

REGULAR MEETING, MARCH 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, March 19, 2013 at 7:00 P.M.

PRESENT: Interim City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, Bill Byrne, and Linda Herbst.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of March 5th, 2013, were approved as printed.

CORRESPONDENCE:

Special Presentation by Main Street Morgantown:

Terri Cutright presented an update, noting that Main Street was given Grants by the Governor for \$14,500 and from Longview Power Plant for \$2,500. She discussed the funding needs for Main Street for 2013. George Papandreas, President of Main Street Morgantown spoke about support from the business community, and introduced the owner of Chaang Thai Restaurant who stated that the efforts of Main Street Morgantown and their planned events have helped to grow his business.

He is invested in the safety and growth of the downtown area. Mr. Papandreas continued, thanking Council for the opportunity to present the Main Street report this evening. He explained that financial support is important to maintain the downtown, as it is the economic engine for the City of Morgantown. He then took questions from Council Members, and discussion about Main Street, the downtown area and other issues continued for an extended period.

PUBLIC HEARING – AN ORDINANCE AMENDING SECTIONS 523.01, 523.03 AND 523.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.

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

PUBLIC HEARING – AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 15’ WIDE RIGHT-OF-WAY KNOWN AS ALLEY D, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY FOUR HUNDRED AND NINETY THREE FEET FROM HOUSTON DRIVE TO THIRD STREET, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

PUBLIC HEARING – AN ORDINANCE AMENDING THE FY 2012-2013 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.

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

PUBLIC HEARING – AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2013-2014.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE GENERAL OFFENSES CODE, LITTER ARTICLE:

The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTIONS 523.01, 523.03 AND 523.99 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, LITTER ARTICLE, AS THEY PERTAIN TO DEFINITIONS, THE PLACEMENT OF RECEPTACLES, AND PENALTIES.

After discussion, motion by Byrne, second by Nugent, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE ANNULLING ALLEY D IN THE FOURTH WARD: The below entitled Ordinance was presented for second reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 15' WIDE RIGHT-OF-WAY KNOWN AS ALLEY D, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY FOUR HUNDRED AND NINETY THREE FEET FROM HOUSTON DRIVE TO THIRD STREET, IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

AN ORDINANCE AMENDING THE FY12-13 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2012-2013 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.

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

AN ORDINANCE ADOPTING THE FY13-14 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2013-2014.

Motion by Nugent, second by Selin to adopt the above entitled Ordinance. Before any discussion, Councilor Herbst moved to amend the budget by temporarily suspending the distribution of \$25,000 allocated for Sunnyside Up until their directorship and organization are fully functioning again. Councilor Bane seconded the aforementioned amendment.

Councilor Selin asked for clarification on the purpose behind such a proposed amendment. Councilor Herbst replied that the organization has been dormant for the past seven months and asked that on a temporary basis, the monies budgeted not be disbursed at this time. Mr. Mikorski clarified that Councilor Herbst intends to propose removing the line item from the budget for the fiscal year. Councilor Byrne then stated that this is in essence de-funding the program. The merits and consequences of the proposed amendment were heavily debated. Councilor Bane suggested that Councilor Herbst word her amendment such that funds remain allocated by line item, however are not released until satisfactory progress is made.

Mr. Mikorski clarified the amendment's intentions, when Council discussion persisted. The merits and detriments of Sunnyside Up and the Sunnyside neighborhood area continued to be debated. Councilor Herbst explained that she moves the monies budgeted for Sunnyside Up for Fiscal Year 2013-2014 be frozen from distribution until satisfactory progress by Sunnyside Up is made. Mr. Mikorski stated that if the budget is unfunded to a zero balance, there is a great risk of losing the matching WVU allocation; however if this is not Council's intention, then administrative direction can be given to await an invoice from Sunnyside for the budgeted monies, a report can be given on their progress and Council can at that time direct the Manager how to proceed with remittance of budgeted funds.

It was duly noted again by the Mayor, as earlier in the discussion by other Council Members, that Sunnyside Up accounts have a cash balance of \$600,000 dollars at the present time. Discussion resumed before question was called on the proposed amendment, debating the achievements of Sunnyside Up and the related TIF district. Finally, Councilor Herbst withdrew her amendment, provided that Mr. Mikorski maintain administrative control as outlined above, and keep Council posted to ensure satisfactory progress of the organization.

There being no further discussion, question was called on the main motion to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: No appointments.

PUBLIC PORTION:

Terri Cutright, Main Street Director, noted that an ombudsman was designated for downtown during the RHI study. She stated that business owners were hurt during the process of the study. She told Council that Main Street wishes to implement all the recommendations; however they will require fiscal resources. She hopes that all the involved parties can work together to move the area forward.

Mark Furfari, 1435 Roosevelt Street, reported on his experience downtown on St. Patrick's Day weekend where festivities were safe and organized; however he feels downtown has more potential than is being realized. He made several suggestions for improved downtown safety and traffic flow for Friday and Saturday nights. He stated that with implementation of new changes the nightlife can increase in economic impact. He also suggested that Patrol Officers be on foot and a more visible presence, in addition to engaging the bar owners. He noted that he felt the amusement tax system is not working as it only netted approximately eight hundred dollars in its first fiscal year. He supports enforcing it more thoroughly to increase its yield.

George Papandreas, Main Street President, responded to points made by Ms. Cutright and Mr. Furfari stating they are part of the comprehensive plan that was presented. He suggested creative thinking to solve the issues of downtown Morgantown. Understanding the budgeting constraints on Council, he noted that a start in this area will get the ball rolling to rebuild relationships and move forward. He also stated that the assumptions made by some Council persons that Main Street does not do their job are incorrect and not conducive to progress. He encouraged working together to continue to achieve goals for the greater good of the City.

Mayor Manilla welcomed students from Political Science Class 220 to the meeting.

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

SPECIAL COMMITTEE REPORTS: Mayor Manilla reported on the initial meeting of the Town and Gown Advisory Board, briefly describing the body, and stating its goals and objectives for the short and long term as well as citing accomplishments of the first meeting. He then announced upcoming meetings on 4/24/13 at 8am in Council Chambers, and 5/8/13 at 8:30 am at the Alumni Center.

NEW BUSINESS:

AN ORDINANCE AMENDING AN INTERGOVERNMENTAL AGREEMENT WITH MONONGALIA COUNTY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING A NOVEMBER 16, 2011, INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY AS THE SAME APPLIES TO THE JOINT EFFORT OF BOTH PARTIES TO DEVELOP AN ACCESS ROAD TO THE NEW NATIONAL GUARD READINESS CENTER AND BUSINESS PARK.

City Attorney, Steve Fanok, explained amendments to Council, motion by Bane second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING A REAL ESTATE PURCHASE AGREEMENT WITH MONONGALIA COUNTY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING A FEBRUARY 22, 2012, REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY (MCDA) AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING 95.7 ACRES AT THE MORGANTOWN MUNICIPAL AIRPORT TO THE MCDA, AND THE MCDA TRANSFERRING 13 ACRES, MORE OF LESS, LOCATED ALONG HARTMAN RUN ROAD, TO THE CITY OF MORGANTOWN.

City Attorney, Steve Fanok, explained amendments to Council, motion by Bane second by Selin to pass the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGERS REPORT:

INFORMATION:

1. Woodburn School Property

Mr. Mikorski updated Council with information on the school property acquisition requests.

2. St. Patrick's Day Weekend Update

Mr. Mikorski reported that the City worked hand in hand with the University to ensure safety and order over the weekend and thanked WVU for its support. He invited Dean of Students Corey Ferris to speak. Mr. Ferris noted that the weekend was much better than last year's events and thanked the City for its collaboration. Mr. Mikorski then offered Police and Fire Department statistics and resolved to make better use of resources for future events. He thanked Police and Fire enforcement for their hard work over the weekend.

Mr. Mikorski then made a clarification with regard to the above airport intergovernmental agreement, stating commitment levels are not changing from the previous year.

In conclusion, he gave Council a copy of Police Chief Preston's comprehensive crime report, and noted statistical highlights and details.

REPORT FROM CITY CLERK: Ms. Little announced that absentee voting applications are still available for the April 30th Election, and told citizens to contact the City Clerk’s Office or visit the City website.

REPORT FROM CITY ATTORNEY: Mr. Fanok concurred with Mr. Papandreas’ comment about the raised curbs surrounding trees on downtown sidewalks.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane announced Lacrosse season and encouraged everyone to support local youth by following the sport. He commended the efforts of the City Manager in organizing support for the St. Patrick’s Day weekend.

Councilor Nugent: Councilor Nugent acknowledged that Sunnyside Up was not an organization to be perpetually funded by the City, noting that care is necessary when allocating funds. He then announced the Wiles Hill Highland Park Neighborhood Association meeting. He thanked civil service and City staff for their efforts over the weekend and thanked Mr. Mikorski for his hands on approach and commitment to developing solutions for the City. Councilor Nugent then announced the Mayor’s participation in the Alzheimer’s Dance for the Cure event.

Councilor Selin: Councilor Selin announced the Farmer’s Market and Evandsale Neighborhood Association meeting. She noted that Council will not strain the City’s coffers in order to acquire the Woodburn property. She added that grants and other sources of funding will be actively sought. She noted the goal is to preserve the property for public use.

Councilor Shamberger: Councilor Shamberger thanked Mr. Fanok for his work and the materials he prepared. She congratulated City beat reporter Tracy Eddy of the Dominion Post on the birth of her daughter. She noted that the Woodburn Neighborhood Association offered a farewell party to the children of Woodburn Elementary on the eve of the school’s closure, and congratulated the WVU women’s basketball team. She thanked Mayor Manilla for his work on behalf of the Alzheimer’s Association.

Councilor Byrne: Councilor Byrne acknowledged the passing of Peggy Myers-Smith’s husband, offering condolences for the family. He then commended the City Manager for his work with WVU and noted it is good to see Council being supportive of the Manager. He stated that political leaders should remain independent of outside interests to maintain the integrity of local government.

Councilor Herbst: Councilor Herbst announced the Suncrest Neighborhood Association meeting. She thanked the City Manager for his hard work and dedication. She addressed recent comments that Council is constantly divided in their votes, by providing research and

statistics on the matter showing that only a small number of times is Council actually splitting the vote on various issues.

Mayor Manilla:

Mayor Manilla pointed out the MCDA resolution is for a runway expansion at the airport. He then noted the hiring efforts of Sunnyside Up, and Councilor Selin added that the hiring of a director is imminent. Mayor Manilla thanked City employees and Police and Fire along with WVU for their coordinated efforts over St. Patricks' day weekend. He noted that High Street needs to be paved and encourages that it be made a priority. Mr. Mikorski stated the goal for paving is to be complete before students arrive, hopefully July. Mayor Manilla also commented on the works of the legislature, where the Pepperoni Roll was recently designated as State food.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:40 p.m.

City Clerk

Mayor

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