

**REGULAR MEETING DECEMBER 20, 2011:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, December 20, 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 December 6, 2011 and the Special Meeting on December 15, 2011 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla asked Delegates Marshall and Barill to address Council on an announcement from the Governor. Delegate Marshall awarded to Council a \$4,000 Grant for the Boys and Girls Club and a \$20,000 grant to the Market Place from the Community Participation Program.

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

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

**PUBLIC HEARING - 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.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ARTICLE 169, SECTION 169.01, OF THE MORGANTOWN CITY CODE, AS THE SAME APPLIES TO MORGANTOWN UTILITY BOARD MEMBERS:** The below entitled Ordinance was presented for second reading:

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

**AN ORDINANCE AUTHORIZING AN AGREEMENT BETWEEN MON. COUNTY DEVLEOPMENT AUTHORITY AND AIRPORT ACCESS ROAD:** The below entitled Ordinance was presented for second 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.

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

**BOARDS AND COMMISSIONS:** By acclamation of Council, the following persons were appointed to their respective boards and commissions: Shane Mardis as IAFF Local 313 Representative to the Fire Civil

Service Commission; William Wyant to the Traffic Commission as the Planning Commission representative; and Judith Kierig as the 2<sup>nd</sup> ward representative on the Urban Landscape Commission.

**PUBLIC PORTION:**

Renee Hernandez, Overdale Street, Greenmont, wished Happy Holidays to all, and stated her complete support of the County-wide smoking ban. Ms. Hernandez asked that Council address truck noise in her neighborhood, and requested that Council keep the fracking Ordinance on the books.

Paul Brown, 421 Grand Street, requested Council maintain the fracking Ordinance, and presented a draft Resolution for Council's consideration.

Phyllis Marshall, President, League of Women Voters, requested Council not repeal the fracking Ordinance, as the Marcellus legislation offers little protection in several key areas. Ms. Marshall asked that Council not repeal the ordinance until suitable State regulations are in place.

Candace Jordon, Westover, stated that she visited a 7<sup>th</sup> grade class that had been researching fracking and was amazed how much they understood. She expressed her interest in attending City Council meetings to join the dialogue on these issues. Ms. Jordon commented that she was disappointed that Council is considering repealing the fracking Ordinance after all the work the committee members have done. Ms. Jordon then handed Council a photo showing people who will be protected if Council keeps the Ordinance.

Don Spencer, 565 Harvard Avenue, stated that the Special Committee Bill was a compromise and the bill is geared toward industry, not community. Mr. Spencer noted that the bill removes the Select Committee provision, and allowed the DEP to "condition" or deny drilling permits based on proximity to water supplies, municipalities and densely populated areas, impact on water tables, public resources, natural landmarks, archeological sites, historical sites and other special places. He continued that there are legislators who want to make this work, and it would be beneficial to keep the Ordinance on the Agenda.

Eve Faulks, 49 Maple Avenue, congratulated Council for being leaders in democracy for implementing the fracking ban. She urged Council to continue that leadership by leaving the Ordinance in place to protect the community. She invited Council to a public forum on fracking.

Suzanne McDonald, 911 Fairfax Drive, President, Evansdale Neighborhood Association, asked that Council keep the fracking ban, as it sends a strong message to the State Legislature. She feels it would send the wrong message if the Ordinance were repealed.

Bill Kawecki, 329 Copen Avenue, spoke in support of the fracking ban and urged Council not to repeal the Ordinance.

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 second 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.

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

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

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

**AN ORDINANCE REPEALING ARTICLE 721:** 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 pass the above entitled Ordinance to second reading. After discussion, and comments from the City Manager, Motion by Selin, second by Byrne, to table the above entitled Ordinance. Motion to table carried 4-3. Councilors Nugent, Herbst, and Mayor Manilla voted NO.

**AN ORDINANCE REPEALING ARTICLE 161:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN, REPEALING ARTICLE 161 OF THE CITY'S ADMINISTRATIVE CODE, AS THE SAME APPLIES TO THE HOUSING AUTHORITY.

Motion by Nugent, second by Byrne to pass the above entitled Ordinance to second reading. Following clarification from City Manager Terrence Moore and City Attorney Steve Fanok, motion carried 7-0.

**A JOINT RESOLUTION AUTHORIZING OF THE COUNCIL FOR THE CIT 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 FORMA REGIONAL HUSING AUTHORITY AND FURTHER APPROVING THE PLAN OF MERGER AND AUTHORIZING THE EXECUTION THEREOF.**

Motion by Nugent, second by Bane, to pass the above entitled Resolution to second reading. Motion carried 7-0.

**SPECIAL COMMITTEE REPORTS:** Councilor Nugent commended the Museum Commission for the success of their grand opening event, and announced upcoming events at the Museum.

Councilor Byrne then reported that the Sister Cities Commission has started work on a display of items and artifacts from our Sister City in Guanajuato, Mexico at the Municipal Airport, and thanked Airport Director Michael Clow for his cooperation.

**CITY MANAGERS REPORT:**

**INFORMATION:**

Item No. 1: Interim Budget and Financial Update.

Mr. Moore gave explanation on recent budget items, and allowed further remarks from Finance Director JR Sabatelli. Discussion followed.

**NEW BUSINESS:**

Item No. 1: Appointment of Airport Director Michael Clow to serve on the Monongalia County Development Authority.

By acclamation, Council unanimously approved Airport Director Michael Clow to serve on the Monongalia Development Authority.

Item No. 2: Proposed Budget Calendar for FY 2012-2013.

By acclamation, Council unanimously approved of the Proposed Budget Calendar for FY 2012-2013.

Item No. 3: Insurance Renewal.

By acclamation, Council unanimously approved of the Insurance Renewal.

**CITY CLERK'S REPORT:** City Clerk complimented the Woodburn Elementary School Choir for their performance, and thanked City Employees for their contributions to the Scotts Run Settlement House and the United Way.

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane thanked Clerk Little for all her hard work, despite being under the weather tonight. He thanked the WVU President for inviting Council to a recent event. He also thanked Mr. Sabatelli for his attentiveness to Council’s budget inquiries and commented further on the budget, as well as the fracking Ordinance.

Councilor Nugent: Councilor Nugent announced that Morgantown has been ranked No. 3 as a ‘Best Performing’ small City in the nation by a recent study. He announced the upcoming Wiles Hill neighborhood association meeting. He also expressed interest in discussing some neighborhood issues with the City Manager.

Councilor Selin: Councilor Selin concurred with Councilor Bane, and then thanked those who are working in the legislature on fracking issues. She then expressed appreciation to City staff and administration.

Councilor Shamberger: Councilor Shamberger announced the upcoming MLK Day events at the Met Theatre.

Councilor Byrne: Councilor Byrne also stated that the reopening of the Morgantown Museum was an excellent event. He then asked that the Friendship City Application from Quanshan District, Xuzhou City, China be added to the Agenda for approval at the upcoming January 17<sup>th</sup> Council Meeting. Council agreed by consensus. He concluded by sharing additional comments about fracking issues.

Councilor Herbst: Councilor Herbst also commended the Museum reopening event. She encouraged those who are passionate about such issues, to continue petitioning the legislature for better fracking regulation.

Mayor Manilla: Mayor Manilla also commended the Museum Commission for all their hard work.

Each member of Council wished the citizens of Morgantown ‘Happy Holidays’ and ‘Happy New Year’.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:40 p.m.

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

\_\_\_\_\_  
Mayor

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