

**REGULAR MEETING APRIL 1, 2014:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 1, 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 Kaweck, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

The Meeting was called to order by Mayor Selin.

**APPROVAL OF MINUTES:** The minutes of the March 18, 2014 Regular Meeting were approved as presented.

**CORRESPONDENCE:** Bret Nichols, Director of the MHS Show Choir, performed two songs. Mayor Selin then presented a proclamation declaring April 1, 2014 as "National Service Day" and also declaring the month of April "Fair Housing Month". Councilor Bane announced concerns about the proposed Mon River Power Plant along the rail trail. Councilor Bane was opposed to this project and highly recommended that Council have further discussion and also requested the City Manager write a letter.

**PUBLIC HEARING:** There being no appearances, Mayor Selin declared the public hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE ADOPTING A LEASE AGREEMENT:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND HELICOPTER ANALYTICS, INC. (LESSEE) AS IT PERTAINS TO OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

**AN ORDINANCE ADOPTING A LEASE AGREEMENT:** The below entitled Ordinance was presented for second reading:

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

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

**BOARDS AND COMMISSIONS:** Ron Eck was reappointed by acclamation to the ICC Board of Appeals.

**PUBLIC PORTION:**

Dave Biafora, 6200 Mid Atlantic Drive, has concerns that the City is being mismanaged. Mr. Biafora has concerns about the proposed building going up in place of the V.F.W on the corner of High Street and Willey Street. He stated the Planning Department is making a poor decision. Mr. Biafora also stated that he and colleagues had a meeting with Administration two weeks ago and has not yet received

stated that he and colleagues had a meeting with Administration two weeks ago and has not yet received any feedback from the meeting and would like to receive more respect as a developer in regards to receiving answers in a timely fashion.

Richard Dumas, 444 Overhill St., stated that he does not oppose to the Arts Mon as an organization as they have a place in our community. Mr. Dumas believes that these agencies struggle to meet day to day operations. He urges the City to take the lead in this process and not pass their responsibility as our governing body onto any outside agency that is ill equipped for the task at hand. Mr. Dumas stated that before one would make a decision to "team" up with any nonprofit there should be a review on the organization's performance related to their mission.

James Giuliani, 256 Praire Avenue, expressed his disappointment with City Council and Administration on the lack of planning with new construction and development going on in The City of Morgantown.

Peter Cameon, 4010 Shady Brook Road, stated that he is not in opposition of the Cheat Lake rate increase but more concerned about the success in eagerness to start the project and not going through the proper review process. Mr. Cameon urged Council that MUB should apply Morgantown Development Standards to outlying areas.

**SPECIAL COMMITTEE REPORTS:** Councilor Ganz wanted to thank the Tree Board for the trimming of trees and planting that they have done thus far around town. Councilor Ganz also discussed BOPARC's Five Year Master Plan. Councilor Kawecki noted that Council is aware of meetings held about ricer bank power plant and announced the upcoming Traffic Commission 6:30 meeting to be held in Council Chambers April 2, 2014.

**NEW BUSINESS:**

**AN ORDINANCE GRANTING AN EASEMENT FOR COMMUNICATION LINES TO BE INSTALLED AT THE AIRPORT:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN IN WHICH THE CITY, AS GRANTOR, IS GRANTING AN EASEMENT TO FRONTIER COMMUNICATIONS, GRANTEE, THROUGH THE CITY OF MORGANTOWN REALTY AT THE MORGANTOWN AIRPORT, FOR THE PURPOSE OF INSTALLING COMMUNICATION LINES TO THE NATIONAL GUARD READINESS CENTER.

Motion by Bane, second by Kawecki to pass the above entitled Ordinance to second reading. After explanation by the City Manager and discussion, motion carried 7-0.

**AN ORDINANCE FOR WATERWORKS SYSTEM RATES:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE SETTING FORTH THE RATES, FEES, AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN.

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

AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO THE CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

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

**AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE:**The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO THE TO THE DISCHARGE OF DETRIMENTAL WASTES INTO SEWER.

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

**A RESOLUTION STATING THE REASONABLE EXPECTATION OF THE CITY COUNCIL OF THE CITY OF MORGANTOWN UTILITY BOARD FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION AND CONSTRUCTION OF COMBINED UTILITY SYSTEM FACILITIES AND IMPROVEMENTS MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS OR OTHER OBLIGATIONS:**The above entitled Resolution was presented for approval.

Motion by Bane, second by Kawecki to approve above entitled Resolution. After explanation from the City Manager and discussion, motion carried 7-0.

**A RESOLUTION STATING THE REASONABLE EXPECTATION OF THE CITY COUNCIL OF THE CITY OF MORGANTOWN TO REIMBURSE THE MORGANTOWN UTILITY BOARD FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION AND CONSTRUCTION OF COMBINED UTILITY SYSTEM FACILITIES AND IMPROVEMENTS TO THE WATERWORKS PORTION OF THE SYSTEM MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS OR OTHER OBLIGATIONS:**The above entitled Resolution was presented for approval.

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

**A RESOLUTION DESIGNATING ARTS MONONGAHELA, INC., AS THE ARTS COUNCIL FOR THE CITY OF MORGANTOWN AND AUTHORIZING ARTS MONONGAHELA TO APPLY FOR DESIGNATION OF THE CITY OF MORGANTOWN AS A CERTIFIED ARTS COMMUNITY:**The above entitled Resolution was presented for approval.

Motion by Kawecki, second by Fike to adopt the above entitled Resolution. After discussion, motion carried 5-2.

**CITY MANAGERS REPORT:**

INFORMATION:

1. Home Rule Application Notice and Schedule

City Manager commented that the City of Morgantown can make requests for additional studies on the Free Flow Power Process until April 28, 2014 and will request more property and environmental studies to be done.

The City Manager addressed Mr. Giuliani and Mr. Biafora stating that the reason for delay of information was because he would like to provide them with an accurate response.

Home Rule Meetings will be held May 2, 2014 at 6:00pm Public Hearing, May 6, 2014 at 7:00pm Regular Meeting, and May 20, 2014 at 7:00pm Regular Meeting

The City Manager said that the application will be available for viewing at the City's website, [morgantownwv.gov](http://morgantownwv.gov).

The Home Rule Application Plan includes these five items of topic:

1. Diversify tax structure;
2. The ability to adopt intergovernmental agreements by Resolution rather than Ordinance;
3. Regulate outdoor use of upholstered furniture to reduce street fires;
4. The ability of the City to use a lien process to get reimbursed by property owners who do not remedy a demonstrated public nuisance;
5. Creation of a \$3 or \$5 in the Municipal Court to support the upkeep of the court's information technologies;

NEW BUSINESS:

1. City Manager reminded Council that Monongalia County Commission requested that the City write a letter of request along with West Virginia University and Monongalia County Commission to the West Virginia Department of Highways to improve the street lights along Monongalia Blvd.

By acclamation City Council agreed to write a letter of request urging the Department of Highways to improve the lighting on Monongalia Blvd.

Mr. Mikorski also commented that he has been trying to reach out to the West Virginia Department of Highways for the past two to three years and it's nice to have the support from the different entities to fight this uphill battle.

The City Manager updated Council on the status of the Grant for the Morgan Statue. Within the update Mr. Mikorski asked Council if the City could advance \$5000.00 to the artist to proceed with the project and the City will get reimbursed once the Grant is received. By acclamation, Council approved \$5000.00 for the Morgan Statue.

**REPORT FROM CITY CLERK:** City Clerk reported that the POW and American flags have been acquired.

**REPORT FROM CITY ATTORNEY:** Mr. Fanok stated that the five Home Rule Proposals are just concepts and are not concrete and will be modified by individual ordinances.

**REPORT FROM COUNCIL MEMBER:**

- Councilor Bane: Councilor Bane has been receiving complaints about garbage on Madison and Ohio Avenues. He thanked Glen Kelly and Jeff Mikorski for being thorough in response to requests by James Giuliani and Dave Biafora.
- Councilor Kaweck: Councilor Kaweck stated that with all activities that went on tonight, he hopes that this meeting will be a catalyst of something better to come.
- Councilor Nugent: Councilor Nugent announced the 15<sup>th</sup> Annual Chocolate Lover's Day April 12, 2014 from 11 a.m.-3p.m.
- Councilor Shamberger: Councilor Shamberger thanked the Street Department for all the hard work in removing dirt and gravel from roads and sidewalks. Councilor Shamberger thanked the City Manager and City Attorney for their diligence and hard work in preparing the Home Rule Proposal.
- Councilor Fike: Councilor Fike was moved by the Morgantown High Show Choir's performance. He also announced that next week City Council will be represented at the Monongalia County School 8<sup>th</sup> Grade Career Fair and is excited that the City Clerk will be there to help children learn about the election process. Councilor Fike was also concerned about the gun bill that was passed through the State about fire arms and would like City Administration to look into what was passed and give a report to City Council. Steve Fanok suggested to report data at the next Committee of the Whole Meeting and Council agreed by consensus.
- Councilor Ganz: Councilor Ganz understood the valid concerns of the developers and City infrastructure. Councilor Ganz spoke about a project in regards to a stop light that was installed on 705 and Suburban Lanes Plaza. She also encouraged Monongalia County Commission to become more involved with their communities.
- Mayor Selin: Mayor Selin has concerns about the Free Flow Power Process and is eager to be more involved with this project. Mayor Selin also would like to know if there are ways for concerned citizens and local Government to make requests to clean gravel and dirt off State Roads. Mayor Selin announced multiple functions and programs to include: The Green Households Resource Fair will be held on April 19, 2014 from 11 a.m. to 1p.m. and the last winter's farmers market. She also announced that the next Action Team of the Rivertown Project will be on April 3, 2014 at 4:30p.m. at the Wiles Hill Community Center; Monday April 7, 2014 at the WVU Creative Arts Center University Art Series will be hosting, "Bring it On"; WVU's B&E Corporate Social Responsibility Class invited the City to a trash clean up on April 22, 2014 at 10a.m. behind the Mountain Lair; Community Leadership Forum at the Sheriff's Department on

April 3, 2014 from 6:00p.m. – 7:30p.m.; The Children’s Discovery Museum of West Virginia is hosting a free event called the Victorian Magic-Lantern Spring Show at the Met Theatre on April 5, 2014 at 7p.m.

**EXECUTIVE SESSION:** Motion by Shamberger, second by Ganz , 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 9:10p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:45p.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.**