

REGULAR MEETING May 19, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, May 19, 2015 at 7:00 p.m.

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

The meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: Minutes for April 21st, 2015 were approved.

CORRESPONDENCE: Mayor Selin read a Proclamation in honor of Gene Vance Jr. Day; recognized the Code Enforcement Office for a Certificate of Achievement for becoming ICC Certified. Mayor Selin read correspondence in reference to a “Flat Boat Project” being held at Hazel Ruby McQuain Park. Deputy Mayor Shamberger then announced about the Woodburn Festival that the Boys & Girls Club will be hosting on Saturday, June 6, 2015 to benefit the WVU Children’s Hospital.

PUBLIC HEARINGS:

AN ORDINANCE AMENDING CITY CHARTER SECTION 2.12 AND ADDING A NEW SECTION 2.17 PERMITTING AUTHORIZATION OF INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION RATHER THAN ORDINANCE.

Mayor Selin declared this Public Hearing open.

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

AN ORDINANCE AMENDING ARTICLE 1149 OF THE CITY CODE RELATING TO PUBLIC NUISANCE TO PROVIDE FOR PLACING OF PUBLIC NUISANCE REMOVAL LIENS WITHOUT A COURT ORDER.

Mayor Selin declared this Public Hearing open.

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

AN ORDINANCE PROVIDING FEES AND PROCEDURES APPLICABLE TO REQUESTS FOR PUBLIC RECORDS.

Mayor Selin declared this Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING CITY CHARTER SECTION 2.12 AND ADDING A NEW SECTION 2.17 PERMITTING AUTHORIZATION OF INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION RATHER THAN ORDINANCE. The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING CITY CHARTER SECTION 2.12 AND ADDING A NEW SECTION 2.17 PERMITTING AUTHORIZATION OF INTERGOVERNMENTAL AGREEMENTS BY RESOLUTION RATHER THAN ORDINANCE.

After City Manager's explanation, motion by Shamberger, second by Kawecki to adopt the entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING ARTICLE 1149 OF THE CITY CODE RELATING TO PUBLIC NUISANCE TO PROVIDE FOR PLACING OF PUBLIC NUISANCE REMOVAL LIENS WITHOUT A COURT ORDER. The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 1149 OF THE CITY CODE RELATING TO PUBLIC NUISANCE TO PROVIDE FOR PLACING OF PUBLIC NUISANCE REMOVAL LIENS WITHOUT A COURT ORDER.

City Manager explained the Ordinance to Council, after discussion, motion by Shamberger, second by Kawecki to adopt the entitled Ordinance. Motion carried 6-0.

AN ORDINANCE PROVIDING FEES AND PROCEDURES APPLICABLE TO REQUESTS FOR PUBLIC RECORDS. The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FEES AND PROCEDURES APPLICABLE TO REQUESTS FOR PUBLIC RECORDS.

City Manager explained the Ordinance to Council, motion by Fike, second by Nugent to adopt the entitled Ordinance. Motion carried 6-0.

BOARDS AND COMMISSIONS: City Manager updated that the bio form has been updated on the website.

PUBLIC PORTION:

Mayor Selin declared the Public Portion open.

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

SPECIAL COMMITTEE REPORTS: Councilor Nugent gave an update on the "Flat Boat Project" that the Museum Commission will be hosting an event on May 23rd, 2015 at the Hazel Ruby McQuain Park, which will be a ceremonial inaugural event for the flat boat project. He also requested that Steve Stathakis flat boat coordinator, be considered as a topic for a Committee of the Whole Meeting. By consensus topic was approved to a Committee of the Whole.

NEW BUSINESS:

AN ORDINANCE AMENDING THE FY 2014-2015 BUDGET OF THE CITY OF MORGANTOWN: The above entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2014-2015 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:

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

AN ORDINANCE ANNULLING QUAY STREET RIGHT-OF-WAY: The above entitled Ordinance was presented for first reading.

AN ORDINANCE ANNULLING PORTIONS OF QUAY STREET DEDICATING A PUBLIC RIGHT-OF-WAY ADJACENT TO QUAY STREET AND GRANTING AN EASEMENT IN THE QUAY STREET RIGHT OF WAY:

City Manager explained easement and then requested to suspend the rules to have Heather Gentile, from Jackson & Kelly, on behalf of WVU, explains this easement further. After discussion, motion by Kawecki, second by Fike to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AUTHORIZING EXECUTION OF AN EASEMENT FOR THE QUAY STREET RIGHT-OF-WAY: The above entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING EXECUTION OF AN EASEMENT AGREEMENT FOR SUBSURFACE USE OF THE QUAY STREET RIGHT-OF-WAY.

City Attorney explained his easement to Council, after discussion, motion by Shamberger, second by Fike to pass the above entitled Ordinance to second reading. Motion carried 6-0.

CITY MANAGERS REPORT:

Information:

1. Performance Metrics

Attached you will find the updated 2015 first quarter metric from Finance Department, Legal Department, Development Services Department, City Clerk's Office, Code Enforcement Department, Fire Department and the Morgantown Municipal Airport.

City Manager, Jeff Mikorski, gave explanation of the performance metrics of the different departments and asked Council if there were any comments or questions. Mayor Selin requested an update from the Assistant City Manager on the Airport. Assistant City Manager, Glen Kelly, updated Council on enplanement's, fuel sales, and noted he will continue to report to Council with updates.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane commended the University High Lacrosse boys' team for becoming State Champions. He noted that listening to the radio the state has \$7.8 million dollars for Mon County to pave roads. He is still not pleased with the looks of Beechurst and embarrassed that WVU Graduates and parents had to see such a sight. He suggested that the MPO and WVU work together to correct this problem. He then asked the City Manager if the new Sheetz up by Wal-Mart off of I-68 was in the city limits. The City Manager responded saying "yes that the new Sheetz is in the city limits." He then reminded Council that he requested an executive session on an issue and was refused. This incident that occurred will not go away and is prudent to the future of this Council that it be addressed. He then stated, I am hoping that this Council will pursue an Executive Session, if not I will pursue this on Channel 15.

Councilor Kawecki:

Council Kawecki commented on pot holes on Rt. 7 that it is a dangerous situation and that the Department of Highway needs to be contacted. He noted that students left trash out on Cobun Street and South Walnut Street. He then reported that the dumpster under the Walnut Street bridge is beyond full and needs emptied again. He then asked the City Manager to give an update. The City Manager responded that Alpha Associates is working with the Department of Highways to move forward on this project. The City Manager will continue to contact the Department of Highways through email and hopefully will meet with Alpha Associates and the Department of Highways to finalize this project and get a report back to Council.

Councilor Nugent:

Councilor Nugent informed that there will be a Wiles Hill Highland

Neighborhood Association Meeting May 20th at 7:00pm. He then noted that since the 3rd Ward tour and the discussion of trash that once trash is collected more trash appears; in the next year we need to meet with Republic and do a better a job on the collection of trash. He was pleased as he called Republic to pick up a bulk item from his home and was only on the phone for less than a minute. He suggested to citizens that if they have bulk items that need to be picked up, to call Republic ahead of time. He mentioned lawn maintenance is critical right now and if citizens have questions you can also contact the City's Code Enforcement Office. He also requested from the City Manager that registered rentals be updated on the City's website. He then requested Steve Stathakis, Flat Boat Project Coordinator, do a presentation at a COW Meeting. By consensus above stated presentation was approved.

Councilor Shamberger

Councilor Shamberger wants to congratulate the Morgantown High School Girl's Tennis team for winning the State Championship for the first time. She noted that Channel 15 will have Eastwood Elementary Outstanding Students and many other activities that they are involved in for citizens to see. She also reminded everyone that the pools open for Memorial Day weekend. She reported that Woodburn Redevelopment Commission will meet at May 19th at 7:00pm instead of next Thursday. She then noted that the next First Friday will be June 5th and there will be a pot luck and great music. She also agrees with Councilor Nugent that this Council needs to come to a solution on the trash problem for it has become a quality of life issue. She then requested updates on the rental signs in the R-1 and R-1A areas and noted that they are very large "4 x 6" and requested a discussion of rental signs on a future COW. Above stated item was approved for COW by consensus. The City

Manager responded stating he thought that these signs were mostly real estate signs. She then noted how positive our home rule issues are playing out.

Councilor Fike:

Councilor Fike mentioned an article in the Dominion Post by John Samsell titled “The end of the Civil War led to confusion in town.” He noted that the article was about the end of the Civil War when the confederate and union soldiers that were attempting to return to their homes. He stated that at that time Morgantown was getting used to local government which was led by a Mayor, a Recorder, five members of Council or as they were called the (Common Council). Councilor Fike noted that the issues the Council was addressing back then are very similar to issues of today.

Councilor Ganz:

Absent

Mayor Selin:

Mayor Selin requested that the DOH come to a future COW. By consensus above stated requested was approved for a future COW. She also asked Council’s consent to meet with Republic Services at the end of June or July. Republic Service item on COW was approved by consensus. City Manager, Jeff Mikorski noted that administration has been working with Republic Services daily and will continue to do so for their help. Mayor Selin requests that all of the Boards & Commission’s report to Council on a yearly basis. Mayor Selin commented on the black fabric along Beechurst on the fencing of the PRT and what is going to be done about it. City Manager Jeff Mikorski stated that it was put there due to the snow that was plowed during the winter and that he has not been able to get in contact with the DOH to see if that will be removed or replaced by a see through material. Mayor Selin announced Morgantown Theater Company will present “Into the Woods” 7:00pm on May 22nd. She also noted WV Botanical Garden summer events and Morgantown

Arts Association and Monongalia Arts
Center Events.

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 ARE AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.