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REGULAR MEETING JANUARY 5, 2010:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, January 5, 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 December 15, 2009, were approved as printed.

CORRESPONDENCE: Mayor Byrne gave a reminder to Council of the WVML Conference from January 17 to 18, 2010' in Charleston, to let the City Clerk know if you are attending. Mayor Byrne then announced that this evening we have First Sgt. Steve Ford and Detective Chris Dalton attending this evening being honored for saving the life of a heart attack victim that crashed his truck on Brockway on December 9, 2009. Mayor Byrne asked Chief Phil Scott to come forward to present the Life Saving Award to First Sgt. Steve Ford and Detective Chris Dalton.

PUBLIC HEARING-AN ORDINANCE REPEALING ARTICLE 1743 ADDRESSING FLOOD PLAINS AND ADD A NEW ARTICLE 1743:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Byrne called for a public hearing on the above referenced ordinance.

There being no appearances or objections, Mayor Byrne declared this public hearing closed.

PUBLIC HEARING-AN ORDINANCE AMENDING 2009-2010 GENERAL FUND BUDGET:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Byrne called for a public hearing on the above referenced ordinance.

There being no appearances or objections, Mayor Byrne declared this public hearing closed.

PUBLIC HEARING-AN ORDINANCE AMENDING 2009-2010 COAL SEVERANCE FUND BUDGET: _

Pursuant to a legal notice appearing in the Dominion Post, Mayor Byrne called for a public hearing on the above referenced ordinance.

There being no appearances or objections, Mayor Byrne declared this public hearing closed.

UNFINISHED BUSINESS:

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AN ORDINANCE REPEALING ARTICLE 1743 ADDRESSING FLOOD PLAINS AND ADD A NEW ARTICLE 1743: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING ARTICLE 1743 OF ITS BUILDING AND HOUSING CODE, ADDRESSING FLOOD PLAINS WITHIN THE CITY, AND

ENACTING IN ITS PLACE A NEW ARTICLE 1743 WHICH ALSO ADDRESSES FLOOD PLAINS.

Motion by Gaddis, second by Byrer, to adopt the above entitled Ordinance. City Manager Dan Boroff explained that after the last meeting there were some minor amendments made to the Ordinance, and Council can motion to amend those this evening. After discussion on amendments, motion by Bane, second by Gaddis to approve minor amendments to Ordinance. Motion carried 7-0. After discussion on the main motion, main motion carried 7-0.

AN ORDINANCE AMENDING 2009-2010 GENERAL FUND BUDGET: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2009-2010 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 explanation by the City Manager, motion by Spencer, second by Bane, to adopt the above entitled Ordinance. Motion carried 7-0.

- **AN ORDINANCE AMENDING 2009-2010 COAL SEVERANCE FUND BUDGET:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2009-2010 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 COAL SEVERANCE FUND.

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

- **BOARDS AND COMMISSIONS:** Mayor Byrne complimented Terry Jones for serving on the Mon. River Trail Commission and other Commissions and also his service as a Councilmember Council then by acclamation reappointed James Shaffer & Leanne Cardoso to the BZA and Mike Shuman and Carol Pyles to the Planning Commission..

- **NEW BUSINESS:**

CONSIDERATION OF APPROVAL OF FIRST READING OF A SUPPLEMENTAL RESOLUTION PROVIDING FOR THE ISSUANCE OF THE COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2010 A AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 F: The above Resolution was presented for approval:

- City Manager Dan Boroff explained the City will know more about the exact payment periods and interest rates once bonds are sold. He also stated that the payment periods and interest rates can't exceed the limit set by the City Council. Mr. Boroff stated that this project is the largest public utility project in the State's history. The Mayor suspended the rules to let Vince Collins from Steptoe and Johnson to explain the bonds and answer any questions City Council had. After discussion, motion by Gaddis, second by Bane to pass the above entitled Resolution. Motion carried 7-0.

CONSIDERATION OF APPROVAL OF FIRST READING OF A SUPPLEMENTAL RESOLUTION PROVIDING FOR THE ISSUANCE OF THE COMBINED UTILITY SYSTEM REVENUE BONDS SERIES 2010 B AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 C:(WEST VIRGINIA SRF PROGRAM): The above Resolution was presented for approval:

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

- **CONSIDERATION OF APPROVAL TO CONSIDER AND ACT UPON A PROPOSED SUPPLEMENTAL RESOLUTION PROVIDING FOR THE ISSUANCE OF THE COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 D AND COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 E(WEST VIRGINIA DWTRF PROGRAM):** The above Resolution was presented for approval:

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

APPROVAL TO CONSIDER AND ACT UPON A PROPOSED SWEEP RESOLUTION PERTAINING TO THE AUTOMATIC PAYMENT OF COMBINED UTILITY SYSTEM BONDS TO THE MUNICIPAL BOND COMMISSION: The above Resolution was presented for approval:

- Motion by Selin, second by Bane to pass the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

Delegate Charlene Marshall, 1010 Ashton Drive, wished everyone a Happy New Year and stated that she was here tonight to let Council know she supports their 2010 Legislative Priorities. Delegate Marshall invited each one of them to visit her during the Legislative session or call upon her at anytime. Delegate Marshall also requested that the City take a look at clearing the snow/ice on Lakeland Avenue for when she was out there for a Holiday event, the residents seemed concerned about their street.

Mayor Byrne commented that the streets that Delegate Marshall mentioned are in the process of being adopted in to the City, so they can be maintained by the City.

Joe Kaehler, Met Theatre Manager, updated Council on the restoration of the Met Theatre

Glenn Gallagher, P.O. Box 1574, requested that a crosswalk be placed at the intersection of University Avenue and Westover Bridge by Wings Ole. Mr. Gallagher commented that this is one of the busiest intersections in the City.

Ray Swager, Swager General Contracting, mentioned an article by Dave Miline, Natural Resource Commission and asked for comments on that article, for it sounds like there should not be any public input.

Mayor Byrne explained to Mr. Swager the process of the Public Portion.

Mr. Swager stated that he has been around with a petition and citizens have signed against this urban deer hunt. He asked how many complaints did we get to warrant an urban deer hunt? Does it matter what people think?

Mayor Byrne said again someone will respond to your comments

Mayor Byrne commented that we have the Public Portion for people to give views and we have COW for round table discussion. Do the people matter, absolutely? We are elected by you. We make the best decisions we can with the information we are given as an elected group.

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

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1:

Attached you will find a letter from the United Way requesting \$500 to support Martin Luther King, Jr. Day community services. Given the past successes of this program, I recommend that the request be approved.

Motion by Shamberger, second by Selin to approve \$500 to support King Jr. Day Community Services. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk Linda Little announced that Deputy Clerk Bethany Sypolt had a healthy baby girl on December 23, 2009, at 1pm. They named her Allison Nichole Sypolt and everyone is doing well.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane stated that when he ran for First Ward for Council one of the big issues was deer. Councilor Bane commented that the City needs both sides of the story on the committee and possibly Mr. Swager would be willing to serve on the committee. Councilor Bane requested that the Warners and Sunnyside-Up attend the

COW

Councilor Gaddis:

Councilor Gaddis also stated that the public always has a comment, and I can be contacted by phone or e-mail and am there to listen. Councilor Gaddis said that even though we may not always agree we must understand all sides and view points of an issue. Councilor Gaddis wished everyone Happy New Year and looking forward to working together with an open dialogue of communication. Councilor Gaddis reported that the next NHA South Park meeting is on 4th Wed of the month and Greenmont NHA is the last Monday of the month and are always open to the public.

Councilor Byrer:

Councilor Byrer stated we always need public input. Councilor Byrer said the issue of the deer problem is long over due as it has been a health and safety issue in our neighborhoods. Councilor Byrer also mentioned the passing of Coach Gene Corum who was well know in the Community and always referred to as Gentlemen Gene and offered condolences to his family and his former players. Councilor Byrer reminded everyone that the NHA meeting is the third Wednesday of each month and encouraged new members to join and that all meetings are open to the public.

Councilor Selin:

Councilor Selin reminded everyone of the Farmers Market being held at the Marilla Center on January 9, February 6, and March 6, from 12-3pm; Evansdale NHA meeting on January 11, and Suncrest NHA on January 28th. Councilor Selin reported that the next Youth Commission meeting is on January 10th at 2:30 pm at the Public Safety Building. Councilor Selin stated that there is a real need for a crosswalk at Pleasant Street and Westover Bridge. Councilor Selin then mentioned the Urban Deer Hunt and thanked Mr. Swager for coming this evening, and that Council always needs public input on all issues. Councilor Selin agrees that there should be a committee to look at this and as for her opinion thinks the City should consider an urban deer hunt.

Councilor Shamberger:

Councilor Shamberger thanked Mr. Swager for coming to Council this evening and sharing his information, I also share as with my fellow Councilors the same concerns on the deer problems. Councilor Shamberger informed everyone that on January 18, there will be a Martin Luther King breakfast at the Mt. Lair and also the Coalition for Social Justice will have a program from 12:30 to 2pm at MHS. Councilor Shamberger complimented the Street Department for their cleaning of the streets during snows. After hearing Bill Rumble speak at the last Neighborhood of Coordinating Councils and explain the protocol for snow removal, our Street Department does do a great job and they have a plan. Councilor Shamberger had a call concerning the zoning signs the Planning Department puts out, and commented that the signs are a great tool for it is peaking citizens interests.

Councilor Spencer:

Councilor Spencer commented that the crosswalk that is needed at University Avenue and Westover bridge is a State issue and mentioned to Mr. Gallagher that he should attend the next MPO meeting to tell them of his concerns of this intersection on 1-21 at 7pm. Councilor Spencer spoke strongly of the deer hunt and how his neighbors have been support of this all along and this is this first time he has heard of any one against the hunt. Councilor Spencer continued by saying he welcomed Mr. Swager's input on this issue and City Council always encourages the citizens to come to Council to give their opinions. Councilor Spencer mentioned two national awards that were presented by The Governing Journal (one was bidding and the other was asking different departments to set goals for upcoming year). Councilor Spencer requested that both these processes be considered to help improve the City. Councilor Spencer congratulated the Public Works Department and the 6 Morgantown schools (North Elementary, Woodburn, South Middle, Suncrest Middle, Trinity, and MHS) for the snow plow blade painting program. Councilor Spencer asked the City Manager for a road salt update? City Manager Dan Boroff responded saying that this year road salt

was \$68 dollars a ton and we have used 1000 tons and have 1300 tons for the rest of the winter. Councilor Spencer closed his report in mentioning the passing of Gene Corum who was Head Football Coach at WVU from 1960-1965, but he also supported the construction of the Marilla Pool; served on Council from 1966-68; and he and his wife Lucille were loyal Mountaineers and important contributors to life in Morgantown. We are thankful for both of their lives. Councilor Spencer also complimented City Administration on job well done on The Annual Report.

Mayor Byrne:

Mayor Byrne commented in keeping on the theme of Coach Corum, the MLK Celebration will be coming up soon and Coach Corum was the one that integrated our WVU Football Team and it would be fitting to honor him during this celebration. Mayor Byrne then commended the City Street Department for keeping our streets clear during this snowy weather and explained the process in which the streets are cleared. Mayor Byrne suggested to the City Manager that Mr. Swager be added to the Deer Hunt Committee, and we appreciated not only his input but all public comments. Mayor Byrne requested a walking tour be done of the Gateway Areas of each Ward when the weather breaks. Mayor Byrne complimented the work done on the Annual Report on a very modest budget.

Councilor Gaddis asked that at the University Avenue/Westover Bridge crosswalk area, can the State Highway place better signage there?

Mayor Byrne stated that this is an MPO issue.

Councilor Selin asked Mayor Byrne can this body make a recommendation to the MPO.

Mayor Byrne responded in saying that the process is that issues go to the MPO Director; then he forwards them to proper committees; then if issue is approved by MPO, then Council can talk to the State.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:55 p.m.

City Clerk

Mayor

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