

**REGULAR MEETING FEBRUARY 7, 2012:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, February 7, 2012 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 January 17, 2011 and the Special Meeting on January 20, 2011 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla presented retirement proclamations to Lt. Larry Dudley of the Fire Department and Lt. Mike Lantz of the Police Department. Chiefs Caravasos and Preston made remarks on the retiring Officer's behalves.

Mayor Manilla then dedicated a commemorative proclamation to the Morgantown History Museum and presented Certificates of Recognition to members of the Museum Commission for their hard work and dedication.

**PUBLIC HEARING-AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING AND ORDINANCE ADOPTED ON SEPTEMBER 20, 2011, PERTAINING TO ARTICLE 1155, CLEAN INDOOR AIR CODE.**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING ARTICLE 1155, CLEAN INDOOR AIR CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING AND ORDINANCE ADOPTED ON SEPTEMBER 20, 2011, PERTAINING TO ARTICLE 1155, CLEAN INDOOR AIR CODE.

Motion by Byrne, second by Selin, to adopt the above entitled Ordinance. After a minor amendment proposed by City Attorney Steve Fanok, motion carried 7-0.

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

**PUBLIC PORTION:**

James Kotcon, representative of the municipal 'Green Team', presented a letter to Council urging them to pass the Clean Air Resolution, and honor their commitment to the environment.

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

**NEW BUSINESS:**

**AN ORDINANCE ADDING SECTION 129.14 TO THE ADMINISTRATIVE CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING SECTION 129.14 TO ITS ADMINISTRATIVE CODE ADDRESSING THE CREATION AND ADMINISTRATION OF AN OTHER POST-EMPLOYMENT BENEFITS (OPEB) FUND.

Motion by Byrne, second by Selin to pass the above entitled Ordinance second reading. Following clarification from City Manager Terrence Moore regarding the OPEB fund, motion carried 7-0.

**AN ORDINANCE ADDING SECTION 129.15 TO THE ADMINISTRATIVE CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING SECTION 129.15 TO ITS ADMINISTRATIVE CODE, CREATING A FINANCIAL STABILIZATION FUND.

Motion by Byrne second by Selin to pass the above entitled Ordinance to second reading. Following discussion, the rules were suspended to allow explanation from Finance Director J.R. Sabatelli regarding the stabilization fund. After continued discussion, motion carried 4-3. Councilors Bane, Nugent, and Mayor Manilla voted NO.

**AN ORDINANCE AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT WITH THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF A REAL ESTATE PURCHASE AGREEMENT AND RELATED DEED, AS THE SAME PERTAIN TO THE EXCHANGE OF REAL PROPERTIES BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY (MCDA); SAID PROPERTY OF THE CITY CURRENTLY BEING LOCATED ON THE MORGANTOWN MUNICIPAL AIRPORT, AND SAID PROPERTY OF THE MCDA CURRENTLY BEING LOCATED ADJACENT TO BOTH THE HARTMAN RUN ROAD AND THE AIRPORT.

Motion by Byrne, second by Shamberger, to pass the above entitled Ordinance to second reading. Following explanation from the City Manager, the rules were suspended to allow presentations from, and discussions with Airport Director Michael Clow, and Development Authority Attorney James Gianola regarding the above Ordinance. After discussion, motion carried 7-0.

**A RESOLUTION OF THE CITY OF MORGANTOWN TO ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR LISA P. JACKSON IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION UNDER THE CLEAN AIR ACT:** The above entitled resolution was presented for approval.

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

**A RESOLUTION TO ADMINISTER THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM, FUNDS FOR USE BY WEST VIRGINIA SENIOR LEGAL AID:** The above entitled resolution was presented for approval.

Motion by Bane, second by Byrne, to approve the above entitled Resolution. Following brief explanation from the City Manager, motion carried 7-0.

**A RESOLUTION TO APPLY FOR THE WVDOT TRANSPORTATION ENHANCEMENT PROGRAM GRANT, FUNDS FOR CONSTRUCTION OF PEDESTRIAN**

**BRIDGE TO ACCESS DECKERS CREEK RAIL TRAIL:** The above entitled resolution was presented for approval.

Motion by Byrne, second by Shamberger, to approve the above entitled Resolution. After explanation from the City Manager and further discussion, motion carried 7-0.

**A RESOLUTION TO APPLY FOR THE WVDOT TRANSPORTATION ENHANCEMENT PROGRAM GRANT, FUNDS FOR CONSTRUCTION AND IMPROVEMENT OF SIDEWALKS, LIGHTING AND PEDESTRIAN AMENITIES IN THE DOWNTOWN DISTRICT:**

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

**A RESOLUTION EXPRESSING CITY COUNCIL'S SUPPORT FOR MAINTAINING THE CURRENT POPULATION THRESHOLDS FOR MPO'S IN ANY NEW LEGISLATION FOR FEDERAL SURFACE TRANSPORTATION AUTHORIZATION:**

Motion by Byrne, second by Nugent, to approve the above entitled Resolution. After explanation from the City Manager, motion carried 7-0.

**SPECIAL COMMITTEE REPORTS:** No Reports.

**CITY MANAGERS REPORT:**

**Information:**

1. Pending Meeting with Senator Rockefeller Regarding Morgantown Municipal Airport.

Mr. Moore reported that he has made contacts for support of further infrastructure improvements to the Municipal Airport.

**New Business:**

1. Authorization of Bid Process for 2012 Paving Program.

Motion by Byrne, second by Nugent, to approve the bids for the 2012 paving program. Motion carried 7-0.

2. Community Development Office: RFQ for HUD Services Program.

Motion by Selin, second Shamberger, to approve the proposal received in response to the above referenced RFQ. Motion carried 7-0.

3. Capital Escrow Budget Requests and Adjustments.

Motion by Nugent, second by Selin, to approve the proposed capital escrow budget requests and adjustments. The rules were suspended to allow explanation from Finance Director J.R. Sabatelli. After discussion, motion carried 7-0.

**CITY CLERK'S REPORT:**

**Requirements to Change Start Time of Regular City Council Meetings:**

City Clerk, Linda Little reported that her research of Council meeting start times yielded information from 1978, where the City Council motioned and passed by Roll Call Vote, to change the start time of Regular Meetings from 7:00 p.m. to 7:30 p.m. She recommended that based on this past precedent, Council may wish to follow the same procedure to change the meeting time back to 7:00 p.m.

After brief discussion, Motion by Byrne, second by Nugent to change the start time of Regular Council Meetings to 7:00 p.m., beginning with the next Regular Council Meeting on Tuesday, February 21, 2012, and for all Council Meetings thereafter. Motion carried 7-0.

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane reported on the recent WVML Conference, adding that he is skeptical of the progress of the Marcellus Shale Legislation. He also mentioned that he impressed with the History Museum, and commended the Museum Commission for its success.

Councilor Nugent: Councilor Nugent announced the latest Wiles Hill Highland Park neighborhood association meeting. He then inquired as to the status of the Power of Change initiative. Mr. Moore replied that the meters are being prepared and he looks forward to their installation soon. He closed by mentioning the 145<sup>th</sup> birthday of WVU.

Councilor Selin: Councilor Selin concurred that the WVML Conference was productive. She thanked everyone involved for their hard work on such initiatives as the pedestrian improvements referenced in the above resolutions.

Councilor Shamberger: No Report.

Councilor Byrne: Councilor Byrne commended the City Manager for his efforts in transparency in government, praising the Financial Stabilization Fund. He continued by giving examples of how this policy could allow the continuation of matches to state and federal grant monies.

Councilor Herbst: Councilor Herbst mentioned that she enjoyed her first trip to the Capitol. She stated hopes that in the upcoming budget process the City can look at new and added uses for the communities' facilities.

Mayor Manilla: Mayor Manilla concurred that Council should be proactive in generating new ways of increasing our revenue from B&O taxes. He feels Main Street Morgantown should be fully supported in

their endeavors. He then requested a full quarterly finance report of the new development at the airport. Mr. Moore replied that he would arrange for the requested reports.

**EXECUTIVE SESSION:** Motion by Nugent, second by Bane, carried by unanimous consent, to enter into an executive session pursuant to West Virginia Code Section 6-9A-4(2)(9) as it pertains to the sale, purchase or lease of realty, with City Council Members, City Manager Moore, City Attorney Fanok, WVU Representative Ron Justice, Mr. Gary Murdock, and Mr. Robert Shuman present, at 9:20 p.m. Executive session adjourned at 10:00 p.m.

**EXECUTIVE SESSION:** Motion by Nugent, second by Bane, carried by unanimous consent, to enter into an executive session pursuant to West Virginia Code Section 6-9-A-(2)(A) as it pertains to personnel matters, with City Council Members present, at 10:00 p.m. Executive session adjourned at 10:51 p.m.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:52 p.m.

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City Clerk

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Mayor

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