

Office of the City Clerk

# The City of Morgantown

Linda L. Tucker, CMC  
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**AMENDED AGENDA  
MORGANTOWN CITY COUNCIL  
REGULAR MEETING  
APRIL 21, 2015  
7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES: Regular Meeting Minutes for April 7, 2015.**
5. **CORRESPONDENCE:**

According to State Law a live Presentation by Casto – Harris will be displaying the voting system for the upcoming City Election.

6. **PUBLIC HEARINGS:**
  - A. **PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE APPLICATION.**
  - B. **AN ORDINANCE AMENDING SECTIONS 1505.01 AND 1511.02 OF THE MORGANTOWN CITY CODE TO GRANT CITY FIRE MARSHALS AND DEPUTY FIRE MARSHALS ARREST AUTHORITY AT FIRE SCENES AND FOR CERTAIN VIOLATIONS OF THE FIRE PREVENTION CODE.**
  - C. **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.**
  - D. **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.**

**E. AN ORDINANCE AMENDING CITY CODE SECTION 747.02 PRESCRIBING A FIRE SERVICE FEE.**

**F. AN ORDINANCE AMENDING CITY CODE SECTION 735.24 SETTING THE BUSINESS AND OCCUPATION TAX RATE FOR SERVICE BUSINESSES.**

**7. UNFINISHED BUSINESS:**

**A. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE PROVIDING FOR EXECUTIVE 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. (FIRST READING: APRIL 7, 2015)**

**B. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE PROVIDING FOR EXECUTION OF A RIGH-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. (FIRST READING: APRIL 7, 2015)**

**C. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING CITY CODE SECTION 747.02 PRESCRIBING A FIRE SERVICE FEE. (FIRST READING: APRIL 7, 2015)**

**D. Consideration of APPROVAL of (SECOND READING) and (ADOPTION) of AN ORDINANCE AMENDING CITY CODE SECTION 735.24 SETTING THE BUSINESS AND OCCUPATION TAX RATE FOR SERVICE BUSINESSES. (FIRST READING: APRIL 7, 2015)**

**E. BOARDS AND COMMISSIONS**

8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION**

9. **SPECIAL COMMITTEE REPORTS:**

10. **NEW BUSINESS:**

- A. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDANCE AMENDING CITY CHARTER SECTION 2.12 AND ADDING A NEW SECTION 2.17 PERMITTING AUTHORIZATION OF INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION RATHER THAN ORDINANCE.**
- B. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDANCE AMENDING ARTICLE 1149 OF THE CITY CODE RELATING TO PUBLIC NUISANCE TO PROVIDE FOR PLACING OF PUBLIC NUISANCE REMOVAL LIENS WITHOUT A COURT ORDER.**
- C. Consideration of **APPROVAL** of (FIRST READING) of **AN ORDANCE AUTHORIZING THE PURCHASE OF REAL ESTATE AT 2183 UNIVERSITY AVENUE AND DECLARING THE REAL ESTATE PURCHASE AGREEMENT HERETO ATTACHED AS A PART THEREOF.**
- D. Consideration of **APPROVAL** of (FRIST READING) of **AN ORDINANCE AUTHORIZING EXECUTION OF A CONTRACT FOR HISTORIC PRESERVATION FEDERAL GRANT BY AND BETWEEN THE WEST VIRGINIA DIVISION OF FINANCE AND ADMINSTRATION FOR AND ON BEHALF OF THE DIVISION OF CULTURE AND HISTORY AND THE CITY OF MORGANTOWN FOR THE CITY OF MORGANTOWN HISTORIC LANDMARKS COMMISSION.**
- E. Consideration of the **APPROVAL OF THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE.**

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

**NEW BUSINESS:**

- 1. Street Paving Bids**
- 2. Landfill Laboratory Service Bids**
- 3. Demolition Bids**
- 4. Brownfield Environmental Services**
- 5. Capitol Escrow Budget Revision #6**

**INFORMATION:**

- 1. Information requested by Council**

**12. REPORT FROM CITY CLERK:**

- 1. Liquor License application - Pre-Gamers, LLC.**
- 2. City election update.**

**13. REPORT FROM CITY ATTORNEY:**

**14. REPORT FROM COUNCIL MEMBERS:**

**15. ADJOURNMENT:**

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



**Office of the City Manager**

# The City of Morgantown

City Manager  
Jeff Mikorski, ICMA-CM  
389 SPRUCE STREET  
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## City Manager's Report for City Council Meeting on April 21, 2015

### **New Business:**

#### **1. Street Paving Bids**

First two memos attached from Public Works Director Damien Davis are bid results for the street paving material and labor to pave City streets in 2015.

On April 2, bids were opened for the advertised purchase of hot laid bituminous asphaltic cement. One company provided a bid for the material, Greer Industries, for a price of \$253,520. I recommend Council approve the purchase of asphalt for paving to the lowest bidder, Greer Industries, for \$253,520.00.

On April 7, bids were opened for the advertised purchase of contract services of milling and paving City streets. One contractor submitted a price for paving services, Parrotta Paving, for \$292,395.30. I recommend City Council approve the contract for Parrotta Paving in the amount of \$292,395.30.

#### **2. Landfill Laboratory Service Bids**

As seen in attached memo from Public Works Director Damien Davis, bids for laboratory services for the closed Municipal Landfill were opened on February 26, with one company submitting a cost for the advertised services. I recommend City Council approve the contract with Reliance Laboratories in the amount of \$9,914.00 for services to be provided.

#### **3. Demolition Bids**

As seen in the attached memo from Public Works Director Damien Davis, bids were requested for the demolition of the condemned building at 645 Brockway Avenue. Anderson Excavating, LLC submitted the lowest bid. I recommend City Council approve the contract for demolition services to Anderson Excavating, LLC in the amount of \$29,994.00.

#### **4. Brownfield Environmental Services**

As a part of the Environmental Protection Agency (EPA) grant awarded to the City of Morgantown, environmental services are required to accomplish the Phase I, Phase II, Site Remediation and associated tasks needed on selected properties in Morgantown for potential redevelopment. Core Environmental Services, Inc. was selected out of a field of five companies that submitted qualifications. I recommend City Council approve the contract and authorize the City Manager to sign the contract for services outlined in the attached scope of work.

#### **5. Capital Escrow Budget Revision #6**

With last week's announcement of the Air Force Reserve IRT project taking place next year to begin the grading for a runway extension project, it has advanced our timeframe for a Runway Extension Environmental Assessment for the project to be initiated. A number of documents need to be completed as soon as possible to take advantage of the IRT opportunity and begin grading next year. The City of Morgantown must contract with the airport engineering of record, Michael Baker International, to begin the assessment. The cost of the contract for the Environmental Assessment is estimated at \$500,000. A contract will be available Tuesday to accompany the Capital Escrow revision, and I recommend that City Council approve the budgeting of the environmental assessment

from Capital Escrow contingency funds to pay for the study and allow the City Manager to sign the contract. In addition, I recommend the budgeting of Urban Forestry funds, Urban Landscaping special project funds, and Campus Neighborhood Revitalization Corporation (Sunnyside Up) funds also from the Capital Escrow contingency funds. These funding levels were discussed during the Fiscal Year budget 2015-2016 Council meetings. Budgeting from existing Capital Escrow contingency funds will replace the funding of the projects in the upcoming FY budget, allowing for additional paving to be budgeted in the FY 2015-2016 budget.

**Information:**

**1. Information Requested By Council**

Attached is information that was requested by city Council during last Council Meeting. Attached is a memo from Chris Fletcher, Director of Development Services regarding the requested information on a rezoning. Also, attached is an estimated breakdown of funds to be utilized by Council requested Business and Occupation Tax increase and Fire Fee increase.



Jeff Mikorski ICMA-CM,  
Morgantown City Manager

# City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

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

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## MEMO

**DATE:** April 17, 2015

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

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

**RE:** Capital Escrow Budget Revision #6

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Per our discussion, the following revision allocates a portion of the remaining contingency line from capital escrow. Funds for Urban Forestry will be utilized for the planting and pruning of trees, Urban Landscape for beautification projects initiated by the Commission and Sunnyside up for fiscal year 2016 operations. Additionally, \$500,000 will be utilized for an environmental assessment to support the runway extension.

Budget Line	Current Unencumbered Balance	Current Budget	Proposed Revised Budget	Net Change
Revenues:				
None		-	-	<u>-</u>
Expenses:				
Urban Forestry	878	14,145	28,145	14,000
Urban Landscape	20,356	20,356	30,356	10,000
Sunnyside Up	50,000	50,000	100,000	50,000
Airport Env Assess (Runway Exten.)	-	-	500,000	500,000
Contingencies	1,779,080	1,779,080	1,205,080	<u>(574,000)</u>
Net Revision				-



**Development Services**  
389 Spruce Street  
Morgantown, WV 26505  
304.284.7431

## MEMORANDUM

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Date: FRI, 17 APR 2015  
To: Jeff Mikorski, City Manager  
RE: Zoning Map Amendment Petition RZ15-02 / Scott Properties / Jones Avenue  
Hypothetical Massing Models

At your direction and in an effort to respond to City Council's 07 APR 2015 discussion concerning the above referenced zoning map amendment, please find attached a very simple massing model for two (2) hypothetical development scenarios on the subject parcels.

The purpose of this task is to aid City Council in visualizing potential development scenarios as it considers whether or not it will advance the Planning Commission's recommendation of reclassifying the subject realty from R-2 to R-3.

Massing refers to the organization of a building's overall volume in terms of shape and size. Conceptually modeling building mass is a means of illustrating different development scenarios within the context of the surrounding natural and built environment based on assumptions pertaining to land use, land consumption, building envelope restrictions, etc.

The massing model attached hereto was developed by AECOM under an existing on-call planning consulting services contract. The analysis utilized GIS spatial data that this office provided to AECOM (parcel boundaries, building footprints, and two-foot contour lines) along with additional data sets for which they have access to. Software applications used included, at least, ArcGIS, AutoCAD, SketchUp, Photoshop, and Google Earth.

The following assumptions were used in completing this hypothetical modeling task:

- Three (3) buildings containing multi-family dwelling units.
- Apartments are two-bedroom, two-resident, and 1,200 square feet.
- Parking demand of 1.5 spaces per 1,200 square feet with access from First Street.
- Building footprint at-grade elevations ranging from approximately 1,025 feet above sea level near the Jones Avenue / First Street intersection; to approximately 1,017 near the Jones Avenue / Stewart Street; and, to approximately 1,043 feet above sea level toward the Stewart Street / First Street intersection.
- Maximum building heights are 55 feet and 80 feet. Setback standards are generally observed, given the absence of an ALTA survey.

It must be noted and understood that this massing model is for illustration purposes only and has no bearing on how the site may or may not be developed in the future. The petitioner's development intentions are extraneous and City Council should evaluate and consider the request on its merits as a land-use decision.

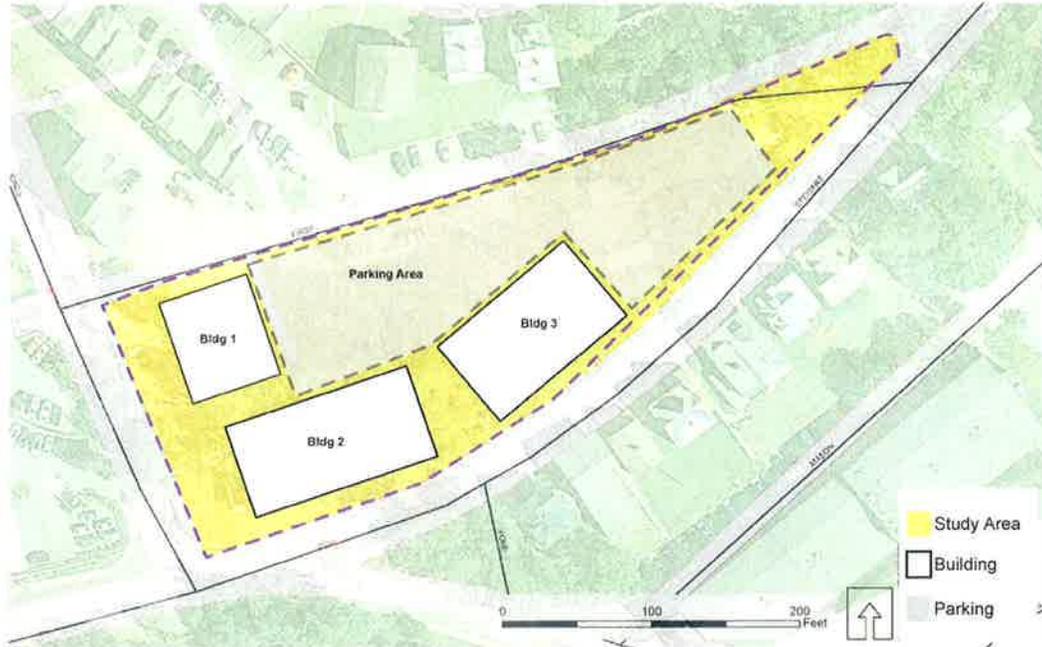
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From the Desk of:  
**Christopher M. Fletcher, AICP**  
Director of Development Services

Digitally signed by Christopher M. Fletcher, AICP  
Date: 2015.04.17 12:35:02 -04'00'

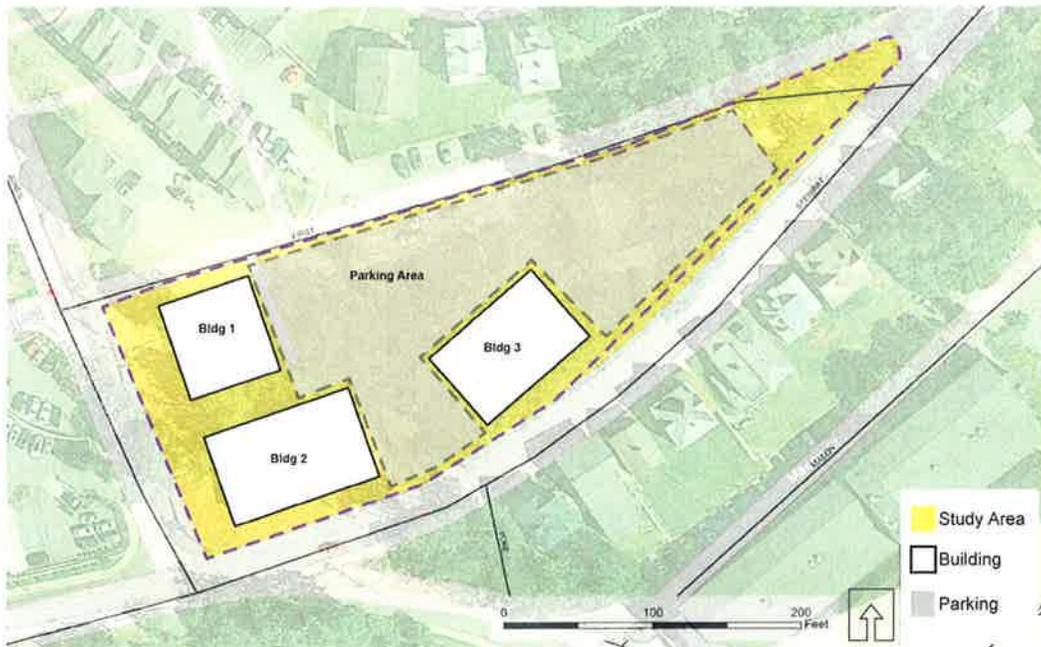
Page 1 of 1

## 55' Height Scenario



The 55' Scenario shows approximately 64,000 square feet of development. The parking estimate was determined by using a baseline multi-family unit size: a two-bedroom, 1200 square foot unit (with an occupancy of two residents and parking need of 1.5 spaces), resulting in 32,000 square feet of parking (approximately 80 spaces).

## 80' Height Scenario



The 80' Scenario shows approximately 82,500 square feet of development. Like the 55' scenario, the parking estimate was determined by using a baseline multi-family unit size: a two-bedroom, 1200 square foot unit (with an occupancy of two residents and parking need of 1.5 spaces), resulting in 40,800 square feet of parking (approximately 102 spaces). Despite the higher intensity of development, the building footprints of the 80' scenario are smaller due to increased square-footage requirement of the parking area.



**Current View**



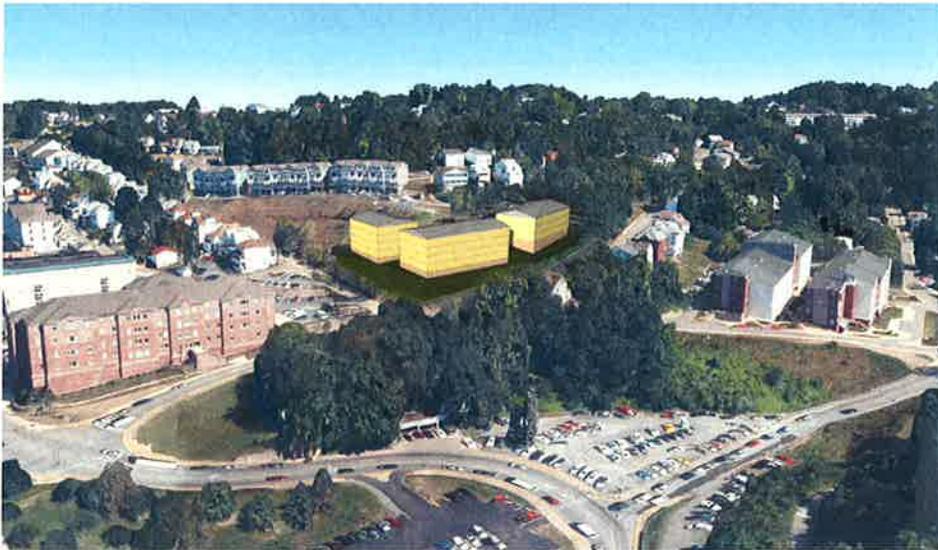
**55' Height Scenario**



**80' Height Scenario**



**Current Aerial**



**55' Height Scenario**



**80' Height Scenario**

<b>Directed Increases in Tax/Fees</b>		<b>Estimated Revenue (2016 budget)</b>
Fire Fee (20%)		\$520,711.00
B&O - Service Based increase to 1%		\$618,750.00
<b>Proposed expenditures</b>	<b>Estimated Costs</b>	
Transfer to Capital Escrow	\$700,000	
Increase Police Department Overtime for community events, parades, and other community needs	\$200,000	
Increase Fire Department Overtime for emergency, call-out, or Fire Marshal services	\$50,000	
Fill vacant Information Technology Part-time position	\$40,000	
Additional Training in Police Department, Fire Department, Public Works Department	\$50,000	
Management Contract for Municipal facility HVAC	\$40,000	
Airport Operations supplement	\$30,000	
Fill vacant Principal Planner position	\$70,000	
Additional Public Works supplies/materials for Streets and Signs	\$60,000	
<b>Total</b>	<b>\$1,240,000</b>	<b>\$1,139,461.00</b>
<b>Long-term Operational Needs Identified to Council during January 13, 2015 Worksession:</b>	<b>Estimated Costs</b>	
Unfreeze positions in Public Works Department	\$150,000	
Add an additional 6-8 Police Officers	\$400,000	
Human Resources Director	\$60,000	
Additional Fire Fighters (6-8)	\$400,000	
Additional Exterior Maintenance Code Official	\$40,000	
Cost of Living Adjustments (per 1%)	\$110,000	
Additional Beautification / Landscaping / Urban Forestry personnel	\$60,000	
GIS Coordinator	\$70,000	