AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
August 7, 2018
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: July 24, 2018 Special & Regular Meeting minutes  Page 3 & 4

5. CORRESPONDENCE:

6. PUBLIC HEARINGS:
   A. AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1337.07, 1339.07, AND 1363.2 OF THE ZONING CODE AS IT RELATES TO RESIDENTIAL SETBACKS IN DEVELOPED BLOCKS AND RESIDENTIAL LIGHTING
   B. AN ORDINANCE ESTABLISHING A LAND REUSE/PRESERVATION AGENCY FOR THE CITY OF MORGANTOWN

7. CONSENT AGENDA:  Page 31
   A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND (First Reading 7/24/2018)  Page 34
   C. Consideration of APPROVAL of A RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT MOUNTAINEER MIDDLE SCHOOL  Page 40
   D. Consideration of APPROVAL of A RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT SUNCREST MIDDLE SCHOOL  Page 45
E. Consideration of APPROVAL of A RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT SOUTH MIDDLE SCHOOL

F. Consideration of APPROVAL of A RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT MORGANTOWN HIGH SCHOOL

G. WVU FAN FARE FLOOR PLAN EXTERIOR REQUEST

H. MONTAINEER TAP HOUSE FLOOR PLAN EXTENSION REQUEST

I. RESOLUTION TO APPROVE AGREEMENT WITH MONONGALIA COUNTY ANIMAL CONTROL

J. SUPPORT MUB'S HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY

8. UNFINISHED BUSINESS:

A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1337.07, 1339.07, AND 1363.2 OF THE ZONING CODE AS IT RELATES TO RESIDENTIAL SETBACKS IN DEVELOPED BLOCKS AND RESIDENTIAL LIGHTING (First Reading 7/10/2018)

B. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE ESTABLISHING A LAND REUSE/PRESERVATION AGENCY FOR THE CITY OF MORGANTOWN (First Reading 7/24/2018)

C. BOARDS & COMMISSIONS:

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

10. SPECIAL COMMITTEE REPORTS:

11. NEW BUSINESS:

12. CITY MANAGER'S REPORT:

New Business:
1. Ratify Recommendations from Traffic Commission
2. Tablets for City Council Meetings
3. Blue Zone Project

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. ADJOURNMENT:

*If you need an accommodation contact us at (304) 284-7439*
SPECIAL MEETING July 24, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, July 24, 2018 at 5:35 p.m.

PRESENT: Linda Tucker City Clerk, Mayor Bill Kawecki, Deputy Mayor Mark Brazaitis and Council Members, Rachel Fett, Ryan Wallace, Jenny Selin, Ron Dulaney. Barry Wendell Absent.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Motion by Councilor Selin, second by Dulaney, to go into Executive Session pursuant to WV State Code Section 6-9A-4(b) (2) (A) to discuss personnel matters for reappointments to Boards and Commissions. Motion carried by acclamation. Council Members & City Clerk present. Time: 5:36 p.m.

ADJOURNMENT:

There being no further business, Council adjourned the Special Meeting at 6:50 p.m.


City Clerk

Mayor

*A COMPREHENSIVE DVD IS AVAILABLE OF ALL COUNCIL MEETINGS ON DVD AT THE MORGANTOWN CITY LIBRARY*
REGULAR MEETING July 24, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 24, 2018 at 7:05p.m.

PRESENT: City Manager Paul Brake, City Clerk Linda Tucker, City Attorney Ryan Simonton, Mayor William Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Jenny Selin, Ron Dunlney, Deputy Mayor Mark Brazaitis. Barry Wendell was absent.

The meeting was called to order by Mayor Kawecki.

CORRESPONDENCE: Councillor Wallace noted an e-mail from Richard Dumas, President, Wiles Hill/ Highland Park Neighborhood Association announcing that 8-7-18 at 6pm is National Night Out. He received an e-mail from Nathan Harlan from Adventures WV inquiring about using the boat docks and referred this to the City Manager to handle. He mentioned an e-mail from Twyla Meding supporting the Haymaker Forest. Ex. A. Councillor Selin noted that she had a resident ask her about when the City was going to have wireless in the downtown. City Manager responded that it is still a work in progress. She mentioned that on Windsor behind Suncrest United Methodist Church there is a play-ground at the end of Windsor could there be a guard-rail placed to protect the area. Councillor Fetty received an e-mail from a constituent about suspending their trash while they are out of town and forwarded this issue to the City Manager. She noted receiving e-mails one Adam Rosefsky requesting Council to clarify the Deputy Mayors intentions on his latest comments. Councillor Fetty stated that she wanted Mr. Rosefsky to know that Council was aware of this e-mail. Ex. B. Deputy Mayor Brazaitis read emails from Athletic Director of WVU Share Lyons see Ex. C.

PUBLIC HEARING: None

UNFINISHED BUSINESS: None

BOARDS AND COMMISSIONS:

Motion by Fetty, second by Dulaney, to appoint Kate Levine-Freedman to serve on the Human Rights Commission.

Motion by Deputy Mayor Brazaitis, second by Fctty, to appoint Deborah West to the Met Board.

Motion by Selin, second by Dulaney to reappoint Steven Crandall as the 4th ward representative on the Traffic Commission.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Janet Carmichael, spoke to council about her concerns about the relocation of the Mountain Line Bus Depot and presented council with a petition against the move. Ex. D

Jonell Strouge, 608 Hess Street, mentioned to council her thoughts for the need of a greater park system in Morgantown.

Twyla Meding, 450 Washington Street, stated that she supports the purchase of Haymaker Forest for as Sierra Club past member Mike Price said, “the forest is magical and healing”.

Kate Magruder, 963 Southpoint Circle, supports council establishing land reuse and preservation agency. She encouraged council to pursue annexation and continue their investments in the cities park systems.

Mercedes Miana, 49 Summit Street, supports council purchasing Haymaker Forest and noted that in the 2013 Comprehensive Plan it talked about protecting this property from development.

Michael Clifford, 145 South High Street, presented his ideas to council for BOPARC funding.

Guy Panrell, 757 South Hills Drive, questioned the Airport Runway Extension Project.

T.J. Fowler, from Pyles of Pasta food truck, is requesting council to look at the time on the ordinance.

Tony Christini, 931 Southpoint Circle, noted his concerns with differences between the governing bodies in Morgantown.
Tim Wolfe, 3391 University Avenue, noted that he is not against purchasing Haymaker Forest, but requested of council not to bankrupt the City in the process. He stated that he understands Deputy Mayor Brazaitis's passion but attacking Mylan Park is attacking my co-workers and it is getting hard to defend him. He requested the Deputy Mayor to stop these attacks.

**SPECIAL COMMITTEE REPORTS:**

Councillor Wallace announced that the Health & Wellness Commission will meet August 7. He reported that the commission is having a Blue Zones Project on July 31 at the WVU Erickson Alumni Center. Deputy Mayor Brazaitis reported that the Met Theatre will be having an ongoing series called “Movies You Need To See on The Big Screen”. Councillor Dulaney noted that the Morgantown History Museum will hold a fundraiser, Best Chef Cook-Off on August 2 from 6-9pm at Lakeside Resort. He announced that the Woodburn Redevelopment Commission will meet on July 26, at 6pm at Crosley’s. Councillor Selin stated that BOPARC continues to work on the Sounds of Summer, the next concert in the series is at Marilla on July 27th, from 7:30-9:30pm.

**AN ORDINANCE ESTABLISHING A LAND REUSE PRESERVATION AGENCY:** The above entitled ordinance was presented for first reading.

**AN ORDINANCE ESTABLISHING A LAND REUSE/PRESERVATION AGENCY FOR THE CITY OF MORGANTOWN**

City Manager explained, motion by Fetty, second by Deputy Mayor Brazaitis, to approve the above entitled Ordinance for second reading. After discussion, the following amendments were made: 1. Provisions for 3 representatives of commercial interest and 3 representatives of public use/open space interests at Section 147.02(c)(1); 2. Requiring a majority of members be city residents at Section 147.02(c)(3) – a new subparagraph; 3. Reordering the priorities to place affordable housing at Section 147.04(3) and retail or commercial interests at 147.04(4). Motion by Selin, second by Fetty to accept amendments. Motion carried 6-0. Question was called on main motion. Motion carried 6-0.

**A RESOLUTION INSTITUTION A LAND/PRESERVATION PROGRAM FOR THE CITY OF MORGANTOWN**: The above entitled Resolution was presented for first reading.

City Manager explained, after discussion, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled Resolution. Motion carried 6-0.

**A RESOLUTION FOR THE 2018-2019 BUDGET FOR THE AIRPORT IMPROVEMENT FUND**: The above entitled Resolution was presented for first reading.

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled Resolution. Motion carried 6-0.

**AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET REVISED TO THE GENERAL FUND**: The below entitled Ordinance was presented for first reading.

**AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND**

City Manager explained, after discussion, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

**AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET REVISED TO THE COAL SEVERANCE FUND**: The below entitled Ordinance was presented for first reading.


City Manager explained, motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled Ordinance. Motion carried 6-0.

**CITY MANAGER'S REPORT:**
New Business:

1. **Designing Across Divides – Banner Competition Presentation by Eve Faulkes**
   At Tuesday's meeting, I will request you suspend the rules to allow Eve Faulkes, Coordinator of Graphic Design – WVU, to make a brief presentation about banner design competition. The competition of the banner design will occur this fall in preparation of conference being held in Morgantown in March 2019. Selected work will be hung in the main street area during the month of the conference.

   Ms. Faulkes presented her banner presentation asking Council for their support. This is positive event bring ideas and people together with different points of view. Motion by Fetty, second by Selin to support this project. Motion carried 6-0.

2. **Sustainable Funding Recommendation for BOPARC**
   At the previous City Council meeting, we discussed possible funding proposals and mechanisms for parks and recreations facilities and programs for BOPARC. Per Council's request, I met with the Executive Director of BOPARC and have attended the last meeting of the Board of Directors (on July 18, 2018).

   The Board will be reviewing information from the Executive Director on the proposed improvements to the Morgantown Ice Rink at their next meeting on August 15, 2018. The BOPARC Board, staff and City staff have been working in close collaboration with the consultant, Mills Group, on suitable renovations and improvements to the ice rink. During the course of reviewing different strategies of leveraging additional dollars (in combination with the county-wide excess tax levy approved by voters in 2016), the Director and I have discussed possible strategies to secure sufficient funds to carry out the desired improvements. This could be done through grants and/or foundation monies specifically designated for community development and ice hockey rinks. Additionally, revenues from ice-rink rental and program usage could be used to supplement an additional debt-service that might be needed to close the financial gap of the needed renovations.

   At the same time, we are focusing our energies on the ice rink, discussion has arisen about the two outdoor swimming pools at Marilla and Krepps Park. Both pools are roughly a half-century old and have suffered from lack of proper maintenance (at no-fault of the BOPARC staff). Some very rough or preliminary figures have been generated based on a web search of similar projects undertaken elsewhere (of communities in similar size) throughout the country. The figures were not based on recommendations from an engineer nor construction company who could identify site specific construction and rehabilitation costs for those two pools. Rushing to placing a levy on the November ballot lacks sound solid justification and due diligence in the attempt to gaining voter approval.

   All City Council members can agree we need to determine a funding mechanism or sources for solid sustainable plan for many years for the BOPARC system. We have the wisdom of historical data and study; now is the time to put information (and needed additional study) to put this in proper context. I am recommending that City Council approve a request to fund $10,000 for an outside facilitator/consultant to work with the BOPARC Board and staff to devise a strategic plan. In my opinion, the Board and leadership of this organization have the capacity to make a sound recommendation to the City Council.

   Much like the strategic planning that the City Council conducted close to a year ago, the BOPARC Board can come up with an implementation strategy that can be executed expeditiously and has sound information to back it up. If such a program session could be conducted this fall, implementation recommendations can be incorporated in the proposed FY 2020 budget to be presented in February 2019. Such revenues sources could include (but not be limited to) private-public partnerships, tax levy(ies), corporate sponsorships, fee increases, donations, one-time funding from grants/foundations, gifts and, lastly, a possible sales tax. Spreading the funding over several sources would not cause an undue burden on a certain segment of the population.

   I am confident that BOPARC can make a comprehensive and complete plan laying a solid financial foundation to future parks and recreation facilities, as well as programming. I look forward to our discussion on this important issue at next week's meeting.

   After discussion, motion by Deputy Mayor Brazaitis, second by Wallace, to have placed on the Committee of the Whole a Levy for November for BOPARC Funding. Questions was called motion failed.

   City Manager explained, motion by Selin, second by Fatty, to approve the City Manager’s plan and recommendation for BOPARC. Motion carried 5-1. With Deputy Mayor Brazaitis voting no.

3. **Recommended Starting Time for City Council Regular Meetings**
   At last week’s meeting, one of the City Councilor’s suggested an earlier start time for our meeting from this point forward. This was brought up as recent meetings have gone on for four or five hours in length. City Council could
begin at 6:00 p.m.; however, I see two practical problems this creates. First, this creates an unintended extra hour to stretch out the meeting. I doubt that we would be concluding the meeting any earlier. Second, this creates a hardship for any special City Council meeting(s) to conduct interview sessions for Boards and Commissions. For council members who have a full-time job commitment, I believe it would be unrealistic to begin a special session starting at 4:30 pm and still have time for a dinner break.

If the City Council wishes, I will present concrete examples of time limitations to shorten the length of the regular meetings. This would include some “self-imposed” rules or guidelines. Some practices over the last year included activities that go well beyond the intended scope of the agenda item. As an alternative, I would recommend an over-all time limit (perhaps two or two and half hour) of the meeting time.

City Manager explained, motion denied 3-3 with Jenny Selin, Ron Dulaney, and Mayor Kawecki voting no.

4. **Census 2020 – Complete Count Committee**
   The City of Morgantown is gearing up for the 2020 Census. We have been approached by the Census Bureau to form a Complete Count Committee. The purpose of the committee to ensure that all the residents of Morgantown are counted.
   The census data helps determine federal funding for roads, schools, public services, etc. tax revenues that we receive. A complete count committee will help maximize that revenue.

   The volunteers for this committee will NOT be going door-to-door. It will be a function of educating and informing citizens about the upcoming census. The City is looking for volunteers to be on this committee. Interested individuals are encouraged to contact the City Manager’s office.

   This was reported for information only.

5. **Authorize Equipment Purchase – Fire Department**
   Staff is recommending the City Council to forgo the competitive bidding process, per City Ordinance 129.05(e), and purchase a proposed street sweeper through the National Joint Powers Alliance (NJPA). This group represents thousands of competitively solicited equipment and the City has previously purchased equipment earlier this year.

   The attached memorandum includes the details and specifications of the 2019 GMC Sierra 2500 HD in the amount of $33,876.84. An additional (approximate) $4,000 will be needed for lights and sirens. The Chief is seeking those quotes; however, the exact dollar amount is not available at the time of this report being compiled. I would recommend an amount not to exceed $37,876.84 for the truck and additional equipment described above.

   City Council approved of the bid amount and a description of the piece of equipment is recommend at Tuesday’s meeting.

   City Manager explained, motion by Wallace, second by Fetty, to approve the purchase of a truck and additional equipment totaling $37,876.84. Motion carried 6-0.

6. **Mountain Line Depot Relocation**
   City Manager explained that David Bruffy will be at the Committee of the Whole meeting and will be doing a presentation and talking about the relocation of the Mountain Line Depot.

7. **AARP Grant Benches**
   City Manager reported that the City was awarded the Grant for benches in the downtown area.

8. **Department of Transportation**
   City Manager and Mayor have met with Tom Smith, Secretary of Transportation, and this would not have happened without the contacts from Lisa Dooley at the WV Municipal League. We both feel very positive about this interaction.

9. **Neighborhood Coordinating Council**
   City Manager announced there will not be a meeting in August.

**REPORT FROM CITY CLERK:** No Report.

**REPORT FROM CITY ATTORNEY:** No Report.
REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Councilor Fetty noted her concerns about adoption and wished more citizens would adopt. She stated that she is concerned about City Council and the tone of their conversations and stated council is working hard for the community. She announced it was a great Kids Day.

Councilor Wallace: Councilor Wallace noted that each councilor speaks for themselves. He mentioned that even though his suggestion of the 6:00 meetings did not pass that the meetings will still be shortened. He asked about BOPARC Funding, this is information that we can just ask BOPARC about. He mentioned annexation is an important issue to pursue for the health and growth of Morgantown. He and Council Dulaney were discussing the long-term growth of downtown Morgantown about construction and the possibility of construction and B & O. The City Manager responded that he will come up with some numbers for council. He mentioned a 3rd Ward code R1-A violation that was a concern to him and brought this situation to the City Manager.

Councilor Selin: Councilor Selin stated that she has had many conversations with Deputy Mayor Brazaitis on BOPARC funds. She noted that a levy was a five-year plan and you must be prepared and plan to implement such a levy. She mentioned that we must be happy with what parks and recs we have to offer, and plan for the future.

Councilor Dulaney: Councilor Dulaney see Ex. E.

Deputy Mayor Brazaitis: Deputy Mayor Brazaitis see Ex. C. After discussion, Deputy Mayor Brazaitis motioned to bring to the Committee of the Whole discussion of a $1.17 Million levy for the November ballot, second by Wallace. Question was called, and motion failed 4-2 with Fetty, Selin, Dulaney, and Mayor Kawecki voting no. He thanked the Mayor for coming to his reading and noted he is getting to know him better and he is glad he voted for him as Mayor.

Councilor Wendell: Absent

Mayor Kawecki: Mayor Kawecki stated to Deputy Mayor Brazaitis that he understands his passion about this issue, but it is how he translates it to the public that is an issue. He commented that if you have not heard one of the Deputy Mayor’s reading, it is something worthwhile. He mentioned the meeting in Charleston with the Secretary of Transportation Tom Smith, that he was pleased with the discussion for they talked about trucks and Morgantown as a walkable City. He noted his concern for he has doodled Council and they have not been responding for a retreat and has not gotten back with him. Councilor Selin responded, “try again” Mayor Kawecki will do so if Council will respond. He announced the Pedestrian’s Bridge Event being held on Saturday, July 28th from 11am – 3pm, there will be pepperoni rolls and tickets to be sold for raffle.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4 (B) (12) motion by Wallace, second by Dulaney to go into executive session to discuss settlement litigation. Motion carried by acclamation. Present: City Manager, Assistant City Manager, City Attorney & Council. Time: 11:18 pm

ADJOURNMENT: There being no further business, Council adjourned by consensus at 11:38 pm.
*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE*
Hi Linda,

Thank you for this reminder. I am attaching the three communications that I mentioned in the meeting:

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Ryan Wallace, Third Ward Councilor
Morgantown City Council Meeting
July 24, 2018

Communications received:

#1:

As you most likely know the first Tuesday in August is celebrated as National Night Out. This year it is Tuesday August 7th and it has been the tradition for the past 20 some odd years that The Wiles Hill Highland Park Neighborhood Association celebrates the night with a community cookout. The neighborhood association provides hot dogs, hamburgers and buns while the neighbors are asked to bring a covered dish to share.

In the past the city has sent representatives and equipment from both the fire and police departments to take part of this event. I am asking you if you could help coordinate this for us or let me know who I need to contact in order to accomplish this. The event is planned to begin at 6:00 pm.

Ryan if you could mention this at City Council that would be great.

Thank you in advance for your assistance.

Sincerely

Richard Dumas, President
Wiles Hill-Highland Park Neighborhood Association

"A Place We Call Home"
Hi Linda,

I realized that I should forward some other materials as well!

#1:

Special Committee report: Health and Wellness Commission

HWC invitation to the Blue Zone meeting – July 31:

On July 31, from 10 a.m. – 2 p.m. at the WVU Erickson Alumni Center, the Morgantown Health and Wellness Commission will host Blue Zones Project Leadership in our community to prepare for a fall Blue Zones Project site visit. As a key leader within our community, we are thrilled to invite you to join us on July 31 for a Blue Zones Project presentation and facilitated discussion.

Blue Zones Project Overview and Value Presentation Agenda

10 a.m. – 12 p.m.
Overview, Benefits and Value, Community Readiness Assessment Background

12 p.m. – 1 p.m.
Lunch/Discussion

1 p.m. – 2 p.m.
Well-Being Coalition Planning Team (Team members only)

#2:

Councilor Report items

Each council member speaks for herself or himself. There is no designated “voice” of city council, and we do not speak with “one voice” unless it is in the form of a unanimous vote.

It is FANTASTIC that we can have difficult, intense conversations. Let's try to remain civil.

We should ask the County Commission for increased BOPARC funding

We should ask the County Commission for minor boundary adjustment annexation
Hi Linda,

I’m not sure if you are allowed, but I have a conflict this evening and don’t believe I will be able to attend the meeting. If it is possible, can you read the following on my behalf during correspondence or during the open section. Please let me know. Thanks!

Dear Councilors,

I apologize I am unable to addend tonight’s meeting, but I have a conflict that arose on short notice. My comments will be brief.

Time and Time again, the Deputy Mayor (who was unanimously approved by the council) takes to public forums in his official capacity as Deputy Mayor representing the city council. Almost every time he posts to social, or addresses a board or commission, he - as the voice of the council - insults and offends members of the community, influential organizations (like WVU and the Myland Park Foundation) and Dedicated volunteers (like the BOPARC Board.)

It has come to the point where the GOP, the Democrats and Progress WV have all disavowed him. Not even Donald Trump managed to get both the GOP and Democrats against him even when he sided with Putin over the US.

While you might individually agree or disagree with Mark on specific issues or in the entirety, his is the only voice being heard. His voice is the defacto voice of the council. His voice is your voice unless you speak up.

Right now based on the words of the Deputy Mayor, since no one has effectively contradicted his voice, the council appears to hate the county commission, Tom Bloom, the media, the Mylan Park Foundation, WVU, The BOPARC Board, Pro Performance, Facebook administrators who remove inappropriate postings and the wolves amongst us (among others).

Right Now, based on the words of the Deputy Mayor, the council will support the request for a levy to the county, it will support a sales tax on liquor and gambling and it will judge the morality of the BOPARC board.

If you, the councilors, agree with the Deputy Mayor’s vendetta against virtually everyone, then by all means do nothing. If you disagree, please do something to let the citizens know your views, and please do something to stop the Deputy Mayor’s venomous representation of the city council.

Adam Rosefsky
304-581-8613 (o)
304-942-4856 (c)
Director, West Virginia Writers' Workshop
http://undpress.nd.edu/books/P03018

Shane Lyons <shlyons@mail.wvu.edu>
Thu 7/19, 1:29 PM
Mark:

Thank you for your note,

Just to let you know, many of the facilities you have mentioned below will be part of a facility master plan renovation that my staff and I have been working on for the past 12 to 18 months. There will be a public release of this master plan in early August to the media that will detail our thoughts and future uses of these facilities. I would be happy to meet with the city leadership to discuss future plans, but it will be best to do so after the release.

I hope you are having a great summer.

All the best,

Shane

Shane Lyons | Director of Athletics and Associate Vice President
West Virginia University | Intercollegiate Athletics
PO Box 0877 | Morgantown, WV 26507-0877
O: 304-293-5621 | WVUsports.com | Twitter: @WVUADLyons

Dear Shane,

I hope this finds you well.

You might remember me from my days on the WVU Faculty Senate, when I asked you questions about the sideline styles of our coaches (I’m not a fan of the yelling-as-teaching technique) and about concussions in our football program.

I’m writing today both in my capacity as a long-time (and proud) WVU professor of English and as Morgantown’s deputy mayor.

For a long time, our city has needed an indoor/outdoor recreation facility, including a swimming pool and an indoor and outdoor track as well as a new, state-of-the-art, year-round, two-sheet ice rink. I’d begun preliminary discussions with your predecessor, my friend Oliver Luck, on the latter. My colleague on city council, Ryan Wallace, suggested a pathway forward on the former.
Here is Councilor Wallace's suggestion: a cooperative relationship between WVU and the City of Morgantown to keep the Natatorium, the Shell Building, and the outdoor track open for public use indefinitely. There might be a variety of approaches to achieving this, including a long-term lease to the city or an outright donation of the facilities to the city.

I am also eager to discuss with you WVU's potential cooperation on a new ice rink at the site of the existing facility in White Park.

I realize you're quite busy, but I would very much appreciate if you and members of your staff could sit down with me, Councilor Wallace, City Manager Paul Brake, and others to discuss cooperation around the city's dire recreational needs.

I am available from July 23 to July 25 and most dates after August 4.

For your reference, I am appending below email correspondence I had with Oliver about a new ice rink in Morgantown as well as a letter to the editor I wrote when the Dominion Post was criticizing him with undue harshness. I am copying him here.

I am also copying Terri Howes, whose daughter, Jordan, I coached at North Elementary School. (Terri - we were undefeated and won the championship a year ago -- a far cry from our early days on the court!)

Again, Shane, I would very much like to discuss, face-to-face, a cooperative relationship between WVU and the City of Morgantown re: a recreation center and a new ice rink.

With my best wishes,

Mark

Mark Brazaitis
Professor of English
Director, West Virginia Writers' Workshop
http://undpress.nd.edu/books/P03018

My email exchange with Oliver luck on Friday, September 12, 2014

Subject line: Ice sports in Morgantown

Mark Brazaitis
Fri 9/12/2014, 1:00 PM
Hi, Oliver --

I hope you're doing well.
Just had a meeting with Alan O'Connor about the proposed new ice-sports facility in Morgantown. Your name came up frequently—Alan is a big fan of yours (as he should be!)—so I thought I'd dash off a note to double up on his thanks.

I don't know if I ever told you this, but I am the faculty adviser to the WVU Figure Skating Club. (My younger daughter, Rebecca -- 7th grader -- is a fanatical figure skater; the WVU Figure Skating Club president is one of her coaches.)

I also read what I could about your recent Knight Commission meeting. As you know, that stuff interests me. Perhaps I'll have a chance to talk you about it sometime.

Have a great weekend,

Mark

Oliver Luck
Fri 9/12/2014, 2:16 PM
Let's have lunch, I would be happy to discuss all of the pressing problems facing college athletics. What is your teaching schedule like in terms of a lunch?

Mark Brazaitis
Fri 9/12/2014, 2:34 PM

That sounds great, Oliver.

I teach Tuesdays and Thursdays. So with a few exceptions (September 24th and 26th, for example), I'm free around lunchtime on Mondays, Wednesdays, and Fridays.

Best,

Mark

Oliver Luck
Fri 9/12/2014, 2:35 PM

Friday, Sept. 26?

Mark Brazaitis
Fri 9/12/2014, 2:40 PM

Sorry, Oliver. I didn't make that clear. Can't meet on the 24th or 26th.
All of the below (and more) are available:

October 1
October 3
October 6
October 8
October 10
October 13
October 15

Oliver Luck
Fri 9/12/2014 2:46 PM
Oct 1, Varsity Club? Does that work?

Mark Brazaitis
Fri 9/12/2014 2:48 PM
Excellent! I look forward to it.

Noon?

Mark

Oliver Luck
Fri 9/12/2014 2:48 PM
Inbox
Noon.

Letter to the editor, written April 22, 2013, subsequently published in the Dominion Post:
In June of 2008, a newly appointed member of WVU's Board of Governors placed a phone call to a spokesperson for Mountaineers for Integrity and Responsibility, the group of faculty members, students, staff, alumni, donors, and others who were working to restore the university's reputation in the wake of the Heather Bresch/eMBA degree scandal.
The new board member said he was disappointed with what had happened at WVU and was eager to work with faculty members and other university stakeholders to turn the university around. He believed in shared university governance. He believed the university needed input from everyone in order to overcome recent events and reach its potential as a research-one institution.

By encouraging and valuing input from a range of WVU stakeholders, the board member was unique among his peers on the BOG, the majority of whom had seemed content to allow a tainted WVU administration to continue in power and thereby ruin the university's reputation. I was the spokesperson to whom the new board member placed the call.
The board member? Oliver Luck.
Oliver eventually resigned his seat on the BOG so he could be considered for the job of WVU's athletic director. He of course got the position. This was, and is, fortunate. He is a huge asset to this university.

These have been exiting times for WVU athletics. But they have not been easy times, and Oliver has faced criticism at every turn.

There was the transition to a new football coach.

There was the even more challenging transition to the Big 12.

There is the ongoing effort to upgrade WVU's facilities— and its teams— to compete with Big 12 peers.

To make all this happen seamlessly would require a magic wand. But it's often magic WVU fans demand.

Tough crowd? Absolutely.

Given the enormous pressures the university's athletic department has faced in these transitional times, mistakes were, and are, I think, inevitable. To expect perfection is to believe in magic. What we can believe in instead is our ability to recognize mistakes, learn from them, and move ahead with a better plan.

Since his phone call to me in 2008, I've seen Oliver around campus several times. Surprisingly, we don't often talk about sports. He's interested in what's happening in the English Department, what the Faculty Senate is up to (I'm a senator), what I'm writing. In short, the Oliver Luck I know now is consistent with the Oliver Luck who stood up for WVU at a critical time in its history. He's someone who cares about more than a segment of the university. He cares about the welfare of the entire place.

I value what The Dominion Post brings to this community. We are lucky to have a locally owned newspaper with a commitment to uncovering the truth about our powerful institutions and citizens. But I worry that its recent stories about Oliver Luck obscure the true person. The Oliver Luck who picked up the phone five years ago to tell faculty, students, staff, and alumni he was on their side—he hasn't disappeared. He's still here. And that's fortunate.

My email exchange with Oliver luck on Friday, September 12, 2014

Subject line: Ice sports in Morgantown

Mark Brazaitis  
Fri 9/12/2014, 1:00 PM  
Hi, Oliver --
I hope you're doing well.

Just had a meeting with Alan O'Connor about the proposed new ice-sports facility in Morgantown. Your name came up frequently—Alan is a big fan of yours (as he should be!)—so I thought I'd dash off a note to double up on his thanks.

I don't know if I ever told you this, but I am the faculty adviser to the WVU Figure Skating Club. (My younger daughter, Rebecca -- 7th grader -- is a fanatical figure skater; the WVU Figure Skating Club president is one of her coaches.)

I also read what I could about your recent Knight Commission meeting. As you know, that stuff interests me. Perhaps I'll have a chance to talk you about it sometime.

Have a great weekend,

Mark

Oliver Luck
Fri 9/12/2014, 2:16 PM
Let's have lunch, I would be happy to discuss all of the pressing problems facing college athletics. What is your teaching schedule like in terms of a lunch?

Mark Brazaitis
Fri 9/12/2014, 2:34 PM

That sounds great, Oliver.

I teach Tuesdays and Thursdays. So with a few exceptions (September 24th and 26th, for example), I'm free around lunchtime on Mondays, Wednesdays, and Fridays.

Best,

Mark

Oliver Luck
Fri 9/12/2014, 2:35 PM

Friday, Sept. 26?

Mark Brazaitis
Fri 9/12/2014, 2:40 PM
Sorry, Oliver. I didn't make that clear. Can't meet on the 24th or 26th.

All of the below (and more) are available:

October 1
October 3
October 6
October 8
October 10
October 13
October 15
Oliver Luck
Fri 9/12/2014 2:46 PM
Oct 1, Varsity Club? Does that work?

Mark Brazaitis
Fri 9/12/2014 2:48 PM
Excellent! I look forward to it.

Noon?

Mark

Oliver Luck
Fri 9/12/2014 2:48 PM
Inbox
Noon.

April 22, 2013

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Laurie Weaver
shlyons@mail.wvu.edu
Oliver.Luck@xfl.com

From a local business:

The tax on wine is 11% of which 6% goes to the state and 5% coming back to the city of Morgantown if the wine is bought inside the city limits. If it is bought outside of the city, it goes to the county. If it is bought on line and shipped in, 6% goes to the state. Nothing goes to the city or the county.

Morgantown and Mon County are losing thousands of tax dollars to online wine purchases because West Virginia allows retailers from other states to ship into West Virginia only paying the state sales tax. We are currently trying to change the wine laws in West Virginia but it would be to the benefit of Morgantown citizens to purchase wine within the city limits to help with the ever growing needs of Morgantown.

We encourage you to help educate everyone and urge them to shop small and local!
Mark Brazaitis  
Deputy Mayor  
Council member, Sixth Ward  
City of Morgantown

E-Mail: mbrazaitis@morgantownwv.gov

Emails between myself and Shane Lyons, WVU’s athletic director

Mark Brazaitis  
Thank you for your email, Shane. It is much appreciated.

I look forward to the public release of the master plan in August and to setting up a meeting with you and city officials following that.

Have a wonderful weekend,

Mark

Mark Brazaitis  
Professor of English  
Director, West Virginia Writers' Workshop  
http://undpress.nd.edu/books/P03018

cooperaive relationship between WVU and city on rec facility, new ice rink  
Mark Brazaitis <mbrazait@wvu.edu>  
Fri 7/20, 9:35 AMShane Lyons <shlyons@mail.wvu.edu>;  
Inbox  
Thank you for your email, Shane. It is much appreciated.

I look forward to the public release of the master plan in August and to setting up a meeting with you and city officials following that.

Have a wonderful weekend,

Mark

Mark Brazaitis  
Professor of English
On what constitutes “civil” in today’s world:

Dear Ms. Salango,

Thank you for your email to the mayor.

I'm grateful that you took the time to express your concerns to us.

I believe you have misinterpreted my reference to Mountaineers for Progress, the Democratic Committee, and the Republican Party. I never said I was speaking for any of these organizations. I simply asked a member of the Mon County Commission to state to these bodies, as well as to the public, what he sees as "the heart of Morgantown." I see it as our downtown, our waterfront, and the neighborhoods (South Park, First Ward, Greenmont, Wiles Hill, Woodburn, etc.) that surround these vital places in our community. Others see "the heart of Morgantown" as Mylan Park.

As for "vitriol and anger": I believe we have every right, as a community, to feel let down by what has happened, and is happening, to our community and to our world. Please see my remarks below my signature line about BOPARC, for example. BOPARC should be thriving. It is not. People have a right to feel upset about this.

For my part, however, I am not, let me assure you, full of anger and vitriol. I lead a joyful life, surrounded by students whose futures I care for, colleagues (at WVU and in the city) I like and admire, and a family I am blessed to have.

An observation: "You're not being civil" is a phrase the powerful often use to shame and quiet the powerless. Had Martin Luther King Jr. been "civil" in the ways white Americans of the 1950s wanted him to be "civil," he would simply have shut up and African-Americans would still be drinking at "separate but equal" water fountains. Even acting on his philosophy of non-violent (passive) resistance to violence, however, he and the people he represented were doused with powerful water hoses, set upon by vicious dogs, and lynched.

What we are facing in our community is not on the scale of Martin Luther King Jr.'s civil rights movement, and I am no Martin Luther King Jr. At the same time, very real things are at stake for us—including the access, or lack thereof, that less-privileged members of our community have to good recreational facilities, good addiction treatment, good health care, affordable housing, good libraries, and other essential services.

I am a white, male, heterosexual, and wealthy American. I am the 1 percent. I have an extraordinary obligation to those less fortunate than I am. There's nothing civil about gutting BOPARC — and leaving us with $38 million in capital needs. There's nothing
In the end, the most civil thing we can do for each other as human beings is, I believe, to tell the truth. For better or worse, I strive to always tell the truth. I am telling you the truth, as I see it, here.

I added this in a separate note: For better or worse, the Forum has become the most reliable way to reach people in our community—or at least a portion of it (yes, that audience tends to skew in a certain political direction). As much as I love newspapers, and even The Dominion Post, people no longer read them/the DP as reliably as they used to. Sometimes, in order to encourage people to communicate their ideas in an honest way, it’s necessary to...well...speak in a straightforward manner. That honesty often gets misinterpreted as rudeness, though rudeness, when it’s aimed at the privileged, is, I believe, fair game. When it’s aimed at the disadvantaged, as happens all too often in discourse public and private, it is abhorrent. Thanks again.

If you would like to meet with me in person to discuss this (perhaps at a downtown coffee shop), I would be delighted to do so. Please email me with times you have available. An hour should be good for a good conversation.

Finally, I ask that if you share my response here with anyone—and you are free to do so—please share it in its entirety.

With my best wishes,

Mark

Thanks, Adam, for your note.

Just a clarification: I am not the voice or THE voice or ThE voice of the council.

We have seven excellent representatives on our city council. They have voices. They speak for themselves and their constituents, however they define that latter term.

I very much believe in free speech (the First Amendment). I’m a writer. And I lived for three-and-a-half years in Guatemala, where I saw what repression of free speech can do to people’s other freedoms — right down to their freedom to live. Live as in live period.

The First Amendment, free speech...That’s called democracy. It’s the way all levels of government work. Paul Ryan, as Speaker of the House, doesn’t speak for ALL House Republicans. Neither does the U.S. president speak for all Republicans nationwide. (He certainly doesn’t speak for all Americans.) Likewise, Chuck Shumer doesn’t speak for ALL Senate Democrats (much as he might like to at times).

I am one voice of seven on council. I am one voice of 33,000 in our city.
With my best wishes,

Mark

Proposition for Mark Brazaitis
Alex Barradas <abarradas89@gmail.com>
Tue 7/24/2018 3:03 PM
Mark Brazaitis
Hello Mark,

Alex Barradas here, I know we don’t see eye to eye in many subjects. And I have made my opinions about your views, public on the Morgantown forum on Facebook, which I’m sure you have seen.

This time I’m writing you for something totally different. I believe despite our differences, we can work together to achieve a common goal. Now, I’m new to the Morgantown area. I’m not a long time resident. I come here from a city called Clearwater beach which is in the Tampa Bay Area in Florida, I’m sure you heard of it, they are voted the number 1 Beach in the entire United States year after year. My only interest in Morgantown is that I chose to make this my home, I was attracted by its centralized location, city feel yet small town like essence and it’s natural beauty. I plan to live here for most of my adult life, maybe even retire, so that’s the only reason I have made it my interest to get involved in its politics.

So when I hear things like BOPARC is going bankrupt, I’m saddened that the only response you can come up with, is to attack the county, instead of brainstorming ideas with the rest of the council and residents on how to save it. I get it, is not fair the city has to take financial responsibility for something that the entire county uses, but that’s the way the system is set up. I personally pay through taxes to the federal government for parks I have never used yet the entire country uses, I don’t complaint about it, it’s how our system is set up.

Anyways, long story short, I bring you a bunch of ideas that I know can work. One of them I could even personally help out with and run if you allow me. Is not much but it is a start, which is more than bickering back and forth is going to accomplish.

Have you thought of doing a fund raiser to come up with the money to save BOPARC? A concert, or festival of some sort, where the city asks a artist to donate their performance for the whole purpose of raising money for BOPARC? Maybe even local artists and businesses can participate in the performance.

A art festival?

A fund raiser dinner for the “elite” to attend?
A marathon?

A go fund me page?

Or the one I can personally help with, a monthly fund raising car show?

Now, I know all these things individually cannot possibly raise enough money by them selves, but all of them combined could if executed properly. And not only do they help bring in money, they also help bring tourism money into the city, which creates growth.

Let me know what you think, we can discuss the car show idea or others in length in person if you'd like.

Thanks, and I look forward hearing from you.
Alex Barradas
681-209-6637

My response: Great idea!

**On whether I speak for the entire council:**

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I am one voice of seven on council. I am one voice of 33,000 in our city.

With my best wishes,

Mark
against Depot move to E.O

Westover

Norman Pittman
Gary Scheitz
Eddie Bagley
Arlene Aker
Brianna Taylor
Mike Morris
Chelsea Stolte
Shawn Bellard
Pete Brown
Mindy Tahor
Dana Weaver
Glenn Gallagher
Renee Smith
Laurie Dumeret
David Cosby
Ted Harp
Cheryl J Blosser
Chevele Andre
Barbara Musick
Steve
Tom Harrell
Donna Jumps

Tony Soeleio
Mother
Viktorija Demprid
Lion Lewis
Dave J.
Beverly
Grace Smith
Donald Frullin
Scott Yanag
Raymond B.

Bill Bucko
Daryl Cole

Ken C
Bob Ham Haney

Received
Megan Willes
Cylked Schaper
Don A.

Randy Coulter
D. J. z

Sandra Bartlett

Page 27 of 139
agianist  Depot move to westover

Lloyd Turk  Ellin Hart
Brittanya Michael  Gene Stiell
Ch. Giff  Maura Mair
Marc Washington  Sara Marie
Richow  Patricia Funk
Marius Gilly  Kasea Bena
Joy Appel  Thinh Pham
Joseph Nemeth  Christian Hoermann
Molly Miller  John C.
Ice Davis  A. Hoppe
April Whitlock  Anthony Park
Nexis Snowley  Larry Hanley
Chris barn  Kent Army

Chief

David Kavcick

Dominique Patrith
Allen 06/15/15
agianist Detox move to Westover
Dulaney – Council Report Notes (07/24/2018)

I begin by repeating what I stated during the public forum held recently at the Metropolitan Theater. When I ran for city council, I promised to govern through collaboration and consensus-building. I disagree with antagonistic politics. If that is the case, I have been subsequently asked, then “why did you vote for Mark Brazaitis to serve as the Deputy Mayor?” That is a fair question. As Mr. Brazaitis has stated tonight, when he speaks he only speaks for himself. However, I will admit that since casting that vote – beginning with the public reading of the letter he penned following the election of the Deputy Mayor - I have had regrets. If I had the opportunity to vote again, I would cast my vote differently.

I believe we need to build bridges, not burn them down. We need to substantiate our claims. Tonight Mr. Brazaitis again communicated that he believes Mylan Park plans to build an ice rink, even after I previously shared with him that I have received assurances from Mr. Justice that this is not the case. I spoke with Mr. Justice about this concern. He shared that Mylan Park has indeed received a proposal from a private interest to develop a rink at Mylan Park, but the foundation turned down the request. He shared that he believes that interest is now exploring the development of an ice rink in Fairmont.

Let’s not continue to look at the past. Power is present in all relationships and sometimes the city has found itself in relationships where the power has been unequal to its detriment. We should speak out assertively but constructively when we find ourselves in that situation. Let’s take responsibility for where we are now and move forward together.

I, for one, appreciate the community benefit that Mylan Park provides. Sure, it may benefit the 1%, but it also benefits the other 1% (at the opposite end of the spectrum). I have found Tom Bloom to be open and honest with me when responding to my questions about how the community recreation plan has evolved during the past years. Ron Justice has been open to conversation and has stated that WVU remains committed to the ‘three division’ plan outlined in the Brick Street study. I appreciate the investment that the Hazel Ruby McQuain Trust has made in our waterfront. Rather than complaining that they granted more funding to someone else, let’s do the best job we can creating a great waterfront. If we do a good job there, perhaps we’ll have more opportunities to receive grants from them in the future.

Again, I stand for collaboration and against antagonistic or divisive politics. Let’s take responsibility for where we are now and move forward together with other community entities.
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CITY CLERK LINDA TUCKER, CMC
RE: CONSENT AGENDA FOR AUGUST 7, 2018 COUNCIL MEETING
DATE: AUGUST 1, 2018

RECOMMENDED ACTION:
Consent Agenda

BACKGROUND INFORMATION:
Under City Code, the City Manager has the power to place items on a Consent Calendar. Please refer to attached code section as reference. The Consent Agendas are routine and non-controversial business items.

Consent Agenda Example:

A. Motion to approve the Consent Agenda.

The main consideration for creating the consent agenda that it makes the entire operation of the City government run smoother and saves a great deal of valuable time.
RE: Consent Agenda

Paul Brake
Today, 8:58 AM
Ryan Simonton; Linda Tucker; Emily Muzzarelli

Inbox

Action Items

Ryan,

We have several items on the agenda for next week's meeting. I think this is good time to give this a try.

Linda, could you please put together a quick cover sheet or memo for the Consent Calendar items (this is meant as an introduction and how this will work). This summary document includes the language from the Code Ryan has referenced below. If you have any questions please see me. Thanks.

Paul

From: Ryan Simonton
Sent: Wednesday, January 24, 2018 1:10 PM
To: Paul Brake <pbrake@morgantownwv.gov>
Subject: RE: Consent Agenda

Paul,

Your description sounds good. You are correct that any reading of an ordinance may be included on the Consent Calendar.

Under City Code, you have the power as City Manager to place items on the Consent Calendar. No debate is permitted on the items on the Consent Calendar, but any Council Member may object to inclusion of an item on the Consent Calendar so that Council remains in control of whether it will debate an issue. The Code provision is copied below. If you'd like anything else from me, just let me know. Thanks,

121.12 CONSENT CALENDAR.
   (a) When the City Manager determines that any item of business requires action by Council, but is of a routine and noncontroversial nature, he may cause such item to be presented at a regular meeting of Council as part of a consent calendar.
   (b) The consent calendar shall be introduced by a motion "To approve the consent calendar", and shall be considered by Council as a single item.
   (c) There shall be no debate or discussion by any member of Council regarding any item on the consent calendar, beyond asking questions for simple clarification.
   (d) All items on the consent calendar which require public hearings shall be open for hearing simultaneously, and the Mayor shall announce, or direct the City Clerk to announce, the titles of
that item shall be removed from the consent calendar forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the consent calendar. All such items shall be considered individually, in the order in which they were objected to, immediately following consideration of the consent calendar.

(f) Approval of the motion to approve the consent calendar shall be fully equivalent to approval, adoption or enactment of each motion, resolution, ordinance or other item of business thereon, exactly as if each had been acted upon individually.

(Ord. 10-3-78.)

Ryan Simonton

From: Paul Brake
Sent: Wednesday, January 24, 2018 1:05 PM
To: Ryan Simonton <rsimonton@morgantownwv.gov>
Subject: Consent Agenda

How is this for a description?

Routine items are scheduled for consideration with one Council motion on the Consent Agenda. The Consent Agenda is intended to allow the City Council to spend more time and energy on the important items on a lengthy agenda. Any item on which discussion is necessary will not be placed on the Consent Agenda.

Any Councilmember or the Mayor may request that an item be pulled from the Consent Agenda for separate discussion and consideration. Items that are removed from the Consent Agenda are discussed and voted upon individually at the end of the Consent Agenda.

I am assuming that a first or second reading of an ordinance be included on a Consent Agenda?

As I mentioned, the Mayor was open to including this on the Committee of the Whole. Let me know your thoughts.

Thanks.

Paul

Paul J. Brake, ICMA-CM, CEcD
City Manager
City of Morgantown
389 Spruce Street
Morgantown, WV 26505
Office 304-284-7405
pbrake@morgantownwv.gov

THE CITY OF MORGANTOWN
WEST VIRGINIA
City of Morgantown
Finance Department
389 Spruce Street
Morgantown, WV 26505
Phone (304) 284-7407/Fax 7418
jgoff@morgantownwv.gov

MEMO

DATE: July 18, 2018

TO: Paul Brake, City Manager

FROM: James Goff, Finance Director

RE: Budget Revisions for FY 2019

Attached are the ordinances and supporting documentation to amend the General Fund and the Coal Severance Fund for FY 2019. The revisions are briefly explained as follows:

General Fund
The unaudited fund balance is estimated to be approximately $3.12mm or $.62mm higher than budgeted. This is primarily due to Contracted Service and Commodity/Supply costs finishing below budget by approximately $.55mm.

Proposed revisions to expenditures are detailed on the attached spreadsheet. Some of the highlights include the hiring of a new Communications Specialist, funding for other post-employment benefits, funding for a BOPARC strategic plan, and an increase to the Contingency account.

Coal Severance Fund
The unaudited fund balance is estimated to be $61,450 or $41,450 higher than budgeted. This fund balance along with the budgeted Coal Severance revenues for fiscal year 2019 have been allocated to BOPARC for capital improvements. The total budget available for BOPARC is $126,500.

Please let me know if you have any questions.
AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET OF
THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET
ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE
SAME APPLIES TO THE GENERAL FUND.

The City of Morgantown hereby ordains:

That the FY 2018-2019 Annual Budget of the General Fund of
the City of Morgantown is amended as shown in the revised budget
(Revision 01) attached hereto and made a part of this ordinance.

First Reading:

Adopted: ___________________________________________________________________

Mayor

Filed:

Recorded: ___________________________________________________________________

City Clerk
**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, (§ 11-8-25a)

City of Morgantown
GOVERNMENT ENTITY

389 Spruce Street
STREET OR PO BOX
Morgantown 26508
CITY ZIP CODE

### REVENUES: (net each acct.)

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<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
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<th>(DECREASE)</th>
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**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

621,500

**EXPLANATION for Account # 378, Municipal Specifics**

**EXPLANATION for Account # 369, Contributions from Other Funds**

### EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

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<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
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<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
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<tr>
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<td>Finance Office</td>
<td>983,077</td>
<td>5,607</td>
<td></td>
<td>988,684</td>
</tr>
<tr>
<td>415</td>
<td>City Clerk</td>
<td>206,206</td>
<td>3,325</td>
<td></td>
<td>209,531</td>
</tr>
<tr>
<td>444</td>
<td>Contributions / Transfers to Other Funds</td>
<td>8,232,686</td>
<td>228,087</td>
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<td>8,460,753</td>
</tr>
<tr>
<td>900</td>
<td>Parks &amp; Recreation</td>
<td>1,514,900</td>
<td>10,000</td>
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<td>1,524,900</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NET INCREASE/(DECREASE) Expenditures**

621,500

**APPROVED BY THE STATE AUDITOR**

Deputy State Auditor, Local Government Services Division  Date
### CITY OF MORGANTOWN

**GENERAL FUND - REVISION 01**

**FY 2018-2019**

<table>
<thead>
<tr>
<th>ACCT NO</th>
<th>REVENUES</th>
<th>ADOPTED BUDGET FY18</th>
<th>PROPOSED REV 01</th>
<th>PROPOSED AMENDED BUDGET</th>
<th>EXPLANATION OF PROPOSED ADJUSTMENTS</th>
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<tbody>
<tr>
<td>299</td>
<td>Fund Balance Unassigned</td>
<td>2,500,000</td>
<td>621,500</td>
<td>3,121,500</td>
<td>Adjust to actual estimate as of 7/11/18</td>
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<tr>
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<td></td>
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<td></td>
<td></td>
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<td></td>
<td>621,500</td>
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<table>
<thead>
<tr>
<th>ACCT NO</th>
<th>EXPENDITURES</th>
<th>ADOPTED BUDGET FY18</th>
<th>PROPOSED REV 01</th>
<th>PROPOSED AMENDED BUDGET</th>
<th>EXPLANATION OF PROPOSED ADJUSTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>699</td>
<td>Contingency</td>
<td>61,130</td>
<td>302,481</td>
<td>363,611</td>
<td>Excess of total revenues to total expenses, up to 10% of General Fund budget allowed to be carried as Contingency amount</td>
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<tr>
<td>412</td>
<td>City Manager</td>
<td>697,455</td>
<td>72,000</td>
<td>769,455</td>
<td>Communications Specialist position and conversion of Channel 15 to digital</td>
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<tr>
<td>414</td>
<td>Finance</td>
<td>983,077</td>
<td>5,607</td>
<td>988,684</td>
<td>Additional annual software maintenance costs for HR/Payroll modules to improve time tracking, time off tracking, and employee self serve options</td>
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<tr>
<td>415</td>
<td>City Clerk</td>
<td>206,206</td>
<td>3,325</td>
<td>209,531</td>
<td>Employee promotion to Deputy Clerk - Secretary IV</td>
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<tr>
<td>444</td>
<td>Contribution to Other Funds</td>
<td>5,218,948</td>
<td>5,447,035</td>
<td>(121,913)</td>
<td>Public Safety Building Series 2012 bonds will be retired in January 2019, we budgeted 12 months of payments versus 6 months to the retirement date</td>
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<td>444</td>
<td>Contribution to Other Funds</td>
<td>350,000</td>
<td>350,000</td>
<td>5,447,035</td>
<td>Other Post Employment Benefit Fund contribution for retiree health insurance costs</td>
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<tr>
<td>900</td>
<td>BCPARC Contribution</td>
<td>1,534,900</td>
<td>10,000</td>
<td>1,524,900</td>
<td>Funding for strategic plan</td>
</tr>
</tbody>
</table>

|       |             |                     |                 |                        |                                     |
|       |             | 621,500             |                 |                        |                                     |
AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET OF
THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET
ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE
SAME APPLIES TO THE COAL SEVERANCE FUND.

The City of Morgantown hereby ordains:

That the FY 2018-2019 Annual Budget of the Coal Severance
Fund of the City of Morgantown is amended as shown in the revised
budget (Revision 01) attached hereto and made a part of this
ordinance.

First Reading:

Adopted: Mayor

Filed:

Recorded: City Clerk
REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

City of Morgantown
GOVERNMENT ENTITY

369 Spruce Street
STREET OR PO BOX
Morgantown 26508
CITY ZIP CODE

Municipality
Government Type

REVENUES: (net each acct.)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
</tr>
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<tbody>
<tr>
<td>299</td>
<td>Unassigned Fund Balance</td>
<td>20,000</td>
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NET INCREASE/(DECREASE) Revenues (ALL PAGES) 41,450

EXPLANATION FOR ACCOUNT # 378, MUNICIPAL SPECIFIC:

EXPLANATION FOR ACCOUNT # 369, CONTRIBUTIONS FROM OTHER FUNDS:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
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<tbody>
<tr>
<td>900</td>
<td>Parks &amp; Recreation</td>
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<td>699</td>
<td>Contingencies*</td>
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</tr>
</tbody>
</table>

NET INCREASE/(DECREASE) Expenditures 41,450

APPROVED BY THE STATE AUDITOR

BY:
Deputy State Auditor, Local Government Services Division

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

Page 39 of 139
RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY
BOARD OF EDUCATION PROVIDING A PREVENTION RESOURCE OFFICER AT
MOUNTAINEER MIDDLE SCHOOL

The City of Morgantown hereby resolves that the City Manager is authorized to execute the
attached "Agreement" providing for a Prevention Resource Officer at Mountaineer Middle School
on behalf of the City.

Adopted this ___ day of August 2018.

________________________________________
Mayor
City of Morgantown

________________________________________
City Clerk
AGREEMENT

This Agreement, made and entered into this __18__ day of ___June________________, 2018 by and between the City of Morgantown, West Virginia (hereafter referred to as “City”) and the Monongalia County Board of Education, West Virginia (hereafter referred to as “Board”).

WITNESSETH:

WHEREAS, the Board has established a Prevention Resources Officer Program (hereafter referred to as “PRO Program”); and

WHEREAS, the Board agrees that the City have one police Officer serve as a Prevention Resources Officer in the Monongalia County School System; and

WHEREAS, the City and the Board understand that the program is established for the purpose of assistance in the prevention of juvenile delinquency through programs specifically developed to respond to those factors and conditions which rise to delinquency; and

WHEREAS, the City and the Board realize, the PRO Program is a great benefit to school administration, students and the community as a whole.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1: DUTIES AND RESPONSIBILITIES OF CITY

1.01 The City will provide one (1) police officer as a Prevention Resource Officer, to the Board for assignment at Mountaineer Middle School.

1.02 The PRO will abide by County School Board Policies and Laws, as they relate to the PRO. The PRO will consult and coordinate instructional activities through the Principal. Educational activities conducted by the PRO, which are part of the regular instruction program of the school, will be at the direction of and supervised by the Principal or his/her designated representative. On-site supervision of the daily activities of the PRO will be performed by the Principal. Professional supervision, evaluation and discipline of the PRO will at all times be performed by the Chief of Police of the City, with input from the Principal as may be requested by the Chief.

1.03 The PRO will provide to students’ instruction in various aspects of law enforcement, public safety, and education as directed and supervised by the Principal.

1.04 On-site supervision of the police officer assigned to the PRO Programs will be performed by the Principal. City, through the Chief of Police, will be responsible for the control, direction, and professional supervision of the police officer assigned to the PRO Programs. City’s Chief of Police will be granted site access to perform supervisory requirements as necessary.
1.05 The City will ensure that the exercise of the law enforcement powers by the PRO is in compliance with the authority granted by the law.

1.06 The PRO will not function as a school disciplinarian or safety officer. It is not the responsibility of the PRO to intervene with the normal disciplinary procedures in the school. The PRO will perform the following duties:

- To perform law enforcement functions within the school setting.
- To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.
- To foster a better understanding of the law enforcement function.
- To develop a better appreciation of citizens’ rights, obligations and responsibilities.
- To provide information about crime prevention.
- To provide assistance and support for crime victims identified within the school setting.
- To promote positive relations between the students and the law enforcement officer.
- To enhance knowledge of the fundamental concepts and structure of the law.
- To be familiar with confidentiality requirements.
- Any records generated by the Officer as part of his/her PRO Program duties shall be considered a school record subject to the Family Educational Rights and Privacy Act and related regulations (34 CFR 99.30 and 99.31).

1.07 The PRO will be on duty at the school during regular school hours when students are required to attend and when the required PRO Training Programs are conducted, unless police department emergency needs or law enforcement requirements prohibit.

1.08 The PRO will not be required to attend extracurricular activities which are held beyond his/her regular workday or require the PRO to leave his/her jurisdiction, but the PRO will have the option to attend if they choose to do so.

**SECTION 2: DUTIES AND RESPONSIBILITIES OF THE BOARD**

2.01 The Principal at Mountaineer Middle will be the on-site contact person for the PRO. The Superintendent of the Board will designate the Prevention Resource Officer Coordinator to serve as the county liaison for the program.

2.02 A performance review will be performed at the end of the school year by the Principal and submitted in writing to the Police Chief.

2.03 A State Grant was received by the MPD and will furnish the City funds in the total sum of $22,000.00 to offset the cost of salary and related benefits for the employee of the City, who will provide the contracted service and act as PRO to the schools pursuant to the terms expressed in this Agreement. The MCBOE does not provide any funds for this position.
SECTION 3: TERMS OF AGREEMENT

3.01 This Agreement is made for a Ten month term beginning the 15th day of August, 2018 and ending the 15th day of June, 2019.

3.02 This Agreement will continue in effect until the expiration of the term described in paragraph 3.01 or until terminated by either of the parties in accordance with the terms listed in Section four (4) below.

SECTION 4: TERMINATION

4.01 Either party may terminate this agreement by serving written notice upon the other party at least thirty (30) days in advance of such termination.

SECTION 5: SEVERABILITY

5.01 Should any part of this Agreement be declared invalid by a court of law or administrative body, such decision will not affect the remaining provisions of the Agreement and this Agreement shall be interpreted as if the invalid portion was never a part of this Agreement. If such determination of invalidity will materially affect any other rights or obligations of the parties hereunder, the parties hereto will negotiate in good faith to amend this Agreement in a manner satisfactory to the parties.

SECTION 6: ASSIGNMENT

6.01 No Party to the Agreement will, directly nor indirectly, assign or purport to assign this Agreement or any of the rights or obligations provided in the Agreement in whole or in part to any third party without the prior written consent of the other party.

SECTION 7: NO WAIVER

7.01 The failure of either party to exercise any of its rights herein contained will not preclude or prejudice it from exercising the same or any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.

SECTION 8: COMPLETE AGREEMENT

8.01 This Agreement is the complete Agreement of the parties; may be amended or modified only in writing; and supersedes, cancels, and terminates any and all prior agreements or understanding of the parties, whether written or oral, concerning the subject matter hereof.

SECTION 9: CHOICE OF LAW

9.01 This Agreement will be governed by and interpreted according to the laws of the State of West Virginia. It will be binding upon and inure to the benefit of the successors of the City and the Board.
SECTION 10: NOTICES

10.01 All notices or other communications required or permitted by the Agreement will be in writing and deemed effectively delivered upon mailing by certified mail, return receipt requested, or personal delivery to the following persons and addresses unless otherwise specified herein:

Paul Brake, City Manager
City of Morgantown, WV

Date

Dr. Frank Devono, Superintendent
Monongalia County Board of Education

Date
RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY
BOARD OF EDUCATION PROVIDING A PREVENTION RESOURCE OFFICER AT
SUNCREST MIDDLE SCHOOL

The City of Morgantown hereby resolves that the City Manager is authorized to execute the
attached “Agreement” providing for a Prevention Resource Officer at Suncrest Middle School on
behalf of the City.

Adopted this ___ day of August, 2018.

______________________________, Mayor
City of Morgantown

______________________________
City Clerk
AGREEMENT

This Agreement, made and entered into this __18__ day of ______June________, 2018 by and between the City of Morgantown, West Virginia (hereafter referred to as “City”) and the Monogalia County Board of Education, West Virginia (hereafter referred to as “Board”).

WITNESSETH:

WHEREAS, the Board has established a Prevention Resources Officer Program (hereafter referred to as “PRO Program”); and

WHEREAS, the Board agrees that the City have one police Officer serve as a Prevention Resources Officer in the Monongalia County School System; and

WHEREAS, the City and the Board understand that the program is established for the purpose of assistance in the prevention of juvenile delinquency through programs specifically developed to respond to those factors and conditions which rise to delinquency; and

WHEREAS, the City and the Board realize, the PRO Program is a great benefit to school administration, students and the community as a whole.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1: DUTIES AND RESPONSIBILITIES OF CITY

1.01 The City will provide one (1) police officer as a Prevention Resource Officer, to the Board for assignment at Suncrest Middle School.

1.02 The PRO will abide by County School Board Policies and Laws, as they relate to the PRO. The PRO will consult and coordinate instructional activities through the Principal. Educational activities conducted by the PRO, which are part of the regular instruction program of the school, will be at the direction of and supervised by the Principal or his/her designated representative. On-site supervision of the daily activities of the PRO will be performed by the Principal. Professional supervision, evaluation and discipline of the PRO will at all times be performed by the Chief of Police of the City, with input from the Principal as may be requested by the Chief.

1.03 The PRO will provide to students’ instruction in various aspects of law enforcement, public safety, and education as directed and supervised by the Principal.

1.04 On-site supervision of the police officer assigned to the PRO Programs will be performed by the Principal. City, through the Chief of Police, will be responsible for the control, direction, and professional supervision of the police officer assigned to the PRO Programs. City’s Chief of Police will be granted site access to perform supervisory requirements as necessary.
1.05 The City will ensure that the exercise of the law enforcement powers by the PRO is in compliance with the authority granted by the law.

1.06 The PRO will not function as a school disciplinarian or safety officer. It is not the responsibility of the PRO to intervene with the normal disciplinary procedures in the school. The PRO will perform the following duties:

- To perform law enforcement functions within the school setting.
- To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.
- To foster a better understanding of the law enforcement function.
- To develop a better appreciation of citizens’ rights, obligations and responsibilities.
- To provide information about crime prevention.
- To provide assistance and support for crime victims identified within the school setting.
- To promote positive relations between the students and the law enforcement officer.
- To enhance knowledge of the fundamental concepts and structure of the law.
- To be familiar with confidentiality requirements.
- Any records generated by the Officer as part of his/her PRO Program duties shall be considered a school record subject to the Family Educational Rights and Privacy Act and related regulations (34 CFR 99.30 and 99.31).

1.07 The PRO will be on duty at the school during regular school hours when students are required to attend and when the required PRO Training Programs are conducted, unless police department emergency needs or law enforcement requirements prohibit.

1.08 The PRO will not be required to attend extracurricular activities which are held beyond his/her regular workday or require the PRO to leave his/her jurisdiction, but the PRO will have the option to attend if they choose to do so.

SECTION 2: DUTIES AND RESPONSIBILITIES OF THE BOARD

2.01 The Principal at Mountaineer Middle will be the on-site contact person for the PRO. The Superintendent of the Board will designate the Prevention Resource Officer Coordinator to serve as the county liaison for the program.

2.02 A performance review will be performed at the end of the school year by the Principal and submitted in writing to the Police Chief.

2.03 A State Grant was received by the MPD and will furnish the City funds in the total sum of $22,000.00 to offset the cost of salary and related benefits for the employee of the City, who will provide the contracted service and act as PRO to the schools pursuant to the terms expressed in this Agreement. The MCBOE does not provide any funds for this position.
SECTION 3: TERMS OF AGREEMENT

3.01 This Agreement is made for a Ten month term beginning the 15th day of August, 2018 and ending the 15th day of June, 2019.

3.02 This Agreement will continue in effect until the expiration of the term described in paragraph 3.01 or until terminated by either of the parties in accordance with the terms listed in Section four (4) below.

SECTION 4: TERMINATION

4.01 Either party may terminate this agreement by serving written notice upon the other party at least thirty (30) days in advance of such termination.

SECTION 5: SEVERABILITY

5.01 Should any part of this Agreement be declared invalid by a court of law or administrative body, such decision will not affect the remaining provisions of the Agreement and this Agreement shall be interpreted as if the invalid portion was never a part of this Agreement. If such determination of invalidity will materially affect any other rights or obligations of the parties hereunder, the parties hereto will negotiate in good faith to amend this Agreement in a manner satisfactory to the parties.

SECTION 6: ASSIGNMENT

6.01 No Party to the Agreement will, directly nor indirectly, assign or purport to assign this Agreement or any of the rights or obligations provided in the Agreement in whole or in part to any third party without the prior written consent of the other party.

SECTION 7: NO WAIVER

7.01 The failure of either party to exercise any of its rights herein contained will not preclude or prejudice it from exercising the same or any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.

SECTION 8: COMPLETE AGREEMENT

8.01 This Agreement is the complete Agreement of the parties; may be amended or modified only in writing; and supersedes, cancels, and terminates any and all prior agreements or understanding of the parties, whether written or oral, concerning the subject matter hereof.

SECTION 9: CHOICE OF LAW

9.01 This Agreement will be governed by and interpreted according to the laws of the State of West Virginia. It will be binding upon and inure to the benefit of the successors of the City and the Board.
SECTION 10: NOTICES

10.01 All notices or other communications required or permitted by the Agreement will be in writing and deemed effectively delivered upon mailing by certified mail, return receipt requested, or personal delivery to the following persons and addresses unless otherwise specified herein:

Paul Brake, City Manager  
City of Morgantown, WV

______________________________  ____________________________
Paul Brake  Date

Dr. Frank Devono, Superintendent  
Monongalia County Board of Education

______________________________  ____________________________
Date
RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY
BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT
SOUTH MIDDLE SCHOOL

The City of Morgantown hereby resolves that the City Manager is authorized to execute the
attached “Agreement” providing for a School Resource Officer at South Middle School on behalf
of the City.

Adopted this ___ day of August, 2018.

________________________________________
, Mayor
City of Morgantown

________________________________________
City Clerk
AGREEMENT

This Agreement, made and entered into this _18_ day of ______, June, 2018 by and between the City of Morgantown, West Virginia (hereafter referred to as “City”) and the Monongalia County Board of Education, West Virginia (hereafter referred to as “Board”).

WITNESSETH:

WHEREAS, the Board has established a School Resources Officer Program (hereafter referred to as “SRO Program”); and

WHEREAS, the Board agrees that the City have one police Officer serve as a School Resources Officer in the Monongalia County School System; and

WHEREAS, the City and the Board understand that the program is established for the purpose of assistance in the prevention of juvenile delinquency through programs specifically developed to respond to those factors and conditions which rise to delinquency; and

WHEREAS, the City and the Board realize, the SRO Program is a great benefit to school administration, students and the community as a whole.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1: DUTIES AND RESPONSIBILITIES OF CITY

1.01 The City will provide one (1) police officer as a School Resource Officer, to the Board for assignment at South Middle School.

1.02 The SRO will abide by County School Board Policies and Laws, as they relate to the SRO. The SRO will consult and coordinate instructional activities through the Principal. Educational activities conducted by the SRO, which are part of the regular instruction program of the school, will be at the direction of and supervised by the Principal or his/her designated representative. On-site supervision of the daily activities of the SRO will be performed by the Principal. Professional supervision, evaluation and discipline of the SRO will at all times be performed by the Chief of Police of the City, with input from the Principal as may be requested by the Chief.

1.03 The SRO will provide to students’ instruction in various aspects of law enforcement, public safety, and education as directed and supervised by the Principal.

1.04 On-site supervision of the police officer assigned to the SRO Programs will be performed by the Principal. City, through the Chief of Police, will be responsible for the control, direction, and professional supervision of the police officer assigned to the SRO Programs. City’s Chief of Police will be granted site access to perform supervisory requirements as necessary.
1.05 The City will ensure that the exercise of the law enforcement powers by the SRO is in compliance with the authority granted by the law.

1.06 The SRO will not function as a school disciplinarian or safety officer. It is not the responsibility of the SRO to intervene with the normal disciplinary procedures in the school. The SRO will perform the following duties:

- To perform law enforcement functions within the school setting.
- To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.
- To foster a better understanding of the law enforcement function.
- To develop a better appreciation of citizens' rights, obligations and responsibilities.
- To provide information about crime prevention.
- To provide assistance and support for crime victims identified within the school setting.
- To promote positive relations between the students and the law enforcement officer.
- To enhance knowledge of the fundamental concepts and structure of the law.
- To be familiar with confidentiality requirements.
- Any records generated by the Officer as part of his/her SRO Program duties shall be considered a school record subject to the Family Educational Rights and Privacy Act and related regulations (34 CFR 99.30 and 99.31).

1.07 The SRO will be on duty at the school during regular school hours when students are required to attend and when the required SRO Training Programs are conducted, unless police department emergency needs or law enforcement requirements prohibit.

1.08 The SRO will not be required to attend extracurricular activities which are held beyond his/her regular workday or require the SRO to leave his/her jurisdiction, but the SRO will have the option to attend if they choose to do so.

SECTION 2: DUTIES AND RESPONSIBILITIES OF THE BOARD

2.01 The Principal at South Middle will be the on-site contact person for the SRO. The Superintendent of the Board will designate the School Resource Officer Coordinator to serve as the county liaison for the program.

2.02 A performance review will be performed at the end of the school year by the Principal and submitted in writing to the Police Chief.

2.03 The Board will furnish the City funds in the total sum of $46,013.22 (2/3rd total cost) to offset the cost of salary and related benefits for the employee of the City, who will provide the contracted service and act as SRO to the schools pursuant to the terms expressed in this Agreement.
SECTION 3: TERMS OF AGREEMENT

3.01 This Agreement is made for a Ten-month term beginning the 15th day of August, 2018 and ending the 15th day of June, 2019.

3.02 This Agreement will continue in effect until the expiration of the term described in paragraph 3.01 or until terminated by either of the parties in accordance with the terms listed in Section four (4) below.

SECTION 4: TERMINATION

4.01 Either party may terminate this agreement by serving written notice upon the other party at least thirty (30) days in advance of such termination.

SECTION 5: SEVERABILITY

5.01 Should any part of this Agreement be declared invalid by a court of law or administrative body, such decision will not affect the remaining provisions of the Agreement and this Agreement shall be interpreted as if the invalid portion was never a part of this Agreement. If such determination of invalidity will materially affect any other rights or obligations of the parties hereunder, the parties hereto will negotiate in good faith to amend this Agreement in a manner satisfactory to the parties.

SECTION 6: ASSIGNMENT

6.01 No Party to the Agreement will, directly nor indirectly, assign or purport to assign this Agreement or any of the rights or obligations provided in the Agreement in whole or in part to any third party without the prior written consent of the other party.

SECTION 7: NO WAIVER

7.01 The failure of either party to exercise any of its rights herein contained will not preclude or prejudice it from exercising the same or any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.

SECTION 8: COMPLETE AGREEMENT

8.01 This Agreement is the complete Agreement of the parties; may be amended or modified only in writing; and supersedes, cancels, and terminates any and all prior agreements or understanding of the parties, whether written or oral, concerning the subject matter hereof.

SECTION 9: CHOICE OF LAW

9.01 This Agreement will be governed by and interpreted according to the laws of the State of West Virginia. It will be binding upon and inure to the benefit of the successors of the City and the Board.
SECTION 10: NOTICES

10.01 All notices or other communications required or permitted by the Agreement will be in writing and deemed effectively delivered upon mailing by certified mail, return receipt requested, or personal delivery to the following persons and addresses unless otherwise specified herein:

Paul Brake, City Manager
City of Morgantown, WV

[Signature]
Date

Dr. Frank Devono, Superintendent
Monongalia County Board of Education

[Signature]
Date
RESOLUTION APPROVING AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT MORGANTOWN HIGH SCHOOL

The City of Morgantown hereby resolves that the City Manager is authorized to execute the attached “Agreement” providing for a School Resource Officer at Morgantown High School on behalf of the City.

Adopted this ___ day of August, 2018.

__________________________________________
Mayor

__________________________________________
City Clerk
AGREEMENT

This Agreement, made and entered into this 18th day of June, 2018 by and between the City of Morgantown, West Virginia (hereafter referred to as "City") and the Monongalia County Board of Education, West Virginia (hereafter referred to as "Board").

WITNESSETH:

WHEREAS, the Board has established a School Resources Officer Program (hereafter referred to as "SRO Program"); and

WHEREAS, the Board agrees that the City have one police Officer serve as a School Resources Officer in the Monongalia County School System; and

WHEREAS, the City and the Board understand that the program is established for the purpose of assistance in the prevention of juvenile delinquency through programs specifically developed to respond to those factors and conditions which rise to delinquency; and

WHEREAS, the City and the Board realize, the SRO Program is a great benefit to school administration, students and the community as a whole.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

SECTION 1: DUTIES AND RESPONSIBILITIES OF CITY

1.01 The City will provide one (1) police officer as a School Resource Officer, to the Board for assignment at Morgantown High School.

1.02 The SRO will abide by County School Board Policies and Laws, as they relate to the SRO. The SRO will consult and coordinate instructional activities through the Principal. Educational activities conducted by the SRO, which are part of the regular instruction program of the school, will be at the direction of and supervised by the Principal or his/her designated representative. On-site supervision of the daily activities of the SRO will be performed by the Principal. Professional supervision, evaluation and discipline of the SRO will at all times be performed by the Chief of Police of the City, with input from the Principal as may be requested by the Chief.

1.03 The SRO will provide to students' instruction in various aspects of law enforcement, public safety, and education as directed and supervised by the Principal.

1.04 On-site supervision of the police officer assigned to the SRO Programs will be performed by the Principal. City, through the Chief of Police, will be responsible for the control, direction, and professional supervision of the police officer assigned to the SRO Programs. City's Chief of Police will be granted site access to perform supervisory requirements as necessary.
1.05 The City will ensure that the exercise of the law enforcement powers by the SRO is in compliance with the authority granted by the law.

1.06 The SRO will not function as a school disciplinarian or safety officer. It is not the responsibility of the SRO to intervene with the normal disciplinary procedures in the school. The SRO will perform the following duties:

- To perform law enforcement functions within the school setting.
- To identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.
- To foster a better understanding of the law enforcement function.
- To develop a better appreciation of citizens' rights, obligations and responsibilities.
- To provide information about crime prevention.
- To provide assistance and support for crime victims identified within the school setting.
- To promote positive relations between the students and the law enforcement officer.
- To enhance knowledge of the fundamental concepts and structure of the law.
- To be familiar with confidentiality requirements.
- Any records generated by the Officer as part of his/her SRO Program duties shall be considered a school record subject to the Family Educational Rights and Privacy Act and related regulations (34 CFR 99.30 and 99.31).

1.07 The SRO will be on duty at the school during regular school hours when students are required to attend and when the required SRO Training Programs are conducted, unless police department emergency needs or law enforcement requirements prohibit.

1.08 The SRO will not be required to attend extracurricular activities which are held beyond his/her regular workday or require the SRO to leave his/her jurisdiction, but the SRO will have the option to attend if they choose to do so.

SECTION 2: DUTIES AND RESPONSIBILITIES OF THE BOARD

2.01 The Principal at Morgantown High will be the on-site contact person for the SRO. The Superintendent of the Board will designate the School Resource Officer Coordinator to serve as the county liaison for the program.

2.02 A performance review will be performed at the end of the school year by the Principal and submitted in writing to the Police Chief.

2.03 The Board will furnish the City funds in the total sum of $46,013.22 (2/3rd total cost) to offset the cost of salary and related benefits for the employee of the City, who will provide the contracted service and act as SRO to the schools pursuant to the terms expressed in this Agreement.
SECTION 3: TERMS OF AGREEMENT

3.01 This Agreement is made for a Ten month term beginning the 15th day of August, 2018 and ending the 15th day of June, 2019.

3.02 This Agreement will continue in effect until the expiration of the term described in paragraph 3.01 or until terminated by either of the parties in accordance with the terms listed in Section four (4) below.

SECTION 4: TERMINATION

4.01 Either party may terminate this agreement by serving written notice upon the other party at least thirty (30) days in advance of such termination.

SECTION 5: SEVERABILITY

5.01 Should any part of this Agreement be declared invalid by a court of law or administrative body, such decision will not affect the remaining provisions of the Agreement and this Agreement shall be interpreted as if the invalid portion was never a part of this Agreement. If such determination of invalidity will materially affect any other rights or obligations of the parties hereunder, the parties hereto will negotiate in good faith to amend this Agreement in a manner satisfactory to the parties.

SECTION 6: ASSIGNMENT

6.01 No Party to the Agreement will, directly nor indirectly, assign or purport to assign this Agreement or any of the rights or obligations provided in the Agreement in whole or in part to any third party without the prior written consent of the other party.

SECTION 7: NO WAIVER

7.01 The failure of either party to exercise any of its rights herein contained will not preclude or prejudice it from exercising the same or any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.

SECTION 8: COMPLETE AGREEMENT

8.01 This Agreement is the complete Agreement of the parties; may be amended or modified only in writing; and supersedes, cancels, and terminates any and all prior agreements or understanding of the parties, whether written or oral, concerning the subject matter hereof.

SECTION 9: CHOICE OF LAW

9.01 This Agreement will be governed by and interpreted according to the laws of the State of West Virginia. It will be binding upon and inure to the benefit of the successors of the City and the Board.
SECTION 10: NOTICES

10.01 All notices or other communications required or permitted by the Agreement will be in writing and deemed effectively delivered upon mailing by certified mail, return receipt requested, or personal delivery to the following persons and addresses unless otherwise specified herein:

__________________________________________  
Paul Brake, City Manager  
City of Morgantown, WV  

Date

__________________________________________  
Dr. Frank Devono, Superintendent  
Monongalia County Board of Education  

Date
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEcD
City Manager

DATE: August 1, 2018

RE: WVU Fan Fare Floor Plan Extension Request

The City has received a request from the University’s Alumni Association to secure a nonintoxicating beer floor plan to serve as tailgate events before five (5) home WVU football games. Council will recall a similar request, for a first-time program, during the 2017 football games. As before, the programming activity includes continuing the expanded services to include the circle in front of the Erickson Alumni Center.

One of the requirements is to apply to the West Virginia Alcohol Beverage Control Administration (ABCA) with a letter of endorsement to be attached to the application (as submitted by the Alumni Association). The dates of the activity would be September 8, September 22, October 6, October 25 and November 11.

Attached you will find a copy of the letter making the request, instructions for completing the extension and the Association’s application. Staff recommends approval and City Council motion to approve the required letter.

A recommended motion is prepared for your consideration (if this is removed from the Consent Agenda portion of the agenda).


Attach.
July 17, 2018

Mr. Paul Brake
City Manager
City of Morgantown
389 Spruce St.
Morgantown, WV 26505
pbrake@morgantownwv.gov

Dear Mr. Brake:

Thank you for your assistance in helping the WVU Alumni Association secure a nonintoxicating beer floor plan extension to the Erickson Alumni Center’s ABCA license last football season.

Events like what were hosted last year are an effective way to engage alumni with each other, the Association and West Virginia University. Building off last year’s success, we would like to host similar events prior to each of the first five home football games this fall. The events will include entertainment, family friendly/children’s activities as well as food and beverage sales. Alumni and their families are the target audience.

To host the event in the circle in front of the Erickson Alumni Center, a nonintoxicating beer floor plan extension is required. I have attached a copy of the policy, instructions for completing the extension and our application. As noted on the application, a letter of endorsement from the City of Morgantown is required to be considered for the extension. It is our hope that the city would endorse our application again this year.

Thank you for your consideration of our request.

Sincerely,

Kevin Berry
Associate Director
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

REQUEST FOR NONINTOXICATING BEER FLOOR PLAN EXTENSION

CONSUMPTION "ON PREMISE"

Name of Establishment (DBA): WVU ALUMNI ASSOCIATION, INC. ERICKSON ALUMNI CENTER

County: MONONGALIA

License Number: 21-A-113-001862

Phone No.: 304-293-4731

1. Name of Event:
   WVU FOOTBALL FAN FEST

2. Dates of Event (month/day/year) Start: 09/18/2018 End: 11/10/2018

3. Distance to nearest residence 1050 FEET Distance to nearest church 200 FEET

Operation days and times must be listed below. Please provide details and information regarding the event.

09/08/2018 5-8 PM, 09/22/2018 THREE HOURS PRIOR TO KICKOFF TO KICKOFF, 10/06/2018
THREE HOURS PRIOR TO KICKOFF TO KICKOFF, 10/25/2018 THREE HOURS PRIOR TO KICKOFF
TO KICKOFF, AND 11/10/2018 THREE HOURS PRIOR TO KICKOFF TO KICKOFF FAN FEST IS
A FAMILY FRIENDLY TAILGATE THAT WILL OCCUR IN THE CIRCLE IN FRONT OF THE
ALUMNI CENTER. FOOD AND BEVERAGES WILL BE SERVED TO THE TARGET AUDIENCE IS ALUMNI
AND THEIR FAMILIES.

4. Licensed Area To Be Extended

List complete information in the form of a diagram (on the second page), giving measured dimensions of the proposed area for extension and a description of how the area is to be designated as a containment area (fenced area) for patrons of the establishment. Please provide details and information regarding the event.

5. County and/or Municipal Consent:

Licensees must obtain a letter of endorsement on official letterhead for the "Nonintoxicating Beer Floor Plan Extension" from one of the following:

a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.

b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

6. Special Rules: (See attached "Nonintoxicating Beer Floor Plan Extension" Requirements)

I, KEVIN BERRY, have received a copy of Rules & Requirements for the "Nonintoxicating Beer Floor Plan Extension"

* Must submit plan detailing the addition of staff/security for each event.

ABCA-192FP.EXT
NONINTOXICATING BEER FLOOR PLAN EXTENSION

Floor plan extension must show the exact area and measurements of the "Nonintoxicating Beer Floor Plan Extension" area in relationship to the licensed establishment.

Keep one (1) copy at the licensed premises.

The area for the requested extension is in red. We will contract with Basca & Associates to provide security for the area. The area will be fenced with snow fencing. The area is directly outside of the Alumni Center courtyard. There will be two entrances/exits. Both will be monitored by security. The distance from the nearest entrance and residence was calculated with Google Maps. Inside the extension, we plan to sell food and beverages, have entertainment and kids activities. The event will begin three hours prior to kickoff on the designated date and will end at kickoff. The target audience is alumni and their families.

I, (please print), have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the Request for Nonintoxicating Beer Floor Plan.

Signature: [Signature]
Date: 07/17/2018
Title: Associate Director

MAIL COMPLETED FORM TO:

West Virginia Alcohol Beverage Control Administration
ATTN: Licensing Department
900 Pennsylvania Ave., 4th Floor
Charleston, West Virginia 25302

ABCA-192FP.EXT
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL
ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

I. Purpose: To establish uniform guidelines for the review of "Nonintoxicating Beer Floor Plan Extension" requests and to ensure that ABCA Licensees are operating within these guidelines.

II. Definitions: Floor Plan Extension: A temporary extension of the licensed area of an ABCA licensed establishment that may encompass a deck, parking lot, or other adjoining exterior area.

III. Policy:

   A. Administration:

   1. The Commissioner or designee will review each request for a "Nonintoxicating Beer Floor Plan Extension".

   2. The Commissioner or designee will require that a letter of endorsement for the event be provided with the "Nonintoxicating Beer Floor Plan Extension" request. A letter of endorsement must be obtained on official letterhead by the licensee and must come from one of the following:

      a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
      b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

   3. The Commissioner or designee will retain the right to cancel any "Nonintoxicating Beer Floor Plan Extension" if the licensed establishment fails to provide oversight, security and safety at the event or based upon any complaints and/or violations.

   4. The Commissioner or designee will retain the right to deny any future "Nonintoxicating Beer Floor Plan Extension" requests if any violations of State Statutes or Legislative Rules have occurred at previously granted events.

   5. The Enforcement Director and Regional Supervisors will schedule enforcement staff to conduct routine inspections or compliance checks at locations granted a "Nonintoxicating Beer Floor Plan Extension."
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL
ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

B. Licensing:

1. The Licensing Department will as soon as possible provide the Commissioner or designee with all complete requests for a "Nonintoxicating Beer Floor Plan Extension".

2. The Licensing Department will ensure that the license of any licensee requesting a "Nonintoxicating Beer Floor Plan Extension" is in good standing with other State agencies.

3. It shall be the responsibility of the Licensing Department to issue or deny the "Nonintoxicating Beer Floor Plan Extension" request by mail upon the determination and directive of the Commissioner or designee.

4. The Licensing Department will provide an electronic copy of the "approved or denied" "Nonintoxicating Beer Floor Plan Extension" to the Enforcement Supervisor and Enforcement staff via email or fax.

C. Employees

1. Agents and/or Inspectors will ensure that licensees are holding a "Nonintoxicating Beer Floor Plan Extension" only in areas on their submitted floor plan.

2. Agents and/or Inspectors will ensure that licensees have the "Nonintoxicating Beer Floor Plan Extension" area adequately cordoned off and secured.

3. Agents and/or Inspectors will ensure that licensees have adequate staff at the location to provide oversight, security and safety at the event.

D. "Nonintoxicating Beer Floor Plan Extension" Requirements:

1. All requests for a "Nonintoxicating Beer Floor Plan Extension" must be made on form (ABCA-192FP.EXT).

2. Licensees must fill out a detailed floor plan on the "Nonintoxicating Beer Floor Plan Extension" form (ABCA-192FP.EXT).

3. Licensees must provide a detailed description of additional staff/security that will be responsible for the crowds in the "Nonintoxicating Beer Floor Plan Extension"
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

4. Licensees must obtain a letter of endorsement on official letterhead for the "Nonintoxicating Beer Floor Plan Extension" from one of the following:

   a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
   b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

   NOTE: If the Municipality has an "open container ordinance" it must indicate in the endorsement letter that the ordinance has been waived for the "Nonintoxicating Beer Floor Plan Extension" area.

5. Nonintoxicating beer and nonintoxicating craft beer are the only beverages containing alcohol that may be served in the "Nonintoxicating Beer Floor Plan Extension" area. No liquor or wine may be sold, served or consumed in the area.

6. Patrons may not carry nonintoxicating beer, nonintoxicating craft beer or non-alcoholic drinks off the licensed premises or the "Nonintoxicating Beer Floor Plan Extension" area.

7. The "Nonintoxicating Beer Floor Plan Extension" area must be cordoned off by some type of temporary fencing or barrier. The fencing must be approved by the ABCA. The fencing must impede ingress and egress of the crowd and any patrons outside the "Nonintoxicating Beer Floor Plan Extension" area.

8. The "Nonintoxicating Beer Floor Plan Extension" may not in any way detrimentally affect the peace or quietude of the surrounding community or residents.

9. Beer Distributors may provide beer delivery trucks for additional stock of nonintoxicating beer. Nonintoxicating beer may not be sold out of the truck which is only to be used for cold storage. All sales must be made within the licensed establishment or "Nonintoxicating Beer Floor Plan Extension" area. Beer Distributors' delivery trucks may not be used as an advertisement or promotional piece.

10. All activities held within the "Nonintoxicating Beer Floor Plan Extension" must cease at 11:00 p.m. Any municipal ordinance requiring the cessation of noise or activities prior to 11:00 p.m. must be observed.
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

11. Any violations of State Statutes or Legislative Rules may result in sanctions, including but not limited to: monetary penalties, suspension, revocation of the "Nonintoxicating Beer Floor Plan Extension" and/or may result in the denial of any future requests.

12. The ABCA will conduct an independent investigation of the licensee submitting a "Nonintoxicating Beer Floor Plan Extension". When reviewing a request, the prior history of operations and/or any violations will be considered.

IV. Effective Date: June 13, 2011

V. Policy Number: E-134
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

INSTRUCTIONS FOR COMPLETING NONINTOXICATING BEER FLOOR PLAN EXTENSION

Please read all instructions carefully.

INSTRUCTIONS

Nonintoxicating Beer Floor Plan Extension Requirements:

(1) All requests for a “Nonintoxicating Beer Floor Plan Extension” must be made on the ABCA form (ABCA-192FP.EXT).

(2) Licensees must fill out a detailed floor plan on the “Nonintoxicating Beer Floor Plan Extension” form (ABCA-192FP.EXT) including: descriptions, measurements, promotional area and any other pertinent information.

(3) Licensees must provide a detailed description of additional staff/security that will be responsible for the patrons in the “Nonintoxicating Beer Floor Plan Extension” area.

(4) Licensees shall obtain a letter of endorsement on official letterhead for the “Nonintoxicating Beer Floor Plan Extension” from one of the following:
   (a) If held outside of a municipality, the letter must be signed by at least one County Commissioner.
   (b) If held within a municipality, the letter must be signed by the Mayor or City Manager.

   NOTE: If the Municipality has an "open container ordinance" it must indicate in the endorsement letter that the ordinance has been waived in the “Nonintoxicating Beer Floor Plan Extension” area.

(5) Nonintoxicating beer and nonintoxicating craft beer are the only beverages containing alcohol that may be served in the “Nonintoxicating Beer Floor Plan Extension” area. No liquor or wine may be sold, served or consumed in the area.

(6) Patrons may not carry nonintoxicating beer, nonintoxicating craft beer or non-alcoholic drinks off the licensed premises or the “Nonintoxicating Beer Floor Plan Extension” area.

(7) The “Nonintoxicating Beer Floor Plan Extension” area must be cordoned off by some type of temporary fencing or barrier. The fencing must be approved by the ABCA. The fencing must impede ingress and egress of the patrons and any persons outside of the “Nonintoxicating Beer Floor Plan Extension” area.

(8) The “Nonintoxicating Beer Floor Plan Extension” may not in any way detrimentally affect the peace or quietude of the surrounding community or residents.

(See reverse side)
(9) Beer Distributors may provide beer delivery trucks for additional stock of nonintoxicating beer. Nonintoxicating beer may not be sold out of the truck which is to be used for cold storage. All sales must be made within the licensed establishment or "Nonintoxicating Beer Floor Plan Extension" area. Beer Distributors' delivery trucks must be parked in an area where deliveries normally would be made and may not be used as an advertisement or promotional piece.

(10) Any violations of State Statutes or Legislative Rules may result in sanctions, including but not limited to: monetary penalties, suspension, the revocation of the "Nonintoxicating Beer Floor Plan Extension" and/or may result in the denial of any future requests.

(11) All activities held within the "Nonintoxicating Beer Floor Plan Extension" must cease at 11:00 p.m. Any municipal ordinance requiring the cessation of noise or activities prior to 11:00 p.m. must be observed.

NOTE: The ABCA will conduct an independent investigation of the licensee submitting a "Nonintoxicating Beer Floor Plan Extension". The prior history of operations and/or any violations will be considered in addition to this request. Further, the "Nonintoxicating Beer Floor Plan Extension" is a privilege and as such the ABCA will determine if licensees warrant this privilege.
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEcD
       City Manager

DATE: August 1, 2018

RE: Mountaineer Tap House Floor Plan Extension Request

The City has also received a request from the Mountaineer Tap House Restaurant in obtaining a nonintoxicating beer floor plan. The restaurant is located at 453 Oakland Street, adjacent to the alumni center. It is very similar to the University’s Alumni Association request for the same activity.

One of the requirements is to apply to the West Virginia Alcohol Beverage Control Administration (ABCA) with a letter of endorsement to be attached to the application. This proposal includes six (6) home WVU football tailgate events. The dates of the activity would be September 8, September 22, October 6, October 25, November 11 and November 23.

Attached you will find a copy of the letter from Milo Ritton making the request, instructions for completing the extension and the restaurant’s application. Staff recommends approval and City Council motion to approve the required letter.

A recommended motion is prepared for your consideration (if this is removed from the Consent Agenda portion of the agenda).


Attach.
July 27, 2018 via Hand Delivery

Messrs. Paul Brake & Christopher Fletcher
CITY OF MORGANTOWN
389 Spruce Street
Morgantown, WV 26505

RE: Beer Floor Plan Extension

Gentlemen:

Kevin Berry and Sean Frisbee from the Erickson Alumni Center have asked me to reach out to you to seek your assistance in obtaining a nonintoxicating beer floor plan extension to the Mountaineer Tap House Restaurant located at 453 Oakland Street, Morgantown, WV 26505 adjacent to the alumni center.

Allowing our patrons to mingle outside will ease and limit the overcrowding of our newly established restaurant adjacent to the Alumni Center; University Place Housing; Ruby Memorial Hospital and of course Milan Puskar Stadium. Our intention would be to host outdoor events prior, during and after each home football game this fall. These events will include entertainment as well as food and beverage sales and our target audience are the very patrons that might otherwise overcrowd our restaurant facility.

To host these events at the Mountaineer Tap House, a nonintoxicating beer floor plan extension is required. I have attached a copy of the policy, instructions for completing the extension and our application. A letter of endorsement from the City of Morgantown is required to be considered for the extension and it is my hope that you would grant that endorsement to us in writing.

Please contact me at your very earliest convenience at milocritton@hotmail.com or 412-580-1100 if you need any further information and thank you for considering our request.

Sincerely,

[Signature]

MIRRIC ENTERTAINMENT III

Milo C. Ritton
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

INSTRUCTIONS FOR COMPLETING NONINToxicating BEER FLOOR PLAN EXTENSION

Please read all instructions carefully.

INSTRUCTIONS

Nonintoxicating Beer Floor Plan Extension Requirements:

(1) All requests for a “Nonintoxicating Beer Floor Plan Extension” must be made on the ABCA form (ABCA-192FP.EXT).

(2) Licensees must fill out a detailed floor plan on the “Nonintoxicating Beer Floor Plan Extension” form (ABCA-192FP.EXT) including: descriptions, measurements, promotional area and any other pertinent information.

(3) Licensees must provide a detailed description of additional staff/security that will be responsible for the patrons in the “Nonintoxicating Beer Floor Plan Extension” area.

(4) Licensees shall obtain a letter of endorsement on official letterhead for the “Nonintoxicating Beer Floor Plan Extension” from one of the following:
   (a) If held outside of a municipality, the letter must be signed by at least one County Commissioner.
   (b) If held within a municipality, the letter must be signed by the Mayor or City Manager.

   NOTE: If the Municipality has an “open container ordinance” it must indicate in the endorsement letter that the ordinance has been waived in the “Nonintoxicating Beer Floor Plan Extension” area.

(5) Nonintoxicating beer and nonintoxicating craft beer are the only beverages containing alcohol that may be served in the “Nonintoxicating Beer Floor Plan Extension” area. No liquor or wine may be sold, served or consumed in the area.

(6) Patrons may not carry nonintoxicating beer, nonintoxicating craft beer or non-alcoholic drinks off the licensed premises or the “Nonintoxicating Beer Floor Plan Extension” area.

(7) The “Nonintoxicating Beer Floor Plan Extension” area must be cordoned off by some type of temporary fencing or barrier. The fencing must be approved by the ABCA. The fencing must impede ingress and egress of the patrons and any persons outside of the “Nonintoxicating Beer Floor Plan Extension” area.

(8) The “Nonintoxicating Beer Floor Plan Extension” may not in any way detrimentally affect the peace or quietude of the surrounding community or residents.

(See reverse side)
(9) Beer Distributors may provide beer delivery trucks for additional stock of nonintoxicating beer. Nonintoxicating beer may not be sold out of the truck which is to be used for cold storage. All sales must be made within the licensed establishment or "Nonintoxicating Beer Floor Plan Extension" area. Beer Distributors' delivery trucks must be parked in an area where deliveries normally would be made and may not be used as an advertisement or promotional piece.

(10) Any violations of State Statutes or Legislative Rules may result in sanctions, including but not limited to: monetary penalties, suspension, the revocation of the "Nonintoxicating Beer Floor Plan Extension" and/or may result in the denial of any future requests.

(11) All activities held within the "Nonintoxicating Beer Floor Plan Extension" must cease at 11:00 p.m. Any municipal ordinance requiring the cessation of noise or activities prior to 11:00 p.m. must be observed.

NOTE: The ABCA will conduct an independent investigation of the licensee submitting a "Nonintoxicating Beer Floor Plan Extension". The prior history of operations and/or any violations will be considered in addition to this request. Further, the "Nonintoxicating Beer Floor Plan Extension" is a privilege and as such the ABCA will determine if licensees warrant this privilege.
REQUEST FOR NONINTOXICATING BEER FLOOR PLAN EXTENSION

CONSUMPTION "ON PREMISE"

Name of Establishment (DBA): Mountaineer Tap House

County: Monongalia

License Number: 31-A-212-018845

1. Name of Event:
   Tap House Tailgate

2. Dates of Event (month/day/year) Start: 9/18/18 End: 11/23/18

3. Distance to nearest residence 1000 Distance to nearest church 300

Operation days and times must be listed below. Please provide details and information regarding the event:

9/8/18 - 3 hours prior to kickoff through 3 hours after game
9/22/18 - 3 hours prior to kickoff through 3 hours after game
10/6/18 - 3 hours prior to kickoff through 3 hours after game
10/25/18 - 3 hours prior to kickoff through 3 hours after game
11/10/18 - 3 hours prior to kickoff through 3 hours after game
11/23/18 - 3 hours prior to kickoff through 3 hours after game

4. Licensed Area To Be Extended:

List complete information in the form of a diagram (on the second page), giving measured dimensions of the proposed area for extension and a description of how the area is to be designated as a containment area (fenced area) for patrons of the establishment. Please provide details and information regarding the event.

5. County and/or Municipal Consent:

Licensees must obtain a letter of endorsement on official letterhead for the "Nonintoxicating Beer Floor Plan Extension" from one of the following:

a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.

b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

6. Special Rules: (See attached "Nonintoxicating Beer Floor Plan Extension" Requirements)

Milo C. Ritten, have received a copy of Rules & Requirements for the "Nonintoxicating Beer Floor Plan Extension"

* Must submit plan detailing the addition of staff/security for each event.
Floor plan extension must show the exact area and measurements of the "Nonintoxicating Beer Floor Plan Extension" area in relationship to the licensed establishment.

Keep one (1) copy at the licensed premises. (Provide Dimensions)

The area for the requested extension is in red. We will provide security for the area and it will be enclosed with snow fencing. The area is contained in the parking lot of the Mountaineer Tap House Restaurant and will have 2 entrance/exits, both will be monitored by security. Inside the extension we intend to sell food and beverages and provide entertainment. The event will begin three (3) hours prior to kickoff and end no later than three (3) hours after the end of each WVU home football games. The target audience will be the patrons of the Mountaineer Tap House Restaurant which will provide for the overflow during Game Days.

I, Milo C. Ritton (please print), have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the Request for Nonintoxicating Beer Floor Plan.

Signature: ___________________________ Date: 7/27/2018
Title: Owner

MAIL COMPLETED FORM TO:
West Virginia Alcohol Beverage Control Administration
ATTN: Licensing Department
900 Pennsylvania Ave., 4th Floor
Charleston, West Virginia 25302

ABCA-192FP.EXT
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL
ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

I. **Purpose:** To establish uniform guidelines for the review of "Nonintoxicating Beer Floor Plan Extension" requests and to ensure that ABCA Licensees are operating within these guidelines.

II. **Definitions:** Floor Plan Extension: A temporary extension of the licensed area of an ABCA licensed establishment that may encompass a deck, parking lot, or other adjoining exterior area.

III. **Policy:**

A. **Administration:**

1. The Commissioner or designee will review each request for a "Nonintoxicating Beer Floor Plan Extension".

2. The Commissioner or designee will require that a letter of endorsement for the event be provided with the "Nonintoxicating Beer Floor Plan Extension" request. A letter of endorsement must be obtained on official letterhead by the licensee and must come from one of the following:

   a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
   b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

3. The Commissioner or designee will retain the right to cancel any "Nonintoxicating Beer Floor Plan Extension" if the licensed establishment fails to provide oversight, security and safety at the event or based upon any complaints and/or violations.

4. The Commissioner or designee will retain the right to deny any future "Nonintoxicating Beer Floor Plan Extension" requests if any violations of State Statutes or Legislative Rules have occurred at previously granted events.

5. The Enforcement Director and Regional Supervisors will schedule enforcement staff to conduct routine inspections or compliance checks at locations granted a "Nonintoxicating Beer Floor Plan Extension."
Nonintoxicating Beer Floor Plan Extension

B. Licensing:

1. The Licensing Department will as soon as possible provide the Commissioner or designee with all complete requests for a "Nonintoxicating Beer Floor Plan Extension".

2. The Licensing Department will ensure that the license of any licensee requesting a "Nonintoxicating Beer Floor Plan Extension" is in good standing with other State agencies.

3. It shall be the responsibility of the Licensing Department to issue or deny the "Nonintoxicating Beer Floor Plan Extension" request by mail upon the determination and directive of the Commissioner or designee.

4. The Licensing Department will provide an electronic copy of the "approved or denied" "Nonintoxicating Beer Floor Plan Extension" to the Enforcement Supervisor and Enforcement staff via email or fax.

C. Employees

1. Agents and/or Inspectors will ensure that licensees are holding a "Nonintoxicating Beer Floor Plan Extension" only in areas on their submitted floor plan.

2. Agents and/or Inspectors will ensure that licensees have the "Nonintoxicating Beer Floor Plan Extension" area adequately cordoned off and secured.

3. Agents and/or Inspectors will ensure that licensees have adequate staff at the location to provide oversight, security and safety at the event.

D. "Nonintoxicating Beer Floor Plan Extension" Requirements:

1. All requests for a "Nonintoxicating Beer Floor Plan Extension" must be made on form (ABCA-192FP.EXT).

2. Licensees must fill out a detailed floor plan on the "Nonintoxicating Beer Floor Plan Extension" form (ABCA-192FP.EXT).

3. Licensees must provide a detailed description of additional staff/security that will be responsible for the crowds in the "Nonintoxicating Beer Floor Plan Extension"
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL
ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

4. Licensees must obtain a letter of endorsement on official letterhead for the “Nonintoxicating Beer Floor Plan Extension” from one of the following:

a. If held outside of a municipality, the letter must be signed by at least one County Commissioner.
b. If held within a municipality, the letter must be signed by the Mayor or City Manager.

NOTE: If the Municipality has an “open container ordinance” it must indicate in the endorsement letter that the ordinance has been waived for the “Nonintoxicating Beer Floor Plan Extension” area.

5. Nonintoxicating beer and nonintoxicating craft beer are the only beverages containing alcohol that may be served in the “Nonintoxicating Beer Floor Plan Extension” area. No liquor or wine may be sold, served or consumed in the area.

6. Patrons may not carry nonintoxicating beer, nonintoxicating craft beer or non-alcoholic drinks off the licensed premises or the “Nonintoxicating Beer Floor Plan Extension” area.

7. The “Nonintoxicating Beer Floor Plan Extension” area must be cordoned off by some type of temporary fencing or barrier. The fencing must be approved by the ABCA. The fencing must impede ingress and egress of the crowd and any patrons outside the “Nonintoxicating Beer Floor Plan Extension” area.

8. The “Nonintoxicating Beer Floor Plan Extension” may not in any way detrimentally affect the peace or quietude of the surrounding community or residents.

9. Beer Distributors may provide beer delivery trucks for additional stock of nonintoxicating beer. Nonintoxicating beer may not be sold out of the truck which is only to be used for cold storage. All sales must be made within the licensed establishment or “Nonintoxicating Beer Floor Plan Extension” area. Beer Distributors’ delivery trucks may not be used as an advertisement or promotional piece.

10. All activities held within the “Nonintoxicating Beer Floor Plan Extension” must cease at 11:00 p.m. Any municipal ordinance requiring the cessation of noise or activities prior to 11:00 p.m. must be observed.
WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Nonintoxicating Beer Floor Plan Extension

11. Any violations of State Statutes or Legislative Rules may result in sanctions, including but not limited to: monetary penalties, suspension, revocation of the "Nonintoxicating Beer Floor Plan Extension" and/or may result in the denial of any future requests.

12. The ABCA will conduct an independent investigation of the licensee submitting a "Nonintoxicating Beer Floor Plan Extension". When reviewing a request, the prior history of operations and/or any violations will be considered.

IV. Effective Date: June 13, 2011

V. Policy Number: E-134
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEC D
City Manager

DATE: August 1, 2018

RE: Resolution to Approve Agreement with Monongalia County for Animal Control

Attached you will find a resolution to approve the intergovernmental agreement between the City and the Monongalia County Commission to provide dog warden services. The proposal amount is $29,293.55 for a twelve (12) month period from July 1, 2018 to June 30, 2019. The cost of the program is off-set by an annual $3 registration fee per dog (this is in addition to $3 annually collected by the County), totaling $6 per year. The City's portion is paid back, however this does not fully cover the amount we fund under this agreement. This joint arrangement is less expensive than retaining our own animal control officer.

City Council action is needed on the resolution to authorize the City Manager to sign the contract with the Monongalia County Commission.

Attach.
A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MONONGALIA COUNTY COMMISSION FOR EMPLOYMENT OF AN ANIMAL CONTROL OFFICER

It is hereby resolved by the City of Morgantown that the City Manager is authorized to execute the attached agreement, which is incorporated herein by reference, to employ an Animal Control Officer as set forth in City Code section 505.13.

Mayor

City Clerk
July 18, 2018

Mr. Paul Brake  
Morgantown City Manager  
389 Spruce Street  
Morgantown, WV 26505

Dear Mr. Brake:

Enclosed please find two copies of the Intergovernmental Agreement between the County Commission and the City of Morgantown for Dog Warden services within the corporate limits of Morgantown.

Please obtain approval of Council, sign the agreements and return one fully executed document to the Commission for our records. The agreement will be effective as of July 1, 2018 and run for twelve (12) consecutive months.

Should you have any questions, please do not hesitate contacting me.

Thank you.

For the Commission,

Rennetta McClure  
County Administrator  
Monongalia County Commission

Enclosures
INTERGOVERNMENTAL AGREEMENT

This Agreement made and entered into this 10th day of July, 2018, by and between the City of Morgantown, hereinafter referred to as “CITY”, and the Monongalia County Commission, hereinafter referred to as “COMMISSION”, witnesseth:

Whereas, the CITY deems it necessary to provide the municipality with the services of Dog Wardens who will be responsible for enforcing all CITY ordinances related to the regulation of animals; specifically, Articles 505 and 507 of the Morgantown Municipal Code:

Whereas, the COMMISSION has agreed to provide the foregoing Dog Warden services to the CITY subject to the terms and conditions hereinafter contained within this Agreement:

Now, therefore, the parties hereto agree as follows:

1) The COMMISSION agrees to assume the responsibility for employing and supervising qualified individual(s) who will enforce the ordinances of the CITY.

2) The COMMISSION shall continue providing such Dog Warden services to the CITY effective with the date of this Agreement.

3) That the individual(s) employed by the COMMISSION to perform the services contemplated herein shall not be employees of the CITY.

4) That the individual(s) employed by the COMMISSION to perform the services contemplated herein shall be available seven days each week to respond to animal ordinance service needs of the CITY.

5) That the COMMISSION employee(s) shall respond to calls for assistance regarding domesticated animals within the CITY in which a resident may be threatened by said domesticated animal.

6) That the COMMISSION’S employee(s) will respond to calls regarding small dead animals within the public right of ways within the CITY and on private property within the CITY and will dispose of any such carcass. The COMMISSION will pay for any costs that may be associated with the disposal of any such carcass.

7) That the COMMISSION will provide a phone number to the CITY, at the time this Agreement is executed, which the CITY may call to request specific Dog Warden assistance pursuant to this Agreement.

8) The COMMISSION shall provide the City Manager with periodic reports, as requested by the City Manager, summarizing Dog Warden incidents within the municipality and responsive action taken by the COMMISSION’S employee(s).
9) The COMMISSION'S employee(s) will issue citations for violations of the CITY'S animal ordinances and will be available to testify in the Morgantown Municipal Court regarding the same.

10) That the COMMISSION shall be responsible for the actions of its employee(s) while they are performing services within the municipality pursuant to this Agreement.

11) That the term of this Agreement shall be for twelve (12) consecutive months beginning with the first day of July and ending June 30 of the following year. This agreement shall be in effect until June 30, 2019.

12) As consideration for the Dog Warden services provided by the COMMISSION, CITY agrees to pay the COMMISSION $29,293.55 for the 12 month term of this agreement in installment payments of $2,441.13 for each of the 12 months, payable by the 15th day of each month that the Agreement is in effect. If this Agreement is terminated by either party hereto, per paragraph 13 below, the balance above $29,293.55 due the Commission will be reduced by $2,441.13 for each and every month which would have remained on the term of the agreement had it not been terminated by the party doing so. (This paragraph includes an increase of 3% for inflation).

13) Either party hereto has the right to terminate this Agreement at any time by providing 30 days prior written notice of the same to the other party.

14) At the conclusion of the nine month term this Agreement may automatically be renewed for an additional twelve month period with a standard increase of 3% per year.

15) This document shall constitute the entire Agreement between the parties and any amendment or additions hereto shall be by written agreement of both parties, which shall be subject to approval by the governing bodies by both parties.

Signed by the MONONGALIA COUNTY COMMISSION:

[Signature]

(Date) 7/18/18

(President)

_Title_

Signed by the CITY OF MORGANTOWN:

[Signature]  

(Date)

_Title_
MEMORANDUM

TO: Mayor and City Council

FROM: Paul J. Brake, ICMA-CM, CEcD
City Manager

DATE: August 1, 2018

RE: Support MUB’s Household Hazardous Waste Collection Day

Staff has been contacted by the Morgantown Utility Board requesting financial support of the community’s Household Hazardous Waste Collection Day. In order to defray costs, they are requesting $5,000 from the City to be included as a co-sponsor of the event.

According to General Manager Tim Ball, this year’s event will be held at the Greenbag Road office on Saturday, August 11th from 8 a.m. to 11 a.m. This provides residents with an environmentally responsible means of disposing of hazardous waste that have accumulated in their homes.

Last year’s event was a huge success with nearly 300 residents participating. The cost of this event was roughly $20,000, of which MUB provided the majority of funding.

Motion is prepared for your consideration:

ORDINANCE NO. ____________

AN ORDINANCE AMENDING SECTIONS 1329.02, 1333.07, 1335.07, 1337.07, 1339.07, AND 1363.02 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO RESIDENTIAL SETBACKS IN DEVELOPED BLOCKS AND RESIDENTIAL LIGHTING.

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS.

For the purpose of this ordinance, the following words and phrases shall have the meaning respectively prescribed to them by this section. If not defined herein, or within other sections of this ordinance, terms used in this ordinance shall have the meanings provided in any standard dictionary or American Planning Association publication as determined by the Planning Director.

BUILDING LINE – The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line, exclusive of residential front porches.

ARTICLE 1333
R-1, Single Family Residential District

1333.07 PERFORMANCE STANDARDS.

(F) All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare from encroaching onto adjoining properties or public rights-of-way.

ARTICLE 1335
R-1A, Single Family Residential District

1335.07 PERFORMANCE STANDARDS.

(F) All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare from encroaching onto adjoining properties or public rights-of-way.

ARTICLE 1337
R-2, Single- and Two-Family Residential District

1337.07 PERFORMANCE STANDARDS.

(F) All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare from encroaching onto adjoining properties or public rights-of-way.
ARTICLE 1339
R-3, Multi-Family Residential District

1339.07 PERFORMANCE STANDARDS.

(F) All exterior lights shall be designed, located, installed and directed in such a manner as to prevent glare from encroaching onto adjoining properties or public rights-of-way.

ARTICLE 1363
Height, Bulk, Area and Density Provisions

1363.02 GENERAL EXCEPTIONS TO HEIGHT, BULK, AREA AND DENSITY REGULATIONS.

(C) Developed Blocks. If seventy-five percent (75%) or more of the lots in a block, on both sides the same side of the street, are occupied by principal buildings, the following regulations shall apply:

(1) Principal Buildings in Residential Zoning Districts. Residential Uses. The front setback shall vary by not more than 6 feet from the home(s) on either side of the lot. This requirement shall supersede the normal minimum and maximum front setbacks. To preserve the rhythm of the predominant building line along developed blocks in residential zoning districts, the following shall supersede the normal minimum and maximum front setback standards or prevailing overlay district, if applicable.

(a) The front setback of the principal building to be constructed shall vary by not more than six (6) feet from the average front building line of the nearest two (2) principal buildings on either side; provided, the principal building to be constructed shall not have a front setback less than the principal building included in the averaging calculation having the least front yard depth. This superseding requirement shall also be applicable to additions onto existing principal buildings that extend into the front yard.

i. When subject lot is a corner lot, the average front building line will be computed on the basis of the two (2) adjacent principal buildings that front the same street as the subject lot.

ii. When the subject lot abuts a corner lot fronting the same street, the average front building line will be computed on the basis of the principal building on the abutting corner lot and the nearest two (2) principal buildings that front the same street as the subject lot.
iii. Principal buildings fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average front building line.

iv. The Planning Director may choose to disregard principal buildings from the front building line averaging calculation that have extraordinarily unusual front setbacks relative to the others included in the calculation.

(2) Non-residential uses. Non-residential uses shall adhere to setback requirements corresponding to nonresidential districts. Principal Buildings in Nonresidential Zoning Districts. Principal buildings in nonresidential zoning districts shall adhere to the normal minimum and maximum front setback standards of the respective zoning district or the prevailing overlay district, if applicable.

(3) The Planning Director may choose to disregard houses that have extraordinarily unusual setbacks relative to the others in the same block.

This ordinance shall be effective upon date of adoption.

FIRST READING: 

ADOPTED: Mayor

FILED: 

RECORDED: City Clerk
AN ORDINANCE ESTABLISHING A LAND REUSE AND PRESERVATION AGENCY FOR THE CITY OF MORGANTOWN

WHEREAS, West Virginia Code Chapter 31, Article 18E authorizes municipalities to establish land reuse agencies for the purchase, rehabilitation, improvement, or sale of real property and to promote the productive use of property within the municipality; and

WHEREAS, The City of Morgantown is the present owner of various properties that may be best utilized by the management of such a land reuse agency; and

WHEREAS, the corporate boundaries of The City of Morgantown contain numerous properties suitable for acquisition, rehabilitation, improvement, and future use as public space, affordable housing, conservation areas, and commercial use areas; and

WHEREAS, state authorizing legislation permits land reuse agencies to acquire, manage, and dispose of properties for the above-designated purposes; and

WHEREAS, the City is entitled by the same legislation to establish priorities for the use of real property conveyed by a land reuse agency, including use for purely public spaces and places; affordable housing; conservation areas; and retail, commercial, and industrial activities; and

WHEREAS, the City intends to promote the productive use of property by identifying available properties suitable for commercial, housing, public space, and conservation areas and directing its land reuse agency to prioritize the acquisition, management, and disposition of those properties according to the priorities set forth in this Ordinance;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Article 147, entitled “Land Reuse and Preservation Agency,” is established as follows:

147.01. Land Reuse and Preservation Agency established; Purposes.

(a) Name. The City of Morgantown hereby establishes a land reuse agency, in accordance with the West Virginia Land Reuse Agency Authorizing Act, Chapter 31, Article 18E of the West Virginia Code, as it may be amended, to be known as the “Morgantown Land Reuse and Preservation Agency” (hereinafter the “Agency”).

(b) Purposes. The Agency shall promote the productive use of property by identifying available properties suitable for public space, conservation, affordable housing, and commercial uses and pursuing the acquisition, management, and disposition of those properties according to the priorities set forth in this Article. The Agency may exercise all powers granted by this Code and the West Virginia Land Reuse Agency Authorizing Act.
147.02. Members, qualifications, and terms.

(a) **Board established.** The Agency shall operate under the control of a board of directors.

(b) **Membership.** The board shall consist of seven members who shall be appointed and serve pursuant to the terms of this Article.

(c) **Qualifications.**

(1) Each member of the board shall have experience in one of the following areas: (A) real estate transactions or financing, (B) development of commercial or residential property, (C) establishment or use of public lands, (D) land conservation or preservation, (E) development or management of programs promoting access to public lands or conservation areas. At least three members shall have the qualifications in Subsections (A) or (B), and at least three members shall have the qualifications in Subsections (C), (D), or (E).

(2) The board shall include at least one voting member who (A) is a resident of the City, (B) is not a public official or municipal employee, and (C) maintains membership with a recognized civic organization within the City.

(3) A majority of the members of the board shall be residents of the city.

(d) **Appointment.** Each member of the board shall be appointed by Council.

(e) **Removal.** A member may be removed from office in accordance with the rules established by the board pursuant to Section 147.03.

(f) **Terms.** Each member shall serve a term of three years, beginning on January 1 and ending on December 31, except that the terms of the initial members shall be as follows:

(1) From the effective date of this ordinance until December 31, 2019
(2) From the effective date of this ordinance until December 31, 2019
(3) From the effective date of this ordinance until December 31, 2020
(4) From the effective date of this ordinance until December 31, 2020
(5) From the effective date of this ordinance until December 31, 2021
(6) From the effective date of this ordinance until December 31, 2021
(7) From the effective date of this ordinance until December 31, 2021
(g) **Vacancies.** Each member shall continue in office until a successor is duly appointed except in the event of the member’s removal, death, or delivery of written resignation to Council. A vacancy on the board shall be filled in the same manner as the original appointment.

(h) **Initial Members.** The initial members of the board shall be appointed by Council to serve the term identified in Paragraph (f) of this Section corresponding to the number assigned to such member.

(i) **Officers.** Officers. -- The members of the board shall select annually from among their members a chair, vice chair, secretary, treasurer, and other officers as the board determines.

### 147.03. Powers and duties.

The Agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Article and the West Virginia Land Reuse Agency Authorizing Act, including but not limited to the following:

1. To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
2. To sue and be sued in its own name and be a party in a civil action. This paragraph includes an action to clear title to property of the Agency;
3. To adopt a seal and to alter the same at pleasure;
4. To borrow from federal government funds, from the state, from private lenders, or from municipalities or counties, as necessary, for the operation and work of the Agency;
5. To issue negotiable revenue bonds and notes according to the provisions of the West Virginia Land Reuse Agency Authorizing Act;
6. To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the Agency and to pay premiums in connection with the insurance or guarantee;
7. To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers;
8. To enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the Agency or by the Agency on behalf of the City;
9. To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Agency. Any contract or instrument signed shall be executed by and for the Agency if the contract or instrument is signed, including an authorized facsimile signature, by:
   (A) The chair or vice chair of the Agency; and
   (B) Either:
      (i) The secretary or assistant secretary of the Agency; or
      (ii) The treasurer or assistant treasurer of the Agency;
10. To procure insurance against losses in connection with the real property, assets, or activities of the Agency;
(11) To invest money of the Agency at the discretion of the board in instruments, obligations, securities, or property determined proper by the board and to name and use depositories for its money;
(12) To enter into contracts for the management of, the collection of rent from, or the sale of real property of the Agency;
(13) To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;
(14) To fix, charge, and collect rents, fees, and charges for the use of real property of the Agency and for services provided by the Agency;
(15) To grant or acquire licenses, easements, leases, or options with respect to real property of the Agency;
(16) To enter into partnerships, joint ventures, and other collaborative relationships with municipalities, counties, and other public and private entities for the ownership, management, development, and disposition of real property;
(17) To organize and reorganize the executive, administrative, clerical, and other departments of the Agency and to fix the duties, powers, and compensation of employees, agents, and consultants of the Agency; and
(18) To do all other things necessary or convenient to achieve the objectives and purposes of the Agency;
(19) To administer the City’s Land Preservation Program, as established by Resolution No. 2018-____ and any successors thereto or policies adopted thereunder
(20) To adopt rules governing the following matters: (1) duties of officers; (2) attendance and participation of members at regular and special meetings; (3) a procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and (4) other matters necessary to govern the conduct of a land reuse agency.
(21) To initiate expedited quiet title actions as authorized by West Virginia Code section 31-18E-16, as it may be amended.

147.04. Priorities; Land Use Plans.

(a) The Agency shall exercise the powers and duties conferred upon it by this Article in accordance with the priorities established in this Section.

(b) The following hierarchical ranking of priorities of the Agency is established by the City in accordance with West Virginia Code Chapter 31, Article 18E, Section 10. The Agency shall prioritize acquisition, disposition, and use of property in accordance with the numerical ranking of priorities:

(1) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a component in the City’s Land Preservation Program, as established by Resolution No. 2018-____ and any successors thereto or policies adopted thereunder. In addition to any other factors considered, the Agency shall specifically consider (A) any factor required for consideration by the Land Preservation Program, and (B) whether a property is designated as “Reserve,” “Preserve,” or “Limited Growth/Conservation Development” in the City’s Comprehensive Plan then in effect, or any similar or successor designation in such Comprehensive Plan.
(2) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a purely public space or place. In addition to any other factors considered, the Agency shall specifically consider (A) any factor required for consideration by the Land Preservation Program, and (B) the relation of the property to the Master Plan of the Morgantown Board of Park and Recreation Commissioners then in effect.

(3) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for affordable housing.

(4) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for retail or commercial activities.

(5) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for industrial activity.

(c) In addition to pursuit of the priorities established in this Section, the Agency shall consider all duly adopted land use plans of the City and make reasonable efforts to coordinate the disposition of land reuse agency real property with those land use plans.

147.05. Compensation and Expenses of Members.

Members of the land reuse agency shall serve without compensation. The board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the land reuse Agency.

147.06. Meetings; Quorum.

(a) Regular Meetings. The Agency shall meet in regular session according to the schedule adopted by the board.

(b) Special Meetings. A special meeting may be convened by the chair or upon written notice signed by a majority of the members.

(c) Quorum. The Agency must have a quorum to conduct a meeting. A majority of the board, excluding vacancies, constitutes a quorum. A member must be physically present at a meeting for purposes of establishing the quorum required by this paragraph.

(d) Voting.

(1) Except as otherwise specified by law, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

(2) Action of the board on the following matters must be approved by a majority of the entire board membership:

(A) Adoption of bylaws;

(B) Adoption of rules under West Virginia Code section 31-18E-5(d);
(C) Hiring or firing of an employee or contractor of the Agency; provided that this function may, by majority vote of the entire board membership, be delegated by the board to a specified officer or committee of the Agency;
(D) Incurring of debt;
(E) Adoption or amendment of the annual budget; and
(F) Sale, lease, encumbrance, or alienation of real property or personal property with a value of more than $50,000.00.

(3) A resolution under West Virginia Code section 31-18E-14, relating to dissolution of the Agency, must be approved by two thirds of the entire board membership.
(4) A member of the board may not vote by proxy.
(5) A member may request a recorded vote on any resolution or action of the land reuse agency.

147.07. Resident Input.

The Agency shall provide residents an opportunity to offer input into its decisions. The following procedures are adopted to solicit resident input:

(a) The Agency shall provide public notice of the Agency’s meetings pursuant to the West Virginia Open Governmental Proceedings Act.

(b) The Agency shall offer a public portion at each regular meeting during which residents may speak about any item on the meeting agenda.

(c) The Agency may request input from other public bodies when the Agency determines that those bodies will be affected.

This ordinance shall be effective upon adoption.

FIRST READING: ______________________

ADOPTED: ______________________

FILED: ______________________

RECORDED: ______________________
# Boards & Commissions Available Positions

<table>
<thead>
<tr>
<th>Board/Commission</th>
<th>Appt/reappt</th>
<th>Name of Applicants</th>
<th>Res./Non Res.</th>
<th>Ward</th>
<th>Code Sec.</th>
<th>Other</th>
</tr>
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<tbody>
<tr>
<td>BOPARC</td>
<td></td>
<td>Sera Zegre</td>
<td>Resigned</td>
<td>149</td>
<td></td>
<td>Advertised</td>
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<tr>
<td>Mayor reviewing apps</td>
<td></td>
<td>Nancy Ganz</td>
<td>Resigned</td>
<td>149</td>
<td></td>
<td>Advertised</td>
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<td></td>
<td></td>
<td>Joey James</td>
<td>Resigned</td>
<td>149</td>
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<td>Re-appt</td>
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<td>Judith Wilkinson</td>
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<td>NEW</td>
<td>Nancy Ulrich</td>
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<td></td>
<td>NEW</td>
<td>Rosetta Galloway Le</td>
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<td>Met Board (Interviewed in 2016)</td>
<td>Re-appt</td>
<td>Joshua Williamson</td>
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<td>Richard McEwuen</td>
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<td>Tina Tallaksen</td>
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<td>Pam Ball</td>
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<td>Sister Cities</td>
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<td>Elizabeth Finklea</td>
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<td>Lola Contreras</td>
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<td>Brian Gardener</td>
<td>Resident-1yr term</td>
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<td>Re-appt</td>
<td>Dr. Ana Casanova</td>
<td>Resident-2yr term</td>
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<td>Kyle Haugh</td>
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<td>Re-appt</td>
<td>Chip Wamsley</td>
<td>Res Bicycle</td>
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<td>Re-appt</td>
<td>Matthew Cross</td>
<td>Res Walking</td>
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<td></td>
<td>Paul Steel</td>
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<td>2nd</td>
<td>151</td>
<td>Coun Rep</td>
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<td>Transit</td>
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<td>Vacant Position</td>
<td>City Resident</td>
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<td></td>
<td>See Letter</td>
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</tbody>
</table>

*Council to interview new applicants.  8/1/2018*

*Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, that they will not interview; the City Clerk will check with Council before scheduling a Special Meeting.  
*BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.*
Notice of Library Board of Trustees vacancy.

Thanks Linda,
Sarah

Sent: Wednesday, June 13, 2018 8:16 AM
To: Sarah Palfrey; Penny Pugh
Subject: FW: Reappointment?

There have been too many conflicts with work for me to continue serving on the Board. I've learned so much over the last few years, but I really feel that volunteering with the Children's programs is where I am most competent and useful. Please let me know if there is anything I need to do to let the City know I'm not seeking reappointment.

Thanks Kelly,
Elizabeth

---
On Jun 12, 2018, at 1:33 PM, Kelly Funkhouser <funkhous@mail.nln.lib.wv.us> wrote:

Elizabeth,
Your term on the Library Board is scheduled to expire on 06/30/2018. Would you like to seek reappointment?
Thanks!
Kelly

Kelly S. Funkhouser, MPA, CPA
Morgantown Public Library
373 Spruce Street
Morgantown, WV 26505
(304) 291-7425 ext 208
## Application to Serve on City Boards and Commissions

<table>
<thead>
<tr>
<th>Name</th>
<th>Nancy C Ulrich</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number</td>
<td>304-292-5262</td>
</tr>
<tr>
<td>Address</td>
<td>801 Augusta Avenue</td>
</tr>
<tr>
<td>City</td>
<td>Morgantown</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
</tr>
<tr>
<td>Zip Code</td>
<td>26501</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:nvulrich@gmail.com">nvulrich@gmail.com</a></td>
</tr>
<tr>
<td>Fax Number</td>
<td>Field not completed</td>
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<tr>
<td>City Resident?</td>
<td>Yes</td>
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<tr>
<td>Years of City Residency</td>
<td>44</td>
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<tr>
<td>Ward</td>
<td>Second</td>
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<td>Who is your employer?</td>
<td>retired</td>
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<tr>
<td>What type of business are (were) you employed in?</td>
<td>law</td>
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<tr>
<td>Job Title or Job Description:</td>
<td>Chief Public Defender of Harrison County, WV</td>
</tr>
<tr>
<td>Professional Certification/License:</td>
<td>JD</td>
</tr>
<tr>
<td>Special Interests:</td>
<td>Master Gardener, League of Women Voters, Volunteering, WVU Book Club, Quilting</td>
</tr>
</tbody>
</table>

Please check the Boards and Commissions you are interested in serving:

- **Library Board**
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: Rosetta Galloway Le WORK/CELL PHONE: (334) 202-2470
ADDRESS: 36 Brownstone Dr. HOME PHONE: (334) 202-2470
Morgantown, WV 26505 ZIP: 26505
EMAIL ADDRESS: rosettagalloway@yahoo.com
CITY RESIDENT? YES ☑ NO ☐ YEARS OF CITY RESIDENCY 2 WARD ___
WHO IS YOUR EMPLOYER? (If Retired, Answer “Retired”): Monongalia County Board of Education
WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? K-12 Education
JOB TITLE or JOB DESCRIPTION: Academic Coach (North Elementary)
PROFESSIONAL CERTIFICATIONS/LICENSES: I have the following teaching certifications/licenses in NC and WV.: Elementary Education (K-6), Reading (K-12), School Administration- Principal (K-12)
SPECIAL INTERESTS: reading, writing, and working with children

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

☐ BOCA BOARD OF APPEALS
☐ BOARD OF PARKS AND RECREATION
☐ BOARD OF ZONING APPEALS
☐ BUILDING COMMISSION
☐ FMT/MTG HOUSING AUTHORITY
☐ FIRE CIVIL SERVICE
☐ HISTORIC LANDMARKS
☐ HUMAN RIGHTS
☑ LIBRARY BOARD
☐ MET BOARD
☐ MORGANTOWN HOUSING ADVISORY COMMISSION
☐ MORGANTOWN UTILITY BOARD
☐ WOODBURN COMMISSION
☐ MUSEUM COMMISSION
☐ PARKING AUTHORITY
☐ PERSONNEL BOARD
☐ PLANNING COMMISSION
☐ POLICE CIVIL SERVICE
☐ SISTER CITIES COMMISSION
☐ TRAFFIC COMMISSION
☐ TRANSIT AUTHORITY
☐ TREE BOARD
☐ URBAN LANDSCAPE COMMISSION
☐ WARD & BOUNDARY
☐ WELLNESS COMMISSION

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.
APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK’S OFFICE FOR 6 MONTHS. UPDATED: 11/17
Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISING OF CITIZENS WHO GIVE OF THEIR TIME IN EVERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME 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 APPOINTEE'S QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: ________ HAROLD MAX SHAVER WORK/CELL PHONE: 304-319-11
ADDRESS: ________ 2025 LISTRAVIA AVE.
________ MORGANTOWN WV
EMAIL ADDRESS: __ SWIFTYSHAVER@YAHOO.COM ZIP: 26505
CITY RESIDENT? __ YES __ NO __ YEARS OF CITY RESIDENT 16TH WARD
WHO IS YOUR EMPLOYER? (IF RETIRED, ANSWER "RETIRED"
WHAT TYPE OF BUSINESS ARE (WERE) YOU EMPLOYED IN SCHOOL BUS DRIVER, PRINTER
JOB TITLE OR DESCRIPTION: ________ BUS DRIVER
PROFESSIONAL CERTIFICATIONS/LICENSE: __ Certified tour and school bus driver

SPECIAL INTERESTS: __ GOLFING, BICYCLING, KAYAKING, MUSEUM VOLUNTEER, PART TIME BUS DRIVER

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

__ BOCCA BOARD OF APPEALS
__ BOARD OF PARKS AND RECREATION
__ BOARD OF ZONING APPEALS
__ BUILDING COMMISSION
__ FIRE CIVIL SERVICE
__ FIRE CODE BOARD OF APPEALS
__ HISTORIC LANDMARKS
__ HUMAN RIGHTS
__ LIBRARY BOARD
__ MET BOARD
__ MORGANTOWN HOUSING ADVISORY COMMISSION
__ MORGANTOWN UTILITY BOARD
__ WOODBURN REDEVELOPMENT COMMISSION

__ yes MUSEUM COMMISSION
__ PARKING AUTHORITY
__ PERSONNEL BOARD
__ PLANNING COMMISSION
__ POLICE CIVIL SERVICE
__ SISTER CITIES COMMISSION
__ TRAFFIC COMMISSION
__ TRANSIT AUTHORITY
__ TREE BOARD
__ URBAN LANDSCAPE COMMISSION
__ WARD & BOUNDARY
__ WELLNESS COMMISSION

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM. 10, MORGANTOWN, WV. 26505
APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS
Updated: 1/4/2018
Pamela A. Ball

Pamela was born in Fairmont, West Virginia. She moved to Morgantown to attend West Virginia University in August of 1972.

Pamela has been volunteering for civic related projects for many years going back to 1982, when she and the late Dr. Phillip True established the Trinity Episcopal Church Community Kitchen, which is still in operation today. Later, she established neighborhood grass roots efforts for varying projects including R1-A for Greenmont, etc.

Pamela has served as chairperson of the Morgantown Museum Commission, since it was established in 2005. Additionally, she serves as the volunteer coordinator of the Morgantown History Museum, which was established the following year in 2006, and is part of the city of Morgantown BOPARC system.

In December of 2011, the Morgantown History Museum opened their new museum facility on Kirk Street, downtown Morgantown, with the Smithsonian exhibit *The Way We Worked*.

Previously, Ms. Ball served as a founding member and vice-president of the Board of Directors of Riverfront Museums, Inc., and also served as RMI’s second president. RMI, Inc. was established in 1994 as an initiative of the Chamber of Commerce Vision 2000 program. (The city of Morgantown Museum Commission/ Initiative evolved from the RMI, Inc. organization.)

Pamela also served on the Chamber of Commerce Vision 2000 Beautification Committee; City of Morgantown Beautification Commission and Chamber of Commerce Vision 2020 Historic
Preservation Committee.

Music has always been an important part of Pamela’s life and because of this interest she served as a volunteer book reviewer for the West Virginia Cultural Resources Department (Goldenseal magazine) book project, Mountains of Music.

Education: WVU, 1985, M.A, American History
    WVV, 1985, Certificate/ Public History (35 hours)
    WVU, 1976, B. of Science, Social Work

Recent employment:

- WVU Foundation, Inc. / 1994 – 2018 (Retired)
    Research Analyst, Special Projects
    One Waterfront Place, Morgantown, West Virginia

- Morgantown History Museum, City of Morgantown, WV,
  Coordinator / 2006 – Current

Pamela has worked on projects for the City of Morgantown, State of West Virginia, US federal government (U.S. Forest Service), Coopers Rock Foundation, private organizations and businesses, writing National Register Nominations; National Register Surveys; Cultural Resource Surveys, and other historical projects. Ms. Ball has also produced a number of historical photograph and art exhibits, and has been involved with contributing to various writing projects, involving local and state history including “Morgantown: A Bicentennial History.” Additionally, Pam has also written interpretive brochures for the Job Prickett House,
Prickett’s Fort State Park, Fairmont, WV; Easton Roller/Grist Mill, Morgantown, WV, etc. during her 30+ year history career.

Updated: 2018
Application to Serve on City Boards and Commissions

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<tr>
<th>Name</th>
<th>Bryan Phillips</th>
</tr>
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<tr>
<td>Phone Number</td>
<td>3043746483</td>
</tr>
<tr>
<td>Address</td>
<td>448 Stewart St</td>
</tr>
<tr>
<td>City</td>
<td>Morgantown</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
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<td>Zip Code</td>
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<tr>
<td>Email Address</td>
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<td>Yes</td>
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<td>Ward</td>
<td>3</td>
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<td>Who is your employer?</td>
<td>Lotsa Stone Fired Pizza</td>
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<td>Special Interests:</td>
<td>Student Protections/Interests; Safety; Recreation</td>
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<td>Please check the Boards and Commissions you are interested in serving:</td>
<td>Museum Commission</td>
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To: Morgantown City Clerk

Linda Tucker

From: Ronald Bane Jr.

This letter is to inform you that I will be resigning as the City of Morgantown representative on the Mountainline Transit Authority affective June 13, 2018. My reasons are both personal and professional which have brought me to this decision to resign. I am grateful to have served as representative of the citizens of Morgantown for many years on the Mountainline Transit Authority. Best wishes to the City of Morgantown.

[Signature]

Ronald Bane Jr.
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: Ms. Janessa Pyles WORK/CELL PHONE: 304 276 1449
ADDRESS: 536 Harvard Ave HOME PHONE: 304 599 6496
Morgantown WV ZIP: 26505
EMAIL ADDRESS: nessa-chan@gmail.com
CITY RESIDENT? YES ☒ NO ☐ YEARS OF CITY RESIDENCY 38 WARD 7 th
WHO IS YOUR EMPLOYER? (If Retired, Answer "Retired"): self employed [county clerk
WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Records management [research] arts
JOB TITLE or JOB DESCRIPTION: Records Preservation
PROFESSIONAL CERTIFICATIONS/LICENSES: MFA History WVU (Public History)
BFA Theatre Design WVU (Costumes & Props)
Cultural Resource Management Certificate – WVU
SPECIAL INTERESTS: Architecture, Historic Preservation, Arts, Theatre History, Research

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

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

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.
APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS UPDATED: 11/17
ARTICLE 149
Board of Park and Recreation Commissioners

149.01 Established.
149.02 Membership; term.
149.03 Vacancy.
149.04 Oath; president; vice president; secretary.
149.05 Compensation.
149.06 Office; employees.
149.07 Powers.
149.08 Use of properties.
149.09 Facilities to be maintained.
149.10 Rules and regulations; legal counsel.
149.11 Fees.
149.12 Appropriation of moneys.

CROSS REFERENCES
Authority to establish - see CHTR. Sec. 4.02
Board of Park and Recreation Commissioners - see W. Va. Code
Art. 8-21

149.01 ESTABLISHED.
A Board of Park and Recreation Commissioners is hereby established. The Board shall be a public corporate body with perpetual existence and a common seal. It shall be known as the Board of Park and Recreation Commissioners of Morgantown, West Virginia. It shall have the power to receive any gift, grant, donation, bequest or devise in its own name or in the name of the City; sue and be sued; contract and be contracted with; and do any and all things and acts which may be necessary, appropriate, convenient or incidental to carry out and effectuate the purposes and provisions of this article.
(Ord. 5-19-81.)

149.02 MEMBERSHIP; TERM.
The Board of Park and Recreation Commissioners shall consist of seven members, a majority of whom shall constitute a quorum for the transaction of business. Each member of the Board must be a resident of the City. Any provision of West Virginia law requiring property ownership as a prerequisite to Board membership shall not apply within The City of Morgantown, in accordance with authority duly granted pursuant to the Municipal Home Rule Pilot Program. The appointment of the members thereof shall be by Council. Membership on Council shall not disqualify any member from being appointed to the Board. Two members of Council, if otherwise qualified, may be appointed to the Board. The term of the Board membership of any such member of Council so appointed shall continue during his or her term as a member of Council and until his successor is appointed or elected and qualified. The terms of other appointed members shall be for six years, except for the initial appointment as hereinafter stated, and until their successors have been duly appointed and qualified. Council shall appoint the members of the Board, such first appointees to serve, one for a term of six years, two for a term of four years, and two for a term of two years. The date upon which the terms of such Board members shall end shall be the 30th day of June. When any member of the Board, during his or her term of office, shall cease to be a resident of the City, he or she shall thereby be disqualified as a member of the Board and his office shall thereupon become vacant. (Ord. 17-49. Passed 12-19-17.)
149.03 VACANCY.
When a vacancy occurs on the Board of Park and Recreation Commissioners by reason of death, resignation, change of residence from the City, expiration of the term or due to any other cause, Council shall appoint a successor or successors, or if there should be no members left on the Board, Council shall appoint successors, and in either event, the appointments shall be for the unexpired term or terms.
(Ord. 5-19-81.)

149.04 OATH; PRESIDENT; VICE PRESIDENT; SECRETARY.
(a) After appointment, the members of the Board of Park and Recreation Commissioners shall qualify by taking and filing with the Clerk of the City the oath prescribed by law for public officials, and they shall not be permitted to serve upon the Board until they have so qualified. If any member of the Board shall fail to so qualify on or before the date upon which he should assume the duties of his office, a vacancy shall exist which shall be filled as provided in Section 149.03.

(b) At the first meeting held after the first Board has been appointed, as hereinbefore provided, and thereafter at the first meeting in July of each year, the members of the Board shall organize by electing one of their number president, and another vice president and by electing a secretary who need not be a member of the Board. The secretary shall keep an accurate record of all the fiscal affairs of the Board, and shall keep a minute book in which he shall record the proceedings and transactions of each meeting of the Board. The secretary shall be paid such compensation for his services as the Board shall fix from year to year. The City Finance Director shall be ex-officio treasurer of the Board, and he shall take the oath prescribed by law and shall furnish such bond as may be required by the Board.
(Ord. 5-19-81.)

149.05 COMPENSATION.
The members of the Board of Park and Recreation Commissioners shall receive no compensation for their services but they shall be entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties as members of the Board. They shall not be personally interested, directly or indirectly, in any contract entered into by the Board, or hold any remunerative position in connection with the establishment, construction, improvement, extension, development, maintenance or operation of any of the property under their control as members of the Board.
(Ord. 5-19-81.)

149.06 OFFICE; EMPLOYEES.
Council shall furnish the Board of Park and Recreation Commissioners an office in a City building where it may hold its meetings and keep its records. The Board shall have complete and exclusive control and management of all of the properties which shall be operated in connection with the public park and recreation system for the City, and shall have power to employ such persons as, in its opinion, may be necessary for the establishment, construction, improvement, extension, development, maintenance or operation of the property under its control, at such wages or salaries as it shall deem proper, and shall have full control of all employees. (Ord. 5-19-81.)
149.07 POWERS.
The Board of Park and Recreation Commissioners is hereby granted the power and authority to acquire in its name upon approval of Council or in the name of the City by purchase, lease or by exercise of the power of eminent domain, or otherwise, such land or lands as it shall determine to be necessary, appropriate, convenient or incidental to the establishment, construction, improvement, extension, development, maintenance or operation of a system of public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities for the City, whether of a like or different nature. (Ord. 5-19-81.)

149.08 USE OF PROPERTIES.
The Board of Park and Recreation Commissioners is hereby empowered and authorized to take title in the name of the City, or in its own name, to all real and personal property acquired by it for the use of the public or useful to the public in the establishment, construction, improvement, extension, development, maintenance or operation of all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and all other public park and recreational facilities for the City, whether of a like or different nature, and shall manage and dispose of the same as, in its opinion, will best serve the interests of the public in carrying out the purposes of this article, provided, however, that the Board shall not acquire title or dispose of land in its own name without approval of Council. The City and all other public bodies owning real property intended to be used for public parks and recreation are hereby authorized to let same for use of the Board, upon approval by Council, to be held by it for such purposes, and the Board is hereby authorized to receive the same. Nothing contained in this article shall be construed as limiting the Board from going beyond the corporate limits of the City, anywhere within the State, to lease, purchase or otherwise acquire, in the name of the City, or its name, upon approval of Council, any real property for the purposes herein set forth. The Board shall have the right to recommend the sale, upon approval by Council, such part of the real property that it may acquire by gift, devise, purchase or otherwise in its own name or the name of the City, as it may determine to be of no advantage in the establishment, construction, improvement, extension, development, maintenance or operation of the public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities, whether of a like or different nature; except that the Board shall have the power and authority to recommend such sales and conveyances of real property with approval of Council, as may be necessary, appropriate or convenient to enable the City to obtain the benefits of West Virginia Code Article 8-16 or any other similar act or legislative authorization. Under no circumstances shall any of such real property be sold or conveyed except by unanimous vote of all of the members of the Board and with approval of Council. All deeds conveying the real property of the Board shall be executed by the City, or, if in the name of the Board by its president or vice president, and shall have its seal affixed and shall be duly attested by its secretary. (Ord. 5-19-81.)

149.09 FACILITIES TO BE MAINTAINED.
The Board of Park and Recreation Commissioners shall have the necessary, appropriate, convenient and incidental powers and authority to manage and control all public parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational
facilities of all kinds used as a part of the public park and recreation system or as a means of maintaining places of beauty, education and promoting the health, property, lives, decency, morality and good order of the general public, and particularly of the inhabitants of the City and vicinity; to abate or cause to be abated all nuisances affecting same; to regulate or prohibit the selling of any article, goods, wares or merchandise within the park and recreation system so designated; to regulate or prohibit the placing of signs, billboards, posters and advertisements within the park and recreation system as so designated, or the grounds immediately adjacent thereto; to have the same kept in good order and free from obstruction for the use and benefit of the public; to restrict and prohibit vagrants, mendicants, beggars, tramps, prostitutes or disorderly individuals therefrom; to establish, construct, improve, extend, develop, maintain and operate such parks, parkways, playgrounds, athletic fields, stadiums, swimming pools, skating rinks or arenas and other public park and recreational facilities, whether of a like or different nature, on any grounds controlled by the Board; to acquire for public use by lease or otherwise lands either within or without the corporate limits of the City; to cause any public street, avenue, road, alley, way, bridle path or walkway, which is a part of the public park and recreation system, to be graded, drained and surfaced; to construct, maintain and operate all necessary sewers and water lines in connection with the public park and recreation system; and to do any and all other things or acts which may in any way be necessary, appropriate, convenient or incidental to the use and enjoyment of the public park and recreational system by the general public as a place or places of beauty, education, entertainment and recreation.
(Ord. 5-19-81.)

149.10 RULES AND REGULATIONS; LEGAL COUNSEL.

In order to accomplish the foregoing purposes, the Board of Park and Recreation Commissioners is hereby empowered and authorized to promulgate, and amend from time to time, such rules and regulations as may be necessary, appropriate, convenient or incidental thereto. After codification of such rules and regulations, or any amendments thereto, by ordinance of Council which may provide penalties for a violation thereof, which codification is hereby authorized, the Board shall enforce the same by appropriate proceedings in any proper tribunal of this State, or any county, district or municipality thereof; and shall employ such police officers as it shall deem proper and necessary. The City Attorney shall be the official counsel for the Board and shall advise it on all legal matters, but the Board may, in its own discretion, employ other or additional counsel.
(Ord. 5-19-81.)

149.11 FEES.

The Board of Park and Recreation Commissioners may make reasonable charges to the public for the privilege of using any of the recreational facilities provided in the park and recreation system and may use the funds so received for the purpose of establishing, constructing, improving, extending, developing, maintaining or operating the park and recreation system.
(Ord. 5-19-81.)
149.12 APPROPRIATION OF MONEYS.
In carrying out the purposes of this article, the Board of Park and Recreation Commissioners is hereby empowered and authorized to receive and disburse for such purposes, any moneys appropriated to it by Council, together with any other funds which may come into its hands by gift, grant, donation, bequest, devise or from its own operation or otherwise. (Ord. 5-19-81.)
1389.01 ESTABLISHMENT.

(A) The Board of Zoning Appeals is hereby established and shall consist of five (5) members to be appointed by City Council, all of whom shall be residents of the City and each of such members shall have been a resident of the City for at least three (3) years prior to the time of his or her appointment.

(B) No member of the Board of Zoning Appeals shall be a member of the Planning Commission nor shall any member hold any other elective or appointive office in the municipal government of the City of Morgantown.

(C) The members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties. If a vacancy occurs by resignation or otherwise among the members of the Board of Zoning Appeals, City Council shall appoint a member for the unexpired term.

(D) City Council may appoint up to three additional members to serve as alternate members of the Board who shall meet the same eligibility requirements as regular Board members. The term for an alternate Board member shall be three years and Council may appoint alternate members on a staggered term schedule.

(E) An alternate Board member shall serve on the Board when one of the regular members is unable to serve. The alternate Board member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve.

(F) The Board of Zoning Appeals shall establish rules and procedures for designating an alternate member who shall have the same powers and duties as a regular Board member.

(G) City Council shall provide the Board of Zoning Appeals with suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts; and appropriate money to defray the reasonable expenses of the Board.

(Ord. 16-43. Passed 9-6-16.)
ARTICLE 153
Human Rights

153.01 Declaration of policy.
153.02 Definitions.
153.03 Unlawful discriminatory practices.
153.04 City Human Rights Commission established.
153.05 Composition and membership.
153.06 Officers.
153.07 Meetings, bylaws and rules.
153.08 Commission status and objectives.
153.09 Powers; functions; services.
153.10 Complaints; procedures.
153.11 Exemptions, conflicts; savings clause.

CROSS REFERENCES
Authority to prohibit housing discrimination - see W.Va. Code 8-12-9
State Human Rights Commission - see W.Va. Code Art. 5-11
Local human relation commission - see W.Va. Code 5-11-1

153.01 DECLARATION OF POLICY.

(a) In order to build an inclusive community, the City will dedicate deliberate and continuous attention to the human relations and human rights of its residents and visitors.

(b) It is the public policy of the City to provide all of its residents and visitors equal opportunity for participation in local governance, employment, equal access to places of public accommodations and equal opportunity in the sale, purchase, lease, rental and financing of housing accommodations or real property. Equal opportunity in the areas of employment, public accommodations, housing accommodations or real property is hereby declared to be a human right or civil right of all persons without regard to race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation, gender identity, familiar status, or veteran status.

(c) The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation, gender identity, familial status, or veteran status is contrary to the principles of freedom and equality of opportunity and is destructive to a free and democratic society.
(i) "Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with:

(1) A parent or another person having legal custody of such individual or individuals; or

(2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall also apply to any person with care and legal custody of such individual, any person who is pregnant, or any person who is in the process of securing legal custody of any individual who has not attained the age of eighteen years. Nothing in this definition restricts advertisements of dwellings which are intended or operated for occupancy by older persons and which constitute housing for older persons as defined by Title 42, United States Code, Section 3607(b)(2).

(j) "Gender identity" means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

(k) "Housing accommodations" means any building or portion thereof which is used or intended for use as the residence or sleeping place of one or more persons.

(l) "Inclusive City" and "Inclusive Community" as used in this article, shall mean the same thing, e.g., a city that helps people thrive by: supporting hospitality; welcoming diversity; promoting civility; promoting safe, affordable dwellings; enabling participation in community, services, and local government; supporting fairness in access to opportunities and services; reducing violence; supporting social justice; encouraging awareness and understanding of opportunities/limitations; making residents aware of the West Virginia Human Rights Commission; and working for a more sustainable community for present and future citizens.

(m) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment or for other mutual aid or protection in relation to employment.

(n) "Owner" means the owner, lessee, sub-lessee, assignee, manager, agent or other person having the right to sell, rent, lease or transfer any housing accommodation or real property within the City or any agent of any of such persons.

(o) "Place of public accommodations" means any establishment or person, as defined herein, including the City, which offers its services, goods, facilities or accommodations to the general public or which is supported directly or indirectly by government funds, but shall not include any accommodations which are in their nature private and which are not in fact open to the public.

(p) "Purchaser" includes any occupant, prospective occupant, lessee, prospective lessee, renter, prospective renter, buyer or prospective buyer.
"Real estate broker" includes any person, firm, or corporation who, for a fee, commission or other valuable consideration, or by reason of a promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys, or rents, or offers or attempts to negotiate a sale, exchange, purchase or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate or solicits for a prospective purchaser, or assists or desists in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, offers, or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon transfer of any real estate for others, or any person who, for pecuniary gain or expectation of pecuniary gain, conducts a public or private competitive sale of lands or any interest in land. In the sale of lots, the term "real estate broker" also includes any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate. A newspaper engaged in the activity of advertising in the normal course of its business shall not be deemed to be a real estate broker.

"Real estate salesman" includes any person who, for compensation, valuable consideration, or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a real estate broker to sell, buy or offer to buy or negotiate the purchase, sale, or exchange of real estate, offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate for others, or to collect rents for the use of real estate, or to solicit for prospective or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

"Real property" includes real estate, lands, leaseholds, commercial or industrial buildings, and any vacant land offered for sale or for rent on which the construction of a housing accommodation, commercial or industrial building is intended, and any land operated as a trailer camp or rented or leased for the use, parking or storage of mobile homes or house trailers.

"Sexual orientation" means actual or perceived homosexuality, heterosexuality, or bisexuality.

"Veteran status" means a person who has served in active military, naval or air service, and who was discharged or released under conditions other than dishonorable. (Ord. 17-40. Passed 10-17-17.)

153.03 UNLAWFUL DISCRIMINATORY PRACTICES.
It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualifications, or except where based upon lawful and acceptable security regulations established by the United States or the State of West Virginia or its agencies or political subdivisions:
(a) For any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment on the basis of race, religion, color, national origin, ancestry, sex, age, blindness, disability, veteran status, sexual orientation or gender identity. Provided, that it shall not be an unlawful discriminatory practice of an employer to observe the provisions of any bona fide pension, retirement, group or employee insurance or welfare benefit plan or system not adopted as a subterfuge to evade the provisions of this subsection.

(b) For any employer, employment agency, or labor organization, prior to employment or admission to membership, to:

1. Elicit any information or make or keep a record of or use any form of application or application blank containing questions or entries concerning the race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity of any applicant for employment or membership, except for such forms which shall be kept separate from the application blanks for the administration of any bona-fide affirmative action plan, that is in accordance with state and federal laws and regulations, or for the purpose of complying with any state or federal statute, rule or regulation issued by any agency or the state or federal government, or for the purpose of making reports required by agencies of the state or federal government;

2. Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based upon race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity;

3. Deny or limit, through a quota system, employment or membership because of race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity.

(c) For any labor organization because of race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity of any individual to deny full and equal membership rights to any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment.

(d) For an employee, labor organization, employment agency, or any joint labor-management committee controlling apprentice training program to:

1. Select individuals for an apprentice training program on any basis other than their qualifications as determined by objective criteria which permit review;

2. Discriminate against any individual with respect to his right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, or other occupational training, or retaining program;

3. Discriminate against any individual in his pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs; or

4. Print or circulate or cause to be printed or circulated any statement, advertisement or publication; or to use any form of application of such programs; or to make any inquiry in connection with such program which expresses, directly or indirectly, discrimination or any intent to discriminate, unless based upon a bona fide occupational qualification.
(e) For any employment agency to fail or refuse to classify properly, refer for employment, or otherwise to discriminate against any individual because of his race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity.

(f) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodations to:

(1) Refuse, withhold from, or deny to any individual because of his race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation or gender identity, either directly or indirectly, any of the accommodations, advantages, facilities, privileges or services of such place of public accommodations; or

(2) Publish, circulate, issue, display, post, or mail, either directly or indirectly, any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of such place shall be refused, withheld from, or denied to any individual on account of race, religion, color, national origin, ancestry, disability, sex, blindness, age, veteran status, sexual orientation, or gender identity or that the patronage or custom thereat of any individual belonging to or purporting to be of any particular race, religion, color, national origin, ancestry, sex, age, veteran status, sexual orientation, or gender identity or who is blind or disabled is unwelcome, objectionable, not acceptable, undesired, or not solicited.

(g) For any person, employer, employment agency, labor organization, owner, real estate broker, real estate salesman, or financial institution to:

(1) Engage in any form of threats or reprisal, or to engage in, or hire, or conspire with others to commit acts, or activities of any nature, the purpose of which is to harass, degrade, embarrass, or cause physical harm or economic loss or to aid, abet, incite, compel or coerce any person to engage in any of the unlawful discriminatory practices defined in this section;

(2) Willfully obstruct or prevent any person from complying with the provisions of this article, or to resist, prevent, impede, or interfere with the Commission or any of its members or representatives in the performance of a duty under this article; or

(3) Engage in any form of reprisal or otherwise discriminate against any person who has opposed any practices or acts forbidden under this article or because the person has filed a complaint, testified or assisted in any proceeding under this article.

(h) For any person to coerce, threaten, discharge, expel, blacklist or otherwise retaliate against another person for opposing any practices prohibited by this article, making a complaint under this article, or assisting in an investigation or proceeding regarding an alleged violation of this article.

(i) For any person to discriminate against another person based on the classifications identified in this article even if such discrimination is not specifically identified within this section.

(Ord. 17-40. Passed 10-17-17.)
153.04 CITY HUMAN RIGHTS COMMISSION ESTABLISHED.
There is hereby established in the City a Human Rights Commission.
(Ord. 17-40. Passed 10-17-17.)

153.05 COMPOSITION AND MEMBERSHIP.
The Human Rights Commission shall consist of seven members to be appointed by City Council. The members shall be residents of and in the City. The Commission may appoint, with the approval of City Council, ex-officio members who shall have the privilege of participation without the right to vote.
Commissioners shall serve for two-year terms beginning with the first meeting after the beginning of the municipal fiscal year. Four of the first seven members shall be appointed to serve terms of two years, while three shall be appointed to serve terms of one year. Thereafter, terms of office for all commissioners will be staggered with two-year terms. Members may be reappointed to subsequent two-year terms.
(Ord. 17-40. Passed 10-17-17.)

153.06 OFFICERS.
(a) Officers: The officers of the Human Rights Commission shall be a Chairperson, Vice Chairperson, and Secretary. The Chairperson shall serve as the liaison to the City administration.

(b) Appropriation of Funds: City Council may appropriate any funds that it deems necessary to carry out any of the proposals set forth by the Human Rights Commission. The Commission, with the approval of Council, may apply for State and Federal financial aid in grants or other forms of financial assistance through the City Administration to assist in carrying out any approved plans or projects.

(c) Fiscal Responsibilities: The Human Rights Commission shall not have the authority to maintain any independent banking or other financial account. Any such account, if requested, shall be maintained by the City Manager.
(Ord. 17-40. Passed 10-17-17.)

153.07 MEETINGS, BYLAWS AND RULES.
The Human Rights Commission shall meet as often as is deemed necessary by its members, upon call of the chairman. The Commission shall adopt its own bylaws and rules, which shall not be inconsistent with the provisions of this Code.
(Ord. 17-40. Passed 10-17-17.)

153.08 COMMISSION STATUS AND OBJECTIVES.
The Commission shall encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the City; and shall strive to eliminate all discrimination in employment and places of public accommodations, and in the sale, purchase, lease, rental or financing of housing and other real property, by virtue of actual or perceived race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation, disability, gender identity, familial status, or veteran status.
In addition, the purpose of the Commission shall be to:
(a) Work to make Morgantown an inclusive city.
(b) Collaborate with the National League of Cities, West Virginia University, Monongalia County Commission and other partners as appropriate to encourage leadership in helping attain inclusivity in the City and its larger community.
(c) Assess needs and identify barriers toward becoming a more inclusive community. Establish goals and objectives for sustaining welcoming environments, enhancing global awareness, and promoting optimum opportunities for supporting safe housing and thriving people.
(d) Support as well as plan, publicize, implement, and evaluate programs, services and activities which promote appreciation for all peoples and the personal worth of every individual.
(e) Enlist the cooperation of civic, community, corporate, educational, ethnic, health care, labor, racial, religious, social justice or other identifiable groups of the City in programs and services devoted to the advancement of tolerance, communication and understanding, and equal protection of the laws of all groups and people.
(f) Enforce the provisions of this article of the City Code prohibiting discrimination in employment, housing, and public accommodations on account of actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, familial status or veteran status. (Ord. 17-40. Passed 10-17-17.)

153.08 POWERS; FUNCTIONS; SERVICES.
The Commission has the right and duty to communicate with City Council and to present to Council any issues that it has investigated pursuant to this article.
The Commission is hereby authorized and empowered:
(a) To cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial religious and ethnic groups in this City.
(b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the City in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws of all groups and people.
(c) To hold and conduct public hearings or meetings relating to any and all types of discrimination. Except in accordance with the provisions of Section 153.10 governing complaints and investigations, these hearings shall be of a non-adjudicatory nature and shall not constitute investigations or adjudication of individual complaints regarding unlawful discrimination under the West Virginia Human Rights Act.
(d) To refer any individual or group complaint regarding alleged acts of unlawful discrimination to the West Virginia Human Rights Commission for investigation and adjudication.
(e) To recommend to Council policies, procedures, practices and legislation in matters and questions affecting human rights. Study problems and needs related to inclusivity in the City and make specific recommendations to the City Manager and to the City Council and other partners as pertinent.
(f) To prepare a written report on its work, functions and services for each year ending on June 30 and to deliver copies thereof to Council on or before December 1 next thereafter.

(g) To do all other acts and deeds necessary and proper to carry out and accomplish effectively the objectives, functions and services contemplated by the provisions of this article, including the promulgation of rules and regulations implementing the powers and authority hereby vested in the Commission.

(h) To create such advisory agencies within the City as in its judgment will aid in effectuating the purpose of this article; to study the problem of discrimination in all or specific fields or instances of discrimination because of race, religion, color, national origin, ancestry, sex, age, blindness, handicap, sexual orientation, gender identity, or veteran status; to foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the City and to make the recommendations to the Commission for the development of policies and procedures, and for programs of formal and informal education, which the Commission may recommend to the appropriate City agency. Such advisory agencies shall be composed of representative residents serving without pay. The Commission may itself make the studies and perform the acts authorized by this subsection. It may, by voluntary conferences with parties in interest, endeavor to eliminate discrimination in all stated fields and to foster goodwill and cooperation among all elements of the population of the City.

(i) To accept contributions from any person to assist in the effectuation of the purposes of this section and to see and enlist the cooperation of private, charitable, religious, labor and civic and benevolent organizations for the purposes of this section.

(j) To issue such publications and such results of investigation and research as in its judgement will tend to promote goodwill and minimize or eliminate discrimination; however, the identity of the parties involved shall not be disclosed.

(k) To advise, consult with, and inform the City Manager on any matter pertaining to inclusivity in the City.

(l) To support and develop program initiatives to promote residents' awareness and knowledge of both opportunities to increase inclusivity and current barriers which limit community inclusiveness and long-term sustainability.

(m) To learn about best practices for addressing issues.

(n) To create and implement an inclusive community plan for the City which increases public awareness of issues; promotes education and understanding, provides, enables, or enhances services; articulates planned collaboration; and promotes public participation.

(o) To review City plans and policies which contain matters relating to inclusivity.

(p) To use media and the Internet to frame and convey information about issues, public programs, and service opportunities.

(Ord. 17-40. Passed 10-17-17.)
153.10 COMPLAINTS; PROCEDURES.

(a) Any individual claiming to be aggrieved by an alleged unlawful discriminatory practice may make, sign, and file with the Commission a verified complaint, which shall state the name and address of the person, employer, labor organization, employment agency, owner, real estate broker, real estate salesman, or financial institution alleged to have committed the unlawful discriminatory practice complained of, and which shall set forth the particulars thereof and contain such other information as may be required by the Commission’s rules and regulations. The Commission upon its own initiative may, in like manner, make, sign and file such complaint. Any employer, whose employees, or some of them, hinder or threaten to hinder compliance with the provisions of this article, may file with the commission a verified complaint, asking for assistance by conciliation or other remedial action, and in such event no hearings, orders or other actions shall be held, made or taken by the commission against such employer on the basis of the actions set forth in the employer’s complaint. Any complaint filed pursuant to this article must be filed within 365 days after the alleged act of discrimination. No provision of this section shall prohibit the Commission from accepting complaints in a manner other than a verified writing and referring such complaints without prior investigation to the West Virginia Human Rights Commission.

(b) After the filing of any complaint, or whenever there is reason to believe that an unlawful discriminatory practice has been committed, the Commission shall make a prompt investigation in connection therewith; provided, however, that the Commission may at any time elect to refer a complaint to the West Virginia Human Rights Commission and that the Commission shall, at any time the complaint or a subsequent investigation indicates that only acts prohibited by West Virginia Code Section 5-11-9 are alleged, refer such complaint to the West Virginia Human Rights Commission. Upon referral to the West Virginia Human Rights Commission, the Commission shall notify the complainant and cease its investigation. Upon a determination by the Commission in accordance with its applicable rules, any investigation may be conducted by an individual member or special committee of the Commission as authorized by the Commission.

(c) If it is determination after such investigation that no probable cause exists for substantiating the allegations of the complaint, the Commission shall, within ten days from such determination, cause to be issued to the complainant written notice of such determination; and the complainant may, within ten days after such service, file with the Commission a written request for a meeting with the Commission to show probable cause for substantiating the allegations of the complaint. If it is determined after such investigation or meeting that probable cause exists for substantiating the allegations of the complaint, the Commission shall immediately endeavor to eliminate the unlawful discriminatory practices complained of by conference, conciliation, and persuasion. Neither the members of the Commission nor any administrative personnel shall disclose what has transpired in the course of the conference, conciliation and persuasion process; provided, that the Commission may publish or release the terms of settlement or conciliation when the complaint has been conciliated or settled.

(d) In case of a failure to eliminate such practice, or in advance thereof, if in the judgment of the Commission circumstances warrant, the Commission shall cause to be issued and served a written notice, together with a copy of such complaint as the same may have been amended, in the manner provided by law for the service of summons in civil actions, directing the person, employer, labor organization, employment agency, owner, real estate broker, real estate salesman, or other institution named in such complaint, hereinafter referred to as
respondent, to answer the charges of such complaint at a public or private hearing before the Commission in the county where the respondent resides or transacts business at a time and place specified in such notice; provided, however, that such written notice shall be served at least thirty days prior to the time set for the hearing. The Commission or its chair shall delegate the power and authority to conduct the hearing to a hearing examiner, who may be an individual commissioner; a panel of commissioners; or a third-party hearing examiner, who shall be an attorney duly licensed to practice law in West Virginia, provided that funding has been allocated to the Commission for retention of such hearing commissioner.

(e) The hearing shall be conducted in accordance with this section and the rules and regulations of the Commission and shall be designed to create a sufficient record to permit review in any court of competent jurisdiction. The respondent may file a written, verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony and evidence. The complainant may appear at such hearing in person or otherwise, with or without counsel, and submit testimony and evidence. In addition to any other testimony and evidence received, the hearing examiner may consider the record of the investigation of the complaint and include such record in the record of the hearing. Following the hearing, the hearing examiner shall prepare or cause to be prepared a copy of the record of the hearing and the written findings and conclusions of the hearing examiner and transmit the same to the Commission.

(f) If, after such hearing and consideration of all of the testimony, evidence and record in the case, the Commission finds that a respondent has engaged in or is engaging in any unlawful discriminatory practice as defined in this article, the Commission shall issue and cause to be served on such respondent an order to cease and desist from such unlawful discriminatory practice and to take such affirmative action, including but not limited to, hiring, reinstatement or upgrading of employees, with or without back pay, admission or restoration to membership in any respondent labor organization, or the admission to full and equal enjoyment of the services, goods, facilities, or accommodations offered by any respondent place of public accommodation, and the sale, purchase, lease, rental or financial assistance to any complaint otherwise qualified for the housing accommodation or real property denied in violation of this article, as in the judgment of the Commission will effectuate the purposes of this article, and including a requirement for reporting of the manner of compliance, payment of expenses and lost wages of any witness called by the complainant or Commission, payment to the complainant of reasonable attorney fees, expert witness fees, and legal costs, and payment to the Commission of its costs in conducting the hearing; and any other legal or equitable relief as the Commission deems appropriate. Such order shall be accompanied by findings of fact and conclusions of law sufficient to permit review by any court of competent jurisdiction.

(g) Nothing in this section shall be construed to prohibit the filing of a private lawsuit or other cause of action at any time.

(h) The Commission may adopt rules and regulations implementing the procedures set forth in this section, so long as such rules and regulations are consistent with the provisions of this article. Any such rules and regulations adopted by the Commission shall be filed with the City Clerk and made available for public inspection. (Ord. 17-40. Passed 10-17-17.)
153.11 EXEMPTIONS; CONFLICTS; SAVINGS CLAUSE.

(a) Notwithstanding anything to the contrary set forth within this ordinance, nothing in this ordinance shall be construed to violate the rights of freedom of speech or religion guaranteed by the First Amendment to the United States Constitution or Article III, Section 7 of the West Virginia Constitution. This ordinance shall not pertain to a religious organization, association, educational institution, or society employing individuals whose primary duties consist of teaching, or spreading doctrine or belief, religious governance, supervision of a religious order, supervision of persons teaching or spreading religious doctrine or belief, or supervision or participation in religious ritual or worship. Nothing in this ordinance shall prevent a religious organization, association, educational institution, or society from restricting membership or access to any of its religious services or activities to those who are members of the same religion. These exemptions are intended, and shall be construed, to protect rights established by the United States and West Virginia Constitutions as determined by applicable judicial decisions.

(b) In the event of a conflict between the interpretation of a provision of West Virginia Code Chapter 5, Article 11, and the interpretation of a similar provision contained in any part of this article, the interpretation of the provision in West Virginia Code shall apply. Until such time as the legislation of the State provides equal or broader protections for the classifications of veteran status, sexual orientation, or gender identity, the provisions contained herein control the application of this ordinance to those classifications.

(c) If any provision of this article is finally determined to be unconstitutional or otherwise unenforceable, it is the intent of the City Council that the remaining provisions remain in force and apply without regard to the unenforceable provision, which shall be treated as though it is omitted in the application of this article.

(Ord. 17-40. Passed 10-17-17.)
ARTICLE 159
Library Board

159.01 Established; appointment and term of members; vacancies.

159.02 Compensation.

159.03 Duties.

159.04 Annual report to be made.

159.05 Donations of cash, property or real estate.

159.06 Library to be free service.

159.07 Withdrawal of State or federal funds.

CROSS REFERENCES
State law provisions - see W. Va. Code Art. 10-1

159.01 ESTABLISHED; APPOINTMENT AND TERM OF MEMBERS; VACANCIES.
There is hereby established a Board of five directors who shall be chosen from the residents of the City, with reference to their fitness for such office, and who shall be appointed by the Mayor with approval of Council. The directors shall hold office for five years from the 1st day of July following their appointment, and until their successors are appointed and qualified; provided, that upon their first appointment under this article, a proportionate number shall be appointed for one year, for two years, for three years, for four years and for five years. Vacancies in the Board shall be immediately reported to the Board of the governing authority and filled by appointment in like manner, and, if an unexpired term for the remainder of the term only. A director may be removed by just cause in the manner provided by the by-laws of the Library Board. Council may remove any director for just cause. (1967 Code Sec. 2-129.)

159.02 COMPENSATION.
No compensation shall be paid or allowed any director.
(1967 Code Sec. 2-130.)

159.03 DUTIES.
The Board of Directors of the library shall:
(a) Immediately after their appointment, meet and organize by electing one member as president, one member as treasurer and one member as secretary and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for re-election. The treasurer before entering upon his duties shall give bond to the governing authority in an amount fixed by Council and shall, if requested, give bond to the Library Board in an amount fixed by such Board, which bonds shall be conditioned for the faithful discharge of his official fiscal duties. The cost of such bonds shall be paid from the Library Fund.
(b) Adopt such by-laws, rules and regulations as are necessary for its guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of the laws of the State.
159.04 ANNUAL REPORT TO BE MADE.
The Board of Directors shall make an annual report at the end of each fiscal year to the City Manager stating the condition of the library property, the various sums of money received from the Library Fund and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added during the year, the number withdrawn from circulation, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the State Library Commission.
(1967 Code Sec. 2-132.)

159.05 DONATIONS OF CASH, PROPERTY OR REAL ESTATE.
The Board of Library Directors shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded and shall have and use a common seal.
The title in the future to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the Board of Library Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; provided, however, that the person making the bequest or donation of cash or of her personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees and to designate the manner in which such fund or property shall be invested and used.
Should the Library Board be dissolved, all assets of such Board shall revert to and become the property of the City.
(1967 Code Sec. 2-133.)

159.06 LIBRARY TO BE FREE SERVICE.
The library shall be free for the use of all persons living within the City, subject to reasonable rules and regulations adopted by the Library Board. The Board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe. The Board may exclude from the use of the library under its charge any person who willfully or persistently violates any rule or regulations prescribed for the use of the library or its facilities.
(1967 Code Sec. 2-134.)

159.07 WITHDRAWAL OF STATE OR FEDERAL FUNDS.
In the event State or federal funds are withdrawn from the Municipal Library, such Library will revert to the method of operation prior to adoption of this article.
(1967 Code Sec. 2-135.)
ARTICLE 156
Metropolitan Theatre Commission

156.01 Established.
156.02 Purpose.
156.03 Membership.
156.04 Vacancies.
156.05 Officers.
156.06 Meetings.
156.07 Written reports.
156.08 Freedom of Information
Act applies.

CROSS REFERENCES
Authority to establish - see CHTR. 4.02

156.01 ESTABLISHED.
There is hereby established a Metropolitan Theatre Commission for the City.
(Ord. 03-13. Passed 3-18-03.)

156.02 PURPOSE.
The function of the Metropolitan Theatre Commission is to over watch and advise the
City Manager and City Council regarding present and future development of the theater,
programming, financing of theater projects, and operations of the theater as a whole.
(Ord. 03-13. Passed 3-18-03.)

156.03 MEMBERSHIP.
The Metropolitan Theatre Commission shall consist of nine members. Seven of the
members shall be residents of the City who shall be appointed by City Council from those
members comprising the Commission of the Metropolitan Theatre Preservation Foundation at
the date of adoption of this article. Each of the seven members shall serve a term of four
years. Upon the conclusion of that four-year period, subsequent reappointments or new
appointments will be for terms as follows:
  Two members for a one-year term
  and
  Two members for a two-year term
  and
  Three members for a three-year term.
City Council shall determine at the conclusion of the initial four-year term which
members of the Commission shall be assigned to the terms indicated above.
Upon the expiration of the terms specified above, all subsequent appointments shall be
for a term of three years each.
An eighth member of the Commission shall be a member of the governing body of the City, and shall be elected by City Council. The term of the City Council member shall be coextensive with the term of office to which he or she has been elected or appointed.

A ninth member of the Commission shall be a member of the Monongalia County Commission, and shall be appointed thereto by the County Commission. The term of the County Commission member shall be at the will and pleasure of the Monongalia County Commission.

All members shall serve without compensation.
(Ord. 03-13. Passed 3-18-03.)

156.04 VACANCIES.
Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired term only. The office of a member of the Metropolitan Theatre Commission shall become vacant upon his/her death, resignation, removal from office or failure to attend three consecutive regular meetings of the Commission without being excused by the Commission either before or after such absence.
(Ord. 03-13. Passed 3-18-03.)

156.05 OFFICERS.
The Metropolitan Theatre Commission shall select from its own membership a chairperson, vice-chairperson and secretary.
(Ord. 03-13. Passed 3-18-03.)

156.06 MEETINGS.
The Metropolitan Theatre Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Governmental Proceedings Act.
(Ord. 03-13. Passed 3-18-03.)

156.07 WRITTEN REPORTS.
The Commission shall submit annual reports to the City Manager and Council summarizing its past year's activities and recommendations for the ensuing year.
(Ord. 03-13. Passed 3-18-03.)

156.08 FREEDOM OF INFORMATION ACT APPLIES.
As a board of the City, the Metropolitan Theatre Commission shall be subject to the West Virginia Freedom of Information Act.
(Ord. 03-13. Passed 3-18-03.)
ARTICLE 168
Museum Commission

168.01 Established.
168.02 Members.
168.03 Officers.
168.04 Meetings.
168.05 Voting.
168.06 Compensation and reimbursement for expenses.
168.07 Appropriation of funds.
168.08 Powers and duties.
168.09 Cooperation with State agencies.
168.10 Annual report.

CROSS REFERENCES
Authority to establish - see W. Va. Code 8-12-5(38)

168.01 ESTABLISHED.
There is hereby formed, created and established a municipal museum commission
known as the Morgantown Museum Commission (the “Commission”). The Commission is
established pursuant to authority granted to the Municipality by Sections 7-11A-1 et seq. of the
West Virginia Code. (Ord. 05-06. Passed 3-15-05.)

168.02 MEMBERS.
The Commission shall consist of ten members who shall be appointed by City Council.
The terms of the individual Commission members first appointed shall be as follows:
   Two members - 5 years
   Two members - 4 years
   Two members - 3 years
   Two members - 2 years
   Two members - 1 year.
All vacancies shall be filled for the unexpired term only and all other appointments
shall be for a term of five years, to commence on the date following the scheduled expiration
date of the previous term. At all times one of the ten members of the Commission shall be a
member of City Council. All members of the Commission shall be residents of the City.
(Ord. 05-06. Passed 3-15-05.)

168.03 OFFICERS.
The Commission shall select from its own membership a chairperson, vice-chairperson
and secretary. (Ord. 05-06. Passed 3-15-05.)
168.04  MEETINGS.
     The Commission shall meet on a monthly basis. Special meetings may be held as
deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of
the West Virginia Open Governmental Proceedings Act. A quorum of members must be
present before a meeting of the Commission can be held at which any official action of the
Commission is to take place.
(Ord. 05-06. Passed 3-15-05.)

168.05  VOTING.
     Every member of the Commission present, when a question is put, shall vote unless
he/she is interested therein other than as a resident of the City. To be successful, an issue shall
require six affirmative votes.
(Ord. 05-06. Passed 3-15-05.)

168.06  COMPENSATION AND REIMBURSEMENT FOR EXPENSES.
     The members of the Commission shall receive no compensation for their services, but
shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in
the performance of their duties as a Commission member, if said Commission member has
received approval from the City’s Finance Director to make such expenditure prior to
incurring said expense.
(Ord. 05-06. Passed 3-15-05.)

168.07  APPROPRIATION OF FUNDS.
     City Council may appropriate any funds that it deems necessary to carry out any of the
proposals set forth by the Commission, so long as said proposal complies with the authority
granted to the Commission by this article. The Commission, on behalf of the City, may
receive gifts, grants, donations, bequests or devises from sources other than public funds.
(Ord. 05-06. Passed 3-15-05.)

168.08  POWERS AND DUTIES.
     It shall be the duty of the Commission to advise and recommend to the City Manager
and/or City Council museum programs or projects within the City’s corporate limits.
     The Commission shall not have the authority to contractually bind the City on any
matter.
     Should the Commission so desire, it has the authority to recommend to City Council
that a specific admission fee be approved by Council for entrance into a designated museum of
the City. (Ord. 05-06. Passed 3-15-05.)

168.09  COOPERATION WITH STATE AGENCIES.
     The Commission shall cooperate and coordinate its activities with the West Virginia
Department of Archives and History, the West Virginia Historical Society and the West
Virginia Antiquities Commission. (Ord. 05-06. Passed 3-15-05.)

168.10  ANNUAL REPORT.
     On December 1st of each calendar year, the Commission shall file an annual report
with the City Manager describing its activities for the previous twelve months. The City
Manager shall present the Commission’s report to City Council.
(Ord. 05-06. Passed 3-15-05.)

2005 Replacement
ARTICLE 172
Morgantown Sister Cities Commission

172.01 Established.
172.02 Members.
172.03 Officers.
172.04 Meetings.
172.05 Voting.

172.06 Compensation and reimbursement for expenses.
172.07 Appropriation of funds.
172.08 Purpose, powers, and duties.

172.01 ESTABLISHED.
There is hereby formed, created and established a municipal Sister Cities Commission, known as the Morgantown Sister Cities Commission (the “Commission”). (Ord. 10-10. Passed 3-2-10.)

172.02 MEMBERS.
The Commission shall consist of nine members who shall be appointed by City Council. The terms of the individual Commission members first appointed shall be as follows:

Three members - 3 years
Three members - 2 years
Three members - 1 year

All vacancies shall be filled for the unexpired term only. All other appointments shall be for a term consistent with that set for the member position in question, to commence on the date following the scheduled expiration date of the previous term. At all times one of the nine members of the Commission shall be a member of City Council. Two of the members may be ex-officio, non-voting members selected from the Greater Morgantown Area as defined by the jurisdictional boundaries of the Morgantown, Monongalia Metropolitan Planning Organization. At all times, seven members of the Commission shall be residents of the City. (Ord. 13-03. Passed 2-19-13.)

172.03 OFFICERS.
The Commission shall select from its own membership a chairperson, vice-chairperson, and secretary. (Ord. 10-10. Passed 3-2-10.)
172.04 MEETINGS.
The Commission shall meet on a monthly basis. Special meetings may be held as
deemed necessary by the Chairperson. Such meetings shall be subject to the requirements of
the West Virginia Open Governmental Proceedings Act. A quorum of members must be
present before a meeting of the Commission can be held at which any official action of the
Commission is to take place.
(Ord. 10-10. Passed 3-2-10.)

172.05 VOTING.
Every member of the Commission present, when a question is put, shall vote unless
he/she is interested therein other than as a resident of the City. To be successful, an issue shall
require five affirmative votes.
(Ord. 10-10. Passed 3-2-10.)

172.06 COMPENSATION AND REIMBURSEMENT FOR EXPENSES.
The members of the Commission shall receive no compensation for their services, but
shall be entitled to reimbursement for reasonable and necessary expenses actually incurred in
the performance of their duties as a Commission member, if said Commission member has
received approval from the City's Finance Director to make such expenditure prior to
incurring said expense.
(Ord. 10-10. Passed 3-2-10.)

172.07 APPROPRIATION OF FUNDS.
City Council may appropriate any funds that it deems necessary to carry out any of the
proposals set forth by the Commission, so long as said proposal meets the purpose and intent
of this article. (Ord. 10-10. Passed 3-2-10.)

172.08 PURPOSE, POWERS, AND DUTIES.
It shall be the duty of the Commission to advise and recommend to the City Manager
and/or City Council means of creating or advancing inter-cultural, educational, social and
economic exchanges between the City and the State of West Virginia with other cities with
which the City of Morgantown has established not only sister cities formal relationships guided
by the organization known as Sister Cities International, but also, informal friendship cities
relationships formed under the guidance of the Commission.
(Ord. 11-18. Passed 5-17-11.)
ARTICLE 151
Traffic Commission

151.01 Established.
151.02 Composition and membership.
151.03 Officers and rules of procedure.
151.04 Duties.

CROSS REFERENCES
Authority to establish - see CHTR. Sec. 4.02

151.01 ESTABLISHED.
There is hereby established and created a Traffic Commission for the City, the official name of which shall be “The Morgantown Traffic Commission”.
(Ord. 15-09. Passed 2-17-15.)

151.02 COMPOSITION AND MEMBERSHIP.
(a) The Traffic Commission shall be composed of: a member of Council; one resident from each of the City wards; one resident at-large to represent bicycling; one resident at-large to represent walking; and one Planning Commission member. All ward, at-large and Planning Commission members shall be appointed by Council. Ex-officio Commission members of the Traffic Commission shall include the Police Chief, or his/her designee; the City Engineer, or his/her designee; the WVU Parking Director/Planner or his/her designee; the Director of the Morgantown Board of Park and Recreation Commissioners (BOPARC) or his/her designee; the Director of the Mountain Line Transit Authority or his/her designee; and the Director of the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) or his/her designee.

(b) The ex-officio members shall serve without any specific term and shall serve by virtue of their office, enjoying all rights of membership except a vote. Each Council and Planning Commission members shall serve until his or her current respective term on Council or Planning Commission expires.

(c) The members appointed by ward residency, and the at-large members shall each serve for a term of three years. (Ord. 15-09. Passed 2-17-15.)

151.03 OFFICERS AND RULES OF PROCEDURE.
(a) The City Engineer shall call the first meeting of the Traffic Commission. The Commission shall meet at least once a month, and shall select from its own membership a chairperson.

(b) The Commission shall adopt its own rules of procedure and shall keep minutes of regular and special meetings.
(Ord. 15-09. Passed 2-17-15.)
151.04 DUTIES.
The duties of the Traffic Commission shall be to receive citizen input pertaining to traffic issues and to act as an advisory to City Council on matters relating to:
(a) The movement and regulation of motor vehicles, bicycles and pedestrians within the City.
(b) The coordination of traffic activities.
(c) Educational activities in traffic matters.
(d) The ways, means and methods of improving traffic conditions within the City; and
(e) The administration and enforcement of traffic regulation. The Commission shall receive such reports and information as deemed necessary by City Administration. The Commission may request the assistance and advice of any other department or official of the City. The City Engineer shall provide primary services for agendas, minutes, studies and implementation of tasks resulting from Commission actions.
(Ord. 15-09. Passed 2-17-15.)
City Manager's Report for City Council Meeting on August 7, 2018

1. Ratify Recommendations from Traffic Commission

The City Engineer has brought to my attention that the Traffic Commission had recommended changes back in 2016. These include, but not limited to, changing parking, stop sign installations, painting double lines, removing a no right turn sign and painting a parking space.

The recommendation also includes a trail period of creating one-way on Ashland Avenue and Tremont Street. Such an initiative will not be implemented without providing ample notice.

Please see attached memorandum dated July 20, 2018. Also, you find a copy of City Code 305.1 and 305.5 pertaining to posting stops signs and implementing one-way designations. The proposed recommendations are presented for your consideration.

2. Tablets for City Council Meetings

At the July 31st Committee of the Whole, we discussed the possibility of providing a stipend for city councilors to use tablets in lieu of City Clerk’s Office continuing to provide hard copy packets. Although the expense of providing new technology appears to be costly, the current paper method far exceeds the proposed method.

Let me show you the annualized expense of providing hard copy packets. I have calculated out an average 250-page document that is produced for 34 to 35 meetings a year (for 11 people). On average, a hard-copy packet costs approximately $10. This is the breakdown (these are approximate estimates):
Cost of ink, toner and copying machine  $3,300.00  
Paper  575.00  
Delivery of packet through the Police Dept  1,300.00  
Mileage / expense of the use of vehicle  275.00  

Total  $5,450.00

I am proposing a stipend to be provided every four years. This would be a reimbursement in the amount of up to $400.00 per council member, city manager, assistant city manager and city attorney. The dollar amount was taken of an average of tablets ranging from a basic Android model (priced at $220) to Microsoft Surface Pro (at the high end of $1,299).

Those declining the reimbursement could seek a reimbursement at a later time. No stipend reimbursement would occur again sooner than four years after the first stipend.

Should the City Council approve this proposal, we will no longer provide delivered hard-copy packets, starting with the first meeting in September.

3. Blue Zone Project

At Tuesday's meeting, I will be providing follow up information on the Blue Zone Project presentation heard at Tuesday’s Committee of the Whole. This include staff time and certain expectations of deliverables.

Paul J. Brake, ICMA-CM, CECd  
City Manager, Morgantown, WV
305.04 ONE-WAY STREETS DESIGNATED.

(a) The following streets or portions thereof are hereby designated as and declared to be one-way streets and vehicular traffic on such streets shall move only in the direction specified in this section:

- Brockway Avenue, from Walnut Street to Maryland Avenue.
- Carson Street, from University Avenue to Grant Avenue.
- Chestnut Street, from Kirk Street to Willey Street.
- Clark Street, from Cherry Street to Kingwood Street.
- Clay Street, from Wharf Street to Hurley Street.
- Court Street, from Spruce Street to University Avenue.
- Decker Avenue, from Spruce Street to Elk Street.
- Edgewood Street, from Cobun Avenue to Wilson Avenue.
- Elmina Street from Dewey Street to Lyndhurst Street.
- Fayette Street, from University Avenue to Spruce Street.
- First Street, from Grant Avenue to University Avenue.
- Forest Avenue, from High Street to Spruce Street.
- Forest Avenue, from High Street to Chestnut Street.
- Fortney Street, from Charles Avenue to Richwood Avenue.
- Gem Street, from Locust Avenue to Richwood Avenue.
- High Street, from Prospect Street to Kirk Street.
- Hough Street, from University Avenue to Beechurst Avenue.
- Jones Avenue, from Stewart Street to Overhill Street.
- Kirk Street, from High Street to Spruce Street.
- Manville Street, from Winsley Avenue to Winsley Avenue in an easterly direction.
- Maryland Avenue, from Brockway Avenue to Cobun Avenue.
- McClain Avenue, from Third Street to Eighth Street.
- Moore Street, from University Avenue to B. & O. Railroad Station.
- Moreland Street, from Spruce Street to University Avenue.
- Pearl Avenue, from Richwood Avenue to Cass Street. Parking on the east side of Pearl Avenue only.
- Pleasant Street, between Spruce Street and Cobun Avenue.
- Pleasant Street, from University Avenue to Spruce Street.
- Prairie Avenue, from Wilson Avenue to Wagner Road.
- Prospect Street, from Willey Street to University Avenue.
- Reid Street, from Chestnut Street to University Avenue.
- Rotary Street, from Collins Ferry Road to Rebecca Street.
- Spruce Street, from Kirk Street to Prospect Street.
- Walnut Street, from Spruce Street to University Avenue.
- Walnut Street, between Cobun Avenue and Spruce Street.
- Wharf Street, from Hurley Street to Clay Street.
- Winsley Street, from Overdale Street to Green Street.

(Ord. 05-30. Passed 9-20-05.)

(b) Prior to the adoption of an ordinance designating any street within the City as a one-way street, Council may permit, on a trial basis not to exceed ninety days, such street to be used as a one-way street. At any time during such trial period, Council may request the City Attorney to prepare and present an ordinance thereon.

(1967 Code Sec. 20-8.1)
305.01 MANAGER'S POWERS GENERALLY.

The City Manager shall place and maintain traffic control signs, signals and devices as required under the provisions of this Traffic Code and other traffic ordinances of the City to make effective such provisions of this Traffic Code and other traffic ordinances, and may place and maintain such additional traffic control devices as Council may from time to time direct or as required for management of cleaning, repair, or emergencies on public ways pursuant to City Code Section 305.03.

(Ord. 15-38. Passed 6-16-15.)
Memoranda

To:       Paul Brake, City Manager

From:     Damien Davis, City Engineer

Date:     July 20, 2018

Subject:  January 2016, March 2016, June 2016, July 2016, September 2016 and October 2016 Actions of Traffic Commission

The following actions were taken at the January 6, 2016 Traffic Commission Meeting.

1.) Paul Steel moved to approve the recommendation of Matt Watson, Christina Hunt, and Brian Rickets as members of the Bicycle Board. Dave McKain seconded the motion. Motion passed unanimously.

No actions were taken at the March 2, 2016 Traffic Commission Meeting.

The following actions were taken at the June 1, 2016 Traffic Commission Meeting.

1.) Paul Steel moved to change the parking to the other side of Callen Avenue between Lawnwood and Mississippi. Martin Dombrowski seconded the motion. Motion passed unanimously.

2.) Matt Cross moved to recommend the changes to the Bicycle Storage for Developments of significant impact to the Planning Commission and to City Council. Paul Steel seconded the motion. Motion passed unanimously.

The following actions were taken at the July 2016 Traffic Commission Meeting.

1.  Jay Redmond moved to recommend that the stop sign be installed on Colmar Street at Richwood Avenue. Matthew Cross seconded the motion. Motion passed unanimously.

2.  Matt Cross moved to recommend making Ashland Avenue one way heading west and Tremont Street one way heading east for 90 days as a trial period. William Blosser seconded the motion. Motion passed unanimously.

3.  Jay Redmond moved to recommend that a double yellow line be installed on Buckhannon Avenue near the intersection of Jackson Avenue. Paul Steel seconded the motion. Motion passed unanimously.

4.  Matthew Cross moved to recommend the removal of the “No Right Turn” sign at the intersection of Buckhannon Avenue and Jackson Avenue. William Blosser seconded the motion. Motion passed with a 4 to 1 vote.
5. Paul Steel moved to recommend the installation of a “stop” sign on Michelle Street at Doris Road; and a stop sign on Doris Road at Theresa Drive. Matthew Cross seconded the motion. Motion passed unanimously.

The following actions were taken at the September 2016 Traffic Commission Meeting.

1. David McKain moved to approve the nominees to the Pedestrian Board. Paul Steel seconded the motion. Motion passed unanimously.

The following actions were taken at the October 2016 Traffic Commission Meeting.

1. Kyle Haugh moved to approve the request to paint one parking space yellow on Downs Avenue after 820 Richwood Avenue. Jay Redmond seconded the motion. Motion passed unanimously.
2. Matt Cross moved to place stop sign on Lagan Street at Grand Street. Martin Dombrowski seconded the motion. Motion passed unanimously.