

**REGULAR MEETING MAY 5, 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, May 5, 2009, at 7:30 p.m.

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

**APPROVAL OF MINUTES:** Minutes from the regular meeting on April 21<sup>st</sup> were approved as printed.

**CORRESPONDENCE:** Mayor Justice read a proclamation to proclaim May 10-16, 2009, National Women's Health Week, mentioned the Regional Visioning Project on May 5 at 11am and reminded the City Manager about the e-mails today that Council received.

**PUBLIC HEARING - AN ORDINANCE AMENDING TABLE 1331.05.01 OF THE PLANNING & ZONING CODE AS IT PERTAINS TO "RESTAURANT, PRIVATE CLUB" USES IN THE B-5, SHOPPING CENTER DISTRICT AND THE O-I, OFFICE AND INSTITUTIONAL DISTRICT.**

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

**PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 1331.08(B) OF THE PLANNING & ZONING CODE AS IT PERTAINS TO MAXIMUM FENCE HEIGHTS ON RESIDENTIALLY ZONED PARCELS.**

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Roy Nutter, 324 Elmhurst Street, commented on the fence height Ordinance based on what it means for him and his property, also citing that he does not believe commercially produced fences are available to meet the new requirements.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, RESTAURANT, PRIVATE CLUB USES:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1331.05.01 OF THE PLANNING & ZONING CODE AS IT PERTAINS TO "RESTAURANT, PRIVATE CLUB" USES IN THE B-5, SHOPPING CENTER DISTRICT AND THE O-I, OFFICE AND INSTITUTIONAL DISTRICT.

Motion by Spencer, second by to adopt the above entitled Ordinance. Motion carried 6-0. Byrne Absent.

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, FENCE HEIGHTS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1331.08(B) OF THE PLANNING & ZONING CODE AS IT PERTAINS TO MAXIMUM FENCE HEIGHTS ON RESIDENTIALLY ZONED PARCELS.

After discussion, motion by Gaddis, second by Selin to adopt the above entitled Ordinance. Motion carried 6-0. Byrne Absent.

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**BOARDS AND COMMISSIONS:** New Members of the Youth Commission were approved by Council by acclamation. Councilor Byrer mentioned the Museum Newsletter and how it is going to be a real nice bit of news for the community to read and what a fine job the commission did on the newsletter.

Selin requested the Planner have a Neighborhood Meeting. Councilor Bane asked if the City could help the Bus Line with funding. Bane wants to start a 1<sup>st</sup> Ward Neighborhood Association and wanted to know where to meet. After discussion, it was suggested to call South Middle School for the meetings. Councilor Selin informed everyone of the Youth Commission year end reception May 17, 2009, at Marilla Park Pavilion from 4-6pm

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE FIRE PREVENTION CODE FOR BURNING PENALTIES:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1512.99 OF THE CITY OF MORGANTOWN'S FIRE PREVENTION CODE AND ALSO ADDING THERETO NEW SECTIONS 1512.04 AND 1512.05 AS THE SAME APPLY TO PENALITES, ILLEGAL BURING, AND MALICISOUS BURINING.

After discussion, motion by Selin second by Bane to pass the above entitled Ordinance to second reading. Motion carried 6-0. Bane Absent.

**AN ORDINANCE AMENDING THE FIRE PREVENTION CODE FOR CITATIONS ISSUED BY A FIRE MARSHALL:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1511.02 OF THE CITY OF MORGANTOWN FIRE PREVENTION CODE AS THE SAME APPLIES TO VIOLATIONS FOR WHICH CITATIONS MAY BE ISSUED BY FIRE MARSHALS AND DEPUTY FIRE MARSHALS.

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

**AN ORDINANCE AUTHORIZING AN ADDENDUM TO A LEASE WITH THE STATE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING AN ADDENDUM TO A SEPTEMBER 3, 1999, LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LEESOR) AND THE STATE OF WEST VIRGINIA (LESSEE), WHICH WILL EXTEND THE STATE OF WEST VIRGINIA'S LEASE OF LAND AT THE MORGANTOWN MUNICIAPL AIRPORT UNTIL AUGUST 31, 2014.

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

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FY 2009 CDBG GRANT AGREEMENT WITH THE U.S DEPARTMENT OF HOUSING AND URBAN DEVELOPMENTAND TO ADMINISTER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ON BEHALF OF THE CITY.**

The above entitled Resolution was presented for approval.

City Manager explained that an additional \$94.00 was added to the grant for Administration fees. Motion by Spencer, second by Bane to adopt the above stated Resolution. Motion carried 6-0. Byrne Absent.

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**PUBLIC PORTION:**

Dan Ringer, 18 West Front Street, brought to the attention of Council that Comcast eliminated from their Basic Cable package local WV Public Broadcast Television. He enumerated the many quality programs available on Public Television and explained their importance to viewers. He commented on the Digital transition, and how Comcast makes customers rent a converter box for every television at an additional cost in order to view Public Television. He encouraged Council to influence Comcast to change this policy and in future negotiations with them, to remember what in practices Comcast is presently engaged.

Senator Mike Oliverio, 1437 Anderson, echoed the comments made by Dan Ringer about Comcast. He asked Council to act upon these suggestions of change to their policy in the next Franchising agreements made with Comcast. He expressed that it is all West Virginians' rights to view West Virginia Public Television, not Pittsburgh Public Television. He again asked Council to act upon this as soon as they can.

Rummy Hilloowala, 1505 Woodland Drive, gave his support for the situation with Comcast and WV Public Television reiterating the comments of both Senator Oliverio and Mr. Ringer. He continued by citing all the charges Comcast has posed to customers in the name of Digital Transition and in other situations as well.

There being no more appearances, the Mayor Justice declared the Public Portion closed.

Mayor Justice stated that there will be a Resolution and Letters drafted stating the position of Council and the Citizens

on the Comcast issues.

**SPECIAL COMMITTEE REPORTS:** Councilor Spencer reported on the Suncrest Lake Cleanup on Saturday, April 15, 2009, at 10:00am and thanked all the volunteers.

Councilor Spencer also informed Council of the Traffic Calming Information he received from the NLC Green Cities Conference he attended in Portland Oregon.

**CITY MANAGER'S REPORT:**

**NEW BUSINESS:**

**Item No. 1:** Attached is a memo from the Fire Chief reporting a Federal Emergency Management Administration grant opportunity to acquire a \$450,000 Heavy Rescue Truck (will require a \$45,000 local match). Based upon the need for this piece of equipment, I recommend that the grant application be authorized.

Motion by Bane, second by Gaddis, to approve the grant application to acquire a Heavy Rescue Truck for the Fire Department. Motion carried. 6-0. Byrne Absent.

**Item No. 2:** The second attachment is a memo from the Public Works Director reporting neighborhood meetings that were held to discuss speed humps on Laurel Street and Junior Avenue. Given the results of the meetings, I recommend that the speed humps be authorized as part of this year's street paving program.

Motion by Bane, second by Selin to authorize speed humps on Laurel Street and Junior Avenue. Motion carried 6-0. Byrne Absent.

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

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

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane thanked the City Clerk and the Poll Workers for a successful election. He also thanked Mr. Boroff for having Public Works fix the expansion joints on the High Street Bridge. He stated that the Leadership meeting at the Waterfront Hotel was very successful. He mentioned potholes on Allison Street that need to be fixed and are very bad. He encouraged all to attend the Lacrosse Tournaments coming at MHS.

Councilor Gaddis: Councilor Gaddis mentioned that he receives many emails about buildings and homes not being maintained properly in his area. He also stated that there will be lots of litter to address when the students move. There are also many street signs missing as usual. He then thanked Clerk Little, the Poll workers and the Citizens for voting.

Councilor Byrer: Councilor Byrer thanked everyone for voting. He extended condolences to Councilor Byrne on the passing of his father. He also mentioned the street signs missing are a large concern. He announced that he helped a neighbor look for their missing dog and then encouraged students to take pets with them when they go home between semesters.

Councilor Selin: Councilor Selin announced the Suncrest Neighborhood Association meeting in May, where dessert will be served. There will also be a round table meeting on affordable housing held in the Mountain Lair.

Councilor Byrne: Absent

Councilor Spencer: Councilor Spencer mentioned the election and vote by mail. He acknowledged

Senator Oliverio in attendance and thanked him for his representation in the Senate on the Vote by Mail pilot program. He also mentioned the Comcast issue and suggested letters be written from council to give their stance on the situation. He mentioned the Planning Commission and suggested a new class be added to zoning in regards to Green Spaces. He also asked them to consider accessibility in housing. He stated there is also still water and air quality problems in the area. He also talked about the graffiti and sign stealing problems. He gave thanks for the lights on Patteson being fixed. He talked about the Falling Run sidewalk being a major improvement. He then inquired how pot holes all over the city will be dealt with.

Mr. Boroff responded that the Potholes are fixed on an as needed basis.

Councilor Spencer concluded his comments by mentioning the election process, and commending the dedication of the Clerks throughout.

Councilor Selin mentioned the voter turn out and thanked all challengers for running.

Mayor Justice:

Mayor Justice congratulated all the Council members on the election race. He mentioned the upcoming Wiles Hill cookout. He told that Frank Scafella was honored recently at the Toastmasters Conference. He stated that the Wiles Hill Neighborhood Association has been around for 37 years. He announced that the 6th ward littler pick up event was well organized.

Councilor Gaddis mentioned that on 5/7 will be the national day of prayer and events will be held at Lakeview by the Chestnut Ridge Church.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:50 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.**