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**REGULAR MEETING JANUARY 19, 2010:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, January 19, 2010, at 7:30 P.M.

**PRESENT:** City Manager Dan Boroff, Mayor Bill Byrne, City Clerk Linda Little, Assistant City Manager Jeff Mikorski, City Attorney Steve Fanok, and Council Members, Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, Marti Shamberger, and Don Spencer.

The meeting was called to order by the Mayor.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on January 5, 2010, were approved as printed.

**CORRESPONDENCE:** Mayor Byrne mentioned the disaster in Haiti and how it has touched his heart and asked the community to reach out and help by giving through American Red Cross.org or any organization you wish. Mayor Byrne informed the public that in fact a medical team from Morgantown is going and donations can be made to Dr. Dave Fogarty, 228 South Walnut Street, Morgantown WV. Mayor Byrne then asked for a moment of silence for those in Haiti. Mayor Byrne said anyone wanting to know how to make donations to Haiti can contact the City Clerk for details. Mayor Byrne read a letter from FEMA indicating that the Flood Plain Ordinance adopted on January 5, 2010 is in compliance with the National Flood Insurance Program. Mayor Byrne recognized Kathryn Greever for serving on the Planning Commission from 2007-2009.

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**UNFINISHED BUSINESS:**

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**BOARDS AND COMMISSIONS:** Council then by acclamation appointed Denver Allen to the BOPARC Board; Colonel Edwin T. Parks to Mon. Rivers Trail Commission; and William Petros to the Planning Commission.

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**NEW BUSINESS:**

CONSIDERATION OF APPROVAL OF A RESOLUTION TO OBTAIN \$9,000 FOR LIGHTING IMPROVEMENTS AT THE METROPOLITAN THEATER THROUGH THE COMMUNITY PARTICIPATION GRANT PROGRAM. The above Resolution was presented for approval:

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Motion by Gaddis, second by Shamberger to pass the above entitled Resolution. Motion carried 7-0.

**PUBLIC PORTION:**

Glenn Gallagher, P.O. Box 1574, mentioned that he contacted Bill Austin of the MPO about the crosswalk at the intersection of University Avenue and Westover Bridge by Wings Ole. Mr. Gallagher commented that he has also noticed a crosswalk problem at Foundry and South University that needs addressed. Mr. Gallagher asked should I contact Bill Austin of the MPO?

Mayor Byrne responded to Mr. Gallagher that the City Manager Dan Boroff will check into this problem.

Ruth Allen, 127 Bluegrass Drive, requested Council look at fining pedestrians for jay walking. Ms. Allen stated that recently she had damage to her vehicle while swerving to miss a jay walker and hit another vehicle. Ms. Allen commented that the Police Officer told her there were no Jay Walking laws in the City of Morgantown. Ms. Allen requested that Council consider some laws and fines for the pedestrian and peace of mind for the drivers.

Ray Swager, Swager General Contracting, thanked Council for appointing him to the Urban Deer Committee. Mr. Swager stated that he has been to at least 200 residences and 85% of the people are against the Urban Deer Hunt. Mr. Swager

commented that he felt that a new Chair should be selected because Dr. Dave Samuel's biased opinion possibly would not be fair.

Joann Beard, 632 Astor Avenue, also mentioned concerns on the fairness of the selection of the Urban Deer Committee. Ms. Beard suggested other natural alternatives besides hunting to control the deer population in the City. Ms. Beard reminded everyone that deer are the stewards of nature and enhance our culture.

Guy Panrell, 763 South Hills Drive, reminded everyone of the annual Postal Food Drive on May 8<sup>th</sup>, 2010. Mr. Panrell commented on the Deer that there is a problem all over the City; in fact there were 27 deer in a back yard in Norwood last night. Mr. Panrell stated that the Deer are a safety issue; they can cause waste disease and many other problems.

City Attorney, Steve Fanok, stated that there has been a Jay Walking law on the books for 21 years which states you will be fined if you do not walk across the streets at the designated crosswalks.

There being no more appearances Mayor Byrne then declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer gave an update on the 2010 City of Morgantown Legislative priorities discussed with Legislators at the Municipal League meeting. Councilor Spencer briefly mentioned a few of the bills, SB134; HB2663; HB 4001; role of PSC to control certain services in Class I & II cities; Management of Solid Waste; Towing Companies; and Taxi Services. Councilor Spencer stated that the following are WVML bills of concern, OPEB, PERS, Municipal Costs, Municipal Records, Insurance Proceeds, Use of Radar Guns, and Municipal Juries. Councilor Spencer informed Council that H.B.3197 did pass even though it was vetoed by the Governor in May, the bill was reconsidered and passed and was signed by Governor Manchin on June 5, 2009. Councilor Spencer stated that H. B. 3197 will enable municipalities to utilize personnel resources presently employed in other capacities more efficiently and effectively in addressing pervasive litter problems as well. Mayor Byrne then thanked Jeff Mikorski, Assistant to the City Manager and Councilors Selin, Bane, Byrer, and Spencer for accepting the grant check of \$18,000 for the Met Theatre in Charleston, WV today.

**CITY MANAGERS REPORT:**

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**INFORMATION:**

**Item No 1:**

As directed by City Council, an Urban Deer Committee has been organized to study the option of a limited bow hunt within the City of Morgantown to control the urban deer population. Dr. Dave Samuel has agreed to chair the committee. Other members include Mr. Ray Swager, Marti Shamberger, Mark Wise, and a representative of WVU. The Chairperson may recruit additional members as necessary. Steve Fanok will be the City staff liaison. the first meeting of the committee will be January 21, 2010.

City Manager Dan Boroff stated that the Urban Deer Committee is a temporary administrative group to research this issue only and recommendations will be sent to City Council, and City Council will make the final decision.

Mayor Byrne then informed Council that the next COW will begin at 6:30 p.m. on 1-26-2010 with 10 items so far on the agenda.

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

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane commented that the name of the Deer Committee is the Urban Deer Committee not the Urban Deer Hunt Committee. Councilor Bane stated that all recommendations should be considered for Council to look at in making this decision, we need the voice of both sides. Councilor Bane thanked the City Manager and Police Department for helping with the recent breaking and enterings in the First Ward area.

Councilor Gaddis: Councilor Gaddis responding to Councilor Banes comments on the Urban Deer Committee; we must allow all citizens to communicate their concerns and ideas on this issue. Councilor Gaddis reminded everyone of the Greenmont Neighborhood Association Meeting at 7pm on Monday; South Park Neighborhood Association Meeting on Wednesday at 7pm; and then Monday NHCC with Jeff Mikorski.

Councilor Byrer: Councilor Byrer reported that on January 20, 2010 the Wiles Hill/Highland Park Neighborhood Association will have their meeting and appoint new officers for 2010. Councilor Byrer commented the deer issue is basically about health safety and property damage, and this committee can come up with some guidelines to help control this issue

Councilor Selin: Councilor Selin stated that the deer committee is to study if there is a problem of over population and ways of handling it and managing the herd and protecting the citizens' health and safety. Councilor Selin stated that she appreciated the Councilors that were able to come to Charleston for the Municipal League Meeting and equally important are those Councilors that attended the events for MLK day. Councilor Selin reported that the Suncrest Neighborhood Association meeting will be on 1-28 at 7pm

Councilor Shamberger: Councilor Shamberger thanked the Police Officers that responded to the car breaking & enterings on Louise Avenue, and anyone that has had a break-in on Louise Avenue please contact the Police. Councilor Shamberger gave a thanks to City Departments for the Annual Report for after reading the report it gave me a real appreciation of what everyone does at the City. Councilor Shamberger commented that she takes to heart suggestions for the Urban Deer Committee and will weigh everything and bring recommendations back to Council.

Councilor Spencer: Councilor Spencer commented that he was sorry for the Jay Walking incident that Ruth Allen experienced and stated that the pedestrian/traffic issue is a frustrating one. Councilor Spencer informed everyone that the Pedestrian Plan will educate not only the drivers but the pedestrians in a safety program. Councilor Spencer informed Council that Governor Manchin mentioned at the Municipal League meeting that Cities must make their communities safer and stronger for 2020. Councilor Spencer mentioned that he was delighted that the Lakewood & Rollingwood Streets are on the COW Agenda. Councilor Spencer informed Council that the Pedestrian Safety Plan is on the web and also reminded everyone of the Morgantown Pedestrian Safety Plan Public Forum at South Middle School at 6:30pm on January 28, 2010. Councilor Spencer noted that the Department of Highways should be sensitive to the needs of the citizens on the safety of the various difficult crosswalks in the City with lighting and signal capabilities. Councilor Spencer noted that the Census Count 2010 is very important; it is dollars and cents and can bring Federal Grants to the City. Councilor Spencer thanked the Mayor for giving attention to the Haiti situation and that we can truly empathize with the tremendous challenges and hope we can respond to them and help as long as it is needed.

Mayor Byrne: Mayor Byrne mentioned the Prime Time Shootout coming this weekend to MHS and the WVU Coliseum and that 4 High School teams from the USA Today Super 2 will participate, and Cliff Southarland has brought this to Morgantown which is a tremendous economic help to our community. Mayor Byrne reminded Council that on January 28<sup>th</sup> the Public Forum at South Middle on Pedestrian Safety will be held. Mayor Byrne added another item to the COW; the Sister City Ordinance for Council's review and discussion. Mayor Byrne reported that Jerome Park has their community meeting on February 1 at 7pm at the Church corner of Darst & Richwood. Mayor Byrne

announced that the grand opening of the Census office is January 29 at 1pm. 3<sup>rd</sup> Floor of the Spillman/Thomas building. Mayor Byrne stated he will be in Charleston tomorrow for the Alumni Event and also will attend the Sub-Committee hearing in reference to the Parking Authority issuing tickets. Mayor Byrne commented it was very cold 10 days ago and our Public Works, Bill Rumble and Staff worked 18 hour days to keep our streets cleared of snow, and they did a great job in doing so. Mayor Byrne attended the MLK Breakfast and Ken Hechler 95 years old spoke for an hour on MLK and was absolutely incredible, and then in the afternoon the celebration by Coalition for Social Justice at MHS was held. Mayor Byrne commented that we are an Inclusive City and we reflect those values and thank you to those for attending the MLK events.

Councilor Seline mentioned the Vote by Mail information she received at the Municipal League Meeting.

Mayor Byrne:

Mayor Byrne stated that if there is anyone that wants to donate to Haiti, the contact information will be available at the City Clerk's office at 304-284-7439 or 284-7434.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:40 p.m.

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City Clerk

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Mayor

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