

REGULAR MEETING NOVEMBER 5, 2008:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, October 21, 2008 at 7:30 p.m.

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

The Pledge of Allegiance was led by Scout Troup 74 – Cheat Lake Latter Day Saints.

APPROVAL OF MINUTES: Minutes from the regular meeting on October 21, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice mentioned the plaques being given honoring citizens involved with the Morgantown Streetscape Project. Councilor Byrne presented the plaques to the late Carl Sellinger's wife, and to Carol Gaujot. Sandra Overby was absent for the plaque presentation.

Councilor Spencer read a Proclamation for National Home Health Care Month. Mayor Justice presented a Proclamation to students from St. Frances Central School about the importance of Cluster Bomb Awareness.

Mayor Justice also mentioned the letter to Council from George Pappandreas, in reference to his concerns about the new sidewalks on High Street.

BOARDS AND COMMISSIONS: No appointments at this time.

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION OF PARCELS IN THE FOURTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF SEVEN PARCELS OF REAL ESTATE IN THE THIRD AND FOURTH WARDS OF THE CITY OF MORGANTOWN FROM R-2, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT; B-2, SERVICE BUSINESS DISTRICT; AND B-4 GENERAL BUSINESS DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN IN THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH THEREIN.

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

AN ORDINANCE VACATING, ABANDONING AND ANNULLING AN UNNAMED RIGHT-OF-WAY IN THE SEVENTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A 12' WIDE PORTION OF AN UNNAMED RIGHT-OF-WAY, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED FEET FROM ITS INTERSECTION OF INGLEWOOD BOULEVARD IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After discussion, motion by Byrne, second by Bane to pass the above entitled Ordinance to second reading. Motion failed 2-5, Councilors Bane Justice voted YES; Councilors Gaddis, Byrer, Selin, Byrne, and Spencer voted NO.

AN ORDINANCE REPEALING SECTIONS OF THE GENERAL OFFENCES CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE REPEALING SUBSECTION 527.04(K) OF THE GENERAL OFFENCES CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO THE USE OF ENGINE BRAKES AND COMPRESSION BRAKES.

After discussion, motion by Bane, second by Spencer to pass the above entitled Ordinance to second reading. Motion carried 4-3. Councilors Byrer, Selin, and Byrne voted NO.

A RESOLUTION ESTABLISHING A 1% FOR ART IN PUBLIC PLACES MUNICIPAL POLICY: The above entitled Resolution was presented for approval:

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

PUBLIC PORTION: Don Corwin, 221 Beechurst, Owner – Wincorp: asked Council to reject the zoning Ordinance that will allow for the Westminster House PUD. He expressed that he feels the redefining of a family dwelling leads to complex legal issues. He cited several reasons he feels the development should not be allowed.

Dave Biafora, Developer: spoke against the Westminster House PUD, and feels the Council is moving the approval process forward too quickly. He asked them to use common sense in this decision and give workshops for these projects. He repeated that parking is going to be a serious issue.

Dave Kelly, 235 Jones: stated that in his view, he is concerned that with this zoning Ordinance there will never be any more public review of future plans. He expressed that a plan such as this could create a domino effect. He also mentioned parking as a main concern.

Joe Panico, Beechurst: asked Council why there were fewer meetings on this PUD than others before, and feels there should be more input from different sources before approval. He stated that the public is not informed of these plans until the Public Hearing. He wished the public has more of a voice in the planning process and that it should be reviewed by more than just in house staff.

Michael Shuman, 735 Willey: Reiterated the sentiments of the previous speakers and repeated that parking is the main concern for this development. He stated that traffic is very heavy and this project will create more traffic, and the issue needs to be looked at more carefully before approval.

James Giuliani, 256 Prairie: Commented on the annulment of streets and rights of ways and the process it entails. Concerning the Westminster House, he stated that he agrees with the statements of the other speakers. He does not believe that the Project will ever meet tax exempt status, and asked that the Church prove to Council why their project is legal. He expressed concern for how many people can and should reside in the PUD.

Lee Mullett, 4140 Cove Pt: answered to those in opposition about how many students will reside per unit, stating RA's and other administrators will be there to supervise students. She informed Council that projects like this have been successful in Small University Cities across the nation.

Jerry Stone 908 Cottonwood: Thanked Council for voting for the PUD Ordinance, and informed Council on the history of the day care center and how and why the PUD came about. He explained what will make the PUD tax exempt and exactly what the building will be used for. He also stated that there were more than an adequate number of meetings and information given to the Planning Commission during the PUD application process.

Pat Kirby, 532 Hess: spoke to dispel the rumors that the Church wanted to become a developer by applying for the PUD. He stated that they planned very carefully for the impact it would have on the City, that the building would be "green" and serve a meaningful purpose for students and the community.

Sharon Portaro: explained the mission of the Westminster PUD, and that it would serve infants, after school aged children and up to college students and adults. She stated that it would create jobs and that the purpose is to serve the community. Their objective is not to make a profit but generate the funds necessary to keep the child care center running at the lowest cost possible to families.

SPECIAL COMMITTEE REPORTS: No Reports.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No 1: As discussed at the recent Committee of the Whole meeting, the Parent Zone Website is an important source of information for parents during the Year of the Child. To support this initiative, attached you will find the budget information presented at the meeting. Based upon the merits of the project, I recommend that the \$2,500 request be granted.

Motion by Spencer, second by Byrne to approve the funding request for the Parent Zone Website. Motion carried 7-0.

Item No 2: The second attachment is a request from Main Street Morgantown for \$30,000 to assist with a \$415,000 structure to house the seasonal Farmers= Market on Spruce Street. Given the local products sold and the crowds attracted to the Downtown, I recommend that the request be granted.

After discussion motion by Byrne second by Spencer to approve the funding request for Main Street Morgantown. Motion carried 7-0.

Item No 3: Recently the FAA has requested additional information to support the Airport Development Project (Light Industrial/Business/Research Park; new General Aviation and Commercial Hangars; and National Guard Readiness Center). To fund requested appraisals and limited engineering, I recommend that \$15,000 be approved in the Capital Escrow Account for these expenditures.

Motion by Bane second, by Gaddis to approve the appraisals and engineering for the Airport Development Project. Motion carried 7-0.

Item No 4: An important City Council priority is energy conservation and related concerns about the environment. To

advance an important implementing project and as per the attached memo from the Assistant City Manager, I recommend that the City execute the attached Letter of Interest with CLT Efficient Technologies. With this action, the City will set in motion an investment grade audit of the City's energy consumption; adoption of investments to improve energy efficiency; and mid term monitoring and management of City energy use. The project will include municipal facilities, the City's street lighting system, and traffic signals.

Motion by Spencer second by Bane to approve the execution of the letter of interest with CLT Technologies. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane commented that Council should limit spending and focus on employees and pay raises. He mentioned that the economy may not improve and Council should be responsible and really look at the needs of the City first before any major spending.

Councilor Gaddis: Councilor Gaddis asked the City Manager to check into the condition of taxi vehicles in the area, commenting they may not be safe enough. He cited that several vehicles look and seem in disrepair.

Councilor Byrer: Councilor Byrer added that citizens are not heeding stop signs which could be a danger, and this should be monitored by the police. He inquired as to whether there will be a Veteran's Day Parade, and mentioned the Marquee at the Met Theatre, and the curbs on High Street. He asked when the Service Fee idea would come about again for discussion.

Mr. Boroff replied he will get back to Council when a report on the Service Fee is available.

Council Byrer concluded by announcing the Wiles Hill Neighborhood Association Meeting will be held on 11/13.

Councilor Selin: Councilor Selin spoke on the topic of Street Annulments, stating she feels citizens should be made aware more of when and where they are being considered. In reference to Public Commission meetings, citizens are free to attend and speak on the topics at hand. She commented to Councilor Bane that she agrees with his insight on the budget, and agrees that the City should be mindful of the economic state of the Nation and be frugal with its finances. She agreed with Councilor Gaddis on the state of the Taxi services in the area. She mentioned curbs and tree wells on High Street, stating that the grates on the PSB are being skewed by root growth from the trees, and that should be considered before implementation of a similar grate on High Street. Councilor Selin stated that the Suncrest Neighborhood Association is concerned with the bridge façade that will be decided upon by the Historic Landmarks Commission and requested more information to bring the suggestions to the attention of the Commission.

Councilor Byrer told Councilor Selin when the Commission meets on the 3rd Monday of the Month at 4 pm.

Councilor Byrne: Councilor Byrne reminded all that the Sister City Meeting is on 11/6 at 4:30pm in the Public Safety Building. He mentioned that Jason from the WVU Student Board of Governors wants to become involved in solving the problems with towing companies. He mentioned an article in the state journal about Morgantown's exploration of the Energy Savings Program.

Councilor Spencer: Councilor Spencer reported the complaints he received about the time set by Council for this year's Halloween trick or treating. He suggested next year this

conflict with the Mohawk bowl is avoided. He asked if he could add the Noise Ordinance to the Committee of the Whole Agenda.

Mayor Justice suggested that it would be better for the Noise and Nuisance Ordinances to wait until January of 2009 to be reviewed by the Committee of the Whole.

Councilor Spencer also requested that the Home Rule be looked at in the COW Legislative session. He spoke about the water quality in the City and expressed concern that the gas drilling is contaminating the water as the residues from drilling are not being properly filtered out. He closed by commenting on the election and how it's outcome could possibly positively effect municipalities and infrastructure.

Mayor Justice:

Mayor Justice gave kudos to the new additions in White Park, and the new ball court. He thanked volunteers for their efforts, and that of local companies such as March Westin, and the Contracting Engineering Consultants. He followed up on Councilor Spencer's election comments, stating that he was glad of the nation's voter turnout.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:58 pm.

City Clerk

Mayor

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