

REGULAR MEETING March 1, 2016: The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, March 1, 2016 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Marti Shamberger, City Attorney Ryan Simonton, Assistant City Manager Glen Kelly and Council Members: Ron Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: After discussion on amendments for February 16, 2016 meeting. Motion by Nugent, second by Selin to approve. Motion carried 7-0.

CORRESPONDENCE: Councilor Nugent presented as part of the record a memorandum from Charles Sell. (Exhibit A) Councilor Selin read into the record a letter from Dana Buckland, Alumni and Parent of a WVU student asking Council to make it a safer environment. (Exhibit B) City Clerk Linda Tucker administered the oath to Fire Fighter First Class Jamie Spiker as his mother pinned him with his new badges. Mayor Shamberger welcomed the Boy Scout Troop in the audience and asked them to announce what troop they are representing this evening. Boy Scout representative commented that they are from Troop 74 from the Latter Day Saints Church working on their citizens' badge.

PUBLIC HEARING - AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FIVE (5) PARCELS OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT AND B-5, SHOPPING CENTER DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Mayor Shamberger declared the Public Hearing open.

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

PUBLIC HEARING – AN ORDINANCE AMENDING THE FY 2015-2016 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.

Mayor Shamberger declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FIVE (5) PARCELS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FIVE (5) PARCELS OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT AND B-5, SHOPPING CENTER DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO

ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

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

AN ORDINANCE AMENDING THE FY 2015-2016 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2015-2016 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.

City Manager explained the budget adjustments of the 2015-16 budget. Motion by Selin, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: City Clerk Linda Tucker updated Council on various vacancies on Boards and Commissions. After discussion, Council by consensus requested a Special Meeting to interview candidates for the Fire Code Appeal Board and requested by consensus Boards and Commissions as an Agenda item on the next COW.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

There being no more appearances, Mayor Shamberger declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Selin mentioned that the Botanical Garden is having a Master Plan Workshop at the Chamber of Commerce on March 2, 2016.

NEW BUSINESS:

AN ORDINANCE AMENDING PLANNING AND ZONING CODE FOR SAFETY AND VISION AT STREET INTERSECTIONS: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTIONS 1329.02 AND 1363.03 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO PROVIDING FOR SAFETY AND VISION AT STREET INTERSECTIONS.

City Manager explained the proposed zoning amendment. After discussion, motion by Ganz, second by Kawecki, to pass the above entitled ordinance to second reading. Motion carried 5-2 (Bane & Redmond voted no)

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2016-2017: The below entitled Ordinance was presented for first reading.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2016-2017.

City Manager explained the proposed budget for 2016-17. After discussion of Council, Mayor

Shamberger asked for point of order. Motion by Kawecki, second by Selin, to pass the above entitled ordinance to second reading. Motion carried 4-3. (Bane, Nugent, Redmond voting no)

A RESOLUTION TO ENDORSE THE MORGANTOWN AREA CHAMBER OF COMMERCE SUPPORT OF DIVERSITY FOR A VIBRANT ECONOMY: The above entitled Resolution was presented for approval.

After discussion and amendments made motion by Bane second by Nugent to approve above entitled Resolution. Motion carried 7-0.

CITY MANAGERS REPORT:

New Business:

1. Metropolitan Theater

As discussed at the January Committee of the Whole, we will be working forward on developing a Management Agreement with interested parties to manage the Metropolitan Theater prior to July 1, 2016. Also discussed at the Committee of the Whole meeting was the idea that looking to develop a larger approach to the Arts in Morgantown, which would potentially include the Metropolitan Theater. Because no action is taken at a Committee of the Whole meeting, City Manager Jeff Mikorski brought this forward to Council to authorize the pursuit of a consultant to develop a plan for a broader Arts group and Metropolitan Theater plan.

After discussion, motion by Kawecki to authorize the City Manager to pursue the process for a consultant for Arts group and Met Theater. Second by Ganz, motion carried 7-0.

Information:

1. New Business Activity

In February, Certificate of Occupancy applications were finalized for seven new businesses and two single-family dwellings. Of the businesses, five were new restaurants in Morgantown, one is a used furniture store, and one is an extension of a private club. Four of the new businesses are located downtown including The Sandwich U, Beity, and the club extension were on High Street and the used furniture store is located on Pleasant Street. The remaining businesses, one on Beechurst Avenue is a restaurant called Hill and Hallow, a restaurant on University Avenue called Spices and More, and a Denny's Restaurant on Retail Circle. As new businesses finish their inspection and review process, City Manager, Jeff Mikorski will provide additional information to Council.

2. Analysis of the County-wide Levies to be on May 10, 2016 Ballot

City Manager, Jeff Mikorski handed out a memo (Exhibit C) defining to Council what impact these levies will have on the City of Morgantown property owners. After questions from Council to the City Manager, and more discussion on Levies, City Manager, Jeff Mikorski stated he submitted these documents for information only.

REPORT FROM CITY CLERK:

1. New Business

City Clerk Linda Tucker informed Council that the Police Civil Service Commission amended their rules to comply with state code WV 149 Physical Agility Standards on February 17, 2016. The Commission is requesting Council adopt this change to the Rules.

Motion by Bane, second by Redmond to approve amended rules. Motion carried 7-0.

REPORT FROM CITY ATTORNEY:

No report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane commented on the Amphitheater, Urban Agriculture Ordinance and downtown lighting.

Deputy Mayor Kaweck:

No report.

Councilor Nugent:

Councilor Nugent announced Wiles Hill/Highland Park Neighborhoods new officers; St. Patrick's Day Event and budget concerns.

Councilor Selin:

Councilor Selin noted concerns on lighting in downtown, wharf district and rail trail. She thanked City Manager and Finance Director for 2016-17 Budget.

Councilor Redmond:

No report.

Councilor Ganz:

Councilor Ganz thanked City Manager and Finance Director for the 2016-17 budget. She noted her concerns about the budget; and has a list of items to discuss at the work session. She mentioned that she would rather the City spend money on recreation rather than incarceration's. She mentioned all the good things this Council has done, and that the City is moving in a positive direction. She thanked Bob Bastress for his representation on the Truck Traffic issue at the WVU Law School. She noted that Deputy Mayor Kaweck cooked at the Empty Bowls fundraiser on Saturday.

Mayor Shamberger:

Mayor Shamberger thanked Bob Bastress for representing the City on the Truck Traffic issue. Mayor Shamberger announced attending the 34th spelling bee event and various library programs. She reminded Council that the City is hosting the Mon. County Commission meeting on 3-9-16.

EXECUTIVE SESSION: Motion by Ganz, second by Selin and carried by unanimous consent to go into Executive Session, pursuant to West Virginia Code Section 6-9A-4(b) (9) of the West Virginia code to consider matters involving transfer of minerals at the Airport. Present: Council; City Attorney; Legal Counsel and City Manager. Time 9:36 p.m.

ADJOURNMENT: There being no further business Council adjourned the meeting at 10:35 p.m.

City Clerk

Mayor

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

MEMORANDUM2

TO: All members of Morgantown City Council, MUB General Manager Tim Ball
FROM: Charles C. Sell
DATE: February 25, 2016
SUBJECT: Telephone conference yesterday with Mr. Ball

It is 1:30 A.M. as I begin to compose this response to Mr. Ball's initiative of contacting me to discuss the concerns that prompted my February 2 appearance before Council and subsequent written communications I submitted. I felt it is important to promptly respond to that initiative and the candid discussion it produced, during which needed clarification of our respective positions was achieved.

Mr. Ball wisely provided me a link to the Environmental Protection Agency's Combined Sewer Overflow (CSO) Control Policy, as published in the Federal Register April 19, 1994. I immediately accessed that 12-page document and read all of it, highlighting what corresponded with the content of the two special reports Mr. Ball submitted to Council. I then re-read what I highlighted.

My conclusion is that Mr. Ball's characterization of Mr. James Green's 2004 testimony - as contained in pages 49, 50 and 51 of the transcript of the public hearing held then by PSC Administrative Law Judge Keith George - is accurate in all respects. Mr. Ball patiently listened as I read that testimony aloud and explained how it had given rise to the concerns I voiced before Council, and stated that he understood why I became concerned.

I commend Mr. Ball for his initiative, which has eliminated those concerns. His action embodies the type of performance I hope for by all public officials when dealing with persons among those who pay their bills, so to speak. I also commend City Manager Jeff Mikorski for keeping me appropriately informed. I am attaching this memorandum to an email to Mr. Mikorski to facilitate its distribution to all Council members and Mr. Ball. Last, but certainly not least, I commend all Council members for the manner in which my concerns were received and acted upon. Well done.

Exhibit B

Dana Buckland

1422 Robinhood Road • Charleston, WV, 25314
Phone: 304-542-7876 • E-Mail: DRCnWV@aol.com

Date: February 21, 2016

Jennifer Selin
Mayor of Morgantown
389 Spruce Street
Morgantown, WV 26505

Dear Jennifer Selin:

The community of Morgantown deserves a safer environment for the many students and pedestrians who are attending school there. It is my understanding that many streets have improper lighting and that many streets have no guardrails.

After the recent loss of Carli Sears, we need to address the issue of guardrails on streets that are so close to the road and heavily traveled by students and pedestrians every day. A guardrail along these roads could prevent the vehicle from coming up on the sidewalk and taking the life of another child. Another parent does not need to go through what Brent and Julie Sears have gone through.

We all have walked down these sidewalks and know exactly how close they are to vehicles driving down the road. The parents of the son who was driving the vehicle are also stricken with grief. What a horrific tragedy for our beloved Morgantown.

If we can save the lives of our children and protect them as much as we possibly can, then we need to do whatever it takes to accomplish this goal. Please don't let Carli Sears death not move you to do something for the good of others.

Sincerely,



Dana Buckland
Alumni and Parent of WVU]



Office of the City Manager

The City of Morgantown

Jeff Mikorski, ICMA-CM
 City Manager
 389 SPRUCE STREET
 MORGANTOWN, WEST VIRGINIA 26505
 (304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Tuesday, March 01, 2016

Analysis of the County-wide Levies to be on May 10, 2016 Ballot

As of today, there are six levy calls that will be included on the May 10, 2016 ballot. Based on the discussion at the Committee of the Whole, I hope to provide general information to Council on property taxes and what impact these levies will have on City of Morgantown property owners.

As you may know, any owner occupied property (real estate or personal property) in the County is identified as Class II property. It does not matter if the property is in the City or not, it is still classified as Class II property. Currently, property owners in the City pay a municipal levy amount that County property owners do not pay. The current rates are attached that show the only difference between property taxes in the City and in the County is a .2500 rate for the municipal levy. One can say the property values of homes in the City are assessed at a high rate, but that would be a part of the formula used to determine the property value, which can be discussed at a later date.

If the property is a rental in the City it is defined as CLASS IV (rental property outside of the City is Class III). Non-owner occupied property in the City has an additional .5000 levy rate included in the property taxes.

For illustration, if a house sold for \$250,000 (market value) the assessed value is 60% of that value or \$150,000. Based on the 2015 rate table attached a breakdown can be determined and taxes paid to the following Governments:

CLASS II		CLASS IV
State	\$ 7.50	\$ 15.00
Mon. County	\$ 360.00	\$ 720.00
Board of Ed	\$1,149.00	\$2,298.00
<u>Morgantown</u>	<u>\$ 375.00</u>	<u>\$ 750.00</u>
Total	\$1,891.50	\$3,783.00

The six introduced levies will increase the tax rate for property owners in and outside of the City based on the identified rates in the levy calls.

Transit	\$ 33.00	\$ 66.00
VFD	\$ 12.60	\$ 25.20
Library	\$ 8.10	\$ 16.20
Parks & Rec	\$ 17.40	\$ 34.80
WVBG/ Ball Fields	\$ 1.80	\$ 3.60
<u>Fairs / Festivals</u>	<u>\$ 1.50</u>	<u>\$ 3.15</u>
Total Levy Calls	\$ 71.10	\$ 142.20
Grand Total	\$1,962.60	\$3,925.20

Additional assessed values can be seen in the following chart:

Market Value	Assessed Value	Class	State only	County only	BOE only	City only	Total	Just Transit	Just VFD	Just Lib	Just Parks	Just fields BG	Just Fairs	Total	Grand Total
\$ 200,000.00	\$ 120,000.00	Class II	\$ 6.00	\$ 288.00	\$ 919.20	\$ 300.00	\$ 1,513.20	\$ 26.40	\$ 10.08	\$ 6.48	\$ 13.92	\$ 1.44	\$ 1.20	\$ 56.88	\$ 1,570.08
\$ 200,000.00	\$ 120,000.00	Class IV	\$ 12.00	\$ 576.00	\$ 1,838.40	\$ 600.00	\$ 3,026.40	\$ 52.80	\$ 20.16	\$ 12.96	\$ 27.84	\$ 2.88	\$ 2.52	\$ 113.76	\$ 3,140.16
\$ 250,000.00	\$ 150,000.00	Class II	\$ 7.50	\$ 360.00	\$ 1,149.00	\$ 375.00	\$ 1,891.50	\$ 33.00	\$ 12.60	\$ 8.10	\$ 17.40	\$ 1.80	\$ 1.50	\$ 71.10	\$ 1,962.60
\$ 250,000.00	\$ 150,000.00	Class IV	\$ 15.00	\$ 720.00	\$ 2,298.00	\$ 750.00	\$ 3,783.00	\$ 66.00	\$ 25.20	\$ 16.20	\$ 34.80	\$ 3.60	\$ 3.15	\$ 147.20	\$ 3,925.20
\$ 400,000.00	\$ 240,000.00	Class II	\$ 12.00	\$ 576.00	\$ 1,838.40	\$ 600.00	\$ 3,026.40	\$ 52.80	\$ 20.16	\$ 12.96	\$ 27.84	\$ 2.88	\$ 2.40	\$ 113.76	\$ 3,140.16
\$ 400,000.00	\$ 240,000.00	Class IV	\$ 24.00	\$ 1,152.00	\$ 3,676.80	\$ 1,200.00	\$ 6,052.80	\$ 105.60	\$ 40.32	\$ 25.92	\$ 55.68	\$ 5.76	\$ 5.04	\$ 227.52	\$ 6,280.32
\$ 500,000.00	\$ 300,000.00	Class II	\$ 15.00	\$ 720.00	\$ 2,298.00	\$ 750.00	\$ 3,783.00	\$ 66.00	\$ 25.20	\$ 16.20	\$ 34.80	\$ 3.60	\$ 3.00	\$ 142.20	\$ 3,925.20
\$ 500,000.00	\$ 300,000.00	Class IV	\$ 30.00	\$ 1,440.00	\$ 4,596.00	\$ 1,500.00	\$ 7,566.00	\$ 132.00	\$ 50.40	\$ 32.40	\$ 69.60	\$ 7.20	\$ 6.30	\$ 284.40	\$ 7,850.40
\$ 750,000.00	\$ 450,000.00	Class II	\$ 22.50	\$ 1,080.00	\$ 3,447.00	\$ 1,125.00	\$ 5,674.50	\$ 99.00	\$ 37.80	\$ 24.30	\$ 52.20	\$ 5.40	\$ 4.50	\$ 213.30	\$ 5,887.80
\$ 750,000.00	\$ 450,000.00	Class IV	\$ 45.00	\$ 2,160.00	\$ 6,894.00	\$ 2,250.00	\$ 11,349.00	\$ 198.00	\$ 75.60	\$ 48.60	\$ 104.40	\$ 10.80	\$ 9.45	\$ 426.60	\$ 11,775.60

**RATE ON EACH \$100.00 VALUATION
MONONGALIA COUNTY
2015**

DISTRICT MUNICIPALITY	STATE LEVY	COUNTY LEVY	SCHOOL LEVY	MUNICIPAL LEVY	TOTAL LEVY
CLASS II					
BATTELLE	.0050	.2400	.7660		1.0110
CASS	.0050	.2400	.7660		1.0110
CLAY	.0050	.2400	.7660		1.0110
CLINTON	.0050	.2400	.7660		1.0110
GRANT	.0050	.2400	.7660		1.0110
MORGAN	.0050	.2400	.7660		1.0110
OSAGE	.0050	.2400	.7660		1.0110
UNION	.0050	.2400	.7660		1.0110
BLACKSVILLE	.0050	.2400	.7660	.2500	1.2610
GRANVILLE	.0050	.2400	.7660	.2150	1.2260
STAR CITY	.0050	.2400	.7660	.2500	1.2610
WESTOVER	.0050	.2400	.7660	.1954	1.2064
MORGANTOWN	.0050	.2400	.7660	.2500	1.2610

CLASS III & IV					
BATTELLE	.0100	.4800	1.5320		2.0220
CASS	.0100	.4800	1.5320		2.0220
CLAY	.0100	.4800	1.5320		2.0220
CLINTON	.0100	.4800	1.5320		2.0220
GRANT	.0100	.4800	1.5320		2.0220
MORGAN	.0100	.4800	1.5320		2.0220
OSAGE	.0100	.4800	1.5320		2.0220
UNION	.0100	.4800	1.5320		2.0220
BLACKSVILLE	.0100	.4800	1.5320	.5000	2.5220
GRANVILLE	.0100	.4800	1.5320	.4300	2.4520
STAR CITY	.0100	.4800	1.5320	.5000	2.5220
WESTOVER	.0100	.4800	1.5320	.3908	2.4128
MORGANTOWN	.0100	.4800	1.5320	.5000	2.5220