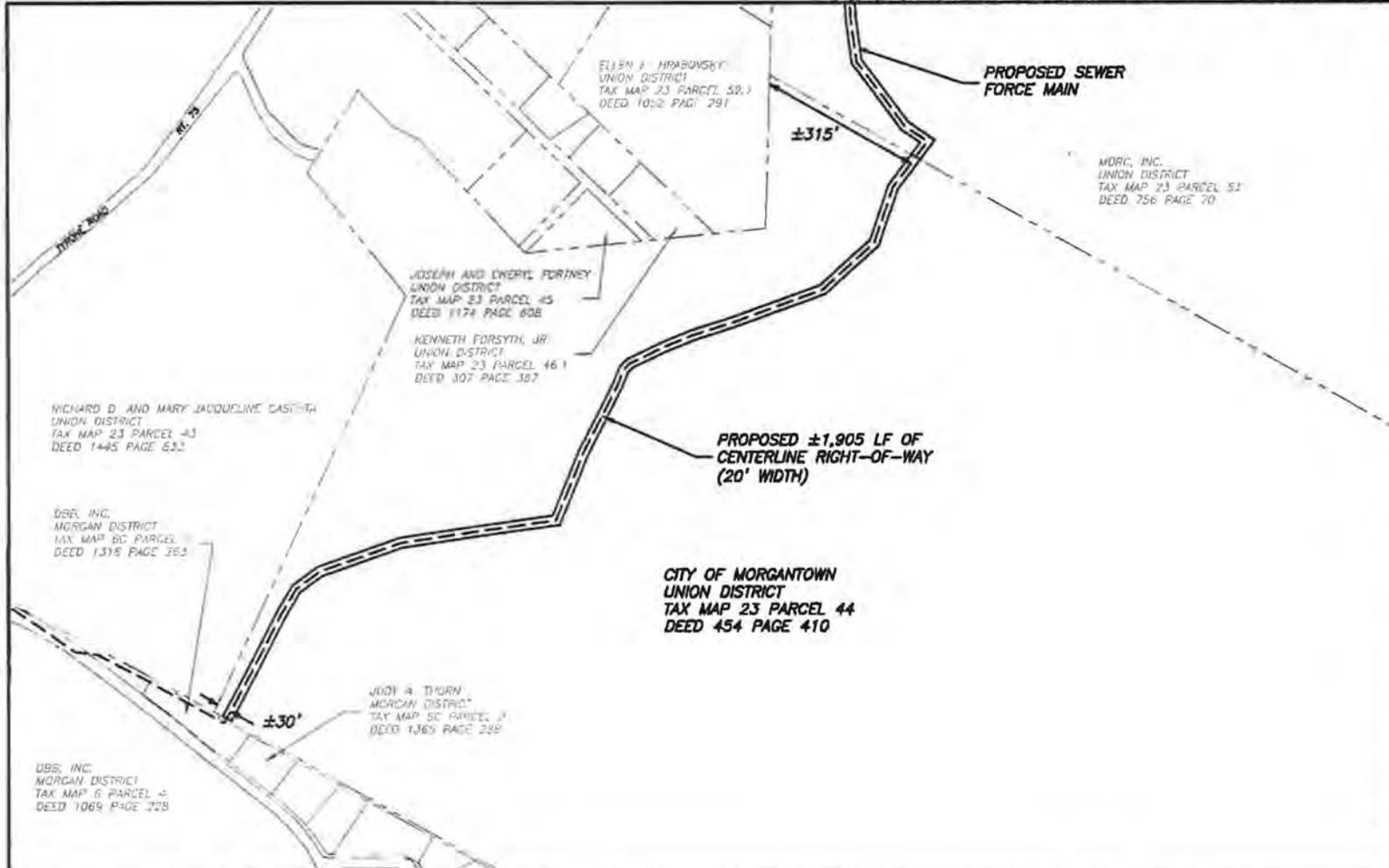
My commission expires: _____.

Notary Public in and for the
State of West Virginia

This instrument prepared by:

Morgantown Utility Board
278 Greenbag Road
P.O. Box 852
Morgantown, WV 26507-0852

X:\Eng\Projects\More Orders\AS-MORG\ORDERS\AS-1056 - Sunline Calsonic Sewer Extension\41100 - Design\41101 - ROW\PDF Drawing.dwg Mon, 11/20/13 4:20 PM



"I certify that I am engaged in surveying exclusively for the Morgantown Utility Board, a political subdivision of the State of West Virginia, and believe I am exempt from regulations and licensing under West Virginia Code 30-13A-36".

James W. Fetty Jr.
JAMES W FETTY JR

This Exhibit is not intended to be a property survey. It is intended to be used for information purposes only.

DRAWN BY: JAMES W FETTY JR DESIGN BY: CHECKED BY: APPROVED BY: SCALE: 1" = 250'	DATE: 10/09/14 DATE: DATE: DATE:	REVISION: DATE: EXHIBIT "A"	MORGANTOWN • UTILITY • BOARD 228 Standing Road • Post Office Box 922 • Morgantown, WV 26507-0922 • 304-282-9443 	DRAWING TITLE: PROPOSED C/L RIGHT-OF-WAY FROM CITY OF MORGANTOWN TO THE MORGANTOWN UTILITY BOARD	PROJECT NUMBER: AS-1056	DRAWING NUMBER: _____ SH. 1 OF 1
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Office of the City Manager

The City of Morgantown

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

03/26/2015

Purchase of real property within the Sunnyside Tax Increment Financing (TIF) District

In order to implement the TIF project of improving the University and Third Street intersection, the City of Morgantown has negotiated with the property owner of 2183 University Avenue, located at the intersection of University Avenue, Beverly Avenue, and Third Street in Fourth Ward of Morgantown.

An appraisal of the subject property has valued the property at Nine Hundred Thousand Dollars (\$900,000.00). The City intends to pay an amount equal to the fair market value of the property in exchange for conveyance of the property to City through Tax Increment Financing funds. Campus Neighborhood Revitalization Corporation desires to assist in the transfer of the property to City by contributing the funds in excess of the property's fair market value to meet Seller's asking price of \$1,100,000 because the transfer will promote CNRC's mission and goals.

I would ask that City Council authorize the Ordinance authorizing the City to purchase the realty to be placed on an upcoming regular session of City Council for consideration and action.


Jeff Mikorski, ICMA-CM