

REGULAR MEETING NOVEMBER 16, 2010:

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The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, November 3, 2010 at 7:30 P.M.

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

APPROVAL OF MINUTES: Minutes from the regular meeting on November 3, 2010 were approved as printed.

CORRESPONDENCE: Mayor Bill Byrne mentioned a letter from Mr. McCain who is a constituent and passed Council a copy of his letter. He asked them to make sure and read the letter.

BOARDS AND COMMISSIONS: No appointments.

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PUBLIC PORTION:

Jim Manilla, 202 Gordon Street, spoke in opposition to the Vote-by-Mail pilot program and stated that there should be more public discussion. He feels that Council should change the City Charter and the Election Date and that this pilot program is too extreme. He said that he likes the idea of going to the polls to vote and that he feels there is an increased chance for voter fraud. He is not confident that all 15,000 of the ballots can be accounted for in the mail.

Guy Panrell, 763 South Hills Drive, stated that mail boxes are working but people are using them as loading zones. He mentioned that the United Way food drive was successful. He said that he heard a City worker hit a deer recently and reiterated that it is a problem in the community and Council needs to follow through with the deer issues soon. He feels the Vote-by-Mail program is a step backwards in democracy.

Nelson France, WVU Student Government, mentioned that this weekend he attended various arts events downtown including theatre and art. He urged the community to attend performances and support arts venues in our area.

Dave Nichols, WV Secretary of State Office, spoke on the Vote-by-Mail Pilot Program and stated that it is sanctioned by the State and modeled closely after programs in other states. He mentioned that the City is still in the approval process for the program. He assured Council that the program will be closely monitored and there will be measures in place to prevent fraud. He applauded the City for looking at new ideas to improve voter turnout in the City of Morgantown.

Mayor Byrne then suspended the Rules to allow a question and answer session for Council with Dave Nichols.

After the question and answer portion, Mr. Manilla asserted that in Oregon the citizens voted to change their system to Vote-by-Mail.

Mayor Bryne then welcomed Forestry and Political Science classes from WVU.

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

SPECIAL COMMITTEE REPORT: No reports.

NEW BUSINESS:

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CONSIDERATION OF APPROVAL OF FIRST READING OF AN ORDINANCE AMENDING SECTION 1718.04: The above entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1718.04 OF THE BUILDING AND HOUSING CODE OF THE CITY OF MORGANTOWN BY ADDING A REGISTRATION FEE FOR THE REQUIRED REGISTRATION OF SUBJECT

VACANT STRUCTURES.

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

- **CITY MANAGERS REPORT:**

Information:

1. The city of Morgantown has submitted three Transportation Enhancement Grant Intent-to-apply forms. In order to apply for the Transportation Enhancement Grants, these intent-to-apply forms must be sent prior to the deadline. The three projects include:

1. The fifth, and final, block of the High Street Streetscape
2. Bicycle Education Program, part 2
3. Pedestrian/Bike Bridge of Deckers Creek to connect the Trails to Greenmont and South Park

CITY CLERK: No report.

- **CITY ATTORNEY'S REPORT:** No report.

REPORT FROM COUNCIL MEMBERS: (Roll Reverse)

Councilor Spencer: Thanked Dave Nichols for speaking on the Vote-by-Mail program. He realizes there is apprehension but stated that the City must be progressive and move forward. The first step is to educate the community. He addressed legislative priorities for 2011 that he will be taking to the WVML Legislative meeting on Friday. The Legislative priorities include: a Home Rule Pilot Program, Amending the State Fire Code, adoption of the complete updates to the ICC Code, authorization for Class I and II municipalities to regulate solid waste contracts, an amendment to the State Tax Code allowing a local sales and use tax for infrastructure improvement and other uses, Set standards for in stream levels of TDS and Control stream water withdrawals and disclosure of chemicals used in fracking fluids. He then reminded everyone to attend the Water Quality meeting at the airport.

Councilor Shamberger: Thanked Nelson France for mentioning the Arts and how important that is to the community. She stated that we are lucky to have the caliber of arts that we have here. She asked the Mayor what the outcome of our Google application is. Mr. Mikorski replied that there is no news at this time. She then asked Mr. Mikorski what the status of thermal imaging the deer is. He replied that they have contacted two companies and are awaiting bid results.

Councilor Selin: Asked Mr. Mikorski when the bids would be returned. He answered most likely January. She reported the Suncrest meeting coming up and the Urban Landscape meeting. She mentioned that the public needs to be made aware of the Vote-by-Mail pilot program ahead of time. She asked that colored wands at speed humps be placed on Laurel Street as a trial this winter.

Councilor Byrer: Reminded everyone of the Thanksgiving luncheon at the Wiles Hill Senior Center and of the Wiles Hill meeting where Mike Stone will be speaking. He announced the Museum Commission building project is continuing and it is going to be a showcase project. He attended the Morgantown Neighborhood Watch last week and reminded students that when leaving for the holidays to please lock up and make neighbors aware. He wished everyone a happy thanksgiving.

Councilor Gaddis: Welcomed Mr. Manilla back to the Second Ward. He stated that he has lived in Morgantown since 1997 and does not like surprises. He stated that this Vote-by-Mail initiative will be discussed at our neighborhood meetings on the last Monday of the month. There will be open discussions and he welcomed everyone to come voice their opinion on this issue.

Councilor Bane: Thanked Mr. Mikorski for going through the City Manager interview process and praised his

professionalism throughout the ordeal, especially after not being selected for the position. He then expressed his discomfort with the way Council took their votes for the next City Manager, as all the media and others were dismissed before the executive session and did not return afterwards when the decision was rendered. He noted that he documented the votes that night and turned them into the City Clerk the next morning. He then commented on the excellent job Mr. Boroff did for the City of Morgantown over the past 18 years. He expressed disappointment in some comments he has heard about him lately but wants everyone to know that his efforts were exceptional. He added that he will hold Mr. Moore to the same level of standards that he has held both Dan and Jeff too over the years. He then stated that the City Finance Director was not included in discussions of Mr. Moore's higher pay rate and it is not clear at this time where in the City's budget the extra money he has been promised will come from. He announced that he will be attending the Wiles Hill senior center Thanksgiving luncheon and encouraged everyone to attend as well.

Mayor Byrne:

Announced the upcoming Christmas Parade through downtown where the Statlers (benefactors to the Met Theatre) will be honored as the Parade Marshalls. He thanked Bill Ruble and his staff for organizing the painting of the snow plows by school children this year. He mentioned the Charity Coat Drive at the City and asked for donations. He talked about the Festival of Trees at the Morgantown Event Center and related events. He announced that he attended the History of Morgantown play and thanked Dr. French for his efforts. He also announced that the City is giving away free smoke detectors to citizens in need. He announced that the new City Manager Mr. Moore will be starting on December 21st. He thanked Affion Public for all their help in the selection process. He looks forward to the work that can be done under the new administration and also thanked Mr. Mikorski for all his hard work and service as well. He thanked Mr. Nichols for speaking to Council on the Vote-by-Mail program. He expressed his excitement for the opportunity the pilot program presents to increase voter turnout at a lower cost. He thanked Council for their participation on the program and for expressing their views on the subject.

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

City Clerk

Mayor

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