



Office of the City Clerk

The City of Morgantown

Linda L. Little, CMC
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AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
August 21, 2012
7:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** Regular Meeting August 7, 2012
5. **CORRESPONDENCE**
6. **PUBLIC HEARING:**
 - A. **PUBLIC HEARING of AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE.**
 - B. **PUBLIC HEARING of AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION, WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEAVORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.**
7. **UNFINISHED BUSINESS:**
 - A. **Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE**

PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE. (First Reading: August 7, 2012)

- B. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION, WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEAVORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN. (First Reading: August 7, 2012)**

C. BOARDS AND COMMISSIONS

8. SPECIAL COMMITTEE REPORTS

9. NEW BUSINESS:

- A. Consideration of APPROVAL of FIRST READING of AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, 1139.17, OF ITS HEALTH AND SANITATION CODE, AND REPEALING SECTION 1139.11 OF ITS HEALTH AND SANITATION CODE, AS THE SAME APPLY TO SOLID WASTE COLLECTION.**

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

11. CITY MANAGER'S REPORT:

INFORMATION:

- 1. Final Quarterly Financial & Budget Report for FY 2011-2012**

NEW BUSINESS:

- 1. Bid Results for Runway 5-23 Conversion and Miscellaneous Airfield Improvements Project**

12. REPORT FROM CITY CLERK
13. REPORT FROM CITY ATTORNEY
14. REPORT FROM COUNCIL MEMBERS
15. ADJOURNMENT

If you need an accommodation contact us at 284-7439

REGULAR MEETING AUGUST 7, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 7, 2012 at 7:00 P.M.

PRESENT: City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, Deputy City Clerk Bethany Sypolt, City Attorney Steve Fanok, Mayor Jim Manilla and Council Members: Wes Nugent, Marti Shamberger, Linda Herbst and Bill Byrne. Councilors Ron Bane and Jenny Selin, and City Clerk Linda Little were absent.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of July 17, 2012 and the Special Meeting of July 31, 2012 were approved as printed.

CORRESPONDENCE: None.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY AGREEMENT BETWEEN THE CITY OF MORGANTOWN, GRANTOR, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, GRANTEE, AS THE SAME APPLIES TO GRANTEE'S INSTALLATION OF POWER AND LIGHT POLES NEAR THE INTERSECTION OF 1ST STREET AND HALL STREET WEST OF BEECHURST AVENUE.

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

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

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

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AGREEMENT WITH WVU BOG FOR POWER AND LIGHT POLES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY AGREEMENT BETWEEN THE CITY OF MORGANTOWN, GRANTOR, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, GRANTEE, AS THE SAME APPLIES TO GRANTEE'S INSTALLATION OF POWER AND LIGHT POLES NEAR THE INTERSECTION OF 1ST STREET AND HALL STREET WEST OF BEECHURST AVENUE.

Motion by Nugent, second by Herbst to adopt the above entitled Ordinance. Motion carried 5-0.

AN ORDINANCE AMENDING THE ANNUAL BUDGET, COAL SEVERANCE FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

Motion by Herbst, second by Nugent to adopt the above entitled Ordinance. Motion carried 5-0.

AN ORDINANCE AMENDING THE ANNUAL BUDGET, GENERAL FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

Motion by Herbst, second by Byrne to adopt the above entitled Ordinance. The City Manager offered explanation on the adjustments and after discussion, motion carried 5-0.

BOARDS AND COMMISSIONS: None

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE REZONING PARCELS IN THE THIRD WARD FROM R-2 TO B-1: The below entitled Ordinance was presented for first reading

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-2) SINGLE- AND TWO- FAMILY RESIDENTIAL DISTRICT TO (B-1) NEIGHBORHOOD BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion by Nugent, second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 5-0.

AN ORDINANCE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING: The below entitled Ordinance was presented for first reading

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE.

Motion by Nugent, second by Herbst to pass the above entitled Ordinance to second reading. Motion carried 5-0.

AN ORDINANCE REQUIRING MOTION PHOTOGRAPHY PERMITS WITHIN THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading

AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION, WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEAVORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.

Motion by Byrne, second by Shamberger to pass the above entitled Ordinance to second reading. After discussion and clarification from the City Manager and City Attorney, motion carried 5-0.

A RESOLUTION TO KEEP THE UPPER MON WV LOCKS OPEN: The above entitled Resolution was presented for approval.

Motion by Nugent, second by Byrne, to approve above entitled Resolution. After discussion, motion carried 5-0.

A SUPPLEMENTAL RESOLUTION PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES B(COLLECTIVELY, THE "BONDS"): The above entitled Resolution was presented for approval.

Motion by Byrne, second by Herbst to approve above entitled Resolution. After explanation from the City Manager, further clarification was offered by Bond Attorney John Stump. Mr. Stump reported to Council that an error was made which led to the below entitled "sweep" and "draw" Resolutions being added to the Council Meeting Agenda. He explained that these are instead, action items for the Morgantown Utility Board in connection with the above referenced Bonds. There being no discussion from Council, motion carried 5-0.

A DRAW RESOLUTION PROVIDING FOR THE PAYMENT OF INVOICES RELATING TO THE BONDS: The above entitled Resolution was presented for approval.

No action taken.

A SWEEP RESOLUTION PERTAINING TO THE AUTOMATIC PAYMENT OF BONDS TO THE MUNICIPAL BOND COMMISSION: The above entitled Resolution was presented for approval.

No action taken.

PUBLIC PORTION:

Renee Hernandez, 224 Overdale Street, shared with Council about how much fun she is having this summer. She remarked that she enjoyed the parade but was displeased with Senator Raese's float and her perception of its links to Tea Party ideology.

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

CITY MANAGER'S REPORT:

INFORMATION:

1. Presentation Regarding Updated Morgantown Comprehensive Plan Considerations.

Mr. Moore offered to Council direction and upcoming information regarding the Comprehensive Plan.

NEW BUSINESS:

1. Appointment of Audit Committee.

After explanation from the City Manager, motion by Nugent, second by Byrne to approve of Mayor Manilla, Deputy City Manager Jeff Mikorski, Finance Director J.R. Sabatelli and Budget & Accounting Manager Lori Livengood as members of the Audit Committee. Motion carried by unanimous consent.

REPORT FROM CITY CLERK: No Report.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Absent.

Councilor Nugent: Councilor Nugent thanked all those who participated in National Night Out, including the Police and Fire Departments. He reminded that the Renaissance Morgantown photo exhibit is ongoing at the Museum and announced the upcoming meeting of the Wiles Hill-Highland Park Neighborhood association. Councilor Nugent asked for consensus to continue hearing group reports, noting the last from Main Street Morgantown. Mr. Moore replied that the series will continue as it did last August, with the first of 2012 reports at this coming Committee of the Whole Meeting. A discussion on the Consent Calendar will also take place at that time.

Councilor Selin: Absent.

Councilor Shamberger: Councilor Shamberger announced an upcoming luau at the BOPARC senior center, informed Council that she met the Chairperson of the Rose Parade and that she was enjoying her first visit to Morgantown. She also announced that State Senators Beach and Prezioso are going to attend this weekend's Farmer's Market and make an announcement there. Councilor Shamberger then inquired on the use of Goodwill Ambassadors for downtown evenings. She also inquired as to the status of Vote By Mail.

Councilor Byrne: Councilor Byrne announced the Friends of Guanajuato event, and trip to be organized soon; also an event at the Botanic Garden. He reported that he attended several shows and urges the community to support Public Theatre.

Councilor Herbst:

Councilor Herbst announced the reopening of the Spruce Street Garage, as well as the next Goodwill Ambassador Training. She added that vests are a good idea to help identify volunteers.

Mayor Manilla:

Mayor Manilla concurred that the Goodwill City program has merit and eventually a focus on downtown can be beneficial. He inquired on the status of the Farmer's Market Pavilion, and Mr. Mikorski replied that it will be finished by September. Mayor Manilla announced student move in week.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 7:43 p.m.

City Clerk

Mayor

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



Morgantown Municipal Airport

100 Hart Field Road
Morgantown, West Virginia 26505
(304) 291-7461
www.morgantownairport.com

August 6, 2012

Mr. Terrence R. Moore
City Manager
City of Morgantown
389 Spruce Street
Morgantown, WV 26505

IN TURN: City Council Members

Dear Mr. Moore:

On July 25, 2012, bids were opened for the Runway 5-23 Conversion and Miscellaneous Airfield Improvements. We received two qualified bids, of which the low bidder was Mountaineer Contractors Inc., of Kingwood, WV, with a Base Bid of \$871,640. The contract amount with the base bid and Alternates 1, 3 and 4 will be \$1,170,340. The FAA share of this amount is \$1,053,306 and the state share is \$117,034. There is no local match.

Our aviation consulting engineering firm, Michael Baker Jr., Inc., designed the specifications for these projects and has recommended Mountaineer Contractors Inc. be awarded the contract.

We concur with Baker's recommendation and request City Council's approval.

Sincerely,

Michael J. Clow
Airport Director

Encl: Michael Baker Jr., Inc. letter dated July 31, 2012; Project Bid Sheet

Michael J. Clow, A.A.E.
Airport Director
mclow@cityofmorgantown.org



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505

FINANCE DEPARTMENT

MINUTES OF BID OPENING

The first Bid # 2013-01 was opened at 2:00pm on the
25 day of July, 2012.

BIDDERS AND BID AMOUNTS IN ORDER OF OPENING

FIRM	AMOUNT	BID SECURITY	
		TYPE	AMOUNT
Mountainier Contractors, INC.	Base 871,640.00	Bond	5%
Green River Group, LLC	Base 1,021,312.50	Bond	5%
Mountainier	ALT #1 - 61,200.00		
	ALT #2 - 23,200.00		
	ALT #3 - 174,000.00		
	ALT #4 - 63,500.00		
Green River Group, LLC	ALT #1 - 61,200.00		
	ALT #1 - 57,000.00		
	ALT #2 - 15,000.00		
	ALT #3 - 150,000.00		

ALT #4 - 49,250.00

Bid Award is scheduled for 25TH day of July, 2012.

Signed:

Witnessed by:

JUDY SIMONS
NAME

MICHAEL J. CLOS
NAME

Accounting Clerk III
TITLE

AIRPORT DIRECTOR
TITLE

FINANCE
DEPARTMENT

AIRPORT
DEPARTMENT

Baker

Michael Baker Jr., Inc.
A Unit of Michael Baker Corporation

Airside Business Park
100 Airside Drive
Moon Township, PA 15108

(412) 269-6300
FAX (412) 375-3990

July 31, 2012

Mr. Michael Clow, A.A.E.
Morgantown Municipal Airport
100 Hart Field Road
Morgantown, WV 26505

Subject: Morgantown Municipal Airport
Runway 5-23 Conversion and Miscellaneous Airfield Improvement Project
Letter of Recommendation for Contract Award

Dear Mr. Clow:

Baker has reviewed the bid documents for the Runway 5-23 Conversion and Miscellaneous Airfield Improvements that were received July 25, 2012. Two bids were received: one from Mountaineer Contractors, Inc. and the other from Green River Group. In their bid documents Mountaineer Contractors did not provide the requested DBE goal of 2.5%. Green River Group did offer the requested DBE goal. Baker has requested and subsequently received documents from Mountaineer Contractors indicating that they did in fact make a good faith effort to meet the requested goal and were unable to do so. Therefore, we recommend a contract be awarded to Mountaineer Contracting for the Base Bid plus Alternates 1, 3, and 4. A copy of the bid tabulation is attached for information. The contract amount with the base bid and recommended alternates will be \$1,170,340.00

If you have any questions please contact me at 412-269-2744.

Sincerely,

MICHAEL BAKER JR., INC.



J. Brad Homan, P.E.
Project Manager

hml/JBH

enclosure

Morgantown Municipal Airport
Runway 5-23 Conversion and Miscellaneous Airfield Improvements
Bid Tabulation

BASE BID				GREEN RIVER GROUP	GREEN RIVER GROUP	MOUNTAINEER	MOUNTAINEER
ITEM	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL COST	CONTRACTORS UNIT COST	CONTRACTORS TOTAL COST
P-152-4.1	UNCLASSIFIED EXCAVATION	CY	515	\$ 30.00	\$ 15,450.00	\$ 60.00	\$ 30,900.00
P-209-5.1	CRUSHED AGGREGATE BASE COURSE, 18-INCH DEPTH	SY	515	\$ 65.00	\$ 33,475.00	\$ 80.00	\$ 41,200.00
P-401-8.1	BITUMINOUS INTERMEDIATE COURSE	TON	445	\$ 150.00	\$ 66,750.00	\$ 105.00	\$ 46,725.00
P-401-8.2	BITUMINOUS SURFACE COURSE	TON	375	\$ 150.00	\$ 56,250.00	\$ 110.00	\$ 41,250.00
P-401-8.3	BITUMINOUS BASE COURSE	TON	180	\$ 150.00	\$ 27,000.00	\$ 115.00	\$ 20,700.00
P-401-8.4	BITUMINOUS LEVELING COURSE	TON	20	\$ 150.00	\$ 3,000.00	\$ 200.00	\$ 4,000.00
P-603-5.1	BITUMINOUS TACK COAT	GAL	385	\$ 5.00	\$ 1,925.00	\$ 3.00	\$ 1,155.00
P-620-5.1	PAVEMENT MARKING, PERMANENT, WITH GLASS BEADS (RUNWAY 18-36)	SF	50,000	\$ 0.90	\$ 45,000.00	\$ 0.50	\$ 25,000.00
P-620-5.2	PAVEMENT MARKING, PERMANENT, WITH GLASS BEADS (TAXIWAYS AND RAMPS)	SF	65,000	\$ 0.90	\$ 58,500.00	\$ 0.60	\$ 39,000.00
P-620-5.3	PAVEMENT MARKING, PERMANENT, WITHOUT GLASS BEADS (RUNWAY 18-36)	SF	20,000	\$ 0.80	\$ 16,000.00	\$ 0.40	\$ 8,000.00
P-620-5.4	PAVEMENT MARKING, PERMANENT, WITHOUT GLASS BEADS (TAXIWAYS AND RAMPS)	SF	45,000	\$ 0.80	\$ 36,000.00	\$ 0.40	\$ 18,000.00
P-620-5.5	PAVEMENT MARKING, TEMPORARY	SF	5,000	\$ 2.00	\$ 10,000.00	\$ 2.50	\$ 12,500.00
P-620-5.6	SURFACE PAINTED SIGNS	SF	2,500	\$ 5.00	\$ 12,500.00	\$ 8.00	\$ 20,000.00
P-620-5.7	PAVEMENT MARKING REMOVAL	SF	115,000	\$ 0.90	\$ 103,500.00	\$ 0.65	\$ 74,750.00
T-905-5.1	OBTAINING AND PLACING TOPSOIL	CY	85	\$ 80.00	\$ 6,800.00	\$ 250.00	\$ 21,250.00
L-108-5.1	#8 AWG, 5 KV CABLE INSTALLED IN DUCT OR CONDUIT	LF	3,600	\$ 3.85	\$ 13,860.00	\$ 3.00	\$ 10,800.00
L-108-5.2	BARE COUNTERPOISE CABLE INSTALLED ABOVE DUCT OR CONDUIT	LF	1,250	\$ 3.85	\$ 4,812.50	\$ 1.50	\$ 1,875.00
L-108-5.3	BARE COUNTERPOISE CABLE INSTALLED IN A SEPARATE TRENCH	LF	450	\$ 10.00	\$ 4,500.00	\$ 3.00	\$ 1,350.00
L-108-5.4	LOCATE AND CONNECT TO EXISTING CABLES	LS	1	\$ 4,000.00	\$ 4,000.00	\$ 3,400.00	\$ 3,400.00
L-110-5.1	1-2" PVC CONDUIT IN TURF	LF	1,550	\$ 19.00	\$ 29,450.00	\$ 5.00	\$ 7,750.00
L-110-5.2	4-4" PVC DUCT BANK (CONCRETE ENCASED)	LF	105	\$ 250.00	\$ 26,250.00	\$ 80.00	\$ 8,400.00
L-115-5.1	HANDHOLE	EA	2	\$ 14,000.00	\$ 28,000.00	\$ 5,400.00	\$ 10,800.00
L-125-5.1	NEW ELEVATED TAXIWAY EDGE LIGHT (LED), COMPLETE	EA	10	\$ 1,300.00	\$ 13,000.00	\$ 1,000.00	\$ 10,000.00
L-125-5.2	NEW ELEVATED TAXIWAY EDGE LIGHT (LED) ON EXISTING BASE	EA	3	\$ 1,000.00	\$ 3,000.00	\$ 700.00	\$ 2,100.00
L-125-5.3	EXISTING ELEVATED TAXIWAY EDGE LIGHT ON NEW BASE	EA	2	\$ 800.00	\$ 1,600.00	\$ 800.00	\$ 1,600.00
L-125-5.4	ADJUST INPAVEMENT LIGHT TO GRADE	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00
L-126-5.1	SIZE 3, 1-MODULE AIRFIELD GUIDANCE SIGN, COMPLETE	EA	1	\$ 5,400.00	\$ 5,400.00	\$ 4,000.00	\$ 4,000.00
L-126-5.2	SIZE 3, 2-MODULE AIRFIELD GUIDANCE SIGN, COMPLETE	EA	4	\$ 5,900.00	\$ 23,600.00	\$ 4,500.00	\$ 18,000.00
L-126-5.3	SIZE 3, 3-MODULE AIRFIELD GUIDANCE SIGN, COMPLETE	EA	2	\$ 6,400.00	\$ 12,800.00	\$ 5,000.00	\$ 10,000.00
L-126-5.4	SIGN REPLACEMENT PANELS	EA	8	\$ 1,280.00	\$ 10,240.00	\$ 500.00	\$ 4,000.00
L-126-5.5	EXISTING AIRFIELD GUIDANCE SIGN ON NEW BASE	EA	1	\$ 3,200.00	\$ 3,200.00	\$ 2,000.00	\$ 2,000.00
MC-001-5.1	BONDS	LS	1	\$ 33,000.00	\$ 33,000.00	\$ 15,000.00	\$ 15,000.00
MC-001-5.2	INSURANCE	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 20,000.00	\$ 20,000.00
MC-001-5.3	PERMITS	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00
MC-001-5.4	CONTRACTOR STAGING AREA	LS	1	\$ 140,000.00	\$ 140,000.00	\$ 138,435.00	\$ 138,435.00
MC-001-5.5	AS-BUILT DRAWINGS/SURVEY	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 71,500.00	\$ 71,500.00
MC-001-5.6	TEMPORARY UTILITIES	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 15,000.00	\$ 15,000.00
MC-003-4.1	MILLING OF BITUMINOUS AIRFIELD PAVEMENT, VARIABLE DEPTH	SY	2,500	\$ 6.00	\$ 15,000.00	\$ 9.00	\$ 22,500.00
MC-004-5.1	MISCELLANEOUS STRUCTURE REMOVAL	EA	18	\$ 800.00	\$ 14,400.00	\$ 600.00	\$ 10,800.00
MC-004-5.2	AIRFIELD GUIDANCE SIGN REMOVAL	EA	3	\$ 2,200.00	\$ 6,600.00	\$ 1,300.00	\$ 3,900.00
MC-004-5.3	LIGHT FIXTURE TO BE REMOVED AND SALVAGED	EA	40	\$ 400.00	\$ 16,000.00	\$ 250.00	\$ 10,000.00
MC-005-5.1	UNFORESEEN WATER POLLUTION CONTROL	PDA	1	\$ 1,000.00	\$ 1,000.00	\$ 6,000.00	\$ 6,000.00
MC-006-5.1	PERMANENT SEED TYPE D	SY	4,000	\$ 0.30	\$ 1,200.00	\$ 1.25	\$ 5,000.00
MC-007-5.1	MULCH	SY	4,000	\$ 1.50	\$ 6,000.00	\$ 1.25	\$ 5,000.00
MC-008-5.1	PUMPED WATER FILTER BAG	EA	1	\$ 500.00	\$ 500.00	\$ 1,500.00	\$ 1,500.00
MC-009-5.1	PAVEMENT REINFORCEMENT SYSTEM	SY	3,000	\$ 12.00	\$ 36,000.00	\$ 13.00	\$ 39,000.00
				SUBTOTAL	\$ 1,021,562.50	SUBTOTAL	\$ 871,640.00

Morgantown Municipal Airport
Runway 5-23 Conversion and Miscellaneous Airfield Improvements
Bid Tabulation

ALTERNATE 1 - CRACK SEAL AIRFIELD

ITEM	DESCRIPTION	UNIT	QTY	GREEN RIVER GROUP		MOUNTAINEER	
				UNIT COST	TOTAL COST	CONTRACTORS UNIT COST	CONTRACTORS TOTAL COST
P-605-5.1	CRACK SEALING (RUNWAY 18-36)	LF	25,000	\$ 0.60	\$ 15,000.00	\$ 0.72	\$ 18,000.00
P-605-5.2	CRACK SEALING (TAXIWAYS AND RAMPS)	LF	60,000	\$ 0.60	\$ 36,000.00	\$ 0.72	\$ 43,200.00
				SUBTOTAL	\$ 51,000.00	SUBTOTAL	\$ 61,200.00

ALTERNATE 2 - CRACK SEAL ACCESS ROAD AND PARKING LOTS

ITEM	DESCRIPTION	UNIT	QTY	GREEN RIVER GROUP		MOUNTAINEER	
				UNIT COST	TOTAL COST	CONTRACTORS UNIT COST	CONTRACTORS TOTAL COST
P-605-5.3	CRACK SEALING (ACCESS ROAD AND PARKING LOTS)	LF	20,000	\$ 0.60	\$ 12,000.00	\$ 0.75	\$ 15,000.00
MC-010-5.2	PAINT MARKING	LF	10,000	\$ 0.30	\$ 3,000.00	\$ 0.82	\$ 8,200.00
				SUBTOTAL	\$ 15,000.00	SUBTOTAL	\$ 23,200.00

ALTERNATE 3 - SEAL COAT AIRFIELD (TAXIWAYS AND RAMPS)

ITEM	DESCRIPTION	UNIT	QTY	GREEN RIVER GROUP		MOUNTAINEER	
				UNIT COST	TOTAL COST	CONTRACTORS UNIT COST	CONTRACTORS TOTAL COST
P-630-7.1	REFINED COAL TAR EMULSION FOR SLURRY COAT	SY	120,000	\$ 1.25	\$ 150,000.00	\$ 1.45	\$ 174,000.00
				SUBTOTAL	\$ 150,000.00	SUBTOTAL	\$ 174,000.00

ALTERNATE 4 - SEAL COAT ACCESS ROAD AND PARKING LOTS

ITEM	DESCRIPTION	UNIT	QTY	GREEN RIVER GROUP		MOUNTAINEER	
				UNIT COST	TOTAL COST	CONTRACTORS UNIT COST	CONTRACTORS TOTAL COST
P-605-5.3	CRACK SEALING (ACCESS ROAD AND PARKING LOTS)	LF	20,000	\$ 0.60	\$ 12,000.00	\$ 0.65	\$ 13,000.00
P-630-7.1	REFINED COAL TAR EMULSION FOR SLURRY COAT	SY	25,000	\$ 1.25	\$ 31,250.00	\$ 1.30	\$ 32,500.00
MC-010-5.1	PAINT MARKING REMOVAL	LF	10,000	\$ 0.30	\$ 3,000.00	\$ 1.15	\$ 11,500.00
MC-010-5.2	PAINT MARKING	LF	10,000	\$ 0.30	\$ 3,000.00	\$ 0.65	\$ 6,500.00
				SUBTOTAL	\$ 49,250.00	SUBTOTAL	\$ 63,500.00

TOTAL BASE PLUS ALTS 1, 3 & 4 \$ 1,271,812.50 \$ 1,170,340.00

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

MUSEUM COMMISSION:

Jack Thompson has resigned and Pam Ball is looking for a replacement commissioner. Once confirmed, council can vote on that appointment. Residents to serve at large, 5 year residency required.

HUMAN RIGHTS COMMISSION:

City Clerk has 18 candidates for Council to review biographical forms. This can be done at the August 28th COW. Council can interview candidates at a Special Meeting. Appointed by City Council, resident of the City. To serve 2 year terms the first year. Then terms of first seven two year and three will serve one year. Thereafter terms will be staggered two year terms.

URBAN LANDSCAPE COMMISSION:

Also Seeking 1 qualified applicant to fill unexpired 2 year term of position of Urban Forester and Chamber of Commerce. Nominated by CM, from each ward, 13 members with staggered terms, 1 councilmember, and non-ward members must represent specific category.

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

****Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.***

****Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.***

8/16/2012

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE.

The City of Morgantown hereby ordains that a new section 349.18 is added to its Traffic Code which reads as follows:

349.18 PROHIBITED USE OF AN ELECTRONIC COMMUNICATIONS DEVICE, DRIVING WITHOUT HANDHELD FEATURES; DEFINITIONS; EXCEPTIONS; PENALTIES.

- (a) Except as provided in subsection (c) of this section, a person may not drive or operate a motor vehicle on a public street or highway while:
- (1) Texting; or
 - (2) Using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.
- (b) For purposes of this section, the following terms shall mean:
- (1) "Cell phone" shall mean a cellular, analog, wireless or digital telephone.
 - (2) "Driving" or "operating a motor vehicle" means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.
 - (3) "Electronic communication device" means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, 2-way messaging device, electronic game, or portable computing device. For the purposes of this section, an "electronic communication device" does not include:
 - (A) Voice radios, mobile radios, land mobile radios, commercial mobile radios or two way radios with the capability to transmit and receive voice transmissions utilizing a push-to-talk or press-to-transmit function; or
 - (B) Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators

(HAM) licensed by the Federal Communications Commission and school bus operators.

- (4) "Engaging in a call" means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a pushpad or screen to initiate the call.
- (5) "Hands-free electronic communication device" means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.
- (6) "Hands-free equipment" means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.
- (7) "Texting" means manually entering alphanumeric text into, or reading text from, an electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.
 - (A) Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing of the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
 - (B) Inputting, selecting or reading information on a global positioning system or navigation system; or
 - (C) Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.
- (8) "Using a cell phone or other electronic communication device" means holding in a person's hand or hands an electronic communication device while:
 - (A) Viewing or transmitting images or data;
 - (B) Playing games;
 - (C) Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving email, text messages, or other electronic data; or

(D) Engaging in a call.

- (c) Subsection (a) of this section shall not apply to:
- (1) A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic or the operator of an authorized emergency vehicle in the performance of their official duties;
 - (2) A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies.
 - (3) The activation or deactivation of hands-free equipment or a function of hands-free equipment.
- (d) This section does not supersede the provisions of section three-a, article two, chapter seventeen-b of the West Virginia Code or any more restrictive provisions for drivers of commercial motor vehicles prescribed by the provisions of chapter seventeen-e of the West Virginia Code or federal law or rule.
- (e) Any person who violates the provisions of subsection (a) of this section is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100; for a second offense be fined \$200; and for a third or subsequent offense be fined \$300. No court costs or other fees shall be assessed for a violation of subsection (a) of this section.
- (f) Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.
- (g) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION , WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEVEAORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.

The City of Morgantown hereby ordains that a new Article 769 is added to the Business and Taxation Code which reads as follows:

**ARTICLE 769
MOTION PHOTOGRAPHY PRODUCTION**

769.01 PURPOSE.

The purpose of this Article is to establish a permitting process for motion photography production endeavors on public property owned or controlled by or under the jurisdiction of the City of Morgantown. This Article does not exempt an applicant from other City Code Provisions that may pertain to the motion photography production endeavor.

769.02 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "City" means the City of Morgantown.
- (b) "City equipment" means any tangible property, other than real property, purchased by public funds and utilized in the normal course and scope of providing governmental service by the City.
- (c) "City facility" means any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the city to include, but not limited to, city parks and recreation facilities, city hall, the police station, central communications center, all fire stations, central services warehouse.
- (d) "Motion photography" means the commercial, non-personal taking or making of a motion picture, television, videotape, or film production utilizing city equipment or utilizing city facilities. This term shall include, and a production permit shall be required for, such productions on private property, not a studio, involving the erection of tents or other temporary structures or involving the use of pyrotechnics, explosives, or other incendiary devices. This term shall not include the shooting of film at studios constructed for such purpose where no city equipment or city facilities are involved and shall not include any news, news feature, or documentary production.
- (e) "Person" means an individual, corporation, partnership or any other group acting as a unit.
- (f) "Production Permit" (also referred to herein as "Permit") means the permit required by this Article.

769.03 PERMIT AUTHORIZATION.

The City Manager or his/her designee is hereby authorized to act as the agent for the City in the receipt and processing of applications for production permits. After review and approval by appropriate City Administration, including the Fire Marshal, the Police Chief, and the City Manager, the City Manager or his/her designee shall issue the permit.

The permit authorized in this Article will not eliminate the need to acquire permits that are required in different Sections of the City Code, including NFPA 140, the city and state's code standard on Motion Picture and Television Production Studio Soundstages, Approved Production Facilities, and Production Locations. All applicants will be expected to be familiar with this code and apply for permits accordingly. Examples of additional permits that may be required include, but are not limited to, permits for pyrotechnics, explosives, or other incendiary devices, grading, and building and construction.

769.04 PERMIT REQUIRED; SUSPENSION OR REVOCATION.

- (a) No person shall advertise, engage in, participate in, or start any motion photography production unless a production permit shall have been obtained from the City Manager or his/her designee.
- (b) Failure to comply with the terms and conditions of the production permit once issued shall be grounds for immediate suspension of the production until such time as the noncompliance is remedied. The suspension shall be initially communicated orally, followed by a written suspension order. Continued failure to comply with the terms and conditions of the production permit may result in revocation of the permit. Revocation or suspension procedure will be carried out by the City Manager or his/her designee. No person shall continue production in violation of the suspension or revocation.

769.05 APPLICATION FOR PERMIT.

- (a) Any person seeking the issuance of a production permit shall file an application in the Office of the City Manager on forms provided by the City. Said application shall be filed not more than 180 days before, and not less than thirty working days before the commencement of production. The application shall be signed, under oath, by an authorized representative of the applicant.
- (b) The application shall contain the following information:
 - (1) Locations of the production.
 - (2) Duration and type of production.
 - (3) Proof of policy of liability insurance, or bond, in which the City is named as an additional insured for a combined single limit of \$1,000,000.
 - (4) Special effects to be utilized, especially incendiary or explosive devices, with proof of \$5,000,000 liability insurance therefore. In addition, the application shall list the person in charge of such

special effects together with his/her qualifications and licensing by applicable federal and state agencies.

- (5) An Agreement to indemnify and hold harmless the City of Morgantown will also be required.
- (6) Proposed utilization of City equipment.
- (7) Necessity for closures of public streets or sidewalks and for what duration.
- (8) A written summary or explanation of the portion of the production to be shot within the City.
- (9) Number and type of vehicles or equipment and number of personnel to be on location with the production.
- (10) An agreement to pay for any extraordinary services provided by the City.
- (11) Certificate signed under oath that the footage shot on public property shall not contain nudity and will not be pornographic in nature.
- (12) Any additional information that shall be reasonably deemed necessary by the City Manager or his/her designee.

769.06 RESTORATION.

If some or all of a motion photography production is to take place on public property and the production involves the erection of temporary structures or temporary modification of an existing structure or the introduction of an object or substance onto the property, the applicant for the production permit shall be required to restore the property to the condition existing prior to the production. In addition, the City may require that the applicant provide a performance bond in an amount to be determined by the City, to insure such restoration.

769.07 COSTS FOR EXTRAORDINARY SERVICES.

The City shall recover direct costs for extraordinary services rendered in connection with a production. Such costs shall include, but not be limited to, charges for personnel and equipment committed in support of the production which are outside the normal scope of government services. Based on the information contained in the permit application, an estimate of these costs will be provided to the applicant prior to issuance of the permit. The City may require prepayment of all or a portion of these estimated costs prior to issuance of the permit. At the conclusion of the production, actual costs below or in excess of the estimates will be refunded by the City or paid by the applicant, respectively. The City is under no obligation to provide City personnel or equipment, and such will be provided only if the City Manager or his/her designee approves.

769.08 PERMIT FEE.

Upon filing an application for a production permit, the applicant shall pay a sum of twenty dollars (\$20.00), and the payment of such sum shall be a prerequisite to the processing of the permit application.

769.09 VIOLATION PENALTIES.

- (a) It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Article. Any person who shall violate a provision of this Article, or fail to comply therewith, or with any of the requirements thereof, shall be fined not more than five hundred dollars (\$500.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Article is committed or continued.
- (b) The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action or proceeding to prevent the continuation of activity that is in violation of this Article.

769.10 PERIOD OF VALIDITY; RENEWALS

Any Production Permit issued under the provisions of this Article shall be valid for a period of six months from and after the date it is issued. If the motion photography production has not been completed within six months from the date of such permit, the same may be renewed for an additional period of six months without assessment of any fee therefore. If any motion photography production is not actually begun within six months after the date of the original permit therefore, no renewal permit shall be granted, but a new application therefore shall be made and an additional fee paid.

769.11 SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



Communications Office

The City of Morgantown

Susan Sullivan, PCM
389 Spruce Street, Room 16
Morgantown, West Virginia 26505
(304) 284-7426 Fax: (304) 284-7430
ssullivan@cityofmorgantown.org

Application for Motion Photography Production Permit

Thank you for choosing the City of Morgantown for your film or video project! We have a multifaceted city with many diverse neighborhoods that can serve a variety of scene settings for your project. We've been the setting for several prominent films in the past, and we're happy to expand that repertoire with yours.

We do ask that you follow proper procedure to get your project permitted for work here within city limits. Please fill out the attached form and return it to the Public Communications Office at least 30 days prior to the start date to ensure that City Officials have ample time to review and approve this permit. It is the responsibility of project organizers, directors, and/or producers to take this into consideration and submit your forms in a timely manner. You may also be called to review your application. The City is willing to work with producers to achieve a best situation for both you and the residents and businesses involved.

Any last minute changes can be submitted up to 48 business hours before shooting starts to the Public Communications Manager. The City Manager's office must sign off on these changes.

Please read Steps 4 and 5 closely. It is the responsibility of project organizers, directors, and/or producers to know and understand these rules. An infraction of any of these rules could be categorized as either a criminal, arrestable offense or an infractionary ticketable offense by either the Morgantown Police Department or the Morgantown Fire Marshal's office.

If you have any questions during your time working with the City of Morgantown, please contact the Public Communications Office at (304) 284-7426 or the City Manager's Office at (304) 284-7405.

Thanks for your interest, and we look forward to working with you!

Sincerely,

Susan Sullivan
Public Communications Manager



Step 4: Insurance

The City Manager's Office requires that insurance certificates for your project be on file with our office prior to applying for a permit.

Large Scale Projects:

The City Manager's Office requires a General Liability policy for at least \$1 million naming "The City of Morgantown" to be in effect for all shooting, scouting, and rigging permits.

The City Manager's Office requires proof of \$5 million liability insurance coverage if special effects such as fire or incendiary or explosive devices are used in this production.

Students:

Student filmmakers can meet liability insurance obligations through coverage under their school's insurance program. If your school has insurance on file with our office, you need to obtain a letter from your school stating your name and dates of of the shoot. Permits will only be issued to the student(s) named in the school letter.

Other:

If your project is not large-scale or is not related to school projects, you may still pursue your project, but at a limited range.

For example, you will not be able to get Police Assistance in blocking streets.

The City of Morgantown does not accept liability for any damages or issues that occur during the shoot if roads are blocked and obstructed without specific permission.

Policy Company Name	
Policy Number	

Code of Conduct Agreement

All productions are expected to adhere to the Code of Conduct listed below or face possible revocation of its film permit or other action.

When filming in a residential neighborhood or business district, proper notification is to be provided to each merchant or neighbor who is directly affected by the company (this includes parking, base camps and meal areas) at least 48 hours prior to filming. The filming notice should include:

- name of company
- name of production/phone number of production
- kind of production (e.g. feature film, TV pilot, commercial, etc.)
- type of activity, and duration (i.e., times, dates and number of days, including prep and strike)
- company contact (location manager, unit production manager) name and cell number.

Production vehicles arriving on location in or near a residential neighborhood shall not enter the area before the time stipulated on the permit, turning off engines as soon as possible. Engine idling is prohibited. Permits are never issued before 6 a.m. in residential areas unless filming occurs overnight. Do not park generator trucks or campers with running generators in front of residential buildings if possible.

Crew parking on set is strictly prohibited.

Illegally holding parking on streets not requested on permit is strictly prohibited.

Moving or towing of the public's vehicles is prohibited without the express permission of the City Managers' Office in conjunction with the Morgantown Police Department and/or its requested wrecker company in rotation, managed by MECCA 911, the Monongalia Emergency Centralized Communications Agency.

Catered meals must be served and consumed at interior locations. Sit-down meals are not permitted to occur on city streets or sidewalks. All trash must be disposed of properly upon completion of meal. Production cannot use Allied Waste trash cans or leave trash bags at curbside among residential or business trash.

Cast and crew, including parking PAs (production assistants) shall refrain from the use of rude or inappropriate behavior when interacting with the general public. Crews should be polite and respectful.

Removing, trimming and/or cutting of vegetation or trees without proper authorization is prohibited by the Urban Landscape Commission.

Intermittent holding or redirection of vehicular traffic for picture is to be performed by Morgantown Police officers or Morgantown traffic agents only. Production Assistants and/or crew cannot hold or redirect vehicular traffic. A 13.5 foot emergency traffic lane must be maintained at all times.

The company will comply at all times with the provisions of the filming permit. The Morgantown Police Department and the Morgantown Fire Marshal's Office have the authority to stop production for the day for violations of Morgantown and West Virginia laws and ordinances listed above.

Your Permission

A copy of this directive must be distributed to all production personnel. Failure to comply with the following directives may result in revocation of permit.

Before the shoot

Permit applications and schedules should be submitted to the Public Communications Office no later than 30 business days before the shoot.

Familiarize yourself with the neighborhood in which you're shooting. Be considerate of schools, churches, senior centers, funeral homes, etc.

Assure businesses that you will allow customer access and truck deliveries.

NO PARKING signs shall be posted a minimum of 48 hours in advance. Parking may not be held more than 24 hours in advance.

When used, NO PARKING signs should be posted before the last legal time that someone could have parked.

Use elastic bands or string, NOT tape, when posting resident letters or parking signs on trees.

Provide blackout material to residents' windows for night exterior shoots.

All necessary permissions for government agency-run properties (i.e. Authorized parking, parks, MTA properties, bridges, courthouses, etc.) must be obtained.

During the Shoot

Locations departments and parking production assistants should be sensitive to neighborhood needs while holding parking

in advance. Do not park production vehicles in bike lanes, bus stops, driveways, at fire hydrants, loading docks or in front of active theater marquees.

All crew members, including parking production assistants, must wear and display I.D. badges at all times.

Do not block building or business entrances. Keep equipment in front of buildings that are working directly with the shoot only. Do not trespass onto other neighbors' or merchants' private property, including stoops. Do not stage equipment in front of closed storefronts when you have an early call. Business and residents must be allowed to receive all deliveries.

Ensure safe pedestrian passage through and around your set at all times. Cover cables with mats, keep equipment curbside or in curb lanes, don't allow crew members to congregate in pedestrian passageways. When cameras are not rolling pedestrians must be allowed to walk along any city sidewalk and gain access to any building.

Find nearby lots to park non-essential vehicles if you are going to be at a location for multiple days.

Do not park catering trucks or honeywagons in front of active restaurants. Barbecuing, use of propane or open flames is prohibited on location. Craft service tents are permitted in curb lanes only, not on sidewalks, unless specified on the filming permit.

Campers should be tied-in and powered from one source.

All generators must be baffled with fireproof/non-flammable material.

Productions that film prior to 8:00am and after 10:00pm must keep noise to a minimum. Filming of exterior gunshots must occur between the hours of 9:00am and 9:00pm in residential neighborhoods.

Non-domestic animals on set are required to have permits from the Department of Health and Human Resources and be accompanied by handlers at all times.

Copies of all permits issued must be available on set for general public viewing.

After the Shoot

Clean up after your shoot. Make a clean sweep of the area to ensure that nothing is left behind, including equipment, garbage, all resident letters, NO PARKING signs and hanging materials that your production posted. You have 12 hours to complete this task.

Contact the Public Communications Office for assistance at (304) 284-7426 or by calling the City Managers' Office at (304) 284-7405. After hours, please call the Public Communications Manager at (304) 294-5274.

City of Morgantown



MOTION PHOTOGRAPHY



PERMIT ISSUED

APPROVED APPLICATION TOGETHER WITH ANY PLANS DEEMED NECESSARY OR
REQUIRED BY LAW IS ON FILE IN THE CITY MANAGERS OFFICE

Location _____

Description of Project _____

Applicant/Production Company _____

Date of Issue _____

Date of Expiration _____

Permit # _____

Communications Office

DISPLAY THIS CARD PROMINENTLY



304-284-7426

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, 1139.17 OF ITS HEALTH AND SANITATION CODE, AND REPEALING SECTION 1139.11 OF ITS HEALTH AND SANITATION CODE, AS THE SAME APPLY TO SOLID WASTE COLLECTION.

The City of Morgantown hereby ordains that Sections 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, and 1139.17 of its Health and Sanitation Code are amended, and Section 1139.11 is repealed as follows (new matter underlined, deleted matter struck through):

1139.061 **IMPROPER DISPOSAL OF SOLID WASTE; ILLEGAL DUMPING; USE OF UNAUTHORIZED SOLID WASTE CONTAINERS.**

No person shall dispose of solid waste in an undesignated location. No person shall dispose of solid waste in unauthorized containers. The intent of the foregoing is to make it illegal for any person to place solid waste in a dumpster or other solid waste container owned or leased by another person, unless first authorized to do so by both the City's independent contractor and the person who owns or leases the solid waste container. No person shall deposit either residential or commercial solid waste in to a publicly owned trash receptacle that is located within a public right-of-way. Any person found guilty of violating this section shall be fined a minimum of \$250 but not more than five hundred dollars (\$500.00).

~~1139.11 **RULES FOR CERTAIN DESIGNATED AREAS.**~~

~~The City of Morgantown has determined that the following areas of the City require additional rules pertaining to solid waste and its collection due to the solid waste problems historically associated with those areas resulting from their higher population densities and large percentage of rental housing:~~

~~The following areas of the City are designated for daily residential solid waste pickup:~~

- ~~1. Pennsylvania Avenue (from Kingwood Street to Brockway Avenue)~~
- ~~2. Baird Street (from Forest Avenue to end)~~
- ~~3. Forest Avenue (from Spruce Street to end)~~
- ~~4. Dallas Street (from Forest Avenue to Locust Avenue)~~
- ~~5. Locust Avenue (from Dallas Street to Richwood Avenue)~~
- ~~6. Locust Avenue (from Dallas Street to Pine Avenue)~~
- ~~7. Pine Avenue (from Locust Avenue to Chapman Street)~~
- ~~8. Chapman Street (from Pine Avenue to Gem Street)~~
- ~~9. Gem Street (from Locust Avenue to Richwood Avenue)~~
- ~~10. Pearl Street (from Richwood Avenue to Cass Street)~~
- ~~11. Cass Street (from Allen Avenue to Battelle Avenue)~~
- ~~12. Allen Avenue (from East Prospect Street to Cass Street)~~
- ~~13. East Prospect Street (from Richwood Avenue to Battelle Avenue)~~
- ~~14. Battelle Avenue (from East Prospect Street to Mansion Avenue)~~
- ~~15. North Willey Street (from Spruce Street to Mansion Avenue)~~
- ~~16. Weaver Street (from Richwood Avenue to Oak Street)~~
- ~~17. Snyder Street (from Richwood Avenue to Oak Street)~~
- ~~18. Garrison Avenue (from Snyder Street to Oak Street)~~
- ~~19. Richwood Avenue (from North Willey Street to College Avenue)~~
- ~~20. Cornell Avenue (from North Willey Street to College Avenue)~~

- ~~21. Price Street (from North Willey Street to Cornell Avenue)~~
- ~~22. College Avenue (from University Avenue to North Willey Street)~~
- ~~23. University Avenue (from College Avenue to Ensign Avenue)~~
- ~~24. Falling Run Road (from University Avenue to end)~~
- ~~25. Protzman Street (from Falling Run Road to Stewart Street)~~
- ~~26. Mason Street (from Yoke Street to Protzman Street)~~
- ~~27. Yoke Street (from Falling Run Road to Stewart Street)~~
- ~~28. Stewart Street (from University Avenue to Protzman Street)~~
- ~~29. Campus Drive (from University Avenue to Beechurst Avenue)~~
- ~~30. Jones Avenue (from North Street to University Avenue)~~
- ~~31. Lorentz Avenue (from Stewart Street to Sharon Avenue)~~
- ~~32. Sharon Avenue (from Jones Street to Lorentz Avenue)~~
- ~~33. Smith Avenue (from Jones Avenue to Morgan Street)~~
- ~~34. Wellen Street (from Stewart Street to Duquesne Avenue)~~
- ~~35. Duquesne Avenue (from Wellen Street to Morgan Street)~~
- ~~36. Morgan Street (from Duquesne Avenue to Highland Avenue)~~
- ~~37. Highland Avenue (from Melrose Street to Stewart Street)~~
- ~~38. Raymond Street (from Highland Avenue to Duquesne Avenue)~~
- ~~39. First Street (from Jones Avenue to Stewart Street)~~
- ~~40. Carson Street (from University Avenue to McLane Avenue)~~
- ~~41. First Street (from University Avenue to Stewart Street)~~
- ~~42. Second Street (from University Avenue to McLane Avenue)~~
- ~~43. Houston (from University Avenue to McLane Avenue)~~
- ~~44. Grant Avenue (from Eighth Street to Campus Drive)~~
- ~~45. McLane Avenue (from Campus Drive to Eighth Street)~~
- ~~46. Beechurst Avenue (from Campus Drive to Eighth Street)~~
- ~~47. Third Street (from Beverly Avenue to Beechurst Avenue)~~
- ~~48. Fourth Street (from McLane Avenue to Beechurst Avenue)~~
- ~~49. Fifth Street (from McLane Avenue to Beechurst Avenue)~~
- ~~50. Sixth Street (from Beverly Avenue to Beechurst Avenue)~~
- ~~51. Seventh Street (from Grant Avenue to Beechurst Avenue)~~
- ~~52. Beverly Avenue (from University Avenue to Sixth Street)~~
- ~~53. Quay Street (from First Street to end)~~
- ~~54. Overhill Street (from Jones Avenue to University Avenue)~~
- ~~55. Fife Avenue (from Willey Street to North High Street)~~
- ~~56. Wells Street (from Fife Avenue to end)~~
- ~~57. Naomi Street (from Fife Street to Mansion Street)~~
- ~~58. Burke Street (from Price Street to Naomi Street)~~
- ~~59. North Spruce Street (from Willey Street to Fife Street)~~
- ~~60. Wiles Street (from North Spruce Street to Price Street)~~
- ~~61. Glendon Avenue (from Price Street to end)~~
- ~~62. Waverly Street (from Price Street to North High Street)~~
- ~~63. Belmar Street (from Price Street to North High Street)~~

~~In addition to the solid waste rates set forth in Section 1139.15, each residence within a designated daily residential solid waste pickup area shall also pay an additional \$10.50 per~~

month, which will offset the additional cost to the City for the residence's onsite/non-curb pickup.

~~Each residence within the above defined areas shall be required to bag all solid waste and thereafter place such bags in special containers, known as 90-gallon "toters" to be provided to each such residence by the City's independent contractor. The toters shall be owned by the City's independent contractor and each such residence shall be required to obtain two such toters from the City's independent contractor and place a \$50.00 per total security deposit with the independent contractor, which shall be applied to the cost of replacing such toter should it become damaged or stolen while being used by the residence.~~

~~Residences within the designated areas established by this section shall not place their solid waste at curbside for collection, but rather, shall store such solid waste in toters at the rear of their realty or, as an alternative, in a location on the realty agreed to by the City's independent contractor. The City's independent contractor shall collect the solid waste from the above storage location.~~

~~Should any residence within an area designated by this section wish to be exempted from any specific requirement of this section, the residence may file a request for the same with the City Manager, who after examining the facts of the particular residence may issue a written exemption to the residence. The decision to issue such an exemption shall be at the complete discretion of the City Manager.~~

~~Residence within designated solid waste pickup areas shall be required to comply with all sections of this article which are not in conflict with the requirements imposed by this section.~~

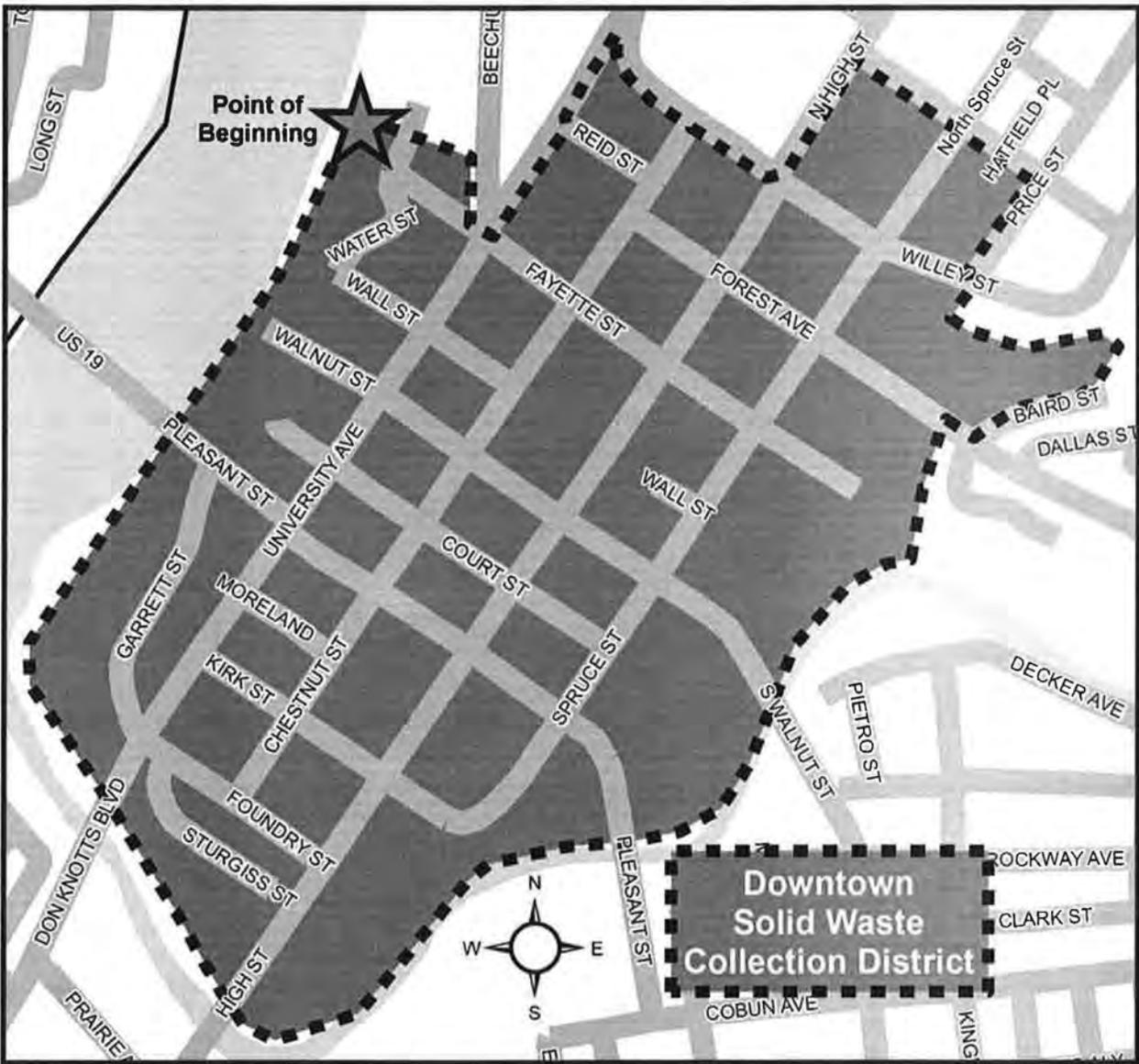
1139.42 11 ACCESSIBILITY OF SOLID WASTE AND RECYCLING CONTAINERS.

All ~~persons~~ customers other than those within the Downtown Solid Waste Collection District, using the essential services provided for in this article within the City shall make all solid waste and recycling containers available at the curb or edge of pavement, unless otherwise directed by the City Manager by 6:00 a.m. on the scheduled day of collection for the particular area in which such users reside (rear yard or other special pick-up areas shall be serviced at no additional cost for the handicapped, elderly or others who cannot transport their solid waste and recycling containers to the street). All users of such essential services shall ascertain the collection schedules for the area in which they reside and if any such user of such essential service fails to make his solid waste and recycling containers available as herein required, the collectors shall refuse to make such collection and such refusal shall not constitute a failure of collection; provided, however, that where, by reason of the number of users of such service located in one building or where no facilities are or can be made available for the placing of solid waste and/or recycling containers at the curb or edge of pavement or where for any other reason it appears impossible or impracticable for such user of such service to comply with the provisions of this section, then in any such events any such user may apply to the City Manager for permission to be exempt from the provisions of this section and upon investigation by the City Manager, it appearing proper to do so, the City Manager may issue a certificate of exemption from the provisions of this section. In those cases in which the placement of solid waste at the front yard curbside has caused repeated problems affecting the health, safety and general welfare of the City and its inhabitants, the City Manager shall have the authority to direct the customer at any such location to place said solid waste at another location on or near the property for pickup. Any user of such service who is aggrieved by a decision of the City Manager with regard to this section may appeal such decision in writing to Council within thirty

days from and after the date of the decision of such City Manager. Council shall fix a time for the hearing of such appeal and after due notice to all parties in interest, shall hear such appeal at a public hearing at the regular meeting of Council and the decision of Council thereon shall be final. Solid waste and recycling containers may be placed at their pick-up site no earlier than 6:00 p.m. on the day before the scheduled day of collection and all empty permanent type of solid waste and recycling containers shall be removed by 9:00 p.m. on the day of collection. Any person found guilty of violating this section shall be fined a minimum of twenty-five dollars (\$25.00) but not more than five hundred dollars (\$500.00).

For purposes of this Article, the term "Downtown Solid Waste Collection District" shall mean:

Beginning at the northern most point between Morgantown Tax District 1 Map 26 Parcel 54.1 (currently addressed 1993 Water Street) and Map 26 Parcel 41 (currently known as Knapp Hall; thence in a southerly direction along the eastern side of the Monongahela River to the northern side of Decker's Creek; thence in easterly direction along the northern side of Decker's Creek to the southeastern most boundary at Map 29 Parcel 49 thence in a northeasterly direction along the boundaries of Map 29, Parcels 49, 50 (305 Fayette Street), 51, 52 (97 Forest Avenue), and Map 26 Parcel 262 (456 Spruce Street) to Forest Avenue; thence across Forest Avenue to a point on the northern side of Forest Avenue to a point on the southern boundary of Map 26, Parcel 249; thence in a northeasterly direction along the western side of Baird Street (formerly Park Avenue) to the end of the Baird Street right-of-way; thence in a northwesterly direction along Map 26, Parcel 263 to southwest point of Map 26, Parcel 264 (293 Willey Street); thence along the western side of Price Street in a northeasterly direction to the southern edge of Prospect Street; thence in a westerly direction along the southern edge of Prospect Street to the eastern edge of North High Street; thence in a southwesterly direction along the eastern edge of North High Street to the western edge of Willey Street and High Street; thence in a northwesterly direction to the eastern edge of University Avenue; thence in a southwesterly direction along the eastern edge of University Avenue to the northern edge of Fayette Street; thence across University Avenue (Beechurst Avenue) to the western edge of Beechurst Avenue; thence in a northwesterly direction along Beechurst Avenue to the northeastern point on Map 26, parcel 44 (21 Beechurst Avenue); thence along the northern boundary of Map 26, Parcels 44 and 45.1 to the point of beginning; as shown on the following map titled "Downtown Solid Waste Collection District".



Customers within the Downtown Solid Waste Collection District shall not place garbage containers within the public right of way earlier than two hours prior to the scheduled time of pickup by the City's independent contractor; and customers shall remove garbage containers from the public right of way within two hours after pickup service by the City's independent contractor.

1139.4312 ADMINISTRATIVE RULES AND REGULATIONS.

Council and the City Manager shall each have right to issue, promulgate and establish such rules and regulations as shall be deemed necessary or proper for the effective administration of this article and not inconsistent herewith.

1139.4413 RIGHT OF COUNCIL TO DESCRIBE METHODS OF DISPOSAL.

Council reserves the right by proper order or resolution, subject to any agreement which the City may negotiate with an independent contractor for solid waste disposal, to provide for the

disposal of solid waste in a manner which complies with applicable state and federal laws, rules and regulations.

1139.4514 RATES.

The following rates are hereby established for such service.

(a) Residential Solid Waste.

<u>Period</u>	<u>Rate (Monthly)</u>
November 1, 2007 - October 31, 2008	\$13.25
November 1, 2008 - October 31, 2009	\$12.60
November 1, 2009 - October 31, 2010	\$13.00
November 1, 2010 - October 31, 2011	\$13.35
November 1, 2011 - October 31, 2012	\$13.75
<u>October 1, 2012 - September 30, 2013</u>	<u>\$15.25</u>
<u>October 1, 2013 - September 30, 2014</u>	<u>\$15.25</u>
<u>October 1, 2014 - September 30, 2015</u>	<u>\$15.50</u>
<u>October 1, 2015 - September 30, 2016</u>	<u>\$16.00</u>
<u>October 1, 2016 - September 30, 2017</u>	<u>\$16.50</u>

The foregoing fees shall be billed by the City's independent contractor to each and every residential solid waste producer. Should any such unit be occupied for less than a full three-month billing cycle, upon request and proof of same, the City's independent contractor shall prorate the occupant's sanitation bill for that three-month billing cycle; however, in all cases the occupant shall be billed a full month for any month that he or she occupied such unit for one day or more. A property owner seeking to have any such unit exempted from sanitation billing due to non-occupancy shall submit a signed affidavit to the City's independent contractor requesting such exemption on a form prescribed by such independent contractor; in all such cases payment shall be required for any month that the unit is occupied for one day or more. A one-month discount shall be offered to any person paying in advance for twelve months of service. Should the West Virginia Public Service Commission approve any surcharges, which the City's independent contractor may add to the monthly bills of commercial customers, the City of Morgantown recognizes that the surcharge, as applied by the City's independent contractor, shall be in addition to the above established monthly rates.

(b) Commercial Solid Waste.

Effective November 1, 2007

Monthly Rate

1 cu. yd. dumpster	\$ 47.69	\$79.64	\$112.59	\$145.56	\$178.51	\$211.47	\$247.18
2 cu. yd. dumpster	55.23	94.01	132.75	171.54	210.29	249.06	286.08
3 cu. yd. dumpster	71.95	123.21	174.67	225.20	277.39	328.73	374.88
4 cu. yd. dumpster	81.83	134.82	191.93	249.04	306.15	363.26	434.78

6 cu. yd. dumpster	96.81	164.78	232.75	300.73	368.72	436.67	506.03
8 cu. yd. dumpster	120.14	207.34	294.56	381.75	473.07	556.14	647.00
15 42 yd. roll off	139.06	130.06	139.06	139.06	139.06	139.06	139.06

Effective November 1, 2008

1 cu. yd. dumpster	\$ 48.09	\$82.03	\$115.97	\$149.93	\$183.87	\$217.81	\$254.60
2 cu. yd. dumpster	56.89	96.83	136.73	176.68	216.60	256.53	294.67
3 cu. yd. dumpster	74.10	127.01	179.91	231.96	285.71	338.60	386.13
4 cu. yd. dumpster	84.28	138.86	197.69	256.51	315.33	374.16	447.83
6 cu. yd. dumpster	99.71	169.72	239.74	309.75	379.78	449.77	521.21
8 cu. yd. dumpster	123.75	213.56	303.39	393.20	487.25	572.83	645.81
15 42 yd. roll off	143.23	143.23	143.23	143.23	143.23	143.23	143.23

Effective November 1, 2009

1 cu. yd. dumpster	\$ 49.54	\$84.49	\$119.45	\$154.43	\$189.38	\$224.35	\$262.23
2 cu. yd. dumpster	\$ 58.59	99.73	140.84	181.99	223.10	264.23	303.51
3 cu. yd. dumpster	76.33	130.82	185.30	238.92	294.28	348.75	397.71
4 cu. yd. dumpster	86.81	143.03	203.62	264.21	324.79	385.38	461.26
6 cu. yd. dumpster	102.71	174.81	246.93	319.04	391.17	463.27	536.84
8 cu. yd. dumpster	127.46	219.97	312.49	405.00	501.88	590.01	665.18
14 42 yd. roll off	147.53	147.53	147.53	147.53	147.53	147.53	147.53

Effective November 1, 2010:

1 cu. yd. dumpster	\$ 51.02	\$ 87.03	\$123.03	\$159.06	\$195.06	\$231.08	\$270.10
2 cu. yd. dumpster	60.35	102.72	145.06	187.44	229.79	272.15	312.61
3 cu. yd. dumpster	78.62	134.75	190.86	246.09	303.11	359.22	409.64
4 cu. yd. dumpster	89.41	147.32	209.73	272.13	334.54	396.94	475.10
6 cu. yd. dumpster	105.79	180.06	254.34	328.62	402.91	477.17	552.92
8 cu. yd. dumpster	131.28	226.57	321.87	417.15	516.93	607.71	685.14
15 42 yd. roll off	151.96	151.96	151.96	151.96	151.96	151.96	151.96

Effective November 1, 2011:

1 cu. yd. dumpster	\$ 52.55	\$ 89.64	\$126.72	\$163.83	\$200.92	\$238.01	\$278.20
2 cu. yd. dumpster	62.16	105.81	149.41	193.07	236.69	280.32	321.99
3 cu. yd. dumpster	80.98	138.79	196.59	253.47	312.20	369.99	421.93
4 cu. yd. dumpster	92.10	151.74	216.02	280.30	344.57	408.85	489.35
6 cu. yd. dumpster	108.96	185.46	261.97	338.47	415.00	491.48	569.54
8 cu. yd. dumpster	135.22	233.37	331.53	429.66	532.44	625.94	705.69
15 42 yd. roll off	156.62	156.62	156.62	156.62	156.62	156.62	156.62

Effective November 1, 2012

1 cu. yd. dumpster	\$ 54.13	\$ 92.33	\$130.52	\$168.75	\$206.94	\$245.15	286.55
2 cu. yd. dumpster	64.03	108.98	153.90	198.86	243.79	388.73	331.65
3 cu. yd. dumpster	83.41	142.95	202.49	261.07	321.57	381.09	434.59
4 cu. yd. dumpster	94.86	156.29	222.50	288.70	354.91	421.12	504.03
6 cu. yd. dumpster	112.23	191.02	269.83	348.63	427.45	506.22	586.62

8 cu. yd. dumpster	139.28	240.37	341.47	442.55	548.41	644.72	726.86
15-42 yd. roll-off	161.21						

Effective Date October 1, 2012

Category	Pickups / week						
	1	2	3	4	5	6	7
1 cu. yd. dumpster	\$ 55.18	\$ 94.12	\$ 133.06	\$ 172.02	\$ 210.97	\$ 249.91	\$ 292.11
2 cu. yd. dumpster	\$ 65.27	\$ 111.10	\$ 156.88	\$ 202.72	\$ 248.52	\$ 294.34	\$ 338.09
3 cu. yd. dumpster	\$ 85.03	\$ 145.73	\$ 206.42	\$ 266.14	\$ 327.81	\$ 388.49	\$ 443.03
4 cu. yd. dumpster	\$ 96.71	\$ 159.33	\$ 226.82	\$ 294.32	\$ 361.80	\$ 429.29	\$ 513.82
6 cu. yd. dumpster	\$ 114.41	\$ 194.73	\$ 275.07	\$ 355.39	\$ 435.75	\$ 516.05	\$ 598.02
8 cu. yd. dumpster	\$ 141.98	\$ 245.04	\$ 348.11	\$ 451.14	\$ 559.06	\$ 657.24	\$ 740.97
15-42 yd. Roll-off	\$ 164.35	\$ 164.45	\$ 164.45	\$ 164.45	\$ 164.45	\$ 164.45	\$ 164.45

Effective October 1, 2013:

	Pickups / week						
	1	2	3	4	5	6	7
1 cu. yd. dumpster	\$ 56.84	\$ 96.94	\$ 137.05	\$ 177.18	\$ 217.30	\$ 257.41	\$ 300.87
2 cu. yd. dumpster	\$ 67.23	\$ 114.43	\$ 161.59	\$ 208.80	\$ 255.98	\$ 303.17	\$ 348.23
3 cu. yd. dumpster	\$ 87.58	\$ 150.10	\$ 212.61	\$ 274.12	\$ 337.64	\$ 400.14	\$ 456.32
4 cu. yd. dumpster	\$ 99.61	\$ 164.11	\$ 233.62	\$ 303.15	\$ 372.65	\$ 442.17	\$ 529.23
6 cu. yd. dumpster	\$ 117.84	\$ 200.57	\$ 283.32	\$ 366.05	\$ 448.82	\$ 531.53	\$ 615.96
8 cu. yd. dumpster	\$ 146.24	\$ 252.39	\$ 358.55	\$ 464.67	\$ 575.83	\$ 676.96	\$ 763.20
15-42 yd. Roll-off	\$ 169.28	\$ 169.38	\$ 169.38	\$ 169.38	\$ 169.38	\$ 169.38	\$ 169.38

Effective October 1, 2014:

	Pickups / week						
	1	2	3	4	5	6	7
1 cu. yd. dumpster	\$ 58.55	\$ 99.85	\$ 141.16	\$ 182.50	\$ 223.82	\$ 265.13	\$ 309.90
2 cu. yd. dumpster	\$ 69.25	\$ 117.86	\$ 166.44	\$ 215.06	\$ 263.66	\$ 312.27	\$ 358.68
3 cu. yd. dumpster	\$ 90.21	\$ 154.60	\$ 218.99	\$ 282.34	\$ 347.77	\$ 412.14	\$ 470.01
4 cu. yd. dumpster	\$ 102.60	\$ 169.03	\$ 240.63	\$ 312.24	\$ 383.83	\$ 455.44	\$ 545.11
6 cu. yd. dumpster	\$	\$	\$	\$	\$	\$	\$

	<u>121.38</u>	<u>206.59</u>	<u>291.82</u>	<u>377.03</u>	<u>462.28</u>	<u>547.48</u>	<u>634.44</u>
	<u>\$</u>						
8 cu. yd. dumpster	<u>150.63</u>	<u>259.96</u>	<u>369.31</u>	<u>478.61</u>	<u>593.10</u>	<u>697.27</u>	<u>786.10</u>
	<u>\$</u>						
15-42 yd. Roll-off	<u>174.36</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>	<u>174.46</u>

Effective October 1, 2015:

	<u>Pickups / week</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
1 cu. yd. dumpster	<u>\$ 60.31</u>	<u>\$ 102.85</u>	<u>\$ 145.39</u>	<u>\$ 187.98</u>	<u>\$ 230.53</u>	<u>\$ 273.08</u>	<u>\$ 319.20</u>
2 cu. yd. dumpster	<u>\$ 71.33</u>	<u>\$ 121.40</u>	<u>\$ 171.43</u>	<u>\$ 221.51</u>	<u>\$ 271.57</u>	<u>\$ 321.64</u>	<u>\$ 369.44</u>
3 cu. yd. dumpster	<u>\$ 92.92</u>	<u>\$ 159.24</u>	<u>\$ 225.56</u>	<u>\$ 290.81</u>	<u>\$ 358.20</u>	<u>\$ 424.50</u>	<u>\$ 484.11</u>
4 cu. yd. dumpster	<u>\$ 105.68</u>	<u>\$ 174.10</u>	<u>\$ 247.85</u>	<u>\$ 321.61</u>	<u>\$ 395.34</u>	<u>\$ 469.10</u>	<u>\$ 561.46</u>
6 cu. yd. dumpster	<u>\$ 125.02</u>	<u>\$ 212.79</u>	<u>\$ 300.57</u>	<u>\$ 388.34</u>	<u>\$ 476.15</u>	<u>\$ 563.90</u>	<u>\$ 653.47</u>
8 cu. yd. dumpster	<u>\$ 155.15</u>	<u>\$ 267.76</u>	<u>\$ 380.39</u>	<u>\$ 492.97</u>	<u>\$ 610.89</u>	<u>\$ 718.19</u>	<u>\$ 809.68</u>
15-42 yd. Roll-off	<u>\$ 179.59</u>	<u>\$ 179.69</u>					

Effective October 1, 2016:

	<u>Pickups / week</u>						
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
1 cu. yd. dumpster	<u>\$ 62.12</u>	<u>\$ 105.94</u>	<u>\$ 149.75</u>	<u>\$ 193.62</u>	<u>\$ 237.45</u>	<u>\$ 281.27</u>	<u>\$ 328.78</u>
2 cu. yd. dumpster	<u>\$ 73.47</u>	<u>\$ 125.04</u>	<u>\$ 176.57</u>	<u>\$ 228.16</u>	<u>\$ 279.72</u>	<u>\$ 331.29</u>	<u>\$ 380.52</u>
3 cu. yd. dumpster	<u>\$ 95.71</u>	<u>\$ 164.02</u>	<u>\$ 232.33</u>	<u>\$ 299.53</u>	<u>\$ 368.95</u>	<u>\$ 437.24</u>	<u>\$ 498.63</u>
4 cu. yd. dumpster	<u>\$ 108.85</u>	<u>\$ 179.32</u>	<u>\$ 255.29</u>	<u>\$ 331.26</u>	<u>\$ 407.20</u>	<u>\$ 483.17</u>	<u>\$ 578.30</u>
6 cu. yd. dumpster	<u>\$ 128.77</u>	<u>\$ 219.17</u>	<u>\$ 309.59</u>	<u>\$ 399.99</u>	<u>\$ 490.43</u>	<u>\$ 580.82</u>	<u>\$ 673.07</u>
8 cu. yd. dumpster	<u>\$ 159.80</u>	<u>\$ 275.79</u>	<u>\$ 391.80</u>	<u>\$ 507.76</u>	<u>\$ 629.22</u>	<u>\$ 739.74</u>	<u>\$ 833.97</u>
15-42 yd. Roll-off	<u>\$ 184.98</u>	<u>\$ 185.08</u>					

The foregoing shall be the maximum monthly rates which shall be charged for commercial solid waste service. However, the contractor shall be authorized to negotiate lower rates with each commercial refuse account as the particular facts of a particular case might warrant. Should any such commercial solid waste unit be occupied for less than a full three-month billing cycle, upon request and proof of same, the contractor shall pro-rate the occupant's sanitation bill for that three-month billing cycle; however, in all such cases, the occupant shall be billed a full month for any month that the unit was occupied for one day or more. A property owner seeking to have any such unit exempted from sanitation billing due to non-occupancy shall submit a signed affidavit to the contractor requesting such exemption on a form prescribed by the contractor; in all such cases payment shall be required for any month that the unit was occupied for one day or more. Should the West Virginia Public Service Commission approve any surcharges, which the City's independent contractor may add to the monthly bills of commercial customers, the City of Morgantown recognizes that the surcharge, as applied by the City's independent contractor, shall

be in addition to the above established rates.

~~As defined in Sections 1139.01(1) and 1139.01(h),~~ For purposes of this article, a structure containing more than ~~two~~ one occupied residence shall be classified as a commercial unit. The City Manager is hereby authorized to issue a waiver, upon request, when he determines any such commercial unit containing residential units and the general welfare of the City would be better served by treating the structure as a residential unit(s). Small commercial businesses generating less than three thirty-gallon containers or less per week shall be treated and billed as residential solid waste accounts.

Materials Not Collected. Neither the City nor, if the case may be, its independent contractor, shall collect, remove or dispose of the following types of materials: raw garbage, offal, sewage, animal excreta, the carcasses of animals, vehicles or parts of vehicles, tires, large tree stumps, hazardous waste or potentially hazardous or toxic waste or material resulting from the demolition, repair, alteration or erection of buildings or structures.

Recovery of Unpaid Charges. If the fee, rate or charge for any of the foregoing services is not paid within thirty days after the same is due, the amount thereof may be recovered with the laws of the State.

~~Placing Items at Curbside. All items authorized by this article to be collected at curbside by the Sanitation Department or, if applicable, its designated independent contractor, shall be placed for collection at curbside not sooner than twelve hours prior to 6:00 a.m. on the day of collection.~~

1139.4615 PAYMENT FOR SERVICES.

Payment for the services rendered pursuant to this article shall be made to the City's designated independent contractor. The independent contractor shall bill all such service accounts on a quarterly basis.

Each property owner or occupant of an individual residence and each person operating a business establishment shall be responsible for the payment of service charges for solid waste collection, processing, and disposal service to said residence or business establishment provided, that upon application by the occupant of any such residence or business establishment, filed with the City's solid waste collection independent contractor and accompanied by an appropriate affidavit showing the occupant's status as such, such bills shall be rendered to the occupant for payment.

In the event that any such account becomes 60 days delinquent in payment, the City's independent contractor may discontinue its collection of refuse at any such location. At the time that the residence pays its past due bill, the independent contractor will collect all accumulated solid waste at the residence or business establishment on the next collection day.

In the event a residence or business establishment does not subscribe for solid waste collection with the City's independent contractor, said residence or business establishment will not have its solid waste collected until such time as it subscribes to and pays for the service. Once the residence subscribes for the service, the City's independent contractor will collect all solid waste that has accumulated at the residence on the next collection day.

Any person found guilty of violating this section shall be fined a minimum of one hundred fifty dollars (\$150.00) but not more than five hundred dollars (\$500.00).

1139.4716 RECYCLING.

Users of the services provided by this article shall be responsible for complying with all

present and future recycling laws of this State, which are hereby adopted by reference, and any resulting rules which may be established by the City Manager and/or the City's designated independent contractor for the implementation thereof.

All users shall be required to ~~separate steel cans, aluminum cans, clear glass, and newspapers from other garbage and~~ place said recyclable materials in recycling containers as provided by the City's designated independent contractor. The aforementioned recycling containers are to be placed at curbside for pickup on dates (at least once a month) established by the City's designated independent contractor.

The City recognizes that compliance with the recycling requirements of this section will not only result in better utilization of available landfill space, but also, assist in minimizing user fees, incentives which all users should recognize.

This Ordinance shall be effective on October 1, 2012.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED: