

**REGULAR MEETING MARCH 17, 2009:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 3, 2009 at 7:30 p.m.

**PRESENT:** Mayor Ron Justice, Deputy Clerk Bethany Quinn, 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 March 3<sup>rd</sup> were approved as printed.

**CORRESPONDENCE:** Mayor Justice presented a proclamation for Women's History Month and then read a letter from Governor Manchin to the Historic Landmarks Commission.

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE WITH THE WV D.O.H. REGARDING D.O.H. PROPERTY AT DORSEY'S KNOB PARK:**

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

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING A LEASE WITH MONONGALIA COUNTY PLANNING AND TRANSPORTATION FOR OFFICE SPACE AT THE MUNICIPAL AIRPORT:**

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

**PUBLIC HEARING - AN ORDINANCE AUNNULLING A 20' RIGHT-OF-WAY IN THE FOURTH WARD:**

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

**PUBLIC HEARING - AN ORDINANCE AMENDING SECTION V-5 OF THE PERSONNEL RULES:**

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

**PUBLIC HEARING - AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR FY 2009-2010:**

Charles Wolf of 337 Mulberry Street appeared and asked that more funds be allotted to traffic calming initiatives for neighborhoods. He also suggested that the budget be discussed and voted on when WVU is in session so that students may express their input; where as now it is spring break and most students are out of town this week.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE W.V. D.O.H AND THE CITY REGARDING REALTY AT DORSEY'S KNOB PARK:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS (D.O.H.) (LESSOR) AND THE CITY OF MORGANTOWN (LESSEE) REGARDING D.O.H. REALTY ADJACENT TO DORSEY'S KNOB PARK.

Motion by Spencer, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY & MONONGALIA COUNTY PLANNING COMMISSION AND TRANSPORTION FOR OFFICE SPACE AT THE AIRPORT:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND THE MONONGALIA COUNTY PLANNING COMMISSION AND MORGANTOWN-MONONGALIA COUNTY TRANSPORTATION PLANNING ORGANIZATION (LESSEES) REGARDING OFFICE SPACE WITHIN THE MORGANTOWN MUNICIPAL AIRPORT TERMINAL BUILDING.

Motion by Byrne, second by Bane to adopt the above entitled Ordinance. Motion carried 7-0

**AN ORDINANCE ANNULLING A 20' RIGHT-OF-WAY IN THE FOURTH WARD:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 20' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF CRESTON STREET AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED FEET FROM HARDY STREET/GIANOLA STREET TO EIGHTH STREET IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Bane, second by Byrne to adopt the above entitled Ordinance. Motion carried 7-0

**AN ORDINANCE AMENDING SECTION V-5 OF THE PERSONNEL RULES:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION V-5, FAMILY LEAVE OF THE CITY OF MORGANTOWN'S EMPLOYEE PERSONNEL RULES.

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

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR 2009-2010:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2009-2010.

Motion by Byrne, Second by Spencer to adopt the above entitled Ordinance. After discussion and explanation from the City Manager on a minor amendment, motion by Byrne, second by Byrer to approve the minor amendment to the Ordinance. Motion on the minor amendment carried 7-0. After further discussion, the main motion on the Ordinance carried 6-1, Ron Bane voted NO.

**BOARDS AND COMMISSIONS:** Councilor Byrer again announced open seats on the Morgantown Museum Commission.

**NEW BUSINESS:**

**CONSIDERATION OF APPROVAL OF A DRAFT RESOLUTION THAT THE CITY OF MORGANTOWN PROCLAIMS 2009 AS "THE YEAR OF ACTIVE TRANSPORT" AND ENTHUSIASTICALLY RECOGNIZES THE COALITION OF COMMUNITY ORGANIZATIONS WHICH ARE WORKING TOGETHER TO ENABLE MORGANTOWN RESIDENTS TO ENJOY THE HEALTHFUL QUALITY OF LIFE BENEFITS OF ACTIVE TRANSPORTATION:** The above entitled Resolution was presented for approval.

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

Before opening the Public Portion Mayor Justice recognized Mr. Patrick Kirby who presented a check to the City of Morgantown awarding a sum of \$5,000 each to the Greenmont and Sunnyside Neighborhoods for revitalization projects on behalf of the Focus WV Brownfields Mini Grant Program.

**PUBLIC PORTION:** Mr. Kevin Patrick of 101 Sanders Lane gave a presentation on a Resolution in support of State's Rights and the Constitutional 10<sup>th</sup> Amendment.

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer reported on Legislation in Charleston including the Vote By Mail Pilot Program and the Water Pollution Control Act. Discussion followed concerning these, the WV Municipal League and Legislative Liaisons.

**CITY MANAGERS REPORT:**

**INFORMATION:**

**Item No. 1:** Senator Byrd has informed the City that it will receive an additional \$147,000 in Community Development Block Grant funds as part of the National Stimulus Bill. Although the final rules and regulations concerning these funds have not been completed, it does appear that one dominant requirement will be that qualifying projects be effected almost immediately. To meet this requirement, it appears that the most effective use of the funds will be to augment the Street

Paving Program with additional streets in low and moderate income neighborhoods and/or construct additional curb cuts to assist the physically disabled. When the final rules are in place, recommendations will be forwarded to Council for consideration.

**CITY CLERK'S REPORT:** No Report.

**CITY ATTORNEY'S REPORT:** Absent.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane commented on the newly adopted budget, and the annual report. He asked that there be more clarity, goals and objectives. He stated that dealing with the citizens' money is very important and care must be taken.

Councilor Gaddis: Councilor Gaddis thanked Councilor Bane for his views. He concurred with Councilor Spencer on equal study of each budget item. He thanked Jeff Mikorski for his hard work at neighborhood meetings. He reported that running red lights is becoming a problem across the City. He shared an email from a citizen who reported speeding through neighborhoods and asked everyone to start driving with more care. He commented that a new option needs to be found for dealing with vacant properties, instead of simply boarding them up.

Councilor Byrer: Councilor Byrer relayed a citizen's complaint about barking dogs. He talked about the Wiles Hill Neighborhood website and blog, as well as upcoming events. He mentioned the letter from Governor Manchin to the Historic Landmarks Commission and then announced funding received from the State for the Commission. Lastly he talked about the Morgantown Housing Authority.

Councilor Selin: Councilor Selin mentioned some good neighbors who help clean up in their area. She announced that the Decker's Creek Association wishes to present at the next COW. She talked about traffic calming needs in her ward. She reported a very large and hazardous pot hole at Laurel and Patterson, asking it be fixed as soon as possible. She agreed that the Sunnyside Up clean up before the ESPN Game Day Event was successful. She commented on the TIF in Sunnyside, stating that the funds are most definitely needed.

Councilor Byrne: Councilor Byrne also talked about the recent Sunnyside Up clean up event and recognized several students by name who helped that day. He continued by explaining how the Sunnyside Up program works and all the good it is doing in that area. He encouraged attendance at the meetings which he said will prove the program's substantiality; and urged that people have confidence in the direction of Sunnyside Up and in its director Jim Hunt.

Councilor Spencer: Councilor Spencer commented on Sunnyside Up, saying the monetary concerns are valid and shared by all, however the program and its meetings are worth participating in and supporting. He mentioned BOPARC and the Dominion Post's article on Transparency in Government. He stated that the cost of Government is significant and this is a fact that should be widely realized. He commented on the Graffiti along the trails that is still a problem and reported concerns over several street lights that are out and pose a safety hazard. He talked about the MUB report and their budget and recommendations. Lastly he mentioned Peg Kovacs who was posthumously recognized for a National Award.

Mayor Justice: Mayor Justice mentioned upcoming performances by MHS at the Met Theatre. He encouraged attendance and support, and thanked those involved

with the Theatre. He extended congratulations and well wishes to several local school sports teams on their achievements. He commented on the continuing national media coverage Morgantown has been receiving and its effects on local tourism. He mentioned the CVB and some upcoming events including a Fishing Tournament, River Conference and a Triathlon. He stated that the River Events coordinate well with the water quality legislation currently in Charleston. He announced that the CVB will be presenting to Council at the next meeting. He closed by thanking the people of Morgantown for their service to the community and friendly nature, which is also partially responsible for the added positive national media attention.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:10 p.m.

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City Clerk

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Mayor

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