



Office of the City Clerk

The City of Morgantown

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**AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
MARCH 4, 2014
7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE TO THE FLAG**
4. **APPROVAL OF MINUTES: Regular Meeting – February 18, 2014**
5. **CORRESPONDENCE:**
6. **UNFINISHED BUSINESS:**
 - A. **BOARDS AND COMMISSIONS**
7. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION**
8. **SPECIAL COMMITTEE REPORTS**
9. **NEW BUSINESS:**
 - A. Consideration of **APPROVAL** of **FIRST READING** of **AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2014-2015.**
 - B. Consideration of **APPROVAL** of **A RESOLUTION SUBMITTING A LETTER OF INTENT TO THE NATIONAL SAFETY COUNCIL TO BECOME A US DESIGNATED SAFE COMMUNITY AND ENDORSING THE CITY'S PARTICIPATION IN THE SAFE COMMUNITY COLLABORATIVE EFFORT.**

10. CITY MANAGER'S REPORT:

INFORMATION:

- 1. Update on HB4208**
- 2. POW / MIA Flag at Public Meetings**

NEW BUSINESS:

- 1. License Agreement Transfer**
- 2. Arts Monongahela Request for Grant Matching Funds**

11. REPORT FROM CITY CLERK

12. REPORT FROM CITY ATTORNEY

13. REPORT FROM COUNCIL MEMBERS

14. ADJOURNMENT

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

REGULAR MEETING, FEBRUARY 18, 2014:The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 4, 2014 at 7:00P.M.

PRESENT:City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jenny Selin and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES:The Regular and Special meetings minutes of the February 4, 2014 meeting were approved as presented.

CORRESPONDENCE:Jamie Summerlin of the Wounded Warriors Project spoke in support of Operation Welcome Home. Mayor Selin then welcomed Dr. Burch and Political Science Class 220 to the meeting.

BOARDS AND COMMISSIONS: By acclamation of Council, Julia Durham was appointed to fill the fifth ward vacancy on the Traffic Commission.

PUBLIC PORTION:

Will England of Post 9916 Veterans of Foreign War spoke to City Council seeking approval to fly the POW and MIA flags on City Government property. Mr. England said that Star City, Granville, Westover, and the Mon. County Sheriff's Office have already agreed to do so. He told council that there are 2 servicemen from Morgantown still MIA. Mayor Selin asked Mr. England how the City could acquire the flags and Mr. England replied that the average cost would be approximately \$35.00.

SPECIAL COMMITTEE REPORTS: Councilor Shamberger announced the next meeting of the Woodburn School Redevelopment Commission.

NEW BUSINESS:

A RESOLUTION TO APPLY FOR AND ADMINISTER A COMMUNITY PARTICIPATION PROGRAM GRANT, FUNDS FOR USE FOR THE METROPOLITAN THEATRE. The above entitled Resolution was presented for approval.

After explanation from the City Manager, motion by Shamberger, second by Ganz to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION TO APPLY FOR AND ADMINISTER A COMMUNITY PARTICIPATION PROGRAM GRANT, FUNDS FOR USE FOR THE WOUNDED WARRIORS – OPERATION WELCOME HOME.The above entitled Resolution was presented for approval.

Motion by Bane, second by Nugent to approve the above entitled Ordinance. Motion carried 7-0

A RESOLUTION TO APPLY FOR AND ADMINISTER A COMMUNITY PARTICIPATION PROGRAM GRANT, FUNDS FOR USE FOR THE EMPTY BOWLS MONONGALIA THROUGH YOUR COMMUNITY FOUNDATION.The above entitled Resolution was presented for approval.

Motion by Shamberger, second by Ganz to approve the above entitled Resolution. After discussion, motion carried 7-0.

CITY MANAGERS REPORT:

INFORMATION:

1. Update on the Col. Zackquill Morgan Statue

Mr. Mikorski reported to Council the status of the statue project and related landscaping details that will occur in front of the Public Safety Building.

2. Proposed Budget Introduction

Mr. Mikorski gave a brief explanation of the budget documents and received questions and comments from Council members. Mr. Mikorski noted that there will be further discussion at the upcoming Committee of the Whole meeting.

The rules were suspended; and Mayor Selin asked Randy Jones of the WVU SGA to provide an update to council.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane thanked Mr. England for coming out to speak about flying POW flag and hopes council members will support the request. Councilor Bane voiced concerns about the budget, but praised what had been presented. He also spoke about the West Virginia Municipal League Conference, noting he and Councilor Nugent met with delegates to learn about Senate Bill 600. They in turn gained knowledge on dilapidated houses.

Councilor Kawecki:

Councilor Kawecki spoke about the POW flag request and agreed that it should be discussed at the Committee of the Whole meeting. Councilor Kawecki said that the West Virginia Municipal League Conference was encouraging and informative. He discussed Bill 600 and House Bill 4303 which contains information on bath salts.

Councilor Nugent:

Councilor Nugent announced the upcoming Wiles Hill–Highland Park neighborhood association meeting. He then encouraged the City Manager with the assistance of the City Clerk to ensure that the Boards and Commissions minutes are being turned in and also posted on the web on a more consistent basis. Councilor Nugent also encouraged the City Manager with the assistance of Public Works to make contact with the State with regards to cold patching roads as potholes are becoming numerous. He also encouraged the citizens of Morgantown to help the City identify potholes as well.

Councilor Shamberger:

Councilor Shamberger spoke about the West Virginia Municipal League conference. She also noted that Morgantown was listed as one of the top ten cities to retire to, with affordable healthcare.

Councilor Fike: Councilor Fike enjoyed the West Virginia Municipal League conference and came back to Morgantown with a fresh perspective. Councilor Fike expressed how happy he is with the city of Morgantown and that he is glad to be a Morgantonian.

Councilor Ganz: Councilor Ganz complimented City employees for snow removal efforts and also reminded residential and commercial owners to keep their sidewalks cleared, and to help when a neighbor is in need. She suggested that the City should be reimbursed for State roads that are being cleared by City plows. Councilor Ganz thanked the City Manager and staff for the community grants, although she noted she would like to start seeing a revenue stream and/or reimbursements as the City is constantly augmenting stretching out services to the County and State. Councilor Ganz enjoyed E-day and was happy to see that Morgantonians were educating the legislature about the environment. Lastly, she announced the upcoming Suncrest Housing Association meeting.

Mayor Selin: Mayor Selin emphasized and was impressed with all the leadership that came from Morgantown which was part of the West Virginia Municipal League Conference. Council members then discussed the Roberts Rules of Order presentation; briefly discussed the Safe Communities initiative. There was also discussion about items for the upcoming Committee of the Whole meeting.

EXECUTIVE SESSION: Motion by Nugent, second by Bane, carried by unanimous consent, Council moved into Executive Session, pursuant to West Virginia Code Section 6-9A-4(2)(9) as it pertains to the sale, purchase or lease of realty. Time 8:21pm

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:52pm.

City Clerk

Mayor

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



Office of the City Manager

The City of Morgantown

City Manager
Jeff Mikorski, ICMA-CM
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MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

City Manager's Report for City Council March 4, 2014

Information:

1. Update on HB4208

As Council is aware, City Administration has been tracking the bill HB 4208 which would make illegal synthetic drugs that are not included in the controlled substance schedule. The bill, sponsored by Delegates Fleischauer, Barill, Marshall, Barker, Purdue, Kinsey, Ellem, Pasdon, Hunt, Marcum, and Border was passed by the WV House of Representative on February 12, 2014. It was introduced to WV Senate on February 13, 2014 and is being reviewed by the Senate Health and Human Resources Committee, then the WV Senate Judiciary Committee.

2. POW / MIA Flag at Public Meetings

Based on City Council's request to fly the POW / MIA flags at City of Morgantown buildings (during the February 25, 2014 Committee of the Whole meeting), City Administration will move forward with the procurement of the flags and the installation of the flags on existing flag poles at all City of Morgantown facilities.

New Business:

1. License Agreement Transfer

City of Morgantown has been requested to transfer a license agreement allowing vehicular ingress and egress into the Rail-Trail right-of-way to provide access to a public parking facility. With City Council's approval, the City Manager can execute the necessary license agreement documents.

2. Arts Monongahela Request for Grant Matching Funds

Arts Monongahela is seeking \$3,000.00 in funding from West Virginia Division of Culture and History Commission on the Arts, Community Arts Project Grant. This arts project is a re-granting program to support local arts organizations and individual artists. The grant requires matching funds of \$3,000.00 and would allow Arts Monongahela to re-grant a total of \$6,000.00 locally. If approved by City Council, funds from the FY 2014 Capital Escrow contingency line.

Jeff Mikorski ICMA-CM,
Morgantown City Manager

Bill Status - 2014 Regular Session

House Bill 4208

Legislative Session: 2014(RS)

LAST ACTION: [S To Health and Human Resources 02/13/14](#)

SUMMARY: Banning synthetic hallucinogens

LEAD SPONSOR: [Fleischauer](#)

SPONSORS: [Barill](#), [Marshall](#), [Barker](#), [Perdue](#), [Kinsey](#), [Ellem](#), [Pasdon](#), [Hunt](#), [Marcum](#), [Border](#)

BILL TEXT:
[Bill Definitions](#)

BILL DRAFTING BILLS

[Committee Substitute - html | wpd](#)
[Engrossed Version - html | wpd](#)
[Introduced Version - html | wpd](#)

CODE AFFECTED:

[§60 A- 2 - 208 \(Amended Code\)](#)
[§60 A- 1 - 101 \(Amended Code\)](#)
[§60 A- 2 - 212 \(Amended Code\)](#)
[§60 A- 2 - 210 \(Amended Code\)](#)
[§60 A- 2 - 206 \(Amended Code\)](#)
[§60 A- 2 - 204 \(Amended Code\)](#)

FLOOR AMENDMENTS:
[Floor Amend. Definitions](#)

[HB4208 HFA ManchIn 2-11 adopted.htm](#)
[HB4208 HFA ManchIn 2-11.htm](#)
[HB4208 HFAT MANCHIN 2-11 adopted.htm](#)
[HB4208 HFAT MANCHIN 2-11.htm](#)

COM. AMENDMENTS:
[Com. Amend. Definitions](#)

[HB4208 HH HR AM 1-22.htm](#)
[HB4208 HH HR AMT 1-22.htm](#)

SUBJECT(S): [Drugs and Drug Paraphernalia](#)
[Prescriptions and Medications](#)

ACTIONS:

	Description	Date	Journal Page
S	To Health and Human Resources	02/13/14	2
S	To Health and Human Resources then Judiciary	02/13/14	2
S	Introduced in Senate	02/13/14	2
S	House Message received	02/13/14	2
H	Communicated to Senate	02/12/14	593
H	Title amendment adopted (Voice vote)	02/12/14	592
H	Passed House (Roll No. 58)	02/12/14	592
H	Read 3rd time	02/12/14	592
H	On 3rd reading, Daily Calendar	02/12/14	
H	Amendment adopted (Voice vote)	02/11/14	561
H	Read 2nd time	02/11/14	561
H	On 2nd reading, Daily Calendar	02/11/14	
H	Read 1st time	02/10/14	532

H	Read 1st time	02/10/14	552
H	On 1st reading, Daily Calendar	02/10/14	
H	By substitute, do pass	02/07/14	496
H	To House Judiciary	01/23/14	253
H	With amendment, do pass, but first to Judiciary	01/23/14	252
H	To House Health and Human Resources	01/17/14	184
H	Introduced in House	01/17/14	184
H	To Health and Human Resources then Judiciary	01/17/14	
H	Filed for introduction	01/17/14	

QUERIES 0 ms** **CFDIRS 16/ms** **OUTPUT 1279 ms** **TABLE 0 ms** **ALL 1295 ms**

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POW/MIA FLAGS AND BRACELETS

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POW/MIA Flags and Bracelets



History of the POW/MIA Flag

In 1970, Mrs. Michael Hoff, an MIA wife and member of the National League of Families, recognized the need for a symbol of our POW/MIAs. Prompted by an article in the Jacksonville, Florida, Times-Union, Mrs. Hoff contacted Norman Rivkees, Vice President of Annin & Company, which had made a banner for the newest member of the United Nations, the People's Republic of China (PRC), as part of their policy to manufacture flags for all United Nations member states.

Mrs. Hoff found Mr. Rivkees very sympathetic to the POW/MIA issue, and he and an Annin advertising agency employee, Newt Heisley, designed a flag to represent our missing men. Following League approval, the flags were manufactured for distribution. Wanting the widest possible dissemination and use of the symbol to advocate improved treatment for and answers on American POW/MIAs, no trade mark or copyright was sought. The widespread use of the League's POW/MIA flag is not restricted legally, nor do profits from its commercial sale benefit the League.

On March 9, 1989, an official League flag that flew over the White House on National POW/MIA Recognition Day 1988 was installed in the U.S. Capitol Rotunda as a result of legislation passed overwhelmingly during the 100th Congress. In a demonstration of bipartisan Congressional support, the leadership of both Houses hosted the installation ceremony.

The League's POW/MIA flag is the only flag ever displayed in the U.S. Capitol Rotunda where it stands as a powerful symbol of America's determination to account for US personnel still missing and unaccounted for from the Vietnam War.

On August 10, 1990, the 101st Congress passed U.S. Public Law 101-355, which recognized the League's POW/MIA flag and designated it "as the symbol of our Nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing and unaccounted for in Southeast Asia, thus ending the uncertainty for their families and the Nation".

The importance of the League's POW/MIA flag lies in its continued visibility, a constant reminder of the plight of America's POW/MIAs from all wars, including those now ongoing.

Other than "Old Glory", the League's POW/MIA flag is the only flag ever to fly over the White House, having been displayed in this place of honor on National POW/MIA Recognition Days since 1982.

Passage by the 105th Congress of Section 1082 of the 1998 Defense Authorization Act required that the League's POW/MIA flag fly six days each year: Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day and Veterans Day. It must be displayed at the White House, the U.S. Capitol, the Departments of State, Defense and Veterans Affairs, the headquarters of the Selective Service System, major military installations as designated by the Secretary of the Defense, all

Federal cemeteries and all offices of the U.S. Postal Service. In addition to the specific dates stipulated, the Department of Veterans Affairs voluntarily displays our POW/MIA flag 24/7. The National Vietnam Veterans Memorial, Korean War Veterans Memorial and World War II Memorial are now also required by law to display the POW/MIA flag daily, and most State Capitols have adopted similar laws, as have local governments nationwide.

POW/MIA Flags and Bracelets

[History of the POW/MIA Bracelets](#)
[Ordering POW/MIA Bracelets](#)
[Ordering POW/MIA Flags](#)

Zimbra

jmikorski@cityofmorgantown.org

Arts Mon matching grant request

From : ctsims@comcast.net

Wed, Feb 19, 2014 03:03 PM

Subject : Arts Mon matching grant request**To :** jmikorski@cityofmorgantown.org, citycouncilward4@cityofmorgantown.org**Cc :** Jeannie Kuhn <executive@artsmon.org>

Jeff,

Thank you for taking time yesterday to meet with Jeannie Kuhn and me.

Pursuant to our conversation, Arts Monongahela is seeking \$3,000.00 in funding from West Virginia Division of Culture and History Commission on the Arts, Community Arts Project Grant. This arts project is a re-granting program to support local arts organizations and individual artists. The grant requires matching funds of \$3,000.00 and would allow Arts Monongahela to re-grant a total of \$6,000.00 locally. Arts Monongahela is a conduit for the funds and therefore would not be a recipient of the proceeds from the grant or matching funds.

The commission is scheduled to meet for approval on June 12, 2014. Arts Monongahela would need to provide verification of our source of matching funds in its grant request due March 1, 2014. If you are in agreement to provide the requested funding, please forward your approval letter to Jeannie Kuhn, Executive Director, Arts Monongahela by February 25, 2014.

Arts Monongahela respectfully requests the matching funds be granted in addition to the City's annual funding for the Arts.

Thank you,

Charles Sims
President
Arts Monongahela Board of Directors

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

SISTERS CITY COMMISSION:

Claudia Gulley has resigned. City Clerk will advertise for candidates for 30 days.

***POLICE & FIRE CIVIL SERVICE COMMISSIONS: NEW PRESIDENTS APPOINTED IN JANUARY.**

****Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.***

****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.***

Boards and Commission interview structure will be reviewed at a Committee of the Whole. 2/25/14

City of Morgantown

Finance Department

389 Spruce Street

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Phone (304) 284-7407/Fax 7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: 2/26/2014

TO: Jeff Mikorski, ICMA-CM
City Manager

FROM: Joseph R. Sabatelli, CPA 
Finance Director

RE: Budget Ordinance

Please find attached the ordinance adopting the annual budget of the General Fund and Coal Severance Fund of the City of Morgantown for the fiscal year ending June 30, 2015. It should be noted that the property values have not been received from the Monongalia County Assessor's Office as the required due date is March 3rd and receipt of these values will affect the Property Tax budget line for the coming fiscal year.

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF
MORGANTOWN FOR THE FISCAL YEAR 2014-2015**

The Common Council of the City of Morgantown, West Virginia hereby ordains:

SECTION I:

That the following budget be and the same is hereby adopted for the City of Morgantown for the FY 2014-2015.

General Fund Revenues

Balance as of July 1, 2014	\$ 360,000
Taxes	20,124,109
Licenses and Permits	313,000
Intergovernmental	281,301
Charges for Services	2,649,100
Interfund Charges	75,170
Fines and Forfeiture	613,000
Other Financial Sources	132,284
Miscellaneous	<u>393,365</u>
<u>Total General Fund Revenues</u>	\$ 24,941,329

Coal Severance Fund Revenues

Balance as of July 1, 2014	\$ 14,714
Coal Severance	110,000
Miscellaneous	<u>200</u>
<u>Total Coal Severance Fund Revenues</u>	\$ 124,914

TOTAL REVENUES - GENERAL & COAL SEVERANCE \$ 25,066,243

General Fund/Department Expenditures

Mayor and City Council	\$ 65,734
City Manager	507,605
Finance	790,814
City Clerk	158,070
Municipal Court	257,494
City Attorney	282,689
Engineering	489,357
Personnel	44,648
Code Enforcement	958,366
Planning and Zoning	194,929
Elections	19,000
Information Technology	167,990
City Hall & Buildings	513,346
Police	6,630,520
Fire	4,419,508
Animal Control	39,393
Street	2,410,416
Signs & Signals	625,462
Equipment Maintenance	766,847
Urban Landscape	150,855
Contributions	452,245
Operating Transfers Out	<u>4,996,041</u>
<u>Total General Fund Expenditures</u>	\$ 24,941,329

Coal Severance Fund Expenditures

Contributions to Other Funds	\$ 120,000
Contingencies	<u>4,914</u>
<u>Total Coal Severance Fund Expenditures</u>	\$ 124,914

TOTAL EXPENDITURES FOR
GENERAL & COAL SEVERANCE FUNDS

\$ 25,066,243

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

Proposal for a Collaborative Approach to Becoming a Safe Community

WHEREAS, the City of Morgantown agrees to collaborate with West Virginia University in submitting a letter of intent to the National Safety Council to become a US designated Safe Community;

WHEREAS, each entity (City of Morgantown and WVU) agree to split the \$1,200 cost of application and agrees to work in a collaborative spirit, along with the support of the National Safety Council, toward preventing needless deaths and disabling injuries.

WHEREAS, each entity makes an investment of time, resources and a commitment to long-term and sustainable safety goals to ensure Greater Morgantown is a safe place for its citizens to work, raise a family, enjoy recreational areas and invite visitors. Communities seeking national designation must meet the four areas of competency, established by the National Safety Council:

1. Sustained collaboration
2. Understanding of their community data
3. Offering of programs that address the intentional and unintentional injury patterns in their community (including but not limited to: Motor vehicle, including distracted and teen driving, child passenger restraint; Older adult falls prevention; Poisoning by drug overdose and other agents; Workplace safety on and off the job; Violence and suicide prevention; Emergency preparedness)

WHEREAS, each entity encourages and supports appropriate members of its organization to participate on the Greater Morgantown Safe Community Committee or collaborate with community members on data collection, programmatic offerings and evaluation efforts.

NOW, THEREFORE, BE IT RESOLVED, the Morgantown City Council endorses the Safe Community Collaborative effort.

MAYOR

CITY CLERK