

REGULAR MEETING JANUARY 3, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, January 3, 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, Marti Shamberger, Bill Byrne and Linda Herbst. Councilor Jenny Selin was absent.

APPROVAL OF MINUTES: The minutes of the Regular Meeting on December 20, 2011 were approved as printed.

CORRESPONDENCE: Promotional oaths of office were presented to Firefighters Eric Nickelson and Joshua Morgan.

PUBLIC HEARING - A BOND ORDINANCE PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 B (COLLECTIVELY, THE "BONDS"). THE PROCEEDS OF THE BONDS WILL BE USED (I) TO PAY A PORTION OF THE COSTS OF A ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE ISSUER (THE "PROJECT"); AND (II) TO PAY CERTAIN COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS. THE BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE WATER SYSTEM OF THE CITY.

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

PUBLIC HEARING - A BOND ORDINANCE PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 (THE "SERIES 2012 BONDS"). THE PROCEEDS OF THE SERIES 2012 BONDS WILL BE USED (I) TO FINANCE THE COST OF ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE STORMWATER PORTION OF THE COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE ISSUER; (II) TO FUND A RESERVE ACCOUNT FOR THE SERIES 2012 BONDS; AND (III) TO PAY CERTAIN COSTS OF ISSUANCE OF THE SERIES 2012 BONDS AND RELATED COSTS. THE SERIES 2012 BONDS ARE PAYABLE FROM THE REVENUES DERIVED FROM THE SYSTEM.

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

PUBLIC HEARING - 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.

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

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

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

PUBLIC HEARING - 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.

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

UNFINISHED BUSINESS:

A BOND ORDINANCE FOR BETTERMENTS TO THE WHISPERING WOODS/QUARRY RUN WATER PROJECT: The below entitled Ordinance was presented for third reading:

A BOND ORDINANCE PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 A AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 B (COLLECTIVELY, THE "BONDS"). THE PROCEEDS OF THE BONDS WILL BE USED (I) TO PAY A PORTION OF THE COSTS OF A ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATER PORTION OF THE EXISTING PUBLIC COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE ISSUER (THE "PROJECT"); AND (II) TO PAY CERTAIN COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS. THE BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE WATER SYSTEM OF THE CITY.

Motion by Bane, second by Nugent to adopt the above entitled Ordinance. After explanation from the City Manager, motion carried 6-0. Selin Absent.

A BOND ORDINANCE FOR BETTERMENTS TO THE SABRATON STORMWATER PROJECT: The below entitled Ordinance was presented for third reading:

A BOND ORDINANCE PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2012 (THE "SERIES 2012 BONDS"). THE PROCEEDS OF THE SERIES 2012 BONDS WILL BE USED (I) TO FINANCE THE COST OF ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE STORMWATER PORTION OF THE COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE ISSUER; (II) TO FUND A RESERVE ACCOUNT FOR THE SERIES 2012 BONDS; AND (III) TO PAY CERTAIN COSTS OF ISSUANCE OF THE SERIES 2012 BONDS AND RELATED COSTS. THE SERIES 2012 BONDS ARE PAYABLE FROM THE REVENUES DERIVED FROM THE SYSTEM.

Motion by Nugent, second by Bane to adopt the above entitled Ordinance. After explanation from the City Manager, motion carried 6-0. Selin Absent.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PARCELS IN THE SIXTH WARD, HABITAT FOR HUMANITY, JEROME PARK HUD: The below entitled Ordinance was presented for second 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.

Motion by Herbst, second by Bane to approve the above entitled Ordinance. After discussion, motion carried 6-0. Selin Absent.

AN ORDINANCE REPEALING ARTICLE 161: The below entitled Ordinance was presented for second 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 Shamberger to approve the above entitled Ordinance. After explanation from the City Manager, motion carried 6-0. Selin Absent.

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. The above entitled Resolution was presented for second reading.

Motion by Byrne, second by Nugent to approve the above entitled Resolution. Motion carried 6-0.

BOARDS AND COMMISSIONS: None.

PUBLIC PORTION:

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

NEW BUSINESS:

A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR’S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE METROPOLITAN THEATRE: The above entitled Resolution was presented for approval:

Motion by Byrne, second by Shamberger to approve the above entitled Resolution. Following remarks from the City Manager, motion carried 6-0. Selin Absent.

A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE MOUNTAINEER BOYS AND GIRLS CLUB:

The above entitled Resolution was presented for approval.

Motion by Bane, second by Nugent to approve the above entitled Resolution. Motion carried 6-0.
Selin Absent.

A RESOLUTION AUTHORIZING THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE MORGANTOWN MARKET PLACE PROJECT:

The above entitled Resolution was presented for approval.

Motion by Nugent, second by Byrne to approve the above entitled Resolution. Motion carried 6-0.
Selin Absent.

SPECIAL COMMITTEE REPORTS: Councilor Byrne reminded that a presentation will be given on the Friendship City application from China at the next regular meeting. Mayor Manilla then announced that Evan Dove, WVU SGA President is in attendance, and allowed him to make a few remarks. Mr. Dove thanked Council for their cooperation on the downtown lighting issues and stated he looks forward to working with Council in the future.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: Consideration and Analysis – Assess Property Valuation

Mr. Moore gave a brief explanation, and then allowed further remarks from Finance Director JR Sabatelli. Discussion followed.

CITY CLERK'S REPORT: City Clerk Little reminded Council Members of the upcoming West Virginia Municipal League Mid-Winter Conference in Charleston, WV.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane requested an update on sidewalks, curbs and trees along High Street, as well as an update on the Hog Back Turn issues. Mr. Moore replied he will have more information for Council on these matters at the Jan. 17th meeting. He will have other meetings concerning Hog Back Turn and will report to Council at Committee of the Whole.

Councilor Nugent: Councilor Nugent mentioned 2012 calendars provided by WVU Extension Services, as well as various activities upcoming for the Museum including 'History of Tow Boats on the Mon River', 'Flight to the Moon', and other presentations.

Councilor Selin: Absent.

Councilor Shamberger: Councilor Shamberger reminded Council of upcoming MLK Day events in Morgantown.

Councilor Byrne:

Councilor Byrne wished everyone a Happy New Year.

Councilor Herbst:

Councilor Herbst inquired about changing the Agenda Order, and public portion, and the starting time of public meetings. She also wished everyone a Happy New Year.

Mayor Manilla:

Mayor Manilla asked that Tom Arnold attend the Feb. COW meeting to discuss trash issues and reminded everyone that Wednesday will be a busy day of Mountaineer sports.

EXECUTIVE SESSION: Motion by Herbst, second by Nugent, carried by unanimous consent, Council entered into Executive Session pursuant to West Virginia State Code Section 6-9A-4, with Council Members, City Manager, Deputy City Manager, City Attorney, Building Commission Members, and Attorney Shuman present in order to discuss matters of attorney-client privilege at 8:10 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:15 p.m.

City Clerk

Mayor

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