

**REGULAR MEETING MAY 4, 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 4, 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 April 20, 2010, were approved as corrected.

**CORRESPONDENCE:** Mayor Byrne mentioned a thank you from Admiral & Deborah Mullens for the Gift Basket and the wonderful hospitality they received when they visited Morgantown. Mayor Byrne presented a proclamation to Frank Gmeindl, Chair of Bicycle Board recognizing Bike Month. Mr. Gmeindl, thanked Council and encouraged all residents to visit [www.BikeMorgantown.com](http://www.BikeMorgantown.com). Mayor Byrne read a proclamation recognizing May 2-May 8 as Municipal Clerks Week and extended appreciation to City Clerk Linda Little and Deputy Clerk Bethany Sypolt. Mayor Byrne then gave a retirement plaque to Jim Gatian an Electrical Inspector for Code Enforcement thanking him for his many years of service to the City of Morgantown.

**PUBLIC HEARING- AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PERMANENT SURFACING OF OFF-STREET PARKING AREAS:**

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.

**PUBLIC HEARING- AN ORDINANCE AMENDING SUBSECTIONS 941.04(I), 941.05(d) AND 941.05(f) AND REPEALING 941.04 (q):**

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:**

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PERMANENT SURFACING OF OFF-STREET PARKING AREAS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1365.09 "PARKING DEVELOPMENT STANDARDS" OF THE PLANNING AND ZONING CODE AS IT RELATES TO THE PERMANENT SURFACING OF OFF-STREET PARKING AREAS.

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

**AN ORDINANCE AMENDING SUBSECTIONS 941.04(I), 941.05(d) AND 941.05(f) AND REPEALING 941.04 (q):** The below entitled Ordinance was presented for second reading:

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AN ORDINANCE AMENDING SUBSECTIONS 941.04(I),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 Spencer, second by Shamberger to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS:** Motion by acclamation to appoint the following persons to the Sister Cities Commission: Pam Hodge, John Gaddis, George M Lies, Elizabeth Finklea, Richard Fleisher, Peggy Myers-Smith, Rosalyn Becker, Betsy Pyle and Bethany Sypolt, Deputy Clerk, Ex-Officio Member.

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**NEW BUSINESS:**

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

Motion by Gaddis, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE TRAFFIC CODE, ISSUANCE OF PARKING PERMITS FOR DESIGNATED PARKING DISTRICTS:** The below entitled Ordinance is presented for first 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.

Motion by Gaddis, second by Spencer, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**A RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2010 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN:** The above entitled Resolution was presented for approval.

After discussion, motion by Gaddis, second by Selin, to approve the above entitled Resolution. Motion carried 7-0.

- **A RESOLUTION TO APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR A BOPARC TEEN CENTER PROJECT AT MORGANTOWN HIGH SCHOOL:** The above entitled Resolution was presented for approval.

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

**PUBLIC PORTION:**

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.

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

**SPECIAL COMMITTEE REPORTS:** Mayor Byrne congratulated Councilor Gaddis on the Sister Cities Commission and stated this Commission adds international flavor to the City and hopes this commission will grow and blossom.

**CITY MANAGERS REPORT:**

**NEW BUSINESS:**

**Item No. 1:** The City of Morgantown Employee Home Assistance Program has been a success encouraging City employees to live in Morgantown and help stabilize traditional, single family neighborhoods. To close the seventh forgivable loan generated by this initiative, I recommend that \$5,000 from the Capital Escrow Account be transferred to the program. With this seventh loan though, I also recommend that no additional applications be considered until additional funds are available to support the program.

Motion by Shamgerger, second by Byrer, to approve \$5,000 from the Capital Escrow Account to be transferred to the program and that no additional applications are considered until funding is available. Motion approved by acclamation.

Item No. 2: Attached is a memo from the Public Works Director reporting State required bid results for a gas leak mitigation program at the Public Works Garage. A companion piece for the bid results is an Agreement for Investigation and Remediation Activities with the WV Department of Environmental Protection (also attached). Based upon the Public Works Director's comments, I recommend that the bid be awarded to Augusta Environmental for a cost not to exceed \$155, 968 over a three year period to do the work.

After discussion, motion by Gaddis, second by Shamberger, to approve the bid results for the Public Works Garage. Motion approved by acclamation.

Item No. 3: The second attachment is also a memo from the Public Works Director reporting bid results for the Met Theatre Sound System. I agree with the Director's comments and recommend that the contract be awarded to the low bidder Hollowood Music & Sound Inc. for \$35,061.71.

After discussion, motion by Byrer to award the contract to Hollowood Music & Sound Inc. for 35,061.71 for the Met Theatre Sound System. Motion approved by acclamation.

Item No. 4: The last attachment is a third memo from the Public Works Director reporting bid results for this year's Street Paving Program. I agree with her comments and recommend that the contract be awarded to the low bidder Mountaineer Contractors, Inc. for \$209,816.80. Special Note: This bid taken with the asphalt bid total \$358,000. \$400,000 is budgeted for the program which means it is likely that streets on the contingency list will be included in the project given the estimated amount of asphalt needed for the program.

After discussion, motion by Selin, second by Shamberger to award the contract to Mountaineer Contractors. Motion approved by acclamation.

Item No. 5: City Manager Dan Boroff presented to Council a request from Archie's for a permit to have an outside event to celebrate their 20<sup>th</sup> birthday on Tuesday May the 18<sup>th</sup> and have beer consumed outside by tables or tents. After discussion, City Attorney Steve Fanok commented that he felt uncomfortable authorizing this permit under a private club license. City Manager Dan Boroff stated that the City Attorney is correct, but the law needs to be changed so these types of events can occur. Council agreed by consensus to deny permit per the above stated reasoning.

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

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane thanked those that attended the Urban Deer Committee on April 26<sup>th</sup>.

Councilor Gaddis: Councilor Gaddis commented that the Greenmont Neighborhood Association will be scheduling a tour for the City Manager in the near future.

Councilor Byrer: Councilor Byrer reported that on May 12<sup>th</sup> Neighborhood Watch will meet at 7pm at the Public Safety Building and encouraged neighborhoods to attend in an effort to rejuvenate the Watch Program. Councilor Byrer stated that there was a Ward meeting at the Wiles Hill Community Center about the PUD between Jones Avenue, 1<sup>st</sup> Street and Lorentz Avenue on the 3<sup>rd</sup> of May with the Planning Director Chris Fletcher. Councilor Byrer said the neighbors are concerned about the impact of this PUD on traffic, infrastructure and noise.

Councilor Selin:

Councilor Selin reported that she was nearly struck by a motorist while crossing University Avenue and asked citizens to drive with care. Councilor Selin reported that the Farmers Market started on May 1 at 8:30am and will continue into the fall. Councilor Selin commented that BOPARC is working on developing a trail at Krepps Park running from the Dog Park past the West Virginia University Soccer field. She then thanked Tom Arnold for the special recycling pick up in her ward.

Councilor Shamberger:

Councilor Shamberger thanked the City Manager, Police Department, Code Enforcement and Planning Department for taking care of various issues in her Ward. She then urged everyone to vote on May 11, 2010.

Councilor Spencer:

Councilor Spencer added more information about the Bike Board's upcoming initiatives and commended Mr. Gmeindle on his work with the Board. He complimented MUB on their 2009 report and spoke about the importance of protecting the public drinking water supply. He reported on the Suncrest lake area pick up clean up event last week. Councilor Spencer announced a special meeting on federal health care legislation for citizens to become educated on the new policies and what impact it will have for them. He passed out an article from the Washington Post on rental housing for Council to read. He outlined several important points of the article which he felt could pertain to Morgantown.

Mayor Byrne:

Mayor Byrne thanked Lynn Sobolov for her participation in a Kaleidoscope mini society education project for children. He reported on the Jerome Park neighborhood association meeting. He reminded citizens of Election Day and about a celebration at Mon General for hospital safety. Mayor announced a celebration at the Friendship Manor for their 40<sup>th</sup> anniversary and the upcoming Chancery Hill community yard sale. He mentioned the Morgantown History Museum slide show to be shown all summer long, the Botanical Garden green gathering, WVU Student Project to support the families of the recent mine disaster, and lastly, the Men's and Women's WVU Basketball Teams will serve as the grand marshals in the 4<sup>th</sup> of July parade this summer.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:37p.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.**