

REGULAR MEETING, MARCH 5, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, March 5, 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 Meeting of February 19th, 2013, were approved as printed.

CORRESPONDENCE: Mayor Manilla presented a Retirement proclamation to Eric Smith for his 33 years of service to the City with the Morgantown Fleet Maintenance Department.

PUBLIC HEARING – AN ORDINANCE PROVIDING FOR THE ELIMINATION OF THE “ISOD, INTERSTATE SIGN OVERLAY DISTRICT” FROM THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN SO THAT THE BOUNDARIES OF SAME MAY BE DEFINED AND DESIGNATED BY DESCRIPTION IN ARTICLE 1359 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 WAS FULLY SET FORTH HEREIN.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO “BILLBOARD SIGN” AND “POLE SIGN”.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1359 “ISOD, INTERSTATE SIGN OVERLAY DISTRICT” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE.

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

PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1369.06.01 “PERMITTED SIGNS” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

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

PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1369.09.01 “FREESTANDING SIGN HEIGHT LIMITS” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1369.10 “PROHIBITED SIGNS AND DEVICES” OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

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

UNFINISHED BUSINESS:

AN ORDINANCE ELIMINATING THE INTERSTATE SIGN OVERLAY DISTRICT FROM THE OFFICIAL ZONING MAP: The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ELIMINATION OF THE "ISOD, INTERSTATE SIGN OVERLAY DISTRICT" FROM THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN SO THAT THE BOUNDARIES OF SAME MAY BE DEFINED AND DESIGNATED BY DESCRIPTION IN ARTICLE 1359 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 WAS FULLY SET FORTH HEREIN.

After the explanation from the City Manager, motion by Bane second by Nugent to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS": The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1329.02 "DEFINITIONS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO "BILLBOARD SIGN" AND "POLE SIGN".

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

AN ORDINANCE AMENDING ARTICLE 1359, INTERSTATE SIGN OVERLAY DISTRICT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1359 "ISOD, INTERSTATE SIGN OVERLAY DISTRICT" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE.

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

AN ORDINANCE AMENDING TABLE 1369.06.01, "PERMITTED SIGNS": The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1369.06.01 "PERMITTED SIGNS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

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

AN ORDINANCE AMENDING TABLE 1369.09.01, "FREESTANDING SIGNS HEIGHT LIMITS": The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1369.09.01 "FREESTANDING SIGN HEIGHT LIMITS" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

Motion by Bane second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1369.10 "PROHIBITED SIGNS AND DEVICES":

The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1369.10 "PROHIBITED SIGNS AND DEVICES" OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT PERTAINS TO BILLBOARD SIGNS.

Motion by Bane second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

PUBLIC PORTION:

Mark Furfari, 1435 Roosevelt Street, spoke in favor of acquisition of the Woodburn School property.

Guy Panrell, South Hills Drive, spoke against the acquisition of the Woodburn School property, stating it is not prudent to make the purchase when there are other financial priorities for the City. He urged Council to seek private funding for the project.

Linda Haggerty, 310 Allison Street, spoke in favor of acquisition of the Woodburn School property, as a great public resource for the community.

Raynard Glymph, Owner, Ray's Morgantown Tacos, stated that the City should support late night vendors and work with them to encourage small businesses to succeed.

Co-Owner, Ray's Morgantown Tacos, stated that the vendors are in a congested situation on the streets of downtown and gave Council numerous suggestions for the betterment of the food vendor situation, including a separate fee and a cordoned off area for vendors only.

Denis Manning, Co-owner of the Pita-Pit, spoke against late night street vendors and feels that it is an impediment to established businesses. Additionally, he reported that the taco vendor does business in a handicapped space on the street, and feels this should not be allowed.

Mike Shuman, 705 Wiley Street, reported that there were many food vendors in the downtown area and suggested a limit on how many vendors can be present. He also suggested a special permit for the vendors and that they get permission from property owners before setting up outside of established businesses.

Jay Hebb, 344 Hite Street, contested the allegations that the Taco vendor parks in a handicapped space. He urged the City and street vendors to sit down together in order to make the late night food vending workable for all.

Mr. Hiker, Woodburn Resident, spoke in favor of the acquisition of the Woodburn School, urging Council to take advantage of the opportunity.

Aaron Sutch, South Park Resident, spoke in favor of acquisition of the Woodburn School property as an asset to the community.

Bill Kaweck, 324 Cobun Ave, spoke in favor of acquisition of the Woodburn School property, stating it is a great opportunity to make Morgantown a better place.

Joseph Scotty, spoke in favor of acquisition of the Woodburn School property as betterment to the community.

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

SPECIAL COMMITTEE REPORTS: The Traffic Commission requested that the City Manager allow a feasibility study be done , which would require the State turn over control of some of parts of Rt.7 to the City. Council requested the matter be looked into further at a future Committee of the Whole meeting.

Chris Haddox gave a report from recent Woodburn Reuse Committee Public Forums; After discussion with Council Members, Council voted by acclamation, directing the City Manager to write a letter of intent to the Monongalia County Board of Education about the possibility of the Woodburn property acquisition.

NEW BUSINESS:

AN ORDINANCE AMENDING THE GENERAL OFFENSES CODE, LITTER ARTICLE:
The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTIONS 523.01, 523.03 AND 523.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.

After City Manager's explanation, motion by Bane second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ANNULLING ALLEY D IN THE FOURTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 15' WIDE RIGHT-OF-WAY KNOWN AS ALLEY D, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY FOUR HUNDRED AND NINETY THREE FEET FROM HOUSTON DRIVE TO THIRD STREET, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Bane second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY12-13 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

Motion by Bane second by Nugent to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ADOPTING THE FY13-14 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2013-2014.

After explanation by City Manager, motion by Nugent second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

A RESOLUTION AUTHORIZING CERTAIN FINANCIAL AGENTS OF THE CITY OF MORGANTOWN FOR THE TRANSACTING OF FUNDS: The above entitled Resolution was presented for approval.

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

Then by acclamation of Council the rules were suspended to allow a brief comment from Randy Jones, WVU SGA Liaison:

Randy Jones introduced to Council Ray Campione the newly elected President of the WVU Student Government Association. Mr. Campione thanked Council and stated he is looking forward to working together in the future.

CITY MANAGERS REPORT:

NEW BUSINESS:

1. Fiscal Year 2012 Annual Report of Police and Fire Pension Funds

After explanation from the Manager and discussion, motion by Byrne second by Bane to approve the Police and Fire Pension Fund 2012 Report. Motion carried 7-0.

2. West Run Watershed Passive Treatment Installation for Airport Property

After explanation from the Manager, motion by Byrne second by Nugent to approve the installation of the Watershed Treatment. Motion carried 7-0.

3. Fiscal Year 2012-2013 Capital Escrow Budget Revision

After explanation from the Manager, motion by Bane second by Byrne to approve the Capital Escrow Budget Revision. Motion carried 7-0.

INFORMATION:

1. State Auditor's Office Purchase Card (P-Card)

Mr. Mikorski explained the process for use of the P-Cards and would make further updates when more information is available.

2. Amusement Tax Amnesty Program

Mr. Mikorski explained the amnesty program to Council and will report back in six months with the results.

REPORT FROM CITY CLERK: No Report.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS :(Roll Reverse)

- Councilor Herbst: Councilor Herbst thanked the public for their input on the Woodburn reuse project and appreciates the hard work being put into the property. She hoped that private funding can be secured for acquisition of the school.
- Councilor Byrne: Councilor Byrne expressed gratitude that Council will take steps towards the commitment of purchasing the school. He urged that vendors and business owners in the downtown area compromise for the benefit of all businesses in the area.
- Councilor Shamberger: Councilor Shamberger thanked the food vendors who spoke in the Public Portion, and thanked Council for agreeing to move forward in the decision making process with Woodburn School. She then suggested that Main Street Morgantown become involved with mediating between businesses and vendors. She announced she attended a women's basketball game, and reminded citizens to visit the city's website to sign up for the Urban Deer Hunt.
- Councilor Selin: Councilor Selin asked the City Manager to invite local Girl Scouts to an upcoming Council meeting; the troop is working on their Safety Badge. She announced the upcoming Evansdale Neighborhood Association meeting, and thanked everyone who spoke on behalf of the Woodburn property. She then presented Councilor Shamberger with a signed WVU Women's basketball.
- Councilor Nugent: Councilor Nugent commented that our Police Department is doing a fine job in the downtown area with safety and it is a non-issue. He also reminded and invited everyone to the upcoming ITGA seminars in Council Chambers on March 3rd, and March 13th from 12-1pm.
- Councilor Bane: Councilor Bane expressed concerns for the Election, because individuals have been making statements insinuating that there is lawlessness downtown and that Morgantown Police Officers do not do their jobs. He stated that he has full faith in the City Manager and commended him for doing an excellent job, and recently bringing in additional grant funds for the City.
- Mayor Manilla: Mayor Manilla announced the upcoming Town and Gown Advisory Board meeting; he noted Ron Justice and Terry Cutright will also be involved in the endeavors. The initial meeting will nail down important details and organize the group in order to move forward with goals and objectives. He noted that Main Street

Morgantown has asked the City for money on two occasions in the past to help implement their strategic downtown plan, and the City has not been able to accommodate them. He also mentioned that the statistics for incidents downtown have improved since Chief Preston came into office. He stated that it is a serious problem when we cannot fund these and other crucial programs.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:10 p.m.

City Clerk

Mayor

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