

**REGULAR MEETING FEBRUARY 3, 2009:**

- 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 January 20th were approved as printed.

**CORRESPONDENCE:** Mayor Justice announced the Random Acts of Kindness week Proclamation 2/9-13/09 and the Sunnyside Recycles Proclamation. A letter from the Upper Mon River Association was presented to Council. A Petition from citizens to fix potholes was presented to the City Manager. He announced Go Red for Women on 2/6 and the City Health Newsletter. Lastly, he presented to Council letters to the Mayor written by 2<sup>nd</sup> Grade Students at Mountainview Elementary School.

**PUBLIC HEARING:AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE AIRPORT AND THE STATE OF WEST VIRGINIA:**

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

**UNFINISHED BUSINESS:**

- **AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE AIRPORT AND THE STATE OF WEST VIRGINIA:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, REGARDING OFFICE SPACE LOCATED AT THE MORGANTOWN MUNICIPAL AIRPORT.

Motion by Byrne, second by Selin to approve the above stated 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 announced a change in the Historic Landmarks commission meeting time for this month. Mayor Justice announced that the MPO meeting will take place as scheduled.

**NEW BUSINESS:**

- **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.

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

**AN ORDINANCE AMENDING ARTICLE 1329.02 AND TABLE 1331.05 OF THE PLANNING AND ZONING CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1329.02 AND TABLE 1331.05.01 OF THE PLANNING & ZONING CODE PERTAINING TO LODGING OR ROOMING HOUSE USES.

Motion by Spencer, second by Byrer to pass the above entitled Ordinance to second reading. The rules were suspended to allow explanation from City Planner, Chris Fletcher. After discussion, City Attorney Steve Fanok gave added clarification. Motion carried 7-0.

**A RESOLUTION TO PROTECT THE DRINKING SUPPLY AND PREVENT ADVERSE EFFECTS ON INDUSTRIAL USE OF WATER IN THE MORGANTOWN AREA BY CONTROLLING THE AMOUNT OF TOTAL DISSOLVED SOLIDS ENTERING THE MONONGAHELA RIVER:** The above entitled Resolution was presented for approval.

After discussion, motion by Byrne, second by Spencer to adopt the above entitled resolution with a minor amendment to the wording. Motion carried 7-0.

**PUBLIC PORTION:**

Wally Venable, Mon River Association: Thanked Council for their thoughtfulness and support of the Water Quality Resolution.

Roy Nutter, 324 Elmhurst Street: Distributed a handout from the Traffic Commission on funds received. He asked Council to consider allotting more funds to traffic calming and sidewalk initiative in the future.

Evan Hanson, business owner at 292 Wall Street: Expressed his support and appreciation for the Water Quality Resolution.

Randy Keystone, Travel Unlimited Chapter President: expressed gratitude for the Water Quality Resolution.

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer announced the planning meeting for the Year of Active Transport.

**CITY MANAGERS REPORT:**

**Item No 1:** Attached you will find a memo from the Public Works Director reporting a proposed change order for the Event Center totaling \$1,446,536. Based upon her comments, the nature of the project, and the merits of individual line items, I recommend that it be authorized.

After discussion, motion by Gaddis, second by Byrne to approve the project. Motion carried 7-0.

**Item No 2:** The second attachment is information supporting a proposed amendment to the WV State Fire Code that would allow wireless fire alarms in Lodging and Rooming Houses. Given the endorsement of the Fire Chief and allowance for these alarms in the NFPA, National Fire Alarm Code, I recommend that the proposed, attached amendment be forwarded to area State Legislators for consideration.

Motion by Byrne, second by Spencer to approve the amendment. Motion carried 7-0.

**Item No 3:** The last attachment is another memo from the Public Works Director reporting a proposed change order for the Walnut Street Streetscape Project totaling \$32,335.95. Based upon her comments and the merits of the changes, I recommend that it be authorized.

Motion by Bane, second by Byrne to approve the Change Order. Motion carried 7-0.

At this time, the Mayor read letters written by second graders at Mountain View Elementary School about what laws they would instate in Morgantown, and what they think the Mayor should do for the City.

**CITY CLERK'S REPORT:** City Clerk presented to Council the appointed poll workers for the 2009 City Election. Motion by Byrne, second by Selin to approve the list. Motion carried 7-0.

**CITY ATTORNEY'S REPORT:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane asked about a basketball court that is also used for parking, and Mayor Justice explained the shared usage to him. He expressed his wish that Council would have tabled the Soccer Field Ordinance for more discussion. Mayor Justice explained the reason behind Council having to move so fast on the process. Councilor Bane reported potholes on Dorsey Avenue and asked about the status of the joint repair on the South High Bridge. Mr. Boroff replied that it was reported to the DOH and there is no progress yet. He stated that WVU Hospitals will be featured on national news. Mayor Justice added that the recent National attention and recognition that Morgantown is getting is good for the City.

Councilor Gaddis: Councilor Gaddis announced the South Park Neighborhood Association and the Greenmont Neighborhood Association upcoming meetings. He asked for volunteers in their area to help out on Neighborhood Committees. He thanked the citizens who made the petition to fix the potholes and added that Brockway Avenue has many potholes as well.

Councilor Byrer: Councilor Byrer congratulated the Mayor on his recent National Television appearance. He asked who is responsible for clearing snow off sidewalks. Mr. Boroff replied that it is the business owner's responsibility. Councilor Byrer mentioned the upcoming Senior Luncheon and the Neighborhood Association meeting where the traffic calming plan will be presented to the Traffic Commission. He then mentioned Abraham Lincoln, his connection to West Virginia, and how it was made a state by Proclamation during the Civil War.

Councilor Selin: Councilor Selin spoke about how communication is key for Neighborhood Associations and websites allow for better information flow. She expressed concern for the Soccer Field Lease in her community. She invited all to a committee meeting which will look at the parking area next to the event center, and the plan for the parking garage. She talked about sidewalks and how they relate to pedestrian issues and connect Neighborhoods.

Councilor Byrne: Councilor Byrne commented on the Fire Department report, and mentioned the number of dumpster fires that are tended to by the Department. He encouraged teamwork between Allied Waste, Citizens, Government, Students, Police, and Fire to help prevent the expenditure of resources on such fires. Councilor Byrne mentioned the Administrative Report, commenting on sub-standard structures. He spoke about legislation that will grant Parking Authority workers more power of enforcement. He thanked Mr. Nutter for his comments and Councilor Spencer for his work on the Water Quality Resolution.

Councilor Spencer: Councilor Spencer commented on Councilor Byers' Lincoln story. He then asked for clarification on the term "contribution". Mr. Boroff explained the

term in context of Council's allotting of funds to certain organizations in the budget. Councilor Spencer also mentioned some potholes in his area that need to be fixed. He talked about his views for the soccer field and any necessary development or planning, concurring with Councilor Bane. He inquired as to the Trash Pickup fuel surcharge, and Mr. Boroff replied that it will be reevaluated upon its termination date. He then spoke about the Water Quality Resolution, suggestions for disbursing copies of it through appropriate channels and the team effort which made it possible. Lastly, he announced a forum discussing gas issues.

Mayor Justice:

Mayor Justice announced the Woodburn Neighborhood meeting. He thanked Bill Nash and those involved in the Morgantown Walks Campaign for their help. He mentioned Articles in the State Journal that highlight Morgantown. He stated that all the national attention that Morgantown is receiving for economics, research and the like, are all a part of our City's continued growth. He thanked everyone, including Council for their support of Morgantown's success.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:20 p.m.

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City Clerk

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Mayor

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