

REGULAR MEETING OCTOBER 7, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 7, 2008 at 7:30 p.m.

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

The meeting was called to order by Mayor Justice.

APPROVAL OF MINUTES: Minutes from the regular meeting on September 16, 2008 were approved as printed.

CORRESPONDENCE: Proclamations: Municipal Government Week, National Business Women's Week, and Fred Fawcett Appreciation.

Announcement: Halloween Trick or Treating Schedule change from 5:30 to 6:30 and Mohawk Bowl at 8pm to avoid conflict. The Mayor also welcomed a Political Science class and Journalism class to the meeting.

Presentation from the WVU Student Board of Governors by Student Body President Jason Parsons about current projects, where he presented to Council their intent for participating in the Sunnyside Revitalization Project due to their vested interests in the well being of the City. He also stated that the SGA wants to work in cooperation with the City and State on Transportation issues affecting Morgantown— in particular towing citing several issues they see. Also, inquiring as to the lack of taxi services in our area.

PUBLIC HEARING - AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION IN THE FOURTH WARD BY AMENDING ARTICLE 1331.02 OF PLANNING AND ZONING CODE.

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

John Duarte, 460 Grove Street: opposed to the zoning reclassification because the development would increase the population density, add traffic and otherwise congest the area. He felt the project needs to be reviewed further for the benefit of the citizens in the immediate area.

Dave Kelly, 235 Jones Avenue: reiterated the same concerns brought by the other speakers and urged Council to review the project further before approval.

Belinda Knight, 2567 University Avenue, Grand Central Apartments LLC: stated that the concerns that have been raised have already been taken into consideration.

Mayor Justice explained to the public the reason for the following public hearing on the MUB Sewer Rate Ordinance.

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

PUBLIC HEARING - AN ORDINANCE REPEALING THE JULY 15, 2008 AUGUST 19, 2008 ORDINANCE AND ENACTING NEW AMENDMENTS TO ARTICLE 925.

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 PROVIDING FOR ZONING RECLASSIFICATION IN THE FOURTH WARD BY AMENDING ARTICLE 1331.02 OF PLANNING AND ZONING CODE. The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ALL OR A PORTION OF NINE PARCELS OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM O-I, OFFICE AND INSTITUTIONAL DISTRICT AND R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 OF PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT AND HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.

After discussion, motion by Bane, second by Byrne to Table the above entitled Ordinance until Planning Commission recommendations from the August 14th Staff Report are reasonably fulfilled by the Planning Department Staff. Motion carried 7-0.

AN ORDINANCE REPEALING THE JULY 15, 2008 AUGUST 19, 2008 ORDINANCE AND ENACTING NEW AMENDMENTS TO ARTICLE 925. The below entitled Ordinance was presented for second reading:

AN ORDINANCE REPEALING THE ~~JULY 15, 2008~~ AUGUST 19, 2008 ORDINANCE MAKING AMENDMENTS TO ARTICLE 925 OF THE MORGANTOWN CITY CODE (SEWER RATES), AND ENACTING NEW AMENDMENTS TO ARTICLE 925.

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

BOARDS AND COMMISSIONS: No appointments for Boards and Commissions at this time. Councilor Spencer commended Woodburn for the Information they provided to the Traffic Commission, which he stated he would share with Council to benefit the neighborhoods in their wards. Councilor Selin announced the Youth Commission Voter Forum to be held on Oct. 14th at the Met Theatre 7pm.

NEW BUSINESS:

AN ORDINANCE BY THE CITY OF MORGANTOWN RENAMING AN ALLEY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN RENAMING ALLEY A, WITHIN THE FIFTH WARD OF THE CITY, TO HOOVER ALLEY.

After discussion, motion by Byrne, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 6-1. Councilor Byrer voted NO.

AN ORDINANCE AMENDING SECTIONS OF THE ADMINISTRATIVE CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTIONS 151.02, 151.03, AND 151.04 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO TRAFFICE COMMISSION COMPOSITION, MEMBERSHIP, AND DUTIES.

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

A RESOLUTION TO OBTAIN \$55,000.00 FROM THE GOVERNOR'S COMMUNITY PARTNERSHIP GRANT TO UPGRADE BALL FIELDS AT KREPPS, MARILLA, FIRST WARD, ELLIS FIELD AND VALLEY VIEW FIELD. The above entitled Resolution was presented for approval.

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

A RESOLUTION TO OBTAIN \$105,000.00 FOR THE MET THEATER FROM WV DIVISION OF CULTURE AND HISTORY FOR A CULTURAL FACILITIES GRANT TO RENOVATE AREAS OF THE THEATRE. The above entitled Resolution was presented for approval.

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

A REIMBURSEMENT RESOLUTION STATING THE REASONABLE EXPECTATION OF THE CITY COUNCIL OF 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 for approval.

After discussion, and suspension of the rules to allow for commentary from attorney Vince Collins; motion by Byrne, second by Spencer to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION PROVIDING FOR SUBMISSION OF A TAX INCREMENT FINANCING APPLICATION BY AND ON BEHALF OF SUNNYSIDE UP CAMPUS NEIGHBORHOODS REVITALIZATION CORPORATION. The above entitled Resolution was presented for approval.

After discussion, and explanation from Sunnyside-Up Director, Jim Hunt; motion by Byrne, second by Spencer to approve the above entitled Resolution. Motion carried 6-1. Councilor Bane voted NO.

PUBLIC PORTION: Ruth Donaldson, 1300 Heritage Place: briefed council on the mediation meeting with WVU student renters that occurred 10/1 with Police Chief Phil Scott concerning 1280 Colonial Drive conflicts. She stated objectives of the meeting and the resulting agreements and continuing disagreements. She continued that the students are continuing to create disrupting noise. She thanked Council for their support and urged ramifications for the student behavior.

Nancy Ganz, 1276 Colonial Drive: Reported that she met with community and university leaders about the Colonial Drive conflicts and asked that more laws be enforced to help change these behaviors. She stated her's and the neighborhoods willingness to cooperate in any way necessary to bring these changes about.

Cathy Barclay, 615 Kenwood Place: As a neighbor in the area of concern, expressed her disappointment with the situation at Colonial Drive and feels the Students have more rights than citizens. She plead for Council's support in making community changes and addressing the problem.

John Ganz, 1276 Colonial Drive: presented a handout that all students receive from WVU and Morgantown Police citing different consequences for inappropriate behavior. He also attended the mediation meeting and retold those results as well. He reported that tonight their music was again loud, and is concerned with what he will returned to find after they continue to party. He thanked Council for support and for the mediation meeting but reported the students are not complying and more work needs to be done.

Frank Gutta, Owner Heritage Apartments: He was recently made aware of the noise and is in agreement with its effects. He is calling for enforcement of noise ordinances and will give full cooperation in order to do so.

Leigh Rosenecker, 621 Jones Avenue: She stated that student partying is a City-wide problem and called for action thorough the community to solve the issue.

Mayor Justice requested the City Manager to research possible avenues to a solution including nuisance Ordinances, law enforcement, or meetings with WVU Dean of Students.

Assistant City Manager Jeff Mikorski concurred.

Councilor Byrer commented that the problem is chronic and action needs to be taken.

Councilor Selin suggested changing the Policing/Enforcement of the area to yield results.

Mayor Justice stated the problem is eminent and must be resolved immediately.

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1: The City has been informed that it has been selected for the Gold Worksite Wellness Award by the Wellness Council of West Virginia. This prestigious award reflects the strong commitment and involvement of City employees to high wellness standards. The programs developed and implemented by the City=s Wellness Committee that made this award possible are also very much appreciated.

NEW BUSINESS:

Item No 1: Attached you will find a letter from the Morgantown Area Chamber of Commerce requesting \$2,400 to support the Mon River Litter Removal Program. Given the success of this program in previous years, I recommend that the request be granted.

Motion by Bane, second by Selin to approve the funding request for the Litter Removal Program. Motion carried 7-0.

Item No 2: The second attachment is a letter from the Superintendent of Schools requesting that B & O Construction Taxes from the old University High School Renovation Project be invested in public improvements to support the project and the area. Given the City=s support of the Board of Education, the success of the Morgantown High School Project, and the merits of the proposal, I recommend that the request be granted.

After discussion that funds will be used on the relocation of water utility lines and the improvements to the roadway. Motion by Bane, second by Spencer to approve the usage of said tax funds for the Renovation Project. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane stated briefly that his disagreement for the TIF in Sunnyside and claimed the decision is not a frugal one.

City Attorney Steve Fanok commented that the TIF doesn't commit the

Council to \$100,000 beyond this fiscal year.

Councilor Gaddis:

Councilor Gaddis commented that at the Greenmont Neighborhood Meeting there was also discussion on underage college parties which are becoming problematic, the overflow of which moves into the Downtown Area when parties conclude.

Councilor Byrer:

Councilor Byrer said that we need to keep up with the growth in Morgantown and the neighborhood associations, City-wide, need a stabilization plan.

Mayor Justice encouraged all neighborhood associations to move forward with this process, and he recommended the services of an experienced facilitator to help in such endeavors.

Councilor Selin:

Councilor Selin mentioned that Year of the Child initiatives are closely related to this neighborhood issue, in preserving young families and neighborhood schools. Concerning Sunnyside Up, she clarified that the City Manager is the "Point Person" for legal purposes. She informed about Event Lights on 10/13 at the Morgantown Mall, and Take a Flower to Child Care Day on 10/21.

Councilor Byrne:

Councilor Byrne commented that it is their responsibility to be accountable to the Citizens and therefore must resolve all the partying issues in all the neighborhoods before it becomes out of control. He suggested devising a legal plan to deal with them, and then follow through. He closed his comments by thanking citizens for their patience while the situation is handled.

Councilor Spencer:

He mentioned that for the Citizens on Colonial Avenue having patience to deal with this issue must be difficult. He applauds the neighbors for coping and feels indebted to those who are handling the situation. He inquired as to the status of alcohol control within the City. He thanked Councilor Byrer for the Vote by Mail info, and will attend the meeting. He suggested to Council an alternative treat to pass out to Halloween Trick or Treaters.

Mayor Justice:

Mayor Justice spoke of the City Employee Tailgate Party on 10/10 and the Morgantown Airport Appreciation Day on 10/12.

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

City Clerk

Mayor

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