

REGULAR MEETING MARCH 15, 2011: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, March 15, 2011 at 7:30 P.M.

PRESENT: City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, Mayor Bill Byrne, City Clerk Linda Little, Council Members Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, Marti Shamberger and Don Spencer.

APPROVAL OF MINUTES: Minutes from the Regular meeting on March 1, 2011 were submitted and approved as printed.

Mayor Byrne asked for a moment of silence for those affected by the Tsunami in Japan.

CORRESPONDENCE: Mayor Byrne presented a proclamation observing the week of March 14- 20 as Multiple Sclerosis Awareness Week; Mayor Byrne introduced the City Managers wife Mrs. Terrence Moore and welcomed her to Morgantown. Councilor Spencer stated he received a call from Barbara Snider, South View Street expressing her thoughts on Sunnyside-Up and what a good job was done on revitalizing this area; but thinks that Jim Hunt is not worth what the City is paying him.

PUBLIC HEARING –AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2011-2012.

Mayor Byrne announced that Jim Hunt, Director of Sunnyside Up will come forward and make a report to Council on the program's progress. The rules were suspended to allow this presentation from Mr. Hunt.

Jim Hunt, President Sunnyside Up, gave a presentation on the organization's work in the Sunnyside Area, and reported that all funds allocated from the City have been used in accordance with revitalization plans and distributed accordingly to achieve goals.

Councilor Bane requested that tax forms be presented to Council showing that the funds could be used for capital improvements in the program.

Chris Lewellen, WVU BOG President, commented that Sunnyside Up has been a successful project from the student's perspectives and it has been a pleasure working with Mr. Jim Hunt on the revitalization of the area.

Dave McKain, 145 Hoffman Avenue, commented that in the packet there are streets that need to be paved and are not on the list for 2011. He added that there are healthcare and other issues that are more important to the City. He questioned the allocation to Sunnyside Up if the funds can be used elsewhere.

Pat Kirby, Monongalia County Resident, expressed that he feels Sunnyside Up needs to be reevaluated as a City program.

Dave McKain, 145 Hoffman Avenue, stated that he is an active City resident and feels that people who do not live in the City of Morgantown should not have the right to speak at Council on City issues.

Councilor Selin added that the City of Morgantown is a metropolitan region and all comments are welcome at Council because the City works with local and county entities to improve the area.

There being no more appearances, Mayor Byrne then declared this Public Hearing Closed.

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 545.11 OF ITS GENERAL OFFENSES CODE AS IT PERTAINS TO THE DISCHARGE OF FIREARMS.

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

UNFINISHED BUSINESS:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2011-2012: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2011-2012:

Motion by Gaddis, second by Selin to approve the above entitled Ordinance. After discussion, motion carried 6-1. Councilor Bane voted NO.

AN ORDINANCE AMENDING 545.11 PERTAINING TO DISCHARGE OF FIREARMS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 545.11 OF ITS GENERAL OFFENSES CODE AS IT PERTAINS TO THE DISCHARGE OF FIREARMS.

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

- **BOARDS AND COMMISSIONS:** No appointments.

PUBLIC PORTION:

Dave McKain, 145 Hoffman Avenue, brought to Council a list of 150 properties that show evidence that the County Assessor is manipulating the valuations of the properties. He asked that the City report this problem and ask the County to remedy the situation. He feels that Monongalia County residents are paying more in taxes than they should be.

Latelle Hall, 1053 Ross Street, stated that he has seen the Sunnyside Area and he has seen the improvements and is impressed with them. He also complimented the Bodner and Beechurst projects and thinks that Mr. Hunt is doing a good job.

There being no other appearances, Mayor Byrne declared this Public Portion closed.

SPECIAL COMMITTEE REPORTS: None.

- **NEW BUSINESS:**

AN ORDINANCE REPEALING ARTICLE 133, THE DIRECTOR OF PLANNING: The below entitled Ordinance was presented for first reading:

- AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING ARTICLE 133 OF ITS ADMINISTRATIVE CODE, AS THE SAME PERTAINS TO THE DIRECTOR OF PLANNING.

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

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 1701.01 OF ITS BUILDING AND HOUSING CODE, AS THE SAME PERTAINS TO THE REPORTING RESPONSIBILITY OF THE BUILDING OFFICIAL.

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

- **A RESOLUTION TO OBTAIN A COMMUNITY PARTICIPATION GRANT TO FINANCE CONSTRUCTION OF A PERMANENT FARMERS MARKET SITE KNOWN AS THE MORGANTOWN MARKETPLACE PAVILION:**

Motion by Spencer, second by Shamberger to approve the above entitled Resolution. Motion carried 7-0.

- **CITY MANAGERS REPORT:**

New Business:

1. Attached you will find a memo from the Public Works Director reporting bid results for Hot Laid Bituminous Asphaltic Cement for the 2011 Paving Project. I agree with her recommendation that the bid be awarded to Greer Asphalt Company, with the City of Morgantown's cost being \$199,056.75.

Motion by Byrer, second by Selin to approve the bid results for the 2011 paving project. After discussion, motion carried 7-0.

2. Attached you will find a request from a representative of Arts on the River Festival, requesting a festival permit to sell alcoholic beverages at its annual Arts on the River Festival, to be held June 11 and 12, 2011 at the Hazel Ruby McQuain Park. Given the character of the event, and past successes, I recommend that this request be approved.

Motion by Spencer, second by Selin to approve the festival permit for Arts on the River. Motion carried 7-0.

3. A request for City Council to officially appoint City Manager Terrence Moore to serve as the City's representative on the Monongalia County Development Authority.

Motion by Gaddis, second by Shamberger to officially appoint City Manager Terrence Moore to the Monongalia County Development Authority. Motion carried 7-0.

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CITY CLERK: No Report.

CITY ATTORNEY'S REPORT: No Report.

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REPORT FROM COUNCIL MEMBERS:

Councilor Bane: No report.

Councilor Gaddis: Councilor Gaddis remarked that he hopes the City can continue to collaborate with County and other entities as we move forward in the budgeting process.

Councilor Byrer: Councilor Byrer announced the Wiles Hill neighborhood association meeting where graffiti will be discussed. He then asked that a report from the local gas company on the age of Morgantown's gas pipes be placed on the Committee of the Whole agenda. He then asked that Mr. McKain let Council get back to him with regard to the property values.

Councilor Selin: Councilor Selin announced the Suncrest and Evansdale neighborhood association meetings and agenda items.

Councilor Shamberger: Councilor Shamberger announced the Woodburn neighborhood association meeting and the Ward Walk. She thanked Mr. Moore for addressing the deer count in his Information Letter.

Councilor Spencer: Councilor Spencer thanked Mr. Hall for attending the meeting. He also thanked Mr. McKain for his involvement in our community and for his report to Council. He asked Mr. Moore to begin drafting a letter to the Tax Commissioner in regards to Mr. McKain's complaint. He then reported on Water Quality legislation and commented on Sunnyside Up and what a small portion of the City's total budget it is. He mentioned WV's lead in national obesity, and a pedestrian that was hit downtown recently. He expressed support for the victims of the disasters in Japan.

Mayor Byrne: Mayor Byrne announced that Health South will be in business for 20 years this month. He also mentioned the WV Leadership Academy coming up and gave contact information. He talked

about the Scott's Run Settlement House event in April and encouraged all to attend. He announced the WV Symphony and reminded everyone to register to vote and participate in the City's Municipal Election.

EXECUTIVE SESSION:

Motion by Spencer, to go into an executive session pursuant to Section 6-9A-4(b)9 of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Bill Byrne and Council Members, City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, City Attorney Steve Fanok, Director of Development Services Chris Fletcher and Attorney Steve Shuman. Motion carried by unanimous consent. Council entered into Executive Session at 9:40 pm.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:50 p.m.

City Clerk

Mayor