

**REGULAR MEETING, OCTOBER 1, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, October 1, 2013 at 7:00 P.M.

**PRESENT:** City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jenny Selin and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting of September 17, 2013 was approved as presented.

**CORRESPONDENCE:** Mayor Selin suspended the rules to allow Ron Justice speak about the stormwater management issues at the College Park development. Mr. Justice thanked Council for the opportunity to discuss the issue, and introduced Brian Lemme, a stormwater management engineer. Mr. Lemme addressed Council about the stormwater runoff from the construction site on Willey Street. He informed Council that the “Construction Stormwater Inspection” report on August 12, showed that controls are in place and being monitored. Discussion among Council was entertained after his explanation, and more questions were answered.

**PUBLIC HEARING – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN TO ESTABLISH A B-2 SERVICE BUSINESS DISTRICT ZONING CLASSIFICATION FOR CERTAIN REALTY ANNEXED INTO THE CITY BY ORDINANCE ON MAY 21, 2013 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.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ZONING MAP, ESTABLISHING A B-2 DISTRICT FOR ANNEXED REALTY:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN TO ESTABLISH A B-2 SERVICE BUSINESS DISTRICT ZONING CLASSIFICATION FOR CERTAIN REALTY ANNEXED INTO THE CITY BY ORDINANCE ON MAY 21, 2013 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 Bane, second by Shamberger to adopt the above entitled Ordinance. After explanation from City Manager Jeff Mikorski, motion carried 7-0.

**BOARDS AND COMMISSIONS:** By acclamation of Council, Sera Zegre was appointed to BOPARC to fill the vacancy.

**PUBLIC PORTION:**

Susan McDonald, 911 Fairfax Drive, President of Evansdale Neighborhood Association, discussed impacts of the WVU smoking ban on residents of the neighborhood areas directly abutting private home property. She reported that students and employees are still smoking in front of homes due to the ban and littering butts. She also commented on the annulments approved, and hoped that the Council would withhold approval of those as leverage to bargain with WVU about pedestrian crossings along University Blvd.

Ron Justice, 741 Johnson Avenue, on behalf of WVU, addressed the concerns of Ms. McDonald stating that smoking bins have been placed, and they continue to work on the issue. He added that pedestrian concerns are paramount and noted that they will work together to improve safety. He discussed the football weekend and the reduction of incidents and announced a cleanup event.

Christopher Grant, 430 Brockway Avenue, pointed out that when smoking and crime issues are discussed there is a discrepancy between what areas are designated as public property vs. school property. He also noted that it would benefit the City and WVU to step back and evaluate responsibilities of each entity before property developments are initiated. He feels that WVU should maintain its current facilities before breaking new ground. He asked Council to be vigilant in watching the University.

James Gordon, 233 Jones Avenue, discussed traffic issues and lack of stop signs in his neighborhood. He asked that new signs be dedicated to the upper Sunnyside area.

Zack Nagel, 474 Winsley Street, expressed issues he has been having with parking permits in his area. He stated that the parking hours on the permit are counter intuitive, and that when he works late, there are no spaces available as those without permits are parked in his designated area, yet he has been issued tickets before for parking with his permit at his home.

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

**SPECIAL COMMITTEE REPORTS:** No reports.

**NEW BUSINESS:**

**AN ORDINANCE SETTING FORTH RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE CITY'S SEWERAGE SYSTEM (SUNSHINE ESTATES ACQUISITION):** 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.

Motion by Bane, second by Shamberger to pass the above entitled Ordinance to second reading. City Manager Jeff Mikorski explained the Ordinance and the rules were suspended to allow additional commentary from MUB Director Tim Ball. After discussion, motion carried 7-0.

**AN ORDINANCE AUTHORIZING COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A, FOR ACQUISITION OF THE SUNSHINE ESTATES SEWERAGE SYSTEM:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSION, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WASTEWATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,250,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2014 A (WEST VIRGINIA SRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND

CONFIRMING A BOND PURCHASE AGREEMENT RELATING TO THE BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

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

**CITY MANAGERS REPORT:**

NEW BUSINESS:

1. Airport Recommendations for Award of Construction on Terminal Improvements

After explanation, motion by Ganz, second by Bane, to award the terminal improvements construction project to Kalkreuth Roofing and Sheet Metal, Inc. for \$1,196,161. Motion carried 7-0.

Mr. Mikorski updated Council on the progress of the Town and Gown Leadership Group meetings, and announced the upcoming meeting for November.

Mr. Mikorski then remarked that ash trays have been acquired for placement in key areas affected by the WVU smoking ban.

**REPORT FROM CITY CLERK:** No Report.

**REPORT FROM CITY ATTORNEY:** No Report

**REPORT FROM COUNCIL MEMBERS: (Roll Reversal)**

Councilor Ganz:

Councilor Ganz commended MUB for the national awards and recognition they have earned. She also noted recent media attention that issues such as the storm run-off and post-game antics have been receiving. She stated that she hopes her term on Council is not spent “putting out fires” related to how the City will pay for these situations. She said that the City can’t afford to put more money towards expanding BOPARC or paving roads. She hoped an agreement can be worked out with WVU to accommodate these expenses of the City. She congratulated the University for its fiscal prosperity, and hoped the relationship with WVU can be improved as the entities continue to work together through the Town and Gown Association.

Councilor Fike:

Councilor Fike commended the success of the International Festival and thanked all who were involved. He reported working with the South Pointe Neighborhood Association and was pleased with their input. He then commended the Young Democrats group for dedicating their Sunday to cleaning up trash along Brockway Avenue. He also discussed the Chinese Student Association’s Mid-Autumn Festival, and thanked the group’s president for his contributions to the Sister Cities Commission.

Councilor Shamberger:

Councilor Shamberger announced a walking tour of the Morgantown Riverfront organized for the Rivertown Program, after which a discussion will be held. She thanked urban hunters who have donated 935 pounds of venison to local charities, and thanked those who applied for the BOPARC vacancy. She encouraged all to get involved with volunteerism. She stated that she attended the groundbreaking of a new dormitory, and announced an upcoming Woodburn Neighborhood Association clean up event. She spoke of an upcoming BOPARC water festival, and she inquired about the citizen's complaints of the lack of sidewalk and crosswalk at the construction of the new Panera Bread. Mr. Mikorski replied that the City is aware of the situation, and an alternate crossing site is in the works further up the street; however it appears too dangerous to place a temporary crossing at the crowded intersection there. Councilor Shamberger then thanked those who reported post-game misconduct to the police.

Councilor Nugent:

Councilor Nugent thanked WVU officials for explaining the stormwater planning process to Council, expressing hopes of continuing to work together for mutual benefit of the community. He then thanked City staff and administration for participating in his ward tour and hoped that he had been respectful of everyone's time while making valuable observations of needed improvements. He addressed a citizen's comments regarding a stop sign at Highland and Morgan, and asked that the Manager look into the matter. He noted the lighting tour downtown this evening, and Mr. Mikorski stated that the City will look into upgrades for the downtown lighting. Lastly Councilor Nugent announced the First Friday event, Art is Food event and the Arts Walk, encouraging all to enjoy those events.

Councilor Kawecki

Councilor Kawecki echoed concerns that the City should work more closely with WVU, but in a formal and routine manner. He asked the Town and Gown group to make arrangements to meet that goal. He then relayed to students that he wishes them to act with citizenship and responsibility to help deter the acts of destruction so common to game weekends.

Councilor Bane:

Councilor Bane encouraged citizens to write to their national representatives to settle the matters before them in Washington. He also encouraged citizens to be aware and educate themselves about the Affordable Care Act. He then noted a meeting with the County Commission, and asked that the topic of "Municipal Issues" from that meeting be discussed at Committee of the Whole, before presenting those to the County by October 24<sup>th</sup>.

Mayor Selin added a suggestion to have a special work session dedicated to this discussion. Discussion then erupted about the timeline and best method for reporting back to the County about these items. Council decided to submit three legislative items

each to the Clerk, and then have a work session at 7:00pm on October 22<sup>nd</sup> in order to prioritize those suggestions.

Councilor Bane continued his report by citing from the Charter about interference with City Administration, warning Council members that they should follow the letter of the Charter where this is concerned, as it is a very serious matter.

Mayor Selin:

Mayor Selin acknowledged a Political Science class in the audience, and then announced that the Communications Manager is seeking applications for a videographer to assist in the broadcast of the Council meetings. She invited the students to attend Boards and Commissions meetings as well. Mayor Selin commented on the Art is Food event and announced a Public Forum for Evansdale Plans in November. She then announced several upcoming community events including, a Tree Pruning Workshop, Fire Prevention Week shows, Arts Walk- Shady Art exhibit, Metropolitan Opera Live, Deckers 10K Run, WV Water Festival, the ongoing Farmer's Market, Year of the Tree Bird Walk, and the Canine Classic 5K Walk/Run.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:30 p.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.