

REGULAR MEETING, JULY 16, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 16, 2013 at 7:00P.M.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager of Operations Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, and Council Members: Bill Kawecki, Wes Nugent, Jenny Selin, Marti Shamberger, Mike Fike and Nancy Ganz. Council Member Ron Bane was Absent.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of July 2, 2013, were approved as presented.

CORRESPONDENCE: Councilor Ganz shared two pieces of correspondence, the first a letter of commendation from Mr. Summers, president of the Police Civil Service Commission, thanking City Clerk Little for her service to the City. The second, a letter from Mrs. Grubbs-Paul, a City election worker who shared her views about the Municipal Election. Councilor Ganz asked that it be made a part of the upcoming election report at the August Committee of the Whole meeting. Ms. Little added that the letters were requested of the poll workers in order to gain insight from their experience and suggestions for inclusion with the report.

PUBLIC HEARING – A BOND ORDINANCE PROVIDING FOR THE ASSUMPTION OF THE SCOTTS RUN PUBLIC SERVICE DISTRICT SEWER SYSTEM AND ITS: (I) SEWER REVENUE BONDS, SERIES 1991 A, (II) SEWER REVENUE BONDS, SERIES 1991 B, (III) SEWER REVENUE BONDS, SERIES 2003 A AND (IV) SEWER REVENUE BONDS, SERIES 2009 A AND RE-DESIGNATING AND REPLACING WITH ITS: (I) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 B; (II) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 C; (III) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 D; AND (IV) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 E (COLLECTIVELY, THE “BONDS”). THE BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE COMBINED UTILITY SYSTEM OF THE CITY.

John Stump, Steptoe and Johnson, explained that this is the final reading of the Bonds Ordinance and a Supplemental Resolution will follow. He detailed the acquisition process for Council and its approval through the Public Service Commission.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A TERMINABLE RIGHT-OF-WAY AND EASEMENT AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, GRANTOR, AND DEDRA F. BLANKENSHIP, GRANTEE, AS THE SAME APPLIES TO A STORMWATER LINE WITHIN THE CITY’S KREPPS PARK REALTY.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1751.06(b) AND 1751.07(d) OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLY TO INSPECTIONS AND LETTERS OF COMPLIANCE; AND ADDING A NEW SECTION 1751.18 TO ARTICLE 1751 ADDRESSING CARBON MONOXIDE DETECTORS.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING A JANUARY 6, 2009, LEASE AGREEMENT BY AND BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, PERTAINING TO SPACE WITHIN THE AIRPORT TERMINAL BUILDING BEING UTILIZED BY THE WEST VIRGINIA ARMY NATIONAL GUARD BAND.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING A LEASE AGREEMENT AMENDMENT BY IT, AS LESSOR, AND THE UNITED STATES OF AMERICA, AS LESSEE, ON BEHALF OF THE TRANSPORTATION SECURITY ADMINISTRATION (TSA), AS THE SAME APPLIES TO LEASE TERM AND RENTAL PAYMENT.

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

UNFINISHED BUSINESS:

A BOND ORDINANCE PROVIDING FOR THE ASSUMPTION OF THE SCOTTS RUN PUBLIC RUN SERVICE DISTRICT SEWER SYSTEM: The above entitled Ordinance was presented for second reading.

A BOND ORDINANCE PROVIDING FOR THE ASSUMPTION OF THE SCOTTS RUN PUBLIC SERVICE DISTRICT SEWER SYSTEM AND ITS: (I) SEWER REVENUE BONDS, SERIES 1991 A, (II) SEWER REVENUE BONDS, SERIES 1991 B, (III) SEWER REVENUE BONDS, SERIES 2003 A AND (IV) SEWER REVENUE BONDS, SERIES 2009 A AND RE-DESIGNATING AND REPLACING WITH ITS: (I) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 B; (II) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 C; (III) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 D; AND (IV) COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2013 E (COLLECTIVELY, THE “BONDS”). THE BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE COMBINED UTILITY SYSTEM OF THE CITY.

Motion by Ganz, second by Kawecky to adopt the above entitled ordinance. Motion carried 6-0.

AN ORDINANCE AUTHORIZING A RIGHT OF WAY FOR A STORMWATER LINE WITHIN KREPPS PARK REALTY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A TERMINABLE RIGHT-OF-WAY AND EASEMENT AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, GRANTOR, AND DEDRA F. BLANKENSHIP, GRANTEE, AS THE SAME APPLIES TO A STORMWATER LINE WITHIN THE CITY’S KREPPS PARK REALTY.

Motion by Shamberger, second by Nugent to adopt the above entitled ordinance. Motion carried 5-0. Councilor Ganz abstained from voting; Reason cited: “Concerns over City giving up rights of ways with no money transferring or no property traded”.

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE, ADDRESSING CARBON MONOXIDE DETECTORS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1751.06(b) AND 1751.07(d) OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLY TO INSPECTIONS AND LETTERS OF COMPLIANCE; AND ADDING A NEW SECTION 1751.18 TO ARTICLE 1751 ADDRESSING CARBON MONOXIDE DETECTORS.

Motion by Fike, second by Ganz to adopt the above entitled ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING A LEASE AGREEMENT FOR SPACE AT THE AIRPORT UTILIZED BY THE ARMY NATIONAL GUARD BAND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING A JANUARY 6, 2009, LEASE AGREEMENT BY AND BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, PERTAINING TO SPACE WITHIN THE AIRPORT TERMINAL BUILDING BEING UTILIZED BY THE WEST VIRGINIA ARMY NATIONAL GUARD BAND.

Motion by Nugent, second by Shamberger to adopt the above entitled ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING A LEASE AGREEMENT WITH THE U.S. GOVERNMENT FOR TSA LEASE TERM AND RENTAL PAYMENT AT THE AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING A LEASE AGREEMENT AMENDMENT BY IT, AS LESSOR, AND THE UNITED STATES OF AMERICA, AS LESSEE, ON BEHALF OF THE TRANSPORTATION SECURITY ADMINISTRATION (TSA), AS THE SAME APPLIES TO LEASE TERM AND RENTAL PAYMENT.

Motion by Ganz, second by Kawecki to adopt the above entitled ordinance. Motion carried 6-0.

BOARDS AND COMMISSIONS: By acclamation of Council: Anne Marie Lofaso, Jan Derry and Warren Harger were re-appointed to the Human Rights Commission; Bill Rice was appointed to the Morgantown Utility Board; and Cindy Fike was appointed to the Urban Landscape Commission.

Additionally, the following Council Members were assigned to their respective Committees: Mayor Selin and Councilor Shamberger to the MPO; Mayor Selin to the Airport Advisory Committee; Mayor Selin and Councilor Kawecki to Sunnyside Up; and Councilor Fike to the Pedestrian Safety Board;

PUBLIC PORTION:

Paul Heironimus, 760 Spring Branch Road, owns a home at 233 Willowdale Road, reported to Council that over the 23 years of ownership of that residence, there have been numerous auto accidents at the location and many cars have ended up in the front yard and damaging property at the home. He asked Council to place speed bumps or humps in the road as a traffic control measure for the area.

Sera Zegre, 352 Oakland Street, stated that the WVU smoking policy is forcing the employees to cross the street from campus and stand on the sidewalk to smoke. Subsequently there is now constant smoke, litter and loitering of smokers directly in front of her home on a daily basis. She asked that the City urge WVU to amend the policy to allow a more appropriate place for smokers to congregate that will not affect the neighbors or anyone's safety.

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

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE AMENDING THE ANNUAL BUDGET, COAL SEVERANCE FUND:

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2013-2014 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 COAL SEVERANCE FUND.

Motion by Shamberger, second by Nugent to pass the above entitled Ordinance to second reading. After explanation from the City Manager, motion carried 6-0.

AN ORDINANCE AMENDING THE ANNUAL BUDGET, COAL SEVERANCE FUND:

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2013-2014 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 Nugent, second by Kawecki to pass the above entitled Ordinance to second reading. After explanation from the City Manager, motion carried 6-0.

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH MON COUNTY FOR THE AIRPORT ACCESS ROAD PLAN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN IT AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY WHICH PERTAINS TO THE FUNDING OF A MITIGATION PLAN PERTAINING TO THE CONSTRUCTION OF THE MORGANTOWN MUNICIPAL AIRPORT ACCESS ROAD; SAID FUNDING PLAN BEING REQUIRED BY THE UNITED STATES ARMY CORPS OF ENGINEERS.

Motion by Nugent, second by Fike to pass the above entitled Ordinance to second reading. After explanation from the City Manager, motion carried 6-0.

CITY MANAGERS REPORT:

Prior to issuing his report, Mr. Mikorski addressed the concerns of both speakers of the public portion; assuring that the issues of traffic on Willowdale and the effects of the WVU smoking ban will be looked into to see what can be done by the City to help resolve the problems.

INFORMATION:

1. Energy Conservation Measures Verification Report

Mr. Mikorski conveyed energy savings, reported by the Constellation Company as a result of energy efficiency methods employed at City facilities.

2. 2013 Urban Archery Deer Hunt Rules

Mr. Mikorski announced that he approved the revised rules for this year's hunt, and provided Council with a map of hunting locations. He stated that any changes made, along with the final information will be provided to Council when available.

ACTION:

Mr. Mikorski presented a Fair and Festival Permit for beer sales at the Jim Dunn Twilight 5 Miler Event, and recommended its approval by Council.

Motion by Ganz, second by Selin to approve the above mentioned permit. Motion carried 5-0. (Councilor Fike Point of Privilege.)

REPORT FROM CITY CLERK: Announced the upcoming WVML Conference and confirmed travel and accommodations for the Council members participating.

REPORT FROM CITY ATTORNEY: Mr. Fanok noted that only a safe, limited amount of stands are available at the designated locations for the Urban Deer Hunt, and that hunters are not freely roaming the entire parcel. He clarified for new Council members and citizens the highly controlled circumstances under which the hunting takes place.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Absent.

Councilor Kawecki Councilor Kawecki announced the upcoming meeting of the South Park Neighborhood Association.

Councilor Nugent: Councilor Nugent announced the upcoming meeting of the Wiles Hill- Highland Park Neighborhood Association. He noted discussion about hands free mobile use and seatbelt laws taken at a recent WVML meeting, and Mr. Fanok added that the Ordinances have been drafted according to new laws and are current. The seat belt Ordinance only needs a minor amendment. Councilor Nugent spoke about Willowdale road traffic and hopes that the Traffic Commission will take up the cause. He sympathized with Mr. Heironimus, and also mentioned overgrown shrubs which need pruning in order to increase traffic visibility; the details of which locations will be reported to the City Manager's Office.

Councilor Shamberger: Councilor Shamberger expressed concerns about the WVU smoking policy and concurred with Ms. Zegre's comments on smokers needing a designated area in order to prevent littering and loitering near private homes. She then asked for clarification from the Manager about how Hotel/Motel tax monies can or cannot be used. Mr. Mikorski replied that by Ordinance, 50%

goes to the CVB, 25% goes to BOPARC and 25% goes to Capital Projects. He clarified that the monies must go to tourism or park related activities only.

Councilor Fike:

Councilor Fike stated that he was proud to participate in the 4th of July parade. He commended the City staff and administration for their hard work. He also commended Ms. Little and echoed the compliments paid in the letter from Mr. Summers. He spoke about the Child Advocacy Center and Friends of Deckers Creek group. He announced a cleanup in the Hartman Run area and reminded citizens of the Jerome Park picnic and BOPARC's Family Fun Fest. He also stated that he has joined the Goodwill City group as a representative of Council.

Councilor Ganz:

Councilor Ganz complimented Mr. Mikorski for the City's designation as Employer of the Year. She also thanked those who applied for MUB. She mentioned that traffic issues are similar to that expressed by Mr. Heironimus on Southview Drive too. She hoped that the City can reap the benefits of the prosperous development of WVU. She then announced the Suncrest Neighborhood picnic.

Mayor Selin:

Mayor Selin announced several upcoming events including shows at the Met Theatre, Family Fun Fest, the Jim Dunn Run, Kid's Day Downtown, WV Botanic Garden Ramble, and MT Pockets theatre. She complimented the Celebration of America festivities on July 4th, as well as the Decker's Creek project.

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 IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.