

REGULAR MEETING, JUNE 18, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, June 18, 2013 at 7:00P.M.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager of Operations Glen Kelly, 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 June 4, 2013, were approved as presented.

CORRESPONDENCE: Mayor Manilla presented a letter from a citizen commending the Police Department for the recovery of a stolen bike, and thanking them for their professionalism and dedication. The 2013 Corporate Cup Team for the City of Morgantown was also recognized for their efforts in the annual games.

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1301 OF THE MORGANTOWN PLANNING AND ZONING CODE PERTAINING TO THE COMPREHENSIVE PLAN FOR THE PHYSICAL DEVELOPMENT OF THE CITY OF MORGANTOWN; TO DELETE REFERENCES TO THE 1998 COMPREHENSIVE PLAN; AND, TO ADOPT THE 2013 COMPREHENSIVE PLAN.

Richard Dumas, Wiles Hill resident, praised the Comprehensive Plan and all who worked on creating it. He stated that proper implementation will be key to the plan's success.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 365.01, AND REPEALING AND REENACTING SECTION 365.12 OF ITS TRAFFIC CODE AS THE SAME APPLY TO DEFINITIONS AND GATE AND PULL TICKET VIOLATIONS.

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

PUBLIC HEARING – AN ORDINANCE THE CITY OF MORGANTOWN AMENDING SECTIONS 363.07 AND 363.08 OF ITS TRAFFIC CODE, AS THE SAME APPLY TO PARKING METER ENFORCEMENT ON SUNDAY AND HOLIDAYS, AND PARKING TIME LIMITS AND FEES.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 747.02(a) OF ITS FIRE PROTECTION SERVICE CHARGES CODE, AS THE SAME APPLIES TO THE LEVY AND IMPOSITION OF FIRE PROTECTION SERVICE.

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

PUBLIC HEARING – AN ORDINANCE VACATING, ABANDONING AND ANNULLING AND APPROXIMATE 50' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF SIXTH STREET AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND NINE FEET IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE BOARD OF EDUCATION OF THE COUNTY OF MONONGALIA, OUTLINING THE TERMS AND CONDITIONS OF THE CITY’S PURCHASE OF PROPERTY KNOWN AS THE WOODBURN ELEMENTARY SCHOOL.

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

PUBLIC HEARING – AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2013-2014.

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

UNFINISHED BUSINESS:

AN ORDINANCE ADOPTING THE 2013 COMPREHENSIVE PLAN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1301 OF THE MORGANTOWN PLANNING AND ZONING CODE PERTAINING TO THE COMPREHENSIVE PLAN FOR THE PHYSICAL DEVELOPMENT OF THE CITY OF MORGANTOWN; TO DELETE REFERENCES TO THE 1998 COMPREHENSIVE PLAN; AND, TO ADOPT THE 2013 COMPREHENSIVE PLAN.

Motion by Herbst, second by Shamberger to adopt the above entitled Ordinance. After explanation from the City Manager, further information from the Director of Development Services, and discussion by Council, motion carried 7-0.

AN ORDINANCE AMENDING THE TRAFFIC CODE, DEFINITIONS AND GATE AND PULL TICKET VIOLATIONS: The above entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 365.01, AND REPEALING AND REENACTING SECTION 365.12 OF ITS TRAFFIC CODE AS THE SAME APPLY TO DEFINITIONS AND GATE AND PULL TICKET VIOLATIONS

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

AN ORDINANCE AMENDING THE TRAFFIC CODE, PARKING METER ENFORCEMENT, FEES: The above entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 363.07 AND 363.08 OF ITS TRAFFIC CODE, AS THE SAME APPLY TO PARKING METER ENFORCEMENT ON SUNDAY AND HOLIDAYS, AND PARKING TIME LIMITS AND FEES.

Motion by Herbst, second by Byrne to adopt the above entitled Ordinance. After discussion, motion by Shamberger, second by Byrne to make a minor amendment correcting language which refers to the date of Martin Luther King Day. The amendment carried 7-0; and there being no further discussion, the main motion carried 7-0.

AN ORDINANCE AMENDING THE FIRE PROTECTION CODE, FIRE SERVICE PROTECTION FEE: The above entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 747.02(a) OF ITS FIRE PROTECTION SERVICE CHARGES CODE, AS THE SAME APPLIES TO THE LEVY AND IMPOSITION OF FIRE PROTECTION SERVICE.

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

AN ORDINANCE ANNULLING A PORTION OF SIXTH STREET IN WARD 4: The above entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULLING AND APPROXIMATE 50' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF SIXTH STREET AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND NINE FEET 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 Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR THE PURCHASE OF WOODBURN SCHOOL PROPERTY: The above entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE BOARD OF EDUCATION OF THE COUNTY OF MONONGALIA, OUTLINING THE TERMS AND CONDITIONS OF THE CITY'S PURCHASE OF PROPERTY KNOWN AS THE WOODBURN ELEMENTARY SCHOOL.

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

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR CITY EMPLOYEES: The above entitled Ordinance was presented for second reading.

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2013-2014.

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

BOARDS AND COMMISSIONS: Councilor Byrne insisted upon the re-appointment Mr. Jeff Ryan to the Sister Cities Commission, to fill the remainder of an unexpired term. Council allowed the repeat appointment, and it passed by acclamation. The record will reflect that Mr. Ryan was previously appointed as such on April 16, 2013. This then stirred a discussion about Council's recent determination to allow the next Council to make all Boards and Commissions appointments in July.

PUBLIC PORTION:

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

SPECIAL COMMITTEE REPORTS: Councilor Shamberger reported on the Neighborhood Coordinating Council meeting, and noted that many neighborhood picnics will be taking place soon and encouraged participation in those. She also alerted citizens to lock their cars, as the Police Department reports increased parked car burglaries. Lastly, Councilor Shamberger announced a meeting designed to attract new residents to Morgantown. Councilor Byrne announced a visit from 21 Delegates from Xuzhou's China Mining and Technology University to Morgantown, and noted the Sister Cities Commission will be welcoming them with a reception.

NEW BUSINESS:

AN BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF THE SCOTTS RUN PUBLIC SERVICE DISTRICT'S VARIOUS BONDS, RE-DESIGNATING SUCH WITH THE CITY'S COMBINED UTILITY SYSTEM REVENUE BONDS: The below entitled Ordinance was presented for first reading:

A BOND ORDINANCE PROVIDING FOR THE ASSUMPTION OF THE SCOTTS RUN PUBLIC SERVICE DISTRICT SEWER SYSTEM AND ITS: (I) SEWER REVENUE BONDS, SERIES 1991 A, (II) SEWER REVENUE BONDS, SERIES 1991 B, (III) SEWER REVENUE BONDS, SERIES 2003 A AND (IV) SEWER REVENUE BONDS, SERIES 2009 A AND RE-DESIGNATING AND REPLACING WITH ITS: (I) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 B; (II) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 C; (III) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 D; AND (IV) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 E (COLLECTIVELY, THE "BONDS"). THE BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE COMBINED UTILITY SYSTEM OF THE CITY.

Motion by Bane, second by Byrne to pass the above entitled Ordinance to second reading. After discussion, the rules were suspended to allow further explanation from MUB Director Tim Ball. Motion carried 7-0.

AN ORDINANCE AMENDING THE STREETS, UTILITIES AND PUBLIC SERVICES CODE, SEWER SERVICE FEES: The below entitled Ordinance was presented for first reading:

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 CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN, INCLUDING THE ADDITION OF A NEW SCHEDULE FOR THE SCOTT'S RUN PUBLIC SERVICE DISTRICT SERVICE TERRITORY.

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE SCOTTS RUN PUBLIC SERVICE DISTRICT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE SEWERAGE COLLECTION AND TRANSPORTATION SYSTEM OF SCOTT'S RUN PUBLIC SERVICE DISTRICT AND APPROVING AN ACQUISITION AGREEMENT BY AND AMONG SCOTT'S RUN PUBLIC SERVICE DISTRICT, THE CITY OF MORGANTOWN AND MORGANTOWN UTILITY BOARD.

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

CITY MANAGERS REPORT:

Mr. Mikorski first introduced to Council the new Assistant City Manager of Operations, Mr. Glen Kelly, who has also served in the past as Director of the Municipal Airport. He briefly noted Mr. Kelly's achievements and qualifications.

INFORMATION:

1. Request from Archie's and Classics 3 for Mountain Fest Motorcycle Rally Events.

Mr. Mikorski explained the request for the floor plan extension and also explained that changes in State policy have allowed these types of request to become an administrative matter, no longer requiring Council to vote. Mr. Mikorski stated that based on the past success and responsible history of these two businesses, the approval letter was administered by the City Manager's Office.

ACTION:

1. Capital Escrow Budget Revision.

After explanation from Mr. Mikorski about the necessary revision which reduces expenditures, and the Capital Escrow Program; He explains how this action will help to balance the budget. motion by Nugent, second by Bane to approve the above Budget Revision. After discussion, motion carried 7-0.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane read a short biography of Mayor Manilla's time on Council, and honored him at his last regular meeting by presenting him with a plaque and certificate of appreciation for his many years of service to the City of Morgantown and for his many achievements for the betterment of the community.

Councilor Nugent: Councilor Nugent echoed Councilor Bane's praise of Mayor Manilla and also commended Councilor Herbst with a plaque and certificate of appreciation for honorably serving her term on Council. Councilor Nugent also noted the upcoming Wiles Hill – Highland Park neighborhood association as well as events related to the 150th anniversary of West Virginia's statehood.

Councilor Selin: Councilor Selin announced the Taste of Morgantown event, as well as a Mon River clean-up event.

Councilor Shamberger:

Councilor Shamberger honored Councilor Bill Byrne upon his retirement from City Council, and noting his openness and dedication to positive change for Morgantown. Councilor Selin added praise for Councilor Byrne, enumerating his involvements in many aspects of the City. Councilor Shamberger then presented Councilor Byrne with a plaque and certificate of appreciation for his great service to the City of Morgantown on City Council. Councilor Shamberger continued her report commending area youth including 4-H, Girl State, praising the efforts of these worthy youth groups.

Councilor Byrne:

Councilor Byrne announced upcoming theatre events and encouraged participation in the local theatre. He commended Ruth Ellen Phillips for spearheading a summer reading program, and reported shoes hanging from wires in his ward. Councilor Byrne then read a statement which he has provided for the record, reflecting upon his tenure on Council, thanking his supporters and advising the new council.

Councilor Herbst:

Councilor Herbst noted parking changes at the public theatre. She thanked city administration and her colleagues for helping her achieve a successful term on Council. She stated that although there was a divide in Council she has counted the votes and Council voted together more than they were split, even though tough issues were faced. She challenged the next City Council to do what they feel is right for the community as a whole, and hoped no one has a hidden agenda. She praised the City Manager and encouraged the new Council to heed the knowledgeable City staff. She informed everyone that she is not racist, as some groups alleged during the campaign, which hurt her and her family deeply. She wished the new Council good luck.

Mayor Manilla:

Mayor Manilla welcomed Glen Kelly and praised Mr. Mikorski's decision in hiring him. He thanked his supporters and stated he has enjoyed his time on Council and serving the community.

EXECUTIVE SESSION: Motion by Nugent, second by Bane to enter into executive sessions, pursuant to WV State Code Section 6-9A-4(b) (2) (A) in Order to Discuss Personnel Matters; with City Council and City Clerk present. Immediately following, a session pursuant to WV State Code Section 6-9A-4(2) (9) as it Pertains to the Sale, Purchase of Lease of Realty; with City Council, City Manager and City Attorney present. Sessions entered into at 8:15 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:04 p.m.

City Clerk

Mayor

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