

REGULAR MEETING JULY 15, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, July 15, 2008 at 7:30 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: Jenny Selin, Don Spencer, Charlie Byrer, Ron Bane, Bill Byrne, and John Gaddis.

The meeting was called to order by Mayor Justice.

APPROVAL OF MINUTES: Minutes from the regular meeting on July 1, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice: CASA for kids wrote thank you letter for budgeting the amendment; Kids Day Saturday 19th. Ron Bane: residents of Avalon Street requested a petition be given to Mr. Boroff addressing parking situations.

PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 927.01 WATER RATES:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

There being no appearances or objections, Mayor Justice declared this public hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 925.01 SEWER RATES:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

Louis Scotchel, Classic's, Sabraton: asserted that stormwater drainage systems need updating, and rates should not increase before these and other issues are addressed.

Don Corwin, President, Mon. Co. Property Owner's Association: voiced concern with monetary amount of rate increase and level of service provided. He noted that late fees are significantly higher than other utility companies.

There being no more appearances or objections, Mayor Justice declared this public hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

Don Corwin commented in support for the Ordinance on behalf of the Monongalia County Property Owner's Association.

There being no more appearances or objections, Mayor Justice declared this public hearing closed.

PUBLIC HEARING - AN ORDINANCE GRANTING A FRANCHISE TO NTELOS OF WEST VIRGINIA, INC. FOR TELECOMMUNICATION SERVICES:

Pursuant to a legal notice appearing in the Dominion Post, Mayor Justice called for a public hearing on the above referenced Ordinance.

There being no appearances or objections, Mayor Justice declared this public hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING ARTICLE 927.01 WATER RATES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 927.01 OF THE MORGANTOWN CITY CODE AS THE SAME RELATES TO SCHEDULE OF WATER RATES.

After discussion and Councilor Spencer withdrew his amendment, motion by Selin, second by Byrer, to amend the TAP fee from \$900 to \$700. Motion carried 7-0. Motion by Bane, second by Byrer to amend effective date from 8/1 to 8/29/08. Motion carried 7-0. Motion by Spencer, second by Byrne to amend article 927.01, schedule No. 5 "delayed payment penalty" from 10% to 3%. Motion carried 5-2, Bane and Gaddis voted NO. Motion by Selin, second by Byrer to amend typographical error under schedule No. 5 under "rate" from 3^{1/2} to 312. Motion carried 7-0. Motion carried to adopt the above entitled Ordinance with amendments. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 925.01 SEWER RATES: The below entitled Ordinance was presented

for second reading:

AN ORDINANCE AMENDING ARTICLE 925.01 OF THE MORGANTOWN CITY CODE AS THE SAME RELATES TO SCHEDULE OF SEWER RATES.

After discussion, motion by Bane, second by Selin to adopt the above entitled Ordinance. Motion by Selin, second by Byrer, to amend the TAP fee from \$900 to \$700. Motion carried 7-0. Motion by Spencer, second by Byrer to amend the delayed payment penalty from 10% to 3%. Motion carried 5-2, Gaddis and Bane voted NO. Motion by Bane second, by Byrer to amend the effective date from 8/1 to 8/29/08. Motion carried 7-0. Motion by carried to adopt the above entitled Ordinance with amendments. Motion carried 7-0.

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 1751.04 OF THE BUILDING AND HOUSING CODE OF THE CITY OF MORGANTOWN BY ADDING A NEW SUBSECTION 1751.04 (H) THERETO, ADDRESSING OCCUPANCY AND USE OF EXTERIOR, ROOFED AREAS OF STRUCTURES.

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

AN ORDINANCE GRANTING A FRANCHISE TO NTELOS OF WEST VIRGINIA, INC. FOR TELECOMMUNICATION SERVICES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE GRANTING A NON-EXCLUSIVE TELEPHONE FRANCHISE TO NTELOS OF WEST VIRGINIA, INC. FOR THE USE OF THE STREETS AND OTHER PUBLIC RIGHTS OF WAY OF THE CITY OF MORGANTOWN, WEST VIRGINIA, FOR THE PURPOSE OF CONSTRUCTING, INSTALLING AND MAINTAINING NETWORK FACILITIES FOR TELECOMMUNICATION SERVICES WITHIN THE CITY OF MORGANTOWN.

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

BOARDS AND COMMISSIONS: The following reappointments were made by acclamation: Pamela Ball to the Museum Commission and Kim Mosby to the Morgantown Housing Authority.

NEW BUSINESS:

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET COAL SEVERANCE FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

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

AN ORDINANCE AMENDING THE FY 2008-2009 ANNUAL BUDGET GENERAL FUND: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2008-2009 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 Byrne, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO DEED PARCELS TO THE MORGANTOWN BUILDING COMMISSION: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO DEED PARCELS 540, 543, 544, AND 545.1, APPEARING ON MONONGALIA COUNTY TAX MAP 20 AND DESIGNATED BY MONONGALIA COUNTY AS BEING IN THE FIFTH WARD OF THE CITY OF MORGANTOWN, TO THE MORGANTOWN BUILDING COMMISSION.

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

A RESOLUTION TO AUTHORIZE THE CITY MANAGER PURSUANT TO WV CODE TO INCREASE IT'S CORPORATE LIMIT BY MAKING A MINOR BOUNDARY ADJUSTMENT TO INCLUDE A PARCEL OF APPROXIMATELY 0.38 ACRES OF REALTY OWNED BY METRO RENTALS, LLC. The above entitled Resolution was presented for approval.

After explanation from Mr. Boroff, motion by Byrne, second by Spencer to approve the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

Don Corwin, Grafton Road, and Halleck Area Community: thanked Council for support in fighting high voltage

power line which would impede on residents' private property.

Ed Cabbell, 352 Demain Avenue: voiced concern for senior citizens whose homes need improvement and do not have the means to do so.

Louis Scotchel, owner, Classics Restaurant, Sabraton: requested attention be given to the Marilla Bridge which needs desperate maintenance. He expressed that the Sabraton area needs work done in various places which are being meticulously kept up in other parts of the City. He felt the City Beautification plan should also include Sabraton. He wished that business owners (who do not reside in City Limits) would be allowed to vote in City elections, where their businesses and livelihood are directly affected. He reminded Council that it is his, and others like him whose B&O taxes that contribute to the City's income.

There being no more appearances, Mayor Justice declared this public portion closed.

SPECIAL COMMITTEE REPORTS: None.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: Attached you will find a letter from Michael L. Castle Jr., President of the Phoenix Group, making a very generous offer to City Employees wishing to participate in the Employee Home Assistance Program. As you will read, the letter offers \$5,000 in assistance to program participants that purchase a new Phoenix Group constructed home within Morgantown. Although the City cannot endorse or support their offer, it does appreciate the sentiment to help City Employees acquire residences in Morgantown.

Item No. 2: The City has received a copy of a Public Service Commission Order dated June 25, 2008, increasing the fuel surcharge for trash collection from 7.43% to 10.77%. For City of Morgantown residential customers, this means that the monthly collection fee will increase from \$14.08 to \$14.90. The surcharge is effective July 1, 2008 through December 31, 2008.

NEW BUSINESS:

Item No. 1: The City of Morgantown is very pleased to be one of the Host Cities for the West Virginia Municipal League Mid Summer Conference to be held August 14 through August 16, 2008 at the Waterfront Hotel. To assure the success of the conference, the League has requested the assistance of the Host Cities in financing part of the programming. Toward this end, I recommend the City contribute \$1,000 to the League for this important Conference.

Motion by Selin, second by Bane to approve the contribution to the West Virginia Municipal League Conference. Motion carried 7-0.

Item No. 2: The second attachment is a letter from Ronald McDonald House Charities requesting that a festival permit be approved in support of a fund raiser to be held at Archie's during the WV Mountainfest Motorcycle Rally to be held July 24 through July 27, 2008. Based upon the past success of this event, I recommend that the request be approved.

Motion by Bane, second by Byrer to approve the festival permit for the Ronald McDonald House Charities Fund raiser. Motion carried 7-0.

CITY CLERK'S REPORT: City Clerk Little reminded Council of the upcoming Municipal League Conference.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS (ROLL REVERSE):

Councilor Spencer

Councilor Spencer began by assuring Mr. Scotchel that the City is aware of the problems and stormwater issues in Sabraton, and they will be addressed in due time as they are scheduled to be. Based on an article in the Dominion Post about Morgantown's population growth, Councilor Spencer added his own suggestions for the City's infrastructure. He cited traffic issues, sidewalk improvements, and safety. He then shared a letter with Council from a citizen regarding their feelings about the City spending on transportation. He agreed, noting an emphasis is needed on mass transit. He requested an update from Mr. Boroff on the Rail Trail Project.

Mr. Boroff responded that research is being done through BOPARC to determine the markings that are needed to keep trail users on the right pathways. When that is completed, the markings will be put into place by the City Street Department.

Councilor Spencer concluded by announcing the Suncrest Neighborhood Association's picnic at Krepp's Park on the 24th at 5:30 and the Neighborhood

watch event taking place on August 5th at the Wiles Hill Community Center from 6-8.

Councilor Byrne

Councilor Byrne informed the citizens that with regard to Mr. Cabbell's comments, the Morgantown Housing Authority is available to help individuals in that situation. He also responded to the Sabraton sewer complaints, stating it is in line to be improved, and he does agree that more needs to be done to beautify Sabraton.

Mayor Justice interjected that Sabraton could form a Business Improvement District similar to that of Downtown's. Councilor Byrne continued by thanking Mr. Boroff for addressing a flooding issue reported on Dug Hill Road.

Councilor Selin

Councilor Selin spoke about traffic calming and suggested Council devise a plan for each neighborhood's major thoroughfares in the event that funding for such projects can be made available. She suggested brainstorming about minor solutions that can be enacted quickly in the event funds cannot be provided. She reminded all about Kid's Day, Downtown 7/19 and the Don Knott's festival this weekend, and the Suncrest Neighborhood picnic on 7/24. She spoke of celebrity stars in the sidewalk in front of the Met Theatre and suggested worthy recipients. She also mentioned the bicycle drawing at Kid's Day to encourage physical activity in youths.

Councilor Byrer

Councilor Byrer announced that his neighborhood is hosting a Visioning workshop on 7/22 for community planning, featuring pictures of the area's aspects. He asked that there be traffic calming or added enforcement on Willowdale due to the increase in traffic from new housing developments. Councilor Byrer asked that MUB start working with the neighborhoods to address chronic stormwater drainage problems. He cited Morgan Alley and the Wiles Hill Senior Center specifically which need attention.

Councilor Selin interjected on behalf of MUB, stating they have representatives available upon request who will attend Neighborhood meetings, discuss concerns with citizens and provide a forum for communication. Councilor Byrer continued by informing Mr. Boroff of a traffic sign that has fallen down on Highland Alley. He suggested the use of Segway vehicles for use downtown by police as a better way of transport than a bike. He asked if City buildings were smoke free and was told, yes. He informed of a Silver Alert police program that tracks senior citizens with Alzheimer's and dementia.

Councilor Byrer asked Mr. Boroff what the status is on traffic improvements since the defeat of the Mon Service Fee for roads, expressing concern for the imminent return of 30,000 students next month. Mr. Boroff replied briefly that plans were devised and forwarded to the MPO, and he is not sure what stage they are at with the plans. Mayor Justice concurred and discussion about the MPO and the traffic solutions continued. Councilor Byrer asked the status of the Downtown Service Fee. Mr. Boroff replied that Council has encouraged it to the next stage of the planning process and he will report back when further progress is made. Councilor Byrer commented on Kid's Day activities. He stated he was impressed with the improvements made by Mon General Hospital and encouraged other Councilpersons to see for themselves. Lastly, he mentioned the importance of increasing voter turn out and the great cost of the elections with 1% voter turnout.

Councilor Gaddis

Councilor Gaddis thanked Mr. Scotchel for his comments on Sabraton and concurred with him on the suggestions for beautification. He volunteered himself to help in the initiative; stating that the area is indeed ready for change.

Councilor Bane

Councilor Bane cautioned Council to be careful in their considerations for the TIF district in Sunnyside. He asked them to make their own opinions, do research and read the TIF agreement thoroughly so that a sound decision can be made.

Mayor Justice

Mayor Justice thanked those involved with the 4th of July events. He reminded Council that there will not be another regular Council session until August 5th. He concluded his comments by mentioning all the community events that will take place between this, and the next meeting including: Mountain Fest, Kid's Day, Don Knott's Festival, Basketball Tournament, and the State Bass Fishing Tournament.

Councilor Byrer and Councilor Selin agreed with Mayor Justice on the immense talent possessed by the players in the basketball tournament.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:00 pm.

City Clerk

Mayor

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