

**REGULAR MEETING AUGUST 3, 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, August 3, 2010, at 7:30 P.M.

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

**APPROVAL OF MINUTES:** Minutes from the regular meeting on July 20, 2010 and Special Meeting on July 20, 2010 were approved as printed.

**CORRESPONDENCE:** Mayor Byrne presented a proclamation for Cluster Bomb/Landmine Awareness Day and Breastfeeding Awareness Month. Mayor Byrne introduced the Mayor and Sister City Delegation from Guanajuato and welcomed them for their visit to Morgantown from August 1st to the 4<sup>th</sup>. Mayor Niceforo Guerrero thanked the citizens of Morgantown with his soul with one hug and one fist.

**PUBLIC HEARING- AN ORDINANCE AMENDING THE FY 2010-2011 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:**

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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**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING THE ANNUAL BUDGET:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2010-2011 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.

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

**BOARDS AND COMMISSIONS:** No appointments.

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**PUBLIC PORTION:**

Nelson France, 222 High Street, BOG Representative, thanked Mayor Byrne and Councilor Spencer for Sunnyside Student Housing Forum.

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

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**NEW BUSINESS:**

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**AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN REALTY IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (PUD) PLANNED UNIT DEVELOPMENT TO (O-I) OFFICE AND INSTITUTIONAL DISTRICT AND (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT THEREBY RESCINDING THE "GRAND CENTRAL APARTMENTS PLANNED UNIT DEVELOPMENT" BY AMENDING ARTICLE 1331 OF THE PLANNING AND 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 HEREIN.

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

**AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM (B-2) SERVICE BUSINESS DISTRICT TO (B-5) SHOPPING CENTER DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND 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 HEREIN.

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

**AN ORDINANCE AMENDING THE ANNUAL BUDGET:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2010-2011 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.

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

**A RESOLUTION ADMINISTERING COMMUNITY PARTICIPATION GRANT FUNDS TO DESIGN AND CONSTRUCTION OF A PAVILION FOR THE FARMER'S MARKET:** The above entitled Resolution was presented for approval:

After discussion, motion by Spencer, second by Selin to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION ADMINISTERING COMMUNITY PARTICIPATION GRANT FUNDS FOR USE BY SENIOR LEGAL AID TO PURCHASE PRINTING AND BINDING EQUIPMENT:** The above entitled Resolution was presented for approval:

Motion by Gaddis, second by Byrer to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION THAT THE CITY OF MORGANTOWN DECLARES ITS INTENTION TO INCLUDE "JULY 2010 DOWNTOWN STRATEGIC PLAN" AS A PART OF THE FORTHCOMING COMPREHENSIVE PLAN UPDATE:** The above entitled Resolution was presented for approval:

Motion by Gaddis, second by Selin to approve the above entitled Resolution. Motion carried 7-0.

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer stated that the Pedestrian Safety Board will do an appreciation letter to MUB for finishing the work on the Rail-Trail on time.

**CITY MANAGERS REPORT:**  
**INFORMATION:**

**Item No. 1:**

Ten years ago, the City discovered a leak from an old underground gas tank at the City Garage. Unfortunately, the State insurance program in place to cover this risk was discontinued before all the corrective work could be done. The City was obligated though to clean the balance of the contaminated soil with the promise that the State would perhaps reimburse part of the remaining expense. To date, the City has expended \$1,061,821 on the project and has received insurance payments and reimbursements totaling \$601,152. This past year however, the Public Works Director has worked closely with State officials to better organize the remaining work and to expedite the reimbursement process. As a result of her work, this week the City received checks totaling \$336,342 as additional reimbursements. The Director is to be commended for helping attain these funds in such a timely way. **Special Note:** The total project is estimated to cost \$1,300,000 and the best case scenario is that the City will be reimbursed a total of \$1,000,000.

**Item No. 2:**

The U. S. Department of Housing and Urban Development has announced that it has approved the City's Fiscal Year 2010 Action Plan and will fund it with Community Development Block Grant funds totaling \$588,819. As per Council's action earlier this year, these funds will be used for a variety of housing and low/moderate income initiatives as identified in the

Plan.

**NEW BUSINESS:**

Item No. 1:

The City has \$175,000 budgeted to update the Comprehensive Plan as required by State law. Recently though a special opportunity has been realized to accomplish this and much more by including this project in a larger urban initiative. The Sustainable Communities Planning Grant Program is a Federal initiative that could make \$1,000,000 available to the area for integrated housing, economic development, environment, and transportation planning (will require a 20% local match). To include the City's Comprehensive Plan within this opportunity, I recommend that it join with the County Commission, Mountain Line Transit System, the MPO, and other local City governments to seek these funds; use the budgeted \$175,000 for the Comprehensive Plan as part of the required match; and make available \$5,000 to help fund the \$15,000 application cost (the County and the MPO are also each funding \$5,000). All the participating entities are to be complimented for the high degree of cooperation in supporting this initiative and particularly the MPO for agreeing to administer the application.

In Council discussion there was concern that within a new larger urban initiative, there would also be commitment to support Morgantown neighborhood planning and overall City progress in planning as well as major energy given to the orchestration of a first-ever metropolitan area plan. The City Manager stated that this concern would be addressed.

Motion by Gaddis, second by Byrer to join with the County Commission, Mountain Line Transit, MPO and other local City Government to seek a grant program that could make \$1,000,000 available to the area for integrated housing, economic development, environment and transportation. Motion carried 7-0.

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Item No. 2:

Attached is a memo from the Public Works Director reporting bid results for salt to clear City streets of snow and ice this winter. I agree with her comments and recommend that the contract be awarded to the Cargill Salt for \$198,690.

After discussion, Spencer reported that in a DEP hearing during July, there was discussion of the impact of salt being used on streets and roads to control ice and snow. Salt levels are becoming more and more a concern with growing levels of total dissolved solids (TDS) in rivers and drinking water supplies. He recommended selecting treated salt rather than bulk rock salt to enable reduction by 20% the amount of salt proposed for purchase. Vote was taken, motion by Bane second by Gaddis to award the bid for (bulk) salt to clear City streets to Cargill Salt for \$198,690. Motion carried 6-1. Spencer Voted No.

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Item No. 3:

The last attachment is a memo from the Finance Director reporting a proposed budget amendment for the Capital Escrow Account. Based upon the additional revenues received and the mitigated need for the noted line items, I recommend that it be approved. Special Note: The proposed \$459,781 contingency is intended to augment the limited General Fund contingency and be reserved for extraordinary events in the new fiscal year.

Motion by Gaddis, second by Shamberger to approve the budget amendment for the Capital Escrow Account, the proposed \$459, 781 will be reserved for extraordinary events in the new fiscal year. Motion carried 7-0.

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**CITY CLERK:** Absent.

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**CITY ATTORNEY'S REPORT:** No report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane referred to the City Charter where it states that Council is not to interfere with the day to day operations of the City, its officials and employees in the absence of the City Manager. He asked that Council be mindful of this during the interim between Mr. Boroff and the new City Manager.

Councilor Gaddis:

No Report

Councilor Byrer: Councilor Byrer

Councilor Byrer reported on a number of neighbors who are willing to cost-share with the City on the upkeep of the sidewalks in front of their property. He asked that the speed humps in Wiles Hill be marked and informed that the Night Out event was very successful. He thanked all involved for their help.

Councilor Selin:

Councilor Selin

Councilor Selin shared a story in the news recently relating to landmines in Afghanistan. She noted that the construction on Beechurst Ave. sidewalks will be completed before student move in day.

Councilor Shamberger: Councilor Shamberger:

Councilor Shamberger thanked the PSALM Students for their presentation on landmines. She noted a problem with people parking on the sidewalks near MHS.

Councilor Spencer: Councilor Spencer:

Councilor Spencer reported on a request from Suncrest Neighborhood Association that a crosswalk be installed where the new traffic light will be at the new Fire Station on Van Voorhis. He stated that a residence on 1268 Fairlawns Avenue has numerous code violations. He noted that a sidewalk in Baldwin Street near Suncrest Middle School is in need of repair and should be done as soon as possible. Councilor Spencer reported on the success of a recent Rental Housing Workshop. He asked that the Pedestrian Safety Plan be placed on the COW Agenda for August, and that an Ordinance is drafted removing the liability of property owners for sidewalk installation. Lastly he recommended that brush and high vegetation be cut on Collins Ferry Road.

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Mayor Byrne: Mayor Byrne

Mayor Byrne thanked Executive Secretary to the City Manager, Carol Allen for stepping in to help in the Council meeting in absence of the Clerk and Deputy Clerk. He announced that the Met Theatre has been awarded \$250,000 to continue the restoration efforts. He stated that speed humps do make a difference once marked. He announced the Brew Ha Ha event this weekend, the Greatest Garage Sale and the Youth Ambassadors participated in the Day of Caring. He announced the Mon Co. Fair coming up and the Deckers Creek Adventure Day. He reminded everyone of the picnic for the Gto. Delegation. He thanked Rachel for her efforts on the rental housing in Sunnyside. He announced that the Student Government President is writing into bylaws that a Community Relations Committee will be formed to help seniors and other citizens with snow shoveling, etc. He thanked everyone for their help in welcoming the Gto. Delegation and for making their stay pleasant.

**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.**