

REGULAR MEETING MARCH 2, 2010:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, March 2, 2010, at 7:30 P.M.

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

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the regular meeting on February 16, 2010, were approved as printed.

CORRESPONDENCE: Mayor Byrne presented a proclamation to Joseph Aaron Hall for completing all requirements for Scouting's highest rank Eagle Scout and a proclamation recognizing March 8-14, 2010, as Multiple Sclerosis Awareness week. Mayor Byrne mentioned a letter of concern from 5th Ward where a citizen would like to be contacted about snow removal issues. Mayor Byrne commended Nora Sheets, teacher at Suncrest Elementary School, for her continued student education about land mines.

PUBLIC HEARING-AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF 14 PARCELS IN THE THIRD WARD FROM (R-3) TO (PUD) BY AMENDING 1331.02:

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

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

PUBLIC HEARING-AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF 16,500 FT IN THE FOURTH WARD FROM (R-1) TO (PUD) BY AMENDING 1331:

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

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

PUBLIC HEARING-AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FOURTH WARD FROM (IND) TO (R-1) BY AMENDING 1331:

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

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

PUBLIC HEARING-AN ORDINANCE ADDING ARTICLE 172 TO ADMINISTRATIVE CODE CREATING THE SISTER CITIES COMMISSION:

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

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

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF 14 PARCELS IN THE THIRD WARD FROM (R-3) TO (PUD) BY AMENDING 1331.02: The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FOURTEEN PARCELS OF REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-3) MULTI-FAMILY RESIDENTIAL DISTRICT TO (PUD) PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331.02 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 HEREIN.

After discussion, motion by Bane, second by Shamberger to adopt the abopt entitled Ordinance. Motion carried 7-0.

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF 16,500 FT IN THE FOURTH WARD FROM (R-1) TO (PUD) BY AMENDING 1331: The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF APPROXIMATELY 16,500 SQUARE FEET OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT TO (PRO) PROFESSIONAL, RESIDENTIAL, AND OFFICE 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 HEREIN.

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

AN ORDINANCE PROVIDING FOR A ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FOURTH WARD FROM (IND) TO (R-1) BY AMENDING 1331:The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF A PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM (IND) INDUSTRIAL DISTRICT TO(R-1) SINGLE-FAMILY RESIDENTIAL 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 HEREIN.

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

AN ORDINANCE ADDING ARTICLE 172 TO ADMINISTRATIVE CODE CREATING THE SISTER CITIES COMMISSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ADDING A NEW ARTICLE 172 WITHIN THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN; THEREBY CREATING A COMMISSION OF THE CITY KNOWN AS THE MORGANTOWN SISTER CITIES COMMISSION.

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

BOARDS AND COMMISSIONS: No new Board or Commission appointments.

NEW BUSINESS:

AN ORDINANCE ADOPTING THE 2010-2011 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2010-2011.

Motion by Gaddis, second by Selin, to pass the above entitled Ordinance to second reading. Motion carried 6-1.

(Councilor Bane vote No)

AN ORDINANCE ADOPTING 523.21 CREATING A SPECIAL LITTER PREVENTION OFFICER: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADOPTING A NEW SECTION 523.21 WITHIN ITS GENERAL OFFENSES CODE; AND ADDRESSING AND CREATING SPECIAL LITTER PREVENTION OFFICERS.

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

AN ORDINANCE AMENDING THE SOUTH PARK-GREENMONT PARKING: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING THE SOUTH PARK-GREENMONT PARKING.

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

PUBLIC PORTION:

James Dobbs, 541 Junior Avenue, thanked Council for their support of Suncrest Primary and Woodburn Elementary by sending a letter to the Board of Education. Mr. Dobbs urged Council's continued support to save our neighborhood schools.

Jamie Lewis, 557 Princeton, thanked Council for supporting neighborhood schools.

Nancy Ganz, 1276 Colonel Drive, thanked Council for sending a letter to the Board of Education in support of local neighborhood schools. Mrs. Ganz also thanked the Mayor for addressing the issue of vulgar language at the WVU basketball games.

There being no more appearances Mayor Byrne then declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: No Special Committee Reports.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No. 1: Attached you will find a memo from the Public Works Director suggesting projects for the 2010 Street Paving Program. I agree with her comments and recommend that the listed primary and contingent streets be funded with the \$400,000 available. Special Note: The Cities of Westover and Grandville will also participate in this year's program.

After discussion, motion by Bane, second by Shamberger to approve the 2010 Street Paving Program. Motion carried 7-0.

Item No. 2: The second attachment is a proposed letter to the Natural Resources Conservation Service stating that the City of Morgantown will act as a Sponsoring Local Organization in support of a study to improve the water quality of Deckers Creek. Given the importance of this project to Morgantown, I recommend that the letter be approved so that the next phase of this project can be effected.

After discussion, motion by Spencer, second by Shamberger that the City act as a sponsor in support of a study to improve water quality at Decker's Creek. 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 that the No vote on the Budget this evening reflects on only one line item, and everyone knows which one that is. Councilor Bane asked the City Manager about House Bill 4034 reference vacant building registration and fees. City Manager stated that there is a misunderstanding of the potential of that bill, in fact the City of Morgantown already requires vacant buildings to be registered, and require the interiors be inspected and are safe in case a Police or Firefighter should have to enter the building. City Manager informed Council that this bill will also require property owners to register, but the misunderstanding is some folks think that a fee could be of a punitive nature to create an incentive to the property owner to demolish the building. City Manager mentioned that what is clear in many Court cases is that Cities can not initiate punitive fees; the fee has to be reasonably related to the services provided by City. Councilor Bane also asked the City Manager about SB104 which makes requires those who sell alcohol to take a course. The City Manager responded that it is geared towards bar tenders and would teach them not to serve inebriated persons who may become a danger to themselves or others.

Councilor Gaddis:

Councilor Gaddis mentioned a vacant building on the corner of Overdale and Arlington where the sidewalks have not been cleared of snow. Councilor Gaddis stated that the Letter to the Editor in the Dominion Post of the person from Nebraska that mentioned the conditions of road and sidewalks when they visited Morgantown. Councilor Gaddis commented that this winter has been unusual with lots of snow, and the City workers have done a good job in keeping roads clear, but we could do better as residents to keep sidewalks cleared. Councilor Gaddis informed everyone that there is a service called nixle.com to find out about events/issues going on in Morgantown

Councilor Byrer:

Councilor Byrer gave a reminder that the Wiles Hill Neighborhood Association Meeting is the 3rd Wednesday of the month, and the new President is Wes Nugent. Councilor Byrer suggested that with the problems of collecting trash this winter that Allied should consider smaller trucks. Councilor Byrer mentioned the chronic problem of stolen street signs and suggested the fine be raised to \$500.00 and that a reward be offered for information leading to the thief. He stated that it becomes a safety issue when Police, Fire, and emergency vehicles cannot find homes.

Councilor Selin:

Councilor Selin commented that the basketball traffic at Krepps Park was better than usual during the last WVU home game. Councilor Selin asked that residents clear sidewalks before noon of the next day, and suggested that if sidewalks aren't clear, to give residents a warning or ticket.

Councilor Shamberger:

Councilor Shamberger reported that the Urban Deer meetings will start with the Neighborhood Associations this month. Councilor Shamberger agreed that nexel.com is a good resource and that she has used it several times for information. Councilor Shamberger agrees with Councilor Byrer that Allied Waste should be using smaller trucks during the snowy season. Councilor Shamberger commented that some residents have cleared their sidewalks, and suggested that neighbors also help each other to clear snow.

Councilor Spencer:

Councilor Spencer agreed with all the comments about street signs. He mentioned the problems in Residential and Commercial areas with picking up trash this winter; this needs to be resolved with Allied Waste. Councilor Spencer requested a report from the Solid Waste Board; about where we stand on our existing contract. Councilor Spencer suggested that the City have a Snow Removal Plan which would include Public Works Dept; Solid Waste; Parking; Pedestrian Safety Board; Main Street Morgantown; and Neighborhood Coordinating Council representatives. Councilor Spencer stated that the snow plan should have a public information service to get information to the citizens. Councilor Spencer reported that at the last Solid Waste

Stakeholders Meeting, Judge Larry E. Potter from Memphis, TN spoke on bills he has introduced to the Tennessee legislature. Councilor Spencer stated that Judge Potter's quotes the book on "Fixing Broken Windows" which points out what the costs of broken windows can be to a property and to a neighborhood; a house with a broken window gets stripped; property values go down and people move out of the neighborhood. Councilor Spencer mentioned that the Mountaineer Chapter of the Audubon Society is working with the public and schools to designate a City Bird and will attend the April COW with a recommendation. Councilor Spencer appreciated Jim Dobbs presentation tonight in the support of Schools and mentioned his web-site savesuncrest.com. Councilor Spencer noted that Dr. Devono will be speaking at the Suncrest Neighborhood Association Meeting on March 25th. Councilor Spencer mentioned the Legislative Session will be ending on March 13th and the Parking Officer bill may be having some difficulty as well as some other bills; Council needs to do some homework before the session ends.

Mayor Byrne:

Mayor Byrne mentioned an e-mail from a resident in Sunnyside on a trash issue and asked the City Manager to check in to that problem. He stated he will be meeting with the new President, Chris Lewallen, of WVU Student Body to see if the City could work on getting a standing committee every year to help with the removal of snow. Mayor Byrne reported that on March 8th the Boys & Girls Club will be named winners of the Black History Month Art Contest sponsored by U.S. Cellular. He stated that House Bill 2663 or SB 134 is stalled in the Senate and urged citizens to call our Legislators, especially Senators Oliverio & Prezioso and ask them to pass this very important piece of legislation. Mayor Byrne informed that the City is actively pursuing the Google initiative; where Google has proposed to put in fiber optic to everyone's home. He asked everyone to go to morgantown.com and nominate the City of Morgantown for this initiative.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:37 p.m.

City Clerk

Mayor

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