

REGULAR MEETING AUGUST 5, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 5, 2014 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, and Nancy Ganz. Absent: Mayor Selin

The Meeting was called to order by Deputy Mayor Shamberger.

APPROVAL OF MINUTES: The minutes of the regular meeting of July 15, 2014, were approved as printed.

CORRESPONDENCE: Councilor Fike read a letter in support of the proposed downtown business district heavy truck limitation from Brian McAllister, Safe Streets Morgantown, and asked that it be made part of the record. Deputy Mayor Shamberger read a letter from Kathy Furbee in support for the proposed truck ordinance and requested her letter be made part of the record. **(Exhibit A and B Attached)**

PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND RSA FLIGHT TRAINING, LLC, LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITES 235 AND 241, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN IT, AS LESSOR, AND MERKOL, INC., AS LESSEE, REGARDING SPACE WITHIN THE MORGANTOWN MUNICIPAL AIRPORT TERMINAL BUILDING, WHICH WILL BE OPERATED AS A RESTAURANT.

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

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2014-2015 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, Deputy Mayor Shamberger declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN RSA FLIGHT TRAINING AND THE MORGANTOWN MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND RSA FLIGHT TRAINING, LLC, LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITES 235 AND 241, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

Motion by Kawecki, second by Fike, to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN MERKOL, INC AND THE MORGANTOWN MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN IT, AS LESSOR, AND MERKOL, INC., AS LESSEE, REGARDING SPACE WITHIN THE MORGANTOWN MUNICIPAL AIRPORT TERMINAL BUILDING, WHICH WILL BE OPERATED AS A RESTAURANT.

Motion by Nugent, second by Bane, to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING THE FY 2014-2015 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2014-2015 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 Bane, second by Fike, to adopt the above entitled Ordinance. City Manager asked for a minor amendment to the budget. Motion by Bane, second by Kawecki for approval, Motion carried 6-0. Question was called on the main motion, motion carried 6-0.

BOARDS AND COMMISSIONS: By acclamation, Dianne Rogers and Sarah Stevenson were reappointed to the Personnel Board.

PUBLIC PORTION:

David Biafora, 6200 Mid-Atlantic Drive, handed out a document to all Council Members and City Staff. Mr. Biafora briefly described what the document entailed and then started to read it out loud for the public to hear. As Mr. Biafora was stating his opinion, Deputy Mayor Shamberger and Mr. Biafora had a heated confrontation due to time limitation. Deputy Mayor Shamberger ordered the police officer to escort Mr. Biafora out of the building.

Tim Linkous, 1263 Kings Road, issued documents to City Council Members and City staff. He stated on behalf of the Tibbs Run Hunt Club and concerned citizens on Mayfield Road to make Council aware of persistent, dangerous, and illegal activities occurring on 200 acres of real property owned by the City of Morgantown and request that the City of Morgantown take immediate action to address and remediate the same. After informing and explaining the situation to Council Members, Mr. Linkous stated that in conclusion he would hope to see remedial action being taken on the ongoing serious problems occurring on the Cities property and the Hunt Club would be ready and willing to assist in efforts to do so. **(Exhibit C Attached)**

SPECIAL COMMITTEE REPORTS: Councilor Ganz informed the Public that the Monongalia County School Board voted to close Suncrest Primary in favor to open a new school facility on Collins Ferry Road in the fiscal year of 2016-2017. She stated that the school board will be coming to the City to work out an arrangement with the City for the use of Suncrest Primary School for possible community use or 3 Pre-K use. Councilor Ganz also reported very good things are happening at BOPARC and that the pools are still open doing well. She also noted that BOPARC is working with various local entities on service provision. Councilor Ganz also thanked Melissa Burch for her good work and working with the County Commission as well as with other entities.

NEW BUSINESS:

AN ORDINANCE AMENDING THE FY 2014-2015 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2014-2015 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.

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

AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE RELATING TO ANIMALS AND FOWL.

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

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION: The below entitled Ordinance was presented for first 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.

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

AN ORDINANCE PROVIDING THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE FIFTH WARD: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2, SINGLE-AND TWO-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED

AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

After discussion from Council Members, motion by Nugent, second by Bane, to decline the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AMENDING ARTICLE 1369.15 OF THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 1369.15 OF THE PLANNING AND ZONING CODE AS IT RELATES TO SIGN PERMITS.

After discussion from Council Members, motion by Kaweck, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER AND RELATED DEFINITION OF TERMS.

After explanation from City Manager, rules were suspended for MUB Director, Tim Ball, to answer questions. After explanation from City Attorney, motion by Nugent, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 5' WIDE UNNAMED ALLEY: The below entitled Ordinance was presented for first reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 5' WIDE UNNAMED ALLEY RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-ONE FEET LOCATED SOUTH OF FIRST STREET BETWEEN JONES AVENUE AND LORENTZ AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After discussion from Council Members, motion by Bane, second by Nugent, to pass the above entitled Ordinance to second reading. Motion carried 5-1, Ganz voted no.

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 16' RIGHT OF WAY: The below entitled Ordinance was presented for first reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 16' RIGHT OF WAY ALONG A PORTION OF FIRST STREET RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-SIX FEET IN AN EASTERLY DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After discussion from Council Members, motion by Nugent, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 5-1, Ganz voted no.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, AS LESSEE, ON BEHALF OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, REGARDING REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT UTILIZED FOR PURPOSES OF AIR QUALITY SAMPLING.

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

A RESOLUTION TO OBTAIN \$22,000 TO ASSIST OPERATION WELCOME HOME: The below entitled Resolution was presented for first reading.

A RESOLUTION TO OBTAIN \$22,000 TO ASSIST OPERATION WELCOME HOME THROUGH THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM.

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

A RESOLUTION TO OBTAIN \$3,000 TO HELP RENOVATE THE METROPOLITAN THEATER: The below entitled Resolution was presented for first reading.

A RESOLUTION TO OBTAIN \$3,000 TO HELP RENOVATE THE METROPOLITAN THEATER THROUGH THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM.

After explanation from City Manager, motion by Kawecki, second by Ganz, to adopt the above entitled Resolution. Motion carried 6-0.

CITY MANAGER'S REPORT:

INFORMATION:

Mr. Mikorski stated that he will contact MUB to find out more about the 200 acres that the City owns and that he was unaware of this problem until now.

1. Free Flow Power Hydroelectric Power Plant changes to design:

Mr. Mikorski stated that there were changes in the design of the hydroelectric in-stream power plant. Councilor Kawecki inquired about the legalities of this project and the City Attorney answered those questions. To conclude, discussions from council members continued and Mr. Mikorski noted as he is updated with more information, he will immediately relay that information to council.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane inquired with the City Attorney about the document Mr. Biafora handed out during Public Portion and Mr. Fanok responded in stating that it's out of this legislative bodies hand and that it's up to the Monongalia County Court system to decide. Councilor Bane stated that it's important to follow up on the incidents that are going on behind Mayfield Road and to also inquire with the County to see if we can get patrolling in that area. Councilor Bane announced that there will be a First Ward Neighborhood Association Meeting August 24th and that they are looking for another venue and also a instead of Sunday they will consider a week night to have their meetings.

Councilor Kawecki:

Councilor Kawecki thanked volunteer, John Atkins, for help implementing registered rentals to be available on <http://www.morgantownwv.gov/> and also he noted that the registered rentals will be updated on a more frequent basis.

Councilor Nugent:

Councilor Nugent thanked everyone that made National Night Out possible again this year and also informed Council that he spoke with Mark Musick, County Assessor, about registered rentals and noted that it was encouraging to know that Code Enforcement has a current page for registered rentals for citizens to view. Councilor Nugent stated that the Blue Curb Parking communication has been inadequate and asked the City Manager when letters will be sent out to the residents of Wiles Hill. The City manager responded by saying the letters will be going out soon as well as a press release on Channel 15. Councilor Nugent also asked for an update on tree curb on High Street. The City Manager said two to three this year. He also asked the City Manager if there will be sidewalk cleaning this year and the City Manager said no not this year, the funding is not there. Councilor Nugent noted an event at the MAC called Same Time Next Year, and recommended everyone to come see it. He also noted that 60 families were at the National Night Out.

Mayor Selin:

Absent

Councilor Fike:

Councilor Fike stated that he is looking forward to next week's West Virginia Municipal League summer conference in Bridgeport. He noted that it is always both refreshing and informational to attend the gathering of municipalities from across the state. Councilor Fike stated that it is rewarding to network with other city representatives and learn new ideas and approaches to issues common to all of us. He also stated that he's excited to again be part of the Goodwill City Ambassador program and that plans are underway to provide the "welcoming groups" that will greet visitors to our City to attend WVU home football games. He noted that he can think of no better way to provide a direct and sincere introduction to visitors. Councilor Fike stated that he concurred with Councilor Bane on his concern with the property behind Mayfield Road.

Councilor Ganz:

Councilor Ganz noted that tonight has been an exciting meeting. She stated that that she will not be defamed, yelled at or criticized in a derogatory manor and as a female in this situation; it is my privilege and responsibility to walk away from confrontation. Councilor Ganz thanked Mr. Linkous for informing Council about the property behind Mayfield Road and ensured that MUB and the Police Department were given copies of the packet he handed out this evening and encouraged the residents in that area to call 911 if they see or hear any type of illegal activity in or around that area. Councilor Ganz stated that the Traffic Commission Meetings are continuously cancelled and has items that need to be discussed do to the increasing traffic and growth patterns in seventh and fourth wards. She noted that she is concerned that the Ordinance on one ways and no left turns has not been updated since 2004. She noted that the residents in fourth and seventh wards need some signage and relief due to increasing traffic. Councilor Ganz stated that when residents call Code Enforcement for an issue, they do not have to give their name and that they can remain anonymous. Councilor Ganz thanked Eleanor Grubbs Paul for her continued service for volunteering with Meals on Wheels.

Deputy Mayor Shamberger:

Deputy Mayor Shamberger stated that she went to the Government Service Awards with Empty Bowls last week in Charleston. She expressed that it was such an honor to be around so many wonderful volunteers from around the State. Deputy Mayor Shamberger noted that she was happy to see that the red lights are coming on for those yield signs and pedestrian walkways. Deputy Mayor Shamberger stated that the Home Rule process has started around the State and asked the City Manager what our application includes so there is an understanding. The City Manager explained the five issues included in the Home Rule application and will be reviewed at the next Committee of the Whole Meeting on August 26th. Deputy Mayor Shamberger made the following announcements: BOPARC will be hosting Family Fun Fest and movie night on August 13th. The Lego Movie will be playing at Jerome Park from 7:00 p.m. to 9:00 p.m.; on August 17th there will be a Jazz Festival at Hazel-Ruby McQuain Park from 4:00 p.m. to 7:00 p.m.; Concert in the Park featuring From The Hip will be on August 19th and will start at 7:00 p.m.; Kid's Triathlon will be held at Marilla Park on August 23rd; Dog Splash will be held at Marilla Pool on August 24th; Farmer's Market will be held on August 9th, 16th, 23rd, and 30th; WVU and County Students start school on August 18th; Rivertown Meeting will be on August 13th at 4:30 and will be held at the Lebanese Restaurant located on 156 Clay Street; West Virginia Municipal League Conference will be held on August 12th, 13th, 14th and 15th in Bridgeport West Virginia; 10K Race will be held at Hazel-Ruby McQuain Park for Christian Help to raise money for the Career Closet Program, the fee is \$33 and begins at 7:45 a.m.; August 30th will begin the 1st Annual Summer Stroll located on the Caperton Trail in front of the lock and dam, between the Jeep Dealership and BFS on Don Knotts Blvd with family fun activities for all ages; Deputy Mayor Shamberger also reminded the public of the helmet law, pick up after your dog, and do not talk on your cell phone while driving.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:34 p.m.

City Clerk

Mayor

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