

REGULAR MEETING OCTOBER 21, 2008:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 21, 2008 at 7:30 p.m.

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

The meeting was called to order by Mayor Justice.

The Pledge was led by "Den 9, Club Scout Pack 60".

APPROVAL OF MINUTES: Minutes from the regular meeting on October 7, 2008 were approved as printed.

CORRESPONDENCE: Proclamations: Take a Flower To Child Care Day.

PUBLIC HEARING - AN ORDINANCE RENAMING AN ALLEY IN FIFTH WARD TO HOOVER ALLEY:

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 more appearances or objections, Mayor Justice declared this public hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING SECTIONS OF THE ADMINISTRATIVE CODE AS THE SAME APPLIES TO THE TRAFFIC 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 RENAMING AN ALLEY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN RENAMING ALLEY A, WITHIN THE FIFTH WARD OF THE CITY, TO HOOVER ALLEY

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

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

AN ORDINANCE AMENDING SECTIONS 151.02, 151.03, AND 151.04 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO TRAFFICE COMMISSION COMPOSITION, MEMBERSHIP, AND DUTIES.

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

BOARDS AND COMMISSIONS: By acclamation Charlie Byrer will be the Council representative on the Museum Commission.

Councilor Spencer updated Council on the topics of discussion from the latest MPO meeting including air quality, the Westover Bridge intersection, and the Bike Board's recent achievement.

Councilor Byrer reported from the Historic Landmarks commission that they will be applying for grant funds to finance a Historic District in 1st Ward.

Mayor Justice explained Councilor Spencer's comments regarding air-quality and its effect on Morgantown's attainment status.

PUBLIC PORTION: Mayor Justice began by explaining that the Presbyterian Church Housing Project will be discussed at the COW and is in review by the Council. The developers and concerned citizens can be present for full discussion at that time.

David Biafora, Developer, stated that in his opinion the Church should not be able to build their projects under tax-exempt status.

Don Corwin, owner Win Corp, expressed his concern for the Planning Commission's approval of the project without first tabling the issue. He said the project will have big impacts and needs to be carefully considered.

Zip Shearer, 92 Chateau Royale Court, agreed with the previous speakers and encouraged the issue to go under more review and consideration before proceeding, and he looks forward to discussing the issue at the next COW.

Mayor Justice thanked everyone for their comments and announced that due to the concerns the COW will begin at 6:30 to give more time for a dialog with the community.

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1: As directed by Council, Halloween this year will be observed in the City on Friday, October 31, 2008 between the hours of 5:30 and 6:30pm.

NEW BUSINESS:

Item No 1: The next regular City Council meeting is scheduled for November 4, 2008. Because of the national election, it would be appropriate to reschedule the meeting for November 5, 2008.

By acclamation Council approved to the rescheduling of the next regular City Council meeting to November 5, 2008. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane brought to Council's attention once again the Resolution that they adopted on August 19th about the Sunnyside Up TIF District. He read from the Resolution and reminded Council the amount of money being spent on the project.

Mr. Boroff responded by explaining the TIF project.

Councilor Bane expressed that he still not in agreement with the TIF project at this time. He explained that because of the country's economic condition there are other priorities that far outweigh this project such as employee pay raises and citizen's needs. He mentioned that he walked his dog at the Waterfront area and praised the development in there. He feels the money was well spent and that there is a good chance for economic growth.

Mayor Justice commented that in reference to the Trail, there is a fit station provided by WVU and BOPARC near the Waterfront Hotel for community use.

Councilor Gaddis:

Councilor Gaddis mentioned the next SPAN meeting will be October 22nd at 7pm at First Christian Church, and the next Greenmont Neighborhood Association meeting will be held at 4pm at the Jones United Methodist Church on Green Street.

Councilor Byrer:

Councilor Byrer was impressed with and thanked the Fire Department on their new Fire Engine and spoke of his enthusiasm for the new Erickson Alumni Center and the tour Council was given. He also mentioned that there was another water line break in Wiles Hill and was glad to hear that MUB will be improving the infrastructure in that area. He inquired as to the status of the oil and gas rights leasing that were previously discussed.

City Manager Dan Boroff responded that MUB, The County Development Authority and the City of Morgantown have combined all unused and undeveloped public lands and are working with a firm which specializes in mineral rights issues and leases to move forward with the project.

Councilor Byrer reported to Council on the election meeting with State Delegates and the League of Women Voters and Charter Board member Don Price.

After the discussion Council by Acclamation directed the City Clerk to move forward with implementing the Vote by Mail by forwarding the bill from Oregon to Lisa Dooley of the WVML, Delegates Marshall and Shook to be addressed by the next Legislative session.

Councilor Selin:

Councilor Selin thanked all involved with the Take a Flower to Child Care Day and those involved Lights on After School. She reminded everyone that the Farmer's Market is still going on and encouraged all to keep shopping there until it ends on November 1st.

Councilor Byrne:

Councilor Byrne responded to comments made about the recent MPO meeting, stating that in regards to the truck traffic downtown he would like to bring the issue back to light and solve the problems of noise and congestion and develop a truck route around Morgantown. He also congratulated the MFD on their new truck and the improvement it will make to the Department's fire fighting abilities; and thanked those responsible for the tour of the new Alumni Center. He concluded his comments by speaking positively about the Sunnyside area and the improvements that will be made possible by the TIF.

Councilor Spencer:

Councilor Spencer stated he has noticed a lot of noise from trucks on Brockway Avenue and seconded the suggestion that the issue go back to the COW. He stated that in reference to Sunnyside Up, it was molded after a plan made by Columbus, for Ohio State University and assured Council that Jim Hunt is the best person for the job on state, city and national levels. He mentioned that the Wiles Hill group is working on their neighborhood plan and he reminded all neighborhood associations to do so, in aiding the formulation of the city comprehensive plan. He requested that the Public Art in Public Places initiative go on the agenda due to its approval from Arts Mon. He said he enjoyed the Arts Walk he took on Saturday evening from 6-9 and mentioned the Youth Ballet Theatre and named Kenny Holloway's daughter as one of the dancers. He told of the rescue vehicle demonstration he attended. He asked that Homeless initiatives be talked about again.

Mayor Justice:

Mayor Justice told Council that the Governor was in town today and handed out \$40,000 in funding for Rails to Trails to BOPARC; \$300,00 for the WVU Pedestrian Bridge, \$54,000 to The Effective Cycling Education Program. He suggested that we make contacts with the County Commission and the School Board to seek their reactions to the Presbyterian Church construction project.

Councilor Gaddis quickly added thanks to the Municipal Airport for their Pilot Day and asked for support for the WVU Soccer Team.

EXECUTIVE SESSION: Motion by Bane, second by Bane, to go into an executive session pursuant to Section 6-9A-4-2 of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Ron Justice and Council Members, Assistant to the City Manager, City Attorney and City Manager Boroff. Time 8:45 p.m.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 10:00 pm.

City Clerk

Mayor

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

