

COMMITTEE OF THE WHOLE MEETING September 27, 2016:

The committee of the whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 27, 2016 at 6:58 p.m.

PRESENT: Interim City Manager Glen Kelly, City Attorney Ryan Simonton, Mayor Marti Shamberger, Deputy Mayor Kawecki, Ron Bane, Wes Nugent, Jay Redmond, and Nancy Ganz. Jenny Selin Absent.

Deputy Mayor Kawecki called the meeting to order.

PRESENTATIONS:

1. Superintendent of Schools – for Levy

Frank Devono, Superintendent of Mon County Schools, explained to Council that the levy on the Ballot for November 8, 2016 is not a new tax nor will it add any taxes. He stated that by passing this Levy it will help to upgrade and maintain our schools. He requested Council's support by placing this on their Regular agenda for a formal vote. He asked if there were any questions from Council. Mayor Shamberger noted discussion will happen on this item later in the meeting, and thanked Mr. Devono for updating Council on the Levy.

2. Compliance Review

Jim Goff, Finance Director, provided a summary to City Council on how the businesses are randomly chosen for the Compliance Review (Exhibit A). Questions were asked by Council.

3. Dan Shook – Safe Communities

Dan Shook, Director of Safe Communities, updated Council on current projects and future goals of Safe Communities and their initiatives for the community. He noted a Town Hall meeting event on November 14, 2016 titled, "Impact of Alcohol on our Community". Exhibit B

4. Nuisance Property – Mike Stone

Mike Stone, Chief of the City of Morgantown Code Enforcement Department, presented a power point to Council on nuisance properties. Mr. Stone referenced garbage, furniture and grass that owners have failed to comply cleaning or clearing their properties. He noted the 2015 International Property Maintenance Code, section 308.2 and WV State Building Code section 1713.04 that the department is allowed to give citations for non-compliance. He stated that the property owners are given an official notice within 3 days to comply and failure to respond will result in a citation. Exhibit C

5. Aggressive Panhandling – Ordinance Parkersburg Case Law – Ryan Simonton & Brent Burton

City Attorneys Burton and Simonton explained to Council that the City needs to be very careful when doing aggressive solicitation ordinances or making changes. City Attorney Simonton stated that the City of Parkersburg referring to a 2013 case, that cities get in trouble when laws are overly broad and are subject to selective enforcement.

6. Ally Jackson – Multidisciplinary Team\Street Out Reach Worker

Ally Jackson, PATH Coordinator for Connecting Link, updated Council on the constant activity of the homeless on the street. He stated that his job is to get to know what their needs are and how to access each situation. He stated that the team is working to find housing and working collaboratively to end homelessness.

7. John Sonneday – Homeless Task

John Sonneday, Director Coordinating Council on Homelessness, advised the City needs to be part of a larger effort that includes a new downtown ambassador program and increased scheduling of activities in the cities. He stated without a joint effort, there is not one group who can change things and if we commit together we can make a difference. He requested Council's support of approval of a Downtown Task Force to address issues of loitering and panhandling. He announced a public meeting to initiate the task force will be held on Monday, October 17, 2016 at Spruce Street Church at 6:30 pm. Exhibit D.

PUBLIC PORTION:

Matthew Cross, Chair Morgantown Pedestrian Safety Board, presented a letter as part of the record (Exhibit D) requesting that the interview process for the City Manager include a focus of dilapidated sidewalks. He requested more emphasis on pedestrian/bicycle and mass transit to ease congestion and decrease air pollution. He thanked Council for initiating the "Service Fee" and Kids Day downtown was a great day.

ITEMS FOR DISCUSSION:

1. Superintendent of Schools – for Levy

After discussion, Council by consensus refereed Levy to the Regular Agenda.

2. Ordinance Creating Taxi-Stands

Interim City Manager Glen Kelly updated Council on the Taxi-Stands and asked if there were any questions from Council. After discussion, consensus by Council to refer Ordinance to the Regular Agenda.

3. Nuisance Property

After discussion, Council did not refer this to the Regular Agenda at this time.

4. Panhandling – Law Change

Councilor Redmond suggested adding to the ordinance "speaking or approaching" prohibited behaviors. After discussion, consensus by Council refer item to the Regular Agenda.

5. Gifts for Volunteers

Interim City Manager updated Council that the City Clerk was wanting to present the Gel Pen as another option for Council to give to Volunteers. Councilor Ganz stated that she prefers the City Pin with the City of Morgantown Logo. Council by consensus agreed that the pin would be best option to give volunteers. Interim City Manager said he will inform the City Clerk to proceed in what she needs to do to make sure

enough pins are available.

ADJOURNMENT:

There being no further business, Council adjourned the special meeting at 9:25 pm.

City Clerk

Mayor

Compliance Review Packet



- Summary Compliance Review Procedures
- Initial Letter & Pre-Compliance Review Questionnaire
- In-Compliance Letter
- Non-Compliance Letter & Compliance Review Findings Report
- Quarterly Statistical Data Report



CITY OF MORGANTOWN
FINANCE DEPARTMENT

Summary Compliance Review Procedures

1. Businesses are randomly chosen for the Compliance Review process. All active accounts are alphabetized and separated out by their filing classification and chosen at random using the following selection process:
 - a. A filing classification is chosen (e.g., Retailers, Restaurants, etc.).
 - b. The Excel RAND function is used to randomly select a predetermined number of businesses for Compliance Review.
2. Businesses are mailed a letter informing them their account has been selected for a Compliance Review. Included with the letter is a Pre-Compliance Review Questionnaire for business to complete. Businesses will be provided two weeks to complete questionnaire and to provide the appropriate supporting documentation.
3. If the business fails to respond within two weeks, a second letter will be mailed citing City Code and providing the business an additional 10 days to respond and provide the Pre-Compliance Review Questionnaire and appropriate supporting documentation.
 - a. If taxpayer fails to respond within the 10 days, a third letter will be prepared and mailed as needed (letter to include, but not limited to Subpoena, Assessment, Circuit Court, Additional Fines, Legal Costs, etc.).
4. Once the questionnaire and reports are received, Tax Auditor will complete the review process in a timely manner and provide correspondence to the business regarding the Compliance Review findings.



FINANCE DEPARTMENT

September 22, 2016

Dear Business Owner:

The City of Morgantown appreciates and values your business. The Finance Department strives to analyze and promote accuracy, efficiency and professionalism. Our goal is to make business practices as fair and as simple as possible to support the economic growth of the citizens and businesses of the city.

The reason we are writing today is to inform you that your account has been randomly selected for a compliance review. During the compliance review process, we will be examining B&O Taxes, City Licensing, Municipal Service Fees, Fire Fees, and any other applicable taxes or fees. We value your business and want to insure that your account is in compliance with City Code.

Enclosed you will find the Pre-Compliance Review Questionnaire. Please complete the questionnaire and provide the documentation listed below by **Date**. In order to complete the Compliance Review, we are requesting the following information for the time period **January 1, 2013 – December 31, 2015**. Thank you for your time and cooperation. If you have any questions, please contact Tax Auditor John Briggs at 304-284-7488.

- Pre-Compliance Review Questionnaire
- Trial Balance
- Balance Sheet
- Income Statement
- WV Sales & Use Tax Report
- Payroll Journal/Reports
- Copy of current WV State Business Registration (if applicable)
- Copy of current WV ABC License (if applicable)
- Any other supporting documents for taxes and fees.

Thank you,

John Briggs
Tax Auditor

Pre-Compliance Review Questionnaire

Business Identification			
B&O Account Number	Business Name	Business Phone	
Business Email		Business Website	
Official in Charge of Records – Name		Title	
Address of Business/Records			
City	State	Zip Code	Phone Number

If you rent, please complete the information below:

Landlords Name: _____

Address: _____

Phone Number: _____

Please indicate below the number of employees working within Morgantown City Limits for each category that applies to your business:

Full-Time _____ Part-Time _____ Self-Employed _____ Volunteers _____ Seasonal/Temporary _____

Please indicate below the pay frequency of your business:

Weekly _____ Bi-Weekly _____ Semi-Monthly _____ Monthly _____ Other _____

Please list affiliated Companies and B&O Account Numbers

Description of business activities and comments:

To complete the Compliance Review for your business for the time period of January 1, 2013 – December 31, 2015 the City of Morgantown is requesting the following information be provided to the Finance Department.

- Completed Pre-Compliance Review Questionnaire
- Trial Balance
- Balance Sheet
- Income Statement
- WV Sales & Use Tax Report
- Payroll Journal/Report
- Copy of current WV State Business Registration (if applicable)
- Copy of current WV ABC License (if applicable)
- Any other supporting documentation for taxes and fees.

The above information is correct to the best of my knowledge.

Printed Name _____	Email Address: _____
Signature _____	Title _____ Date _____

**FINANCE DEPARTMENT**

September 22, 2016

Dear Business Owner:

The City of Morgantown has completed its Compliance Review of your account and based on that review, your account is in compliance with City Code. At this time no further information is needed. I would like to thank you for your time and cooperation during the Compliance Review process.

Sincerely,

John Briggs
Tax Auditor

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
PHONE: (304) 284-7488 FAX: (304) 284-7418
jbriggs@morgantownwv.gov
www.morgantownwv.gov

**FINANCE DEPARTMENT**

September 22, 2016

Dear Business Owner:

The City of Morgantown has reviewed the material and information provided for the compliance review of your account. Based on that review, it has been determined that your account is "Noncompliant" in one or more areas reviewed. Enclosed is the Compliance Review Findings Report explaining the corrections required for your account to be "in compliance" with City Code.

The following compliance issues must be addressed and corrected within thirty (30) calendar days of receipt of this letter. Failure to correct these compliance issues, within thirty (30) calendar days specified in this letter, will lead to collective action. Thank you for taking the time to address this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

John Briggs
Tax Auditor**The City of Morgantown**389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
PHONE: (304) 284-7488 FAX: (304) 284-7418
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City of Morgantown

Compliance Review Findings Report

B&O Account #:

Business Name:

Time period Reviewed:

Business & Occupations Taxes:

City Licensing:

Fire Fees:

Municipal Service Fees:



Compliance Review

Quarterly Statistical Data Report

June 30, 2016

Number of Compliance Reviews		0
Number that complied		0
Number that did not comply		0
Number of compliant accounts		0
Number of noncompliant accounts		0
Areas of Noncompliance		
Business & Occupation Taxes		0.00%
Licensing		0.00%
Fire Fees		0.00%
User Fee		0.00%
Total revenue reviewed		\$0.00
% change in revenues reviewed		0.00%



CURRENT PROJECTS		STATUS
EVENTS Attended		
Pedestrian Safety Board	Matt Cross	Member 8-1-2016
Monongalia County Schools	Dr. Devono, Adam Henkins	Met 9-19-2016
Blacksville	Denise Corder	Met 8-23-2016
Mon River Trail Conservancy	Ella Belling	Met 8-18-2016
MRTC Safety	City of M, MPD, MRTC PSB, WVU-ICRC	Meeting planned
Safety Town	MPD, MFD, WVU Medicine, MCPS	Meeting planned
SCI Web Page	Eliot, Tim	Completed
Main Street Morgantown	Travis Henline Barbara Watkins	Met 8-11-2016
City of Morgantown City Clerk	Linda Tucker	Met 6-22-2016
United Way	Amy Skeen	Met 5-24-2016
Aetna/APHA/NCOA	Grant-HR, WVUPD, PFS, City of Morgantown	Awarded-Top50
CVS	Grant-MPHR, PFS	Ongoing
GE Healthy Cities	Grant-TCLI, Jone Webb	IP
GMCVB	Peggy Meyer-Smith	NC
Mon County PFS	Diane Rogers	Ongoing
DBTF	WVUPD, MPD, ICRC, GHSP, MCS, WVUSGA, WVSP	Completed-Consensus Statement 7-2016
Monongalia County Commission – Work Group	Commissioners	Met 5-11-2016
Civil Rights/Color of Law	FBI, GPD	Completed
Overdose Awareness Day	Herb Linn	Met 8-31-2016
WVU –Quality of Life Initiative -Safety	Marcia DeMarco	Ongoing
Town Hall-Impact of Alcohol on our Community	SCI Collaborative	11-14-2016
Monongalia County Health Department	Dr. Lee Smith	Ongoing
Morgantown Monongalia MPO	Bill Austin	Met 3-2-2016
Morgantown Chamber of Commerce	IP	IP



Ch. C

City of Morgantown Code Enforcement





2015 International Property Maintenance Code

Section 308.2 Disposal of Rubbish

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers

WV State Building Code

Section 1713.04 upholstered Furniture

It shall be unlawful for any person to allow on any yard, or other exterior area of any premises, furniture, other than Outdoor Furniture

- October 29, 2004 Official Notice issued for an abandoned vehicle.
Complied November 9, 2004

- June 5, 2012 Official Notice issued for an accumulation of rubbish and garbage. Complied June 26, 2012

- August 20, 2015 Official Notice issued for accumulation of rubbish and garbage on front and rear porches. Complied September 23, 2015

- **April 7, 2016 Official Notice issued for an accumulation of rubbish and garbage. Complied May 2, 2016**

- **April 7, 2016 Official Notice issued for indoor furniture outdoors- mattresses, tables and chairs**





**Citation issued April 14,
2016 for failure to comply**

**Court date set for May
24, 2016**

**Hearing moved to June 21,
2016. Owner failed to
appear**

**Court Date rescheduled
for August 23, 2016. Owner
failed to appear**

Officer issued four citations n August 23, 2016

- **Indoor furniture outside**
- **Rubbish on front porch**
- **Rubbish on back porch**
- **Rubbish in back yard**

Court date is September 27, 2016



City of Morgantown Code Enforcement





2015 International Property Maintenance Code

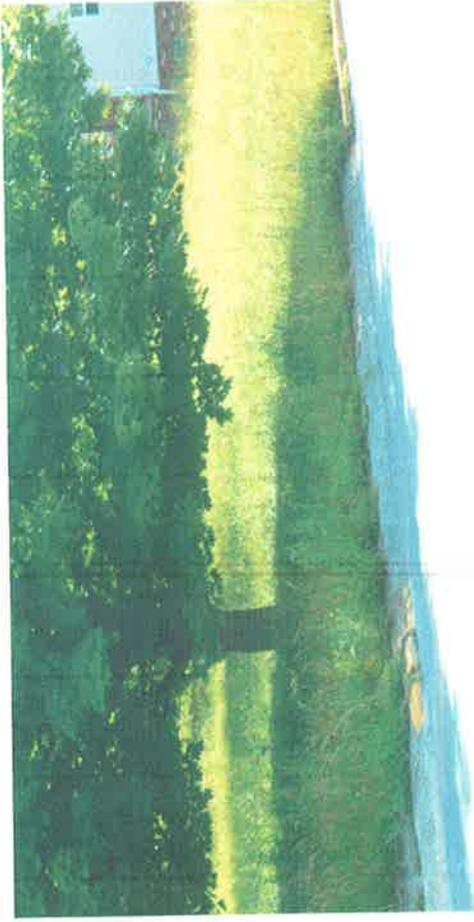
Section 302.4 Weeds

Premises and exterior property shall be free from weeds or plant growth in excess of 10 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

- **May 31, 2013 Official Notice issued for grass in excess of 10”**
- **June 5, 2013 Official Notice issued for grass in excess of 10”**
- **July 9, 2013 Citation issued for failure to comply with previous notices. Court date July 27, 2013. Property owner found guilty and fined \$135.00**

- **May 31, 2016** Official Notice issued for grass in excess of 10” and overgrown shrubs
- **June 10, 2016** Official Notice issued for grass in excess of 10” and overgrown shrubs
- **June 20, 2016** Official Notice issued for grass in excess of 10” and overgrown shrubs





- **June 21, 2016** Citation issued for grass in excess of 10" and overgrown shrubs. Court date July 26, 2016. Owner failed to appear, found guilty in absence and fined \$250

- **June 27, 2016** Certified letter sent

- **July 21, 2016** Citation issued for grass in excess of 10" and overgrown shrubs. Court date August 30, 2016. Owner failed to comply. Judge gave owner until September 20, 2016

- **September 20, 2016** Owner failed to comply. Fined \$500



DOWNTOWN TASK FORCE

A New Initiative from the Coordinating Council on Homelessness
to address the problems of loitering and panhandling in Morgantown

(Note: Numbers in parentheses indicate sections in the Downtown
Morgantown Strategic Plan or the Main Street Morgantown Workplan.)

One of the ongoing issues impacting the quality of life downtown is the presence of persons loitering and panhandling. Sometimes this problem is lumped under the generalization of "homelessness," but that is not a helpful description when it comes to being able to solve the problem. While homelessness is in part a contributor, there are other factors that need to be addressed if the problem is to be resolved.

1) Homelessness:

Helping those who are homeless find housing is one important approach. Our community is working collaboratively to end homelessness. Most of those who are homeless have little or no income. And the hardest to place are chronically homeless, meaning they have disabilities that prevent them from ever working regularly again. Agencies assist them in qualifying for Social Security Disability and for HUD Section 8 rental assistance vouchers. The additional financial subsidies they need to get into an apartment are provided primarily through grants under HUD's Emergency Solutions Grant program. Morgantown's award has been increasing every year, from \$100,000 the first year to \$236,000 this year, spread through 3 agencies: Bartlett House, the Connecting Link, and Caritas House. These grants are awarded on a competitive basis and are given to those communities that are demonstrating success in getting people housed. Our agencies deserve hearty congratulations on their continued success in getting homeless persons into housing. Other federal and state grants, along with local contributions, provide staff to identify and work with individuals experiencing homelessness.

2) Loitering:

A) Drop-In Center: Just because someone is no longer homeless does not mean that they are permanently off the streets. They lack the disposable income to do very much during the day other than hang out with their friends. Many persons who are homeless or of very limited financial means need a place to gather. The Friendship Room has recently reopened under the management of Milan Puskar Health Right. It is primarily a day center for persons dealing with mental health issues, but anyone is welcome. A new space has just been found at 304 Willey Street - a beautiful building, accessible for persons with disabilities. With 1200 sq. ft., this new peer support center will have an accessible bathroom with shower, a kitchen, a group room, computer and sitting room, and a large living room. The new space will allow for increased mental health and wellness services as well the typical drop in activities. (See 6.8.3)

B) Positive Activities: In addition to a place to gather, many people welcome positive activities in which to be involved, activities that are productive and which integrate them into the rest of the community. It is the intention of the Friendship Room to help catalyze these kinds of activities. There is opportunity here for overlap with some of the goals of the Downtown Strategic Plan to beautify the streetscape, to provide art and cultural activities downtown, and to develop a core of street ambassadors, who, among other tasks, could help keep downtown clean and free of litter. (See: 6.2; MSM Strategy 2, 3)

C) Panhandling: Many persons who are panhandling are not homeless. Housing people will not address this problem, because whether they are housed or not, there are people who are seeking additional income, most often to purchase alcohol or drugs. Increased police presence can help, but alone cannot solve this problem. Panhandling is not illegal. Aggressive panhandling is, but panhandlers usually back

off when police are present. And arresting offenders does not seem to be a serious deterrent. They are usually back on the street very soon. Three changes can help address this problem:

i. A Street Ambassadors program of trained volunteers who could move around in teams of 2, intervening in aggressive panhandling, encouraging people to move on where they are disrupting access to a merchant, and also providing hospitality and information for the general public. Staffing would be needed for administration, scheduling, recruitment, and training, but most of the participants could be volunteers. (See 6.8.2; 7.1)

ii. Marketing campaign to encourage citizens to give money to agencies rather than to individuals. One of the greatest deterrents to panhandling is for the public to stop giving money. Panhandling will eventually end if there is no response. ((See MSM Strategy 3)

iii. Increased activity on the streets changes the atmosphere, promoting positive activity and discouraging negative behavior. Currently, there are periods when the panhandlers are sometimes a dominant presence. Greater activity will decrease their impact on people in the area for shopping, dining, and entertainment.

Addressing these issues requires a collaborative and planned program. One of the patterns in the past has been ad hoc, reactive actions which, on their own, have little or no impact. For instance, frustration with persons loitering in the County Courthouse Square and along Wall Street near Milan Puskar Health Right led to the removal of all the benches in those areas. People still gather, especially on Wall Street, but now there are no seating areas for anyone. Isolated actions can be of little use, and even have negative unintended consequences. In order for the public to gather and remain in the downtown, there have to be areas of seating, as called for in the DMSP.

Progress on these issues will require a planned, collaborative approach involving all of the stakeholders in the downtown area. The need for such collaboration is noted several times in the DMSP and the Main Street Morgantown Workplan. (6.2.8; 6.7.6; 6.7.7; 6.8.3; 7.0; MSM Strategies 1, 2, 3, & 4).

Therefore, the Coordinating Council on Homelessness has decided to petition the key stakeholders to join in creating a Downtown Task Force to address the issues of loitering and panhandling as a community. We are formally approaching the City Council, County Commission, Morgantown Police Department, Mon County Sheriff's Department, Main Street Morgantown, Convention and Visitors Bureau, Chamber of Commerce, WVU, neighborhood associations, and downtown residents to jointly create this group. Without a joint effort, we will not see a significant change in these issues. There is no one group who can change things and no one action that can be taken. However, if we commit to working together, we can make a difference.

An open public meeting to initiate the Downtown Task Force will be held on Monday evening, October 17th, 6:30 pm, at the Spruce Street United Methodist Church, across from City Hall. Everyone is welcome.

**Morgantown Pedestrian Safety Board
289 Spruce Street
Morgantown, WV 26505**

September 7, 2016

To the Acting City Manager and Members of Morgantown City Council:

The Morgantown Pedestrian Safety Board respectfully requests that the interview process for the new city manager include a focus on the plight of our dilapidated sidewalk system. The downtown beautification project for High Street has enhanced our city's function and appeal. Yet many walkways throughout the city remain in dismal condition and in need of repair.

It is important to inform the position applicants of the challenge we face as we attempt to enforce the outdated sidewalk code which was written in 1967 (Appendix H: Article 913). Morgantown's population growth since then has qualified us for a Metropolitan Planning Organization. We greatly appreciate their assistance with our board's mission. But we need greater participation from the city administration in regard to funding, design, planning and enforcement.

We also would like to see ever more emphasis on pedestrian / bicycle accessibility and mass transit to ease traffic congestion and decrease air pollution. We work closely with the Bicycle Board as voting members of the Traffic Commission. We appreciate the cooperation of our city engineering department. It is the duty of the City to educate, inform and enforce rights and responsibilities regarding city and state laws. Pedestrian and bicycle safety advancements have been incremental due to the lack of a comprehensive strategy and the political will.

Morgantown continues to be a great place to live. We need to assure current and future residents that our city administration is providing for their safety as pedestrians. As citizen volunteers on the advisory boards, we will continue our efforts to assist with this commitment.

Cordially,



Matt Cross, Chair

