

REGULAR MEETING FEBRUARY 5th 2008:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, February 5th, 2008, at 7:47 p.m.

PRESENT: Mayor Ron Justice, City Manager Dan Boroff, City Clerk Linda Little, City Attorney Steve Fanok, Assistant City Manager Jeff Mikorski, and Council Members Ron Bane, Jim Manilla, Jenny Selin, Don Spencer and Charlie Byrer. **Bill Byrne Absent.**

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the regular meeting on January 15th, 2008 & special meeting on January 29, 2008, were approved as printed.

CORRESPONDENCE:

Mayor Justice read proclamations for Random Acts of Kindness Week and Literacy Awareness Week.

UNFINISHED BUSINESS:

BOARDS AND COMMISSIONS:

Motion by Spencer, second by Bane, Thomas Shamberger was appointed to serve on the BZA. Motion carried by acclamation. Motion by Bane, second by Manilla, to appoint George Papandreas to also serve on the BZA. Motion carried by acclamation.

NEW BUSINESS:

AN ORDINANCE AMENDING ARTICLE 1331.06 (2) OF THE PLANNING AND ZONING CODE PERTAINING TO HOME OCCUPATIONS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1331.06 (2) OF THE PLANNING AND ZONING CODE PERTAINING TO HOME OCCUPATIONS.

After discussion Councilor Byrer requested that the Ordinance go back to the Planning Commission with the following amendment. *Suggested add on language to the 1994 regulation (1331.06(2) (c) (vi) dealing with home business for Morgantown neighborhoods) 7. "Shall have no more than one vehicle with business identification which is no wider than 6.5 feet, and shall have no vehicle greater than one (1.0) ton capacity and shall not have any trailer".* Councilor Byrer stated that he will vote against this ordinance until these changes are made. Motion by Manilla, second by Bane to pass the above entitled Ordinance to second reading Motion carried 5-1. **Councilor Byrer Voted No, Bill Byrne Absent.**

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS IN THE FIFTH WARD OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS IN THE FIFTH WARD OF THE CITY OF MORGANTOWN FROM R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2, SINGLE AND TWO-FAMILY RESIDENTIAL 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 THE ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.

City Manager, Dan Boroff, stated that per the Planning Commission's recommendations and findings advises City Council to deny above stated Ordinance. Motion by Spencer, second by Manilla, to deny the above entitled Ordinance. Motion carried to deny 6-0. **Bill Byrne Absent.**

AN ORDINANCE AMENDING PART THIRTEEN OF THE MORGANTOWN CITY CODE, "PLANNING AND ZONING CODE": The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING PART THIRTEEN OF THE MORGANTOWN CITY CODE, "PLANNING AND ZONING CODE," TO INCLUDE APPENDIX A "DEVELOPMENT STANDARDS FOR ZONING DISTRICTS"

Motion by Selin, second by Manilla to pass the above entitled Ordinance to second reading. Motion carried 6-0. **Bill Byrne Absent.**

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN TO INCORPORATE PROVISIONS FOR SHARED PARKING: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN TO INCORPORATE PROVISIONS FOR SHARED PARKING AND OFF-SITE PARKING WHEN CALCULATING MINIMUM PARKING REQUIREMENTS IN THE B-4 DISTRICT.

Motion by Councilor Spencer to amend Page 1 of 7. 1329.02 Definition of Terms "Automobile" – Add words after 'persons'...'and will fit within a 9' X 18' parking space." second by Byrer, motion carried 6-0. **Bill Byrne Absent** Motion by Councilor Manilla,

second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 6-0. **Bill Byrne Absent.**

AN ORDINANCE AMENDING ARTICLE 1351 "PERFORMANCE STANDARDS FOR BUILDINGS IN THE GENERAL BUSINESS (B-4) DISTRICT": The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1351 "PERFORMANCE STANDARDS FOR BUILDINGS IN THE GENERAL BUSINESS (B-4) DISTRICT" OF THE PLANING AND ZONING CODE AS IT RELATES TO EXTERNAL SOLID WASTE CONTAINMENT FACILITIES IN THE B-4 DISTRICT.

Motion by Manilla, second by Selin, to pass the above entitled Ordinance to second reading Motion carried 6-0. **Bill Byrne Absent.**

AN ORDINANCE AUTHORIZING AN INTERGVERMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE BOARD OF EDUCATION OF MONONGALIA COUNTY, WEST VIRGINIA: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING AN INTERGVERMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE BOARD OF EDUCATION OF MONONGALIA COUNTY, WEST VIRGINIA, SETTING FORTH THE TERMS AND CONDITIONS FOR THE RELOCATION OF A PORTION OF PRARIE AVENUE AND THE CITY OF MORGANTOWN'S ACCEPTANCE OF THE NEWLY RELOCATED PORTION OF PRARIE AVENUE AS A PUBLIC STREET FOR CITY CONTROL AND MAINTENANCE.

Motion by Selin, second by Byrer, to pass the above entitled Ordinance to second reading. Motion carried 6-0. **Bill Byrne Absent.**

AN ORDINANCE AMENDING THE PERSONNEL RULES OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY ADDING A NEW ADMINISTRATIVE POLICY NO. 12, CREATING A HOME DOWN PAYMENT ASSISTANCE PROGRAM FOR ELIGIBLE CITY EMPLOYEES.

Motion by Selin, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 6-0. **Bill Byrne Absent.**

AN ORDINANCE AMENDING SECTION V-7(B) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION V-7(B) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO FUNERAL LEAVE.

Motion by Bane, second by Byrer, to pass the above entitled Ordinance to second reading. Motion carried 6-0. **Bill Byrne Absent.**

A RESOLUTION FOR THE CITY OF MORGANTOWN TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DIVISION OF MOTOR VEHICLES: The below entitled Resolution was presented for Council's approval:

A RESOLUTION FOR THE CITY OF MORGANTOWN TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE DIVISION OF MOTOR VEHICLES TO RECEIVE AND ADMINISTER GRANT FUNDS PURSUANT TO PROVISIONS OF THE WVDOT DIVISION OF MOTOR VEHICLES.

After discussion, motion by Bane, second by Selin, to approve the above entitled Resolution. Motion carried 6-0. **Bill Byrne Absent.**

A RESOLUTION FOR THE CITY OF MORGANTOWN TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$6,000.00 FOR THE MET THEATRE: The below entitled Resolution was presented for Council's approval:

A RESOLUTION FOR THE CITY OF MORGANTOWN TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$6,000.00 FOR THE MET THEATRE FROM THE GOVERNOR'S COMMUNITY PARTNERSHIP GRANT TO PURCHASE STAGE FLOORING AND A MAN LIFT.

After discussion, motion by Selin, second by Manilla, to approve the above entitled Resolution. Motion carried 6-0. **Bill Byrne Absent.**

A RESOLUTION FOR THE CITY OF MORGANTOWN TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$11,000.00 FOR THE WILES HILL SENIOR COMMUNITY CENTER: The below entitled Resolution was presented for Council's approval:

A RESOLUTION FOR THE CITY OF MORGANTOWN TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$11,000.00 FOR THE WILES HILL SENIOR COMMUNITY CENTER FROM THE GOVERNOR'S COMMUNITY PARTNERSHIP GRANT TO RENOVATE THE BASEMENT.

After discussion, motion by Byrer, second by Selin, to approve the above entitled Resolution. Motion carried 6-0. **Bill Byrne Absent.**

AN AGREEMENT BETWEEN THE CITY OF GUANAJUATO OF THE STATE OF GUANAJUATO OF THE UNITED MEXICAN STATES AND THE CITY OF MORGANTOWN OF THE STATE OF WEST VIRGINIA OF THE UNITED STATES OF AMERICA: The below entitled Agreement was presented for Council's approval:

AN AGREEMENT BETWEEN THE CITY OF GUANAJUATO OF THE STATE OF GUANAJUATO OF THE UNITED MEXICAN STATES AND THE CITY OF MORGANTOWN OF THE STATE OF WEST VIRGINIA OF THE UNITED STATES OF AMERICA.

After discussion, motion by Selin, second by Spencer, to approve the above entitled Resolution. Motion carried 6-0. **Bill Byrne Absent.**

PUBLIC PORTION:

Dave Biafora, 325 Willey Street, Metro Property Management. Mr. Biafora expressed his displeasure for City Manager Dan Boroff, and offered his opinions on Mr. Boroff's job performance. He then suggested workshop sessions to help work through issues, and inform citizens and Council on upcoming projects.

Joe Panico, Beechurst Avenue, Mr. Panico informed Council on the new Fire Marshall approval process for any alterations or maintenance projects for rental properties. He expressed his disapproval of the new process and asked Council to look into the matter. He then gave praises to the Code Enforcement Department and complimented the job that Building Inspector Mike Stone has been doing.

James Guiliani, 256 Prairie Avenue, Mr. Guiliani concurred with Mr. Panico's comments on the new process instated by the Fire Department, citing the example that in order to paint a wall between tenants, there is simply too much paper work required for such a small project. He then made complaints against Code Enforcement citations in Sunnyside, trash pick up, and the Council's approval of the failed service fee vote.

Michael Pinion, McClain Avenue, Mr. Pinion stated that he feels trash pickup is a problem in Sunnyside, and suggested 2 day a week pickup. He then questioned whether or not someday private residences will be inspected like rental properties are. He reported that the Fire Department and Code Enforcement inspection requirements are different, and said there should be only one standard.

James Prete, 1136 Munsey Street, Mr. Prete expressed his concern for the new Fire Inspection process, asking how he could provide comfort, safety and cleanliness to his tenants who need immediate maintenance if paperwork and a 30 day process are in place. He feels that the Code Enforcement Officers do a good job; however each year there is something new in violation, not mentioned to him in previous inspections. Mr. Prete observed that day cares, nursing homes and other such facilities should have the same safety consideration, inspections and guidelines as apartment buildings. He concluded his comments by stating his opinion on the failed service fee.

Dave Biafora speaking on behalf of his brother, Rick Biafora. Mr. Biafora spoke in opposition to the new Fire Department Inspection policies. He again stated that he feels the City is being mismanaged despite plenty of revenue, which is not being properly used. He also offered the input of the North Central Property Association and local business owners who can help the City by giving suggestions and having meetings.

Greg Methaney, Cambridge Avenue, Mr. Methaney clarified that the Fire Marshalls already have jurisdiction over buildings that are 3 units or more. He explained that these new Inspection policies could push the landlords to break down their units and find ways to circumvent the policies. This could create an unsafe scenario because smaller units would not fall under the jurisdiction for fire inspections. He concluded by informing Council that on Walnut Street 15 office employees are being cited for garbage caused by bars that ends up in front of their office. He asked for better street cleaning to avoid this problem.

Ann Cummings 24 Lincoln Avenue, Morgantown Tree Board. Mrs. Cummings offered praise to Council despite the disapproval of other speakers during this public portion. She discussed the benefits of trees in the community; which she stated reduce run off and ease the burden on stormwater systems, reduce energy use by providing shade over homes. She adds that the aesthetic pleasure of trees on retail streets increases revenue. Mrs. Cummings requested that council support Community Forestry and invest in the care and purchase of more trees in Morgantown.

Brent Bailey, 901 Fairfax, Morgantown Tree Board. Mr. Bailey agreed with Mrs. Cummings on the value of trees in the community, and thanked Councilor Spencer and Assistant City Manager Jeff Mikorski for their support of urban forestry.

Daniel Brown 2927 Ridgedale Road, Vice Chairman of Urban Forestry Council. Mr. Brown concurred with the avocation of and request for more trees in Morgantown as stated by Mrs. Cummings and Mr. Bailey.

Jonathan Cummings, 24 Lincoln Avenue, Mr. Cummings offered his thanks to Council for the support of the Morgantown Tree Board and all their endeavors. He stated that trees bring value to the community and are vital to improving the quality of life for residents. He also informed Council that grant funds are available to the City for the appointment of a position of Urban Forester.

Chris Gluck, 317 Laurel Street, Suncrest Neighborhood Association met and discussed a new Day Care facility in the neighborhood. He stated that this Day Care would be a great benefit to residents of the 4th Ward of the City but expressed concerns for the actual location of the facility.

Mayor Justice offered his thanks to all present for their contributions during the Public Portion and assured everyone

that their concerns have been heard and will be addressed. In response to Mr. Gluck Mayor Justice validated his concerns and agreed with his comments. He then expressed on behalf of Council, that this is the first time Council has heard of the new regulations for Fire Inspections. Mayor Justice suggested a community meeting with all involved parties to solve the issue.

After discussion, motion by Manilla, approved by acclamation, to hold a community meeting with Stakeholders, the Fire Department and Code Enforcement to discuss the new Fire Inspection Regulations for apartment buildings. **Bill Byrne Absent.** The discussion continued, as all Council Members agreed upon the merits of having such a meeting.

SPECIAL COMMITTEE REPORTS: _____ None

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1:

Congressman Mollohan has announced that \$282,000 in Department of Justice funds will be granted to County law enforcement agencies including the City of Morgantown Police Department to install Mobile Data Technology in support of local services. With this new system, Officers will be able to file Police reports in their cruisers and then forward them to their stations when in the vicinity of wireless broadband transmitters (current practice is to in effect do two reports—one at the scene and one at the station). This grant will significantly increase the effectiveness of area Police services and the City is appreciative of the Congressman for making it possible.

NEW BUSINESS:

Item No 1:

Attached you will find a proposed contract with Wagner Electric Sign Company to create the new marquee for the Met Theatre. The contract amount is \$129,890 plus applicable taxes. The architect for the project has informed the City that this is the only firm in the country that specializes in this type of project and in fact, the company has already produced shop drawings for the marquee when the building was owned by the Met Foundation. Based upon this set of circumstances, I recommend that the contract be awarded to Wagner Electric Sign Company and be funded from the Capital Escrow Account.

Motion by Selin, second by Spencer, to award the contract for the new marquee for the Met Theatre to Wagner Electric Sign Company for \$129, 890. Motion carried 6-0. **Bill Byrne Absent.**

Item No 2:

The second attachment makes a very generous offer to the City of Morgantown concerning the vacant Air Force Reserve Building at the City Airport. This 4,575 sf building was constructed on City property in the late 1980's. Recently though it was vacated because the military unit located there was deactivated. Given the lease conditions and other considerations, the building is being offered as a donation to the City. Given its economic value to the City, I recommend that the offer be accepted and the attached agreement executed.

Motion by Selin, second by Manilla, to accept agreement that the above vacant building at the Airport be donated to the City. Motion carried 6-0. **Bill Byrne Absent.**

Item No 3:

The third attachment is a memo from the City's Airport Engineering Firm reporting bid results for the Runway ILS Localizer bids. I agree with the findings and recommend that the contract be awarded to the low bidder J. F. Allen Company for a cost of \$553,008.

Motion by Spencer, second by Bane, to award the contract for the Runway ILS at the Airport to J.F. Allen Co. for \$553.008. Motion carried 6-0. **Bill Byrne Absent.**

CITY CLERK'S REPORT:

Thanked all who participated in the City of Morgantown Blood Drive on February 1, 2008.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS: (Reverse Roll Call).

Councilor Spencer:

Councilor Spencer thanked the Council for their support of the Service Fee. He then concluded his report by requesting a 'No Left Turn' sign at the

intersection of Kirk and High Streets due to traffic where the new Post Office is located.

Councilor Byrne:

Absent.

Councilor Selin:

Councilor Selin announced that Jenny Dinsmore is the new president of the Suncrest Neighborhood Association, and mentioned that Ed Sneckenberger, VP, is doing a great job. She added that Suncrest N.A. and the Beautification Commission are both in favor of improving Rawley Lane as a pedestrian trail to the Middle School. Councilor Selin suggested a regularly updated checklist of Fire Inspection requirements. She also mentioned the Year of the Child Planning Meeting at Westover Elementary School Thursday morning at 9am.

Councilor Byrer:

Councilor Byrer reminded Council of the Traffic Commission meeting tomorrow night, where Hoffman Ave. residents are encouraged to come give views on the parking situation. He mentioned a street light that is out at the intersection of Overhill and Eureka Streets. Councilor Byrer then discussed his thoughts on where to proceed concerning the service fee/traffic issue. He spoke of the Neighborhood meeting at the Wiles Hill Community Center; where constricted streets on which emergency vehicles cannot pass were discussed. He also called for a street survey on alleys for safety and access. Councilor Byrer showed concern for preserving historic concrete and brick streets. He also suggested turnabout, and requested an engineering study to improve intersection of Protzman, Vangilder, Hoffman and Stewart Streets. Councilor Byrer inquired about steps and a sidewalk from James to University, and a bus stop on North Street. He concluded by describing the heavy pedestrian traffic on Falling Run Rd. where sidewalks are needed, as well as hand rails on the steps from Raymond to 1st Street.

Councilor Spencer then asked Councilor Byrer to present his concerns to the Pedestrian Safety Board.

Councilor Manilla:

Councilor Manilla addressed a problem at 253 Morris Street where neighbors are parking in the lawn. He also mentioned a street light that is out on the bridge, from Pleasant Street towards the South Park area. He concluded by stating that Willey Street was messy.

Councilor Bane:

Councilor Bane encouraged Dr. Simmons to become part of the Pedestrian Safety Board in light of her valid concerns, and suggested that Mr. Johnson might be interested too. In regard to the Service Fee; Councilor Bane clarified that he was for the fee in general concept but wanted to make sure that we move forward and find a better solution. He stated that everyone's point of view on the fee was valid. Councilor Bane also observed that policing major streets in similar fashion to football games during high impact traffic times, 3pm to 5:30 pm could be a viable temporary relief to road congestion.

Councilor Selin voiced support for City Manager Dan Boroff, and concurred with Councilor Banes ideas and suggestions for temporary solutions to the traffic problem.

Councilor Spencer concurred with Councilor Selin's support of City Manager Dan Boroff, and added that downtown streets needed to be cleaned every morning.

Mayor Justice:

Mayor Justice confirmed the need for maintenance on the steps at Woodburn, and complimented Councilor Bane's comments on the Service Fee. He maintained that there is more work to be done in finding a permanent solution to the traffic problem, and the community should stay focused on working to solve the issues. Mayor Justice advocated the creation of a Traffic Control Division, and the need for road solutions to take precedence above all other issues in the budget.

-
-
-
ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:46 p.m.

City Clerk

Mayor

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