

REGULAR MEETING MAY 17, 2011: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, May 3, 2011 at 7:30 P.M.

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

APPROVAL OF MINUTES: Minutes from the Regular Meetings on April 5, 2011, April 19, 2011 and May 3, 2011 were approved as presented. The minutes from the Election Canvassing on May 2, 2011 were also approved as presented. Councilor Spencer then commended the City Clerk's Office for a job well done on the minutes.

CORRESPONDENCE: Mayor Byrne recognized the CTA Cheerleader and Dance Team for their participation and awards won in the US finals and presented proclamations for Cheerleading and Dance Month, Kids to Parks Day, and Rail Trail Day. Mayor Byrne then thanked resigning Airport Director Glen Kelly for his service to the City of Morgantown.

PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO LEASE REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT TO THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR PUBLIC HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES (NOROP).

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING MONONGAHELA POWER COMPANY TO UTILIZE A PORTION OF PROPERTY OWNED BY THE CITY; MORE SPECIFICALLY, THAT PARCEL APPEARING AS CLINTON DISTRICT, DISTRICT 13, MAP NO. 6, PARCEL 94 ON MONONGALIA COUNTY TAX MAPS, FOR PURPOSES OF FULFILLING A RESTORATION/MITIGATION PLAN UNDER THE CLEAN WATER ACT.

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

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING MONONGAHELA POWER COMPANY TO UTILIZE A PORTION OF PROPERTY OWNED BY THE CITY; MORE SPECIFICALLY, THAT PARCEL APPEARING AS MORGANTOWN CORPORATION, DISTRICT 1, MAP 48A, PARCEL 4 ON MONONGALIA COUNTY TAX MAPS, FOR PURPOSES OF FULFILLING A RESTORATION/MITIGATION PLAN UNDER THE CLEAN WATER ACT.

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

PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 172.08 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN, AS THE SAME PERTAINS TO PURPOSE, POWERS, AND DUTIES OF THE MORGANTOWN SISTER CITIES COMMISSION.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING THE CITY TO LEASE REALTY AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO LEASE REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT TO THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR PUBLIC HEALTH, OFFICE OF EMERGENCY MEDICAL SERVICES (NOROP).

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

AN ORDINANCE AUTHORIZING MON POWER TO UTILIZE A PORTION OF CITY OWNED REALTY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING MONONGAHELA POWER COMPANY TO UTILIZE A PORTION OF PROPERTY OWNED BY THE CITY; MORE SPECIFICALLY, THAT PARCEL APPEARING AS CLINTON DISTRICT, DISTRICT 13, MAP NO. 6, PARCEL 94 ON MONONGALIA COUNTY TAX MAPS, FOR PURPOSES OF FULFILLING A RESTORATION/MITIGATION PLAN UNDER THE CLEAN WATER ACT.

Motion by Spencer, second by Byrer to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AUTHORIZING MON POWER TO UTILIZE A PORTION OF CITY OWNED REALTY: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING MONONGAHELA POWER COMPANY TO UTILIZE A PORTION OF PROPERTY OWNED BY THE CITY; MORE SPECIFICALLY, THAT PARCEL APPEARING AS MORGANTOWN CORPORATION, DISTRICT 1, MAP 48A, PARCEL 4 ON MONONGALIA COUNTY TAX MAPS, FOR PURPOSES OF FULFILLING A RESTORATION/MITIGATION PLAN UNDER THE CLEAN WATER ACT.

Motion by Bane, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

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

AN ORDINANCE AMENDING SECTION 172.08 OF THE ADMINISTRATIVE CODE OF THE CITY OF MORGANTOWN, AS THE SAME PERTAINS TO PURPOSE, POWERS, AND DUTIES OF THE MORGANTOWN SISTER CITIES COMMISSION.

Motion by Gaddis, second by Selin to adopt the above entitled Ordinance. Motion carried 7-0.

PUBLIC PORTION:

Before the beginning of the Public Portion, Mayor Byrne asked that the rules be suspended to allow commentary from MUB Director Tim Ball regarding recent discussions and activities on Marcellus shale drilling.

Tim Ball, MUB Director, outlined MUB's concerns and the discussions regarding the safeguards including spill prevention, additional containment structures and appropriate disposing of all waste off site. He

added that he plans to speak with the DEP to ensure that these safeguards are added to the permit process to assist in enforcement.

Then there was a question and answer session with Council and Mr. Ball.

Sandra Fallon, 39 Buckhannon Avenue, relayed her concerns over the Marcellus shale issues, that the process is moving too fast and asked Council to put a stop to the process, and preserve the safety of our drinking water.

Scott Fred? 1st Ward, reported that he can see drilling outside his bedroom window and stated concerns that the water supply will be affected and Council should watch the company “like a hawk”.

Gary Tannabaum, Owner, Blue Moose Café, is scared for the safety of his drinking water and thanked Council for their Resolution they recently passed. He asked Council to assure safeguards are put in place.

Katherine Madison, 825 Madison, reported that she called the DEP because her house is close to drilling. They told her she would “not sleep for weeks” and she is tired of receiving conflicting information. She went to the site and took pictures and there is a lot of water run-off going everywhere. She suggested that Council refer to the state code 8-12-19 and pattern an Ordinance like Wellsburg, WV to handle the problem.

Brice Clagett, 550 Brockway Avenue, has thoroughly researched the topic and concurs with all the speakers and that the fracking should end.

Emily Brown, 309 Green Street, stated that the Marcellus shale drilling will promote water pollution, and road degradation.

Renee Hernandez, 224 Overdale Street, is concerned over the whole process, fracking ,pollution, noise etc. She feels the whole issue occurred overnight. She then stated that the truck traffic on Rt. 7 should be re-routed.

John Burkhart, 116 Kingwood Street, stated that the Marcellus shale drilling is dangerous to the citizens and there is no benefit, only negatives. He opposes all drilling near Morgantown.

Nicholas Zegre, 352 Oakland Street, noted the Proclamation for Mon River Trails and health, and the current conversation on drilling. He cited a study that claims methane is a by-product of drilling and concurred with the other speakers that the drilling needs to stop.

Mike Levy, City resident, urged Council to follow Wellsburg’s lead and make similar Ordinances. He reported that there have been numerous blow-outs near here.

Brett Bailey, 909 Fairfax Drive, stated that he is turned upside down about the drilling issue, and stated it could cause a blight on water. He asked Council what is more important water or gas?

Louis McDonald, 911 Fairfax Drive, President of Evansdale Neighborhood Association, said Council should take legal actions to fight drilling and follow related state codes 8-12-19.

Sarah Jansen Zagre, 325 Oakland Street, noted the irony of the proclamations and the current discussion on drilling and all the related pollution and health issues. She stated that Mr. Ball’s efforts are part of a rush job to cover up the damage that will be done. The safeguards are not there, and in PA there was a gas well blow up

and the dangers are real. She stated that citizens do not want contaminated drinking water or inappropriate fracking.

Mark Glass, 69 W. Jefferson Street, Environmental Consultant, stated that the EPA and the Dept. of Energy have not done their part and we need to know more about the new drilling process before we continue to allow this.

Resident, 241 Kingwood Avenue, spoke in opposition to the Marcellus drilling and thinks that the process is moving forward too fast. This could be done safely but, asked Council to put a stop to this.

Janis Gunel, 1409 Dogwood Avenue, spoke on behalf of the League of Women Voters and told Council they are requesting the City pursue an injunction to stop drilling on the drilling sites until all issues and concerns have been addressed.

Dwayne Nichols, Spokesperson for Mon Valley Clean Air Coalition, stated that the organization calls for an immediate cessation of all drilling activities at all sites until fully adequate regulation is put into place.

Ann M. Ours, 225 Euclid Avenue, asked Council's support on a bill that is in the House of Representatives to repeal provisions and revive the separation between commercial banking and securities business. Ms. Ours asked Council to read the bill in the House "H.R. 1489" and also forward to information to State Delegation for their review and consideration.

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

SPECIAL COMMITTEE REPORTS: None.

NEW BUSINESS:

AN ORDINANCE AMENDING THE ANNUAL BUDGET: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE FY 2010-2011 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

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

AN ORDINANCE AMENDING THE STREETS, UTILITIES AND PUBLIC SERVICES CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 923 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE IN ITS ENTIRETY AND ADDING NEW SECTIONS ADDRESSING PRETREATMENT FACILITIES, HAULED WASTEWATER, INDIVIDUAL WASTEWATER DISCHARGE PERMIT REVOCATION, INDIVIDUAL WASTEWATER DISCHARGE PERMIT REISSUANCE, REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS, PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE, AND AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

Motion by Bane, second by Gaddis to pass the above entitled Ordinance to second reading. Motion

carried 7-0.

CITY MANAGERS REPORT: No Report.

CITY CLERK: City Clerk, Linda Little updated Council on various Boards and Commission appointments. After discussion, motion by acclamation to reappoint Jim Pompili & Barry Dickson to Building Code Appeals Board; Dan Hursh appointed to the Fire Civil Service Commission and Jamie Lewis appointed to the Traffic Commission.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane reported that MHS Lacrosse team will play UHS in

Councilor Gaddis: Councilor Gaddis

Councilor Byrer: Councilor Byrer

Councilor Selin: Councilor Selin

Councilor Shamberger: Councilor Shamberger

Councilor Spencer: Councilor Spencer

Mayor Byrne: Mayor Byrne

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 10:35 p.m.

City Clerk

Mayor