

REGULAR MEETING APRIL 17, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 17, 2012 at 7:00 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, and Bill Byrne. (Linda Herbst Absent)

APPROVAL OF MINUTES: The minutes of the Regular Meeting on April 3, 2012 were approved as printed.

CORRESPONDENCE: None.

PUBLIC HEARING - 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.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE MONONGALIA COUNTY PLANNING COMMISSION (LESSEE) AND THE MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEE) REGARDING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 509.02 OF ITS GENERAL OFFENSES CODE AND REPLACING IT WITH A NEW SECTION 509.02, AS THE SAME APPLIES TO AGGRESSIVE SOLICITATION.

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

PUBLIC HEARING - AN ORDINANCE TERMINATING A LEASE AGREEMENT AND AUTHORIZING A NEW LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND WEST VIRGINIA BOTANIC GARDEN, INC., LESSEE.

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

UNFINISHED BUSINESS:

AN ORDINANCE CREATING A FINANCIAL STABILIZATION FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING SECTION 129.15 TO ITS ADMINISTRATIVE CODE, CREATING A FINANCIAL STABILIZATION FUND.

Motion by Byrne, second by Selin, to adopt the above entitled Ordinance. City Manager Terrence Moore noted that this ordinance is corrected with language as requested by Council. Council suspended the rules to allow discussion with Finance Director J R Sabatelli.

Motion by Selin, second by Shamberger to approve the amendments to the Ordinance made on 4/3/12. Motion carried 4-1. Mayor Manilla voted No. (Councilors Bane and Herbst were Absent)

Main Motion to approve the above entitled Ordinance as amended carried 4-1. Mayor Manilla voted No. (Councilors Bane and Herbst were Absent)

AN ORDINANCE AUTHORIZING THE REFUNDING OF PUBLIC SAFETY BUILDING BONDS: The below entitled Ordinance was presented for second 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 Selin, to adopt the above entitled Ordinance. After discussion, the rules were suspended to allow explanation from Bond Counsel Greg Isaacs. There being no further discussion, motion Carried 6-0 (Councilor Herbst Absent)

AN ORDINANCE REGARDING LEASE FOR OFFICE SPACE AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE MONONGALIA COUNTY PLANNING COMMISSION (LESSEE) AND THE MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEE) REGARDING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

Following brief explanation from City Manager Terrence Moore, motion by Byrne, second by Shamberger, to adopt the above entitled Ordinance. Motion Carried 6-0. (Councilor Herbst Absent)

AN ORDINANCE REPEALING AND REPLACING GENERAL OFFENSES CODE, AGGRESSIVE SOLICITATION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 509.02 OF ITS GENERAL OFFENSES CODE AND REPLACING IT WITH A NEW SECTION 509.02, AS THE SAME APPLIES TO AGGRESSIVE SOLICITATION.

Motion by Byrne, second by Selin, to adopt the above entitled Ordinance. City Attorney Steve Fanok offered further clarification regarding the Ordinance. Question was called and the motion carried 6-0. (Councilor Herbst Absent)

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE WEST VIRGINIA BOTANIC GARDEN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE TERMINATING A LEASE AGREEMENT AND AUTHORIZING A NEW LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND WEST VIRGINIA BOTANIC GARDEN, INC., LESSEE.

Motion by Byrne, second by Shamberger, to adopt the above entitled Ordinance. After discussion, and explanation from the City Manager motion Carried 6-0. (Councilor Herbst Absent)

BOARDS AND COMMISSIONS: By acclamation of Council the following Commissioners were re-appointed: Richard McEwuen, Keith Reed, Joshua Williamson, Tina Tallaksen, Patricia Watson, Kacy Wiedebusch, and Connie Merandi, to the Metropolitan Theatre Commission. Followed by the re-appointment of: George Lies, Elizabeth Finklea, Rosalyn Becker, Peggy Meyers-Smith to the Sister Cities Commission. By acclamation of Council John Gaddis was appointed to a vacancy on the Sister Cities Commission.

PUBLIC PORTION:

Linda Bagby, President WV Botanic Garden, thanked Council, City Manager, City Attorney and MUB for making the lease possible. Ms. Bagby reminded Council of the Celebration at Tibbs Run on May 19th from 1-3pm.

Renee Hernandez, 224 Overdale Street, commented that she enjoys going to the Botanic Gardens and thanked the City for renewing the lease. Ms. Hernandez mentioned that she would like to see flowers planted at the intersections of Cobun and Clark Streets, as well as French and Lyndhurst Streets. Ms. Hernandez stated the City of Seattle has a food forest, and suggested the City consider such an initiative. She spoke of her support regarding recent zoning changes and expressed hope that the DOT will address the truck situation.

Evan Dove, SGA Liaison, 37 Shady Grove, updated Council on the recent Student Election, announcing President Redding and Vice President Zuccari. Mr. Dove reported that the SGA will continue to work with Council in the future and will report back as needed with new information.

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

NEW BUSINESS:

RATES OF LEVY FY2012-2013: The below entitled Rates of Levy were presented for approval:

THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 IN ACCORDANCE WITH CHAPTER 11, ARTICLE 8 OF THE WEST VIRGINIA CODE.

Motion by Bane, second by Byrne, to approve the above entitled Rates of Levy. Following clarification by and explanation from the City Manager, and Finance Director, motion carried 6-0. (Councilor Herbst Absent)

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, ORDER OF PROCEDURE FOR COUNCIL MEETING: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 121.04 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE ORDER OF PROCEDURE FOR COUNCIL MEETINGS; MORE PARTICULARLY, THE LOCATION OF THE "PUBLIC PORTION" UPON THE CITY COUNCIL MEETING AGENDA.

Motion by Bane, second by Byrne, to pass the above entitled Ordinance to second reading After discussion, motion carried 6-0. (Councilor Herbst Absent)

SPECIAL COMMITTEE REPORTS: Councilor Nugent provided updates regarding the Truck Traffic Survey, and informed that the Traffic Commission will discuss and report back to Council in June.

CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Bid Call 2012-04 2012 Street Paving Project

Motion by Byrne, second by Shamberger to award the bid to Parrotta Paving for \$115,114.60. Motion carried 6-0. (Councilor Herbst Absent)

2. Request from Renaissance Morgantown: Riverfront Re-development Photography Exhibit.

Motion by Nugent, second by Bane to approve release of funds for preparation of the exhibit. After discussion, motion carried 6-0. (Councilor Herbst Absent)

REPORT FROM CITY CLERK: City Clerk informed everyone of upcoming Fire Fighter Entry Level testing June 27, 2012.

REPORT FROM CITY ATTORNEY: City Attorney stated that recently a WVU student requested City Council amend the City's Cruelty to Animals Ordinance; and it is of the opinion of the City Attorney's Office that Section 505.03 of the City Code should remain as is.

REPORT FROM COUNCIL MEMBER (Roll Reversal):

Councilor Herbst:	Absent
Councilor Bane	Councilor Bane mentioned a Leadership Meeting where Oliver Luck relayed a very positive message for the future of WVU and the City. He also noted 3 students arrested and expelled in reference to the St. Patrick's Day events and commended local law enforcement.
Councilor Nugent	Councilor Nugent announced the Wiles Hill Neighborhood Association meeting and thanked the Public Works Department for litter clean-up efforts on Hoffman Avenue. Councilor Nugent also noted that the new web-site should be up and running soon.
Councilor Selin:	Councilor Selin announced the upcoming meetings of the Street Scape plan, the Suncrest Neighborhood Association and the Urban Landscape Commission.
Councilor Shamberger:	Councilor Shamberger thanked everyone that attended the Woodburn Re-Use Meeting and the Woodburn Neighborhood Association Meeting. She informed of an upcoming cleanup event at Woodburn and in the Woodburn Neighborhood area. Councilor Shamberger remarked upon the passing of Steve Tanner who lived in the Woodburn area for many years and was

a member of the Charter Board Member, Historic Landmarks Commission, as well as many others; he will truly be missed.

Councilor Byrne:

Councilor Byrne commend Linda Bagby and George Longenecker and the entire Board on their years of dedication and work for the WV Botanic Gardens. He mentioned the Sister Cities Commission and the Friendship City, along with Petito Mining Company's agreement on a piece of mining equipment and the visit with public officials at WVU on Mining. Councilor Byrne complimented Communications Manager Susan Sullivan, on what a fine job she is doing. He then noted the passing of Steve Tanner and what a loss it is to the community.

Mayor Manilla:

Mayor Manilla also commented that he has known Steve Tanner his whole life and he will be missed by all. He welcomed the students from Political Science Class 220 and announced South Park Curb Day, the Titanic Exhibit at the History Museum as well as the Monongalia County Schools K-12 Exhibit at the MAC.

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 6-0. (Linda Herbst Absent) Time 8:16 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:20 p.m.

City Clerk

Mayor

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