

**REGULAR MEETING APRIL 7, 2009:**

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 7, 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, Bill Byrne, and Don Spencer.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on March 17<sup>th</sup> were approved as printed.

**CORRESPONDENCE:** Councilor Byrne announced that he has contacted those involved with a Teen Program Meeting that currently conflicts with Council's prior obligations on April 15<sup>th</sup> to reschedule that event.

**PUBLIC HEARING - AN ORDINANCE AMENDING 1331.09 & 1351.01 OF THE ZONING CODE:**

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

**UNFINISHED BUSINESS:**

- **AN ORDINANCE AMENDING 1331.09 & 1351.01 OF THE ZONING CODE:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLES 1331.09 AND 1351.01 OF THE PLANNING & ZONING CODE PERTAINING TO THE RESTORATION OF VACANT LOTS CREATE BY DEMOLITION.

After discussion, motion by Byrne, second by Selin to adopt the above entitled Ordinance. Motion carried 5-2. Byrer and Spencer voted NO.

**BOARDS AND COMMISSIONS:** Council reappointed by acclamation, Ron Eck to the Building Code Appeals Board.

**NEW BUSINESS:**

- **AN ORDINANCE ADOPTING A NEW ARTICLE 528 WHICH APPLIES TO PROHIBITION OF A NUISANCE PARTY:** The below entitled Ordinance was presented for first 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 the City Manager, motion by Spencer, second by Byrne to adopt the above entitled Ordinance. Motion by Byrne, second by Spencer to make a minor amendment. Motion to approve the Minor Amendment carried 7-0. Main motion on the Ordinance carried 7-0.

**AN ORDINANCE AMENDING TABLE 1331.05.01 OF THE PLANNING & ZONING CODE:** The below entitled Ordinance was presented for first reading:

- AN ORDINANCE AMENDING TABLE 1331.05.01 OF THE PLANNING & ZONING CODE AS IT PERTAINS TO "RESTAURANT, PRIVATE CLUB" USES IN THE B5, SHOPPING CENTER DISTRICT AND THE O-I, OFFICE AND INSTITUTIONAL DISTRICT.

After explanation from the City Manager, motion by Selin, second by Spencer to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING ARTICLE 1331.08(B) OF THE PLANNING & ZONING CODE PERTAINING TO FENCE HEIGHTS:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1331.08(B) OF THE PLANNING & ZONING CODE AS IT PERTAINS TO MAXIMUM FENCE HEIGHTS ON RESIDENTIALLY ZONED PARCELS.

After discussion, motion by Byrne, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

**PUBLIC PORTION:** Mr. Jim Dobbs of 521 Junior Avenue commended Council for their work with Traffic Calming and hoped the trend would continue.

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer reported on Bills currently at the Legislature.

**CITYMANAGERS REPORT:**

**NEW BUSINESS:**

**Item No. 1:** Attached you will find a memo from the Public Works Director reporting bid results for asphalt to support this year's Street Paving Program. I agree with her comments and recommend that the bid be awarded to the only bidder Greer Asphalt Company for a total cost of \$294,147.50.

Motion by Byrne, Second by Selin to approve the above bid results. Motion carried 7-0.

**Item No. 2:** The second attachment is a letter from the President of the Fire Civil Service Commission proposing a change in promotion testing for Fire Fighter First Class. I agree with the suggested language and recommend that it be adopted and applied retroactively to June 6, 2008.

Motion by Byrne, Second by Byrer to approve the above changes to FFC Testing. Motion carried 7-0.

**CITY CLERK'S REPORT:** City Clerk Little announced the dates and times of Early Voting.

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

**REPORT FROM COUNCIL MEMBERS:**

- Councilor Bane: Councilor Bane welcomed City Clerk Little back to the meeting.
- Councilor Gaddis: Councilor Gaddis also welcomed City Clerk Little back. He then spoke about sidewalk issues, Community Block Grants and lighting in his neighborhood.
- Councilor Byrer: Councilor Byrer Commented on Mayor Justice's recent national television appearance. He announced the River summit meeting in the Wharf District. Reported an email he received about dog walking and droppings. He asked the City Manager who enforces these regulations. Mr. Boroff answered the Police and Animal Control should enforce dog related violations. Councilor Byrer then spoke about Earth Day in April and related cleanup events.
- Councilor Selin: Councilor Selin announced that she attended a Meeting at the Airport on the WV Long Range Transport Plan.
- Councilor Byrne: Councilor Byrne thanked the Street Department for their clean up of the Trails. He announced the next Sunnyside Up meeting.
- Councilor Spencer: Councilor Spencer announced the Traffic Calming meeting dates that will address Laurel Street and Junior Avenue. He then announced that he will be attending the upcoming Green City Conference.
- Mayor Justice: Mayor Justice announced the meeting times and dates for the Canine Officer's visit to MHS. He stated that Traffic Calming issues are expensive and it is good that the neighborhoods are willing to help with the financial aspect. He continued by announcing the meetings and events on Home Rule and Economics, Waterfront Economic Conference, WVU Youth Leadership, CVB Tourism Conference, Local Government Leadership Academy, and the Mon

River Summit. He announced the Morgantown Rotary event at Bucks on the 25<sup>th</sup>, where Coach Bill Stewart and others will be attending.

Councilor Bane added that he will also be attending the Local Government Leadership Academy. He said that he visited the Martinsburg Military Base and had the opportunity to tour inside a C-5 aircraft and watch it take off. He will continue to update Council on his progress at the Academy.

Mayor Justice thanked the Quota Club for donating defibrillators to the City, and for providing one for the Airport as well.

Councilor Gaddis announced that he attended the WVSGAS and then welcomed a Political Science Class in attendance.

Spencer stated that attending the River Summit conference is very important. He told that he is preparing for the election and encouraged public awareness of the election and the importance of voting.

Selin announced Chocolate Lover's Day coming up and suggested that when council receives emails and not all Councilors received it, to please forward it to those that need it.

Lastly, Mayor Justice announced that Steve Fanok's son Zach will be performing at the Met Theatre.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:48p.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.**