

REGULAR MEETING JULY 21, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, July 21 2009, at 7:30 P.M.

PRESENT: Mayor Bill Byrne, City Manager Dan Boroff, 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 City Clerk.

APPROVAL OF MINUTES: Minutes from the regular meeting on July 7, 2009, were approved as printed.

CORRESPONDENCE: Mayor Byrne presented a proclamation to retiring Airport Director Bob Hammel for his service to the City. Councilor Byrer and David McKain presented a plaque from Wiles Hill-Highland Park Neighborhood Association to the North Street Fire Station for their 60 years of service to the neighborhood.

PUBLIC HEARING – AN ORDINANCE AMENDING 927.01 SETTING FEES AND CHARGES FOR WATER SERVICE:

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

Scott Krabil, President Clinton Water Association, commended MUB on what a good job they are doing but requested that they phase the increase into the Water Bills.

Bill Wonderlin, Green Team, requested that MUB do anything it could to make updates and future systems as energy efficient as possible.

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

PUBLIC HEARING - AN ORDINANCE AMENDING 925.03 SETTING FEES AND CHARGES FOR SEWER SERVICE:

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.

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PUBLIC HEARING - AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY AND WILLIAM A. BONFILI REGARDING MET BILLIARD PARLOR:

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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 927.01 SETTING FEES AND CHARGES FOR WATER SERVICE: The below entitled Ordinance was presented for second reading:

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

After discussion, Mayor Byrne suspended the rules for Jim Green to answer questions from Council. Council Spencer requested to read 6 items that will help citizens understand how important it is this ordinance is passed. *1. Help protect water quality by the installation of membrane water treatment; 2. Upgrade and expand the waste water treatment plan and greatly reduce the odor problems; 3. Replace and upgrade sewage flow capacity within the city to strengthen the city's ability to meeting future water and sewer infrastructure needs; 4. Contribute to upgrading the rail trail at a time when extensive repaving is needed; 5. Take advantage of some \$7 million in stimulus funding which will benefit the future rates required to pay for water and sewer system upgrades; 6. Address a needed upgrade of a partly century old system which will help the city and its water system users prepare responsibly for the future.* Motion by Shamberger, second by Gaddis, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING 925.03 SETTING FEES AND CHARGES FOR SEWER SERVICE: The below entitled Ordinance was presented for second reading:

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

After discussion, motion by Bane, second by Selin, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE APPROVING A LEASE BETWEEN THE CITY AND WILLIAM A. BONFILI REGARDING MET BILLIARD PARLOR: The below entitled Ordinance was presented for second reading:

AN ORDINANCE APPROVING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND WILLIAM A. BONFILI (LESSEE) REGARDING THE MET BILLIARD PARLOR.

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

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BOARDS AND COMMISSIONS: By acclamation Ralph Larue was reappointed to the Beautification Commission. Council will discuss Boards and Commission at the next COW meeting to decide on what commissions they wish to serve.

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NEW BUSINESS:

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AN ORDINANCE AMENDING SUBSECTIONS 527.07(d) & 527.07(e) FOR APPLICATION FEES FOR NOISE CONTROL SPECIAL WAIVERS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SUBSECTIONS 527.07(d) AND 527.07(e) OF THE GENERAL OFFENSES CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLY TO APPLICATION FEES FOR NOISE CONTROL SPECIAL WAIVERS.

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

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AN ORDINANCE AMENDING FY 2009-2010 AS IT APPLIES TO THE GENERAL FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2009-2010 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 and explanation by the City Manager, motion by Bane, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING FY 2009-2010 AS IT APPLIES TO THE COAL SEVERANCE FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2009-2010 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 COAL SEVERANCE FUND.

After discussion and explanation by the City Manager, motion by Bane, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

CONSIDERATION OF APPROVAL OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES TO RECEIVE AND ADMINISTER GRANT FUNDS PURSUANT TO PROVISIONS OF THE RECOVERY ACT JUSTICE ASSISTANCE GRANT PROGRAM: The above entitled Resolution was presented for Council's approval.

After explanation from the City Manager, motion by Gaddis, second by Bane to approve the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

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

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SPECIAL COMMITTEE REPORTS: Councilor Spencer gave an update on the Airport Advisory Committee meeting that the flight numbers are good at the Airport. Mayor Byrne reported that the Sunny-Side Up meeting this Thursday has a big agenda, and they will also be discussing a possibility of a TIF.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: As per West Virginia Code 8-14-7, I am pleased to report that Mr. Charles Chico, Sr. has been appointed to the Morgantown Police Civil Service Commission. Given his commitment and interest in the Police Department, I am confident that he will well serve the Commission and the City of Morgantown.

Item No. 2: Attached is a memo from the Police and Fire Chiefs reporting a promising opportunity to acquire special equipment to support search and rescue river operations worth \$260,000. As this initiative advances, Council will be kept advised.

Item No. 3: Comcast has informed the City that as part of improving the quality of the programming that it offers, that on July 30, 2009, it will convert additional channels to a digital format. The company will continue to offer a digital converter free for one year to mitigate inconveniences that this may cause. In the near future, these changes will be publicized by the company.

NEW BUSINESS:

Item No. 1: The second attachment is a letter from BOPARC requesting that City property be used to construct Burroughs Run Park as per existing deed requirements. Given the merits of BOPARC's proposal, I recommend that the request be granted.

After discussion, motion by Bane, second by Selin to approve the request from BOPARC. Motion carried 7-0.

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Item No.2: The last attachment is a memo from the Public Works Director reporting bid results for the Metropolitan Theatre Plaster Restoration Project. I agree with her comments and recommend that the contract be awarded to the low bidder Veritas Contracting, L.L.C. for \$517, 867

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After discussion, motion by Shamberger, second by Bane to approve the bid results for the above project. Motion carried 7-0.

Item No. 3: Mr. Boroff added a resolution on grant funding for the Police Department for \$20,000. This application has to be returned by Friday July 24, 2009 or the department will loose this critical funding. Given the merits of this situation, he asked Council to approve the late presented resolution.

After discussion, motion by Bane, second by Gaddis to approve the resolution to allow for funding.

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CITY CLERK'S REPORT: No Report.

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CITY ATTORNEY'S REPORT: No Report.

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REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane reported to Council that he has just returned from a Leadership Workshop meeting in Wheeling and he mentioned that everyone should visit that there because of its beautiful landmarks and rich history. He also visited NCWV Community College which has the best nursing school in the nation. He reminded all

of the Iron Man triathlon and the Sprint Splash events coming up.

Councilor Gaddis:

Councilor Gaddis mentioned that he has returned from his family reunion in Alabama and in 2010 his family reunion will be held in Morgantown. He announced the upcoming South Park and Greenmont NHA Meetings.

He mentioned the

Councilor Byrer:

Councilor Byrer praised the property maintenance brochure produced by Code Enforcement. He asked Mr. Boroff where copies of the pamphlets will be available. Mr. Boroff replied they are available at City Hall and Code Enforcement will make sure it is readily available to citizens and property owners. Councilor Byrer suggested that it be given to students when they move back in this fall. He mentioned a tree on Grove Street that is a hazard. Mr. Boroff stated it will be taken care of by the Tree Board. Councilor Byrer announced that he asked the Charter Board to look into the Deputy/Vice Mayor issue, and stated his opinion on the matter. He mentioned that August will be a busy month and listed several events taking place soon. He asked Mr. Boroff about excess timber at Krepps Park. Steve Fanok replied that BOPARC will receive the benefits of the timber.

Councilor Selin:

Councilor Selin commended Terri Cutright and Mainstreet on the success of the Kids' Day event. She then talked about the Vision for Our Children Award presented to the City by Governor Manchin.

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Councilor Shamberger:

Councilor Shamberger talked about the success of the Downtown Strategic Planning Meetings recently held. She attended an OSHER Lifelong Learning program geared toward seniors that is grant funded based upon attendance. She mentioned a WVU wellness retreat for Women being held in Fairmont on August 1st. She then announced the upcoming meeting of the Woodburn NHA.

Councilor Spencer:

Councilor Spencer commented that neighborhoods should be diligent in staying informed of new projects within the City. He announced the next Suncrest NHA meeting and then talked about Air Quality in Morgantown, citing an article in the Dominion Post and a New York City Air Quality study. He announced a Tree Board Meeting today and then gave his opinion on the National Health Care Reform Bill in Washington. He asked that everyone be aware of the National Transportation Bill in Washington as well. He encouraged all to enjoy the trails at Dorsey Knob and the Botanical Gardens.

Mayor Byrne:

Mayor Byrne commented that he received a letter congratulating him on becoming Mayor from Governor Manchin. He also attended the OSHER event with Councilor Shamberger and announced that he and his wife are becoming members to support the organization. He commented on Kid's Day and its success. He commented on his full calendar and announced all his upcoming engagements including a Bass Fishing Tournament, a special 85th anniversary event at the Met Theatre, the first Jerome Park revitalized NHA meeting, a fundraiser with the Morgantown Theatre Company in August, and an exciting announcement from Morgantown High School with more info to come. Lastly he asked Council to let him know the dates and times of all the Neighborhood Association meetings in Morgantown so he may attend them.

Steve Fanok then reminded everyone about Mountain Fest coming up this weekend. He informed that we are expecting about 50,000 bikers to flood the area for this event.

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ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:10 p.m.

City Clerk

Mayor

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