

REGULAR MEETING JUNE 19, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 19, 2012 at 7:00 P.M.

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

APPROVAL OF MINUTES: The minutes of the Regular Meeting on June 5, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla recognized two Boy Scout Troop 77 members in the audience who are working to earn their Citizenship in the Community Badge. Mayor Manilla then called forward two firefighters who were recently promoted to the rank of Lieutenant. City Clerk Little administered their oaths of office, and they were presented with their new rank pins.

Recognition of the City of Morgantown's United Way Corporate Cup Challenge Accomplishments: The participants in attendance came forward to be recognized and the awards were announced for the City in each category of the competition. Overall, the City of Morgantown earned second place in the Challenge for our division. Photographs and accounts of the competition were shared.

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC., (COMCAST) AUTHORIZING COMCAST TO INSTALL CABLE AND RELATED FIXTURES UPON MORGANTOWN MUNICIPAL AIRPORT REALTY.

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

PUBLIC HEARING – AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2012-2013.

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

PUBLIC HEARING – AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING AN AUGUST 2, 2011 ORDINANCE WHICH AUTHORIZED THE CITY TO DEED A 294 SQUARE FOOT RIGHT-OF-WAY, ADJACENT TO THE “HOGBACK TURN” ON WEST VIRGINIA STATE ROUTE 7, TO THE WEST VIRGINIA DIVISION OF HIGHWAYS; AND AUTHORIZING A NEW DEED TO THE DIVISION OF HIGHWAYS FOR THE ABOVE DESCRIBED RIGHT-OF-WAY WHICH MORE ACCURATELY DESCRIBES THE WARRANTY BEING CONVEYED WITH SAID RIGHT-OF-WAY.

Renee Hernandez 224 Overdale Street, spoke in opposition of the above Ordinance. She complained of truck traffic noise and rumbling from trucks using the Hogback Turn, and asked Council not to pass the Ordinance allowing the widening of the turn. She asked that the Mayor address the results of the recent truck traffic survey,

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE MORGANTOWN PARKING REVENUE BONDS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE REFUNDING OF THE ISSUER'S OUTSTANDING PARKING REVENUE BONDS, SERIES 2002 AND FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, AND PAYING COSTS OF ISSUANCE AND RELATED COSTS, THROUGH THE ISSUANCE OF PARKING SYSTEM REFUNDING REVENUE BONDS, SERIES 2012, OF THE ISSUER IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,500,000; PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TAX CERTIFICATE, AN OFFICIAL STATEMENT, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AND OTHER DOCUMENTS IN CONNECTION THEREWITH; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ENACTING OTHER PROVISIONS WITH RESPECT THERETO.

Motion by Byrne second by Bane, to pass the above entitled Ordinance to third reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT TO INSTALL CABLE UPON AIRPORT REALTY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC., (COMCAST) AUTHORIZING COMCAST TO INSTALL CABLE AND RELATED FIXTURES UPON MORGANTOWN MUNICIPAL AIRPORT REALTY.

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

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2012-2013.

Motion by Shamberger second by Nugent to adopt the above entitled Ordinance. After explanation from the City Manager regarding a minor modification to the Ordinance, motion carried 7-0.

AN ORDINANCE AMENDING THE PERSONNEL RULES AND MONETARY AMOUNTS THEREIN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.

Motion by Byrne second by Nugent, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE REPEALING AND REPLACING A DEED FOR RIGHT-OF-WAY ADJACENT TO HOGBACK TURN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING AN AUGUST 2, 2011 ORDINANCE WHICH AUTHORIZED THE CITY TO DEED A 294 SQUARE FOOT RIGHT-OF-WAY, ADJACENT TO THE "HOGBACK TURN" ON WEST VIRGINIA STATE ROUTE 7, TO THE WEST VIRGINIA DIVISION OF HIGHWAYS; AND AUTHORIZING A NEW DEED TO THE DIVISION OF HIGHWAYS FOR THE ABOVE DESCRIBED RIGHT-OF-WAY WHICH MORE ACCURATELY DESCRIBES THE WARRANTY BEING CONVEYED WITH SAID RIGHT-OF-WAY.

Motion by Bane second by Herbst, to adopt the above entitled Ordinance. After discussion, motion carried 5-2. Councilors Byrne and Shamberger voted NO.

BOARDS AND COMMISSIONS: By acclamation Michael Wolfe was appointed to fill an unexpired term on the Traffic Commission.

SPECIAL COMMITTEE REPORTS: Councilor Nugent reported that the Traffic Commission's sub-committee on truck traffic will forward a copy of the 'truck traffic survey' to Council. Discussion continued regarding the survey and a report from the Commission Chairman in the near future. Councilor Shamberger reported on her attendance at the recent Neighborhood Coordinating Council meeting. Discussion continued regarding the inception of the new Norwood Neighborhood Association, and its first meeting.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING A NEW SOLID WASTE MANAGEMENT CONTRACT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A NEW SOLID WASTE MANAGEMENT CONTRACT WITH ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA REPUBLIC SERVICES OF WEST VIRGINIA, THAT WILL TAKE EFFECT ON OCTOBER 1, 2012.

Motion by Nugent second by Bane, to pass the above entitled Ordinance to second reading. The rules were suspended to allow explanation and comments from Jeff Harvey of Allied Waste and City liaison Tom Arnold. After further discussion, motion carried 7-0.

A RESOLUTION THAT THE CONTENTS OF THE RIVERFRONT PHOTOGRAPHIC ARCHIVE COLLECTION BECOME A PERMANENT ADDITION TO THE OFFICIAL ARCHIVES OF THE MORGANTOWN HISTORY MUSEUM: The above entitled Resolution was presented for approval.

Motion by Nugent second by Byrne, to approve the above entitled Resolution. After discussion, need for a minor amendment was indicated by Councilor Nugent, to clarify language referring to the "Museum Board of Directors" and correct it to state "Museum Commission". The rules were then suspended to allow a brief presentation about the collection from former Mayor Frank Scafella and Museum Commission Chair Pam Ball. Following the presentation and further comments, motion carried 7-0.

PUBLIC PORTION:

Renee Hernandez, 224 Overdale Street, reported her concerns over the increased incidence of drug activity in her area and stated that Elkins has recently instated a drug and abuse call in tip-line. She then asked the City research and write a resolution in opposition to a recent US Supreme Court ruling with regard to corporations.

Gary Murdock, WVU Hospitals, briefed the Council on the plans to expand Ruby Memorial Hospital facilities and the current status of the project.

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

CITY MANAGER'S REPORT:

First, Mr. Moore addressed Ms. Hernandez and her comments regarding a tip-line, stating that the Police Department does provide a tip-line and an opportunity to anonymously report crimes. Secondly, Mr. Moore reported that he addressed malicious burning occurrences with the Fire and Police Chiefs.

Fire Chief Mark Caravazos gave a brief report on the types and incidences of fires that are being set in the community. He added that patrols will be increased in an attempt to keep up with the growing student enrollment and the intensity that Big 12 events will likely lead to. The discussion continued with Chief Caravazos about the culture and history of burning in Morgantown, as well as enforcement and prevention.

INFORMATION:

1. Coalition Against Bigger Trucks:

Mr. Moore informed Council that he has followed up with regard to the Coalition and has confirmed that it is a State and Federal level matter, and does not recommend the City extend any formal support of the Coalition at this time.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane thanked all the participants of the United Way Corporate Cup, and said that it was a good and fun experience to have that interaction with City Staff.

Councilor Nugent:

Councilor Nugent announced the Wiles Hill-Highland Park Neighborhood Association meeting and reported the success of the neighborhood clean-up event. He noted events at the History Museum including the unveiling of the mock-up of the Zackquill Morgan statue and military history items now on display. He announced an upcoming event for a local citizen who is running across the US for a veteran's charity. He reported that he spoke with the City Clerk and asked that Boards and Commissions who had not been submitting meeting minutes and agendas to the office be notified of their obligation to do so and request the missing documents along with a possible notification to Council as well.

Councilor Selin:

Councilor Selin noted a picnic at the Norwood Fire Station. She appreciated all the work that went into making the Arts Alive Festival a success. She announced concerts in Krepps Park and encouraged everyone to attend these events. She mentioned that she attended an ordainment ceremony and enjoyed it very much.

Councilor Selin then made a motion to censure Deputy Mayor Ron Bane for the remarks made in a recent email, regarding Sunnyside-Up Director James Hunt. Councilor Byrne seconded the motion to censure. After discussion on point of order as well as comments made in support of, and in opposition to an act of censure, the question was called. Motion to censure Deputy Mayor Bane failed 3-4. Councilors Bane, Nugent, Herbst, and Mayor Manilla voted NO.

Councilor Shamberger:

Councilor Shamberger referred to the tip-line discussion, and urged folks to call 911 if they see a crime in progress as opposed to the tip-line. She thanked everyone who helped resolve issues with garbage in her neighborhood, and reported that she met with students who participated in all-state and praised their achievements.

Councilor Byrne:

Councilor Byrne congratulated everyone who participated in the Corporate Cup, and announced upcoming events in Public Theatre, touting the theatre's importance in the community. He also mentioned the newly formed Norwood Neighborhood Association and commended their efforts. He announced the WV Botanic Garden fund raiser, and forwarded a request from Norwood neighbors for the Morgantown Fire Department to utilize an educational trailer that has been donated and is currently unused by any other Fire Department. Councilor Byrne commented on the truck traffic survey and emphasized the importance of finding an alternate truck route. He then thanked Joe Panico for his positive remarks towards Sunnyside-Up.

Councilor Herbst:

Councilor Herbst also remarked about the success of the Arts Alive Festival, and then announced the upcoming Suncrest Neighborhood meeting. She reminded citizens to keep their dogs

leashed and stated the importance of dialing 911 if a dog attack occurs. She mentioned the Goodwill City program and their initiatives for the fall football season. She also urged both parties involved with the dispute over the expansion of Ruby Memorial to come to an agreement, and stated she would support a resolution encouraging such. By consensus of Council, it was decided that it will be addressed at the June 26 Committee of the Whole.

Mayor Manilla:

Mayor Manilla announced upcoming events at the MAC, and electronics recycling at the Sam's Club in Granville. He echoed the reports made by Mr. Murdock of the overcrowding and much needed expansion for Ruby Memorial Hospital.

EXECUTIVE SESSION: Motion by Nugent, to move into executive session pursuant to West Virginia State Code Section 6-9A-4(b)(2)(a) in order to discuss personnel matters with Council Present. Motion to enter executive session carried 4-3. Councilors Selin, Shamberger and Byrne voted NO. Mayor Manilla, and Council Members Bane, Nugent, Selin and Herbst were present. Session commenced at 8:48 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:30 p.m.

City Clerk

Mayor

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