

COMMITTEE OF THE WHOLE MEETING April 26, 2016:

The Committee of the Whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday April 26, 2016 at 7:00 p.m.

PRESENT: Mayor Marti Shamberger, Deputy Mayor Kawecki and Council Members, Ron Bane, Wes Nugent, Jenny Selin, Jay Redmond and Nancy Ganz, City Manager Jeff Mikorski, Assistant City Manager Glen Kelly and City Attorney Ryan Simonton.

Deputy Mayor Kawecki called the meeting to order.

PRESENTATIONS:

1. Woodburn Commission Annual Report.

Chris Haddox, stated he is the Chair of the Commission which meets every fourth Thursday at Woodburn. He updated Council that the members of the Commission discuss lease opportunities, on-going events and activities. He reported that Woodburn School tenants are Boys & Girls Club, Friends of Decker's Creek, PopShop WV and a new tenant being presented tonight. He stated that the commission continues to work with WV Collaborative to facilitate the partnership with PopShop WV. He noted that the commission's focus would now turn to playground renovation with a themed walkable accessible playground, outdoor performance space, gardening and art. He reported that the Commission is working with Spark Play on a fundraising in the summer of 2016 for development in 2017. He announced an event ripple effect mapping being held on May 19th and May 20th 2016 to help the commission identify the collective impacts of projects in our community. He stated that he forgot to tell Council that the Commission is also working with the Board of Education for summer enrichment classes to work with the PopShop and Boys & Club.

City Council asked questions. No action was taken.

2. Parking Authority Presentation:

Charles McEwuen, Chair of the Parking Authority, spoke of three components on the issue of parking in downtown: 1. Food delivery drivers; 2. People parking all day on High Street; 3. No turn over due to rate on High Street. Chair McEwuen, noted as business owner of Tanner Alley that I have lost merchants and other merchant have too due to lack of parking. **(Exhibit A)**

City Council asked questions.

Tom Arnold, Parking Authority Director, said that customer parking downtown is a big problem and he presented to Council a solution on how to establish parking convenience to the customer, and meet the needs of the downtown merchant. He stated there would be different zones, enforcement and other items that would require changes to the City Code. **(Exhibit B)**

City Council asked questions. City Manager, Jeff Mikorski, asked Council what the recommendation was for the Parking Authority Presentation. After discussion, Council requested the City Manager, Jeff Mikorski meet with Tom Arnold, Parking Authority Director on refining the parking in downtown.

PUBLIC PORTION:

Deputy Mayor Kawecki asked if there was anyone to speak during the Public Portion.

James Giuliani, 256 Prairie Avenue, commended Woodburn Redevelopment Commission on all the work they have done at Woodburn Elementary. He suggested to Woodburn Redevelopment Commission that he has a building they can use for First Fridays. He noted various properties in Morgantown for sale and mentioned that parking in should be no longer than a half-hour. He commented that he is concerned with City Administration with their lack of transparency and truth of the appointment to the Planning Commission.

There being no other presenters, Deputy Mayor Kawecki closed the public portion.

ITEMS FOR DISCUSSION:

1. Boards and Commissions Progress Report:

Deputy Mayor Kawecki asked if Council had any questions for the Special Committee on the report that was handed out. **(Exhibit C)**

City Council asked questions. Boards and Commission Committee will report on findings at a Regular Meeting under Special Committee Reports.

2. Gene Vance Memorial Designation:

Deputy Mayor Kawecki requested City Managers, Jeff Mikorski to explain:

Mr. Mikorski stated that he was aware of the Vance Foundation requesting an Honorary Street to be named in honor of Gene Vance. He suggested instead of having to change a Street and postal information that that Council review has a Policy for Gifts and Memorials as an alternative. **(Exhibit D)**

City Council asked questions. Council by consensus suggested City Manager Jeff Mikorski amend the policy to add Streets. Mayor Shamberger stated she would talk with Mike Minc on what the Gene Vance Family wishes are in the naming of a street in Morgantown. No action was taken.

3. Ordinance annulling a portion of 5th street approximately 40 feet wide and 100 feet long in the 4th ward:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain the project.

City Manager, Jeff Mikorski, updated Council about the annulment and referenced a survey map of the area as part of his explanation to Council. **(Exhibit E)**

City Council asked questions regarding a connectivity plan for the City. Council referred the Ordinance to the Regular Agenda by consensus.

4. Ordinance creating article 951 regulating taxicabs and taxi stands: (Exhibit F)

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain the project.

City Manager, Jeff Mikorski, explained the State code that gives the City authority to regulate taxicab and taxicab stands and referenced the map with various taxi locations. **(Exhibit G)**

City Council asked questions. Council referred the Ordinance to the Regular Agenda by consensus.

5. M.T. Pockets Lease Woodburn multi-use building:

Deputy Mayor Kawecki requested that City Manager, Jeff Mikorski, explain the project.

City Manager, Jeff Mikorski explained the lease agreement.

City Council asked questions. Council referred the Ordinance to the Regular Agenda by consensus.

Council adjourned the Committee of the Whole meeting at 9:30 pm.

City Clerk

Mayor

A COMPREHENSIVE DVD IS AVAILABLE OF ALL COUNCIL MEETINGS ON DVD AT THE MORGANTOWN CITY LIBRARY.

Woodburn School Redevelopment Commission

Report to the Committee of the Whole

Prepared and presented by Chris Haddox, Chair

April 26, 2016

1. On-going meetings/cleanups/events: Each 4th Thursday with Commissioners:

Tim Mashburn
Marti Shamberger, Morgantown City Council Representative
Mark Furfari
Maryangel Blount
Bonnie Wittmer
Nikki Byrne-Hoffman
Kerry Lilly
Chris Haddox
Jeff Mikorski, City Manager

2. Tenants: Boys and Girls Club; Girls on the Run; Friends of Deckers Creek, PopShop, new tenant

3. Worked with WV Redevelopment Collaborative to facilitate the partnership with PopShop WV

4. Focus will turn to playground renovation:

-A themed, walkable accessible playground that incorporates a mix of traditional playground equipment with a splash feature, outdoor performance space and local foods/gardening, local public art installations opportunities.

- Working with Sparks Play to develop concept plans with a goal of beginning fundraising summer 2016 for summer 2017 development

5. Ripple Effect Mapping: 5/19/16 event with 5/20/16 training event. Help us better identify the collective impacts of the entire "Woodburn Redevelopment" project in our community.

Respectfully submitted,

J. Christopher Haddox, Chair
Woodburn School Redevelopment Commission

Customer Parking Zone April 2016

Purpose

The Morgantown Parking Authority wants to establish an instrument that gives any and all visitors to the Downtown the opportunity to park at the most convenient and accessible spaces to their destinations. It is well recognized how parking availability influences the daily commerce in Downtowns, shopping centers, malls, and large box stores, etc. All retail centers (everywhere) recognize that the paying customer should always have the advantage to the convenience of the closest parking spaces to their destination and regulate their employees to park away from the “front door” to give the customer this very important benefit.

Definitions

Customer Parking Zone – This program would provide visitors to the Downtown the opportunity to park at any on-street parking spaces on High Street, Fayette Street, Walnut Street, Chancery Row, Chestnut Street, and Foundry Street.

Restaurant Food Delivery Drivers – Vehicle operators that deliver food orders (for local restaurants) throughout the area. They should not be permitted to park in Customer Parking Zone if a separate parking zone is designated for delivery drivers.

Zone Designation – All parking spaces on High Street, Fayette Street, Walnut Street, Foundry Street, and Chestnut Street.

Zone Hourly Parking Rate – The hourly rate will be \$1/hr

Maximum Time – The maximum time a vehicle can park in the Customer Parking Zone shall not exceed 2 hours each day.

Enforcement

1. No vehicle may park more than 2 hours in the Customer Zone.
2. Enforcement Officer will time park any vehicle parked in the Zone for more than 2 hours.
3. Citations would be \$20 for the 1st offense and \$100 for each subsequent offense for the calendar year. Officer may issue a warning on the initial citation.

4. Restaurant Food Delivery Drivers would be cited for parking in the Customer Zone at \$20 for each citation.

Other Items that Require Attention by City Code

Improper Use of Blue Curb Permit including fake permits – Presently, we have to call a police officer to write this citation because it is not in the city code that parking enforcement can issue this citation. Fine - \$50

Improper Display of Permit – We often have problems with permit holders not wanting to follow the guidelines on how and where a permit is to be displayed. Fine \$20

Over 24 hours in parking lot – Increasingly, we have students that live in the Downtown that will park their vehicles for several days in a surface lot. Some do pay the meters and some have permits for the garages. Fine - \$20

365.11 Booting only in parking lots – We need to clean up the language on this code to allow our officers to boot on the street without a police officer. We still will not be able to tow a vehicle because State Code requires a duly sworn police officer to execute a vehicle being removed.

Boards and Commissions Volunteers

- All volunteers that serve at the will and pleasure of City Council should be interviewed by City Council.
- City Council should consider a volunteer with the same consideration as any city employee.

From the Morgantown code:

1155.03 DEFINITIONS.

(d) Employee *means any person employed by an employer for direct or indirect monetary wages or anything of value, or any person who volunteers for a non-profit entity. (e) Employer *means any entity or person who employs the paid or volunteer services of one or more persons

- When a volunteer resigns or finished their term City Council should conduct an exit interview.

Possible additional information for our Volunteer Application:

- Are you a registered voter? NO
- Occupational status and background
- What skills would you contribute to the committee or commission?
- Why are you seeking appointment?
- Do you, or does your firm or place of employment do business with the City of Morgantown? If yes, please describe
- Organizational affiliations
- Additional documents, a resume, cover letter, or other information
- Personal references
- Would you be interested in being contacted about other opportunities to serve the City (e.g. focus groups, ad hoc committees etc.)? *Place at the end of the application form with a yes/no check box.*

Vancouver Web Application,

<http://www.cityofvancouver.us/cmo/webform/boards-and-commissions-application-form>

Portland Web Site, <https://www.portlandoregon.gov/oni/37423> download a PDF

Lynchburg Web Site, <http://www.lynchburgva.gov/boards-commissions>

MEETING NOTES: April 14 2016

We determined to address Volunteerism in the following way:

- Recruitment
- Selection
- Orientation/Service
- Recognition

Recruitment:

- Application (see Draft)
 - Better, shorter, more concise, abbreviated, description of Boards, Commissions and/or Committees (see Lynchburgh example) with meeting times, frequency and location.
 - Web application (see Vancouver site) plus a Word (text) and PDF Version
 - Limit the selection to three Boards Commissions and/or Committees.
 - Establish a minimum attendance requirement of 75%
- We encourage Volunteer vacancies to be recruited by and referred from but not selected by the Board, Commission or Committee with the vacancy.
- When possible a Volunteer's application should be reviewed by the Board, Commission or Committee on which they will serve prior to Council's interview.
- Acknowledge receipt of a Volunteer's interest or application and suggest that they attend the Board, Commission or Committee meeting to which they are applying before the interview. Provide the location and time.
- Notify Volunteers of the interview outcome, send a Thank You Note or e-mail. If they were not selected, ask if they would like to be notified of future opportunities. Referrer them to the City Volunteer Page.
- Advertising:
 - Our advertising for vacancy should be more descriptive as to duties and responsibilities.
 - Use General (Generic) PSA Announcements once a month to increase Volunteerism. Your City depends on...Do your part!
 - Forms of advertisement: Newspaper, DA, DP; Radio; Newsletters, Chamber, Main street; Social Media; City Web, link to Volunteer Page from Quick Links; Word-of-Mouth.
 - Create a Volunteer Web Page, highlight openings, activities, Volunteer of the Month or some other form of recognition

**POLICY FOR APPROVAL OF GIFTS AND MEMORIALS
CITY OF MORGANTOWN**

Adopted: 10/5/04

I - Purpose

From time to time organizations, groups and individuals may offer to the City donations of money, land, services, vegetation, public art, equipment, or other items of value or request that monuments, memorials, plantings, plaques or art work be placed on municipal property to express public support, to honor individuals, or to commemorate specific events. The City of Morgantown is committed to enhancing and maintaining aesthetic and other public environment standards which nurture the human spirit as well as celebrate the heritage of the city and its citizens.

The statements which follow delineate the City's policy for processing such offers and requests in a manner which is consistent with the assigned purposes and responsibilities of the City's Urban Landscape Commission, the Board of Park and Recreation Commissioners, the Department of Public Works, the City Library and an inter-arts council. This policy does not pertain to naming structures established by utilization of public or private funds.

II - Definitions

1. Contribution. A "contribution" to the City of Morgantown may consist of a donation or a sponsorship.
2. Donation. A "donation" may consist of monetary donations in the form of cash or stock gift, grant, bequest, or sponsorship or take the form of non-monetary donations in the form of real property (land) or in-kind donation. Donations may be unrestricted for unlimited use or restricted to specific uses by the donor.
3. Sponsorship. A "sponsorship" includes both a sponsor's financial contribution and involvement in a specific activity, event, program or endowment based on a negotiated agreement the City enables the sponsor to receive recognition related to the sponsorship in exchange for agreed upon financial support and participation.
4. Donor. An organization, group or individual who provides to the City, or to one of its departments or affiliated organizations, a contribution or service without expectation of significant return.
5. Sponsor. An organization, group or individual who provides to the City, or to one of its departments or affiliated organizations, funding support for a specific activity, event, program or endowment.

III - Standards

1. The standards for the City of Morgantown's policy on gifts and memorials have been developed based on best practice research from information received from the experience of numerous resources. Of special assistance has been information from Oglebay Park in Wheeling, WV, several communities, and the United States Forest Service.
2. Gifts and memorials of all types can be tangible ways of making a public improvement and/or making the importance of special life events for individuals, groups of individuals, or an entire community. Proposals for a gift or memorial for public benefit in a public location need to consider the broad community needs and interests with respect to project viability, durability, size, aesthetics, proportion, continuity, future development, and environmental impact. Such considerations must be weighed in planning community parks, landscaped green spaces and planted areas, trails, works of art, library improvements, interpretive historical plaques, fountains, benchers, site furnishings, trees - and all elements of an effective community environment.
3. Each plan for establishing a gift or memorial shall address concerns of maintenance and protection in as much as municipal resources for such responsibilities cannot be committed in the future without planned assistance.
4. Proposals for gifts or memorials shall not duplicate other contributions made to honor the same individual or events within the City unless special circumstances are judged to warrant exception by the City department accepting the donation subject to the review by City Council.
5. All gifts or memorials and improvements become the property of the City of Morgantown.

IV - City Departmental Procedures

1. Monetary Donations. Restricted and unrestricted monetary donations may be received by City departments in compliance with these policies and all pertinent City financial policies and with the concurrence of the City Manager.
2. Stock Donations. Stocks are the proprietary element in a corporation usually divided into shares and represented by transferable stock certificates. In the event of stock donation, since a government entity is not legally able to own stock, such a donation shall be liquidated and turned into cash or another liquid asset and treated as a monetary donation.
3. In-Kind Contributions. Proposed gifts other than monetary donations, land, or specific elements identified in these policies shall be reviewed by the City department intended to utilize the gift to enhance the provision of City services. Approval of in-kind gifts of equipment, materials or services may be given by the City department benefitting from the in-kind contribution.

4. Sponsor Contributions. Corporate or business organizations offering a sponsor's financial contribution for a City department activity, event, program or endowment shall be subject to all applicable laws and City ordinances, plans and policies. An appropriate City department may make the determination to accept differing forms of sponsorship contributions subject to the oversight of the City Manager and City Council. No policy can cover all types of contributor activities and associations, and therefore it will be incumbent for each City department to seek consultation and concurrence when sensitive social or behavioral issues place public service utilization or acceptance at risk.
5. Grants. A donation typically awarded as a subsidy for a specific use and/or program purpose usually after an application has been submitted and approved. Grants are typically made to the City of Morgantown by the federal and state governments, private and community foundations, corporations or businesses. Unless otherwise specified, grant funds are administered by the designated City department under the direction of the City Financial Officer and the City Manager.
6. Land. Offered land or interest in land intended for a designated use or for ecological or other public value will be considered by City Council.
7. Parks. Land or resources intended as a public park will be assigned to BOPARC which shall be responsible for creating a usage plan for the park in collaboration with the donor. The Urban Landscape Commission shall review the plan and may offer recommendations to assure conformance of landscape, signage, plaques, works of art and accessories with aesthetic standards and maintenance services utilized throughout the City.
8. Landscaping. Resources intended for landscaping shall be contributed in accordance with the approval process in Section VII to assure compliance with the donor's intention and with the installation and maintenance requirements involved. The Urban Landscape Commission will assist BOPARC and the Public Works Department in the approval process for all gift and memorial landscaping contributions.
9. Trees or Other Vegetation. Upon receipt of a request and contribution, BOPARC, the Public Works Department or other appropriate department of the City of Morgantown will select and purchase a tree and all associated items in consultation with the Morgantown Tree Board.
10. Stand Alone Plaques. Individual freestanding plaques shall be mounted flush with the ground. The size of the plaque should be appropriately sized, consistent with the setting, and designed in consultation with BOPARC or the Department of Public Works with the concurrence of the Beautification Commission.
11. Installed Plaques. Installed or mounted plaques are those which are placed on a pedestal or boulder and are part of a larger setting or display. Responsibility for the design and placement of such memorials shall be the responsibility of the accepting City department with the concurrence of the Urban Landscape Commission.

12. Historical Plaques. The responsibility for display of historical interpretive information shall be the responsibility of the Historic Landmarks Commission working in collaboration with the Urban Landscape Commission.
13. Contributions to Library. Proposed contributions made to the Morgantown City Library to enhance property and buildings, fund approved projects, support undesignated disbursement, add to the library collection, or provide special equipment to support patron access to information shall be received by the library board and staff in accordance with library donation policies.
14. Works of Art. Proposals for sculpture and other works of art presented in various mediums and which meet the standards of an inter-arts council shall be reviewed by the City department responsible for the site of installation assisted by the Urban Landscape Commission and an inter-arts council.
15. Park/Street Accessories. Proposals for fountains, landscaping, plantings, picnic tables, kiosks, banner poles, historic lighting, seating and benches, drinking fountains, trails and signage shall be reviewed by the Board of Parks and Recreation Commissioners assisted by the Urban Landscape Commission.
16. Wayfinding Signage. Any signage providing site identification or giving directions to visitors, pedestrians, park users, and theater or transit users must be planned to conform with City wayfinding signage design standards as managed by an inter-commission design committee and staffed by the City Planning Department.
17. Roadside Memorials. The City of Morgantown allows roadside memorials which include flowers, pictures, crosses and other commemorative property to be displayed seven (7) days. Thereafter the display must be removed by the Department of Public Works or the Department of Highways.
18. Decorations. Temporary displays of flowers, ornaments, silk or plastic flowers, seasonal ornaments shall be permitted to be displayed on city property for fourteen (14) days. Thereafter the display will be removed by the City.

V - Criteria for Approval

1. Each proposed gift or memorial shall meet standards as identified in Section III.
2. If a gift is offered to honor deceased individuals, the memorial shall include recognition of deceased individuals only. It shall not include recognition of persons who are living.
3. The location of a gift or memorial shall be aesthetically integrated within a setting. It shall not block circulation nor preempt established plans for future development.
4. Qualified professionals shall design and install all gifts and memorials in consultation with the City department involved and advised by the Urban Landscape Commission.

- a. All wording on memorial plaques must be approved by the appropriate City department with the concurrence of the Urban Landscape Commission prior to fabrication of the plaque.
- b. No stand alone plaques will be installed unless installed at ground level.
- c. The City recommends that multiple plaques be installed in a collective display area for increased security and public appreciation.

VI - Placement, Construction, and Maintenance Requirements

1. Placement and construction of gifts or memorials may be completed by a City Department or by an independent contractor as per arrangements between the donor and the City. Any party hired or employed by the applicant must provide proof of insurance approved by the City of Morgantown that may include and not be limited to: general liability, automobile insurance, professional liability insurance, performance insurance bonds, workmen's compensation coverage and others as may be required by the City of Morgantown.
2. Provision of maintenance for the gift or memorial shall be the responsibility of the City of Morgantown departments responsible for the memorial or gift. Complex or large gifts or memorials
3. The City of Morgantown shall have the flexibility to move, remove or replace donations if necessary. A reasonable effort shall be made to notify the donor if a major change in the gift or memorial is affected.

VII - Costs

1. The costs for the gift or memorial shall include the cost of purchase, installation, design, fabrication, transportation, site preparation, foundation, lighting, electrical, permits, etc. as required. The gift or memorial proposal shall include all-inclusive costs and any exclusion shall be stated clearly in the proposal.
2. Maintenance, restoration and possible replacement costs shall also be included in the arrangements made with the City. Public and park revenues simply cannot fully support the maintenance requirement needed. Because of this reality, funds will be set aside to provide for continuing responsible ongoing care both as necessary and as possible.
3. As permitted by tax legislation, the City department or affiliated organization receiving the gift or memorial will issue a tax receipt for each donation.

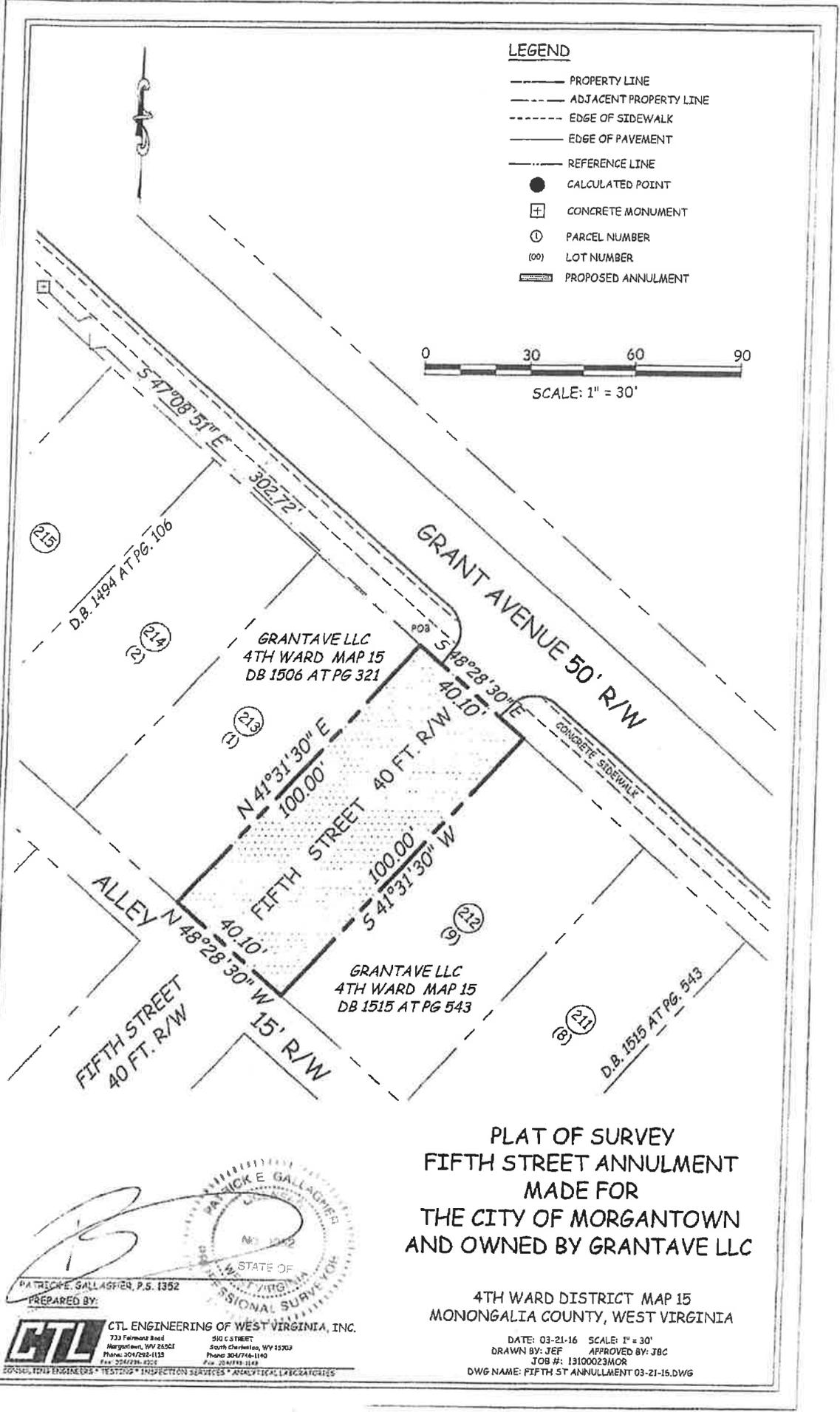
VIII - Approval Process and Procedure

1. Initial Feasibility Consultation. Applicants interested in the possibility of making a gift or establishing a memorial shall submit a letter request to the City Manager who shall refer the request to an appropriate staff member. The staff member shall interview the

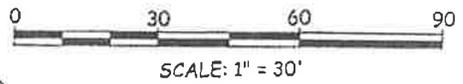
applicant and provide information on the City's Policies on Memorials and assist the applicant in preparing an initial proposal. When the initial proposal is received by the staff person, the proposal shall be referred to the appropriate City department for review assisted by the Urban Landscape Commission.

2. Written Proposal. After meeting with the appropriate City department, the applicant shall submit a written proposal with specific information on the nature of the memorial and a map of the site being requested. The written application shall include details on size, wording, sketches, models or renderings as well as the information on installation and costs involved. Included with the proposal will be a maintenance plan prepared in consultation with a person experienced in the type of maintenance required.
3. Proposal Review. The appropriate City department shall review the proposal assisted by the Urban Landscape Commission concerning the location, design, installation or maintenance of the memorial. The City department shall also consider the relationship of the review criteria to the proposal and the sufficiency of the maintenance plan as proposed.
4. Decision Making. The appropriate City department shall complete a review of the proposal and make a recommendation to approve, modify, or disapprove the proposal. Applicants whose proposals are disapproved will receive recommendations for other options by the City department and/or the Urban Landscape Commission. Applicants of approved or modified proposals must provide evidence of financial commitment to the gift or memorial, proof of insurance as required by the City, and negotiate a schedule for completion with appropriate City Department.
5. Donor Recognition. Contributions shall be acknowledged in a timely manner after formal acceptance of the donation has taken place. The City department receiving the benefit of the contribution shall review and approve any public recognition for the contribution. Recognition shall be consistent with all City policies and State ethics and tax requirements. All accepted donations shall also be reported to City Council so that the donor's generosity can be officially acknowledged and recorded.

Exhibit E



- LEGEND**
- PROPERTY LINE
 - - - - ADJACENT PROPERTY LINE
 - - - - EDGE OF SIDEWALK
 - EDGE OF PAVEMENT
 - REFERENCE LINE
 - CALCULATED POINT
 - ⊕ CONCRETE MONUMENT
 - Ⓢ PARCEL NUMBER
 - (00) LOT NUMBER
 - ▭ PROPOSED ANNULMENT



**PLAT OF SURVEY
FIFTH STREET ANNULMENT
MADE FOR
THE CITY OF MORGANTOWN
AND OWNED BY GRANTAVE LLC**

4TH WARD DISTRICT MAP 15
MONONGALIA COUNTY, WEST VIRGINIA


 PATRICK E. GALLAGHER, P.S. 1352
 PREPARED BY:

CTL CTL ENGINEERING OF WEST VIRGINIA, INC.
 733 Fernwood Road Morgantown, WV 25501 Phone: 304/292-1113 Fax: 304/294-3234
 310 C STREET South Charleston, WV 25303 Phone 304/746-1190 Fax 204/910-1128
CONSULTING ENGINEERS * TESTING * INSPECTION SERVICES * ARCHITECTURAL * LANDSCAPING

DATE: 03-21-16 SCALE: 1" = 30'
 DRAWN BY: JEF APPROVED BY: JBC
 JOB #: 13100023MOR
 DWG NAME: FIFTH ST ANNULMENT 03-21-15.DWG

