



The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

AMENDED AGENDA

MORGANTOWN CITY COUNCIL
REGULAR MEETING
March 20, 2018
7:00 p.m.

1. CALL TO ORDER:
2. ROLL CALL:
3. PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES: March 6, 2018 Special Meeting minutes, and March 6, 2018 Regular Meeting minutes.
5. CORRESPONDENCE:
 1. Hancock County Sherriff Department to present a plaque to the Morgantown City Police Dive Team.
 2. **Women's History Month Proclamations, Certificates and Medals to Dorothy Comuntzis Family and Charlene Marshall.**
6. PUBLIC HEARINGS:
 - A. AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE.
 - B. AN ORDINANCE ESTABLISHING A GENERAL BUSINESS LICENSE IN THE CITY OF MORGANTOWN AND AMENDING RELATED PROVISIONS OF PART SEVEN OF THE CITY CODE REGULATING BUSINESS AND TAXATION.
 - C. AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2018 – 2019.
7. UNFINISHED BUSINESS:
 - A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE. (First Reading 3/6/2018)
 - B. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE ESTABLISHING A GENERAL BUSINESS LICENSE IN THE CITY OF MORGANTOWN AND AMENDING RELATED PROVISIONS OF PART SEVEN OF THE CITY CODE REGULATING BUSINESS AND TAXATION. (First Reading 3/6/2018)
 - C. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2018 – 2019. (First Reading 3/6/2018)
 - D. BOARDS AND COMMISSIONS- Council to appoint BZA and Woodburn Redevelopment Commission members.
8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:
9. SPECIAL COMMITTEE REPORTS:

10. NEW BUSINESS:

- A. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO CONSIDER AMENDMENT OF ARTICLES II AND VII OF THE CITY CHARTER ESTABLISHING THE COMPOSITION, ELIGIBILITY, ELECTION, AND TERMS OF CITY COUNCIL MEMBERS AND FOR THEIR NOMINATION AND ELECTION. (Pg. 3 Amended Agenda Packet)

11. CITY MANAGER'S REPORT:

New Business:

1. Agreement for Construction Manager at Risk (CMR) for Hazel Ruby McQuain Riverfront Park
2. Update – Agreement for Solid Waste and Recycling Materials – Republic Services Contract
3. Residential Solid Waste Billing Agent – Morgantown Utility Board Billing Agreement
4. Adopting the FY 2018-2019 Capital Escrow Budget
5. Adopting the FY 2018-2019 Municipal Airport Budget
6. Adopting the FY 2018-2019 MET Theatre Budget
7. Adopting the Five-Year Capital Improvement Plan (FY 2018-2023)

12. REPORT FROM CITY CLERK:

13. REPORT FROM CITY ATTORNEY:

14. REPORT FROM COUNCIL MEMBERS:

15. EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(B) (12) to discuss acquisition of real estate in the downtown area.

16. ADJOURNMENT:

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

AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO CONSIDER AMENDMENT OF ARTICLES II AND VII OF THE CITY CHARTER ESTABLISHING THE COMPOSITION, ELIGIBILITY, ELECTION, AND TERMS OF CITY COUNCIL MEMBERS AND FOR THEIR NOMINATION AND ELECTION.

WHEREAS, City Council finds and determines that the qualified voters of the City should determine whether to amend the City Charter as it relates to the terms of its members, providing for concurrent, four-year terms to promote continuity and experience in the governing body; and

WHEREAS, the voters are authorized to consider such amendment of the Charter at a special election called for the purpose pursuant to Articles 4 and 5 of Chapter 8 of the West Virginia Code;

NOW, THEREFORE, The City of Morgantown hereby ordains

(1) that a special election will be conducted on Tuesday, November 6, 2018, at which the qualified voters of the City will consider whether to amend Articles II and VII of the City Charter as provided herein;

(2) That the form of ballot for such election shall be as follows:

AMENDING THE MORGANTOWN CITY CHARTER TO ESTABLISH CONCURRENT, FOUR-YEAR TERMS FOR COUNCIL MEMBERS

- () Yes. The Charter should be amended as set forth below (new matter underlined, deleted material stricken).
- () No. The Charter should not be amended.

**Article II
CITY COUNCIL**

SECTION 2.01. COMPOSITION, ELIGIBILITY, ELECTION AND TERMS.

(c) Election and Terms. The regular election of Councilmembers shall be held on the last Tuesday in April, ~~in each odd-numbered year, beginning with~~ in the first odd-numbered year following the effective date of this Charter section and every fourth year thereafter in

the manner provided in Article VII. The candidate in each ward who receives the greatest number of votes cast by the qualified voters of the City at large, shall be declared elected. Each Councilmember shall serve for a term of ~~two~~ four years, beginning on July first following ~~his~~ the election.

SECTION 2.06. VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

(a) Vacancies. The office of a Councilmember shall become vacant upon his death, resignation, removal from office in any manner authorized by law or by this Charter or by forfeiture of his office. A vacancy shall also exist whenever a qualified person has not been elected to a position of Councilmember under the provisions of this Charter.

(b) Forfeiture of Office. A Councilmember shall forfeit his office if he

(1) lacks at any time during term of office any qualification for the office prescribed by this Charter or by law,

(2) violates any express prohibition of this Charter,

(3) is convicted of a crime involving moral turpitude, or

(4) fails to attend three consecutive regular meetings of the Council without being excused by the Council either before or after such failure of attendance.

(c) Filling of Vacancies.

(1) The filling of any vacancy in office of a Councilmember as defined under Article II shall take into account the ward wherein the member whose office has been vacated resided at the time of his election, and ~~his~~ the successor shall reside in such ward. Removal of residence from the ward shall vacate the office of the Councilmember residing in such ward at the time of his election, except as provided otherwise in Section 7.05(g) of this Charter.

(2) Any such vacancy shall be filled by a majority vote of all the remaining members, who within thirty (30) days after the occurrence of the vacancy, shall appoint a qualified person to fill the vacancy. If the Council fails to do so within 30 days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy and to be otherwise governed by the provisions of Article VII.

(3) Notwithstanding the requirement in Section 2.11 that a quorum of the Council consists of four members, if at any time the membership of Council is reduced to less than four, the remaining members may by majority action appoint additional members to raise the membership to four.

**Article VII
NOMINATIONS AND ELECTIONS**

SECTION 7.01. CITY ELECTIONS.

(a) Regular Elections. The regular City election shall be held on the last Tuesday in April in ~~each odd-numbered year.~~ the first odd-numbered year following the effective date of this Charter section and every fourth year thereafter

SECTION 7.05. WARDS, ADJUSTMENT OF WARD BOUNDARIES.

(b) Ward Boundary Commission. The Council shall appoint seven qualified voters, one from each of the seven wards of the City as they exist at the time of such appointment, who shall comprise a Ward Boundary Commission. The voters chosen shall not be employed by the City in any other capacity. The appointment shall be made not later than the last day of July in the year preceding each regular election ~~30 days after the commencement of each Council's term of office.~~

(c) Report. On or before October 31st of each ~~even-numbered~~ year preceding a regular election, the Commission shall file with the City Clerk a report containing a recommended plan and a map for adjustment of ward boundaries, or recommending that no adjustment be made, all in accordance with the specifications set forth in subsection (d).

(h) Terms of Members of the Commission. The terms of office of the members of the Commission shall expire on the last day of June of the year of each regular election ~~at the same time as the expiration of the terms of the Council which appointed them.~~ A new Commission shall thereafter be appointed as provided by subsection (b).

This ordinance shall become effective upon adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED: