



MORGANTOWN PLANNING COMMISSION

May 12, 2016
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Charles McEwuen, Admin.

William Kawecki, City Council

STAFF REPORT

CASE NO: TX16-04 / Administrative / Planning Commission

REQUEST:

Administratively requested Zoning Text Amendments to Article 1387 “Planning Commission” of the City’s Planning and Zoning Code for the purpose of conforming same in all respects to related West Virginia State requirements.

BACKGROUND and ANALYSIS:

In response to questions raised concerning the recent appointment to fill the Planning Commission vacancy created by Dr. Ken Martis’ resignation, City Administration submitted an ordinance to City Council modifying related sections of City Code. It is the intent of the ordinance to conform City Code in all respects with the West Virginia Code requirements for composition of its Planning Commission, as instructed by the City Charter, and to avoid redundancy by prescribing those requirements only within the City’s Planning and Zoning Code. The following exhibits are attached hereto:

- Exhibit 1 is the ordinance presented to City Council on 03 MAY 2016. City Council tabled this ordinance so language could be included providing some form of ward representation.
- Exhibit 2 is a summary sheet identifying the inconsistencies between City Code Article 145 and Planning and Zoning Code 1387.01 et seq. along with changes in West Virginia State Code from Chapter 8, Article 24 to Chapter 8A.
- Exhibit 3 is a modified ordinance addressing City Council’s questions/concerns identified at its meeting on 03 MAY 2016. These modifications would require City Council to bring the initial ordinance off the table and amend it accordingly on first reading. Assuming the modified ordinance adequately addresses City Council’s questions/concerns, the matter could be taken up at City’s Council’s 17 MAY 2016 meeting.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

West Virginia State Code 8A-7-8 “Amendments to the zoning ordinance by the governing body” provides:

- (a) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature with the area involved with were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

After careful review, the 2013 Comprehensive Plan Update does not address the authorization, continuation, membership, composition, etc. of the Planning Commission. However, the 2013 Comprehensive Plan Update was adopted in accordance with West



MORGANTOWN PLANNING COMMISSION

May 12, 2016
6:30 PM
City Council Chambers

President:

Peter DeMasters, 6th Ward

Vice-President:

Carol Pyles, 7th Ward

Planning Commissioners:

Sam Loretta, 1st Ward

Tim Stranko, 2nd Ward

William Blosser, 3rd Ward

Bill Petros, 4th Ward

Mike Shuman, 5th Ward

Charles McEwuen, Admin.

William Kawecki, City Council

Virginia Code Chapter 8A, Article 3. As such, it appears prudent and proper for the Planning Commission to advise City Council accordingly.

STAFF RECOMMENDATION:

Staff respectfully recommends that the Planning Commission advise City Council that amending the Planning and Zoning Code to conform in all respects with the West Virginia Code requirements for the composition of the Morgantown Planning Commission is consistent with the 2013 Comprehensive Plan Update as said plan was adopted in accordance with West Virginia Code Chapter 8A, Article 3.

Development Services

Christopher Fletcher, AICP
Director

John Whitmore, AICP
Planner III

Planning Division

389 Spruce Street
Morgantown, WV 26505
304.284.7431

**AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02
OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING
COMMISSION**

WHEREAS, the West Virginia Code provides mandatory requirements for the composition of Municipal Planning Commissions at Section 8A-2-3, which provides in part that one member must be a member of the municipal governing body or a designee and one member must be a member of the administrative department of the municipality or a designee, that all members must be residents of the city, and that three-fifths of the members must have been residents of the city for the past three years prior to appointment; and

WHEREAS, City Charter Article 6 provides that the Council may create a Planning Commission as it now is, or may hereafter be, authorized to create pursuant to the provisions of the Code of West Virginia, Chapter 8, Article 24, as amended; and

WHEREAS, City Charter Article 6 provides that “Any Planning Commission heretofore established shall continue to operate as though established under the provisions of the Code of West Virginia, Chapter 8, Article 24, as amended;” and

WHEREAS, former West Virginia Code Chapter 8, Article 24, was amended and replaced by current West Virginia Code Chapter 8A; and

WHEREAS, the City intends to conform its Code in all respects with the West Virginia Code requirements for composition of its Planning Commission, as instructed by the City Charter, and to avoid redundancy by prescribing those requirements only within the Planning and Zoning Code;

NOW, THEREFORE, the City of Morgantown hereby ordains that Article 145 of the City Code and Sections 1387.01 and 1387.02 of the City Code are amended as follows:

145.01 ESTABLISHED.

There is hereby created and established shall be a City Planning Commission in accordance with the provisions of the City Planning and Zoning Code.

~~145.02 COMPOSITION AND MEMBERSHIP; VACANCIES.~~

~~—The Planning Commission of the City shall consist of nine members, all of whom shall be freeholders and residents of the City, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and who shall include representatives of business, industry and labor. Three fifths of all members shall have been residents of the Municipality for~~

~~at least one year prior to nomination and confirmation or appointment. All members shall be nominated by the City Manager and confirmed by Council.~~

~~One member of the Commission shall also be a member of Council, and one member shall also be a member of the administrative department of the City. The term of these two members shall be coextensive with the term of office to which each has been elected or appointed, unless the City Manager and Council, at the first regular meeting each year, appoint others to serve as the City's representatives. The remaining seven members shall be appointed for terms of three years each, except those members first appointed, as provided in Section 145.03, one member being appointed from each ward of the City. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members of the Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.~~

~~145.03 ORIGINAL APPOINTMENTS.~~

~~For the original appointment of the seven members of the City Planning Commission provided for in Section 145.02, three members shall be appointed for one year, two members for two years and two members for three years.~~

~~145.04 OFFICERS.~~

~~At its first regular meeting in each year, the City Planning Commission shall elect from its members a president and vice president. It shall designate a member of the Commission to act as an advisory member of the County Planning Commission.~~

~~145.05 OFFICES, FACILITIES AND EXPENSES.~~

~~Council shall provide the City Planning Commission with suitable offices and facilities and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Commission to enable it to carry out its duties.~~

~~145.06 MEETINGS; QUORUM.~~

~~The City Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.~~

~~The provisions of West Virginia Code 8-24-8 and 8-24-9 shall govern special meetings and quorums.~~

~~145.07 POWERS AND DUTIES.~~

~~The City Planning Commission shall have all powers and perform all duties provided for in West Virginia Code Art. 8-24 consistent with the provisions of Article VI of the City Charter.~~

145.08 PURPOSE OF ARTICLE.

~~—It is the object of this article to improve the present health, safety, convenience and welfare of the residents of the City and to plan for the future development of the City to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities, that the needs of industry and business be recognized in future growth, that residential areas provide healthy surroundings for family life, and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.~~

1387.01 ESTABLISHMENT.

A Planning Commission known as the Morgantown Planning Commission is hereby established under the provisions of the Code of the State of West Virginia, Chapter 8A, Article 2, et seq., as amended. The membership of said Planning Commission, the qualifications thereof, and the powers, privileges, duties and responsibilities of said Planning Commission shall be as hereinafter set forth:

(A) Membership. The following provisions govern the composition of the Morgantown Planning Commission:

(1) _____ The Morgantown Planning Commission shall consist of nine (9) members, all of whom shall be residents of the City who shall be qualified by knowledge and experience in matters pertaining to the development of the City, and shall fairly represent different areas of interest, knowledge and expertise, including, but not limited to, business, industry, labor, government and other relevant disciplines. Three-fifths of all the members shall have been residents of the City for at least three years prior to nomination and confirmation or appointment. ~~No two (2) shall be residents of the same ward.~~

(2) _____ All members shall be nominated by the City Manager and confirmed by Council. Vacancies shall be filled by appointment in the same manner for the unexpired term.

~~—(B) One member of the City Planning Commission shall also be a member of Council, and one member shall also be a member of the Administrative Department of the City. The term of these two members shall be co-extensive with the term of office to which each has been elected or appointed, unless the City Manager and Council at the first regular meeting of each year appoint others to serve as the City representatives.~~

(3) _____ One member must be a member of City Council or a designee and one member must be a member of the administrative department of the City or a designee. The term of membership for these two members is the same as their term of office. The term of a designee of the governing body shall end at the conclusion of a term of City Council. The

term of a designee of the administrative department shall end at the conclusion of the City Manager's employment as City Manager. The remaining members of the Commission shall be appointed to terms of three (3) years and serve until their successors are appointed and qualify. ~~Vacancies shall be filled by appointment in the same manner for the unexpired term only.~~ Members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

(4) The commission established prior to the effective date of this section and the members of the commission in office prior to the effective date of this section shall be continued in existence and in office and shall continue to operate thereafter as though established under the terms of this section.

(B) Removal. The City Council may remove a member of the Planning Commission for inactivity, neglect of duty or malfeasance. Removal proceedings for inactivity may only be commenced following a member's failure to attend three consecutive meetings. Removal proceedings may only be instituted by a majority vote of Council to provide a member with a written statement of the reasons for removal. Any member presented with a notice of removal shall have an opportunity to be heard on the matter before Council. The opportunity for a hearing must be exercised by delivering a written demand for such hearing to Council within five days of receiving the notice of removal. No removal shall be effective until the hearing before Council has been held or waived by failure to deliver a demand for hearing. Any member who waives a hearing shall be removed from office effective the day after his or her failure to deliver a demand for hearing as prescribed in this paragraph. Any member who demands a hearing may only be removed by a majority vote of Council at such hearing or subsequent to the hearing.

(C) Conduct of business. The Commission shall fix times for holding regular meetings and shall meet at least quarterly. Special meetings may be called by the President or upon the written request of any two members. The secretary shall give a-At least two (2) days' notice of any special meeting shall be provided unless the same is waived by the full membership of the Commission. Notice of all meetings shall be provided in accordance with the West Virginia Open Governmental Proceedings Act, as amended. A majority of members shall constitute a quorum for the transaction of business and no action of the Commission shall be official unless authorized by a majority of the membership present at a regular or properly called special meeting.

(D) Officers. At the first regular meeting in each year the Commission shall elect from its membership a President and Vice President and may appoint a secretary from within or without its membership. The vice president shall have the power and authority to act as president of the planning commission during the absence or disability of the president. The Commission may

~~appoint such employees as are necessary to discharge its duties, and compensation paid shall be in conformity with the budgetary powers of the City Council.~~

(E) The City Council shall provide the Planning Commission with: (1) Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and (2) Appropriate money to defray the reasonable expenses of the planning commission.

(F) The Commission is authorized to accept gifts, funds and donations which will be deposited with the City in a special nonreverting planning commission fund to be available for expenditures by the planning commission for the purpose designated by the donor.

1387.02 POWERS AND DUTIES.

~~To effectuate the purposes of this ordinance the Commission shall have power and authority to~~
The Morgantown Planning Commission has the following powers and duties:

- (A) Exercise general supervision for the administration of the affairs of the Commission;
- (B) Prescribe uniform rules and regulations pertaining to administration, investigations and hearings, provided that the rules and regulations are adopted by City Council;
- (C) Supervise the fiscal affairs and responsibilities of the Commission;
- (D) With consent of Council, hire employees necessary to carry out the duties and responsibilities of the Planning Commission, provided that City Council sets the salaries;
- (E) Keep an accurate and complete record of all Planning Commission proceedings;
- (F) Record and file all bonds and contracts;
- (G) Take responsibility for the custody and preservation of all papers and documents of the Commission.
- (H) Make recommendations to City Council concerning planning.
- (I) Make an annual report to City Council concerning the operation of the Planning Commission and the status of planning within the City;
- (J) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under the Code of the State of West Virginia Code, Chapter 8A, Article 2;
- (K) Adopt a seal and certify all official acts;
- (L) Invoke any legal, equitable or special remedy for the enforcement of the provisions of the Code of the State of West Virginia, Chapter 8A, Articles 1 through 12 or any ordinance, rule or regulation or any action taken thereunder;
- (M) Prepare and submit an annual budget in the same manner as other departments of the City government and ~~shall~~ be limited in all expenditures to the provisions made therefore by City Council;
- (N) If necessary, establish Advisory Committees;
- (O) Delegate limited powers to a committee composed of one or more members of the Planning Commission; and,
- (P) Contract for special or temporary services and professional counsel with the approval of City Council.

This Ordinance shall be effective from the date of its adoption.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk

Summary Sheet – Planning Commission membership

- WV Code 8A-2 authorizes planning commissions and has mandatory provisions for their membership and duties. (8A-2-1, 8A-2-3).
- These changes to WV Code were adopted in 2004. Chapter 8A replaced former Chapter 8, Article 24. Section 8A-2-3 governing municipal planning commissions was amended again in 2010 (S.B. 388).
- City Charter requires the Planning Commission to exist according to WV Code (it specifically says WV Code Ch. 8, Art. 24, as amended).
- City Code had Planning Commission provisions at Article 145 and Section 1387.01 and .02, and some provisions were inconsistent. This ordinance removes most of Article 145 and provides that a planning commission will exist under Sections 1387.01 and .02.
 - **145.02 provided that three-fifths of members be residents for one year prior to appointment. 1387.01 provided that three-fifths be residents for three years prior to appointment. The three year requirement is mandated by WV Code 8A-2-3(c).**
 - 145.02 provided a method for initial appointment of designees of council and administration that was superseded by 8A-2-3. The language provided for initial appointment at the first meeting of the year, which was a restriction in 8-24-5 that was removed by 8A-2-3.
 - 145.03 provided for seven members, conflicting with 145.02 and 1387.01 which provide for nine members.
 - 145.06 provided for meetings in designated months rather than quarterly as required by 1387 and WV Code.
- City Code 1387.01 and .02 are updated to include required WV Code provisions
 - **1387.01(A)(2) removes the restriction that no two members may be from the same ward. This appears to be an artifact of a 7-member commission. The nine-member commission will necessarily have at least two residents from some wards. WV Code does not provide any geographical limitation on members. Council requested some form of ward representation. A provision requiring one member from each ward is added to the attached draft. Council could amend the ordinance with this provision upon bringing it off the table. Alternatively, the provision could read “No more than two members shall be residents of the same ward.”**
 - 1387.01(A)(3) contains the updated language consistent with WV Code 8A-2-3 providing for appointment of designees of the council and administration without

restricting the original appointment to the first commission meeting of the year. The third and fourth sentences are additional explanation of the term of those appointees.

- 1387.01(B) adds a procedure for removing commission members. This is an option granted by WV Code 8A. There is currently no removal procedure in City Code. **The PC bylaws provide for removal upon absence from three meetings, but it's not clear that is effective outside an ordinance (and the notice provisions here are mandatory for any removal).**
- 1387.01(D). The commission's authority to appoint employees is removed. Its authority to hire employees or agents is provided at 1387.02(D) and requires Council consent, consistent with WV Code.
- 1387.01(E) provides the City's duties to the commission (formerly contained partially in Article 145). These are required by WV Code.
- 1387.01(F) provides the Commission authority to accept gifts. This is required by WV Code.

**AN ORDINANCE AMENDING ARTICLE 145 AND SECTIONS 1387.01 AND 1387.02
OF THE CITY CODE RELATING TO THE MORGANTOWN PLANNING
COMMISSION**

WHEREAS, the West Virginia Code provides mandatory requirements for the composition of Municipal Planning Commissions at Section 8A-2-3, which provides in part that one member must be a member of the municipal governing body or a designee and one member must be a member of the administrative department of the municipality or a designee, that all members must be residents of the city, and that three-fifths of the members must have been residents of the city for the past three years prior to appointment; and

WHEREAS, City Charter Article 6 provides that the Council may create a Planning Commission as it now is, or may hereafter be, authorized to create pursuant to the provisions of the Code of West Virginia, Chapter 8, Article 24, as amended; and

WHEREAS, City Charter Article 6 provides that “Any Planning Commission heretofore established shall continue to operate as though established under the provisions of the Code of West Virginia, Chapter 8, Article 24, as amended;” and

WHEREAS, former West Virginia Code Chapter 8, Article 24, was amended and replaced by current West Virginia Code Chapter 8A; and

WHEREAS, the City intends to conform its Code in all respects with the West Virginia Code requirements for composition of its Planning Commission, as instructed by the City Charter, and to avoid redundancy by prescribing those requirements only within the Planning and Zoning Code;

NOW, THEREFORE, the City of Morgantown hereby ordains that Article 145 of the City Code and Sections 1387.01 and 1387.02 of the City Code are amended as follows:

145.01 ESTABLISHED.

There is hereby created and established shall be a City Planning Commission in accordance with the provisions of the City Planning and Zoning Code.

~~145.02 COMPOSITION AND MEMBERSHIP; VACANCIES.~~

~~—The Planning Commission of the City shall consist of nine members, all of whom shall be freeholders and residents of the City, who shall be qualified by knowledge and experience in matters pertaining to the development of the City and who shall include representatives of business, industry and labor. Three fifths of all members shall have been residents of the Municipality for~~

~~at least one year prior to nomination and confirmation or appointment. All members shall be nominated by the City Manager and confirmed by Council.~~

~~One member of the Commission shall also be a member of Council, and one member shall also be a member of the administrative department of the City. The term of these two members shall be coextensive with the term of office to which each has been elected or appointed, unless the City Manager and Council, at the first regular meeting each year, appoint others to serve as the City's representatives. The remaining seven members shall be appointed for terms of three years each, except those members first appointed, as provided in Section 145.03, one member being appointed from each ward of the City. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members of the Commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.~~

~~145.03 ORIGINAL APPOINTMENTS.~~

~~For the original appointment of the seven members of the City Planning Commission provided for in Section 145.02, three members shall be appointed for one year, two members for two years and two members for three years.~~

~~145.04 OFFICERS.~~

~~At its first regular meeting in each year, the City Planning Commission shall elect from its members a president and vice president. It shall designate a member of the Commission to act as an advisory member of the County Planning Commission.~~

~~145.05 OFFICES, FACILITIES AND EXPENSES.~~

~~Council shall provide the City Planning Commission with suitable offices and facilities and shall provide by appropriation a sum sufficient to defray the reasonable expenses of the Commission to enable it to carry out its duties.~~

~~145.06 MEETINGS; QUORUM.~~

~~The City Planning Commission shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July and October.~~

~~The provisions of West Virginia Code 8-24-8 and 8-24-9 shall govern special meetings and quorums.~~

~~145.07 POWERS AND DUTIES.~~

~~The City Planning Commission shall have all powers and perform all duties provided for in West Virginia Code Art. 8-24 consistent with the provisions of Article VI of the City Charter.~~

145.08 PURPOSE OF ARTICLE.

~~—It is the object of this article to improve the present health, safety, convenience and welfare of the residents of the City and to plan for the future development of the City to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities, that the needs of industry and business be recognized in future growth, that residential areas provide healthy surroundings for family life, and that the growth of the community is commensurate with and promotive of the efficient and economical use of public funds.~~

1387.01 ESTABLISHMENT.

A Planning Commission known as the Morgantown Planning Commission is hereby established under the provisions of the Code of the State of West Virginia, Chapter 8A, Article 2, et seq., as amended. The membership of said Planning Commission, the qualifications thereof, and the powers, privileges, duties and responsibilities of said Planning Commission shall be as hereinafter set forth:

(A) Membership. The following provisions govern the composition of the Morgantown Planning Commission:

(1) The Morgantown Planning Commission shall consist of nine (9) members, all of whom shall be residents of the City who shall be qualified by knowledge and experience in matters pertaining to the development of the City, and shall fairly represent different areas of interest, knowledge and expertise, including, but not limited to, business, industry, labor, government and other relevant disciplines. Three-fifths of all the members shall have been residents of the City for at least three years prior to nomination and confirmation or appointment. ~~No two (2) shall be residents of the same ward.~~ There shall be at least one member from each ward.

(2) All members shall be nominated by the City Manager and confirmed by Council. Vacancies shall be filled by appointment in the same manner for the unexpired term.

~~—(B) One member of the City Planning Commission shall also be a member of Council, and one member shall also be a member of the Administrative Department of the City. The term of these two members shall be co-extensive with the term of office to which each has been elected or appointed, unless the City Manager and Council at the first regular meeting of each year appoint others to serve as the City representatives.~~

(3) One member must be a member of City Council or a designee and one member must be a member of the administrative department of the City or a designee. The term of membership for these two members is the same as their term of office. The term of a

designee of the governing body shall end at the conclusion of a term of City Council. The term of a designee of the administrative department shall end at the conclusion of the City Manager's employment as City Manager. The remaining members of the Commission shall be appointed to terms of three (3) years and serve until their successors are appointed and qualify. Vacancies shall be filled by appointment in the same manner for the unexpired term only. Members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.

(4) The commission established prior to the effective date of this section and the members of the commission in office prior to the effective date of this section shall be continued in existence and in office and shall continue to operate thereafter as though established under the terms of this section.

(B) Removal. The City Council may remove a member of the Planning Commission for inactivity, neglect of duty or malfeasance. Removal proceedings for inactivity may only be commenced following a member's failure to attend three consecutive meetings. Removal proceedings may only be instituted by a majority vote of Council to provide a member with a written statement of the reasons for removal. Any member presented with a notice of removal shall have an opportunity to be heard on the matter before Council. The opportunity for a hearing must be exercised by delivering a written demand for such hearing to Council within five days of receiving the notice of removal. No removal shall be effective until the hearing before Council has been held or waived by failure to deliver a demand for hearing. Any member who waives a hearing shall be removed from office effective the day after his or her failure to deliver a demand for hearing as prescribed in this paragraph. Any member who demands a hearing may only be removed by a majority vote of Council at such hearing or subsequent to the hearing.

(C) Conduct of business. The Commission shall fix times for holding regular meetings and shall meet at least quarterly. Special meetings may be called by the President or upon the written request of any two members. The secretary shall give a At least two (2) days' notice of any special meeting shall be provided unless the same is waived by the full membership of the Commission. Notice of all meetings shall be provided in accordance with the West Virginia Open Governmental Proceedings Act, as amended. A majority of members shall constitute a quorum for the transaction of business and no action of the Commission shall be official unless authorized by a majority of the membership present at a regular or properly called special meeting.

(D) Officers. At the first regular meeting in each year the Commission shall elect from its membership a President and Vice President and may appoint a secretary from within or without its membership. The vice president shall have the power and authority to act as president of the planning commission during the absence or disability of the president. The Commission may

~~appoint such employees as are necessary to discharge its duties, and compensation paid shall be in conformity with the budgetary powers of the City Council.~~

(E) The City Council shall provide the Planning Commission with: (1) Suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and (2) Appropriate money to defray the reasonable expenses of the planning commission.

(F) The Commission is authorized to accept gifts, funds and donations which will be deposited with the City in a special nonreverting planning commission fund to be available for expenditures by the planning commission for the purpose designated by the donor.

1387.02 POWERS AND DUTIES.

~~To effectuate the purposes of this ordinance the Commission shall have power and authority to~~
The Morgantown Planning Commission has the following powers and duties:

- (A) Exercise general supervision for the administration of the affairs of the Commission;
- (B) Prescribe uniform rules and regulations pertaining to administration, investigations and hearings, provided that the rules and regulations are adopted by City Council;
- (C) Supervise the fiscal affairs and responsibilities of the Commission;
- (D) With consent of Council, hire employees necessary to carry out the duties and responsibilities of the Planning Commission, provided that City Council sets the salaries;
- (E) Keep an accurate and complete record of all Planning Commission proceedings;
- (F) Record and file all bonds and contracts;
- (G) Take responsibility for the custody and preservation of all papers and documents of the Commission.
- (H) Make recommendations to City Council concerning planning.
- (I) Make an annual report to City Council concerning the operation of the Planning Commission and the status of planning within the City;
- (J) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under the Code of the State of West Virginia Code, Chapter 8A, Article 2;
- (K) Adopt a seal and certify all official acts;
- (L) Invoke any legal, equitable or special remedy for the enforcement of the provisions of the Code of the State of West Virginia, Chapter 8A, Articles 1 through 12 or any ordinance, rule or regulation or any action taken thereunder;
- (M) Prepare and submit an annual budget in the same manner as other departments of the City government and ~~shall~~ be limited in all expenditures to the provisions made therefore by City Council;
- (N) If necessary, establish Advisory Committees;
- (O) Delegate limited powers to a committee composed of one or more members of the Planning Commission; and,
- (P) Contract for special or temporary services and professional counsel with the approval of City Council.

This Ordinance shall be effective from the date of its adoption.

First Reading:

Adopted:

Mayor

Filed:

Recorded:

City Clerk