

REGULAR MEETING AUGUST 5, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 5, 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 July 15, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice complimented the Night Out event at Wiles Hill Community Center.

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET, COAL SEVERANCE FUND:

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 THE FY 2008-2009 ANNUAL BUDGET, GENERAL FUND:

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 THE CITY TO DEED PARCELS TO THE MORGANTOWN BUILDING COMMISSION:

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 AMENDING THE FY 2008-2009 ANNUAL BUDGET COAL SEVERANCE FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

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

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET GENERAL FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2008-2009 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.

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

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO DEED PARCELS TO THE MORGANTOWN BUILDING COMMISSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO DEED PARCELS 540, 543, 544, AND 545.1, APPEARING ON MONONGALIA COUNTY TAX MAP 20 AND DESIGNATED BY MONONGALIA COUNTY AS BEING IN THE FIFTH WARD OF THE CITY OF MORGANTOWN, TO THE MORGANTOWN BUILDING COMMISSION.

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

BOARDS AND COMMISSIONS: There were no Boards and Commission appointments at this time.

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NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE CITY TO PLACE A CONCRETE DUCT BANK UNDER AND ACROSS RAWLEY AVENUE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN, AS GRANTOR, TO EXECUTE A RIGHT OF WAY AGREEMENT WITH THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, AS GRANTEE, REGARDING THE PLACEMENT OF A CONCRETE DUCT BANK UNDER AND ACROSS RAWLEY AVENUE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN.

After discussion and explanation from Mr. Boroff, motion by Byrne, second by Spencer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT REGARDING THE JOINT PURCHASE OF ROCK SALT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH WESTOVER, STAR CITY, AND GRANVILLE REGARDING THE JOINT PURCHASE OF ROCK SALT FOR USE ON ROADWAYS.

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

AN ORDINANCE AMENDING A LEASE AGREEMENT FOR PUBLIC PARKING ABUTTING HAZEL RUBY MCQUAIN PARK: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSEE, AND WINGS AND THINGS, INC., LESSOR, AS THE SAME APPLIES TO PUBLIC PARKING UPON LESSOR'S REALTY ABUTTING HAZEL RUBY MCQUAIN PARK.

After discussion and explanation from Mr. Boroff, motion by Byrne, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL SERVICES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MONONGALIA COUNTY COMMISSION, WHEREBY THE MONONGALIA COUNTY COMMISSION WILL PROVIDE ANIMAL CONTROL SERVICES TO THE CITY OF MORGANTOWN.

After discussion and explanation from Mr. Boroff, motion by Spencer, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 927 WATER RATES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE REPEALING THE JULY 15, 2008 ORDINANCE MAKING AMENDMENTS TO ARTICLE 927 OF THE MORGANTOWN CITY CODE (WATER RATES), AND ENACTING NEW AMENDMENTS TO ARTICLE 927.

After discussion, the Mayor suspended the rules so Council could ask Jim Green questions. Motion by Byrne, second by Spencer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 925 SEWER RATES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE REPEALING THE JULY 15, 2008 ORDINANCE MAKING AMENDMENTS TO ARTICLE 925 OF THE MORGANTOWN CITY CODE (SEWER RATES), AND ENACTING NEW AMENDMENTS TO ARTICLE 925.

After discussion, the Mayor suspended the rules so Council could ask Jim Green questions. Motion by Byrne, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 7-0.

A RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF MORGANTOWN, TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE JUSTICE ASSISTANCE GRANT PROGRAM: The above entitled Resolution was presented for approval.

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

A RESOLUTION AUTHORIZING THE CITY MANAGER, ON BEHALF OF THE CITY OF MORGANTOWN, TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE PURDUE PHARMA FUNDS TASK FORCE: The above entitled Resolution was presented for approval.

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

A RESOLUTION ESTABLISHING THE FY 2008-2009 ANNUAL BUDGET FOR THE MORGANTOWN MUNICIPAL AIRPORT FUND: The above entitled Resolution was presented for approval.

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

PUBLIC PORTION:

Mayor Justice commented that Milt Cohen will be missed for he truly believed in the community and was truly dedicated to not only to Morgantown but to his Country as a Veteran.

Simone O'Hara, 515 Clark Street, informed Council that when citizens watch the meetings on TV they claim they cannot hear very much audio. She continued to explain her position that Morgantown is being seen as a "party town" because of the college students and urged Council to action in order to protect our neighborhoods.

Paul Shaffer, Representative Carpenters Local 1070, came to represent the local workers as a representative of the Mid-Atlantic region to let the community know that they are still a viable commodity, and he would appreciate Council's and the community's support of the union.

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

SPECIAL COMMITTEE REPORTS: None.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No. 1: Attached you will find a letter from Main Street Morgantown requesting a \$5,000 match for a \$10,000 grant to fund a traffic study for the Downtown. The \$15,000 study will fit well with MPO and State initiatives being discussed for the area. Based upon the need for data to support traffic improvements in the Downtown, I recommend that the request be granted.

Motion by Byrer, second by Selin to approve the requested funding. Motion carried 7-0.

Item No. 2: The second attachment is a memo from the Fire Chief reporting the bid results for a new fire engine. I agree with his comments and recommend that the contract be awarded to the qualifying bidder Stuphen Corporation for a cost of \$449,794.

Motion by Byrne, second by Bane to approve the fire engine bid. Motion carried 7-0.

Item No. 3: The third attachment is a memo from the Public Works Director reporting the bid results for the new North Side Fire Station. I agree with her comments and recommend that the contract be awarded to the low bidder Landau Building Company for a cost of \$3,186,500. Special Note: Based upon RFP=s received for financing the station, it appears that the City=s Building Commission will be able to place a revenue bond with Comvest (firm that works with the WV Municipal League) that will feature: a 20 year term; a fixed 4.15% interest rate; no requirement for a debt service reserve; and can be retired early without penalty.

After discussion, motion by Byrer, second by Spencer to approve the construction bid. Motion carried 7-0.

Item No. 4: The fourth attachment is a proposal from Advantus Engineering to provide commissioning services for the new North Side Fire Station (independent documentation of all energy efficient construction features). Based upon the experience of the firm and the merits of the proposal, I recommend that a contract be awarded for \$20,000.

After discussion, motion by Byrne, second by Spencer to approve the commissioning services. Motion carried 7-0.

Item No. 5: The fifth attachment is a memo from the City Planner reporting the search process for a qualified firm to update the Downtown Development Plan. I agree with his comments and recommend that the contract be awarded to the Clue Group for a cost not to exceed \$70,000.

After discussion, motion by Byrne, second by Spencer to approve the firm. Motion carried 7-0.

Item No. 6: The last attachment is a request to support the Morgantown Lifelong Learning Week that will be celebrated in the City September 22 through September 28, 2008. To support the activities planned (speakers, exhibits, reception, tours, and publicity) and the ongoing activities of the organization, I recommend that \$2,500 be made available to help fund the event.

Motion by Bane, second by Byrer to approve the event funding. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk reminded Council of the Municipal League Conference being hosted at Water Front Place August 13-16, 2008.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane
Councilor Bane announced that he feels distressed with the City Council, and feels they base their support of ROW's and initiatives only if they support their own personal and immediate cause. He made comments on the financial situation of Sunnyside Up citing that on salaries alone from 2002-2007 they spent \$61,000 per year. He concluded with remarks about Milt Cohen stating what he feels would be Milt's opinion of Council.

Councilor Gaddis
Councilor Gaddis commented on the Downtown plan and suggested that Ms. O'Hara become involved with the process. He thanked Mr. Boroff for information provided to him recently.

Councilor Byrer
Councilor Byrer remarked that the Night Out was successful. He stated that the quality of life in Morgantown is affected by traffic issues. He commented that the MPO is in transition.

Mayor Justice interjected that they are in the process of finding a new leader. Councilor Spencer commented that most of the decisions are made by the DOH and decisions they have made will still be put into effect.

Councilor Byrer also commented on Ms. O'Hara's statements calling for better police enforcements of party/noise Ordinances. He mentioned the WVML Conference and asked about a Teen Court pilot Program. He also inquired about the Historic Landmarks commission being informed of Historic Buildings being demolished.

Councilor Selin
Councilor Selin responded to Ms. O'Hara as well, suggesting she serve on the Downtown Plan or her Neighborhood Association. She also mentioned that Council should have regular meetings with WVU starting each fall. She mentioned Night Out and its successes. She responded to Councilor Bane's comments and feels Council is informed and fair. She remarked that Kid's Day was great and other Year of the Child Events are also going well.

Councilor Byrne
Councilor Byrne mentioned that he attended Milt Cohen's funeral and remembered his good qualities. He also wished a get well for Police Chief Phil Scott. He commented on Ms. O'Hara and sympathized with her concerns, and the issues of Sunnyside Up.

Councilor Spencer
Councilor Spencer paid tribute to the late Milt Cohen. He also paid tribute to Bill Wallace who also passed away. He responded to Ms. O'Hara stating his hopes for her to stay involved in community affairs. He asked Mr. Boroff for updates on Code Enforcement issues. He commented that in Berlington, Vermont they have an excellent Code Enforcement and Waterfront area, citing their various awards for such. He gave a suggestion from the MPO that solving traffic issues on University Avenue could be as simple as re-painting directional arrows and lane markers near the Westover Bridge. He also mentioned that the Rail Trail issue with the PSC can be a concern to all. He also mentioned the Restore Service of Habitat for Humanity. He concluded by sending good wishes to the recovery of Phil Scott.

Mayor Justice
Mayor Justice mentioned an article in the State Journal about earmarking funds in reference to the Gateway connector. Lastly he stated that he would be emailing Council this week about the unnecessary lengthy nature of their Council Reports.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:25 pm.

City Clerk

Mayor

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