

REGULAR MEETING JUNE 16, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 16, 2009, at 7:30 p.m.

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

APPROVAL OF MINUTES: Minutes from the regular meeting on June 2, 2009, were approved as printed.

CORRESPONDENCE: Mayor Justice suspended the rules so Council could make a special presentation on behalf of the Sister City Committee.

Councilor Byrne presented both Mayor Hicks and Mayor Justice certificates commemorating the Sister Cities visit from Guanajuato, Mexico. Mayor Justice then presented Mayor Hicks with a Proclamation to celebrate his visit to Morgantown. Mayor Justice spoke about the relationship Morgantown and Guanajuato have fostered through the Sister City visits and communications.

Mayor Justice declared the regular session to continue as scheduled, where he read a proclamation for Dump the Pump Day and a proclamation for the Miss West Virginia Pageant.

Mayor Justice acknowledged for the record a letter of correspondence from citizen Mr. Price that has been forwarded to all Council Members and the City Manager and will be kept on file at City Hall.

Councilor Spencer, as Deputy Mayor, presented Mayor Justice with a Proclamation to celebrate his tenure as Mayor and commemorate this, his last City Council Meeting, as he retires from Morgantown City Council.

PUBLIC HEARING -AN ORDINANCE AUTHORIZING A LEASE PURCHASE ENERGY SAVING AGREEMENT:

Jim Kotcon, 414 Tyrone Avery Road, spoke in favor of the Ordinance and thanked Council for their support of energy conservation.

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

PUBLIC HEARING -AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE CITY AS REQUIRED SECTION 2.12(7) OF THE CHARTER:

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

PUBLIC HEARING -AN ORDINANCE ESTABLISHING THE 2009-2010 RATES OF COMPENSATION FOR EMPLOYEES:

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

PUBLIC HEARING -AN ORDINANCE INCREASING MONETARY AMOUNTS OF THE PERSONNEL RULES FOR LONGEVITY PAY, SHIFT DIFFERENTIAL AND HAZARDOUS DUTY:

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING A LEASE PURCHASE ENERGY SAVING AGREEMENT:

The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE LEASE PURCHASE ACQUISITION AND FINANCING OF CERTAIN ENERGY SAVING EQUIPMENT FOR VARIOUS DEPARTMENTS OF THE CITY OF MORGANTOWN, THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT, A GUARANTEED ENERGY SAVINGS CONTRACT, AND OTHER DOCUMENTS RELATING TO SUCH ACQUISITION AND FINANCING AND

APPROVING ALL MATTERS IN CONNECTION THEREWITH

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

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE CITY AS REQUIRED SECTION 2.12(7) OF THE CHARTER: The below entitled Ordinance was presented for second reading:

- AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE CITY OF MORGANTOWN, AS REQUIRED BY THE CHARTER OF THE CITY OF MORGANTOWN

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

AN ORDINANCE AN ORDINANCE ESTABLISHING THE 2009-2010 RATES OF COMPENSATION FOR EMPLOYEES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2009-2010.

City Manager Dan Boroff requested a minor amendment by adding a Secretary III to the pay plan. Motion by Gaddis, second by Selin, to approve minor amendment. Motion carried 7-0. Motion by Byrne, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE INCREASING MONETARY AMOUNTS OF THE PERSONNEL RULES FOR LONGEVITY PAY, SHIFT DIFFERENTIAL AND HAZARDOUS DUTY: 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 WITHIN EACH.

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

BOARDS AND COMMISSIONS: City Council (re)appointed the following members by acclamation: Edward Cordwell to the BOPARC Board; Jean Hagan to the Parking Authority; and David Huffman, Robert Feather, Marca Paparozzi & Alan Donaldson to the Ward & Boundary Commission.

- **NEW BUSINESS:**

- **RESOLUTION AFFIRMING THE CITY OF MORGANTOWN'S SUPPORT OF AND PARTNERSHIP WITH 2010 CENSUS:** The above entitled Resolution was presented for approval:

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

RESOLUTION SUPPLEMENTING THE JUNE 16, 2009 ORDINANCE AUTHORIZING THE LEASE-PURCHASE ACQUISITION AND FINANCING OF CERTAIN ENERGY SAVING EQUIPMENT FOR THE CITY: The above entitled Resolution was presented for approval:

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

PUBLIC PORTION:

Andrea Soccorsi, 1259 Richwood Avenue, spoke in opposition to rezoning that would allow Habitat for Humanity housing projects to be built in her neighborhood. She talked about the City's growth and also encouraged the protection of green spaces. She shared a petition for this cause.

Anita Lewis, 1253 Center Avenue, also spoke in opposition to the proposed rezoning in Jerome Park. She feared the new projects would affect the worth of homes effected by more Habitat for Humanity growth.

Tanya Caplan, 1269 Carlisle Avenue, spoke in opposition to the proposed rezoning, citing the environmental impact the removal of trees behind her house to make room for the new dwellings will have.

Maria Smith, Marketing Officer, Mountain Line Transit Authority, spoke advocating Dump the Pump Day. She asked everyone for their participation in using public transportation more frequently.

A Jerome Park Resident spoke in opposition to the proposed rezoning and Habitat for Humanity Housing projects in the neighborhood. [She did not give her name, nor sign in during the Public Portion]

There being no more appearances, Mayor Justice declared this public portion closed. He then informed all concerned citizens that the Public Hearing on this issue will be held on July 7.

SPECIAL COMMITTEE REPORTS: No reports.

CITY MANAGER'S REPORT:

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INFORMATION:

Item No 1: As discussed, the 2010 Census is an important opportunity for the City of Morgantown. To assure an accurate count next year, the City may create a Complete Count Committee to work closely with the Census Bureau and organize a number of special promotions and events. With Council's concurrence, preliminary work to put this committee in place can now be started. Organizations that could be invited to appoint a committee member include: Council of Neighborhood Associations; the County School Board; WVU Administration; WVU Student Government; the Media; the Council of Churches; and the Chamber of Commerce.

NEW BUSINESS:

Item No.1: Council has named fiscal year 2009-2010 as The Year of Active Transport. To support this initiative, the City's Pedestrian and Bike Boards have requested limited funds to support promotion of the designation. I agree with their suggestion and recommend that \$3,000 be allocated from the Capital Escrow Budget for this program.

Motion by Spencer, second by Byrne, to support the promotion of The Year of Active Transport for \$3,000. Motion carried 7-0.

Item No. 2: Attached you will find a letter from Ronald McDonald House Charities requesting a Festival Permit to partner with Archie's Restaurant in conjunction with the Mountain Fest Motorcycle Rally to be held July 23-July 26, 2009. Given the character of the charity and the success of past events, I recommend that the request be granted.

Motion by Byrne, second by Bane, to approve above request for a Festival Permit. Motion carried 7-0.

Item No. 3: The second attachment is a letter from Friends of Deckers Creek requesting \$3,500 to support the third annual Deckers Creek Adventure Day to be held October 25, 2009, at Hazel Ruby McQuain Park. Base upon the nature of the event and the many good works of Friends of Deckers Creek, I recommend that the request be approved.

Motion by Byrne, second by Selin to approve \$3,500 for the third annual Deckers Creek Adventure Day. Motion carried 7-0.

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Item No. 4: The third attachment is a letter from Arts on the River requesting \$5,500 to support the Arts on the River Festival that will be held later this year. The letter reports that funding for the event has been disrupted because of the absence of a 501c3 tax status which is currently being pursued. To assure that this year's Festival is realized, I recommend that this one time appropriation be made.

Motion by Bane, second by Byrne to support a one time request of \$5,500 to the Arts on the River Festival. Motion carried 7-0.

Item No. 5: The fourth attachment is a letter from the Convention and Visitor's Bureau requesting \$5,000 as part of a special \$10,000 promotion of Morgantown in the West Virginia Executive Magazine. Given the merits of this project, I recommend that the request be granted.

After discussion, motion by Bane, second by Byrne to help promote Morgantown in the West Virginia Executive Magazine. Motion carried 7-0.

Item No. 6: The last attachment is a memo from the Engineering Department reporting bid results for the Stimulus Paving Project (asphalt and paving). I agree with the comments made and recommend that the asphalt contract be awarded to Greer Asphalt Company for \$76,039.75 and the paving contract be awarded to Mountaineer Contractors, Inc. for \$56,682.35—total cost \$133,139.85 (budget is \$147,419—balance to finance additional ADA curb cuts).

After discussion, motion by Spencer, second by Selin to approve above Contractors for the Stimulus Paving Project. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk commented that it has been a pleasure working with Mayor Justice.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane reminded Council that he will not be in attendance for the July 7th Meeting, and that in accordance with the Secretary of State's Office he has taken his Oath of Office in advance of the meeting. He urged Council to heed the comments of the Jerome Park citizens concerning the proposed rezoning for the Habitat for Humanity project. He also encouraged participation in Dump the Pump Day. Councilor Bane expressed his gratitude for Mayor Justice's service to Morgantown and offered best wishes for his future career.

Councilor Gaddis: Councilor Gaddis reported on the status of the Greenmont Neighborhood Association's beautification efforts and thanked everyone for their participation and efforts. He announced the GNA annual Block Party to be held on the 27th as well as some newly planted islands that will be watched over by neighbors. He then bade Mayor Justice well wishes.

Councilor Byrer: Councilor Byrer thanked all those involved with recent flower planting in Wiles Hill. He spoke on the Jerome Park situation and encouraged all neighborhoods to organize their own watches and associations for neighborhood planning. He spoke about the Teen Court program and thanked the Boy's and Girl's Club for their work cleaning up graffiti. He announced his neighborhood meeting coming up and talked about the Historic Landmarks Commission's latest project in the 1st ward. He then expressed his thanks and good wishes toward Mayor Justice.

Councilor Selin: Councilor Selin announced the Suncrest Neighborhood Association picnic coming up this month. She talked about Habitat for Humanity's project and gave her views that the residents and Habitat should talk and work out their desired outcomes for the situation.

Councilor Byrne: Councilor Byrne seconded Councilor Byrer's suggestion that Jerome Park form a Neighborhood Association. He talked about how the development and growth in Morgantown affects transportation and the use of mass transit. He encouraged all parties involved to communicate and become informed on the issues facing the proposed project in Jerome Park. He announced a meeting on the subject in Jerome Park at 3pm this Friday. He mentioned how diverse his ward is, and then commended Greenmont for all their work in the neighborhood. He thanked everyone who contributed to the successful visit of Mayor Hicks from Guanajuato. He then gave his thanks and well wishes for Mayor Justice.

Councilor Gaddis added his thanks to others who helped with Mayor Hick's visit to Morgantown.

Councilor Spencer: Councilor Spencer requested that the formal Agenda for Mayor Hick's visit be added to the Minutes as an addendum for the permanent record. He expressed appreciation for all those involved with the recent event at Dorsey's Knob Park. He then

enumerated all the positive aspects of Dorsey's Knob and adjacent amenities. He seconded Councilor Selin's announcement of the upcoming Suncrest Picnic. He spoke on paving Mon Boulevard and the suggestion for a bike lane there. He asked that the Beautification Commission be added to the COW agenda. He concurred with Councilor Byrne and Byrer's suggestion for developing a Neighborhood Association in Jerome Park, and asked that citizens organize within their neighborhoods before coming to council on specific issues that may face them. He announced the final meeting on the MUB projects. He asked for an explanation on the City's response to Cable Television.

Mr. Boroff stated briefly that the City no longer has control over the rates, programming or scheduling of Cable Television.

Councilor Spencer relayed complaints of noisy trash pick up in residential areas before 6:00 a.m. Finally, he thanked Mayor Justice and gave his best wishes for his future.

Mayor Justice:

Mayor Justice reminded everyone of the CVB meeting where Coach Huggins will be speaking; followed by the opening of the new Chamber of Commerce. He complimented all the neighborhoods for organizing their picnics and get-togethers. He talked about the visit from Mayor Hicks and how enjoyable the experience was. He thanked everyone for their friendship and support over the years. He then recounted several instances and anecdotes which showed his time as Mayor was very memorable.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:20 p.m.

City Clerk

Mayor

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