

REGULAR MEETING APRIL 21, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 21, 2009 at 7:30 p.m.

PRESENT: Mayor Ron Justice, City Clerk Linda Little, City Manager Dan Boroff, Assistant City Manager Jeff Mikorski, and Council Members: Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin and Bill Byrne.(Don Spencer Absent).

APPROVAL OF MINUTES: Minutes from the regular meeting on April 7th were approved as printed.

CORRESPONDENCE Mayor Justice mentioned the letter from Senator Oliverio updating Council on the Legislative Session. Mayor Justice then presented proclamations for Fair Housing Month; Equal Pay Day; and Alzheimer's Support Day.
LISTEN

PUBLIC HEARING - AN ORDINANCE ADOPTING ARTICLE 528 WHICH APPLIES TO PROHIBITION OF A NUISANCE PARTY:

Nancy Ganz, 1276 Colonial Drive, thanked Council for researching similar situations an Ordinances and creating one for Morgantown residents.

John Ganz, 1276 Colonial Drive, also thanked Council for second reading and adoption of this Ordinance.

Matthew Cross, 524 (inaudible) Street, Spoke in favor of the Ordinance and expressed his feelings about Student Party situations.

Tyler Pearson, 44 Inglewood Boulevard, asked for clarification on who gets the citation for the party, and stated that he feels the fine is excessive. He also gave concerns for abuse of the Ordinance and what number of people is considered a nuisance party.

Abby Soboyna, 261 Willey Street, agreed with the former speaker that she feels the fine is excessive and inquired what the fine money would be used for.

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

Mayor Justice explained to the students the rules of the Public Portion, and that their questions would be answered during the discussion portion of the second reading of the Ordinance.

UNFINISHED BUSINESS:

AN ORDINANCE ADOPTING ARTICLE 528 WHICH APPLIES TO PROHIBITION OF A NUISANCE PARTY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ADOPTING A NEW ARTICLE 528 WITHIN THE GENERAL OFFENSES CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO THE PROHIBITION OF NUISANCE PARTY.

After discussion and explanation from City Manager, motion by Bane, second by Gaddis to adopt the above entitled Ordinance. Motion carried 6-0. Spencer Absent.

BOARDS AND COMMISSIONS: Council reappointed by acclamation, Peter Schuster, Roy Nutter, Ken Martis, Chris Gluck and Don Spencer to the Traffic Commission. Councilor Byrne gave an update on the Sister City Committee. Councilor Bane reported that Transit Authority will transport public school students this summer.

NEW BUSINESS:

RATES OF LEVY FOR FISCAL YEAR JULY 1 2009: The below entitled levy rates was presented to Council for its approval:

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.

After discussion and explanation from the City Manager, motion by Byrne, second by Selin to adopt the above entitled RATES OF LEVY. Motion carried 6-0. Spencer Absent.

A RESOLUTION TO OBTAIN \$10,000.00 FOR THE MET THEATER FROM THE GOVERNOR'S COMMUNITY PARTNERSHIP GRANT TO REPAIR AND IMPROVE DRESSING ROOMS: The above entitled Resolution was presented for approval.

Motion by Bane, second by Gaddis to adopt the above stated Resolution. Motion carried 6-0. Spencer Absent.

A RESOLUTION TO OBTAIN \$9,000.00 FOR THE MET THEATER FROM THE GOVERNOR'S COMMUNITY PARTNERSHIP GRANT TO ENABLE BOPARC TO RENOVATE AND UPGRADE THE MET THEATER STAGE AND LIGHTING: The above entitled Resolution was presented for approval.

Motion by Selin, second by Byrne to adopt the above stated Resolution. Motion carried 6-0. Spencer Absent.

PUBLIC PORTION:

There being no appearances the Mayor Justice declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: There were no Special Committee Reports. At this time Councilor Byrne to go left the meeting due to an illness in his family..

CITY MANAGER'S REPORT:

INFORMATION:

Item No. 1: The Arbor Day Foundation has informed Morgantown that it has been named a Tree City USA community for the twelfth year. This national recognition speaks well of the area's commitment to a strong, healthy urban forest and all the benefits that it generates.

Item No. 2: To date, the City of Morgantown has qualified for \$800,000 in National Stimulus Funds--\$500,000 to employ three Police Officers for three years; \$150,000 in Community Development Block Grant Funds for low and moderate income neighborhoods; and \$150,000 to retrofit municipal facilities to be more energy efficient. As other opportunities are realized, Council will be advised.

NEW BUSINESS:

Item No. 1: Attached is a proposed agreement between the West Virginia Department of Transportation and the City of Morgantown to facilitate a new access road to the Event Center as part of River Front Development. The agreement stipulates that as long as the new road is in the State right of way that it will be a public street maintained by the City of Morgantown. Given the importance of the larger development, I recommend that the agreement be approved.

After discussion, motion by Bane, second by Gaddis to approve the agreement with WV Department of Transportation to facilitate a new access road to the Event Center. Motion carried 5-0. Spencer & Byrne Absent.

Item No. 2: During recent budget sessions, an operating budget for the City's Youth Commission was not presented. The second attachment forwarded by BOPARC requests \$10,000 to support this program. Based upon the merits of the Commission, I recommend that the request be approved with Capital Escrow Account contingency funds.

Motion by Selin, second by Gaddis to approve the operating budget of \$10,000 for the Youth Commission. Motion carried. 5-0. Spencer & Byrne Absent

Item No. 3: Given that the City election is scheduled for April 28, 2009, Council may consider rescheduling the April Committee of the Whole meeting to April 29, 2009.

Council by acclamation approved April 29th, 2009 as the COW meeting date.

Item No. 4: The last attachment is a memo from the Public Works Director reporting bid results for the Met Theatre Entrance Doors Project. I agree with her comments and recommend that the project be awarded to the low bidder Veritas Contracting, LLC. for \$24,894.

After discussion, motion by Bane, second by Selin to award the bid to Veritas Contracting, LLC for \$24,894 to do the Met Theatre Entrance Door Project. Motion carried 5-0. Spencer & Byrne Absent.

CITY CLERK'S REPORT: City Clerk Little gave a total of Early Voters and reminded dates and times of Early Voting and also what time the polls open on Election Day.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane explained that Councilor Spencer is not here this evening because he is at the National Conference on Green Living and also wished the City Clerk good luck with the Election and commented how hard she works.

Councilor Gaddis: Councilor Gaddis reported when the next SPAM meeting is and the Greenmont Community meeting.

Councilor Byrer: Councilor Byrer reminded everyone about Earth Week and Earth Day and reported that the Wiles Hill Community was having a clean-up of litter etc on Earth Day. Councilor Byrer also mentioned that the Mon River Summit that he and Don Spencer attended was very interesting and informative.

Councilor Selin: Councilor Selin stated that she attended Chocolate Lovers Day on Saturday and that it was well attended and she enjoyed tasting all kinds of chocolate. Councilor Selin also mentioned that there will be a meeting on April 28th from 4-7pm in the Rhondendron Room at the Mountainlair to discuss the Master Plan for the PRT.

Councilor Byrne: Councilor Byrne had to leave early due to an illness in his family.

Councilor Spencer: Absent

Mayor Justice: Mayor Justice discussed the many conferences and meetings going on lately in Morgantown. He talked about the economy and how the downturn is significant, but Morgantown may still see some growth. There are unique challenges in Morgantown, and those are common threads among the neighborhoods. He reported that Morgantown is leading the state in tourism.

Councilor Bane announced an upcoming Lacrosse game between local high schools.

Mayor Justice continued to announce other local upcoming events for the weekend including music and youth leadership.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:20 p.m.

City Clerk

Mayor

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