

**REGULAR MEETING August 16, 2016:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 16, 2016 at 7:13 p.m.

**PRESENT:** Interim 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, Jay Redmond, and Nancy Ganz. Mayor Shamberger Absent

The meeting was called to order by Deputy Mayor Kawecki.

**APPROVAL OF MINUTES:** July 19, 2016 Regular Meeting Minutes, August 2, 2016 Special Meeting Minutes, and August 2, 2016 Regular Meeting Minutes were approved by acclamation.

**CORRESPONDENCE:** Councilor Nugent mentioned an e-mail from the Owners of Slight Indulgence requesting repair of a sidewalk and potholes on Burroughs Street & Collins Ferry. After discussion, Glen Kelly Interim City Manager noted that City Manager's office is addressing these issues.

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 767 OF THE CITY CODE PROVIDING FOR A HOTEL TAX.**

Deputy Mayor Kawecki declared the Public Hearing open.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ARTICLE 767 OF THE CITY CODE PROVIDING FOR A HOTEL TAX:** The below entitled Ordinance was presented for the second reading.

AN ORDINANCE AMENDING ARTICLE 767 OF THE CITY CODE PROVIDING FOR A HOTEL TAX.

Interim City Manager Glen Kelly explained. Motion by Ganz, second by Selin, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

**BOARDS AND COMMISSIONS:** By acclamation Council appointed Tyler McFarland to the Morgantown Housing Authority and Dr. Ana Casanova & Brian Gardner to the Sister Cities Commission.

**PUBLIC PORTION:**

Deputy Mayor Kawecki declared the Public Portion open.

John Kotcon, presented a letter on behalf of the Green Team. He stated that the latest draft of the Urban Agriculture ordinance should be rejected. He noted that the Ordinance seems to contradict itself by stating that it promotes Urban Agricultural in one area, but in another section it actually restricts Urban Agricultural and home gardens; and requested the Ordinance to be tabled.

Rachel Fetty, 131 Waitman Street, presented Council with a bowl of tomatoes picked from her garden. She stated that regulation of on home gardens without animals serves no purpose, and requested Council to table the Urban Agriculture.

Tracy Fresh, read a letter from Tom Sal, 514 Callen Avenue who was unable to attend the meeting. Mr. Sal requested Council to think about what they are doing in restricting and limiting property owners of their rights to grow vegetables. He asked Council not to pass the ordinance as it is written.

William Pyler, 733 Astor Avenue, commented that the Urban Agriculture ordinance as written is restrictive and needs more work. He requested Council add a clause in the ordinance in reference to "protection of the property owner" in protecting citizens' rights.

Dave O'Connor, 1468 Fenwick Avenue, commented that he has a garden and raises rabbits for meat. He stated that the ordinance is over reaching the bounds as written with penalties and restrictions. He noted that the present ordinance needs augmented.

Adele Douglas, 114 Fairview Avenue, stated that her main objection to this ordinance is that the City Code already has language to regulate urban agriculture. She suggested instead of have an ordinance developed, the City could support what is in place.

Ken Downey, 417 Linden Street, stated he has lived the urban thing. He mentioned that his neighbor has too many ducks and it smells awful. He commented that there must be regulation to how many animals a person can have for the properties are too close together. He stated that he is not against gardens if they are manicured and taken care of.

Ryan Stocking, 36 Logan Avenue, requested clarity on having bees for producing honey.

Deputy Mayor Kawecki suggested that Mr. Stocking contact the City Manager's office to get more information and clarity on bee-keeping.

There being no more appearances Deputy Mayor Kawecki declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** No reports.

**NEW BUSINESS:**

**AN ORDINANCE AUTHORIZING A PARKING SPACE LEASE WITH MOTOWN TAXI AT THE MORGANTOWN MUNICIPAL AIRPORT:** The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AUTHORIZING A PARKING SPACE LEASE WITH MOTOWN TAXI AT THE MORGANTOWN MUNICIPAL AIRPORT.

Interim City Manager Glen Kelly explained. Motion by Bane, second by Ganz to approve the above entitled ordinance to second reading. Motion carried 6-0.

**AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE:** The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE.

Interim City Manager Glen Kelly explained, motion by, second by, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

## **CITY MANAGER'S REPORT:**

Interim City Manager Glen Kelly wished Veterans Happy Airborne Day and thanked Republic for removing garbage on Frat Hill.

### **New Business:**

#### **1. Upper Mon River Grant Match Request**

The Upper Monongahela River Association, Inc. has been successful at generating attention to recreational activities on the Monongahela River and working the Army corps of Engineers to maintain minimum hours to allow recreational boaters and fisherman to use the Morgantown Lock. Attached is a letter from Barry Pallyay requesting a grant match of \$1,500 toward a \$21,440 Department of Transportation grant. The grant will be used to print 40,000 Upper Monongalia water trail maps. City Manager Jeff Mikorski recommends contributing \$1,500 to the Upper Monongahela River Association, Inc. to match a portion of the grant and continue to highlight the river for recreation.

Motion by Bane, second by Selin to contribute \$1,500 to the Upper Mon River Association. Motion carried 6-0.

#### **2. BOPARC Request**

BOPARC Executive Director, Melissa Burch, has provided a list of capital projects that will need to be funded to maintain park property. Because BOPARC is primarily funded through the City of Morgantown, it is necessary to assist with capital projects that contribute to the image and goal of the park system. Dorsey's Knob was established with private donations, City funds, and federal land and water grant funds. In order to maintain the park as a visitor destination and an outdoor recreational area, a land slip needs to be addressed. Without immediate action, the slip could impact the road and possibly the lodge retaining wall. City Manager Jeff Mikorski recommends that up to \$150,000 be budgeted for remediation of the Dorsey's Knob slip.

After discussion, motion by Bane, second by Selin to approve \$150,000 be budgeted for the Dorsey Knob slip. Motion carried 6-0.

#### **3. City Council Video Broadcast Upgrades**

This past year we upgraded the audio system for live broadcasts of public meetings from the council chambers. The next phase is upgrading the 8-10-year-old video equipment and computers that broadcast, record, and provide graphics to public meetings. This upgrade would include replacing the outdated VHS camera placed in the public area with another digital pan/tilt/zoom camera that would be placed in the back of the room, new computer system with computer switching, and the transition from a projector system to a LED flat-screen to be located on the front wall above the mayor dais. City Manager Jeff Mikorski recommends approving the quote totaling \$31,434.78 from Electronic Specialty Company for the installation and equipment to move this upgrade forward and integrate into the newly updated audio system.

Motion by Ganz, second by Selin to approve quote from Electronic Specialty Company of \$31,434.78 to upgrade audio sound system. After discussion, Ganz and Selin rescinded their motion as Council requested Interim City Manager Glen Kelly to bring back additional cost options to the Regular Meeting on 9-6-16.

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

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane announced that the next First Ward Neighborhood meeting will be on 8-22 at South Middle School at 6:30 p.m. He mentioned the Madigan Wall and that there are fundraisers being held to help with funding to repair wall. He requested a City Engineer look at wall as a safety precaution. He thanked Interim City Manager Glen Kelly for taking care of the issues on Elysian, McCullough and Urban Agriculture questions.

Councilor Nugent:

Councilor Nugent complimented Councilor Redmond on his prayer, and sent condolences to Mayor Shamberger family. He welcomed Interim City Manager Glen Kelly and thanked him for taking care of the trash containers that were overflowed. He noted the presentation at the Upper Monongahela River Association and that Alleys in his ward have more traffic/parking on them and are needing some maintenance. He announced the Wiles Hill Highland Park Neighborhood meeting will be on 8-17-16 at the BOPARC Senior Center.

Councilor Selin:

Councilor Selin announced that on Sunday, August 28, from 4:30 until 7:30 p.m., venture out to the West Virginia Botanic Garden at 1061 Tyrone Road for a Hammock Haven garden party. She mentioned the Urban Agriculture ordinance and noted that she is not in favor of the ordinance in its current form. She noted attending a Veterans Advocacy Boot Camp today at the College of Law which provided veterans with a variety of legal needs. She presented a proclamation on 8-14-16 at Dorsey's Knob to the WV Council of International Programs.

Councilor Redmond:

Councilor Redmond welcomed Interim City Manager Glen Kelly and looks forward to working with him. He mentioned the vagrant issue in our downtown and noted that it is an ongoing, perplexing problem. He requested the Interim City Manager Glen Kelly address the issue and mentioned having discussion of such on a COW.

Councilor Ganz:

Councilor Ganz reported that she, Mayor Shamberger and Deputy Mayor Kawecki attended the WVML Conference at Stonewall Resort 8-3 to 8-5. She noted that it was nice to know that there are WVML Members that care about what is happening in Morgantown. She mentioned checking with Board & Commission Chairs on meeting schedules that this may help the DP get meetings correct in the paper. She appreciates the work done on Dogwood by Public Works; but stated more work needs done on trash. She mentioned that the City has milling remains; and suggested that this could be used as a filler for the alleys. She was hoping that a paving study will be done after this paving season to include roads that are busy, bus routes and roads that are of bad repair. She acknowledged that BOPARC is seriously underfunded and the City needs to discuss options of funding with County. She alluded to the fact that County residence use our facilities and we should share in the cost of maintaining the facilities. She thanked citizens who spoke during the Public Portion on the Urban Agriculture Ordinance. She indicated that she too had a flower garden and felt there must be balance with proper care and maintenance of gardens/animals. She thanked Ben Conley and Matthew Cross for the article in the DP on Pedestrian and safety. She is hoping for a Safe Community and a Safe Semester in the City. She thanked those that care about the City; and noted thanks to all the volunteers on Boards and Commissions.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki while standing in for the Mayor he had the opportunity to experience some positive things. He stated meeting with the CIP Group of students from WVU, that will be giving their knowledge to the community as interns. He presented certificates on behalf of Diabetes research and education to Doctors at WVU. He noted that the research is well known over 22 Countries due to Dr. Raju, Ophthalmologist here in Morgantown. Deputy Mayor made the following announcements; 1<sup>st</sup> day of classes for WVU and Mon County Students is 8/18/16; Marilla and Krepps Pool's will be closing on 8/21/16; Mac n Cheese Cook off 8/20/16 2pm at the Morgantown Market Place; WV Botanic Gardens on being

environmentally conscious 2pm at the Botanic Gardens; Picnic Parties Evening Story Time 8/23/16 6:30pm – 7:30pm at the Morgantown Library; Stella & Lou presented by Empty Pockets 8/20/16 8 – 9:30; Morning Yoga in the Garden 8/19/16 9:30am – 10:30am at the Botanic Gardens; High Street Bazaar 8/20/16 downtown High Street; WV Botanic Wild Flower Walk 8/20/16 at 10am; Meet your Neighbor 8/28/16 2pm at the Morgantown Market Place; Dog Splash 8/28/16 at Marilla Park; WV Botanic Gardens MOC Program Story Time 8/30/16 at 7:30pm; South Park Association of Neighbors Annual Super Sale 8/20/16; there are up to 54 families that participate in this annual sale; First Christian Church will be making breakfast and lunch for those who would like to come over before or after the annual sale.

Mayor Shamberger:

Absent.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:40 p.m.

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City Clerk

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Mayor

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