



Office of the City Clerk

# The City of Morgantown

Linda L. Little, CMC  
389 Spruce Street, Room 10  
Morgantown, West Virginia 26505  
(304) 284-7439 Fax: (304) 284-7525  
cityclerk@morgantown.com

**AGENDA**  
**MORGANTOWN CITY COUNCIL**  
**REGULAR MEETING**  
**March 20, 2012**  
**7:00 p.m.**

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **PLEDGE TO FLAG**
4. **APPROVAL OF MINUTES:** Regular Meeting, March 6, 2012  
Special Meeting, March 14, 2012
5. **CORRESPONDENCE**
6. **PUBLIC HEARING:**
  - A. **PUBLIC HEARING of 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.**
  - B. **PUBLIC HEARING of AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2012-2013.**
7. **UNFINISHED BUSINESS:**
  - A. **Consideration of APPROVAL of SECOND READING of (ADOPTION) of 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.  
(FIRST READING: MARCH 6, 2012)**

B. Consideration of **APPROVAL** of **SECOND READING** of **(ADOPTION)** of **AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2012-2013.**  
**(FIRST READING: MARCH 6, 2012)**

C. **BOARDS AND COMMISSIONS**

8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY CITY COUNCIL AND ADOPTED BY RESOLUTION**

9. **NEW BUSINESS:**

A. Consideration of **APPROVAL** of **FIRST READING** of **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.**

B. Consideration of **APPROVAL** of 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.**

10. **SPECIAL COMMITTEE REPORTS**

11. **REPORT FROM CITY MANAGER:**

**INFORMATION:**

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

12. **REPORT FROM CITY CLERK**

13. **REPORT FROM CITY ATTORNEY**
14. **REPORT FROM COUNCIL MEMBERS**
15. **EXECUTIVE SESSION:** Pursuant to West Virginia Code Section **6-9-A-4-B-b-9** as it pertains to matters involving or affecting the purchase, sale or lease of property.
16. **EXECUTIVE SESSION:** Pursuant to West Virginia Code Section **6-9-A-4(b)(2)(A)** as it pertains to personnel matters.
17. **ADJOURNMENT**

**\*If you need an accommodation contact us at 284-7439\***

**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 7:04 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 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 9:00 p.m.

**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)(2)A as it pertains to personnel matters, with Council Members and City Manager present; at 9:01 p.m. Executive Session adjourned at 9:45 p.m.

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

**SPECIAL MEETING March 14, 2012:**

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, March 14, 2012 at 7:00 p.m.

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

The meeting was called to order by Mayor Manilla.

**UNFINISHED BUSINESS:**

**PROPOSED FISCAL YEAR 2013 GENERAL FUND BUDGET:**

After discussion from Council on the capital escrow account and how monies and allocations should be funded; Council suspended the rules to have J. R. Sabatelli, Finance Director answer questions about the various budget line items.

City Manager Terrence Moore assured Council that measures have been put in place to provide timeline budget information. He informed Council that they would be getting a monthly financial report that would enable them to follow what allocations are being contemplated. He stated he would like Council to adopt the \$24 million budget and allow him to work with department heads, over the next few months to find areas to save money such as; take-home transportation policies, travel for training, and efficiency in operations. He commented to Council that his goal is to be more pronounced about the budget, and there be more granulation; and with monthly reports the City can determine how the savings is to be managed and allocated.

**ADJOURNMENT:**

There being no further business, Council adjourned at 8:16 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

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

# Memo

## City of Morgantown Public Works Department

**To:** Terrence Moore, City Manager  
**From:** Margaret Frankenberry, Engineering Technician III  
**Subject:** **Bid Call 2012-03 2012 Street Paving Project  
Hot Laid Bituminous Asphaltic Cement**  
**Date:** March 13, 2012



Bids were opened March 6, 2012 at 9:30 a.m. for the 2012 Street Paving Project Hot Laid Bituminous Asphaltic Cement. The results are as follows:

### Greer Asphalt Company

Hot Laid Bituminous Asphaltic Cement Wearing Course	\$75.00/ton	\$134,775.00
Hot Laid Bituminous Asphaltic Cement Non-Skid Course	\$80.00/ton	\$ 27,760.00
<b>Total Amount of Bid</b>		<b>\$162,535.00</b>

Given the above, I recommend that the bid be awarded to Greer Asphalt Company.

If you have any questions or wish to discuss this issue, please contact me.

## **BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES**

**\*Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.**

### HISTORIC LANDMARKS COMMISSION: 4 YEAR TERM:

Attached is a bio for Jeanne Grimm who wishes to fill the vacancy on this commission. Council can vote on this at the March 20<sup>th</sup>, 2012 Regular Meeting. **Appointed by Council at least 2 members inter. In historic preservation- 1 Council Rep.**

### TRAFFIC COMMISSION:3 YEAR TERM:

Terms for Chris Gluck, Andrea Soccorsi and Roy Nutter expire on 4/26/12. They all wish to continue to serve. Also there is a vacancy in the 5<sup>th</sup> ward on the commission. So could our 5<sup>th</sup> Ward Councilor start looking for a replacement for this commission and let the City Clerk know of candidate. Council can vote on reappointments at the March 20<sup>th</sup> Regular Meeting. **Residents Appoint by Council, must represent specific categories.**

### URBAN LANDSCAPE COMMISSION: 2 YEAR TERM:

**Urban Forester still vacant.** Nominated by CM, from each ward, 13 members with staggered terms, 1 councilmember, and non-ward members must represent specific category.

**\*POLICE & FIRE CIVIL SERVICE COMMISSIONS APPOINT NEW PRESIDENTS IN JANUARY.** Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.

**3-14-12**



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Request was successfully completed.

## Request #26429 : Volunteer for City Boards and Commissions

[Return](#)

**What is your work telephone number?**

cell phone 304-288-6864

**Are you a Morgantown resident?**

Yes

**If Yes, how many years have you lived in the City of Morgantown?**

30 plus

**In which City Ward do you live?**

Seventh

**Who is your employer?**

GranJean Research & Consulting

**What type of business are you employed in?**

Historical research, and writing and editing manuscripts, reports, grants and etc.

**What is your job description?**

Owner of GranJean Research & Consulting. Retired as Assistant Director, Center for Excellence in Disabilities, WVU, where I managed several grant and contract programs and had responsibility for Center-wide publications.

**Do you have any professional certifications or licenses?**

M.A. Public History. I meet National Park Service 36CFR61 professional qualifications for historians and qualify as a consultant with the WV State Historic Preservation Office as well as with the Maryland SHPO Office. I have conducted several National Register nominations and other historic studies in both states.

**Do you have any pertinent special interests?**

Historical research; Accessibility; Libraries. I have extensive experience in managing special libraries from early childhood and medical libraries to libraries of information and assistive technologies.

**On which commission(s) are you interested in serving?**

Historic Landmarks Commission; Housing Authority; Library Board

**Staff Activities** [Add New Sort](#)

The status of the request was changed from Active to Completed, by [Bethany Sypolt](#) on 3/1/2012 at 8:20 AM

**Public Activities** [Add New Sort](#)

Request was successfully submitted, by [Citizen](#) on 2/29/2012 at 6:53 PM

**Attachments** [Add New](#)

**Status** Completed

**Priority** Normal

**Received**  
2/29/2012 at 6:53 PM

**Source of Request**  
Anon Online by Anonymous

**Assigned To:**  
Bethany Sypolt

**Associated To:**  
Anonymous [Reassociate](#)

**Est. Completion**  
3/10/2012

**Actual Completion**  
3/1/2012

[Print](#) [Reactivate](#)

**Citizen Information**

Jeanne Grimm  
1381 Anderson Ave  
Morgantown, WV 26505  
304-599-0299  
jgrimm@granjean.com

**Preferred Response Method:** E-Mail

**Communication****Select Communication Template**

Standard

[Print Letter](#)

[View Email Text](#)

**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.**

The City of Morgantown hereby ordains:

That the FY 2011-2012 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 02) attached hereto and made a part of this ordinance.

First Reading:

Adopted:

\_\_\_\_\_  
Mayor

Filed:

Recorded:

\_\_\_\_\_  
City Clerk

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER

**2012**

FY

**General**

FUND

**2**

REV. NO.

**1 of 3**

PG. OF NO.

City of Morgantown

GOVERNMENT ENTITY

Person To Contact Regarding

Budget Revision: **J.R. Sabatelli**

Phone: **304-284-7407**

Fax: **304-284-7418**

**389 Spruce Street**

STREET OR PO BOX

Morgantown, WV 26505

CITY

ZIP CODE

**Municipality**

Government Type

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
301-02-05	Prior Year Taxes	229,999		60,000	169,999
304	Excise Tax on Utilities	933,000	19,000		952,000
305	Business and Occupation Tax	11,823,000	187,000		12,010,000
308	Hotel Occupancy Tax	720,000	50,000		770,000
328	Franchise Fees	315,000	62,000		377,000
376	Gaming Income	10,500	12,000		22,500

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)**

310,000

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
410	City Council	60,726	4,800		65,526
412	City Manager's Office	601,817	35,900		637,717
414	Finance Office	759,777	20,000		779,777
415	City Clerk	146,618	15,417		162,035
416	Police Judge's Office	274,114		39,532	234,582
417	City Attorney	279,896	55,827		335,723
438	Elections		2,396		2,396
440	City Hall	556,919	44,800		601,719
700	Police Department	6,216,870	20,000		6,236,870
706	Fire Department	4,248,581	77,032		4,325,613
750	Streets and Highways	2,578,856	34,500		2,613,356
901	Visitors Bureau	360,000	25,000		385,000

**NET INCREASE/(DECREASE) Expenditures**

310,000

APPROVED BY THE STATE AUDITOR

BY: \_\_\_\_\_  
 Director, Local Government Services Division Date

\_\_\_\_\_  
 AUTHORIZED SIGNATURE OF ENTITY

\_\_\_\_\_  
 APPROVAL DATE





City of Morgantown  
 General Fund  
 Budget Revision #2  
 Fiscal Year 2012

Payroll items requiring adjustment:

Department 415

City Clerk:	Current	New	Revision
Wages	79,136.00	85,329.00	6,193.00
FICA	4,968.00	5,353.00	385.00
Med	1,162.00	1,252.00	90.00
WC	240.00	259.00	19.00
Retire	9,457.00	10,187.00	<u>730.00</u>
			7,417.00

Department 417

City Attorney:	Current	New	Revision
Wages	171,205.00	176,072.00	4,867.00
FICA	10,615.00	10,916.00	301.00
Med	2,482.00	2,553.00	71.00
WC	503.00	518.00	15.00
Retire	19,780.00	20,353.00	<u>573.00</u>
			5,827.00

Department 416

Municipal Court:	Current	New	Revision
Wages	142,747.00	120,822.00	(21,925.00)
FICA	8,912.00	7,554.00	(1,358.00)
Health Ins	70,812.00	57,535.00	(13,277.00)
Med	2,084.00	1,766.00	(318.00)
WC	1,428.00	1,361.00	(67.00)
Retire	14,844.00	12,257.00	<u>(2,587.00)</u>
			(39,532.00)

Department 706

Fire:	Current	New	Revision
Wages	2,246,307.00	2,268,232.00	21,925.00
FICA	2,031.00	3,389.00	1,358.00
Health Ins	849,744.00	863,021.00	13,277.00
Med	33,367.00	33,685.00	318.00
WC	138,814.00	138,881.00	67.00
Retire	3,867.00	6,454.00	<u>2,587.00</u>
			39,532.00

**Non-wage increases requiring adjustment:**

	<b>Current</b>	<b>New</b>	<b>Revision</b>
<b>Dept 410 City Council</b>			
Contracted Services	5,500.00	10,300.00	4,800.00
<b>Dept 412 City Manager</b>			
Dues and Subscriptions	3,000.00	6,900.00	3,900.00
Contracted Services	7,000.00	39,000.00	32,000.00
<b>Dept 414 Finance:</b>			
Postage	10,000.00	30,000.00	20,000.00
<b>Dept 415 City Clerk</b>			
Civil Service Expense	12,000.00	20,000.00	8,000.00
<b>Dept 417 City Attorney</b>			
Professional Services	10,000.00	60,000.00	50,000.00
<b>Dept 438 Elections</b>			
Contracted Services	-	2,360.00	2,360.00
Office Supplies	-	36.00	36.00
<b>Dept 440 City Hall</b>			
Janitorial Supplies	15,000.00	34,800.00	19,800.00
Building Maintenance	40,000.00	65,000.00	25,000.00
<b>Dept 700 Police</b>			
Vehicle Maintenance	40,000.00	60,000.00	20,000.00
<b>Dept 706 Fire</b>			
Vehicle Maintenance	45,000.00	65,000.00	20,000.00
Building Maintenance	10,000.00	20,000.00	10,000.00
Hydrant Rental	43,404.00	50,904.00	7,500.00
<b>Dept 750 Street</b>			
Street Materials	50,000.00	84,500.00	34,500.00
<b>Dept 50 Contributions</b>			
Visitors Bureau	360,000.00	385,000.00	25,000.00
<b>Dept 70 Operating Transfers</b>			
BOPARC Cap Escr	180,000.00	192,500.00	12,500.00
<b>Total nonwage</b>	<b>830,904.00</b>	<b>1,126,300.00</b>	<b>295,396.00</b>
<b>Total Increase overall</b>			<b>308,640.00</b>

<b>Totals by Department</b>	
Dept 410 City Council	4,800.00
Dept 412 City Manager	35,900.00
Dept 414 Finance:	20,000.00
Dept 415 City Clerk	15,417.00
Dept 416 Municipal Court	(39,532.00)
Dept 417 City Attorney	55,827.00
Dept 438 Elections	2,396.00
Dept 440 City Hall	44,800.00
Dept 700 Police	20,000.00
Dept 706 Fire	77,032.00
Dept 750 Street	34,500.00
Dept 50 Contributions	25,000.00
Dept 70 Operating Transfers	12,500.00
Contingencies	<u>1,360.00</u>
	310,000.00

**Revenue Adjustment**

	Current	New	Revision
Prior Year Taxes	229,999.00	169,999.00	(60,000.00)
Electric Utility Tax	322,000.00	395,000.00	73,000.00
Gas Utility Tax	272,000.00	218,000.00	(54,000.00)
B&O Taxes	9,950,000.00	10,260,000.00	310,000.00
B&O - Construction	1,873,000.00	1,750,000.00	(123,000.00)
Hotel/Motel Taxes	720,000.00	770,000.00	50,000.00
Cable TV Taxes	315,000.00	377,000.00	62,000.00
Gaming Income	10,500.00	22,500.00	12,000.00
Housing Inspection	81,000.00	60,000.00	(21,000.00)
Fire Fee-Residential	1,013,000.00	1,059,000.00	46,000.00
Fire Fee-Tax Exempt	800,000.00	825,000.00	25,000.00
Discounts on Fire Fees	(80,000.00)	(85,000.00)	(5,000.00)
Capital Escrow-Payroll Reimb	55,000.00	-	(55,000.00)
Mon. Co. Fuel Reimb	<u>200,000.00</u>	<u>250,000.00</u>	<u>50,000.00</u>
	15,761,499.00	16,071,499.00	310,000.00

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

The Common Council of the City of Morgantown, West Virginia hereby ordains:

**SECTION I:**

That the following budget be and the same is hereby adopted for the City of Morgantown for the FY 2012-2013.

General Fund Revenues

Balance as of July 1, 2012	\$ 500,000
Taxes	19,225,431
Licenses and Permits	330,000
Intergovernmental	437,587
Charges for Services	2,416,800
Interfund Charges	68,200
Fines and Forfeiture	620,000
Other Financial Sources	152,000
Miscellaneous	<u>416,135</u>
<u>Total General Fund Revenues</u>	\$24,166,153

Coal Severance Fund Revenues

Balance as of July 1, 2012	\$ 11,029
Coal Severance	132,000
Miscellaneous	<u>300</u>
<u>Total Coal Severance Fund Revenues</u>	\$ 143,329

TOTAL REVENUES - GENERAL & COAL SEVERANCE \$24,309,482

General Fund/Department Expenditures

Mayor and City Council	\$ 64,148
City Manager	598,905
Finance	751,399
City Clerk	152,115
Municipal Court	234,738
City Attorney	285,549
Engineering	454,399
Personnel	45,800
Code Enforcement	872,667
Planning and Zoning	275,308
Elections	16,100
Information Technology	227,975
City Hall & Buildings	553,762
Police	6,405,144
Fire	4,275,518
Animal Control	38,245
Street	2,306,177
Signs & Signals	590,731
Equipment Maintenance	737,163
Contributions	382,245
Operating Transfers Out	<u>4,898,065</u>

Total General Fund Expenditures \$24,166,153

Coal Severance Fund Expenditures

Contributions to Other Funds \$140,000

Contingencies 3,329

Total Coal Severance Fund Expenditures \$143,329

TOTAL EXPENDITURES FOR  
GENERAL & COAL SEVERANCE FUNDS \$24,309,482

This Ordinance shall be effective upon date of adoption.

FIRST READING:

\_\_\_\_\_  
MAYOR

ADOPTED:

FILED:

\_\_\_\_\_  
CITY CLERK

RECORDED:

**ORDINANCE OF  
THE CITY OF MORGANTOWN**

AN ORDINANCE APPROVING THE CURRENT REFUNDING OF THE MORGANTOWN BUILDING COMMISSION'S MUNICIPAL BUILDING LEASE REVENUE REFUNDING BONDS, SERIES 2003, THE AUTHORIZATION, SALE AND ISSUANCE OF MUNICIPAL BUILDING LEASE REVENUE REFUNDING BONDS, SERIES 2012, OF THE MORGANTOWN BUILDING COMMISSION FOR SUCH PURPOSE, AND THE CONTINUED LEASING OF THE MORGANTOWN PUBLIC SAFETY BUILDING BY THE COMMISSION TO THE CITY OF MORGANTOWN; PRESCRIBING THE FORMS AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT AND LEASE, A BOND PURCHASE AGREEMENT, AN OFFICIAL STATEMENT AND OTHER INSTRUMENTS AND APPROVING OTHER DOCUMENTS AND MATTERS RELATING TO THE TERMS AND SECURITY OF SUCH BONDS; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to the authority of Chapter 8, Article 33, of the Code of West Virginia, 1931, as amended (the "Act"), The City of Morgantown (the "City" or the "Lessee") enacted an ordinance on August 16, 1988, creating the Morgantown Building Commission (the "Issuer"), a public corporation with perpetual existence and a municipal building commission within the meaning of the Act;

WHEREAS, the Issuer has heretofore obtained title to certain real estate, situate lying and being in The City of Morgantown, Monongalia County, West Virginia (the "Site"), and has acquired and constructed thereon a municipal public safety building complex housing various administrative offices of the City, including, but not limited to, a municipal court, fire department, police station, jail cells and an integral motor vehicle parking facility, and has acquired and installed certain fixtures, equipment, furnishings and other personal property within such building (collectively, the "Project") (such real estate, the Project, and all additions, improvements and additional facilities thereto, of every kind and nature located at the Site, now or hereafter acquired or constructed thereon, herein called the "Facilities");

WHEREAS, the Issuer has leased the Facilities to the City pursuant to an Agreement and Lease dated as of December 15, 1988 and, in order to pay the costs of acquisition and construction of the Facilities, has issued and sold its Municipal Building Lease Revenue Bonds, Series 1988, dated December 15, 1988, in the aggregate principal amount of \$8,470,000 (the "Series 1988 Bonds"). Such bonds were refunded through the issuance by the Issuer of its Municipal Building Commission Lease Revenue Refunding Bonds, Series 1993, dated February 15, 1993, in the aggregate principal amount of \$9,490,000 (the "Series 1993 Bonds").

The Series 1993 Bonds were refunded through the issuance by the Issuer of its Municipal Building Commission Lease Revenue Refunding Bonds, Series 2003, dated May 1, 2003 in the original aggregate principal amount of \$7,725,000 (the "Series 2003 Bonds"). The Series 2003 Bonds were issued under and pursuant to an Indenture and Deed of Trust dated as of May 1, 2003, by and between the Issuer and The Huntington National Bank), as trustee thereunder (the "Series 2003 Indenture"), and the Facilities have been leased by the Issuer to the City pursuant to an agreement and lease dated as of May 1, 2003 ("the Prior Lease");

WHEREAS, the Series 2003 Bonds were issued pursuant to an ordinance of the Issuer enacted April 15, 2003, and approved in all respects by an ordinance enacted by the City Council of the City on April 15, 2003 (the "Prior Ordinance");

WHEREAS, the Series 2003 Bonds are redeemable in whole at any time, following the giving of requisite notice of such redemption;

WHEREAS, the City has been advised by Crews & Associates, Inc., that due to favorable market conditions, interest cost savings may be realized from the current refunding of the Series 2003 Bonds through the issuance by the Issuer of refunding bonds;

WHEREAS, under the provisions of Chapter 13, Article 2E of the Code of West Virginia, 1931, as amended (the "Refunding Act"), the Issuer is authorized and empowered to issue refunding revenue bonds to refund, pay or discharge all or any part of the outstanding Series 2003 Bonds;

WHEREAS, the Issuer and the City Council of the City have jointly determined and the City Council of the City hereby determines that it would therefore be beneficial for the Issuer, the City and its residents to currently refund the Series 2003 Bonds and to redeem the Series 2003 Bonds in full as soon as practicable following such refunding, in the manner set forth herein, with proceeds of the issuance of a series of bonds to be designated "Morgantown Building Commission Municipal Building Lease Revenue Refunding Bonds, Series 2012" (the "Bonds"), in the maximum aggregate principal amount of \$5,000,000, at interest rates not exceeding 6.0%, and with final maturity to be no later than January 1, 2019, and other moneys of the Issuer, such Bonds to be payable from the Lease Rentals derived from the Facilities and secured by the Trust Estate (as such terms are defined in the hereinafter described Indenture), and containing such other terms and provisions as are hereinafter provided;

WHEREAS, the City now desires to authorize and approve the refunding of the Series 2003 Bonds as aforesaid, and to provide for the financing thereof through the issuance by the Issuer of the Bonds as hereinafter provided;

WHEREAS, the Issuer will continue to lease the Facilities to the City pursuant to a new Agreement and Lease, replacing the Prior Lease, and the Bonds will be secured pursuant to a new Indenture and Deed of Trust, replacing the Prior Indenture;

WHEREAS, the City does hereby find and determine that (i) the refunding of the Series 2003 Bonds and the financing of the cost thereof by the issuance, sale and delivery by the Issuer of the Bonds, (ii) the continued leasing of the Facilities by the Issuer to the City pursuant to the Lease and (iii) all other things contemplated by or contained in the Lease and the Indenture are for a public purpose of the City and the Issuer and are necessary, proper and appropriate to accomplish the public purposes of the Act and the Refunding Act;

WHEREAS, there have been presented to this meeting drafts of the following documents to be executed or approved by the City in connection with the issuance and sale of the Bonds and the refunding of the Series 2003 Bonds and incorporated by reference as a part hereof in substantially the forms presented to this meeting:

(1) The proposed form of an Agreement and Lease (the "Lease"), by and between the Issuer, as lessor, and the City, as lessee, pursuant to which the City shall agree to pay as rentals (but only from the sources set forth therein) certain amounts deemed by the Issuer to be at least sufficient to pay the principal of, premium, if any, and interest on the Bonds and other amounts payable thereunder;

(2) The proposed form of an Indenture and Deed of Trust (the "Indenture"), by and between the Issuer and trustee thereunder (the "Trustee"), pursuant to which the Bonds will be issued;

(3) The proposed form of the Bonds as set forth in the Indenture;  
and

WHEREAS, the Mayor is authorized to approve the following documents to be executed or approved by the City in connection with the issuance and sale of the Bonds and the refunding of the Series 2003 Bonds:

(1) The proposed form of a Bond Purchase Agreement (the "Bond Purchase Agreement") to be dated the date of sale of the Bonds (the "Sale Date"), by Crews & Associates, Inc., of Charleston, West Virginia, as the original purchaser of the Bonds (the "Original Purchaser"), to be accepted by the Issuer and approved by the City, pursuant to which the Bonds are proposed to be purchased; and

(2) The proposed form of an Official Statement to be dated the Sale Date (the "Official Statement") of the Issuer and the City.

WHEREAS, it appears that each of the instruments referred to above is in appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, the refunding of the Series 2003 Bonds by the Issuer and the continued leasing of the Project by the Issuer to the City will benefit the inhabitants of the

City and will promote the general welfare of the citizens and residents of the City and is for a public purpose of the Issuer under the Act; and

WHEREAS, the City desires to take all steps necessary to permit the Issuer to proceed with issuance of the Bonds and the timely refunding of the Series 2003 Bonds;

NOW, THEREFORE, THE CITY OF MORGANTOWN HEREBY ORDAINS:

Section 1. Definitions. All capitalized terms used in this Ordinance and not otherwise defined shall have the meanings set forth in the Indenture.

Section 2. Pursuant to the Indenture and the Act, this Ordinance is enacted and the City hereby approves the issuance and delivery of the Bonds by the Issuer in the maximum aggregate principal amount of \$5,000,000, at interest rates not to exceed 6.00% and with final maturity no later than January 1, 2019, and with such terms as are set forth in the Indenture and hereby further approves enactment of the ordinance of the Issuer and all such other actions of the Issuer as may be deemed necessary or advisable in authorizing the issuance of the Bonds and refunding of the Series 2003 Bonds.

Section 3. The Lease, pursuant to which the City will agree to pay (but only from the sources specified therein) as rental payments, amounts sufficient to pay the principal of, premium, if any, and interest on the Bonds and other amounts payable thereunder, substantially in the form submitted to this meeting, shall be and the same is hereby approved in all respects. The Mayor and City Manager shall execute, acknowledge as necessary and deliver the Lease with such changes, insertions and omissions as may be approved by the Mayor and City Manager, and the City Clerk is hereby authorized and directed to affix the seal of the City thereto and to attest the seal. The execution of the Lease by the Mayor and City Manager shall be conclusive evidence of any approval required by this Section.

Section 4. The Indenture, substantially in the form submitted to this meeting, shall be and the same is hereby approved in all respects.

Section 5. The Bond Purchase Agreement shall be approved by the Mayor. The Mayor and City Manager shall execute and deliver the approval of the Bond Purchase Agreement with such changes, insertions and omissions as may be approved by the Mayor and City Manager, such execution to be conclusive evidence of any approval required by this Section.

Section 6. The Official Statement to be substantially in the form of the Preliminary Official Statement described below (with such changes, insertions and omissions as may be necessary or advisable in the opinion of the Mayor and City Manager) and the distribution of counterparts or copies thereof by the Original Purchaser are hereby approved. The Mayor and City Manager shall execute and deliver the Official Statement with such changes, insertions and omissions as may be approved by the Mayor and City Manager. The execution of the Official Statement by the Mayor and City Manager shall be

conclusive evidence of any approval required by this Section. The distribution by the Original Purchaser of the Preliminary Official Statement (which is a "deemed final" official statement in accordance with SEC Rule 15c2-12) substantially in the form submitted to this meeting is hereby ratified and approved. The certificate of the City relating to compliance with SEC Rule 15c2-12 and the execution and delivery thereof by the Mayor and the City Manager is hereby approved.

Section 7. The City hereby approves the appointment and designation by the Issuer of WesBanco Bank, Inc., Wheeling, West Virginia for the purpose of serving as Trustee, Registrar, and Paying Agent under the Indenture.

Section 8. All covenants, stipulations, obligations and agreements of the City contained herein and contained in the Lease shall be deemed to be the special and limited covenants, stipulations, obligations and agreements of the City to the full extent permitted by law, and such covenants, stipulations, obligations and agreements shall be binding upon the City and its successors from time to time and upon any board or body to which any powers or duties, affecting such covenants, stipulations, obligations and agreements, shall be transferred by or in accordance with law. Except as otherwise provided herein, all rights, powers and privileges conferred and duties and liabilities imposed upon the City or the officials thereof by the provisions hereof and by the Indenture and the Lease shall be exercised or performed by the City or by such officers, board or body as may be required or permitted by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the Lease shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity and neither the councilmembers of the City nor any officer or employee thereof shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 9. The City and all subordinate entities (including the Issuer) do not reasonably expect to issue more than \$10,000,000 of tax-exempt obligations during the calendar year 2012 and the City hereby approves the designation by the Issuer of the Bonds as "qualified tax-exempt obligations", as defined in Section 265 (b) of the Internal Revenue Code of 1986, as amended.

Section 10. The firm of Steptoe & Johnson PLLC, Charleston, West Virginia, is hereby designated as bond counsel to the City in connection with the issuance of the Bonds.

Section 11. The refunding of the Series 2003 Bonds and the execution, delivery and due performance of the Bonds, the Indenture, the Lease, the Bond Purchase Contract and the Official Statement are hereby in all respects approved, authorized, ratified and confirmed, including all acts heretofore taken in connection with the refunding of the Series 2003 Bonds, the financing thereof and the leasing of the same, and it is hereby ordered that the Mayor, City Manager, City Clerk and other councilmembers and officers of the City execute and deliver such other documents, certificates, agreements and instruments

and take such other action as may be required or desirable to carry out the purposes of this Ordinance, the Bonds and the aforesaid instruments.

Section 12. All ordinances, orders, resolutions or parts thereof in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, provided, however, that until all Series 2003 Bonds are paid or defeased in accordance with the Prior Indenture, the ordinance approving issuance of the Series 2003 Bonds shall remain in full force and effect.

[Remainder of Page Intentionally Blank]

Section 13. This Ordinance shall become effective following public hearing.

Passed on First Reading: \_\_\_\_\_, 2012

Passed on Second Reading  
and Effective Following  
Public Hearing Held on: \_\_\_\_\_, 2012

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Manager

ATTEST:

By: \_\_\_\_\_  
City Clerk

APPROVED AND CORRECT AS TO FORM:

By: \_\_\_\_\_  
City Solicitor

CERTIFICATION

The undersigned, being the duly qualified, elected and acting City Clerk of The City of Morgantown, does hereby certify that the foregoing Ordinance was duly enacted by the Council of The City of Morgantown on \_\_\_\_\_, 2012, a quorum being present and acting throughout, and is a true, correct and complete copy thereof as witness my hand and the seal of The City of Morgantown this \_\_\_\_, 2012.

[SEAL]

By : \_\_\_\_\_  
City Clerk

627470/00002

EXHIBIT A

form of  
Agreement of Lease

EXHIBIT B  
form of  
Indenture and Deed of Trust,

**RESOLUTION**

**WHEREAS,** *The City Council of Morgantown, West Virginia, met on March 20, 2012 and passed the following resolution:*

**BE IT RESOLVED THAT THE CITY OF MORGANTOWN** *hereby authorizes City Manager, Terrence Moore, to act on its behalf to enter into an agreement with the West Virginia Division of Motor Vehicles to apply, receive, and administer grant funds pursuant to provisions of the West Virginia Governor's Highway Safety Program.*

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**MAYOR**

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**CITY CLERK**