

REGULAR MEETING JUNE 17, 2008:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 17, 2008 at 7:30 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: Jenny Selin, Don Spencer, Charlie Byrer, Ron Bane, Bill Byrne, and John Gaddis.

The meeting was called to order by Mayor Justice.

APPROVAL OF MINUTES: Minutes from the regular meeting on May 20, 2008, and the special and regular meetings on June 3, 2008 were approved as printed with one minor change from Councilor Spencer on the regular meeting of June 3, 2008.

CORRESPONDENCE: Mayor Justice read a proclamation in support of June 15-21, 2008 as "Miss WV Week; reminded Council of new Council photo on 7-15-08 at 6:30p.m. and mentioned the COW Agenda reminding Council to get any items they have to the City Manager.

PUBLIC HEARING - AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES 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.

PUBLIC HEARING - AN ORDINANCE AMENDING SECTIONS III-(B) (LONGEVITY), III-3 (B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH:

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 ESTABLISHING RATES OF COMPENSATION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2008-2009.

Motion by Byrne, second by Bane, to approve the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING SECTIONS OF THE PERSONNEL RULES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3 (B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.

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

BOARDS AND COMMISSIONS: The following appointments were made by acclamation: Greg Good will serve another three-year term on the BOPARC Board; Kara Hurst will serve a three-year term on the Beautification Commission; Charles McEwuen & William Byrne will continue to serve on the Parking Authority and Don West, Steve Carpenter and William Ryan will remain on the Ward & Boundary Commission.

NEW BUSINESS:

A RESOLUTION TO OBTAIN \$150,000.00 FOR THE METROPOLITAN THEATRE PRESERATION PROJECT THROUGH A CULTURAL FACILITIES GRANT FROM THE WV DIVISION OF CULTURE AND HISTORY COMMISSION ON THE ARTS. The above entitled Resolution was presented for approval:

Motion by Bane, second by Byrne to approve the above entitled Resolution. Motion carried 7-0.

AN ORDINANCE AMENDING CITY CODE AS THE SAME RELATES TO WATER RATES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 927.01 OF THE MORGANTOWN CITY CODE AS THE SAME

RELATES TO SCHEDULE OF WATER RATES.

Motion by Bane, second by Byrne to take the above entitled Ordinance off the table for discussion. Motion carried 7-0. Motion by Mayor Justice to suspend the rules and; allow explanation from MUB Director Jim Green. Motion carried by acclamation. After discussion, motion by Bane, second by Byrne to pass the above entitled Ordinance to second reading with the understanding of scheduling a meeting with MUB Board to discuss concerns/amendments Council has. Motion carried 6-1, Councilor Spencer voted no.

AN ORDINANCE AMENDING CITY CODE AS THE SAME RELATES TO SEWER RATES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 925.01 OF THE MORGANTOWN CITY CODE AS THE SAME RELATES TO SCHEDULE OF SEWER RATES.

Motion by Byrne, second by Bane to take the above entitled Ordinance off the table for discussion. Motion carried 6-1, Councilor Spencer voted no. Motion by Mayor Justice to suspend the rules and allow explanation from MUB Director Jim Green. Motion carried by acclamation. After discussion, motion by Byrer, second by Selin to pass the above entitled Ordinance to second reading, and as this Ordinance will also be part of the discussion with MUB & Council. Motion carried 6-1, Councilor Spencer voted no.

APPROVING THE POLICEMEN'S PENSION PROTECTION FUNDS: The above entitled fund was presented for approval:

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

APPROVING FIREMEN'S PENSION PROTECTION FUNDS: The above entitled fund was presented for approval:

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

PUBLIC PORTION: There being no appearances, Mayor Justice declared this public portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Byrne gave an update on Sunnyside-Up and reported that on June 24th there will be a Sister City Meeting at PSB; Councilor Selin stated the Youth Commission will be meeting at the PSB at 1pm on 7-24; Mayor Justice said there will be a Beautification Award presented & Coordinating Council's meet on Monday, June 23; MPO will not meet until mid July, and Mark Wise, BOPARC Director has a letter from the Board for Council on the closing of the Laurel Street Bridge. Councilor Byrer reported on Met Theatre progress and that the Teen Court will be meeting on 6-18 at 8am and will be discussing activities in celebration of its 10th year anniversary.

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CITY MANAGERS REPORT:

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NEW BUSINESS:

Item No. 1: CASA is a well established program providing important advocacy services for area youth in the County Court system. This year though, the agency reports a potential \$9,000 funding shortfall that could lessen the effectiveness of the program. In the spirit of Year of the Child, I recommend that \$3,000 from the Capital Escrow Account be made available to help with the potential deficit.

Motion by Bane, second by Spencer, to approve the above stated monetary support for the CASA program. Motion carried 7-0.

Item No 2: Attached you will find a letter from MountainFest, LLC requesting a festival permit to support the fourth annual Wild & Wonderful MountainFest Motorcycle Rally that will take place on July 24 through July 27, 2008. With the permit, the organization will administer controlled beer sales at Hazel Ruby McQuain Park. Given the past successes of this event, I recommend that the request be granted.

After discussion, motion by Bane, second by Selin to approve the festival permit. Motion carried 7-0.

CITY CLERK'S REPORT: No report.

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CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS: (Roll Reverse)

Councilor Spencer

Councilor Spencer requested that tree planting is included with public art on

private property on the Committee of the Whole agenda. He also mentioned the graffiti along Decker's Creek, and how it is an increasing problem.

Mayor Justice addressed the issue stating that BOPARC paints over the graffiti on a regular basis but could not do so yet due to inclement weather.

He concluded his comments by thanking all the Citizens who volunteer for Boards and Commissions.

Councilor Byrne

Councilor Byrne welcomed new Councilor John Gaddis and mentioned the Greenmont Neighborhood Picnic and meeting on June 28th. He reminded Council that a Roof Gathering Ordinance needed to be put on the agenda.

City Manager Dan Boroff assured him that it would be on the June Committee of the Whole.

Councilor Byrne discussed the report of building improvements made, and encouraged the Council to look at buildings in their own neighborhood and address concerns. He expressed his concerns for the process stating people have said Morgantown is ugly. He asked citizens to help in suggesting ways to improve the looks of the City.

Mayor Justice took the comments into consideration and reminded Council that those who have made contributions to make the City better should be commended.

Councilor Selin

Councilor Selin reported that the new lighting on Wall Street looks great and she invited others to come and see the improvements after the meeting. She thanked the Public Works department for making the changes. Councilor Selin mentioned the new street cleaners hired by Sunnyside Up. She concluded by announcing the Suncrest Neighborhood Association Meeting on June 19th at 7 pm.

Councilor Byrer

Councilor Byrer concurred with Councilor Selin's comments, adding that the lighting on Fayette Street will need improving as well. He invited everyone to the Wiles Hill neighborhood association meeting which will be in conjunction with the City wide neighborhood watch gathering.

Mayor Justice commented that he liked the idea of having all the different neighborhood watches meet together at the same time. Councilor Byrne suggested that all the leaders of the individual neighborhood associations get together and meet each other. Mayor Justice suggested that the Neighborhood association leaders meet each other at a separate occasion from the Neighborhood watch leaders.

Councilor Byrer complimented City Clerk Little and Deputy Clerk Quinn for their efforts on the newly reinstated City Employee newsletter. He also announced that he would soon be suggesting ways to improve voting, and voter turn out before the elections take place.

Councilor Gaddis

Councilor Gaddis thanked Council for the warm welcome, and thanked Mr. Boroff for meeting with him prior to his first Council Session. He reminded Council of the Greenmont Neighborhood Good Neighbor Day and thanked Councilor Byrne for mentioning it. He asked for guidance in obtaining a food permit for the event. He agreed with comments made about the appearance of houses and buildings, especially in his neighborhood. He also mentioned the constant potholes on Route 7, Brockway in front of the new car wash.

Councilor Bane

Councilor Bane welcomed Councilor Gaddis. He mentioned that the grass at the end of Astor and Globe Streets is a foot tall and asked the City to cut it. He thanked Bob Roberts for his service as the Transit Authority President. Roberts recently resigned and was replaced by Hugh Kubrick. He inquired as to the Downtown Service Fee, and was informed that it would be on the June

COW agenda. He told Council that the Hope Mont sewers need to be swept and are infested with raccoons. He talked about Sunnyside Up advertising in the Sunday paper for a pick up and mowing position and his disapproval for it as the City Street Department hires such persons on a seasonal basis. HE asked City Manager Boroff to respond to this situation as it may be a misuse of Sunnyside Up funds.

Councilor Spencer interjected an inquiry to City Manager Boroff as to the street maintenance situation where the DOH is involved. Mr. Boroff answered that the situation will be monitored and if the DOH cannot due to funds, or does not maintain the streets under it's jurisdiction that the City is prepared to step in and complete such maintenance.

Mayor Justice

Mayor Justice reported the Main Street Morgantown Board Meeting will be at the BB&T at 8am tomorrow. On Thursday the CVB Board Meeting will be held at 8am at Spring Hill Suites. He also mentioned their annual meeting was the largest so far where revenues were concerned. He told Council that He, Councilor Spencer, Mr. Boroff, the School Board President, and Superintendent will meet to discuss elementary schools within City limits. He announced the MTC Fundraiser will be the play Annie, and encouraged all to show their support by attending. Mayor Justice was given the opportunity to teach at Boy State, a leadership function for young men and boys. The MHA meeting will be held in Council Chambers on Friday at 10am; John Martys will be in attendance. He announced the passing of Merwin Davis, a long time Star City Council member, and gave his condolences. He also remembered the recent passing of Sam Redder, and instrumental member of the Wiles Hill Senior Center. He pointed out that more houses will be torn down in the Sunnyside area along Beechurst, and the permits for that have been recently issued. He reminded all about the BOPARC Movie Nights at the amphitheatre and also the Swim Lessons BOPARC provides are currently full, but will have more classes soon. He announced that the Independence Day activities will all be conducted on July 4th unlike last year. There will be a CB Wilson Concert, the parade and fireworks to begin at dusk. He concluded by complimenting the Positive Spin program which provides bikes that give people an option for biking rather than driving to work.

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

City Clerk

Mayor

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