

REGULAR MEETING DECEMBER 2, 2008:

- The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, December 2, 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.

APPROVAL OF MINUTES: Minutes from the regular meeting on November 18, 2008 were approved as printed.

CORRESPONDENCE: Mayor Justice recognized Barbara Rasmussen for serving on the Historic Landmarks Commission from 1989 to 2008. Chief Scott then recognized two officers with a department award who recently went above and beyond in handling incidents. Officer Aaron Dull successfully disarmed and subdued a man brandishing a knife without injury to the man or officer. Officer Matt Poremba administered C.P.R and revived a man who suffered a heart attack.

PUBLIC HEARING - AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF SEVEN PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN RECLASSIFIED FROM OFFICE AND INSTIUTIONAL DISTRICT AND R-3, TO PUD:

- David Biafora, 325 Willey Street: after receiving clarification on the issue at hand, he spoke in favor of the rezoning stating that his company would like to participate in a similar development as that which would be allowed by this Ordinance.

Sis Shelton, 145 E. Hillview Drive: offered support of the Westminster PUD rezone by explaining a personal story about her grandchildren, and how it relates to the serviced offered at the Presbyterian Church's day care center.

Karen Woodfork, 709 Louise Avenue: expressed support for the project, citing its impact on the sense of community in the Woodburn neighborhood.

Jerry Huffman, 1616 Mileground Road: spoke in support of the Westminster House Project, and explained that he as a contractor feels the project will help the economy by providing high paying jobs.

Shelly Parsons, 15 Meadow Brook Drive: talked about what kind of impact the 6 person per unit student housing will have on the community; and the positive impact it can have on the lives of the students by being in a supervised and Christian environment.

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

UNFINISHED BUSINESS:

- **AN ORDINANCE REZONING PARCELS IN THE THIRD AND FIFTH WARDS FROM R-2, B-2 AND B-4 TO PUD:** The below entitled Ordinance was presented for second reading:

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 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.

After discussion, motion by Selin, second by Spencer to approve the above stated Ordinance. Motion carried 7-0.

AN ORDINANCE REZONING PARCELS IN THE FOURTH WARD FROM O-I AND R-3 TO PUD: 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.

Motion by Byrne, second by Byrer to remove the above entitled Ordinance from the Table. As a result of the table vote, motion by Byrne, second by Spencer to approve the above entitled Ordinance. After discussion, Mayor Justice suspended the rules to allow City Planner Chris Fletcher explain about the PUD and discussion continued. Motion to approve carried 6-1. Councilor Bane voted NO.

BOARDS AND COMMISSIONS: There were no new appointments at this time. Councilor Spencer gave an update on the Pedestrian Safety Board, and Councilor Byrer gave an update on the Morgantown Museum Commission.

NEW BUSINESS:

AN ORDINANCE REZONING PARCELS IN THE FOURTH WARD FROM PRO TO B-1: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (PRO) PROFESSIONAL RESIDENTIAL AND OFFICE DISTRICT TO (B-1) NEIGHBORHOOD BUSINESS 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 Selin to table the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE ADJUSTING THE BOUNDARY OF THE SUNNYSIDE CENTRAL OVERLAY DISTRICT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE PROVIDING FOR THE BOUNDARY ADJUSTMENT OF THE SUNNYSIDE CENTRAL OVERLAY DISTRICT TO EXCLUDE REALTY ZONED R-1A SINGLE-FAMILY RESIDENTIAL 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 Byrer to pass the above entitled Ordinance to second reading. Motion carried 6-1, Councilor Bane voted NO.

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

AN ORDINANCE AMENDING SECTION 181.14 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN AS THE SAME APPLIES TO THE MUNICIPAL COURT AND PAYMENT FOR SERVING AS JUROR.

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

AN ORDINANCE APPROVING A NEW TIF DISTRICT AND THE SUNNYSIDE UP PROJECT PLAN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE APPROVING AND CREATING A NEW TAX INCREMENT FINANCING DISTRICT IN THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA TO BE KNOWN AS "THE CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 3"; APPROVING THE SUNNYSIDE UP PROJECT PLAN NO. 1, AS APPROVED BY THE WEST VIRGINIA DEVELOPMENT OFFICE; ESTABLISHING A TAX INCREMENT

FINANCING FUND AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

After explanation from the City Manager on the new minor amendments now necessary, motion by Byrne, second by Selin to amend the above entitled Ordinance to indicate that December 2, 2008 is the official date of notice for the TIF, to disinclude the multi-modal transit facility, and include official notice that the application has been approved by the WV Development Office with a bonding capacity not to exceed \$7.5 million. Motion to approve the amendments carried 6-1, Councilor Bane voted No. After further discussion, motion by Byrne, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 6-1, Councilor Bane voted NO.

A RESOLUTION TO APPLY FOR AND ADMINISTER THE COMMUNITY PARTICIPATION GRANT PROGRAM, PROJECT NUMBER 08CPGP0117, FUNDS FOR USE BY ST. FRANCIS CATHOLIC SCHOOL. The above entitled Resolution was presented for approval.

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

PUBLIC PORTION: Dave Biafora, 325 Willey Street: offered support for Councilman Bane and his efforts lately. He commented on his views of the action Council takes and expressed his desire to create his own PUD soon. Called Council to action to do what the public wants and listen to the public's voice.

Councilor Byrne asked that Mr. Biafora respect the rules of the Public Portion and refrain from making inflammatory remarks.

Mayor Justice asked Council if they would prefer to use discretion concerning their own comments as well as the public's or if a strict 4 minute time will be enforced.

John Duarte, 64 Grove Street: expressed his desire to adhere to 4 minutes. He explained about a presentation given to the Wiles Hill Neighborhood Association about traffic. He objected to trash, and missing street and stop signs in his area and the process by which these incidents are reported and handled.

Mark Furfari, Richwood Avenue: agreed with the previous speaker and seconded his remarks. He also spoke about an intersection near his house where a development is being built and expressed concerns for the impact it will have.

There being no more appearances, Mayor Justice declared the Public Portion closed. Mayor Justice asked a youth to speak about her special project.

Mekall: Spoke about her initiative to raise money for the Krohns and Colitis Foundation of America. She has Krohn's Disease and is participating in a ½ Marathon to raise a goal of \$5,000. She is working also to get a chapter started in West Virginia. Her marathon will take place on Jan. 25 in Florida. Check WBOY for details.

Mr. Boroff addressed the sign issue with GIS. He encouraged people to let City officials know when there are signs missing or damaged, assuring that quick action will be taken.

Jeff Mikorski informed citizens about Request Partner and how they can report problems there as well.

Discussion continued about GIS and street signs.

SPECIAL COMMITTEE REPORTS: Councilor Gaddis announced the Council trip to Guanajuato for the Sister Cities International Conference. The conference will be held from December 7-9 in Mexico. He stated that along with Council members, the GMAYC, WVU, CVB, Met Theatre representatives and some private citizens will also be attending.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No. 1: Attached you will find the final change orders for the High Street Streetscape Project. The additional work was principally required to relocate unmapped utility lines; mitigate vault situations; and to deal with unexpected drainage problems. The unfunded work totals \$91,142.08. Given the merits of this project, I recommend the Capital Escrow line for this project be adjusted accordingly.

Motion by Spencer, second by Byrne to approve the change orders for the Streetscape. Motion carried 7-0.

Item No. 2: This time each year, Council sets the schedule to adopt the City's budget documents for the new fiscal year as per State requirements. To meet these conditions and as per your direction, I recommend the following schedule be adopted:

January 27, 2009: Council reviews the current year's goals; establishes City goals and objectives for the new fiscal year; and delivers budget guidance to the City Manager.

February 17, 2009: During the regular Council meeting, the City Manager presents the proposed budgets for 2009-2010.

March 3, 2009: First Reading of the Budget Ordinance

March 17, 2009: Public Hearing and Second Reading of the Budget Ordinance

March 18, 2009: The Budget is forwarded to the State Tax Office.

Special Note: Budget Conference Meetings may be scheduled after the proposed Budget is presented.

The above schedule was approved by acclamation.

Item No 3: The second attachment is a memo from the Finance Officer reporting Health Insurance Renewal Rates for 2009. I agree with her comments and recommend that the Plan be approved with the new stop loss limit and the new Third Party Administrator.

Motion by Byrne, second by Byrer to approve the renewal rates. Motion carried 7-0.

Item No 4: The last attachment is a memo from the Assistant City Manager reporting the results of Requests for Qualifications to do design engineering work for the next phase of the High Street Streetscape Project (Pleasant to Kirk) B\$800,000 project. I agree with his comments and recommend that the contract be awarded to DMJM Harris for \$110,120

After discussion, motion by Byrne, second by Gaddis to approve the engineering work for the Streetscape project. Motion carried 7-0.

Item No. 5: By acclamation, Council approved the budgeted \$50.00 Christmas Bonus for City of Morgantown employees.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane inquired as to how long of a period can new TIF's continue to be formed, and how many can one city or county have? Mr. Boroff replied that the State is currently researching the TIF's in West Virginia.

Councilor Bane and Mr. Boroff continued to discuss various aspects of TIF Districts. He concluded his comments by thanking Mayor Justice for his insight on the City Budget during this economic crisis.

Councilor Gaddis: Councilor Gaddis commented on Councilor Bane's passion and commitment to his views. He spoke to the public and assured them that he will continue to listen to the citizens in his ward and vote in a way that favors their best interests and needs. He relayed a citizen concern for the intersection of Prairie and University.

Mr. Boroff responded that the intersection in question is the responsibility of the State, and the City is aware of the problems there and has lobbied to get the intersection fixed. He stated that the citizen's suggestion will be forwarded to the State Government.

Councilor Byrer:

Councilor Byrer noted that on 11/19 the Newcomer Meeting was successful. He agreed with Councilor Gaddis on the intersection of Prairie and University, and supported the street sign database system. He spoke about the importance of enforcing stop signs and how it relates to the budget. Councilor Byrer asked about the Risk Assessment Report, which Mr. Boroff replied, is a part of new Homeland Security requirements. Councilor Byrer commented that the web site needs to be updated and asked again about the status of the Downtown Service Fee.

Mr. Boroff responded that the draft Ordinance has been worked up and meetings are being set through Mainstreet with the potential businesses that would be involved. He stated that all this would be taking place in mid-January.

Councilor Byrer brought to light an article he found which comments on the recent drug busts in Morgantown and the status of our night life on High Street. He asked who is responsible for barking dogs and cited several complaints within his Ward. He reported his findings of the Police Report for the recent Colonial Drive incidents and asked questions about the situation.

Councilor Selin:

Councilor Selin announced that the Suncrest Neighborhood Association is having their meeting on 12/4, and the Year of the Child meeting on 12/3. She commented that each Council member has done a great job, and feels that everyone has the citizens' and City's best interest at heart. She explained that all suggestions and comments are welcome and encouraged people to voice their suggestions to Council.

Councilor Byrne:

Councilor Byrne concurred with Councilor Selin's comments about the state of the Council right now, stating that everyone has the same interests but different views. He commented on the Council's spending concerning the Budget, and hoped that the City can keep making investments through these economic times. He wished Councilor Gaddis and Mayor Justice a safe trip to Mexico. He spoke about the "Jake Break Ordinance" and expressed interest in making a truck route around the City instead of through.

Councilor Spencer:

Councilor Spencer expressed thanks to Mark Furfari for bringing his concerns to the Council during the Public Portion. He asked for follow up with developers in negotiations with the people, citing a problem with a tree that was not maintained. He thanked John Duarte for speaking about GIS during the Public Portion. He continued to discuss the importance of updating and maintaining this system. He mentioned that on 12/5 he will be attending a legislative priorities meeting in Charleston, where he feels the Home Rule will be an important point. He asked for an update on the recent Downtown Planning meeting which he missed while attending the National League of Cities Conference. Councilor Gaddis mentioned the website which contains information and an email that was recently circulated. He spoke about the Health Insurance and how it related to Legislative Bill 676. He brought up that some citizens are not able to hear meeting audio, and this is an issue he feels should be addressed. Lastly, Councilor Spencer reminded everyone about the Suncrest Neighborhood Association meeting on Thursday.

Mayor Justice:

Mayor Justice talked about the busy time ahead and how it affects meetings. He announced the Holiday Parade downtown this Friday. He mentioned a change in the next BOPARC meeting from last week to this Thursday. He stated that MPO will meet on 12/18, and there will be no COW this December so the next Regular Meeting will be the last of the year. He encouraged bringing both facts and opinions on various issues that Council discusses. He asked that everyone's views be respected. He expressed his appreciation for all Council and City workers. Mayor Justice congratulated both University and Morgantown High School for their sports performances. He continued to discuss the camaraderie that occurs during these intramural events.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:50 p.m.

City Clerk

Mayor

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