

**REGULAR MEETING, FEBRUARY 19, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 19, 2013 at 7:00 P.M.

**PRESENT:** Interim City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, Bill Byrne, and Linda Herbst.

**APPROVAL OF MINUTES:** The minutes of the Regular and Special Meetings of February 5, 2013, were approved as printed.

**CORRESPONDENCE:** Mayor Manilla presented a \$2,000.00 grant from the WV Redevelopment Office for the Woodburn Reuse Committee: Chris Haddix, Carrie Staton and Patrick Kirby. These monies will be used to encourage community engagement and support revitalization efforts.

Mayor Manilla then requested Council's approval to suspend the rules and move the Public Portion up on the Agenda this evening, to after Unfinished Business. Council concurred by acclamation. This change is reflected below.

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 367 “PARKING DISTRICTS” OF THE CITY OF MORGANTOWN TRAFFIC CODE AS IT PERTAINS TO THE PROMULGATION OF RULES RELATING TO THE ESTABLISHMENT OF PETITION, FEASIBILITY STUDY, AND ADMINISTRATIVE RECOMMENDATION PROCESSES; PARKING PERMIT TYPES; AND, PARKING PERMIT FEES.**

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

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 1512.05 OF ITS FIRE PREVENTION CODE, AS THE SAME APPLIES TO MALICIOUS BURNING.**

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

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE “PUBLIC PORTION” UPON THE CITY COUNCIL MEETING AGENDA.**

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

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 163.03 OF ITS ADMINISTRATIVE CODE AS THE SAME APPLIES TO MEMBERSHIP OF THE URBAN LANDSCAPE COMMISSION.**

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

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 172.02 OF ITS ADMINISTRATIVE CODE AS THE SAME PERTAINS TO QUALIFICATIONS FOR MEMBERSHIP ON THE MORGANTOWN SISTER CITIES COMMISSION.**

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

**PUBLIC HEARING – AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND BJK AVIATION, LLC. LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITES 235 AND 241, ARE BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.**

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

**PUBLIC HEARING – AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND AC EXPRESS, INC., LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 229, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A CHARTER FLIGHT CONCESSION.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ARTICLE 367, “PARKING DISTRICTS”:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 367 “PARKING DISTRICTS” OF THE CITY OF MORGANTOWN TRAFFIC CODE AS IT PERTAINS TO THE PROMULGATION OF RULES RELATING TO THE ESTABLISHMENT OF PETITION, FEASIBILITY STUDY, AND ADMINISTRATIVE RECOMMENDATION PROCESSES; PARKING PERMIT TYPES; AND, PARKING PERMIT FEES.

Motion by Selin second by Herbst to adopt the above entitled Ordinance. After discussion and explanation from the City Attorney motion by Bane, second by Selin to make a minor amendment adding language to section 367.04 to specify that a one day visitor permit may be issued for \$5.00 per 24 hour period. The amendment carried 7-0. The main motion to adopt the above entitled Ordinance as amended carried 7-0.

**AN ORDINANCE AMENDING THE FIRE PREVENTION CODE, MALICIOUS BURNING:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 1512.05 OF ITS FIRE PREVENTION CODE, AS THE SAME APPLIES TO MALICIOUS BURNING.

Motion by Byrne second by Selin to adopt the above entitled Ordinance. After explanation from the City Manager and discussion, motion carried 7-0.

**AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, ORDER OF PROCEDURE FOR COUNCIL MEETINGS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE “PUBLIC PORTION” UPON THE CITY COUNCIL MEETING AGENDA.

Motion by Byrne second by Selin to adopt the above entitled Ordinance. Motion carried 4-3. (Councilors Manilla, Nugent and Bane voted No).

**AN ORDINANCE AMENDING THE ADMINISTRATIVE AMENDING SECTION 172.02 OF THE SISTER CITIES COMMISSION:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 172.02 OF ITS ADMINISTRATIVE CODE AS THE SAME PERTAINS TO QUALIFICATIONS FOR MEMBERSHIP ON THE MORGANTOWN SISTER CITIES COMMISSION.

Motion by Byrne second by Shamberger to adopt the above entitled Ordinance. Motion by Byrne second by Nugent to amend the language from mandatory to permissive with regard to the number of commissioners which are ex-officio from the greater Morgantown area. Motion on the amendment carried 7-0. The main motion to adopt the Ordinance as amended carried 7-0.

**AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, URBAN LANDSCAPE COMMISSION MEMBERSHIP:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 163.03 OF ITS ADMINISTRATIVE CODE AS THE SAME APPLIES TO MEMBERSHIP OF THE URBAN LANDSCAPE COMMISSION.

Motion by Nugent second by Byrne to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A FLIGHT TRAINING CONCESSION:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND BJK AVIATION, LLC. LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITES 235 AND 241, ARE BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

Motion by Byrne second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A CHARTER FLIGHT CONCESSION:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND AC EXPRESS, INC., LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 229, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A CHARTER FLIGHT CONCESSION.

Motion by Byrne second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** By acclamation Council appointed Brandon Waters, Ishika Desal, Ashley Faulkner, Maria Solano, Daniel Pan, Emma Mathers, Kiana Hoyle, Ally Ornick, Mady Duarte, Shruthi Sreekumar and Yamini Anantula to serve one year on the Youth Commission.

**PUBLIC PORTION:**

Tom Shamberger 812 Ridgeway Avenue, spoke in support of the City of Morgantown acquiring the old Woodburn School property for recreational use.

Kerry Lilly, 701 Union Avenue, spoke in support of acquisition of the Woodburn School property as an important asset to the neighborhood.

Cathleen Labus 221 Grand Street, spoke in support of the acquisition of the Woodburn School property, and hoped the property could be preserved.

Chris Haddox, 739 Monongalia Avenue, spoke in support of the acquisition of the Woodburn School property and thanked everyone involved with the reuse planning group. He described an upcoming event to tour the property with stakeholders and investors. He felt it is in the best interest of the community to take control of the situation.

Bill Kawecki, 324 Cobun Avenue, President of Southpark Association of Neighbors, also spoke in support of acquisition of the Woodburn School property, and encouraged Council to commit to the project.

Nancy Ganz, 1276 Colonial Drive, President of Suncrest Neighborhood Association, Commission member of BOPARC, spoke in support of acquisition of the Woodburn School property and encouraged Council to purchase the property for community use, citing many potential uses for the school.

Mayor Manilla recognized Political Science Class 220, Boy Scout Troop 74 and WVU SGA Liaison Randy Jones in attendance.

There being no other appearances, Mayor Manilla declared the public portion closed.

**SPECIAL COMMITTEE REPORTS:** Councilor Byrne announced that Councilors Shamberger and Selin attended the WVU Chinese Student Association New Year Festival and gave remarks there. Councilor Shamberger reported that the evening was enjoyable and encouraged everyone to attend next year. She stated that there are over 300 students here from China and that Xuzhou is our Friendship City. Councilor Selin reported details of the event as well. Councilor Herbst was also in attendance at the event and shared the importance of learning about other cultures, encouraging others to attend these types of festivals.

**NEW BUSINESS:**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE FOR THE COLONEL ZACKQUILL MORGAN STATUE PROJECT.** The above entitled Resolution was presented for approval.

Motion by Bane second by Byrne to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE FOR THE MORGANTOWN MARKETPLACE PROJECT.** The above entitled Resolution was presented for approval.

Motion by Byrne second by Shamberger to approve the above entitled Resolution. Motion carried 7-0.

## **CITY MANAGERS REPORT:**

### **NEW BUSINESS:**

1. Fire Department Grant from the Port of Pittsburgh through the Port Security Program Area Maritime Security Committee.

Mr. Mikorski reported on the acquisition of equipment for the dive team and the City's match to the funds provided. Motion by Bane second by Nugent to approve the Manager's execution of the above agreement. After discussion, motion carried 7-0.

### **INFORMATION:**

1. Presentation of Proposed FY 2013-2014 Budget

Mr. Mikorski presented Council with the Budget and explained proposed projects for the upcoming year; including the completion of streetscapes, Airport improvements, the Sunnyside Up TIF Project, equipment and infrastructure improvements, partnerships with WVU's planned expansion and Town & Gown Advisory Board, among other items. He explained detail of projected revenue and current allocations. Mr. Mikorski suggested an increase in Fire Service Fees to help mitigate the decrease in tax revenue, and asked for Council's consideration on the matter.

Council discussion was then entertained. Councilor Byrne inquired as to any projections of tax revenue for FY 14-15 and FY 15-16. Mr. Mikorski replied that timing of projects is important to accurately assess potential revenue. Further, he explained that the use of one-time monies (B&O taxes) for general operating expenditures has become a problem and must be reconciled by increased efficiency, decreased spending, and including the possibility of increasing Fire Fee monies to supplement the overages that the fire department has been suffering.

Councilor Byrne asked Mr. Mikorski how the City could grow the budget and expand business and economic development. The Manager replied that possibilities include expanding the City's boundaries, downtown development, and analysis of flourishing business districts such as Sabraton.

Councilor Nugent inquired about the development of airport realty and the possibility of increase in revenue there. Mr. Mikorski replied that the completion of the access road project is the key to the development of the airport area. Councilor Nugent then noted the trend of decreased contributions to the Capital Escrow Fund; and the Manager replied that the possibility of funding capital improvements through the projected four million dollar tax revenue can be visited in the near future.

Councilor Bane asked whether the City ever considered sharing our budget with WVU and the Town and Gown Association to ask for a more firm partnership to secure the City's future wellbeing. Councilor Shamberger thanked Mr. Mikorski for his hard work on the presented budget and concurred with Mayor Manilla's suggestion to think outside the box to find financial solutions including the potential for Home Rule. Councilor Herbst echoed thanks for Mr. Mikorski's hard work, and noted that many residents are on a fixed income and asked that it be

kept in mind with the potential for increases in fees. Mayor Manilla suggested a user fee be looked into as well.

Councilor Selin stated that models for University-City relationships are available for comparison. She inquired then, what the proposed budget's impact on paving will be. Mr. Mikorski replied that as the Fiscal year-end draws nearer, due to delays, the paving project budgeted for FY12-13 may be pushed into FY13-14. Sidewalks and traffic calming will fall under a similar situation, based on priority of needs.

Councilor Byrne commented again about the growth of Morgantown and the importance of acquiring the Woodburn School property, as well as the possibility of "pilot" payments, monies paid the city by educational institutions and non-profits in lieu of taxes from which these are exempt. He echoed the importance of expanding municipal boundaries.

Mayor Manilla discussed the function of the Town and Gown Advisory Board and their potential role in assisting the City with these budgetary and other goals. Councilor Bane added that the County Commissioners need to see the City's budget as well. Discussion continued, and Council by consensus agreed to further discuss budgetary issues at the February Committee of the Whole meeting.

## 2. Planning Commission Annual Report

Mr. Mikorski provided the Planning Commission's annual report in accordance with State law. He offered that Director of Development Services Chris Fletcher can answer Council's questions about the report if necessary.

### **REPORT FROM CITY CLERK:**

#### **Appointment of Poll Workers for Municipal Election**

City Clerk, Linda Little presented to Council the list of poll workers and alternate workers for the April 30, 2013 Election. Motion by Bane, second by Byrne, to approve list of poll workers and replacements, that may be necessary up to and including the day of the Election. Motion carried 7-0.

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

### **REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane thanked Mr. Mikorski for his hard work on obtaining grant monies to supplement the City's budget. He pointed out that maintaining and improving the level of service provided by the City is imperative and partnering with community stakeholders can be beneficial as well.

Councilor Nugent:

Councilor Nugent made several announcements including the upcoming meeting of the Wiles Hill-Highland Park Neighborhood Association meeting; an upcoming free webinar open to the public to discuss wayfinding, planning and implementation for visitors to the community; the Small Farm Conference; the Winter Blues

Farmer's Market and related events; and a Concert at the Met Theatre.

Councilor Selin: Councilor Selin gave appreciation for the upcoming wayfinding webinar and noted that the Urban Landscape Commission will be in attendance along with a group of students from WVU. She thanked local artists who put sweaters around tree trunks downtown. She reported that visitors to Morgantown need broader access to lists of businesses for use during their stay.

Councilor Shamberger: Councilor Shamberger thanked the WV Redevelopment Collaborative for their contribution to the Woodburn Reuse Committee. She announced the related charrettes and tour of the Woodburn site. She invited the public to the upcoming Empty Bowls charity event.

Councilor Byrne: Councilor Byrne also expressed thanks for the contribution made to the Woodburn Reuse Committee, and noted that a commitment is needed in order to acquire the property. He urged Council to support the purchase of the Woodburn School and offer a commitment to the Board of Education. Mr. Mikorski noted that the contribution referred to will be used for the charrettes and tours. Councilor Byrne then thanked Allied Waste for their help in assisting with recycling totes.

Councilor Herbst: Councilor Herbst added that Tom Arnold has also been helpful in dealing with Allied Waste. She echoed the announcement of the Empty Bowls event, and then commended the group effort for planning a potential use for the Woodburn School property.

Mayor Manilla: Mayor Manilla reported that he and other Council Members, the City Clerk, Attorney and Manager attended the Municipal League Conference in Charleston where extension of the Home Rule Pilot Program was heavily discussed with members of the Legislature. Lastly he noted that there are \$260 million dollars' worth of projects yet to come for the City.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:56 p.m.

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City Clerk

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Mayor

\*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.