

**REGULAR MEETING MARCH 20, 2012:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 20, 2012 at 7:04 P.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 March 6, 2012 and Special Meeting March 14, 2012 were approved as printed.

**CORRESPONDENCE:** Barbara Ferrell, the recently retired Director of the BOPARC Senior Center presented certificates of recognition to several volunteers that served the center throughout her 11½ year tenure. Mayor Manilla then commended Barbara for her many years of service to the City of Morgantown and its senior citizens.

At the request of Mr. Moore, Fire Chief Caravasos and Police Chief Preston then reported to Council on the events of the weekend including street fires, arrests, parties and other student disturbances created as a result of the warmer weather, the St. Patrick's Day holiday and impending WVU Spring Break. Discussion continued, and the conclusion was drawn that the City wishes a higher involvement, prevention and consequences from WVU as a result. Mayor Manilla introduced Sabrina Cape, Assistant Vice President for Student Affairs Communication at WVU.

Ms. Cape echoed Council's disappointment in the students' behavior over the weekend and assured that when names come in from the police department swift disciplinary action was taken. She added that a written reprimand was issued to the student body following the events disparaging the inappropriate actions. She assured Council that her office and the University are on point to continue efforts, and work with City Officials. Discussion again continued about future plans and ramifications including the Big 12 and other changes to the University atmosphere.

**PUBLIC HEARING- AN ORDINANCE AMENDING THE FY 2011-2012 ANNUAL BUDGET:**

There being no appearances or objections, Mayor Manilla declared the Public Hearing closed

**PUBLIC HEARING- AN ORDINANCE ADOPTING THE FY 2012-2013 ANNUAL BUDGET:**

There being no appearances or objections, Mayor Manilla declared the Public Hearing closed

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2011-2012 ANNUAL BUDGET:** The below entitled Ordinance was presented for second 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 Byrne, second by Shamberger, to adopt the above entitled Ordinance. Following brief explanation from the City Manager, motion carried 7-0.

**AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET:** The below entitled Ordinance was presented for second reading:

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

Motion by Byrne, second by Shamberger, to adopt the above entitled Ordinance. Following comments from the City Manager, explanation was offered from Finance Director JR Sabatelli. Discussion on budget details continued, including Vote By Mail, rising fuel prices, and the 5 Year Capital Improvement Plan, among other considerations.

After further discussion on the proposed budget, motion by Herbst, second by Bane to cut an additional \$25,000 in funding to Sunnyside Up and reinstate the purchase of the sidewalk gum removal machine. After debate, the question was called on the above stated amendment. Motion carried 4-3, with Councilors Selin, Shamberger and Byrne voting NO.

Following closing remarks by Council, Finance Director JR Sabatelli reminded Council to approve the most recent revisions to the Budget, before adopting the final Ordinance with amendments. Motion by Bane, second by Nugent to accept the above referenced budget revisions made by the Finance Department and City Manager concerning the General Fund. Motion carried 7-0.

There being no further discussion, Mayor Manilla offered his final comments and the question was called on the main motion, adopting the above entitled Budget Ordinance for FY 2012-2013 including the above approved amendment and previous revisions. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** By acclamation of Council, Jeanne Grimm was appointed to the Historic Landmarks Commission, followed by Chris Gluck, Andrea Soccorsi and Roy Nutter in reappointment to the Traffic Commission.

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

**NEW BUSINESS:**

**AN ORDINANCE AUTHORIZING REFUNDING OF BONDS RELATED TO THE MORGANTOWN PUBLIC SAFETY BUILDING:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE MORGANTOWN BUILDING COMMISSION'S MUNICIPAL BUILDING LEASE REVENUE REFUNDING BONDS, SERIES 2003; AUTHORIZING THE CONTINUED LEASING OF THE MORGANTOWN PUBLIC SAFETY BUILDING BY THE COMMISSION TO THE CITY OF MORGANTOWN; APPROVING THE SALE, ISSUANCE AND DELIVERY OF LEASE REVENUE REFUNDING BONDS, SERIES 2012 BY THE MORGANTOWN BUILDING COMMISSION TO PROVIDE FUNDS TO FINANCE A PORTION OF THE COSTS OF SUCH REFUNDING AND RELATED COSTS AND EXPENSES.

Motion by Byrne, second by Herbst to pass the above entitled Ordinance to second reading. Following explanation by the City Manager, the rules were suspended to allow further explanation from Attorney John Stump of Steptoe and Johnson. After discussion, motion carried 7-0.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE WV DIVISION OF MOTOR VEHICLES TO RECEIVE GRANT FUNDS PURSUANT TO PROVISIONS OF THE WV GOVERNOR'S HIGHWAY SAFETY PROGRAM:** The below entitled Resolution was presented for approval:

Motion by Nugent, second by Selin to approve the above entitled Resolution. After discussion, the rules were suspended to hear comments by Chief of Police Ed Preston. Following additional discussion, motion carried 7-0.

**SPECIAL COMMITTEE REPORTS:** Councilor Nugent gave an update on behalf of the Museum Commission, reporting on the Titanic Event, and Zackquill Morgan statue.

**CITY MANAGERS REPORT:**

**New Business:**

1. Approval of Hot Laid Bituminous Asphaltic Cement for 2012 Paving Program.

Council by acclamation approved of the 2012 Paving Program as presented. Motion carried by unanimous consent.

**CITY CLERK'S REPORT:** No Report.

**CITY ATTORNEY'S REPORT:** Mr. Fanok commented that since 1988 the City of Morgantown has been proactive against DUI's and is persistent in doing so with the aid of continued State support through DUI grants.

**REPORT FROM COUNCIL MEMBERS:**

- Councilor Bane: No report.
- Councilor Nugent: Councilor Nugent announced community events including the Chili Challenge, Chocolate Lover's Day and the upcoming Wiles Hill Highland Park Neighborhood Association meeting.
- Councilor Selin: Councilor Selin announced the next Crossroads community forum to discuss the area's 10 year comprehensive plan.
- Councilor Shamberger: Councilor Shamberger commented on the National Guard dedication ceremony, and commended the Police and Fire department along with area residents who are proactive in guiding the student population against destructive behaviors. She announced the Business After Hours event at Marilla Park.
- Councilor Byrne: Councilor Byrne congratulated Mr. Moore and Airport Director Mr. Clow on the success of the Big 12 community stakeholder meeting.
- Councilor Herbst: Councilor Herbst thanked City and Civil Service workers for their dedication and assistance over the weekend with regard to the student party outbreaks. She added that off street parking should be re-evaluated in residential areas where traffic is becoming congested and restricting emergency vehicles. She then inquired when Parking Authority Director Tom Arnold will be making his Clean Community Concept report, and Mr. Moore replied his presentation is scheduled on the upcoming COW agenda.
- Mayor Manilla: Mayor Manilla echoed Councilors' praise of the Public Works, Fire and Police Departments for their efforts over the weekend along with the National Guard Center dedication.

**EXECUTIVE SESSION:** Motion by Nugent, second by Bane, to enter into an executive session pursuant to West Virginia Code Section 6-9A-4(b)(9) to discuss matters involving or affecting the

purchase, sale or lease of property with Council Members, City Manager and Deputy City Manager present. Motion to enter Executive Session carried 7-0. Executive Session commenced at 8:35 p.m. Upon conclusion of business, Council adjourned and immediately commenced the second Executive Session as moved below.

**EXECUTIVE SESSION:** Motion by Bane, second by Nugent, 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 present. Motion carried 4-3, Councilors Selin, Shamberger and Byrne declined to participate in the above referenced Executive Session. Session adjourned at 9:25 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:25 p.m.

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City Clerk

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Mayor

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