

**REGULAR MEETING MAY 19, 2009:**

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The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, May 19, 2009, at 7:30 p.m.

**PRESENT:** Mayor Ron Justice, City Clerk Linda Little, Assistant to the City Manager Jeff Mikorski and Council Members: Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, Bill Byrne, Don Spencer. City Manager Dan Boroff and Staff Attorney Steve Fanok were Absent.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on May 5<sup>th</sup> meeting were approved as printed.

**CORRESPONDENCE:** Mayor Justice acknowledged that Dan Ringer was present and would make his comments on behalf of Public Television during the Public Portion.

**PUBLIC HEARING -AN ORDINANCE AMENDING SECTION 1512.OF THE FIRE CODE AND ADDING NEW SECTIONS 1512.04 AND 152.05:**

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

**PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 1511.02:**

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

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING AN ADDENDUM TO THE SEPTEMBER 3, 1999 LEASE AGREEMENT TO EXTEND THE STATE OF WV LAND AGREEMENT WITH THE AIRPORT UNTIL AUGUST 31, 2014:**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING SECTION 1512.OF THE FIRE CODE AND ADDING NEW SECTIONS 1512.04 AND 152.05:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 1512.99 OF THE CITY OF MORGANTOWN'S FIRE PREVENTION CODE AND ALSO ADDING THERETO NEW SECTIONS 1512.04 AND 1512.05 AS THE SAME APPLIES TO PENALTIES, ILLEGAL BURNING, AND MALICIOUS BURNING.

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

**AN ORDINANCE AMENDING SECTION 1511.02:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 1511.02 OF THE CITY OF MORGANTOWN FIRE PREVENTION CODE AS THE SAME APPLIES TO VIOLATIONS FOR WHICH CITATIONS MAY BE ISSUED BY FIRE MARSHALS AND DEPUTY FIRE MARSHALS.

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

**AN ORDINANCE AUTHORIZING AN ADDENDUM TO THE SEPTEMBER 3, 1999, LEASE AGREEMENT TO EXTEND THE STATE OF WV LAND AGREEMENT WITH THE AIRPORT UNTIL AUGUST 31, 2014:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING AN ADDENDUM TO A SEPTEMBER 3, 1999, LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND THE STATE OF WEST VIRGINIA (LESSEE), WHICH WILL EXTEND THE STATE OF WEST VIRGINIA'S LEASE OF LAND AT THE MORGANTOWN MUNICIPAL AIRPORT UNTIL AUGUST 31, 2014.

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

**BOARDS AND COMMISSIONS:** Motion by acclamation to appoint Kenneth J. Vance, and to reappoint Richard McEwuen and Darryl Degripp to serve on the Museum Commission

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2008-2009 GENERAL FUND BUDGET:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2008-2009 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.

After discussion, motion by Spencer second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION IN THE 4<sup>TH</sup> WARD FROM (PRO) TO (B-2) BY AMENDING ARTICLE 1331:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (PRO) PROFESSIONAL, RESIDENTIAL AND OFFICE DISTRICT TO (B-2) SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING & ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.

Motion by Spencer, second by Bane to table the above entitled Ordinance. Motion carried 7-0.

**A RESOLUTION TO APPLY FOR AND ADMINISTER THE COMMUNITY PARTICIPATION GRANT PROGRAM, PROJECT NUMBER 09LEDA0472, FUNDS FOR USE BY VALLEY HEALTHCARE SYSTEM:** The above entitled Resolution was presented for approval.

Motion by Byrne, second by Selin to adopt the above stated Resolution. Motion carried 7-0.

**A RESOLUTION THAT THE CITY OF MORGANTOWN STRONGLY URGES COMCAST CABLE TELEVISION TO IMMEDIATELY RESTORE ACCESS TO WEST VIRGINIA PUBLIC TELEVISION TO ALL OF ITS MORGANTOWN CUSTOMERS AND SUBSCRIBERS WITH NO ADDITIONAL COSTS OR INCONVENIENCES:** The above entitled Resolution was presented for approval.

After discussion, motion by Bane, second by Byrne to adopt the above stated Resolution. Motion carried 7-0.

**PUBLIC PORTION:**

Dan Ringer, 18 West Front Street, thanked Council for their support of WV Public Television through the Resolution to Comcast. He spoke about the many benefits WV Public Television provides to citizens. He dispelled a rumor that WV Public Television requested the change to Comcast's broadcast lineup. He expressed that this similar problem happens all over the country where large cities are close to smaller Public Television Stations.

Jim, Kotcon, 414 Tyrone Avery Road, agreed with Mr. Ringer's comments and also thanked Council for the Comcast Resolution. He then spoke about the CLT Energy Contracts that Council reviewed during the Conference Session. He gave his views on what should be included in that contract for maximum energy conservation, such as public transportation vehicles. He stated his opinions on global warming and the City's Comprehensive Plan.

Peter Franklin-White, 618 Lambert, asked if Jason Gillespie could speak on his behalf. Mr. Gillespie stated that Mr. Franklin-White is requesting Lambert Street be paved as it is in poor condition. He also asked that the ditch be repaired before paving. He commented on the height of the grass on Hudson Street and on the trimming left at his power lines.

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

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer spoke on topics from the National League of Cities Conference. He asked that waste water upgrades which would require temporary rate increases be considered. Councilor Bane commented that the bonding needs to be approved before the planning can even begin. He reminded Council that the upgrades are badly needed due to the increased growth of the City. Councilor Byrne gave an update on the Sister City student exchange program. He also announced the upcoming visit of the Mayor of our Sister City, Guanajuato, Mexico in June.

Councilor Byrer announced events regarding the Historic Landmarks Commission. Councilor Bane gave an update on the Transit Authority Meeting regarding student transportation and the need for change. Mayor Justice concurred with these remarks and the discussion continued. Councilor Spencer announced the induction of the newly appointed members of the

GMA Youth Commission. Discussion continued about the Youth Commission. Mayor Justice announced the gift match of funds for the Met Theatre that will be presented next week, along with the upcoming celebration of the Theatre's 85th anniversary.

**CITY MANAGER'S REPORT:**

**INFORMATION:**

Item No. 1: Attached is a memo from the Airport Director reporting that the West Virginia Aeronautics Commission has decided to increase its 2.5% funding match for the FAA Airport Improvement Program to 5% on behalf of qualifying West Virginia Airports. The 5% is the total federal match required. By virtue of this action, the City of Morgantown should save \$25,000 next year. The Commission is to be complimented in assisting State Airports with this critical match.

Item No. 2: As per State law, the City is required to convene a public hearing on TIF projects every five years to ascertain project progress as approved by the State Development Office. To meet this objective, public hearings will be advertised for June 30, 2009, in Council Chambers, at 6:00 p.m. and 6:30 p.m. respectively for the Morgantown Riverfront TIF District and the Morgantown Falling Run Development TIF District.

**NEW BUSINESS:**

Item No. 1: The second attachment is a memo from the Police Chief reporting bid results for uniforms and special equipment. I agree with his comments and recommend that the contract be awarded to the low bidder Trapuzzano Uniforms (\$35,000 budgeted).

Motion by Byrne, second by Byrer, to award the contract to Trapuzzano Uniforms for uniforms and special equipment. Motion carried 7-0.

Item No. 2: The third attachment is a Memorandum of Understanding with the County Commission of Monongalia County to disburse a \$247,062 Department of Justice Edward Byrne Memorial Justice Assistance Grant (City share is \$158,159). Based upon the merits of this program, I recommend that the Memorandum of Understanding be approved.

After discussion, motion by Byrne, second by Bane to approve the Memorandum of Understanding with the County for the Justice Edward Byrne Memorial Justice Assistance Grant. Motion carried 7-0.

Item No. 3: The last attachment is a memo from the Public Works Director reporting bid results for the Street Paving Project. I agree with her comments and recommend that the contract be awarded to the low bidder Mountaineer Contractors, Inc., for \$164,579.50.

After discussion, motion by Byrne, second by Selin, to award the contract for Street Paving to Mountaineer Contractors. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk Little reported that the Police Department is testing for New Police Officers. Applications are \$25.00 and are available in the Finance Department. The test date is June 27, 2009.

CITY ATTORNEY'S REPORT: Absent.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane reported several severe potholes that need to be fixed. He congratulated MHS for making it to the finals in Lacrosse. He inquired as to the status of the Warner parking garage on the Loop. Councilor Bane also commented on the trails and the number of homeless loitering on or near trails. He reported a citizen's inquiry regarding Krepps Park and when new playground equipment will be made available for a younger age group. He then gave a report on the Leadership West Virginia Conference and his experience in Parkersburg.

Councilor Gaddis:

Councilor Gaddis announced that the Greenmont Neighborhood Association Meeting will be rescheduled due to the Memorial Day Holiday. He also announced the upcoming neighborhood festival in June and the South Park Neighborhood Association Meeting as well.

Councilor Byrer:

Councilor Byrer reported that after two years, a burnt home near the Willowdale Neighborhood was finally demolished. He also mentioned the Loop Garage Project, and suggested that more lighting is needed in the area for safety. He announced the new members of the Museum Commission. The Museum is also in the process of re-locating to the Wharf District. He invited everyone to the 25<sup>th</sup> Annual Celebration for Mainstreet Morgantown to be held at the Clarion Hotel. Councilor Byrer also announced the Wiles Hill and Highland Park Neighborhood Association Meetings and Neighborhood cleanup events.

Councilor Selin:

Councilor Selin stated that there is a parking issue in her neighborhood due to the closure of the Krepps Park parking lot. She pointed out the many street light bulbs that are not working and inquired if it is the utility company's responsibility to replace them.

Councilor Byrne:

Councilor Byrne congratulated recent graduates of WVU. He thanked all those who were involved in the South Hills Neighborhood Association clean up event. He commented on a building near the Law School on University Avenue that is an "eyesore" with piles of trash. He asked that the property be inspected by Code Enforcement. He announced that he and Jim Hunt will be presenting information on Sunnyside Up to the North Side Rotary Club. He concluded by thanking everyone for their support and condolences regarding the recent passing of his father.

Councilor Spencer:

Councilor Spencer commented on the air quality monitoring devices at the Airport, stating they might not be getting significant data due to their placement. He asked that another monitor be placed Downtown. He commented on the unsafe condition of Van Voorhis Road. He asked that this area be given more attention by the DOH for repair. Councilor Selin interjected that the sidewalks are also unsafe on Van Voorhis Road.

Councilor Spencer continued by speaking on due process in Project Review, citing topics from a recent meeting of the Neighborhood Coordinating Council. He asked for a written process to be determined. He then discussed Function Based Code versus Form Based Code in regard to Planning, as was a topic from the National League of Cities Conference. He asked the Planning staff to evaluate plans in this manner from an environmental impact stance. He then commented on the level of communication between Council and the Planning Commission.

Mayor Justice clarified the communication chain of command between Council and the Planning Commission for Councilor Spencer. Councilor Spencer then cited a specific item he wanted on the Planning Commission Agenda that was not discussed by the Commission. Mayor Justice assured Councilor Spencer that the item was brought to the Planning Director's attention in the proper manner for inclusion on a future Planning Commission Agenda.

Councilor Selin, as the Council Member serving upon the Planning Commission, responded to the discussion stating that perhaps a communication flow chart would be helpful to the citizens who have neighborhood concerns they want the Planning Commission to address.

Mayor Justice commented that City Neighborhood Partnership Services addresses many planning issues with citizens.

Councilor Spencer continued his comments by reporting more graffiti along the trails and asked that the issue be addressed in a new manner. He then asked that information on changing the title "Deputy Mayor" to "Vice Mayor" be placed on the Committee of the Whole Agenda for discussion. Lastly, he gave his condolences for the passing of John Stacny.

Mayor Justice:

Mayor Justice mentioned an article in the State Journal that features the local restaurant Oliverio's as the Family Business of the Year. He also talked about the previously announced 25<sup>th</sup> Anniversary of Mainstreet Morgantown. Lastly, he spoke about the 25 Years of Public Theatre presentation given at the Chestnut Ridge Church.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:30 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.**