

REGULAR MEETING NOVEMBER 17, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, November 17, 2009, 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 November 3, 2009, were approved as printed.

CORRESPONDENCE: Council presented certificates to Woodburn Elementary students. Mayor Byrne mentioned proclamations about Home Health Care Month and Christian Heritage Week. Mayor Byrne then presented a retirement plaque to Jeff Wells for serving as a Police Officer for over 22 years. Mayor Byrne read a letter thanking Bill Rumble for assisting Granville in a near catastrophe when their newly constructed salt building came apart at the seams.

PUBLIC HEARING - AN ORDINANCE ANNULLING 120 FT PORTION OF A 12' WIDE ALLEY FROM OAKLAND TO WESTERLY IN THE 7TH WARD:

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

Phillip Magro, Attorney for Rachel Roberti & R&R Holdings, stated that the party he is representing owns lot 9, Al's Pizza and they object to the alleyway being annulled. On their behalf, he asked Council not to adopt the ordinance as requested by McDonalds Restaurant.

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

PUBLIC HEARING - AN ORDINANCE AMENDING 1751.01 & 1751.05 OF THE BUILDING & HOUSING CODE AND ADDING 1751.11 ADDRESSING SEVERABILITY:

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 ANNULLING 120 FT PORTION OF A 12' WIDE ALLEY FROM OAKLAND TO WESTERLY IN THE 7TH WARD: The below entitled Ordinance was presented for second reading:

AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A ONE HUNDRED AND

TWENTY FOOT PORTION OF A 12' WIDE UNNAMED ALLEY THAT RUNS FROM OAKLAND AVENUE IN A WESTERLY DIRECTION, LOCATED IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL, FOR STREET PURPOSES.

After discussion, City Attorney Steve Fanok explained that if the annulment is approved there will be no public access to the 120' portion of the alley, as it will revert to private property, owned by McDonalds. Motion by Gaddis, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 7-0.

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AN ORDINANCE AMENDING 1751.01 & 1751.05 OF THE BUILDING & HOUSING CODE AND ADDING 1751.11 ADDRESSING SEVERABILITY: The below entitled Ordinance was presented for second 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.

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Motion by Gaddis, second by Bane, to adopt the above entitled Ordinance. Councilor Spencer motioned to raise the fine under section B from \$100.00 to \$250.00; second by Byrer. Motion failed 6-1. With Councilor Spencer voting yes. Councilor Byrne asked for a vote on the Main Motion. Main Motion carried 7-0.

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BOARDS AND COMMISSIONS: No appointments at this time.

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PUBLIC PORTION:

Guy Panrell, 763 South Hills Drive, reminded everyone to participate in the WCLG Holiday Food Drive and handed out information regarding the urban deer problem to Council. He suggested that a bow hunt would incur little to no cost, gave statistics on likelihood of vehicle deer collisions and asked that the issue be discussed at the COW.

David Hoffman, 145 Hoffman commended Council on passing the Housing Code Ordinance for class IV realty. He inquired whether this new Ordinance would affect B&O Taxes.

Mayor Byrne then declared the Public Portion Closed.

SPECIAL COMMITTEE REPORTS: Councilor Spencer gave a report on the NLC 2009 Congress of Cities Meeting he attended from November 10-14, 2009, in San Antonio and asked Council to review the 14 page document he presented this evening which was also e-mailed to Council.

CITY MANAGER'S REPORT:

NEW BUSINESS:

Item No. 1: As reported, the last, major restoration project is underway at the Metropolitan Theatre (\$1,000,000 investment). To accommodate this work, the Theatre has been closed since mid August and is not scheduled to reopen until mid February. To help mitigate the operating revenue shortfall and continue funding for the ongoing operating expenses, BOPARC requests \$20,000 through the end of this calendar year from the Capital Escrow Account. Given the importance of the project and the operating budget deficit, I recommend that the request be granted.

Motion by Selin, second by Shamberger to approve \$20,000 to help BOPARC with operating expenses for the Met Theatre. Motion carried 7-0.

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CITY CLERK'S REPORT: City Clerk Linda Little thanked the Woodburn Elementary Students for the Art Work to be displayed in the Wellness Room and City Hall Lobby.

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CITY ATTORNEY'S REPORT: City Attorney Steve Fanok clarified to Council the reason the need for the Class IV Registration Ordinance. He explained that property is assessed by the County Assessor and B&O Taxes are also assessed. He assured Council that there are substantial fines in place per a separate Ordinance if rental properties are not disclosed to the

City.

REPORT FROM COUNCIL MEMBERS: (Roll Reversal)

Councilor Spencer: Councilor Spencer requested of Governor Manchin that when the new WVU BOG member is selected that it be a Morgantown resident or neighborhood association member. He announced that he attended a Civil Rights seminar and asked Mr. Boroff about how gravel can be placed on city lots for parking. Mr. Boroff replied that only new lots must seek permission for the placement of gravel. Councilor Spencer concluded by complimenting the Deckers Creek Event and their new Learning Space.

Councilor Shamberger: Councilor Shamberger announced the upcoming Woodburn neighborhood association meeting. She thanked Council and City Administration for helping her during her transition into her new Council seat. She spoke about the funding for the Met Theatre renovations and praised the volunteer groups in charge of the projects for being good stewards of the funds and working hard to get their goals accomplished.

Councilor Selin: Councilor Selin announced an upcoming Art Sale sponsored by Arts Mon. She also updated Council on the next meeting of the Evansdale neighborhood association. Lastly, she reported that there are over 80 new businesses in Morgantown.

Councilor Byrer Councilor Byrer spoke about the deer overpopulation issue and said that in some communities they use tree stands during the bow hunting. He announced the Neighborhood Watch meeting coming up at the Public Safety Building and the Wiles Hill neighborhood association meeting as well. He also thanked MUB for fixing several storm drops on roads in his neighborhood. He expressed in reference to a citizen complaint about trash on Brockway Avenue, that Council should be more proactive in finding a solution.

Councilor Gaddis: Councilor Gaddis thanked everyone who came to the South Park neighborhood association meeting and spoke about snow removal. He congratulated the Woodburn students and Bill Rumble for painting the snow plows.

Councilor Bane: Councilor Bane requested that any community members or students with information come forward and contact the Morgantown Police regarding the recent WVU student beating incident.

Mayor Byrne: Mayor Byrne commented that Morgantown is full of activities for the community. He reported all the recent local events including the Faculty Senate, the Dorsey Knob Youth Commission, the Woodburn neighborhood association meeting, a fund raiser for Arts Mon at the Clarion Hotel, the 100th Anniversary of the DAR, World Health Day, WVU Land Mines, the Sunnyside-Up Hoop Shoot- proceeds to United Way, the Grand Avenue Task Force, an upcoming sports event announcement, a Main Street event, the Quota Club's 80th Anniversary, neighborhood meetings, and a meeting in Wheeling with other Class I and II mayors. He added that we should be thankful for the foundation we have in the City's budget, as other cities are struggling right now. He announced that the Census Bureau is hiring and concluded by wishing all a Happy Thanksgiving.

EXECUTIVE SESSION: Motion by Bane, second by Shamberger, to go into an executive session pursuant to

Section 6-9A-4-B-12 of the West Virginia Code in order to discuss personnel matters at 8:50 p.m. with the following persons present: Mayor Byrne, Council Members, City Clerk and Assistant City Manager.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:08 p.m.

City Clerk

Mayor

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