

REGULAR MEETING, DECEMBER 3, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, December 3, 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 Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

APPROVAL OF MINUTES: By acclamation, the minutes of the November 19, 2013 Regular Meeting were approved as presented. The minutes of the November 19, 2013 Special Meeting were approved with a minor amendment.

CORRESPONDENCE: None.

PUBLIC HEARING – AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE:

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

UNFINISHED BUSINESS:

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

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

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

BOARDS AND COMMISSIONS:

PUBLIC PORTION:

Randy Jones, WVU SGA Liaison, commented that downtown is one of the safest places for students to be when they are drinking. He noted that he heard that the bars were going to be closed early per some Home Rule Law. He stated that no one should be afraid to come downtown and enjoy the Met Theatre shows or shop, students are out much later than that. Also, by having students in one area the City Police Department has more control over incidents that do happen.

Jayson Nicewarner, IAFF Union Representative, spoke in support of changing the requirements for Fire Fighters Residency from 15 to 30. He stated that by changing the radius would increase options for new hires. Mr. Nicewarner noted that just because the City changes the radius to 30 doesn't mean Fire Fighters will move, some will also take advantage of the Cities Down Payment Assistant Program (if there is money in the budget) and stay within the radius. He also referred to the table that was presented to Council; referencing that a lot of the municipalities do not even have a requirement or radius 20 miles or greater.

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

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE TO PROHIBIT TOBACCO USE AT BOPARC PROPERTIES AND FACILITIES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 941.08 TO ITS MUNICIPAL CODE, AS THE SAME APPLIES TO THE USE OF TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES ON OR IN PROPERTIES AND FACILITIES CONTROLLED OR UNDER THE JURISDICTION OF THE MORGANTOWN BOARD OF PARK AND RECREATION COMMISSIONERS.

Motion by Ganz, second by Shamberger to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

AN ORDINANCE AMENDING THE ANNUAL BUDGET, GENERAL FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY2013-2014 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN ON THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

After explanation from the City Manager, motion by Nugent, second by Bane to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

AN ORDINANCE AMENDING SECTION 905.02, SALES UPON CITY SIDEWALKS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 905.02 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, BY ADDRESSING THE SALE OF PRODUCE, FOOD, GOODS, WARES AND OTHER MERCHANDISE UPON SIDEWALKS OF THE CITY.

Motion by Nugent, second by Bane to rescind the previous motion of 9/17/13 to reconsider the Ordinance, and allow for first reading of the amended version as entitled above. Motion carried by acclamation. After explanation from the City Manager, and discussion from Council, motion by Nugent, second by Kawecki to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMEND SECTION 361.09, PARKING SPACES AND SALES IN THE DOWNTOWN BUSINESS DISTRICT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 361.09 OF ITS TRAFFIC CODE, AS THE SAME APPLIES TO PUBLIC PARKING SPACES AND THE SAME OF PRODUCE, FOOD, GOODS, WARES OR OTHER MERCHANDISE IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY.

Motion by Bane, second by Nugent to remove the above entitled Ordinance from the Table. Motion carried by acclamation. After discussion, motion by Bane second by Nugent to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE LEASING SPACE AT WOODBURN SCHOOL TO ‘GIRLS ON THE RUN’: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING IT, AS LESSOR, TO LEASE SPACE AT THE FORMER WOODBURN SCHOOL, NOW OWNED BY THE CITY, TO “GIRLS ON THE RUN”, LESSEE.

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

A RESOLUTION TO ADMINISTER A GRAND FROM THE WEST VIRGINIA DIVISION OF CULTURAL HISTORY, FUNDS FOR USE FOR THE PRESERVATION ALLIANCE OF WEST VIRGINIA: The above entitled Resolution was presented for approval.

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

CITY MANAGERS REPORT:

NEW BUSINESS:

1. Capital Escrow Revision #4

After explanation from the City Manager, motion by Bane, second by Shamberger, to approve the budget revision as presented. Motion carried 7-0.

2. Fire Department Residency Requirement Request for Modification

After explanation from the City Manager, the rules were suspended to allow discussion with Chief Caravazos. After discussion, motion by Bane, second by Fike to deny the request for extension of the Fire Department's residency requirements. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk Linda Little thanked Marchetta Maupin, William Breiding and Carol Allen for the beautiful Christmas decorations. She also thanked Kenny Holloway for making sure the Elevator was working for tonight's meeting.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS: (Roll Reversal)

Councilor Ganz:

Councilor Ganz thanked the City Attorney for clarification during the Legislation Session. She noted also Councilor Nugent's concerns about the State's decision of re-naming of the High Street Bridge pointing out that they are asking for our nod we have no input; we should be spending our time on budget, serving homeless, DUI and issues that concern us. She gave an update on Operation Christmas Child. She reported that Suncrest Neighborhood Association will not meet in December, but reported that the BOE was at the November meeting discussing the future of a new Elementary School in Suncrest. Councilor Ganz she then stated we have a lot to be thankful for this time of the year.

Councilor Fike:

Councilor Fike noted his pleasure of John Sonnenday's detailed report on Homelessness and that it will be handed off to The Coordinating Council. He also commented on Council's Conference Session with Management Partners on December 2, 2013, which helped us to begin with realistic and measurable goals for the future.

Councilor Shamberger: Councilor Shamberger thanked the Legislatures for meeting with Council earlier this evening to address our legislative issues for 2013. She also encouraged members of Council to build a relationship with the Delegates as well as the West Virginia Municipal League to address concerns. She announced anyone wanting to make a leaf for the mural at the River Front can attend a workshop at Wiles Hill from 6pm to 8pm on December 4, 2013. She reported that she will be flying on Silver Airways on December 5, 2013 to Clarksburg for lunch with the Mayor and Glen Kelly, Asst. CM of Operations. She then noted that from 4:30pm to 6:30pm, Rivertown will be meeting at the Bus Depot. She informed everyone that the BOPARC meeting has been changed to Thursday, December 5, 2013 at 6pm.

Councilor Nugent: Councilor Nugent stated in reference to earlier remarks, that he will not respond to comments which degrade decorum. He then commented that Council should be focused on issues that matter to the residents, and hoped this would be kept in mind when placing items on upcoming agendas. He then announced the play “The Manger in Bethlehem”, at the MAC at 8pm on December 7, 2013.

Councilor Kawecki Councilor Kawecki thanked Council and the City Attorney for updates and input on issues during the Legislative Session. He announced the South Park Neighborhood Association Meeting is at 6:30pm and the guest speaker is Chief Ed Preston.

Councilor Bane: Councilor Bane stated that he disapproves of defamatory remarks about colleagues, referring to earlier comments. He noted that Councilor Nugent had every right to place on the record what he felt about the bridge renaming issue. Further, he suggested that such comments wrongly infer the Councilor is not concerned about homelessness or DUI’s; stating Mr. Nugent is one of the most loyal and concerned members on the Council.

Mayor Selin: Mayor Selin announced a Rivertown meeting on December 5; Christmas Parade, Arts Mon Book Reading on December 6; Holiday Book Reading at the Library on December 7; Met Theatre Presents Wizard of Oz, December 7-8-13-14-15-21; Nutcracker Ballet will be performed on December 12. She also commented how thankful she is for Council and all the Volunteers on Boards and Commissions and also the City Employees.

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

City Clerk

Mayor

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