

**REGULAR MEETING MARCH 1, 2011:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday March 1, 2011 at 7:30 P.M.

**PRESENT:** City Manager Terrence Moore, Assistant City Manager Jeff Mikorski, Mayor Bill Byrne, Deputy Clerk Bethany Sypolt, Council Members Ron Bane, John Gaddis, Charlie Byrer, Marti Shamberger and Don Spencer. Councilor Jenny Selin was Absent. City Clerk Linda Little also Absent.

**APPROVAL OF MINUTES:** Minutes from the Regular meeting on February 15, 2011 were submitted and approved as printed.

**CORRESPONDENCE:** Mayor Byrne presented a letter from House Speaker Richard Thompson of the WV Legislature. He then presented a Proclamation in decreeing March as Peace Corps Month. He asked representatives of the Peace Corps to make a few remarks. Mayor Byrne recalled his own time in the Corps and reflected on what the Corps represents. He then announced area Peace Corps presentations.

**PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1349.08 “PARKING AND LOADING STANDARDS” OF THE PLANNING AND ZONING CODE AS IT RELATES TO MINIMUM PARKING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITHIN THE B-4 GENERAL BUSINESS DISTRICT.**

Director of the Morgantown Parking Authority, Tom Arnold came forward and gave Council an overview of the issue and explained why the Ordinance is needed. He asked Council to approve the measure. He continued to explain Parking Authority’s ability to handle the enforcement and development in the B-4 District.

There being no other appearances, Mayor Byrne then declared this Public Hearing Closed.

**PUBLIC HEARING – AN ORDINANCE AMENDING TABLE 1356.04.01 “MINIMUM OFF-STREET PARKING REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT RELATES TO MINIMUM PARKING REQUIREMENTS FOR TOWNHOUSE DWELLING UNITS.**

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

**PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE GRANTING OF A DRAINAGE EASEMENT TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, ON BEHALF OF WEST VIRGINIA UNIVERSITY WHICH WILL ALLOW THE CONSTRUCTION AND MAINTENANCE OF STORM WATER DRAINAGE THROUGH A PORTION OF KREPPS PARK.**

There being no appearances, Mayor Byrne then declared this Public Hearing Closed.

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, PARKING AND LOADING STANDARDS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING ARTICLE 1349.08 “PARKING AND LOADING STANDARDS” OF THE PLANNING AND ZONING CODE AS IT RELATES TO MINIMUM PARKING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT WITHIN THE B-4 GENERAL BUSINESS DISTRICT.

Motion by Spencer, second by Byrer to approve the above entitled Ordinance. After discussion, the rules were suspended to allow explanation by Director of Development Services Chris Fletcher. Discussion continued and the motion carried 5-1. Councilor Gaddis voted No.

**AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE, MINIMUM OFF STREET PARKING REQUIREMENTS:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING TABLE 1356.04.01 “MINIMUM OFF-STREET PARKING REQUIREMENTS” OF THE PLANNING AND ZONING CODE AS IT RELATES TO MINIMUM PARKING REQUIREMENTS FOR

TOWNHOUSE DWELLING UNITS.

Motion by Gaddis, second by Shamberger to approve the above entitled Ordinance. Motion carried 6-0.

**AN ORDINANCE AUTHORIZING AN EASEMENT FOR DRAINAGE TO WVU THROUGH KREPPS PARK:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE GRANTING OF A DRAINAGE EASEMENT TO THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, ON BEHALF OF WEST VIRGINIA UNIVERSITY WHICH WILL ALLOW THE CONSTRUCTION AND MAINTENANCE OF STORM WATER DRAINAGE THROUGH A PORTION OF KREPPS PARK.

Motion by Spencer, second by Gaddis to approve the above entitled Ordinance. After discussion and explanation from City Manager Terrence Moore, motion carried 6-0.

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**BOARDS AND COMMISSIONS:** No appointments.

**NEW BUSINESS:**

**AN ORDINANCE AMENDING THE GENERAL OFFENSES CODE, DISCHARGE OF FIREARMS:** The below entitled Ordinance was presented for first reading:

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AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 545.11 OF ITS GENERAL OFFENSES CODE AS IT PERTAINS TO THE DISCHARGE OF FIREARMS.

Motion by Gaddis, second by Shamberger to pass the above entitled Ordinance to second reading. After explanation from the City Manager Terrence Moore, the rules were suspended to allow further comments by Airport Director Glen Kelly. Motion carried 6-0.

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**A RESOLUTION THAT THE CITY OF MORGANTOWN MAKE APPLICATION TO THE WV LAND AND WATER CONSERVATION FUND FOR \$100,000 FOR THE ACQUISITION OF NEIGHBORHOOD PARK PROPERTY FOR OUTDOOR RECREATIONAL ACTIVITIES:**

Motion by Gaddis, second by Spencer to approve the above entitled Resolution. Motion carried 6-0.

**PUBLIC PORTION:**

Matthew Cross, 524 Milford Street, played for Council a tape recording of noises heard from his apartment at 4:30am of garbage trucks collecting from nearby dumpsters. He asked Council if they could find an alternative means for collecting garbage that is less noisy. He then spoke about rezoning allowing commercial dumpsters near residences which create this noise. He reported several locations of dumpsters where collection makes noise in the middle of the night. He then suggested recycling to aid in the shortening of pick up schedules.

Nancy Ganz, 1276 Colonial Drive, agreed with Mr. Cross' comments and shared she has videotaped the light pollution caused by night time trash pick-ups. She thanked the City Manager for attending her neighborhood association meeting and for addressing concerns. She also thanked Councilor Spencer for attending the legislative sessions. She thanked Council for the new budget process and suggested other ways that the City could increase revenue.

Jim Manilla, 202 Gordon Street, discussed the 2012 budget and asked why some lines appear to be slashed and inquired why there is no contingency fund. He then commented about B&O Taxes and continued to discuss and raise concerns about the budgeting process for this year.

Wes Nugent, 126 Willowdale Road, announced the Wiles Hill/Highland Park neighborhood association Chili Cook-off event opens to all citizens and encouraged everyone to attend.

There being no other appearances, Mayor Byrne declared this Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** None.

**CITY MANAGERS REPORT:**

New Business:

1. FY 2012 proposed budget clarifications.

City Manager Mr. Moore explained the budget documents and updated Council on the approval process. He then addressed concerns raised by Mr. Manilla. He asked Council to study all the budget documents and information and asked that they be prepared to discuss for the Special Meeting on March 8<sup>th</sup>. He stated that at that time they can have a more comprehensive discussion of the budget and all questions can be answered at that time.

**CITY CLERK:** No Report.

**CITY ATTORNEY'S REPORT:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane clarified with the City Manager on paving in the City's Fiscal 5 Year Improvement Plan. Mr. Moore confirmed, and added that an inventory of all roadways will be taken during the process. Councilor Bane then inquired what streets will not be paved. Mr. Moore replied that he is optimistic that all the goals of the plan will be fully realized in due time. Councilor Bane then asked that notice be given for paving, because of the previous complaint/response system of priorities, including specific streets.

Councilor Gaddis:

Councilor Gaddis explained his NO vote for the zoning Ordinance. He added that we need to protect neighborhoods and grow our B-4 districts at the same time. He asked that Parking Authority Director Tom Arnold attend one of his neighborhood association meetings and explain the new changes to the citizens. He announced his neighborhood watch program and asked others to be on the lookout for bad behavior and help keep the neighborhood safe. He asked that the City examine some street lights that appear dim and therefore cause some areas to be unsafe at night.

Councilor Byrer:

Councilor Byrer relayed a request from citizens who live on concrete streets, that their streets be repaired with concrete and not patched with asphalt. He announced a donation that was recently made to the MAC. He recognized a special audience member and then announced the upcoming Wiles Hill and Highland Park neighborhood association meetings.

Councilor Selin:

Councilor Selin was absent.

Councilor Shamberger:

Councilor Shamberger gave no report.

Councilor Spencer:

Councilor Spencer thanked Mr. Cross for his report on the dumpster noise. He then reported 5 street lights that are burnt out on Monongalia Boulevard and asked that they be fixed as soon as possible. He announced the Suncrest neighborhood association meeting where suggestions will be made for increased safety at the intersection of Laurel and Patteson. He asked for a resolution over the conflict with Allegheny Power over their refusal to use LED street lights, which will save the City a significant amount of money in power usage. He then reported his progress attending the legislative sessions in Charleston and suggested that we let the WVML help the City revamp Home Rule efforts. He read an article to Council entitled "Brown is the New Green" on how sewage sludge can be used to create alternate energy resources. He encouraged MUB to look into this new process. He then commented on another article about a book that he encouraged Council and others to read about the cities and their local economies. He then reflected on the passing of a local influential citizen and shared quotes he often gave.

Mayor Byrne:

Mayor Byrne commented on the budget process and thanked all those who have been working

for a smooth transition through the changes in the City's administration and thanked Council for their participation in the budget discussions. He thanked the City Manager for his efforts and for improving the transparency of the budgeting process.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 8:55 p.m.

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City Clerk

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Mayor

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