

**REGULAR MEETING SEPTEMBER 18, 2012:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 18, 2012 at 7:00 P.M.

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

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting of September 4, 2012 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla presented a Retirement Proclamation to Jay Bolyard for his years of service on the Fire Department, followed by an announcement of the Farmer's Market Place Pavilion grand opening on 9/22 at 8am.

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, AND 1139.17 OF ITS HEALTH AND SANITATION CODE, AND REPEALING SECTION 1139.11 OF ITS HEALTH AND SANITATION CODE, AS THE SAME APPLY TO SOLID WASTE COLLECTION.**

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

**PUBLIC HEARING – 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.**

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

**PUBLIC HEARING – 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.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING SECTIONS OF THE HEALTH AND SANITATION CODE AS IT PERTAINS TO SOLID WASTE COLLECTION:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, AND 1139.17 OF ITS HEALTH AND SANITATION CODE, AND REPEALING SECTION 1139.11 OF ITS HEALTH AND SANITATION CODE, AS THE SAME APPLY TO SOLID WASTE COLLECTION.

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

**AN ORDINANCE PROVIDING FOR REPRODUCTION FEES ASSOCIATED WITH THE FULFILLMENT OF FOIA AND OTHER REQUESTS FOR DOCUMENTS:** The below entitled Ordinance was presented for second 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 Shamberger, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE APPROVING A LEASE AGREEMENT WITH THE U.S. FEDERAL GOVERNMENT FOR OFFICE SPACE TO OPERATE AN AIR TRAFFIC CONTROL MANAGEMENT OFFICE:** The below entitled Ordinance was presented for second 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 Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** Matthew Held was appointed to the Museum Commission. Steven McBride and Michael Hasenmyer were appointed to the Urban Landscape Commission.

**SPECIAL COMMITTEE REPORTS:** Councilor Byrne reported on a presentation that the Sister Cities Commission will make to residents of the Village at Heritage Point about the upcoming trip to Guanajuato, Mexico.

**PUBLIC PORTION:**

Joe Panico, 507 Beechurst Ave, offered positive feedback about the efficiency of City Administration, and stated his appreciation for the professionalism of City Employees.

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

**CITY MANAGER'S REPORT:**

**INFORMATION:**

**1. Auditor Selection**

Mr. Moore offered to Council an update regarding the selection of the Auditing firm, Tetrick & Bartlett.

**2. Square at Falling Run**

Mr. Moore gave a brief explanation of the current status and upcoming considerations. After discussion, the rules were suspended to allow further comments from Mr. Randy Zudak, WVU Associate VP of Facilities and Services.

**NEW BUSINESS:**

**1. Specific Budget Adjustment for Goodwill City Contribution**

After explanation from Mr. Moore, and Council's discussion, motion by Nugent, second by Selin to approve the budget adjustment. Motion carried 7-0.

The rules were then suspended to allow commentary from Randy Jones, the WVU SGA Liaison.

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

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

**REPORT FROM COUNCIL MEMBERS:** (*Roll Reversal*)

Councilor Herbst: Councilor Herbst announced the Suncrest Neighborhood Association will host an open-mic with local candidates running in the upcoming election; and announced an animal adoption event over the weekend.

Councilor Byrne: Councilor Byrne reminded Council that he awaits an update on how the Sunnyside TIF and other related initiatives will be handled in the program's absence of a director. Mayor Manilla and Mr. Moore replied that progress is being made, and a report will be given soon. Councilor Byrne reiterated the importance due to the time constraints related to the TIF and associated funds which are at risk of being lost. He reported on recent newspaper articles related to downtown nightlife problems and violence. He urged that the City Manager should bring together stakeholders to find solutions to these problems. Councilor Byrne asked for consensus to direct the Manager as such.

Councilor Shamberger: Councilor Shamberger announced that she and Councilor Selin recently attended an SGA meeting in order to participate in the problem solving process for downtown. She then commended the Urban Landscape department for their work on the flower baskets. She also thanked Mr. Moore and Chief Preston for addressing a problem with vagrants behind the Met Theatre. She reported on the recent meeting of the Woodburn Association of Neighbors, who give their thanks for tree trimming in the area. She reminded neighbors to pick up trash or litter when they see it, and to report anything suspicious to the proper authorities.

Councilor Selin: Councilor Selin echoed Councilor Shamberger's comments about the SGA meeting. She mentioned that students should be busy and engaged to ensure safety for all. She announced the Southpark Picnic where the MHS band performed. She mentioned the second chance adoption event, and announced Parking Day, where local artists design mini parks in metered parking spaces, and encouraged all to attend.

Councilor Nugent: Councilor Nugent announced the Wiles Hill-Highland Park neighborhood association meeting. He commended Officer Bennett's work in downtown patrols for keeping the area safe during the day. He also gave appreciation for the completion of the Farmer's Market

Place. Finally he cautioned against Council Members editorializing on current news with regard to downtown violence.

Councilor Bane:

Councilor Bane congratulated Mayor Manilla on his recent wedding. He commented on the need for tolerance in Morgantown in light of recent world events and the impending presidential election. He urged citizens to be constructive, and also to vote in the upcoming election.

Mayor Manilla:

Mayor Manilla stated that WVU and the City have joined the International Town and Gown Association to improve relations and solve problems common to college towns. He announced the arrival of ITGA representative Kim Griffo on October 3<sup>rd</sup> and a series of tours, events and meetings that will take place during that visit. He expressed hopes that this step forward will foster good relationships. He then announced that the Sunnyside TIF will be administered and money will not be lost. Councilor Byrne interjected with information regarding past precedent in the execution and preparation of TIF projects.

**EXECUTIVE SESSION:** Motion by Nugent, second by Bane, Council moved by unanimous consent to enter into executive session pursuant to WV State Code section 6-9A-4(b)(2)(A) in order to discuss personnel matters with City Council Members and the City Manager present, at 7:40 p.m. Executive session ended at 10:09 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:10 p.m.

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City Clerk

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Mayor

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