

REGULAR MEETING AUGUST 4, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, August 4, 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 July 21, 2009, were approved as printed.

CORRESPONDENCE:

Mayor Byrne mentioned an e-mail from George Papandreas regarding the 25 cent per hour increase in selected parking meter fees; and a letter from Bob Losh, Chair of Celebration of America Committee, thanking the City Council and Police Department for their participation in the July 4th festivities. Mayor Byrne read a letter from Ref. Stonesifer from Trinity Episcopal Church inviting Council to the Morgantown Community Kitchen 25th Anniversary on August 23, 2009 at 10:30am. Mayor Byrne also received a note from Friends of Deckers Creek thanking Council for their continued support and presented proclamations for Breast Feeding Awareness Month and the WV Council of International Programs Day.

PUBLIC HEARING – AN ORDINANCE AMENDING GENERAL OFFENSES CODE, APPLICATION FEES FOR NOISE CONTROL SPECIAL WAIVERS:

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 FY 2009-2010 BUDGET, 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.

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2009-2010 BUDGET, COAL SEVERANCE FUND:

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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 GENERAL OFFENSES CODE, APPLICATION FEES FOR NOISE CONTROL SPECIAL WAIVERS: The below entitled Ordinance was presented for second 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 Gaddis, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2009-2010 BUDGET, GENERAL FUND: The below entitled Ordinance was presented for second 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 explanation from the City Manager, motion by Gaddis, second by Bane, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2009-2010 BUDGET, COAL SEVERANCE FUND: The below entitled Ordinance was presented for second 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, motion by Gaddis, second by Byrer, to adopt the above entitled Ordinance. Motion carried 7-0.

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BOARDS AND COMMISSIONS:

Jenny Selin was appointed to the Beautification Commission, Marti Shamberger was appointed to the Metropolitan Theatre Commission, John Gaddis was appointed to the Parking Authority, Mike Shuman was appointed to the Planning Commission, Mayor Byrne was appointed to Mainstreet Morgantown, and Charlie Byrer appointed to the Metropolitan Planning Organization. Council unanimously approved all appointments by acclamation.

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NEW BUSINESS:

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

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

Mayor Byrne suspended the rules to have Jim Green, MUB Director and Vince Collins from Steptoe and Johnson answer questions from Council. 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 APPROVING A BOND SERIES FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM: The below entitled Ordinance was presented for first 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 second 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 first 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 Spencer, second by Byrer, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE TRAFFIC CODE, PARKING FEES: The above entitled Ordinance was presented for first 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.

Mayor Byrne suspended the rules to have Tom Arnold, Parking Authority answer questions. After discussion, motion by Gaddis, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0.

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AN ORDINANCE AMENDING THE ADMINISTRATIVE CODE, BEAUTIFICATION COMMISSION: The above entitled Ordinance was presented for first 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.

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

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY BETWEEN THE CITY AND WVU UNDER RAWLEY AVENUE: The above entitled Ordinance was presented for first 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.

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

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PUBLIC PORTION:

Mary Ann Liberatore, 717 Madigan Avenue, informed Council of a poor paving job on an alley of Wagner Road. She expressed concern over how road ways are being chosen for paving and the quality of that paving job. She gave her opinion of the way City Engineers handle citizen's comments and respond to situations that she feels need to be attended to.

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

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SPECIAL COMMITTEE REPORTS: Councilor Spencer reported that this is the Year of Active Transport and on August 8, 2009 their will be a Bicycle Climb from the Blvd to Star City.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: Congressman Mollahan has announced that the United States Department of Justice will award the City of Morgantown a \$167,408 grant to employ one Police Officer for a three year period. This action will increase the number of City Police Officers to 61.

NEW BUSINESS:

Item No. 1: Attached is a memo from the Airport Director reporting bid results for two FAA/State funded Airport projects. I agree with his comments and recommend the first contract be awarded to Lombardi Development Co. for a value engineered cost of \$320,000 to fund an expansion of the South Terminal (south of the restaurant) to improve the Pilots= Area and to create additional office space for new rentals and Airport operations.

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

Item No. 2: The second set of Airport bid results is for new Runway Incursion Markings required by the FAA. In that there was a bid irregularity in this process, I recommend that the contract be awarded to the compliant bidder Speidel Construction for \$54,066.

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

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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 asked whether the Ordinance title needed to be read twice in a row by both Mayor Byrne and Clerk Little as is customarily done or if this procedure can be changed for time's sake.

Mr. Boroff replied that it did not need to be repeated; Mayor Byrne added that the Clerk used to read the whole Ordinance aloud, and years ago it was changed that she would only read the title.

Councilor Bane then asked what the next course of action would be to satisfy the discontentment of Mrs. Liberatore and others who have concerns over alley ways and paving. Mr. Boroff explained that the City tries to shape the asphalt in order to suit the individual needs of the property for proper drainage. He stated that the City hires professional pavers, and City employees perform customizing follow up work in this regard. Councilor Bane inquired, and then was reassured that a solution would be provided for Mrs. Liberatore and others who are dissatisfied with the paving.

Councilor Gaddis: Councilor Gaddis talked about a rechargeable key card for use in meters that is easier than cash. Tom Arnold commented that it hold up to \$100, can be purchased in the Parking Authority office, and works on every meter in town.

He mentioned the

Councilor Byrer: Councilor Byrer continued on about Mrs. Liberatore's drainage issues related to the alley. He suggested that MUB evaluate a possible need for storm drops in alleys and encouraged the Engineering Department to work with MUB on this situation. He then asked Mr. Boroff what the status is of a tree with nuisance roots. He thanked all that participated in Wiles Hill Neighborhood's event for National Nigh Out. He reported some large fireworks being used on Highland Avenue at night an asked for police patrols in the area.

Councilor Selin: Councilor Selin asked about how layering the asphalt in alleys year after year might affect this situation. Mr. Boroff replied that the City does not own any specialized paving equipment used for grading the road surface before repaving, and added it is not necessary on a roadway such as an alley. Councilor Selin talked about upcoming Youth Commission events.

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Councilor Shamberger: Councilor Shamberger announced the upcoming Woodburn Neighborhood Association Meeting. She then commented on the Met Theatre's Production of Sweeney Todd, and added that the Mayor was a great participant during a recent performance.

Councilor Spencer: Councilor Spencer talked about an event near Ground Zero in New York City, that he participated in last weekend. He cited an Officer who spoke at that event about the declining number of officers. He then talked about National Night Out events in his neighborhood, and the importance of Neighborhood Associations. He mentioned the

development of a neighborhood park in his area, and reported the progress. Councilor Spencer also talked about Partners in Education programs and their importance to area children and schools and the community as a whole.

Mayor Byrne:

Mayor Byrne thanked Councilors Shamberger and Spencer for attending the Friends of Deckers Creek and Education events in his absence. He thanked all involved in the Sweeney Todd Production. He thanked the Wiles Hill and Lake Street area for welcoming him. He mentioned attending the Suncrest Neighborhood Association Meeting which dealt with parking and other issues. He thanked Ralph LaRue and Officer Lantz for his community service. He talked about the commitment of WVU to improving Fraternity Housing, and commended them for their efforts. He stated that he attended the Groundbreaking of the Mon-Fayette Expressway, and relayed Governor Manchin's understanding of our greater transportation infrastructure needs. He reminded all to attend the Brew Ha-Ha comedy event downtown this weekend. He added that many City Officials and Administrative Staff are going to attend the WVML Conference in Charleston and that he is looking forward to it. He talked about a call he received from George Longenecker about the Botanical Gardens and asked if a tour could be set up for Council to see the Gardens. Lastly he talked about the newly formed Jerome Park Neighborhood Association, and their recent election of Officers.

Councilor Bane added that the Triathlon will be this weekend.

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ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:54 p.m.

City Clerk

Mayor

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