

REGULAR MEETING MAY 6, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, May 6, 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, Jim Manilla, Jenny Selin, Don Spencer, Charlie Byrer, Ron Bane and Bill Byrne.

The meeting was called to order by Mayor Justice.

APPROVAL OF MINUTES: Minutes from the regular meeting on April 15, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice announced a special meeting of BOPARC on May 8th. Proclamations: Municipal Clerk's Week, Holocaust Remembrance Days, and World Red Cross, Red Crescent Day. Mayor Justice acknowledged emails from citizens.

PUBLIC HEARING- 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.

- 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 PORTION: In light of community concerns over the tabled rezoning Ordinance, Mayor Justice moved up the public portion to hear citizen comments about the Greenmont Neighborhood.

Gene Perelli, 418 Wilson Avenue. Mr. Perelli described his preparation and reasoning for the development which requires rezoning in the above tabled ordinance, requesting that Council pass the ordinance and allow the project.

Brian McAllister, 230 Green Street, Executive Officer Greenmont Neighborhood Association. Mr. McAllister recommended to Council they deny the request by Mr. Perelli and not pass the ordinance allowing for rezoning. We thanked the parties involved for meeting with the neighborhood about the situation. He continued to discuss the reasons why the neighborhood does not agree with the Perelli project.

Mike Moran, 417 White Avenue. Mr. Moran voiced his opposition to the rezoning ordinance. He made reference to the proposed rezoning allowing Greenmont to become another Sunnyside.

Nan Shaffer, 315 Long Alley. Ms. Shaffer concurred with the comments of Mr. Moran and expressed concern for the parking problems that may arise due to a new development. She made mention that there has been a visible change in the number of rental properties in Greenmont, and expressed her displeasure with said change.

Matthew Held, Executive Officer Greenmont Neighborhood Association, Kingwood Street. Mr. Held described his feelings for the Greenmont Neighborhood and gave his vote against rezoning.

Simone O'Hara, Clark Street. Ms. O'Hara stated that she wished to preserve the zoning already in place and gave concern for the direction the neighborhood is going in.

Lori Wilson, 484 Wilson Avenue. Ms. Wilson informed Council that there are numerous possibilities for land uses other than multi unit dwellings that can adversely affect the neighborhood if rezoning is allowed.

Susan Hunter, Associate Professor of Political Science at WVU, Animal Law. Ms. Hunter gave appreciation for the Council's interest in restricting the tethering of animals in the City of Morgantown. She asked Council to clarify the language of the proposed ordinance in order to allow for better interpretation and enforcement citing examples of what she felt needed more definition.

Michael Taylor, Van Voorhis Road. Mr. Taylor seconded the suggestions made by Ms. Hunter.

Bill Kawecki, President, South Park Association of Neighbors. Mr. Kawecki informed Council of his shared concern for the proposed rezoning of the Greenmont Neighborhood. He asked Council to head the requests of the citizens.

Adleheid Medan, 208 Dewey Street, Co-founder Greenmont Neighborhood Association. Ms. Medan reiterated comments against the rezoning of Greenmont.

Frank Gmeindl, 491 Wilson Avenue. Mr. Gmeindl spoke in opposition to rezoning the Greenmont neighborhood to R-3.

Marchetta Maupin, 57 Manville Street. Ms. Maupin described her view of the Greenmont Neighborhood and how rezoning would negatively impact the community. She asked Council to not pass the proposed Ordinance.

John Gaddis, 308 Overdale Street. Mr. Gaddis spoke of his experience in the Greenmont Neighborhood over the years and of his efforts to make the area better.

Patricia Miller, 409 Corbin. Ms. Miller stated that Greenmont is a special and diverse community, and rezoning could disrupt that balance.

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

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE SIXTH WARD: The below entitled Ordinance was presented for second 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.

Motion by Byrne, second by Selin to take the above entitled Ordinance off the Table for discussion. After discussion, Ordinance failed unanimously.

AN ORDINANCE AMENDING TABLE 1365.04.01 OF THE PLANNING & ZONING CODE AS IT RELATES TO MINIMUM PARKING REQUIREMENTS: The below entitled Ordinance was presented for second 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 Spencer, second by Byrne to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: Existing members were reappointed by acclamation to the Met Theatre Commission. New members Josh Williamson and Keith Reed were appointed by acclamation to the Met Theatre Commission. Gary Murdock was appointed by acclamation to the Building Commission. Dennis Bidwell was reappointed by acclamation to the Traffic Commission.

NEW BUSINESS:

AN ORDINANCE AMENDING SECTIONS 333.01 333.03 AND 351.10 OF THE TRAFFIC CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTIONS 333.01 AND 351.10 OF THE CITY OF MORGANTOWN'S TRAFFIC CODE FOR THE OFFENSES OF DRIVING UNDER THE INFLUENCE AND DRIVING UNDER SUSPENSION OR REVOCATION.

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

AN ORDINANCE REPEALING SECTION 505.03 OF THE GENERAL OFFENSES CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE REPEALING SECTION 505.03 OF THE GENERAL OFFENSES CODE OF THE CITY OF MORGANTOWN AND ENACTING IN ITS PLACE A NEW SECTION 505.03, AS THE SAME APPLIES TO CRUELTY TO ANIMALS.

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

AN ORDINANCE REPEALING ARTICLE 1149 OF THE HEALTH AND SANITATION CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE REPEALING ARTICLE 1149 OF THE HEALTH AND SANITATION CODE OF THE CITY OF MORGANTOWN, AND REPLACING IT WITH A NEW ARTICLE 1149, AS THE SAME APPLIES TO PUBLIC NUISANCES.

After discussion, motion by Byrer, second by Selin to pass the above entitled Ordinance to second reading. Request by Spencer to table. Motion by Manilla, second by Bane to table the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY OFFICE OF EMERGENCY MANAGEMENT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF

MORGANTOWN, LESSOR AND MONONGALIA COUNTY OFFICE OF EMERGENCY MANAGEMENT, LESSEE, REGARDING THE USE OF A STRUCTURE LOCATED AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

A RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2008 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN. The above entitled Resolution was presented for approval.

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

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No. 1:

Attached you will find a lease agreement between the City of Morgantown Building Commission and Mermaid Limited Liability Company for the Event Center that will include a conference center and theater. As you will read, this is a lease for an undetermined number of years (most likely 17) and contains a provision to repay a \$1,000,000 City of Morgantown, no interest loan, to the Building Commission over a 10 year period. This lease requires no action on the part of City Council.

NEW BUSINESS:

Item No. 1:

The second attachment is a proposed Purchase Agreement and related information with Augusta Systems for a Threat Viewer System for the Downtown in the amount of \$24,997.50. Based upon the effectiveness of this video surveillance security system, I recommend that the Agreement be approved.

Motion by Manilla, second by Bane to approve the above mentioned Purchase Agreement. Motion carried 7-0.

CITY CLERK'S REPORT: No report.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane

Councilor Bane asked the status of the Downtown Service Fee, City Manager Dan Boroff answered that it would be on the May COW Agenda. He informed Council of a traffic situation at High Street and Dorsey Ave. where a citizen's yard is being driven into on a constant basis. Councilor Spencer asked that the Citizen come to the Traffic Commission Meetings. Councilor Bane inquired as to the status of a piece of property supposedly being purchased by Sunnyside Up.

Councilor Manilla

Councilor Manilla mentioned that he spoke with the Mon Co. Schools Superintendent and they discussed B&O Taxes for a sidewalk near or at Morgantown High School. He spoke of Jack Roberts Park, and noted vandalism problems near the playground area. He requested security in this area. He commented on the new video recording system in place to broadcast Council Meetings on television.

Councilor Byrer

Councilor Byrer commended Officer Troy Ball for his community service efforts. He asked about the status of the Kane Core Construction Projects and their permits. City Manager Dan Boroff answered that if no work is done, the permit will expire. He explained that he saw surveyors at the site, and they appeared to be making some progress. Mr. Boroff continued to clarify the details of permit issuance for Councilor Byrer. He then inquired about animal control. Mr. Boroff explained the City's relationship with the County and how issues are processed with. Councilor Byrer then gave an update on the Responsible Hospitality Initiative that he and Councilor Selin attended.

Councilor Selin

Councilor Selin added that they are forming their report and a presentation on the Hospitality Initiative. She mentioned that with the change of the seasons, more people are going to be out walking and driving, and urged caution to citizens. She voiced appreciation to City Manager Dan Boroff for his informative reports. She then encouraged involved citizens to attend the upcoming Traffic Commission Meeting to voice their concerns over the Laurel

Street Bridge and the request to close it. Councilor Spencer added that the issue will not be on the agenda until the WV DOH completed a traffic impact study. She corrected her request to the people, encouraging them to attend when that issue is on the agenda.

Councilor Byrne

Councilor Byrne thanked the people for their input on the Greenmont issue, and thanked Councilors for listening to their concerns. He gave an update on Sunnyside Up and their decision on a contract for improving the infrastructure of the area.

Councilor Spencer

Councilor Spencer announced that the Transit Authority will meet on May 15, from 10 am to Noon to discuss the temporary solutions for traffic congestion. Mayor Justice supported the meeting and the recommendations they will make to the MPO. Councilor Spencer thanked everyone who was involved in helping to clean the Graffiti along the Rails to Trails. He requested that another letter be sent to the Public Service Commission about Council's disapproval of the TRAIL program. He voiced his support for the Property Removal Legislation. He requested clarification on the replacement process for Councilor Manilla's position. City Clerk Little explained the process to Council. He thanked Councilor Byrer for mentioning the victims in Myanmar in his opening comments.

Mayor Justice

Mayor Justice acknowledged Councilor Selin's request from citizens for speed humps and suggested Council find a better way to hear these requests. Councilor Spencer stated the Traffic Commission would welcome and consider that request when submitted in writing. Mayor Justice concluded by praising the progress made on High and Walnut Streets.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:40 pm.

City Clerk

Mayor

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