

REGULAR MEETING February 3, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 3, 2015 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, Executive Secretary Carol Allen, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, Nancy Ganz and City Attorney Ryan Simonton.

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: The minutes of the January 6, 2015 Regular Meeting and Special Meeting were approved as presented by acclamation.

CORRESPONDENCE: Mayor Selin spoke on the Friendship City Exchange that met with the municipal officials from the city of Xuzhou. She noted the meeting with the mineral resource department at West Virginia University and the tour given at Eastwood Elementary with our Partners in Education. She also announced the photos of the art exchange are on the Morgantown City Website. She then presented the jade dragon that was given to the City of Morgantown by the City of Xuzhou and this is displayed in the display case next to the City Clerk's office. Mayor Selin also announced an agreement was signed by the city of Xuzhou municipal officials that strengthened the Friendship City Exchange. She thanked the Sister Cities Commission and Councilor Fike. Councilor Fike complimented the Sister Cities Commission for being active and is pleased to be associated with the commission.

PUBLIC HEARING-AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (PUD) PLANNED UNIT DEVELOPMENT TO (R-2) SINGLE-AND TWO-FAMILY RESIDENTIAL DISTRICT THEREBY RESCINDING A PORTION OF THE "DQUARE AT FALLING RUN PLANNED UNIT DEVELOPMENT" BY AMENDING ARTICLE 1331 OF THE PLANNING & 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.

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

PUBLIC HEARING-AN ORDINANCE AMENDING ARTICLE 1385.08 OF THE PLANNING AND ZONING CODE AS IT RELATED TO PLANNING COMMISSION REVIEW OF SITE PLANS AND WEST VIRGINIA DIVISION OF HIGHWAYS ACCESS PERMITTING.

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

PUBLIC HEARING-AN ORDINANCE AMENDING ARTICLE 1393 OF THE PLANNING AND ZONING CODE AS IT RELATED TO VIOLATIONS AND ENFORCEMENT.

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

PUBLIC HEARING-AN ORDINANCE AMENDING SECTION 105.42 OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO COMPENSATION OF ELECTION OFFICIALS AND OTHER EXPENSES.

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

UNFINISHED BUSINESS:

AN ORDINANCE TO PROVIDE THE ZONING RECLASSIFICATION BY AMENDING ARTICLE 1331: The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (PUD) PLANNED UNIT DEVELOPMENT TO (R-2) SINGLE-AND TWO-FAMILY RESIDENTIAL DISTRICT THEREBY RESCINDING A PORTION OF THE “SQUARE AT FALLING RUN PLANNED UNIT DEVELOPMENT” BY AMENDING ARTICLE 1331 OF THE PLANNING & 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 City Manager explanation, motion by Nugent, second by Bane, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1385.08: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 1385.08 OF THE PLANNING AND ZONING CODE AS IT RELATED TO PLANNING COMMISSION REVIEW OF SITE PLANS AND WEST VIRGINIA DIVISION OF HIGHWAYS ACCESS PERMITTING.

After City Manager explanation, Council suspended the rules to have Chris Fletcher answer questions motion by Kawecki, second by Ganz, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1393: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 1393 OF THE PLANNING AND ZONING CODE AS IT RELATED TO VIOLATIONS AND ENFORCEMENT.

After City Manager explanation, motion by Kawecki, second by Bane, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 105.42: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 105.42 OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO COMPENSATION OF ELECTION OFFICIALS AND OTHER EXPENSES.

After City Manager explanation, motion by Shamberger, second by Fike, to adopt the above entitled Ordinance. Motion carried 7-0

BOARDS AND COMMISSIONS: Executive Secretary, Carol Allen, updated Council on vacancies that are still being advertised for Boards and Commissions.

PUBLIC PORTION: There being no appearances, Mayor Selin declared the public portion closed.

SPECIAL COMMITTEE REPORTS: No reports.

NEW BUSINESS:

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 6.83' WIDE UNNAMED ALLEY: The below entitled Ordinance was presented for first reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 6.83' WIDE UNNAMED ALLEY RUNNING A DISTANCE APPROXIMATELY ONE HUNDRED FORTY-ONE FEET LOCATED BETWEEN UNIVERSITY AVENUE AND QUAY MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Shamberger, second by Bane, to pass the above entitled Ordinance to second reading. After the City Manager explanation, Councilor Ganz expressed ROW extensive value and the City Manager responded with no value in easement. Question was called, motion carried 7-0.

AN ORDINANCE AMENDING SECTION 337.03: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 337.03 OF THE CITY CODE RELATING TO DRIVING ON THE RIGHT SIDE OF THE ROAD AND PASSING.

Motion by Bane, second by Shamberger, to pass the above entitled Ordinance to second reading. The City Manager explained the ordinance in detail to Council and Councilor Ganz mentioned the terminology of the ordinance. The City Manager clarified the difference in the terminology. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 373: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 373 OF THE CITY CODE RELATING TO BICYCLES.

Motion by Bane, second by Shamberger, to pass the above entitled Ordinance to second reading. The City Manager explained the ordinance in detail to Council. Question was called, motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 151: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 151 OF THE ADMINISTRATIVE CODE RELATING TO COMPOSITION AND DUTIES OF THE MORGANTOWN TRAFFIC COMMISSION.

Motion by Kaweck, second by Shamberger, to pass the above entitled Ordinance to second reading. The City Manager explained the ordinance in detail to Council and Councilor Ganz mentioned the resident at large is currently the chair of traffic commission. Question was called, motion carried 7-0.

A RESOLUTION TO AUTHORIZE THE STRUCTURE KNOWN AS BEECH VIEW PLACE TO BE ASSIGNED THE ADDRESS "331 BEECHHURST AVENUE": The above entitled Resolution was presented for approval.

After explanation by the City Manager, question was called, motion carried 6-1.

CITY MANAGERS REPORT:

New Business:

1. Downtown Design Standards Consulting Services

Mr. Mikorski stated as a part of the Downtown Strategic Plan and the City Comprehensive Plan, the Downtown Design Standards were identified to be needed to preserve the character of the downtown. As identified in the Comprehensive Plan, different parts of the downtown can be seen as different character areas. Guidelines will be established for each of the character areas. Through a request for qualifications procedure we identified McBride, Dale, and Clarion and the Mills Group to work on this planning task. Total cost of the development of the standards to be included in our Planning and Zoning Code will be \$60,000. Further detail can be seen in the attached memo from the Director of Development Services, Chris Fletcher. I recommend Council authorize the City Manager to sign the necessary contracts to begin the development of the downtown design standards with The Mills Group for \$20,000 and McBride, Dale, and Clarion for \$40,000.

After City Manager explanation, motion by Bane, second by Kaweck. Motion carried 7-0.

2. Engineering Services for Public Safety Building Plaza

Mr. Mikorski stated due to subsidence problems around the Public Safety Building, demolition and reconstruction will need to take place to reduce drainage and flooding issues. It makes since that we look at the design of the plaza during this process and redesign the plaza for better use of the area. Working with the Urban Landscape Commission, a conceptual design was developed and presented to City Council. We will be using that conceptual design as a starting point for the reconstruction of the plaza. Through a request for proposals process we interviewed three firms for this project. The selection committee's top firm was Larson Design Group, Inc. I recommend Council approve the selection and authorize the City Manager to sign a contract for \$39,380.00 for engineering and design services with Larson design Group, Inc.

After City Manager explanation, motion by Bane, second by Shamberger. Motion carried 7-0.

3. Fire Station Roof Repair/Replacement Bid

Mr. Mikorski stated a project that was identified and funded at in the FY 2014-2015 budget was the repair of the roofs on the South High Street and Norwood Fire Stations. After having to re-bid the project, two firms submitted repair and replacement costs for the roof project. As seen in the attached memo, Kalkreuth Roofing and Sheet Metal, Inc. submitted the low bid for the project at \$112,400.00. I agree with the recommendation and request Council

authorize the City Manager to sign the contract with Kalkreuth Roofing and Sheet Metal, Inc. for \$112,400.00 to complete the project.

After City Manager explanation, motion by Nugent, second by Bane. Motion carried 7-0.

4. City Hall Roof Replacement Bid

Mr. Mikorski stated another project identified and budgeted in the FY 2014-2015 budget was the replacement of the City Hall roof. Two bids were submitted for the project of replacing the existing roof with a rubberized roof. As seen in the attached memo, Kalkreuth Roofing and Sheet Metal, Inc. was again the low bidder. He agreed with the recommendation and request Council to authorize the City Manager to sign a contract with Kalkreuth Roofing and Sheet Metal, Inc. for \$334,900.00

After City Manager explanation, motion by Nugent, second by Bane. Motion carried 7-0.

5. Brownfields Assistance Grant Contract

Mr. Mikorski stated as a follow up to the EPA Brownfields Hazardous Assessment Grant the City received earlier this year, Development Services staff advertised for engineering services to implement the grant funds. Through a request for proposal process, CORE Environmental Services, Inc. was selected by the selection committee as their top firm. As seen in the attached memo from Dave Bott, Community Development Administrator, he agreed and the recommendation and request Council to authorize the City Manager to contract with CORE Environmental Services, Inc. to provide Phase I and Phase II environmental assessments, provide remedial planning and community outreach included in the scope of work attached.

After City Manager explanation, motion by Kawecki, second by Shamberger. Motion carried 7-0.

6. Judge Tabit's Order Recorded

Mr. Mikorski stated on January 12, 2015 Judge Tabit's order was recorded, see attached, that deemed the City of Morgantown's Heavy Truck Ordinance invalid and unenforceable. If desired, City Council has 30 days from the ordered date to act on this order.

After City Manager explanation, motion by Kawecki, second by Shamberger, passed 5-2.

7. University Avenue and Oakland Traffic Light Bid

Mr. Mikorski stated based on a traffic study conducted by the City of Morgantown, it was determined that a traffic light is needed at the intersection of University and Oakland. The light is needed due to the high volume of traffic, vehicular and pedestrian, that will be added to the intersection from the University Park housing development. The City received a gift, by agreement on April 15, 2015, from the developer of the University project of \$250,000 toward the installation of the traffic light by the City of Morgantown. Through a request for proposal process, Trans Associates, Inc. was identified as the top selected firm to perform the needed

engineering services for the project by the selection committee. As seen in the attached scope of work, the cost of the engineering work will be \$45,300.00. He recommended Council authorize the City Manager to sign a contract in the amount of \$45,300.00 with Trans Associates for the engineering services.

After City Manager explanation, motion by Ganz, second by Shamberger, passed 6-1.

REPORT FROM CITY CLERK: Mrs. Tucker was attending West Virginia Municipal League Election Seminar and was absent from the meeting.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane thanked Carol Allen for assisting with an issue. He asked Mon County Delegates to assist and support the airport. He stated the productivity of the airport will be good for the economy.

Councilor Kawecki:

Councilor Kawecki expressed concerns about the report for the increase in violent crime in Morgantown. He stated these statistics also included the surrounding areas of Morgantown. He asked if clarification could be addressed to the media. He then complimented the Morgantown Police Department on their response time. Councilor Kawecki supported the appeal of the Heavy Truck Ordinance.

Councilor Nugent:

Councilor Nugent agreed with Councilor Kawecki about the concerns with crime being reported. He would like this broad perception of crime in Morgantown to be narrowed down to where the crime is actually being committed. He would like to revitalize the neighborhood watch program in some capacity.

Councilor Shamberger

Councilor Shamberger enjoyed attending the Municipal League Meeting. She announced First Friday at Woodburn and the West Virginia University blue grass club will be performing. Councilor Shamberger commended the streets department with

snow removal and reminded residents to shovel their walk ways. Councilor Shamberger supported the appeal of the Heavy Truck Ordinance.

Councilor Fike:

Councilor Fike is satisfied with the approval of the first readings of ordinances to protect the bicyclist, the traffic light being placed at the intersection and appealing the court ruling of heavy trucks.

Councilor Ganz:

Councilor Ganz enjoyed attending the Municipal League. She also appreciated the police attending the neighborhood association. She commented on the City Council and the police department continuously trying to enhance the safety for the residents of Morgantown. She commended Public Works for their receptive response toward the potholes within the city limits and the road preparation. She then addressed the public watching to dial 911 directly for a more efficient result. Councilor Ganz supported the appeal of the Heavy Truck Ordinance.

Mayor Selin:

Mayor Selin announced to the public to first reach out in detail regarding trash service collection issues to Republic trash service and then if nothing is resolved to contact Tom Arnold. Mayor Selin supported the appeal of the Heavy Truck Ordinance.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:00 p.m.

City Clerk

Mayor

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