

REGULAR MEETING APRIL 19, 2011: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, April 19, 2011 at 7:30 P.M.

PRESENT: City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, Mayor Bill Byrne, City Clerk Linda Little, Council Members Ron Bane, John Gaddis, Charlie Byrer, Marti Shamberger and Don Spencer. Councilor Selin was absent.

CORRESPONDENCE: First, two Firefighters, Eugene Deem and Brian Tolka, were pinned in honor of their promotions to Lieutenant. City Clerk Linda Little lead them in their oaths of office. Mayor Byrne then thanked Chief Caravasos and congratulated the Lieutenants on their promotion. Mayor Byrne welcomed a group of students from a WVU Journalism 220 class. Then proclamations were presented in honor of Kids to Parks Day and Bike Month.

PUBLIC HEARING - AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND TAILWINDS, INC. (LESSEE) AS IT PERTAINS TO THE LEASING OF ADDITIONAL SPACE, BY LESSEE, AT THE MORGANTOWN MUNICIPAL AIRPORT.

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR AND APHELION AVIATION, LLC, LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 235, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND APHELION AVIATION, LLC, LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 241, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND LOMBARDI DEVELOPMENT COMPANY, INC. (LESSEE) AS IT PERTAINS TO OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

PUBLIC HEARING - A RESOLUTION, WHEREAS, THE MORGANTOWN BOARD OF PARKS AND RECREATION COMMISSIONERS, HEREINAFTER "BOPARC", HAS RECEIVED REQUESTS FROM NUMEROUS INDIVIDUALS AND ORGANIZATIONS THAT A NO WAKE SPEED ZONE BE ESTABLISHED ON THE MONONGAHELA RIVER BEGINNING 500 FEET BELOW THE WESTOVER-MORGANTOWN BRIDGE AND EXTENDING UPSTREAM TO THE MORGANTOWN LOCK AND DAM.

Tim Terman appeared and explained that the resolution is largely to establish river safety for non-motorized boats on that part of the Mon River. He stated that the no wake zone would be roughly ¼ of a mile long. He explained to Council the benefits of passing this Resolution.

Frank Ferrell addressed the City Attorney asking how far out into the river the City has Jurisdiction. City Attorney Steve Fanok replied that the City has jurisdiction over the Mon River from the high water mark over to the Westover Side.

There being other no appearances, Mayor Byrne then declared this Public Hearing Closed.

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING A LEASE AGREEMENT AT THE MUNICIPAL AIRPORT:

The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND TAILWINDS, INC. (LESSEE) AS IT PERTAINS TO THE LEASING OF ADDITIONAL SPACE, BY LESSEE, AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR AND APHELION AVIATION, LLC, LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 235, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

Motion by Gaddis, second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND APHELION AVIATION, LLC, LESSEE, IN WHICH OFFICE SPACE, SPECIFICALLY SUITE 241, IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

Motion by Gaddis, second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

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

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND LOMBARDI DEVELOPMENT COMPANY, INC. (LESSEE) AS IT PERTAINS TO OFFICE SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Gaddis, second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

A RESOLUTION ESTABLISHING A NO WAKE ZONE ON THE MONONGAHELA RIVER:

A RESOLUTION, WHEREAS, THE MORGANTOWN BOARD OF PARKS AND RECREATION COMMISSIONERS, HEREINAFTER "BOPARC", HAS RECEIVED REQUESTS FROM NUMEROUS INDIVIDUALS AND ORGANIZATIONS THAT A NO WAKE SPEED ZONE BE ESTABLISHED ON THE MONONGAHELA RIVER BEGINNING 500 FEET BELOW THE WESTOVER-MORGANTOWN BRIDGE AND EXTENDING UPSTREAM TO THE MORGANTOWN LOCK AND DAM.

Motion by Spencer, second by Gaddis to approve the above entitled Resolution. With a minor amendment to correct a typo, noted by the City Attorney Steve Fanok, motion carried 7-0.

PUBLIC PORTION:

Nelson France, 222 High Street, SGA Liaison WVU, reported on the involvement of the Student Body in City issues, and their commitment to improving relations between City and Students. He announced the success of the Student Candidate Forum which was highly attended. He noted that this will be his last meeting as SGA Liaison, and that it has been a pleasure working with the City Council.

Frank Ferrell, 1309 Dorsey Avenue, he spoke about the Augusta on the Square and inquired that since the project is going bankrupt and WVU has offered to purchase the property, what will happen to the TIF district as WVU is tax exempt? He then asked where the proposed parking garage was to have been built, and does the City own this property? He next mentioned Home Rule and why the City chose not to participate due to former City Manager Dan Boroff's concerns with the program. He asked, now that Morgantown is going to participate in Home Rule, were Mr. Boroff's concerns addressed? Thirdly, Mr. Ferrell addressed Vote by Mail and stated that he had a problem with the time frame with which it was brought through. He reported hearsay that people are mistakenly getting ballots and he feels he should not have a ballot, so, he proceeded to approach City Clerk Little, and toss his returned ballot packet onto Ms. Little's desk.

There being no other appearances, Mayor Byrne declared this Public Portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Spencer reported on the Airport Advisory Committee meeting, where findings show increases in enplanement at the Municipal Airport. He also reported on the renovations on the Airport Terminal.

Councilor Shamberger reported on the recent meeting of the Met Foundation, and mentioned that the Theatre was recognized in the State Journal for an architectural preservation award.

NEW BUSINESS:

APPROVAL OF THE RATES OF LEVY: The below entitled Ordinance was presented for approval:

APPROVAL OF THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 IN ACCORDANCE WITH CHAPTER 11, ARTICLE 8 OF THE WEST VIRGINIA CODE:

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

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING AN AGREEMENT BY THE CITY OF MORGANTOWN AUTHORIZING AND AGREEMENT BETWEEN IT AND THE MORGANTOWN UTILITY BOARD, PERTAINING TO THE EXTENSION OF SANITARY SEWER LINES TO THE PROPOSED SITE OF THE NATIONAL GUARD FACILITY AT THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Gaddis, second by Shamberger to pass the above entitled Ordinance to second reading. After discussion and explanation by MUB Director Tim Ball, motion carried 7-0.

CITY MANAGERS REPORT:

New Business:

1. Budget adjustment considerations to expand 2011 Combined Street Paving Program.

Motion by Gaddis, second by Byrer to approve the bid results for the 2011 paving project. After discussion, and explanation from Finance Director JR Sabatelli, motion carried 6-1. Councilor Bane voted NO.

2. Contract authorization for 2011 Combined Street Paving Program.

Motion by Gaddis, second by Spencer to approve the 2011 Combines Street Paving Program. Motion carried 6-1. Councilor Bane voted NO.

CITY CLERK: Reported on the progress of the Vote By Mail Pilot Program taking place during the City's 2011 Municipal Election.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS: (Roll Reversal)

Councilor Spencer: Councilor Spencer addressed Vote By Mail issues including the scrubbing of the voter registration rolls. He stated that it will be a large undertaking and after the election, returned mail can be used to clean up out dated information. He then thanked the City Manager and several department heads for their participation in the various ward tours. Councilor Spencer commented on the seriousness of misinformation being circulated throughout campaigns in the Municipal Election. He denounced several rumors involving himself, Mayor Byrne, Councilor Gaddis and others. He then commented that he hopes to continue serving on City Council in the years to come.

Councilor Shamberger: Councilor Shamberger thanked the City Manager and others who participated in Woodburn's neighborhood walk, and announced another upcoming ward walk. She thanked Police Chief Preston, and officers for increasing their patrols in the 5th ward. She then announced MHS' upcoming production of The Wizard of Oz, and invited all to attend and support the students.

Councilor Selin: Absent.

Councilor Byrer: Councilor Byrer also commented on the success of recent ward tours in his area as well. He announced the upcoming meeting of the Wiles Hill neighborhood association. He then reported on the Museum Commission and updates to the Museum. He encouraged folks to visit the Municipal Library where there will be information regarding Civil War battles and related exhibits.

Councilor Gaddis: Councilor Gaddis thanked City and County staff for the meeting recently. He thanked City Staff for their participation in ward tours in his area recently. The parking authority was also helpful recently in addressing issues. He thanked all those who participated in the recent Chili Cook-off. He stated that recent activities have been a great kickoff for Year of the Neighborhood. He encouraged everyone to attend neighborhood association meetings and get involved in their communities. He thanked the MPD for their involvement with the Nosy Neighbor campaign.

Councilor Bane: Councilor Bane noted that the City of Morgantown has a dedicated staff and he finds it hard to believe that the Council will praise the City administration, yet vote to take money from their retirement benefit funds for street paving.

Mayor Byrne: Mayor Byrne announced upcoming events including breakfast with the Easter Bunny and the 6th ward tour. He responded to Mr. Ferrell stating that the issues are complicated and he would be willing to explain more to him later. He explained that TIF bonds will not be jeopardized by the acquisition of the property by WVU. He responded on Home Rule that the statute was amended so that Morgantown can now participate. He also encouraged everyone to attend the MHS production of The Wizard of Oz. He commented on the budget adjustment on paving and agrees that the citizens need their roads paved after two bad winters. He emphasized that the adjustment would not in any way affect the employee's benefits and the OPEB trust fund would be safe.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:55 p.m.

City Clerk

Mayor