

REGULAR MEETING MARCH 3, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 3, 2009 at 7:30 p.m.

PRESENT: Mayor Ron Justice, Deputy Clerk Bethany Quinn, 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 February 17th meeting were approved as printed.

CORRESPONDENCE: Mayor Justice recognized a letter from Frank Farrell to Council. Secondly he announced that he would visit the Children at Mountainview Elementary School to thank them for their letters and speak to them. Mayor Justice asked for Council's concurrence on nominating John Gaddis to replace him on the Elected Leader Board. He then presented Proclamations to the Girl Scouts of America, commemorating Girl Scout Week; and to Mark Trump and Chuck Lott for their retirements from the Morgantown Police Department. He also acknowledged a Journalism Class in the audience from WVU.

PUBLIC HEARING: AN ORDINANCE ON AN ORDINANCE AMENDING 1329.02 AND TABLE 133.05.01 OF THE ZONING CODE:

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING ARTICLE 1329.02 AND TABLE 133.05.01 OF THE ZONING CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1329.02 AND TABLE 1331.05.01 OF THE PLANNING ZONING CODE PERTAINING TO LODGING OR ROOMING HOUSE USES.

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

BOARDS AND COMMISSIONS: Council approved by acclamation Frank Scafella to replace Barton Loar on the Morgantown Utility Board.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE W.V. D.O.H AND THE CITY REGARDING REALTY AT DORSEY'S KNOB: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS (D.O.H.) (LESSOR) AND THE CITY OF MORGANTOWN (LESSEE) REGARDING D.O.H. REALTY ADJACENT TO DORSEY'S KNOB PARK.

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

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY & MONGALIA COUNTY PLANNING COMMISSION AND TRANSPORTION FOR OFFICE SPACE AT THE AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND THE MONONGALIA COUNTY PLANNING COMMISSION AND MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEES) REGARDING OFFICE SPACE WITHIN THE MORGANTOWN MUNICIPAL AIRPORT TERMINAL BUILDING.

Motion by Selin, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING 1331.09 AND 135.01 OF THE PLANNING & ZONING CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLES 1331.09 AND 135.01 OF THE PLANNING & ZONING CODE PERTAINING TO THE RESTORATION OF VACANT LOTS CREATED BY DEMOLITION.

Motion by Selin, second by Gaddis to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ANNULLING A 20' RIGHT OF WAY ALONG CRESTON STREET AND ALONG CRESTON STREET APPROXIMATELY 100 FEET FROM HARDY STREET/GIANOLA TO EIGHTH STREET IN THE FOURTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 20' RIGHT OF WAY EXTENDING ALONG A PORTION OF CRESTON STREET AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED FEET FROM HARDY STREET/GIANOLA STREET TO EIGHTH STREET IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

AN ORDINANCE AMENDING SECTION V-5 OF THE PERSONNEL RULES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION V-5, FAMILY LEAVE OF THE CITY OF MORGANTOWN'S EMPLOYEE PERSONNEL RULES.

Motion by Gaddis, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR 2009-2010: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2009-2010.

After explanation from the City Manager and discussion, motion by Byrne, second by Selin to pass the above entitled ordinance to second reading. Motion carried 7-0. Mayor Justice gave comments and thanks to City Administration for their hard work on the Budget.

A RESOLUTION IN SUPPORT OF HEALTH CARE REFORM IN WEST VIRGINIA: The above entitled Resolution was presented for approval.

After discussion, motion by Byrne, second by Gaddis to adopt the above entitled resolution. Motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN IS TO RECEIVE \$45,000 TO HELP ENFORCE DUI'S AND UNDERAGE DRINKING VIOLATIONS: The above entitled Resolution was presented for approval.

Motion by Gaddis, Second by Byrne to adopt the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION: No appearances.

SPECIAL COMMITTEE REPORTS:

Councilor Byrne stated that this weekend ESPN Game Day will be in town to broadcast the WVU/Louisville basketball game, and this will bring added positive national media attention to Morgantown.

Councilor Gaddis announced the upcoming Sister City Committee meeting.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1:

The City has received a request from a bank, on behalf of Mermaid, Inc., to execute an agreement to facilitate Mermaid's refinancing of its hotel complex. The agreement requires the City to notify the bank if problems with the Events Center construction contractor arise that could result in the removal of the contractor. The agreement also requires the City to spend the balance of the Event Center State EDA grant if the contractor should be released or replaced. Lastly, the agreement is explicit that the City will not have to expend any additional funds beyond the grant total. In as much as the City is obligated to expend the grant funds and construct the Center, the agreement will be processed.

NEW BUSINESS:

Item No. 1:

Attached you find a request from West Virginia Radio Corporation seeking a festival permit to support the 16th Annual Chicken Wing Cook-off to be held August 22, 2009, at the Mountaineer Mall from 11:00 am to 6:00 p.m. Given the character of the event and its long standing successes, I recommend that the permit be granted.

Motion by Byrne, second by Gaddis to approve the above item. Motion carried 7-0

Item No. 2:

The City of Morgantown is fortunate to be able to offer a good health insurance program to City employees. Given escalating costs and as way of protecting future benefits though, I recommend that the program not provide primary coverage to working spouses of new hires that have access to medical insurance with their own employer. In this way, the City will not be subsidizing the health insurance cost of other entities.

Motion by Byrne, second by Byrer to approve the above item. Motion carried 7-0.

Item No. 3:

Recently a number of organizations have studied taxi and bus services in the Downtown during early morning hours. Based upon their suggestions and the attached correspondence from the Morgantown Cab Company, I recommend that a Taxi/Bus Stop be established on High Street near its intersection with Walnut Street on Fridays, Saturdays, and Sundays from 12:00 a.m. through 4:00 a.m. for a trial period over the balance of this calendar year.

Motion by Bane, second by Byrer to approve the above item. Motion carried 7-0.

Item No. 4:

The last attachment is a proposed amendment to the Greater Morgantown Area Youth Commission Bylaws. Given the support services provided by BOPARC and the character of the Commission, I recommend that the amendment be approved.

Motion by Spencer, second by Byrne to approve the above item. Motion carried 7-0.

CITY CLERK'S REPORT: Deputy Clerk Quinn announced the beginning of the Walk 100 Miles Program.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane talked about the Downtown Plan and then announced the Suncrest Neighborhood Association Meeting, where Krepps Park is the citizens' main concern. He concluded by commenting on the BOPARC Trails.

Councilor Gaddis: Councilor Gaddis inquired about the Arts Fund and whom the public could appeal to for monetary support. Mr. Boroff replied that all 3 boards would have to be appealed to.

Councilor Gaddis then asked about US Conference of Mayors. Mr. Boroff explained that there are many national organizations which

municipalities can belong to, and our membership is with the foremost organization, The National League of Cities.

Councilor Gaddis then gave comments and views from citizens of his ward, including pressure washing and little clean up.

Mr. Boroff answered that we are getting a new street sweeping machine, and it will be employed once local temperatures consistently reach above freezing.

Councilor Byrer:

Councilor Byrer talked about the opening of the new Drug Court which he attended. He asked about the Vote by Mail program.

Mr. Boroff replied that our local legislators must put the program together and present it to the State.

Councilor Byrer commented on a recent Met Theatre performance and encouraged others to go and see shows there. He announced that their neighborhood's new Beautification Committee needs volunteers. He mentioned an article from the Pittsburgh Post Gazette on disruptive properties. He gave his condolences for Harvey Durham who recently passed away. He then inquired of the National Stimulus funds coming to Municipalities.

Mr. Boroff answered that there are new regulations in place as to how the money can be spent.

Councilor Selin:

Councilor Selin thanked and spoke of resident Frank Farrell for his input and ideas including the support of local businesses. She talked about her positive experience adopting a dog from our local shelter. She announced the Suncrest Neighborhood Association's desire to present ideas for traffic calming to the Traffic Commission. She mentioned the progress of the new daycare center being built, and of the soccer field as well.

Councilor Byrne:

Councilor Byrne also thanked Frank Farrell for his input. He stated he was going to the Capitol to speak on behalf of the new legislation allowing Parking Authority more enforcement. He thanked Dave McCain for his support. He also talked about ESPN's visit to Morgantown and invited folks to join in the Sunnyside Clean Up event being held before the media's visit.

Councilor Spencer:

Councilor Spencer expressed that there should be more control of parking in the Suncrest Area during games, as emergency vehicles may not have access due to fans parking on neighborhood streets. He also asked for more enforcement of speed limits. He asked for the Traffic Commission to be placed on the next COW Agenda where the priority will be Traffic Calming. He suggested a reform of the Housing Code in several areas and asked for that to be on the COW agenda as well. He inquired about the status of the Nuisance Ordinance. He recommended a comprehensive list of all Neighborhood Association websites be made. He then compared the structural flexibility of bridges to the way he feels Council should approach decision making.

Mayor Justice:

Mayor Justice said that the community's needs are getting met despite the economy, and with the encouragement of the City's recent national media attention. He announced that he has a letter about the taxi service issue and will forward it to Council. He complimented the Parking Authority Legislation and conveyed appreciation for all the work put into it. He stated that the continued national media attention from ESPN Game Day this weekend will

be again very positive for Morgantown.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:45 p.m.

City Clerk

Mayor

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