

REGULAR MEETING DECEMBER 16, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, December 16, 2008 at 7:30 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 December 2, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice commented that even though there were bad roads tonight, the City Council is obligated by the City Charter to proceed with the Regular Meeting. Mayor Justice also thanked Woodburn Elementary and the Humane Society for the Holiday Cookies they gave for the meeting.

There was a presentation by the MTC kids asking Council to attend their 10th Anniversary Celebration on December 20th at the Knights of Columbus.

Councilor Gaddis gave a report from the Sister Cities Festival in Guanajuato Mexico. He told Council that they featured Morgantown in their local paper and interviewed himself and others from Morgantown. He also extended an invitation to Council to visit again in April. He brought pictures and literature from the trip to share.

PUBLIC HEARING - AN ORDINANCE APPROVING AND CREATING A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA TO BE KNOWN AS "THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3"; APPROVING THE SUNNYSIDE UP PROJECT PLAN NO. 1, AS APPROVED BY THE WEST VIRGINIA DEVELOPMENT OFFICE; ESTABLISHING A TAX INCREMENT FINANCING FUND AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH:

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

PUBLIC HEARING – AN ORDINANCE AMENDING SECTION 181.14 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO THE MUNICIPAL COURT AND PAYMENT FOR SERVING AS JUROR:

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

UNFINISHED BUSINESS:

- **AN ORDINANCE APPROVING AND CREATING A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE APPROVING AND CREATING A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA TO BE KNOWN AS "THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3"; APPROVING THE SUNNYSIDE UP PROJECT PLAN NO. 1, AS APPROVED BY THE WEST VIRGINIA DEVELOPMENT OFFICE; ESTABLISHING A TAX INCREMENT FINANCING FUND AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

After discussion, motion by Byrer, second by Selin to adopt the above stated Ordinance. Motion carried 6-1. Ron Bane Voted No.

AN ORDINANCE AMENDING SECTION 181.14 OF THE ADMINISTRATIVE CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 181.14 OF THE ADMINISTRATIVE CODE OF THE CITY OF

MORGANTOWN AS THE SAME APPLIES TO THE MUNICIPAL COURT AND PAYMENT FOR SERVING AS JUROR.

After discussion, motion by Byrne, second by Selin to adopt the above stated Ordinance. Motion carried 7-0.

- **BOARDS AND COMMISSIONS:** By acclamation the following were reappointed to the BZA: Bernie Bozzio & George Papandreas; PLANNING: Sam Loretta & Tim Stranko; TRANSIT: Denny Poluga. After explanation from Councilor Spencer, Barbara Olson was appointed by acclamation to the MRTC.

Councilor Bane announced that MUB will be receiving an award in early 2009 from the EPA for their work on the storm drains in Suncrest. He explained that Morgantown was chosen out of 5 other projects nationally for this award. Mayor Justice added that this was an important and prestigious achievement for the City of Morgantown. Councilor Selin added that MUB sent a representative to the Suncrest Neighborhood Association meeting to announce the completion of this project, and that gesture went over well with the residents of the area.

Councilor Byrer announced the recent Historic Landmarks Commission Meeting, where they honored Barbara Rasmussen for her years of service to the Commission.

Councilor Bane reported that the Met Theatre Board and all involved with the new marquee are very pleased with the results of the project. Mayor Justice commented that Congressman Mollohan was instrumental in obtaining the funds for the MET and expressed his gratitude for the Congressman's efforts.

NEW BUSINESS:

- **AN ORDINANCE ANNULUNG A PORTION OF A RIGHT-OF-WAY:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULUNG A 20' RIGHT-OF-WAY DISTANCE OF APPROXIMATELY NINETY EIGHT FEET TO A DEAD END IN THE FIRST WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA NOT USED NOR USEFUL FOR STREET PURPOSES.

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

AN ORDINANCE AUTHORIZING A LEASE BETWEEN WVU AND THE CITY REGARDING USE OF LAND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY (LESSOR) AND WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS (LESSEE), ON BEHALF OF THE WEST VIRGINIA UNIVERSITY (WVU), REGARDING LAND TO BE USED BY BOTH THE MORGANTOWN BOARD OF PARKS AND RECREATION COMMISSION (BOPARC) FOR BOPARC PUBLIC RECREATION PROGRAMS AND WVU WOMEN'S SOCCER PRACTICE.

After explanation from Mayor Justice on the good opportunity this presents to both parties, the City Manager elaborated on Mayor Justice's explanation. Councilor Bane posed a question which City Attorney Steve Fanok addressed sufficiently. After more discussion, BOPARC Director Mark Wise and Mr. Boroff gave further clarification to Council. Motion by Byrne, second by Spencer, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE BUDGET FOR FY 2008-2009: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2008-2009 BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

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

A RESOLUTION TO AUTHORIZE THE ADMINISTRATION AND EXECUTION OF THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY WEST VIRGINIA SENIOR LEGAL AID: The above entitled Resolution was presented for approval.

After discussion, motion by Bane, second by Byrne to adopt the above entitled resolution. Motion carried 7-0.

PUBLIC PORTION: John Duarte, 460 Grove Street: spoke about the snow fall that evening and his opinion of the DOH and their road treatment. He expressed that the traffic jams that evening were in his opinion, serious and unacceptable, and showed concern for the busses and school children that were en route home for 3 hours. He encouraged the City to be prepared to pick up the slack if the DOH becomes overwhelmed. He commented on the list of streets that are not in good shape and could need paving. He also pointed out to Council what he feels are "inconsistencies" and "issues of safety" on the list.

SPECIAL COMMITTEE REPORTS: Presentation from the Morgantown Tree Board by Ann Cumming on tree planting recommendations. She also provided a report which she passed out to Council.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1: As part of a demonstration last month, the County Commission deployed its new litter control vehicle on City routes that included Don Knotts Boulevard, Willey Street, Route 7 in Sabraton, and Green Bag Road. Over 10 miles of streets were serviced and over 2,100 pounds of debris collected. The City very much appreciates the work done and the effectiveness of the new vehicle and looks forward to working with the Commission on litter control in the area.

NEW BUSINESS:

Item No 1: Attached is a proposed contract with the West Virginia State Auditor Office to conduct the annual audit of all the principal funds of the City. As per State law, I recommend that the contract be approved for a cost of \$35,290.

After discussion, motion by Bane, second by Gaddis to award the contract for the Audit to WV State Auditor Office for \$35,290. Motion carried 7-0.

Item No 2: Mon General Hospital has requested that its Fire Service Contract with the City be adjusted to reflect in part the value of the ambulance service that is provided inside the City of Morgantown. Given the importance of the emergency medical services provided, I recommend that a 50% discount be authorized for a contract cost of \$51,731.

After discussion, motion by Gaddis, second by Byrne, that ambulance service be adjusted at a cost of \$51,731. Motion carried 7-0.

Item No 3: The second attachment is a memo from the Public Works Director listing streets proposed for the 2009 Street Paving Program. Based upon the merits of the project, I recommend that the primary and contingency streets be approved with a construction budget of \$400,000.

After discussion, motion by Byrne, second by Gaddis to approve the 2009 paving program. Motion carried 7-0.

Item No 4: The last attachment is a proposed contract with the City of Westover to partner with Morgantown in the 2009 Street Paving Program. The agreement duplicates the considerations used over the past several years in this joint program.

Motion by Bane, second by Byrne to partner with Westover in the 2009 Paving Program. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk Little wished everyone Happy Holidays.

CITY ATTORNEY'S REPORT: Commented on the City Manager's Report, stating that in reference to the Fire Service Contract, the adjustment is a "credit". He then wished everyone Happy Holidays.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane remarked that he has served on Council for 3 terms and has never heard the City Attorney give a report. He asked Council to consider the employees and their benefits while reviewing this year's budget. He wished all a Merry Christmas and Happy Holidays.

Councilor Gaddis: Councilor Gaddis thanked Clerk Little and Deputy Quinn for their help in preparing for the Sister Cities Conference in Mexico, and shared his experiences there. He thanked Bill Byrne for his encouragement in participating in the Conference and wished more people could have attended. He announced the Greenmont Neighborhood Association meeting to be held 12/17. He wished all a Merry Christmas and Happy Holidays.

Councilor Byrer: Councilor Byrer mentioned that everyone should attend the Met Theatre for the Christmas Music Concert this week being held by different Churches and Choral groups in the area. He also mentioned the progress from the meetings with Yellow Cab and reported the owner will seek out help to improve their services. He brought up the subject again of the Downtown Service Fee and its importance to him. He wished all a Merry Christmas and Happy Holidays.

Councilor Selin: Councilor Selin also mentioned the Taxi issue, the meetings they had and the improvements being made with management's help. She clarified that the solutions can be budget friendly, and deal with scheduling and coordination, not necessarily spending. She asked holiday shoppers to remember the local businesses and patronize them whenever possible to help support Morgantown's economy.

Councilor Gaddis asked if the physical condition of the cabs were discussed at these meetings. Councilor Selin replied that the qualities and conditions of the taxis was a topic at the meeting, along with hospitality initiatives.

Mayor Justice suggested a secret shopper taxi ride where people would take a taxi ride and rate the cleanliness, timeliness, and other factors of the service to provide more feedback.

Councilor Selin agreed and added that there are both positive and negative reports in now. She commented that Mr. King, the business owner, is a supportive person with a good attitude about making positive changes.

Councilor Byrne: Councilor Byrne congratulated Councilor Gaddis on his trip to Mexico and commended everyone who went. He thanked Jim Hunt for attending the duration of the Council meeting and mentioned his good work on Sunnyside. He also announced that there are no parking meter charges for Christmas shopping customers during retail hours until Christmas Day in the Downtown area. He also spoke of Judge Stone retiring and mentioned his retirement party; and Larry Starcher who will also be retiring and will return to teaching at WVU. He wished all a Merry Christmas and Happy Holidays.

Councilor Selin interjected that it is again election time and campaign materials are available in the City Clerk's Office. Mayor Justice and Clerk Little added that the press release containing said information has already been posted in the paper, online and on Channel 15.

Councilor Spencer:

Councilor Spencer continued on the same track as Mr. Duarte commenting that the road conditions were indeed bad that evening. He fielded a call from a concerned citizen who also conveyed the general frustration of many in the traffic jams. Councilor Spencer stated that we (the City) can supplement the efforts of the DOH and encouraged the City to be prepared at all times to do so. He added that the pedestrian safety plan draft has been completed and has been presented to the traffic commission. He offered copies of the plans to Council, to ask for their input and input from their neighborhood associations and other members of their wards. He spoke about the gas drilling issue and asked that it be added to the COW for discussion and possible approval in the legislature. Lastly he spoke about the Year of the Child winding down on 12/31 and suggested next year topics might include Pedestrians and Cyclists, generally making an emphasis reducing the use of motor vehicles in Morgantown or taking public transportation. He inquired as to how and if Council would sanction or designate 2009 as the "Year of Walk, Bike, Bus Morgantown".

Mayor Justice:

Mayor Justice announced that the MPO meeting will be on 12/18 at 7pm. He mentioned Jessie Reckart for making a map of showing available homes in the Woodburn area. He encouraged other Councilors to contact Jesse for similar maps of their wards. He reiterated that due to the weather, many had concerns about coming to the meeting. He reminded all that the City and DOH did their best in the snow and traffic tonight. He asked Councilors to keep in mind that the City Charter obligates the Regular Meetings to go on as scheduled, regardless of the weather. Mayor Justice thanked the Street Department for their continuing good work and mentioned all the City workers and management. He concluded by stating that financially it will be a tough year for the Nation. He said we must bring government back to the local level and serve the people as best we can to meet the community's needs.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 10:00 p.m.

City Clerk

Mayor

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