

**REGULAR MEETING AUGUST 7, 2012:**

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

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

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting of July 17, 2012 and the Special Meeting of July 31, 2012 were approved as printed.

**CORRESPONDENCE:** None.

**PUBLIC HEARING - 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.**

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

**PUBLIC HEARING - 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.**

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

**PUBLIC HEARING - 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.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AGREEMENT WITH WVU BOG FOR POWER AND LIGHT POLES:** The below entitled Ordinance was presented for second 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 1<sup>ST</sup> STREET AND HALL STREET WEST OF BEECHURST AVENUE.

Motion by Nugent, second by Herbst to adopt the above entitled Ordinance. Motion carried 5-0.

**AN ORDINANCE AMENDING THE ANNUAL BUDGET, COAL SEVERANCE FUND:** The below entitled Ordinance was presented for second 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 Herbst, second by Nugent to adopt the above entitled Ordinance. Motion carried 5-0.

**AN ORDINANCE AMENDING THE ANNUAL BUDGET, GENERAL FUND:** The below entitled Ordinance was presented for second 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 Herbst, second by Byrne to adopt the above entitled Ordinance. The City Manager offered explanation on the adjustments and after discussion, motion carried 5-0.

**BOARDS AND COMMISSIONS:** None

**SPECIAL COMMITTEE REPORTS:** No Reports.

**NEW BUSINESS:**

**AN ORDINANCE REZONING PARCELS IN THE THIRD WARD FROM R-2 TO B-1:** The below entitled Ordinance was presented for first reading

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-2) SINGLE- AND TWO- FAMILY RESIDENTIAL DISTRICT TO (B-1) NEIGHBORHOOD BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion by Nugent, second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 5-0.

**AN ORDINANCE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING:** The below entitled Ordinance was presented for first reading

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE.

Motion by Nugent, second by Herbst to pass the above entitled Ordinance to second reading. Motion carried 5-0.

**AN ORDINANCE REQUIRING MOTION PHOTOGRAPHY PERMITS WITHIN THE CITY OF MORGANTOWN:** The below entitled Ordinance was presented for first reading

AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION, WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEAVORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.

Motion by Byrne, second by Shamberger to pass the above entitled Ordinance to second reading. After discussion and clarification from the City Manager and City Attorney, motion carried 5-0.

**A RESOLUTION TO KEEP THE UPPER MON WV LOCKS OPEN:** The above entitled Resolution was presented for approval.

Motion by Nugent, second by Byrne, to approve above entitled Resolution. After discussion, motion carried 5-0.

**A SUPPLEMENTAL RESOLUTION PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES B(COLLECTIVELY, THE "BONDS"):** The above entitled Resolution was presented for approval.

Motion by Byrne, second by Herbst to approve above entitled Resolution. After explanation from the City Manager, further clarification was offered by Bond Attorney John Stump. Mr. Stump reported to Council that an error was made which led to the below entitled "sweep" and "draw" Resolutions being added to the Council Meeting Agenda. He explained that these are instead, action items for the Morgantown Utility Board in connection with the above referenced Bonds. There being no discussion from Council, motion carried 5-0.

**A DRAW RESOLUTION PROVIDING FOR THE PAYMENT OF INVOICES RELATING TO THE BONDS:** The above entitled Resolution was presented for approval.

No action taken.

**A SWEEP RESOLUTION PERTAINING TO THE AUTOMATIC PAYMENT OF BONDS TO THE MUNICIPAL BOND COMMISSION:** The above entitled Resolution was presented for approval.

No action taken.

**PUBLIC PORTION:**

Renee Hernandez, 224 Overdale Street, shared with Council about how much fun she is having this summer. She remarked that she enjoyed the parade but was displeased with Senator Raese's float and her perception of its links to Tea Party ideology.

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

**CITY MANAGER'S REPORT:**

**INFORMATION:**

1. Presentation Regarding Updated Morgantown Comprehensive Plan Considerations.

Mr. Moore offered to Council direction and upcoming information regarding the Comprehensive Plan.

**NEW BUSINESS:**

1. Appointment of Audit Committee.

After explanation from the City Manager, motion by Nugent, second by Byrne to approve of Mayor Manilla, Deputy City Manager Jeff Mikorski, Finance Director J.R. Sabatelli and Budget & Accounting Manager Lori Livengood as members of the Audit Committee. Motion carried by unanimous consent.

**REPORT FROM CITY CLERK:** No Report.

**REPORT FROM CITY ATTORNEY:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Absent.

Councilor Nugent: Councilor Nugent thanked all those who participated in National Night Out, including the Police and Fire Departments. He reminded that the Renaissance Morgantown photo exhibit is ongoing at the Museum and announced the upcoming meeting of the Wiles Hill-Highland Park Neighborhood association. Councilor Nugent asked for consensus to continue hearing group reports, noting the last from Main Street Morgantown. Mr. Moore replied that the series will continue as it did last August, with the first of 2012 reports at this coming Committee of the Whole Meeting. A discussion on the Consent Calendar will also take place at that time.

Councilor Selin: Absent.

Councilor Shamberger: Councilor Shamberger announced an upcoming luau at the BOPARC senior center, informed Council that she met the Chairperson of the Rose Parade and that she was enjoying her first visit to Morgantown. She also announced that State Senators Beach and Prezioso are going to attend this weekend's Farmer's Market and make an announcement there. Councilor Shamberger then inquired on the use of Goodwill Ambassadors for downtown evenings. She also inquired as to the status of Vote By Mail.

Councilor Byrne: Councilor Byrne announced the Friends of Guanajuato event, and trip to be organized soon; also an event at the Botanic Garden. He reported that he attended several shows and urges the community to support Public Theatre.

Councilor Herbst:

Councilor Herbst announced the reopening of the Spruce Street Garage, as well as the next Goodwill Ambassador Training. She added that vests are a good idea to help identify volunteers.

Mayor Manilla:

Mayor Manilla concurred that the Goodwill City program has merit and eventually a focus on downtown can be beneficial. He inquired on the status of the Farmer's Market Pavilion, and Mr. Mikorski replied that it will be finished by September. Mayor Manilla announced student move in week.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 7:43 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.**