

REGULAR MEETING NOVEMBER 5, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Wednesday, November 5, 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, and Nancy Ganz. City Attorney Steve Fanok Absent.

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: The minutes of the regular meeting of October 21, 2014, were approved as printed.

CORRESPONDENCE: Mayor Selin asked Chief of Police Ed Preston to come forward to present 6 Lifesaving awards to Sgt. Chad Reyes; Patrolman First Class Chris Wofle, Aaron Dull, Patrolman First Class Michael Blonairz, Joseph Patterson and Patrolman Benjamin Forsythe. Chief Preston then gave to Mayor Selin the 2014 Community Traffic Safety Award from AARP. Mayor Selin presented a proclamation for National Hospice Palliative Care Month encouraging citizens to increase their awareness and understanding of care at the end of life and to observe November with activities and programs.

PUBLIC HEARING-AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITION OF TERM” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “OVERLAY DISTRICT.”

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

PUBLIC HEARING -AN ORDINANCE TO CREATE AN “AIRPORT OVERLAY DISTRICT” THAT CONSIDERS SAFETY ISSUES AROUND THE MORGANTOWN MUNICIPAL AIRPORT (MGW) TO INCLUDE: RESTRICTING HEIGHTS OF ESTABLISHED USES, CONSTRUCTED STRUCTURES AND OBJECT OF NATURAL GROWTH WITH SAID OVERLAY DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP BY ADOPTING AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY DISTRICT ZONING MAP.

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

PUBLIC HEARING-AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN IT AND THE WV DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, FOR INSTALLATION OF A BICYCLE LANE ALONG NORTHBOUND U.S. 19(MONONGAHELA BOULEVARD), BETWEEN EIGHTH STREET AND EVANSDALE DRIVE.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING ARTICLE 1329.02 “OVERLAY DISTRICT”: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITION OF TERM” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “OVERLAY DISTRICT.”

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

AN ORDINANCE TO CREATE AND “AIRPORT OVERLAY DISTRICT”: The below entitled Ordinance was presented for second reading.

AN ORDINANCE TO CREATE AN “AIRPORT OVERLAY DISTRICT” THAT CONSIDERS SAFETY ISSUES AROUND THE MORGANTOWN MUNICIPAL AIRPORT (MGW) TO INCLUDE: RESTRICTING HEIGHTS OF ESTABLISHED USES, CONSTRUCTED STRUCTURES AND OBJECT OF NATURAL GROWTH WITH SAID OVERLAY DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP BY ADOPTING AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY DISTRICT ZONING MAP.

Council suspended the rules to have Chris Fletcher, Director of Development Services for the City to answer questions and discuss the zoning airport overly district. After discussion, motion by Bane, second by Nugent to amend the ordinance effective date to March 1, 2015. Motion carried 7-0. Question was called on the main motion. Motion by Bane, second Shamberger, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A MOU WITH THE DOH FOR BIKE LANE ALONG MON BLVD BETWEEN EIGHTH STREET AND EVANSDALE DRIVE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN IT AND THE WV DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, FOR INSTALLATION OF A BICYCLE LANE ALONG NORTHBOUND U.S. 19(MONONGAHELA BOULEVARD), BETWEEN EIGHTH STREET AND EVANSDALE DRIVE.

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

BOARDS AND COMMISSIONS: Council by acclamation reappointed the following members: Building Commission: Terry Jones; Historic Landmarks Commission: Rodney Pyles; Transit Authority: Denny Poluga; Tree Board: Brent Bailey, Dave Barnett, Jonathan Cumming, Greg Dahle, Katherine Payne, Joe Weems, Kara Hurst and Woodburn Redevelopment Commission: Kerry Lilly, Christine Byrne-Hoffman.

PUBLIC PORTION:

Stacy Long, 309 Grand Street, is concerned about his 70 year old roommate that broke her leg on the uneven sidewalks in this City. He noted that he feels very bad for her and is concerned about other elderly citizens walking on these walks and the same happening to them. He asked the City to check into repairing these sidewalks before there is another accident.

Evan Hanson, 295 High Street, representing Safe Streets Morgantown, noted that the Safe Streets supports the Truck Ordinance and more people are adding their support every day on our face book page. He mentioned his concern that on the Agenda this evening on the City Managers Report there is a request to delay enforcement of Heavy Truck Ordinance; and felt that this issue should be discussed with the City Attorney in Executive Session.

Kat Garvey, lives in Greenmont, commented that her husband said that if the Truck Ordinance does not pass they are moving. She stated that discussion of delay of the Truck Ordinance should be done in Executive Session with an Attorney present.

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 REGARDING CONSIDERATION OF A BOND FOR THE CITY OF MORGANTOWN FOR REDEVELOPMENT DISTRICT NO.3: The below entitled Ordinance was presented for first 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, and discussion from Council, motion by Kawecki, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER'S REPORT:

New Business:

1. Group Health Plan Revision

As seen in the attachment, the City is requesting a change to the Group Health Plan beginning January 1, 2015 that would extend to a period that an employee is covered by City's health insurance after a disability from six months to twelve months. This change will not increase the group plan's cost to the City or employees, but will allow additional time an employee can be off on medical leave without having to be removed from the insurance.

There will be no increase in rates for our Group Health Plan in the coming year. slight increases in the rates were reduced by increasing the plan deductible from \$75,000 to \$90,000 per employee. This increase does not impact the coverage or deductible each employee pays. Additional benefits that will be increased for employees will be increasing the Health Insurance from \$20,000 to \$50,000 and an increase in the vision benefit from \$200.00 to \$400.00 annually.

After discussion, motion by Nugent, second by Bane to approve the revisions in the City Employee Group Health Plan. Motion carried 7-0.

2. Request to delay enforcement of Heavy Truck Ordinance

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.

The fact that Mr. Cranston has requested an expedited hearing on the suit and that the Department of Highways has not approved our requested sign plan for implementation; the City Manager recommended Council to delay the implementation of the Ordinance for a reasonable amount of time to allow the court to act on the suit.

After discussion no action was taken and issue will be addressed at a City Council meeting during an Executive Session.

3. Pennsylvania Environmental Council Mini-grant Agreement

Attached is an agreement for the City to receive \$5,000 to be used to support public art as a part of the River Town program. This grant would provide the funds for an artist stipend to support creation of public art in Morgantown. I recommend approving the PEC mini-grant in order to support the creation of public art in Morgantown.

After discussion, motion by Councilor Ganz, second by Kawecki to approve \$5,000 to support public art as part of the River Town program. Motion carried. 6-1. Mayor Selin Abstained.

4. Human Right Commission Survey results

At the October Committee of the Whole, representatives of the Human Rights Commission provided an overview of a needs survey that they completed to meet one of their goals as a Commission. Prior to making the document public, the Human Rights Commission requested Council approve the survey results report. Attached is the Human Rights Commission report.

After discussion, motion by acclamation, to approve the Human Rights Commission Report.

5. Traffic Commission Recommendations

Attached are two recommendations from the Morgantown Traffic Commission meeting of October 1, 2014. Both recommendations were initiated by resident concerns and complaints. I recommend Council approve the two parking related requests from the Traffic Commission and allow City Administration to act on those request.

Council suspended the rules to discuss recommendations with Damien Davis, Interim City Engineer. After discussion, motion by Bane, second by Nugent to approve the Traffic Commission Recommendations. Motion carried 7-0.

REPORT FROM CITY ATTORNEY: Absent.

REPORT FROM CITY CLERK:

City Clerk, Linda Tucker, presented to Council the cost of the Granicus program for streamlining Boards and Commissions and also the Paperless Program from Munimetrix. After discussion, Council will look at both companies during the budget process for 2015-16 budget years; and make a decision then. Discussion furthered about the Conference Session being held on at the Airport on November 11, at 6pm.

Councilor Bane:

Councilor Bane thanked the City Manager and Public Works for patching Hudson. Councilor Bane requested an update on the Zackquil Morgan Statue and Don Knots Star. City Manager responded that there is an RFP out for the plaza and some stability issues before the Statue can be placed. City Manager Jeff Mikorski reported that the Don Knots star material is very fragile and has cracked a couple times so we are looking for alternative materials. Councilor Bane asked if the rules could be suspended to have Chief of Police Ed Preston give an update on the weekend after the game between WVU & TCU. Councilor Bane asked about the COW in November stating he will not be in attendance; Councilor Ganz replied saying she will also be out of town. Mayor Selin questioned Council to make sure there would be a quorum for the November COW, noted by consensus everyone else will be in attendance. Mayor Selin noted that the Legislative Session with Delegates will be 5:30pm on December 2, 2014. Council suspended the rules to have Chief Preston report about the activities from the TCU weekend; Chief read report Council from the weekend and noted that due to the cold weather kept the activity down; but still had a tremendous amount of pedestrian business in the downtown. After question and answer session with Council; Council thanked the Chief and Police Department for their protection of the community with minimum manpower.

Councilor Kawecki:

No Report.

Councilor Nugent:

Councilor Nugent reminded the City

Manager that a Third Ward Tour needs to be scheduled before winter. He commented that he has heard from neighbors and downtown stakeholders that the City needs to make sure we have enough resources in the right place. He noted we could always work smarter without spending more money by pursuing and engaging all of these stakeholders. He then thanked all departments for it takes the whole team working together.

Councilor Shamberger

Councilor Shamberger announced that on November 7th the first Friday of the month that Woodburn School will be hosting a Spaghetti dinner for \$5.00 and concert to help raise money for the school. First Friday will be held each month with different bands. Councilor Shamberger wanted to say thank you to all of the Veterans in Celebration of Veterans day on November 11, there will be a program at the Court House that morning and a Veterans Parade in the evening. Councilor Shamberger commended City Staff on the exterior of City Hall and its appearance. Councilor Shamberger reported that the Service League of Morgantown will begin having their Holiday Open House beginning this Friday through Sunday. Councilor Shamberger stated that the Holiday Open House will be open through Christmas; it is the oldest Historical Site and they have no paid staff; they are all volunteers so all profit goes back to the community.

Councilor Fike:

Councilor Fike stated that he appreciates Council approving the Human Rights Commission Survey results. Councilor Fike reported that at the Fairness WV Conference that they will be presenting the 2014 Ian Gibson Smith Award to the Human Rights Commission on November 15th for their dedication to ensuring LGBT rights and encouraging a political commitment to fair treatment under the law in the City of Morgantown.

Councilor Ganz:

Councilor Ganz thanked the Suncrest Kiwanis for taking care of the park known as Indian Park; and noted that BOPARC and Historic Landmarks Commission are working on maintaining the monuments. Councilor Ganz thanked the Fire Department and Police Department for calming down the outrageous activities that have been happening at the Van Voorhis corridor during Football Games. Councilor Ganz noted that the community is growing with students from WVU which we have to control; but funding is not being equalized. Councilor Ganz wants to meet with President Gee and their Administration, Town and Gown, BOG to discuss working together to keep our employees, students and community safe at all times.

Mayor Selin:

Mayor Selin requested that if Council had any comments on the Hydro-Dam Facility the comment period ends Monday to get those to the City Manager. City Manager will pull the comments together from Council and send to Free-Flow Power. Mayor Selin asked Council to get their Legislative Priorities together and bring them to the Conference Session on 11-11-14. Mayor Selin announced that on November 6, 2014 the History Museum-Hometown Teams will have a Bowling Team exhibit; Farmers Market on November 8, 2014; University Art Series, Blue Man Group, November 9, 2014; next Rivertown meeting November 12, 2014; Small Business Saturday on November 29, 2014 with milk and cookies from Santa.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:00 p.m.

City Clerk

Mayor

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