

REGULAR MEETING MARCH 6, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 6, 2012 at 7:04P.M.

PRESENT: City Manager Terrence Moore, City Clerk Linda Little, City Attorney Steve Fanok, Deputy City Manager Jeff Mikorski, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, Bill Byrne and Linda Herbst.

APPROVAL OF MINUTES: The minutes of the Regular Meeting on February 1, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla mentioned a call he received from a landlord praising Chief Code Official Mike Stone and the Code Enforcement Department team.

BOARDS AND COMMISSIONS: No appointments.

PUBLIC PORTION:

Kayla Molnar, 300 Beechurst Avenue, WVU Student and City Clerks' Intern, spoke on behalf of Campaign Un-Chain, a group working to effect changes in animal tethering restrictions in our community. She requested that Council consider an anti-tethering ordinance proposed by her group, which would expand the existing City Code section on tethering to include more humane requirements.

There being no more appearances, Mayor Manilla declared the public portion closed.

NEW BUSINESS:

AN ORDINANCE AMENDING THE FY 2011-2012 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2011-2012 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 Selin to pass the above entitled Ordinance to second reading. Following clarification by the City Manager, motion carried 7-0.

AN ORDINANCE ADOPTING THE FY 2012-2013 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2012-2013.

Motion by Byrne, second by Selin to pass the above entitled Ordinance to second reading. Following brief explanation from the City Manager, discussion continued among Council regarding the merits and detriments of various organizations that requested funds during the budgeting process, as well as respective contribution amounts.

Councilor Byrne then asked that Council take a separate vote regarding the reduced contributions to various community agencies as reflected in the above stated Budget Ordinance. Motion by Nugent, second by Manilla to accept the funding cuts as outlined in the above Budget Ordinance. Motion to accept the funding cuts carried 4-3, with Councilors Selin, Shamberger and Byrne voting NO.

The question was then called on the main motion, to pass the above entitled FY 2012-2013 Budget Ordinance to second reading. Following further comments regarding the budgeting process, motion carried 7-0.

A SUPPLEMENTAL RESOLUTION RELATED TO THE SABRATON STORMWATER PROJECT BONDS: The below entitled Resolution was presented for approval:

A SUPPLEMENTAL RESOLUTION REDESIGNING BONDS, PROVIDING PARAMETERS AS TO DATES, AMOUNTS, MATURITIES, INTEREST RATES, REDEMPTION PROVISIONS, PURCHASE PRICE AND OTHER DETAILS AS TO THE COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 (TAX-EXEMPT) OF THE CITY OF MORGANTOWN; AUTHORIZING AND APPROVING BOND PURCHASE AGREEMENTS, A COMMITMENT FOR MUNICIPAL BOND INSURANCE, A CONTINUING DISCLOSURE AGREEMENT, A REGISTRAR AGREEMENT, AN OFFICIAL STATEMENT, AND OTHER INSTRUMENTS RELATING TO THE BONDS, PROVIDING FOR APPOINTMENT OF A REGISTRAR, PAYING AGENT, AND DEPOSITORY BANK; AND MAKING OTHER PROVISIONS AS TO THE BONDS.

Motion by Bane, second by Byrne to approve the above entitled Resolution. City Manager Terrence Moore explained the procedure of the Resolution and asked Attorney John Stump of Steptoe & Johnson to explain further. Council by acclamation suspended the rules to allow Mr. Stump's comments. Following Mr. Stump's explanation the main question was called, and the motion to adopt the above entitled Supplemental Resolution carried 7-0.

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGERS REPORT:

New Business:

1. Recommend Change in Employee Pension Amortization.

Motion by Selin, second by Bane to approve the 11.81% change in employee pension amortization. Motion carried 7-0.

2. High Street Streetscape Improvement (Phase 5) Contract Approval

Motion by Bane, second by Nugent, to approve the contract for the High Street Streetscape Improvement plan. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane noted that the spring sports season is upon us, and encouraged everyone to support our local middle and high school sports teams- including lacrosse and softball.

Councilor Nugent:

Councilor Nugent reported positive feedback from the new street sign design pilot program, and thanked the Signs and Signals department for their assistance with the project.

Councilor Selin: Councilor Selin made additional comments regarding budget cuts and suggested that more information be gathered and that any needed reduction in contributions should be considered across the board without singling out any one organization.

Councilor Shamberger: Councilor Shamberger announced a Woodburn re-use survey on the web and encouraged everyone to give their opinions. She also thanked the street crew for cleaning up Willey Street. She commended the Police Department for apprehending a graffitist.

Councilor Byrne: Councilor Byrne reported on the Jerome Park neighborhood meeting, and shared some of the residents' concerns. He also invited Council members to participate in a smoke free pub-crawl downtown. He then announced the new season of Public Theatre and encouraged everyone to patronize our local theatrical arts. He concurred with Councilor Selin's comments regarding the budget.

Councilor Herbst: Councilor Herbst added that there are many neighborhood areas in Morgantown being used as traffic cut-through routes. She stated she hopes that the final phase of the Streetscape process will include maintenance on previously upgraded portions of the project. Mr. Moore assured that this will be part of the process.

Mayor Manilla: Mayor Manilla also complimented the Police Department for their graffiti arrests. The rules were briefly suspended to allow WVU SGA President Evan Dove to make a brief statement regarding upcoming SGA events. Mayor Manilla then announced upcoming community arts and theatre productions.

EXECUTIVE SESSION: Motion by Nugent, second by Bane, carried by unanimous consent, to enter into an executive session pursuant to West Virginia Code Section 6-9A-4(b) (12) to discuss matters which are not considered a public record as set forth within the scope of the Federal Freedom of Information Act, with Council Members, City Attorney and City Manager present; at 8:03 p.m. Executive Session adjourned at 9:00p.m.

EX__ECUTIVE SESSION: Motion by Nugent, second by Bane, carried by unanimous consent, to enter into an executive session pursuant to West Virginia Code Section 6-9A-4(b)(2)A as it pertains to personnel matters, with Council Members and City Manager present; at 9:01 p.m. Executive Session adjourned at 9:45p.m.

ADJOURNM__ENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:45 p.m.

City Clerk

Mayor

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