

REGULAR MEETING MAY 6, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, May 6, 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: Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz. (Ron Bane Absent)

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: The minutes of the regular meetings of April 1, 2014 and April 15, 2014 were approved as corrected.

CORRESPONDENCE: Mayor Selin welcomed Boy Scout Troop 65 to the Council meeting and explained the meeting protocol to the group. Mayor Selin explained that there are many proclamations this evening and asked Councilor Ganz to present the one she was given. Councilor Ganz requested all citizens to celebrate May 17th as “Kids to Parks Day”. Councilor Fike, presented a Rose and Proclamation to City Clerk Linda Little in honor of, “Municipal Clerk Week”. Councilor Shamberger, read a proclamation urging the community to come out on May 22, 2014 to learn more on how to save the “Earth”. Councilor Nugent presented a proclamation for, “Letter Carriers Food Drive” on May 10th, 2014 and encouraged citizens to support by donating non-perishable food to help feed the hungry. Councilor Kawecki urged all citizens to honor our Police Officers on May 15, 2014 which is proclaimed as “Law Enforcement Officers Memorial Day”, and thank the “Law Enforcement Community” for their continued commitment of making Morgantown a safe community to live in. Mayor Selin welcomed a group of Nurses to the center of the room as she gave to them a proclamation for, “WVU Healthcare Restoring Life-Community Nursing Services Week from May 6-12, 2014, for their volunteer work to the community and also their dedication to their profession. Mayor Selin then noted that the Month of May is Building Safety Month and presented the proclamation to the City Clerk Linda Little, and thanked the Code Officers in our City for keeping our buildings safe.

BOARDS AND COMMISSIONS: Michael Jacks was reappointed by acclamation to the Fire Civil Service Commission. Ed Bodkin and Jerry Summers were both reappointed by acclamation to the Police Civil Service Commission.

PUBLIC PORTION:

Guy Panrell, South Hills Drive, spoke in opposition of the Snake Hill Wildlife Management Area Resolution. Mr. Panrell stated that the Wildlife Management Area is exactly that and we needed to be mindful of what we get into because we will be on the wildlife’s domain and will be scaring them away possibly overpopulating another area. Mr. Panrell also stated that we have a lot here in this state and he doesn’t think we need to try and ruin it by doing too much.

Larry Schwab, Collins Ferry Road, handed out informational packets and spoke about the history of Snake Hill Wildlife Management Area. After informing Council on his studies and outcomes on Snake Hill he expressed that the restoration of trails should be placed on the DNR and not on the volunteers.

Debra Fulton, Snake Hill Road, expressed how she enjoys walking around at Snake Hill. She is very disappointed that the DNR was not required to have public input on the timbering project that has been going on at Snake Hill. She also states that the DNR fails to recognize the value of Snake Hill. She said that there are three magnificent view sheds that rival Coopers Rock. Ms. Fulton also stated that they have over 200 Morgantown resident signatures on the petition with a current total of approximately 390 signatures. She said that the small groups of citizens that initiated the process met with DNR representatives and they were politely listened to but there was no consent to cooperate and was told that no further citizen meetings will take place. She would like the support from Council to help move forward with the trail and restoration projects.

Dr. Mark Debiase stated that he was a freelance internet consultant and went on to brief Council of his accomplished background with technology. Mr. Debiase stated that he was concerned with the amount of money that was going into the investment for a new website for the City of Morgantown. Mr. Debiase then stated that he had meetings with colleagues from various entities in Morgantown and would like to build a website for free with the same tools as the previous website proposed. He said that would be their contribution to the Community and that he would hope that the City will reconsider spending that amount of money on a website when they could have something that could be homegrown, organic if you will. They could use the money that they were going to invest for the website go to the police department, fire department, or elsewhere.

Stratford Douglas, Snake Hill Road, wanted to reassure everyone that the proposed trail system would be a very small scale operation with minimal interruption and that everyone wants Snake Hill to be a wild area.

James Giuliani, 256 Prairie Avenue, stated that the City Planner did not follow proper procedures during the review process for the Panera Bread Restaurant, BB&T/CVS current construction, and the VFW development site. Mr. Giuliani also stated that if the developers of the current VFW site are allowed to start development and put up an 11 story building then that decision will set precedence throughout the downtown area for other developers to follow suit.

David Biafora, 6200 Mid-Atlantic Drive, stated that the City is grossly mismanaged. He also stated that Mr. Giuliani (Jimmy) put approximately 40 hours doing research on the finished, current, and proposed developments, Mr. Biafora put in approximately two hours. He stated that Jimmy educated him on the mistakes that the City Planner and City Manager made on these projects. Mr. Biafora stated that he and colleagues have had hours of meetings with the City Manager and Assistant City Manager on deaf ears. He expressed that the City Attorney is unable to do his job correctly and gave examples. Mr. Biafora stated that there will be three law suits coming in the near future because he wants to show the public the ignorance, arrogance, and mismanagement the Planning Commission, City Manager, Assistant City Manager and the Attorney in his opinion have. Mr. Biafora continued with examples of how the City is mismanaged and encouraged City Council to be more involved with the proposed development of the VFW site and all other areas of City Administration.

Zachary Mayer, Van Voorhis Road, stated that he is speaking for his Mom. He asked Council if they would consider paving Van Voorhis Road because there are so many potholes and that it's a high traveled road. Zachary stated that his Mom has a very hard time driving on Van Voorhis Road.

SPECIAL COMMITTEE REPORTS: Councilor Shamberger announced that the Woodburn Commission assisted the Mountaineer Boys and Girls Club with the first Woodburn Festival that was held over the weekend and she noted that it was a success.

Councilor Ganz announced that BOPARC is currently taking applications for seasonal lifeguard and maintenance positions. The deadline to hand in applications will be Wednesday May 14th. She also announced that there are still a few spaces available for summer camp. Councilor Ganz announced that Marilla Pool will be open Memorial Day weekend and that most of the ADA upgrades are complete. She thanked the Urban Landscape Commission and Tree Board for their hard work. The Superintendent of Urban Landscape is now orienting new volunteers to project sites. The Horticulture Intern begins next week in landscape. Maintenance has begun on 43 project sites and 85 baskets and also two design projects are in development. Councilor Ganz noted that the City received a Demonstration Grant from the State Division of Forestry.

Councilor Kawecki announced that the Housing Advisory Board would like to propose that they would like to become the Housing Advisory Commission. He noted that they have a mission statement and structure that is similar with some of our other organizations. By consensus Council moved subject to Committee of the Whole for discussion. Councilor Kawecki stated that he would like the Arts Collaborative funding for a past meeting be discussed and by consensus it will be put on next meeting Agenda. Councilor Kawecki would also like to discuss the requests for participation and by consensus discussion was moved to the next Committee of the Whole Meeting.

NEW BUSINESS:

AN ORDINANCE BY THE CITY APPROVING THE SALE OF CITY OWNED REALTY: The below entitled ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN APPROVING THE SALE OF CITY OWNED REALTY (5.11 ACRES, MORE OR LESS, AND KNOWN AS THE MILEGROUND ARMORY), AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED CONSUMMATING SAID SALE.

Motion by Shamberger, second by Fike to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF A HOME RULE PILOT PROGRAM APPLICATION AND PLAN: The below entitled ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN, WEST VIRGINIA, AUTHORIZING THE SUBMISSION OF A HOME RULE PILOT PROGRAM APPLICATION AND PLAN, PURSUANT TO SECTION 8-1-5a OF THE WEST VIRGINIA CODE, TO THE WEST VIRGINIA DEVELOPMENT OFFICE, WEST VIRGINIA HOME RULE PILOT PROGRAM.

Motion by Fike, second by Ganz to pass the above entitled Ordinance to second reading. Motion carried 6-0.

A RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2014-2018 COMMUNITY DEVELOPMENT BLOCK GRANT FIVE YEAR CONSOLIDATED PLAN AND 2014 ANNUAL ACTION PLAN.

Mayor Selin requested to suspend the rules to allow Dave Bott, Community Development Director, to answer questions by Council. Council approved suspension by acclamation. After discussion

and questions answered by Council motion by Nugent, second by Ganz to approve the above entitled Resolution by 6-0.

A RESOLUTION OF THE CITY OF MORGANTOWN CONCERNING RECREATION AT SNAKE HILL WILDLIFE MANAGEMENT AREA.

After Councils review and discussion on amendments, Council took a vote on amendments motion by Fike, second by Kawecki to approve stated amendments to Resolution. Motion carried 6-0. Council then voted on main motion which was motioned by Shamberger and second by Kawecki, main motion carried 6-0.

A RESOLUTION OF THE CITY OF MORGANTOWN HEREBY AUTHORIZES ITS CITY MANAGER, JEFF MIKORSKI, TO ACT ON ITS BEHALF TO ENTER A CONTRACTUAL AGREEMENT WITH THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR EQUIPMENT UPGRADES FOR THE CITY OF MORGANTOWN.

After explanation from City Manager, motion by Nugent, second by Ganz to approve Resolution 6-0.

CITY MANAGERS REPORT:

INFORMATION:

Mr. Mikorski responded to the free webpage discussion by saying that Monongalia County Commission began funding of the economic webpage project with an annual budget that he believes to be \$95,000 or \$100,000. Mr. Mikorski stated that the City of Morgantown has not acted on the project as of yet and also hopes that the volunteer group will keep communicating with the City and appreciates the volunteerism for the economic webpage project.

1. Paving of High Street

Mr. Mikorski announced that the Engineering staff has contracted Mountaineer Contractors to pave High Street for the West Virginia Department of Highways. Paving will begin mid-May and possibly be done by end of May into June. Mr. Mikorski stated that the West Virginia Department of Highways will be starting projects on Brockway Avenue in a few weeks to include ADA and sidewalk developments.

NEW BUSINESS:

1. Mr. Mikorski announced that the City of Morgantown has received four bids on installation of asphalt for the 2014 Street Paving Program. He recommended that Council award Parrotta Paving Company, Inc. for a total of \$53,830.15.

After explanation from the City Manager, motion by Kawecki, second by Shamberger to approve bid. Motion carried 6-0.

2. Mr. Mikorski stated that he received a request for additional funds from the Celebration of America event that will take place on the Fourth of July. The Celebration of America

Committee is requesting an additional \$2,000.00 to add to the already budgeted \$2,000.00 in order to carry out additional activities. Mr. Mikorski recommends providing the additional \$2,000.00 to the FY 2014 Capital Escrow Budget from the current year's Capital Escrow Contingency line. It will be provided on a reimbursement basis.

After discussion, motion by Fike, second by Ganz. Motion carried 6-0.

REPORT FROM CITY CLERK: City Clerk reminded that the office is still taking applications for police officers testing on August 2nd.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Absent

Councilor Kawecki: No Report

Councilor Nugent: Councilor Nugent expressed that he was glad to hear Mark Debiase's commentary regarding the websites. Councilor Nugent does have similar concerns and believes that it does sound like a lot of money to invest on a webpage. He suggested competitive bidding could be a possibility. Mr. Nugent also stated that he would entertain the idea of a discussion at the Committee of the Whole Meeting in regards to development in the City and that we owe it to our residents on how we implement the comprehensive plan as transparent and that we are making progress on development downtown.

Councilor Shamberger: Councilor Shamberger questioned the Sister Cities Committee procedures and the City Attorney responded stating that he and the City Clerk will review City Code and will report back to Council. She also thanked City support with the Woodburn Festival.

Councilor Fike: Councilor Fike, in reference to Guy Panrell's comments, said he agrees with him and Council just has to support this Resolution. Councilor Fike announced that the South Hill Association Picnic is on May 31, 2014 at Marilla Park at 12:00pm. He stated that he was glad to be a part of a class and it was called "WVU Social Responsibility" which gave \$200,000 to various non-profits. Mr. Fike thanked the City Clerk for being such an asset to City Government.

Councilor Ganz: Councilor Ganz expressed that she was concerned about how rapidly new development is coming to the City and is also concerned that we are understaffed and is wondering how City employees take on such responsibility in reviewing all new development.

Councilor Ganz stated that the City Manager needs to advise Council on City staffing and Comprehensive plan in order to make us a more efficient City. She also encouraged residents to remove trash and complemented WVU on their cleanup process. Councilor Ganz stated that she was saddened in an occurrence that happened over the weekend and hopes that students and residents in the City celebrate in a way that preserves the health and wellness of our brightest and best.

Mayor Selin:

Mayor Selin announced that on May 16th it is Bike to Work Day. She also brought up some items for Committee of the Whole; with consensus of Council the CVB report and elections. Main Street recognition celebration; early vote reminder; concerts in the park this summer and movies; farmers market on Saturdays; WVU graduation; green nights at the library on May 16th; violin recital on May 17th; and noted the next River town Meeting.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9: 30 p.m.

City Clerk

Mayor

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