

REGULAR MEETING FEBRUARY 19th 2008:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, February 19th, 2008, at 7:30p.m.

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

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the special meeting and regular meeting on February 5th, 2008 were approved as printed.

CORRESPONDENCE:

PUBLIC HEARING - AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE BOARD OF EDUCATION OF MONONGALIA COUNTY, WEST VIRGINIA:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

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

PUBLIC HEARING - AN ORDINANCE AMENDING THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY ADDING A NEW ADMINISTRATIVE POLICY NO. 12:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

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

PUBLIC HEARING - AN ORDINANCE AMENDING SECTION V-7(B) OF THE PERSONNEL RULES:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE BOARD OF EDUCATION OF MONONGALIA COUNTY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE BOARD OF EDUCATION OF MONONGALIA COUNTY, WEST VIRGINIA, SETTING FORTH THE TERMS AND CONDITIONS FOR THE RELOCATION OF A PORTION OF PRARIE AVENUE AND THE CITY OF MORGANTOWN'S ACCEPTANCE OF THE NEWLY RELOCATED PORTION OF PRARIE AVENUE AS A PUBLIC STREET FOR CITY CONTROL AND MAINTENANCE.

After discussion, motion by Selin, second by Spencer to table the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE PERSONNEL RULES OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY ADDING A NEW ADMINISTRATIVE POLICY NO. 12, CREATING A HOME DOWN PAYMENT ASSISTANCE PROGRAM FOR ELIGIBLE CITY EMPLOYEES.

After discussion, motion by Byrne, second by Spencer to table the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION V-7(B) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION V-7(B) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO FUNERAL LEAVE.

Motion by Byrne, second by Spencer to table the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: None

PUBLIC PORTION:

- Dave Biafora, 325 Willey Street; Mr. Biafora reminded Council that he was awaiting their phone call to set up meetings for discussion of the Fire Code Enforcements of recent. He then commented on the BZA Board and stated that he feels they should communicate more directly with developers.

Roman Chuby, 102 Trevilla Avenue, Brookhaven; Mr. Chuby voiced his concerns on Sabraton traffic congestion by suggesting the removal of all 4 traffic lights on Route 7 to improve traffic flow in the area.

Jim Hunt, Sunnyside; Mr. Hunt distributed his annual report on Sunnyside to the Council. He agreed with Mr. Biafora by stating that communication is the key to overcoming the issues at hand. He informed Council that the TIF District makes quality properties for student housing possible, and this TIF in Sunnyside will be a true textbook example of the purpose and good they serve. He concluded by stating his open door policy to all present.

Ann Cummings, 24 Lincoln Avenue, South Park, Chair Morgantown Tree Board; Mrs. Cummings voiced her support for the position of Community Forester which is being considered in this year's budget. She supported her comments by stating that a Community Forester could provide valuable services to the City such as, tree failure clean up, storm preparedness and consultation of developments.

City Clerk Little requested Clarification for the proper term to be used for the new forestry position being considered. After discussion by Councilor Spencer and Mrs. Cummings, the correct title of 'Community Forester' was decided upon.

Colin Kemp, 47 Willey Street, Youth Commission; Mr. Kemp updated Council on the latest Youth Commission activities which included a visit to State Legislation, the State Supreme Court, and lunch with State Delegates in Charleston. The Youth Commission plans to ask for support of their teen center at that time. Other Activities include the Teen Take Over in downtown March 15th, Community Build with BOPARC May 16th and 17th on the Teen Center, and Training on new Youth Commissioners on May 23rd and 24th.

City Clerk Little suggested that if Mr. Kemp were to e-mail her the activities and information from the Youth Commission that she could inform Council Members on his behalf.

Frank Ferrell, 1309 Dorsey Avenue; Mr. Ferrell expressed his gratitude that Mayor Justice did not pursue the position on the County Commission he was previously interested in. As a former member of BZA, he commended Council on the appointment of the two most recent members. He expressed his concern for the state of the public restrooms along the walking/bike trails, as there are many homeless persons who litter and loiter to a severe degree. Mr. Ferrell described a tie vote at the most recent Planning Commission meeting, which he personally was displeased with. He requested the City Attorney to look into the matter.

Mayor Justice thanked the citizens for their comments and concerns. He stated that due to Robert's Rules of Order and Council rules they will not respond at this time to questions. Answers will be addressed later on by the City Manager.

SPECIAL COMMITTEE REPORTS: _____ None

CITY MANAGERS REPORT:

INFORMATION:

Item No 1:

The proposed budget documents for fiscal year 2008-2009 are presented during the regular Council meeting of February 19, 2008. As per State law, they need to be considered in the form of an ordinance during the March 4 and March 18, 2008, meetings. During the interim, additional information as needed or work sessions as necessary may be organized.

Mr. Boroff commented on all the upcoming construction projects to be outlined in the new budget, on which is slated to be spent over 1 million dollars within the fiscal year. He also talked about the pay increases recommended for City employees, as well as the new entry level positions that were added with no tax increase needed from the budget.

- **Item No 2:**

As per your direction, the City has scheduled work crews to clean the Downtown seven days a week between the hours of 4:00 am and 8:00 am. The City also asks Downtown Businesses and Property Owners to assist with this program as well.

- **Item No 3:**

This past year, the City approved a master contract with David Kemnitzer to be the architect for the restoration of the Met Theatre. As per that contract, Mr. Kemnitzer will invoice the City for component projects as they are realized. The first such component (Theatre Marquee) has been authorized by Council and the architect fee for this piece will be \$30,650.

Item No 4:

Attached you will find the lease agreement between the City Building Commission and The Square at Falling Run, LLC. As you will read, this is a 50 year lease that will make City property available for the construction of a parking garage to support the larger Square at Falling Run Project. The lease is provided for information purposes and requires no action by City Council.

Item No 5:

As per your request, the second attachment is survey results of fire inspection activities in other Class I and Class II West Virginia Cities.

NEW BUSINESS:

Item No 1:

As per the Employee Housing Assistance benefit discussed in recent months, I recommend that \$50,000 be made available to fund the first phase of the program. The Morgantown Housing Authority will administer the program with support from City staff.

Motion by Byrne, second by Selin, to approve the funds for Employee Housing Assistance. Motion carried 7-0.

Item No 2:

The third attachment is a memo from the Assistant City Manager and a proposed contract to effect a \$19,000 disaster assessment study of the City's information technology systems. It is anticipated that later this year, a companion contract may be considered to implement recommendations made (estimated cost is \$30,000). Based upon the value of protecting the City's systems and the consideration that this work is being done in coordination with the County Emergency Services Center, I recommend that the contract be authorized.

Motion by Bane, second by Manilla, to authorize the contract for a Disaster Assessment Study. Motion carried 7-0.

Item No. 3:

The last attachment is a request from West Virginia Radio Corporation to designate the 15th Annual Chicken Wing Cook-Off a community festival to allow controlled beer sales. Given the benefits realized by the Ronald McDonald House from the event and its success in past years, I recommend that the request be granted. The Cook-Off will be held August 16, 2008, at the Mountaineer Mall.

Motion by Bane, second by Bryne, to approve the festival permit. Motion carried 7-0.

Mayor Justice informed Council that there will be work sessions to further discuss the new budget proposals. Councilor Spencer and Councilor Selin asked for clarification and Mayor Justice responded that the budget will be on the February 26th Committee of the Whole Agenda and other Special Meetings will be scheduled after that time as necessary.

Councilor Spencer inquired of the Square at Falling Run Lease, expressing his concern for the width of the connector street being planned. City Manager Dan Boroff explained that the dimensions specified were an addition to widen the existing roadway. He also asked Mr. Boroff to clarify whether the property being discussed is only for the parking garage. Mr. Boroff responded that it is the Property the City acquired with the State Economic Development Grant maintains a 'no build zone' to support the Falling Run Road. Councilor Spencer then asked for further clarification of the term 'no build zone'. Mr. Boroff informed him that the property is the corridor coming down from Falling Run and towards Beechurst. The land is reserved for the event that funds are available to build the road. If funds do not become available, and the road is deemed necessary, the developer can request the areas be released for development at a later date.

Discussion continued on the merits of the project, the importance of maintaining Right of Way, and the need to carefully consider such and important lease document.

CITY CLERK'S REPORT:

No Report.

CITY ATTORNEY'S REPORT:

No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane

No Report.

Councilor Manilla

Councilor Manilla praised Student Government for getting involved with rental housing issues, and encouraged them to meet with Mike Stone of the Code Enforcement Department. He informed Council that Morgantown has an excellent ISO Code rating where inspections are concerned. Councilor Manilla expressed concerns about parking for the new Daycare Center in planning.

Mayor Justice interjected assuring that nothing is set in stone and plans reflect only what might be built. He said engineers are working on possible traffic/parking issues.

He continued by suggesting that restrooms on the trail should be locked after daylight hours when trail is no longer in use. He also stated that he would like to bring WVU Liaison Craig Walker to the COW meeting.

Councilor Byrer

Councilor Byrer informed Council that next Tuesday and Wednesday there will be a Hospitality Round Table discussion to generate ideas to improve the downtown area after midnight to make it a nicer and safer environment. He reported that he has received many suggestions for transportation solutions and is eager to look at them all. He encouraged all citizens to diagram out their ideas and submit them to their respective Council Member.

Councilor Selin

Councilor Selin spoke of the Hospitality Tour on Feb 8th which took place from early evening to bar time. A roundtable meeting is to be held March 11th. She mentioned that she had attended After School Day at the State Legislature. Morgantown's Kaleidoscope program was represented there. She concluded by stating that next time she will update Council on the latest Year of the Child developments and plans.

Councilor Byrne

Councilor Byrne discussed the lighting on Wall Street, and called for better lighting on Forrest Ave. as well. He mentioned the community forum on Code Enforcement which he mentioned should include students, landlords, and Code Enforcement Officials. He expressed that he is glad students are interested and said they are being helpful. Councilor Byrne then spoke in defense of the competence of the Code Enforcement Dept. He then gave condolences to the family of Ernie Fortuna, and stated that the City recognizes he did his job very well. He also told Council that Morgantown needs the support of the DOH, and help with the creation of low budget, common sense solutions to the traffic problems.

Councilor Spencer

Councilor Spencer showed appreciation for all citizens and students who participate in public hearings and attend Council Meetings. He thanked staff for the administration report requested, and also thanked Councilor Manilla and representatives of Sunnyside Up. He then inquired on the when the Fire Inspection meeting would take place.

City Manager Dan Boroff answered that all the stakeholders should meet together in Mid March to discuss the Fire Inspection and Code Enforcement issues.

Councilor Spencer also asked about the progress being made on the large sign on Willey Street, whether it is on City or private property.

Mr. Boroff responded that the City Engineer has done research and came up with definitive evidence that should resolve the issue by the end of next week.

Councilor Spencer then agreed with Councilor Byrne that the DOH needs to help us to fix traffic problems. He continued by reading a selection on how the Mayor of St. Petersburg, FL has dealt with City growth and traffic issues in order to prepare Council for dealing with and brainstorming for our own traffic and neighborhood solutions.

Mayor Justice

Mayor Justice noted that he has visited St. Pete and Tampa and agrees with Councilor Spencer that they have made good improvements. He mentioned Random Acts of Kindness week and thanked all participants. He also spoke of the Morgantown Theatre Co. and noted their play was fantastic. He encouraged all to go see it. Mayor Justice also reminded all present of the

Winter Carnival this weekend. He informed everyone that South Middle School and BOPARC have collaborated for many years on an all weekend long music gathering to fight winter time blues, which will be held this weekend at the school. He concluded by thanking Councilor Spencer and Councilor Selin for gathering their neighborhoods to talk about the new Daycare Center that is in planning.

EXECUTIVE SESSION:

Motion by Manilla, second by Bane, to go into an executive session pursuant to Section 6-9A-4-2A of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Ron Justice and Council Members, and City Manager. Time 9:30 p.m.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:46 p.m.

City Clerk

Mayor

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