

**REGULAR MEETING October 4, 2016:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, October 4, 2016 at 7:01 p.m.

**PRESENT:** Interim City Manager Glen Kelly, City Attorney Ryan Simonton, City Clerk Linda Tucker, Mayor Marti Shamberger, Council Members: Ron Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

**APPROVAL OF MINUTES:** September 20, 2016 Special Meeting Minutes, and September 20, 2016 Regular Meeting Minutes were approved after minor amendments.

**CORRESPONDENCE:** Mayor Shamberger presented proclamations to the following: The Gospel Singing Koon Family Day; Safe Communities America Day; National Substance Abuse Prevention Month; SHIFT-10Day and General Aviation Appreciation Month.

**PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES: OF THE CITY’S PLANNING AND ZONING CODE AS IT RELATES TO CHURCHES, PLACES OF WORSHIP.**

Mayor Shamberger declared this Public Hearing open.

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

**PUBLIC HEARING – AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE CITY OF MORGANTOWN AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C.**

Mayor Shamberger declared this Public Hearing open.

Tim Ball, Director of Morgantown Utility Board, updated Council on the Bond funds and noted that the project will be affordable if the interest rates remain stable.

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

**PUBLIC HEARING – AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.**

Mayor Shamberger declared this Public Hearing open.

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

**PUBLIC HEARING – AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN**

**O’CLOCK IN THE MORNING ON SUNDAYS.**

Mayor Shamberger declared this Public Hearing open.

Evelyn Ryan, 225 Dewey Street, noted that Video Lottery and serving alcohol could present a problem.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES: OF THE CITY’S PLANNING AND ZONING CODE AS IT RELATES TO CHURCHES, PLACES OF WORSHIP:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES: OF THE CITY’S PLANNING AND ZONING CODE AS IT RELATES TO CHURCHES, PLACES OF WORSHIP.

Interim City Manager explained, motion by Kaweck, second by Ganz, to adopt the above entitled Ordinance. Motion carried 6-0. Selin Abstained

**AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C:** The below entitled Ordinance was presented for third reading.

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE CITY OF MORGANTOWN AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C.

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

**AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

Interim City Manager explained, motion by Ganz, second by Kaweck, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O’CLOCK IN THE MORNING ON SUNDAYS:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O’CLOCK IN THE MORNING ON SUNDAYS.

After discussion, City Attorney explained, motion by Redmond, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** After discussion of available positions, City Clerk requested a Special Meeting on October 18, 2016 to interview candidates for Parking Authority, Sister Cities and Traffic Commission. City Clerk will e-mail Council once she verifies list of candidates. By acclamation Council approved Special Meeting.

**PUBLIC PORTION:**

Mayor Shamberger declared the Public Portion open.

Vic Cordwell, 525 Globe Avenue, noted that Hite Street in First Ward is “nothing but dirt” since being milled. He stated it is like a war zone, houses are dusty and our kids have to stand in dust while waiting for the bus in the mornings. He requested Council to reimburse the citizens on that street by offering to clean their homes because the dust is so bad.

Andrew Vecchio, Owner Motown Taxi, thanked Interim City Manager Glen Kelly and Parking Authority Director Tom Arnold for their help in developing the Taxi-Stand ordinance. He noted various issues and stated that Uber is soliciting for ridership and this is prohibited by law. He stated that there is a safety issue when Uber and Motown Taxi are both trying to occupy such a small area and asked Council for their support in this area.

Evelyn Ryan, 225 Dewey Street, mentioned to Council that the County Commission is placing the Brunch Bill on the Ballot for the November 8<sup>th</sup> election and wondered if that was an overlap.

There being no more appearances Mayor Shamberger declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** Councilor Ganz reported that today there was the first of two meetings for the Safe Community Rail Trail Stakeholder meeting providing maintenance and safety along the trail. She noted there will be collaborations with WVU, Police Department and groups that are interested in having programs on the rail trails. Mayor Shamberger reminded Council about the meeting at Spruce Street Church on October 17, 2016 at 6:30 pm that the Coordinating Coalition on Homelessness is having to develop a Downtown Task Force.

**NEW BUSINESS:**

**AN ORDINANCE CREATING A NEW ARTICLE 951 IN THE CITY CODE PROVIDING FOR TAXI STANDS:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE CREATING A NEW ARTICLE 951 IN THE CITY CODE PROVIDING FOR TAXI STANDS.

Motion by Bane, second by Kawecki, to approve the above entitled Ordinance to second reading. Interim City Manager explained, after discussion motion by Nugent, second by Redmond to remove section © Operation of taxi stand. Motion carried 7-0. Vote taken on main motion carried 7-0.

**A RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF MOTOR VEHICLES FOR A HIGHWAY SAFETY ENFORCEMENT PROJECT:** The below entitled Ordinance was presented for first reading.

City Clerk Linda Tucker informed Council that the above Resolution was already approved in May 2016.

**A RESOLUTION AUTHORIZING THE 2016-2017 BUDGET FOR THE AIRPORT IMPROVEMENT FUND:** The above entitled Resolution was presented for first reading.

Interim City Manager explained, after discussion, motion by Selin, second by Bane, to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION SUPPORTING PASSAGE OF THE EXCESS LEVY TO SUPPORT MONONGALIA COUNTY SCHOOLS:** The above entitled Resolution was presented for first reading.

Motion by Selin, second by Ganz to approve. After discussion motion by Ganz second by Bane to amend the Resolution adding after the first whereas the continuation of Monongalia County Schools; and line five after and reduced 2% from 75% to 73%. Motion carried 7-0 to amend. Question was called on main motion. Approved 7-0.

**CITY MANAGER'S REPORT:**

**New Business:**

**1. Airfield Lighting Contract**

Michael Baker International, our airports engineering firm of record has followed the Federal Bid Process and requests approval of the contract with Bronder Technical Services in the amount of \$381,426.00. This is to execute the work funded by the DOT, FAA Grant that was approved by council on August 30, 2016. Interim City Manager Glen Kelly recommended that Council approve the awarding of this contract as listed to Bronder Technical Services.

Motion by Ganz, second by Kawecki to award the contract to Bronder Technical Services for \$381,426.00. Motion carried 7-0.

**2. Snow Removal Equipment Contract**

Michael Baker International, our airports engineering firm of record has followed the Federal Bid Process and requests approval of the contract with A & H Equipment Company in the amount of \$149,891.00. This is to purchase the equipment funded by the DOT, FAA Grant that was approved by council on August 30, 2016. Interim City Manager Glen Kelly recommended Council approve the award of this contract to A & H Equipment Company.

Motion by Ganz, second by Kawecki to award the snow removal contract to A&H Equipment Company for \$149,891.00. Motion carried 7-0.

**3. Update at the Airport:**

Interim City Manager Glen Kelly updated Council that there have been 6,200 enplanements with Silver Airways and Southern Airways at 80% capacity that would put the Airport at 8,887 short of the 10,000 enplanements. Interim City Manager spoke with WVU today and they are at 470 enplanements with LGA Aviation which is rather low for them. Interim City Manager has discussed with WVU about flying with Southern Airways since Southern has the capacity to do chartered sport events. Interim City Manager Glen Kelly stated that Southern Airways should be starting their flights in Morgantown at the end of November.

Interim City Manager Glen Kelly informed Council that in preparation for Southern Airways, the Airport had to do some upgrades in the terminal. He noted that the departure area carpet was no longer able to be cleaned and was replaced with laminate flooring for \$3,800 and that was within the Airport Budget already approved.

**REPORT FROM CITY CLERK:**

City Clerk Linda Tucker updated Council on the United Way Bake Sale that was held on Friday, September 30, 2016 that the City Employees raised \$400.

**REPORT FROM CITY ATTORNEY:**

No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane requested an update on when Hite, Dorsey and Mississippi would get paved and noted agreeing with Mr. Cordwells comments. Interim City Manager replied that paving for Dorsey should begin on October 11,2016 and Hite, Mississippi thereafter. He agreed with Mr. Cordwell that Hite Street is a war zone and noted his concerns about the milling on Dorsey not being thick or wide enough. He expressed understanding delays due to cement work on curbs and sidewalks, but the sooner the better.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki noted that he heard that in reference to the paving he heard that there were difficulties with the Asphalt Company. He stated that the City is requesting patience of residents while we work out these problems. He announced that at the Traffic Commission meeting on 10-5 a traffic issue in the 2<sup>nd</sup> Ward will be brought up about Jackson and Maple.

Councilor Nugent:

Councilor Nugent apologized to residents on the delays and issues with the paving this year. He asked the Interim City Manager where are we on the paving contract in completion. Interim City Manager responded that paving is around 60% to 65% complete. Councilor Nugent asked on the streets that had speed humps before the paving when will they be replaced. Interim City Manager stated that speed humps will be done after paving is completed. He requested and updated on the lights on High Street from the Interim City Manager. Interim City Manager reported that the DOH did a preliminary visit and did not approve lighting, but DOH will review area again and report back to City Manager.

Councilor Selin:

Councilor Selin noted more yellow lines being painted in her neighborhood and urged those that have questions contact the City Manager's office. She announced that the Botanic Garden Is having a Kids Festival and it is free.

Councilor Redmond:

Councilor Redmond mentions that the project paving in the neighborhoods is a burden. There is a lot of lag time between the milling and paving. He would like to see a way in the future to try and close that gap. He mentions Hite Street that was milled 2 weeks ago and still has not been paved. Councilor Redmond mentions the Brunch Bill and that he has a Class A License. He states that this bill would pertain to him if he was open on Sunday's but he is not. He also mentions the video lottery and how the Brunch Bill is not associated with this. He does say that the Video lottery is governed by the State Laws and he does not think this has changed. Councilor Redmond mentions the Uber Drivers and how they should behave in the downtown area. They do not have any guidelines to go by and he thinks that they should have.

Councilor Ganz:

Councilor Ganz wants to thank Damien Davis and Kenny Holloway and the Police attending the Suncrest Neighborhood Association and spoke to the neighbors in concerns of the painting of the yellow lines. Councilor Ganz mentions area in the Suncrest area of many less streets being milled and paved. Councilor Ganz mentions that more signage would be helpful and have some

publicity on the work that is being done to let the citizens know. Councilor Ganz states that she hopes the Wards & Boundaries hires a demographer. Councilor Ganz mentions several activities that have happened and she thanks the City Clerk Linda Tucker and Human Resource Manager Bill Wiley and others for putting together the Bake sale fundraiser for the opening of the United Way the “Day of Sweets”. Would like to thank Bobby Nicholas and his sister Belinda Nicholas for signing at the event.

Mayor Shamberger:

Mayor Shamberger addressed the issue with the milling and paving that James Street and Richwood Avenue have been milled but not paved yet. She would like to see signs made by the user fee money that will show where they are paving throughout the City. She noted she would like to see before and after pictures of the milling and paving as well. Mayor Shamberger thanked the Interim City Manager for addressing the potholes on Wiley Street. Mayor Shamberger asked if Ubers are independent contractors and if they are registered to do business and can the City charge them for the user fee and B & O taxes. She requested this be investigated and to report back to Council on this issue. Mayor Shamberger had the following announcements: she will out of town on Thursday and Friday of next week for the WV Municipal League Meeting in Lewisburg. Tuesday, October 11<sup>th</sup> from 4-7 I-79 public meeting at the Medical Center; Read Baby Read Morgantown Public Library Thursday, October 6<sup>th</sup> 10:30 am to 11:30 am; WV Botanic Garden Family Walks Friday, October 7<sup>th</sup> 10:00 am to 11:00 am; Arts Walk Friday, October 7<sup>th</sup> 6:00 pm to 9:00 pm Downtown Morgantown; M.T. Pockets presents Rara Imler and Brian Barganier on Friday, October 7<sup>th</sup> at 8:00 pm; WV Botanic Garden Fall Children’s Festival Sunday, October 9<sup>th</sup> 1:00 pm to 4:00 pm; Adult Relaxation Class Monday October 10<sup>th</sup> 5:30 pm to 7:30 pm at the Morgantown Public Library; Balloons over Morgantown Thursday October 13 to Sunday October 16<sup>th</sup>; American Red Cross Blood Drive, Spruce Street Church October 13<sup>th</sup> 1:30 pm to 7:00 pm; M.T. Pockets presents Andrew Bess, Cody Lambert, and Andy Frampton Saturday October 15<sup>th</sup> 6:30 pm; Farmers Market October 15<sup>th</sup>; Register to vote no later than October 18<sup>th</sup>, 2016 in order to be vote in the November election, if you need to change your address you have until the 18<sup>th</sup> of October; Early voting begins October 26<sup>th</sup> – November 5<sup>th</sup>; Halloween Egg Hunt and Costume Contest sponsored by Animal Friends October 30<sup>th</sup> registration starts at 1:30 pm and begins at 2:00 pm and

will be at Marilla Park in the main Pavilion; Trick or Treat will be Monday, October 31<sup>st</sup> from 5:30 pm to 7:30 pm for the City of Morgantown.

**EXECUTIVE SESSION:** Pursuant to WV State Code Section 6-9A-4(b)(2)(A) motion by Deputy Mayor Kawecki, second by Selin, to go into executive session in order to discuss personnel matters in recruitment for a new City Manager. Present: Council. Time: 8:50 pm

**REGULAR SESSION:** Council by acclamation moved back into Regular Session. Motion by Bane, second by Ganz to approve the announcement for the City Manager as amended. Approved by acclamation.

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

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City Clerk

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Mayor

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