

**REGULAR MEETING, JUNE 4, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, June 4, 2013 at 7:00P.M.

**PRESENT:** 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 May 21, 2013, were approved as presented.

**CORRESPONDENCE:** Mayor Manilla presented a Proclamation to the CTA All-Stars Cheer/Dance Teams in recognition of their athletic achievements. City Clerk Linda Little administered the Oath of Office to Fire Fighter John Moore for obtaining his First Class designation.

**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 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY:**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET, GENERAL FUND:**

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.

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

**AN ORDINANCE FOR ANIMAL CONTROL SERVICES PROVIDED BY THE COUNTY:**

The above entitled Ordinance and Resolution was presented for second reading.

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY.

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

**BOARDS AND COMMISSIONS:** Ms. Little presented the list of vacancies to Council and after much discussion about which Council has the authority to make certain appointments, it was then decided by acclamation to allow the new Council to make appointments in July.

**PUBLIC PORTION:**

Jill Ware, 305 Wagner Road, spoke in opposition to MUB's acquisition of the Scott's Run Public Service District.

Zella Shephard, Employee of Scotts Run PSD, reported harassment and other inappropriate occurrences that took place during her employment at the Public Service District.

William Kelly, 341 Spruce Street, discussed the state of downtown and made various suggestions for improving cleanliness. He also suggested that troubled students who are assigned community service work for the City cleaning streets and painting. Additionally, Mr. Kelly offered to organize the effort to determine needs and spearhead projects.

John Sofranko, 445 Linden Street, asked the City to look into and improve services for handicapped parking.

Pam Ervin, Resident, reported to Council that her rental property was not up to code, and the issue was improperly treated, leading her to become homeless. She asked the City to focus more on homeless, rather than the students.

James Wolf, 36 Grapevine Village, concurred with Mr. Sofranko's statements about handicapped parking access in Morgantown, and asked that handicapped spots not be metered, as in other major cities.

Nancy Ganz, 2013 Council Elect, 1276 Colonial Drive, thanked the previous speakers for appearing before Council and addressed the Boards and Commissions discussion. She suggested that more channels for advertising for volunteers be sought in addition to the work the City Clerk and Communications Manager already do.

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

**SPECIAL COMMITTEE REPORTS:** None.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE TRAFFIC CODE, DEFINITIONS, GATE AND PULL TICKET VIOLATIONS:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 365.01, AND REPEALING AND REENACTING SECTION 365.12 OF ITS TRAFFIC CODE AS THE SAME APPLY TO DEFINITIONS AND GATE AND PULL TICKET VIOLATIONS.

Motion by Byrne, second by Shamberger to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

**AN ORDINANCE AMENDING THE TRAFFIC CODE, PARKING METER ENFORCEMENT, PARKING TIMES AND LIMITS:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 363.07 AND 363.08 OF ITS TRAFFIC CODE, AS THE SAME APPLY TO PARKING METER ENFORCEMENT ON SUNDAY AND HOLIDAYS, AND PARKING TIME LIMITS AND FEES.

Motion by Byrne, second by Herbst to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, “PERMITTED LAND USES” TABLE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “LODGING OR ROOMING HOUSE” USES.

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

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PARKING DEVELOPMENT STANDARDS:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1365.09 OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO PARKING DEVELOPMENT STANDARDS.

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

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PRINCIPAL STRUCTURES:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1363.04 “SPECIAL REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO THE NUMBER OF PRINCIPAL STRUCTURES PERMITTED ON A LOT.

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

**AN ORDINANCE AMENDING THE FIRE PROTECTION CODE, FIRE FEES:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 747.02(a) OF ITS FIRE PROTECTION SERVICE CHARGES CODE, AS THE SAME APPLIES TO THE LEVY AND IMPOSITION OF FIRE PROTECTION SERVICE.

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

**AN ORDINANCE ANNULLING A PORTION OF SIXTH STREET IN THE FOURTH WARD:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING AND APPROXIMATE 50' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF SIXTH STREET AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND NINE FEET 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 Nugent to pass the above entitled Ordinance to second reading. After explanation from the City Manager, motion carried 7-0.

**AN ORDINANCE EXECUTING AN INTERGOVERNMENTAL AGREEMENT FOR THE PURCHASE OF WOODBURN SCHOOL:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE BOARD OF EDUCATION OF THE COUNTY OF MONONGALIA, OUTLINING THE TERMS AND CONDITIONS OF THE CITY'S PURCHASE OF PROPERTY KNOWN AS THE WOODBURN ELEMENTARY SCHOOL.

Motion by Byrne, second by Shamberger to pass the above entitled Ordinance to second reading. After explanation from the City Manager, Mayor Manilla commented for the record his view that if at any time the antiquated building becomes a "money-pit" he feels the City should sell parcels of the property, as it is valued far higher than its sale price. Councilor Byrne stated he feels the historic property should be safe guarded for the Woodburn neighborhood and the City. He supports the re-use committee and their work for the property.

Mr. Mikorski stated that alternative means to purchase the property without the use of general fund or capital escrow monies is desirable to City Administration, so as to minimize impact on the City's budget. Councilor Selin noted the Manager's efforts are appreciated in this capacity. After discussion, motion carried 7-0.

**AN ORDINANCE ESTABLISHING RATES OF COMPENSATION:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2013-2014.

Motion by Bane, second by Selin to pass the above entitled Ordinance to second reading. After a point of clarification with regard to the Municipal Judge's salary, motion carried 7-0.

**A RESOLUTION APPROVING THE FY 2013-2014 MORGANTOWN MUNICIPAL AIRPORT FUND AND AIRPORT IMPROVEMENT FUND BUDGET:** The above entitled Resolution was presented for approval:

Motion by Bane, second by Nugent to approve the above entitled Resolution. After explanation from the City Manager, motion carried 7-0.

**A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR’S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE FOR THE MORGANTOWN MARKET PLACE:** The above entitled Resolution was presented for approval:

Motion by Byrne, second by Selin to approve the above entitled Resolution. Motion carried 7-0.

**CITY MANAGERS REPORT:**

**INFORMATION:**

**1. Fire Marshall’s End-of-Semester Report.**

Mr. Mikorski explained the report and efforts to move forward with consistent enforcement and improved compliance.

At Mayor Manilla’s request, Mr. Mikorski reported on his trip to Buffalo, NY for the International Town & Gown Association conference, and his role in panel discussions that took place.

**REPORT FROM CITY CLERK:** Ms. Little announced that applications are being accepted for the Police Civil Service entry level testing process. She also noted that employees will participate in the upcoming United Way Corporate Cup event.

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

**REPORT FROM COUNCIL MEMBERS: (Roll Reversal)**

Councilor Herbst: Councilor Herbst congratulated the CTA Cheer group for their achievements and for their positive representation of Morgantown. She also commended their work with special needs children. She then addressed the City Clerk with a point of clarification about Boards and Commissions appointments.

Councilor Byrne: No report.

Councilor Shamberger: Councilor Shamberger congratulated Julie Lattanzi who served on the Urban Landscape Commission. She also applauded the CTA group, concurred with the speakers about their concerns over handicapped parking, and thanked Mr. Kelly for his constructive comments.

Councilor Selin: Councilor Selin concurred that she would like the issue of paid handicapped parking looked into and agreed that clean-up efforts should be kept up at all opportunities.

Councilor Nugent: Councilor Nugent also thanked Mr. Kelly for his comments, ideas and enthusiasm. He commented on handicapped parking, and Mr. Mikorski added concerns of this nature can be directed to the Parking Authority. Councilor Nugent then announced Downtown activities, MAC anniversary celebrations, and various events including an evening at Ali Baba Restaurant.

Councilor Bane:

Councilor Bane thanked Mr. Kelly for appearing before Council. He wished well the participants of the United Way Corporate Cup event, and encouraged citizens to be aware of national news events.

Mayor Manilla:

Mayor Manilla confirmed with Mr. Mikorski that High Street will be paved this year, and asked for an update about new pedestrian signage for High Street. Mr. Mikorski replied the process is underway and materials have been ordered. Mayor Manilla announced his attendance at the Eastwood Elementary School opening. He referred Ms. Ervin to the Homelessness Task force and offered contacts which might assist her situation.

Mayor Manilla then commented on recent news articles, and directed his comments to the new Council and future Councils; stating that the 'wish-list' article geared toward the new Council and recently published in the Dominion Post is not based in fact with regard to the City's budget. He stated that this article also references late bar closing times and its alleged correlation to crimes. Mayor Manilla noted that closing the bars early would take away B&O taxes from the City which it relies on for more than half of its operating budget. Additionally, he deduces that the party would continue on at homes in neighborhoods after early bar closing times.

He also commented on truck traffic as referenced in this and another article. He clarified the facts, noting the issue has nothing to do with offending Greer Limestone. The City has concluded that legally, Council does not have the authority to regulate truck traffic on State Routes in the City. Mayor Manilla encouraged the new Council members to heed the determinations of City Administration, especially the Manager and Attorney. He asked that they not allow themselves to be swayed by outside influences, but rely on the competent Administration in place to help guide them with future issues.

**EXECUTIVE SESSION:** Motion by Nugent, second by Bane to enter into executive sessions, pursuant to WV State Code Section 6-9A-4(2) (9) as it Pertains to the Sale, Purchase of Lease of Realty; with City Council, City Manager and City Attorney present. Immediately following, a Session Pursuant to WV State Code Section 6-9A-4(b) (2) (A) in Order to Discuss Personnel Matters; with City Council and City Clerk present. Sessions entered into at 8:40 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:25 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.