

REGULAR MEETING FEBRUARY 17, 2009:

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The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, February 3, 2009 at 7:30 p.m.

PRESENT: Mayor Ron Justice, Deputy Clerk Bethany Quinn, City Attorney Steve Fanok, City Manager Dan Boroff, Assistant City Manager Jeff Mikorski, and Council Members: Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, Bill Byrne, and Don Spencer.

APPROVAL OF MINUTES: Minutes from the regular meeting on February 3rd were approved as printed.

CORRESPONDENCE: Mayor Justice presented a Proclamation for Spay/Neuter Day to members of the Mountaineer Spay, Neuter Assistance Program.

PUBLIC HEARING: AN ORDINANCE GRANTING FIBERNET USE OF STREETS AND RIGHTS OF WAYS FOR TELECOMMUNICATION INSTALLATION:

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

PUBLIC HEARING: AN ORDINANCE AMENDING THE NTELOS FRANCHISE AGREEMENT FEES:

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

UNFINISHED BUSINESS:

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AN ORDINANCE GRANTING FIBERNET USE OF STREETS AND RIGHTS OF WAYS FOR TELECOMMUNICATION INSTALLATION: The below entitled Ordinance was presented for first reading:

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

After discussion, motion by Byrne, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE NTELOS FRANCHISE AGREEMENT FEES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING A JULY 29, 2008 NON-EXCLUSIVE TELEPHONE FRANCHISE AGREEMENT BY AND BETWEEN NTELOS OF WEST VIRGINIA, INC. AND THE CITY OF MORGANTOWN, WEST VIRGINIA AS THE SAME APPLIES TO FRANCHISE FEE.

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

BOARDS AND COMMISSIONS: There were no new appointments at this time.

Ron Bane announced an opening on the MUB Board. Charlie Byrer asked for volunteers to serve on the Historic Landmarks Commission. Jenny Selin announced the Greater Morgantown Area Youth Commission's upcoming trip to the State Capitol. Bill Byrne spoke about the Sister City Commission's Youth Ambassador Program.

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NEW BUSINESS:

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A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DOH, FOR THE DEVELOPMENT OF THE MORGANTOWN EFFECTIVE BICYCLE EDUCATION PROGRAM. The above entitled Resolution was presented for approval.

After discussion, motion by Spencer, second by Bane to adopt the above entitled resolution. Motion carried 7-0.

PUBLIC PORTION:

Ann Cummings of the Morgantown Tree Board presented to Council a progress report from the Board and its most recent recommendations for tree planting and pruning in the City.

Tyler Pearson of the WVU Student Government Association spoke to Council about pedestrian safety. He asked Council to give attention to dangerous intersections; he mentioned improvements to sidewalks near Falling Run, advocated the Pedestrian Safety Plan and asked Council to keep up the funding for new sidewalks throughout the City.

SPECIAL COMMITTEE REPORTS:

CITY MANAGERS REPORT:
INFORMATION:

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Item No 1: As per the schedule established by Council, budget documents for FY 2009-2010 are presented at the business meeting February 17, 2009.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane talked about the WV Municipal League Mid-Winter Conference where he and other Council Members met and spoke with Delegates and Senators. He mentioned the bill in the legislature now that could allow Cities to gain more proceeds from video lottery establishments. He talked about another bill dealing with student transportation; permitting them to use their student ID's to ride public transportation. Councilor Bane then encouraged everyone to write or speak to their legislators and make their concerns and requests known.

Councilor Gaddis:

Councilor Gaddis announced that the Sister City Committee wants to get more involved in promoting Morgantown. He mentioned the Hometown Pride Initiative which advocates cultural inclusion and diversity in neighborhoods and throughout the City. He stated that he wishes to organize a meeting of all Board and Commission members representing the 2nd Ward to communicate and share their goals. He also said he has spoken to many citizens lately, who have expressed why they love living in Morgantown. He feels this outpouring of City pride was spurred by Mayor Justice's recent appearance on National Television.

Councilor Byrer:

Councilor Byrer also spoke about the Conference in Charleston, where in a visit to the Secretary of State's Office there was enthusiastic discussion of a vote-by-mail pilot program. He concurred with Mr. Pearson's concerns of pedestrian safety, adding that the sidewalks on Protzman are indeed dangerous. He then announced the Wiles Hill and Highland Park Neighborhood Association Meetings coming up and announced their web pages as well. He concluded by inviting everyone to the Senior Center for 4\$ Lunch.

Councilor Selin:

Councilor Selin stated that she enjoyed the Conference in Charleston and referenced the Governor's address to Municipal Officials on our State's current economic status. She expressed gratitude for the scheduled pay increase for City Employees in the face of the Nation's economic downturn. She then announced the Suncrest Neighborhood Association meeting on 2/26 and their website.

Councilor Byrne:

Councilor Byrne thanked Mr. Boroff for his work on our new FY Budget. He mentioned again the upcoming legislation which will give Parking Authority Employees added enforcement of parking violations, freeing up Police Officers for more important duties. He announced the PRT Planning Meeting on 3/5, and then gave his well wishes to City Clerk Little.

Councilor Spencer:

Councilor Spencer also wished Linda Little well. He talked about litter control and the possibility of a deputized enforcement of such. He reported that the Water Quality Resolution was praised in Charleston. He stated that Pension losses are serious and the WVML is calling for reform on the Pension Rule. He said the League does however oppose Jail Expenses. He talked about Municipal Support of local CVB's. He mentioned the National Stimulus Bill, and the DOH's control of Patterson and University Avenue for maintenance. He reported several lights that were out in that area as well. He also asked that several potholes on Patterson be repaired.

Mayor Justice:

Mayor Justice asked that Councilors forward their legislative issues to Mr. Boroff. He spoke about the WVU Day in the Legislature and welcomed Council to attend with the University to the Capitol. He announced the upcoming meetings of the MPO, CVB, Mainstreet and BOPARC. He said that the approaching COW will be a busy meeting and he welcomed all to come and share their perspectives with Council. Mayor Justice commented on the Hotel Tax, and then mentioned the passing of Legislator Bill Sharp who was a friend to Morgantown. He closed by proclaiming Random Acts of Kindness Week a success and thanked all involved.

Councilor Byrne then showed a Proclamation from our Sister City of Guanajuato, Mexico, and asked that it be framed and prominently displayed.

Councilor Byrer added that the Mayor of Huntington, WV wants to visit Morgantown and meet with Mayor Justice

Mayor Justice agreed to this meeting.

Councilor Gaddis interposed that the Sister City Web Page is up and running.

Mayor Justice then shared an encouraging letter from a person who loves Morgantown and wants to relocate here from Texas.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:46 p.m.

City Clerk

Mayor

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