

**REGULAR MEETING OCTOBER 18, 2011:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 18, 2011, at 7:30 P.M.

**PRESENT:** City Manager Terrence Moore, City Clerk Linda Little, City Attorney Steve Fanok, Deputy City Manager Jeff Mikorski, 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 on October 5, 2011 were approved as printed.

**CORRESPONDENCE:** Councilor Shamberger requested the City Manager look into the destruction that has been done to the Old Stone house recently, and asked reports be sent to Council from the Police Chief regarding vandalism. City Manager Terrence Moore responded that the Police Chief will be attending the November 1<sup>st</sup> Regular Meeting and can report to Council on vandalism at that time.

Mayor Manilla then recognized Morgantown Police Officers Robert Miranov and Mark Trump Jr., who won the Police/Sniper Division at the Regional Skills Competition. Mayor Manilla presented Proclamations for Red Ribbon Week and Food Day, and welcomed WVU Students in the audience from the Journalism 215 class.

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION(MPO) AND THE TOWN OF START CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN:** Mayor Manilla declared the Public Hearing open on the above entitled Ordinance.

There being no appearances or objections, Mayor Manilla declared this public hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR THE UPDATE OF COMPREHENSIVE AND TRANSPORTATION PLANS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION(MPO) AND THE TOWN OF START CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN.

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

**BOARDS AND COMMISSIONS:** By acclamation Council appointed Diane Rogers to serve on the Personnel Board.

**PUBLIC PORTION:**

John McGraw, 522 Missouri Street, stated once again that Council should resend or rewrite the Clean Indoor Ordinance. He stated that this Council should not move forward with ordinance until the 5<sup>th</sup> Boardmember is seated. He inquired whether Council would prefer a “free society” or a “smoke-free society”.

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

**SPECIAL COMMITTEE REPORTS:** Councilor Byrne reported that the Sister City Commission established Xuzhou, China as a Friendship City. He proceeded to announce and read the purpose and goal of the program, where he and a Delegation from WV will travel to China from October 23 to November 4<sup>th</sup>. He reported that the trip will involve mining and mineral studies.

Councilor Nugent announced that the Museum Commission will meet in a work session and open the Museum in December along with the Smithsonian.

**CITY MANAGERS REPORT:** Mayor Manilla asked the City Manager what the time table is on the Smoking Ban discussions. City Manager Terrence Moore responded that he is in discussions with Donna Tennant from the Board of Health and will have a time table for Council in this Friday’s City Council Weekly Update Letter.

**CITY CLERK'S REPORT:** City Clerk Linda Little announced that Deputy Clerk Bethany Sypolt is in Florida visiting her grandmother who is ill and well wishes go out to her and her family.

**CITY ATTORNEY'S REPORT:** City Attorney Steve Fanok requested that the Executive Session be stated for Attorney Client discussion with City Manager, City Council, Deputy City Manager and BOPARC Director present.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane commended the City Clerks for their efforts to go paperless and for the availability of Council Meeting packet information online. He encouraged the full implementation of a paperless packet system for Council and the public, and continued to discuss the benefits of having the materials online and publicly available. He then asked Council for their support with an ongoing situation with the Transit Authority, and their retirement benefits.

Mr. Moore remarked that he is happy to speak with the Transit Authority Director Mr. Bruffy, and help in any way possible. Discussion continued regarding this situation, and other matters.

Councilor Nugent:

Councilor Nugent offered his support regarding the Transit Authority situation, then spoke about the WVU Farm Day events and its correlation to the Food Day Proclamation. He announced the Wiles Hill-Highland Park Neighborhood Association upcoming meeting and clean up event. He stated that he would soon be addressing trash issues with City Officials. He then asked that Ordinances be reviewed concerning tall grass and shrubbery regulations.

Councilor Selin: Councilor Selin added that communication with trash providers can be beneficial in resolving issues. She announced a meeting to discuss and review improvement plans to the Evansdale Campus at WVU, and the public is invited. She also spoke about local events including a play called *Dead Fish Rising*.

Councilor Shamberger: Councilor Shamberger noted that the Met Commission meeting has been changed and expressed appreciation for all those who helped with the recent Arts Walk. She also commented about the meeting regarding the Woodburn School property.

Councilor Byrne: Councilor Byrne announced the upcoming MPO meeting, and also commended the Dominion Post for the formation of the Good Will Committee. He offered his support to the endeavor.

Councilor Herbst: Councilor Herbst concurred with the success of the Art Walk and provided updates regarding meters provided by the Parking Authority to deter panhandling and collect money for local homeless. Mr. Moore provided clarification on when more details concerning such meters will be available to Council.

Councilor Herbst concluded by reporting problems in the Suncrest area, and asked that the City look into fixing a communication gap between MUB and the City Engineering and Code Enforcement Departments. Mr. Moore added that steps are being taken to rectify this situation and more information will be presented as available.

Mayor Manilla: Mayor Manilla addressed the Fracking Ban Ordinance and proposed that at the Oct. 25<sup>th</sup> COW meeting, the current regulations within City Limits be discussed, and that the Ban Ordinance be repealed due to its overrule in Circuit Court. Mr. Moore added that he will be happy to facilitate a discussion for these changes, and agrees with the proposed discussions. Councilor Byrne commented that he does not agree with rescinding the Ordinance. Discussion then erupted regarding the practice and instances of the City of Morgantown to keep Ordinances on the books that have been overturned in a court of law, as well as recommendations of actions that can be taken at this time.

Mayor Manilla announced that Ron Justice has an interest in chairing the committee dealing with the Woodburn School property. He also spoke about the COPS Grant and the City Manager concurred that there is a responsible plan to continue funding the positions after the grant money is exhausted, and more details will be provided to the public at the Nov. 1<sup>st</sup> meeting.

**EXECUTIVE SESSION:** By acclamation, Council unanimously moved to go into Executive Session pursuant to Section 6-9A-4 of the West Virginia State Code in order to discuss attorney-client matters with the following persons present: Mayor Manilla, Council Members, City Attorney, City Manager and BOPARC Director; at 8:27pm.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:10 pm.

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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.**