AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
July 2, 2019
7:00 p.m.

1. CALL TO ORDER:

2. OATH OF OFFICE FOR COUNCIL 2019-2021:

3. ELECTION OF MAYOR AND DEPUTY MAYOR:

4. OATH OF OFFICE FOR MAYOR AND DEPUTY MAYOR:

5. ROLL CALL BY MAYOR:

6. APPROVAL OF MINUTES: Special Meeting Minutes June 4, 2019, Regular Meeting Minutes June 4, 2019 and Regular Meeting minutes June 18, 2019

7. CORRESPONDENCE:

8. PUBLIC HEARINGS:
   A. AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF 40 PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-2, SERVICE BUSINESS DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN
   B. AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1335.07, 1337.07, AND 1339.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO FRONT-LOAD GARAGE
   C. AN ORDINANCE PROHIBITING BULLYING IN CITY SERVICES, ACTIVITIES, PROGRAMS, AND FACILITIES SERVING YOUTH

9. UNFINISHED BUSINESS:
   A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF 40 PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-2, SERVICE BUSINESS DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN (First reading 6/4/2019)
   B. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1335.07, 1337.07, AND 1339.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO FRONT-LOAD GARAGE (First reading 6/4/2019)
   C. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE PROHIBITING BULLYING IN CITY SERVICES, ACTIVITIES, PROGRAMS, AND FACILITIES SERVING YOUTH (First reading 6/18/2019)

D. BOARDS & COMMISSIONS:
10. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:

11. SPECIAL COMMITTEE REPORTS:

12. CONSENT AGENDA:

13. NEW BUSINESS:

14. CITY MANAGER’S REPORT:

    NEW BUSINESS:
    1. ABCA FLOOR PLAN EXTENSION – SABRATON STATION | MOUNTAINFEST EVENT
    2. BID Call 2019 VoIP Phone System Equipment/Installation purchase

15. REPORT FROM CITY CLERK:

16. REPORT FROM CITY ATTORNEY:

17. REPORT FROM COUNCIL MEMBERS:

18. ADJOURNMENT:

*If you need an accommodation contact us at (304) 284-7439*
SPECIAL MEETING June 4, 2019

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 4, 2019 at 5:12 p.m.

PRESENT: Mayor William Kawecki, Council Members, Rachel Fetty, Deputy Mayor Jenny Selin, and Mark Brazaitis. Ryan Wallace, Ron Dulaney, and Barry Wendell were absent.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Brazaitis, second by Fetty, to go into Executive Session to discuss personnel matters in considering appointments for Boards and Commissions. Motion carried by acclamation. Mayor, and City Council Members present. Time: 5:13 p.m.

INTERVIEWS FOR:

Parking Authority – Library Board – Human Rights Commission – Tree Board

5:00 p.m. – Amy Dale – Parking Authority
5:20 p.m. – Janet Paine – Library Board
5:40 p.m. – Kate Levine-Freedman – Human Rights Commission
6:00 p.m. – Vaike Haas – Tree Board

Janet Paine – N/S for her interview.

ADJOURNMENT:

There being no further business, motion by Dulaney, second by Brazaitis, to adjourn the Special Meeting at 6:59 p.m.

City Clerk

Mayor
ORDINANCE NO.___________

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF 40 PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM B-2, SERVICE BUSINESS DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN.

Property included in this ordinance are identified as Parcels 162 through and including 199, 199.1, and 200 of County Tax Map 30, Morgantown Fifth Ward Tax District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for Parcels 162 through and including 199, 199.1, and 200 of County Tax Map 30, Morgantown Fifth Ward Tax District of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from B-2, Service Business District to R-1A, Single-Family Residential District.

2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING: __________________________

ADOPTED: __________________________

FILED: __________________________

RECORDED: __________________________

Mayor

City Clerk
ORDINANCE NO. ________________

AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1335.07, 1337.07, AND 1339.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO FRONT-LOAD GARAGE.

The City of Morgantown hereby ordains Sections 1329.02, 1333.07, 1335.07, 1337.07, and 1339.07 of the Planning and Zoning Code are amended as follows (new matter underlined):

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS

GARAGE, FRONT-LOAD – A private garage where: (a) the vehicular access or overhead door(s) is/are generally parallel to the lot front; and, (b) the vehicular access or overhead door(s) is/are visible from the entire width of the lot front.

ARTICLE 1333
R-1, Single-Family Residential District

1333.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single-Family Dwelling new construction, additions, and redevelopment projects.

(5) Front-Load Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.

ARTICLE 1335
R-1A, Single-Family Residential District

1335.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single-Family Dwelling new construction, additions, and redevelopment projects.

(5) Front-Load Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.
ARTICLE 1337
R-2, Single- and Two-Family Residential District

1337.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single- and Two-Family Dwelling new construction, additions, and redevelopment projects.

(5) Front-Load Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.

ARTICLE 1339
R-3, Multi-Family Residential District

1339.07 PERFORMANCE STANDARDS.

(B) Building Design Standards for Single- and Two-Family Dwelling new construction, additions, and redevelopment projects.

(5) Front-Load Garages, if attached to the dwelling, may not take up more than 65% of the width of the front façade nor extend closer to the front lot line than the primary building line of the front façade.

This ordinance shall be effective upon date of adoption.

FIRST READING: 

ADOPTED: 

FILED: 

RECORDED: 

Mayor 

City Clerk 

Page 2 of 2
AN ORDINANCE PROHIBITING BULLYING IN CITY SERVICES, ACTIVITIES, PROGRAMS, AND FACILITIES SERVING YOUTH

The City of Morgantown hereby ordains that a new Article 111 entitled Policies and Procedures is established within the Administrative Code, and a new Section 111.01 entitled Prohibition of Bullying is established therein, as follows:

Article 111.

Policies and Procedures.

111.01. Prohibition of Bullying.

(a) Legislative Findings and Purpose. The City Council of the City of Morgantown finds that a safe and civil environment in youth services, activities, programs, and facilities is necessary to promote the community objectives of youth services, including education, recreation, and community engagement. The City Council finds that enacting a policy prohibiting bullying in youth services, activities, programs, and facilities provided by the City will protect the dignity and safety of youth served by the City. This policy is intended to prohibit bullying, harassment, and intimidation in all youth-serving City services, activities, programs, and facilities.

(b) Definitions. For purposes of this section, the following terms have the meanings given:

(i) "Bullying" means any severe, pervasive, or persistent conduct, whether physical or verbal and whether transmitted in person or by written or electronic means, that

(A) may be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or any other distinguishing characteristic, or upon a youth's association with a person or group with any of the actual or perceived foregoing characteristics; and that

(B) can reasonably be predicted to

(1) Place the youth in reasonable fear of harm to person or property;

(2) Cause a substantial detrimental effect on the youth's physical or mental health; or
(3) Substantially interfere with the youth’s ability to participate in or benefit from the services, activities, programs, facilities, or privileges provided by a City agency, whether provided directly or through affiliates or agents.

(ii) “City” or “City agency” means The City of Morgantown and any or all of its boards, commissions, agencies, and instrumentalities, including without limitation the Board of Parks and Recreation Commissioners (“BOPARC”) and the Morgantown Public Library System.

(iii) “Retaliate” or “retaliation” means to coerce, intimidate, threaten, or interfere with any individual based on such individual’s reporting of an incident of Bullying or participation in the investigation of an incident of Bullying, or assistance with enforcement of the prohibition of Bullying.

(iii) “Youth” means either

(A) an individual of 21 years of age or less who is enrolled in an educational institution or who accesses the services or programs provided by City, a City agency, or a grantee of City; or

(B) individuals described in Subsection (A), above, when considered as a group.

(iv) “Youth-serving City services” means any program, activity, facility, or service directed or funded by City which includes Youth as participants, entrants, volunteers, or staff.

(c) Prohibition of Bullying.

(i) Acts of Bullying, whether committed by youth, volunteers, or staff, are prohibited in all youth-serving city services, including without limitation those provided by BOPARC and the Morgantown Public Library System and those provided by other groups using the facilities of the City.

(ii) Retaliation against a youth, volunteer, or staff member who reports bullying, provides information about an act of bullying, or witnesses an act of bullying, is prohibited.

(d) Adoption of Policies.

(i) All City agencies that provide services, activities, programs, and facilities for youth shall establish a clear, written policy for reporting, addressing, and preventing bullying as defined in this Section.
(ii) All such policies shall be submitted by the agency to City Council for its review no later than one hundred eighty days from the effective date of this Section or the creation of the agency, whichever occurs later.

(iv) Each policy shall include the following minimum components:

(1) Procedures for reporting incidents
(2) Requirement that agency personnel report incidents of which they are aware
(3) Requirement that due diligence be exercised in notifying parents and guardians of any youth involved in an incident
(4) Procedures for responding to and investigating incidents
(5) Requirement that staff orientation and training programs include information regarding agency policy prohibiting bullying, harassment, and intimidation
(6) Steps which will be taken to prevent bullying by identifying and supporting youth who are bullied, redirect the behavior of youth who bully, and change the attitudes of adults and youth who tolerate bullying behaviors.

This ordinance is effective upon adoption.

FIRST READING: ____________________________

ADOPTED: ____________________________ Mayor

FILED: ____________________________ City Clerk

RECORDED: ____________________________
<table>
<thead>
<tr>
<th>Board/Commission/Committee</th>
<th>Meeting Dates</th>
<th>Location</th>
<th>Current Positions</th>
<th>Council Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Advisory Committee</td>
<td>Quarterly 2nd Tues @ 9am</td>
<td>Airport Conference Room</td>
<td>Open</td>
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<tr>
<td>Bicycle Board</td>
<td>1st Thursday @ 6:30pm</td>
<td>PSB Conference Room</td>
<td>Wendell</td>
<td></td>
</tr>
<tr>
<td>BOPARC (5 yr-term)</td>
<td>3rd Wednesday @ 3pm</td>
<td>Marria Center</td>
<td>Fetty, Selin</td>
<td></td>
</tr>
<tr>
<td>Municipal Green Team</td>
<td>1st Thursday @ 5:30pm</td>
<td>Morgantown Public Library</td>
<td>Open</td>
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<tr>
<td>Health &amp; Wellness (3 yr-term)</td>
<td>1st Thursday @ 7pm</td>
<td>City Hall Council Chambers</td>
<td>Open</td>
<td></td>
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<tr>
<td>Historic Landmarks (4 yr term)</td>
<td>3rd Wednesday @ 7pm</td>
<td>PSB Conference Room</td>
<td>Kawecki</td>
<td></td>
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<tr>
<td>Met Theatre Commission (3 yr-term)</td>
<td>2nd Monday @ 6pm</td>
<td>Met Theatre</td>
<td>Open</td>
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<tr>
<td>Metropolitan Planning Organization (MPO)</td>
<td>3rd Thursday of each month @ 6pm Jan, Mar, May, Jun., Aug., Oct., Nov</td>
<td>City Hall Council Chambers</td>
<td>Kawecki, Selin, Open, Dulaney</td>
<td></td>
</tr>
<tr>
<td>Morganown Housing Advisory Commission (3 yr-term)</td>
<td>3rd Wednesday @ 8:30am</td>
<td>PSB Training Room</td>
<td>Kawecki</td>
<td></td>
</tr>
<tr>
<td>Museum Commission (5 yr-term)</td>
<td>3rd Thursday @ 6pm</td>
<td>Morgantown History Museum</td>
<td>Dulaney</td>
<td></td>
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<tr>
<td>Neighborhood Coordinating Council</td>
<td>2nd Monday @ 7pm</td>
<td>City Hall Council Chambers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Authority (3 yr-term)</td>
<td>2nd Wednesday @ 8:30am</td>
<td>PSB Conference Room</td>
<td>Fetty</td>
<td></td>
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<tr>
<td>Pedestrian Safety Board</td>
<td>2nd Monday @ 4:30pm</td>
<td>PSB Training Room</td>
<td>Fetty</td>
<td></td>
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<tr>
<td>Planning Commission (3 yr-term)</td>
<td>2nd Thursday @ 6:30pm</td>
<td>City Hall Council Chambers</td>
<td>Dulaney</td>
<td></td>
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<tr>
<td>Sister Cities Commission (1-3 yr-terms)</td>
<td>2nd Wednesday @ 4pm</td>
<td>PSB Conference Room</td>
<td>Open</td>
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<tr>
<td>Sunnyside Up</td>
<td>2nd Wednesday @ 7:30am</td>
<td>Seneca Center</td>
<td>Kawecki, Selin</td>
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<tr>
<td>Traffic Commission (3 yr-term)</td>
<td>1st Wednesday @ 6:30pm</td>
<td>City Hall Council Chambers</td>
<td>Open</td>
<td></td>
</tr>
<tr>
<td>Tree Board (3 yr-term)</td>
<td>4th Monday @ 4:30pm</td>
<td>City Hall Council Chambers</td>
<td>Fetty</td>
<td></td>
</tr>
<tr>
<td>Urban Landscape Commission (3 yr-term)</td>
<td>4th Wednesday @ 4:30pm</td>
<td>PSB Conference Room</td>
<td>Wendell</td>
<td></td>
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<tr>
<td>Woodburn School Redevelopment Commission (3 yr-term)</td>
<td>Last Thursday of the month @ 6pm</td>
<td>Woodburn School</td>
<td>Dulaney</td>
<td></td>
</tr>
</tbody>
</table>
City Manager’s Report for City Council Meeting on July 2, 2019

New Business:

A. ABCA Floor Plan Extension – Sabraton Station – MountainFest Event
   We have received a request from Sabraton Station for a Floor Plan Extension to be submitted to the WV Alcohol Beverage Control Administration. This is in conjunction with the upcoming MountainFest scheduled July 24 to 27, 2019. Attached to this report, you will find a copy of a letter from the proprietor of the restaurant. City Council action is needed to approve this request.

B. Bid Call 2019-01 VoIP Phone System Equipment / Installation Purchase
   The City sought a solution that upgrades its communications systems with a Voice over Internet Protocol (VoIP) integrated voice and data system. This is to replace phones and associated systems that are approximately 13 years old. The current arrangement has significant variations in network infrastructure across the various City facilities. The City has a combination of on-premise Private Branch Exchange (PBX) systems at City Hall, Public Safety Building, City Garage, and the Morgantown Municipal Airport.

   Through the assistance of telephone technology consultant, staff compiled a Request for Proposal document and received proposals from a variety of providers. Attached, you will find a memorandum from the City IT Specialist in reference to the recommended vendor to install a Hosted VoIP system. The recommended bidder is Segra at a one-time fee of $1,350.00 and recurring monthly fees of $4,899.42 (for a 60-month term). Staff recommends authorizing the City Manager to enter into an agreement with Segra for the phone system equipment / installation purchase.

Paul J. Brake, ICMA-CM, CEcD
City Manager, Morgantown, WV
Dear Morgantown City Council members,

We are writing in regard to the recent request our company has made for a Floor Plan Extension/noise waiver for July 24th through July 27th. These dates correspond with the Mt. Fest Motorcycle Rally that is held in and around Morgantown each year. This would be our 15th year to offer this event in the Sabraton area. (which is in the City limits)

The city has always granted us a floor plan extension (which expired at midnight) from Wednesday through Saturday. We were able to offer outside music, bike shows, vendors, food, games and giveaways for the motorcycle enthusiasts. We have never had a problem with receiving the permits until this year. We have already spent thousands of dollars for the bands, paid for the outside stage, numerous vendors were scheduled, along with tables and chairs which we already rented.

We were informed on Monday the 24th of June, that our waiver for Wednesday and Thursday night would NOW expire at 10pm not midnight. This presents an issue for our business which essentially takes a total of 4 hours of our busiest revenue flow away. The City of Morgantown has never had to address problems at our business during the festival. This event brings in revenue for the for the city in the way of B & O taxes, commodities bought and extra fees for the additional staff we must employ.

We also draw many more out of town riders into the city limits due to the fact they want to stay in hotels that are closest to our business. This adds to the Hotel/Motel Tax for the city. Sabraton Station is one of the only businesses in the city limits that participate in the rally and we can’t help to feel that we are being treated unfairly. For the past several years, the City supported our hard work and dedication and we were able to bring in tax dollars that would be spent, by the bikers, inside the City.

There are several businesses downtown that continue to play music that can be heard by the public which can escape the confines of the buildings well after 10:00pm during the week. In addition, WVU has spring and fall festivals, as well as home football games, that go on well after the 10pm noise ordinance inside the city. We are requesting a one-time waiver for this special event (that you have approved for the past 15 years). We are always available to discuss how we can cooperate with the City Council, current laws and regulations and continue to make Mt. Fest beneficial to the City of Morgantown as well as our patrons.

Thank You,
Craig Wolfe
Dustin Barnes
Owners/Sabraton Station
To: Paul Brake, City Manager

From: Tim Povroznik, IT Specialist

Date: June 27, 2019

Re: RFP Responses for Hosted VoIP Phone System Equipment and Installation

Bids to acquire and install a new Hosted VoIP Phone System for eight City of Morgantown facilities (City Hall, PSB, Airport, Met Theatre, City Maintenance Garage, and 3 Fire Stations) were opened on 06/18/2019. The results were as follows:

<table>
<thead>
<tr>
<th>Respondent</th>
<th>One Time Fees</th>
<th>Monthly Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Segra</td>
<td>$1,350.00</td>
<td>$4,899.42</td>
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<tr>
<td>Comcast Business</td>
<td>$7,179.75</td>
<td>$5,028.89</td>
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<tr>
<td>Advantage Technology</td>
<td>$10,000.00</td>
<td>$5,998.00</td>
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<tr>
<td>Tate Communications</td>
<td>Option 1 $63,087.80</td>
<td>X</td>
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<tr>
<td>Tate Communications</td>
<td>Option 2 $69,811.00</td>
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<tr>
<td>Vertical Communications</td>
<td>$43,975.00</td>
<td>$3,488.00</td>
</tr>
</tbody>
</table>

Members of the IT Department and Finance Department have evaluated the five responses received to determine which best fits the needs of the City based on the requested specifications listed in the RFP.

The review team has determined that Segra’s response and proposed equipment package (primarily Cisco IP 6800 series phones, along with Yealink CP960 phones and Algo paging equipment) best meet the requirements and recommend moving forward with Segra’s proposal.

Replacement of the current antiquated phone system with a hosted VoIP system will result in roughly the same monthly costs, but will provide a reliable, easier to manage phone system with greater functionality than what is currently available.