

**REGULAR MEETING NOVEMBER 1, 2011:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, November 1, 2011, at 7:30 P.M.

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

**APPROVAL OF MINUTES:** The minutes of the Regular and Special Meetings on October 18, 2011 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla presented a proclamation to former Council Member John Gaddis, commending his years of service to the City of Morgantown. He then announced the promotion of Officer Kenneth Murphy to Patrolman First Class, followed by Medals of Valor and Lifesaving Medal for heroic acts in the line of duty to Officers PFC Lawrence Hasley, PFC William Ryan, Lt. Michael Lantz, 1<sup>st</sup> Sgt. Scott Carl, Sgt. Robert Gilmore and Sgt. Bryon Hennessey. Mayor Manilla then presented a final proclamation, in commemoration of Extra Mile Day. A petition filed by the residents of Karen Lane was presented before Council, stating their wish to be designated as a City street.

Mayor Manilla then read from an article in the Exponent Telegram about the North Central WV Airport and its Director's views about improving Morgantown's airport. After discussion, Councilor Bane encouraged citizens, businesses and WVU Officials to boycott CKB Airport until an apology is received for the comments made in the above mentioned article. Council then requested Mr. Moore to write to CKB Airport Officials stating displeasure with such statements.

**PUBLIC HEARING - AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "ANIMAL GROOMING SERVICES" USES.**

There being no appearances or objections, Mayor Manilla declared the Public Hearing closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING TABLE 1331.05.01 OF THE PLANNING AND ZONING CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "ANIMAL GROOMING SERVICES" USES.

Motion by Nugent, second by Selin to adopt the above entitled Ordinance. Motion carried 6-0. (Byrne Absent).

**BOARDS AND COMMISSIONS:** No appointments at this time.

**PUBLIC PORTION:**

Scott Batt, Petitioner for the rezoning in 5<sup>th</sup> ward from B-1 to B-4, asked Council to consider the property use on its merits alone.

Rodney Pyles, 536 Harvard Avenue, spoke on behalf of the Historic Landmarks Commission, stated the zoning Ordinance from B-1 to B-4 would make an impact on two historic properties. He noted that the

Planning Commission rejected the rezoning and urged Council to do the same. He asked Council to preserve the historic area considered in the proposed rezone.

Joseph James, WVU Student, requested that Council seek statements from WVU regarding their plans to address Marcellus Shale issues.

Leo Schlosnagle, Morgantown Resident and WVU Faculty Member, reported that he attended a recent symposium about Marcellus Shale and water quality and stated that he talked to Senator Manchin and feels that he was not informed about the issues and has concerns about drilling and the safety issues involved. He thanked Council for issuing the fracking ban.

Logan Shamberger, 250 2<sup>nd</sup> Street, asked Council if repealing the fracking ban was the right thing to do for our community. He urged Council to consider the health and well-being of citizens in their decision facing a possible repeal.

Janessa Pyles, 536 Harvard, also spoke on the above referenced zoning change, and stated that the historic districts are important and bring value to the community. She asked that Council not adopt or pass an ordinance that may change or destroy property with historic value.

Evan Dove, WVU SGA Representative introduced other members of student government including the Student Body President and Safety Director. He then yielded to Safety Director Dave Smalls who spoke about the safety walk and future plans for student safety. Mr. Smalls indicated that the main safety focus at this time is for lighting, which will not only benefit students, but all Morgantown residents.

Michelle Stevens, American Cancer Society Representative, thanked Council for their support of the clean air act and looks forward to the implementation on January 1<sup>st</sup>.

Bev Keener, Area Tobacco Coordinator, handed Council books with information to aid in the implementation of the smoking ban with restaurants and bars.

Brent Bailey 901 Fairfax, asked council to not rescind the fracking Ordinance. He urged Council to be agents of change and put citizens first.

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

**NEW BUSINESS:**

**AN ORDINANCE AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH MONONGALIA COUNTY DEVELOPMENT AUTHORITY REGARDING A NEW ROADWAY AT THE MUNICIPAL AIRPORT:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING A JUNE 15, 2010 ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY REGARDING THE FINANCING AND CONSTRUCTION OF A NEW ROADWAY AND EXTENSION OF UTILITIES ON THE EAST SIDE OF THE MORGANTOWN MUNICIPAL AIRPORT, AND AUTHORIZING IN ITS PLACE A NEW INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY DEVELOPMENT AUTHORITY WHICH ADDRESSES THE SAME MATTERS.

Mr. Moore requested that Airport Director Michael Clow give commentary regarding the above Ordinance. The rules were suspended to allow comments. Motion by Nugent, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 6-0. (Byrne Absent).

**AN ORDINANCE REPEALING & ENACTING A NEW ARTICLE 917 ESTABLISHING A TREE BOARD:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE REPEALING ARTICLE 917 OF THE MORGANTOWN CITY CODE AND ENACTING A NEW ARTICLE 917, AS THE SAME APPLIES TO THE ESTABLISHMENT OF A MUNICIPAL TREE BOARD AND REGULATIONS REGARDING TREES.

Motion by Bane, second by Nugent to pass the above entitled Ordinance to second reading. After discussion, a minor amendment by Councilor Bane was considered and passed 6-0 with unanimous consent. Question was called on the main motion, and carried 6-0. (Byrne Absent).

**AN ORDINANCE PROVIDING A ZONING RECLASSIFICATION IN THE FIFTH WARD FROM (B-1) TO (B-4):** The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM (B-1) NEIGHBORHOOD BUSINESS DISTRICT TO (B-4) GENERAL 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 Bane, second by Nugent to pass the above entitled Ordinance to second reading. After discussion, motion carried 4-2. (Byrne Absent, Selin and Shamberger voted NO.)

**AN ORDINANCE REPEALING ARTICLE 721 APPLYING TO WELL DRILLING:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING ARTICLE 721 OF THE CITY OF MORGANTOWN BUSINESS AND TAXATION CODE, AS THE SAME APPLIES TO WELL DRILLING.

Motion by Bane, second by Nugent to approve the above entitled Ordinance. After lengthy discussion including commentary from the City Attorney, City Manager and City Clerk, motion by Bane, second by Selin to Table the above entitled Ordinance. Motion carried 5-1. Mayor Manilla voted NO. (Byrne Absent).

**SPECIAL COMMITTEE REPORTS:** Councilor Nugent reported that he attended the Municipal League Board Meeting on 10-21-11 and will email Council a report.

**CITY MANAGERS REPORT:**

**NEW BUSINESS:**

Item No. 1: Acceptance and Authorization of United States Department of Justice, Office of Community Oriented Policing Services 2011 COPS Hiring Program Grant Award.

Mr. Moore gave an overview of the Grant Program and called upon Police Chief Ed Preston for further explanation. After discussion, motion by Bane, second by Selin to approve the City Manager's

execution the above referenced Grant Program. Motion carried 6-0. (Byrne Absent).

Mr. Moore then asked Chief Preston to give Council an update regarding vandalism and related issues. Discussion continued regarding these and other concerns.

**CITY CLERK'S REPORT:** No Report.

**CITY ATTORNEY'S REPORT:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane agreed that Clarksburg airport officials should apologize for comments in the article read by Mayor Manilla at the beginning of the meeting. He also asked that the Jake Brake Ordinance be looked at as an ongoing effort to eliminate nullified Ordinances on the City's books. By consensus of Council it was agreed to place the issue on a future Committee of the Whole Agenda. He asked additionally that the City Attorney recommend other similar Ordinances for review as well.

Councilor Nugent: Councilor Nugent confirmed with Mr. Moore that the PSC Special Meeting will take place at 6pm prior to the 11/28 COW meeting. He thanked SGA leaders at WVU and looks forward to working with PSC on common issues. He thanked Mr. Moore for arranging a meeting with City Officials to address litter and trash concerns. He announced the upcoming Traffic Commission meeting and various items on that agenda. He encouraged Council to move forward with transitioning Council Packet materials to an electronic format. With consensus of Council, it was agreed to discuss ePackets at an upcoming COW. He thanked his neighbors for their diligence in recovering stolen street signs.

Councilor Bane added information regarding some citizen's desire for another traffic light on 705, which he informed he will oppose.

Councilor Selin: Councilor Selin added that information about the Evansdale plan is available online. She discussed a transit meeting addressing several issues and the ongoing planning process. She expressed appreciation for the efforts of several City entities and staff who have been helping with issues in her ward. She mentioned a temporary exhibit of couches turned into planters around the City.

Councilor Shamberger: Councilor Shamberger noted that John Gaddis and the Police officers who were honored tonight are deserving of an Extra Mile award. She also commended the MFD as well as the recent work of litter pick up crews. She announced a concert at the Met Theatre and encouraged everyone to attend.

Councilor Byrne: Absent.

Councilor Herbst: Councilor Herbst concurred with Councilor Byrne regarding the extra light suggested for 705. She thanked Mayor Manilla for

attending the Suncrest neighborhood association meeting recently, where they are working hard to address neighborhood issues.

Mayor Manilla:

Mayor Manilla reported on the South Park Bridge graffiti cleanup, and Mr. Moore added that the cleanup efforts are led by the FCI crew, and supervised by the Police and Public Works Departments. Then, City Clerk Little made various community performance and event announcements.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:31pm.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

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