

REGULAR MEETING NOVEMBER 18, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, November 18, 2008 at 7:35 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.

APPROVAL OF MINUTES: Minutes from the regular meeting on November 5, 2008 were approved as printed.

CORRESPONDENCE: None.

PUBLIC HEARING - AN ORDINANCE REPEALING SUBSECTION 527.04(K) OF THE GENERAL OFFENCES CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO THE USE OF ENGINE BRAKES AND COMPRESSION BRAKES:

- There being no appearances, Mayor Justice declared this public hearing closed.

UNFINISHED BUSINESS:

- **AN ORDINANCE REPEALING A SUBSECTION OF THE GENERAL OFFENCES CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE REPEALING SUBSECTION 527.04(K) OF THE GENERAL OFFENCES CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO THE USE OF ENGINE BRAKES AND COMPRESSION BRAKES.

After discussion, motion by Bane, second by Spencer to deny the above stated Ordinance. Motion to defeat 3-4, thus keeping the law prohibiting the use of engine brakes and compression brakes on the books. Ron Bane, John Gaddis and Mayor Justice voted yes. Charlie Byrer, Jenny Selin, Bill Byrne and Don Spencer voted No.

BOARDS AND COMMISSIONS: By acclamation Shannon Tinnell was appointed to replace Barbara Rasmussen on the Historic Landmarks Commission. Also, by acclamation Scott Matthews was appointed to serve on the Museum Commission replacing Virginia Evans.

PUBLIC PORTION:

Mavis Grant, 173 Poplar Drive, spoke in favor of the Westminster House project, stating it would provide quality child care that is needed in the community and provide a safe environment for students.

Ellen Trovato, 1029 Imperial Drive, also spoke in support of the Westminster House project. She stated that the project will provide an alternative type of housing for college students and is a need among some students that the Church is willing to meet. The project will serve the community as well as serving the needs of faith based students.

Nancy Ganz, 1276 Colonial Drive, appreciates the City Administrations help, but the loud house parties, late-night band practices and drinking have continued, despite increased patrols. Mrs. Ganz commented we would like to see this resolved and will continue working with the City.

Chet Parsons, 15 Meadowbrook Drive, thanked the City and Planning Department for working with the proponents of the Westminster House project, and expressed he is looking forward to the outcome of the process.

John Ganz, 1276 Colonial Drive, shared with Council an "incident" that took place at his home the previous evening. He described the loud vehicles and voices coming from 1280 Colonial Drive. He told council of the student's activities and expressed concern for the neighboring 1284 Colonial Drive also becoming a problem.

There being no more appearances, Mayor Justice declared the Public Portion closed.

City Manager Dan Boroff gave an update on the City's efforts with 1280 Colonial Drive. He explained he was told that an eviction notice was served to those residents and stated he will look into the matter if the notice was not heeded. He encouraged citizens to alert the Police when they witness laws being broken.

Councilor Byrer suggested that more documentation be made concerning the events at 1280 Colonial Drive.

Mr. Boroff stated that if any events are reported to the Police he will inform Council.

Mayor Justice inquired as to how many citations were issued to those residents in question, and Mr. Boroff replied there were approximately 15.

Councilor Spencer asked why the citations were not reported to the Dominion Post as other citations are, and why the media is not covering this story. He feels the public deserve to be exposed to this issue.

Councilor Selin asked that the house's garbage issues be noted. Mr. Boroff consented to make note of it. She continued commenting that the students are possibly sharing keys and multiple parties entering and occupying the house and leaving trash in their wakes.

The discussion was concluded, and Mayor Justice excused Councilor Byrne so he could attend another out of town meeting that evening.

SPECIAL COMMITTEE REPORTS: ridership is up at 150 flights for October.

Councilor Spencer gave an update of the Airport Advisory Committee and that

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No 1: In recent years, the Monongalia County Solid Waste Authority has successfully conducted community collections of Household Hazardous Wastes. This has been an important service helping keep such materials out of area landfills and storm water collection systems and from being illegally disposed in other ways. The Authority plans to have another such collection on Saturday, May 9, 2009. To help finance the collection, the Authority requests \$5,000. Based upon the merits of the proposal and the participation of other area governments, I recommend that the request be approved.

Motion by Byrne, second by Spencer, to authorize support for the collection of Household Hazardous Waste materials. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane made known his objection to Council's action concerning the Truck Brake Ordinance questioning the enforcement of this Ordinance.

Mr. Boroff explained the Ordinance to Council in response to Councilor Bane's comments. Mayor Justice clarified what the votes actually stated concerning that Ordinance.

Councilor Gaddis: Councilor Gaddis announced the SPAN Meeting on 11/19, and the Greenmont Neighborhood Association meeting on the 30th.

Councilor Byrer: Councilor Byrer spoke of his experiences at various Veterans' Day celebrations, complimenting on the patriotic nature of those. He announced the Wiles Hill Neighborhood Meeting on 11/22. He commented on bad traffic on Stewart Street recently and expressed concern for emergency vehicles having access when two lane roads are congested. Councilor Byrer mentioned the Historic Landmarks Commission and gave well wishes to Larry Sypolt. He concluded by commenting on the Laurel Street Bridge.

Councilor Selin: Councilor Selin complimented the Historic Landmarks Commission. She recognized Jason Parsons from WVU Student Government and asked if he would introduce himself and his classmates briefly.

Jason Parson introduced himself and his classmates and expressed a desire to work with the City to help resolve student issues, stating they wish for all students to behave appropriately and hope to have a positive influence.

Councilor Selin continued to mention the Further Assistance Technical Grant that was awarded from the National League of Cities for building After School Systems. She commented that the NLC Conference was a good experience and talked about the Mayor's Action Challenge from the Conference. She went on to say that the NLC is also promoting a National Call to Action for Economic Recovery Program for economic growth and assistance at a municipal level. She mentioned that if the City advertises on a certain website we could be a "Global City" at low or no cost. Lastly, Councilor Selin reported information

she collected for the Youth Commission.

Councilor Byrne:

No report.

Councilor Spencer:

Councilor Spencer read his report on the National League of Cities Conference. He spoke about the seminars, presentations, speakers and workshops. His report included the following topics: "Green" Revolution, Leadership Panel of Mayors, "Green" Initiatives, Oil and Economic Crisis, Portland Oregon, Affordable Housing, Homelessness, International Town Gown Association, LED Street Lighting, Telephone Alert Systems, Citizens' Unity Commission, Municipal Leader of the Year, Programs and Projects, New Cities Institute, The Mayor of Miami, IBM – Collaboration for Citizen Access, Orlando Crosswalks and Stop Bars, Single Payer Health Care, NLC Boards and Committees, Underage Drinking, Stimulus Funding, and lastly Municipal Employee Clinics.

Mayor Justice:

Mayor Justice commented on the thorough nature of Councilor Spencer's report and stated that the NLC offers a wealth of information that municipalities can take advantage of and encouraged Council to do so by looking into Councilor Spencer's report. He announced that the next COW will not be until January, and the MPO meeting has been cancelled. He concurred with Councilor Byrer's comments about Veteran's Day. He mentioned a local business owner who was recently featured in an article and indicated that City Clerk Little will pass those articles on to Council members. He confirmed that the Wiles Hill meeting will be at the Community Center, and touched on Councilor Byrer's comments about traffic. He stated that snowfall at rush hour is the main culprit for the recent traffic jams and urged patience for that type of situation.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:45 p.m.

City Clerk

Mayor

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