

REGULAR MEETING, JULY 2, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 2, 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, and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Jenny Selin, Marti Shamberger, Mike Fike and Nancy Ganz.

The meeting was called to order by City Clerk Linda Little, in order to conduct the administration of oaths and to elect the Mayor and Deputy Mayor.

COUNCIL MEMBER OATHS OF OFFICE: The City Clerk administered the Oath of Office to Council Members for the term of July 2, 2013 to June 30, 2015.

ELECTION OF MAYOR AND DEPUTY MAYOR:

The City Clerk opened the floor for nominations among Council for the offices of Mayor and Deputy Mayor.

Nomination by Bane to elect Councilor Nugent as Mayor. Following a point of order by Nugent that a second is not required by Robert's Rules of Order, the question was called. Motion to elect Wes Nugent as Mayor failed 2-5. Councilors Kawecki, Selin, Shamberger, Fike and Ganz voted NO.

Nomination by Shamberger, second by Fike to elect Councilor Selin as Mayor. Motion carried 5-2, electing Jenny Selin as the Mayor of the City of Morgantown. Councilors Bane and Nugent voted NO.

Nomination by Nugent, second by Bane to elect Councilor Ganz as Deputy Mayor. The question was called immediately, and the motion failed 2-5. Councilors Kawecki, Selin, Shamberger, Fike and Ganz voted NO.

Nomination by Fike, second by Ganz, to elect Councilor Shamberger as Deputy Mayor. Motion carried 5-2, electing Marti Shamberger as the Deputy Mayor of the City of Morgantown. Councilors Bane and Nugent voted NO.

OATH OF OFFICE FOR MAYOR AND DEPUTY MAYOR:

The City Clerk administered the Oath of Office to Mayor Selin and Deputy Mayor Shamberger for the term of July 2, 2013 to June 30, 2014.

Thereafter, Mayor Selin assumed the Chair of the meeting and began to conduct the regular business of Council.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of June 18, 2013, were approved as presented.

CORRESPONDENCE:

Convention and Visitors Bureau Presentation on Relocation:

Peggy Myers-Smith of the CVB presented information to Council about the Bureau's plans to relocate its headquarters, along with their goals perceived benefits for the potential move. Council then addressed questions to Mrs. Myers-Smith about the CVB's plans for change.

PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “LODGING OR ROOMING HOUSE” USES.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1365.09 OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO PARKING DEVELOPMENT STANDARDS.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1363.04 “SPECIAL REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO THE NUMBER OF PRINCIPAL STRUCTURES PERMITTED ON A LOT.

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

PUBLIC HEARING – 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 SCOTTS RUN PUBLIC SERVICE DISTRICT TERRITORY.

John Stump, Attorney, Steptoe & Johnson, gave a brief explanation above of the sewerage rate Ordinance for the Scotts Run District.

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

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

John Stump, Attorney, Steptoe & Johnson, gave a brief explanation on the above Ordinance for the acquisition of the Scotts Run Public Service District.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE “PERMITTED LAND USES” TABLE IN THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “LODGING OR ROOMING HOUSE” USES.

Motion by Kaweck, second by Shamberger to adopt the above entitled Ordinance. After explanation from City Manager Jeff Mikorski, motion carried 7-0.

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PARKING DEVELOPMENT STANDARDS: The above entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 1365.09 OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO PARKING DEVELOPMENT STANDARDS.

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

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PRINCIPAL STRUCTURES PERMITTED ON A LOT: The above entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 1363.04 "SPECIAL REQUIREMENTS" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO THE NUMBER OF PRINCIPAL STRUCTURES PERMITTED ON A LOT.

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

AN ORDINANCE AMENDING THE PUBLIC SERVICES CODE, AND FEE SCHEDULE FOR SCOTTS RUN DISTRICT: The above entitled Ordinance was presented for second 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 SCOTTS RUN PUBLIC SERVICE DISTRICT TERRITORY.

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

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE SCOTTS RUN PSD: The above entitled Ordinance was presented for second reading.

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

Motion by Bane, second by Shamberger to adopt the above entitled ordinance. Motion carried 7-0.

A BOND ORDINANCE PROVIDING FOR THE ASSUMPTION OF THE SCOTTS RUN PUBLIC RUN SERVICE DISTRICT SEWER SYSTEM: The above entitled Ordinance was presented for second 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.

After, City Manager Jeff Mikorski reminded Council that there will be three readings of this ordinance and final adoption on July 16th, 2013. Motion by Nugent, second by Bane to pass above entitled ordinance to third and final reading. Motion carried 7-0.

BOARDS AND COMMISSIONS: By acclamation of Council the following persons were re-appointed to their respective boards and commissions:

Frank Scafella and Councilor Shamberger to BOPARC; Councilor Kawecki to the Met Theatre Commission; Dennis Bidwell and Councilor Nugent to the Parking Authority; Councilor Kawecki to the Planning Commission; Councilor Ganz to the Sister Cities Commission and Urban Landscape; Councilor Bane to the Transit Authority; Don West, David Huffman, Roger Banks, Steve Carpenter, William Ryan, Guy Panrell, and Alan Donaldson to the Ward & Boundary Commission; and Councilor Fike as City Liaison to the Greater Morgantown Area Youth Commission and Traffic Commission.

PUBLIC PORTION:

Renee Hernandez, 224 Overdale, thanked and welcomed the new City Council members and reported on nuisance truck traffic. She asked that Council find a way to enforce trucking laws and re-route the truck traffic.

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

SPECIAL COMMITTEE REPORTS:

Councilor Nugent commended the History Museum on their events for the 150th Anniversary of the State of West Virginia. He thanked all of the involved staff and members of the Commission for the success of the occasion.

Councilor Shamberger reported that she and Councilor Kawecki met with Rev. Sononday about the Homelessness Task Force and shared resources and goals of the group.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING A RIGHT OF WAY FOR A STORMWATER LINE WITHIN KREPPS PARK REALTY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A TERMINABLE RIGHT-OF-WAY AND EASEMENT AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, GRANTOR, AND DEDRA F. BLANKENSHIP, GRANTEE, AS THE SAME APPLIES TO A STORMWATER LINE WITHIN THE CITY'S KREPPS PARK REALTY.

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

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE, ADDRESSING CARBON MONOXIDE DETECTORS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1751.06(b) AND 1751.07(d) OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLY TO INSPECTIONS AND LETTERS OF COMPLIANCE; AND ADDING A NEW SECTION 1751.18 TO ARTICLE 1751 ADDRESSING CARBON MONOXIDE DETECTORS.

Motion by Bane, second by Ganz to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

AN ORDINANCE AMENDING A LEASE AGREEMENT FOR SPACE AT THE AIRPORT UTILIZED BY THE ARMY NATIONAL GUARD BAND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING A JANUARY 6, 2009, LEASE AGREEMENT BY AND BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, PERTAINING TO SPACE WITHIN THE AIRPORT TERMINAL BUILDING BEING UTILIZED BY THE WEST VIRGINIA ARMY NATIONAL GUARD BAND.

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

AN ORDINANCE AMENDING A LEASE AGREEMENT WITH THE U.S. GOVERNMENT FOR TSA LEASE TERM AND RENTAL PAYMENT AT THE AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING A LEASE AGREEMENT AMENDMENT BY IT, AS LESSOR, AND THE UNITED STATES OF AMERICA, AS LESSEE, ON BEHALF OF THE TRANSPORTATION SECURITY ADMINISTRATION (TSA), AS THE SAME APPLIES TO LEASE TERM AND RENTAL PAYMENT.

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

CITY MANAGERS REPORT:

Mr. Mikorski had no report, but wished everyone a Happy 4th of July.

REPORT FROM CITY CLERK: City Clerk wished all a Happy 4th and apologized to the City Attorney for not having enough chair space when doing the oaths for Council.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane offered hopes that the new members of Council will embrace the quality administration in place at City Hall. He commended Mr. Mikorski, Mr. Kelly and Mr. Fanok for their good leadership over the years.

Councilor Kawecki

Councilor Kawecki echoed Councilor Bane's comments about the administration of the City, thanked them for their work and looks forward to working together over the coming term.

Councilor Nugent:

Councilor Nugent welcomed the new Council Members Kawecki, Fike and Ganz, concurring with Councilor Bane's praise of City Administration. He also congratulated Mayor Selin and Deputy Mayor Shamberger on their appointments of office. He gave his opinion for the vote of Mayor out of respect for his constituents and supporters. A small discussion then erupted about the City's past history of having 14 Council members seated in Chambers. Councilor Nugent stated he is looking forward to working with the new members and wished everyone a happy Independence Day.

Councilor Shamberger:

Councilor Shamberger thanked her family and friends for their support, and thanked her colleagues who elected her as Deputy Mayor. She asked the Manager that a Committee be developed in order to monitor the development of the Woodburn School property.

Councilor Fike:

Councilor Fike noted that it has been a time of education for him since the election and that the function of local government is more intricate than he previously imagined. He thanked everyone for their help and commended the City Clerk, City Manager and Communications Manager for their help in his transition. He stated that his goal is to approach problems by the facts and address all stakeholders to come up with an amicable solution. He also noted that Jerome Park is in the process of revitalizing their neighborhood association, and have established a website.

Councilor Ganz:

Councilor Ganz commented that Suncrest Kiwanis is raising funds for the Jerome Park revitalization. She thanked her predecessors serving in these council seats before us; it is humbling for being a Councilor is lots of work. She also publicly affirmed her appreciation of the City Manager in helping Council learn their new process of what they will be doing, and asked for more time with him in the future to learn even more about the City. She then announced the 4th of July parade, 9th of July Concerts in the Park at Krepps Park and the Suncrest Picnic will be on July 25th.

Mayor Selin:

Mayor Selin stated that we live in one of the Best Small Cities in America, livable and prosperous. As Mayor I am looking forward to working with the City Manager, Employees, Volunteers and the Business Community. She then asked that the citizens join the 7 Councilors as they work together, and commented is excited to get to work. She announced the July 4th events and the altered traffic for that day.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:55 p.m.

City Clerk

Mayor

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