

**REGULAR MEETING, NOVEMBER 19, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, November 19, 2013 at 7:00 P.M.

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

**APPROVAL OF MINUTES:** By acclamation, the minutes of the November 5, 2013 Regular Meeting were approved as presented.

**CORRESPONDENCE:** Councilor Shamberger presented letters of thanks from Eastwood Elementary School students for the City's participation as the school's partner in education. Mayor Selin presented a letter from Bob Jones, a first ward traffic commission member, who expressed concern for traffic and pedestrian safety in the High Street area. Mayor Selin then offered a Proclamation in honor of Small Business Saturday.

**BOARDS AND COMMISSIONS:** By acclamation of Council, Martin Dombrowski was appointed as the seventh ward representative to the Traffic Commission.

**PUBLIC PORTION:**

James Giuliani, 265 Prairie Avenue, presented Council with a handout and reminded them that he had previously suggested Council hold a special meeting to discuss downtown development issues. He offered to give a presentation on the issue as well. Mr. Giuliani stated that his handout was a copy of City Code section 1385.02 which deals with site plan applications. He pointed out that the City Code states the "Downtown Design Review Committee" shall review all proposed plans for the B-4 district prior to any action by the BZA. He asked that the Council look into this and other discrepancies, as he feels this procedure was not followed with regard to the variances granted to CVS. He also asked whether there is a conflict of interest present if a member of the BZA is also the president of Main Street Morgantown and stated he wishes the City to follow up with him on these concerns.

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

**SPECIAL COMMITTEE REPORTS:** No Reports.

**NEW BUSINESS:**

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE:** The below entitled Ordinance was presented for first reading:

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

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM:** The above entitled Resolution was presented for approval.

After explanation from the City Manager, motion by Bane, second by Ganz to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE WV DIVISION OF MOTOR VEHICLES TO APPLY, RECEIVE AND ADMINISTER GRANT FUNDS FROM THE GOVERNOR'S HIGHWAY SAFETY PROGRAM:** The above entitled Resolution was presented for approval.

After explanation from the City Manager, motion by Bane, second by Shamberger to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION TO APPLY FOR AND ADMINISTER A COMMUNITY PARTICIPATION PROGRAM GRANT, FUNDS FOR USE BY THE WEST VIRGINIA PUBLIC THEATRE:** The above entitled Resolution was presented for approval.

After explanation from the City Manager, motion by Bane, second by Shamberger to approve the above entitled Resolution. Motion carried 7-0.

**CITY MANAGERS REPORT:**

**NEW BUSINESS:**

1. 2014 Group Health Plan Renewal Rates

After explanation from the City Manager, motion by Ganz, second by Bane to approve the renewal of the Group Health Plan as described. Motion carried 7-0.

**INFORMATION:**

1. Airport Update

Mr. Mikorski informed Council of the Airport Access Road progress and then allowed further explanation about enplanements from Mr. Kelly.

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

**REPORT FROM CITY ATTORNEY:** Mr. Fanok encouraged any Council members who have concerns over public comments regarding the design review committee or zoning laws to contact the City Manager for clarification.

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

Councilor Ganz:

Councilor Ganz announced the BOPARC candy cane hunt and the Suncrest neighborhood association meeting with the Board of Education. She thanked the Evansdale planners for including citizens in their planning process. She thanked the owners of the shopping plaza on 705 for sponsoring a traffic signal in front of Kegler's. She noted the Fire Marshall's report and asked that a cost analysis be provided detailing the impact of these

incidences. Councilor Ganz then reminded of collections for Operation Christmas Child.

Councilor Fike:

Councilor Fike announced the BOPARC evening at the North Pole event. He noted his attendance at a recent County Government workshop and a Veteran's Day event. He also spoke of the Partners in Education Breakfast at Eastwood Elementary.

Councilor Shamberger:

Councilor Shamberger also mentioned the breakfast at Eastwood. She congratulated the Mon General Hospital auxiliary and thanked City employees and volunteers. She also thanked Mya Holmes for allowing her to speak at her Public Administration class.

Councilor Nugent:

Councilor Nugent announced the Wiles Hill-Highland Park neighborhood association meeting and the Black Lung exhibit at the Morgantown History Museum. He encouraged participation in Small Business Saturday, on the day after Black Friday. He stated that he appreciated the discussions of the Comprehensive Plan at the recent Traffic and Planning commission meetings. He noted that there is still confusion among the public about the Plan and what it entails. Lastly, Councilor Nugent discussed his views about the bridge renaming vote at the last Council Meeting. In accordance with Article 121.20 of the City Code, he read and presented for the record a statement of protest with regard to Council's action in renaming the South High Street bridge. The statement is hereto attached for the record.

Councilor Kawecki

Councilor Kawecki also discussed dumpster fires and the cost incurred by the City in dealing with these incidences. He then read a statement about the Housing Authority's concerns about building permits. He asked that a solution to address these concerns be sought. Councilor Kawecki asked that the City write a letter to the University about the issue. He then announced a Rivertown Project meeting, and the annual Christmas parade.

Councilor Bane:

Councilor Bane announced upcoming performances of the Nutcracker. He then inquired to the Manager whether an informative seminar/forum can be provided by the City to clarify matters of downtown projects within the scope of the Comprehensive Plan. Mr. Mikorski replied that the seminar may take place in January. Councilor Nugent then interjected, asking for consensus of Council to have such a seminar, there were no objections to the request.

Mr. Mikorski then asked for consensus on Councilor Kawecki's request for the letter to the University as noted above. There was then discussion on the issue. After the discussion, there were no objections.

Councilor Bane continued, noting his recent first ward neighborhood meeting and discussed possible traffic calming in the South High Street area.

Discussion then erupted again with regard to Councilor Kawecki's letter request and the legitimacy of the Rental Housing Advisory Committee. It was suggested to take up the issue at the next Committee of the Whole. Councilor Ganz then interjected concerns about the Boards and Commission system as a whole. Council then consented to discuss the request for the University letter as outlined above at the next Committee of the Whole.

Mayor Selin:

Mayor Selin announced the Business After Hours event at the Seneca Center. She enjoyed the observance of Veteran's Day at the Courthouse and an auction event at Arts Mon. She then asked that procedure and rules for Committee of the Whole meetings be added to the next Committee of the Whole agenda. Council agreed by acclamation. She then announced that Mon County Day is being held at the Legislature soon, and City Officials are invited to participate.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:06 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.\***

**Date:** November 19, 2013  
**To:** City Clerk, Linda Little  
**Re:** Recordation of Member Protest per City Code Article 121.20

I disagree with Council's resolution to rename the South High Street Bridge.

Council should've first developed procedures and criteria for considering naming requests.

As a result of a lack of policy, the potential perception that naming requests may not be handled uniformly and fairly seems injurious to the public interest.