

REGULAR MEETING SEPTEMBER 1, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, September 1, 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 18, 2009, were approved as printed.

CORRESPONDENCE:

Mayor Byrne read a letter from Helen Friedberg, Program Director Casa for Kids thanking Council for their funding for 2009-2010. Mayor mentioned a letter from Terri Konchesky thanking Chief Fetty and Bill Graham for the Resident Fire Academy. Councilor Byrer requested to suspend the rules to hear from Wiles Hill Neighborhood Association. Mayor Byrne commented that we can hear from them during the Public Portion. Mayor Byrne then presented a proclamation to the Morgantown Fire Fighters, Local 313 for their efforts on behalf of the Muscular Dystrophy Association.

PUBLIC HEARING-AN ORDINANCE APPROVING A BOND SERIES FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM:

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 APPROVING A BOND SERIES FOR THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM:

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UNFINISHED BUSINESS:

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

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

Motion by Spencer, second by Bane, to adopt the above entitled Ordinance. 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 third reading:

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

Motion by Bane, second by Selin, to pass the adopt the above entitled Ordinance. 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 third reading:

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

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

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BOARDS AND COMMISSIONS: Motion by acclamation to appoint Don Spencer to replace Greg Good on the BOPARC Board.

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NEW BUSINESS:

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AN ORDINANCE AUTHORIZING A LEASE WITH AERO FLIGHT TRAINING CENTER: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND AERO AVIATION FLIGHT TRAINING CENTER, LLC (LESSEE) WHEREBY AERO AVIATION WILL BE LEASING OFFICE SPACE WITHIN THE MORGANTOWN MUNICIPAL AIRPORT'S SOUTH TERMINAL FROM THE CITY OF MORGANTOWN.

City Manager Dan Boroff gave an explanation of the lease, motion by Bane, second by Gaddis, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

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AN ORDINANCE AUTHORIZING TO DEED A PARCEL OF REAL ESTATE IN THE FOURTH WARD TO WVU BOARD OF GOVERNORS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO DEED A PARCEL OF REAL ESTATE, OWNED BY IT AND LOCATED IN THE FOURTH WARD OF THE CITY TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, ON BEHALF OF WEST VIRGINIA UNIVERSITY.

After discussion, motion by Byrer, second by Bane, to table the above entitled Ordinance. After comment from City Manager on how inappropriate tabling the Ordinance would be, motion failed 1-6. After continued discussion, motion by Spencer, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 6-1. Councilor Byrer voted No.

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PUBLIC PORTION:

David McKain, President, Wiles Hill-Highland Park Neighborhood Association, requested that the City delayed passing the Fire Station property transfer Ordinance to allow an investigation of possible influence on the surrounding neighborhood.

Kitty Lozier, 345 Virginia Avenue, inquired what impact the Traffic Commission may have on WVU's decision making process.

Lora Kemp-Rye, 340 Virginia Avenue requested that the community be more informed on the land use decisions made by WVU in regard to this issue.

Erin Exline, 510 Short Street, noted that she would like WVU to keep the community involved in their decision making where it will directly affect the citizens.

Leigh Rosenecker, 621 Jones Avenue mentioned that she attended the new North Side Fire Station opening. She stated that the Ordinance should not be held up, but that the citizens should be included where issues affect them.

City Manager Dan Boroff explained that WVU is a state entity and is governed by the State of WV, and the Municipality has no control over their decisions. He also told the citizens that the Traffic Commission is an advisory committee, not a decision making body.

Mayor Byrne added that the City, WVU and the Wiles Hill Neighborhood need to communicate on this issue, however the city cannot and will not go back on its word to transfer the properties as previously agreed upon.

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

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SPECIAL COMMITTEE REPORTS: No reports.

CITY MANAGER'S REPORT:

NEW BUSINESS:

Item No 1:

Attached is a memo from the Public Works Director reporting bid results for the Met Theatre Back Stage MEP project. I agree with her comments and recommend that the contract be award to Veritas Contracting, LLC for \$74,997.50

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

Item No. 2:

The second attachment is a list of intersections recommended by the Traffic Commission for placement of stop lines to support stop signs. The estimated cost of this pilot project is \$8,000 to be conducted by a private contractor.

After discussion, motion by Selin, second by Spencer to approve the bid results, motion carried 7-0.

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CITY CLERK'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane stated that it is important that we continue to foster a good relationship with the President of WVU on behalf of the citizens in order to ensure future cooperation between the City and the University. He suggested that by keeping that relationship well there could be possible partnership in helping to work with the DOH.

Councilor Gaddis: Councilor Gaddis explained that we must support the neighborhoods and do what is right for them. He then called upon all citizens to simply follow traffic laws and heed all traffic control devices in order to reduce traffic calming needs

Councilor Byrer: Councilor Byrer stated that he will reinforce as a sub-theme to the Year of Active Transport the concepts of accountability, ownership and enforcement. He mentioned complaints of student activity that violates City Ordinances and that these violations are not penalized. He stated that it will improve everyone's quality of life when both students and citizens follow all regulations and laws, and when Police and Fire enforce those laws.

Councilor Selin: Councilor Selin talked about the North Side Fire Station opening and how much she enjoyed all the activities they had there for the community. She announced that the Farmer's Market is still going strong and there is a huge selection because it is now harvest time.

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Councilor Shamberger: Councilor Shamberger announced that she attended the Jerome Park Neighborhood Association meeting and reported on their progress. She thanked the fire fighters for their prompt response to a large fire in her ward last night.

Councilor Spencer: Councilor Spencer mentioned the new Fire Station and thanked Chief Fetty for his leadership and service to the City. He then concurred with Councilor Byrer's remarks on enforcement of ordinances in the City. He asked for neighbors partnering with Police to report illicit activity. He shared success stories about a Wiles Hill storm drain project where groups came together in common interest and the construction of dorms in Evansdale. Citing these examples he inferred that the City and WVU are on their way to working together on the property transfer issue. He commended Wiles Hill neighbors for expressing their views on the issue. Councilor Spencer inquired about a landlord list on the City website. Jeff Mikorski explained how the search function works. Councilor Spencer thanked City staff, Police, Fire, Code Enforcement,

BOPARC for all the summer events and their involvement. He commented on the new judge chosen by Governor Manchin for Monongalia County.

Mayor Byrne:

Mayor Byrne mentioned the dedication of the new Honors Dorm in Sunnyside. He agreed that some key issues need to be enforced. He attended the Census meeting and talked about the census form and the importance in getting an accurate count. He mentioned the Brownsfield conference and some folks who are involved. He talked about the Fire Station opening and the upcoming 9/11 blood drive. He stated he'll be attending a dedication at the Blanch Rockefeller Neurosciences Institute. He reported that the Wheeling Symphony will be playing the waterfront on Labor Day with a guest artist from Pittsburgh.

Councilor Gaddis added thanks for those who attended the South Park/Greenmont Yard Sale. He asked folks to come out and support WVU Soccer.

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ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:50 p.m.

City Clerk

Mayor

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