

REGULAR MEETING August 2, 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 2, 2016 at 7:01 p.m.

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

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: Special Meeting Minutes for July 19 & 26, 2016 and COW Minutes for July 26, 2016 were approved by acclamation. Regular Meeting Minutes for July 19, 2016 were not approved as there were corrections to be made.

CORRESPONDENCE: None

PUBLIC HEARING –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.

Mayor Shamberger declared the Public Hearing open.

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

PUBLIC HEARING – 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.

Mayor Shamberger declared the Public Hearing open.

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

PUBLIC HEARING – 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:

Mayor Shamberger declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE AS THEY RELATE TO CONSUMER FIREWORKS RETAIL SALES AND CONSUMER FIREWORKS WHOLESALE ESTABLISHMENTS: The below entitled Ordinance was presented for second 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, motion by Ganz, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING THE FY 2016 – 2017 ANNUAL BUDGET REVISED TO THE COAL SEVERANCE FUND: The below entitled Ordinance was presented for second 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 COAL SEVERANCE FUND.

City Manager explained, motion by Bane, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING THE FY 2016 – 2017 ANNUAL BUDGET REVISED TO THE GENERAL FUND: The below entitled Ordinance was presented for second 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.

City Manager explained, after discussion, motion by Bane, second by Kawecki, to adopt the above entitled Ordinance. Motion carried 5-1 with Nugent voting no.

BOARDS AND COMMISSIONS: City Clerk Secretary Heather Carl informed Council that there will be a Special Meeting on August 16, 2016 to interview Board & Commission candidates.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Jason Turak, 26 Madora Drive, spoke in regards to the planning and zoning change on Jerome Street. He gave handouts to Council to show the area where he is wanting to build houses. (**Exhibit A**)

Guy Panrell, 763 South Hills Drive, stated that he was there because he is concerned about fiscal responsibility in the City and how the money is being managed. He mentioned that he saw in the paper where the City is spending \$20k to \$25k to find a new City Manager, and feels that it is unnecessary to pay that much when we have Glen Kelly who could become our next City Manager. He then commended Glen Kelly on his accomplishments and experience and lets council know that he should become the next City Manager. He mentioned the new taxes that have been added, B & O, Fire Fee, and User Fee and states that the money being brought in is not being spent properly.

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

SPECIAL COMMITTEE REPORTS: Councilor Ganz mentioned that at the time BOPARC initiated the levy for the ice rink, there was an assumption that the County Commission would use the user fee towards ongoing maintenance and operation of BOPARC. Once the levy passed Council was told that the user fee would not go toward the ongoing maintenance of BOPARC. Councilor Ganz then stated that this past

week, they were told that there was a surplus carried over from the fiscal year and that the County Commission would pay the City what was owed from the past contribution and the operating expenses for the City. She stated that the contribution is to continue to provide recreation opportunities to all residents. She mentioned that a study is being done of who uses the pools and only about 55% of users are City residents. At this time, a letter is being sent to the County Commission asking for the contributions for the County Users. Councilor Ganz then announces that the City is working with WVU on the Rails-to-Trails. WVU has agreed to take care of the graffiti on the abutments and the drainage below the Arboretum. Tree Board is planting new dogwood trees that were purchased with a grant. There will be 1 dogwood tree that will be planted in the parks in each Ward. Mayor Marti Shamberger announced that the Community Coalition on Homelessness meet your neighbor event will be on August 11, 2016 from 2pm – 4pm at the Market Place and it is open to the public.

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO (2) PARCELS OF REAL ESTATE IN THE SIXTH WARD IN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO (2) PARCELS OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE-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, motion by Ganz, second by Bane, to suspend the rules and have John Whitmore, Planner III to explain. Jason Turak handed out a map of the area where he is wanting to build. He then spoke and answered questions that council had. **(Exhibit A)** Motion failed 3-3 with Deputy Mayor Kaweck, Jay Redmond, and Nancy Ganz voting no.

AN ORDINANCE AMENDING SECTIONS 1329.02, 1349.08, AND 1365.04 OF THE PLANNING AND ZONING CODE AS THEY RELATE TO BICYCLE STORAGE REQUIREMENTS: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING SECTIONS 1329.02, 1349.08, AND 1365.04 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS THEY RELATE TO BICYCLE STORAGE REQUIREMENTS.

City Manager explained, motion by Ganz, second by Kaweck, to approve the above entitled Ordinance to second reading. Motion carried 5-1 with Nugent voting no.

AN ORDINANCE AMENDING ARTICLES 1383, 1389, AND 1391 OF THE PLANNING AND ZONING CODE GOVERNING ADMINISTRATIVE APPEALS AND THE ESTABLISHMENT, POWERS AND DUTIES, AND JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING ARTICLES 1383, 1389, AND 1391 OF THE CITY'S PLANNING AND ZONING CODE GOVERNING ADMINISTRATIVE APPEALS AND THE ESTABLISHMENT, POWERS AND DUTIES, AND JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS.

City Manager explained, after discussion, motion by Kawecki, second by Bane, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AMENDING ARTICLE 1329.02, TABLE 1331.05.01, ARTICLE 1365.04, AND ARTICLE 1365.07 OF THE CITY'S PLANNING AND ZONING CODE AS THEY RELATE TO PARKING LOT AND PARKING STRUCTURE USES: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AMENDING ARTICLE 1329.02, TABLE 1331.05.01, ARTICLE 1365.04, AND ARTICLE 1365.07 OF THE CITY'S PLANNING AND ZONING CODE AS THEY RELATE TO PARKING LOT AND PARKING STRUCTURE USES.

City Manager explained, after discussion, motion by Bane, second by Kawecki, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

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

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

Motion by Ganz, second by Kawecki, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

CITY MANAGER'S REPORT:

New Business:

1. City Garage cleanup remediation

Attached is a memo from Damien Davis, City Engineer and Public Works Director regarding the final phase of a cleanup site at the City Garage. The City has been working with DEP on this issue for many years. We are coming to the end of the remediation and need to finance the final phase of the cleanup. I agree with the memo and recommend budgeting \$15,000 from Capital Escrow contingency to pay for the final phase of cleanup at the City Garage. **(Exhibit B)**

City Manager explains, motion by Ganz, second by Kawecki, to move \$15,000 from the Capital Escrow contingency fund to finish the cleanup. Motion carried 6-0.

2. Main Street Morgantown request

Attached is a letter from Main Street Morgantown requesting the closure of two City Streets, the waiver of a City Ordinance, approval of eight floor plan extensions for a

four-hour period on September 2, 2016 leading up to the home football games, 6pm to 10pm. (Exhibit C)

City Manager explained the request from Main Street Morgantown and at this time there is no request needed.

REPORT FROM CITY CLERK: City Clerk Linda Tucker is attending the West Virginia Municipal League Conference at Stonewall Jackson Resort from 8-2 to 8-5, 2016.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane had a question for the City Manager asking about the road that goes through the property, if it was a city street in the zoning reclassification of the R-1, and R-1-A Single Family Residential District. City Manager, Jeff Mikorski stated that it was a city street. Councilor Bane stated that his concern was that the Planning Commission had approved it and there were some concerns from some Council Members about the infrastructure of the property.

Deputy Mayor Kawecki:

Deputy Mayor Kawecki commented about the R-1, and R-1A project and if the area is properly zoned and how far that should go. Deputy Mayor Kawecki thinks that there should be further study on the infrastructure. The city needs to see what can and should be done.

Councilor Nugent:

Councilor Nugent states that he is disappointed about the vote for the rezoning of R-1 and R-1A District. He thinks that it should be tabled because not all of council was in attendance tonight. He would like to see some input from the residents about what should be done. Councilor Nugent mentions the budget vote and the National League of Cities Conference coming up soon in Pittsburgh and feels that only the Mayor and Deputy Mayor should attend the Conference. He mentioned a hospitality institute that works on issues and says that there is a Webinar Seminar that was done several years that has topics that help answers any questions you might have on that specific topic. Councilor Nugent wants to thank the Wiles Hill & Highland Park for hosting tonight's National Night Out. It is the 1st Tuesday in August every year and this year was the 28th consecutive year of the National Night Out. He

thanked the Police and Fire Departments, EMS and neighbors for organizing it. Councilor Nugent wanted to announce that the Museum Commission is hosting the Best Chef Cook off on Thursday at 6:00 p.m. at Lakeview and there still are tickets available. Councilor Nugent also wanted to wish his wife and son a Happy Birthday.

Councilor Selin:

Councilor Selin was absent.

Councilor Redmond:

Councilor Redmond appreciated his colleague's comments in regards to the rezoning of the R-1 and R-1A District Project. Councilor Redmond mentioned the area beside the Public Safety Building where the new plaza was just renovated and the low area. When it rains all the dirt washes to that low area. City Manager Jeff Mikorski states that a meeting is scheduled on 8/3/2016 to discuss that issue with the contractors. Councilor Redmond wants to congratulate Glen Kelly in becoming the Interim City Manager starting on 8/12/2016.

Councilor Ganz:

Councilor Ganz has the same concerns with the developers and she feels that some minor changes with some reconfiguration it can be brought back in front of Council. Councilor Ganz mentions the conditions of the roadways especially in the 4th and 7th wards. She states that because of MUB putting in new drainage in certain areas some roads that have been paved many times are getting repaved. She also notes that the dead end streets that are getting paved, should not be a priority over the main roads. Councilor Ganz wants to thank all of those that made the Don Knotts Celebration and the statue for public view; Sister Cities downtown mural; MRTC that just received a matching grant for the Rails-to-Trails on the Collins Ferry Connector. Councilor Ganz wanted to thank the City Manager and wish him the best in his future job, and also thank Glen as becoming the new Interim City Manager. Councilor Ganz mentions that several Council Members will be leaving for the WVML Conference that is being held at Stonewall Jackson Resort 8/2 – 8/5 and states that she looks forward to it every year.

Mayor Shamberger:

Mayor Shamberger wants to thank Chelsi Baker Communications Manager for all of her hard

work and wishes her well on her new job; She also wants to thank the CVB; City of Morgantown; Main Street Morgantown; John Pyles; Mon County and Jamie Lester. Mayor Shamberger attended the Table Top Discussion that was held by the FBI and was hosted by the City of Granville. People who attended were people from the NAACP, Municipalities from Harrison County, Law Enforcement, the Community, and City Council to all discuss Civil Rights and the Color of Law. The Police Chief Ed Preston was in attendance and had spoken about the best practices. They all watched scenarios to see what everyone's thoughts were. She was very proud of our Police Chief and Morgantown Police Department and all that they do to continue being trained. Mayor announced that on Sunday, August 7th there will be a dedication of the DAR Plaque at the Zackquill Morgan Statue at 1pm; Pepperoni Cook Off will take place at the Market Place and it will be at 2pm; Congratulated Glen Kelly for becoming our Interim City Manager and is excited to move forward. Mayor Shamberger commented on Jason Turak in how she feels that he has some vision and hopes that he comes back with another plan. Mayor Shamberger mentions that she is looking forward to attending the WVML on 8/3/16.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:32 p.m.

City Clerk

Mayor

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

Exhibit A



green space
23,157 Sq. Feet
0.532 Acres

side walk 3'

building area
1,946 Sq. Feet
0.045 Acres

Memo

City of Morgantown Department of Public Works and Engineering

To: Jeff Mikorski, City Manager
From: Damien Davis, Public Works Director 
Subject: Request Additional Funds for Public Works-Cleanup, Budget No. 63.631.59.35
Date: July 26, 2016

Jeff,

I am requesting \$15,000 be added to the Public Works-Cleanup budget line. This budget line is used for the remediation efforts at the City Garage site due to a fuel tank leak in 1989. Last year we contracted with Environmental Standards to help the City work with WV DEP to achieve a certificate of Completion. This work was broken into two phases. Environmental Standards has completed work on the first phase. The additional funds requested are to pay for the 2nd and final phase.

The total estimated cost for the 2nd phase is \$24,880. \$11,890 of which will be paid from a reimbursement for previous work completed by the City from the WV DEP LUST (Leaking Underground Storage Tank) account. Work to be completed in this final phase includes:

1. Updating the Risk Assessment report submitted to WV DEP in 2013
2. Creation of a Remedial Action Work Plan
3. Drafting Land Use Covenant
4. A Final Report requesting a No Further Action decision



MAIN STREET morgantown

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Main Street Morgantown, Inc. ♦ 201 High St., Suite 2 ♦ Morgantown, WV 26505 ♦ (304) 292-0168

July 27, 2016

Dear Mr. Mikorski-

I am writing in regard to a proposed forthcoming event to be held on **September 2, 2016**. The name of the event is High Street Fanfair, and will take place from **6-10 pm** on 9/2. For the event, the section of High Street from Willey Street to Walnut Street will be closed during the proposed event time. That section of High Street from Fayette Street to Walnut Street will be cordoned off with barriers/fencing during that time so that the 300 block can be used for a concert and outside alcoholic beverages (beer). We will have security stationed at the access/egress points in this section to monitor for the alcohol, along with signage indicating the area for alcohol (NO ALCOHOL BEYOND THIS POINT). We are applying to the ABCA for floor plan extensions for those participating businesses that will serve alcohol for the event. All participating businesses will have plastic cups for the alcoholic beverages and will have wristbands to place on those who order alcohol and have their identification checked inside the establishments. In considering these items, we are formally requesting the following permissions and approvals from the City of Morgantown:

- 1) A waiver of the city ordinance prohibiting open containers for alcohol in the prescribed area (300 block) from 6-10 pm.
- 2) Approval of the ABCA floor plan extension for the participating businesses in the 300 block- Jameson's Pub and Grill, Gibbie's Pub and Eatery, Jo Mama's, Boston Beanery, Sports Page, Big Time's, The Bank, Chaang Thai Restaurant.
- 3) Closure of Forest Avenue from Chestnut Street to Spruce Street from 6-10 pm.
- 4) Closure of Fayette Street from Don Knotts Blvd. to Spruce Street from 6-10 pm.

Please let us know if you should have any questions or require anything further for this request. We greatly appreciate your attention to this matter.

Sincerely,

Travis Henline

Director, Main Street Morgantown