

REGULAR MEETING OCTOBER 2, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 2, 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 18th, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla read a letter from Gene Perilli, owner of Perilli Apartments, who requested that Council not proceed with the distribution of recycling carts at this time, as there is no room to accommodate the carts at the apartments.

Councilor Selin read an excerpt from a letter thanking City Administration for a prompt reply and helpful resolution to her problem.

UNFINISHED BUSINESS: None.

BOARDS AND COMMISSIONS: By acclamation, Anna Marlene Savino was reappointed to the Building Commission; Shannon Tinnell to the Historic Landmarks Commission and J.T. Sraface to the Morgantown Utility Board. Also, by acclamation the following new appointments were made to the Human Rights Commission: Michael Fike, 2 years; John Hagen, 2 years; Anne Marie Lofaso, 1 year; Warren Harger, 1 year; Jan Derry, 1 year; Anna Marlene Robinson-Savino, 2 year and Don Spencer, 2 year.

SPECIAL COMMITTEE REPORTS: None.

NEW BUSINESS:

AN ORDINANCE TRANSFERRING OWNERSHIP OF REALTY IN THE “STADIUM LOOP” AREA TO THE WVU BOARD OF GOVERNORS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, THE MORGANTOWN BUILDING COMMISSION, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING ITS OWNERSHIP INTERESTS IN SPECIFICALLY IDENTIFIED REALTY LOCATED IN THE AREA COMMONLY KNOWN AS THE “STADIUM LOOP” TO THE WVU BOARD OF GOVERNORS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE REALTY TRANSFER TO OCCUR.

Motion by Byrne, second by Selin to pass the above entitled Ordinance to second reading. After explanation from the City Manager, and City Attorney Steve Fanok, the rules were suspended to allow commentary from WVU representatives Attorney Rocky Gianola, Ron Justice and Randy Hudak. Following discussion, motion carried 7-0.

AN ORDINANCE REZONING SEVEN PARCELS OF REAL ESTATE IN THE FIFTH WARD FROM PUD TO R-2, B-2 & B-4: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF SEVEN PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT; B-2, SERVICE BUSINESS DISTRICT; AND, B-4, GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331.02 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 Shamberger, second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE REZONING SIX PARCELS OF REAL ESTATE IN THE FIFTH WARD FROM R1-A TO R-2: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF SIX PARCELS OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM (R-1A) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (R-2) SINGLE- AND TWO FAMILY RESIDENTIAL 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 Byrne, second by Shamberger to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY AND WV-DHHR FOR REALTY AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, WHEREBY THE STATE OF WEST VIRGINIA LEASES REAL ESTATE FOR USE BY HE DEPARTMENT OF HEALTH AND HUMAN RESOURCES AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

A RESOLUTION AUTHORIZING THE EXECUTION OF A WEST VIRGINIA DIVISION OF CULTURE AND HISTORY CULTURAL FACILITIES GRANT, FUNDS FOR USE FOR THE METROPOLITAN THEATRE: The above entitled Resolution was presented for approval.

Motion by Shamberger, second by Nugent to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

Mayor Manilla recognized students in attendance from WVU Journalism Class 215.

PUBLIC PORTION:

Guy Panrell, South Hills Drive, thanked the Police and Fire departments for law enforcement efforts in his neighborhood. He thanked Council for extending and expanding the Urban Deer Archery Hunt, noting he attended the mandatory hunter safety class associated with the hunt. He thanked Council for being conservative with City funds and asked them to think ahead to what is important for the City.

Randy, WVU-SGA Liaison, announced plans for a renewed partnership with civic engagement. He asked Council to consider how volunteerism may be used for the betterment of the City.

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

CITY MANAGER’S REPORT:

NEW BUSINESS:

1. Alternative Retiree Health Coverage Program

After explanation from Mr. Moore, and additional comments from Finance Director J.R. Sabatelli and Commercial Insurance representative Greg Carpenter, questions and discussion was entertained by Council. With consensus of Council, the program will be considered further and brought up for approval at the October 16th Council Meeting.

2. Civic Promotions Contribution to Morgantown International Festival

After brief explanation from Mr. Moore, motion by Byrne, second by Selin to approve a budget adjustment of \$300 for the Morgantown International Festival. Motion carried by acclamation.

REPORT FROM CITY CLERK: City Clerk Linda Little, complimented City workers for fixing a leak in the Council Chambers ceiling, so that the meeting could take place this evening.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane encouraged the importance of voting, and the upcoming presidential debates. He also commented on the importance of the land transfer with WVU, and the maintenance of the City’s Bond Rating. He expressed concern over gas prices and asked that the fuel budget line items be reassessed to ensure adequate funds. He noted that he asked MUB for a report on the recent developments with the well drilling near the public water intake.

Councilor Nugent: Councilor Nugent thanked the WVU SGA for their “Save the Couches” anti-malicious burning PSA. He announced upcoming events at the Met Theatre and the Art is Food event.

Councilor Selin: Councilor Selin echoed interest in the Met Theatre and Arts Walk events. She mentioned the Suncrest Neighborhood Association Meeting, and their local candidates forum. She encouraged Council to take a student to lunch and get involved with the student perspective.

Councilor Shamberger: Councilor Shamberger thanked the Fire Department for their response to the street fires last weekend. She thanked Rick Bebout for his work with the Urban Archery Deer Hunt and noted the venison that has been donated to food banks as a result. She mentioned the Town & Gown meetings, and hoped that Morgantown’s downtown issues can be

discussed. Mayor Manilla and Ms. Little confirmed that this topic is on the agenda for discussion.

Councilor Byrne:

Councilor Byrne also commended the students on the “Save the Couches” PSA and encouraged expansion upon that idea, and its correlation with Sunnyside Up’s “Learn Not to Burn” campaign. He thanked the Public Works Department for their work on clearing the right-of-way on Buckhannon. He praised the formation of the Downtown Restaurant Association, and complimented Rick Bebout and the Urban Archery Deer Hunt operations. He further encouraged people to attend a performance of *Rag Time* at the Met Theatre.

Councilor Herbst:

Councilor Herbst offered additional praises for the Suncrest Neighborhood Association’s local candidate forum. She noted that WVU fans at the Maryland game were very receptive and friendly, and that along with the Goodwill Cities initiative there are a number of smaller groups working to accomplish the same goal of welcoming opposing team’s fans and encouraging friendly sportsmanship. She lastly noted that she is looking forward to see a performance of *Rag Time* at the Met Theatre.

Mayor Manilla:

Mayor Manilla announced two Proclamations for Arbor Day and for Nickelodeon’s World-Wide Day of Play. He announced that a local landlord in the Cass Street area as posted a reward to assist the Police Department in apprehending the arsonist who burned three cars last weekend. He also commended the work of the WVU SGA for the “Save the Couches” videos, and encouraged expansion on the concept as well.

EXECUTIVE SESSION: Motion by Nugent, second by Bane, and carried by unanimous consent, Council moved to enter into executive session pursuant to WV State Code section 6-9A-4(b)(2)(A) in order to discuss personnel matters with Council Members present, at 8:25 p.m. Executive session exited at 8:48 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:49 p.m.

City Clerk

Mayor

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