

REGULAR MEETING MAY 3, 2011: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, May 3, 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, Jenny Selin, Marti Shamberger and Don Spencer.

CORRESPONDENCE: Mayor Byrne mentioned a letter received from Acting Governor Earl Tomblin stating that Council should get in touch with his director of legislative affairs in order to request a special session regarding Marcellus Shale Drilling. He also reported that the City Manager was appointed to serve on the Mon Co. Development Authority. Mayor Byrne noted a thank you letter from the recipients of a proclamation about Multiple Sclerosis. He then presented proclamations for Municipal Clerk's Week, Women's Health Week, and Law Enforcement Officer's Memorial Week. Councilor Shamberger then read a letter from a citizen in reference to the Hog Back Turn issue.

PUBLIC HEARING - AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM (R-1) SINGLE-FAMILY DISTRICT TO (R-2) SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT 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.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN 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.

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

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION IN THE FIFTH WARD: The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM (R-1) SINGLE-FAMILY DISTRICT TO (R-2) SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT 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 Gaddis, second by Spencer to adopt the above entitled Ordinance. After discussion, motion carried 7-0.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MORGANTOWN UTILITY BOARD: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN 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 Bane to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: Adam Henry was appointed by acclamation to the Traffic Commission as the fifth ward representative.

PUBLIC PORTION:

Dave Biafore, local property owner, stated that he is happy with the election results and with the newly elected council members. He hopes that council will now strive to have more workshops and a better working relationship with citizens and property owners in the future. He then stated that anyone who does not honor the pledge of allegiance should emigrate.

Matthew Held, Greenmont neighborhood association President, spoke about the Hog Back Turn issue and asked Council that they not allow the DOH to widen the area.

Kathy Labys, 221 Grant Street, concurred with Mr. Held's comments on the Hog Back issue and also asked Council to not widen the turn.

Rose McCluskey, 212 Kingwood Street, supported Mr. Held and Ms. Labys on their comments regarding Hog Back issues and added that the truck traffic has worsened over time and urged Council to find a solution to the problem.

Cindy O'Brien 637, Grand Street, commented on the increasing truck traffic and stated that it makes conditions dangerous for pedestrians. She then complimented outgoing Councilmen John Gaddis and Don Spencer on a job well done on Council.

Charles Harris 637 Grand Street, agreed with Ms. O'Brien that widening the Hog Back turn would make truck traffic and safety issues worse. He complimented Council for trying to protect citizens and commented that he works with Councilor Spencer on the Green Team. He thanked the Mayor and City Manager for their support.

Bill Kawecki, President of SPAN, noted that no one is against the trucking industry and stated that all stakeholders need to come to the table and revisit strategies to form a solution amicable to everyone involved.

Paul Steele, 220 Grand Street, commented that widening the Hog Back Turn area will invite more truckers, traffic pollution and danger to the area. He feels discouraged and looks to Council to make the right decision in this issue.

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

SPECIAL COMMITTEE REPORTS: None.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE CITY TO LEASE REALTY AT THE MUNICIPAL

AIRPORT:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO LEASE REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT TO THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR PUBLIC HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES (NOROP).

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

AN ORDINANCE AUTHORIZING MON POWER TO UTILIZE A PORTION OF CITY OWNED REALTY:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING MONONGAHELA POWER COMPANY TO UTILIZE A PORTION OF PROPERTY OWNED BY THE CITY; MORE SPECIFICALLY, THAT PARCEL APPEARING AS CLINTON DISTRICT, DISTRICT 13, MAP NO. 6, PARCEL 94 ON MONONGALIA COUNTY TAX MAPS, FOR PURPOSES OF FULFILLING A RESTORATION/MITIGATION PLAN UNDER THE CLEAN WATER ACT.

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

AN ORDINANCE AUTHORIZING MON POWER TO UTILIZE A PORTION OF CITY OWNED REALTY:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING MONONGAHELA POWER COMPANY TO UTILIZE A PORTION OF PROPERTY OWNED BY THE CITY; MORE SPECIFICALLY, THAT PARCEL APPEARING AS MORGANTOWN CORPORATION, DISTRICT 1, MAP 48A, PARCEL 4 ON MONONGALIA COUNTY TAX MAPS, FOR PURPOSES OF FULFILLING A RESTORATION/MITIGATION PLAN UNDER THE CLEAN WATER ACT.

Motion by Spencer, second by Gaddis to pass the above entitled Ordinance to second reading. City Manager Terrence Moore, explained that paperwork needs to be completed before the second reading and adoption of this Ordinance and the Engineering Department will monitor the progress. Motion carried 7-0.

AN ORDINANCE AMENDING SECTIONS OF THE ADMINISTRATIVE CODE:

AN ORDINANCE AMENDING SECTION 172.08 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN, AS THE SAME PERTAINS TO PURPOSE, POWERS, AND DUTIES OF THE MORGANTOWN SISTER CITIES COMMISSION.

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

AN ORDINANCE AUTHORIZING THE TRANSFER OF REALTY TO THE WV DOH:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE TRANSFER OF 294 SQUARE FEET OF CITY OWNED REALTY, LOCATED ADJACENT TO WHAT IS COMMONLY

KNOWN AS "HOGBACK TURN" ALONG WEST VIRGINIA STATE ROUTE 7, TO THE WEST VIRGINIA DIVISION OF HIGHWAYS, SO THAT IT MAY WIDEN THE TURNING RADIUS WITHIN THE ROUTE 7 ROADWAY AT THAT LOCATION.

Motion by Bane, second by Byrer to table the above entitled Ordinance. After discussion, Councilor Bane withdrew the motion to table. Motion by Byrer, second by Selin to discuss the Ordinance. With facilitation from City Manager Terrence Moore, the rules were suspended to allow comments from a DOH representative. After continued discussion, motion by Bane, second by Selin to table the above entitled Ordinance. Motion carried 7-0.

A RESOLUTION APPROVING AND AUTHORIZING THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN: The above entitled Resolution was submitted for approval.

Motion by Byrer, second by Spencer to approve the above entitled Resolution. After discussion, and suspension of the rules to allow explanation from Community Development Administrator Dave Bott, motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN HAS GIFTED A BUS SHELTER AND LANDSCAPING AT THE SOUTHWEST CORNER OF GRANT AVENUE AND FIRST STREET IN THE AREA KNOWN AS SUNNYSIDE: The above entitled Resolution was submitted for approval.

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

CITY MANAGERS REPORT:

New Business:

1. Recommendation for on call aviation engineering services.

Airport Director Glen Kelly gave a power point presentation outlining the recommendation for on call aviation engineering services. After discussion, the recommendations were approved by unanimous consent.

2. Request from Main Street Morgantown to serve beer at the Twilight 5-Miler event.

Motion by Shamberger, second by Selin to approve the sale of beer at the event. Motion carried 7-0.

Information:

1. City of Morgantown Financial Audit.

The rules were suspended to allow explanation from Finance Director JR Sabatelli, who reported on the results of the Financial Audit.

CITY CLERK: City Clerk Little thanked all those who helped during the 2011 Municipal Election, including City Administration and Staff, as well as all Election Workers.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

- Councilor Bane: Councilor Bane asserted that the Secretary of State's Office did not aid the City during the Election in ways promised. He reported that they sent two workers to observe, who were disallowed to help Election Officials on Election night. They pledged support to the City of Morgantown and then told the City we misunderstood the arrangement. The SOS stated they would be hands on in helping and they were not. He thanked everyone from the City Clerk's Office and the Election workers for their work on the Election.
- Councilor Gaddis: Councilor Gaddis gave praise to the City Clerk's Office for a job well done on the City Election. He addressed comments made at the Public Hearing and asked that if any citizens have concerns that they come and speak to him to reach amicable solutions. He stated that he regrets leaving Council and he assures the neighborhood association that he will remain active and wishes the new council members all the best of luck in their coming terms. He stated that he hopes new Council members will stay positive and serve their communities well. He commented on the Hog Back Turn issues and agreed that the traffic from trucks is a problem and hopes that a solution can be reached which will increase safety in the area. He then announced the next neighborhood association meeting.
- Councilor Byrer: Councilor Byrer reported a safety issues with allied waste trucks and encouraged them to resolve the problems. He then commented on bus stop shelters with new advertisements that block views, and questions whether these ads can lead to more commercial signage.
- Councilor Selin: Councilor Selin reported on the success of her neighborhood block party and noted a change in the meeting schedule of the Youth Commission.
- Councilor Shamberger: Councilor Shamberger thanked Morgantown Police and Firefighters for their work on Sunday night when student parting became troublesome. She also noted that Vote By Mail was a success.
- Councilor Spencer: Councilor Spencer thanked all those who voted in the Municipal Election and stated that it was a privilege to serve on Council. He commented on the remarks during the Public Portion and agreed with Councilor Gaddis' comments on campaign finance. He stated that he would serve out the remainder of his term. He thanked the City Clerk's office for their work on the Election. He added that Vote By Mail is a program that allowed many people to vote who might not otherwise get to do so because of economic status, health or disability or work schedule. He stated that he is proud the City of Morgantown was able to be a leader in the mail voting field. He then addressed the Hog Back Turn issue and asked Council to look into the development of a Truck Traffic Management Plan and to assign the Traffic Commission to develop the plan based on key issues of safety, pollution and other aspects affecting the problem. The Commission could even be expanded later to look at similar issues in other area of the City. He then commented on water safety and quality in Morgantown's

water supply which may be adversely affected is Marcellus Shale Gas drilling is allowed at the proposed site near Morgantown. He asked the City Manager to follow up with MUB and the DEP to express safety concerns regarding this issue. He then announced a neighborhood cleanup and invited all to attend and help.

Mayor Byrne:

Mayor Byrne announced the Jerome Park neighborhood walk and invited everyone to participate. Community issues like safety and traffic will be discussed. He and Councilor Gaddis then announced a Second Ward walk through as well. He added his thanks for the Clerks and all those who helped out with the Municipal Election.

Mayor Byrne then suspended the rules to allow Mr. Ball to offer additional comments regarding Marcellus shale drilling and its possible environmental impacts. He stated that it is agreed that more information is needed and will be gathered prior to any decision making. He then spoke about the advisory board.

Councilor Selin then inquired whether bonding is necessary when drilling is to be done near a public water supply. Mr. Ball addressed her concerns and assured her an answer will be given when more information is available.

Mayor Byrne then continued and reiterated thanks for the Police and Fire Departments for their efforts this past weekend after the celebratory events preceding Bin Laden's death announcement. He urged that Council and City Administration send the message that destructive celebratory fires should not be tolerated, especially taking place in public rights of way. Finally, he thanked everyone who voted in the City Election and commended his colleagues for their hard work and service to our community.

EXECUTIVE SESSION: By acclamation Council unanimously moved to go into Executive Session, pursuant to Section 6-9A-4(b)9 of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Byrne and Council Members, City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, and City Attorney Steve Fanok. Council entered into executive session at 9:35p.m.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:50 p.m.

City Clerk

Mayor