

REGULAR MEETING SEPTEMBER 4, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 4, 2012 at 7:00 P.M.

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

APPROVAL OF MINUTES: The minutes of the Regular Meeting of August 21, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla presented a proclamation for Constitution Week to representatives of the local DAR Chapter.

PUBLIC HEARING – 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 WERE FULLY SET FORTH HEREIN.

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

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION IN THE THIRD WARD:

The below entitled Ordinance was presented for second 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 WERE FULLY SET FORTH HEREIN.

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

BOARDS AND COMMISSIONS: Ms. Little updated Council on the progress of the Human Rights Commission, adding that a Special Meeting to interview candidates will be forthcoming.

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE ESTABLISHING A FEE SCHEDULE FOR THE FULFILLMENT OF FOIA AND OTHER REQUESTS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ESTABLISHING REPRODUCTION FEES, AS THE SAME APPLY TO FREEDOM OF INFORMATION ACT AND OTHER REQUESTS FOR PRODUCTION OF DOCUMENTS.

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

AN ORDINANCE APPROVING A LEASE FOR SPACE AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND THE UNITED STATES OF AMERICA, LESSEE, AS THE SAME PERTAINS TO THE MORGANTOWN AIRPORT; MORE SPECIFICALLY THE FEDERAL GOVERNMENT'S INTENT TO LEASE SPACE SO AS TO OPERATE AN AIR TRAFFIC CONTROL MANAGEMENT OFFICE.

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

A RESOLUTION TO APPLY, RECEIVE AND ADMINISTER GRANTS FUNDS THROUGH THE WEST VIRGINIA GOVERNOR'S HIGHWAY SAFETY PROGRAM: The above entitled Resolution was presented for approval.

Motion by Byrne, second by Herbst to adopt the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

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

CITY MANAGER'S REPORT:

INFORMATION:

1. Recommendations Concerning Unicycle Enforcement

Mr. Moore offered to Council updated information regarding Unicycle Enforcement.

NEW BUSINESS:

1. Funding Request from Goodwill City Initiative

After discussion and comments from the Deputy City Manager, motion by Byrne, second by Bane to approve the \$2,000.00 funding request from the Goodwill City Initiative. Motion carried 7-0.

REPORT FROM CITY CLERK: No Report.

REPORT FROM CITY ATTORNEY: Absent.

REPORT FROM COUNCIL MEMBERS: (Roll Reversal)

Councilor Herbst:

Councilor Herbst noted trash and couches in the yard of a house on Beechurst Avenue. Mr. Moore replied that action will be taken to address the problem.

- Councilor Byrne: Councilor Byrne asked that a report be given on how the City will proceed with the Sunnyside TIF Project. He stated that the TIF is an opportunity, and urged the City take advantage of its benefits. He echoed the importance of keeping right-of-ways clear in the Sunnyside area, and asked how the City plans to continue this effort. He then thanked Mayor Manilla for his support of the intersection improvement on Rt. 7 and its importance to the Sabraton business community. He encouraged other Council Members to support the effort as well.
- Councilor Shamberger: No Report.
- Councilor Selin: Councilor Selin announced Parking Day in September, a community event where various groups take over and transform parking spaces to raise awareness for different causes. More information will be given at the next regular meeting. She also stated that she looks forward to the opening of the Morgantown Market Place, and completion of the pavilion.
- Councilor Nugent: Councilor Nugent gave the following statement: "It was brought to my attention by the media that the City may have recently encountered a financial shortfall that required money to be temporarily diverted from the Capital Escrow Budget to the General Budget to meet payroll costs. Upon investigating this I've learned that in fact, a temporary loan of \$175,000.000 was issued from Capital Escrow on July 12th and subsequently repaid on August the 2nd. I continue to have real concerns about the financial health of the City; and I'm disappointed that Council hasn't been fully advised of the City's financial condition. Following tonight's meeting I will email my Council colleagues and the City Manager so an explanation and clarification may be offered. End of Report."
- Councilor Bane: Councilor Bane commented on a recent editorial which encouraged voters to choose neither candidate for President. Councilor Bane urged all citizens to vote in each and every election, and hopes that everyone will exercise this important right.
- Mayor Manilla: Mayor Manilla announced the annual 9/11 Memorial Blood Drive on Friday, Sept. 7th, along with the opening of the Farmer's Market Place Pavilion on Sept. 22nd. He announced the WV Wine & Jazz Festival this weekend. Mayor Manilla responded to Councilor Byrne with information of a meeting to take place with regard to the TIF in Sunnyside and current issues.

Mayor Manilla then yielded to City Manager Moore to allow explanation on Councilor Nugent's report in the following discussion:

Mr. Moore offered that the transaction referenced by Councilor Nugent was a function of cash-flow management and a practice common to the City of Morgantown and other municipalities. Further, that it is not a permanent arrangement, but a temporary adjustment to manage transactions at the end of a fiscal year. He added that there is no major policy issue, it was simply a cash-flow management strategy. He also stated that he had received similar inquiries from the media that this practice had been taking place for months to support payroll,

and that those reports were false. He echoed that it is a practice associated with transition between fiscal years. He stated that if it became necessary to make future or permanent adjustments in this regard, it would be brought before Council for consideration.

Councilor Nugent asked the Manager if this practice has occurred in recent history. Mr. Moore replied that the practice goes back a number of years and has been experienced in Morgantown previous to this occasion. Councilor Nugent asked that they meet to discuss the specifics of this at a later time. Mr. Moore repeated that the transaction in question is a standard financial practice of municipalities, and if there were need, Council would have been informed.

Councilor Selin asked that in the future, concerns of this magnitude be brought to the Manager's and Council's attention first so that issues can be addressed with full facts.

There following this discussion, Council consented to suspend the rules and allowed the Public Portion to be re-opened:

Randy Jones, new WVU SGA Liaison, introduced himself to Council and looks forward to working with Council in the near future. Meetings of the SGA are Wednesdays at 7:30pm.

Joe Panico, 507 Beechurst Avenue, thanked Council for re-opening the Public Portion and stated that he is familiar with the Sunnyside area and the need for clean right-of ways. He mentioned that Councilor Byrne is interested in closing bars downtown at midnight, and that he is concerned about the effect this could have on his investments. He feels that this would be a knee-jerk reaction to crime, which occurs in every city. He stated that the downtown is vibrant and that a policy such as suggested by Councilor Byrne would adversely impact this vibrancy, and the revenues that the City enjoys. Real data needs to be compiled to come up with real solutions to these problems.

Dave Biafore, Metro Properties, agreed with Mr. Panico's comments. He suggested that festivals be allowed for adults downtown during home game weekends where police can contain the action and revenue can be generated for the City, as opposed to driving partiers out of downtown and into communities and college apartment complexes. He urged Council to talk to business owners and seek real solutions, promote businesses and manage the problems.

Councilor Byrne responded to Mr. Panico and Mr. Biafore, stating that his opinion was formulated after an extensive presentation from Main Street Morgantown, and that he agrees with the entertainment and revenue generating status of the downtown nightlife. He seeks to work to find solutions for bar owners for a better managed entertainment district.

Dave Biafore, agreed with Councilor Byrne, and further that the he would like to see statistics and figures of revenues generated by bars and downtown entertainment, additionally better management is needed.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 7:55 p.m.

City Clerk

Mayor