

REGULAR MEETING MAY 20, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, May 20, 2008 at 7:41 p.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, Jim Manilla, Jenny Selin, Don Spencer, Charlie Byrer, Ron Bane and Bill Byrne.

The meeting was called to order by Mayor Justice.

APPROVAL OF MINUTES: Minutes from the regular meeting on May 6, 2008 were approved as printed.

CORRESPONDENCE: Councilman Manilla read an update from Dave Bruffy of the Transit Authority on the new Cassville Demonstration bus route. He reported that since the initiation of the new route, ridership is up 28% and continues to grow. Mayor Justice presented a Proclamation to Councilor Jim Manilla to honor him for his service as a Council Member upon his resignation. Councilor Manilla thanked the Mayor and expressed his sentiments to Council.

PUBLIC HEARING-AN ORDINANCE AMENDING SECTIONS 333.01 333.03 AND 351.10 OF THE TRAFFIC CODE: _

- 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 REPEALING SECTION 505.03 OF THE GENERAL OFFENSES CODE:

- 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 AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY OFFICE OF EMERGENCY MANAGEMENT:

- 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 REPEALING 1149 WHICH APPLIES TO PUBLIC NUSANCES:** The below entitled Ordinance was presented for first reading as it was tabled on May 6, 2008:

AN ORDINANCE REPEALING ARTICLE 1149 OF THE HEALTH AND SANITATION CODE OF THE CITY OF MORGANTOWN, AND REPLACING IT WITH A NEW ARTICLE 1149, AS THE SAME APPLIES TO PUBLIC NUISANCES.

Motion by Spencer, second by Byrne, to take Ordinance off the table for discussion. After discussion, Ordinance approved unanimously to second reading.

AN ORDINANCE AMENDING SECTIONS 333.01 333.03 AND 351.10 OF THE TRAFFIC CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTIONS 333.01, 333.03 AND 351.10 OF THE CITY OF MORGANTOWN'S TRAFFIC CODE FOR THE OFFENSES OF DRIVING UNDER THE INFLUENCE AND DRIVING UNDER SUSPENSION OR REVOCATION.

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

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY OFFICE OF EMERGENCY MANAGEMENT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR AND MONONGALIA COUNTY OFFICE OF EMERGENCY MANAGEMENT, LESSEE, REGARDING THE USE OF A STRUCTURE LOCATED AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

BOARDS AND COMMISSIONS: 17 Existing members were reappointed by acclamation to the Youth Commission, 4 new members and 18 alternates/associate members. After discussion, existing members and new members were appointed and reappointed by acclamation. Oaths for the Youth will be done by the Mayor on June 13, 2008. By acclamation Anthony Tony Barill was appointed to the Traffic Commission and Graham Kenneweg was reappointed. Councilor Bane by acclamation was appointed to replace Councilor Manilla on the Transit Authority.

NEW BUSINESS:

AN ORDINANCE AMENDING 2007-2008 ANNUAL BUDGETS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2007-2008 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

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

PUBLIC PORTION: Florence Merow, View at the Park; stated her pleasure in seeing everyone on Council and City Administration members again after so long. She then introduced the following members of the Homebuilder's Association: Mike Castle of View at the Park, Bennett Millstone, President of the Homebuilder's Association, and Marilyn Manilla, another member of the association. She congratulated the Mayor on his achievements in working with Youth. She commended the Council on their good work and encouraged BOPARC, Mark Wise, and others to continue the good job they are doing. She thanked Council for the work being done on Walnut Street.

Bennett Millstone, President of the Homebuilder's Association requested of Council a crosswalk on University Avenue near the Westover Bridge.

Mike Castle, resident of View at the Park restated Millstone's comments about the crosswalk requested, giving additional information about the building, and its residents. He offered any help in the matter that the City might request of them.

Councilor Byrne requested permission to suspend the rules of the public portion. Mayor Justice agreed. Councilor Byrne and Mr. Castle discussed the options available for the crosswalk, including contracting with a developer to construct a footbridge across the street as an alternative. Councilor Selin contributed that children and timing in crossing the street is a major factor to be considered which is complicated by a continuous right hand turn lane. Mr. Castle and Councilor Selin continued to discuss various safety and crossing options.

Maria Panaccione, Chair GMAYC, introduces members who were present at the meeting and gave an update on the status of their teen center project. She answered for Council the question previously raised about the status of Associate Members, explaining that they are members who are kept in contact with and are involved in meetings but who could not be placed on the Commission officially because of the numbers of seats available.

Joe Panico, Beechurst Avenue, made comments about the role of the Planning Commission and asked Council to look into the Commission's activities. He explained that he finds fault in the process by which the Commission approves or disapproves of projects. He cited examples from Planning Commission meetings he had watched on Channel 15 to support his reasoning.

Dave Biafora, 325 Willey Street, gave words of praise to the departing Councilor Manilla. He reiterated comments made by Mr. Panico and informed the Council that he and others were served papers to show up in Circuit Court on Thursday. He asked the Council to read and follow a document he previously passed out to them, stating they "wasted his time" by sending him to Court. He goes on and repeats his views about the Planning Commission and the permit process.

There being no more appearances, Mayor Justice declared the public portion closed.

Mayor Justice recognized Florence Merow and introduced her as a Former Legislator, City Mayor and Councilwoman. He also introduced new BOPARC employee and director of the Youth Commission, Dan Wright.

SPECIAL COMMITTEE REPORTS: Airport Advisory Committee update from Councilor Spencer. He informed Council that the number of flights is up, but not enough to qualify for funds from the FFA.

Councilor Selin gave a report of an upcoming Year of the Child event on July 19, Kids Day Downtown. They have been working in conjunction with Mainstreet Morgantown and attending their meetings.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No 1:

Attached you will find a request to help fund the 8th Annual Deckers Creek Trail Half Marathon hosted by the MRTC

to be held on June 7, 2008. Given the past successes of these events as fund raisers to support the rail trail system in the area, I recommend that the request be granted for \$2,000.

Motion by Byrne, second by Spencer, to support the request of \$2,000 for the 8th Annual Deckers Creek Trail Half Marathon. Motion carried 7-0.

CITY CLERK'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS: (ROLL REVERSE)

Councilor Spencer

Councilor Spencer valued the comments and suggestions of those who requested the crosswalk in the public portion. He asked about the status of Kane Core permits.

City Manager Dan Boroff answered June 29 was the permit expiration and they will have to complete more work on the site in order to be considered for renewal.

Councilor Spencer praised the efforts of the Transit report. He stated that according to the National League of Cities, City density and transit are keys to lowering emissions. He commented several areas where street lighting is out or needs to be improved. He noted that the MPO would like to form a Legislative Committee. Councilor Spencer informed everyone that he attended the funeral of Joel Hannah, and spoke of his contributions to the community. He thanked City Attorney Steve Fanok for his recent work on some new Ordinances in particular the Nuisance Ordinance. He concluded by thanking Jim Manilla for his friendship and good work on the City Council.

Councilor Byrne

Councilor Byrne addressed the property maintenance reports that Council receives. He suggested improvements for the application and approval process, as well as for the reports themselves. He spoke of the Youth Ambassador program and the hopes of sending students to Guanajuato, Mexico, our Sister City and vice versa for learning and experience. He spoke of the flight service through Morgantown and suggested travel agents explain the cost difference in flying through Morgantown versus through Pittsburgh. Councilor Byrne concluded by well-wishing Jim Manilla.

Councilor Selin

Councilor Selin began by complimenting Jim Manilla and expressing regrets for his departure. She then spoke in defense of the Planning Commission's members and their virtues in their role as a citizen and member of the Commission. She also explained her visit to the After School Summit. She talked about safety and traffic in the Wharf District during public events. She mentioned that Dave Bruffy gave a tour and workshop of the traffic and bus system which was informative.

Councilor Byrer

Councilor added support for a crosswalk to the Amphitheatre brought up previously stating that safety continues to be an issue because of heavy traffic volume. He suggested that we add a refreshment stand to the local Farmer's Market sponsored by local businesses. Thanked Mr. Boroff for the update on the Kane-Core project.

Mr. Boroff then gave additional clarification on the plans and permits issued.

Councilor Byrer informed of the upcoming Wiles Hill, Highland Park neighborhood association meeting. He closed his remarks with thanks and praise for the departing Jim Manilla.

Councilor Manilla

Councilor Manilla inquired as to the State's involvement with adding the above discussed crosswalk. Mr. Boroff explained the process. He also pointed out the drawing of the new sidewalk that will soon be installed along Prairie Avenue.

Councilor Bane

Councilor Bane began by thanking Mr. Boroff for help in solving issues with maintaining Wagner Road and Madison Avenue. He announced that he has been asked to be on the WV Municipal League Policy Committee and has

accepted to attend the Committee on August 18 . He stated that any suggestions the Council has for the Committee he will bring with him in August. He concluded by remembering the good times with Councilman Manilla and complimented his dedication.

Mayor Justice

Mayor Justice reminded Council of the numerous meetings they must attend the next day. He thanked the After School Coalition for the recognition the City received and remarked he was proud to accept on its behalf. He ended his comments by reminiscing about different aspects of Jim Manilla's time on City Council.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:20 pm.

City Clerk

Mayor

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