

**REGULAR MEETING MAY 18 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, May 18, 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 Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, Marti Shamberger and Don Spencer.

The meeting was called to order by the Mayor.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on May 4, 2010, were approved as printed.

**CORRESPONDENCE:** Chief Phil Scott presented a Life Saving Award to Darren Crouse (Joe Patterson will also receive award) for responding to a call on Wayne Avenue on Saturday April 17, 2010 and saved the life of a man attempting to commit suicide.

**PUBLIC HEARING-AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, PARKING METER ATTENDANTS AND THEIR AUTHORITY TO ISSUE CITATIONS:**

Pursuant to a legal notice appearing in the Dominion Post, Mayor Byrne called for a public hearing on the above referenced ordinance.

John Duarte, 460 Groves Avenue, asked if an amendment for the Streets will be added later to this Ordinance. He stated that there needs to be further control in the Sunnyside area on 8<sup>th</sup> Street which has become a parking lot. Mr. Duarte asked that this area and Beechurst be regularly monitored, because parking is infringing upon neighborhoods. Mr. Duarte requested Council do a comprehensive study on how this affects the City as a whole.

Mayor Byrne stated that an answer to his question will be given during discussion later on in the meeting under Unfinished Business.

There being no more appearances or objections, Mayor Byrne declared this public hearing closed.

**PUBLIC HEARING- AN ORDINANCE AMENDING THE TRAFFIC CODE, ISSUANCE OF PARKING PERMITS FOR DESIGNATED PARKING DISTRICTS:**

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:**

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**AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, PARKING METER ATTENDANTS AND THEIR AUTHORITY TO ISSUE CITATIONS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 155.085 OF MORGANTOWN'S ADMINISTRATIVE CODE AS THE SAME APPLIES TO PARKING METER ATTENDANTS AND THEIR AUTHORITY TO ISSUE CITATIONS ON MUNICIPAL STREETS FOR VIOLATIONS OF MUNICIPAL PARKING ORDINANCES

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

**AN ORDINANCE AMENDING THE TRAFFIC CODE, ISSUANCE OF PARKING PERMITS FOR DESIGNATED PARKING DISTRICTS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 367.04 OF THE TRAFFIC CODE OF THE CITY OF MORGANTOWN, AS THE SAME APPLIES TO ISSUANCE OF PARKING PERMITS FOR DESIGNATED PARKING DISTRICTS.

After discussion, the City Manager explained that this ordinance is not the creation of additional parking but is adding enforcement of parking in the districts. Motion by Spencer, second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** Motion by acclamation to reappoint Jerry Summers and Ed Bodkin to serve on the Police Civil Service Commission.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING 2009-2019 GENERAL FUND BUDGET:** The below entitled Ordinance is presented for first reading:

AN ORDINANCE AMENDING THE FY 2009-2010 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

City Manager explained that there is a short flow in projected cash carryover which if realized would come from the contingency line. Motion by Gaddis, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**A RESOLUTION APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR CARTIAS HOUSE:** The above entitled Resolution was presented for approval.

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

**A RESOLUTION TO APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR BARTLETT HOUSE:** The above entitled Resolution was presented for approval.

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

**PUBLIC PORTION:**

John Duarte, 460 Groves Street, stated that the City has gone through a lot of changes and growth over the years with traffic and infrastructure and not all of this change is good in his opinion. He felt the quality of life in the neighborhoods is disintegrating because the current zoning allows for rental housing that breeds college student parties, drunken behavior and trash.

Nelson France, WVU Student Government, 709 North High Street, informed Council that the students will be presenting the State of the Student Body at the COW in August and look forward to having dialogue with Council this summer.

Katie Abate, 201 Logan Avenue, expressed her interest in learning more about the urban deer problems and possible solutions. She urged common sense and research into data to solve the problem.

Jeff Gordon, 45 Maple Avenue, opposes any hunting to solve the urban deer problem. He feels the committee should approach the problem from a different angle. He asked that an aerial survey be done and that the solution be on the April 2011 ballot. He also requested an Ordinance prohibiting the feeding of deer in the City.

Guy Panrell, 763 South Hills Drive, stated that he is a long term resident of the City. He has surmised that 2000 deer eat 8 tons of food per day and agrees that the hunt is the best solution to the deer overpopulation problem.

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

**SPECIAL COMMITTEE REPORTS:**

**REPORT FROM URBAN DEER COMMITTEE:**

Dr. Samuels presented the committee's recommendations to Council. After discussion, Council by acclamation decided to have more discussion on the issue at May the 25<sup>th</sup> COW and to move forward with a law that would prohibit citizens from feeding deer.

**CITY MANAGERS REPORT:**

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**NEW BUSINESS:**

Item No. 1: Attached you will find letters from Ronald McDonald House Charities and MountainFest, LLC requesting Festival Permits to support events at Archie's in Sabraton on July 22- July 25, 2010 and June 24, 2010 respectively. Given the character of the events and past successes, I recommend that the requests be approved.

Motion by Selin, second by Shamberger, to approve the Festival Permits in support of the events at Archie's for Ronald McDonald House and MountainFest. Motion carried 7-0.

Item No 2: The second attachment is a memo from the Public Works Director reporting the bid result for the Sunnyside TIF Project. I agree with her comments and recommend that the project be rebid.

After discussion, motion by Spencer, second by Byrer, to rebid the project for the best results. Motion carried 7-0.

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

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane thanked Officers Patterson and Hennessey for the safe return of a missing child found the day before Mother's Day.

Councilor Gaddis: Councilor Gaddis mentioned the Greenmont Tour and thanked Mr. Boroff and other City Staff for attending. He announced the next Greenmont Neighborhood Association meeting will be on the 24<sup>th</sup>. The neighborhood annual plants were planted on the 15<sup>th</sup>. The Greenmont cleanup day will be on the 22<sup>nd</sup>.

Councilor Byrer: Councilor Byrer announced the Wiles Hill Neighborhood Association Meeting where they will discuss the PUD. He also reminded everyone of the Public Forum on Health Care. He wished well Ken Vance who is currently hospitalized.

Councilor Selin: Councilor Selin complimented the Greenmont Tour. She asked for a follow up on the tour for issues not addressed. She mentioned the Farmers' Market donation cards to help build the new awning structure. She commented that she is glad the public is always so involved when PUD's and other items come up on the Council agenda.

Councilor Shamberger: Councilor Shamberger reminded everyone of the Centennial Celebration at Woodburn Elementary School. She thanked everyone who attended the hearing on the new school proposed on the Mileground and stated that if there are no schools in the City, there is no community. She stated there will be another meeting on the school coming up soon. She agreed with Mr. Duarte on the cleanliness of certain areas of the City and asked attention be refocused there.

Councilor Spencer: Councilor Spencer mentioned the Health Reform public forum and that there would be a presentation on the reform bill tomorrow night. The forum is sponsored by several local organizations. The tree workshop will be held on 5/24 at Krepps Park. He then asked Mr. Boroff about the Code Enforcement report and inquired why there are

no litter citations. Mr. Boroff explained that citizens are given a little time to clean up before they are cited. He also stated that the new ordinance will give them more power to make citations where necessary. Councilor Spencer thanked Councilor Gaddis for the Greenmont Tour and would like to schedule all the neighborhoods for such a tour. He reiterated about the Farmers Market donation card.

Mayor Byrne:

Mayor Byrne also mentioned the Farmers' Market and that the design is working to add more amenities, and the budget for this project is small and that's why donations are being asked. The shelter will be able to be used for other events as well. He mentioned he will be giving another Proud of our Town award to Shelly Moore for her beautification of her neighborhood. He also mentioned the health care forum, and the Green Team is hosting a Green Night at the Library with various educational materials. He announced that Mainstreet Morgantown will hold their annual awards on the 28<sup>th</sup>; they are also gearing up for Kid's Day on 7/17. The MPO is asking for citizens to fill out the commuter survey on area traffic. The Mon Arts Center will hold a poetry reading free to the public. He commented on Mr. Duarte's opinion and stated it takes efforts on all fronts to keep the neighborhoods clean and make improvements. Council and community working together will bring about the changes needed to keep the streets clean. He commented that the schools and neighborhoods are important and we must work together to make the neighborhoods work.

Councilor Spencer interjected that the City Bird issue needs to be placed on the COW agenda.

Councilor Bane then stated that MHS Lacrosse Team is advancing to State this weekend.

**EXECUTIVE SESSION:** Motion by, second by Spencer, second by Shamberger to go into an executive session pursuant to Section 6-9A-4-2 of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Bill Byrne, Council Members, City Manager and Assistant City Manager. Time 9:04 p.m.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:32 p.m.

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City Clerk

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Mayor

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