

**REGULAR MEETING JANUARY 3<sup>RD</sup> 2008:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Thursday, January 3<sup>rd</sup>, 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 Ron Bane, Jim Manilla, Bill Byrne, Jenny Selin, Don Spencer and Charlie Byrer.

The meeting was called to order by the Mayor.

**APPROVAL OF MINUTES:** Minutes from the regular meeting on December 18<sup>th</sup>, 2007 were approved as printed.

**CORRESPONDENCE:**

“Welcome Back” celebration for new WVU Head Coach and Team at Milan Puskar Center 8:30 tonight.

**PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 1331.06(2) OF THE PLANNING & ZONING CODE PERTAINING TO HOME OCCUPATIONS:**

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

Richard Sutter, 1248 Fairlawns Ave. Mr. Sutter requests the proposed changes be voted down for Class II home occupations, claiming they are too vague; he also stated that the BZA Board should include 7 members, one from each ward.

Kathleen Sutter, 1248 Fairlawns Ave. Mrs. Sutter formally expresses her distaste for the timing of the Home Occupation Rule, claiming that because of the Holidays not every citizen was aware of the public hearings. She accused the City Council of “working secretly” and in terms that not many citizens can understand. She urged Council to have the City publish Legal Notices in “Plain English” and not legal jargon. Mrs. Sutter indicated that the changes to the code would make the law too loose and lose all meaning. She stated that she would prefer that the City keep the present code in place. She felt that allowing too many customers in home based businesses in neighborhoods could damage property values and be hazardous or inconvenient for neighbors; allowances should be determined per neighborhood. She then continued to speak about the undesirable growth of inappropriate home businesses; closing with a remark requesting the expansion of the BZA to 7 members.

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

**PUBLIC HEARING - AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PORTION OF PARCELS OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (PRO) PROFESSIONAL, RESIDENTIAL AND OFFICE DISTRICT TO (B-2) SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING & ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN:**

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

Richard Sutter, 1248 Fairlawns Ave. Mr. Sutter questioned the Council whether or not the proposed changes to the zoning are the beginnings of what he called “Another Kane-Core Fiasco”. He then requested that the changes be voted down pending the City’s comprehensive plan is put in place.

Kathleen Sutter, 1248 Fairlawns Ave. Mrs. Sutter reviewed the changes previously made in the zoning area, and defined the B-1, B-2 and PRO for the Council. She then asked Council to not continuously re-zone neighborhood areas in the City until the comprehensive City Plan is in place.

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

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

**PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2007-2008 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.**

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

**UNFINISHED BUSINESS:**

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

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

After discussion, motion by Byrer, second by Manilla to table the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PORTION OF PARCELS OF REAL ESTATE IN THE FOURTH WARD OF THE CITY:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PORTION OF PARCELS OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (PRO) PROFESSIONAL, RESIDENTIAL AND OFFICE DISTRICT TO (B-2) SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING & ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.

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

**AN ORDINANCE AMENDING THE FY 2007-2008 ANNUAL BUDGET OF THE CITY OF MORGANTOWN:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2007-2008 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 Manilla to adopt the above entitled Ordinance. Motion carried 7-0.

**BOARDS AND COMMISSIONS**

BZA and Planning Interviews will be announced in the near future. There is an opening for a seat on the Traffic Commission in the 7<sup>th</sup> ward.

**PUBLIC PORTION:**

Colin Kemp, Youth Commission. Mr. Kemp invited the Council members to the Youth Facility to tour the building and grounds, and show them the programs in place there. The Council Members agreed to go for the visit at 5:15 pm on January 29<sup>th</sup>, before the Committee of the Whole Meeting.

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

**SPECIAL COMMITTEE REPORTS:**

Councilor Spencer passed out copies of the Official Ballots for on service fee vote for review by the Council.

**NEW BUSINESS:** None.  
**CITY MANAGERS REPORT:**

**INFORMATION:**

**Item No. 1:** Funding for Air Traffic Control Tower.

Senator Rockefeller has successfully assisted the City in acquiring \$32,000 per year in Federal funding to operate the Morgantown Air Traffic Control Tower.

**NEW BUSINESS:**

**Item No 1:** 2008 Street Paving List.

Motion by Bryne, second by Manilla to approve the attached recommended list of streets for the \$400,000 program for 2008.

**CITY CLERK'S REPORT:**

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City Clerk Little informed the Citizens and council that her office will be working with the County throughout the election, and will keep copies of the ballot on hand to be distributed as necessary. Her office will also be available to answer questions and field calls concerning the upcoming vote. She also announced that the City will host an Emergency Blood Drive on February 1<sup>st</sup> 11am-5pm.

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

**REPORT FROM COUNCIL MEMBERS:**

- Councilor Bane: Councilor Bane congratulated the WVU Mountaineers on their win at the Fiesta Bowl and shared his approval for the new Head Coach they hired.
- Councilor Manilla: Councilor Manilla repeated Councilor Bane's well wishes for the new Coach and the WVU Football team. He concluded his report by commenting on the messy state of the so-called "Kane-Core Project".
- Councilor Byrer: Councilor Byrer announced the Traffic Commission meeting will be on January 9<sup>th</sup> where local residents hope to resolve parking and traffic flow issues on Hoffman Rd. and Protzman St. He also added that the Hospitality Initiative will meet Jan. 4<sup>th</sup> to gather the names of stakeholders such as local businesses and establishments so that the initiative can gain as much input as possible. A roundtable discussion with stakeholders present is tentatively scheduled for late January. Then, upon Councilor Byrer's request, City Manager Dan Boroff, and Mayor Justice explained the approval and distribution process for the Community Trust Funds. Councilor Byrer concluded his report by sharing in praises for the new WVU Coach and Team.
- Councilor Selin: Councilor Selin also gave congratulations to the WVU Team and Coach. She then encouraged citizens to shovel their own snow as a courtesy to neighbors, and pedestrians. Councilor Selin asked the members of the Youth Commission to come along with the City Council to tour the Youth Facility on January 29<sup>th</sup>; and wrapped up her report by asking that all specific concerns addressed to the Planning Commission be funneled to one person for more effective relay to the Commission for discussion at future meetings.
- Councilor Byrne: Councilor Byrne began his report by congratulating the WVU Team and new Coach. He then moved on to make further explanations concerning the Home Occupation Rule and clarify its true purpose, to limit the amount of appropriate small businesses within neighborhoods. He then gave kudos to the Planning Commission, stating that everyone is invested together to solve these problems. Councilor Byrne continued to say that the University is a driving force in our community and the balance of student rental homes in areas adjacent to the University and areas with single family homeowners is one which must be must be monitored carefully.
- Councilor Spencer: Councilor Spencer gave his congratulations to the WVU Team and new Coach. He then reminded Council that continued Arts Funding is important, and wants the Block Grant funding to be distributed and monitored appropriately for building maintenance and other necessities as well. Councilor Spencer suggested the separation of the program money for Festivals and the Morgantown Arts Center.
- Mayor Justice informed Councilor Spencer that the amount of funds varies from year to year based on need, and the funds are from the Capital Escrow Account and not are Block Grant Funds. He also recommended that Councilor Spencer apply to be on the Committee that oversees the division of funds for the organizations about which he is concerned about. Mayor Justice and Councilor Spencer continued to discuss the funds and the committee that distributes them.
- Councilor Spencer then mentioned a newspaper article about small cities throughout the Country that grant 4 year scholarships to students who graduated from local high schools and then continue to live in the city. Lastly he made notice of the number of vacancies on Boards and Commissions, and encourage citizens to fill those spots.
- Mayor Justice: Mayor Justice, added to his previous discussion with Councilor Spencer about

the funds for the Arts and the committee that oversees it; that having a separate and neutral committee took the Councilor's personal politics out of the equation and made the process work better. He concludes his remarks by congratulating the WVU Team and new Coach.

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**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:56 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.**