

REGULAR MEETING MARCH 4, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, March 4th, 2008 at 7:30p.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, Jenny Selin, Don Spencer, Charlie Byrer and Bill Byrne.

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the special meeting and regular meeting on February 19th, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice, Legislative update: Bill being considered to have BZA expanded to seven members has been passed by State Legislature, awaiting signatures. Law will allow Cities to have as many members as there are wards. Mayor Justice mentioned the Winter Carnival's success and that he has received emails from many people, and some questions will be answered in the proceedings.

PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 1331.06 (2) OF THE PLANNING AND 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.

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

PUBLIC HEARING - AN ORDINANCE AMENDING PART THIRTEEN OF THE PLANNING AND ZONING CODE TO INCLUDE APPENDIX A "DEVELOPMENT STANDARDS FOR ZONING DISTRICTS":

- 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 THE PLANNING AND ZONING CODE TO INCORPORATE PROVISIONS FOR SHARED PARKING:

- 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 1351 "PERFORMANCE STANDARDS FOR BUILDINGS IN THE GENERAL BUSINESS (B-4) DISTRICT" OF PLANNING AND ZONING CODE AS IT RELATES TO EXTERNAL SOLID WASTE CONTAINMENT FACILITIES:

- 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 1331.06 (2) OF THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for second reading:

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

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

AN ORDINANCE AMENDING PART THIRTEEN OF THE PLANNING AND ZONING CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING PART THIRTEEN OF THE MORGANTOWN CITY CODE, "PLANNING AND ZONING CODE," TO INCLUDE APPENDIX A "DEVELOPMENT STANDARDS FOR ZONING DISTRICTS".

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

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN TO INCORPORATE PROVISIONS FOR SHARED PARKING AND OFF-SITE PARKING WHEN CALCULATING MINIMUM PARKING REQUIREMENTS IN THE B-4 DISTRICT.

Motion by Manilla, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1351 "PERFORMANCE STANDARDS FOR BUILDINGS IN THE GENERAL BUSINESS (B-4) DISTRICT": The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1351 "PERFORMANCE STANDARDS FOR BUILDINGS IN THE GENERAL BUSINESS (B-4) DISTRICT" OF THE PLANNING AND ZONING CODE AS IT RELATES TO EXTERNAL SOLID WASTE CONTAINMENT FACILITIES IN THE B-4 DISTRICT.

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

BOARDS AND COMMISSIONS: David Alexander appointed by acclamation to the Fire Civil Service Commission. Shane Mardis appointed by acclamation to the Parking Authority. Bob Roberts appointed by acclamation to the Personnel Board.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF MORGANTOWN AND WESTOVER: The below entitled Ordinance was presented for first reading:

AN ORDINANCE, BY THE CITY OF MORGANTOWN, AUTHORIZING THE EXECUTION OF AN INTER-GOVERNMENTAL AGREEMENT BETWEEN IT AND THE CITY OF WESTOVER, AS THE SAME APPLIES TO ACQUISITION OF STREET RESURFACING MATERIAL AND CONTRACTING WHO WILL PREPARE FOR AND PLACE THE SAME IN BOTH MUNICIPALITIES DURING 2008.

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

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2008-2009: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2008-2009.

After discussion, motion by Spencer, second by Byrne to pass the above entitled Ordinance to second reading. Motion Carried 6-1. **Ron Bane voted no.**

A RESOLUTION FOR THE CITY OF MORGANTOWN TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$10,000.00 FROM THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT FUND FOR THE RENOVATION OF DRESSING ROOMS AT THE HISTORIC METROPOLITAN THEATRE: The above entitled Resolution was presented to Council for their approval.

Motion by Byrer, second by Selin to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION FOR THE CITY OF MORGANTOWN TO SUBMIT THE NECESSARY PAPERWORK TO OBTAIN \$10,000.00 FROM THE GOVERNOR'S COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE RONALD MCDONALD HOUSE TO RENOVATE THE PARKING LOT AND TRASH DUMPSTER AREA: The above entitled Resolution was presented to Council for their approval.

Motion by Byrne, second by Byrer to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION FOR THE CITY OF MORGANTOWN TO APPLY FOR AND ADMINISTER THE COMMUNITY PARTICIPATION GRANT PROGRAM, PROJECT NUMBER 07CPG0077, FUNDS FOR USE BY THE WEST VIRGINIA SENIOR LEGAL AID TO PURCHASE COMPUTER EQUIPMENT, SOFTWARE, AND CONTRACT FOR INFORMATION TECHNOLOGY AND PLANNING SERVICES: The above entitled Resolution was presented to Council for their approval.

Motion by Byrne, second by Spencer to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION FOR THE CITY OF MORGANTOWN TO REIMBURSE THE MORGANTOWN UTILITY BOARD FOR CAPITAL EXPENDITURES IN CONNECTION WITH THE DESIGN, ACQUISITION, CONSTRUCTION AND EQUIPPING OF WATER AND SEWER SYSTEM FACILITIES AND IMPROVEMENTS MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS: The above entitled Resolution was

presented to Council for their approval.

After discussion, and presentation by Jim Green, motion by Manilla, second by Byrne to approve the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

Louis Burakis, 435 Cobun Avenue, Mr. Burakis addressed Mr. Green stating that Pompano Run is not included in his plan. Mr. Burakis feels that the sewer cannot handle the waste load it currently has, and when it over flows, he claims it is polluting a creek nearby. He also stated that the day care center should not be built yet because it will compound the overloaded sewage problem.

Richard Sutter, 1248 Fairlawns Avenue, Mr. Sutter stated his position in favor of the Day care center being considered in the Suncrest area, however he felt Krepps Park should not be the location of the center. Mr. Sutter requested that the City negotiate with the University about the location so that the park is not compromised. He also asked that the bridge on Laurel Street should be closed to vehicular traffic.

Kay Lotspeich, 1053 Takoma Street, Mrs. Lotspeich expressed her concerns for the extra traffic that a day care will draw and the safety problems it will produce. She also stated that a facility large enough to handle as many children and staff, and parent parking as is being discussed, will take up much of the park's area.

Maria Panaccione, Chair Youth Commission, Ms. Panaccione presented an outline of the Commission's annual report.

Jenny Dinsmore, 393 Mulberry Street, Mrs. Dinsmore thanked Councilors Bane and Manilla for attending the Suncrest Neighborhood Meeting. She discussed her views on the day care center being considered stating the location is wrong for the neighborhood, the children, parents, and the University; and traffic congestion will be a big problem. She also feels that the University is not being a good neighbor to the City in this regard.

Greg Straub, 329 Elmhurst Street, Mr. Straub informed Council on the reduction of vehicular traffic through the neighborhood since the Laurel Street bridge was closed, and asked that it remain so.

Cathy Meighen, 1288 Fairlawns Avenue, Mrs. Meighen opposed the location of the day care center and reminded Council of the new dog park in that area, which will also compound traffic issues.

SPECIAL COMMITTEE REPORTS: _____ None.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1:

As per Council's direction, a town meeting will be held to discuss rental housing inspection issues. The meeting will be at the Hotel Morgan on March 19, 2008, from 7:00 pm to 9:00 pm. Presentations will be made on housing code inspections and fire code inspections. A break out period will also be organized to consolidate questions and suggestions for improved services. Tenants, student organizations, landlords, developers, neighborhood organizations, and all interested parties will be encouraged to attend.

Item No. 2:

Attached you will find a memo from the Public Works Director reporting the location of the Willey Street billboard. As you will read and based on City records, the sign and the northern most building of the City Gardens Apartment Project are outside the City limits of Morgantown. The major complication this finding presents is that the recent annexation in this area is flawed in that its start point was not contiguous to the City boundary. To remedy this situation (correct the annexation minus the billboard), Metro Rentals, LLC has indicated that it is willing to make available detailed survey information for fifty percent of cost to legally establish the new City boundary. Absent a settlement of this nature, the recent annexation will remain in limbo and could be a source of confusion in the future.

NEW BUSINESS:

Item No 1:

The second attachment is a proposed agreement with West Virginia University Hospitals, Inc. to relocate underground copper and fiber communication cables at the site of the new North Side Fire Station. The cost of the total project is \$50,000 and it is proposed that it be divided equally between the Hospital and the City. The cables were uncovered during foundation studies for the new station on the lot donated for the project.

Motion by Manilla, second by Spencer to approve \$50,000 to relocate underground communication cables at the site

for the new North Side Fire Station. Motion Carried 6-1. **Ron Bane abstained.**

Item No 2:

The last attachment is a memo from the Public Works Director reporting design build bid results for the Morgantown River Front Events Center. I agree with her comments and recommend that the contract be awarded to March Westin Company, Inc. for a base bid price of \$21,500,000.

After discussion, motion by Byrne, second by Bane to approve the design bid of \$21,500,000 to March Westin for the Morgantown River Front Events Center. Motion carried 7-0.

CITY CLERK'S REPORT: Thanks to all employees who contributed to the newsletter, please sign up for Walk 100 Miles in 100 Days.

CITY ATTORNEY'S REPORT: None.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane Councilor Bane clarified his reasons for voting against the new Budget, stating that it is not because of employee raises, but rather the Sunnyside Up budget being raised from \$600,000 to \$700,000. He thanked citizens, and said their concerns are valid. Councilor Bane also voiced support for the closing of the Laurel Street bridge to vehicular traffic, but gave concern that another traffic light might be installed on Patteson Drive because of it.

Councilor Manilla Councilor Manilla added to the concerns of the day care center, citing that delivery trucks would also contribute to traffic congestion in the area. He requested an impact study on traffic in that area and suggested that the Laurel Street bridge closure request be included in that impact study. Councilor Manilla commented that the day care center is needed and agreed with comments made earlier about the location being wrong. He asked what could be done about the Kane Core Construction sites.

Councilor Byrer Councilor Byrer agreed with Councilor Manilla about Kane Core, and suggested the City contact them to ascertain their intentions for the properties in question. He agreed with the citizens' comments on the day care center, that the location is wrong, and traffic would be adversely impacted. He also mentioned that the neighborhood has no sidewalks which could pose a safety hazard. He suggested St. Francis as an ideal location for the day care center. Councilor Byrer addressed Wiles Hill neighborhood concerns of serious wrecks in the Willowdale area, and requested increased police patrol. He also informed Council of a burned up house on Stewart Street, which residents have complained about.

Councilor Selin Councilor Selin mentioned a Job Fair for high school aged students at South Middle School on April 19th. She requested that Kane Core and other companies working on large projects in the area are made to post a bond, and must keep the site clean and orderly to receive it back when construction is complete. She feels that the day care center is a mixed issue and cooperation is needed. She appreciates WVU for tabling student housing in the area for the sake of neighborhoods and hopes that in the future of this project and others that neighborhoods, the City and the University can work together to accomplish goals and keep all parties informed. Councilor Selin added that she would like the Laurel Street bridge to remain closed to main vehicular traffic but allow school buses and emergency vehicles access when necessary.

Councilor Byrne Councilor Byrne commented that short term traffic solutions are needed in light of the failed service fee, as mentioned at the recent MPO meeting. He requested a sidewalk on Dorsey Avenue and promised to bring it up to the MPO as well. He mentioned the investigations and recent arrests in the downtown area, and called for the Police Department and the City Manager to look into the ABCC. He discussed Kane Core permits and urged them to be revoked, or not renewed if better standards are not kept in the worksites. He told Council that Sunnyside Up is actively looking for houses and properties to develop. Councilor Byrne suggested that a new parking plan be developed for the Sunnyside Area. He suggested inquiring about other schools and day cares' traffic flow and problems they encountered to help the day care situation in

question.

Councilor Spencer

Councilor Spencer told Council that the Hair Shop on Fayette Street has a broken window, and abuse of downtown storefronts continues to be an issue. Shared a book he is reading about traffic impact, stating that the number of cars could double by 2020. He observed that variations in speed limits could influence the traffic flow and stated he would like to inquire about this to the DOH. He agreed with the citizens and other Councilors that the traffic impacts of the day care center would be massive; however he asked that judgment not be made too quickly, as the idea may work if implemented uniquely. Councilor Spencer maintained that 3 different options were presented to Mr. Burakis to fix the sewage problems in the area that he showed concern for earlier. He thanked him for his concern and urged him to work with Council and MUB to now fix the problem. He warned that closing Laurel Street bridge may cause parking problems in other areas during WVU events. He thanked citizens for their views and then requested the City make a property inventory to distribute to Council so they know what is City owned and what is not. Councilor Spencer asked for an ordinance that denies the renewal of permits if companies like Kane Core do not make plans and leave construction equipment out on sites. Lastly, he encouraged everyone to attend the Winter Music Festival.

Mayor Justice

Mayor Justice informed everyone that on March 5th, at 201 High Street at 3pm gang issues and other related topics will be discussed. He reminded everyone that on March 13th, at 10:30 a.m. at the WVU Rec. Center the City of Morgantown will be announced as a "Well City" and is one of the few in the Nation. He announced also that he will be in Charleston on March 19th. He concluded that leadership is not easy and everyone does the best they can. There are lots of tough issues to deal with right now, and he encouraged Council to keep good relationships regardless of issue differences and thanked them for being good leaders.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:55 p.m.

City Clerk

Mayor

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