



## POLICY BOARD MEETING

October 21, 2021

City of Morgantown Council Chambers  
389 Spruce Street. October 21, 2021, 6PM

### **Members Present:**

Chair-Commissioner Tom Bloom, Vice-Chair Ron Justice-WVU, Treasurer-Mayor Patricia Lewis, Commissioner Jeffery Arnett-Monongalia County, Recorder Steven Blinco-Star City Dave Bruffy – Mountain Line Transit, Mr. Brian Carr – WV DOH, Councilperson Dave Harshbarger-City of Morgantown, Councilperson Bill Kawecki-City of Morgantown, Mr. Mike Kelly-Board of Education, Mayor Jennifer Selin – City of Morgantown, Commissioner Sean Sikora-Monongalia County, Joe Statler – Blacksville

**MPO Director:** Bill Austin, AICP

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**Members of the Public:** Frank Gutta, Leonard George, Matt Gutta, Jason Sites

### **1. Call to Order**

With a quorum present, Chairman Bloom called the meeting of the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) Policy Board to order at 6:01 PM.

Chairman Bloom asked for moment of silence for the late councilperson from Westover, Janice Goodwin. Councilperson Goodwin is a long-time member of the MPO's Policy Board.

### **2. Public Comments**

Frank Gutta, a partial owner of the heritage family building on Van Voorhis Rd, raised concerns about the DOH's project on Van Voorhis Rd. Mr. Gotta noted that the Van Voorhis Rd project will cause the building to loss 16 parking space. The loss will be detrimental to the use of the building. Mr. Gotta noted that the DOH has the right-way-of across the street. Mr. Gutta noted that he has not been contacted by the DOH about the proposed design for this project.

Kevin Trembush, the building owner of 699 Burroughs Street, reiterated the concerns raised by Mr. Gutta. He noted the lack of communication about the project between the DOH and property owners and the lack of accessibility of the project plan. Dr. Trembush noted that the project will

make the intersection more dangerous as the through lane on Van Voorhis Rd will not be appropriately aligned. Dr. Trembush also noted that the project will reduce accessibility to his property, imposing negatively impact the business operation on site.

Leonard George, a property owner on the Van Voorhis and WV 705 intersection, reiterated the concerns raised by Mr. Gutta and Dr. Trembush. He distributed a map on the proposed plan to policy board members and noted that the DOH should consider using the right-of-way on the east side of Van Voorhis Rd rather than taking the property on the west side of the road. He noted that DOH's plan will significantly reduce the usability of the buildings owned by Mr. Gutta and Dr. Trembush and potentially cause hundred thousand loss of tax revenue to the city. He noted that it is not fair for DOH to take the property on one side of the street when it has the right-of-way on the other side.

Matt Gutta, a partial owner of the heritage family building, also reiterated the concerns over the Van Voorhis project. He noted that the property owners are not opposing being part of the solution to improve traffic conditions on Van Voorhis Rd. Mr. Gutta noted that there has been a lack of communication between the DOH and property owners on this issue. Beside an initial communication in 2013, the property owners received no notification informing them about opportunities for input on this project or discussion on the issues that might rise. Mr. Gotta noted that the DOH plan will perpetuate the skewed alignment of Van Voorhis Rd at the intersection and causing more safety problems. Mr. Gotta noted that the project will depreciate the value of the building and force owners to sell the property at a serious discount.

Jason Sites, a real estate attorney, noted that the DOH can only take property under eminent domain as is deemed necessary. The fact that DOH has the right-of-way on the other side of the road makes the potential taking unnecessary. Therefore, the DOH cannot legally take the property as outlined in the plan. Mr. Sites also raised his concern over DOH's due diligence in involving property owners during the project development process and providing the public with basic information as required.

Chairman Bloom suggested a motion to discuss this issue in the Other Business section and to move into the Other Business section after the Public Comments section. Mr. Statler moved the motion; seconded by Commissioner Sikora. With no discussion, the motion passed unanimously.

### **3. Other Business**

Mr. Statler asked about the plans proposed by the DOH and asked if the MPO can share the plan with the Policy Board members.

Mr. Austin noted that MPO received the CAD drawing from DOH engineers on this project. MPO staff did an estimated illustration of the plan including an aerial image showing the impact of proposed alignment. The MPO staff shared this graphics with property owners and County Commissioners during a County Commission work session in late August. Mr. Austin noted that he will send the illustration to the Policy Board members.

Mr. Statler asked if DOH has enough right-of-way on the eastside of the street to install an additional lane without removing the BB&T building. Mr. Austin noted that DOH does not have enough right-of-way to do so.

Mr. Kelly asked if the project is federally funded. Mr. Austin noted that the project is a federally funded project.

Mr. Bruffy asked about the approximate cost of the Van Voorhis project. Mr. Austin noted that the approximate cost of the project is \$17 million.

Commissioner Arnett asked about the reason of DOH's division on not using the right-of-way on the eastside of the street. Mr. Austin noted that DOH design engineers indicated that taking the right-of-way on the eastside of Van Voorhis Rd will incur significant increase in cost because of the cost associated with relocation of BB&T building and utilities.

Commissioner Sikora noted that the transportation infrastructure investment is behind the growth in the area. He asked about the reason for improving the Van Voorhis Rd without fixing the Van Voorhis Rd and WV 705 intersection.

Mr. Austin noted that the Van Voorhis project is listed in the Metropolitan Transportation Plan as a project to enhance the corridor capacity for all users and to improve regional connectivity in the area, connecting WV 705 and West Run Rd. The intersection is separated from the project because of the complexity of the intersection in term of design and right-of-way. The proposed additional lane on Van Voorhis Rd improves the operational efficiency for all approaches at the intersection.

Mr. Kawecki asked if a roundabout has been considered at the intersection. Mr. Austin noted that DOH proposed a triangle-about at the intersection in 2013. The design has not been adopted.

Mr. Justice noted that a project of this magnitude took years to develop and that it might be helpful to include city planning staff in the discussion. City planners could help identify long term impact of the project to adjacent properties, including potential non-conforming issues caused by the loss of parking lots. Mr. Justice also noted that the board should obtain more information about the projects before any formal decision is made.

Chairman Bloom asked if the project is one of the Road to Prosperity projects. Mr. Austin noted that it was a Road to Prosperity project, but the funding has transitioned to Federal funding.

Chairman Bloom expressed his concern over the negative impact to business and potential loss of jobs and tax revenue. Chairman Bloom asked about any solution to this problem.

Mr. Austin noted that to proceed the project without taking the property on the westside of the road, the only viable option for the MPO's Policy Board at this point is to increase funding for the right-of-way phase of the project by adopting it as a part of the Metropolitan Transportation Plan update. Mr. Austin noted that the MPO does not have the authority to do roadway design. According to the DOH's environment impact assessment, 10 parking spaces will be lost with an option to reclaim 6 parking space through restriping.

Mr. Carr noted that the DOH engineer staff make every effort to design safe and efficient roadway in a financially responsible manner. It is unfortunate to have right-of-way impact in highway projects.

Mayor Selin note that she would like to see the project moving forward but also the communities' concerns are considered and addressed by the DOH staff.

Mr. Bruffy noted that the Policy Board had similar situation in the past. He noted that the core issue is that the MPO has limited control over a project in its design phrase.

Commissioner Sikora noted that the MPO should adopt a more effective public involvement process, addressing potential issues before they arise.

Chairman Bloom asked if it would be possible for DOH staff to meet the property owners and the planning staff of Morgantown in next several weeks.

Mr. Carr noted that the best course of action is to send a letter to the WV Secretary of Transportation regarding this issue.

Chairman Bloom noted if he will send a letter to the Secretary of transportation requesting a meeting with the project staff. Mr. Carr suggested that MPO representatives meet DOH staff in Charleston to discuss this issue.

## **2. Approval of Minutes**

Chairman Bloom noted that the minutes for the last meeting are included in the agenda packet. Mr. Kelly moved to approve the minutes as presented; seconded by Mr. Justice. With no further discussion, the motion was approved unanimously.

## **4. Committee Report**

### *a. Citizens Advisory Committee*

Mr. Austin noted that Christiaan Abildso, the Chairman of the Citizens Advisory Committee (CAC), was not able to attend the meeting due to a schedule conflict. Mr. Austin noted that the CAC recommended approval of the TIP amendments and TIP policy amendment. Mr. Austin noted that the October CAC meeting was well attended.

### *b. Finance Report*

Mayor Lewis briefed the Board on the financial report as the following:

At the beginning of August, the balance was \$20,136.20. The expenditures were \$24,205.55 with three deposits totaling \$71,029.61, leaving a balance of \$66,960.26 at the end of August.

At the beginning of September, the balance was \$66,960.26. The expenditures were \$69,452.91, with three deposits totaling \$29,658.35, leaving a balance of \$27,165.70 at the end of September.

Mr. Kelly moved to approve the finance report as presented; seconded by Mayor Selin. With no discussion, the motion was unanimously approved.

### *c. Executive Director Report*

Mr. Austin expressed his appreciation to the DOH for timely reimbursement in the past few months.

Mr. Austin noted that the MPO released the draft Transportation Improvement Program for public comments. The TIP updates will be submitted to the Policy Board for adoption in the November meeting.

Mr. Austin noted that MPO staff have completed Granville signal traffic study. Signals are warranted at both locations included in the study. The MPO has passed the information to the City of Granville to further develop this project.

Mr. Austin noted that MPO staff got a request from DOH to work with local communities to develop a mitigation plan to address the impact of losing a community garden due to the Greenbag Rd project. The mitigation plan is required by FHWA in responding to the DOH's the environment impact analysis. Mr. Austin noted that the City of Morgantown has several locations of interest on this matter. MPO staff have been working with city to develop the plan and reaching out the County for input. The plan will be submitted to the DOH for adoption.

Chairman Bloom noted that the impacted community garden is in the county and expressed his concern that the county commissioners were not notified about the mitigation effort until recently. Chairman Bloom noted that the Greenbag Rd has been developing for years and is a high priority project for the MPO. The Policy Board members should be updated with the status of the project in a timely manner.

Mr. Justice asked if the owners of the current community garden are required to run the new community gardens identified by the plan. Mr. Austin noted that there is no such requirement.

Mr. Justice asked where the new gardens can be located and what procedure the MPO should follow. Mr. Austin noted that new gardens can be located anywhere in the urban area. There is no policy guide in place for developing such mitigation plan.

Mr. Justice noted that in the future it would be best to inform the Chair of the Policy Board as the start of the process.

Mr. Austin noted that the MPO did not renew the \$30,000 line of credit, since DOH has been timely processing reimbursement to the MPO.

Mr. Austin noted that the MPO is in the process of updating its Metropolitan Transpiration Plan. The consultants have been coordinating serious of public involvement events and updating the MPO's travel demand model.

Mr. Austin noted that the Jessica Shuey, the shared employee with Monongalia Planning Commission, is no longer able to fulfil the duty of the position for a personal reason. The position has been advertised and the MPO has received two applicants.

Mr. Austin noted he attended AAMPO conference association conference in Arizona. It was a small but successful event.

## **5. TIP Amendment**

Mr. Austin noted that the West Virginia Division of Highway (WVDOH) has requested amendments to the MPO's Transportation Improvement Program (TIP). The amendments include adding the I-79 Bridge Replacement project to FY2022 and the Patteson Dr. RRFB project to FY 2022.

Mayor Selin moved to approve the amendment as presented; seconded by Mr. Kelly. Without discussion, the motion passed unanimously.

Mr. Austin noted that the MPO will make several TIP administrative adjustments, including moving the Caperton Trail Drainage project to 2022, moving Caperton Trail Lighting project to

2023, and moving Greenbag Rd project to FY 24 (right-of-way) and FY 25 (construction). The adjustments require no action from the committee.

## **6. Performance Measures**

Mr. Austin noted that WVDOH requests that the MPO adopt the targets for the State's Highway Safety Performance measures for 2022-2024. The agenda package includes a table outlining statewide targets and the progress that has been made. Mr. Austin noted that the performance measures include targeted fatality/injury rate for both non-motorized and motorized transportation. The package also includes a table showing the status of local performance measures. TTAC and CAC have recommended approval of these goals. A copy of the adoption resolution was also included in the agenda packet. The Resolution most clearly states the goals the WVDOH is asking the Policy Board to adopt.

Mayor Selin moved to adopt the State's targets as presented, seconded by Mr. Justice. With no further discussion, the motion passed unanimously.

## **7. TIP Policy Amendment**

Mr. Austin noted that WVDOH has been using a process called "groupable projects" to administratively combine small projects into groups in order to streamline WVDOH's ability of accomplishing small projects and to program TIP in a timely manner. The MPO's Policy Board has been generally supportive of these efforts, but did not authorize the use "groupable projects" in the MPO's TIP policy, because the WVDOH had not defined the criteria or project types that would be subject to "groupable projects". Mr. Austin noted that given that WVDOH has much more clearly defined the projects that are eligible to be grouped, the MPO staff recommended amending the TIP Policy to incorporate groupable projects in the MPO's TIP.

Mr. Justice moved to adopt the TIP policy amendment as presented; seconded by Mayor Lewis.

Mr. Bruffy expressed his concerns over the policy amendment. He noted that the amendment will deprive the MPO of the opportunities to provide input to certain projects, potentially creating more situations that are challenging for the MPO to deal with.

Mr. Carr noted that in event of disagreement, the WVDOH is open to discussion with the MPO to decide if a project should be groupable. The monetary threshold is only one of the factors in deciding the eligibility for groupable project. Project with lower cost but high regional impact will not be groupable. He noted that the DOH will start a new STIP process soon and the TIP operation procedure will be open to modification. There will be opportunity to improve the policy.

Mr. Kelly asked if the MPO will have opportunity to get back the authority on groupable projects. Mr. Austin noted the MPO can do it by revoking the policy amendment.

Councilperson Kawecky asked if the negotiation of a project's category is subject to DOH staff's discretion or a policy procedure.

Mr. Carr noted that the DOH administration is open for discussion to decide if a project should be an amendment project or a groupable project. The main purpose of the amendment is to avoid

unnecessary administrative delay of projects that are uncontroversial in nature, such as bridge inspection, bridge repair, and highway resurfacing.

Mr. Bruffy agreed and noted that local community can provide valuable input to develop cost-effective ways to improve pedestrian and bicycle infrastructure.

Mayor Selin agreed and noted that it is especially true for restriping and resurfacing projects in the urban area.

Mr. Carr noted that DOH strives to keep projects on schedule and it is unrealistic to involve the local communities for their input on every maintenance projects.

With no further discussion, the motion passed. Mr. Statler and Mr. Bruffy voted against the motion.

## **9. Other Business**

Councilperson Kaweck ask about the reason why the Caperton Trail Lighting project is postponed for two years. Mr. Carr noted that many similar TAP projects have been delayed statewide due to budgeting and designing issue. He does not know the specific reason for this rail trail project and will reach out to the DOH staff for more information.

Mr. Kelly noted that while the urban area is often the focus of discussions, the MPO should be mindful that it represents whole county including the rural areas in the west of the county.

Mr. Justice noted that the one of the driveways at Hardee's was closed near the intersection of WV 7 and Greenbag Rd. Even it is closed, some customers still use that driveway to access Hardee's. He suggested that the DOH consider reopening that driveway to improve accessibility of the business.

Mayor Selin noted that the DOH should consider improving pedestrian safety at that intersection as well.

## **10. Meeting Adjournment**

Meeting adjourned at 8:44 PM