

Morgantown Pedestrian Safety Board Meeting Minutes
Public Safety Building- Morgantown, WV
Wednesday, May 12, 2010

- I. Call to Order, Chair, Christiaan Abildso called meeting to order at 4:35 PM
- II. Attendance
 - a. Members: Christiaan Abildso, Bill Reger-Nash, Martha Summers, Dwight Harshbarger, Ilana Chertok, Stan Cohen, Maria Smith, Jimmie Simmons, Don Spencer, George Lilley, Regina Mayolo
 - b. Guests: William Blosser, Chuck Coole
- III. Next meeting June 7 at 4:30
- IV. Discussion of plan finalization

I. Editorial revisions were explained with little discussion

#1(Title Page – update list of names, change date)

#2(revise Getting Acquainted: page numbers, “annualized front foot property assessment”)

#3(update Table of Contents)

#4(Add gateway paragraph to page 28 after “...problems” at the end of the first paragraph)

Some streets serve as “gateway” entrances to a city. Nearly all of Morgantown’s principle gateway streets are included in the connecting network sidewalk network. Gateway streets are those which welcome people to the city and are vital to establishing important impressions of the community. Gateway streets need to be “complete streets” to establish an inclusive, aesthetic welcome while providing multi-modal transportation on primary urban corridors.

#5(New Projects for Project lists and maps in Section 6)

- 1) Eastern Ave. (A primary walking and transit connection to Aspen St. for persons living in Suncrest Lake section and a link between emerging parks at Woodland Ave. and Burroughs Run)
– Install sidewalks on Eastern Avenue between Killarney Drive & Morgan Drive
- 2) South Hills/South Park – connector on White Ave from Hirschman to Marilla Park & pool

#6 (correct in Sidewalk section last item on Page 61: “Work done by city; assessment; lien 913.09”)

(Add curbs after SIDEWALK Section on Page 61)

CURBS

Property owner to lay down curb within sidewalk area	915.01
Width, height, and materials of curb	915.02
Costs of curb to be assessed against owner; lien	915.03
Cost of repairs or relaying to be assessed against owner; lien.	915.04

#7(Add at end of second paragraph on bonds in Section 10 on page 73;)

The problem with use of bonds, however, is the debt service. Should bonds be utilized, approximately twice as much support would need to be generated for projects. If bonds are not used, the City can generate nearly twice as much sidewalk progress for half the amount of resources. Unlike a parking garage, sidewalks do not have to be completed in full in order to be useful to the public.

#8 add to end of second paragraph on fee on page 74: The usefulness of such a fee to Class IV property tax payers a U.S. District Court has ruled that municipal service fees are taxes therefore, like fire service fees, a walkway fee can be claimed as a federal tax deduction.

#9(Revise Section 11 – Maintenance – add separate paragraph before the second to last paragraph on the page.)

(Remove snow from list of property owner responsibilities and make snow removal a separate paragraph in Section 11).

In the case of snow fall, it is recommended that the code be amended to specify the time by which snow shall be removed. As with other cities in snowy areas, it is recommended that snow be required to be removed from sidewalks **within 24 hours of the completion of an accumulating snowfall**. With this additional specificity, a public information campaign can be initiated each year and public information reminder spots can be presented at the time of larger snowfalls.

#10(Add Section 12: Administration and Continuing Role of Pedestrian Safety Board)

II. Ordinance changes (original text listed below with revisions *approved in green* or *crossed-out if not approved*)

1. CURBS --- new city code needed

Property owner to lay down curb within sidewalk area	915.01
Width, height, and materials of curb	915.02
Costs of curb to be assessed against owner; lien	915.03
Cost of repairs or relaying to be assessed against owner; lien.	915.04

2. Enforcing existing sidewalk and curb ordinances (Property owner vs City responsibilities; structural repair vs. routine maintenance)
 - a. STRUCTURAL REPAIR – Section 11, 2nd paragraph: “With the revision in sidewalk funding policies as set forth in this Plan (Section 10) the above cited articles [913.03, 913.09, and 913.12] will need to be revised to assign proportionate responsibility for sidewalk structural maintenance for both connecting network sidewalks (CNS) and neighborhood access sidewalks (NAS).”
 - b. ROUTINE MAINTENANCE: Section 11, 4th paragraph: “The Board recommends that the above ordinances be enforced, particularly in relation to dirt accumulations and especially following the construction and/or reconstruction of any CNS or NAS throughout the City.”

REVISE To:

 - i. “The Board recommends that the above ordinance (913.11) be revised and strictly enforced. Specifically the Board recommends changing 913.11 to [MOTIONS]:
 - ~~1. Put the onus of routine sidewalk maintenance (ie, snow, ice, dirt, refuse removal) on property owners (not lessees or occupants)~~
 - a. **Motion seconded, but not approved unanimously because the current code already puts the final onus (by way of a fine) on the property owner**
 2. **Change the requirement for snow and ice removal (not dirt or refuse) to require snow and ice be removed within 24 hours of the completion of a snowfall or ice storm with measurable accumulation or allow for spreading of sand, etc on ice that cannot be removed**
 - a. **Motion seconded by Bill Reger-Nash, approved unanimously**

3. Change the mechanism of citing/fining property owners for snow and ice removal to a process of (1) observation of property by City Manager or authorized personnel, (2) cite the property owner in writing, (3) set fees at \$25-50 for 1st offense and \$50-\$100 for each offense thereafter (each day is a separate offense), and (4) allow City Manager to order a property be cleaned by City crews and charge the expenses annually to the property owner as provided in Section 913.09
 - a. **Motion seconded by George Lilley, approved unanimously**

III. Improving fee fairness and implementation

1. Improving fairness in the new plan fee assessment; MOTIONS
 - a. Fee credits: 10 year credit for recently replaced, repaired, or newly constructed sidewalk built in accordance with section 913.06 of city code
 - i. **Motion seconded by Dwight Harshbarger, and discussed, approved with two abstaining (Dwight Harshbarger and Jimmie Simmons) for reasons of arbitrariness of 10 year credit amount**
 - b. Front foot assessment cap (for large or oddly shaped lots): Cap the assessed frontage feet at the building frontage plus up to a maximum of 40 feet each side of the building or 150 feet whichever is less
 - i. **Motion seconded by Bill Reger-Nash, and discussed, approved with two abstaining (Dwight Harshbarger and Jimmie Simmons) for reasons of arbitrariness of 10 year credit amount**
 - ~~e. Maximum fee value of \$1/foot (can we legally set this as maximum)~~
 - i. **On consult of Councilman Spencer, we cannot legally bind future City Council members to a maximum fee amount**
2. Implementation of Walkway, Walkway Lighting, and Traffic Calming Fee
 - ~~a. Phase in period, added text to end of last paragraph on 2nd page of Section 10: "To reduce the immediate "burden" on City residents, the Board recommends a phase in period over an amount of time to be determined by City Council."~~
 - i. **Motion seconded by Stan Cohen but unanimously not approved**
 - b. Separate, dedicated fund: Section 10, 6th to last paragraph added
 - i. As with any other fund, it must be audited annually and publicly reported.

V. Meeting adjourned at 5:45 PM