

SPECIAL MEETING JULY 3, 2012:

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, July 3, 2012 at 6:45 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:

INTERVIEW FOR BOPARC – TO FILL ONE VACANCY:

Candidate Nancy Ganz was interviewed and asked questions by City Council. Mayor Manilla informed Ms. Ganz that Council will make a decision during the Regular Session under Boards and Commissions on whom they have selected.

EXECUTIVE SESSION:

Pursuant to West Virginia State Code section 6-9A-4(2)a Council moved by unanimous consent to enter into executive session in order to discuss matters pertaining to the appointment of a public officer, with Council Members present. Time 6:55 p.m.

ADJOURNMENT:

There being no further business, Council adjourned 6:58 p.m.

City Clerk

Mayor

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

REGULAR MEETING JULY 3, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, July 3, 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.

ELECTION OF MAYOR AND DEPUTY MAYOR: City Clerk Linda Little opened the floor for nominations for Mayor for the 2012-2013 term:

Nomination by Councilor Herbst, seconded by Councilor Nugent to re-elect Councilor Manilla as Mayor. Following, another nomination was made by Councilor Shamberger, seconded by Councilor Byrne to elect Councilor Selin as Mayor.

The roll was called on the first nomination for Councilor Manilla as Mayor. By a vote of 4-3, Councilor Jim Manilla was re-elected as Mayor for 2012-2013. Councilors Selin, Shamberger, and Byrne voted NO. (No vote was taken on the second nomination for Mayor since the first nomination passed unanimously).

City Clerk Linda Little then opened the floor for nominations for Deputy Mayor for the 2012-2013 term:

Nomination by Councilor Bane, seconded by Councilor Herbst to elect Councilor Nugent as Deputy Mayor. Following, another nomination was made by Councilor Selin, seconded by Councilor Byrne to elect Councilor Shamberger as Deputy Mayor.

The roll call was taken on the first nomination for Councilor Nugent as Deputy Mayor. By a vote of 4-3, Councilor Wes Nugent was elected Deputy Mayor for 2012-2013. Councilors Selin, Shamberger and Byrne voted NO. (No vote was taken on the second nomination for Deputy Mayor since the first nomination passed unanimously).

City Clerk Linda Little administered the Oaths of Office to Mayor Jim Manilla and Deputy Mayor Wes Nugent for the 2012-2013 term.

The meeting was then called to order by the Mayor.

APPROVAL OF MINUTES: The minutes of the Special & Regular Meetings of June 19, 2012 were approved as printed.

CORRESPONDENCE:

Ron Bane, 1st Ward City Councilor, submitted a memo as part of the record, to thank the City Manager, City Clerk and Executive Secretary Carol Allen for meeting with him on June 20, 2012. He stated that in that meeting it was nice to hear from Terrence, Linda, and Carol that City Councilors were not acting in a harassing manner to the City Manager nor to the Administrative Staff. (Memo attached as Exhibit A)

Mike Wolfe, Interim Director, MECCA 911, was present to give City Council a brief update regarding the aftermath of this past weekend's severe storm events.

Max Thuer, Intern from Mannheim Germany, introduced himself and informed Council he would be interning for the City until July 31st, 2012.

Mayor Manilla presented a proclamation to honor and congratulate WVU College of Physical Activity and Sports and Sciences and the National Youth Sports Program on celebrating 25 years of service to the community.

Mayor Manilla then presented a proclamation to Gary Murdock, Vice President of Planning and Marketing for WVU, honoring WVU Healthcare for their contributions of over \$350,000 to the City of Morgantown, BOPARC and the Citizens of Morgantown.

Councilor Byrne then offered condolences to Andrea Soccorsi and family, over the passing of her mother, who was a founding member of the Jerome Park neighborhood association.

The rules were suspended to allow a presentation by, and discussion with Roy Nutter, chairman of the Traffic Commission. He reported on the results of the truck traffic survey and conveyed the biggest concerns of the community. Following his presentation, further discussion and questions were entertained.

PUBLIC HEARING -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.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

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

PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1331.06 “SUPPLEMENTAL REGULATIONS PERTAINING TO PERMITTED LAND USES TABLE” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1355 “I-1, INDUSTRIAL DISTRICT” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

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

PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1365.04.01 “MINIMUM OFF-STREET PARKING REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1385 “SITE PLAN REVIEW” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING ARTICLE 721 OF THE CITY OF MORGANTOWN BUSINESS AND TAXATION CODE, AS THE SAME APPLIES TO WELL DRILLING.

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

PUBLIC HEARING – 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.

There being no 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 third 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 Herbst, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO EXTRACTIVE INDUSTRY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITIONS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

Motion by Shamberger second by Selin, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO EXTRACTIVE INDUSTRY: The below entitled Ordinance was presented for second reading:

PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1331.05.01 “PERMITTED LAND USES” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

Motion by Herbst second by Selin, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1331.06 “SUPPLEMENTAL REGULATIONS PERTAINING TO PERMITTED LAND USES TABLE” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO EXTRACTIVE INDUSTRY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1331.06 “SUPPLEMENTAL REGULATIONS PERTAINING TO PERMITTED LAND USES TABLE” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

Motion by Byrne second by Shamberger, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1355 “I-1, INDUSTRIAL DISTRICT” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO EXTRACTIVE INDUSTRY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1355 “I-1, INDUSTRIAL DISTRICT” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

Motion by Byrne second by Shamberger, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING TABLE 1365.04.01 “MINIMUM OFF-STREET PARKING REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO EXTRACTIVE INDUSTRY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1365.04.01 “MINIMUM OFF-STREET PARKING REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “EXTRACTIVE INDUSTRY”, “HEAVY INDUSTRY” AND “HEAVY MANUFACTURING” DEVELOPMENT.

Motion by Byrne, second by Selin, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1385 "SITE PLAN REVIEW" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO EXTRACTIVE INDUSTRY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1385 "SITE PLAN REVIEW" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "EXTRACTIVE INDUSTRY", "HEAVY INDUSTRY" AND "HEAVY MANUFACTURING" DEVELOPMENT.

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

AN ORDINANCE REPEALING ARTICLE 721, WELL DRILLING: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING ARTICLE 721 OF THE CITY OF MORGANTOWN BUSINESS AND TAXATION CODE, AS THE SAME APPLIES TO WELL DRILLING.

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

AN ORDINANCE AUTHORIZING A NEW SOLID WASTE CONTRACT WITH ALLIED WASTE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A NEW SOLID WASTE MANAGEMENT CONTRACT WITH ALLIED 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 Byrne second by Herbst, to adopt the above entitled ordinance. Councilor Nugent proposed several amendments to the above mentioned contract, including "weekly pickup of solid waste and recyclables" in several places, removing language, and adding language with regard to billing and payment. Councilor Byrne also requested amendments to language specific to residential and commercial units. Councilor Byrne then seconded the amendments made by Councilor Nugent. Motion to approve amendments made by Councilor Nugent carried 7-0.

After continued discussion on the amendments proposed by Councilor Byrne, it was seconded by Councilor Shamberger. Councilor Byrne then moved to add a new paragraph referencing a local operations manager. Councilor Selin then seconded the motion for the additional paragraph. Discussion continued about the amendment of an additional paragraph proposed by councilor Byrne.

The rules were then suspended to allow commentary from Allied Waste representative Jeff Harvey. Mr. Moore recommended that a paragraph adding staff and office space for local representation compromises the nature of the contract as agreed upon by all parties. It was agreed that the idea has merit and was suggested that the contract at hand would not be the proper place to add stipulations which may compromise the service goal deadlines. Following discussion, Councilor Byrne withdrew his amendment to add the above referenced paragraph. Discussion continued with regard to customer service.

The question was called on Councilor Byrne's amendments, as first proposed above. Motion to approve said amendments carried 7-0. The question was then called on the main motion, approving of the contract with Allied Waste as amended. Motion carried 7-0.

BOARDS AND COMMISSIONS: By acclamation, Nancy Ganz was appointed to fill the vacant seat on BOPARC. Also by acclamation, Kitty Lozier, Mark Wise and Councilor Selin were re-appointed to the Urban Landscape Commission.

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE AMENDING SECTIONS WHICH APPLIES TO THE HUMAN RIGHTS COMMISSION: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 153.01, 153.02, 153.04, 153.05, 153.07, AND 153.08 OF ITS ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE CITY OF MORGANTOWN HUMAN RIGHTS COMMISSION.

Motion by Nugent second by Herbst, to pass the above entitled Ordinance to second reading. After a brief explanation from the City Manager, motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH SILVER AIRWAY'S CORP., AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING IT AS "LESSOR" TO ENTER INTO AN AIRLINE LEASE AGREEMENT WITH SILVER AIRWAYS, CORP., AS LESSEE" AS THE SAME APPLIES TO SILVER AIRWAYS, CORP'S OPERATION AT THE MORGANTOWN MUNICIPAL AIRPORT.

Mr. Moore addressed Council with regard to modifications to the above lease agreement. He asked that the matter be brought before Council for first reading consideration July 17th, and second reading/adoption at a Special Meeting of Council on July 31st prior to the Committee of the Whole. By consensus of Council, the matter will be considered as prescribed above by the Manager.

A RESOLUTION THAT THE CITY OF MORGANTOWN SUPPORTS COLLABORATIVE EFFORTS TO PROVIDE COMPREHENSIVE HEALTHCARE SERVICES FOR THE BENEFIT OF MORGANTOWN'S GROWING COMMUNITY: The above entitled Resolution was presented for approval.

Motion by Herbst second by Nugent, to approve above entitled Resolution. After discussion, motion carried 4-3. Councilors Selin, Shamberger and Byrne voted NO.

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

CITY MANAGER'S REPORT: No report.

REPORT FROM CITY CLERK: City Clerk wished everyone Happy 4th and thanked Kenny Holloway for keeping Council Chamber cool for the meeting this evening.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS: (Roll Reversal)

- Councilor Herbst: Councilor Herbst thanked City Employees and Personnel for their efforts during storm recovery in the area. She then wished everyone a safe 4th of July.
- Councilor Byrne: Councilor Byrne thanked the Traffic Commission for their work on the truck traffic survey, as well as those who worked to respond to storm damage. He congratulated the Mayor on his re-election, and gave his best wishes for another productive year on Council.
- Councilor Shamberger: Councilor Shamberger thanked first responders during a recent fire in Woodburn, and for storm recovery efforts. She reminded everyone of the upcoming Independence Day festivities and Family Day events. She also congratulated the Mayor and Deputy Mayor.
- Councilor Selin: Councilor Selin reported on the success of the Renaissance Morgantown Photographic Exhibit despite the storm interference. She also commented on the Greenmont neighborhood association picnic as well as the Safe and Secure Communities award presented to the City of Morgantown by Allstate Insurance Co. She then recognized Nancy Ganz for her re-appointment to BOPARC. Lastly she announced the concert series in Krepps Park.
- Councilor Nugent: Councilor Nugent seconded congratulations to Former Mayor Scafella for his efforts on the Renaissance Morgantown Photographic Exhibit and announced its upcoming showings. He announced the upcoming Downtown Economic Restructuring Committee meeting as well as Wiles Hill-Highland Park neighborhood events and invited all to attend. He also added to the events during the concert series at Krepps Park and thanked Council for his election as Deputy Mayor.
- Councilor Bane: Councilor Bane noted several items he wishes Council and the City to work on and be mindful of during the upcoming year, including: effects to the City Employee's insurance plans with respect to the new insurance laws; updates with regard B&O tax revenues; the prospect of an updated capitol budgeting system; a possible increase to the paving budget; efforts to solidify the partnership with the Mon. County Commission; strengthening of the Town & Gown bond with WVU; and lastly a suggestion to move towards a "Morgantown-Up", where revitalization efforts can be shared with all neighborhoods, and not just the Sunnyside area.
- Mayor Manilla: Mayor Manilla thanked his colleagues for their support as Mayor and thanked the City workers, Police and Fire for their storm recovery efforts. Mr. Moore added that FEMA reimbursement funds may become available in connection to the recent severe storms. Mayor Manilla noted that there may be a water leak at the Met Theatre. Councilor Shamberger interjected that the issue was turned over to the Deputy Manager to address. Mr. Moore confirmed that the

problem is directly connected to the recent storm and will be assessed and fixed by City crews.

Mayor Manilla mentioned that he attended the Greenmont picnic. He also noted that there are many immediate concerns for Morgantown including trash, traffic, infrastructure, the airport, economic development, and the arrival of the Big 12- where cleanliness of the City and celebratory fires need to be well controlled. He commended Fire Chief Caravazos for his efforts in this area. Mayor Manilla mentioned the press release announcing the reinstatement of the 'downtown beat' Officer who will make foot patrols downtown. He also mentioned the upcoming sidewalk cleaning efforts and announced several forthcoming events such as Celebration of America Parade, and Poetry at the M.A.C.

EXECUTIVE SESSION: Motion by Nugent, carried by acclamation to move Council into executive session, pursuant to West Virginia State Code section 6-9A-4(b)(2)(a) in order to discuss personnel matters with Council Members and City Manager present. Session commenced at 8:50 p.m.

ADJOURNMENT: 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.