

REGULAR MEETING September 20, 2016: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, September 20, 2016 at 7:06 p.m.

PRESENT: Interim City Manager Glen Kelly, City Attorney Ryan Simonton, City Clerk's Secretary Heather Carl, Mayor Shamberger, Council Members: Ron Bane, Deputy Mayor Bill Kawecki, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

APPROVAL OF MINUTES: August 30, 2016 COW Meeting Minutes, September 6, 2016 Special Meeting Minutes were approved by acclamation. September 6, 2016 Regular Meeting Minutes were approved as corrected.

CORRESPONDENCE: Mayor Shamberger presented proclamations to the following: Harold Sperringer retirement from the Morgantown Police Department 25 years; National Recovery Month. Mayor Shamberger recognized 2 Boy Scouts from Troop 49 who are working on their citizenship and Communications Merritt badge and welcomed them to the meeting. Fire Chief Mark Caravasos did a PowerPoint presentation about the Suncrest area and the parking along side streets and the yellow painting of the curbs. A handout was given out of a map showing the comments from the Suncrest residents. **(Exhibit A)**

PUBLIC HEARING – AN ORDINANCE AUTHORIZING EXECUTION WITH THE WEST VIRGINIA BOTANICAL GARDEN, INC. FOR AN 82-ACRE PARCEL KNOWN AS THE TIBBS RUN PROPERTY.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING EXECUTION WITH THE WEST VIRGINIA BOTANICAL GARDEN, INC. FOR AN 82-ACRE PARCEL KNOWN AS THE TIBBS RUN PROPERTY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING EXECUTION WITH THE WEST VIRGINIA BOTANICAL GARDEN, INC. FOR AN 82-ACRE PARCEL KNOWN AS THE TIBBS RUN PROPERTY.

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

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION AND IMPROVEMENTS TO THE SANITARY SEWER PORTION OF THE CITY OF MORGANTOWN AND FINANCING COST THEREOF THROUGH THE ISSUANCE OF NOT MORE THAN 30,000,000 IN AGGREGATE AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2016C.

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

BOARDS AND COMMISSIONS: Mayor Shamberger gave an update on the openings for the following Boards & Commissions: Parking Authority 1 vacancy, Sister Cities 1 vacancy, Traffic Commission 2 vacancies, and Ward & Boundary 1 vacancy. There will be a Special Meeting held October 4th, 2016 at 6:00 pm for interviews for candidates that have applied.

PUBLIC PORTION:

Mayor Shamberger declared the Public Portion open.

Jason Turak, 26 Madora Dr., stated that he made some changes to the Ordinance for the Zoning reclassification of 2 parcels in the sixth Ward that Council requested and was here to answer any questions that they have.

Evelyn Ryan, 225 Dewey St. Greenmont South of Wiley St., stated that she is concerned about the taxation and the budget deficits. Mentions that it would be a good idea to consider making a boundary adjustment and annexing the Suncrest Town Center and 705.

Tim Bleech, 265 Wagner Rd., stated that he is a father, Soccer Coach, and a Scout Leader. He comes tonight to add to the comments of Council Redmond's Vagrancy and Panhandling in downtown. He stated that he and his family do not feel safe in Morgantown anymore and that something needs to be done.

Kristen Matak, 265 Wagner Rd., stated that she is here to express her concerns on the sharp increase in loitering, panhandling and violent crimes in our town. She also expressed that her and her family no longer feel safe downtown and on the Rail Trail. She feels that it is not just a downtown problem but a community problem as well and should be addressed.

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

SPECIAL COMMITTEE REPORTS: Mayor Shamberger announced that the Community Coalition on Homelessness will be having a meeting on October 17th, 2016 6:30 p.m. at Spruce Street Church. It is a public meeting and the theme is going to be "What is your dream for Morgantown". Councilor Selin mentioned the Tryit (Rivertown Grant) that was collaborated of BOPARC, the City of Morgantown, and Adventure WV Program at WVU. The event was held at the Waterfront Marina and it is a program that allows the citizens to come out and experience kayak's and paddle boards. There were a total of 71 people who attended, 18 volunteers, a few WVU attendees that brought the boats and paddle boards to help the event.

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO (2)

PARCELS OF REAL ESTATE IN THE SIXTH WARD, FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE- FAMILY RESIDENTIAL: The below entitled Ordinance was presented for 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.

Interim City Manager explained, after discussion, motion by Bane, second by Nugent, to approve the above entitled ordinance to second reading. Motion carried 5-2 (Deputy Mayor Kawecki and Nancy Ganz voting no).

AN ORDINANCE AMENDING THE FY 2016-2017 ANNUAL BUDGET AS THE SAME APPLIES TO THE GENERAL FUND: The below entitled Ordinance was presented for 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 GENERAL FUND.

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

AN ORDINANCE TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O’CLOCK IN THE MORNING ON SUNDAYS: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTIONS 521.07 AND 521.09 TO PERMIT ALCOHOL SALES FOR ON-PREMISES CONSUMPTION BEGINNING AT TEN O’CLOCK IN THE MORNING ON SUNDAYS.

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

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MONONGALIA COUNTY COMMISSION FOR EMPLOYMENT OF AN ANIMAL CONTROL OFFICER: The above entitled Resolution was presented for first reading.

After discussion, Interim City Manager explained, motion by Bane, second by Selin, to approve the above entitled Resolution. Motion carried 6-1 (Nancy Ganz voting no).

A RESOLUTION UTILIZING VARIOUS BANKING FACILITIES AS DEPOSITORIES FOR CITY FUNDS: The above entitled Resolution was presented for first reading.

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

CITY MANAGER'S REPORT:

New Business:

1. Morgantown Municipal Airport

Interim City Manager announced that there will be a new kick-off launch for the new Airline, Southern Airways that will be coming to the Airport. There will be a family after hours with the Chamber of Commerce that will be held tomorrow night at 5:30 p.m. in the Morgantown Jet Center at the airport. There will be parking passes available to councilors who would want to attend. Encourages everyone to come out and celebrate the new arrival of Southern Airways to the airport. Southern Airways will be making trips to and from Pittsburgh to Dulles Airport and flights will double.

Interim City Manager also informed Council that an issue with the fuel farm at the Airport will have to have some emergency cleaning. The cost for the cleaning is \$12,690.00.

2. Truck Bid – Bid Call 2017-02

Truck Bids were opened on September 1, 2016. Attached is the Memorandum from the Public Works Department. I recommend you approve the awarding of this contract as listed to Matheny Motor Trucks.

Interim City Manager explained, motion by Redmond, second by Bane, to approve the award to Matheny Motor Trucks to purchase a dump truck in the amount of \$108,806.88 that was budgeted for the 2016-2017 fiscal year. Motion carried 7-0.

3. Yellow Curb Painting Project

We have suspended the yellow curb painting in Suncrest pending further public input. I know that this is a project that has been in the works for over three years; however, the lack of communication from the City to our citizens has to be dealt with. It is my plan to sit down with the Fire Chief, City Engineer and Public Works Director on Monday the 19th with collated data on what the concerns are and hope this alleviates some consternation on your parts and gives our citizens an opportunity to voice their concerns.

Interim City Manager stated that he is meeting with the Director and Fire Chief on Wednesday to bring forth the issues and discuss more options.

4. Downtown Lighting Project with Main Street

We still have some steps to complete before we can move forward on this project. As of this date we do not have the DOH approval of the new lights and how well they are working. We have been working to purchase the light poles from MON Power and we have finished paying for them but do not have the release paper work stating that we now own them. I am sure these issues will be resolved soon.

Interim City Manager meets with the DOH and the City Attorney next week to see how to proceed moving forward with the new lighting downtown. After discussion, Selin mentions the

PILOT Program between the Waterfront Place Hotel and Hazel Ruby McQuain Park due to not enough lighting in the Warf District from the parking garage to the restaurants.

5. Fiscal Year 2016 Police and Fire Pension Fund Reports

As included in the attached report by Jim Goff, Finance Director, the Police and Fire Pension reports are submitted to City Council for approval. The Municipal Pensions Oversight Board require approval from the governing body before the State portion of funding can be invoiced and deposited into the accounts. I agree with the reports, and recommend City Council approve the reports as provided.

Interim City Manager explained, after discussion, motion by Bane, second by Ganz, to approve the Fire and Police Pension Fund. Council requests that more information be brought to them in regards to the leave pay after retirement. Motion carried 7-0.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane announced that next Monday at South Middle School at 6:30 is the First Ward Neighborhood Association meeting. Councilor Bane apologizes for what happened on Wagner Road but states that the bad behavior downtown needs to be addressed and we have to get a handle on it and hopes that the Interim City Manager will work with the Police Chief to come up with some solution to the problem.

Deputy Mayor Kawecki: Deputy Mayor Kawecki replies to Councilor Bane and his comments on the downtown issue. Deputy Mayor Kawecki states that he does not want to see our community diminish. He notes that our Police Department is active and if there is assist needed to let Council know. Deputy Mayor announces the South Park Association of Neighbors is having its 27th annual block party Friday from 6:00 pm – 9:00 pm. on Park Street. There will be the Morgantown High School Band along with Mr. Terrific for entertainment. All of Council and the community are invited and hopes to see everyone there. Deputy Mayor Kawecki wanted to congratulate Councilor Selin on getting the grant for Tri-it, to help fund this project down on the Waterfront Marina.

Councilor Nugent: Councilor Nugent is concerned about the vigilance that is going on in the City. Councilor Nugent has met with some downtown stakeholders and there were some concerns on the issues that have been discussed. Councilor Nugent also mentions about the light poles that

are missing at this time and are being replaced with orange cones. He mentions that he has heard good things about our Public Works and Director Kenny Holloway and the work that has been done in the 3rd Ward. Councilor Nugent announces that the Wiles Hill Meet your Neighbor pot luck will be Wednesday starting at 6:30 pm and the meeting will start at 7:00 pm. Councilor Nugent mentions the handicap access for those who need it in the Suncrest area and hopes that when painting the curbs, they continue to be able to access it. Councilor Nugent is excited to learn more about the services that will be offered at the Morgantown Municipal Airport.

Councilor Selin:

Councilor Selin comments about the issues downtown and how the Sheetz on Don Knotts Blvd. has a security guard that is hired by Sheetz, Inc. She was not aware of this until recently and could not believe that it has come to this. Councilor Selin mentions the light poles on Pleasant Street and that it has been a long since those lights have been gone and hopes to get some lighting soon. Councilor Selin announced the Brad Paisley concert that she attended and saw citizens there from other wards; Landscape Art Street in front of Jamison's last Friday and they turned 2 parking spaces into a little park for the public; the new Suncrest Middle School sidewalk has begun in the front; Parking at the Eastwood Elementary and how the City and the School district are working together; Consider the challenge posed by the citizens this evening and looking north toward an annexation plan; Councilor Selin mentions the Grant Rivertown Program that would allow kayak lessons to be given. This will take place on October 9th, 2016 from 10:00 am to Noon at the docks at Table9 Restaurant on the Warf. The Pre-registration and cost is \$25 and there will be BOPARC instructor(s) there to give the lessons.

Councilor Redmond:

Councilor Redmond wanted to comment on the retirement of Harold Sperringer and wished him the best in the future. Councilor Redmond states that the annexation will be on in the near future for this council and it was mentioned in the Community Leadership Forum. Councilor Redmond mentions that he would like to get from City Administration some additional information on the Fire and Police Pension Funds. Councilor Redmond would like to congratulate Public Works on getting things done in the City and being noticed. Councilor Redmond mentions the feedback about the Panhandling "It's about behavior". He would like to review the Ordinance and update the language and

clarity on Panhandling. He asked Council if they could bring this, by consensus, to the next COW meeting for discussion.

Councilor Ganz:

Councilor Ganz mentions that the annexation is a good idea and states that a residential cost benefit analysis in upper Suncrest and points out the superior Police and Fire Services as well as the cost of the insurance for homeowners. Councilor Ganz mentions that in past meetings they talked about hiring a demographer for the Wards & Boundaries issue, in which the last City Manager (Jeff Mikorski) was looking into that. She hopes that the Interim City Manager continues to look into that. Councilor Ganz requests that she would like to be involved with the yellow line painting in the Suncrest area. Councilor Ganz mentions the bar owner downtown who was indicted on tax evasion charges, wanted to know if it is possible to collect the B & O taxes from that individual. Councilor Ganz mentions the public safety and how if they need to contact police they may call the 911. Councilor Ganz mentions articles that have been in the newspaper in regards to the MUB and the Public Works Projects, along with looking into a search firm to begin the hire process of a new City Manager. Councilor Ganz mentions that the Suncrest Neighborhood Association meets the last Thursday of each month at Calvary Baptist Church on September 29th at 6:30 pm pot luck dinner and 7:00 pm will be the meeting.

Mayor Shamberger:

Mayor Shamberger mentions that she appreciated the mention of the annexation plan earlier from the public portion and says that it is part of the comprehensive plan. Mayor Shamberger would like to thank MUB for repairing a leak on Charles Avenue. Mayor Shamberger wants to let Public Works know that the street light at the Little General Store is currently out. Mayor Shamberger would like to thank Harold Sperringer for his service and wished him the best as he retires from the Morgantown Police Department as a Captain. Mayor Shamberger announces that she serves on the Community Relations Committee at the Kennedy Center and mentions that the prisoners help with cleanup and projects in the City. Mayor Shamberger announces to Council that if there is anyone that has not been to the Kennedy Center for a tour and would like to go she would help with getting them in for a tour. Mayor Shamberger announces that she attended the Your Community Foundation Luncheon; Saturday International Fair downtown 10:00 am – 2:00 pm; September 30th United Way Bake Sale; October 2nd

Gandhi Walk at the Amphitheatre more information to come; If you need a special permit(s) please make sure you apply within a timely fashion. (15 days before your scheduled event)

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b)(2)(A) motion by Deputy Mayor Kawecki, second by Selin, to go into executive session in order to discuss personnel matters in recruitment for a new City Manager. Present: Council. Time: 9:05 pm

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:51 p.m.

City Clerk

Mayor

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

Comments from the Suncrest Neighborhood

Exhibit A

Comments

- Against (28)
- Against/For (5)
- For (23)

No Address Given

- ✱ For (3)
- ✱ Against (3)

