



Office of the City Clerk

The City of Morgantown

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AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
DECEMBER 20, 2011
7:30 p.m.

1. **CALL TO ORDER**
2. **ROLL CALL BY CITY CLERK**
3. **PLEDGE TO FLAG**
4. **APPROVAL OF MINUTES:** Regular Meeting – December 6, 2011
Special Meeting – December 15, 2011
5. **CORRESPONDENCE:**
 - A. Announcement Concerning Morgantown Market Place Project
6. **PUBLIC HEARING:**
 - A. PUBLIC HEARING on AN ORDINANCE AMENDING ARTICLE 169, SECTION 169.01, OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO MORGANTOWN UTILITY BOARD MEMBERS.
 - B. PUBLIC HEARING on AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LICENSOR, AND MONONGALIA COUNTY DEVELOPMENT AUTHORITY, LICENSEE, AS THE SAME APPLIES TO A PORTION OF THE REALTY BEING UTILIZED FOR THE CONSTRUCTION OF ROAD KNOWN AS THE MORGANTOWN MUNICIPAL AIRPORT ACCESS ROAD.
7. **UNFINISHED BUSINESS:**
 - A. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING ARTICLE 169, SECTION 169.01, OF THE

MORGANTOWN CITY CODE, AS THE SAME APPLIES TO MORGANTOWN UTILITY BOARD MEMBERS. (First Reading December 6, 2011)

B. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LICENSOR, AND MONONGALIA COUNTY DEVELOPMENT AUTHORITY, LICENSEE, AS THE SAME APPLIES TO A PORTION OF THE REALTY BEING UTILIZED FOR THE CONSTRUCTION OF ROAD KNOWN AS THE MORGANTOWN MUNICIPAL AIRPORT ACCESS ROAD. (First Reading December 6, 2011)

C. BOARDS AND COMMISSIONS

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY CITY COUNCIL AND ADOPTED BY RESOLUTION

9. NEW BUSINESS

A. Consideration of APPROVAL of SECOND READING of AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE STORMWATER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$3,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012; PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.(First Reading December 6, 2011)

B. Consideration of APPROVAL of SECOND READING of ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER PORTION OF THE EXISTING PUBLIC COMBINED

WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,100,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A (WEST VIRGINIA DWTRF PROGRAM) AND NOT MORE THAN \$1,600,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 B (WEST VIRGINIA DWTRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO. (First Reading December 6, 2011)

- C. Consideration of APPROVAL of FIRST READING of AN ORDINANCE REPEALING ARTICLE 721 OF THE CITY OF MORGANTOWN'S BUSINESS AND TAXATION CODE AND REPLACING IT WITH A NEW ARTICLE 721, WHICH PROHIBITS OIL AND GAS DRILLING OPERATIONS WHICH INVOLVE HORIZONTAL DRILLING AND/OR FRACTURING OR FRACKING WITHIN THE CITY, AND THE OPERATION OF WELLS THAT UTILIZE HORIZONTAL DRILLING AND/OR FRACTURING OR FRACKING WITHIN ONE MILE OF THE MORGANTOWN CITY LIMITS. (Tabled First Reading 11-1-11) (Removed from Table 12-6 to be placed on Agenda for 12-20-11)**
- D. Consideration of APPROVAL of FIRST READING of AN ORDINANCE BY THE CITY OF MORGANTOWN, REPEALING ARTICLE 161 OF THE CITY'S ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE HOUSING AUTHORITY.**
- E. Consideration of A JOINT RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT, WEST VIRGINIA, AND THE COUNCIL, FOR THE CITY OF MORGANTOWN, WEST VIRGINIA, PROVIDING FOR THE CONSOLIDATION OR MERGER OF THE HOUSING AUTHORITY OF THE CITY OF FAIRMONT, WEST VIRGINIA, AND THE MORGANTOWN HOUSING AUTHORITY PURSUANT TO THE PROVISIONS OF WEST VIRGINIA CODE 16-15-3B, AS AMENDED, TO FORM A REGIONAL**

**HOUSING AUTHORITY AND FURTHER APPROVING THE PLAN OF
MERGER AND AUTHORIZING THE EXECUTION THEREOF.**

10. SPECIAL COMMITTEE REPORTS

11. REPORT FROM CITY MANAGER:

INFORMATION:

- 1. Interim Budget and Financial Update**

NEW BUSINESS:

- 1. Appointment of Airport Director Michael Clow to serve on the Monongalia County Development Authority**
- 2. Proposed Budget Calendar for FY 2012-2013**
- 3. Insurance Renewal**

12. REPORT FROM CITY CLERK

13. REPORT FROM CITY ATTORNEY

14. REPORT FROM COUNCIL MEMBERS

15. ADJOURNMENT

If you need an accommodation contact us at 284-7439

REGULAR MEETING DECEMBER 6, 2011:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, December 6, 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 November 15, 2011 and the Special Meeting on November 29, 2011 were approved as printed.

CORRESPONDENCE: Mayor Manilla then presented award certificates to the WVU Women's Soccer and Cross County teams as well as the MHS Girls' Soccer and Cross Country teams.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 929.01, 929.03, 929.05, 929.06, 929.10, 929.13, 929.19, 929.20 AND 929.22 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO STORMWATER MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 1741 OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLIES TO GRADING PERMITS.

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

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 1705 OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLIES TO BUILDING PERMIT COORDINATION WITH PROVISIONS SET FORTH IN ARTICLE 1741 “GRADING REQUIREMENTS” AND ARTICLE 929 “STORMWATER ORDINANCE”.

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

PUBLIC HEARING – 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.

Scott Batt, Property Owner in regard to above rezoning Ordinance, passed out materials to Council and asked them to reconsider based on land use alone.

Pastor Michael Hadaway, Trinity Episcopal Church, voiced concern for the zoning status of the Church property relating to its location adjacent to the above referenced rezoning Ordinance. He added that the rezoning would affect the parking lot and also several community functions of the Church property.

Betty Cross, 524 Milford Street expressed opposition to the rezoning Ordinance because of the heritage and beauty of the property, stating a change would be inappropriate.

Rebecca Singleton, 225 Lebanon, stated that she is not against the zoning change, but since she is a member of the church the increase of use of the shared church parking lot would negatively impact the outreach programs of the church and decrease accessibility.

Rodney Pyles, 536 Harvard Avenue, Member- Historic Landmarks Commission, stated that historic buildings are important to the downtown area, and the zoning change could lead to the deterioration of more historical buildings.

Vanessa Pyles, 536 Harvard, stated that historical buildings are one of a kind and citizens should stand up to protect the historic districts.

Kara Haas, 727 Louise Avenue, shared that she researches historic buildings in our state and noted the importance of preserving these types of buildings. She added that the Trinity Church outreach programs are important and urged Council to keep the area preserved as it is without changes.

Charlie Byrer, 420 Raymond, spoke in opposition to the proposed rezoning, and reminded that once a building is destroyed it is gone forever.

Terri Cutright, Executive Director- Main Street Morgantown, stated that she understands the differences between preservation and economic development, and that the community should strive for a balance, although sometimes sacrifices are made. She urges Council to make a good decision and offered to answer any questions Council may have.

George Papandreas, President- Main Street Morgantown, spoke in favor of the proposed rezoning and assured that the project is planned to re-use the existing historic building. He reminded Council that the Planning Commission did not follow the recommendations of the Director of Development Services and presented an alternate interpretation to Council.

Bill Kawecki, 324 Cobun Avenue, reminded Council that the property owner bought the property knowing full well the current zoning requirements. He also stated that he feels the Planning Commission made a good decision in not recommending the proposed rezoning.

Susan McDonald, 911 Fairfax Drive, asked Council not to consider the proposed rezoning, and leave property with its existing zoning requirements.

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

UNFINISHED BUSINESS:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, STORMWATER MANAGEMENT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 929.01, 929.03, 929.05, 929.06, 929.10, 929.13, 929.19, 929.20 AND 929.22 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO STORMWATER MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL.

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

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE, GRADING PERMITS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 1741 OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLIES TO GRADING PERMITS.

Motion by Byrne, second by Selin to adopt the above entitled Ordinance. After explanation from the City Manager, motion carried 7-0.

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE, PERMIT COORDINATION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 1705 OF ITS BUILDING AND HOUSING CODE, AS THE SAME APPLIES TO BUILDING PERMIT COORDINATION WITH PROVISIONS SET FORTH IN ARTICLE 1741 "GRADING REQUIREMENTS" AND ARTICLE 929 "STORMWATER ORDINANCE".

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

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FIFTH WARD: The below entitled Ordinance was presented for second 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.

After discussion, motion by Selin second by Shamberger to deny the above entitled Ordinance. Motion carried 4-3, Councilors Byrne, Herbst, and Mayor Manilla voted NO.

Councilor Bane motioned, seconded by Nugent to take the Marcellus Shale Drilling Ban Ordinance off the Table, and be placed on the December 20th Regular Meeting Agenda. Question was called and carried 4-3 with Councilors Selin, Shamberger and Byrne voting NO.

BOARDS AND COMMISSIONS: By acclamation of Council, the following persons were reappointed to their respective boards and commission: Bernie Bossio and George Papandreas to the Board of Zoning Appeals; Ralph Schmitt and Larry Sypolt to the Historic Landmarks Commission; Frank Scafella to MUB; Sam Loretta and Tim Stranko to the Planning Commission; followed by Denny Poluga to the Transit Authority.

PUBLIC PORTION:

Dave Small, WVU SGA Representative, commented that he looks forward to working with the City and County on safety concerns and will have a report at the first of the year.

James Giuliani, 256 Prarie Avenue, stated that Council should have tabled the zoning ordinance instead of denying it this evening. He reminded Council that the City does not have a Comprehensive Plan and that it was supposed to be done by 2014. He noted that other property owners are upset and won't build.

Susan McDonald, Evansdale Neighborhood Association, made Council aware of streets that need to be paved in her area, as well as areas that need sidewalks. She added that some neighbors have no sidewalks on their property yet still have to pay sidewalk taxes. She argued that those people should be exempt from such a tax. Ms. McDonald also urged City Council to keep the Marcellus Shale Ordinance on the books as it is. She then thanked Council for hiring Terrence Moore and also appreciated the hiring of the new Police Chief Ed Preston.

Bill Kawecki, SPAN President, complimented City Manager Terrence Moore on his work and stated he is very happy with all the work he has done..

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

NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE SABRATON STORMWATER PROJECT BONDS:

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE STORMWATER PORTION OF THE EXISTING COMBINED UTILITY SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$3,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012; PROVIDING FOR THE RIGHTS AND REMEDIES OF, AND THE SECURITY FOR, THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND OTHER DOCUMENTS RELATING TO THE BONDS; AND ENACTING OTHER PROVISIONS WITH RESPECT TO SUCH BONDS.

The rules were suspended to allow explanation from MUB Director Tim Ball, and address any questions of City Council. Motion by Byrne, second by Nugent to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE WHISPERING WOODS/QUARRY RUN WATER PROJECT BONDS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE CITY OF MORGANTOWN AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF NOT MORE THAN \$1,100,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A (WEST VIRGINIA DWTRF PROGRAM) AND NOT MORE THAN \$1,600,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 B (WEST VIRGINIA DWTRF PROGRAM); PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; APPROVING, RATIFYING AND CONFIRMING A LOAN AGREEMENT RELATING TO SUCH BONDS; AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO.

The rules were suspended to allow explanation from MUB Director Tim Ball, and address any questions of City Council. Motion by Byrne, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING CITY CODE, UTILITY BOARD MEMBERS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 169, SECTION 169.01, OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO MORGANTOWN UTILITY BOARD MEMBERS.

After discussion, Motion by Nugent, second by Herbst, to pass the above entitled Ordinance to second reading. After discussion, motion carried 5-2. Councilor's Selin & Shamberger voting NO.

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF A PARCEL IN THE SIXTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF REALTY IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM (PUD) PLANNED UNIT DEVELOPMENT TO (R-1A) SINGLE-FAMILY RESIDENTIAL DISTRICT THEREBY RESCINDING THE "HABITAT FOR HUMANITY JEROME PARK PLANNED UNIT DEVELOPMENT" 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.

City Manager Terrence Moore offered clarification regarding the above stated Ordinance. After discussion, motion by Bane, second by Selin, to pass the above entitled Ordinance to second reading. After further discussion, motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR AIRPORT ACCESS ROAD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LICENSOR, AND MONONGALIA COUNTY DEVELOPMENT AUTHORITY, LICENSEE, AS THE SAME APPLIES TO A PORTION OF THE REALTY BEING UTILIZED FOR THE CONSTRUCTION OF ROAD KNOWN AS THE MORGANTOWN MUNICIPAL AIRPORT ACCESS ROAD.

Council suspended the rules to allow explanation from Airport Director Michael Clow. Motion by Bane, second by Byrne, to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

A RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE WEST VIRGINIA BOTANIC GARDENS: The above entitled Resolution was presented for Council's approval:

Motion by Byrne, second by Selin to approve the above entitled Resolution. After discussion, motion carried 7-0.

A RESOLUTION AUTHORIZING THE EXECUTION OF A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE CENTER FOR EXCELLENCE IN DISABILITIES AT WEST VIRGINIA UNIVERSITY: The above entitled Resolution was presented for Council's approval:

Motion by Byrne, second by Selin, to approve the above entitled Resolution. After discussion, motion carried 7-0.

SPECIAL COMMITTEE REPORTS: Councilor Nugent thanked Council for the consensus to move forward with signage for the Morgantown History Museum, adding that the museum will be opening soon.

Councilor Byrne then reported that the Sister Cities Commission has voted to accept the application for Friendship City status from the Quanshan District in Xuzhou City, China and asked that the Commission be allowed to present their recommendation to Council at the Jan. 17th meeting. By consensus of Council, such presentation will be added to the agenda.

Councilor Byrne then announced the receiving of a grant for \$100,000 funds by the WV Botanical Gardens for capital improvements from the WV Nurseryman's Association.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: Board of Health Clean Indoor Air Regulation

Mr. Moore explained that the final draft of the County's new regulations will be distributed soon, and recommended to Council that following the March 2012 implementation of such, the City adopt its own congruent Code changes. Discussion continued regarding the enforcement and adoption timeline.

NEW BUSINESS:

Item No. 1: Transfer of Ownership of Tailwinds, Inc. and Ali Baba Restaurant to Kunundrum International, LLC.

Following explanation from the City Manager, motion by Bane, second by Byrne to authorize the above referenced transfer of ownership. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk complimented those responsible for the beautiful Christmas decorations throughout City Hall.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane reminded that Council usually approves the budgeted annual employee gift at this time of the year and noted he hopes that tradition will continue and be on the next Agenda. He then explained his reasoning behind his motion to remove the Drilling Ban from the table, adding that once the zoning is in place, the process will move forward. He also explained why the denied zoning Ordinance was not tabled and encouraged the involved parties to work through their differences.

Councilor Nugent: Councilor Nugent thanked Chief Caravasos for allowing him the experience of a post-game ride-along and commending the

department's skills. He stated that he wishes to see the packet electronic conversion process move along as soon as possible and noted that he will follow up with the City Manager on street sign issues at a later time.

Councilor Selin: Councilor Selin informed Council that the certificates and plaques are produced by the City Clerk's Office. She asked that the issues with historic preservation be looked at more carefully.

Councilor Shamberger: Councilor Shamberger thanked Councilor Selin for bringing the sports teams in for recognition. She recognized BOPARC for their efforts with the Museum project and reported on the recent Woodburn Neighborhood Association meeting. She announced her attendance at the WVU President's Luncheon.

Councilor Byrne: Councilor Byrne reported that his family spent Thanksgiving at Dorsey's Knob and noted what a great facility it is. He congratulated the Museum Commission on their achievements and then commented about the Marcellus Shale issues. He urged Council to stand by the Ordinance until the State has passed suitable regulations to protect our community. He then explained his reasoning behind his vote for the above failed rezoning Ordinance calling for a balance between historic preservation and economic development.

City Attorney Steve Fanok added that the Municipality can only work within the framework of the existing law concerning these types of issues.

Councilor Herbst: Councilor Herbst concurred with Councilor Shamberger on the recognition of women's and girls' sports. She announced the upcoming Suncrest Neighborhood Association meeting.

Mayor Manilla: Mayor Manilla agreed with Councilor Byrne's comments regarding the rezoning issues, and then inquired as to the timetable for the City's Comprehensive Plan.

Mr. Moore replied that he will update Council in this week's Information Letter Report. Discussion continued as to the specifics of this timetable and process.

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 Personnel Matters with City Manager and City Council present at 10:00 p.m.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 10:20 pm.

City Clerk

Mayor

SPECIAL MEETING December 15, 2011:

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, December 15, 2011 at 5:00 p.m.

PRESENT: Mayor Jim Manilla, City Clerk Linda Little, and Council Members Ron Bane, Wes Nugent, Jenny Selin, Bill Byrne, Marti Shamberger and Linda Herbst.

The meeting was called to order by Mayor Manilla.

EXECUTIVE SESSION:

Motion by Bane, second by Shamberger, to go into an executive session pursuant to Section 6-9A-4-2 of the West Virginia Code in order to discuss personnel matters with the following persons present Mayor Manilla and Council Members. Time 5:01

ADJOURNMENT:

There being no further business, Council adjourned at 7:07 p.m.

City Clerk

Mayor

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

City of Morgantown

Fiscal Year 2012-2013 Proposed Budget Calendar and Tasks, Meetings and Functions

January –

- a. 1st week Department Directors provided a report for expenditures of the 1st half of the current fiscal year
- b. 3rd – Update concerning fiscal year 2013 assessed valuation and levy rates
- c. 31st – Department Head should file a detailed request for appropriations, this includes the various boards and commissions of the City
- d. Department Directors should begin compiling performance measures and indicator data

February –

- a. 1st Friday of February – All requests from outside agencies for funding are due, with a specific due date included on the request form. Funding requests received after the 1st Friday will not be accepted. All agencies must file a funding request regardless of previous experiences. The Office of the City Manager reserves the right to request budget adjustments for special and non-ordinary funding requests throughout the year for periodic budget adjustments.
- b. 13th – Special meeting for Department Director presentations on goals and objectives to City Council to include: IT and Human Resources, Police, Fire, Public Works and Engineering, Development Services, City Attorney, Airport, Parking Authority, BOPARC, and Finance and Municipal Court
- c. 15th – Department Directors performance measures and indicator data, along with an updated narrative, are due to the Finance Department

March –

- a. 3rd – Certified assessed value due from County Assessor
- b. 1st Tuesday – Council approves first reading of adoption of next fiscal year's budget
- c. 3rd Tuesday – Council approves second reading of adoption of next fiscal year's budget
- d. Immediately upon final approval – Budget is published in the newspaper once per week for two consecutive weeks
- e. 29th – Budget to be submitted to State Auditor's Office for review

April –

- a. 3rd Tuesday – Upon approval of State Auditor's Office, council approves, adopts and lays the levy. Presentation of final compiled performance based budget document.
- b. Within 3 days of laying the levy, the levy order is prepared, certified and forwarded to the State Auditor, who then turns the order over to the County Assessor

May –

- a. 3rd Tuesday – Council approves first reading of final budget revision for the current fiscal year

June –

- a. 1st Tuesday – Council approves first reading of final budget revision for the current fiscal year
- b. 10th – Final budget revision for the current year due to the State Auditor's Office

July –

- a. 3rd Tuesday – Council approves first reading of fund balance carryover budget revision

August –

- a. 1st Tuesday – Council approves second reading of fund balance carryover budget revision

****NOTE:** The fund balance carryover budget revisions are due on July 15th for the Coal Severance Fund and July 30th for the General Fund. The City of Morgantown requires all budget revisions for these two funds be completed via ordinance, and therefore it is impossible to complete these revisions by these due dates. The State Auditor's Office is aware of this issue and has allowed the City to submit these revisions in August.

The Department of Finance provides all Department Directors with a report comparing budgeted and actual balances. Departments may request a budget revision to the Finance Director that reallocates allotted funds to different budget lines within the individual department. The Finance Director may decline or approve the revision as requested, however if approved, the revision is recorded in the accounting system. These individual department revisions are not required to have approval by council, as they do not increase or decrease the total budget of the individual department.

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

MEMO

DATE: December 14, 2011

TO: Terrence Moore, ICMA-CM
City Manager

FROM: Joseph R. Sabatelli, CPA
Finance Director



RE: Health Plan Renewal Rates - Effective 1/1/2012

The following summarizes the proposed rate changes in the City of Morgantown's Health Plan effective January 1, 2012:

	<u>2011</u>	<u>2011</u>	<u>% Change</u>
<u>Fixed Costs:</u>			
Reinsurance Premiums	\$ 485,001	\$ 518,961	7.0%
Administrative Fees	<u>141,588</u>	<u>141,588</u>	0.0%
	\$ 626,589	\$ 660,549	5.4%
<u>Projected Claims (125%)</u>			
Medical Claims	\$2,606,008	\$2,519,329	-3.3%
Prescription Claims	897,417	897,417	0.0%
Dental	<u>201,443</u>	<u>201,443</u>	0.0%
Projected Claims	\$3,704,868	\$3,618,189	-2.3%
Total Costs to be Funded	\$4,331,457	\$4,278,738	-1.2%

The City budgeted for rates to remain consistent in health plan contributions as of January 1, 2012. Consequently, the rates that could be implemented January 1, 2012 would cause an approximate 1.2% decrease from the amount originally budgeted for the fiscal year. This would result in total savings to the General Fund of approximately \$20,000. As health care costs continue to rise, it should be noted that the standard increase in costs is typically 8%; however, due to previous changes to the City's plan, these increases have been minimized. The contribution rates will remain the same and any savings is intended to be used for additional reserves or used toward other post-employment benefit liabilities.

In accordance with the policy adopted by Council on June 1, 2010, it is also proposed that employee and retiree contribution rates remain the same as well, effective January 1, 2012. I have attached schedules of the rates to be continued for each benefit group.

City of Morgantown
Health Benefit Plan
Retiree Monthly Contribution Rates
Effective January 1, 2012
 (with no change)

NON-MEDICARE
(UNDER AGE 65)

Deductible \$1000 Single / \$2,000 Family

	<u>Current</u>	<u>1/1/2012</u>
Single	\$ 118.71	\$ 118.71
Family	\$ 240.43	\$ 240.43

MEDICARE
(AGE 65 AND OLDER or DISABLED)

Deductible \$1000 Single / \$2,000 Family

Prescription Coverage Eliminated as of 1/1/2012

	<u>Current</u>	<u>Medicare D Adjustment</u>	<u>1/1/2012 (w 0% Inc.)</u>
Single	\$ 97.17	- \$45.00	\$52.17
Family	\$ 167.36	- \$90.00	\$77.36

If members of a family belong to both the Medicare and Non-Medicare groups, family members will be charged according to the applicable single rate for each participant (or family rate if more than one eligible dependent).

Contribution rates are subject to change by action of Morgantown City Council.

City of Morgantown
Health Benefit Plan
Employee Contribution Rates (Per pay period)
Effective January 1, 2012
(with 0.0% Increase)

Class I – Employees with annual regular earnings up to \$23,711

Class II – Employees with annual regular earnings between \$23,712 and \$39,519

Class III – Employees with annual regular earning over \$39,519

	Medical Only	Dental Only	Medical & Dental
<u>Class I</u>			
Single	\$ 3.76	\$2.58	\$ 4.08
Family	\$13.14	\$3.39	\$14.29
<u>Class II</u>			
Single	\$ 6.76	\$2.84	\$ 7.35
Family	\$22.53	\$4.21	\$24.49
<u>Class III</u>			
Single	\$ 7.50	\$2.90	\$ 8.16
Family	\$24.77	\$4.41	\$26.93

All contributions will be withheld on a before-tax basis under the Section 125 Plan, unless you waive this election.

Contribution rates are subject to change by action of Morgantown City Council.

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

***Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.**

FIRE CIVIL SERVICE: 4 YEAR TERM:

David Alexander IAFF Local 313 Representative has resigned and the Firefighters are looking for a representative.

TRAFFIC COMMISSION: 3 YEAR TERM:

Ken Martis is resigning from the Planning Commission and William Wyant wishes to serve in this position. (See attached memo) Council can vote on this at the December 20th, Regular Meeting.

URBAN LANDSCAPE COMMISSION: 2 YEAR TERM:

Judith Kierig would like to serve in the 2nd wd position. (bio. attached) and Urban Forester still vacant. Council can vote on that at the Regular Meeting on December 20th, 2011. Nominated by CM, from each ward, 13 members with staggered terms, 1 councilmember, and non-ward members must represent specific category.

YOUTH COMMISSION 1 YEAR TERM:

Marissa Travinski has names of all new members. High School students residing in Metropolitan area.

***POLICE & FIRE CIVIL SERVICE COMMISSIONS APPOINT NEW PRESIDENTS IN JANUARY. Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.**

12-15-11



Development Services
389 Spruce Street
Morgantown, WV 26505
304.284.7431

MEMORANDUM

Date: Friday, December 09, 2011
To: Linda Little, City Clerk (*via email*)
RE: Planning Commission Representative on the Traffic Commission
Dr. Ken Martis' Resignation

Dr. Ken Martis announced this month that he is resigning from the Traffic Commission. Dr. Martis has served as the Planning Commission's representative on the Traffic Commission since March 18, 2003. He does however wish to continue his service as the Administration's representative on the Planning Commission.

Morgantown City Code, Article 151.02 "Traffic Commission – Composition and Membership" provides that City Council is responsible for appointing a member of the Planning Commission to serve on the Traffic Commission.

The Planning Commission met last evening and voted unanimously to request City Council to consider the appointment of Planning Commissioner William Wyant to fill the Traffic Commission vacancy created by Dr. Martis' resignation.

Mr. Wyant's resume, which is on file in your office, demonstrates his background, experience, and capacity in transportation related planning and facilities.

The Planning Commission also requested that City Council consider filling the subject vacancy during its regular business meeting on Tuesday, December 20, 2011. This would enable City Council's appointment to begin his/her service on the Traffic Commission in January 2012.

Thank you in advance for your assistance in bringing this to City Council's attention at your earliest convenience.

A handwritten signature in black ink that reads "Christopher M. Fletcher". The signature is written in a cursive style.

Copied via email: Peter DeMasters, Planning Commission President
William Wyant, Planning Commissioner
Ken Martis, Planning Commissioner
Terrence Moore, City Manager
Terry Hough, City Engineer
Damien Davis, Assistant City Engineer

Zimbra

llittle@cityofmorgantown.org

Planning Commission representative on the Traffic Commission

From : Christopher Fletcher <cfletcher@cityofmorgantown.org>
Subject : Planning Commission representative on the Traffic Commission
To : Linda Little <llittle@cityofmorgantown.org>
Cc : Pete DeMasters <pdemasters@fsblaw.com>, Ken Martis <ken.martis@mail.wvu.edu>, William Wyant <wwyant@hsc.wvu.edu>, Terrence Moore <tmoore@cityofmorgantown.org>, Terry Hough <though@cityofmorgantown.org>, Damien Davis <ddavis@cityofmorgantown.org>, Heather Dingman <hdingman@cityofmorgantown.org>

Fri, Dec 09, 2011 02:47 PM

 1 attachment

Linda:

Good afternoon. The attached memorandum addresses Dr. Ken Martis' resignation this month as the Planning Commission's representative on the Traffic Commission. Please note that Dr. Martis wishes to continue his service as the Administration's representative on the Planning Commission.

Thank you in advance for bringing this to City Council's attention at your earliest convenience.

Christopher M. Fletcher, AICP
Director of Development Services

 **12-09-2011_Memo2_City-Clerk_PC-Ken-Martis_Resignation-from-Traffic-Commission.pdf**
26 KB



Request #26206 : Volunteer for City Boards and Commissions

[Return](#)**What is your work telephone number?****Are you a Morgantown resident?**

Yes

If Yes, how many years have you lived in the City of Morgantown?

4

In which City Ward do you live?

Second

Who is your employer?**What type of business are you employed in?****What is your job description?**

Resume furnished upon request

Do you have any professional certifications or licenses?**Do you have any pertinent special interests?**

Two years course work toward MLA at Ohio State. Expertise facilitating public sector groups involved in organizational strategic planning, goal setting, and work process improvement.

On which commission(s) are you interested in serving?

Urban Landscape Commission

Status Active**Priority** Normal**Received**

12/15/2011 at 9:51 AM

Source of Request

Anon Online by Anonymous

Assigned To:Bethany Sypolt [Reassign](#)**Associated To:**Anonymous [Reassociate](#)**Est. Completion**

12/25/2011

**Actual Completion**

12/25/2011


[Update](#) [Complete](#) [Print](#)
Citizen Information
 Judith Kierig
 413 Linden St
 Morgantown, WV 26501
 304-292-2030
 jkierig@gmail.com
Preferred Response Method: E-Mail**Communication****Select Communication Template**

Standard

[Print Letter](#)[View Email Text](#)**Staff Activities** [Add New](#) [Sort](#)**Public Activities** [Add New](#) [Sort](#)

Request was successfully submitted.

by [Citizen](#) on 12/15/2011 at 9:51 AM**Attachments** [Add New](#)

AN ORDINANCE AMENDING ARTICLE 169, SECTION 169.01, OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO MORGANTOWN UTILITY BOARD MEMBERS.

The City of Morgantown hereby ordains that Section 169.01 of its Administrative code is amended as follows:

169.01 CREATION; MEMBERS; COMPENSATION.

- (a) Upon the issuance of the combined waterworks and sewerage system refunding revenue bonds, the management, control and operation of the waterworks system and the sewerage system of the City shall be vested in the Morgantown Utility Board (the "Board"), created, appointed and functioning as hereinafter provided.
- (b) The management, control and operation of the stormwater drainage and sewer system of the City shall be vested in the Morgantown Utility Board.
- (c) The Board shall consist of five persons, each of whom shall be ~~citizens and residents of the City~~ residential customers of the Morgantown Utility Board, shall be persons of outstanding reputation, ability and integrity, and shall be appointed by Council. No more than two of the appointees may be citizens of Monongalia County, residing outside of the corporate limits of the City; all remaining appointees shall be citizens and residents of the City. The City Manager shall notify all appointees of their appointment. The terms of such Board members first appointed shall be for one, two, three, four and five years, respectively, from the first day of the month in which appointed. In the event of a vacancy and also within thirty days after the expiration of the term of office of any Board member, a successor shall be appointed by Council. All vacancies shall be filled for the unexpired term only and all other appointments shall be for a term of five years, to commence on the date following the scheduled expiration date of the previous term. The Board shall adopt rules of procedure for the time and place of its meetings and the conduct thereof. Any Board member shall be eligible for reappointment upon expiration of his term. The Board members shall each receive compensation for their services at the rate established by ordinance of Council and in addition, shall be reimbursed for any and all expenses incurred in the performance of their duties under order of the Board. Each Board member shall be subject to removal for just cause by Council by the recorded vote of a majority of Council after a public hearing thereon. The decision of Council as to such removal shall be final and not subject to review by any court, arbitrator or other body, and each Board member accepting such appointment shall acknowledge the finality of such decision.

This Ordinance shall be effective December 21, 2011.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED: