

REGULAR MEETING, APRIL 16, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 16, 2013 at 7:00P.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 April 2, 2013, and the Special Meeting of April 2, 2013, were approved as printed.

CORRESPONDENCE: City Clerk administered the oath of office promoting Brian Jones to Lieutenant, his wife then officially pinned him as Chief Caravasos announced the achievement of his promotion.

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH AMENDS THE EFFECTIVE DATE OF AN ORDINANCE PREVIOUSLY ADOPTED BY IT ON FEBRUARY 19, 2013, ADDRESSING SECTION 1512.05 OF ITS FIRE PREVENTION CODE AND MALICIOUS BURNING:

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING A PREVIOUS ORDINANCE ADDRESSING MALICIOUS BURNING: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN WHICH AMENDS THE EFFECTIVE DATE OF AN ORDINANCE PREVIOUSLY ADOPTED BY IT ON FEBRUARY 19, 2013, ADDRESSING SECTION 1512.05 OF ITS FIRE PREVENTION CODE AND MALICIOUS BURNING.

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

BOARDS AND COMMISSIONS: Pat Esposito was reappointed to the Building Code Appeals Board by acclamation. Katy Moran was also appointed by acclamation to serve as the City Representative on the Mon River Trail Conservancy Board. Charlie Chico was reappointed by acclamation to serve on the Police Civil Service Commission. On the Sister Cities Commission Helene Friedberg was appointed by acclamation for a one-year expired term and Jeff Ryan will replace John Gaddis, serving the remainder of his un-expired term beginning on May 31, 2013. Council also reappointed by acclamation Paul Steel as the second ward member of the Traffic Commission.

PUBLIC PORTION:

Mayor Manilla, recognized the WVU Students in attendance from Political Science class 220.

Molly Kurtz & P J Ratcliffe addressed their concerns of pan handling and soliciting to the Council, noting that it affects the safety of the WVU Students.

Randy Jones, WVU SGA Liaison, invited everyone to attend the Morgantown Community Think Tank Event in the Mountain Lair on April 19, 2013 at 7:00 p.m.

Nancy Ganz, 1276 Colonial Drive, thanked Marchetta Maupin for planting trees in Suncrest at Burroughs Run for Arbor Day and stated she was disappointed that a Resolution had not been moved forward to the Regular Meeting. She also pointed out that at the last regular meeting when Mr. George Papandreas spoke during the public portion; his comments exceeded the allotted four minute time frame.

Guy Panrell, 763 South Hills Drive, made various remarks about Elections and candidate behavior.

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

SPECIAL COMMITTEE REPORTS: None

NEW BUSINESS:

RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE:

Council by acclamation suspended the rules to allow explanation from Finance Director J.R. Sabatelli. After Council's questions were addressed, motion by Bane, second by Selin, to approve the Levy Order Rate Sheet and its submittal to the State Auditor. Motion carried 7-0.

SELECTION OF CITY MANAGER:

After discussion, motion by Bane, second by Selin, to appoint Interim City Manager, Jeff Mikorski as City Manager. Council amended the motion by adding that discussion of the City Manager's position will be detailed at a later date. Motion carried as amended 7-0.

CITY MANAGERS REPORT:

NEW BUSINESS:

1. Bid Results for Fifth Phase of High Street Streetscape Improvement Project.

After discussion, motion by Bane, second by Selin, to award the bid to A. Merante Contracting Inc. for \$399,620.73. Motion carried 7-0.

2. Letter to Army Corps of Engineers for Creek Mitigation due to Airport Access Road Project.

After explanation, from City Manager Jeff Mikorski and City Attorney Steve Fanok on responsibilities regarding the Airport Access Road Project. After discussion from Council, motion by Bane, second by Byrne, to approve agreement. Motion carried 7-0.

Mr. Mikorski then addressed the reports of pan handling, stating that he will consult with the Police Department to help resolve the issue.

City Attorney Steve Fanok reminded citizens that the City of Morgantown has a law addressing pan handling and urged citizens to dial 911 if they feel the solicitation is aggressive.

REPORT FROM CITY CLERK: City Clerk, Linda Little reported that residents still have time to get Absentee Ballots, that April 9th is the last day to register to vote for the April 30, 2013 Election. She also noted that Early Voting starts on April 16, 2013, and that Poll Workers are needed to work the Election.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane made a point of reference that if Council kept track of everyone that went over their 4 minutes during the Public Portion it would be a lot of people. Councilor Bane stated we try our best and try to keep the Public Portion under control. He also asked everyone to pray for those affected by the Boston Marathon Bombing. Councilor Bane commented that the aggressive Pan Handling is a work in progress and is an issue that will be addressed by the City Administration.

Councilor Nugent: Councilor Nugent reported that the Wiles Hill Highland Park Neighborhood Meeting will be in May so that everyone can attend the League of Women's Candidate Forum.

Councilor Selin: Councilor Selin also announced the League of Women's Candidate Forum, Wednesday evening at 7pm at Suncrest Methodist Church. She congratulated Jeff Mikorski in being the new City Manager and considered it a new beginning. She requested that even though it is not required, Council use an application and open hiring process in the future.

Councilor Shamberger: Councilor Shamberger also congratulated Jeff Mikorski on being the new City Manager. She noted that the Power of Change initiative was developed to allow the United Way direct access to donated monies in order to help the homeless. She also noted that new lighting was added at the Met Theatre.

Councilor Byrne: Councilor Byrne noted that since Home Rule has passed the Legislature it is time for us to put in a proposal, suggesting that the City should take a comprehensive look at Rental Housing. He also congratulated Mr. Mikorski adding that the City Manager must do his job and Council should not micro-manage him. He noted that Dan Boroff and Terrence Moore were good managers, stating that Mr. Mikorski is next, and wished him the best.

Councilor Herbst: Councilor Herbst congratulated Mr. Mikorski on his appointment. He commented that Home Rule is a good thing but we must educate the public what it is about, so they will understand what we are doing. Councilor Herbst mentioned her concern about Election signs being taken and citizens being intimidated during the Election.

Mayor Manilla:

Mayor Manilla also congratulated Mr. Mikorski on being appointed the City Manager. He also stated that in reference to George Papandreas going over 4 minutes during the Public Portion at the last Regular Meeting he apologizes. He mentioned that he has received complaints about the audio on Channel 15 City Manager Jeff Mikorski commented that he will check in to see what the problem is, for he thought it was fixed. Mayor mentioned that for information the executive sessions last two meetings were held to discuss the appointment of the new City Manager. He also agrees with Councilor Byrne on Home Rule agreeing the City needs to move forward on a good proposal and asked the City Manager where we stand on this issue. City Manager, Jeff Mikoski stated we are working with Administration to have something will in advance of June 1, 2014 deadline. Mayor Manilla announced Sustainability Strategic Plan Town Hall Meeting and 2013 Gold and Blue Spring Game.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:05 p.m.

City Clerk

Mayor

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