

REGULAR MEETING OCTOBER 16, 2012: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 16, 2012 at 7:00 P.M.

PRESENT: City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jim Manilla and Council Members: Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger, Bill Byrne, and Linda Herbst.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of October 2, 2012 were approved as printed; minutes of the Special Meeting of October 2, 2012 were approved as corrected.

CORRESPONDENCE: Mayor Manilla presented middle school student Matt Watson with a certificate of recognition, and proclamations were presented for Extra Mile Day, and Municipal Government Week. Samples of "If I Were Mayor" letters from Woodburn Elementary School students were read in conjunction with Municipal Government Week.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, THE MORGANTOWN BUILDING COMMISSION, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING ITS OWNERSHIP INTERESTS IN SPECIFICALLY IDENTIFIED REALTY LOCATED IN THE AREA COMMONLY KNOWN AS THE "STADIUM LOOP" TO THE WVU BOARD OF GOVERNORS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE REALTY TRANSFER TO OCCUR.

James Giuliani, 256 Prairie Avenue, spoke in opposition to the above agreement, and asked Council to delay taking any action to execute the agreement. He cited information from the agreement, stating there are other options than transferring the realty. He feels it improper to execute an agreement based upon the outcome of ongoing litigation and suggests the City use the property to reap revenues.

There being no other appearances, Mayor Manilla declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, WHEREBY THE STATE OF WEST VIRGINIA LEASES REAL ESTATE FOR USE BY THE DEPARTMENT OF HEALTH AND HUMAN RESOURCES AT THE MORGANTOWN MUNICIPAL AIRPORT.

There being no appearances, Mayor Manilla declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE TRANSFERRING OWNERSHIP OF REALTY IN THE "STADIUM LOOP" AREA TO THE WVU BOARD OF GOVERNORS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, THE MORGANTOWN BUILDING COMMISSION, AND THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, AS THE SAME APPLIES TO THE CITY OF MORGANTOWN TRANSFERRING ITS OWNERSHIP INTERESTS IN SPECIFICALLY IDENTIFIED REALTY LOCATED IN THE AREA COMMONLY KNOWN AS THE "STADIUM LOOP" TO THE WVU BOARD OF GOVERNORS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE

AGREEMENT AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE REALTY TRANSFER TO OCCUR.

Motion by Selin, second by Herbst, to adopt the above entitled Ordinance. After discussion and explanation from the City Manager and City Attorney, the rules were suspended to allow extended discussion with Mr. Gianola, Mr. Hudak, and Mr. Fanok. Upon conclusion of these comments, motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY AND WV-DHHR FOR REALTY AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND THE STATE OF WEST VIRGINIA, LESSEE, WHEREBY THE STATE OF WEST VIRGINIA LEASES REAL ESTATE FOR USE BY HE DEPARTMENT OF HEALTH AND HUMAN RESOURCES AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

BOARDS AND COMMISSIONS: None.

SPECIAL COMMITTEE REPORTS: Councilor Shamberger announced that she attended the Neighborhood Coordinating Council Meeting, and reported their commendation of first responders to post-game situations, and also reported that recycling is now available and highly recommended.

She also attended a meeting with BOPARC and the Police Chief about rail-trail issues. She attended the Senior Advisory Board meeting and encouraged all senior citizens to utilize the BOPARC senior center facility. She attended a meeting about the Urban Deer Hunt and reported that a solution on deer stands had been recommended there.

PUBLIC PORTION:

Lyndell Mellecchia, 476 Lawnview Drive, spoke in support of 2011's Vote by Mail pilot program and asked Council considers continuing the program. She cited voter statistics and voting methods in her comments.

Katie Ryan, 931 Southpoint Circle, expressed disappointment over a meeting on Oct. 11th, facilitated by the City Manager. Rick Bebout and others. She is upset over the failure to communicate with the neighborhood on their proximity to the hunt areas. She reported conflicting reports from those present at the meeting, and requested that written communication be distributed to residents of the area with hunt details. She urged Council to amend the hunt to include a 5 acre minimum requirement.

Don Spencer, 565 Harvard, spoke in support of 2011's Vote by Mail program. Mr. Spencer cited statistics, and gave a history of the program's inception. He touted the program's supporters, benefits and varied uses nation-wide. He urged Council to continue the program for the 2013 Municipal Election.

James Giuliani, 256 Prairie Avenue, proposed that Council form a new Commission, which will work to bring WVU to the table and allow the City to look after its own interests in the area. He suggested a "Partnership Policy" commission, as an advisory committee, and policy making body to help deal with City-University issues.

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

CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Alternative Retiree Health Coverage Program

After explanation from Mr. Moore, motion by Bane, second by Nugent, to approve the program. Motion carried by unanimous consent.

REPORT FROM CITY CLERK: Vote-By-Mail Election Expenses.

Ms. Little reported to Council updated costs in connection with performing another Vote by Mail program for the 2013 Municipal Election. She also highlighted other options available for the election, including obtaining an optical scan machine or making a charter change to have the Council election on the county's general election ballots. Ms. Little then entertained questions from Council concerning the logistics of these choices. It was the consensus of Council to further discuss the issue at the October Committee of the Whole meeting.

REPORT FROM CITY ATTORNEY: Mentioned to Council that it is not always necessary to have Ordinances fully prepared for discussion at the Committee of the Whole when there is a chance that the Ordinance will not be passed on to the Regular Meeting.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane responded that he agrees with Mr. Giuliani's suggestion of a new commission and mentioned that there will be a commission formed in conjunction with the Town and Gown efforts. He agreed that the commission should be of substance and purpose.

These comments spurred a discussion on the composition and potential for the proposed commission. There was then a consensus of Council to further discuss the matter at the upcoming Committee of the Whole meeting. Councilor Bane then announced a race at White Park this weekend.

Councilor Nugent: Councilor Nugent announced the upcoming meeting of the Wiles Hill-Highland Park neighborhood association, and a downtown Trick or Treat event.

Councilor Selin: Councilor Selin remarked that WVU SGA Liaison Randy Jones mentioned the past-game fires and hopes that Council will place added pressure on those violators. She announced that Sunnyside Up is looking for its new director and encouraged all who are interested to apply. She mentioned the Food is Art event at the Garlow House and the Arts Walk events, adding the successful use of the Market Place pavilion.

Councilor Shamberger: Councilor Shamberger announced a BOPARC meeting at Dorsey's Knob with downtown Arts entities to organize venues and events, as well as an upcoming League of Women Voter's forum. She thanked City Attorney Steve Fanok for all his diligent work.

Councilor Byrne:

No Report.

Councilor Herbst:

Councilor Herbst gave an update on the latest from the Goodwill City initiative. She also mentioned a group of students who are working to counter the malicious post-game activities in Morgantown. She discussed a rental housing committee in the area and their upcoming meeting. Councilor Herbst then recognized visitors in the audience.

Mayor Manilla:

Mayor Manilla stated that residents in Southpoint have legitimate concerns.

Mr. Moore interjected that the primary focus of the meeting was to focus on one specific lot having an issue, and that the suggestions for hunt notification will be taken under advisement. Mr. Moore also stated that deer stands are only to be used during the hunt and are to be taken down after its conclusion. He assured that recommendations will be made to accommodate these concerns.

Mayor Manilla continued, in agreement with Mr. Giuliani on his suggestion of an advisory board, stating a better connection with WVU must be forged. He announced that the BOPARC Ice Rink is now open, and the International Festival event. He mentioned a video produced out of Kansas State and urged others to view it.

EXECUTIVE SESSION: Motion by Herbst, second by Bane, and carried by unanimous consent, Council moved to enter into executive session pursuant to WV State Code section 6-9A-4(2)(9) in order to discuss matters pertaining to the sale, purchase or lease of realty with Council Members, City Manager, Deputy City Manager and City Attorney present; and immediately following, an executive session pursuant to WV State Code section 6-9A-4(b)(2)(A) in order to discuss personnel matters with Council Members and City Manager present, at 9:20 p.m. Executive session exited at 9:55 p.m.

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

City Clerk

Mayor

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

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: 10/31/2012

TO: Terrence Moore, ICMA-CM
City Manager

FROM: Joseph R. Sabatelli, CPA
Finance Director 

RE: Capital Lease Purchase Priorities

As per your direction, this memo serves to clarify the equipment to be purchased with the proposed capital lease. The priority for the equipment is based on need as discussed with City Council at the Committee of the Whole meeting on October 30th. The list provides the rankings for each piece of equipment that will be purchased. As the list indicates, amounts will be distributed based on available funds.

Priority 1:
Public Works end loader and backhoe
Fire Department fire engine

Priority 2:
Fire Department vehicles

Priority 3:
Police Department vehicles
Radio equipment

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone 304-284-7407/Fax 304-284-7418

jsabatelli@cityofmorgantown.org

MEMO

DATE: October 29, 2012

TO: Terrence Moore, ICMA-CM
City Manager

FROM: JR Sabatelli, CPA 
Finance Director

RE: Capital Escrow Carry-Over Budget Revision

As per your direction, the following summarizes your proposed budget adjustment to be approved by City Council.

Budget Line	Current Unencumbered Balance	Current Budget	Proposed Revised Budget	Net Change
Revenues:				
General Fund 2013 Transfer		1,513,858	1,435,704	(78,154)
Expenses:				
Disaster Study	2,334	2,334	-	(2,334)
Fire Dept Equip	95,596	95,596	45,596	(50,000)
Police Cruisers	84,000	84,000	64,000	(20,000)
Neighborhood Beutification	26,726	30,143	20,143	(10,000)
Public Works Cleanup	39,859	39,859	19,859	(20,000)
Records Management	5,000	5,000	-	(5,000)
Solid Waste Issues	5,000	5,000	-	(5,000)
Neighborhood Signs	12,269	12,269	6,269	(6,000)
Traffic Calming	9,614	20,000	9,614	(10,386)
GIS Mapping Project	17,277	17,277	-	(17,277)
Rail Trail Paving	-	-	87,843	87,843
Housing Assistance	40,000	40,000	20,000	(20,000)
				<u>(78,154)</u>

Net Revision

October 26, 2012

The City of Morgantown
389 Spruce Street
Morgantown, WV 26505

Dear Mayor Jim Manilla and members of the Morgantown City Council,

On behalf of the Arts Alive on the River Committee, I would like to express our appreciation for your support of the Arts Alive Festival and also helping to engage many of the present volunteers whose enthusiasm and dedication has taken this festival to a new level showcasing the wealth of talent from the region. The 2012 Arts Alive brought many in and around the state of West Virginia to Morgantown to enjoy the festival along our beautiful riverfront as well as the hospitality of our city.

The Arts Alive Festival celebrates the tradition and fosters the growth of high-quality visual and performing arts, music, area cuisine and crafted beverages in a city-wide, family friendly environment. The festival is designed to create opportunities for artists, provide new avenues of economic growth for the region, be an educational resource and advance public understanding and appreciation of all arts.

Since 2010, the new committee has grown the festival from a nice attraction for local residents to a state-wide venue offering a multitude of activities for children and adults to enjoy. The recurring statement from many in attendance has been "Arts Alive has something for everyone". The growth in 2012 was a direct effort to create the premier Arts Festival in West Virginia to attract people from all around the region and the state of West Virginia. In addition to the committee's dedication to the city of Morgantown and the arts, this event truly became a community wide effort attracting corporate sponsors as well as local sponsors to ensure its success. The festival has momentum for 2013 with a newly created dynamic website and facebook page, returning and additional artists, a growing number of volunteers, and materials that may be utilized again including signage to help promote the event.

To continue the success of the festival it is important to have support of the City of Morgantown due to the volunteer nature of the event. In conclusion of settling obligations of the festival, we found that we are in need of a small amount of funds in comparison to the scope of finances of the festival budget of \$100,000. The Arts Alive Committee has two outstanding invoices that are in need of attention, WV Radio Corporation was employed in promotion of the festival for \$2,500.00 and Morgantown Printing and Binding for \$1,000 providing a free booklet with helpful information for the community about the festival. The committee members respectfully request any assistance with these outstanding invoices.

Respectfully Submitted,

Travis Carrow
Arts Alive Committee Member

Beth Fuller
Arts Alive Committee Member

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

FIRE CIVIL SERVICE COMMISSION:

Chamber Commission appointment Ashley Hardesty resigned (see letter attached) and Joshua Jarrell is being suggested to serve in her place by the Chamber. Appts. Made by those they rep.

URBAN LANDSCAPE COMMISSION:

Chamber of Commerce representative seat is still vacant and Chair is working with Chamber on replacement. Nominated by CM, from each ward, 13 members with staggered terms, 1 councilmember, and non-ward members must represent specific category.

***POLICE & FIRE CIVIL SERVICE COMMISSIONS: NEW PRESIDENTS APPOINTED IN JANUARY.**

****Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.***

****Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.***

11/01/2012

600 Quarrier Street
Charleston, West Virginia 25301

101 South Queen Street
Martinsburg, West Virginia 25401

511 7th Street
Moundsville, West Virginia 26041

501 Avery Street
Parkersburg, West Virginia 26101

Ashley P. Hardesty
Telephone — (304) 285-2522
Facsimile — (304) 285-2575



7000 Hampton Center
Morgantown, West Virginia 26505
(304) 285-2500

www.bowlesrice.com

October 26, 2012

6000 Town Center Boulevard, Suite 210
Canonsburg, Pennsylvania 15317

333 West Vine Street, Suite 1700
Lexington, Kentucky 40507

480 West Jubal Early Drive, Suite 130
Winchester, Virginia 22601

E-Mail Address:
ahardesty@bowlesrice.com

Mr. Terrence R. Moore
City of Morgantown
City Manager's Office
389 Spruce Street
Morgantown, West Virginia 26505

Re: Morgantown Fire Civil Service Commission

Dear Mr. Moore:

Since Fall of 2006, it has been my special privilege to serve as a Commissioner of the Morgantown Fire Civil Service Commission. However, due to other obligations, I must tender my resignation as Commissioner effective immediately.

I have greatly enjoyed my service as Commissioner, and the opportunity to work with city officials as well as the tremendously talented City of Morgantown Fire Department. I am pleased to recommend that my colleague Joshua Jarrell be appointed to replace me as the Chamber of Commerce's representative on the Commission. I have spoken with Mr. Jarrell regarding this position and he is very willing to serve. I believe that Mr. Jarrell would serve very capably if selected by the Chamber of Commerce. In the meantime, please call if you have any questions or wish me to do anything further.

Very truly yours,

Ashley P. Hardesty

APH/sef

cc: Mr. Ken Busz (Via E-mail)
Mr. Shane Mardis (Via E-mail)
Ms. Linda Little (Via E-mail)
Joshua Jarrell, Esquire (Via E-mail)

Application to Serve on City Boards and Commissions

THE CITY OF MORGANTOWN HAS NUMEROUS COMMITTEES, BOARDS, AND COMMISSIONS COMPRISED OF CITIZENS WHO GIVE OF THEIR TIME IN VERY IMPORTANT CAPACITIES. STATE LAWS PRESCRIBE THAT SOME OF THOSE BODIES RETAIN MEMBERS WHO HAVE CERTAIN EXPERIENCE, EDUCATION OR PROFESSIONAL CERTIFICATIONS. WE ASK THAT YOU PROVIDE THE FOLLOWING BASIC INFORMATION SO WE MAY EVALUATE PROSPECTIVE APPOINTEES' QUALIFICATIONS IN AN EXPEDIENT MANNER. A RESUME OR OTHER PERTINENT INFORMATION MAY BE SUBMITTED ALONG WITH THIS FORM.

MR/MS: Joshua L. Jarrell **WORK/CELL PHONE:** w: 304-285-2563 c: 703-899-6262

ADDRESS: 264 Franklin St **HOME PHONE:** 703-899-6262

Morgantown, WV **ZIP:** 26501

EMAIL ADDRESS: jjarrell@bowlesrice.com

CITY RESIDENT? YES x NO _____ **YEARS OF CITY RESIDENCY:** 6 **WARD:** second

WHO IS YOUR EMPLOYER?(If Retired, Answer "Retired"): Bowles Rice, LLP

WHAT TYPE OF BUSINESS ARE (were) YOU EMPLOYED IN? Legal.

JOB TITLE or JOB DESCRIPTION: Attorney

PROFESSIONAL CERTIFICATIONS/LICENSES: Juris doctorate.

SPECIAL INTERESTS: Doing my part to better our community and region; Soccer.

PLEASE CHECK THE COMMISSIONS YOU ARE INTERESTED IN SERVING:

- | | |
|--|---|
| <input type="checkbox"/> BOCA BOARD OF APPEALS | <input type="checkbox"/> MUSEUM COMMISSION |
| <input type="checkbox"/> BOARD OF PARKS AND RECREATION | <input type="checkbox"/> PARKING AUTHORITY |
| <input type="checkbox"/> BOARD OF ZONING APPEALS | <input type="checkbox"/> PERSONNEL BOARD |
| <input type="checkbox"/> BUILDING COMMISSION | <input type="checkbox"/> PLANNING COMMISSION |
| X FIRE CIVIL SERVICE | <input type="checkbox"/> POLICE CIVIL SERVICE |
| <input type="checkbox"/> HISTORIC LANDMARKS | <input type="checkbox"/> SISTER CITIES COMMISSION |
| <input type="checkbox"/> HOUSING AUTHORITY | <input type="checkbox"/> TRAFFIC COMMISSION |
| <input type="checkbox"/> HUMAN RIGHTS | <input type="checkbox"/> TRANSIT AUTHORITY |
| <input type="checkbox"/> LIBRARY BOARD | <input type="checkbox"/> URBAN LANDSCAPE COMMISSION |
| <input type="checkbox"/> MET THEATRE BOARD | <input type="checkbox"/> WARD & BOUNDARY |
| <input type="checkbox"/> MORGANTOWN UTILITY BOARD | <input type="checkbox"/> YOUTH COMMISSION |

SUBMIT TO: CITY CLERK, 389 SPRUCE STREET, RM.10, MORGANTOWN, WV, 26505.

APPLICATIONS WILL REMAIN ON FILE IN THE CITY CLERK'S OFFICE FOR 6 MONTHS UPDATED: 7/12

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF SEVEN PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT; B-2, SERVICE BUSINESS DISTRICT; AND, B-4, GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331.02 OF THE PLANNING AND 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.

WHEREAS, the City of Morgantown enacted Ordinance 08-48 on December 2, 2008 to amend the Official Zoning Map of the City of Morgantown for the "Westminster House Planned Unit Development (PUD) Outline Plan".

WHEREAS, Ordinance 08-48 provided for the zoning reclassification of Parcels 247, 248, 249, 260, and 262 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District from the B-4, General Business District to the PUD, Planned Unit Development District.

WHEREAS, Ordinance 08-48 provided for the zoning reclassification of Parcels 263 and 270 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District from the R-2, Single- and Two-Family Residential District and the B-2, Service Business District to the PUD, Planned Unit Development District.

WHEREAS, Article 1357.03 (D) of the City's Planning and Zoning Code provides that a PUD Development Plan must be submitted to the Planning Division not more than eighteen (18) months following City Council approval of the PUD Outline Plan. Said Article provides that the Planning Commission may extend the time for application for approval of the PUD Development Plan for good cause, consistent with the purposes of the Zoning Ordinance OR initiate action to amend the Official Zoning Map so as to rescind the Planned Unit Development designation.

WHEREAS, on November 12, 2009, the Planning Commission extended the original PUD Development Plan application deadline from June 3, 2010 to December 3, 2010.

WHEREAS, on February 10, 2011, the Planning Commission again extended the PUD Development Plan application deadline from December 3, 2010 to October 31, 2011.

WHEREAS, on October 13, 2011, the Planning Commission again extended the PUD Development Plan application deadline from October 31, 2011 to December 31, 2011.

WHEREAS, on December 8, 2011, the Planning Commission again extended the PUD Development Plan application deadline from December 31, 2011 to June 30, 2012.

WHEREAS, the Planning Division duly notified Westminster House, Inc. by means of a certified letter dated July 25, 2012 that:

1. Article 1357.03 "Procedure for Approval of Planned Unit Development" of the Planning and Zoning Code provides that a PUD Development Plan must be submitted to the Planning Division no later than eighteen (18) months following City Council approval of the Outline Plan. City Council enacted Ordinance 08-48 establishing "Westminster House" PUD, Planned Unit Development District on December 2, 2008, which established an expiration deadline of June 3, 2010.
2. The Planning Commission approved four (4) PUD Outline Plan Amendments, each extending the deadline to submit the PUD Development Plan respectively.
3. The effective deadline to submit the PUD Development Plan to the Planning Division was June 30, 2012.
4. Article 1357.03(D)(4)(c) requires the Planning Division to report to the Planning Commission on Planned Unit Developments with time limits that have expired and notify the original applicants of same and that the Morgantown Planning Commission may extend the PUD Development Plan submission deadline for good cause, consistent with the purposes of the Zoning Ordinance.
5. The Planning Division is to report the subject expiration to the Planning Commission with a recommendation to determine whether to consider extending the deadline or initiate action to amend the Official Zoning Map so as to rescind the Planned Unit Development designation.
6. The Planning Division advised the Planning Commission that Westminster House, Inc. did not wish to pursue an additional PUD Development Plan submission deadline extension and that the developer intends to pursue a development program that will fall within the standards of the zoning districts for which the subject property was classified prior to City Council's enactment of Ordinance 08-48 on December 2, 2008.

WHEREAS, the Morgantown Planning Commission held a public hearing on August 23, 2012 and voted unanimously to initiate action to amend the Official Zoning Map so as to rescind the "Westminster House" PUD, Planned Unit Development District designation.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF MORGANTOWN:

1. That the zoning reclassification enacted by Ordinance 08-48 on December 2, 2008 is hereby rescinded;
2. That Parcels 247, 248, 249, 260, and 262 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein are reclassified from the PUD, Planned Unit Development District to the B-4, General District;

3. That Parcels 263 and 270 of Monongalia County Tax Map 26 (2006 tax assessment), Morgantown Corporation District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein are reclassified from the PUD, Planned Unit Development District to the R-2, Single- and Two-Family Residential District and the B-2, Service Business District as demarcated on the Official Zoning Map of the City of Morgantown in effect on December 2, 2008; and,
4. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk