

REGULAR MEETING JANUARY 6, 2009:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, January 6, 2009 at 5:45p.m.

PRESENT: Mayor Ron Justice, City Clerk Linda Little, City Attorney Steve Fanok, City Manager Dan Boroff, Assistant City Manager Jeff Mikorski, and Council Members: Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, Bill Byrne, and Don Spencer.

APPROVAL OF MINUTES: Minutes from the regular meeting on December 16, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice informed everyone of the Martin Luther King activities that will be going on in the community. On January 15th there will be a MLK Celebration at St. Paul AME Church.; on the 19th the annual Martin Luther King Unity Breakfast at the Mountain Lair, and also an event at Met Theatre a Living History Performance. Mayor Justice then gave congratulations to Horace Belmear, as he will be getting MLK award this year.

PUBLIC HEARING - AN ORDINANCE PROVIDING FOR THE BOUNDARY ADJUSTMENT OF THE SUNNYSIDE CENTRAL OVERLAY DISTRICT TO EXCLUDE REALTY ZONED R-1A SINGLE-FAMILY RESIDENTIAL 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 THERIN:

- There being no appearances, Mayor Justice declared this public hearing closed.

PUBLIC HEARING – AN ORDINANCE VACATING, ABANDONING, AND ANNULING A 20’ RIGHT-OF-WAY DISTANCE OF APPROXIMATELY NINETY EIGHT FEET TO A DEAD END IN THE FIRST WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES:

There being no appearances, Mayor Justice declared this public hearing closed.

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY (LESSOR) AND WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS (LESEE), ON BEHALF OF WEST VIRGINIA UNIVERSITY (WVU), REGARDING LAND TO BE USED BY BOTH THE MORGANTOWN BOARD OF PARK AND RECREATION COMMISSION (BOPARC) FOR BOPARC PUBLIC RECREATION PROGRAMS AND WVU WOMEN’S SOCCER PRACTICE:

John Duarte, 460 Grove Street, expressed that while he sees the benefits for WVU, he is concerned about the need for additional green space. He also questioned the terms of lease.

Frances Toro, 366 Charleston Avenue, spoke of her concerns and asked Council when voting on this please look at what is best for the majority of Morgantown residents.

David McKain, 145 Hoffman Avenue, asked that this be tabled to give citizens more time to review this.

Ben Chorpening, 119 Forest Drive, President Youth Soccer Association, requested that MYSA and WV United have access to the field.

There being no more appearances, Mayor Justice declared this public hearing closed.

PUBLIC HEARING – AN ORDINANCE AMENDING THE FY 2008-2009 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:

- There being no appearances, Mayor Justice declared this public hearing closed

UNFINISHED BUSINESS:

- **AN ORDINANCE ADJUSTING THE BOUNDARY OF THE SUNNYSIDE CENTRAL OVERLAY DISTRICT:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE BOUNDARY ADJUSTMENT OF THE SUNNYSIDE CENTRAL OVERLAY DISTRICT TO EXCLUDE REALTY ZONED R-1A SINGLE-FAMILY RESIDENTIAL 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 THEREIN.

Motion by Byrne, second by Spencer to adopt the above stated Ordinance. Motion carried 6-1. Ron Bane Voted No.

- **AN ORDINANCE ANULLING A PORTION OF A RIGHT-OF-WAY IN THE FIRST WARD:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A 20' RIGHT-OF-WAY DISTANCE OF APPROXIMATELY NINETY EIGHT FEET TO A DEAD END IN THE FIRST WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Byrne, second by Selin to adopt the above stated Ordinance. Motion carried 7-0.

- **AN ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH WVU FOR RECREATIONAL USE OF LAND:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY (LESSOR) AND WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS (LESEE), ON BEHALF OF WEST VIRGINIA UNIVERSITY (WVU), REGARDING LAND TO BE USED BY BOTH THE MORGANTOWN BOARD OF PARK AND RECREATION COMMISSION (BOPARC) FOR BOPARC PUBLIC RECREATION PROGRAMS AND WVU WOMEN'S SOCCER PRACTICE.

Motion by Bane to table due to moving too quickly through the process, second by Byrer. Motion failed 2-5 with Bane and Byrer voting in favor of the tabling. After discussion and comments from Joe Fisher & Beverly Kerr representing WVU, Councilor Spencer motioned for an amendment to paragraph number 7: "It is understood that during those time periods when WVU has exclusive use of the soccer field pursuant to this agreement, BOPARC may make a request to use the soccer field. Should that occur, WVU will make a sincere effort to accommodate the request." second by Byrer. Motion carried 6-1. Ron Bane Voted No. After more discussion, question was called on the main motion; roll call was taken with a 5-2 Vote. Motion carried. Ron Bane & Charlie Byrer Voted No.

- **AN ORDINANCE AMENDING THE FY 2008-2009 BUDGET:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2008-2009 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 Byrne, second by Selin to adopt the above stated Ordinance. Motion carried 7-0.

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

NEW BUSINESS:

- **A RESOLUTION TO AUTHORIZE THE ADMINISTRATION AND EXECUTION OF THE TRANSPORTATION ENHANCEMENT GRANT PROGRAM, FUNDS TO PROVIDE STREETSCAPE IMPROVEMENTS ON HIGH STREET AND IN THE DOWNTOWN BUSINESS DISTRICT:** The above entitled Resolution was presented for approval.

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

A RESOLUTION TO AUTHORIZE THE ADMINISTRATION AND EXECUTION OF THE TRANSPORTATION ENHANCEMENT GRANT PROGRAM, FUNDS TO PROVIDE STREETSCAPE IMPROVEMENTS ON HIGH STREET IN THE MORGAN/HIGH STREET BUSINESS IMPROVEMENT DISTRICT IN DOWNTOWN MORGANTOWN: The above entitled Resolution was presented for approval.

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

PUBLIC PORTION: David McKain, 145 Hoffman Avenue, spoke against passing the lease, stating that this should have been on the COW for more citizens to review. In his opinion, it should have been tabled tonight.

John Duarte, 460 Groves Street, gave comments in concurrence with Mr. McCain's views. He named months where he felt the land would be usable and felt that it is an inadequate amount of time. He feels there needs to be more green space in the City and more accessible recreation areas for citizens not that are not just for students.

SPECIAL COMMITTEE REPORTS: Councilor Spencer announced that the meetings of the Bike Board and Tree Board. Councilor Byrne announced the Sister City Committee meeting.

Mayor Justice spoke about the Inclusive Community Initiative and a new travel opportunity provided for WVU Students to visit sites and cities which are culturally important to African Americans and significant to Civil Rights History. He asked that if any Council Member is interested in going on the trip in March to let him know, as it would be more enriching for the students if a member of Government accompanied them.

CITY MANAGERS REPORT:
INFORMATION:

Item No. 1: As of December 29, 2008, an unofficial count of commercial passenger enplanements at the Morgantown Airport was 10,171. This is significant in that if this is accurate, then the City will qualify for a \$1,000,000 Airport Improvement Grant to fund capital projects at the Airport. Once the official enplanement number is known, Council will be informed.

Mayor Justice commented on the Airport Director and employees and the good job they are doing in growing the Municipal Airport. Councilor Spencer agreed with Mayor Justice and added his own praises for the Airport team. Councilor Selin added that the cost is going down to fly directly out of Morgantown.

NEW BUSINESS:

Item No 1: Attached you will find a memo from the Police Chief and related materials reporting the bid results for mobile computers to serve area law enforcement agencies. I agree with the Chief's comments and recommend that the contract be awarded to In-Synch Systems LLC for a total project cost of \$195,000. Special Note: This is a Justice Department Grant Program that will place 60 computers in Police vehicles throughout the County (in the near future, the ones in Morgantown will have access to wireless broad band transmission sites to download information to the Police Station).

Motion by Bane, second by Byrne, to approve the bid to Synch Systems LLC to purchase mobile computers for a total cost of \$195,000. Motion carried 7-0.

CITY CLERK'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane remarked to Mr. Boroff that an expansion joint on the High Street Bridge is in disrepair and is difficult to drive over. He asked if a repair had been scheduled. Mr. Boroff replied that the State has been notified and he will contact them again to confirm the repairs. He concluded by thanking the Police Department for responding to a resident complaint in such a timely fashion.

Councilor Gaddis: Councilor Gaddis congratulated the Municipal Airport for their achievement and mentioned his positive experiences flying out of the Airport.

Councilor Byrer: Councilor Byrer inquired whether there is any other land that could be used for this soccer practice instead of the parcel named in the lease. Mr. Boroff responded that with the new access road over 400 acres will be available for development. Mayor Justice added that additional land will be made available near Marilla. Councilor Byrer mentioned that Neighborhood Watches should be more informed on crime patterns so they can adjust their strategies accordingly. He asked if gum can be cleaned off of sidewalks to match the nice Streetscape plans and updates on High Street. He also mentioned a tree that fell on Dorsey Avenue that needs to be tended to.

Councilor Selin: Councilor Selin announced the Suncrest Neighborhood Association Meeting will be at 6:30 on the 13th, more information is available on the web. She spoke about the Soccer Lease and asked that BOPARC keep the dialogue open on the lease and get the public involved. She mentioned that on the 27th at the Library the Year of the Child ending event will take place.

Councilor Byrne: Councilor Byrne suggested that Council move immediately on a Memorandum of Understanding regarding the Soccer Lease issues raised today.

Councilor Spencer: Councilor Spencer agreed with Councilor Byrne on a Memorandum of Understanding. He requested that the COW meeting process should be added to the COW agenda to reform the way meetings are conducted and that expectations are being met. Councilor Selin asked for clarification on what exactly Councilor Spencer is referring to, and Mayor Justice explained on behalf of Councilor Spencer that the Standard Protocol of meetings and number of Ordinance Readings is what may need adjustment. Councilor Spencer continued by announcing the topics for an upcoming meeting at the Airport; which includes protection of water where the number of dissolved solids in the Mon River is of primary concern. He mentioned the Pedestrian Safety plan and asked that any recommendations be brought to his attention as soon as possible. He spoke of an editorial in the paper recently about the development on transportation in Morgantown. He asked for a presentation from Dave Bruffy on the status the Transit Authority projects. He also talked about a presentation by Thomas Freedman from the NLC Paper on green economic and social development and requested Jeff Mikorski to link the City Website to theirs.

Mayor Justice: Mayor Justice expressed that he is looking forward to a prosperous year ahead. He mentioned the 10th anniversary MTC presentation and feels that the City's investments in the program were worthwhile. He also talked about a moving letter written about the influence the MTC had on an individual's military career.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 7:30 p.m.

City Clerk

Mayor

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