

REGULAR MEETING APRIL 20, 2010:

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The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, April 20, 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. Council Members, John Gaddis, Charlie Byrer, Jenny Selin, Marti Shamberger and Don Spencer. Ron Bane was absent

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the regular meeting on April 6, 2010, were approved as printed.

CORRESPONDENCE: Mayor Byrne presented a Proclamation to the WVU Womens' Basketball team. Malukah Willis, Assistant Coach, Toni Kay Oliverio, Director of Operations and team members; Madina Ali, Natalie Burton, Aya Bussie, Korinne Campbell, Ayana Dunning, Vanessa House, Sara Miles, Liz Repella and Tonia Williams appeared to receive the Proclamation

PUBLIC HEARING- A BOND AUTHORIZING ORDINANCE TO FUND STREETScape PROJECT IN THE SUNNYSIDE UP AREA:

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.

UNFINISHED BUSINESS:

A BOND AUTHORIZING ORDINANCE TO FUND STREETScape PROJECT IN THE SUNNYSIDE UP AREA: The below entitled Ordinance was presented for second reading:

A BOND AUTHORIZING ORDINANCE OF THE CITY WHICH WOULD AUTHORIZE THE ISSUANCE OF TAX INCREMENT REVENUE BONDS BY THE CITY FOR THE PURPOSES OF: (I) FINANCING THE COST OF DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3 PURSUANT TO THE SUNNYSIDE UP PROJECT PLAN NO. 1; (II) FUND OR PARTIALLY FUND A RESERVE FUND FOR THE TIF BONDS; AND (III) PAY COSTS OF ISSUANCE OF THE TIF BONDS. AUTHORIZING THE PUBLICATION OF A NOTICE OF PUBLIC HEARING IN CONNECTION WITH CONSIDERATION OF FINAL ENACTMENT OF THE BOND AUTHORIZING ORDINANCE ON APRIL 20.

Motion by Gaddis, second by Byrer to adopt the above entitled Ordinance. Motion carried 6-0. Bane Absent.

BOARDS AND COMMISSIONS:

Motion by acclamation to reappoint Paul Steel to the Traffic Commission.

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NEW BUSINESS:

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AN ORDINANCE AMENDING SUBSECTIONS 941.04(l), 941.05(d) AND 941.05(f) AND REPEALING 941.04

(q): The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SUBSECTIONS 941.04(l), 941.05(d) and 941.05(f) AND REPEALING SUBSECTION 941.04(q) OF THE CITY OF MORGANTOWN STREETS, UTILITIES AND PUBLIC SERVICES CODE AS THE SAME PERTAINS TO PROHIBITED ACTIVITIES WITHIN ALL PARKS UNDER THE JURISDICTION AND/OR CONTROL OF THE MORGANTOWN BOARD OF PARK AND RECREATION COMMISSIONERS.

After discussion, motion by Gaddis, second by Spencer, to pass the above entitled Ordinance to second reading. Motion carried 6-0. Bane Absent.

CONSIDERATION OF APPROVAL OF THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE: The above entitled RATES OF LEVY were presented for approval.

City Manager Dan Boroff explained that this is a regulation by State Law that is sent to the State every year. Motion by Gaddis, second by Selin, to pass the above entitled Rates of Levy. Motion carried 6-0. Bane Absent.

CONSIDERATION OF APPROVAL OF A RESOLUTION TO OBTAIN \$2,500 WEST VIRGINIA SENIOR LEGAL AID: The above entitled Resolution was presented for approval.

After discussion, motion by Gaddis, second by Byrer, to approve the above entitled Resolution. Motion carried 6-0. Bane Absent.

CONSIDERATION OF APPROVAL OF A RESOLUTION TO OBTAIN \$5,000 TO PURCHASE NEW MUNICIPAL COURT SOFTWARE SYSTEM: The above entitled Resolution was presented for approval

Motion by Gaddis, second by Shamberger, to approve the above entitled Resolution. Motion carried 6-0. Bane Absent.

CONSIDERATION OF APPROVAL OF A RESOLUTION TO OBTAIN \$2,000 FOR A PROJECT AT THE METROPOLITAN THEATRE: The above entitled Resolution was presented for approval.

After discussion, motion by Shamberger, second by Selin, to approve the above entitled Resolution. Motion carried 6-0. Bane Absent

PUBLIC PORTION:

Bill Pavone, 604 McClain Avenue, requested Council to think it over before putting 2 or 3 unrelated people in an apartment, and thanked Mayor, Council and City Manager for the good job they are doing.

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

SPECIAL COMMITTEE REPORTS: Councilor Selin reminded everyone that the Youth Commission is still looking for candidates; contact Marissa Travinski at BOPARC to get an application. Councilor Spencer apologized for the lack of audio at the MPO policy board meeting, and informed that the next meetings should be in May and June. Councilor Spencer reported that an updated report on the Mileground should be done by May 20th at the next Airport Meeting.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No 1: Attached you find a letter from the Friends of Deckers Creek requesting \$3,500 to support the 2010 Deckers Creek Adventure Day and the Deckers Creek Youth Advisory Board. Given the past successes of both these initiatives, I recommend that the request be approved.

Motion by Shamberger, second by Selin, to approve the request to support the Deckers Creek Adventure Day for \$3,500. Motion carried 6-0. Ron Bane Absent.

Item No. 2: The second attachment is a memo from the Public Works Director reporting Asphalt Bid results to support this

year's Street Paving Program. I agree with her comments and recommend that the contract be awarded to Greer Asphalt Company for a cost of \$240,307.50.

After discussion, motion by Shamberger, second by Spencer to approve the contract to Greer Asphalt for \$240,307.50 for the Street Paving Program. Motion carried 6-0. Ron Bane Absent.

Item No. 3: The last attachment is a letter from the Mon River Trails Conservancy requesting \$2,000 to help support the 10th annual Deckers Creek Trail Half Marathon that will be held on June 5, 2010(National Trails Day). Given the past successes of these events, I recommend that the request be approved.

After discussion, motion by Gaddis, second by Byrer, to approve \$2,000 to help support the 10th annual Deckers Creek Trail Half Marathon. Motion carried 6-0. Ron Bane Absent.

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CITY CLERK'S REPORT: No Report.

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CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Absent.

Councilor Gaddis: Councilor Gaddis reported that there are a couple of street signs down on Kingwood & Brockway and Kingwood & Overdale.

Councilor Byrer: Councilor Byrer announced the Mon River Summit was well attended with over 200 participants. He spoke at Cheat Lake Middle School for their WV History Class about City Government on April 20th. He stated that the project at Cheat Lake Middle School was also part of the Golden Horseshoe Project and they had a winner at Cheat Lake as well as Councilor Shamberger's daughter was a winner. Councilor Byrer reported that the Wiles Hill/Highland Neighborhood Association Meeting is at 6pm and the League of Women Voters Candidate Forum is at 7pm at Drummond Chapel. He mentioned that Wes Nugent the Cities Audio Tech is getting married this Saturday, and wished him good luck.

Councilor Selin: Councilor Selin noted at the Mon River Summit afternoon session she attended how well the different agencies were working together that are often at odds with each other. Councilor Selin thanked the City for filling potholes on Parkview, and requested paving of Parkview next year. Councilor Selin requested that Council look at the Truck Issue again has been getting complaints from business owners and citizens.

Councilor Shamberger: Councilor Shamberger commented that the WVU Women's Basketball team is inspirational role models for the area's young girls. She mentioned that this week is national volunteer week and she commended all Board and Commission members for serving our community. She announced the Woodburn neighborhood cleanup this Saturday the 24th, rain date for May 8. She also reported that she spoke to a civics class at Cheat Lake Middle School and to the Alpha Delta women's group this past weekend. She thanked the City Manager for taking care of graffiti, and encouraged others to report and new graffiti they see.

Councilor Spencer: Councilor Spencer thanked the City for having the Mon Blvd climbing lane swept. He also thanked Tim Terman for his work on the River Cleanup. He asked the City Manager about the software for code, planning and fire and Mr. Boroff replied he will send out a memo in response. He then gave quotes from speakers at the recent Mon River Summit, mentioning the locks and dams are in danger and their replacement is

critical to keeping more trucks off our roads. He stated that the TDS is increasing and managing the health of the river is important. In reference to Councilor Selin's comments on the truck issue, he said he would mention her concerns at the next MPO meeting.

Mayor Byrne:

Mayor Byrne mentioned that Mike Mullen, chairman of the Joint Chiefs of Staff was in town and he suggested that we get behind our military members in this country. He also stated that the new Farmer's Market facility is continuing to be funded. He said the Event Center had its grand opening the other night and it promises to be a regional hub for many conventions and gatherings. Mayor Byrne announced various events in the community coming up including, Earth Day, Animal Friends, MT Pockets, Green team and the wellness open house. He also attended dinner with Jeff Lacker of the Federal Reserve. He reported a thank you letter from the Boy's and Girl's Club for the Comcast Community Computer Project. Then Mayor commented that the City is a great place to work with great people.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:27p.m.

City Clerk

Mayor

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