

**REGULAR MEETING, MAY 21, 2013:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, May 21, 2013 at 7:00P.M.

**PRESENT:** City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, 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 of May 7, 2013, were approved as presented. The May 6, 2013 minutes of the Canvassing Board of the 2013 Municipal Election were also approved as presented.

**CORRESPONDENCE:** City Clerk Linda Little administered oaths of office to Dave Ross and Keith Watson for obtaining Firefighter First Class designation. Mayor Manilla presented Lt. Mike Caravasos a retirement proclamation for his 30 years of service. Mayor Manilla also noted that May 20, 2013 is National Missing Children's Day.

**PUBLIC HEARING - AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 5 ACRES ADDITIONAL TERRITORY, COMMONLY KNOWN AS MILEGROUND ARMORY SITE, INTO THE CITY OF MORGANTOWN PURSUANT TO SECTION 8-6-4 OF THE WEST VIRGINIA CODE:**

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

**PUBLIC HEARING -AN ORDINANCE AND RESOLUTION WHICH WOULD AUTHORIZE AND DIRECT THE MODIFICATION OF CERTAIN TERMS OF THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS (FALLING RUN PROJECT NO. 1) SERIES 2007A AND APPROVE THE FORMS OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH MODIFICATIONS:**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE ANNEXING 5 ACRES OF ADDITIONAL TERRITORY INTO THE CITY OF MORGANTOWN:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 5 ACRES ADDITIONAL TERRITORY, COMMONLY KNOWN AS MILEGROUND ARMORY SITE, INTO THE CITY OF MORGANTOWN PURSUANT TO SECTION 8-6-4 OF THE WEST VIRGINIA CODE.

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

**AN ORDINANCE AND RESOLUTION WHICH WOULD AUTHORIZE AND DIRECT THE MODIFICATION OF CERTAIN TERMS OF THE CITY'S OUTSTANDING TAX INCREMENT REVENUE BONDS (FALLING RUN PROJECT NO. 1) SERIES 2007A AND APPROVE THE FORMS OF CERTAIN DOCUMENTS IN CONNECTION WITH SUCH MODIFICATIONS:** The above entitled Ordinance and Resolution was presented for second reading.

Motion by Byrne, second by Herbst to pass the above entitled Ordinance and Resolution to second reading. After explanation from the City Manager, motion carried 7-0.

**A RESOLUTION OF THE CITY OF MORGANTOWN CONCERNING ELECTRIC UTILITY RATE IMPACTS OF PROPOSED POWER PLANT TRANSFERS:** The above entitled Resolution was presented for approval in two versions denoted as "A" and "B".

After a making a point of information, motion by Byrne, second by Selin to approve version “B” of the above entitled Resolution, which includes language protesting, and calling for the rejection of, the proposed power plant transfer by the WV Public Service Commission. Discussion commenced regarding the effectiveness of the language of both versions and their possible impacts on the future outcome of the PCS proceedings regarding the matter. Discussion continued and views were expressed that Council as a non-partisan body shouldn’t consider such a politically charged issue, as it could be perceived as taking sides with labor unions and other political bodies.

It was also brought to Council’s attention that other local government bodies have declined to pass similar resolutions on the grounds that they have confidence in the decision the State PCS can arrive at. Discussion also arose with regard to standing up for Morgantown’s ratepayers in the face of an impending increase in the cost of the electricity associated with the transfer. Discussion continued about the various sides of the issue and the merits and detriments of passing either version of the Resolution.

After discussion, the motion to approve of version “B” of the above entitled Resolution, which includes language protesting, and calling for the rejection of, the proposed power plant transfer by the WV Public Service Commission, was denied by a vote of 3-4; with Councilors Bane, Nugent, Herbst and Mayor Manilla voting NO.

Mayor Manilla then called for motions on version “A” of the above entitled Resolution, which includes language stating concern for, and calling for the evaluation of, the proposed power plant transfer by the WV Public Service Commission. Motion by Selin, second by Nugent to approve version “A” of the above entitled Resolution. After brief discussion about the language differences of version “A”, motion carried approving version “A” by a vote of 5-2. Councilor Bane and Mayor Manilla voted NO.

**BOARDS AND COMMISSIONS:** Michael A. Jacks was appointed by acclamation to serve the remainder of an unexpired term on the Fire Civil Service Commission as the Chamber of Commerce representative.

**PUBLIC PORTION:**

James Kotcon, 414 Tyrone Avery Road, Green Team representative, thanked Council for considering and passing the amended power plant transfer Resolution, and regretted that the original Resolution proposed was not accepted.

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

**SPECIAL COMMITTEE REPORTS:** None

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE AND ADOPTING THE 2013 COMPREHENSIVE PLAN:** The below entitled Ordinance was presented for first reading:

AMENDING ARTICLE 1301 OF THE MORGANTOWN PLANNING AND ZONING CODE PERTAINING TO THE COMPREHENSIVE PLAN FOR THE PHYSICAL DEVELOPMENT OF THE CITY OF MORGANTOWN; TO DELETE REFERENCES TO THE 1998 COMPREHENSIVE PLAN; AND, TO ADOPT THE 2013 COMPREHENSIVE PLAN.

Motion by Byrne, second by Shamberger to pass the above entitled Ordinance to second reading. After discussion, motion carried 7-0.

**AN ORDINANCE AMENDING THE FY 2012-2013 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 ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

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

**AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY FOR ANIMAL CONTROL SERVICES:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY.

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

**CITY MANAGERS REPORT:**

**INFORMATION:**

**1. Letter from the County Commission Regarding the Hartman Run Bridge.**

Mr. Mikorski explained the letter received from the County. Mr. Mikorski asked for Council's direction in order to ascertain details about the project and the County's expectations of the City before bringing a recommendation to Council about the request.

Mayor Manilla recalled information for the Manager to look into, that State funding could be available to assist the bridge project, and that the County may be unaware of this opportunity. Discussion continued about the City's financial ability to contribute and support for the Manager further investigating the project's needs.

Mr. Mikorski then informed Council that he will travel to attend the International Town and Gown Association conference in Buffalo, NY, June 3-4. He noted he was invited to be a panel speaker with others from WVU about the impact of campus misbehaviors related to athletic events.

**REPORT FROM CITY CLERK:** No report.

**REPORT FROM CITY ATTORNEY:** No report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane thanked Councilor Selin for mentioning the tornado tragedy in Oklahoma and encouraged citizens to support those in need. He remarked that Americans should stand tall and not lose hope even in the midst of these great political scandals on the national level.

Councilor Bane also asked people to remember veterans during their Memorial Day celebrations.

Councilor Nugent: Councilor Nugent announced the Wiles Hill-Highland Park neighborhood yard sale, going on at the same time as the WVU Blue and Gold Mine sale.

Councilor Selin: Councilor Selin announced the Farmer's Market each weekend, and noted that Susan Sullivan would be speaking at the next Suncrest neighborhood association meeting. She announced the Evansdale annual neighborhood picnic as well. She mentioned a bike-to-work event and a visit to the Botanical Garden.

Councilor Shamberger: Councilor Shamberger encouraged citizens to visit local parks and pools over the Memorial Day weekend.

Councilor Byrne: Councilor Byrne echoed concerns for those who were affected by the tornado in Oklahoma and wished everyone a safe Memorial Day weekend.

Councilor Herbst: Councilor Herbst expressed her disappointment that some Council members still have not converted to using an electronic version of the Council meeting packet. She noted that Police Officers take time to make home deliveries of the envelopes.

Mayor Manilla: No Report.

**ADJOURNMENT:** There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:15 p.m.

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City Clerk

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Mayor

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