REGULAR MEETING JANUARY 6, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, January 6, 2015 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, Nancy Ganz and City Attorney Ryan Simonton. Assistant City Manager Glen Kelly was absent.

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: Minutes from 12-2, 12-9 and 12-16 were still not available for review.

CORRESPONDENCE: Mayor Selin read the "Ending Homelessness Month" Proclamation and presented it to John Sonnenday. He thanked everyone in the community for their efforts in helping with the homeless in our community. Mayor Selin read a letter of correspondence from former Mayor Jim Manilla as he requested this letter to be read into record. The letter was in reference to resolving issues surrounding the "City Truck Ban Ordinance". **(Attached Exhibit A)**

PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO ENTER INTO AN AGREEMENT TO AMEND A PRIOR AGREEMENT WITH MONONGALIA COUNTY COMMISSION REGARDING SHARED COSTS OF THE LOCAL REGIONAL JAIL PROCESSING CENTER AND TRANSPORTATION SERVICES.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO ENTER INTO AN AGREEMENT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO ENTER INTO AN AGREEMENT TO AMEND A PRIOR AGREEMENT WITH MONONGALIA COUNTY COMMISSION REGARDING SHARED COSTS OF THE LOCAL REGIONAL JAIL PROCESSING CENTER AND TRANSPORTATION SERVICES.

After City Manager explanation and Council discussion, motion by Shamberger, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: City Clerk, Linda Tucker, announced that the Fire Civil Service Commission vacancy is being reviewed administratively to find a good candidate for position. The Mayor is looking for an applicant for the Urban Landscape Commission for the fourth ward.

PUBLIC PORTION: Mathew Cross, 524 Milford Street, applauds Mr. Sonneday for his efforts with the homelessness. He announced that he was appointed to sit as chair on the Pedestrian Safety Board. Mr. Cross also suggested that the City needs to put forth more attention, effort and funds towards increasing pedestrian safety. He also acknowledged the Urban Landscape Committee for their efforts in the Rawley Lane project in the Suncrest area. Mr. Cross urged council to release a 20 percent budget allotment in July to the sidewalk infrastructure, bicycle and pedestrian accommodations with signaling and safety.

SPECIAL COMMITTEE REPORTS: No Reports

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR THE RECLASSIFICATION OF CERTAIN REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (PUD) PLANNED UNIT DEVELOPMENT TO (R-2) SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT THEREBY RESCINDING A PORTION OF THE "SQUARE AT FALLING RUN PLANNED UNIT DEVELOPMENT" BY AMENDING ARTICLE 1331 OF THE PLANNING & 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.

Motion by Nugent, second by Ganz, to pass the above entitled Ordinance to second reading. The City Manager recommended the rules to be suspended for Chris Fletcher, Director of Developmental Services, to further explain the background of this Ordinance. Council suspended the rules for Chris Fletcher for further explanation. Question was called, motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1385.02 OF THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 1385.08 OF THE PLANNING AND ZONING CODE AS IT RELATES TO PLANNING COMMISSION REVIEW OF SITE PLANS AND WEST VIRGINIA DIVISION OF HIGHWAYS ACCESS PERMITTING.

Motion by Kawecki, second by Shamberger, to pass the above entitled Ordinance to second reading. The City Manager recommended the rules to be suspended for Chris Fletcher, Director of Developmental Services, to further explain the background of this Ordinance. Council suspended the rules for Chris Fletcher for further explanation. Question was called, motion carried 7-0.

AN ORDINANACE AMENDING ARTICLE 1393: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 1393 OF THE PLANNING AND ZONING CODE AS IT RELATES TO VIOLATIONS AND ENFORCEMENT.

Motion by Kawecki, second by Ganz, to pass the above entitled Ordinance to second reading. The City Manager recommended the rules to be suspended for Chris Fletcher, Director of Developmental Services, to further explain the background of this Ordinance. Council suspended the rules for Chris Fletcher for further explanation. Question was called, motion carried 7-0.

AN ORDINANCE PROVIDING FOR LEASING TO RSA FLIGHT TRAINING, LLC: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR LEASING TO RSA FLIGHT TRAINING, LLC, LESSEE, BY THE CITY OF MORGANTOWN, LESSOR, A CERTAIN AREA AT THE MORGANTOWN MUNICIPAL AIRPORT AND DECLARING THE LEASE AND MEMORANDUM OF LEASE HERETO ATTACHED AS PART THEREOF.

After City Manager explanation, motion by Nugent, second by Ganz, to pass the above entitled

Ordinance to second reading. Motion carried 7-0.

CITY MANAGERS REPORT:

INFORMATION:

1. **Home Rule**

   Mr. Mikorski stated that the State Home Rule Oversight Board cancelled their January 6, meeting and that the two proposed City of Morgantown Ordinances will be presented at their next meeting which will be held on Monday, March 2, 2015 at 9 a.m. in the Morgantown Public Safety Building Training Room.

2. **Right-of-Way Permits**

   Mr. Mikorski announced that anyone impacting the public right-of-way, including a sidewalk or a street for any length of time, must get a right-of-way permit from the City of Morgantown Engineering Department. He stated that in effort to provide information to residents and businesses on scheduled interruptions of the public right-of-way that may affect their property, the City will begin posting all right-of-way permits on the City's web page and identify ways to notify affected properties prior to the disturbance. Mr. Mikorski noted that as the number of right-of-way disturbances increase, they are impacting other residents and businesses adjacent to the disturbance. He stated that it is only fair that property owners know in advance that a permit has been approved for the right-of-away to be impacted in their area. Mr. Mikorski stated that he wanted to clarify some things about the correspondence letter that was read earlier in regards to Pro bono work with the "Heavy Truck Ban". He noted that the City is expecting an invoice at a government rate from the attorney that helped with the "Heavy Truck Ban" trial. Council members then asked some questions in regards to the right-of-way permits.

3. **Enplanements**

   Mr. Mikorski stated that the Morgantown Municipal Airport presumptively reached the 10,000 mark enplanement goal with an estimated amount of 10,900 enplanements from Silver Airlines, non-profit organizations and charter companies. He noted that the estimated enplanement numbers may change depending on the submission of enplanement numbers from the charter entities to the FAA. Mr. Mikorski noted that the City feels comfortable that we did reach the 10,000 enplanement goal for this year. Mr. Mikorski stated that the City is already looking at bettering enplanement numbers for the upcoming year with special events and also keeping track of charter companies and ensuring that they are reporting their enplanement numbers to the FAA.

REPORT FROM CITY CLERK: Mrs. Tucker announced that the City Council Election will be held on April 28, 2015 and she noted if anyone is interested, election packets are available at the City Clerk's Office at 389 Spruce Street and also available for download on The City of Morgantown's webpage. She noted that February 9, 2015 is the deadline for all signatures to be turned in. Mayor Selin inquired to the City Clerk on the election method we will be using and Mrs. Tucker explained that the City will be using the Ivotronic's and that's the same machine the County uses for their elections.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane reminded Council members that the fiscal year is soon ending and encouraged Council to inform their Neighborhood Association Presidents to allot time at meetings and provide the City with a list on the wants, needs and dreams of the citizens of Morgantown so City can adjust the budget accordingly for the new fiscal year. He also asked the City Manager to initiate public meetings for the citizens who do not attend neighborhood association meetings. Councilor Bane stated that we have had a stagnate budget for the past few years and that we need to start engaging with the citizens for their input and also put more focus on the future of Morgantown.

Councilor Kawecki:

Councilor Kawecki agreed with Councilor Bane's suggestion and thought that it is great idea to involve the public in the budgeting process. Councilor Kawecki suggested to Mr. Mikorski to look into the presentation and attendance possibilities of the downtown study.

Councilor Nugent:

Councilor Nugent stated that there was a rash of violence that had taken place right before the Christmas holiday almost every neighborhood in the City and he apologized to the public for disruption right before the holidays that the residents received. Councilor Nugent urged the City Manager to update Council members and also the public as information becomes available about the vandalisms. Councilor Nugent also expressed his appreciation to the City Manager for his due diligence in updating the public on the attorney fee information for the "Heavy Truck Ban" trial.

Councilor Shamberger

Councilor Shamberger thanked the Streets Department for their hard work with snow removal. She also commended Republic Services for the

automated phone call informing residents that garbage pick-up will be delayed one day. Councilor Shamberger reported that the Woodburn First Friday was held and that the music was extraordinary. She also announced that on February 6th, WVU Bluegrass Club will be playing at Woodburn. Councilor Shamberger announced that on January 19th at 2:00 p.m. the Met Theater will be hosting the Martin Luther King Day Celebration. The Met will be collecting items for backpacks that will be donated to children. She also noted that the Coalition for the Homelessness will be collecting coats, hats, boots, socks and gloves.

Councilor Fike:

Councilor Fike thanked Council and the County Commission for their continued support and efforts in ending homelessness.

Councilor Ganz:

Councilor Ganz thanked the Police and neighbors for their efforts in helping report the disturbances and vandalism that took place before the holidays. She also expressed her thanks to the volunteers, particularly in the seventh ward, for their service on various boards and commissions. Councilor Ganz thanked Kara Hurst for her service of over ten years on the Tree Board and Urban Landscape Commission. She noted that her expertise on trees and her persistence on beautifying the City.

Mayor Selin:

Mayor Selin announced that Martin Luther King Day will be on Monday the 19th and also provided a list of items to be donated. She also announced that Saint Francis School and Cheat Lake School will be doing some activities also. Mayor Selin also announced that the West Virginia Municipal League Conference will be held on February 1st and 2nd of this year. She noted that if you would like to register to please contact the City Clerk by January 9th. She also announced that Mon County Day will be held on January 15th and

that there will be a bus for transportation. Mayor Selin thanked the Morgantown Utility Board for keeping the snow clear from the storm drains.

EXECUTIVE SESSION: Motion by Bane, second by Ganz and carried by unanimous consent. Council moved into Executive Session, pursuant to West Virginia Code Section 6-9A-4(b) (9) of the West Virginia code to consider matters involving Attorney/Client privileges. Present: Council; City Attorney; Legal Counsel and City Manager. Time 8:35 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:15 p.m.

City Clerk

Mayor

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

Exhibit A

Zimbra **llittle@cityofmorgantown.org**

Fwd: Lets Move Forward--Letter to Editor

From : Jim Manilla <jimmanilla@gmail.com> Thu, Jan 01, 2015 06:21 PM

Subject : Fwd: Lets Move Forward--Letter to Editor

To : citycouncil <citycouncil@cityofmorgantown.org>, Jeff Mikorski <jmikorski@cityofmorgantown.org>, COL Glen <calvin.kelly@yahoo.com>, Linda Little <llittle@cityofmorgantown.org>

I would like for this to be read into the record.

Jim Manilla

---------- Forwarded message ----------
From: **Jim Manilla** <jimmanilla@gmail.com>
Date: Thursday, December 25, 2014
Subject: Lets Move Forward--Letter to Editor
To: "editor@dominionpost.com" <editor@dominionpost.com>

Council needs to move forward in resolving the issues surrounding the city truck ban ordinance.
To resolve the issues City Council should be working with the Department of Highways and independent truckers rather than fighting against them.
Spending the taxpayers money to file an appeal is, to coin a phrase, "throwing good money after bad". The Morgantown city budget is abysmal due in large part to the falling B and O taxes, which is due in part to the anti-business climate. So rather that spending money that can be used to help with the infrastructure and other worthy initiatives within the city, mend fences with the Department of Highways , work closely with the new local delegates, and build a coalition with the independent truckers to come to a mutually satisfactory solution.
The intersection in Sabraton at Earl Core Drive and Greenbag Road needs to be realigned, the Greenbag Road corridor needs improvement to hold truck traffic and increasing the weight limits on the interstate are all worthy ideas that many people, including council representatives have suggested.
This council talks about doing these very things but the actions have shown that it acted outside the bounds of its jurisdiction when passing the trucking ordinance. So instead of pursuing more legal action, pro bono or not, work toward real change with the key stake holders. I urge council to not appeal the court decision. Let's move forward and concentrate on making Morgantown a top quality livable city.

Jim Manilla
Morgantown