

REGULAR MEETING NOVEMBER 18, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, November 18, 2014 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, and 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 Steve Fanok

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: The minutes of the regular meeting of November 5, 2014, were approved as printed.

CORRESPONDENCE: Mayor Selin presented a proclamation to the PSALM students at St. Francis School for their participation to eliminate landmines and declare November 18th, 2014 as Cluster Bomb Awareness Day and urge everyone to support the global ban of these bombs. Mayor then read a proclamation encouraging citizens to support Small Business Saturday on November 29, 2014. Mayor Selin was asked to read an e-mail into the record from Joey James (Attached Exhibit A); requested that Council implement the Truck Ordinance that as a young professional who is weighing investing in buying property in the City. He noted that if the ordinance is not implemented he will never move into the City of Morgantown. Motion by Councilor Ganz, Second by Kawecki to suspend the rules to have Bob Bastress, Legal Counsel, submits a recommendation to Council. Mr. Bastress told Council that in WV Code Council has the right to regulate truck traffic in the downtown district, but the necessary signage needs to be approved by the WV Division of Highways before enforced. Mr. Bastress advised Council that they should delay enforcement until the DOH approves the signage or until a favorable judgment is obtained following the December 15th, 2014 hearing. Councilor Shamberger reported that the Bartlett House will be open extended hours on November 18th and 19th; 7am to 7pm due to the cold weather. Councilor Kawecki read a thank you from Eastwood Elementary thanking the City for coming to their Meet and Greet on November 10, 2014.

PUBLIC HEARING- AN ORDINANCE REGARDING CONSIDERATION OF ADOPTION OF A BOND AUTHORIZING ORDINANCE WHICH WOULD AUTHORIZE AND DIRECT THE ISSUANCE BY THE CITY OF MORGANTOWN OF NOT MORE THAN \$6,500,000 OF TAX INCREMENT REVENUE AND REFUNDING BONDS FOR THE PURPOSES OF REFUNDING AND PAYING IN FULL THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS, SERIES 2010, PAYING COSTS OF THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3 ANY PAYING COSTS OF ISSUANCE OF SUCH BONDS AND RELATED MATTERS.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING REFUNDING OF CURRENT BONDS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE REGARDING CONSIDERATION OF ADOPTION OF A BOND AUTHORIZING ORDINANCE WHICH WOULD AUTHORIZE AND DIRECT THE ISSUANCE BY THE CITY OF MORGANTOWN OF NOT MORE THAN \$6,500,000 OF TAX INCREMENT REVENUE AND REFUNDING BONDS FOR THE PURPOSES OF REFUNDING AND PAYING IN

FULL THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS, SERIES 2010, PAYING COSTS OF THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3 ANY PAYING COSTS OF ISSUANCE OF SUCH BONDS AND RELATED MATTERS.

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

BOARDS AND COMMISSIONS: Council by acclamation appointed the following new members: Joe Morris; 7th Ward Representative for the Urban Landscape and Cindy O'Brien as the 2nd Ward Representative for the Ward & Boundary Commission.

PUBLIC PORTION:

Evan Hanson, 295 High Street, representing Safe Streets Morgantown, noted that the Safe Streets supports the Truck Ordinance and wants to see it implemented as soon as possible; but understands the Cities position as advised by legal counsel.

Matthew Held, 213 Kingwood, thanked City Street Crew for clearing limestone from sidewalks along Brockway Avenue; due to the Trucks driving through the neighborhood of Greenmont. Mr. Held spoke on behalf of the Greenmont Neighborhood in support of Council decision in delaying Truck Ordinance due to legal issues and trust that Council will remedy this soon to implement ordinance for the safety of the community.

Mayor Selin, welcomed the Political Science 220 Class to the meeting.

There being no more appearances, Mayor Selin declared the Public Portion was closed

SPECIAL COMMITTEE REPORTS: No Reports

NEW BUSINESS:

AN ORDINANCE APPROVING REPLACEMENT PAGES OF CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.

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

CONSIDERATION OF APPROVAL OF A RESOLUTION TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$20,000 FOR THE WV PUBLIC THEATRE THROUGH THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM: The above entitled Resolution was presented for Council's approval:

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

CONSIDERATION OF APPROVAL OF A RESOLUTION OF THE CITY OF MORGANTOWN AUTHORIZING THE PARTICIPATION BY THE CITY IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE OF THE U.S. SECURITIES AND EXCHANGE COMMISSION AND THE FILING OF A REPORT WITH THE COMMISSION IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH POWERS OF ATTORNEY AND OTHER DOCUMENTS AND THE UNDERTAKING OF SUCH ACTIONS BY CITY OFFICIALS AND EMPLOYEES AS MAY BE NECESSARY FOR THE CITY TO PARTICIPATE IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION INITIATIVE; ADOPTING POLICIES AND PROCEDURES WITH RESPECT TO COMPLIANCE WITH CONTINUING DISCLOSURE OBLIGATIONS UNDERTAKEN BY THE CITY AND APPROVING OTHER MATTERS IN CONNECTION WITH THE FOREGOING: The above entitled Resolution was presented for Council's approval:

After explanation by the City Manager, Jeff Mikorski, motion by Kawecki, second by Ganz to adopt the above entitled Resolution. Motion carried 7-0.

CITY MANAGERS REPORT:

New Business:

1. Contracting for Planning Services

As a part of the Fiscal Year 2014-2015 budget, funds were allocated for the contracting of planning services to augment the Development Services Department planning staff for implementation of the Comprehensive Plan and short-term planning services. Through a lengthy process, the Development Services Department has pre-qualified a pool of firms that we hope to work with on various planning tasks. Based on the results of the evaluation process, URS Corporation has been identified and contacted to provide on-call planning services to support City staff. I recommend City Council approve the URS Corporation contract and allow us to establish task orders to implement planning services.

After explanation by the City Manager Jeff Mikorski, motion by Nugent, second by Ganz to approve the URS Corporation contract. Motion carried 7-0.

2. Request to delay enforcement of Heavy Truck Ordinance

As requested by City Council at the November 5, 2014 City Council meeting, Council requested to act on the delay of the Truck Ordinance at the November 18, 2014 meeting.

The City of Morgantown, and all Council members, received a letter from Paul Cranston, on behalf of his clients, requesting that Morgantown refrain from expending public funds and resources on the implementation and enforcement of Morgantown's Heavy Truck Ordinance until Civil Action No. 14-C-1877 is resolved on the merits. A suit was filed challenging the validity of the "Heavy Truck Ordinance" enacted by the City of Morgantown on September 2, 2014. On November 10, 2014 Mr. Cranston requested an expedited hearing on the suit and a preliminary injunction.

After discussion, motion by Kawecki, second by Ganz to delay the enforcement of Truck Ordinance until all legal issues are resolved. Motion carried 7-0.

3. Home Rule Public Hearings

In order to move along the issues related to the City of Morgantown Home Rule Application, I would like to request Council authorize a Public Hearing for Thursday, December 18, 2014 at 6:00 pm for the following proposals:

1. Ordinance regulating Upholstered Furniture, Mattresses, and other similar items on the Exterior of Premises.
2. Intergovernmental Agreements by Resolution Rather than by Ordinance.

City Manager Jeff Mikorski explained hearings to Council and ask their consensus on hearing date. Council approved date and proposals by unanimous consent.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM CITY CLERK:

1. City Clerk Lind Tucker informed Council of a Liquor License Application – The Dancing Fig at 2862 University Avenue.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: No Report.

Councilor Kawecki: No Report.

Councilor Nugent: Councilor Nugent thanked City Manager and City Staff for Third Ward Tour; mention that the Small Bs. Saturday Santa will be available for the kids and from 11-26 to 30th there will be free parking. He reported that the Wiles Hill/HP Neighborhood Meeting will be on November 19th at 287 Eureka Drive. Councilor Nugent announced that a Neighborhood Forum will meet on December 4th at Wiles Hill at 6pm about future development in the area; he then asked everyone to try to see the play Manger in Bethlehem on December 6 or 7th at M.T. Pockets.

Councilor Shamberger: Councilor Shamberger thanked the PSALM students for the card, they are really lovely; she also thanked WVU Student Master & Public Administration invited myself and Councilor Kawecki to their class today on local government and it was very informative. Councilor Shamberger announced that the Woodburn Redevelopment Commission will be meeting on November 20, 2014, 7p at Woodburn School; also reported

that the Commission applied for a grant through the WV Preservation Alliance. Councilor Shamberger reported from the Coordination Council on Homelessness that January is Homelessness Month and that John Sonneday will be speaking about that at the COW this month.

Councilor Fike:

Councilor Fike thanked the Staff and volunteers of the History Museum for the work that went into the displays with the Home Town Teams Exhibit that we have enjoyed the last 6 weeks. He then noted he was also proud of Mayor Selin in her announcement of her Million Hour Match Initiative and then we match those volunteers as citizens.

Councilor Ganz:

Councilor Ganz announced that the Suncrest Neighborhood Association meeting will be December 4th, 2014 at Calvary Baptist Church; School Board will be present to talk about design of new school. Councilor Ganz reported that there will be Mid-Eastern Dancing on December 12th at the Lebanese Bistro. Councilor Ganz updated everyone on Operation Christmas Child and the deadline to get shoeboxes in and where to deliver; history and more.

Mayor Selin:

Mayor Selin recognized the WVU Student Government representation in the audience this evening; and asked if they wished to report any news. Mayor Selin asked the City Manager Jeff Mikorski when Assistant City Manager Glen Kelly could give an update on enplanements at the Airport. Council suspended the rules to have Mr. Kelly give a brief report. Mr. Kelly stated that there were 8000 overall with just Silver-Airway; so far this month running 266 with the upcoming holiday we are hoping 800-850. Mr. Kelly reported the Wheeling Trip numbers were 204; FAA glad we are promoting aviation. Mr. Kelly said that the Airport will have an FSC Intern to help with marketing and also the Mylan Chief pilot will work with the Airport on

Charter Companies.
Million Hour Match; approved by
unanimous consent.

EXECUTIVE SESSION: Motion by Bane, second by Shamberger and carried by unanimous consent for Council to go into Executive Session, pursuant to West Virginia Code Section 6-9A-4(2) (9) as it pertains to personnel matters. Present: Council and City Manager Jeff Mikorski. Time 8:10 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:26 p.m.

City Clerk

Mayor

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