

**REGULAR MEETING APRIL 1, 2008:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, April 1<sup>st</sup>, 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 regular meeting on March 18<sup>th</sup>, 2008 were approved as printed with requests for modification by Councilors Byrne and Spencer.

**CORRESPONDENCE:** Proclamation: Organ Donor Awareness. Councilor Bane mentioned a web site with information about Morgantown for new residents written by Citizens: [www.1stwardintown.blogspot.com](http://www.1stwardintown.blogspot.com). Councilor Manilla read an update on behalf of David Bruffy on the Transit Commission's new bus route through Cassville. Councilor Byrer read a letter from citizens on Mulberry Street concerning the new day care center and it's impact on Krepp's park.

**UNFINISHED BUSINESS:**

**BOARDS AND COMMISSIONS:** By acclamation Pat Esposito was reappointed to Building Code Appeals Board, and Bill Mayer was appointed to the Parking Authority.

**NEW BUSINESS:**

**AN ORDINANCE AUTHORIZING THE CITY TO DEED A PARCEL OF REALTY TO THE BUILDING COMMISSION.** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO DEED A PARCEL OF REALTY, SHOWN ON MONONGALIA COUNTY TAX MAP 20 AS PARCEL 400, TO THE MORGANTOWN BUILDING COMMISSION.

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

**AN ORDINANCE AMENDING TABLE 1365.04.01 OF THE PLANNING & ZONING CODE:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING TABLE 1365.04.01 "MINIMUM" OFF-STREET PARKING REQUIREMENTS OF THE PLANNING & ZONING CODE AS IT RELATES TO MINIMUM PARKING REQUIREMENTS FOR "LODGING OR ROOMING" USES.

Motion by Manilla, second by Spencer to pass the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE BY AMENDING ARTICLE 1331:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE SIXTH WARD OF THE CITY OF MORGANTOWN FROM R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MULTI-FAMILY RESIDENTIAL 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 Byrne, second by Byrer to table the above entitled Ordinance. Motion carried 7-0.

**A RESOLUTION THAT THE CITY OF MORGANTOWN URGES ITS STATE AND LOCAL AFFILIATES AND PARTNERS TO JOIN IN THE WEST VIRGINIA CAMPAIGN TO PREVENT EXPOSURE TO SECONDHAND SMOKE IN PUBLIC PLACES IN THE WORKPLACE.** The above entitled Resolution was presented for approval:

After discussion, motion by Bane, second by Selin to pass the above entitled Resolution. Motion carried 6-1. Councilor Manilla voted NO.

**PUBLIC PORTION:** As requested by Councilor Manilla, City Manager Dan Boroff further explained the Ordinance to rezone in the Greenmont Neighborhood.

Gene Perelli, 318 Wilson Avenue, property owner requesting rezoning in the Greenmont Neighborhood. Mr. Perelli first expressed his concern for the citizens and the well-being of the area; then explained to Council and the citizens his plans to develop a building in the neighborhood into a modest 6 unit dwelling. Upon request from Councilor Byrne, he further described the project citing his plans for parking and landscaping. Councilor Selin voiced her concerns for traffic and safety impacts of the planned entrance to the development. Mr. Perelli agreed to her concerns and addressed the solution. Councilor Byrer encouraged compromise with the Neighborhood Association in order to serve the greatest good. Councilor Spencer

mentioned that the area near by is classified as R-3. Councilor Byrne gave words of encouragement for the direction of the Greenmont Neighborhood. Mayor Justice added that the changes facing Greenmont are similar to those of the Woodburn neighborhood.

Djordje Medan, 208 Dewey Street: Thanked Council for moving to table the Ordinance, as he felt there were inconsistencies in the Planning Commission Review which he hopes can be worked out in the coming month.

Simone O'Hara, 515 Clark Street: Reminded Council why the neighborhood was zoned as R-1 in the first place, and asked that when Council rezones R-1 areas, the effects and consequences be carefully considered. She stated that she felt trees and traffic would be negatively impacted with the proposed development, as she feels Morgantown is already too densely populated.

Marcheta Maupin, 57 Manville Street: Spoke of the good character of the Greenmont Neighborhood and stated that its issues are being corrected. She mentioned that the Neighborhood Association was recently created for the betterment of the area and its timing with the Ordinance at hand was a happy coincidence.

**SPECIAL COMMITTEE REPORTS:** Councilor Byrne gave an update on Sunnyside-Up.

**CITY MANAGERS REPORT:**

**NEW BUSINESS:**

Item No. 1:

Attached you will find a memo from the Public Works Director reporting bid results for the 2008 Street Paving Program. I agree with her comments and recommend that the contract be awarded to the low bidder Dodd General Contractors Corp. for a cost of \$164,512.72. Special Note: This contract taken with the asphalt contract totals \$386,627 (\$400,000 is budgeted for the project).

Motion by Bane, second by Manilla to approve the Street Paving bid. Motion carried 7-0.

Item No. 2:

The second attachment is a request from the Airport Director asking that \$22,700 be made available to construct two new offices on the ground floor of the Terminal to house the MPO and County Planning Office. Based upon the merits of the project, I recommend that the Capital Escrow Account loan the funds necessary to the Airport to effect the project.

After discussion, motion by Byrne, second by Bane to approve the funds for the Municipal Airport. Motion carried 7-0.

Item No. 3:

The last attachment is another memo from the Public Works Director reporting bid results for the Lower Walnut Street construction contract. I agree with her conclusion and recommend that the contract be awarded to the low bidder Tony Baiano Construction Co. for a total cost of \$345,900. Special Note: Total project costs will be approximately \$440,000 with design engineering costs, relocation of utilities, and purchase of light posts (separate contracts)—funds available in the River Front TIF account.

After discussion, motion by Bane, second by Byrne to approve the contract bid. Motion carried 7-0.

**CITY CLERK'S REPORT:** None.

**CITY ATTORNEY'S REPORT:** Clarified to Council the appropriate procedure for tabling and voting on the rezoning Ordinance previously discussed, after the 30 day period.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane

Councilor Bane expressed his gratitude for MUB recently fixing storm drops. He mentioned a gravel road that residents have to replenish and grade themselves. Councilor Bane also asked for clarification on Sunnyside Up. City Manager Dan Boroff explained more about Sunnyside. Councilor Byrne stated a TIF will be requested and funds will be used for streetscapes.

Councilor Manilla

Councilor Manilla praised the efforts of Jim Hunt, and said he has faith in the direction that Sunnyside Up is going. He suggested having talks with WVU to solve the parking issues that the day care center may create. Councilor Manilla also mentioned there is a possibility that the other side of Krepps Park may be developed and suggests this area be preserved as a green space.

Councilor Byrer

Councilor Byrer encouraged Hoffman Avenue residents to attend the upcoming Traffic Commission meeting to express their concerns over parking issues. He informed Council that he has issued a request to MUB to fix a drainage pipe that has collapsed near Highland and Virginia Avenue alleys, as it presents a safety hazard. Councilor Byrer concluded by reminding everyone to join the seniors at the Wiles Hill Community Center for lunch each Wednesday for \$4.00.

Councilor Selin

Councilor Selin told Council that residents in the Suncrest Neighborhood Association are frustrated with the traffic and parking situations developing with the day care center. She suggested that the empty houses in the Greenmont Neighborhood be addressed. She mentioned that the Façade Program which was successful in the Sunnyside area could possibly be implemented there for aesthetic improvement of the area. Councilor Selin said that she was concerned for the amount of turn over time that landlords could get between college tenants with the current Fire Codes and suggested that the paperwork be waived for time's sake. She felt the forms should apply to spray paint and carpet in common areas. She stated her hopes for finding and implementing a short term solution, before a long term solution can be presented to the public. Lastly, she reminded interested parties to see the Year of the Child Website for more information on upcoming activities.

Councilor Byrne

Councilor Byrne attended the Greenmont and South Hills Neighborhood Association Meetings, both of which have improved due to the Association. He expressed his concerns for Greenmont having the potential to become another Sunnyside and stated that better Code Enforcement is the key to preventing other Sunnyside like situations from arising in the City. Councilor Byrne then suggested that some of the dilapidated housing be demolished leaving empty lots instead of ugly houses. Any future building or development could reimburse the City for the demolition at a later date. He asked that the streets in Greenmont be swept and cleaned and a plan be put into place. He informed Council of more potholes in S. Hills and Augusta; and of the vision impairing shrubbery. He concluded by addressing the Façade program, concurring with Councilor Selin. He added that the program is available as a loan or a grant on a sliding scale of income and is available City-wide. He asked that interested parties contact John Martys for more information.

Councilor Spencer

Councilor Spencer expressed his gratitude for many of the potholes being fixed and asked that better preparation is made for next winter to avoid such severe potholes next year. He encouraged the City to inform the DOH of remaining potholes that they may fix for us, mainly ones Downtown. Councilor Spencer suggested that the unoccupied properties in Greenmont become green spaces or parks, and this would increase the value of properties and the surrounding area. He concluded by announcing the Suncrest Neighborhood Association Meeting has been rescheduled for the end of April.

Mayor Justice

Mayor Justice said the South Hills Neighborhood Association Meeting was a good and positive experience. He announced the Woodburn Neighborhood Association Meeting will be Monday at 7pm. He stated that the traffic and day care issues would have arisen with or without Krepps Park being there and encouraged the Traffic Commission to take initiative in helping to fix the problem. Lastly, he addressed the members of the Youth Commission who were present. He re-assured them about the changes taking place with the GMAYC concerning Council and BOPARC.

**EXECUTIVE SESSION:** Motion by Manilla, second by Bane, Council went into Executive Session Pursuant to Section 69A-4, at 8:50pm to discuss personnel matters. Present were Mayor Justice, Council Members, City Manager Dan Boroff, Assistant City Manager Jeff Mikorski, and Mark Wise and Marissa Travinski of BOPAPC.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 9:25pm.

---

City Clerk

---

Mayor

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