

**REGULAR MEETING JULY 19, 2016:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 19, 2015 at 7:04 p.m.

**PRESENT:** City Manager Jeff Mikorski, Assistant City Manager & Airport Director Glen Kelly, City Attorney Ryan Simonton, City Clerk Linda Tucker, Council Members: Ron Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Mayor Marti Shamberger, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

**APPROVAL OF MINUTES:** Special Meeting Minutes for June 21 & 28, 2016 were approved by acclamation. COW Minutes for June 28, 2016 & Regular Meeting Minutes for July 5<sup>th</sup>, 2016 were approved by acclamation. June 21<sup>st</sup>, 2016 were approved as corrected.

**CORRESPONDENCE:** No correspondence.

**PUBLIC HEARING – AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES IN METERED SPACES:**

Mayor Shamberger declared the Public Hearing open.

Tom Arnold, Parking Authority Director, explained that coins can still be used in the meters and that the change is a way to get those that are parking all day at one meter to move to open up spaces for those that want to shop downtown.

Charles McEwuen, Chair of Parking Authority, stated that raising the parking rates is not to raise revenue but instead is a parking management tool.

Kyle McAvoy, 814 Clinton Avenue, stated that this raise in the parking fee will turn people away from the downtown, and encouraged Council not to pass the Ordinance.

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

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE.**

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

**PUBLIC HEARING – AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION.**

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

**PUBLIC HEARING – AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS.**

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

**PUBLIC HEARING – AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS.**

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

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS.**

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

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 941.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY:** The below entitled Ordinance was presented for second reading

AN ORDINANCE AMENDING CHAPTER SEVEN OF THE TRAFFIC CODE GOVERNING PARKING WITHIN THE CITY, CREATING REGULATIONS AND CHARGES FOR DISPLAY OF PERMITS, MODIFYING PARKING ZONES AND RATES, AND AUTHORIZING IMMOBILIZATION OF CERTAIN VEHICLES IN METERED SPACES.

Council suspended the rules by acclamation to have Tom Arnold, Parking Authority answer questions. After discussion, motion by Kawecki, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING ARTICLES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLES 1713 AND 1717 OF THE CITY CODE AND ADOPTING THE 2015 STATE BUILDING CODE.

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

**AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE REPEALING ORDINANCES 2014-38 AND 2014-39 PROVIDING FOR A DOWNTOWN BUSINESS DISTRICT HEAVY TRUCK LIMITATION.

Motion by Redmond, second by Kawecki, to adopt the above entitled Ordinance. After discussion, motion by Kawecki, second by Ganz to amend the local permit portion. Ordinance amended with the following language: "For each such permit, the City Manager shall charge twenty-five dollars and for each hour of time and part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay thirty-seven dollars and eighty-three cents." Motion carried 7-0 for amendment. Question was called on the main motion. Motion carried 7-0.

**AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING CITY CODE ARTICLE 545 RELATING TO GENERAL OFFENSES INVOLVING WEAPONS.

City Manager explained, motion by Selin, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING CITY CODE SECTION 545.10 REGULATING SALE, POSSESSION, AND USE OF FIREWORKS; REPEALING ARTICLE 752 ESTABLISHING A NOVELTY AND SPARKLER FEE; AND AMENDING SECTION 1511.02 TO PRESERVE FIRE MARSHALS ENFORCEMENT OF FIREWORKS REGULATIONS.

City Manager explained, motion by Kawecki, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 149 OF THE CITY CODE RELATING TO THE BOARD OF PARKS AND RECREATION COMMISSIONERS.

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

**AN ORDINANCE AMENDING ARTICLE 941:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 941.

City Manager explained, motion by Selin, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** By acclamation, the following were appointed: David Saville, Matthew Miller and Judy Wilkinson, Human Rights Commission; Charlie Byrer, Museum Commission; Nick Wright, 1st Ward Traffic Commission; Patrick Hathaway, Fire Code Board of Appeals; Paul Steel, 2<sup>nd</sup> Ward Traffic Commission and Kyle Haugh, 5<sup>th</sup> Ward Traffic Commission & Fire Board of Appeals.

**PUBLIC PORTION:**

Mayor Shamberger declared the Public Portion open.

William Dulin, 488 Hidden Valley Road, stated that in July 8<sup>th</sup> edition of the Dominion Post there was an article on the changes that the Parks were going to make with their restrooms. He noted that one of the rule changes was to designate for the opposite sex, which he was upset and questioned the intent of this change. He stated the City has opened a Pandora's Box and not only is he concerned, but others in the community feel the same and this needs more consideration.

**SPECIAL COMMITTEE REPORTS:** Mayor Shamberger announced that the I-79 Stakeholder Committee would meet on 8-1-2016.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2016 – 2017 ANNUAL BUDGET REVISED AND ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND:** The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING THE FY 2016 – 2017 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.

City Manager explained, motion by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE FY 2016 – 2017 ANNUAL BUDGET REVISED AND ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND:** The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING THE FY 2016 – 2017 ANNUAL BUDGET REVISED AND ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

After discussion, motion by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 6-1 with Nugent voting no.

**A RESOLUTION AUTHORIZING THE CITY MANAGER 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 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR EQUIPMENT ENHANCEMENT FOR THE CITY OF MORGANTOWN:**

City Manager explained, motion by Bane, second by Ganz, to approve the above entitled Resolution. Motion carried 7-0.

**CITY MANAGER'S REPORT:**

**New Business:**

**1. Capital Escrow budget modifications**

With the introduction of additional funding, City Manager, Jeff Mikorski requested the following modifications to the Capital Escrow budget:

- A. Currently \$232,113.47 remains in the Access Road budget line, City Manager, Jeff Mikorski recommends the transfer of funds to the Airport Support (Fuel Farm upgrades, and runway extension property acquisition) budget to keep Airport and the runway extension project moving forward.
  
- B. Main Street Morgantown funding was reduced due to expected carryover from last fiscal year. Invoices for funding have caught up and no carryover is now expected. City Manager, Jeff Mikorski is recommending an increase of \$15,000 to make a total of \$50,000 for the FY 2017 contribution from contingency.
  
- C. Increase the Public Safety Plaza building project line by \$19,000 to cover change orders to the project and landscaping material costs from Capital Escrow contingency.

Motion by Bane, second by Selin to approve the above modifications to the Capital Escrow Budget. Motion carried 7-0.

**2. Home Rule Amendment**

Attached is the proposed Home Rule amendment that will increase the time alcohol can be purchased on Sundays. The attached notice will be published and available for thirty days and a public hearing is requested for Tuesday, September 6, 2016 at 7:00 pm. First reading of the ordinance will take place prior to the September 6, 2016 meeting.

After discussion, motion by Kawecki, second by Redmond to approve the Home Rule Amendment public hearings and first reading of ordinance in September. Motion carried 7-0.

**3. Fire Code Board of Appeals**

The Fire Code Board of Appeals Chairman, Pat Esposito, has requested that two additional alternates be added to the Board so that a quorum can be maintained and new appointments can be a part of the upcoming Board work session. City Manager recommended Patrick Hathaway and Kyle Haugh both be appointed to the Fire Code Board of Appeals. Both has shown interest in serving on a City Board or Commission and were interviewed on Tuesday, July 19, 2016. Council approved both candidates be appointed during Boards and Commissions to serve on Board.

4. City Attorney Ryan Simonton explained the changes with the restrooms at the Parks were done to comply with Federal Laws.

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

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane commented that when as he was vacationing in St. Louis, a Police Officer was gunned down. He stated that on his way back that a Fire Fighter helped him change a flat tire in Missouri. He challenged everyone to say Thank You to our Police Officers, Fire Fighters and Public Employee for protecting our communities. He wished the City Manager Jeff Mikorski the best in his new position and noted he has known the City Manager for 30 years and wished him the best.

Councilor Kaweck:

Councilor Kaweck wished the City Manager Jeff Mikorski the best and appreciated his activities in addition, to his initiatives as City Manager. He announced two events: Arts Mon Business After Hours at 5:30 pm on July 20, 2016 and Historic Landmark Commission Report on Downtown and Sunnyside-Up at 7 p.m. at the Public Safety Building.

Councilor Nugent:

Councilor Nugent thanked the City Manager Jeff Mikorski and what he brought to the job as Manager. He thanked Pam Ball & Ian Gray are history of Railroads at the Museum. He announced that the Wiles/Hill Highland Park Neighborhood Meeting is on 7/20/16 at BOPARC Senior Center at 7 p.m. and National Night Out plans will be discussed.

Councilor Selin:

Councilor Selin stated that Verona, Wisconsin is gaining a good City Manager in Jeff Mikorski and thanked him for his dedication, creativity, professionalism and neutrality in all matters. She asked the City Manager what the status was with the bridge in Greenmont. City Manager responded that paperwork for project is at the DOH right now for bidding for construction; we should know something in a couple months. She requested the Manager to follow-up on Greenmont Bridge project and any other projects before he leaves for Verona. Announced the Don Knott's Statue event on 7-27-16 at 10am; 11:30am Comedy Show with Memorabilia in the Met Theatre. She reminded everyone that Farmers Market and High Street Bazaar will be in

downtown Morgantown on 7-27-16. She said that residents have said that Channel 15 is sounding better, but that Council should speak into their mikes. She mentioned that the dumpster by Golds Gym is looking better. She asked when the announcement would be about the new Airlines at the Airport. Glen Kelly, Airport Director stated that when it becomes official there would be an announcement.

Councilor Redmond:

Councilor Redmond thanked City Manager Jeff Mikorski for his 16 years of service to the City and wished him and his family lots of luck. He asked the residents to try to accept the parking changes; this change is for a small percentage of people that are taking up prime spaces to let residents shop downtown. He requested a clarification on the issue of the bathrooms at the park for the citizens.

Councilor Ganz:

Councilor Ganz thanked Councilor Redmond for mentioning the bathroom issue; she stated she is on the BOPARC Board and the decision was made to comply with State and Federal laws. She mentioned that 1.3 million dollars from the City taxes were put into parks and nothing from the County. She mentioned that the City needs to discuss more equity with the County on funding of parks. She announced that Suncrest Neighborhood Association would not meet this month, because of its picnic at Krepps Park. Councilor Ganz thanked the Firefighters and Police Officers for helping with the SCNH picnic at Krepps Park. She announced that MRTC is taking matching donations to place a parking area at end of Collins Ferry Road. She stated that anyone wanting to donate could contact Your Community Foundation or the City Manager's office. She congratulated City Manager Jeff Mikorski on his new job in Verona and wished him and family the best and God speed.

Mayor Shamberger:

Mayor Shamberger said that at the Mon County Commission meeting, they had requested to come to the COW to discuss TIFS and Downtown issues. By consensus, these items will be placed on the COW. Councilor Bane requested discussion of taxing Cats with the County and as Councilor Ganz suggested BOPARC funding. Mayor Shamberger mentioned "Kids Day" that she worked a booth and what wonderful event it

was; and gave compliments to Main Street Morgantown. She stated that the City has received many compliments about the Zacquill Morgan statue. She mentioned how grateful she was to the City Manager Jeff Mikorski for moving our town forward and that Verona, Wisconsin is very lucky.

**EXECUTIVE SESSION:** Pursuant to WV STATE CODE SECTION 6-9A-4(b) (2) (A) motion by Selin, second by Kawecki to go into Executive Session in order to discuss Personnel Matters in considering recruitment for a new employee. Motion carried 7-0. Present: City Council and City Manager Time: 8:55 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:50 p.m.

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City Clerk

\_\_\_\_\_  
Mayor

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