

REGULAR MEETING NOVEMBER 20, 2012: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Monday, November 20, 2012 at 7:00 P.M.

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

APPROVAL OF MINUTES: The minutes of the Regular Meeting of November 5, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla indicated that he is wearing the TCU team t-shirt, as a result of WVU's loss and his Big XII Mayor's Challenge bet. He then read a piece of correspondence from former Council Member Charlie Byrer, with regard to Council's pending decision on Vote By Mail.

PUBLIC HEARING – AN ORDINANCE TO APPROVE REPLACEMENT PAGES TO THE CITY CODE.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 105.48 OF ITS ADMINISTRATIVE CODE; DISCONTINUING THE CITY'S PARTICIPATION IN THE MUNICIPAL VOTE BY MAIL PILOT PROGRAM.

Don Price, 251 Wagner Road, spoke in support of keeping Vote by Mail, and urged Council not to repeal the program. He stated that voter turnout is most important factor in the electoral process.

Chad Callen, on behalf of his father Michael K. Callen of 1420 Western Avenue, spoke in opposition to Vote by Mail, supporting Council's repeal of the program. He feels that Vote by Mail could compromise the electoral process.

Sam Wilkinson, 709 Park Street, spoke about Council's 4-3 votes, and alleged voter fraud arguments surrounding the Vote by Mail issue.

Richard Dumis, 444 Overhill Street, spoke in support of the repeal of Vote by Mail and took issue with the process with which it was handled.

Roger Banks, 444 Overhill Street, asked Council to repeal the Vote by Mail program. He stated the results were questionable, and that he does not want to participate in such an experiment.

Guy Panrell, South Hills Drive, reported on the success of the mail carries food drive, then spoke in support of the Vote by Mail repeal, as he feels it is a duplication of services and a bad idea.

George Pappandreas, 41 Euclid Street, thanked Council for addressing the Vote by Mail issue, stating that the repeal will correct a wrong that has been done to the citizens of Morgantown. He spoke on issues of integrity and voter turnout in the electoral process.

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

PUBLIC HEARING – AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICE CODE BY SETTING FORTH

THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

Tim Ball, Director of MUB, clarified the necessity behind the changes to the rates.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULLING PARTS OR PORTIONS OF ENSIGN AVENUE AND ACCEPTING THE DEDICATION OF ADDITIONS TO ENSIGN AVENUE LOCATED AND SITUATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MORGAN DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA, IN CONJUNCTION WITH THE PARTIAL REALIGNMENT AND RELOCATION OF ENSIGN AVENUE.

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

PUBLIC HEARING – AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND. (REVISION 02).

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

PUBLIC HEARING – AN ORDINANCE OF THE CITY OF MORGANTOWN WHICH WOULD AUTHORIZE THE CURRENT REFUNDING AND REPAYMENT IN FULL BY THE MORGANTOWN BUILDING COMMISSION OF ITS OUTSTANDING LEASE REVENUE BONDS, SERIES 2008 A (NORTH SIDE FIRE STATION PROJECT), ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$4,500,000, PURSUANT TO THE ISSUANCE BY THE MORGANTOWN BUILDING COMMISSION OF ITS LEASE REVENUE REFUNDING BONDS, SERIES 2012 A (NORTH SIDE FIRE STATION PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,500,000, AND THE EXECUTION AND DELIVERY BY THE CITY OF A LEASE AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH SUCH FINANCING.

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

UNFINISHED BUSINESS:

AN ORDINANCE TO APPROVE CODE SUPPLEMENTS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE TO APPROVE THE CURRENT REPLACEMENT PAGES TO THE CITY CODE.

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

AN ORDINANCE DISCONTINUING THE VOTE BY MAIL PILOT PROGRAM: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 105.48 OF ITS ADMINISTRATIVE CODE; DISCONTINUING THE CITY'S PARTICIPATION IN THE MUNICIPAL VOTE BY MAIL PILOT PROGRAM.

Motion by Herbst, second by Nugent, to adopt the above entitled Ordinance. After extended discussion on the merits and detriments of Vote by Mail as well as possible alternatives, motion carried 4-3. Councilors Selin, Shamberger and Byrne voted NO.

AN ORDINANCE AMENDING SEWER RATES, FEES AND CHARGES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICE CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

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

AN ORDINANCE ANNULLING PORTIONS OF ENSIGN AVENUE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULLING PARTS OR PORTIONS OF ENSIGN AVENUE AND ACCEPTING THE DEDICATION OF ADDITIONS TO ENSIGN AVENUE LOCATED AND SITUATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MORGAN DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA, IN CONJUNCTION WITH THE PARTIAL REALIGNMENT AND RELOCATION OF ENSIGN AVENUE.

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

AN ORDINANCE AMENDING THE ANNUAL BUDGET, COAL SEVERANCE FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND. (REVISION 02).

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

AN ORDINANCE AUTHORIZING REFUNDING OF THE BUILDING COMMISSION'S NORTH SIDE FIRE STATION BONDS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE OF THE CITY OF MORGANTOWN WHICH WOULD AUTHORIZE THE CURRENT REFUNDING AND REPAYMENT IN FULL BY THE MORGANTOWN BUILDING COMMISSION OF ITS OUTSTANDING LEASE REVENUE BONDS, SERIES 2008 A (NORTH SIDE FIRE STATION PROJECT), ISSUED IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$4,500,000, PURSUANT TO THE ISSUANCE BY THE MORGANTOWN BUILDING COMMISSION OF ITS LEASE REVENUE REFUNDING BONDS, SERIES 2012 A (NORTH SIDE FIRE STATION PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,500,000, AND THE

EXECUTION AND DELIVERY BY THE CITY OF A LEASE AGREEMENT AND OTHER DOCUMENTS IN CONNECTION WITH SUCH FINANCING.

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

AN ORDINANCE AUTHORIZING REFUNDING OF THE MUB'S BUILD AMERICA BONDS: The below entitled Ordinance was presented for second reading:

A BOND AUTHORIZING ORDINANCE OF CITY COUNCIL WHICH WOULD AUTHORIZE THE REFUNDING, PURCHASE IN THE OPEN MARKET, OR PLACING OF A TENDER OFFER TO BONDHOLDERS WITH RESPECT TO THE CITY'S OUTSTANDING COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS) AND AUTHORIZING THE ISSUANCE BY CITY COUNCIL OF ITS COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, IN ONE OR MORE SERIES, ON A TAX EXEMPT OR TAXABLE BASIS IN AN AMOUNT NOT TO EXCEED \$45,000,000 IN CONNECTION WITH SUCH REFUNDING, OPEN MARKET PURCHASES OR TENDER OFFERS.

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

BOARDS AND COMMISSIONS: None.

SPECIAL COMMITTEE REPORTS: None.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR A PREVENTION RESOURCES OFFICER AT MORGANTOWN HIGH SCHOOL: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY BOARD OF EDUCATION, AS THE SAME APPLIES TO A PREVENTION RESOURCES OFFICER IN THE MONONGALIA COUNTY SCHOOL SYSTEM AT MORGANTOWN HIGH SCHOOL.

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

AN ORDINANCE AMENDING THE ANNUAL BUDGET, GENERAL FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2012-2013 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND. (REVISION 02)

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

PUBLIC PORTION:

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

CITY MANAGER'S REPORT:

INFORMATION:

1. Update from Airport Advisory Committee

Mr. Moore gave clarification of the update provided, and the rules were suspended to allow further comments from Airport Director Mike Clow. Questions from Council were entertained as the discussion continued.

2. Arts Alive Festival Request Consideration

Mr. Moore shared information that can be considered to assist the program in the future. After further discussion, Mr. More agreed to provide more information at a later date, after following up with the Your Community Foundation.

NEW BUSINESS:

1. Health Plan Renewal Rates

After explanation from Mr. Moore, motion by Byrne, second by Shamberger to approve of the Health Plan Renewal Rates. Motion carried 7-0.

2. Bid Results for 4x4 Wheel Loader

After explanation from Mr. Moore, motion by Nugent, second by Byrne to accept the bid results as presented. After discussion, motion carried 7-0.

REPORT FROM CITY CLERK: Ms. Little announced that the City of Morgantown was recognized with the Fit Workplace Gold Achievement by the American Heart Association.

REPORT FROM CITY ATTORNEY: Absent.

REPORT FROM COUNCIL MEMBERS: *(Roll Reversal)*

Councilor Herbst:

Councilor Herbst welcomed her mother in the audience. She noted an issue with bus loading in front of the Met Theatre which impedes business access and traffic along High Street. Mr. Moore replied that a dialog has been started with Main Street Morgantown and an announcement from them will be forthcoming to accommodate the holiday season.

Councilor Byrne:

Councilor Byrne announced the South Hills community association covered dish dinner, and thanked the organizers of the event. He encouraged citizens to participate in local events and support youth in the arts and the Met Theatre. He then noted upcoming shows at

the theatre. He asked for a follow up with regard to the downtown mayhem issues. He suggested that a group of stakeholders be convened to address the problems. Mayor Manilla replied that this will be one of the first issues addressed by the new advisory committee after its formation in January. Councilor Byrne further suggested that a separate downtown group be formed.

Councilor Shamberger:

Councilor Shamberger thanked those who appeared to speak on the Vote by Mail issue. She commented that visitors from Oklahoma remarked how well they were treated here in Morgantown. She announced that she and Councilor Selin attended the first Human Rights Commission meeting and reported that she is looking forward to their progress. She commented that BOPARC has also discussed the bus issue with regard to the Met Theatre.

Councilor Selin:

Councilor Selin concurred that she appreciated the newly reformed Human Rights Commission. She thanked City Administration for the Airport update, as well as their efforts in public service. She raised concerns that residents cannot speak before a first reading of an issue, since Council has moved the Public Portion later in the agenda. She asked that Council consider returning the agenda order to its previous state.

Councilor Nugent:

Councilor Nugent mentioned a webinar where downtown issues have been discussed, he agreed that bringing the issue to the ITGA could be beneficial. He also noted other topics that will be discussed. He invited the public to the upcoming ITGA meeting, and suggested it be publicized for better community involvement. He then announced Small Business Saturday, and encouraged the support of local small businesses and shopping along with related events of the day.

Councilor Bane:

Councilor Bane thanked City Clerk Little for her dedicated service to the City of Morgantown, its citizens and Council for over 20 years. He recognized her for her hard work and excellent service to Council.

Mayor Manilla:

Mayor Manilla announced a Political Science class in attendance, and then announced an upcoming WV Service League book signing event.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:10 p.m.

City Clerk

Mayor

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