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REGULAR MEETING FEBRUARY 16, 2010:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, February 16, 2010, at 7:30 P.M.

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

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the regular meeting on February 2, 2010, were approved as printed.

CORRESPONDENCE: Mayor Byrne presented a retirement plaque to Chief Dave Fetty for his 33 years and 4 months of service to the City of Morgantown; and a proclamation for Random Acts of Kindness Week. Mayor Byrne suggested in honor of Random Acts of Kindness Week that during the cold and snow to demonstrate our commitment to our community by going to the store for the elderly; clean sidewalks; or just check on someone that lives alone.

PUBLIC HEARING-AN ORDINANCE ADOPTING LAKELAND AVENUE & 360 FT OF ROLLINGWOOD STREET INTO THE CITY FOR PUBLIC MAINTENANCE;

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.

PUBLIC HEARING-AN ORDINANCE BY THE CITY ITS ACCEPTANCE OF A DEED WHICH TRANSFERS TITLE OWNERSHIP OF 3.43 ACRES OF REALTY FROM MYLAN PARK FOUNDATION;

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.

PUBLIC HEARING- AN ORDINANCE AUTHORIZING THE CITY TO LEASE 3.43 ACRES LOCATED IN GRANT DISTRICT TO MYLAN PARK;

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.

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UNFINISHED BUSINESS:

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AN ORDINANCE ADOPTING LAKELAND AVENUE & 360 FT OF ROLLINGWOOD STREET INTO THE CITY FOR PUBLIC MAINTENANCE; The below entitled Ordinance was presented for second reading:

AN ORDINANCE ADOPTING LAKELAND AVENUE AND A 360 FOOT LENGTH OF

ROLLINGWOOD STREET INTO THE CITY OF MORGANTOWN'S STREET SYSTEM FOR PURPOSES OF PUBLIC MAINTENANCE AND CONTROL, IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.

Motion by Spencer, second by Shamberger to adopt the abopt entitled Ordinance. Motion carried 7-0.

AN ORDINANCE BY THE CITY ITS ACCEPTANCE OF A DEED WHICH TRANSFERS TITLE OWNERSHIP OF 3.43 ACRES OF REALTY FROM MYLAN PARK FOUNDATION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ITS ACCEPTANCE OF A DEED WHICH TRANSFERS TITLE OWNERSHIP OF A 3.43 ACRE OF REALTY FROM MYLAN PARK FOUNDATION, INC., TO THE CITY OF MORGANTOWN.

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

AN ORDINANCE AUTHORIZING THE CITY TO LEASE 3.43 ACRES LOCATED IN GRANT DISTRICT TO MYLAN PARK: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO LEASE 3.43 ACRES, AND THE STRUCTURE THEREON LOCATED IN GRANT DISTRICT, MONONGALIA COUNTY, WEST VIRGINIA, TO MYLAN PARK FOUNDATION, INC.

After explanation by the City Manager, motion by Spencer, second by Gaddis, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: No Boards and Commissions appointments.

NEW BUSINESS:

AN ORDINANCE ADDING ARTICLE 172 TO ADMINISTRATIVE CODE CREATING THE SISTER CITIES COMMISSION: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADDING A NEW ARTICLE 172 WITHIN THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN; THEREBY CREATING A COMMISSION OF THE CITY KNOWN AS THE MORGANTOWN SISTER CITIES COMMISSION.

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

CONSIDERATION OF A RESOLUTION TO OBTAIN \$5,000 FOR THE UNITED STATES COAST GUARD AUXILIARY TO HOST THE EIGHTH EASTERN REGIONAL COST GUARD DISTRICT SPRING TRAINING SESSION IN MORGANTOWN ,WV: The above entitled Resolution was presented for approval:

After discussion, motion by Gaddis, second by Selin to adopt the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

Erik Pietrowski, 3294 University Avenue, thanked Council for considering bringing Google's high-speed broad band network to Morgantown. Mr. Pietrowksi stated that this initiative could bring great opportunities to the Morgantown area.

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

SPECIAL COMMITTEE REPORTS: No Special Committee Reports.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1:

With considerable regret, I inform Council that Fire Chief Dave Fetty will be retiring from the City of Morgantown effective February 19, 2010. Chief Fetty's dedicated service and leadership over the past 33 years have contributed greatly to the public safety of Morgantown. He will be very much missed. Given this action, I have notified the Morgantown Fire Civil Service Commission of the pending vacancy and have asked that they effect the certification process for a new Chief. During the interim, I will appoint Captain Bill Graham to serve as the Acting Fire Chief for the City of Morgantown.

Item No. 2:

As per the schedule adopted by Council, the City's budget documents for fiscal year 2010-2011 will be presented at the February 16, 2010, City Council Meeting.

City Manager explained the Budget Document to Council informing them that the first reading of the budget will be on March 2, 2010; and adoption March 16, 2010; and then sent to the State for their review.

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CITY CLERK'S REPORT: No Report.

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CITY ATTORNEY'S REPORT: Absent.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: No report.

Councilor Gaddis: Councilor Gaddis mentioned that Dr. Penny Fagg from the Greenmont area passed, and she will be truly missed. Councilor Gaddis stated she was the first person I met when I came to Morgantown and was very friendly. Councilor Gaddis complimented the Street Department for the clearing of the streets considering all the snow we have had.

Councilor Byrer: Councilor Byrer also mentioned the passing of Coach Fred Schaus and what memories of basketball the night WVU lost to California by one point, everyone cried. Councilor Byrer suggested to Councilor Shamberger that Mike Gray from Animal Control be considered for the Deer Committee. Councilor Byrer noted that the Census is still looking for workers, particularly in the neighborhoods. Councilor Byrer questioned with this extreme winter how is the City going to repair all of the pot holes? City Manager responded we will have a very busy spring once the Asphalt Plants open but, yes we should get to them all very quickly. Councilor Byrer mentioned that by checking the IRS form on Sunny-Side Up expenditures are only \$100,000, but we are putting in \$200,000. Councilor Byrer stated that it looks like there is over a ½ million dollars in the bank; maybe we can bring this back to \$50,000 on our part and \$50,000 on WVU's part. Councilor Byrer requested a report on what Sunny-Side Up is doing with ½ million dollars.

Councilor Selin: Councilor Selin commended the Street Department for the clearing of the streets during snow storms and thanked the citizens for their patience. Councilor Selin reported that the Green Team will host a Green Night from 5-7:30pm at the Library on February 18, 2010. Councilor Selin stated that in reference to Sunny-Side up and the ½ million dollars and other expenditures a document will be prepared on that information for Council to review.

Councilor Shamberger: Councilor Shamberger commended the Street Department for the clearing of the snow and thanked the citizens for their patience. Councilor Shamberger mentioned that the Green Team is having an event at the Library on Thursday from 5:30 to 7:30pm. Councilor Shamberger also requested that during this inclement weather that neighbors

check on each other, especially the elderly or disabled to see if they need groceries, have heat or need their snow shoveled. Councilor Shamberger gave an update on the Urban Deer Committee and stated the next step is to meet with the neighborhoods.

Councilor Spencer:

Councilor Spencer thanked everyone who provided services on roads, shelters, and individual homes during the snow storm. Councilor Spencer stated for the next storm, hope the City can do better as far as City operations for sidewalks. Councilor Spencer suggested a need for someone that works year round on sidewalk issues and maintenance, and in the winter which enables compliance with snow removal and safety standards. Councilor Spencer informed Council of a group from the Board of Education, BOPARC, and the City working with WVU Department of Physical Education to develop a Coaching Enhancement Program and is asking the City to support this initiative. Councilor Spencer requested that a resolution in support of Coaching Education Program be on the COW. Councilor Spencer commented the selection of a Fire Chief is based on scores on a state competency test, and our Police Chief is selected by the City Manager. Councilor Spencer stated that he as a matter of principle is not comfortable with the selection of Fire Chief solely on the basis of testing outcome; skills are also important. Councilor Spencer requested that this issue be placed on the COW before the selection of the Fire Chief is made. Councilor Spencer mentioned that Neighborhood Schools is another issue which is moving forward toward decision making; and believe Council should send a letter on this matter to the BOE. Councilor Spencer requested that Neighborhood Schools be added to the COW. Councilor Spencer mentioned the MUB meeting on HB 4001 and the matter of standards for TDS, and the input from the board was well received by the delegation. Councilor Spencer reminded everyone that it is a new day in water issues, and it is important we keep on top of our primary drinking water supply. Councilor Spencer noted a Water Quality Forum next Thursday at the Granville Fire Department Event Center which involves people from the EPA office in Philadelphia and the DEP's from PA and WV. Councilor Spencer also reported that the Suncrest Neighborhood Association meeting is also on Thursday evening at 7pm.

Mayor Byrne and Council discussed items to be placed on the COW for February 23, 2010.

Mayor Byrne:

Mayor Byrne requested that the City Manager check on Jacob Street and if it had been plowed yet. Mayor Byrne noted that the clearing of the snow on sidewalks is the responsibility of the property owner, and when it snows every day it is a real burden. Mayor Byrne had a suggestion for those that are elderly or are unable to shovel their snow; first I think we should ask our City Judge for those that are cited to do community service to shovel snow. Mayor Byrne then suggested working with WVU Fraternities and Service Organizations setting up a volunteer crew of students to help shovel snow for elderly or disabled.

Mayor Byrne stated that this is an unusual winter and we are all in this together as a team. Mayor Byrne announced on Sunday February 21, 2010, at Rio Grande Restaurant we can join friends of Guanajuato for Celebrating Sister Cities with food, slide show, and more. Mayor Byrne reminded everyone of the Black History Event at A.M.E. Church at 7pm on the 21st from 4 to 6pm. Mayor Byrne also noted the Green Team meeting Thursday at the Library to learn about alternative cleaning products.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:41 p.m.

City Clerk

Mayor

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