

**REGULAR MEETING AUGUST 19, 2008:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 19, 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 August 5, 2008 were approved as printed.

**CORRESPONDENCE:** Mayor Justice complimented City Clerk Little and Deputy Clerk Quinn for the WVML Conference and also complimented Assistant City Manager Jeff Mikorski for the All Star Award. Bill Byrne read a letter from Ms. Kiger who runs the Farmer's Market complimenting Tom Arnold on his professionalism and for the placement of a memorial bench.

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE CITY TO PLACE CONCRETE DUCT BANK UNDER AND ACROSS RAWLEY AVENUE:**

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 AN INTERGOVERNMENTAL AGREEMENT REGARDING THE JOINT PURCHASE OF ROCK SALT FOR USE ON ROADWAYS:**

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 A LEASE AGREEMENT FOR PUBLIC PARKING ABUTTING HAZEL RUBY MCQUAIN PARK:**

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 AN INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL SERVICES:**

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

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

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 AUTHORIZING THE CITY TO EXECUTE A RIGHT OF WAY AGREEMENT FOR A DUCT BANK UNDER AND ACROSS RAWLEY AVENUE:** The below entitled Ordinance was presented for second 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.

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

**AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE JOINT PURCHASE OF ROCK SALT:** The below entitled Ordinance was presented for second 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 Byrne, second by Bane to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING A LEASE AGREEMENT FOR PARKING UPON REALTY ABUTTING HAZEL RUBY MCQUAIN PARK:** The below entitled Ordinance was presented for second 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.

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

**AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL SERVICES:** The below entitled Ordinance was presented for second 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.

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

**AN ORDINANCE REPEALING AND MAKING NEW AMENDMENTS TO ARTICLE 927:** The below entitled Ordinance was presented for second 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, motion by Bane, second by Byrne to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE REPEALING AND MAKING AMENDMENTS TO ARTICLE 925:** The below entitled Ordinance was presented for second 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.

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

**BOARDS AND COMMISSIONS:** No appointments for Boards and Commissions at this time.

Councilor Spencer requested a suspension in the rules to allow Jim Greene to speak and update Council on the status & time line of the construction for Popponoe & Burroughs Run areas in regards to stormwater.

Jim Green spoke that he is following regulations in accordance with the Public Service Commission and hopes to have everything in place before the winter weather sets in.

**NEW BUSINESS:**

**AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AGREEMENT FOR A CONCRETE DUCT BANK UNDER AND ACROSS SECOND STREET:** 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 SECOND STREET IN THE FOURTH WARD OF THE CITY OF MORGANTOWN.

After discussion, motion by Byrne, second by Bane to pass the above entitled Ordinance to second reading.

Motion carried 7-0.

**AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.

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

**PUBLIC PORTION:**

Simone O'Hara, 315 Clark Street: informed Council that she called the Police for a noise violation after students moved in and requested information on the guidelines of the Noise Ordinance. She also asked for a new one way sign to be posted on Clark Street. She commented that Green and Cobun stop signs are frequently run.

Mr. Boroff responded that the Street Department can replace signs and Police can monitor the stop signs being run and parties being held. Mr. Fanok added citizens should know when to call police based on noise level, and that permits are required for some parties. The City Manager's office has all this on file.

Councilor Selin asked if the party permits are issued on a frequent basis and Mr. Boroff replied that few are issued and the process is heavily regulated.

Councilor Byrer showed Council a pamphlet developed by the Police Department given out by our Neighborhood Watch containing information for students. However it needs to be updated.

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

**SPECIAL COMMITTEE REPORTS:**

Councilor Spencer gave an update on the Dorsey Knob Lodge picnic pavilion, adding that the signs for the trail will be completed by October. There will be a meeting on 8/28/08 at 11 am in the Groscup Center.

Councilor Byrne informed that the Youth Commission will have a picnic at Camp Muffly from 6-8pm on 8/22/08. He added that he learned a lot from the Sunnyside Up tour hosted by Jim Hunt at the WVML. He continued that electronic signs will be placed at University, Chestnut and Spruce Streets which will depict spaces left in parking garages, advertisements, etc.

**CITY MANAGERS REPORT:**

**INFORMATION:**

Item No. 1: The City has been informed by the U.S. Department of Housing and Urban Development that it will receive \$543,242 in Community Development Block Grant funds for the period July 1, 2008 to June 30, 2009 and \$27,400 in program income for the same period. The projects that the grant will fund are: Social Services: \$81,486; Housing Programs: \$198,728; Infrastructure Improvements: \$130,180; Rehabilitation: \$41,600; and Administration and Planning: \$108,648.

**NEW BUSINESS:**

Item No. 1: Attached you will find a memo from the Public Works Director reporting the condition of the tree pits on upper Hugh Street. Given that a contractor is on site, I recommend that a change order be authorized for \$16,192 so that the work can be completed this month.

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

**CITY CLERK'S REPORT:** Thanked everyone for attending the WVML Conference and thanked them for their help, and hoped they had a good time. She also updated everyone on the upcoming Hot Dog Sale.

**CITY ATTORNEY'S REPORT:** No Report.

**REPORT FROM COUNCIL MEMBERS (Roll Reverse):**

Mayor Justice

Mayor Justice commented that Council has continued to speak on issues which should be confined to COW sessions, and there have been requests from the public for them to limit their comments to 4-5 minutes such as the public portion rules.

Councilor Spencer

Councilor Spencer informed Council on the Code Enforcement Advisory Board's recent meeting. He also urged citizens to contact Code Enforcement if they see any problems to help catch all violations. He reported a complaint

from a business owner on Fayette Street about debris that needs to be cleaned up from the weekend due to student move-ins. He then mentioned an article in the Nation's Cities periodical written by the Mayor of Miami, FL about the Federal Government failing to help local Governments.

Councilor Byrne

Councilor Byrne requested that the Riverview and Bodner construction areas be cleaned up for League visitors and WVU newcomers in our area. He commended City Clerk Little and Deputy Clerk Quinn for their work on the recent WVML Conference held here in Morgantown.

Councilor Selin

Councilor Selin mentioned the WVML Conference and its success for our Municipality and complimented everyone involved including City Clerk Little and Deputy Clerk Quinn and Jim Hunt. She commented on Councilor Byrer's suggestion for a newcomer pamphlet for incoming freshmen and new residents of the City to include new Ordinances and tips on how to get along in Morgantown.

Councilor Byrer

Councilor Byrer mentioned that he learned a lot at the WVML Conference and from the CVB video of Morgantown. He complimented the City Clerk Little, Deputy Clerk Quinn and WVML Executive Director Lisa Dooley for their work on the Conference. He added that other Municipalities have inquired as to our Youth Commission and Teen Court programs. He mentioned cleaning up brush waste in the community.

Mr. Boroff stated that there are free pick up programs through Allied Waste, and neighborhoods have organized their own as well.

Councilor Byrer commented that there needs to be a Stop Sign installed at Yoke and Stuart Streets. Also, Morgan Street needs to be patched and the concrete on Grove Street should be preserved for its historical value.

Councilor Gaddis

Councilor Gaddis informed citizens of a Government Job Fair in Fairmont at the National Guard Armory from 11-6 on 8/20/08. He also mentioned that Kenny Construction Co. will be holding a vendor fair for T.R.A.I.L. at the High Tech Consortium on 8/20/08 from 2-6pm also in Fairmont.

Councilor Bane

Councilor Bane asked the City Manager again about \$200,000 from WVU for Sunnyside Up.

Mr. Boroff replied that Denise White of Finance is looking into the situation. He then inquired as to the Service Fee timeline and Mr. Boroff answered that an outside attorney is preparing a draft ordinance.

Councilor Bane gave kudos to MUB for their work on the Wiley Street Project and how they came in on time and under budget. He also complimented Jeff Mikorski on the All Star Community Award from the WVML. He then thanked the community for their support through his recent uneasy period and apologized for any abrupt behavior.

Mayor Justice

Mayor Justice thanked everyone involved with the success of the WML Conference and informed Council that many visitors complimented him on the work of the Beautification Commission. He also complimented MUB on completing High Street on budget and on time for the arrival of the students. He commended the University Police, Morgantown Police, and City Staff for working with WVU for a smooth move in weekend. He then mentioned a story in the news on unemployment in Mon. Co. and its relationship to minimum wage workers. Mayor Justice went on to say what good jobs the WVML & League Executive Director Lisa Dooley have done by working with CVBs across the State. He mentioned that sometimes Cities have competitive issues with CVB's but because of the good working relationships of State and Local Governments, we are now working towards the same goals and will continue to do so.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:26 pm.

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City Clerk

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Mayor

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