

REGULAR MEETING JUNE 2, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, June 2, 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 May 19th & special meeting on May 26, 2009, were approved as printed.

CORRESPONDENCE: Mayor Justice announced that there are a great many voting items on the agenda and asked that everyone help to keep the meeting moving along in a timely fashion. He stated that he will do his best to keep the discussions on track.

PUBLIC HEARING -AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIED TO THE GENERAL FUND:

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIED TO THE GENERAL FUND: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIED TO THE GENERAL FUND

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

BOARDS AND COMMISSIONS: Councilor Spencer announced that there will be changes to the ward positions on the Beautification Commission, and he will give updates soon.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF PROPERTY TO THE CITY OF MORGANTOWN, AS REQUIRED BY THE CHARTER OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading:

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

After discussion, and explanation from the City Manager on Ordinance, motion by Byrne second by Gaddis to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 927.01 OF THE MORGANTOWN CITY CODE AND SETTING FEES AND CHARGES FOR THE PROVISION OF WATER SERVICE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 927.01 OF THE MORGANTOWN CITY CODE AND SETTING FEES AND CHARGES FOR THE PROVISION OF WATER SERVICE.

Motion by Gaddis, second by Bane, to amend Ordinance by adding Rates to second line of the first page and after Fees in body of Ordinance. Motion carried 7-0. After discussion, motion by Spencer, second by Gaddis to pass the above entitled Ordinance to second reading. Motion carried 7-0

AN ORDINANCE AMENDING ARTICLE 925.03 OF THE MORGANTOWN CITY CODE AND SETTING FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 925.03 OF THE MORGANTOWN CITY CODE AND SETTING FEES AND CHARGES FOR THE PROVISION OF SEWER SERVICE.

Motion by Byrne, second by Selin, to amend Ordinance by adding Rates to second line of the first page and after Fees in body of Ordinance. Motion carried 7-0. After discussion, motion by Gaddis, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2009-2010: The below entitled Ordinance was presented for first reading:

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

City Manager Dan Boroff made a minor amendment to above Ordinance. Amendment was after Appendix a, under the listing for Fire Department (Captain, Lieutenant, FFFC), the paragraph beginning with "The above rates for the titles of Captain and Lieutenant..." should have been deleted. Motion by acclamation to approve above minor amendment. Motion by Spencer second by Byrne to pass the above entitled Ordinance to second reading. Motion carried 7-0.

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: The below entitled Ordinance was presented for first 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 Gaddis, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF REALTY IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM (R-1A) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (PUD) PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 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: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF REALTY IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM (R-1A) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (PUD) PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 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.

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

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "TATTOO PARLOR / BODY-PIERCING STUDIO" USES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 "PERMITTED LAND USES" OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO "TATTOO PARLOR / BODY-PIERCING STUDIO" USES.

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

AN ORDINANCE AMENDING ARTICLE 1365.06 "PARKING SPACES ACCESSIBLE TO THE DISABLED" AND ARTICLE 1365.09 "PARKING DEVELOPMENT STANDARDS" OF THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1365.06 "PARKING SPACES ACCESSIBLE TO THE DISABLED" AND ARTICLE 1365.09 "PARKING DEVELOPMENT STANDARDS" OF THE PLANNING AND ZONING CODE.

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

AN ORDINANCE AMENDING ARTICLE 1321.08 "TREES" OF THE PLANNING AND ZONING CODE AS IT RELATES TO REMOVING DUPLICATED PROVISIONS AND UPDATING THE APPROVED STREET TREES AND SHRUBS LIST: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1321.08 "TREES" OF THE PLANNING AND ZONING CODE AS IT RELATES TO REMOVING DUPLICATED PROVISIONS AND UPDATING THE APPROVED STREET TREES AND SHRUBS LIST.

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

AN ORDINANCE AMENDING ARTICLE 1367 "LANDSCAPING AND SCREENING" OF THE PLANNING AND ZONING CODE AS IT RELATES TO REMOVING DUPLICATED PROVISIONS AND UPDATING THE APPROVED STREET TREES AND SHRUBS LIST: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1367 "LANDSCAPING AND SCREENING" OF THE PLANNING AND ZONING CODE AS IT RELATES TO REMOVING DUPLICATED PROVISIONS AND UPDATING THE APPROVED STREET TREES AND SHRUBS LIST.

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

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: The below entitled Ordinance was presented for first 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:

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

RESOLUTION TO APPROVE THE 2009-2010 MORGANTOWN MUNICIPAL AIRPORT FUND AND AIRPORT IMPROVEMENT FUND BUDGET: The above entitled Resolution was presented for approval:

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

RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2008 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN AMENDMENT: The above entitled Resolution was presented for approval:

After discussion, and City Manager Dan Boroff explained above Resolution, motion by Byrne, second by Gaddis to adopt the above stated Resolution. Motion carried 7-0.

RESOLUTION TO APPLY FOR AND ADMINISTER THE COMMUNITY PARTICIPATION GRANT PROGRAM, PROJECT NUMBER 09LEDA0286, FUNDS FOR USE BY THE APPALACHIAN EDUCATION INITIATIVE: The above entitled Resolution was presented for approval:

Motion by Gaddis, second by Selin to adopt the above stated Resolution. Motion carried 7-0.
PUBLIC PORTION:

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

SPECIAL COMMITTEE REPORTS: Councilor Byrne commented on the Sister City Committee and on the events coming up including Mayor Hicks's visit next week.

CITY MANAGER'S REPORT:

INFORMATION:

Item No 1: Attached you will find a memo from Denny Poluga reporting a new graffiti and litter removal program. This looks to be a very promising venture that can significantly enhance the appearance of the City's rails trails and municipal parks. The Boys and Girls Club is to be complimented on this initiative and appreciated for undertaking this body of work.

NEW BUSINESS:

Item No. 1: The second attachment is a memo from the Public Works Director reporting bid results for a 2x4 Bucket Truck and 4x4 Dump Truck. I agree with her comments and recommend that the contracts be awarded to the low bidders WV Tractor Sales (Bucket Truck) for \$95,900 and Matheny Buick & GMC (Dump option 2) for \$55,078.

Motion by Bane, second by Gaddis, to approve the above bid results. Motion carried 7-0.

Item No. 2: CASA for Kids is a meritorious, non profit, social services agency that provides critical support to abused and neglected children in the area. Because of technical qualifications, the agency recently lost one of its funding sources. To make certain that their services are not disrupted, I recommend that \$3,000 be made available to support the program as requested.

Motion by Byrne, second by Bane, to approve the above funding request. Motion carried 7-0.

Item No. 3: The last attachment is a letter from Mountain Fest, LLC requesting a Festival Permit to allow controlled beer sales at Hazel Ruby McQuain Park as part of the fifth annual Wild & Wonderful Mountain Fest Motorcycle Rally to be held July 23- 26, 2009. Give the past successes of this event, I recommend that the permit be authorized.

- After discussion, motion by Byrne, second by Bane, to approve the above festival permit. Motion carried 7-0.

- **CITY CLERK'S REPORT:** No report.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane thanked the Public Works department for fixing the potholes around the city. He commented that there is a lot of debris on the trails and the area is dangerous. He confirmed with the Mayor that the police patrols are more frequent there in the summertime. He asked Council to carefully consider the MUB Rate increases, as the funds are needed to upgrade the City's aging infrastructure.

Councilor Gaddis: Councilor Gaddis reported that the South Park Neighborhood Welcome Sign has a part missing. He announced that with help from the Beautification Commission, the residents of Greenmont were able to plant flowers around the neighborhood. The Greenmont Neighborhood cleanup will take place on June 13th and the Block Party will take place on the 27th. Everyone is invited.

Councilor Byrer: Councilor Byrer reported calls received from residents about noise, loitering and drunkenness taking place in a pavilion adjacent to housing in his ward. He relayed their requests for more police patrols in the area. He announced the Wiles Hill Neighborhood Plants Project will take place this Saturday, funded by the MHA. He inquired to Mr. Boroff about the dedication of the new fire station. Mr. Boroff replied that Chief Fetty is monitoring the situation closely and will inform as soon as possible on a date. Councilor Byrer then announced his Neighborhood Watch Meeting. He then asked about some signs for a Gentleman's Club in another County that have been found on the Mileground. City Attorney Steve Fanok advised that these signs are illegal if placed in public right-of-ways and can simply be removed and disposed of.

Councilor Selin: Councilor Selin gave an update on the Boys and Girls Club Service Project and asked that they be recognized at a Council Meeting. She suggested that community service for criminals could include graffiti removal along the trails. She thanked the Assistant City Manager and the Director of Planning for their work on updating the Planning Commission website and online information. The she announced the Suncrest Neighborhood Association Picnic on the 25th.

Councilor Byrne: Councilor Byrne praised the efforts of the Boys and Girls Club for their work on the graffiti clean up project but also insisted that graffiti management and clean up is a City job that should be undertaken immediately after graffiti shows up. He announced that the Mayor of Guanajuato will be visiting Morgantown on June 12-17th and invited everyone to attend the ground breaking of the new trail on Dorsey's Knob

Councilor Spencer: Councilor Spencer concurred with Councilor Byrne's comments on graffiti. He mentioned new legislation that allows citations for litter. He reported from the Legislature that the Parking Authority Legislation did not make it to the agenda of the Special Session, and will have to wait until next year. He stated several were robberies

reported by members of the Suncrest Neighborhood Association. He encouraged everyone to be diligent in security during these trying economic times. He commented on the MUB rate increase citing reasons he supports it including, the needed infrastructure updates. Councilor Spencer discussed dumpster fires and the need for vigilance in preventing them. He announced an upcoming meeting to talk about the potential for developing a property on Christie Street. He told of the WVML Annual Conference in Charleston beginning August 4th. He concluded his comments by asking the Deputy/Vice Mayor issue to be placed on the COW agenda for further discussion.

Mayor Justice:

Mayor Justice announced the upcoming Met Theatre Production of Willy Wonka as well as a documentary on Mosques. He talked about the Cat Fish Tournament sponsored by Cabelas as well as the event at Dorsey's Knob.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:35 p.m.

City Clerk

Mayor

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