

**REGULAR MEETING OCTOBER 6, 2009:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, October 6, 2009, at 7:30 P.M.

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

The meeting was called to order by the Mayor.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on September 15, 2009, were approved as printed.

**CORRESPONDENCE:** Mayor Byrne presented a Retirement Proclamation to Terry Rinehart for 30 years of service to the Fire Department. Mayor Byrne also presented Proclamations for Active Transport Week; Co-op Community Month and the 2010 Census.

Mayor Byrne then mentioned a letter from the NLC congratulating the City on the All Star Community Award it received at the WVML Conference; and a letter from Narvel Weese, VP, WVU, Administration and Finance which reinforced WVU support of and cooperation with the Wiles Hill Neighborhood Association regarding Wiles Hill Fire Station.

**PUBLIC HEARING-AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE:**

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:**

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

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**BOARDS AND COMMISSIONS:** The following persons were appointed by acclamation to serve on the following boards: Terry Jones, Morgantown Building Commission; Pamela Casto, Morgantown Museum Commission and Andrea Soccrossi, 6<sup>th</sup> Ward rep. for the Traffic Commission.

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**NEW BUSINESS:**

**AN ORDINANCE AMENDING SECTIONS OF THE BUILDING AND HOUSING CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTIONS 1751.01 AND 1751.05 OF THE CITY OF MORGANTOWN BUILDING AND HOUSING CODE AND ADDRESSING CLASS IV REALTY DOCUMENTATION, AND ALSO ADDING A NEW SECTION 1751.11 ADDRESSING SEVERABILITY.

After discussion, motion by Gaddis, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

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**AN ORDINANCE TO AMEND SECTIONS OF THE BUSINESS AND TAXATION CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 719.04 OF THE BUSINESS AND TAXATION CODE OF THE CITY OF MORGANTOWN, AS IT PERTAINS TO THE APPLICATION PROCEDURE FOR SOLICITOR OF CANVASSER PERMITS.

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

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**AN ORDINANCE ANNULLING A RIGHT-OF-WAY IN THE THIRD WARD:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 10' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF AN UNNAMED ALLEY AND RUNNING A DISTANCE OF APPROXIMATELY FORTY AND ONE HALF FEET IN A NORTHWESTERLY DIRECTION IN THE THIRD WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

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**AN ORDINANCE ANNULLING A RIGHT-OF-WAY IN THE THIRD WARD:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 10' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF AN UNNAMED ALLEY AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED FEET FROM THIRD STREET IN A NORTHWESTERLY DIRECTION IN THE THIRD WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

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**AN ORDINANCE AMENDING A SECTION OF THE TRAFFIC CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 335.06 OF THE CITY OF MORGANTOWN TRAFFIC CODE AS IT PERTAINS TO THE USE OF RADAR AND OTHER DEVICES TO MONITOR VEHICULAR SPEED.

After discussion, motion by Gaddis, second by Byrer, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

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**AN ORDINANCE AMENDING AND ADOPTING SECTIONS OF ARTICLE 747:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 747.05 AND ADOPTING SECTION 747.11 OF ARTICLE 747 TO PROVIDE FOR LIENS ON REAL PROPERTY FOR UNPAID AND DELINQUENT FIRE SERVICE FEES.

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

**A RESOLUTION ADOPTING THE UPDATED MONONGALIA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN:** The above entitled Resolution was presented for approval:

Motion by Gaddis, second by Spencer to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AND ADMINISTER THE EXECUTION OF A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY VALLEY HEALTHCARE SYSTEM:** The above entitled Resolution was presented for approval:

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

**A RESOLUTION THAT THE CITY OF MORGANTOWN AGREES TO CHANGE THE SCOPE OF WORK IN THE VALLEY HEALTHCARE COMMUNITY PARTICIPATION GRANT:** The above entitled Resolution was presented for approval:

Motion by Selin, second by Shamberger to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AND ADMINISTER THE EXECUTION OF A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE APPALACHIAN EDUCATION INITIATIVE:** The above entitled Resolution was presented for approval:

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

**PUBLIC PORTION:**

Guy Panrell, 763 South Hills Drive, requested City Council's help with the control of deer coming into the Community. Mr. Panrell presented information from Mt. Lebanon and WV Natural Wildlife on a safe way to control the deer.

Taylor Richmond, 717 Willey Street, representing WVU Board of Governors, asked Council about parking differences on Monongalia Boulevard during daylight and nighttime hours. He stated that many students have questioned the reasoning behind the parking regulations and how they relate to parking during event and class hours.

Mayor Byrne responded this information will be given to the City Manager and he will report back to City Council.

**SPECIAL COMMITTEE REPORTS:** None.

**CITY MANAGER'S REPORT:**

**INFORMATION:**

**Item No. 1:** As per Council's direction, Halloween this year will be observed on Saturday, October 31<sup>st</sup>, from 6:00 p.m until 7:30 p.m

**NEW BUSINESS:**

**Item No. 1:** Attached you will find a memo from the Police Chief reporting an initiative to put in place a new firing range to be used by area law enforcement agencies. Based upon the need for such a facility, I recommend that \$5,000 from the Capital Escrow Account be awarded as Morgantown's share of the project.

After discussion, motion by Bane, second by Byrer to approve \$5,000 from the Capital Escrow to help fund the new firing range to be used by area law enforcement agencies. Motion carried 7-0.

**Item No. 2:** The second attachment is a letter from the Chamber of Commerce requesting funds to continue one of its subcommittee programs to help clean the banks of the Monongahela River in Morgantown. Give the success of this program and the commitment of its volunteers, I recommend that \$2,400 be allocated for the project.

After discussion, motion by Shamberger, second by Bane to approve \$2,400 is allocated to continue to help clean the banks of the Monongahela River in Morgantown. Motion carried 7-0.

Item No. 3: The third attachment is a memo from the Public Works Director reporting bid results for a new street sweeper. I agree with her comments and recommend that the contract be awarded to the low bidder for a vacuum sweeper to WV Tractor for a cost of \$169,880.

Motion by Spencer, second by Bane to approve the bid for the new street sweeper to WV Tractor for \$169,800.  
Motion carried 7-0.

Item No. 4: As in recent years, the Community Coalition for Social Justice requests support for use of the Met Theatre for its annual Martin Luther King Jr. Community Event. Given the past successes of this project, I recommend that the City fund the \$650 rental cost of the Theatre.

Motion by Bane, second by Selin to approve \$650 to rent the Met Theatre for Martin Luther King Jr. Community Event. Motion carried 7-0.

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

**CITY ATTORNEY'S REPORT:** City Attorney Steve Fanok commented that the MPD's shooting range has been in use in its current location for over 30 years. He also stated that the deer issue has been brought to light in the past, and City administration is aware of it. There is not enough land area to allow for the citizens to safely help in the reduction of the deer population by means of hunting.

Mayor Byrne suggested we look into a similar program at Mount Lebanon, where USDA Hunters remove the excess deer from densely populated areas under controlled circumstances. Mr. Fanok agreed that it is worthwhile, and reassured the public that the City is aware of the concerns and is seeking various solutions.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane relayed a suggestion from a citizen that Sunnyside Up could pay for sidewalks needed on Beechurst Avenue since the program has a large amount of funds that could be utilized to help the greater community.

Councilor Gaddis: Councilor Gaddis announced the upcoming Sister City Committee meeting and their new website. He expressed that the Greenmont Neighborhood Association has concerns over rentals in the area, which they will address at the next meeting. He reported that a citizen contacted him after hearing a rumor that an apartment complex will be constructed in Greenmont.

Councilor Byrer: Councilor Byrer announced the next DERC meeting. He then asked Assistant City Manager Jeff Mikorski if there was a bike rack program in the works. Mr. Mikorski responded that the Bike Board, City Engineering Department and Main Street Morgantown are working together to come up with a policy. Councilor Byrer mentioned a pit bull that attacked another dog in the neighborhood and asked Mr. Mikorski to explain the leash law and dog codes. Mr. Mikorski did so and Mr. Fanok stated that the City Code is available online for citizen review. Councilor Byrer reported on the Mon River Boat Tour and described it as a treasure to help the economic growth of our area.

Councilor Selin: Councilor Selin stated she and her family are glad the Halloween hours were extended this year. She reported on this weekend's Suncrest mini park rain garden celebration. She reminded Council of the Fall Children's Fest at the Botanical Gardens. She requested that Suncrest neighbors who tailgate clean up after themselves.

Councilor Selin mentioned an article in the Dominion Post featuring tips for proper party handling by students as well as another article in the Daily Athenaeum which reported that the number of fights Downtown has decreased. She thanked students for their improved behavior throughout the community.

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Councilor Shamberger:

Councilor Shamberger praised the Sunnyside cleanup efforts. She also addressed the parking situation on Monongalia Boulevard and why vehicles are ticketed by day and allowed by night. She stated that she has seen students parking there for class and incurring parking tickets.

Councilor Spencer:

Councilor Spencer concurred with Councilor Shamberger's remarks on Monongalia Boulevard parking. Mr. Mikorski said that the parking signs are not placed correctly and will be fixed by DOT and after a grace period will be enforced by Police. Councilor Spencer then announced the next Water Quality Forum for Dunkard Creek. He reported on cities in WV and elsewhere that are participating in the nationwide Mayor's Climate Protection Agreement. He talked about a Solar House tour hosted by John Garlow which included a presentation and an energy audit. He also reported on his tour of the new daycare center in Krepps Park. He thanked all those who participated in the Arts Walk. Councilor Spencer then gave his views on Monongalia County's Special Election for zoning in Cheat Lake.

Mayor Byrne:

Mayor Byrne reminded everyone about upcoming events including National Fire Prevention Week, Municipal Government Week, the Balloon festival, the Mon River tour, and the success of the Arts Walk. He also reported on the Main Street Board's recent efforts to bring more activities and festivals to Morgantown. He talked about his visit to Suncrest Middle School where he was impressed by the children's interest in robotics. He mentioned that Lisa Dooley was recently in town to participate in a meet and greet on legislative issues. He talked about the Sunnyside Up clean up and a Grant Ave. task force that is in the works, which he will co-chair. Lastly Mayor Byrne reported on a conference call about H1N1 flu and safety that he participated in. The call was organized by the White House for local government officials.

Councilor Gaddis quickly reminded Council of the MHS parade this week and about WVU men's soccer. Councilor Selin then thanked Taylor Richman of the Safe Ride Program.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:03 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.**