

**REGULAR MEETING JUNE 15, 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, June 15, 2010, at 7:30 P.M.

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

The meeting was called to order by the Mayor.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on June 1, 2010 and Special Meeting on June 9, 2010 were approved as printed.

**CORRESPONDENCE:** City Manager Dan Boroff presented Captain Caravasos his letter of promotion to the rank of Fire Chief, and then the City Clerk Linda Little administered the oath as his wife pinned the official Chief pin on his collar.

**PUBLIC HEARING- AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT: \_**

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

Latelle Hall, 1053 Ross Street, commented that this is a long time coming and this will be a great enhancement to the Airport for the economic development of the area.

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

**PUBLIC HEARING- AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION: \_**

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 SECTIONS OF THE PERSONNEL RULES: \_**

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 AUTHORIZING A LICENSE AGREEMENT, MORGANTOWN EVENTS CENTER: \_**

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 AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT:**

The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY REGARDING THE FINANCE AND CONSTRUCTION OF A NEW ROADWAY, SEWAGE SERVICE, AND WATER SERVICE ON THE EAST SIDE OF THE MORGANTOWN AIRPORT, WHICH WILL SUPPORT VARIOUS GOVERNMENTAL ECONOMIC DEVELOPMENT PROJECTS.

Motion by Spencer second by Byrer, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2010-2011.

Motion by Gaddis second by Shamberger, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE AMENDING SECTIONS OF THE PERSONNEL RULES:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS OF EACH.

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

**AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT, MORGANTOWN EVENTS CENTER:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LICENSOR, AND MERMAID, LLC, LICENSEE, AS THE SAME APPLIES TO ACCESS TO THE MORGANTOWN EVENTS CENTER.

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

**BOARDS AND COMMISSIONS:** No appointments.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE TRAFFIC CODE, DRIVING UNDER THE INFLUENCE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 333.01 OF THE CITY OF MORGANTOWN TRAFFIC CODE FOR THE OFFENSE OF DRIVING UNDER THE INFLUENCE.

After discussion, the City Manager reported that this action aligns City Ordinance with recent changes in State law (allows first time offenders with a BAC not exceeding 1.5 to participate in a test and lock program for 165 days while forfeiting their drivers license for 15 days and upon successful completion having the violation dismissed). Vote was taken, motion by Bane second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE ADDING TO THE TRAFFIC CODE, DRIVING UNDER THE INFLUENCE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADDING A NEW SECTION 333.011 TO THE CITY OF MORGANTOWN TRAFFIC CODE APPLICABLE TO THE OFFENSE OF DRIVING UNDER THE INFLUENCE.

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

**A RESOLUTION TO OBTAIN \$2,000 FROM A COMMUNITY PARTICIPATION GRANT PROGRAM, FUNDS FOR USE BY THE CITY OF MORGANTOWN FOR THE CELEBRATION OF AMERICA EVENT.** The above entitled Resolution was presented for approval.

Motion by Gaddis, second by Bane, to adopt the above entitled Resolution. Motion carried 7-0.

**PUBLIC PORTION:**

Latelle Hall, 1053 Ross Street, commended the City Manager for his years of service and positive impact on the City and the growth of the community. He added that he will be missed.

Nelson France, Student Government Association, mentioned that Josh Snyder is working for Code Enforcement and Charlie Russell is working for the Sunnyside Up organization.

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

**SPECIAL COMMITTEE REPORTS:** No reports.

**CITY MANAGERS REPORT:**

**NEW BUSINESS:**

Item No. 1: The Police Department has the opportunity to seek grant funds through the Smart Policing: Evidence-Based Law Enforcement Initiative FY 2010 Competitive Grant Program. As per the program guidelines, I recommend that the City apply for \$297,615 for a two year period to fund Personnel Costs; Travel; Equipment; and Supplies to enhance public safety in Downtown Morgantown through working with business, academic, and community partners.

Motion by Shamberger, second by Byrer, to approve grant funds of \$297,615 through the Smart Policing Evidence-Based Law Enforcement Initiative FY 2010 Program. Motion carried 7-0.

Item No. 2: The Police Department also has an opportunity to continue the Edward Byrne Memorial Justice Assistance Grant Program for FY 2010. To support this initiative, I recommend that the City apply for \$46,270 (\$31,224 for the City and \$15,046 for Monongalia County) to fund Cameras, Trek Bikes and a UTV for the City and Video Equipment for the County.

Motion by Shamberger, second by Gaddis, to continue funding of \$46, 270 for the Edward Byrne Memorial Justice Grant Program for FY 2010. Motion carried 7-0.

Item No. 3: Attached is information summarizing revenues available for the Sunnyside TIF Project (\$1,780,719). The information also reports the costs of creating the TIF District and Project (\$225,716); the cost of issuing the TIF Bond (\$136,000); the cost of the Admin Expense and Reserve Fund (\$98,300); and funds available for the TIF Project construction (\$1,320,703). Based upon the merits of the project, I recommend that these costs be funded with on hand TIF funds and proceeds from the TIF Bond conditional upon closure of the Sunnyside TIF Bond itself.

After discussion, motion by Shamberger, second by Gaddis to approve above costs of creating the TIF District and Project. Motion carried 7-0.

Item No. 4: Related to the preceding item, the second attachment is a memo from the Public Works Director reporting bid results for the Sunnyside TIF Project construction (Grant Avenue Streetscape). I agree with her comments and recommend that the base bid contract be awarded to the low bidder Tony Baiano Construction Co., Inc. for \$1,102,200 with Alternates to be added as funds allow conditional upon closure of the Sunnyside TIF Bond.

Councilor Bane questioned the City Manager Dan Boroff that his concern was that the City was to have control of this project not Jim Hunt or Sunnyside Up? City Manager Dan Boroff responded that the City has full responsibility of this project and will over see all phases. Vote was taken. Motion by Spencer, second by Selin. Motion carried 7-0.

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

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**CITY ATTORNEY'S REPORT:** Absent.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane thanked Mr. Boroff and public works for the curb cut at Longwood and Madigan. He congratulated Chief Caravasos on his new appointment and then talked about the success of the airport meeting.

Councilor Gaddis:

Councilor Gaddis reminded everyone to attend the Greenmont Tour on Friday. He

asked that someone from Habitat for Humanity be present for the tour. He spoke of the upcoming Annual Block Party in Greenmont. There will be food, city information and entertainment. He invited everyone who wants to participate.

Councilor Byrer: Councilor Byrer announced the Wiles Hill and Highland Park neighborhood association meeting coming up. He then gave an update on the Museum Commission and the renovations taking place. He asked about parking spaces in front of Christian Help to aid those who make donations and deliveries.

Councilor Selin: Councilor Selin invited everyone to a Coal Music Benefit at MHS featuring international and local bands. She commended BOPARC on the richness and variety of their summer schedule. She reminded everyone to participate in the Farmer's Market each weekend.

Councilor Shamberger: Councilor Shamberger mentioned that Woodburn's new sign will be up soon. The Met Theatre will be open soon for Labor Day and there will be a slide show at the Presbyterian Church at 7pm on the new proposed school on the Mileground. She announced Dolly Parton's Imagination Library this Thursday. She asked that the continued graffiti and couches on porches be placed on the COW. Mr. Boroff commented that the local courts have deemed residents have the right to place furniture on their porches.

Councilor Spencer: Councilor Spencer informed that there is yet another opening on the WVU Board of Governors and he urged Mayor Byrne to write to Governor Manchin urging him to appoint a representative from Council or the Neighborhood Coordinating Council to the BOG. He asked that the Blue Line parking district be placed on the COW for July. He also reminded that the City should move forward in upgrading streetlights with the Green Team and Allegheny Power. He then talked about the Airport Meeting and the proposed tunnel as an upgrade to an entrance to the Airport.

Mayor Byrne: Mayor Byrne announced several upcoming community events and information including, the Arts River Festival, The Imagination Library, Tour of Greenmont, WVU incentive program with the Housing Authority including a loan package. He announced the RFQ, Sister City Meeting, the Guanajuato Delegation visit, Miss WV Pageant, and Catfish tour. He talked about the City Manager search and asked Clerk Little to help with finding a firm to aid in the search. The approval to work with the chosen firm will be made on July 6<sup>th</sup>.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:40 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.**