

REGULAR MEETING MARCH 18, 2008:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 18th, 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 March 4th, 2008 were approved as printed.

CORRESPONDENCE: Proclamation: Women's History Month; Certificate of Recognition: George Papandreas for service on Parking Authority from 2003 to 2005.

PUBLIC HEARING - ORDINANCE AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT AS THE SAME APPLIES TO ACQUISITION OF STREET RESURFACING MATERIAL AND CONTRACTING:

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 - ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2008-2009.

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 THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE, BY THE CITY OF MORGANTOWN, AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT BETWEEN IT AND THE CITY OF WESTOVER, AS THE SAME APPLIES TO ACQUISITION OF STREET RESURFACING MATERIAL AND CONTRACTING WHO WILL PREPARE FOR AND PLACE THE SAME IN BOTH MUNICIPALITIES DURING 2008.

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

AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2008-2009.

After discussion, motion by Byrne, second by Spencer to adopt the above entitled Ordinance. Motion carried 6-1. Councilor Bane voted NO.

AN ORDINANCE AMENDING ARTICLE 1331.06 (2) OF THE PLANNING AND ZONING CODE:

The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1331.06 (2) OF THE PLANNING AND ZONING CODE PERTAINING TO HOME OCCUPATIONS.

Motion by Byrer, second by Byrne to remove the above entitled Ordinance from the Table. Motion carried 7-0. After discussion, motion by Byrer, second by Byrne to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: None.

NEW BUSINESS:

A RESOLUTION FOR THE CITY OF MORGANTOWN TO APPLY FOR AND ADMINISTER THE COMMUNITY PARTICIPATION GRANT PROGRAM, PROJECT NUMBER 08LEDA0319, FUNDS TO ENABLE BOPARC TO RENOVATE AND UPGRADE THE CITY PARK AND BALL FIELD FACILITIES.

The above entitled Resolution was presented for approval:

After discussion, motion by Byrne, second by Bane to pass the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION: Colin Kemp, Youth Commission: Requested Council to not turn GMAYC over to BOPARC, and keep it as an independent entity. To plead his case he cited letters of support from other GMAYC members, and participants.

SPECIAL COMMITTEE REPORTS: None.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1:

This past week, Morgantown was ranked the “Best Walking City” in West Virginia and the “34th Best Walking City” in the USA by the American Podiatric Medical Association and Prevention Magazine. This ranking speaks well of green spaces, trails, mass transit, facilities within walking distances, and adults walking to work in Morgantown.

Item No 2:

The City has been informed by the FAA that it will receive \$133,000 for FY 08 for construction improvements at the Airport. The City has recently been receiving \$1,000,000 per year for such improvements, but because of commercial air service disruptions last year, the amount has been reduced. In the coming year, the City will work closely with WVU, Camp Dawson, other major employers in the area, and the general public to increase commercial air service passengers to over 10,000 per year—number required to restore the full grant.

NEW BUSINESS:

Item No. 1:

Attached you will find a memo from the Public Works Director reporting the bid result for asphalt as part of the 2008 Street Paving Program. I agree with her comments and recommend that the contract be awarded to Greer Asphalt Company for an estimated cost of \$222,115.

Motion by Byrne, second by Bane to approve the paving contract. Motion carried 7-0.

Item No. 2:

The second attachment is an amendment to the \$13,900,000 Disbursement Agreement with the West Virginia Economic Development Authority. The amendment requires that the design build contract for the Morgantown River Front Event Center be executed by October 31, 2008, (already done) and the project be substantially completed by December 31, 2009. Based upon the importance of this project to River Front Development and the work that is in place, I recommend that it be adopted.

Motion by Manilla, second by Byrne to approve the above stated agreement. Motion carried 7-0.

Item No. 3:

The last attachment is a second memo from the Public Works Director proposing a new sidewalk be constructed along Falling Run to Protzman Street. As this could be a major pedestrian corridor and to support developments in the area, I recommend that the project be authorized for the 2008 Sidewalk Program.

After discussion, motion by Spencer, second by Byrne to approve the new stated sidewalk is constructed. Motion carried 7-0.

Councilor Manilla discussed the Municipal Airport's pro's and con's including price and service for reasons why people may or may not use the airport in lieu of driving to Pittsburgh.

CITY CLERK'S REPORT: City Clerk Little discussed the Blood Drive on February 1st, and thanked everyone for participating.

CITY ATTORNEY'S REPORT: None.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane

Councilor Bane stated that the Fire inspection report was interesting however, he felt that too many hurdles are in place preventing a timely flow of inspection and permits. He suggested that the Fire Code be specific about what a "minor repair" is for clarification for property owners. He inquired why Fire/Code Enforcement inspections can't be combined or simplified for easier use of process. Councilor Bane explained why he voted No on budget, because he felt that too much money already had been given to Sunnyside Up, and more progress should be shown before extra money is allotted.

Councilor Manilla

Councilor Manilla expressed hopes for a successful town meeting tomorrow night, and hopes the Fire/Code Enforcement offices can work together to solve problems. He asked about the Youth Commission changes being considered.

Mayor Justice answered that the Youth Commission change will be decided in executive session said the only change to be made is who supervises group be it BOPARC or the City.

Councilor Manilla relayed information from Dave Bruffy on the Transit Authority, stating the Mountainline bus systems are being used and doing well. New service will begin as a demo route, and it will later be determined whether or not it is successful. He concluded by giving statistics on how much emissions are being reduced by uses of buses.

Councilor Byrer

Councilor Byrer mentioned that as the new bus route is established, he hopes a stop can be made to accommodate the Senior Center as well. He asked what the main goals are at the Town Meeting on March 19th.

City Manager Dan Boroff answered that citizen's questions, concerns and recommendations are to be considered.

Councilor Byrer informed Council of the Highland Park Neighborhood Association meeting on Wednesday at 7 PM, goals include coming up with a strategy plan for the neighborhood. He spoke of the Historic Landmarks Commission meeting, in which the establishment of a Historic Preservationist position was requested. He concluded by discussing a list of 30 streets where a fire truck would have trouble getting through, and commented that it is worth looking into for safety.

Councilor Selin

Councilor Selin mentioned a Job Fair for high school aged students at South Middle School on April 19th where volunteer opportunities are also available. She informed Council that Sunnyside Up meets on Wednesday at 7:30 at Seneca Center. She stated that she appreciates the Youth Commissioners concerns and wishes to work with them. Councilor Selin is also looking forward to the Town Meeting on Fire /Code Enforcement concerns and requested that everyone look at this as a beginning where more work can follow to solve problems. She concluded by expressing a suggestion made at the Suncrest Neighborhood meeting on centralizing child care facilities to limit parents driving.

Councilor Byrne

Councilor Byrne reiterated information about the Sunnyside Up meetings and encouraged all to attend and become involved. He mentioned that the Town Meeting topics are directly related to much of the deteriorating student housing in the Sunnyside area and requests that this issue be brought to light at the meeting. Councilor Byrne encouraged everyone to come together and make good decisions despite recent issues which are dividing citizens and Council.

Councilor Spencer

Councilor Spencer expressed concerns for the Youth Center being either for recreation or work. He spoke of the day care issue and suggested we strive for intergenerational neighborhoods. He commented on a list of legislation indicating a piece titled HB4028. He thanked City Manger Dan Boroff for getting this legislation on the list. Councilor Spencer informed Council that the ABCC local has one employee, and the system is not working, as enforcement not up to par. He requested a Nuisance Ordinance to help the Police Department control downtown night life be considered. He also suggested that the City hire one more police officer as well as ask the Sherriff's Dept. to help in the evenings in Morgantown. He then referred to finance handout about City and County property taxes, and how much of that is spent on Sherriff Services; questioning whether City residents receive due benefit of these services. He concluded his report by requesting that the City Charter be changed so his title would be Vice Mayor, instead of Deputy Mayor.

Mayor Justice

Mayor Justice began by suggesting we check with Charter members first to make sure there is no conflict in changing the title. He spoke of the ground breaking ceremony at the new Events Center, and that it is a promising project. Transit Authority is in a good partnership with County, and the new route looks good. He requested that we make sure the attending public knows of the main goals for the Fire/Code Enforcement meeting. Mayor Justice mentioned that the State Journal paints rosy picture of Morgantown and we should be grateful for the good conditions here compared to other municipalities. He reminded that we need to be conscience of what happens on state and national level and be careful and conservative in long term planning & budgets.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:55 p.m.

City Clerk

Mayor

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