

REGULAR MEETING APRIL 3, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 3, 2012 at 7:00 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 March 20, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla presented a proclamation for Fair Housing Month. Dave Shriver, Auditor from Tetrick & Bartlett explained to Council the results of the FY2010-2011 audit and reported that the City of Morgantown is in compliance with Government Auditing Standards.

PUBLIC HEARING: AN ORDINANCE CREATING A FINANCIAL STABILIZATION FUND:

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

UNFINISHED BUSINESS:

AN ORDINANCE CREATING A FINANCIAL STABILIZATION FUND: The below entitled Ordinance was presented for second 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 Shamberger, to adopt the above entitled Ordinance. Following a brief discussion, and concurrence from the City Manager, motion by Nugent, Second by Selin to amend the Ordinance language to reflect that the fund shall be set up and maintained with separate financial records, along with additional language stating that in the event of a shortage in any funds from which employees are paid that Council shall immediately be notified of the reason for and extent of such a shortage with a plan to address any such occurrence.

After discussion, the rules were suspended to allow explanation from Finance Director JR Sabatelli. Discussion continued. Councilor Nugent amended his above motion, to postpone the Ordinance until April 17th, second by Shamberger. Motion Carried 7-0. Mr. Moore assured that the Ordinance will include the discussed language at that time.

BOARDS AND COMMISSIONS: No appointments.

PUBLIC PORTION:

George Logennecker, Executive Director of the WV Botanic Garden, announced the Garden's upcoming centennial celebration event.

Evan Dove, WVU SGA Liaison, 37 Shady Grove, thanked Council members for attending the most recent SGA meeting, and invited them to continue participating with the Student Government Association.

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

NEW BUSINESS:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH MONONGALIA COUNTY COMMISSION AND TRANSPORTATION PLANNING ORGANIZATION: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE MONONGALIA COUNTY PLANNING COMMISSION (LESSEE) AND THE MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEE) REGARDING OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Bane, second by Selin to pass the above entitled Ordinance to second reading. Following clarification by the City Manager, motion carried 7-0.

AN ORDINANCE REPEALING 509.02 AND REPLACING NEW 509.02 AS THE SAME APPLIES TO AGGRESSIVE SOLICITATION: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING SECTION 509.02 OF ITS GENERAL OFFENSES CODE AND REPLACING IT WITH A NEW SECTION 509.02, AS THE SAME APPLIES TO AGGRESSIVE SOLICITATION.

Motion by Bane, second by Shamberger to pass the above entitled Ordinance to second reading. Following explanation from the City Attorney and discussion by Council, motion carried 7-0.

AN ORDINANCE FOR ZONING RECLASSIFICATION IN THE THIRD WARD FROM (R-3 TO (B-2): The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT TO(B-2) SERVICE 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.

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

AN ORDINANCE TERMINATING AND AUTHORIZING A NEW LEASE AGREEMENT WITH WV BOTANIC GARDEN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE TERMINATING A LEASE AGREEMENT AND AUTHORIZING A NEW LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND WEST VIRGINIA BOTANIC GARDEN, INC., LESSEE.

Motion by Byrne, second by Bane to pass the above entitled Ordinance to second reading. Following clarification by the City Manager and discussion by Council, the rules were suspended to allow further explanation from MUB Director Tim Ball. Motion carried 7-0.

CONSIDERATION OF APPROVAL OF A RESOLUTION ADOPTING THE UPDATED REGIONALIZED REGION 6 PCD MULTIJURISDICTIONAL HAZARD MITIGATION PLAN:

The above stated Resolution was presented for approval:

Motion by Bane, second by Nugent to pass the above entitled Resolution to second reading. Following clarification by the City Manager, motion carried 7-0.

CHANGES TO ORDER OF PROCEDURE FOR REGULAR MEETINGS OF CITY COUNCIL: The topic was presented for discussion of Council:

Mr. Moore facilitated the discussion of this item by asking Council to decide upon the recommended order of procedure so that an Ordinance can be prepared to effect the change.

Councilor Herbst explained that Council can more effectively respond to citizens that appear at the Public Portion, if the Public Portion were placed on the agenda after items of New Business. Mr. Fanok explained the reasoning and atmosphere in 1991 which contributed to the change of order being initiated. Discussion continued, followed by a consensus of Council to direct the writing of an Ordinance which moves the Public Portion directly before New Business.

Motion by Nugent, second by Bane to suspended the rules in order to allow discussion regarding protocols governing personnel files. Councilor Nugent stated that he understands Council supervises 3 appointed employees, the City Clerk, City Manager, and Municipal Court Judge. Councilor Bane suggested that official documents should have a majority approval among Council before being placed in personnel files. Councilor Shamberger noted that commendations and awards could be placed in files without consensus Council. Councilor Byrne inquired if there is such a policy regarding the removal of documents from personnel files. City Attorney Steve Fanok stated that an employee can include any documents they wish in their own personnel file without Council's approval.

The City Manager then clarified that the point person to submit documents for inclusion in personnel files should be the Mayor, as Chair Person. He requested that Council address the issue further at the April 24th Committee of the Whole Meeting. Council concurred by acclamation. The City Manager then directed that the Manager's Office and Clerk's Office will organize information regarding such protocols in order to move the discussion forward at that time.

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGER'S REPORT:

Information:

1. Alcohol Beverage Commission Club Floor Plan Request for Extension.

After discussion, City Manager Terrence Moore and City Attorney Steve Fanok explained the approval process for extensions.

REPORT FROM CITY CLERK: No Report.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBER (Roll Reversal):

Councilor Herbst:

Councilor Herbst reported on the Pittsburgh Ballet rehearsal at the Creative Art Center. She also spoke her concerns over vehicle parking on both sides of residential streets, where

emergency vehicle traffic would be constricted. Mr. Moore responded that he will contact the appropriate City staff and the Traffic Commission regarding the issue, in addition to meeting with Councilor Herbst to gather further information.

Councilor Byrne: Councilor Byrne reported that he will be meeting with Delegates from the City of Xuzhou, China who are visiting the WVU School of Engineering to discuss Mining Technology. He recounted that a meeting with the Leadership Team, WVU, and the City was well attended. Mutual community projects and events were discussed, and Councilor Byrne announced that the next meeting will take place in October.

Councilor Shamberger: Councilor Shamberger reported on a meeting with WVU, Property Owners, and the Fire Chief, stating that the culture of burning can be changed if all parties work together. She also noted that she attended the Crossroads meeting and commented on how interesting the community planning process is. She encouraged all Councilmembers attend the next meeting. Councilor Shamberger thanked the City Manager, City Engineer, Planning and Code departments for taking care of some issues in the 5th ward. She commended those who appeared on behalf of the Fair Housing initiative. Councilor Shamberger stated that she, too, attended the WVU meeting and reported on the upcoming Woodburn Re-Use Committee meeting.

Councilor Selin: Councilor Selin reported that she attended the Designing the Divide Conference in March. She then reminded everyone about the upcoming Chocolate Lovers Day event and Film Festival at the Met Theatre. She mentioned the WVU meeting and commended the City Manager and Mr. Jay Cole for their input.

Councilor Nugent: Councilor Nugent reported on the upcoming meeting of the Main Street Morgantown Economic Restructuring Committee. He encouraged everyone to attend the Titanic exhibit at the Morgantown History Museum in April. Councilor Nugent also announced the Neighborhood Chili Cook-off at the Rosenbaum Family House. He commented on the WVU meeting and thanked Liaison Evan Dove for keeping City Council connected with the Student Government Association.

Councilor Bane: Councilor Bane thanked Chief Preston, Chief Caravasos and the WVU Student Life Dean for the successful meeting regarding the events of St. Patrick's Day. He then noted that lacrosse season has started, and encouraged our community members to support high school athletics.

Mayor Manilla: Mayor Manilla inquired about abandoned cars parked in the right of way, and Mr. Moore replied that such a vehicle would be considered abandoned if it is not licensed, nor operational. Mr. Fanok, added that there is an ordinance in place to address abandoned vehicles. He recalled that an vehicle meeting the

above criteria is considered abandoned after being left for 48 hours, at such time the Police can take action. Mr. Fanok, also commented that junk vehicles come under a different section of the code which also authorizes Police to take action. Mayor Manilla concluded by thanking WVU SGA Liaison Evan Dove for all his hard work.

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(b) (9) as it pertains to matters involving or affecting the purchase, sale or lease of property, with Council Members, City Attorney, Deputy City Manager and City Manager present; at 8:39 p.m. Executive Session adjourned at 9:19 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:20 p.m.

City Clerk

Mayor

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