

REGULAR MEETING OCTOBER 5, 2011:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Wednesday, October 5, 2011, at 7:30 P.M.

PRESENT: City Manager Terrence Moore, City Clerk Linda Little, City Attorney Steve Fanok, Mayor Jim Manilla and Council Members Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger Bill Byrne, and Linda Herbst.

APPROVAL OF MINUTES: The minutes of the Regular Meeting on September 20, 2011 were approved as printed.

CORRESPONDENCE: Mayor Manilla introduced Jayson Nicewarner, President of Morgantown Firefighters Local 313 and he announced that during the month of October they will be wearing and selling pink t-shirts in support of Breast Cancer Awareness Month. Mayor Manilla then presented proclamations for "Freedom from Bullies Week" and "Live Strong Day".

PUBLIC HEARING - AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE: Mayor Manilla declared the Public Hearing open on the above entitled Ordinance.

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

UNFINISHED BUSINESS:

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

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

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

BOARDS AND COMMISSIONS: By acclamation Council appointed: Charlie Byrer to serve on the Museum Commission; Jerry Steketee & Ann Pannicone to serve on the Urban Landscape Commission and Don West, David Huffman, Robert Feathers, Steve Carpenter and William Ryan to serve another two years on the Ward and Boundary Commission.

PUBLIC PORTION:

Susan Eason, President Woodburn Neighborhood Association, spoke on behalf of its members, urging Council to purchase the Woodburn School. She stated that there could be many uses for the property and encouraged Council to preserve the building for community use. The Woodburn Association of Neighbors is calling for a design charrette, an ideas from Council and the community.

Jerry Lorenze. 735 Chestnut Ridge Road, spoke in regard to the smoking Ordinance and feels Council should rescind the Ordinance as written and await cooperation from the County and follow Board of Health recommendations.

Christina Mickey, Smoke Free Alliance of WV, stated that in 1999 the Board of Health attempted such an Ordinance and it was met with opposition from business owners. She asked that Council use caution in a decision to uphold such an Ordinance, based upon what action the County takes.

John McGraw, voiced that Council should not pass a smoking ban in Morgantown and handed out information on smoking regulation from the last Board of Health Meeting. He asked that the Council repeal their Ordinance and allow the County to do their job.

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

NEW BUSINESS:

AN ORDINANCE EXECUTE INTERGOVERNMENTAL AGREEMENT WITH MPO & STAR CITY TO UPDATE THE COMPREHENSIVE PLAN & MPO'S TRANSPORTATION PLAN:

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MORGANTOWN-MONONGALIA METROPOLITAN PLANNING ORGANIZATION(MPO) AND THE TOWN OF START CITY FOR THE PURPOSE JOINTLY UPDATING THE RESPECTIVE MUNICIPAL COMPREHENSIVE PLANS AND THE MPO'S URBAN AREA LONG-RANGE TRANSPORTATION PLAN.

After discussion, and explanation from the City Manager, motion by Nugent, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING 1331.05.01 "PERMITTED LAND USES: PERTAINING TO "ANIMAL GROOMING SERVICE": The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "ANIMAL GROOMING SERVICE" USES.

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

SPECIAL COMMITTEE REPORTS: Council Shamberger commended the Community Coalition for Social Justice for all the work they are doing for the Martin Luther King events.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: Special Event Waiver obtained for Arts Monongahela for Arts Walk on Friday October 14th from 6 to 9pm.

NEW BUSINESS:

Item No. 1: Airport bids for the Deicer Truck Acquisition were on August 15, 2011 and the low bidder was JBT AeroTech at \$358,562, additional cost for parts \$6,632.54, with total cost at \$365,194.54. The FAA share is \$346,935. And the State share is \$18,260. The consulting engineering firm for the project has recommended JBT AeroTech be awarded the contract.

Motion by Byrne, second by Selin to approve of the above referenced bid report. After explanation from the City Manager, motion carried 6-0.

Mr. Moore continued by offering clarification regarding the United States Department of Justice Office of Police and Community Oriented Policing Services announcement concerning the possibility of

creating new Police Officer positions for the City of Morgantown. He proceeded to detail the information regarding such a grant offer and explained the procedure for following this possibility. Discussion continued regarding the timing and other aspects of the process.

Mr. Moore then responded to the concerns over the Woodburn School property, and announced an upcoming meeting to discuss these issues. The City will be conferring with the County and BOE as well. Discussion continued regarding the property.

Mr. Moore continued by updating Council on the Board of Health's progress regarding smoking regulations.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane mentioned the overtime situation with the Morgantown Police Officers, and that a lot of this time is spent working with students. He suggested a meeting with WVU in order to work out the responsibility issues. He talked about the Sunnyside Up budget and asked that the line item be downsized.

Councilor Nugent: Councilor Nugent announced the Arts Walk and MPO Meetings coming up. He also mentioned the PSC hearing regarding taxi companies at the Courthouse.

Councilor Selin: Councilor Selin stated that she supports the Woodburn Neighborhood's proposed design charrette for the Woodburn School and expressed her thanks for the new business cards provided by the City. She then announced the Fall Festival event at the Botanical Gardens.

Councilor Shamberger: Councilor Shamberger thanked Woodburn supporters and concurred with the charrette. She recognized Eleanor Green for her Flash Mob event for local food pantries, and congratulated Morgantown High School for their invitation to the 2013 Rose Parade.

Councilor Byrne: Councilor Byrne agreed with comments regarding the Flash Mob food drive. He announced the South Hills neighborhood picnic and added that traffic calming was discussed. He commended Mr. Fletcher on his prompt response to a recent issue. Councilor Byrne stated that he feels the City should wait until November's BOH meeting before further action is considered. He then suggested that we find ways to work more cooperatively with WVU to meet common interests. He added that Sunnyside Up has been a success and hopes the program will continue for many years.

Councilor Herbst: Councilor Herbst noted that she walked with the pedestrian board and Damien Davis, where various accessibility improvements were noted. She was disappointed that the Dominion Post Good Will

meeting happened to be on the same night as Council, but was assured that City Representatives were in attendance.

Mayor Manilla:

Mayor Manilla mentioned concerns about the amount of resources being spent by the MPD during WVU home game weekends. Mr. Fanok suggested that a budget analysis can be done showing the true cost. Mayor Manilla stated that the graffiti cover-up work on the South Park bridge does not look its best. Mr. Moore explained that it, and the Walnut bridge will be satisfactorily completed in the near future. Mayor Manilla inquired as to the work on upper Grand Street, and Mr. Moore replied that the work will be completed very soon as well. Mayor Manilla mentioned the Mountaineer Mall is in need of an update to appear more inviting for shoppers and businesses. He announced the Deckers Creek adventure day, Art Walk, and MT Pockets Theatre productions upcoming events. He added that Main Street Morgantown is planning a mobile web app. to include news, a directory and announcements.

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

City Clerk

Mayor

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