

REGULAR MEETING JULY 17, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, July 17, 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 Special & Regular Meetings of July 3, 2012 were approved as amended.

CORRESPONDENCE: Mayor Manilla acknowledged the WVU Honors College "City as Text" program, which gives incoming freshmen perspective on Morgantown's history. Next, Chief Ed Preston presented awards to citizens who responded and assisted Officers during the recent, tragic shooting at Wal-Mart.

Update Regarding 2012 Urban Deer Archery Hunt: Mr. Rick Bebout updated Council on the dates and details of this year's Urban Archery Deer Hunt program. He stated more properties will be added and rules will be tweaked to include up to seven deer, two deer per day. Discussion continued about the general provisions for the hunt. Mr. Moore added that updates will be provided leading up to the event.

PUBLIC HEARING - 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.

Barb Howe 432 Riley Street, thanked Council for their support of the Commission, and thanked Mr. Mikorski and Ms. Little for accommodating retired persons on the application to volunteer for Boards and Commissions.

Don Spencer, 565 Harvard Avenue, thanked Council, Mr. Moore, Mr. Mikorski and Mr. Fanok for their work on the above entitled Ordinance.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING SECTIONS WHICH APPLIES TO THE HUMAN RIGHTS COMMISSION: The below entitled Ordinance was presented for second 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 Shamberger second by Herbst, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: By acclamation, Jim Snyder was re-appointed to the Museum Commission.

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AGREEMENT WITH WVU BOG FOR POWER AND LIGHT POLES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF A RIGHT-OF-WAY AGREEMENT BETWEEN THE CITY OF MORGANTOWN, GRANTOR, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, GRANTEE, AS THE SAME APPLIES TO GRANTEE'S INSTALLATION OF POWER AND LIGHT POLES NEAR THE INTERSECTION OF 1ST STREET AND HALL STREET WEST OF BEECHURST AVENUE.

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

AN ORDINANCE AUTHORIZING AN AIRLINE LEASE AGREEMENT AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN 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

Motion by Shamberger, second by Selin to pass the above entitled Ordinance to second reading. Following explanation from the City Manager, motion carried 7-0.

AN ORDINANCE AMENDING THE ANNUAL BUDGET, COAL SEVERANCE FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2012-2013 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 COAL SEVERANCE FUND.

Motion by Bane, second by Selin to pass the above entitled Ordinance to second reading. Following explanation from the City Manager, motion carried 7-0.

AN ORDINANCE AMENDING THE ANNUAL BUDGET, GENERAL FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2012-2013 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 Selin, second by Herbst to pass the above entitled Ordinance to second reading. The City Manager offered explanation on the adjustments, and after discussion, motion carried 7-0.

A RESOLUTION TO FILE AN OFFICER'S CERTIFICATE AND REDEMPTION NOTICE IN ORDER TO CLOSE THE TAX INCREMENT REVENUE BONDS FOR PARKING GARAGE PROJECT NO. 1 SERIES 2006 A: The above entitled Resolution was presented for approval.

Motion by Nugent second by Selin, to approve above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

Don Duval, 1082 Charles Avenue, remarked about sidewalk requirements throughout the years and his experience with sidewalk requirements in his neighborhood. He also commented that Sunnyside-Up should be dissolved and cited several circumstances where he disagrees with funds' use.

Renee Hernandez, 224 Overdale Street, stated that she is pleased with the reinstated "Downtown-Beat" Officers. She complimented MUB for fixing a sewer problem near her home, and also complimented the success of the Greenmont picnic. She commented on the Wal-Mart employees, as well as the enforcement of texting while driving offenses. She then reiterated her concerns over truck traffic and asked the Police to ensure trucks are obeying traffic laws.

Police Chief Ed Preston, clarified misinformation surrounding the enforcement of driving while using cell phones without hands free devices, and texting while driving offenses. Mr. Moore added that preparations are being made to present a municipal Ordinance to the same effect. The rules were then suspended in order to allow for Council discussion.

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

CITY MANAGER'S REPORT:

INFORMATION:

1. Mountainline Transit Route Service Commitments

Mr. Moore allowed commentary from Mountainline Director Dave Bruffy, who thanked Council for reinstating funds to the Authority. He spoke about the history, service and current operations of the Transit Authority.

NEW BUSINESS:

1. Capital Escrow Budget Adjustment Recommendations

Motion by Bane, second by Selin to approve the recommended adjustments to the Capital Escrow Budget. Motion carried 7-0.

2. Bid Results for Laboratory Services

Motion by Bane, second by Nugent to approve the bid results. Motion carried 7-0.

3. Fair and Festival Permit Request: Twilight 5-Miler Run

Motion by Nugent, second by Bane to approve the permit request. Motion carried 7-0.

REPORT FROM CITY CLERK: Ms. Little announced the WV Municipal League Meeting, and encouraged Council to register soon if they wish to attend.

REPORT FROM CITY ATTORNEY: Mr. Fanok yielded the floor to a citizen who arrived late and intended to speak during the public portion. The rules were suspended and Mr. Giuliani of 256 Cray Avenue was recognized. He spoke about current issues with the property near the Square at Falling Run. He asked

Council to inform the public of the City's intentions for use of the land on Falling Run Road and also inquired about the associated TIF and funds.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane expressed gratitude towards WVU Hospitals and Mon Health System for resolving their differences and allowing commencement of the expansion project. He thanked Dave Bruffy for his presentation and encouraged the municipalities of Granville and Westover to contribute more to the Transit Authority, as they too, use its services. He asked that the public visit www.busride.org to view the new route changes effective in July.

Councilor Nugent: Councilor Nugent responded to Ms. Hernandez that the July Traffic Commission meeting was cancelled. He announced the upcoming meetings of the Wiles Hill-Highland Park neighborhood association, Museum Commission, Kids Day in Downtown Morgantown, the Wiles Hill picnic and Night Out event, as well as Mountain Fest and related events.

Councilor Selin: Councilor Selin mentioned a dancing event at Krepp's Park this evening and announced the Suncrest neighborhood association meeting. She asked if parking for the Met Theatre could be improved by utilizing the Daniel's lot after hours for theatre patrons. She applauded the removal of the benches on Wall Street. She inquired about the possibility of a bicycle climbing lane on Beechurst Avenue and encouraged continued diligence with regard to truck traffic issues. She also suggested that way-finder signs be placed as soon as possible for the incoming Big 12 fans. Lastly, Councilor Selin commented on the possibility of solar panels to provide power to City buildings and structures.

Councilor Shamberger: Councilor Shamberger commended the employees from Wal-Mart for their bravery, and thanked Mr. Bebout for his hard work on the Urban Archery Deer Hunt.

Councilor Byrne: Councilor Byrne announced an upcoming Friends of Guanajuato event at Mariachi Loco restaurant and invited all to attend.

Councilor Herbst: Councilor Herbst reported that a solution is being worked for the parking meters behind the Met Theatre. She commented on the progress of the Farmer's Market Pavilion and announced the Suncrest neighborhood meeting. She reminded pet owners to keep their pets leashed and to clean up after them as well.

Mayor Manilla: Mayor Manilla announced upcoming events, including the Jim Dunn Memorial Twilight 5-Miler Run, the Hoop Group Jam Fest, and a showing of the "Marvelous Wonderettes" at the Met Theatre.

EXECUTIVE SESSION: Motion by Nugent, second by Bane, carried by acclamation, Council moved into executive session pursuant to West Virginia State Code section 6-9A-4(b)(9) in order to discuss matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the City of Morgantown, with Council Members, City Manager, Deputy City Manager, City Attorney and MUB Director Tim Ball present. Session commenced at 8:08 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:51 p.m.

City Clerk

Mayor

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