

COMMITTEE OF THE WHOLE MEETING September 25, 2018: The Committee of the Whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 25, 2018 at 7:10 p.m.

PRESENT: City Attorney Ryan Simonton, Mayor Bill Kawecki, Deputy Mayor Jenny Selin, Council Members Rachel Fetty, Ryan Wallace, Ron Dulaney, Mark Brazaitis, and Barry Wendell. City Manager Paul Brake, and Assistant City Manager Emily Muzzarelli were absent.

Deputy Mayor Selin called the meeting to order.

PRESENTATIONS:

1. Morgantown Parking Districts – Dana McKenzie

Dana McKenzie, Director of Parking Authority presented to Council the short-term parking in the downtown area. **Ex. A**

2. County’s Solid Waste System – Evan Hansen and Evan Fedorko

Evan Hansen, President Downstream Strategies and from the Monongalia County Solid Waste Authority presented to Council with a proposal on how Morgantown can work better with surrounding communities and how to dispose of solid waste and made some recommendations for future scenarios on how the County should combat the issues of the increasing rates of population sizes and the ensuing greenhouse gases and amounts of waste. The recommendations included increasing the rates of recycling and composting throughout the City, as well as investing in gasification facilities.

There being no other presentations, Deputy Mayor Selin continued to the Public Portion.

PUBLIC PORTION:

Deputy Mayor opened the public portion and asked if there was anyone wishing to speak.

Michael Clifford, 145 South High Street, expressed his frustrations with the process of recycling with Republic Services. He also discussed the annexation issues with how the City adheres to laws pertaining to annexation. He would like the email that he received to be part of the record. **Ex. B**

John Mullins, 437 Sanford Street, voiced his concerns about drug related actions happenings in his neighborhood and proposed an Ordinance be adopted that would help property owners manage difficult situations involving illegal activity. **Ex. C**

ITEMS FOR DISCUSSION:

1. County’s Solid Waste System

No action was taken on this item at this time.

2. An Ordinance amending sections 505.03 and 505.031 prohibiting cruelty to animals

City Attorney Ryan Simonton gave a brief overview. After discussion and questions from council, item was referred to the October 2nd regular meeting by consensus.

3. An Ordinance amending article 305 of the Traffic Code providing for parking limitations

City Attorney Ryan Simonton gave a brief overview. After discussion and questions from council, item was referred to the October 2nd regular meeting by consensus.

4. An Ordinance authorizing submission of Amendment 4 to the City of Morgantown Home Rule Plan

City Attorney Ryan Simonton gave a brief overview. After discussion and questions from council, item was referred to the October 2nd regular meeting by consensus.

5. An Ordinance providing for the Zoning Reclassification of portions or all of parcels of Real Estate in the Third Ward

City Attorney Ryan Simonton gave a brief overview. After discussion and questions from council, item was referred to the October 2nd regular meeting by consensus.

ADJOURNMENT:

There being no further business, Council by consensus adjourned the committee of the whole meeting at 9:10 pm.

City Clerk

Mayor

Ex. A

Parking Enforcement

Parking enforcement is performed by the Parking Authority Staff with four "unsworn" Parking Violations Officers (PVO's). These personnel work six days per week and enforce parking meters in both on street and off-street areas 24 hours per day - a unique feature of enforcement due to the impact of the University on parking demand.

From August 1, 1998 to July 1, 1999 a total of 60,688 parking tickets were written or an average of 12,138 tickets annually per PVO or about 40 per PVO per business day. This is a very good rate of production. There were 58,765 tickets written for violation of the meter.

Public Relations

Several unique techniques are used which are important from a public relations standpoint. "This Ones on Us" allows a parker to overstay the meter time by 10 minutes without getting a parking ticket. This popular promotional device was used 8307 times during the 11 months survey period. This number represented 14% of the total overtime tickets and was instituted "to give the parker a break" - a very important public relations device.

In addition, the "ticket fixer" program, paid by merchants and Main Street Morgantown (MSM) covered an additional 956 overtime parkers. The cost of this program was \$1912 in 1998 - 1999 and was worth untold benefits in positive public relations.

Time Limit Enforcement

There is no time limit enforcement in downtown Morgantown at this time. While there are one and two-hour time limits posted on street and three and ten-hour time limits in some lots and decks, in reality if one "feeds the meter" then no ticket is written. This is a serious shortcoming of the enforcement program and should be addressed. A turnover of 8 vehicles per space per day is a reasonable goal for on-street parking and can only be achieved by time limit enforcement.

Parking Management

Parking management is the single most important aspect of the parking system. Management, when consistently and properly applied, makes the parking system serve downtown's customers better and more efficiently. In Morgantown, a legally constituted Parking Authority operates, manages, finances and maintains the downtown parking system. The Parking Authority staff of eight persons is responsible, under the direction of a manager and the Authority board to operate the system. The mission of the Morgantown Parking Authority is

"to provide the City a convenient, safe, secure and aesthetically pleasing parking experience."

The Authority has an annual budget of \$1,146,448.00 (1998 - 1999) and projected revenues of \$1,130,500.00.

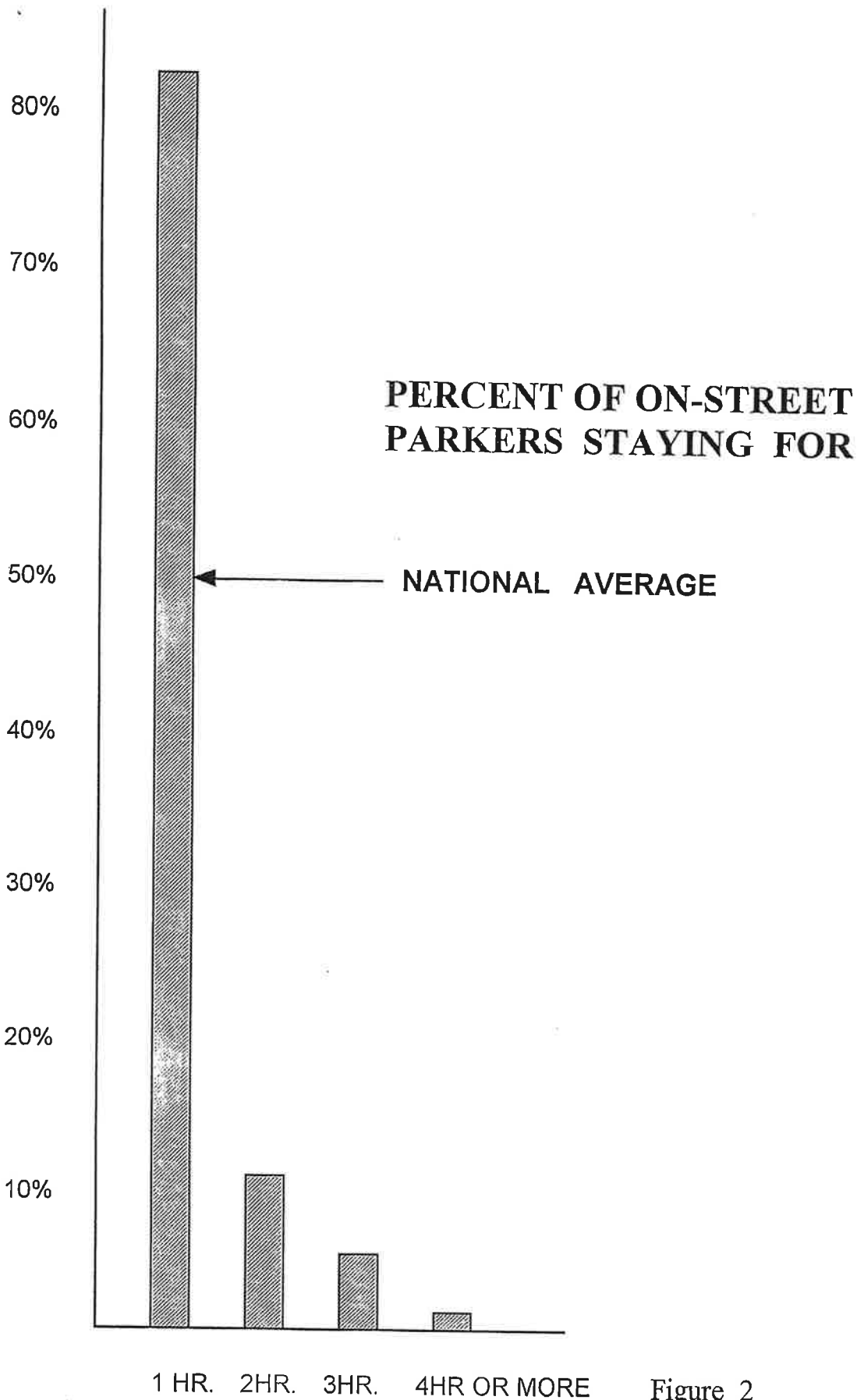


Figure 2
PARKING DURATION



Ex. B

Ty Clifford <mtclifford@gmail.com>

Annexation Questions

5 messages

Ty Clifford <mtclifford@gmail.com>

Thu, Aug 2, 2018 at 11:40 PM

To: mbrazaitis@morgantownwv.gov, Barry Wendell <bwendell@morgantownwv.gov>, rdulaney@morgantownwv.gov, jselin@morgantownwv.gov, rwallace@morgantownwv.gov, wkawecki@morgantownwv.gov, Rachel Fetty <rfetty@morgantownwv.gov>, pbrake@morgantownwv.gov

Greetings all,

As some of you might know before attending law school I was a geographic information systems analyst for the WV Geological Survey and prior to that received a master's degree in geography from WVU, including a fair amount of work in urban planning.

So with that background in mind when I see a map of the Morgantown city boundary it shows a complete lack of planning on the part of the city and a complete inability to keep up with the growth in the surrounding areas.

So from that perspective I am for annexation, if it is done properly. Frankly, quite a few residents on the edge of the city do not want to be brought under the control of what they largely see as a dysfunctional local government. Frankly, I cannot blame them.

However, after looking at the map of a city there are several commercial and industrial areas that seem like they would be ripe for annexation, if the city council simply had the will to fight for them.

Not only would this improve the tax base by adding to the B&O tax rolls, but the also additional money could be collected from the user fee in these areas.

So attached are three pictures of areas that at first glance seem to be good candidates:

1. South of 705 between Willowdale Road and Stewart Street, this would include Chestnut Hill Apartments, the Suncrest Town Center, and all areas south to the city boundary.
2. South of Van Voorhis Road between the boundaries of 4th and 7th ward. This would include Office Depot, the adjacent shopping plaza, and the Mylan plant in this area.
3. The area North and West of NETL between the 7th ward boundary and the Mon River. This would include Timberline Apartments, Suncrest Elementary School, and Mylan's main plant.

All of these areas are certainly contiguous with the current boundaries of the city and seem to fall within the requirements set forth in WV Code §8-6-4a or even §8-6-5.

So my question for all of the council and the city manager are as follows:

1. Are these areas being looked at? If not, why not?
2. What are the barriers that would keep these areas from being annexed?
3. Would not broadening the tax base of the city allow all of you to fund all of these other "pet" projects (Ice Rink, Haymaker, Blue Zones etc. etc.) that you are so desperately trying to pass.

Additionally, I believe Ms. Fetty stated that a consultant was hired to look at annexation. I am curious how much this consultant was paid considering we have an amazing resource in town that is West Virginia University. There is a geography department that is skilled in GIS and Urban planning and a law school full of overeager gunners who would jump all over the chance to assist with something like this. Why aren't these resources being tapped?

Finally, I wanted to say that this email has been sent to all of you. Even though I vehemently disagree with the way some of you are handling things if you can offer a constructive response I would more than welcome it.

Best Regards,

3 attachments



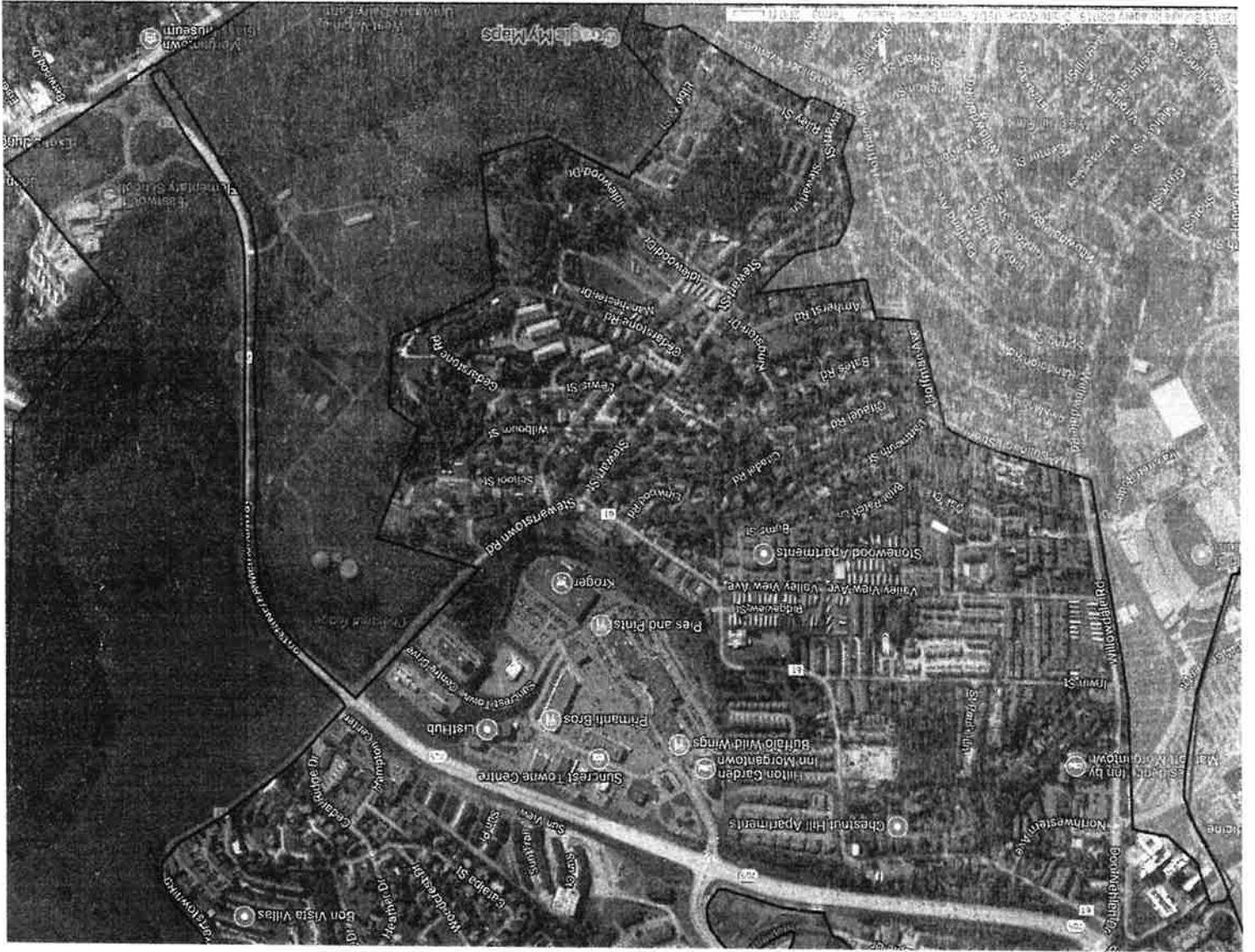
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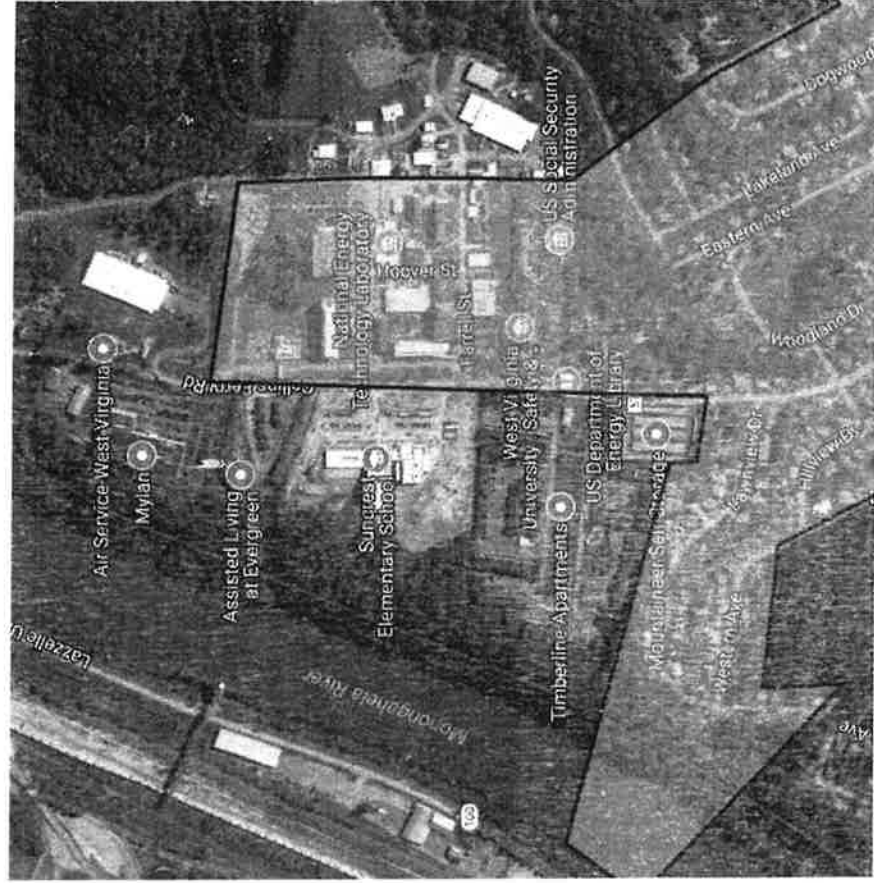


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Ex. C

AN ORDINANCE AMENDING THE CITY OF MARTINSBURG CODE, PART 5,
GENERAL OFFENSES CODE, CHAPTER 5, ADMINISTRATIVE, BY ADDING ARTICLE
552, DRUG AND GANG HOUSES, HOUSES OF PROSTITUTION AND OTHER
DISORDERLY HOUSES, SECTION 552-01 TO SECTION 552.03.

Section 552.01 Drug and Gang Houses, Houses of Prostitution and Other Disorderly Houses.

- (a) Any premises used for prostitution; illegal gambling; illegal possession, storage, or delivery of or trafficking in controlled substances, or other illegal drug activity; is hereby declared to be a public nuisance; provided that no public nuisance or violation of this section shall be deemed to exist unless:
- i. the property is used for two or more such offenses or incidents within any twelve month period,
 - or
 - ii. the offense for which the property is used is punishable by imprisonment for one year or more.
- (b) Any person who owns, manages or controls any premises and who
- i. encourages or permits an illegal activity described in subsection (a) to occur or continue on such premises; or
 - ii. fails to implement reasonable and warranted abatement measures identified in the notice issued pursuant to section 552.02, or subsequently agreed to, or other abatement measures which successfully abate the nuisance within the 30-day period following the notice, or within any other agreed upon period, shall be subject to a fine according to the schedule set forth in section 552.03.

Section 552.02 Order of Abatement

- (a) The Chief of Police, City Engineer, or other authorized representative of the city may bring an action to abate a public nuisance described by this section in a Martinsburg Municipal Court.
- (b) The Chief of Police, City Engineer, or other authorized representative of the city shall issue an order of abatement upon a finding of liability under this section.

(c) The order of abatement shall require the defendant to take measures reasonably calculated to prevent the recurrence of the illegal activity.

(d) The order of abatement may also authorize the issuance of search warrants reasonably calculated to determine whether the nuisance has been abated or whether the order of the court has been obeyed.

Section 549.02 Penalty

(a) Each day that a violation of this section continues shall be considered a separate and distinct offense.

i. No person shall be found in violation of 552.01 (b)(ii) unless the city proves by a preponderance of the evidence that the abatement measures were reasonable and warranted, and that the defendant knowingly failed to implement them.

ii. A person may be found in violation of (b)(i) or (b)(ii) of section 552.01 regardless of whether an order of abatement is issued under section 552.02 or in violation of 552.01 (b)(i) regardless of whether a notice has been given under section 552.02 . A fine in accordance with subsection (c) may be assessed by the Martinsburg Municipal Court.

(b) Upon a finding of liability under this ordinance, the defendant shall be fined: not less than \$100.00 and not more than \$1,000.00 per offense.

Be it further Ordained by the City Council of the City of Martinsburg that this Ordinance shall take effect upon the date of adoption.

Introduced: _____

Adopted: _____

THE CITY OF MARTINSBURG, WEST VIRGINIA, a Municipal corporation

By: _____
_____ Mayor

Attest:

_____, City Recorder