

REGULAR MEETING SEPTEMBER 15, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, September 15, 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 September 1, 2009, were approved as printed.

CORRESPONDENCE: Mayor Byrne mentioned a letter from the students at St Frances Catholic School updating Council on their mission, "Proud Students Against Landmines". The Mayor presented Proclamations for Environmental Services Week and Arbor Day. Councilor Shamberger announced a community Coalition for Social Justice Forum on Thursday at the Law School in the Lugar Court Room.

PUBLIC HEARING-AN ORDINANCE AUTHORIZING A LEASE WITH AERO FLIGHT TRAINING CENTER:

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 TO DEED A PARCEL OF REAL ESTATE IN THE FOURTH WARD TO WVU BOARD OF GOVERNORS :

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 AUTHORIZING A LEASE WITH AERO FLIGHT TRAINING CENTER: The below entitled Ordinance was presented for second 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.

Motion by Byrer, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 7-0.

-
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 second 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 Shamberger, second by Selin, to adopt the above entitled Ordinance. Motion carried 6-1. Councilor Byrer voted No.

-
BOARDS AND COMMISSIONS: Larry Buchman was appointed by acclamation to the Library Board. Roy Nutter, Christiaan Abildso, and Frank Gmeindl were appointed by acclamation to the MPO Citizen Advisory Committee

-
NEW BUSINESS:

-
AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE.

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

-
A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO A CONTRACT AND ADMINISTER THE EXECUTION OF A GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE METROPOLITAN THEATRE: The above entitled Resolution was presented for approval:

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

-
PUBLIC PORTION:

Debbie Gordey, 52 Dustin Lane, a former Morgantown Police Officer informed Council that in accordance with State Code 8.14.24 she is entitled to receive a uniform, ID, and revolver as a retired officer of the law. She asked that this request be fulfilled.

Lisa and Mile Gilfillan, 1485 Dogwood Avenue, requested that Halloween be officially extended to two hours to ensure a more safe and fun trick or treating experience for families.

David McKain 154 Hoffman Avenue, thanked Mayor Byrne and Councilor Byrer for holding a meeting with WVU. He reported seeing a rat on city streets and counted over 100 trash bags out on curbs before collection day. He asked that this issue be enforced by the proper authorities.

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

Mayor Byrne then asked Mr. Boroff to review the Official Halloween Hours. Councilors Byrer, Selin and Shamberger asked the request be put on the COW agenda.

SPECIAL COMMITTEE REPORTS: Councilor Spencer reported on a Water Quality Forum on Dunkard Creek that he attended at the Airport.

CITY MANAGER'S REPORT:

NEW BUSINESS:

Item No. 1: Attached is a letter from the Morgantown High School Band Director requesting support for the Band's appearance in the Macy's Thanksgiving Day Parade. Given the prestige of the event and the significance of being selected to participate, I recommend that the City assist the band with a \$3,000 contribution from the Capital Escrow Account.

Motion by Gaddis, second by Byrer to approve the requested contribution. Motion carried 6-0. Councilor Shamberger abstained.

-
Item No. 2: The second attachment is a proposal from Alpha Associates to amend the Airport Layout Plan for \$53,000. Given FAA requirements and the development of the east side of the Airport, I recommend that the proposal be approved.

After discussion, Councilor Spencer requested that the project be paid from another account. He then asked that this request be reflected in the minutes. Following this, motion by Bane, second by Shamberger to approve the attached proposal. Motion carried 7-0. Per the City Manager, the City will seek reimbursement of this expense from the FAA and/or sale proceeds of property on the Mileground.

Item No. 3: Several years ago, the City agreed to assist Main Street Morgantown with the Director's health insurance cost similar to the City's program. Since that time, the cost of the program has incrementally increased with a greater share of the cost shifted to the Director. To resolve this issue, an additional \$620 per year is needed to balance the shared cost as with City employees. Based upon this history, I request that the addition be made.

Motion by Shamberger, second by Selin to approve the cost adjustment. Motion carried 7-0.

-
CITY CLERK'S REPORT: City Clerk Little reported on the 9/11 Memorial Blood Drive held last week.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane mentioned 1365.08, Parking and Storage of Vehicles in the City Code. He stated that citizens have called and complained about a vehicle and this section may pertain to the situation. He talked about a manhole on Astor Avenue and mentioned numerous tree limbs down in White Park.

Councilor Gaddis: Councilor Gaddis reminded everyone to attend the Osage Street Fair coming up and stated that he has previously discussed some issues with the City Manager.

Councilor Byrer: Councilor Byrer reminded that there is still one vacant seat on the Museum Commission. He also stated that the Commission traveled to Charleston to visit museums there, and they will visit other museums around the state to ensure that Morgantown's new facility is state of the art. He then asked the City Manager if the Historic Landmarks Commission is on the Demolition list. Mr. Boroff replied, yes. He restated his focus for the year on accountability, ownership and enforcement. He reported two incidents

on the Rail Trails and asked for more enforcement for the safety of trail users. He reported the students broke up the curb on their street to make room for parking. He then spoke about an article from Manchester on their walk through events to help address community issues. He asked for support for John Duarte as he recovers from his bicycle accident.

Mr. Boroff responded that Councilor Byrer's concerns are valid and the walk through will be organized as requested. He then mentioned the Police Monthly report that Council has received which lists all the police activity. He cited that 2,000 people were affected in the month of August.

Mayor Byrne concurred with Mr. Boroff and stated that the Police have a tough job to both protect constitutional rights and enforce city Ordinances.

Councilor Selin:

Councilor Selin concurred with the Rail Trail safety issues, and asked that the police patrol the area more and encouraged citizens to not fear the trail and use it as a valuable community asset. She stated that she appreciates when 2 way stop intersections are marked with signs saying "cross traffic does not stop". She reported that on Patteson near Blockbuster people have begun to park in the neighborhoods because of lack of parking at the business. She asked the curb there be painted yellow. She announced the upcoming Suncrest Neighborhood Association and the Youth Commission retreat at Dorsey Knob. They will be helping out at the dog park this Saturday at 9am.

-
-

Councilor Shamberger:

Councilor Shamberger announced the Woodburn Neighborhood Association Fall Fest this weekend. She thanked the Fire Department again for their prompt response to the fire on Fortney Street. She reported that the Daycare Center has been a good addition to the community and commended WVU for a job well done. She reported several bike riders violating the helmet law and asked that this be enforced in the future.

Councilor Spencer:

Councilor Spencer concurred with the others that law enforcement is indeed critical in all aspects and should be addressed. He stated that he hopes the Police Department can hire additional Officers. He asked Mr. Boroff to evaluate the overtime being paid in the department and make comparisons with the salaries that additional officers would be. He talked about Philadelphia's homeless aid program and suggested Dave Bott look into the details of implementing a similar program here. He reported the addition of a new fire rescue truck for the Airport. He inquired about sound upgrades for the Met Theatre in addition to the upgrades already in progress with the aid of grant funds. He also offered support for John Duarte and his recovery. He offered condolences for the passing of John Sisler member of the Airport Advisory Committee.

Mayor Byrne:

Mayor Byrne announced that Morgantown was rated one of the Top 20 College towns in the US by the American Institute of Economic Research. He thanked President Clemens for inviting Council to last week's football game. He mentioned the Wheeling Symphony Orchestra who played on Labor Day weekend. He reported that he attended the 2009 state emergency response commission conference at the Waterfront recently. He talked about Arbor Day

this weekend and asked Deputy Mayor, Don Spencer to present the proclamation in his stead. He announced the opening of the Animal Friends Thrift Shop, and the upcoming South Hills Picnic. He also announced the Peruvian Cultural Attaché event at the Mountain Lair. He reminded Council of the Botanical Gardens Tour, and the Coalition for Community Justice. He explained to the Public that it is not always a proper procedure for Council to immediately address the issues brought to light during the Public Portion. The requests and comments are forwarded through the appropriate administrative channels and dealt with by city staff who report to Council as needed.

Councilor Gaddis interjected a reminder to attend the upcoming South Park Block Party. Then Councilor Selin asked that the Manchester neighborhood Enforcement Team be placed on the COW Agenda for discussion of possible implementation in Morgantown.

Mr. Boroff replied that discussion at the COW is not necessary and if any citizen wishes a similar walk through event, to simply request it and it can be readily organized. Discussion continued among the Council on this concept and previous walk through type events.

Lastly, Mayor Byrne reminded Council of their Photo Session before the COW and of the dress code.

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.**