

**REGULAR MEETING APRIL 15, 2014:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 15, 2014 at 7:00 P.M.

**PRESENT:** City Manager Jeff Mikorski, 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.

The Meeting was called to order by Mayor Selin.

Mayor Selin announced that at the request of MUB, the Public Hearing and Second Reading for the Ordinance amending Section 921.12 are being removed from the Agenda. City Manager Jeff Mikorski explained that the ordinance is being postponed to a future meeting; so that stakeholders can gather more information on project.

**APPROVAL OF MINUTES:** At the request of Councilor Shamberger, approval of the April 1, 2014 regular meeting minutes was postponed until May 6, 2014.

**CORRESPONDENCE:** Mayor Selin read an e-mail from Jim Manilla in reference to the next City Election and how to increase voter turnout. Mr. Manilla offered three ideas for Council and suggested the topic be placed on an upcoming Committee of the Whole meeting agenda. Mr. Manilla's comments shall be made part of the record as requested, and shall be attached hereto, labeled as "Exhibit A". Councilor Bane mentioned the upcoming move-out plan of the WVU Students. Move out is scheduled for April 28<sup>th</sup> through May 5<sup>th</sup>.

**PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN IN WHICH THE CITY, AS GRANTOR, IS GRANTING AN EASMENT TO FRONTIER COMMUNICATIONS, GRANTEE, THROUGH CITY OF MORGANTOWN REALTY AT THE MORGANTOWN AIRPORT, FOR THE PURPOSE OF INSTALLING COMMUNICATION LINES TO THE NATIONAL GUARD READINESS CENTER.**

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

**PUBLIC HEARING - AN ORDINANCE SETTING FORTH THE RATES, FEES, AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN.**

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

**PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO THE CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.**

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

**PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO THE DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER.**

The Public Hearing of the above entitled Ordinance was postponed until further notice.

**UNFINISHED BUSINESS:**

**ORDINANCE GRANTING AN EASEMENT AT THE NATIONAL GUARD READINESS CENTER:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN IN WHICH THE CITY, AS GRANTOR, IS GRANTING AN EASEMENT TO FRONTIER COMMUNICATIONS, GRANTEE, THROUGH CITY OF MORGANTOWN AIRPORT, FOR THE PURPOSE OF INSTALLING COMMUNICATION LINES TO THE NATIONAL GUARD READINESS CENTER.

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

**AN ORDINANCE SETTING FORTH THE RATES, FEES, AND CHARGES OF THE WATERWORKS SYSTEM:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE SETTING FORTH THE RATES, FEES, AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN.

Motion by Bane, second by Ganz to adopt the above entitled Ordinance. The rules were suspended to allow explanation from MUB Director Tim Ball. After discussion, motion carried 7-0.

**AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICE CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO THE CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

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

**AN ORDINANCE AMENDING SECTION 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO THE DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER.

The second reading of the above entitled Ordinance was postponed until further notice.

**BOARDS AND COMMISSIONS:** By acclamation of Council, David McKain, Julia Durham, Martin Dombrowski and William Blosser were reappointed to the Traffic Commission.

**PUBLIC PORTION:**

Dave Biafora, 6200 Mid Atlantic Drive, inquired about the traffic study associated with the University Park development gift agreement. He asserted that the city is being “mis-managed” and then discussed his views on the supposedly ill-approved Sheetz, BB&T, and CVS projects downtown. He accused the Planner of controlling projects and making inappropriate decisions. He urged the Council and Manager to pay closer attention to what is happening in the City and in City Hall. He insisted that he and his group of supporters would see the right thing done, and even offered to run for Council in the upcoming election.

James Giuliani, 256 Prairie Avenue, spoke in opposition to the gift agreement proposed with the University Park development. He asked why the City does not require proper zoning for this and other private developments. He asked to make a special presentation at the next Committee of the Whole meeting. He stated that these types of development are irresponsible. He asked the Council to protect the public from private-public partnership developments. He warned Council that the issue will be brought forth to the media and there may be lawsuits involved as well.

Joe Panico, Beechurst Avenue stated that he agreed with both Mr. Biafora and Mr. Giuliani. He stated that he has a permit pending for an addition to one of his properties with the City for the past nine weeks. He stated he sees the progress of the public-private developers who are not required to get permits and he feels this is not fair. He agreed with Mr. Giuliani’s request to discuss the issue further at a Committee of the Whole meeting. He also commented on the Cheat Lake area MUB rate hike. He feels this is the ultimate in “taxation without representation”. He asked Council to consider those citizens even though they are not in City Limits.

Arch Kumar, 660 North High Street, thanked the Manager and Mayor for meeting with him to organize a neighborhood cleanup. He looks forward to more collaborative projects in the future.

Susan Morgan, 1124 Straw, reported to Council about a neighborhood issue just outside of Morgantown. She spoke about the health and safety issues associated with the Oakview stormwater system which due to development is no longer adequate and causes flash floods. She reported what actions need to be taken by MUB to fix the problems.

Anna Lee, 121 Forest Drive, Oakview subdivision, congratulated MUB on their recent accolades. She praised MUB director Tim Ball and their plans to fix the stormwater drainage issues in her neighborhood. She proposed annexation of the Oakview subdivision into the City of Morgantown in order to reap the benefits of being fully overseen by MUB.

Barbara Linn, 119 Forest Drive, Oakview subdivision, concurred with the comments of Ms. Lee and the importance of fixing the stormwater problems. She insisted that they are very much a part of the fabric of the Suncrest neighborhood. She asked that Council consider annexation of the Oakview subdivision and promised that the 50+ homes in the area will be a financial asset to the City and that the citizens will be a credit to the community.

**Zack Mendelson**, President of the Oakview Subdivision Neighborhood Association. He spoke in favor of annexation and outlined the problems associated with the stormwater issues the area is experiencing. He assured Council that the residents of the area have been working diligently to search for answers to the problem and promised that the annexation would be a benefit to the City and in no way a burden.

**SPECIAL COMMITTEE REPORTS:** Councilor Ganz announced the Rivertown and MRTC trail head meeting. She announced the Urban Landscape Commission and Beautification department have been busy with spring planting. Lastly, she noted that BOPARC is hiring for summer positions with lifeguards

and summer camps. Councilor Shamberger announced a “Whitmore Park walk through” and reported that cleanup, improvements and signage will be worked on in the near future.

**NEW BUSINESS:**

**THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE:** The above entitled levy was presented for approval.

Motion by Nugent, second by Ganz to approve the above entitled Rates of Levy. After explanation from the City Manager, motion carried 7-0.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GIFT AGREEMENT WITH UNIVERSITY PARK STOPLIGHT AT EVANSDALE, LLC FOR THE FUTURE INSTALLATION OF A STOPLIGHT AT THE INTERSECTION OF UNIVERSITY AVENUE AND OAKLAND STREET:** The above entitled Resolution was presented for approval.

Motion by Kawecki, second by Nugent to approve the above entitled Resolution. The City Manager offered explanation on the agreement and the related traffic study at Oakland. After discussion by Council, the City Attorney offered further explanation. The rules were suspended to allow comments from Brian Gallagher, the attorney for University Park. Motion to approve the Resolution carried 6-1. Councilor Bane voted No.

**CITY MANAGERS REPORT:**

INFORMATION:

1. Public Notice of Comcast Rate Increase for 2014

Mr. Mikorski explained the public notice and the related rate increase for customers of Comcast service.

NEW BUSINESS:

1. Requesting City Council to Set a Public Nuisance Hearing for May 14, 2014

After discussion, motion by Bane, second by Ganz to approve the Manager’s request for a public nuisance hearing on the residence at 513 Madison Avenue. After discussion, motion carried 7-0.

2. Capital Escrow Budget Revision #6

After explanation and discussion on the revision, motion by Fike, second by Ganz to approve the Capital Escrow Budget Revision. Motion carried 7-0.

**REPORT FROM CITY CLERK:** The City Clerk reported the following applications to Council in accordance with State Law:

**Liquor License Application – DG, LLC, DBA Sterling Café and Hot Spot**

**Liquor License Application – Manhattan Place, LLC, DBA: The Chestnut Boutique Hotel**

Ms. Little also reported on the 8<sup>th</sup> Grade Career Fair at Mylan Park. She then reminded the public that April 22<sup>nd</sup> is the last day to register to vote for the May primary election, and also announced the date of the upcoming Police Civil Service entry level test.

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: No Report.

Councilor Kawecki: Councilor Kawecki thanked the City Clerk for her assistance at the career fair and announced a cleanup event at Hazel Ruby McQuain Park.

Councilor Nugent: Councilor Nugent announced the City’s new web calendar and highlighted its improved features. He noted the Wiles Hill-Highland Park neighborhood association meeting as well as the Kiwanis pancake breakfast event.

Councilor Shamberger: Councilor Shamberger thanked the City Clerk and Ms. Skotnicki for their help at the career fair. She mentioned a Safe Cities town hall discussion on underage drinking, a cleanup at Woodburn school and the upcoming opening of the Outdoor Farmer’s Market.

Councilor Fike: Councilor Fike discussed the results of the Empty Bowls Monongalia charity event, and the efforts of volunteer coordinators Mike and Tammy Miller. He also noted the success of the career fair and then mentioned a Dominion Post feature about WVU President Gordon Gee’s goals for the University.

Councilor Ganz: Councilor Ganz suggested that the citizens’ request to annex the Oakview subdivision be discussed during a Committee of the Whole meeting.

There was then discussion about this possibility, and Mr. Fanok enumerated the requirements for submitting a petition for annexation. He stated that when the petition is verified, City Administration will notify Council how to proceed with the matter. There was further discussion about any associated timelines and procedure for annexation along with a possible discussion at the next Committee of the Whole.

Councilor Ganz continued, addressing Mr. Panico’s comments and the MUB rate increase. She clarified that the rate adjustment is to share the burden of the service cost with those using MUB services. She discussed the environmental impact statements of the proposed power plant projects. She thanked the speakers of the public portion for their passion and encouraged them to take

their concerns to Charleston. She then announced the upcoming meeting of the Suncrest neighborhood association.

Mayor Selin:

Mayor Selin encouraged that the previous discussion about Oakview potential annexation be included on an upcoming Committee of the Whole, and asked for Consensus. There was no objection. She discussed public-private partnerships and how workshops, discussions and checklists might benefit both parties as well as members of the public in getting information about the status of a project. She then announced several upcoming community events including: the last indoor Farmer's Market of the season, a Green Households resource market, the Trash Bash cleanup event, Peter Pan by the Morgantown Theatre Company, Arts Mon 11<sup>th</sup> and 12<sup>th</sup> grade art exhibition, and the MAC annual trash to treasure benefit sale. She then asked that Richwood Avenue be cleaned up.

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