

REGULAR MEETING AUGUST 18, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, August 18, 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 Mayor.

APPROVAL OF MINUTES: Minutes from the regular meeting on August 4, 2009, were approved as printed.

CORRESPONDENCE: Mayor Byrne presented a proclamation to Daryl Price for his thirty-six years & eight months of service to the City of Morgantown. Mayor Byrne mentioned a letter thanking the City for their support of the Arts in Morgantown.

PUBLIC HEARING- AN ORDINANCE AMENDING THE TRAFFIC CODE, PARKING FEES:

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 THE ADMINISTRATIVE CODE, BEAUTIFICATION COMMISSION:

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 RIGHT-OF-WAY BETWEEN THE CITY AND WVU UNDER RAWLEY AVENUE:

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 TRAFFIC CODE, PARKING FEES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SUBSECTIONS 363.08(b) AND (c) OF THE TRAFFIC CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLY TO PARKING FEES FOR SPECIFIC METERED STREETS AND OFF STREET PARKING LOTS OF THE CITY.

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

AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, BEAUTIFICATION COMMISSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING EACH AND EVERY SECTION OF ARTICLE 163 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN; THEREBY, RENAMING THE CITY'S BEAUTIFICATION COMMISSION AS THE URBAN LANDSCAPE COMMISSION AND ALSO CLARIFYING MATTERS SUCH AS PURPOSE, MEMBERSHIP, TERMS, VACANCIES, OFFICERS, MEETINGS, FUNDS, AND ANNUAL REPORTS.

Motion by Spencer, second by Gaddis to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY BETWEEN THE CITY AND WVU UNDER RAWLEY AVENUE The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (GRANTOR) AND WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS (GRANTEE) ON BEHALF OF WEST VIRGINIA UNIVERSITY, AUTHORIZING THE PLACEMENT OF A STEAM AND CONDENSATE LINE UNDER AND THROUGH A PORTION OF RAWLEY AVENUE IN THE CITY OF MORGANTOWN.

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

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BOARDS AND COMMISSIONS: Councilor Spencer suggested that new members of Boards and Commissions have an orientation. Councilor Bane stated that MUB and Transit both did excellent orientations with him. Councilor Gaddis also said that as a new member of Parking Authority he met with Tom Arnold and went through an extensive orientation. Mayor Byrne suggested that be the responsibility of the Council members on those boards to make sure new members are orientated properly.

NEW BUSINESS:

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AN ORDINANCE APPROVING A BOND SERIES FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM: The below entitled Ordinance was presented for second reading:

AN ORDINANCE FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2009 'A' (WEST VIRGINIA SRF PROGRAM).

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

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AN ORDINANCE APPROVING A BOND SERIES FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM: The below entitled Ordinance was presented for second reading:

AN ORDINANCE FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2009 'B'.

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

AN ORDINANCE APPROVING A BOND SERIES FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM: The below entitled Ordinance was presented for second reading:

AN ORDINANCE FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2009 'C' (WEST VIRGINIA DWTRF PROGRAM).

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

PUBLIC PORTION: Mary Ann Liberatore, 717 Madigan Avenue, thanked Councilor Bane for coming to see her. Ms. Liberatore stated that she has heard nothing concerning corrective action of her alley. Ms. Liberatore commented that the way we fix roads needs to change and better quality control implemented. Ms. Liberatore is hoping this Council will take immediate action to better serve the citizens and establish policy that truly economizes efficiency of effort and saves money.

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

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SPECIAL COMMITTEE REPORTS: Councilor Spencer reported on the WVML Conference. He stated that Vote by Mail and Home Rule are the two most important issues for municipalities right now. Councilor Selin commented that Lewisburg won an award for their community garden. Councilor Byrer also mentioned the WVML Conference. He reported that he and Councilor Gaddis attended the Board of Directors Meeting, and saw the new officers voted in, including new League President, Susan Webster. Councilor Gaddis talked to a representative of the DOH about traffic problems in Morgantown including games and students. He informed that the DOH Rep would contact the city about the possibility of a pilot traffic control program. Mayor Byrne thanked host city Charleston for the Conference and commented that Morgantown should be proud of the funding we have for the fire and police pension funds. He mentioned Hoppy Kerchival's presence as a guest speaker and his broadcast from the conference. He talked about Hoppy's support of Municipal Legislative issues. He also announced that he was appointed to the League Board of Directors and will participate in all League meetings this year. Mayor Byrne closed by announcing the City's receipt of the All Star Community Award.

CITY MANAGER'S REPORT:

INFORMATION:

Item No. 1:

Governor Manchin recently announced a \$200,000 Transportation Enhancement Grant to the City of Morgantown to help construct the next phase of the High Street Streetscape Project (Pleasant Street to Kirk Street). With this announcement, \$400,000 in Transportation funds are now available for the \$935,000 project (balance funded with \$328,000 CDBG; \$157,000 Capital Escrow; and \$50,000 Business Improvement District). Construction should start in Spring 2010.

NEW BUSINESS:

Item No 1:

Attached you will find a memo from the Public Works Director reporting bid results for salt to treat City streets this winter. I agree with her comments and recommend that the contract be awarded to the low bidder for Option 1 to Cargill Salt for a unit price of \$66.48 per ton.

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

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CITY CLERK'S REPORT: City Clerk Linda Little thanked Daryl Price for his help with the United Way campaign.

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CITY ATTORNEY'S REPORT: City Attorney Steve Fanok advised Council on Home Rule and what Municipalities are allowed to do beyond State Code. He asked them to tread carefully concerning this and stated he will talk with Mark Matkovich and the Municipal League again.

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REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane inquired to Mr. Boroff if the City is prepared for the upcoming influx of students back into the area. He replied that we are prepared for move-in day this Friday. Councilor Bane then asked that we keep Mrs. Liberatore and Mr. Price abreast of the developments concerning their alleys. He also mentioned that MUB is helpful both in and out of City Limits and can be contacted at any time. He asked Mr. Boroff about Barry Office Supplies and a new sign for the business. Mr. Boroff replied that Planning is helping them to resolve the situation.

Councilor Gaddis: Councilor Gaddis reported on his first Parking Authority Meeting and found out that they are solely responsible for downtown parking. He stated that he enjoyed the WVML Conference experience. He thanked the City Manager and Engineer for meeting with neighbors on Grandview about their issues. He then announced the South Park NHA Meeting and the South Park Greenmont Yard Sale coming up.

Councilor Byrer: Councilor Byrer suggested that businesses might utilize the principles of a Neighborhood watch due to robberies in the area. He reported that he toured the State Museum during the Conference. He announced the Wiles Hill NHA Porch Crawl last weekend and their upcoming meeting. He reported a problem with deer in his area and mentioned that fireworks are still being let off without penalty.

Councilor Selin: Councilor Selin reported that she and others participated in the Uphill Challenge as part of the Year of Active Transport. She also spoke about the Brew Ha-Ha event and the Triathlon. She talked about the opening of Ray's Pasties near the rail trail. She closed by stating that Laurel Street is happy with their speed bumps.

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Councilor Shamberger: Councilor Shamberger thanked Mayor Byrne and Councilor Gaddis for attending her Neighborhood Association meeting. She reported that the Woodburn Neighborhood Sign weighs 200 pounds and hopes it will be returned before it has to be replaced. She mentioned the Woodburn Elementary School's 100th year celebration.

Councilor Spencer: Councilor Spencer also reported deer problems in his area as well. He mentioned the Rockland Md. website that may provide suggestions on how to deal with deer in neighborhoods. He passed a handout advocating the formation of bike lanes on City

streets. Mayor Byrne suggested he bring this to the attention of the MPO. He requested that the Vice Mayor issue be placed on the COW again. He concurred with Councilor Selin on the Laurel Street speed bumps. He suggested that based on New York City experience, we raise fines on stolen recyclable metals. Councilor Byrer agreed. Councilor Spencer then welcomed the students back to the area and asked them to live as good citizens while they are here.

Mayor Byrne:

Mayor Byrne spoke of a meeting with WVU on student arrivals and Fall Fest, a well planned event for the past 15 years. He reminded all to attend the Opening of the North Side Fire Station on Monday. He reminded Council of the Botanical Garden Tour on Thursday and mentioned CASA for Kids Fundraiser coming up. He also talked about the Brew Ha-Ha and commended Teri Cutright and Mainstreet for the event. He reported that he attended the art exhibits at the MAC and Arts Mon. He stated his gratitude for the arrival of government funds for streetscape projects. He announced that the Restore Shop benefiting Habitat for Humanity is now open. He then talked about an upcoming meeting with area Mayors on the 2010 Census. Mayor Byrne closed by welcoming back the students and encouraging them to live in Morgantown as good citizens.

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ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:55 p.m.

City Clerk

Mayor

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