AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
April 3, 2018
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: March 20, 2018 Special Meeting minutes, and March 20, 2018 Regular Meeting minutes. (Pg. 3 & 4)

5. CORRESPONDENCE: Certificate of Appreciation to Rodney Pyles. Proclamation for Fair Housing Month. (Pg. 23 & 24)

6. PUBLIC HEARINGS:
   A. AN ORDINANCE AMENDING SECTION 1329.02 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO HOTEL AND LODGING OR ROOMING HOUSE USES. (Pg. 25)
   B. AN ORDINANCE AMENDING SECTION 1329.02 AND TABLE 1331.05.01 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO TATTOO PARLOR/BODY PIERCING STUDIO USES. (Pg. 26)

7. UNFINISHED BUSINESS:
   A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING SECTION 1329.02 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO HOTEL AND LODGING OR ROOMING HOUSE USES. (First reading 3/6/2018) (Pg. 25)
   B. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AMENDING SECTION 1329.02 AND TABLE 1331.05.01 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO TATTOO PARLOR/BODY PIERCING STUDIO USES. (First reading 3/6/2018) (Pg. 26)
   C. BOARDS AND COMMISSIONS: (Pg. 27)

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 AMENDING ARTICLE 765 OF THE CITY CODE PROVIDING FOR UTILITY TAXES AND AMENDING ARTICLE 1165 OF THE CITY CODE PROVIDING FOR SOLID WASTE COLLECTION. (Pg. 53)
   B. Consideration of APPROVAL of (FIRST READING) of AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-2 SERVICE BUSINESS DISTRICT BY
MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-2 SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULL SET FORTH HEREIN. (Pg. 78)

11. CITY MANAGER'S REPORT: (Pg. 80)

    New Business:

    1. Award Bid for Laboratory Services for Municipal Landfill (Pg. 81)

12. REPORT FROM CITY CLERK:

13. REPORT FROM CITY ATTORNEY:

14. REPORT FROM COUNCIL MEMBERS:

15. ADJOURNMENT:

    *If you need an accommodation contact us at (304) 284-7439*
SPECIAL MEETING March 20, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 20, 2018 at 5:16 p.m.

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

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Motion by Deputy Mayor Brazaitis, second by Dulaney, to go into Executive Session pursuant to WV State Code Section 6-9A-4(b) (2) (A) to discuss personnel matters in reappointments to Boards and Commissions. Motion carried by acclamation. Council Members present. Time: 5:20 p.m.

ADJOURNMENT:

There being no further business, Council adjourned the Special Meeting at 6: 55 p.m.

_________________________  _______________________
City Clerk  Mayor

*A COMPREHENSIVE DVD IS AVAILABLE OF ALL COUNCIL MEETINGS ON DVD AT THE MORGANTOWN CITY LIBRARY*
REGULAR MEETING March 20, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, March 20, 2018 at 7:00 p.m.

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

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: March 6, 2018 Special Meeting minutes and March 6, 2018 Regular Meeting minutes were approved by acclamation.

CORRESPONDENCE: Sheriff Fletcher from Hancock County presented the City of Morgantown Police/Fire Dive Team a Plaque for their assistance and recovery of a victim in the Ohio River, that brought closer to a family on January 7, 2016. Susan Arnold, Hagans Evans Chapter of the DAR, noted that to promote American History and Women the Chapter this evening will be honoring Morgantown Mayors. She stated Dorothy Comuntzis was the first female Mayor in Morgantown, as Charlene Marshall was the first African American in Morgantown and West Virginia. Mayor Scafella read the Women’s History Proclamation proclaiming March 2018 as Women’s History Month and honoring Dorothy Comuntzis and Charlene Marshall. Ex A. Susan Arnold presented certificates of recognition to former Mayors, Florence’s Granddaughter accepted certificate for Florence Merow, Jenny Selin and Marti Shamberger. Susan Arnold stated that the plaques that are being given this evening to Dorothy & Charlene are to be placed in City Hall, she noted that their biography will be on the DAR American History Web-site. Susan Arnold asked Charlene Marshall to come forward to accept her Plaque and the Mayor presented her with the Proclamation. Mayor Kawecki presented a proclamation for March as Bleeding Awareness Month and Council wore red ties in honor of individuals with bleeding disorders at the meeting. Mayor Kawecki introduced Rev Prichard to the podium from Trinity Episcopal Church. Rev. Prichard presented a letter from the Commission on Racism and Diversity of the Episcopal Diocese of WV applauding Council for the passage of the Human Rights Ordinance.

Ex. B. Deputy Mayor Brazaitis mentioned a request from Bob Jones, 1205 Macomb Street, requesting a sidewalk along Dorsey from Circle K to Luckey Lane for the safety of neighbors and youth in that area and noted that he favors annexation of Marjorie Gardens. He noted receiving e-mails from WVU journalism students writing stories about City Government issues and e-mails on changing City Council Terms. Ex. C. Councilor Fetty mentioned an e-mail from Scott Watkins, 1216 Avalon Street requesting that Republic please start getting the recycling or he will add his recycling to the regular garbage and refuse to pay for the bill. Ex. D. She noted that she received e-mails from Richard Bragonje, Ex E. Ken Martins, Ex. F. Ann Olham Ex. G. and Michael Bradley Ex. H. She mentioned receiving an e-mail from Jim Manilla and appreciated his comments. Ex. I. She noted a resident in First Ward concerned about litter pick-up; tree replanting at Jack Robert Park and parks in general as we transfer from winter to spring. Councilor Wallace noted corresponded from a constituent stating that the City should keep non-partisan Elections, avoid combining elections and term limits. He received an e-mail from Roger Banks indicating his concern for four-year-term and noted that he sees he is here this evening and will let him speak later on the issue. Councilor Selin read a letter from L. J. Giuliani about Main Street Morgantown stating that Council should invest in their community partners in making the City inclusive. Councilor Wendell stated he received an e-mail from Nancy Ganz stating that she supported the staggering of the four-year term.

PUBLIC HEARINGS: AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE.

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

PUBLIC HEARINGS: 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.
Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

PUBLIC HEARINGS: AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2018-2019:

Mayor Kawecki declared the Public Hearing open.

There being no appearances, Mayor Kawecki declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE. The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE.

City Manager explained, then deferred City Attorney to explain the Amended Fee Schedule. Motion by Wallace, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

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. The below entitled Ordinance was presented for second reading:

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.

City Manager explained, motion by Wallace, second by Dulaney, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2018-2019: The below entitled Ordinance was presented for second reading:


City Manager explained, after discussion, motion by Fetty, second by Wendel, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: Mayor Kawecki noted no appointments now to give candidates that were not available this evening a chance to interview.

PUBLIC PORTION

Mayor Kawecki declared the Public Portion open.

Steve Glass, Area Leader for Lions Club International, announced to Council that Lions Club International is forming a new club in the Morgantown area. He noted that members will be in Morgantown the week of March 25-31, 2018 and is requesting Council’s support of this community initiative.
Jordan Glass, Harrison County Lions Club, announced that Saturday March 24, 2018 the Club will be out in Mon County distributing information.

Roger Banks, 444 Overhill Street, stated that he is in strong opposition of the Charter change that Council is proposing the way it is. He noted that he has supported combining elections and staggered terms, but only as a package. He commented that if he had to vote for a charter change on staggered terms only he would vote against the change.

Richard Dumas, 444 Overhill Street, he added to the comments of Rev Prichard commending the Human Rights Commission on the work they did on the Ordinance and for Council adopting the Ordinance. He stated that he agrees with Roger that the changes to the charter need to be as a package as one unit by being more progressive, inclusive and increase voter turnout.

Don Spencer, 687 Killarney Drive, stated that Don Price, Charter Board Member stood at this podium every time speaking against such change. Mr. Spencer requested Council table the Charter Amendment Ordinances for further debate.

There being no one else wishing to speak, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: None

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION FOR AMENDMENT TO THE CITY CHARTER: The below entitled Ordinance was presented for first reading:

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 ELECTIONS.

City Manager explained. Motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER’S REPORT:

New Business:

1. Agreement for Construction Manager at Risk (CMR) for Hazel Ruby McQuain Riverfront Park

March Westin has been selected as the Construction Manager for the upgrades to the existing Hazel Ruby McQuain Amphitheater, Riverfront Park and revitalization of the Walnut Street Landing. As mentioned in the previous meeting packet, this is the first phase of the construction project following the award announcement of $4.1 million from the Hazel Ruby McQuain Charitable Trust.

Under this arrangement, the Construction Manager will provide the overall project management services for the construction of upgrades and new construction at the waterfront park and facility. Staff has negotiated the contractual agreement through an American Institute of Architects (AIA) form.

Staff recommends the authorizing the City Manager to enter into the agreement with March-Westin for the above-mentioned project.
After discussion, motion by Wallace, second by Selin to authorize the City Manager into an agreement with March-Westin for construction at Hazel Ruby McQuain Park. Motion carried 7-0.

   Staff is diligently working with the corporate legal counsel on the finalized agreement for solid waste and recycling materials collection services as provided by the City’s current provider, Allied Waste Services of North America, LLC dba Republic Services of West Virginia. As you will probably recall, an initial draft was presented at the February Committee of the Whole. Since that time, input was received from the City’s Green Team on the specific provisions in the agreement document.

   Assuming this is completed in a reasonable amount of time, the final draft of the proposed agreement between the City and Republic Services of West Virginia will be send a separate email not later than the close of business on Monday, March 19. If are unable to consummate a tentative agreement, I will detail the timeline moving forward.

   Republic Services provides trash collection for 9,564 residential accounts through, once a week, collection Monday through Friday (depending on location). This also includes collection from 1,058 commercial accounts varying from once weekly, all the way up to day collections (depending on the contract). They also conduct curbside recycling of single stream content that includes such materials as newspaper, glass, metal, cardboard and plastics. Also, included in the franchise, the hauler provides two (2) free bulk pickups per month.

   Republic Services operates within the City of Morgantown pursuant to Permit No. H-10824 approved by the West Virginia Public Service Commission and certificates of convenience and necessity are issued by this state agency.

   The waste hauler also provides roll-off containers for WVU student move out during the first two weeks in May. Lastly, the trash hauler also provides solid waste collection services to City buildings and facilities, including the City’s open street receptacles.

   Assuming an agreement can be finalized in a timely fashion, representatives from Republic Services will be present at Tuesday’s meeting to answer any questions or clarify the contract.

   After discussion, motion by Wallace, second by Deputy Mayor Brazaitis to approve the Republic Services Contract. Motion carried 7-0.

   Attached is the Memorandum of Understanding between the Morgantown Utility Board (MUB) and the City to become the billing agent for residential solid waste accounts. Fees associated with this service will be included in each of the customers billing accounts. Republic’s cost of service would decrease by a similar amount since they would no longer be responsible for conducting the billing.

   It is a change of billing cycles; Republic Services charges a quarterly bill and MUB bills on a bi-monthly basis. The cost of the service would be adjusted accordingly. As mentioned in previous meetings, Republic Service will be imposing higher costs due to inflationary adjustments into future years. Any of the cost increases (into the future) are not reflective of the billing agent change.

   The same agreement will be presented to the MUB Board of Directors and consider at their March 19 Regular Board meeting.
After discussion, motion by Wallace, second by Deputy Mayor Brazaitis to approve the Morgantown Utility Board Billing Agreement. Motion carried 7-0.

4. Adopting the FY 2018-2019 Capital Escrow Budget
   Included in the packet is revised pages to the FY 2018-2019 Capital Escrow Budget. The total proposed budget is $6,115,259.60 for the upcoming fiscal year. Since the document was first presented, this includes a modification to one of the non-profit organizations (Your Community Foundation of North Central West Virginia). This entails including the consolidation of the three line-items into a single appropriation for this group. As mentioned during the budget workshop, the Foundation has vetted grant applications from 11 art organizations located within the City. City Council specifically mentioned three other organizations to be including for funding. City Manager explained the rationale and methodology for the funding of the agencies.

   After discussion, motion by Deputy Mayor Brazaitis, second by Selin to adopt the Capital Escrow Budget for 2018-19. Motion carried 7-0.

5. Adopting the FY 2018-2019 Municipal Airport Budget
   Included in the budget document is the proposed operating budget for the Morgantown Municipal Airport for the upcoming fiscal year. The spending plan includes $2,633,206 for the upcoming fiscal year.

   Motion by Wallace, second by Deputy Mayor Brazaitis to adopt the 2018-19 Airport Budget. Motion carried 7-0.

6. Adopting the FY 2018-2019 MET Theater Budget
   Also included in the budget document is a copy of the operating budget for the Metropolitan Theatre. This is a relatively new budget as the operations was previously handled through an operating agreement with the College of Creative Arts (CCA) at West Virginia University. The Theatre Manager has worked with the City Finance Director for a second year to determine a budget plan needed to continue the operations of the Met. The total budget is $233,400 for the next year.

   Motion by Deputy Mayor Brazaitis, second by Wendell to adopt the 2018-19 Met Theatre Budget. Motion carried 7-0.

7. Adopting the Five-Year Capital Improvement Plan (FY 2018-2023)
   The City Charter requires a five-year capital program to be prepared and submitted to City Council. The five-year will cover the fiscal years 2018 – 2023 and the document was handed out on February 20th. This plan will provide for the continued delivery of municipal services in a manner that is consistent the long-term needs of the community. Included in the packet is the summary pages of the document.

   City Manager stated that council action is recommended of the adoption of the FY 2018-2023 Capital Improvement Plan as accepted in principle to guide long-term capital investments in the community.

   After discussion, motion by Deputy Mayor Brazaitis, second by Wallace to adopt the 2018-2023 Capital Improvement Plan. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk, Linda Tucker announced that the deadline for Police applications has been extended to April 6, 2018

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:
Councillor Fetty: Councilor Fetty noted a group she has been meeting with Alcohol & other Drugs Task Force that meets on the second and fourth Thursdays of the month at 9 am. Dan Shook will be having a meeting with stakeholder on 3-23-18 from 2pm – 4pm at the Erickson Alumni Center to develop a Sobering Center. She announced that the First Ward Neighborhood Meeting will be on March 26th, 2018. She notes a Housing Advisory Meeting on 3-28-18 at 8am. She announced that there will be a Housing Fair at the Mountaineer Mall on April 21, 2018 from 10 am to 3pm.

Councillor Wallace: Councilor Wallace announced the Wiles Hill/Highland Park Neighborhood Meeting will be on 3-21-18 at 6:30pm. He thanked Council for being so agreeable on the Elections and for the spirit of working together. He noted appreciation of the County Commissioners for he viewed the Community Forum Meeting and the open communication between the two entities. He noted that he thinks it is a myth that there is competition on annexation with the County. He stated that annexation promotes prosperity for the County and the City and am planting that seed as a positive thought for all to ponder.

Councillor Selin: Councilor Selin mentioned that with all the sidewalk Grants that the City has received or are working that the City needs to keep the public informed of the status and timeline of these projects.

Councillor Dulaney: Councilor Dulaney stated how proud he was of the Police and Fire Award given earlier this evening and our Women Leaders recognized. He noted that the City recently passed an ordinance for residence leaving trash receptacle on the street and he requested educating the public and start enforcing this rule. He noted attending a meeting with Councilor Selin and other stakeholder about Hazel Ruby McQuain Park and the parks progress. He noted photo graphs one of his constituents had sent to him of needles and garbage in Whitmore Park which is a concern to not only the neighborhood, but to the City. City Manager responded that the sight has been cleaned up.

Deputy Mayor Brazaitis: Deputy Mayor Brazaitis noted he is heartened to see students walk out for 17 minutes on March 14 in support of Marjory Stoneman Douglas High School. He stated these students have courage and whatever one thinks about guns; students have the right to feel safe in school. He announced that next March for Our Lives will be on 3-24-18 at 10am at the Coliseum. He reported that Dave Johnson, Westover Mayor, spoke on annexation saying that Westover needs B&O taxes to offer residents the city they deserve. He announced figure skating shows will be on 3/22 and 3/25 and Mon Valley Greenspace Coalition meeting 3/22 at 5:30pm in Brooks Hall. He noted a favorite e-mail from a student at Alta-Aurelia High School in Alta, Iowa stating that they are reading his story “Blackheart” in class and the class would like to know if Emily lives or dies at the end of the story and if so, how?

Councillor Wendell: Councilor Wendell noted that there was another school shooting today in Maryland, so this issue is an ongoing thing that must be stopped. He commented that the Police and Fire Department are amazing with all they must do when saving a life. He thanked Rev Prichard for presenting the thank you letter from WVED thanking Council for supporting the Human Rights
Ordinance. He mentioned that he will be leaving Thursday to Key West, FL for a wedding.

Mayor Kawecki: Mayor Kawecki suggested looking at a fine for residents that leave their garbage cans on their sidewalks for days; and for cans that have no lids. He then made the following announcements: Morgantown Farmers Market, 3-24-18, 11-1; Woodcock Walk, 3-24-18, 7 pm; Protecting Pollinators, Botanic Garden, 3-25-18, 2 pm; Indoor Easter Egg Hunt, Library, 3-25-18, 3-5 pm.

EXECUTIVE SESSION: Motion by Deputy Mayor Brazaitis, second by Dulaney, to go into executive session. Pursuant to West Virginia Code section 6-9(A)(4) (2)(B) (12) to discuss acquisition of real estate in the downtown area. Motion carried by acclamation. Present: City Manager, City Attorney and Council. Time 10:10 p.m.

ADJOURNMENT: There being no further business adjourn by unanimous consent at 10:36 p.m.

City Clerk Mayor

*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE CITY CLERKS OFFICE*
The City of Morgantown
389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the Mayor

Proclamation

Whereas, Morgantown is proud to be a City that benefits from the leadership and service of women; and

Whereas, in 1987 the US Congress designated March as National Women's History Month, which creates a special opportunity in our schools, our workplaces, and our community to recognize and celebrate the often-overlooked achievements of American women; and

Whereas, Businesswoman Dorothy Comuntzis was elected to the Morgantown City Council in 1972 and became the first woman elected Mayor of Morgantown in 1973-74 and 1974-75. She was very proud of her role in bringing a bus/transportation system to the busy, hilly, university town. She was a charter member of the Junior Women's Club, serving as president three times. Dorothy was awarded the honorary rank of Colonel in the W.Va. Army National Guard's 201st Field Artillery Regiment in 1963 after authoring the 228-year history of the unit, the longest continuously serving in the country, and served as president of its Auxiliary for 40+ years; and

Whereas, Charlene Marshall was the daughter of a coal miner who became the first African American female mayor in West Virginia when she was elected to the Morgantown City Council in 1991. During her record-setting seven terms as mayor, she launched a campaign to renew and revitalize the city and its neighborhoods, resulting in many improvements like the Caperton Rail Trail along the Monongahela River. She represented the 44th District in the West Virginia House of Delegates in 1998-2002 and 2004-2014, becoming an effective advocate for Human Rights and Education. She was awarded an Honorary Doctor of Laws degree from West Virginia University in 2015; and

Whereas, The lives of these two women demonstrate the power of voice, of persistent action, and of believing that meaningful and lasting change is possible in our democratic society.

Now Therefore, I, Bill Kawecki, Mayor of the City of Morgantown do hereby proclaim March 2018 as

Women's History Month

and encourage all citizens to celebrate the contributions of Dorothy Comuntzis and Charlene Marshall and all women whose leadership guide our City.

In Witness Whereof, I have set my hand and caused the Official Seal of the City of Morgantown to be hereto affixed this 20th Day of March, 2018

Seal:

[Signature]

William Kawecki, Mayor
CORD

Commission on Racism and Diversity of the Episcopal Diocese of WV

1608 Virginia St. E. 25311

The Rt. Rev. W. Michie Klusmeyer, Bishop

Honorable Bill Kawecki, Mayor
City of Morgantown
City Hall – 389 Spruce Street
Morgantown, WV 26505
January 18, 2018

Dear Mayor Kawecki;

The Commission on Racism and Diversity of the West Virginia Episcopal Diocese applauds and congratulates you and the City Council of the City of Morgantown for unanimously approving legislation prohibiting discrimination against lesbian, gay, bi-sexual, and transgender citizens of Morgantown, WV on Oct 18, 2017. This Amendment of your Human Rights Ordinance helps the LGBT community to secure equal rights, personal autonomy and the American dream of liberty and pursuit of happiness. Your actions demonstrate your commitment to fair treatment, understanding, respect and appreciation for all people, everywhere. Thank you for your efforts to support peace and justice and true diversity.

Sincerely;

Carolyn Tillman
Chair, Commission on Racism and Diversity

304 344-3597 - WVDIOCESE.ORG
Mark Brazaitis, deputy mayor, councilor from Ward 6

3-6-2018

Correspondence

can you help us who live along dorsey avenue from circle k to luckey lane to obtain a sidewalk to increase safety for the neighbors who walk along dorsey, especially the growing number of youth participating at mountainview school, the playground and other neighborhood activities.

some who attempt to negotiate the tiny or non-existent berm along dorsey while cars are speeding by regard the experience as unsafe as do i when walking from my bus drop-off to the street near my home.

i received a negative response to a request to [name] in the streets and sidewalks office because apparently dorsey avenue is not in the city. so, i was redirected to the state. i've not done that yet but i intend to do so.

i also intend additional discussion with my neighbors in the green bag road portion of first ward. initial conversations with them have been supportive.

since dorsey avenue is not in the city, i don't know the extent to which you might be able to help although your constituents are affected.

this kind of thing is one reason i favor annexation of the property where marjorie gardens is located. those neighbors are highly affected by this situation.

any assistance you can provide would be greatly appreciated.

best wishes.

bob jones
1205 macomb street
morgantown, wv
rjoneswvu@gmail.com

I received emails from several WVU students who are writing stories for their journalism classes about a variety of city council endeavors, including pedestrian safety, the opioid epidemic, and annexation.

I've received a number of emails about council terms.

Changing city council terms:
• I’m all for saving money. Given a choice of equal options – if one is less expensive – yes, that would make sense. But saving money can’t be put at the forefront of the argument here. That’s the same argument the governor of Michigan is making in deciding not to hold a special election to fill the congressional seat from Michigan’s 13th district.

• It was interesting to hear part of the motivation for the original change in council terms: Council was getting very divisive and territorial, and the writers of the charter wanted to end that pettiness. That was back in the 70s, but it’s not an unfamiliar story here in the second decade of the 21st century. If there’s a track record of less-than-enlightened behavior by council, the people need to be able to check that sooner rather than later. Thus: two years.

Council Report:

- I was heartened to see students at MHS, UHS and elsewhere in our community walk out for 17 minutes on March 14 in support of their fellow students at Marjory Stoneman Douglas High School. There’s real courage there – and whatever you think about guns – students have the right to feel safe in school. In this instance, I hope we can learn from the young people in our community and in our country and honor their courage with courage of our own.

Morgantown version of March for Our Lives – Saturday at 10 a.m. at the Coliseum

Dave Johnson, Westover’s mayor – spoke about Westover’s annexation efforts. Very courteous to all parties – the county commission included – but was forthright about saying, Westover needs the B&O taxes in order to offer Westover residents the city they deserve.

Figure Skating shows – Thursday 7:30 to 9 $5 $3 rental skates

Sunday, 4:15 to 5:05 - $5, $3 for children under 12

Mon Valley Greenspace Coalition will meet Thursday at 5:30 in Brooks Hall room 325
Via email, I am facilitating a relationship between the Jerome Park Neighborhood Association and the Mon Valley Greenspace Coalition. The latter is working on a plan to see what green space we have, see what groups are working on particular greenspace efforts, and, ultimately, see if we might be able to connect the areas in a green belt that would benefit the city.

Favorite piece of correspondence that came to my council email address—

**From a student at Alta-Aurelia High School in Alta, Iowa:**

Dear Deputy Mayor,

We are reading your story “Blackheart” in class and we would like to know if Emily lives or dies at the end of the story and if so, how?
Scott Watkins <rappeller@comcast.net>

Wed 3/14/2018 5:23 PM

To: Rachel Fetty <rfetty@morgantownwv.gov>

When will city council hold the current trash and recycle pick up company responsible for doing what they are being paid for? My wife and I live at 1216 Avalon Street off of Dorsey. Our trash and recycle pick up is every Monday. The trash gets picked up religiously but the recycles are when ever they get to it. This means we leave our recycle bins setting at the edge of the road for days on end before they are picked up. As I stated before, Monday is our scheduled collection day and here it is Wednesday and they are still setting here along with our neighbors on Avalon Street. I am about to start throwing the recycles in the regular trash and refuse payment for recycling. It's amazing how they expect to be paid for their service even when their service is subpar. And council renewed their contract knowing what kind of service they provide.

Nelson Watkins

1216 Avalon Street
Proposed charter changes

Richard Bragonje <rbragonj@wvu.edu>
Tue 3/13/2018 9:44 AM

To: Rachel Fetty <rfetty@morgantownwv.gov>

Hi Rachel,

I live on Madison Avenue in 1st Ward.

As for the proposed charter changes, I don't have any problem with the staggering of terms and 4 year terms. But -- if this is changed, then the election date should be linked to the county/state/federal elections. If we are only going to be electing 3 members to council, how can you justify the costs of running that 'special' election?

And I very strongly feel that voting should be restricted to ward residents voting ONLY for their representative council candidates. I don't know what issues are important to Suncrest residents, so shouldn't be voting on someone to represent them.

Rich

Rich Bragonje
Madison Ave
Elections

Kenneth Martis <Ken.Martis@mail.wvu.edu>

Sun 2/25/2018 11:37 PM

To: Rachel Fetty <rfetty@morgantownwv.gov>

An editorial I wrote for the Dominion Post Election eve 2016
I respectfully send to you for your consideration
Ken Martis

I have been researching and writing about American elections for decades. Watching the returns on election night was both a professional and personal journey. I followed the returns on a local television station specifically because I was also very interested in the results of local races.

As the results streamed across the bottom of the screen one item especially caught my attention, vote counts for the Fairmont city council races. Yes, our sister city elects its city council on the general election day. It is time for Morgantown to do the same.

The literature on voting gives numerous reasons to have city elections synced to county, state and national elections; cost, efficiency and increased turnout are among the benefits. It seems to me the more citizens voting for city council the more they will investigate candidate qualifications and stances on issues; and, subsequently, the more will have a vested interest in the results and performance of the councilors.

Article II Section 2.01 of the Morgantown City Charter governs the election procedures for city council. The Charter directs that councilors be elected by ward. In my opinion the geographic representation on city council is a valid method of governance. In order to be on the ward ballot, 75 persons from that ward must sign a petition. This is a low threshold to be placed on the ballot, yet in two of the seven wards in the last election there was only one candidate.

To illustrate how fast the next election cycle is approaching, the ward petition deadline is just a few days from now, February 14th. Interestingly, the Charter does not actually state that city council elections be nonpartisan, yet, by the method established, no party affiliations are listed on the ballot. Again, in my opinion, nonpartisan elections are well suited for council selection.

The Morgantown Charter also directs "The regular election of Councilmembers shall be held on the last Tuesday in April, in each odd-numbered year..." At the time of the April 2015 council election there were 17,107 registered voters. In that election 1,521 voted, that is 8.9 percent of the electorate. This is low by any standard of democratic elections.

The next city council election will be held in just a few months. Already much of the nation is in "election fatigue." Hopefully is will not be the case in Morgantown, yet, measured by the turnout of the last few elections, this probably will be the case. It is time for a change.
I propose the Morgantown City Charter be amended to read "The regular election of Councilmembers shall be held on the Tuesday next after the first Monday in the month of November, in each even-numbered year." This will effectively set the next city council balloting for general election day November 2018. The Charleston City Charter was recently amended to do the very same thing.

Morgantown should join Fairmont, Huntington, and now Charleston, in consolidating city elections with the county, state and national date.
city election timing

Avoldham <avoldham@aol.com>

Mon 3/5/2018 8:48 AM

To: Rachel Fretty <rfetty@morgantownwv.gov>

Taking the opportunity to save time, resources, and taxpayer money by moving the city elections to coincide with the general county elections in the fall is the responsible move in this case or "The Right Thing To Do".

To say that city elections are non-partisan seems naive. The fact that councilors don't run on a party ticket doesn't make political leanings any less obvious!

Voters who care to be informed about city elections will pay attention no matter when elections are held. Those who have limited time may pay more attention when fully engaged in a political season.

In these times where costs of everything continue to increase, the opportunities to save money are few. Changing an election time like this seems relatively painless, at least for the taxpayers!

Please vote to move city elections to coincide with fall general county elections.

Sincerely,

Anne Oldham
4th Ward Resident
Changing the Charter

Michael Bradley <patronzo1@icloud.com>
Tue 3/6/2018 9:15 PM
To: Rachel Fetty <rfetty@morgantownwv.gov>

I was impressed by the discussion tonight about proposed changes to city elections, but I think Barry Wendell's comments were an excellent summation of the way I feel about the matter.

Another thought I had during the discussion: 4-year terms will not guarantee 4-years of stability. Can you imagine what things would be like if some of the last batch of Councilors were still around?

Wishing you all the best

Michael Bradley
Sent from my iPhone
Re: Charter Change

Jim Manilla <jimmanilla@gmail.com>

Tue 3/13/2018 10:54 AM

To: Rachel Fetty <rfetty@morgantownwv.gov>
Cc: B Conley <bconley@dominionpost.com>; City Council.GOV <citycouncil@morgantownwv.gov>; D Wilson <dwilson@wradio.com>; Paul Brake <pbrake@morgantownwv.gov>

Hi Rachel, I've thrown some ideas out there from my previous e-mails to consider. Again, my opinion is that all need to be on board before you move forward on whatever changes you come up with. It's a charter change. I'm glad to hear you say we have a lot to consider.

Thanks

On Tue, Mar 13, 2018 at 10:37 AM Rachel Fetty <rfetty@morgantownwv.gov> wrote:
Hello Jim, Thank you for your comments. We certainly have a lot to consider!
Rachel L. Fetty
Morgantown City Council
1st Ward

Get Outlook for iOS

From: Jim Manilla <jimmanilla@gmail.com>
Sent: Tuesday, March 13, 2018 10:34:03 AM

To: City Council.GOV; Paul Brake
Cc: B Conley; D Wilson
Subject: Re: Charter Change

I just read you want to hold the charter change vote in the November election to get higher voter turnout and save money. Are you serious? That contradicts the reasoning for keeping the current date voted on by four councilors. What happen to "the informed voter" reasoning?

On Tue, Mar 13, 2018 at 9:03 AM Jim Manilla <jimmanilla@gmail.com> wrote:
One last comment. If the voters turn this down you have nothing. Also you'll have wasted taxpayers dollars holding the election. Again you don't need four options you can use two or three. As a charter change I think you need to discuss this to the point your all in agreement. What's the hurry? Thanks

On Mon, Mar 12, 2018 at 10:11 AM Jim Manilla <jimmanilla@gmail.com> wrote:
Council,

Here's a simple solution to the debate about changes to the charter on terms and dates. Why not put all the options on the ballot and let the voters decide? It takes all the politics out of the debate.

Jim Manilla
Certificate of Appreciation

For Extraordinary Commitment and Service to The City of Morgantown and its Citizens We Hereby Honor and Congratulate

Rodney Pyles

In Recognition of Outstanding Dedication to Community Service, and a Selfless and Caring Outreach Through Service for serving on the MORGANTOWN HISTORIC LANDMARKS COMMISSION for 32 years.

William Kawecki, Mayor
The City of Morgantown  
Office of the Mayor  

Proclamation

Whereas, on April 11, 1968, the Fair Housing Act was enacted into law, recognizing that no American should have the right to purchase or rent shelter of choice abridged because of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity; and

Whereas, the year 2018 marks the 50th anniversary of this monumental civil rights Act of Congress; and

Whereas, the City of Morgantown is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all; and

Whereas, equality of opportunity for all is a fundamental policy of this nation, our state, and our City; and

Whereas, the places where people live have a direct impact on the quality of their health, education, and access to economic opportunities; and

Whereas, discriminatory housing practices create racial and economic segregation in communities that can lead to disparate outcomes in overall quality of life; and

Whereas, the City of Morgantown believes that access to fair housing laws have made our community and our neighborhoods stronger and more vibrant; and

Whereas, we are committed to programs that will help educate the public about the right to fair housing practices in the City of Morgantown; and

Whereas, we are committed to promoting housing choices and fostering inclusive communities free from housing discrimination;

Now, therefore, I, William Kawecki, Mayor of the City of Morgantown on this 3rd day of April 2018 do hereby recognize the 50th Anniversary of the federal Fair Housing Act, thank the many people and organizations in our community who have opened the doors of housing opportunity to all citizens, and proclaim the month of April 2018 to be

Fair Housing Month

Seal:  

William Kawecki, Mayor
ORDINANCE NO. _______________

AN ORDINANCE AMENDING SECTION 1329.02 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO HOTEL AND LODGING OR ROOMING HOUSE USES.

The City of Morgantown hereby ordains Section 1329.02 “Definition of Terms” of the Planning and Zoning Code are amended as follows (deleted matter struck through; new matter underlined):

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS

HOTEL – An establishment occupying a building or a portion of a building in which lodging accommodations is are provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house. A customary and permitted accessory use includes a caretaker’s residence.

LODGING OR ROOMING HOUSE – A building or portion of a mixed-use building that provides sleeping accommodations for no more than 16 people on a transient or permanent basis (more than 30 consecutive days), without personal care services, with or without meals, but without or separate cooking facilities for individual occupants. A building that contains a lodging or rooming housing use may not contain any additional such use nor any other residential dwelling use. Also called a boarding house.

This ordinance shall be effective upon date of adoption.

FIRST READING:

ADOPTED: ____________________________
Mayor

FILED: ____________________________

RECORDED: ____________________________
City Clerk
ORDINANCE NO. ________________

AN ORDINANCE AMENDING SECTION 1329.02 AND TABLE 1331.05.01 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO TATTOO PARLOR / BODY PIERCING STUDIO USES.

The City of Morgantown hereby ordains Section 1329.02 "Definition of Terms" and Table 1331.05.01 "Permitted Land Uses" of the Planning and Zoning Code are amended as follows (deleted matter struck through; new matter underlined):

ARTICLE 1329
Definitions

1329.02 DEFINITION OF TERMS

TATTOO PARLOR / BODY-PIERCING STUDIO – An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

PERSONAL SERVICES ESTABLISHMENT – A business which is associated with the grooming of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlor, shoe repair shop, self-service laundry, but not a tattoo/body piercing studio, parlor and the like. The definition shall apply whether or not the individual engaged in the offering of said service is required to be licensed by the State of West Virginia.

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<th>R-2</th>
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This ordinance shall be effective upon date of adoption.

FIRST READING: ____________________________________________

ADOPTED: _______________________________________________

FILED: _____________________________________________

RECORDED: ____________________________________________

Mayor

City Clerk

Page 1 of 1
# Boards & Commissions Available Positions

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<tr>
<th>Board/Commission</th>
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*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.*

Council to interview all

3/29/2018
<table>
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<tr>
<th>Application to Serve on City Boards and Commissions</th>
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<tbody>
<tr>
<td>Name</td>
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<tr>
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<td>Address</td>
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<tr>
<td>304 Goodwin Street</td>
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<tr>
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<td>WV</td>
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<tr>
<td>26501</td>
</tr>
<tr>
<td>Email Address</td>
</tr>
<tr>
<td><a href="mailto:heidicook123@hotmail.com">heidicook123@hotmail.com</a></td>
</tr>
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<td>Fax Number</td>
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<td>West Virginia Real Estate License</td>
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<td>Board of Zoning Appeals</td>
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<tr>
<td>Please check the Boards and Commissions you are interested in serving:</td>
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<td>Board of Zoning Appeals</td>
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</table>
Application to Serve on City Boards and Commissions

Name: Jessica Eichlin
Phone Number: 5404357966
Address: 308 Green Street #2
City: Morgantown
State: West Virginia
Zip Code: 26501
Email Address: jaeichlin@gmail.com
Fax Number: *Field not completed.*
City Resident?: Yes
Years of City Residency: 1
Ward: 6th Ward
Who is your employer?: West Virginia & Regional History Center, WVU Libraries
What type of business are (were) you employed in?: Museum/Archives and Libraries
Job Title or Job Description: Photographs Manager and Preservationist
Professional Certification/License: N/A
Special Interests: Public History, Museums, Historic Preservation, Adaptive Reuse

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

From: noreply@civicplus.com
Sent: Tuesday, February 06, 2018 5:38 PM
To: Heather Carl; Linda Tucker
Subject: Online Form Submittal: Application to Serve on City Boards and Commissions
Jessica Eichlin
308 Green Street # 2
Morgantown, WV 26501
540-435-7966
jaeichlin@gmail.com

Education
Christopher Newport University, Newport News, Virginia
Bachelor of Arts in History
Honors Program
Undergraduate Advisors: Dr. Amanda Herbert, Dr. Sheri Shuck-Hall

Employment and Service History
Photographs Manager and Preservationist
West Virginia and Regional History Center, WVU Libraries
West Virginia University, Morgantown, West Virginia

Museum Technician
James Madison’s Montpelier
The Montpelier Foundation, Montpelier Station, Virginia

Conservation Intern
USS Monitor Center
The Mariners’ Museum, Newport News, Virginia

Intern, Collections Access Project (BOHR)
The Mariner’ Museum Library, Newport News, Virginia

Volunteer
The Mariners’ Museum Library, Newport News, Virginia

Academic Honors
Phi Alpha Theta, History Honors Society
Inducted 2013
Publications

“‘One of the best known cooking experts in the United States,’ and The New Calendar of Salads,” post on the West Virginia University Libraries blog, May 15th, 2017:

“Archival Quality Box Making,” Post on The USS Monitor Center Blog, Blog of The USS Monitor Center at The Mariners’ Museum, May 7, 2014:

“Ironclad Apple Duff: Exploring Recipes from the American Civil War,” Post on The Recipes Project, Co-authored with Dr. Amanda Herbert, April 17, 2014:


Professional Organizations and Affiliations

Committee Member
Art in the Libraries Committee, WVU Libraries

Member
West Virginia Association of Museums

Emerging Museum Professionals Group Social Coordinator
WVAM EMP Group

Institutional Representative
Mountaineer Country Museums
Application to Serve on City Boards and Commissions

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<tr>
<td>Address</td>
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<td>Who is your employer?</td>
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<td>Please check the Boards and Commissions you are interested in serving:</td>
<td>Human Rights</td>
</tr>
</tbody>
</table>
Application to Serve on City Boards and Commissions

Name: Kristen Jones
Phone Number: 3045189062
Address: 801 Cottonwood St
City: Morgantown
State: WV
Zip Code: 26505
Email Address: Kristen.jones81@yahoo.com
Fax Number: Field not completed.
City Resident?: Yes
Years of City Residency: 7 months
Ward: Unsure
Who is your employer?: Mon Health
What type of business are (were) you employed in?: Healthcare Human Resources
Job Title or Job Description: Senior HR Generalist
Professional Certification/License: SHRM-CP, PHR, PM-LPC
Special Interests: None
Please check the Boards and Commissions you are interested in serving:
- Human Rights
Application to Serve on City Boards and Commissions

Name: Karen Kunz
Phone Number: 217-899-9126
Address: 617 Grand St
City: Morgantown
State: WV
Zip Code: 26501
Email Address: karen.kunz@mail.wvu.edu
Fax Number: Field not completed.
City Resident?: Yes
Years of City Residency: 9
Ward: 1
Who is your employer?: WVU
What type of business are (were) you employed in?: Higher Ed
Job Title or Job Description: Associate Professor
Professional Certification/License: PhD
Special Interests: public finance
Please check the Boards and Commissions you are interested in serving: Human Rights
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 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 APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MRS: Mark Stemberger
ADDRESS: 917 Ridgeview Ave, Morgantown, WV 26505
ZIP: 26505
EMAIL ADDRESS: jchambergerwate5@gmail.com
CITY RESIDENT? YES X NO
YEARS OF CITY RESIDENCY 30
WARD 5th
WHO IS YOUR EMPLOYER? (If Retired, answer "Retired") Retired
WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? City of Morgantown
JOB TITLE OR JOB DESCRIPTION: City Crier, Mayor, Deputy Mayor
PROFESSIONAL CERTIFICATIONS/LICENSE: BARA 1969

SPECIAL INTERESTS: I have lived and been active in the Woodburn area for 30 years - always looking at ways to improve our community and quality of life.

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
X  HUMAN RIGHTS
- LIBRARY BOARD
- MET BOARD
- MORGANTOWN HOUSING ADVISORY COMMISSION
- MORGANTOWN UTILITY BOARD
- 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
X  WOODBURN REDEVELOPMENT 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: 2/15/2016 HC

9.19.17 - Appointed to WSRC - Took over for Christina Byrne-Hoffman
her term expires on 12/31/2017
Application to Serve on City Boards and Commissions

Name: Oleg SSmirnov
Phone Number: 7868672928
Address: 600 N High Street
City: Morgantown
State: WV
Zip Code: 26505
Email Address: os0010@mix.wvu.edu
Fax Number: Field not completed.
City Resident?: Yes
Years of City Residency: 1
Ward: 3
Who is your employer?: WVU Student Rec Center
What type of business are (were) you employed in?: Public
Job Title or Job Description: Lifeguard
Professional Certification/License: Lifeguarding certification/CPR/AED
Special Interests: Event planning, fundraisers, working with law enforcement
Please check the Boards and Commissions you are interested in serving: Woodburn Redevelopment Commission
**Application to Serve on City Boards and Commissions**

<table>
<thead>
<tr>
<th>Name</th>
<th>Robert C. Merow (Bob)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number</td>
<td>304-216-1650</td>
</tr>
<tr>
<td>Address</td>
<td>1448 Roosevelt Street</td>
</tr>
<tr>
<td>City</td>
<td>Morgantown</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
</tr>
<tr>
<td>Zip Code</td>
<td>26505</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Woodburnrentals@yahoo.com">Woodburnrentals@yahoo.com</a></td>
</tr>
<tr>
<td>Fax Number</td>
<td>Field not completed.</td>
</tr>
<tr>
<td>City Resident?</td>
<td>Yes</td>
</tr>
<tr>
<td>Years of City Residency</td>
<td>49</td>
</tr>
<tr>
<td>Ward</td>
<td>5th</td>
</tr>
<tr>
<td>Who is your employer?</td>
<td>Retired</td>
</tr>
<tr>
<td>What type of business are (were) you employed in?</td>
<td>Was employed at WVU as Campus Planner, retired in 2015. Currently self employed at Woodburn Rentals as Property Manager</td>
</tr>
<tr>
<td>Job Title or Job Description:</td>
<td>Property Manager. Management of apartment and house rentals in the Woodburn neighborhood for over 35 years.</td>
</tr>
<tr>
<td>Professional Certification/License:</td>
<td>none</td>
</tr>
<tr>
<td>Special Interests:</td>
<td>Landscape Architecture, Facilities Planning and Management, Acrylic Art Painting</td>
</tr>
<tr>
<td>Please check the Boards and Commissions you are interested in serving:</td>
<td>Woodburn Redevelopment Commission</td>
</tr>
</tbody>
</table>
Application to Serve on City Boards and Commissions

<table>
<thead>
<tr>
<th>Name</th>
<th>Carol M Wilson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number</td>
<td>3016161832</td>
</tr>
<tr>
<td>Address</td>
<td>609 DAYTON ST.</td>
</tr>
<tr>
<td>City</td>
<td>MORGANTOWN WV</td>
</tr>
<tr>
<td>State</td>
<td>WV</td>
</tr>
<tr>
<td>Zip Code</td>
<td>26505</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:cminorwilson@frontier.com">cminorwilson@frontier.com</a></td>
</tr>
<tr>
<td>Fax Number</td>
<td>Field not completed.</td>
</tr>
<tr>
<td>City Resident?</td>
<td>Yes</td>
</tr>
<tr>
<td>Years of City Residency</td>
<td>5</td>
</tr>
<tr>
<td>Ward</td>
<td>5</td>
</tr>
<tr>
<td>Who is your employer?</td>
<td>Retired</td>
</tr>
<tr>
<td>What type of business are (were) you employed in?</td>
<td>most recently, AmeriCorps at Raymond Wolfe Kingwood WV</td>
</tr>
<tr>
<td>Job Title or Job Description:</td>
<td>Substitute teacher, Gear-UP, publicist, editing and proofreading for US Government</td>
</tr>
<tr>
<td>Professional Certification/License:</td>
<td>BA University of Maryland</td>
</tr>
<tr>
<td>Special Interests:</td>
<td>bicycling</td>
</tr>
<tr>
<td>Please check the Boards and Commissions you are interested in serving:</td>
<td>Woodburn Redevelopment Commission</td>
</tr>
</tbody>
</table>
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: Kate Levine-Freedman WORK PHONE: 201-204-2404

ADDRESS: 517 Park St. HOME PHONE: 

Morgantown, WV ZIP: 26501

EMAIL ADDRESS: kateslevine@gmail.com

CITY RESIDENT? YES NO YEARS OF CITY RESIDENCY 1 WARD 2

WHO IS YOUR EMPLOYER? (If Retired, Answer “Retired”): currently on maternity leave-
hoping to teach in Mon or Preston Counties starting in August

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? education/non-profit management

JOB TITLE or JOB DESCRIPTION: before moving was Chief of Staff at ed. non-

PROFESSIONAL CERTIFICATIONS/LICENSES: MSW, MED, WV Teaching License in 5-Adult ELA,

WV Teaching License, Special Education (expected 3/18), WV Admin. Cert. (expected 202

SPECIAL INTERESTS: foster care, education, mental health, homelessness,

LGBTQ ally, diversity/inclusiveness, community engagement

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

X 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
Kate Levine-Freedman

201-264-2404  kateslevine@gmail.com

EDUCATION:

Wheeling Jesuit University  Accelerated Certification in Teaching
New York University Silver School of Social Work  MSW, 2011 Phi Alpha Honors Society
Harvard University Graduate School of Education  EdM in Policy and Management, 2009 Commencement Marshal
Colgate University  BA in English, minor in Jewish Studies, 2005 Cum Laude

SKILLS:
Teaching: W.V. Teaching Certification in English Language Arts grades 5-12 (current) and Special Education grades K-12 (anticipated April, 2018)

Education / Non-Profit Administration: Compliance, Governance and Board Relations, Operations, Community Partnerships, Program Development, Program Management, Strategic Planning, Talent Recruitment and Hiring, Organizational Planning, Data Management, Presentations / Public Speaking, Supervising Staff, Writing and Communications, Research, Procurement and Budget Management, Surveying

Direct Service: Supportive Counseling with Ages 5-22, Parent Outreach, Counseling Referrals, College Admissions and Financial Aid Counseling, Teaching, Workshop Development

EMPLOYMENT:

Consultant, Foster America, Pittsburgh, PA  November 2016-present
- Consulting for organization on recruitment of leadership talent for child welfare sector
- Supporting initiatives of recruitment team, including strategy, candidate recruitment, application review, and marketing
- Building application process in Fluid Review (application software)

Dean of Operations, Mumford High School 9th Grade Academy, Detroit, MI  July 2015-July 2016
- Acted as founding administrator of pilot high school program at Education Achievement Authority (EAA)
- Engaged in strategic planning for fundraising, targeted academic intervention program, credit recovery, and budgeting
- Partnered with Dean of Students to support behavior intervention, school culture, advisory curriculum, and discipline
- Developed and implemented all of school’s internal systems including procurement, communications, compliance, enrollment, attendance, and appearance/messaging of school
- Led initiatives in school operations, pupil accounting information systems, facilities, and assessment coordination
- Facilitated parent outreach efforts and events

Chief of Staff, New Urban Learning, Detroit, MI  June 2014-July 2015
- Supervised and managed charter school management office staff and deliverables
- Acted as liaison to two Boards of Trustees, including coordinating and submitting materials, tracking governance compliance with charter authorizer, and taking and distributing meeting minutes
- Coordinated school and management compliance and reporting for authorizer regulations, state and federal education laws, special education, HR, finance, governance, achievement data, and pupil accounting
- Oversaw network-wide Talent Recruitment Effort
- Acted as Interim Operations Director supervising seven full-time school operations team members, managing operations budget, overseeing network operations and facilities, and developing network systems and procedures for schools

Manager of Special Projects & Associate to the CEO, New Urban Learning, Detroit, MI  June 2013-June 2014
- Coordinated strategic and project planning and execution of teacher, staff, and leadership recruitment program
- Wrote applications for grants, leadership, and educational programs for charter management organization, schools, and staff
- Acted as liaison to New Urban Learning and University YES Academy Boards of Trustees, coordinating and submitting materials, tracking governance compliance with charter authorizer, and taking and distributing meeting minutes
- Developed University YES Academy Priority School Plan approved by the Michigan Department of Education
- Designed and distributed surveys on professional development and organization health; evaluated and reported findings
- Participated in all school leadership meetings and Superintendents meetings and coordinated weekly staff meetings
Dean of Guidance, New Jersey SEEDS, Newark, NJ  Aug 2011-July 2013
- Created strategic plan, mission, and vision statements for new department
- Managed the Guidance Program’s social-emotional needs, early college awareness, internship opportunities, engagement events, and departmental discipline policies
- Hired, supervised, and reviewed three full-time staff members
- Initiated implementation of new organization-wide procedures and programs
- Oversaw management of 150 partner school relationships for more than 500 students (middle school through college)
- Managed departmental programming budget of $100K
- Oversaw alumni support services for high school and college students at placement schools, developing relationships with key stakeholders in independent schools and universities

- Managed a clinical caseload of six students utilizing play therapy and supportive counseling
- Provided push-in support for Collaborative Team Teaching classrooms
- Co-directed policy project to integrate social-emotional curriculum into afterschool program providing structural support and creating trainings for afterschool program leaders

Education Pioneers Fellowship, NYC Metro Cohort - TEAM Schools, KIPP, Newark, NJ  Summer 2010
- Managed project to analyze best practices in teacher recruitment, emphasizing diversity
- Conducted needs assessment from interviews with human capital leaders and literature
- Presented findings in best practices in “on-boarding” at Human Assets summer retreat
- Created presentation entitled “Recruiting and Retaining Diverse Candidates” and presented findings at KIPP’s National Teacher Recruitment Retreat in New Orleans, LA (September, 2010)

New York University’s Institute for Education and Social Policy, Research Assistant  Nov 2009-June 2010
- Robert Wood Johnson funded project to create a comparative literature review of helping professional labor markets

Partnership with Children - DOE Suspension Site, Social Work Intern, Bronx, NY  Aug 2010-June 2011
- Managed clinical caseload of eight students for individual counseling during Superintendent’s Suspension
- Conducted intakes, home visits, “home-school” visits, individual and small group counseling and education outreach
- Assessed intake process and re-wrote intake form in accordance with research on adolescent developmental needs

- Evaluated Crimson Summer Academy with Professor Christopher Avery and team
- Developed interview protocol to understand college retention and difficulties of program alumni

Oak Knoll School, College Counselor / Teacher, Summit, NJ  July 2007-Aug 2008
- Managed college application and admission process for students and families
- Partnered with New Jersey SEEDS’ Alumni Department to support Scholars in their college counseling needs
- Created and analyzed a survey instrument designed to assess success of college counseling program; presented results to administrators and Board of Trustees
- Taught Study Skills (7th and 8th grades) and Guidance Courses (11th and 12th grades)

Assistant Dean of Admission, Colgate University, Hamilton, NY  July 2005-June 2007
- Multicultural Recruitment Team Member, Tour Guide Director, Data Collections and Survey Response Director
- Regional Dean and Admission Officer, reviewed applications for 2,000+ candidates per year

SELECTED HONORS, PUBLICATIONS, PRESENTATIONS & ACTIVITIES:
* New York University: Social Work Merit Academic Scholarship
* Harvard Graduate School of Education: Student Research Conference Presenter, “Beyond City Limits: Voice and Visibility”
* KIPP: National Teacher Recruitment Retreat Presenter, Summer Fellowship Project
* Advocates for Children Of N.Y., Inc.: Research group; investigated implementation of Fostering Connections Act in schools
**“Left Behind: The Story of New Orleans Public Schools”: Collaborated on curriculum to accompany documentary
* Lowell-Middlesex Academy Charter School: Conducted semester-long qualitative analysis of charter school
ARTICLE 1389
Board of Zoning Appeals

1389.01 Establishment.
1389.02 Powers and duties.
1389.03 Variances.
1389.04 Conditional uses.
1389.05 Judicial review.

CROSS REFERENCES
Charter provisions - see CHTR. 6.01
Statutory provisions - see W. Va. Code Art. 8A-8

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.
(3) Would eliminate an unnecessary hardship and permit a reasonable use of the land; and,
(4) Will allow the intent of the Zoning Ordinance to be observed and substantial justice done.

(B) In the case where a variance is denied by the Board, said application shall not be eligible for re-submittal for one (1) year from the date of said denial. A new application must be, in the opinion of the Board of Zoning Appeals, substantially different from the application denied, or conditions must have substantially changed for the new proposal to be eligible for consideration within one (1) year from said date of denial.

1389.04 CONDITIONAL USES.
(A) No conditional use application under the terms of this Ordinance shall be made by the Board unless after a public hearing the Board shall find that the conditional use is within the fitting character of the surrounding area and is consistent with the spirit, purpose, and intent of the Zoning Ordinance, because:

1. Congestion in the streets is not increased;
2. Safety from fire, panic, and other danger is not jeopardized;
3. Provision of adequate light and air is not disturbed;
4. Overcrowding of land does not occur;
5. Undue congestion of population is not created;
6. Granting this request will not create inadequate provision of transportation, water, sewerage, schools, parks, or other public requirements;
7. Value of buildings will be conserved; and,
8. The most appropriate use of land is encouraged.

(B) Each applicant must give their own response to these statements as a basis for the Board’s evaluation of the request.

1389.05 JUDICIAL REVIEW.
Every decision or order of the Board of Zoning Appeals is subject to review by certiorari. Within thirty (30) days after the decision or order, any aggrieved person may present to the Monongalia County Circuit Court a duly verified petition for a writ of certiorari setting forth:

1. That the decision or order of the Board of Zoning Appeals is illegal in whole or in part; and
2. Specify the grounds of the alleged illegality.
(Ord. 16-43. Passed 9-6-16.)
167.03 MEMBERS; QUALIFICATIONS; TERM; COMPENSATION.

The Commission shall consist of five members appointed by Council.

(a) Qualifications. All members shall be residents of the City. One member shall be a member of Council. To the extent such persons are available in the City at the time of appointment, at least two members shall have a demonstrated special interest, experience or education in historic preservation or in professions related to historic preservation, such as history, public history, architecture, architectural history, planning, real estate, American studies, geography, landscape architecture or law.

(b) Term. The member of Council appointed by Council to serve on the Commission shall serve a term commensurate with his Council term. Of the remaining original members, one shall be appointed to serve for a term of one year; one for a term of two years, one for a term of three years, and one for a term of four years. Thereafter, members shall be appointed to a term of four years. A member may be appointed for a second consecutive term, but after two consecutive full terms, a member shall be ineligible for reappointment until a calendar year has elapsed since the date of his or her second term.

(c) Method of Filling Vacancies. Appointments to fill a vacancy in membership shall be made by the established procedure for regular appointments and for the balance of the unexpired term.

(d) Compensation; Reimbursement for Expenses. Commission members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of duties.

(Ord. 10-7-86.)
ARTICLE 153
Human Rights

153.01 Declaration of policy.
153.02 Definitions.
153.03 City Human Rights Commission established.
153.04 Composition and membership.
153.05 Officers.
153.06 Meetings, bylaws and rules.
153.07 Commission status and objectives.
153.08 Powers; functions; services.
153.09 Complaints; procedures.

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.
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.

Further, the public policy of the City to provide all of its residents 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 or handicap.

The denial of these rights to properly qualified persons by reason of race, religion, color, national origin, ancestry, sex, age, blindness, handicap or familial status is contrary to the principles of freedom and quality of opportunity and is destructive to a free and democratic society.

This City policy is based on the recognition and vision that the diversity found in our city brings forth richness in our community, a greater understanding of our world, a multitude of talent to benefit collective needs, and an opportunity for enhanced living and learning for all. Inherent in this policy is a commitment to encourage and endeavor to bring about equal opportunity, mutual understanding and respect for persons of all ages, abilities, ancestry, blindness, color, disability or handicap, ethnicities, familial status, national origins, sex, sexual orientations, races, religion and other backgrounds or orientations.
(Ord. 12-34. Passed 7-17-12.)
153.02 DEFINITIONS.
When used in this article:
(a) "Person" means one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons.
(b) "Commission" means the Human Rights Commission of the City.
(c) "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.
(d) "Discriminate" or "discrimination" means to exclude from, or fail or refuse to extend to, a person equal opportunities in employment, public accommodations, housing, or other real property transactions because of race, religion, color, national origin, ancestry, sex, age, blindness, disability, sexual orientation or familial status. Discriminate includes to separate or segregate based on any of these characteristics.
(e) "Race, religion, color, national origin, ancestry, sex, age, blindness, handicap or disability, and familial status" are defined herein to be equivalent to the definitions in the West Virginia Human Rights Act, Code 5-11-3.
(f) "Sexual orientation" means having a preference for heterosexuality, homosexuality, being transgendered, or bisexuality, having a history of such preference or being identified with such preference.
(g) "National League of Cities" means the National League of Cities and its various institutes and programs which relate to diversity in municipal populations throughout the United States and to efforts to support development of more equitable and sustainable communities.
(h) "Neighborhood Coordinating Council" means the inter-neighborhood entity established by the City in 2005 to facilitate information exchange between the City administration and neighborhoods and among neighborhood organizations within the City.
(i) "Sister City Program" means a national intercultural exchange program established in 1956 to promote global cooperation and intercultural understanding at the municipal level; stimulate connections, competitiveness and collaboration as well as development in a global market; and support citizen diplomacy on the part of individuals of all ages. The City of Morgantown has established a Sister Cities Commission to support its Sister City relationships established since 1978.
(j) "Martin Luther King Day" celebrations means special observances related to the national holiday to celebrate respect for individuals of all backgrounds and origin.
(k) "Teen Court" program means the Teen Court Program established by resolution August 2007.
(l) "Youth Commission" means the Youth Commission of the City established by ordinance. (Ord. 12-34. Passed 7-17-12.)
153.03 CITY HUMAN RIGHTS COMMISSION ESTABLISHED.
There is hereby established in the City a Human Rights Commission.
(Ord. 12-34. Passed 7-17-12.)

153.04 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. 12-34. Passed 7-17-12.)

153.05 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. 12-34. Passed 7-17-12.)

153.06 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, subject only to the action of Council.
(Ord. 12-34. Passed 7-17-12.)

153.07 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 by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability, and shall strive to eliminate all discrimination in the sale, purchase, lease, rental or financing of housing and other real property by virtue of race, religion, color, national origin, ancestry, sex, age, blindness, sexual orientation or disability.
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 towards 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.

(Ord. 12-34. Passed 7-17-12.)

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. 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 5-11-1 et. seq.
(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 or handicap; 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. 12-34. Passed 7-17-12.)

153.09 COMPLAINTS; PROCEDURES.
The Commission shall inform any individual claiming to be aggrieved by an alleged unlawful discriminatory practice under West Virginia Human Rights Act 5-11-9 that the Commission does not have the power to accept formal complaints of illegal practices. Any individual claiming to be so aggrieved shall be referred to the West Virginia Human Rights Commission for investigation and adjudication of the complaint.

(Ord. 12-34. Passed 7-17-12.)
(l) "Environmentally Sensitive Areas" means wetlands, riparian corridors, landslide-prone areas, steep slopes, and fish and wildlife areas that have been so designated by the controlling governmental department or agency.

(m) "Exceptional Tree" means a tree located on public or private land designated as exceptional due to historic association, rare tree species or extraordinary value because of its age, size or type.

(n) "Hazardous Tree" means a tree or tree parts with a high probability of falling or causing injury or property loss to persons or property on public space in the vicinity of the tree, or a tree harboring insects or disease that has been determined to be a threat to the surrounding environment.

(o) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.

(p) "Private Land" means land not owned by the City or other governmental entity.

(q) "Public Place" means any municipal public street, municipal public highway, municipal public park, or any realty owned or held by the City within the boundaries of the City.

(r) "Shall" is always mandatory and not merely discretionary.

(s) "Specifications for Street Tree Planting" means a document maintained on species suitability, spacing and standard planting protocols.

(t) "Street Trees" means trees located and spaced along municipal streets which have been adopted by and are being maintained by the City.

(u) "Topping" means the severe removal of a tree canopy back to large stubs.

(v) "Tree" means any tree in a public place or on private property as indicated by the provisions of this Article.

(w) "Tree Registry" means a list of exceptional trees registered within the City.

(Ord. 11-46. Passed 11-15-11.)

917.03 MUNICIPAL TREE BOARD.
A Municipal Tree Board shall be appointed by City Council and shall consist of at least seven, but no more than ten members. Of the members, at least one shall have specialized knowledge and expertise regarding tree management and care. Tree Board members shall serve three-year terms without compensation.
The duties of the Municipal Tree Board shall be as follows:

(a) Advise and consult with the City Manager, or other staff designated by the City Manager, on any matter pertaining to this Article;

(b) Study the problems and determine the needs of the City in connection with its management of trees and shrubs and make specific recommendations to the City Manager;

(c) Work in collaboration with the City Urban Landscape Commission, the Board of Park and Recreation Commissioners, the Public Works Department, the Parking Authority, the Planning Commission, and other agencies and departments as needed;

(d) Review City plans and policies, when requested to do so by the City Manager, that contain matters relating to urban forestry, community values, and arboriculture;

(e) Recommend legislation regarding the community forest;

(f) Provide for the City Manager reports as requested and an analysis of annual budgets pertaining to the community forest;

(g) Develop a program for identifying and maintaining exceptional trees in the City and make recommendations to the City Manager and City Council for adopting such a program;
ARTICLE 162
Woodburn School Redevelopment Commission

162.01 Established.
162.02 Purpose.
162.03 Membership.
162.04 Vacancies.
162.05 Officers.

162.06 Meetings.
162.07 Written reports.
162.08 Freedom of Information Act applies.

162.01 ESTABLISHED.
There is hereby established a Woodburn School Redevelopment Commission.
(Ord. 13-49. Passed 9-3-13.)

162.02 PURPOSE.
The function of the Woodburn School Redevelopment Commission is to watch over and advise the City Manager and City Council regarding present and future development of the former Woodburn School property, programming, financing of projects, and operations of the property as a whole.
(Ord. 13-49. Passed 9-3-13.)

162.03 MEMBERSHIP.
(a) The Woodburn School Redevelopment Commission shall consist of seven members who shall be appointed by City Council. Each of the seven members shall serve for a three-year term. Upon the conclusion of that three-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
(b) One 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 the office to which he or she has been elected or appointed. The Commission will be administered by the City Manager's Office. All members shall serve without compensation.
(Ord. 13-49. Passed 9-3-13.)

162.04 VACANCIES.
Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired portion of the term only. The office of a member of the Woodburn School Redevelopment 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. 13-49. Passed 9-3-13.)

162.05 OFFICERS.
The Woodburn School Redevelopment Commission shall select from its own membership a chairperson, vice-chairperson, and secretary.
(Ord. 13-49. Passed 9-3-13.)

162.06 MEETINGS.
The Woodburn School Redevelopment 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 Government Proceedings Act.
(Ord. 13-49. Passed 9-3-13.)

162.07 WRITTEN REPORTS.
The Commission shall submit annual reports to the City Manager and City Council summarizing its past year's activities and recommendations for the ensuing year.
(Ord. 13-49. Passed 9-3-13.)

162.08 FREEDOM OF INFORMATION ACT APPLIES.
As a Commission of the City, the Woodburn School Redevelopment Commission shall be subject to the West Virginia Freedom of Information Act.
(Ord. 13-49. Passed 9-3-13.)
AN ORDINANCE AMENDING ARTICLE 765 OF THE CITY CODE PROVIDING FOR UTILITY TAXES AND AMENDING ARTICLE 1165 OF THE CITY CODE PROVIDING FOR SOLID WASTE COLLECTION

WHEREAS, the City is authorized by West Virginia Code Chapter 8, Article 12, Section 5 to exercise plenary power and control over the accumulation and disposal of solid waste on private or public property within the City; and

WHEREAS, the Building Code requires that each owner of property provide continuing service at such property for proper solid waste disposal and requires that each owner of property furnish space and facilities on the property for the proper storage and transportation of solid waste for such disposal services; and

WHEREAS, the management of solid waste within the City is an essential public service; and

WHEREAS, the accumulation and disposal of solid waste has the potential to create a serious public health problem if not adequately managed; and

WHEREAS, the efficient collection and disposal of solid waste which is necessary to avoid such a public health problem requires the participation of all community members in the established system for solid waste management; and

WHEREAS, the effective management of solid waste provided for in this Ordinance is intended to provide a sanitary environment that benefits all community members; and

WHEREAS, the City has entered into an agreement for solid waste management services with Allied Waste Services of America, LLC doing business as Republic Services of West Virginia, to act as the designated contractor for collection of solid waste within the City and for management of commercial solid waste accounts and payments within the City; and

WHEREAS, the City has entered into an agreement with the Morgantown Utility Board, a public corporation of the City of Morgantown, to provide for subscription, billing, and payment services for residential solid waste accounts within the City; and

WHEREAS, this Ordinance is intended to coordinate the terms of the referenced agreements with Republic Services and the Morgantown Utility Board with the City Code provisions applicable to the management of solid waste within the City;
NOW, THEREFORE, The City of Morgantown hereby ordains that Articles 765 and 1139 of the City Code are amended as follows:

ARTICLE 765
Utility Tax

765.01. DEFINITIONS.

The following words and phrases when used in this article shall for the purposes of this article have the following meanings:

(a) "Person" includes individuals, firms, partnerships, associations, private or public corporations, governmental agencies or subdivisions, and combinations thereof, of whatever form or character.

(b) "Public utility service" means all services and tangible personal property purchased within this Municipality from a seller, as hereinafter in this section defined, namely, telephone service; electric service; gas service, including bottled or liquid gas; motor carriers and garbage haulers, if the seller thereof is classified as a public utility subject to the jurisdiction of the Public Service Commission of West Virginia; water service and sanitary service; if purchased used or consumed within the corporate limits of this Municipality.

(c) "Purchaser" includes every person who purchases, uses or consumes a public utility service.

(d) "Seller" includes every person, whether a public service corporation, a municipality or private corporation, classified as a public utility and subject to the jurisdiction of the Public Service Commission of West Virginia, who sells, furnishes or supplies a public utility service or is responsible for collection of fees for such public utility service.

765.03. COLLECTING, REPORTING, REMITTING TAX.

It shall be the duty of every seller in acting as the tax collecting medium or agency for this Municipality to collect from each purchaser for the use of this Municipality the tax hereby imposed and levied at the time of collecting the purchase price charged for its public utility service, and the amount of tax actually collected, either by the month or by the quarter of each fiscal year or any part thereof, shall be reported and remitted to the Municipality by each seller within thirty days after the end of the reporting period selected by the seller as being the most convenient in view of its bookkeeping or accounting procedure. The seller shall also furnish to the Municipality with each such monthly or quarterly report the name and address of any such purchaser who has failed or refuses to pay the tax so imposed or levied. The tax imposed and levied by this article shall apply to periodic statements rendered after August 1, 1971, for public utility service rendered subsequent to August 1, 1971, and when any such periodic statement
covers public utility service rendered both before and after such date, only that portion of the charge for public utility service rendered after such date shall be subject to such tax, and the portion subject to such tax shall be such portion of the total charge as the number of days after July 31, 1971, within the period covered by such periodic statement, bear to the total number of days covered by such periodic statement. The required reports shall be in the form prescribed by the Director of Finance.

ARTICLE 1139
Solid Waste Collection Management

1139.01—DEFINITIONS.
—For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:
—(a) "County Health Officer" means the Health Officer of the County;
—(b) "Private scavenger" means one who for hire, collects, removes or disposes of solid waste;
—(c) "Solid waste collections" means the gathering of solid waste containers and their contents from the premises of improved property and loading contents into removal vehicles, and returning containers to places where found after contents have been emptied, for which the charge is made as provided for in Section 1139.14;
—(d) "Solid waste disposal" means the disposition of solid waste in accordance with rules and regulations promulgated by the City Manager with the approval of Council;
—(e) "Solid waste removal" means the hauling and transportation of solid waste from point of collection to point of disposal;
—(f) "Apartment unit" means all premises, locations or entities, public or private, requiring residential solid waste and recyclable materials collection and delivery within the corporate limits of the City, not a residential unit. An apartment unit shall be deemed occupied subject to Section 1139.14(a);
—(g) "Commercial solid waste" means all solid waste generated by a producer at a commercial unit;
—(h) "Commercial unit" means all premises, locations or entities, public or private, requiring solid waste collection and disposal within the corporate limits of the City, not a residential unit;
—(i) "Hazardous waste" means waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by or pursuant to federal or state law, or waste, in any amount, which is regulated under federal or state law;
—(j) "Independent contractor" means the entity which the City might choose to perform its solid waste services within the City;
—(k) "Residence", as used within this article, shall mean an individual household, or apartment;
—(l) "Residential solid waste" means all solid waste generated by a producer at an apartment unit or a residential unit.
(m) "Residential unit" means a dwelling within the corporate limits of the City comprising not more than one occupied unit. For billing purposes, a residential unit shall be deemed occupied subject to Section 1139.14(a).

(n) "Curbside recycling container" means a receptacle designated for the purpose of curbside collection of recyclable materials. The receptacle shall be one made of fiberglass or plastic that has been accepted by other cities with experience in curbside recycling.

(o) "Solid waste" means those items included within the definition of solid waste as now or hereafter set forth in West Virginia Code 22-15-2(31) and in Article 1139 of the Codified Ordinances of the City.

(p) "Recyclable materials" means bi-metal beverage cans, aluminum beverage cans, glass bottles, steel cans, newspaper, corrugated cardboard and plastics, and other materials as may be defined as recyclable materials under the West Virginia Code, or applicable local, state and federal laws and regulations and under Code 1.7 of the Society of Plastics Industries.

(q) "Dumpster" means a container that has a hoisting mechanism that permits items to be raised and dumped into a sanitation truck.

(r) "Uncompacted dumpster" means a dumpster that is filled without the aid of compaction equipment.

(s) "Compacted dumpster" means a dumpster that is mechanically compacted by either an integral or separate power unit, that results in more solid waste material, by weight, being placed in a container than is naturally filled.

(t) "Drop-off recycling" means program(s) which the City may implement whereby drop-off centers/locations are designated by the City so that solid waste producers within the City may deposit recyclable materials, as designated by the City.


(v) "Solid Waste Contract Compliance Officer" means the position within City Administration which the City Manager may create for the purpose of assuring that the City's independent contractor is complying with the terms and conditions of its contract with the City.

(w) "Yard waste" means grass clippings, weeds, leaves, brush, garden waste, shrub or tree prunings and other living or dead plant tissues, except that such materials which, due to inadvertent contamination or mixture with other substances which render the waste unsuitable for composting, shall not be considered to be yard waste, provided that the same or similar waste generated by commercial agricultural enterprises is excluded.

1139.01. SOLID WASTE MANAGEMENT; PURPOSE; ADMINISTRATION.

(a) This Article 1139 provides for the management of solid waste within The City of Morgantown.

(b) City Council finds and concludes that the management of solid waste within the City is an essential public service; that the accumulation and disposal of solid waste has the potential to create a serious public health problem if not adequately managed; that the efficient collection
and disposal of solid waste which is necessary to avoid such a public health problem requires
the participation of all community members in the established system for solid waste
management; that the effective management of solid waste provided for in this Article is
intended to provide a sanitary environment that benefits all community members; and that
the regulations imposed hereby and fees established herein are necessary and proper to
ensure the maintenance of these identified public health benefits and avoid a serious threat to
public health.

(c) The City Manager shall administer the provisions of this Article and shall have the authority
to prescribe, publish, promulgate, and enforce any and all reasonable rules and regulations
consistent with this Article and the City Code in order to carry out the objects and purposes
of this Article for the safety and health of the public with respect to the management of solid
waste.

1139.02. DEFINITIONS.

The following terms shall have the meanings given except as otherwise provided by the
West Virginia Solid Waste Management Act, West Virginia Code Chapter 22, Article 15, as
amended, or any successor thereto.

1. Bulky Item - An item of waste either too large or too heavy to be safely and conveniently
loaded into the residential solid waste collection vehicles by the personnel available.
This includes household items such as large pieces of furniture, bed springs, mattresses,
appliances and other discarded materials incident to the usual routine of major
housekeeping.

2. Collection - The removal and transportation of solid waste from the point of pick-up to
the place of processing, recycling or disposal.

3. Commercial Unit - Any structure or location other than a Residential Unit including
without limitation a Dwelling Unit containing more than one Residential Unit and any
location used for commercial purposes.

4. Construction Debris - Waste building materials resulting from construction, remodeling,
repair or demolition operations, a small amount of which shall be accepted by the
Contractor as a normal generation of refuse from households.

5. Contractor - Allied Waste Services of North America, LLC d/b/a Republic Services of
West Virginia.

6. Curbside - Refers to that area within an arm’s reach of the traveled portion of the street.

7. Dwelling Unit - Any room or group of rooms located within a dwelling and forming a
single habitable unit with facilities which are used, or are intended to be used, for living,
sleeping, cooling and eating. Without limiting the generality of the foregoing, each
space occupied by an individual or group of individuals for residential purposes pursuant
to a lease agreement or other arrangement shall constitute a single habitable unit.
8. Garbage - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

9. Hazardous Waste - A waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may: (A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed, as defined in W. Va. Code §22-18-3.

10. Landfill(s) - Any solid waste facility for the disposal of solid waste on or in the land for the purpose of permanent disposal as defined by W. Va. Code §22-15-2(17).

11. Minimum Service - The minimum required amount of solid waste service - whether defined by storage container requirements, number of weekly collections, other means, or some combination thereof - required of any person, entity, or unit.

12. Owner - Shall mean any individual or entity with an ownership interest in the Residential or Commercial Unit being serviced by Republic by this Contract.

13. Recyclable Materials - Recyclable materials means bi-metal beverage cans, aluminum beverage cans, glass bottles, steel cans, newspaper, corrugated cardboard and plastics, and other materials as may be defined as recyclable materials under the West Virginia Code, or applicable local, state and federal laws and regulations and under Code 1-7 of the ASTM International Resin Identification Coding System.

14. Refuse - The term shall include garbage, rubbish and yard waste (except sewage, dirt and manure) from all public and private establishments and residences where such garbage and rubbish has been abandoned and left to be picked up by the contractor.

15. Residential Unit - Shall mean a dwelling within the corporate limits of the City comprising not more than one occupied unit.


17. Rubbish - Miscellaneous solid waste material resulting from housekeeping, including, but not limited to, packing boxes, cartons, excelsior, plastic peanuts, paper magazines, tin cans, bottles, glassware, dishes, rubber, rags, wood, leather, small automobile parts (except batteries), floor sweepings, and the like. “Rubbish” also includes large pieces of furniture, “white goods”, water closets, bathtubs, sinks, cabinetry, paneling and drywall fragments, carpets and pads, fencing and fenceposts, or other material incident to the occupancy and maintenance of a dwelling unit.
18. **Solid Waste** - Any garbage, paper, litter, refuse, cans, bottles, waste processed for the express purpose of incineration; sludge from a waste treatment plant; water supply treatment plant or air pollution control facility; and other discarded materials, including offensive or unsightly matter, solid, liquid, semisolid or contained liquid or gaseous material resulting from industrial, commercial, mining or community activities but does not include solid or dissolved material in sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources and have permits under article five-a of Chapter 22 of the West Virginia Code, or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, including any nuclear or byproduct material considered by federal standards to be below regulatory concern, or a hazardous waste either identified or listed under article five-e of Chapter 22 of the West Virginia Code or refuse, slurry, overburden or other wastes or material resulting from coal-fired electric power or steam generation, the exploration, development, production, storage and recovery of coal, oil and gas and other mineral resources placed or disposed of at a facility which is regulated under chapter twenty-two, twenty-two-a or twenty-two-b of the West Virginia Code, so long as placement or disposal is in conformance with a permit issued pursuant to such chapters, all as defined by W. Va. Code §22-15-2(31).

19. **Special Waste** - Means any nonhazardous solid waste which, because of its physical characteristics, chemical make-up, or biological nature requires either special handling, disposal procedures including liquids for solidification at the landfill, documentation, and/or regulatory authorization, or poses an unusual threat to human health, equipment, property, or the environment, including sludge from wastewater treatment plants, medical/infectious waste and automobile tires. Special Waste must conform in all respects with a Contractor-approved Special Waste Profile.

20. **Special Waste Profile** - Means Contractor’s form of documentation that Customer must complete, and Contractor must approve, with respect to any Special Waste prior to Contractor’s acceptance of such Special Waste.

21. **Unacceptable Waste** - Means highly flammable substances, Hazardous Waste, liquid wastes, certain pathological and biological wastes, explosives, toxic materials, radioactive materials, materials that the disposal facility is not authorized to receive and/or dispose of, and other materials deemed by state, federal or local law, or in the reasonable discretion of Contractor, to be dangerous or threatening to health or the environment, or which cannot be legally accepted at the applicable disposal facility.


23. **Working Hours** - On a regular collection day, pick-up shall be these hours between 6:00 AM and 5:00 PM or the hours otherwise specified by contract, ordinance, or by the City Manager.
24. **Yard Waste** - Includes rubbish and those waste materials resulting from the maintenance of properties whereon a dwelling is located, including grass clippings, weeds, leaves, brush, garden waste, shrub or tree prunings and other living or dead plant tissues, except that such materials which, due to inadvertent contamination or mixture with other substances which render the waste unsuitable for composting, shall not be considered to be yard waste; provided that the same or similar waste generated by commercial agricultural enterprises is excluded. **Yard waste does not include large branches, trees or noncombustible materials which are too bulky for collection in “loadpacker” type sanitation equipment used for regular domestic household collections.** Tree trimmings shall be accepted only if tied in bundles not exceeding four (4) feet in length and weighing not over sixty-five (65) pounds and shall be placed at the curb for pick-up.

**1139.02 DEPARTMENT OF SANITATION; COUNTY HEALTH OFFICER AS SANITATION INSPECTOR.**

— There shall be a Department of Sanitation under the supervision and direction of the City Manager. The City Manager or other duly authorized officer, with the approval of Council, shall be adequately equipped and supplied with personnel and equipment to properly and satisfactorily carry out the essential public service of collection, removing and disposing of solid waste produced in the households and places of business of the residents of the City. The City Manager or other duly authorized officer, with the approval of Council, shall have, and is hereby given authority to prescribe, publish, promulgate and enforce any reasonable rules and regulations deemed by him necessary or proper, consistent with this article, to carry out the objectives and purposes thereof and for the safety and health of the residents of the City in respect to the collection, removal and disposal of solid waste as defined in this article. The County Health Officer is hereby made and shall be, ex-officio Sanitation Inspector whose duty it shall be to advise and consult with the City Manager or other duly authorized officer with respect to enforcing the provisions of this article.

— In the event that Council determines that the City should utilize the services of a designated independent contractor to perform the foregoing collection, removal and disposal services pursuant to Section 1139.021, the City Manager is authorized to reduce municipal manpower and equipment previously utilized by the City to provide such service subject to applicable state law and applicable provisions of the Morgantown Municipal Code.

**1139.021 METHODS OF COLLECTION OF SOLID WASTE AND RECYCLABLES.**

— The City Manager at his discretion, after considering which method would be the most feasible, efficient and economical for the residents of the City, may recommend to Council that the collection and removal of solid waste and recyclable materials generated within the City be done by an independent contractor designated by Council. The determination to use municipal employees and equipment or an independent contractor shall be made by Council through the adoption of a resolution based upon proposals received from qualified firms and reviewed by the City Manager and Council.

**1139.03 PRIVATE COLLECTORS PROHIBITED; SUBSCRIPTION TO MUNICIPAL SERVICE OR CITY'S DESIGNATED INDEPENDENT CONTRACTOR REQUIRED.**
(a) No person, except the City or its designated independent contractor, shall engage in or conduct the business of collection, transportation, removal or disposal of solid waste within the City. Private scavengers, pushcart operators and private garbage collectors are hereby prohibited from engaging in the business of transporting or disposing of solid waste, and all persons and commercial entities, business houses, firms or corporations residing in and doing business within the City shall be required to subscribe to, take and pay for the service provided by the Department of Sanitation of the City in accordance with the terms of this Article; provided, however, that this Article shall not be construed to conflict with the laws of this state or of the United States, including without limitation the authority of the United States Congress to regulate commerce among the several states, or if the City so chooses, its designated independent contractor. The City and its designated contractor shall recognize any and all certificates of convenience and necessity issued to collect commercial trash within the City by the West Virginia Public Service Commission.

(b) Each owner of the real property containing a Commercial Unit shall be responsible for subscribing to the Minimum Service required by this Article; provided that, where an occupant of such Commercial Unit has an active separately-billed account for service with the Morgantown Utility Board, such occupant shall subscribe and pay for the required Minimum Service upon determination by the City Manager that it qualifies as a Residential Unit based on the separate billing arrangement.

(c) Each Residential Unit shall maintain a subscription to the solid waste service required by this Article at all times during which such Residential Unit is subscribed to water and/or sewer service provided by the Morgantown Utility Board. Each owner of the real property containing a Residential Unit shall be responsible for subscribing to the Minimum Service required by this Article; provided that, where an occupant of such Residential Unit has an active separately-billed account for public water service, such occupant shall be responsible for subscribing to and maintaining the required Minimum Service.

(d) Each person obligated to subscribe to solid waste service shall subscribe to a level of service designed to meet the minimum anticipated requirements of the unit being served. Subscription to adequate service, including provision of an appropriate container size and appropriate collection cycle, promotes the sanitary storage, transportation, and disposal of solid waste and prevents improper disposal of solid waste as well as spillage and leakage from solid waste containers. This level of service is deemed the Minimum Service requirement and is based upon a reasonable estimate of waste generated by each type of unit served, as defined herein, in accordance with the practice and guidelines of the solid waste management industry. The Minimum Service for each unit shall be a subscription sufficient to dispose of the anticipated waste generated by each unit as defined in Table 1139.03.01 or as otherwise required pursuant to the rules and regulations authorized by this Article upon the determination of the City Manager. Subscription to the Minimum Service shall not absolve any person from any other requirement of this Article, including without limitation the requirement to properly store solid waste and related containers.
1139.04. TRASH AND COLLECTION OF SOLID WASTE CONTAINERS.

(a) Refuse, Yard Waste and Recyclable Materials will be collected and removed from all properties once per week or as otherwise required by the Minimum Service requirements and/or customer subscriptions to service so long as said materials are properly tied and/or bundled, placed in suitable containers and properly located at curb or roadside, or in a designated dumpster or compactor. During times of severe weather, such materials shall be collected at the first opportunity.

(b) Recyclable materials will be collected on the same day as refuse at Residential Units.

(c) Household hazardous waste materials, or waste generated by normal household activities that contain toxic chemicals that should be handled properly such as batteries, paint, household chemical products, will be collected only at such temporary designated drop off locations as may be established by the City and which will allow for proper storage and disposal of such materials.

(d) Electronic waste will be collected no less than monthly at each unit as an on-call service.

(e) One Bulky Item may be left for collection at each unit on each regular collection date. Additional Bulky Items will only be collected upon arrangement with the City’s contractor and payment of any applicable fee.

(f) Construction Debris are not included in regular collections and shall not be deposited in a storage container intended for regular collection. Construction Debris will only be collected upon arrangement with the City’s contractor and payment of any applicable fee.

The solid waste containers referred to in this article shall meet the following specifications:
— Solid waste containers shall be leakproof and watertight; shall have a capacity of not less than ten, nor more than thirty gallons; weigh no more than sixty pounds when full; be of sufficient strength to avoid bursting (containers that have burst shall be cleaned up and placed in another container by the customer); A garbage bag shall not be acceptable as a solid waste container. The only exceptions being when a garbage bag contains yard waste (leaves and grass clippings), or items that are not food product related or recyclable, or where the City and the contractor approve otherwise.
— The City Manager or other proper officer of the Department of Public Works may authorize or direct the use of such other or special containers as the circumstances of any particular situation may require.

1139.05. STORAGE OF SOLID WASTE AND RECYCLABLES.

(a) Solid waste and recyclable materials shall be stored in containers provided by the City’s designated contractor or such other method as authorized by the City Manager or a designee in accordance with this Article and any applicable contract or permit governing the disposal of solid waste within the City. A garbage bag shall be acceptable as a solid waste container.
only when it contains no food waste or recyclable materials, but no material may be stored outdoors in a garbage bag outside of the designated time period for curbside solid waste collection.

(b) No person shall deposit or store solid waste in solid waste containers unless such solid waste has been prepared for collection, removal and disposal, and complies with the definition of solid waste as set out in this article. Lids shall be kept on solid waste containers at all times. Solid waste and recyclable containers are not to be stored in front yards or on front porches of residences on a regular basis, where said containers can be viewed by the general public, unless a special waiver for the same has been issued to a residence, in writing, by the City Manager. When required by the Building Code or other applicable provision of City Code, storage containers shall be kept within a secure enclosure. As stated in Section 1139.04, solid waste which is not food product related or not of a recyclable nature may be stored in a garbage bag.

As part of the regularly scheduled solid waste collection service to which a residence is entitled, in addition to the containers and/or bagged items described in Section 1139.04, a residence shall be allowed to set out for collection one item that does not meet the criteria set forth in Section 1139.04, examples of which would include such things as furniture or appliances. If a residence has more than one such item that it wishes to set out for solid waste collection, the residence must first contact the City’s independent contractor and arrange for a special pickup by the independent contractor of these items. The cost to the residence for any such special pickup shall be determined by volume. Should a person have any questions as to whether any such item(s) is/are subject to special pickup treatment, prior to setting such item(s) out for pickup, the person shall first contact the City’s independent contractor regarding the same.

Materials resulting from the rehabilitation, remodeling, or construction of a structure are not to be set out for regular solid waste pickup and will require the property owner or the owner’s agent to first schedule a special pickup by the City’s independent contractor.

1139.06. DELIVERING SOLID WASTE UPON PRIVATE PROPERTY.

— No person shall deliver solid waste to or upon private property.

1139.064. IMPROPER DISPOSAL OF SOLID WASTE; ILLEGAL DUMPING; USE OF UNAUTHORIZED SOLID WASTE CONTAINERS.

(a) No person shall dispose of solid waste in an undesignated location.

(b) No person shall dispose of solid waste in an unauthorized containers or outside of an authorized container.

(c) The intent of the foregoing is to make it illegal for any person to place solid waste in
a dumpster or other solid waste container owned or leased by another person, unless first authorized to do so in writing by the owner of such container and an authorized representative of the City both the City’s independent contractor and the person who owns or leases the solid waste container.

(d) No person shall deposit either residential or commercial solid waste in a publicly owned trash receptacle that is located within a public right-of-way.

(e) Any person found guilty of violating this section shall be fined a minimum of two hundred fifty dollars ($250.00) but not more than five hundred dollars ($500.00).

1139.07. DISPOSITION OF SOLID WASTE.

No person shall dispose of solid waste within the City except as provided in this article.

1139.08. LITTERING; PERMITTING PREMISES TO BECOME UNSANITARY OR HAZARDOUS.

(a) No person shall throw, place or scatter leave or deposit any solid waste, refuse, litter, or other waste as defined in Section 1139.01, over or upon any premises, street or alley, either public or private, or adjacent thereto, or

(b) No owner, manager, or occupant of any property shall permit from the accumulation of solid waste or litter on any the premises owned, occupied or controlled by such person, to become or remain offensive, unsanitary, unsightly, unsafe to public health or to pose a risk of fire, hazardous from fire. For purposes of this section, the words “such person” as used in the preceding sentence shall include the owner of the realty, the landlord, and the tenant.

(c) Any property owner or occupant of an individual residence or business establishment who fails to maintain solid waste or litter free premises- person who violates this Section shall be fined a minimum of fifty dollars ($50.00) but no more than five hundred dollars ($500.00) for each violation, or, in the alternative, may be sentenced to a period of community service collecting litter for a time period no less than ten hours and no more than twenty hours. Each day that a violation continues shall be deemed a separate violation. Enforcement of violations of a failure to maintain a solid waste and litter free environment shall include provision to the municipal court of a dated photographic record of the violation.

1139.09. STORAGE OF SOLID WASTE.

No person shall store or permit the storage of solid waste on or about his any premises the person owns, controls, or occupies, or the premises occupied by him unless such solid waste is kept separately in standard trash and solid waste in authorized storage containers as provided by this article.
1139.10. REMOVAL—BY MUNICIPAL EMPLOYEES—PROHIBITED—WITHOUT CONTAINERS REQUIRED FOR COLLECTION.

Materials not stored in containers authorized by this Article will not be subject to the regular collection services provided in this Article, and any storage of materials outside authorized containers shall be considered improper disposal of waste in violation of this Article.

No municipal employee or designated independent contractor of the City shall collect or remove any solid waste from the premises of any person or tenant thereof, unless such premises are equipped with standard containers referred to in this article, and unless such solid waste is kept stored in such containers.

1139.11. ACCESSIBILITY OF SOLID WASTE AND RECYCLING CONTAINERS.

(a) Authorized storage containers other than dumpsters or compactors shall be placed at the street curb or adjacent to the roadway by 6:00 a.m. on each scheduled collection date, except where placement in a different location has been authorized or directed by the City Manager. Authorized storage containers may be placed at the collection site no earlier than 6:00 p.m. on the day before the scheduled collection and shall be removed from the collection site and returned to storage on the user's property by 9:00 p.m. on the day of collection. Provisions for the placement and collection of containers within the Downtown Solid Waste Collection District shall supersede the provisions of this Paragraph within that District.

— All customers other than those within the Downtown Solid Waste Collection District, using the essential services provided for in this article within the City shall make all solid waste and recycling containers available at the curb or edge of pavement, unless otherwise directed by the City Manager by 6:00 a.m. on the scheduled day of collection for the particular area in which such users reside (rear yard or other special pick-up areas) shall be serviced at no additional cost for the handicapped, elderly or others who cannot transport their solid waste and recycling containers to the street. All users of such essential services shall ascertain the collection schedules for the area in which they reside and if any such user of such essential services fails to make his solid waste and recycling containers available as herein required, the collectors shall refuse to make such collection and such refusal shall not constitute a failure of collection; provided, however, that where, by reason of the number of users of such service located in one building or where no facilities are or can be made available for the placing of solid waste and/or recycling containers at the curb or edge of pavement or where for any other reason it appears impossible or impracticable for such user of such service to comply with the provisions of this section, then in any such events any such user may apply to the City Manager for permission to be exempt from the provisions of this section and upon investigation by the City Manager, it appearing proper to do so, the City Manager may issue a certificate of exemption from the provisions of this section. In those cases in which the placement of solid waste at the front yard curbside has caused repeated problems affecting the health, safety and general welfare of the City and its inhabitants, the City Manager shall have the authority to direct the customer at any such location to place said solid waste at another location on or near the property for pickup. Any user of such service who is aggrieved by a decision of the City Manager with regard to this
section may appeal such decision in writing to Council within thirty days from and after the date of the decision of such City Manager. Council shall fix a time for the hearing of such appeal and after due notice to all parties in interest, shall hear such appeal at a public hearing at the regular meeting of Council and the decision of Council thereon shall be final. Solid waste and recycling containers may be placed at their pick-up site no earlier than 6:00 p.m. on the day before the scheduled day of collection and all empty permanent type of solid waste and recycling containers shall be removed by 9:00 p.m. on the day of collection. Any person found guilty of violating this section shall be fined a minimum of twenty-five dollars ($25.00) but not more than five hundred dollars ($500.00).

(b) Each dumpster or compactor shall be kept in a location accessible for collection by the contractor, and each user thereof shall ensure that the container is accessible on each day scheduled for collection. Each dumpster or compactor shall be kept within a secure enclosure when required by the Building Code or other provision of City Code, and the users of such dumpster or compactor shall be responsible for ensuring the contractor can access the secure enclosure on each date scheduled for collection.

(c) (b) For purposes of this Article, the term “Downtown Solid Waste Collection District” shall mean:

Beginning at the northern most point between Morgantown Tax District 1 Map 26 Parcel 54.1 (currently addressed 1993 Water Street) and Map 26 Parcel 41 (currently known as Knapp Hall); thence in a southerly direction along the eastern side of the Monongahela River to the northern side of Decker’s Creek; thence in easterly direction along the northern side of Decker’s Creek to the southeastern most boundary at Map 29 Parcel 49 thence in a northeasterly direction along the boundaries of Map 29, Parcels 49, 50 (305 Fayette Street), 51, 52 (97 Forest Avenue), and Map 26 Parcel 262 (456 Spruce Street) to Forest Avenue; thence across Forest Avenue to a point on the northern side of Forest Avenue to a point on the southern boundary of Map 26, Parcel 249; thence in a northeasterly direction along the western side of Baird Street (formerly Park Avenue) to the end of the Baird Street right-of-way; thence in a northwesterly direction along Map 26, Parcel 263 to southwest point of Map 26, Parcel 264 (293 Willey Street); thence along the western side of Price Street in a northeasterly direction to the southern edge of Prospect Street; thence in a westerly direction along the southern edge of Prospect Street to the eastern edge of North High Street; thence in a southwesterly direction along the eastern edge of North High Street to the western edge of Willey Street and High Street; thence in a northwesterly direction to the eastern edge of University Avenue; thence in a southwesterly direction along the eastern edge of University Avenue to the northern edge of Fayette Street; thence across University Avenue (Beechurst Avenue) to the western edge of Beechurst Avenue; thence in a northeasterly direction along Beechurst Avenue to the northeastern point on Map 26, Parcel 44 (21 Beechurst Avenue); thence along the northern boundary of Map 26, Parcels 44 and 45.1 to the point of beginning; as shown on the following map titled “Downtown Solid Waste Collection District”.

NOTE: Table not reproduced in this ordinance)

(d) Customers within the In the Downtown Solid Waste Collection District, authorized storage
containers shall be placed at the collection site no more than two hours prior to the scheduled collection time and removed from the collection site and returned to private storage no more than two hours after the scheduled collection time; shall not place garbage containers within the public right of way earlier than two hours prior to the scheduled time of pickup by the City's independent contractor; and customers shall remove garbage containers from the public right of way within two hours after pickup service by the City's independent contractor.

1139.12—ADMINISTRATIVE RULES AND REGULATIONS.

Council and the City Manager shall each have right to issue, promulgate and establish such rules and regulations as shall be deemed necessary or proper for the effective administration of this article and not inconsistent herewith.

1139.13—RIGHT OF COUNCIL TO DESCRIBE METHODS OF DISPOSAL.

Council reserves the right by proper order or resolution, subject to any agreement which the City may negotiate with an independent contractor for solid waste disposal, to provide for the disposal of solid waste in a manner which complies with applicable state and federal laws, rules and regulations.

1139.142 RATES.

The rates for service prescribed by this Article shall be as set forth in Table 1139.12.1.

The following rates are hereby established for such service.

(a) Residential Solid Waste:

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The foregoing fees shall be billed by the City's independent contractor to each and every residential solid waste producer. Should any such unit be occupied for less than a full three-month billing cycle, upon request and proof of same, the City's independent contractor shall prorate the occupant's sanitation bill for that three-month billing cycle; however, in all such cases the occupant shall be billed a full month for any month that he or she occupied such unit for one day or more. A property owner seeking to have any such unit exempted from sanitation billing due to nonoccupancy shall submit a signed affidavit to the City's independent contractor requesting such exemption on a form prescribed by such independent contractor; in all such cases payment shall be required for any month that the unit is occupied for one day or more. A one-month discount shall be offered to any person paying in advance for twelve months of service. Should the West Virginia Public Service Commission approve any surcharges, which the
City's independent contractor may add to the monthly bills of commercial customers, the City of Morgantown recognizes that the surcharge, as applied by the City's independent contractor, shall be in addition to the above-established monthly rates.

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(b) Commercial Solid Waste.
Effective Date October 1, 2012

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Effective October 1, 2016

*The foregoing shall be the maximum monthly rates which shall be charged for commercial solid waste services.*
waste-service. However, the contractor shall be authorized to negotiate lower rates with each commercial refuse account as the particular facts of a particular case might warrant. Should any such commercial solid waste unit be occupied for less than a full three-month billing cycle, upon request and proof of same, the contractor shall prorate the occupant’s sanitation bill for that three-month billing cycle; however, in all such cases, the occupant shall be billed a full-month for any month that the unit was occupied for one day or more. A property owner seeking to have any such unit exempted from sanitation billing due to non-occupancy shall submit a signed affidavit to the contractor requesting such exemption on a form prescribed by the contractor; in all such cases payment shall be required for any month that the unit was occupied for one day or more. Should the West Virginia Public Service Commission approve any surcharges, which the City’s independent contractor may add to the monthly bills of commercial customers, the City of Morgantown recognizes that the surcharge, as applied by the City’s independent contractor, shall be in addition to the above established rates.

For purposes of this article, a structure containing more than one occupied residences shall be classified as a commercial unit. The City Manager is hereby authorized to issue a waiver, upon request, when he determines any such commercial unit containing residential units and the general welfare of the City would be better served by treating the structure as a residential unit(s). Small commercial businesses generating less than thirty-gallon containers or less per-week shall be treated and billed as residential solid waste accounts.

(c) Materials Not Collected. Neither the City nor, if the case may be, its independent contractor, shall collect, remove or dispose of the following types of materials: raw garbage, efflu, sewage, animal excreta, the carcases of animals, vehicles or parts of vehicles, tires, large tree stumps, hazardous waste or potentially hazardous or toxic waste or material resulting from the demolition, repair, alteration or erection of buildings or structures.

(d) Recovery of Unpaid Charges. If the fee, rate or charge for any of the foregoing services is not paid within thirty days after the same is due, the amount thereof may be recovered with the laws of the State.

1139.153 PAYMENT FOR SERVICES.

(a) Each person required to subscribe to the services governed by this Article shall pay the required fees for such service established by this Article. Payment shall be made in accordance with the terms provided in the billing statement issued to the user of the service and shall include the payment of any penalties or interest established by any rule, regulation, or agreement adopted by the City.

(b) Failure to pay for services required by this Article shall constitute a violation of the Article and shall subject the person in violation to citation, fines, denial of service, or other penalties prescribed by law.

(a) Payment for the services rendered pursuant to this article shall be made to the City’s designated independent contractor. The independent contractor shall bill all such service accounts on a quarterly basis.
[b] Each property owner or occupant of an individual residence and each person operating a business establishment shall be responsible for the payment of service charges for solid waste collection, processing, and disposal service to said residence or business establishment. Such charges shall be billed to the owners of each and every residence or business establishment provided, that upon application by the occupant of any such residence or business establishment, filed with the City’s solid waste collection independent contractor and accompanied by an appropriate affidavit showing the occupant’s status as such, such bills shall be rendered to the occupant for payment.

[e] In the event that any such account becomes 60 days delinquent in payment, the City’s independent contractor may discontinue its collection of refuse at any such location. At the time that the residence pays its past due bill, the independent contractor will collect all accumulated solid waste at the residence or business establishment on the next collection day.

[d] In the event a residence or business establishment does not subscribe for solid waste collection with the City’s independent contractor, said residence or business establishment will not have its solid waste collected until such time as it subscribes to and pays for the service. Once the residence subscribes for the service, the City’s independent contractor will collect all solid waste that has accumulated at the residence on the next collection day.

[e] Any person found guilty of violating this section shall be fined a minimum of one hundred fifty dollars ($150.00) but not more than five hundred dollars ($500.00).

1139.164 RECYCLING.

(a) Users of the services provided by this article shall be responsible for complying with all present and future recycling laws of this State, which are hereby adopted by reference, and any resulting rules which may be established by the City Manager and/or the City’s designated independent contractor for the implementation thereof.

(b) All users shall be required to place recyclable materials in recycling containers as provided by the City’s designated independent contractor. The aforementioned recycling containers are to be placed at curbside for pickup on dates (at least once a month) established by the City’s designated independent contractor.

(c) The City recognizes that compliance with the recycling requirements of this section will not only result in better utilization of available landfill space, but also, assist in minimizing user fees, incentives which all users should recognize.

1139.99 PENALTY.

Whoever violates any provision of this article, other than Section 1139.12 or Section 1139.08, or fails, neglects or refuses to abide by and comply with the rules and regulations promulgated to effectuate the provisions of this article, shall be fined not more than five hundred dollars ($500.00), except where a different penalty is specifically provided.
Any person who violates Section 1139.08 shall be fined not more than five hundred dollars ($500.00); at the request of the defendant or in the discretion of the court, the court may sentence the defendant to pick up and remove from any public highway, road, street, alley or any public property as designated by the court, any and all litter, garbage, refuse, trash, cans, bottles, papers, ashes, the carcass of any dead animal or any part thereof, oil or any other offensive or unsightly matter placed or deposited, dumped or thrown contrary to the provisions of Section 1139.08 by anyone prior to the date of such conviction. The alternative sentence of litter pickup shall be not less than eight hours nor more than sixteen hours in lieu of a fine.

Each succeeding day that a violation of this article exists shall constitute a new and separate offense.

This ordinance shall be effective upon adoption.

FIRST READING:  

ADOPTED:  

FILED:  

RECORDED:  

MAYOR  

CITY CLERK
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<th>Classification</th>
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<td>Commercial</td>
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<td>Office</td>
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### Table 1139.12.1 - Rates

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*PSC-approved fuel surcharge will be added to established rates

#### Commercial Rates

<table>
<thead>
<tr>
<th>Year 1</th>
<th>PICKUPS PER WEEK</th>
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<tr>
<td>Category</td>
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</tr>
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<td>2. cu yd. Dumpster</td>
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<td><strong>15-24 yd. roll off</strong></td>
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**Year 2**

<table>
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<th>3 x Week</th>
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<th>5 x Week</th>
<th>6 x Week</th>
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<td>$142.27</td>
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**Year 3**

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<th>5 x Week</th>
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<tbody>
<tr>
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<td>4. cu yd. Dumpster</td>
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<td>8. cu yd. Dumpster</td>
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<td>$577.81</td>
<td>$716.03</td>
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<td><strong>15-24 yd. roll off</strong></td>
<td><strong>$155.42</strong></td>
<td><strong>$310.84</strong></td>
<td><strong>$466.26</strong></td>
<td><strong>$621.67</strong></td>
<td><strong>$777.09</strong></td>
<td><strong>$932.51</strong></td>
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**Year 4**

<table>
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<th>1 x Week</th>
<th>2 x Week</th>
<th>3 x Week</th>
<th>4 x Week</th>
<th>5 x Week</th>
<th>6 x Week</th>
<th>7 x Week</th>
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</thead>
<tbody>
<tr>
<td>1. cu yd. Dumpster</td>
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<td>4 x Week</td>
<td>5 x Week</td>
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</tr>
<tr>
<td>1. cu yd. Dumpster</td>
<td>$59.08</td>
<td>$118.15</td>
<td>$177.23</td>
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<td>$337.70</td>
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<td>15-24 yd. roll off Rates do not include Disposal Costs</td>
<td>$164.88</td>
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<td>$659.53</td>
<td>$824.42</td>
<td>$989.30</td>
<td>$1,154.18</td>
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Note: Rates do not include disposal costs.
ORDINANCE NO.____________

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

Property included in this ordinance is identified as that portion of Parcel 33 of County Tax Map 55, Morgantown Corporation District for which subdivision approval was granted by the Morgantown Planning Commission on February 8, 2018 under minor subdivision petition MNS18-01.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for the subject portion of Parcel 33 of County Tax Map 55 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from R-1, Single-Family Residential District to B-2, Service Business District.

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

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk
City Manager's Report for City Council Meeting on April 3, 2018

New Business:

1. **Award Bid for Laboratory Services for Municipal Landfill**
   The City Engineer recently took bids for laboratory services for the closed municipal landfill (located adjacent to the Morgantown Municipal Airport). The City has Industrial Waste Discharge Permit to discharge water from the leachate collection pond at its landfill into the waste water collection and treatment system managed by the Morgantown Utility Board (MUB). In compliance with state and local regulations, the City is required to sample and test discharges and report test results to MUB. Services under this contract consist of sampling, testing, reporting test results and obtaining and recording flow measurements as required by the City’s flowmeter at the landfill within the specifications of the Industrial Waste Discharge Permit.

As the attached memorandum will report, Reliance Laboratories has the current contract with the City to provide these services. This contract was awarded in 2015 and was renewed in 2016 and 2017. Their current contract will end June 30, 2018. They were the sole bidder and staff recommends renewing the contract in the amount of $10,514.00. A motion for approval will be needed at Tuesday’s meeting.

For your background information, the landfill closure cap was completed by the West Virginia Department of Environmental Protection’s Landfill Closure Assistance Program back in 1998. The landfill is deemed a post closure status facility.

Paul J. Brake, ICMA-CM, CECd
City Manager, Morgantown, WV
Memorandum

To:             Paul Brake
                City Manager

From:          Damien Davis, PE
                City Engineer

Date:          March 5, 2018

Re:            Laboratory Services for Municipal Landfill – Bid Call 2018-07

Mr. Brake,

Bids were opened at 10:00am on March 1, 2018. The results are as follows

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reliance Laboratories</td>
<td>$10,514.00</td>
</tr>
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</table>

Reliance Laboratories has the current contract with the City to provide laboratory services for the municipal landfill. This contract was awarded in 2015 and was renewed in 2016 and 2017. Their current contract will end June 30th of this year. I recommend award to Reliance Laboratories.