



Office of the City Clerk

The City of Morgantown

Linda L. Tucker, CMC
389 Spruce Street, Room 10
Morgantown, West Virginia 26505
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ltucker@morgantownwv.gov

AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
September 15, 2015
7:00 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES:** September 1, 2015 Regular Meeting
5. **CORRESPONDENCE:**
6. **PUBLIC HEARINGS:**
 - A. AN ORDINANCE AMENDING SECTION 349.18 OF THE TRAFFIC CODE RELATING TO USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.
 - B. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MOUNTAINEER CONTRACTORS, INC. LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.
7. **UNFINISHED BUSINESS:**
 - A. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN ORDINANCE AMENDING SECTION 349.18 OF THE TRAFFIC CODE RELATING TO USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.** (First reading was September 1, 2015)
 - B. Consideration of **APPROVAL** of **(SECOND READING)** and **(ADOPTION)** of **AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MOUNTAINEER CONTRACTORS, INC. LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.** (First reading was September 1, 2015)

C. BOARDS AND COMMISSIONS

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

9. **SPECIAL COMMITTEE REPORTS:**

10. **NEW BUSINESS:**

A. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AMENDING ARTICLE 505 OF THE GENERAL OFFENSES CODE REGULATING THE KEEPING OF ANIMALS AND FOWL.**

B. Consideration of **APPROVAL** of **A RESOLUTION APPROVING AGREEMENT WITH WEST VIRGINIA UNIVERSITY RESEARCH CORPORATION.**

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

New Business:

1. Recommendation to restrict parking on Weaver Street
2. West Virginia Public Theatre request for support
3. Halloween Trick or Treat in 2015
4. Letter to WV Alcohol Beverage Control Administration

12. **REPORT FROM CITY CLERK:**

13. **REPORT FROM CITY ATTORNEY:**

14. **REPORT FROM COUNCIL MEMBERS:**

15. **EXECUTIVE SESSION: EMPLOYEE EVALUATION FOR THE CITY CLERK (IT IS ANTICIPATED THAT THIS MATTER WILL BE DISCUSSED IN AN EXECUTIVE SESSION AS PERMITTED BY WV CODE SECTION 6-9A-4(b) (2) (A).)**

16. **ADJOURNMENT:**

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



Office of the City Manager

The City of Morgantown

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

City Manager's Report for City Council Meeting on September 15, 2015

New Business:

1. Recommendation to restrict parking on Weaver Street

Weaver Street has been one of the City's narrowest travel streets due to a narrow right-of-way and on-street parking, and has created problems for trash pickup, emergency response vehicles, or snow plows to service the residents of the street. Based on recommendations from Fire Chief Mark Caravaso, City Engineer Damien Davis, and Parking Authority Director Tom Arnold I am requesting the removal of on-street parking on Weaver Street from Richwood Avenue to Oak Street. According to Code 305.02, the City Manager can recommend to City Council that on-street parking to be removed from a street. If Council approves of the recommendation, it shall be recorded into the minutes by proper order.

2. West Virginia Public Theatre request for support

At the September 1 City Council meeting, Larry Mabrey, Executive Director of the West Virginia Public Theatre, requested emergency funding in the amount of \$3,600 for the operations of the Public Theater. The West Virginia Public Theatre has been a big part of the art and culture of Morgantown for many years. With the new leadership and direction of the Theatre and their efforts to reduce outstanding debt, I am recommending that \$3,600 of our Capital Escrow contingency be utilized for supporting the West Virginia Public Theater operations as identified in the attached letter.

3. Halloween Trick or Treat in 2015

Each year the City of Morgantown identifies the time for Trick or Treat throughout the City. This year Halloween falls on Saturday, so I recommend Trick or Treat be acknowledged as Saturday, October 31, from 6:00 pm to 7:30 pm in the City of Morgantown.

4. Letter to WV Alcohol Beverage Control Administration

During the September 1, 2015 City Council meeting, the City of Morgantown was requested by the Suncrest Neighborhood Association to voice concern to the West Virginia Alcohol Beverage Control Administration regarding a liquor license application for Prestige Venture Capital, LLC d.b.a. H2O to be located at 3561 Collins Ferry Road. I will be presenting a letter for City Council to review and act upon.



Jeff Mikorski ICMA-CM,
Morgantown City Manager



The City of Morgantown

PARKING AUTHORITY
300 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7435

Mr. Jeff Mikorski
City Manager
City of Morgantown
389 Spruce Street
Morgantown, WV 26505

September 10, 2015

Dear Jeff,

I am writing you concerning the existing parking situation on Weaver Street. The on street parking for Weaver creates many issues for daily activities and public services for that street. The parked cars severely impacts traffic flow by crowding traveling vehicles into a stone retaining wall on the left side of the street.

Weaver Street has been on problem lists for the Morgantown Fire Department and Allied/Republic Waste Service that they cannot properly navigate Weaver with the existing parking. Mr. Dave Kelly with Kelly Rentals has called the Parking Authority asking for help for the major problems with his trash management program for their properties on Weaver Street because of parked cars along the street. Republic Services also has contacted us with problems to provide service to their customers on Weaver because they cannot get their trucks down the street.

Enforcement cannot issue violations that can improve the travel situation for Weaver. Vehicles are within the accepted distance from the curb (by city code) and still obstruct traffic flow. Parking needs to be removed off the street to adequately provide traffic flow, public services, and allowing public safety proper access.

If you have any questions or need further assistance, please feel free to contact us at your convenience.

Sincerely,

Tom Arnold
MPA Executive Director

Board of Trustees**Officers:**

Ray Prendergast, President

Julie Smith, Vice President

Janet Paladino, Secretary

Kevin Taylor, Treasurer

Trustees:

Tamara Blackmer-Williamson

Tony Barill

Katie Cyphert-Garrison

Nicky Decker

Herb Faulkenberry

Paul Kreider

Larry Mabrey – ex-officio

Dottie Oakes

Tim Rhodes

Chris Secreto

Honorary Trustees

Carolyn Blaney

Bill and Susan Seaforth Hayes

David and Kathy Reese

Norma Jean Skriner

Joseph Timms

Trustee Emeritus:

Tom Rogers

Neil Bucklew

Darlene Dunn

Ron Iannone

Stephen LaCagnin

Ron Stovash

Deborah Prezioso

Roman Prezioso



West Virginia
Public Theatre

111 High Street
Morgantown, WV
26505
304.291.4117
304.291.4122

info@wvpublictheatre.org

www.wvpublictheatre.org

August 31, 2015

Jeff Mikorski
City Manager
City of Morgantown
389 Spruce St.
Morgantown, WV 26505

Dear Jeff,

I am writing to request emergency support from the City of Morgantown to enable West Virginia Public Theatre to remain open through a difficult financial time. We are specifically requesting \$3,600 to cover the cost of our monthly office rent through December 31, 2015.

As you are aware, WVPT has been plagued by debt for the past several years. I assumed leadership of the organization in September 2014 and since that time have worked diligently to get our financial state in order. This has been a serious challenge.

I made a concerted effort to pay down a significant portion of our debts and aging payable accounts in July 2015. WVPT successfully completed our 2015 summer season with ticket revenue increased by 2.47% and successfully eliminated approximately \$60,000 in aging payables. We also took a "pay as we go" approach to our production expenses this season and accrued a much smaller amount of payables this season. We are currently working with those vendors to resolve any outstanding issues as soon as practical.

We are planning our Oktoberfest fundraiser for October 17th as well as our 21st Holiday production, James and the Giant Peach. To execute these major events successfully, we could use your help to eliminate the pressure of putting our limited resources to expenses that aren't directly related.

We understand that WVPT's success is critical to obtaining the designation of Morgantown as a State of West Virginia Arts & Cultural District. We are dedicated to enriching the cultural life of the community and are working to be here for years to come. We do need community support to get us through this difficult time.

Please let me know if you need anything else from WVPT and I will gladly provide it. Any support would be greatly appreciated.

Sincerely,

Larry Mabrey
Executive Director

REGULAR MEETING September 1, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, September 1, 2015 at 7:00 p.m.

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

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: Minutes from the August 18th Regular Meeting and August 25th Special Meeting were approved as printed.

CORRESPONDENCE: Mayor Shamberger presented a proclamation to Canine Officer Dull as the Police Department lost one of their family this year. Officer Dull thanked the Mayor for the honor for Arco that it has been a very emotional time for the Police Department. Mayor Shamberger announced the Art of George Evans Exhibit September 2nd; MAC Writing Workshop September 2nd; First Fridays at Woodburn September 4th; Morgantown Farmer's Market September 5th; Book Sale at the Library September 8th; Ice Cream Sundae Social at the Library September 10th; Child Safety Seat Check by the Fire Department September 14th. Councilor Ganz read correspondence from Frank Gutta in reference to property on Van Voorhis that is a vacant lot that is going to use it for parking and tailgating for students at WVU games. Mr. Gutta is requesting this property not to be used as a parking lot for it will affect the neighbors in the Suncrest area. **(Exhibit A)** She then read a letter in reference to denying a liquor license for a strip bar at 3561 Collins Ferry Road. She stated that a bar of this type is contrary to the mission of the Suncrest Neighborhood which is preservation and renewal. The Suncrest Neighborhood Association asks Robert Moats, Commissioner, deny the liquor license application filed by Prestige Venture Capital. **(Exhibit B)**

PUBLIC HEARINGS:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR SUITE 229 AT THE MORGANTOWN MUNICIPAL AIRPORT.

Mayor Shamberger declared this Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR SUITE 229 AT THE MORGANTOWN MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR SUITE 229 AT THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Ganz, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: Councilor Nugent stated that since he was not present for the Special Meeting he does not feel comfortable voting for candidates he has not interviewed; and he called for a division. Councilor Bane agreed with Councilor Nugent. After discussion, point of order by Councilor Nugent to seek the will of Council. Motion by Ganz, second by Selin to appoint Robin Hess

and Kenneth Weiss to serve on the Metropolitan Theatre Board. Motion carried 5-2 (Bane and Nugent voted No)

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Ross Justice, 748 Johnson Avenue, thanked Council for being interviewed for the Metropolitan Theatre Board and stated that he looks forward to applying for another Board and Commission and working with us in the near future.

Randy Jones, 762 Spring Branch Road, questioned Council's questions at the special meeting that Council asked a question about Ross Justice that by being a student at WVU would this be a conflict by serving on the Met Theatre Board. Mr. Jones stated "how is this a conflict" and if Council is asking these kinds of questions they are losing a lot of candidates.

Kay Lotspeich, 1053 Tacoma Street, noted her concerns to Council on the construction in the neighborhood and is requesting Council to address the narrow roads and limited parking, mitigation and traffic concerns.

Larry Mabrey, West Virginia Public Theatre Executive Director, presented a letter to Council requesting \$3,600.00 to cover the cost of rent for their monthly office rent to the end of December.

Billie Murray, 342B Overhill Road, informed Council that Diversity Week is coming up soon and that WVU opened up an Art Museum. She also reported that at University and Stewart the cross walk timing is off and students have had a time getting across and so it needs to be reset.

Matthew Cross, 524 Milford Street, President for Suncrest Neighborhood Association, presented Council with several issues. **1.** With the recent expansion of WVU Hospitals offside parking with bus service at 3040 University Avenue is caused for concerns with local residents. **(Exhibit C)** **2.** A gravel parking lot was constructed very quickly and we were concerned if City Codes were followed. The gravel lot exits on University Avenue which is a congested intersection near the Suncrest Middle School and we wonder if any traffic studies were taken. As our City grows we must accommodate such growth. **3.** He also noted the concern of the strip tease bar at 3561 Collins Ferry Road and the Suncrest Neighborhood Association strongly suggests this application be denied. **(Exhibit D)** **4.** The last and final issue is the Suncrest Neighborhood Association is pleased that additional ground has been purchased to construct more classrooms for the Middle School at 360 Baldwin Street, however there is a problem with a portion of the sidewalk at 380 Baldwin Street creating a hazardous safety issue for any child or person walking in that area. I think it is time to find some resolution to this. **(Exhibit E)**

James Prete, 1136 Munsey, commented that the sidewalk on Baldwin Street has been an issue for years; and noted that a complete construction would cost \$30,000. He reminded Council again that it needs to be addressed, what the City has been waiting on to repair this sidewalk. He also questioned the construction of the new Suncrest Middle School; for the way it appears to him the school is a fire trap.

There being no more appearances, Mayor Shamberger declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: No Report

NEW BUSINESS:

AN ORDINANCE AMENDING SECTION 349.18 OF THE TRAFFIC CODE RELATING TO USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 349.18 OF THE TRAFFIC CODE RELATING TO USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

City Manager explained, after discussion, motion by Ganz, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MOUNTAINEER CONTRACTORS, INC. LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH MOUNTAINEER CONTRACTORS, INC. LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

City Manager explained, after discussion, motion by Selin, second by Ganz, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

A RESOLUTION TO ENDORSE THE MORGANTOWN HUMAN RIGHTS COMMISSION RESOLUTION FOR SUPPORTING A JUST TRANSITION FOR COAL WORKERS: The above entitled Ordinance was presented for first reading.

A RESOLUTION TO ENDORSE THE MORGANTOWN HUMAN RIGHTS COMMISSION RESOLUTION FOR SUPPORTING A JUST TRANSITION FOR COAL WORKERS.

After discussion, motion by Selin, second by Kaweck, to pass the above entitled Resolution. Motion carried 6-1. (Nugent voted no)

A RESOLUTION TO ENDORSE THE MORGANTOWN HUMAN RIGHTS COMMISSION RESOLUTION REQUIRING COMPLIANCE WITH ACCESSIBILITY DESIGN STANDARDS: The above entitled Ordinance was presented for first reading.

A RESOLUTION TO ENDORSE THE MORGANTOWN HUMAN RIGHTS COMMISSION RESOLUTION REQUIRING COMPLIANCE WITH ACCESSIBILITY DESIGN STANDARDS.

After discussion, motion by Ganz, second by Selin, to pass the above entitled Resolution. Motion carried 6-1. (Nugent voted no)

CITY MANAGERS REPORT:

NEW BUSINESS:

1. University Avenue and Oakland Street Intersection Bid Award
According to the 2014 traffic study by Trans Associates Engineering Consultants, Inc., the intersection of Oakland and University Avenue is recommended to have a traffic light to alleviate

congestion on Oakland Street entering onto University Avenue, improve turning onto Oakland with turn lanes, and improve pedestrian crossing at Oakland Street. As seen in the attached letter from Damien Davis, City Engineer/ Public works Director, one company responded to the request for proposals. I recommend awarding the contract to the lowest bid from Graybar, for \$198,775.

After discussion, motion by Ganz, second by Selin to award the contract for the traffic light Oakland and University to Graybar, for \$198,775. Motion carried 4-3 (Bane, Nugent and Redmond voted No)

2. WV Public Theatre Request

City Manager, Jeff Mikorski, asked Council what their preference was for this item. After discussion, Council directed the City Manager to have the Director speak at the next COW Meeting. City Manager noted though if information is obtained before the COW Meeting he will send a letter out to Council.

3. Takoma Street Update

City Manager responded to Tacoma Street issue of parking and the City has already been looking in that problem in that neighborhood also looking at the Baldwin Street traffic light. He will also check with the BOE to see if the school will be acquiring large trucks for storage and MUB about MS4 Standards.

REPORT FROM CITY CLERK: City Clerk, Linda Tucker, announced a Liquor License Application – J.W. Thirsty’s 341 Grill.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane gave condolences to the Price family and noted Don Price’s insight and wisdom on the City Charter. He stated that Mr. Price will be missed in this community. He then thanked the City Clerk for the Birthday note.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki stated the SPAN Yard sale was a success and reported that the SPAN’S Block Party will be held on 9-18-15.

Councilor Nugent:

Councilor Nugent echoed Councilor Banes comments about Don Price and also gave condolences to his family. He noted that Mr. Price was not only a mentor but a friend and he taught me to respect the Charter and rules. He stated that I am wanting to carry on his legacy in following such rules. He then thanked the City Manager for the Traffic Enforcement on Willowdale. He then apologized for being absent from the COW; and thanked the Mayor for

contacting him about future budget meetings. He requested that all meeting of such be held in Council Chambers and be televised. He then noted that he watched the COW Meeting from home on 8-25; and was disappointed that a colleague had stated that I was not paying attention. He reminded Council that there are times when members miss meetings for family reasons etc., but; for the order of Council we must show continuity.

Councilor Selin:

Councilor Selin agreed with Councilor Nugent that she too has missed meetings due to family and noted that Council members may have to do this once in a while. She then reported that the "Meet Your Neighbor Event" at the Market Place was nice and very successful, we had food, events and music; also at the Wharf District had Jazz Music starting at 2:30 pm; Art Museum had an open house Friday and Krepps Pool ended with a great year; in fact Morgantown is just a great place to live.

Councilor Redmond:

Councilor Redmond congratulated Councilor Bane on his 5th Birthday; and Condolences to the Tucker Family. He thanked City Administration for the South Hills NH Picnic, FF Brian Jones had a Fire Truck on display and Aaron Dull had the new Canine Dog. He noted this was great for the children and the adults to learn about our City Departments.

Councilor Ganz:

Councilor Ganz wished Councilor Bane a Happy Birthday. She then reported that the Suncrest Neighborhood Association had a great meeting and that the next meeting will be September 24th, 2015. She then mentioned the concerns about tailgating and suggested that the City Manager/Administration work on a permit process before the Maryland game. She mentioned that the questions asked during Boards and Commission interviews are for consistency and information. She thanked BOPARC staff

for another summer of community activities at our parks and pools. She also requested her report be added to minutes as part of the record. **(Exhibit F)**

Mayor Shamberger:

Mayor Shamberger welcomed Councilor Bane to her decade. She then thanked the City Manager for his help in assuring that the, "Meet Your Neighbor Event was a success. She sent her condolences to the Price family and Tucker family and then noted that in the Council Journal of November 19, 1991 Councilor George Nedeff requested that meetings not last more than 4 hours. **(Exhibit G)**

EXECUTIVE SESSIION: Motion by Ganz, second Selin, to go into an Executive Session to discuss the City Managers Evaluation per State Code6-9A-4(b) (2). Present City Council and City Manager. Time 8:55pm.

ADJOURNMENT: There being no further items of business or discussion, motion by Selin, second by Ganz to adjourn. Motion carried by unanimous consent at p.m. 10:43 pm.

City Clerk

Mayor

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

Correspondence Exhibit A

To: Morgantown City Council
From: Frank Gutta
Re: Van Voorhis abroad vacant lot (George Property)

It is my understanding that the George family has again leased the property to a person or group who plans to use it for parking and tailgating for students. This is not the same person who has leased it in the past. This property is zoned PRO which as I recall the use of a parking lot is not permitted. I would like to remind you of the problems that adjoining property owners have had due to the partying that takes place on this lot. If the City of Morgantown is going to allow the illegal use of this property as a parking lot and the disorderly conduct that stems from the parties on football Saturdays, I expect that our surrounding properties will have adequate police protection from the trespassers who urinate, throw up, deface and have open sex on our properties.

The City should not allow this property to be used for a parking lot as a PRO Zone does not permit it. Several years ago the Wedgewood Doctors requested to use the lot for additional parking and were denied. A PRO Zone also does not permit one to lease property for the use of an open bar.

I can be contacted at [304-288-6875](tel:304-288-6875) if you have any questions.

Sincerely,
Frank a. Gutta III

~~Nancy Ganz <nancyganz7@gmail.com>~~

Aug 30 (2 days ago)

~~to Frank, citycouncil, jmikorski~~

~~City Council and Manager,~~

~~Mr. Frank Gutta speaks for himself and numerous neighbors in 7th Ward to say that the partying on this property is unacceptable. There is no getting around the fact that it attracts negative activities to the surrounding area.~~

~~This needs to be addressed prior to the first game. I understand the police chief and WVU entities may have been in conversation, but it might be helpful to let out some information to allay the community concerns.~~

~~Respect,~~

~~Nancy Ganz, City Council Ward 7~~

correspondence

August 28, 2015

Robert Moats, Commissioner
Alcohol Beverage Control Administration
900 Pennsylvania Avenue
4th Floor
Charleston, West Virginia 25302

Re: Suncrest Neighborhood Association's Request for Denial of License for Prestige Venture Capital, LLC d.b.a. H2O 3561 Collins Ferry Road, Morgantown, WV

Dear Commissioner Moats:

This letter is a request for the denial of the liquor license application filed by Prestige Venture Capital, LLC d.b.a. H2O. Prestige Venture Capital, LLC wants to reopen a strip bar in our community located at 3561 Collins Ferry Road, Morgantown, West Virginia. This neighborhood has endured the effects of the prior strip bar for years. Finally, due to the violent and unlawful activities that encompassed the prior strip bar, it was shut down. Now, another business, who has the same purpose of opening a strip bar, has applied for a new liquor license. Allowing another strip bar to come into the Suncrest neighborhood is detrimental to our neighborhood and the families that reside there.

By way of background, the Suncrest neighborhood of Morgantown is a storybook place with tree-lined streets, green parks and play areas, quiet neighborhoods, outstanding schools, world-renowned health care and plenty of cultural amenities. We were founded on the belief that friendly neighborhoods and responsible community development are key. However, this neighborhood is not the place for a strip bar type establishment.

To begin, the prior strip club brought with it crime, noise, and concerns about neighborhood safety. The police have been called to this location on numerous occasions. Residents of Suncrest have reported hearing gun shots, and witnessing alcohol related wrecks on the only road that provides ingress and egress to the bar location. While the noise from the bar disturbs the peace and quiet of this community.

To make matters worse, there is a new elementary school being built within close proximity to the bar location. Again, the only ingress and egress to the new school is past the bar, and there is a school bus stop located in the bar's parking lot. Also within close proximity to the bar is a day care, and assisted living/nursing home.

This area is not a commercial area. While there is professional offices located nearby, the area is surrounded by single family homes, and a community apartment complex directly behind the bar. Patrons of the bar must travel past blocks of our neighborhood to even reach

Exhibit C



Morgantown, West Virginia 26505

To: Morgantown City Council

September 1, 2015

Greetings,

WVU Hospitals plays a vital role to our community providing health care and employment opportunities. We value and appreciate their presence and the Suncrest Neighborhood Association hopes to engage in cooperation and communication regarding our local relationship.

The recent expansion of their facilities and off site parking with bus service at 3040 University Avenue is cause for concern for local residents. A gravel parking lot with 117 spaces was constructed very quickly and we wonder if city codes were considered in the process. Greenspace buffer zones are not present and the open lot is currently an unattractive sight where a primary gateway into our residential neighborhood begins at Collins Ferry Road. This gravel lot now exits on University Avenue directly into an already unsafe and congested intersection that includes school busses exiting Baldwin Street from our Suncrest Middle School. This portion of University Avenue is under WVDOH jurisdiction and we wonder if any traffic studies were undertaken to consider the impact upon safety and volume.

It is our understanding that the residence located at the address of 1127 Munsey Street adjoining the property on University Avenue has been purchased by WVU Hospitals with the possible intention of expanding the parking lot and further development. We certainly hope that there is no consideration by the City of Morgantown to allow any of the excessive vehicle activity to have access to Munsey Street and the surrounding neighborhood. The impact is already felt upon us with a neighbor choosing to move after learning of the possibility.

As our city grows and services expand flexibility upon established positions may be under review for accomodation of such growth. The Suncrest Neighborhood Association is willing to hear all reasonable proposals. But in order to maintain the quality of living and neighborhood integrity that appeals to longtime residents and newcomers alike we ask that all developers, businesses, corporations, West Virginia University and it's hospital implement and execute a planning process that considers all parties involved.

Sincerely,

 Matthew Cross
 President
 Suncrest Neighborhood Association



Morgantown, West Virginia 26505

To: Morgantown City Council

September 1, 2015

Greetings,

At our August meeting of the Suncrest Neighborhood Association it was brought to our attention that the establishment located at 3561 Collins Ferry Road, which is known to be a striptease bar is applying for a liquor license from the WVABC. We strongly request that this application be denied.

Our community greatly appreciates the efforts of our Monongalia County School Board to purchase land closely bordering Suncrest with the intent to build a modern facility for our children. Construction is under way with an estimated completion date for the new school being 2017.

The address for our future school is 3647 Collins Ferry Road. The address of the striptease club is 3561 Collins Ferry Road. The distance between

the properties is within one hundred yards and Collins Ferry Road is the only access to the school requiring school busses and parents to drive past the establishment which has a setback from the road of only forty seven feet.

The Suncrest Neighborhood Association hopes to create the best environment possible for our children to learn and grow in. We see a bar/stripclub in such close proximity to our elementary school as having a detrimental effect to this commitment and hope that the WVABC agrees and will deny the application.

Sincerely, *Matthew Cross*
Matthew Cross
President
Suncrest Neighborhood Association

Exhibit E



Morgantown, West Virginia 26505

To: Morgantown City Council

September 1, 2015

Greetings,

The Suncrest Neighborhood Association is very pleased that additional ground has been purchased by the Monongalia County Board of Education to construct more classrooms for our Suncrest Middle School located at 360 Baldwin Street. Suncrest Middle has been a top performer in the state and should continue to be so.

Along with the building construction a new sidewalk is expected to connect with the current sidewalk on Baldwin Street. There is however a longstanding problem with a portion of this sidewalk located at the property adjoining the school with the address of 380 Baldwin Street. For many years now the concrete has become so dilapidated as to be almost non-existent, creating a serious safety hazard and barrier to any child or person walking to the school or destination nearby. I myself travel this route and think it is time now to find some resolution to this.

Morgantown Municipal Code 913.03 determines (paraphrase) "it shall be the duty of the owners or occupants....to pave and repave the same... whenever required by an order of council to do so". Many of us know this particular property has been in question before and the responsibility has been contested. In instances such as this it becomes now a question of civic duty to communicate, cooperate and if necessary enforce the laws which we have deemed to be right and appropriate.

We hope at this time with the expansion of our neighborhood middle school we can all come together for a solution. It really is a sad shame that our city, with all of it's appeal and prosperity cannot provide a safe path for a child to walk to school.

Sincerely,

 Matthew Cross
 President
 Suncrest Neighborhood Association

Council Report Tuesday, Sept. 1, 2015; Nancy Ganz 7th Ward

Co councilors, as you can see there is much going on in our community:

- Suncrest Neighborhood association had another great meeting. I encourage all Suncrest Stakeholders to put on their Calendar the next meeting, Thursday, September 24 when Developers and BOE staff may attend.
- Concerns about tailgating as you heard: Suggest city manager and police chief and whoever work out a party permit process to include a deposit, numbers, potties, trash, security, and control of underage drinking. This would help those who have a party keep it in control and will help neighbors not suffer ill effects. Police would be able to follow through possibly in more effective manner.

- Boards: Commission questions are same for all candidates
Need for consistency in information provision processes
- City manager and council: can we write a letter paralleling SNA letter about strip clubs
- WVU healthcare issues as R1 and other zoning become parking lots or ingress egress into our neighborhoods → what are processes towards working on this?
- ~~Importance of WVU planning water drainage into our community~~
- Working with School Board and property owners to pave Baldwin where property fronts. I believe city won court case with property owner several years ago and needs to follow through or work with school board to do such
o Sat in Court Learning w/ Gannett's ordered to do it
- Boards: Commission - all people interviewed as same question
- Thanks to Boparc staff for another super summer of community activities in our parks and pools.

\$30,000
Approximate

These activities serve to unite our communities and neighborhoods.

Sept 18 - Spam block party

Mayor Marshall:

Referred to comments from Larry Murray regarding the possibility of a local insurance agency providing the employees' insurance. Discussion followed during which it was pointed out that local companies did not respond except for Booker Walton. Concern about the insurance costs for retirees was expressed.

EXECUTIVE SESSION:

At 11:00 p.m., Councilor Bloom moved to enter executive session pursuant to 6-9A-4 of the West Virginia Code to discuss personnel matters and asked that the following persons be present at different times: Interim City Manager, Staff Attorney, Assistant Staff Attorney, Airport Director, Lou Dempsey, David Bruffy and Frank Calzonetti. Motion was seconded by Councilor Scafella and passed 7-0.

REGULAR SESSION (resumed):

At 12:23 a.m., Council returned to regular session at which time Councilor Scafella moved that George Nedeff, Terry Stobbe, Michael McCawley, Dean Watson, Charles Chico, Barton Loar, Frank Calzonetti and Frank Saus be approved as citizen members of the Beechurst Power Plant Advisory Committee; that City Planner Bill Bechtel be approved as the City Administration's appointee to this committee. The motion was duly seconded and approved unanimously. The City Clerk is to inform each of the committee members of their appointment.

Councilmember Nedeff moved that Morgantown City Council meetings not exceed four hours in duration. Motion was duly seconded and approved unanimously.

ADJOURNMENT: There being no further business, the meeting adjourned at 12:45 a.m..

Patricia J. Campbell
City Clerk

Charlene Marshall
Mayor

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Rodney A. Pyles WORK/CELL PHONE: 304-290-4200

ADDRESS: 536 Harvard Ave HOME PHONE: 304-599-6496
Morgantown WV ZIP: 26505-2157

EMAIL ADDRESS: rod.pylz@gmail.com

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 10 WARD 7

WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): Retired

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? County Assessor

JOB TITLE or JOB DESCRIPTION: Appraisal of real estate + personal property for tax purposes

PROFESSIONAL CERTIFICATIONS/LICENSES: BA-MA WVU

120 hours of training thru Inat Asson of Assessing Officers (IAAO)

Computer training thru vo-tech

SPECIAL INTERESTS: Local History

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- BOCA BOARD OF APPEALS
- BOARD OF PARKS AND RECREATION
- BOARD OF ZONING APPEALS
- BUILDING COMMISSION
- FIRE CIVIL SERVICE
- HISTORIC LANDMARKS *current member*
- HUMAN RIGHTS
- LIBRARY BOARD
- MET BOARD
- MORGANTOWN HOUSING ADVISORY COMMISSION
- MORGANTOWN UTILITY BOARD

- MUSEUM COMMISSION *1st choice*
- PARKING AUTHORITY
- PERSONNEL BOARD
- PLANNING COMMISSION
- POLICE CIVIL SERVICE
- SISTER CITIES COMMISSION
- TRAFFIC COMMISSION
- TRANSIT AUTHORITY
- TREE BOARD
- URBAN LANDSCAPE COMMISSION
- WARD & BOUNDARY

WOODBURN REDEVELOPMENT COMMISSION

Morgantown

Request ID: 30856

Request Form: Volunteer to be a member of a Board or Commission

Received: Monday, July 13, 2015

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Harrison Case

Email: harrison.case@gmail.com

Telephone: 3049069317

Address1: 136 Sherman Ave.

Address2:

City: Morgantown

State: WV

Zip Code:
26501

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

If Yes, how many years have you lived in the City of Morgantown?:

30

In which City Ward do you reside?:

Second

On which Board, Commission, or Authority are you interested in being a volunteer?:

Housing Advisory Commission

Who is your current employer (If retired, answer "retired")?:

Social Security Administration

What type of business are you, or were you, employed in?:

legal

Do you have professional certifications or licenses?:

admitted to practice law

Do you have any pertinent special interests?:
outdoor recreation, walking, local history,
international visitors/immigrants

Staff Activities

The status of the request was changed from Active to Completed. on 7/20/2015 at 9:39 AM

Public Activities

Request was successfully submitted. by EXEC EXEC on 7/13/2015 at 10:30 AM

March 18, 2015

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Ruth R. Donaldson WORK/CELL PHONE: 304-685-1244

ADDRESS: 1300 Heritage Place HOME PHONE: 304-599-0539
Morgantown WV ZIP: 26505

EMAIL ADDRESS: acdonalds@comcast.net

CITY RESIDENT? YES X NO _____ YEARS OF CITY RESIDENCY 58 WARD 7

WHO IS YOUR EMPLOYER?(If Retired, Answer "Retired"): Retired

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? school teacher ^{real estate} Broker

JOB TITLE or JOB DESCRIPTION: elementary school teacher, Assoc. Broker ^{Pat Stewart} Real Estate

PROFESSIONAL CERTIFICATIONS/LICENSES: _____

School teacher - Pennsylvania State University - B.S. degree
Assoc. Broker - Pat Stewart Real Estate, Mgt. WV

SPECIAL INTERESTS: community activist volunteer - in elementary
Schools - Sunday School teacher ballet student, dancer
Elder - 1st Presbyterian Church

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- BOCA BOARD OF APPEALS
- BOARD OF PARKS AND RECREATION
- BOARD OF ZONING APPEALS
- BUILDING COMMISSION
- FIRE CIVIL SERVICE
- HISTORIC LANDMARKS
- HUMAN RIGHTS
- LIBRARY BOARD
- MET BOARD
- MORGANTOWN UTILITY BOARD
- MORGANTOWN HOUSING ^{ADVISORY} COMMISSION
- MUSEUM COMMISSION
- PARKING AUTHORITY
- PERSONNEL BOARD
- PLANNING COMMISSION
- POLICE CIVIL SERVICE
- SISTER CITIES COMMISSION
- TRAFFIC COMMISSION
- TRANSIT AUTHORITY
- URBAN LANDSCAPE COMMISSION
- WARD & BOUNDARY
- WOODBURN SCHOOL
- TREE BOARD

Morgantown

Request ID: 30894

Request Form: Volunteer to be a member of a Board or Commission

Received: Tuesday, July 28, 2015

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Rachel Fetty

Email: ralfetty@yahoo.com

Telephone: 304-816-4395

Address1: 131 Waitman St.

Address2:

City: Morgantown

State: WV

Zip Code:
26501

Pref. Method of Response: E-Mail

Request Address

Number:

Street:

Type:

City:

State:

Direction:

Apt:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

If Yes, how many years have you lived in the City of Morgantown?:

8

In which City Ward do you reside?:

First

On which Board, Commission, or Authority are you interested in being a volunteer?:

Housing Advisory Commission

Who is your current employer (If retired, answer "retired")?:

Self employed

What type of business are you, or were you, employed in?:

attorney

Do you have professional certifications or licenses?:

W.V. Bar License No. 10996

Do you have any pertinent special interests?:

Special interests include issues related to the well being of children and families, access to affordable housing and childcare, disability rights and quality of life. My legal practice has focused on serving families and children and adults with disabilities on a pro bono and sliding fee basis. My volunteer work in Morgantown has included four years of service at the Fun Factory/Children's Discovery Museum, service with my church, the Morgantown Church of the Brethren, and one on one assistance to drug affected families. Related experience includes event planning, recruiting volunteers, community outreach and collaborative grant writing.

Staff Activities

The status of the request was changed from Active to Completed. on 8/3/2015 at 9:38 AM

Public Activities

Request was successfully submitted. by EXEC EXEC on 7/28/2015 at 11:40 AM

Morgantown

Request ID: 30855

Request Form: Volunteer to be a member of a Board or Commission
Received: Monday, July 13, 2015
Status: Completed
Priority: Normal
Assigned To: Heather Carl

Contact Details

From: Christopher Ham
Email: chris@hamfamilywv.com
Telephone: 3046921263
Address1: 101 THERESA DR
Address2:

City: MORGANTOWN

State: WV

Zip Code:
26501

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

If Yes, how many years have you lived in the City of Morgantown?:

10

In which City Ward do you reside?:

Second

On which Board, Commission, or Authority are you interested in being a volunteer?:

Housing Advisory Commission

Who is your current employer (If retired, answer "retired")?:

Wells Fargo

What type of business are you, or were you, employed in?:

Banking/Financial Services

Do you have professional certifications or licenses?:

Do you have any pertinent special interests?:

Just an interest to serve.

Staff Activities

The status of the request was changed from Active to Completed. on 7/20/2015 at 9:49 AM

Public Activities

Request was successfully submitted. by EXEC EXEC on 7/13/2015 at 10:10 AM

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Mr. Brian Jones WORK/CELL PHONE: 304 282 3685

ADDRESS: 5004 Church Hill Dr HOME PHONE: 304 249 8783

Morgantown, WV 26505 ZIP: 26505

EMAIL ADDRESS: Jones19Brian81@yahoo.com

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 16 Yrs WARD

WHO IS YOUR EMPLOYER?(If Retired, Answer "Retired"): unemployed

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? oil; Gas

JOB TITLE or JOB DESCRIPTION: frac crew

PROFESSIONAL CERTIFICATIONS/LICENSES:

SPECIAL INTERESTS: housing Commission

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- | | |
|---|--|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION | <input type="checkbox"/> PARKING AUTHORITY |
| <input type="checkbox"/> BOARD OF ZONING APPEALS | <input type="checkbox"/> PERSONNEL BOARD |
| <input type="checkbox"/> BUILDING COMMISSION | <input type="checkbox"/> PLANNING COMMISSION |
| <input checked="" type="checkbox"/> FIRE CIVIL SERVICE | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input checked="" type="checkbox"/> HUMAN RIGHTS | <input type="checkbox"/> TRAFFIC COMMISSION |
| <input type="checkbox"/> LIBRARY BOARD | <input type="checkbox"/> TRANSIT AUTHORITY |
| <input type="checkbox"/> MET BOARD | <input checked="" type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD | <input type="checkbox"/> WARD & BOUNDARY |
| <input checked="" type="checkbox"/> MORGANTOWN HOUSING COMMISSION | <input type="checkbox"/> WOODBURN SCHOOL |
| <input type="checkbox"/> TREE BOARD | |

Brian Jones
5004 Church Hill Dr
Morgantown, WV 26505
(304) 249-8783

Objective

To obtain a position in the community while helping others

Education

West Virginia Junior College, Morgantown, WV
A.S., Information Technology, 2005

Mountaineer Challenge Academy, Kingwood, WV
Adult Basic Education/Quasi-Military Training

Certifications

Basic Essential Supervisor Training

Superior Knowledge of Supervisory managerial, Leadership skills and Fair employment Skills

Crisis Behavior Management Training

Promote the safety of individuals receiving and providing care reducing the use of seclusion and restraint in all healthcare; to promote an environment of partnering and collaboration to eliminate the use of aversive/coercive interventions

Pass Training

Current expertise in passenger assistance techniques and sensitivity skills appropriate for serving persons with disabilities

CPR Certified

Adults ,children and infants

Professional Skills and Abilities

**intellectual attitude* Goal oriented* Team player* Intellectual curiosity*
Self-confidence* Professional demeanor* Strategic thinker* Willingness to learn* Personal thinker*
Self motivated* Hard worker*

Professional Work History

Self Employed, Morgantown, WV

Computer/Network Administrator, 2011-2015

- Diagnosed and corrected server and network connectivity issues
- Recommended upgrades, configured routers, firewalls
- Installed operating systems, software and hardware

Monongalia County, Morgantown, WV

Poll Worker, 2014-2014

- Setting up election equipment inside a designated polling location
- Preparing election equipment as instructed in training sessions
- Maintaining election equipment security throughout the election period
- Thoroughly reviewing and completing all election forms
- Posting prescribed election materials inside and outside of polling location
- Qualifying voters through use of identification and poll lists
- Activating electronic ballots and selecting the correct ballot styles for each voter
- Assisting voters during the voting process by explaining equipment usage
- Closing the polling location at the end of the voting period

Mr. Delivery, Morgantown, WV

Delivery Driver, 2012-2013

- Drove to and from businesses/homes
- Loaded and unloaded food items from various restaurants to customers
- Collected Money via credit or debit card
- Utilized GPS device along with Google Maps to locate destinations
- Defused complicated situations and misunderstandings
- Provided guidance and direction in an encouraging and direct manner

Pace Enterprise, Morgantown, WV

Rehabilitation Specialist, 2011-2013

- Maintained designated area according to the statement of work; required attention to detail.
- Checked supplies and equipment
- Requested orders and repairs when needed
- Provided initial and on-going job training to placements as needed
- Provided guidance and direction in an encouraging and direct manner

Mighty Bright Cleaning Services, Bridgeport, WV

Janitor, 2005 - 2011

- Removed garbage from the WVU football stadium and coliseum after sporting events
- Dumped barrels into BFI trucks, changed garbage can liners in between games, washed windows

U.S Census Bureau, Morgantown, WV

Enumerator, 2010-2010

- Conducted interviews with residents in assigned areas by following stringent guidelines and confidentiality laws.
- Explained the purpose of the census interview, answered residents' questions, elicited information
- following a script, and recorded census data on forms.
- Assessed quality control levels on selected addresses, determined which samples passed or failed, and maintained records for quality control verification.

- Complied with accuracy standards while maintaining high production rates. Maintained records of hours worked, units produced, miles driven, quality control results, and expenses incurred in the performance of duties.
- Met daily with supervisor to review and submit work, and receive additional instructions.

California Organization of Police and Sheriffs, Morgantown, WV

Professional Telephone Solicitor, 2003 – 2010

- Performed a variety of task for the local Fraternal of Police including, calling local residents to donate on behalf of officers who had been injured in the line of duty.
- Validated and confirmed pledge amount via telephone and secured their pledge amount with a visa or master card.

Crystal Clear Cleaning Services

Janitor, 2009-2010

- Stripped, waxed, and buffed floors at local dairy marts and retail stores.
- Vacuumed, and mopped restroom floors
- Sanitized, restocked, and completed order forms for cleaning supplies

Patton Building Services, Morgantown, WV

Janitor/Supervisor, 2007 – 2009

- Polished office desk, vacuumed and mopped floors, dusted and washed windows
- Restocked kitchen, bathrooms and paper towel dispensers

Mountaneer Temps, Morantown, WV

IT Help Desk, 2006 - 2006

- Recommend/research/implement new hardware/software solutions for students
- Manage IT/lab security
- Regularly analyze performance of Help Desk activities and documented resolutions, identify problem areas, and devise and deliver solutions to enhance quality of service and to prevent future problems
- Support and enforce University policies

Liberty Tax Services, Morgantown, WV

Tax Preparer/Consultant, 2006 – 2007

- Examine solutions to problems and evaluate effectiveness
- Express ideas clearly when speaking, typing and writing
- Listen, understand spoken information and ask questions
- Consulted tax law handbooks or bulletins to determine procedure for preparation of typical returns

John P Kuehn Fine Jewelers, Morgantown, WV

LAN/Administrator/Computer technician, 2005 – 2007

- Install necessary software and perform repairs to small business computers
- Manage and maintain stability of workstation
- Enter commands and observe system functioning to verify and maintain system stability
- Conduct research on emerging products, services, protocols, and standards that support Small Business technology

Mountaineer Boys & Girls Club, Morgantown, WV

LAN/Wi-fi Network Admin/Computer Technician, 2005 – 2005

- Direct the user how to perform software/hardware diagnostics
- Monitor the system for hardware failures
- Schedule and coordinate the use of computer terminal and network connections to ensure the best performance

Volunteer Work

Salvation Army
Boys & Girls Club
Hospice
Boy Scouts of America
Preston Soccer

References

furnished upon request

Morgantown

Request ID: 30805

Request Form: Volunteer to be a member of a Board or Commission

Received: Sunday, June 14, 2015

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Terry Kelly

Email: tkellywv@hotmail.com

Telephone: 3042924658

Address1: 501 Astor Ave

Address2:

City: Morgantown

State: WV

Zip Code:
26501

Pref. Method of Response: E-Mail

Request Address

Number:

Street:

Type:

City:

Direction:

Apt:

Zip Code:

State:

Questions and Answers

Are you a Morgantown resident?:

Yes

If Yes, how many years have you lived in the City of Morgantown?:

65

In which City Ward do you reside?:

First

On which Board, Commission, or Authority are you interested in being a volunteer?:

Housing Advisory Commission

Who is your current employer (If retired, answer "retired")?:

retired

What type of business are you, or were you, employed in?:

education/psychology

Do you have professional certifications or licenses?:

yes

**Do you have any pertinent special interests?:
background in theatre and work with multi-cultures**

Staff Activities

The status of the request was changed from Active to Completed. on 6/17/2015 at 2:30 PM

Public Activities

Request was successfully submitted. by EXEC EXEC on 6/14/2015 at 10:34 PM

Thursday, June 18, 2015

Ross Justice
Morgantown WV 26505

Dear Ross,

This letter is to provide you an update on a request to the Morgantown, received on Friday, May 29, 2015.

REQUEST SUMMARY

Contact Details

From: Ross Justice
Email: RossJusticeWV@gmail.com
Telephone: 3043221207
Language Preference:
Address 1: 748 Johnson Ave
Address 2:
City: Morgantown
State: WV
Zip Code: 26505
Pref. Method of Response: E-Mail

Question and Responses

Are you a Morgantown resident?:
Yes

If Yes, how many years have you lived in the City of Morgantown?:
23

In which City Ward do you reside?:
Fifth

On which Board, Commission, or Authority are you interested in being a volunteer?:

Board of Park and Recreation Commissioners (BOPARC) Metropolitan Theater
 ~~Morgantown Commission~~ Museum Commission
Who is your current employer (If retired, answer "retired")?:

Fawley Music Company, Inc.

What type of business are you, or were you, employed in?:
Music Instrument Retail, Rentals, and Repairs

Do you have professional certifications or licenses?:
Lifelong resident of the City of Morgantown and current student at West Virginia University; proficient in Microsoft Office, Adobe Suite, mass e-mailing platforms, cloud computing, social media, and audio recording technology.

Do you have any pertinent special interests?:
Writing, recording, and performing original music compositions; logistic and strategy in business and politics; teaching percussion privately and for University High School Marching Band

REQUEST DETAIL

Your request has been assigned to **Heather Carl**.

The status is **Active** with a priority of **Normal**.
If you have further questions about this issue, please contact us.

Sincerely,
Jeff Mikorski
Office of the City Manager

Morgantown

Request ID: 30907

Request Form: Volunteering for City Boards and Commissions

Received: Tuesday, August 04, 2015

Status: Completed

Priority: Normal

Assigned To: Heather Carl

Contact Details

From: Lola Contreras

Email: contreras.lola@gmail.com

Telephone: 304-216-3441

Address1: 323 Rotary St.

Address2:

City: Morgantown

State: WV

Zip Code:
26505

Pref. Method of Response: E-Mail

Request Address

Number:

Direction:

Street:

Type:

Apt:

City:

State:

Zip Code:

Questions and Answers

Are you a Morgantown resident?:

Yes

If Yes, how many years have you lived in the City of Morgantown?:

12

In which City Ward do you live?:

Not Sure - Fourth Wd

Who is your employer? (If retired, answer "retired"):

Fairmont State University

What type of business are, or were, you employed in?:

Education

Do you have any professional certifications or licenses?:

Yes, substitute teacher, provisional certified Spanish teacher (TX).

Do you have any pertinent special interests?:

I have been involved in a number of

international/cultural events such as:

- **Hispanic Heritage Month (LASO - WVU)**
- **5 de Mayo (fundraising event for WV CIP)**
- **Chispa/Spanish festivals at public schools**

On which Board or Commission(s) are you interested in serving?:

Sister Cities Commission

Are you a Morgantown resident?:

If Yes, how many years have you lived in the City of Morgantown?:

In which City Ward do you live?:

Who is your employer? (If retired, answer "retired"):

What type of business are, or were, you employed in?:

Do you have any professional certifications or licenses?:

Do you have any pertinent special interests?:

On which Board or Commission(s) are you interested in serving?:

Staff Activities

The status of the request was changed from Active to Completed. on 8/4/2015 at 3:10 PM

Public Activities

Request was successfully submitted. by EXEC EXEC on 8/4/2015 at 12:48 PM

AN ORDINANCE AMENDING SECTION 349.18 OF THE TRAFFIC CODE RELATING TO USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING

WHEREAS, West Virginia Code section 17C-14-15 prohibits use of electronic communications devices while driving, except under certain defined conditions; and

WHEREAS, the City of Morgantown intends to conform its Traffic Code to the provisions of *W. Va. Code* § 17C-14-15;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 349.18 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

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.~~ ,and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. For purposes of this section, "texting" does not include the following actions:
 - (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 e-mail, 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 emergencyies.
 - (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 texting or 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 AUTHORIZING AN AGREEMENT WITH MOUNTAINEER CONTRACTORS, INC. LEASING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached agreement, which is incorporated in this Ordinance by reference, leasing office space to Mountaineer Contractors, Inc. at the Morgantown Municipal Airport.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

LEASE AGREEMENT

THIS AGREEMENT, made this ___ day of _____, 2015, by and between the City of Morgantown, a municipal corporation, hereinafter referred to as the "City" and Mountaineer Contractors, Inc., a duly authorized West Virginia corporation, hereinafter referred to as "Lessee."

WITNESSETH, THAT WHEREAS, the "City" owns, controls and operates the Morgantown Municipal Airport; and

WHEREAS, "Lessee" is engaged in the construction business, and "City" desires to lease and grant certain premises and facilities on said Airport," and "Lessee" desires to hire and obtain certain premises and facilities on said "Airport," together within certain rights, licenses and privileges thereon as described in this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties hereto agree as follows:

ARTICLE I –PREMISES

1.1 The "City" hereby leases to "Lessee" office space, more particularly identified in the Exhibit hereto attached, in the South Terminal for conducting "Lessee's" business.

ARTICLE II -CONSTRUCTION/INSTALLATION OF IMPROVEMENTS

2.1 The "Lessee" shall not, without prior written consent of the "City" make any permanent improvements to the assigned area such as the demolition of existing walls, the construction of new permanent walls, the installation of electrical outlets or lighting, or any modifications to the heating/air conditioning systems.

2.2 The "Lessee" may place furniture, property, and equipment into the assigned area as is necessary for the conduct of its business. Installed equipment which requires electrical or natural gas power shall be subject to the conditions outlined in ARTICLE VI, paragraph 6.1 of this Agreement. The "Lessee" shall have the right to remove the same upon termination of this Agreement, providing the premises are repaired to the satisfaction of the "City" or restored to their original condition after such removal.

ARTICLE III -TERM OF AGREEMENT

3.1 The "Lessee" shall have and hold said premises, facilities, rights, licenses, and privileges set forth herein for a term of **FIVE MONTHS** commencing **September 1, 2015** and terminating **January 31, 2016**, unless sooner terminated as herein provided. Upon its expiration, this lease may be extended by the parties provided that both parties agree to the same in writing at least sixty (60) days prior to the expiration of the current lease term. Such writing shall contain an agreed upon rental fee for the renewal period in question.

6.2 Should the "Lessee" require any additional utility service other than that provided for above (such as telephone or internet lines), the "Lessee" agrees to bear all costs associated with installing such utility service.

ARTICLE VII -GENERAL PROVISIONS

7.1 The "Lessee" hereby covenants and agrees:

(a) That the facilities and space hereby leased shall be maintained and left in a neat and clean condition and the "Lessee" shall conduct its business in such a manner as not to interfere with the normal operations of the Airport.

(b) That personnel performing services for the "Lessee" shall be neat, clean, and courteous, and the "Lessee" shall not permit its agents, servants, or employees so engaged to conduct business in a loud, boisterous, offensive or objectionable manner.

(c) That the "Lessee" shall abide by and be subject to all reasonable Airport Rules and Regulations which are now, or may from time to time be, promulgated by the "City", concerning management, operation or use of the Airport.

(d) That the "Lessee" will meet all expenses in connection with the use of the leased premises hereunder and the rights and privileges herein granted, including without limitation by reason of enumeration, taxes, permit fees, license fees, and assessments lawfully levied or assessed against it or assessed because of its operations hereunder, and that it will secure all required permits and licenses for its operations hereunder.

(e) That the "Lessee" will not on the grounds of race, color, national origin, sex, handicap, religion, or age discriminate, or permit discrimination, against any person or group of persons in any manner prohibited by Part 21 of the Regulations of the Office of the Secretary of Transportation and Title XI of the Civil Rights Act of 1964.

ARTICLE VIII -INDEMNIFICATION AND INSURANCE

8.1. "Lessee" shall protect, defend, indemnify and hold the "City" and its representatives and employees completely harmless from and against any and all liabilities, demands, suits, claims, losses, fines or judgments arising by reason of the injury or death of any person or damage to or loss of any property, including all reasonable costs for investigation and defense thereof, (including, but not limited to, attorney fees, court costs and expert fees), of any nature whatsoever arising out of, or incidental to this Lease Agreement or "Lessee's" use or occupancy of the leased premises, or the acts or omissions of "Lessee's" officers, employees, agents, representatives, contractors, sub-contractors, licensee's or invitee's, regardless of where the injury, death, loss or damage may occur, unless such injury, death, loss or damage is caused by the negligence of the "City" or its employees, agents, officers, or representatives. The "City" shall give "Lessee" reasonable notice of any such claims or actions. The provisions of this Article shall survive the expiration or earlier termination of this Lease Agreement.

8.2 Without limiting its liability as aforesaid, the "Lessee" shall carry insurance in the following amounts during the term hereof, naming the "City" as co-insured:

"LESSEE"

Mountaineer Contractors, Inc.
15237 S. Preston Hwy
Kingwood, WV 26537
ATTN: Ed Boyle

Or other address as may be designated by either party, in writing, from time to time.

10.2 To the extent not prohibited by law, the "City" shall attempt to protect the rights and privileges granted to the "Lessee" under this agreement.

10.3 The failure of the "City" to insist, in anyone or more instance, upon the strict performance by the "Lessee" of any of the provisions, terms, covenants, reservations, conditions or stipulations contained in this Lease Agreement shall not be considered as a waiver or relinquishment thereof for the future, but the same shall remain and continue in full force and effect, and no waiver of the conditions or stipulations hereof shall be deemed to have been made in any instance unless expressly in writing.

10.4 If any term, clause or provision of this Lease Agreement shall be adjudged by any court or government agency to be invalid or contrary to any applicable law or regulation or state government agency, such invalidation or determination shall not affect the validity and enforceability of the remaining portions of the Lease Agreement; and, to this end, the terms, clauses and provisions of this Lease Agreement are hereby agreed to be severable.

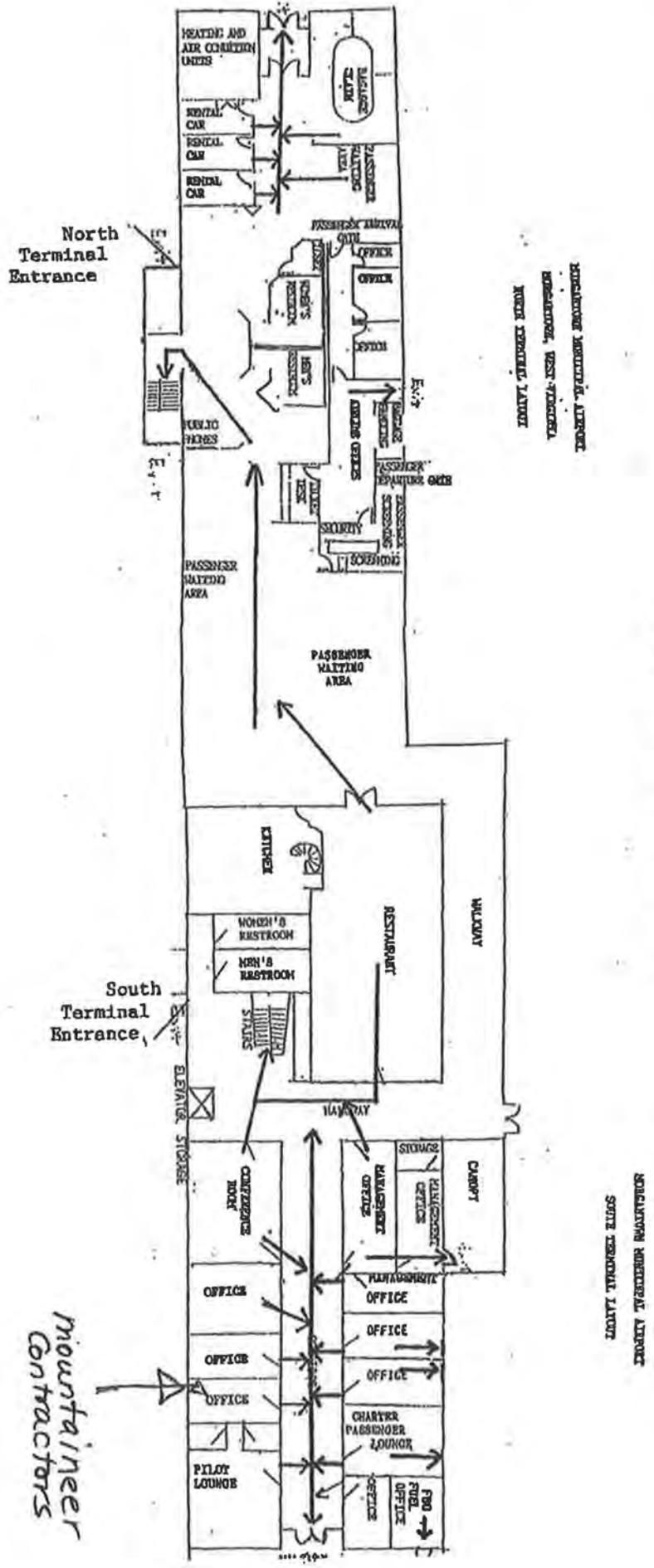
10.5 Both parties hereto acknowledge and agree that this document contains the entire agreement between the parties and that they have not relied upon any statements, representations, agreements or warranties, except such as are expressed herein, and that no amendment or modification of the Lease Agreement shall be valid or binding unless expressed in writing and executed by the parties hereto within the amended Lease Agreement in the same manner as the execution of this Lease Agreement.

10.6 This Lease Agreement shall be deemed to have been made in and construed in accordance with the laws of the State of West Virginia.

10.7 "Lessee" shall not assign, transfer or sublease this Lease Agreement, by process or operation of law or in any other manner whatsoever, or sublet any portion of the leased premises or permit any portion of the leased premises to be occupied or used by anyone other than the "Lessee", without the prior, written consent of the "City", which said consent may be withheld in the sole discretion of the "City."

IN WITNESS WHEREOF, The Parties have caused this agreement to be executed by their duly authorized officer and their respective seals to be hereunto affixed, the day and year first above written.

EMERGENCY EVACUATION



SOUTH TOWER AIRPORT
SOUTH TOWER LAYOUT

Exhibit

**AN ORDINANCE AMENDING ARTICLE 505 OF THE GENERAL OFFENSES CODE
REGULATING THE KEEPING OF ANIMALS AND FOWL**

WHEREAS, West Virginia Code section 8-12-5(26) gives the City the plenary power and authority to regulate or prohibit the keeping of animals and fowl and to provide for the impounding, sale or destruction of animals or fowl kept contrary to law or found running at large; and

WHEREAS, the City currently regulates the keeping of animals and fowl in Article 505 of the General Offenses Code; and

WHEREAS, updating the regulations in the General Offenses Code will promote clarity in the law and uniformity in enforcement of the law while contributing to the health and safety of residents and permitting the responsible keeping of animals and fowl within the City;

NOW, THEREFORE, the City of Morgantown hereby ordains that Article 505 of the General Offenses Code is amended as follows:

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of ~~eattle, sheep, geese, ducks, turkeys, chickens or other~~ fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

(b) ~~No person being the owner of or having charge of any dog shall permit it to run at large upon any public place or upon the premises of another.~~ Dogs not confined on the owner's property shall be maintained on a leash of a length no longer than six feet. The name and address of the owner and the City tax tag shall be attached to the collars of dogs at all times. The regulations governing the keeping of dangerous dogs as set forth in Section 505.04 shall supersede any conflicting provisions within this subsection.

(c) The running at large of any ~~sueh~~ animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(d) For purposes of this section, cats shall be permitted to run at large only if such cat is wearing identification as set forth in Section 505.15.

(e) Should any dog, while running at large, bite or otherwise inflict injury upon any person, the person or owner having charge of any such dog shall be guilty of a misdemeanor, shall be fined five hundred dollars (\$500.00), and may be ordered by the Municipal Judge to provide restitution, where appropriate. A conviction for the violation of this particular subsection shall not be a prerequisite for the filing of a civil action by the victim of any such dog incident.

505.02 KEEPING ANIMALS; PENS AND STABLES.

(a) Definitions. The following definitions shall apply in this Section 505.02:

- (1) Domestic Poultry – Domesticated birds ordinarily kept for eggs, meat, or feathers.
- (2) Free-range – A method of farming husbandry where the animals, for at least part of the day, can roam freely outdoors, rather than being confined in an enclosure (e.g., coops, pens, etc.) for twenty-four (24) hours each day.
- (3) Premises – An area of land occupied by the Principal Building(s), accessory structure(s), and/or other physical uses which are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.
- (4) Principal Building – A building in which is conducted the main or principal use of the premises on which said building is situated

~~(a) (b) Rabbits. No person shall confine, keep or house live rabbits, exceeding two in number, within the City, in any pen, coop or structure located within 120 feet of the residence or dwelling of any other person without the consent of such person in writing. (1967 Code Sec. 4-4.)~~

A maximum of three (3) rabbits, ten (10) weeks of age and older, may be kept on a Premises; provided, not more than one (1) rabbit, ten (10) weeks of age and older, is male. Ownership, care and control of the rabbits shall be the responsibility of a resident of the Premises. Free-range is prohibited and rabbits shall be confined to a pen and/or coop, where permitted, twenty-four (24) hours each day. State health regulations may further limit the number and/or manner of keeping rabbits.

~~(b) Permitting Pens to Become Offensive. No person shall permit any yard, kennel, pen, coop, or other structure wherein live animals may be confined, kept or housed to become or be offensive, noxious or deleterious to health. (Ord. 94-77, Passed 10-18-94.)~~

~~(c) Domestic Poultry Chickens. No person shall confine, keep or house chickens or other domestic fowl, exceeding two in number, in any pen, coop or structure located within eighty feet of the residence or dwelling of any other person without the consent in writing of such other person; provided, that this section shall not be construed to prohibit the proprietor of any market, hotel, restaurant, boarding house or residence from keeping or confining for sale or slaughter chickens or other fowls in a pen or coop within such prescribed limit for a period not exceeding ten days; provided that such pen or coop is thoroughly cleaned at least once during each forty-eight hour period and rendered free from offensive, noxious or deleterious odors. (1967 Code Sec. 4-6.)~~

A maximum of six (6) domestic poultry birds may be kept on a premises. Only chickens and ducks are permitted as domestic poultry birds within the City, and no other type of Domestic Poultry may be kept within the City. Roosters are prohibited. Ownership, care and control of domestic poultry shall be the responsibility of a resident of the premises. Free-range shall be prohibited and domestic poultry shall be confined to a pen and/or coop, where permitted, twenty-four (24) hours each day. State health regulations may further limit the number and/or manner of keeping domestic poultry.

~~(d) Permitting Coops to Become Offensive. No person shall permit any pen, coop or other structure wherein chickens or other fowl may be confined, kept or housed, to become offensive, noxious or deleterious to health.
(1967 Code Sec. 4-7.)~~

~~(e) Stables. Whoever shall keep a stable within the City shall cause all the stable manure produced thereat to be kept within such stable until hauled away, and he shall in no case allow such manure to accumulate in such quantities or condition as to become offensive, or deleterious to health; and all manure so kept within the stable shall be protected from flies by means of screens or other fly excluding devices. The floor of every stable shall be kept free from standing or seeping stable liquids, excrements and other offensive matters.
(1967 Code Sec. 4-8.)~~

(d) Hoofed Animals. Hoofed animals, including but not limited to cattle, horses, goats, sheep, pigs, deer, and donkeys, are prohibited with the exception of miniature pet pigs.

(e) Regulations. All Rabbits, Domestic Poultry, bees, and miniature pet pigs within the City may be kept only in accordance with the following regulations:

- (1) The keeping of animals shall not create a nuisance due to noise, dust, rodents, and/or obnoxious odor.
- (2) All structures used to house, contain, or supply animals, and all roaming areas used by or for animals, shall be kept sanitary and free from accumulations of animal excrement and obnoxious odor.
- (3) The keeping of animals shall be permitted only on a Premises where there is an occupied dwelling unit.
- (4) Premises where animals are kept shall be well-maintained, regularly cleared of debris and free of excessively tall weeds and grass as provided in the International Property Maintenance Code (IPMC).
- (5) Pens, coops, fences, apiary structures, and all other structures related to the keeping of animals are subject to applicable building code requirements and shall be well maintained.
- (6) Pens, coops, fences, apiary structures, and all other structures related to the keeping of animals
 - (A) Shall not be placed in the front yard. If placed in a side yard, such structures, including fences for coops, shall not be located closer to the street than the building line of the Principal Building on the Premises.
 - (B) On corner lots, such structures, including fences for coops, shall not be located between any portion of the Principal Building on a Premises and either street.
 - (C) Shall not be placed closer than ten (10) feet to the side or rear property line nor closer to a Principal Building of an adjoining Premises than to the Principal Building of the Premises used for keeping animals.
- (7) The keeping of animals as permitted in this section is subject to all applicable building and fire codes. Building permits and other applicable permits must be

obtained before keeping animals, if such permits are required by City Code. A business license and home occupation permit will be required for any sales of animals or animal products.

(8) All feed shall be stored in a secured, rodent-proof container and housed within an enclosed structure.

(f) Registration. The resident of any Premises responsible for the ownership, care, and control of animals permitted by this Section 505.02 shall register with the City Manager's office on a form prescribed by the City Manager or his designee within sixty (60) days of the date of adoption of this ordinance, and, if not keeping permitted animals at the time of adoption of this ordinance, prior to keeping or maintaining any animal permitted by this Section 505.02.

(g) This section shall not apply to prevent the conduct of educational programs at educational institutions owned and controlled by the State of West Virginia or the Monongalia County Board of Education.

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for general Code penalty if no specific penalty is provided).

(a) Whoever violates Section 505.01(b) shall be fined not more than one hundred dollars (\$100.00). Second offenders of Section 505.01(b) shall be subject to the penalty provided in Section 501.99 and also be given the alternative of paying the maximum fine under this section or present evidence of having their dogs spayed or neutered within thirty days of any violations hereof.

(b) Whoever violates Section 505.11 shall be fined not more than twenty-five dollars (\$25.00); provided, that after any violation has been called to the attention of the violator by any member of the Police Department of this City, each day on which such violation continues or is repeated shall constitute a separate offense.

(1967 Code Sec. 4-27; Ord. 90-8. Passed 4-3-90.)

(c) (1) Whoever violates Section 505.03(a) shall be fined not less than three hundred dollars (\$300.00) nor more than two thousand dollars (\$2,000) or imprisoned not more than thirty days, or both, for a first offense. Any person convicted of a second or subsequent violation of Section 505.01(a) shall be imprisoned for not more than thirty days or fined not less than five hundred dollars (\$500.00) nor more than three thousand dollars (\$3,000), or both. The incarceration set forth in this subsection shall be mandatory unless the provisions of subsection (c)(2) are complied with.

(2) A. Notwithstanding any provision of this Code to the contrary, no person who has been convicted of a violation of the provisions of Section 505.03(a) may be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed such evaluation. Unless the defendant is determined by the court to be indigent, he or she shall be responsible for the cost of said evaluation.

B. For any person convicted of a violation of subsection (c) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless

the defendant is determined by the court to be indigent, he or she shall be responsible for the cost of the program.

(3) In addition to any other penalty which can be imposed for a violation of Section 505.03, a court shall prohibit any person so convicted from possessing, owning or residing with any animal or type of animal for a period of five years following entry of a conviction. A violation under this subsection is punishable by a fine not exceeding two thousand dollars (\$2,000) and forfeiture of the animal.

(d) Whoever violates Section 505.03(b) shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000).

(WVaC 61-8-19)

(e) Whoever violates Section 505.031 shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than thirty days, or both. In addition the Humane Officer may remove the dog or cat involved and place it in the pound and such dog or cat shall not be returned to the owner or perpetrator of the act of cruelty, but shall be put up for adoption to a desirable home, or given into the care of a humane society or upon the recommendation of a licensed veterinarian shall be humanely destroyed.

(f) In addition to any other penalty provided by law, any animal kept in violation of Section 505.02 or on premises in violation of Section 505.02 may be impounded, sold, or destroyed.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

**RESOLUTION APPROVING AGREEMENT WITH WEST VIRGINIA UNIVERSITY
RESEARCH CORPORATION**

WHEREAS, the City is party to an agreement with West Virginia University Research Corporation, acting on behalf of West Virginia University, providing for a project titled “West Run Passive Treatment Installation – Airport Portals Phase II;” and

WHEREAS, additional construction time and funding are required for completion of the project;

NOW, THEREFORE, be it resolved by the City of Morgantown, that the City Manager is authorized to execute the attached “Request for Extension/Amendment of Subcontract” on behalf of the City.

Adopted this ___ day of September, 2015.

Marti Shamberger, Mayor
City of Morgantown

West Virginia Water Research Institute
Request for Extension/Amendment of Subcontract (PO# 50085889)
Subcontract #:14-682 West Run Passive Treatment Installation – Airport Portals Phase II

Project #: 10018153
Award#: 1006318R
WRI Project #: WV-327
Project Title: West Run Passive Treatment Installation – Airport Portals Phase II
Sponsoring Agency: WV Department of Environmental Protection (Grant #NPS 1379)
Subcontractor: City of Morgantown

Project Manager: Jennifer Hause
WV Water Research Institute
PO Box 6064
Morgantown, WV 26506-6064
304-293-7003

Contract Amount: **\$129,397 to be added to the existing agreement**
Contract Duration: Original: July 17, 2014 – September 30, 2015
Revised: **July 17, 2014 – June 30, 2016**

Statement of Work:

For this amendment, please refer to subcontract order #50085889. This amendment serves to provide additional funds needed for construction costs and to extend the duration of the subcontract to June 30, 2016. Monies included in the original subcontract are not sufficient to cover actual costs of construction. The scope of work remains the same:

“The City of Morgantown will be responsible for project administration and oversight of construction to meet project goals and mitigation requirements of the City. Additional duties will include performing routine site visits and providing project status reports to WVVRI when submitting invoices on a quarterly basis. Reports will be reviewed by WVVRI staff and shared with the funding agency, the West Virginia Department of Environmental Protection (WVDEP), by incorporating information into the semi-annual reports required as part of the West Virginia Nonpoint Source Pollution Program. Additionally, cost share obligations will need to be included as part of the City of Morgantown’s regular reporting to WVVRI. WVVRI will monitor and report cost share to WVU and WVDEP on a semi-annual basis”.

Budget

| Item | Original Budget | Revised Budget |
|-----------------------------|-------------------|-------------------|
| Mobilization/Demobilization | \$ 5,000 | \$ 16,973 |
| Open Limestone Channels | \$ 33,281 | \$ 48,977 |
| Limestone Leach Beds (3) | \$ 250,000 | \$ 410,375 |
| Steel Slag Leach Bed | \$ 49,000 | \$ 49,000 |
| Settling Basins/Ponds (3) | \$ 20,000 | \$ 35,000 |
| Incidentals (10%) | \$ 35,728 | \$ 56,324 |
| Total Construction | \$ 393,009 | \$ 616,649 |

The budget revision and securement of additional funds is in response to costs reflected in actual construction bids received by the City of Morgantown for the project. The NMLRC has been approved to transfer construction monies from another WVDEP funding project to provide monies for construction of the West Run Passive Treatment.

This subcontract amendment includes **\$129,397**.

| Source of funds | Amount toward project |
|---|-----------------------|
| Subcontract WVU and City of Morgantown | |
| Original Subcontract | \$ 216,553 |
| Subcontract Amendment Addition | \$ 129,397 |
| Matching funds | |
| WCAP Matching Funds | \$ 94,243 |
| City of Morgantown | \$ 176,456 |
| Total Construction | \$ 616,649 |

Note: due to the Fiscal Year status of these transferred funds, this amendment of \$129,397 will need to be spent no later than September 30, 2015.

**West Virginia University Research
Corporation on behalf of
West Virginia University**

Signature

Printed name

Title

Date

City of Morgantown

Signature

Printed name

Title

Date