

**REGULAR MEETING JULY 5, 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 7, 2015 at 7:00 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, Bill Kawecki, Wes Nugent, Jenny Selin, Marti Shamberger, Jay Redmond, and Nancy Ganz.

The meeting was called to order by City Clerk Linda Tucker, in order to conduct the administration of oaths and elect the Mayor and Deputy Mayor.

**ELECTION OF MAYOR AND DEPUTY MAYOR:**

The City Clerk opened the floor for nominations among Council for the office of Mayor.

Nomination by Bane, second by Redmond to elect Nugent as Mayor. Nomination by Selin, second by Ganz to elect Shamberger as Mayor. Roll call vote taken on Nugent for Mayor. Motion failed 3-4. (Kawecki, Selin, Shamberger, Ganz voted No) Roll call vote taken on Shamberger. Motion carried 4-3. (Bane, Nugent, Redmond voted No) There being no further nominations, Mayor Shamberger will be the Mayor for the 2016-17 term.

The City Clerk opened the floor for nominations among Council for the office of Deputy Mayor.

Nomination by Bane, second by Redmond to elect Nugent as Deputy Mayor. Nomination by Ganz, second by Selin, to elect Kawecki as Deputy Mayor. Roll call vote taken on Nugent for Deputy Mayor. Motion failed 3-4. (Kawecki, Selin, Shamberger, Ganz voted No) Roll call vote taken on Kawecki. Motion carried 4-3. (Bane, Nugent, Redmond voted No) There being no further nominations, Councilor Kawecki will be the Deputy Mayor for the 2016-17 term.

**OATH OF OFFICE FOR MAYOR AND DEPUTY MAYOR:**

The City Clerk administered the Oath of Office to Mayor Shamberger and Deputy Mayor Kawecki for the term of July 5, 2016 to June 30, 2017.

Thereafter, Mayor Shamberger assumed the Chair of the meeting and began to conduct the regular business of Council, and she thanked her family and Council for their support and electing her for another term.

**APPROVAL OF MINUTES:** The Special and Regular Meeting Minutes for June 21, 2016 will be available at the July 19<sup>th</sup> meeting.

**CORRESPONDENCE:** No correspondence.

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLES 1329.02, 1369.07, AND 1369.11 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO WALL SIGNS.**

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

**PUBLIC HEARING – AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY**

**DEVELOPMENT AUTHORITY.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ARTICLE 1329.02, 1369.07, AND 1369.11 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO WALL SIGNS:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLES 1329.02, 1369.07, AND 1369.11 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO WALL SIGNS.

City Manager explained, after discussion, motion by Ganz, second by Selin to adopt the above entitled Ordinance. Motion carried 5-2 with Bane and Nugent voting no.

**AN ORDINANCE AMENDING AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE SALE OF COAL NEAR THE MORGANTOWN MUNICIPAL AIRPORT TO THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY.

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

**BOARDS AND COMMISSIONS:** City Clerk Linda Tucker updated Council on vacancies and noted that there will be a Special Meeting on July 19<sup>th</sup>, 2016 at 6 p.m. to interview candidates.

**PUBLIC PORTION:**

Mayor Shamberger declared the Public Portion open.

Bill Rice, 1225 Bakers Ridge Road, Chair of Citizens Advisory Committee Morgantown Monongalia Planning Organization, asked Council to have Bill Austin and the MPO review this project before moving forward.

Donald Ornick, 224 Greenbrier Drive, commented that he cannot find the agenda on the web before meetings and requested Councilors to speak into their microphones. He mentioned the concealed weapons ordinance asking Council to move slowly and cautiously not to take the citizens civic rights away from them.

Tom Bloom, 1021 Ashton Drive, Mon County Commissioner, noted that he did receive the letter on June 21, 2016 from the City Manager Jeff Mikorski about the TIF. He asked if this TIF really meets the requirements and how does it encourage economic development, who is benefiting? He stated there are eight TIF's in this County and four of the TIF's are in City of Morgantown and the legislature has mandated said no more TIF's in Morgantown that don't show economic development. He referenced the deed that MHA acquired to construct low-cost housing and mentioned stated that it is not low cost housing and urged Council to not vote on this until everyone is on the same path.

**SPECIAL COMMITTEE REPORTS:** NONE

**NEW BUSINESS:**

**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:** The below entitled Ordinance was presented for the first 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.

City Manager explained, motion by Selin, second by Kawecki, to approve the above entitled Ordinance to second reading. 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 the first reading.

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

City Manager explained, after discussion, motion by Kawecki, second by Ganz, to approve the above entitled Ordinance to second reading. 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 the first reading.

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

City Manager explained, after discussion, motion by Ganz, second by Selin for approval of a minor amendment. Motion carried 7-0. Motion by Bane, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING SECTIONS 1329.02, 1331.05, 1331.06 AND 1331.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO CONSUMER FIREWORKS RETAIL SALES AND CONSUMER FIREWORKS WHOLESALE ESTABLISHMENTS:** The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING SECTIONS 1329.02, 1331.05, 1331.06 AND 1331.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO CONSUMER FIREWORKS RETAIL SALES AND CONSUMER FIREWORKS WHOLESALE ESTABLISHMENTS.

City Manager explained, after discussion, motion by Kawecki, second by Redmond, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

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

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

After discussion, 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 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:** The below entitled Ordinance was presented for first 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 and City Attorney explained, after discussion, motion by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. 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 first reading.

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

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

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

AN ORDINANCE AMENDING ARTICLE 941.

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

**A RESOLUTION REGARDING APPROVAL OF (I) THE TAX INCREMENT FINANCING APPLICATION SUBMITTED BY THE FAIRMONT MORGANTOWN HOUSING AUTHORITY (THE "TIF APPLICATION") WITH RESPECT TO THE PROPOSED CREATION OF A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN TO**

**BE CALLED “THE CITY OF MORGANTOWN DEVELOPMENT DISTRICT NO. 5” (THE “TIF DISTRICT”) AND PUBLIC INFRASTRUCTURE PROJECTS AND IMPROVEMENTS WITHIN THE TIF DISTRICT (THE “TIF PROJECT”); (II) SUBMISSION OF THE TIF APPLICATION TO THE WEST VIRGINIA DEVELOPMENT OFFICE; AND (III) APPROVAL OF OTHER ITEMS IN CONNECTION THEREWITH:** The above entitled Resolution was presented for first reading.

City Manager explained, Motion by Kawecki, second by Selin, to approve the above entitled Resolution. Motion carried 6-1 with Nugent voting no.

**A RESOLUTION AUTHORIZING A GRANT FROM THE WEST VIRGINIA DIVISION OF CULTURE AND HISTORY TO PROVIDE SOME COSTS OF HISTORICAL SURVEY OF THE SUNCREST NEIGHBORHOOD AND PROPERTIES:** The above entitled Resolution was presented for first reading.

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

**A RESOLUTION APPROVING AN AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT SOUTH MIDDLE SCHOOL:** The above entitled Resolution was presented for first reading.

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

**A RESOLUTION APPROVING AN AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING A SCHOOL RESOURCE OFFICER AT MORGANTOWN HIGH SCHOOL:** The above entitled Resolution was presented for first reading.

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

**CITY MANAGER’S REPORT:**

**Information:**

- 1. **Code Enforcement Office becomes an ICC Education Preferred Provider**  
City Manager Jeff Mikorski congratulated Mike Stone and the Code Enforcement Department for being established as an ICC Education Preferred Provider. This designation will allow our Code Enforcement officers to be trainers of ICC codes, which will create a more affordable way to improve the education of all Code Enforcement employees and bring a higher level of service to the City.

**New Business:**

- 1. **State Contract purchase for Urban Landscape**  
The City Manager’s Office is interested in purchasing a new GMC ¾-ton pickup truck to support Urban Landscape Division through State contract pricing. The funding has been approved in the FY 2017 budget. The total cost of vehicle is \$28,303.65 from Matheny Motors in Parkersburg, WV.

City Manager Jeff Mikorski recommended the purchase by State contract utilizing the budgeted Capital Escrow funds.

After discussion, motion by Ganz, second by Selin to approve the purchase of a new GMC ¾-ton pick-up truck for Urban Landscape Division for \$28,303.65. Motion carried 7-0.

**2. Tax Increment Financing Memorandum of understanding(Exhibit A)**

Attached is a proposed memorandum of understanding regarding the competitive bidding process for the City of Morgantown Development District No. 5 Tax Increment Financing District. Council approved the MOU in the TIF Resolution this evening. As required by State Code, this MOU identifies that the Fairmont/Morgantown Housing Authority will be responsible for bidding on construction projects that include funds generated by the TIF District. He stated that the MOU allow the Fairmont/Morgantown Housing Authority to manage the bidding requirements. The City will have representatives included in the selection process.

**REPORT FROM CITY CLERK:** City Clerk Linda Tucker reminded Council about the upcoming WVML Conference at Stonewall Resort from August 2-5, 2016.

**REPORT FROM CITY ATTORNEY:** No report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane thanked the City Manager, Mayor and Councilor Ganz for attending the First Ward Neighborhood Meeting. He requested someone attend a Ward Meeting to discuss the new Ice Skating Rink Levy and discuss issue at a COW. He noted his concerns of the state of our country and the wrong messages are being sent to the citizens.

Councilor Kawecki:

Councilor Kawecki announced Kids Day on July 16th, 2016 by Main Street Morgantown; dedication of Don Knott's Statue on July 23<sup>rd</sup>, 2016 and Old Car Show on August 27<sup>th</sup>, 2016.

Councilor Nugent:

Councilor Nugent noted that after the Legislative Session he had mentioned a particular piece of legislation about traffic lights. He suggested having the ability to change traffic lights to solid during low traffic times and wants discussion on this issue at a COW. He noted receiving information from WVML and being appointed to the Credential Committee; but since he has other commitments, he will contact the League to let them know he will not be able to attend. He mentioned Council needs to discuss funding for the National Leagues of Cities Conference.

Councilor Selin:

Councilor Selin suggested that the City Clerk check on the reservations for National League of

Cities Conference for any discounts the city can get. She commended Joe Kaehler and the Celebration of America for the July 4<sup>th</sup> activities in downtown and at the Wharf. She mentioned the Summer Stroll and what a nice Family adventure it was; walking; learning about year of the green and many other booths for families. She questioned the City Manager about the First Presbyterian concerns on the construction beside their daycare. City Manager responded that he thinks the City Attorney spoke with them. City Attorney Ryan Simonton stated that he has spoken with them and will follow-up with Council as he continues dialogue with them. She noted that Council needs to be careful to table ordinances that are placed on the agenda.

Councilor Redmond:

No report.

Councilor Ganz:

Councilor Ganz stated that it was a great weekend in Morgantown; Celebration of America, Met Theatre program; West Virginia Public Theatre. She encouraged citizens to go and see “Funny Thing Happened on the way to the Forum” and “Romeo and Juliet”. She mentioned the “800lb Gorilla” in the room and that the discord with this Council is obvious. She questioned the cost of the legal funds; and said Council should mend fences, which would help in all areas especially the economic engine in our City. She is positive that the Mayor and Deputy Mayor will move this Council in the right direction. She announced that the Suncrest Neighborhood picnic is on July 7, 2016 at Krepps Parks. She remarked that she is proud to be working for one of the Safest Cities in the Nation.

Mayor Shamberger:

Mayor Shamberger thanked the First Ward folks for their picnic and will return to a future meeting. She announced a planning committee meeting on 7-23 for the Don Knotts unveiling; and thanked those that are helping with coordinating these efforts. She welcomed the new Sheetz on Hornback; and invited Council to attend dedication of two homes on Groves Street at 11 am built by Morgantown Housing Authority. She asked everyone to pray for those affected by the flooding in our State; and said she was going to contact the Mayors of those Cities. She thanked the City Manager for the repair of the defaced City Sign and requested more signage be placed

for citizens making them aware they cannot talk on the phone and drive. She announced Romeo and Juliet at the West Virginia Public Theatre that William Shakespeare's Twelfth Night will be at M.T. Pockets.

City Manager, Jeff Mikorski requested confirmation on COW items; Ice Rink and Traffic Lights. By consensus, both items were moved to a COW Meeting.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:10 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

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

Exhibit A

Construction Bidding MOU

MEMORANDUM OF UNDERSTANDING

**THIS MEMORANDUM OF UNDERSTANDING** (“MOU”) is made and entered into as of June 21, 2016, by and between The City of Morgantown (the “City”), and Fairmont-Morgantown Housing Association (“FMHA”).

**WHEREAS**, FMHA has requested that the City create and establish a development district to be known and designated as “The City of Morgantown Development District No. 5” (the “TIF District”), and approve a development project plan (the “Project Plan”), specifically the development of certain public infrastructure improvements within the TIF District, including, without limitation, water lines, sanitary sewer lines, stormwater drainage, road improvements and other related infrastructure and utilities improvements, all within or benefitting the proposed TIF District (the “TIF Projects”), all in order to facilitate the issuance of tax increment financing obligations or the utilization of tax increment revenues to finance the costs of planning, acquiring, constructing and equipping the TIF Projects, being necessary public infrastructure improvements within or benefitting the TIF District, under and pursuant to Chapter 7, Article 11B of the Code of West Virginia, 1931, as amended (the “TIF Act”);

**WHEREAS**, FMHA and the City have agreed to jointly develop and finance the TIF Project through the issuance of tax increment financing obligations and/or the utilization of tax increment revenues on a pay as you go basis;

**WHEREAS**, the City has, on the date hereof, held a public hearing regarding the creation and establishment of the proposed TIF District, the approval of the Project Plan, a Tax Increment Financing Application dated June 7, 2016 (the “Application”) and issuance of tax increment financing bonds or other obligations, all as more fully described in the Application; and

**WHEREAS**, a memorandum of understanding between FMHA and the City regarding the competitive bidding process for construction of tax increment financed projects is required to be submitted to the West Virginia Development Office as a condition to such Office’s approval of the Application.

**ACCORDINGLY**, FMHA and the City have determined to proceed in the following manner:

1. The bid specifications for design and/or construction of the TIF Project or any portion thereof will be prepared by or on behalf of FMHA and provided to the City for review at least two weeks prior to publication of the advertisement for bids.
2. The bid specifications will comply with Chapter 5G, Article 1, Chapter 5, Article 22 and Chapter 5, Article 22A of the Code of the State of West Virginia, 1931, as amended (collectively, the “Bidding Statutes”), as applicable.

3. Upon approval of the City, FMHA will be responsible for the publication of all bid advertisements.

4. Bid opening will be held at a mutually agreeable location in the presence of representatives of the County Commission and FMHA.

5. The City and FMHA will, in accordance with the provisions of the applicable Bidding Statutes, select from those bids offered the appropriate bidder, subject to the right of the City and FMHA to reject any and all bids.

6. FMHA will be responsible for all costs in connection with the preparation and advertisement of bids; *provided however*, that all such costs may be reimbursable from the TIF Fund of the TIF District or from the proceeds of tax increment financing obligations to be issued by the City.

[Signature Page Follows]

WITNESS the following signatures:

THE CITY OF MORGANTOWN

By:   
Name: Jeff Mikorski  
Title: City Manager

FAIRMONT-MORGANTOWN HOUSING AUTHORITY

By:   
Name: John Martys  
Title: Executive Director