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REGULAR MEETING FEBRUARY 2, 2010:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, February 2, 2010, 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 January 19, 2010, were approved as printed.

CORRESPONDENCE: Mayor Byrne mentioned that the Solid Waste stake holder meeting has changed to the Quality Inn on February 26th at 9am. Mayor Byrne noted a letter from the Monongalia County Solid Waste Authority requesting \$100,000 from the City to build a larger recycling processing center. Mayor Byrne requested community residents to submit applications for the Jefferson Award; applications will be available in the City Clerk's office. Mayor Byrne informed Council that that the National Symphony Orchestra will be in WV from April 5 to April 13 as part of the 2010 American Residency Program.

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UNFINISHED BUSINESS:

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BOARDS AND COMMISSIONS: No Boards and Commissions appointments.

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NEW BUSINESS:

AN ORDINANCE ADOPTING LAKELAND AVENUE & 360 FT OF ROLLINGWOOD STREET INTO THE CITY FOR PUBLIC MAINTENANCE: The below above Ordinance was presented for first 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 Byrer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF 14 PARCELS IN THE THIRD WARD FROM (R-3) TO (PUD) BY AMENDING 1331.02: The above entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FOURTEEN PARCELS OF REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT TO (PUD) PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 OF THE PLANNING & ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.

Motion by Bane, second by Shamberger to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF 16,500 FT IN THE FOURTH WARD FROM (R-1) TO (PUD) BY AMENDING 1331: The above entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF APPROXIMATELY 16,500 SQUARE FEET OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (PRO) PROFESSIONAL, RESIDENTIAL, AND OFFICE DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING & ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

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

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FOURTH WARD FROM (IND) TO (R-1) BY AMENDING 1331:The above entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (IND) INDUSTRIAL DISTRICT TO(R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING & ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

After discussion, motion by Gaddis, second by Byrer, to pass the above entitled Ordinance to second reading. 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 above entitled Ordinance was presented for first 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 Bane, second by Gaddis, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE CITY TO LEASE 3.43 ACRES LOCATED IN GRANT DISTRICT TO MYLAN PARK: The above entitled Ordinance was presented for first 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.

Motion by Selin, second by Gaddis, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

CONSIDERATION OF APPROVAL OF A RESOLUTION TO MAKE APPLICATION TO THE WEST VIRGINIA LAND AND WATER CONSERVATION FUND FOR \$128,500.00 FOR THE ACQUISITION OF NEIGHBORHOOD PARK PROPERTY FOR OUTDOOR RECREATIONAL ACTIVITIES: The above entitled Resolution was presented for approval:

City Manager, Dan Boroff explained that BOPARC has been working with private property owners to improve the City's park system. Mr. Boroff informed Council that negotiations are not complete yet, but it may be possible to use this grant program to implement the project. Final approval of the project will come back to Council at a later date.

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

PUBLIC PORTION:

John Duarte, 460 Grove Street, presented a letter to Council as part of the record in reference to the Morgantown Pedestrian Safety Plan. Attached is Exhibit A. John Duarte's Letter as part of the record.

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

SPECIAL COMMITTEE REPORTS: Councilor Spencer gave an update on the Rental Housing Advisory Committee.

Councilor Spencer stated that the Fire Marshall reported that fire dumpsters were down from 2009; 13 people were convicted for setting malicious street or dumpster fires; 11 dumpster fire citations were sent to Civil Court; 5 night clubs were cited for over-crowding; and 39 rentals were cited for over crowded parties. Councilor Spencer commended the Fire Department for their work and progress in this area. Councilor Spencer informed Council that the Traffic Commission Meeting has changed to February 10th at 6:30 pm and The Pedestrian Safety Board will meet on February 8th at 4pm at the Public Safety Building.

CITY MANAGERS REPORT:

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INFORMATION:

Item No. 1:

For the past several months, the City of Morgantown has been calculating the future cost of health insurance for City retirees (Other Post Employment Benefits) as required by new national accounting principles. This actuarial study has concluded that the City of Morgantown should escrow an additional \$846,000 per year from the General Fund to fund this liability. Obviously this is not an affordable option and consequently in the near term, City Council will be presented a number of small, incremental recommendations to mitigate this situation.

NEW BUSINESS:

Item No. 1:

Attached you will find a memo from the Airport Director requesting \$15,000 to fund a storm drainage extension to service the Airport Terminal. I agree with his comments and recommend that the project be funded in the Capital Escrow Account.

Motion by Shamberger, second by Selin, to approve the request of \$15,000 to fund a storm drainage extension for the Airport Terminal. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

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CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:(Roll Reverse)

Councilor Spencer: Councilor Spencer mentioned that the Legislature continues to work on the various bills Council requested. Councilor Spencer stated that the TDS Bill or Water Bill that affects municipal water supplies, that there is a Bill being generated on the House side, but due to the rule making process will not be effective until 2011. Councilor Spencer informed Council that the next Water Quality Forum will be on 2-11-10 at the Osage Community Building.

Councilor Shamberger: Councilor Shamberger commented about attending the Census Kickoff last Friday and it was a great reminder to everybody how important the Census is going to be and encouraged everyone to participate. Councilor Shamberger reported that the Woodburn Neighborhood Association had their meeting last night and elected new officers. Councilor Shamberger also mentioned the Urban Deer Committee will be meeting this week at 7pm in the Conference Room at City Hall and in 3 to 4 months the Committee should have a recommendation back to Council.

Councilor Selin: Councilor Selin commented that she also attended the Census Kickoff and we have a group that is organized and ready to go; all we are asking is that citizens cooperate and fill out their forms. Councilor Selin states she was at Wolf's on Saturday and they were having an adoption session for a facility out of Fairmont. Councilor Selin mentioned in reference to the "Easy to be Green" theme this year, I would like to see Businesses recognized who use some kind of green technique. Councilor Selin stated that she attended the lighting, sidewalk and traffic calming meeting and thought that the Mayor and the two Pedestrian Board Members showed a lot of resilience to field

questions for the evening and looks forward to another meeting.

Councilor Byrer:

Councilor Byrer thanked John Duarte for coming this evening and summarizing some of the issues we heard at the forum last week on the concerns about the sidewalks. Councilor Byrer asked the City Manager who is accountable for the maintenance of the sidewalks, because he was at a meeting at the WHARF and the sidewalks were snow covered and icy. Mr. Boroff responded saying he would send the property owners a letter. Councilor Byrer also noted that he and Councilors Shamberger, Selin, and Mayor Byrne attended the Census Kickoff and it was well organized; they shared with us that there is a need for Census workers. Councilor Byrer reported that today the Mayor and he attended a meeting along with Morgantown Police, BOPARC, and Waterfront Place to discuss some of the problems at the trail. Councilor Byrer commented that most of the problems are chronic that have been going on for the past 6 months and are getting worse and presented a diagram of the areas on the trail where the problems are. Councilor Byrer then announced that he will be running for House of Delegates and hopes to focus on regulations for the City and County.

Councilor Gaddis:

Councilor Gaddis reminded Council of the Neighborhood Coordinating Council Meeting on February 8th at 7pm. Councilor Gaddis also commented about the budget request from Mon. County Solid Waste Authority and requested the City Manager to find out what other City Government in the County are contributing to this cause before we donate.

Councilor Bane:

Councilor Bane agreed with Councilor Gaddis about the request from the Solid Waste Authority asking for \$100,000. The letter from the City of Morgantown did not indicate if Authority was asking for funding from Granville, Westover or Star City. Councilor Bane stated the burden for the Solid Waste Authority project should be shared by all of the Cities and the burden should not be on Morgantown. Councilor Bane then mentioned that the Sunnyside-up Report he asked for he did not get. Councilor Bane stated he asked for the 2009 goals and the 2010 goals and did not get them. Councilor Bane said he talked with the City Manager and the reports are ready and will be e-mailed to Council tomorrow. Councilor Bane suggested to Sunnyside-Up & Councilor Selin that most organizations typically when a year is coming up the goals are formulated in November and then goals go to the Board in December, and then in January you have the appropriate goals. Councilor Bane stated we need to keep Sunnyside-Up accountable; and this issue is disappointing to me because this Council is going to give them another \$100,000 dollars.

Mayor Byrne:

Mayor Byrne attended a meeting with residents of View of the Park. Mayor Byrne stated that the City has spent millions of dollars in the Wharf District and the area is being disrupted by inappropriate behavior. Mayor Byrne commented that the area is hard to monitor because the City only has 6 to 7 officers at a time on each shift. Mayor Byrne reported that the group is forming a Neighborhood Watch to help in being more organized in reporting back to Council on issues happening in their area. Mayor Byrne stated that also we are working on getting security cameras for the Wharf and better response time from the Police Department. Mayor Byrne informed Council he attended the Jerome Park Neighborhood Association meeting and they have a lot of good ideas and are a very organized group. Mayor Byrne mentioned the Census and urged everyone to participate; there are only 10 questions and this means more Federal Dollars for us to better our community and that is very important. Mayor Byrne reported also that the Census need workers and if you are interested call the City Clerk's office at 304-284-7439. Mayor Byrne noted the Public Forum on Pedestrian Safety; Public Safety; Lighting; and Traffic Calming and it was attended by close to 100 people. We heard a lot of comments, and this evening heard articulate comments by John Duarte. Mayor

Byrne stated that now the message we are getting is to take a look at his issue again at what would be economically feasible; administratively feasible; and come up with a modification of this plan in a week to ten days. Mayor Byrne congratulated Charlie Byrer and wished him good luck in running for the House of Delegates, as also our former Mayor Ron Justice is running for Senate.

Councilor Selin commented that there were definitely 2009 Sunnyside-Up Goals, and it seemed that most of the goals had been met or progress was achieved on some of them. Councilor Selin stated that Sunnyside-up has day long retreats so they know what they are doing for the upcoming year. Councilor Selin commented that she is new on this board and will find out what the time line is, but there were goals and they were addressed in the report Council received. Councilor Selin said I am not sure about the 2010 goals as of yet; but if they are available that is great; and I still stand and believe Sunnyside-Up has a viable mission that it is moving forward.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:25 p.m.

City Clerk

Mayor

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