

REGULAR MEETING JULY 19, 2011:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, July 19, 2011, at 7:30 P.M.

PRESENT: City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, Mayor Jim Manilla and Council Members Ron Bane, Wes Nugent, Jenny Selin, Marti Shamberger and Linda Herbst. Councilor Bill Byrne and City Clerk Linda Little were absent.

APPROVAL OF MINUTES: The minutes of the Special Meeting on June 21, 2011, and the minutes of the Regular Meetings on June 21, 2011 and July 5, 2011 were approved as printed.

CORRESPONDENCE: Mr. Mark Barnes, Dominion Hope's Director of Gas Operations offered a presentation to Council, and after entertained questions from Council pertaining to gas exploration and industry.

Chief of Police Edward Preston then presented awards to several Police Officers for bravery, and other accolades. Mayor Manilla presented Certificates of Recognition to a citizen for service on Boards and Commissions and to a group of Youth Ambassadors from Guanajuato, Mexico.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY BOARD OF EDUCATION, AS THE SAME APPLIES TO A PREVENTION RESOURCES OFFICER IN THE MONONGALIA COUNTY SCHOOL SYSTEM AT MORGANTOWN HIGH SCHOOL: Mayor Manilla declared the Public Hearing open on the above entitled Ordinance.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING PREVENTION RESOURCE OFFICER AT MORGANTOWN HIGH SCHOOL: The below entitled Ordinance was presented for third reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY BOARD OF EDUCATION, AS THE SAME APPLIES TO A PREVENTION RESOURCES OFFICER IN THE MONONGALIA COUNTY SCHOOL SYSTEM AT MORGANTOWN HIGH SCHOOL.

Motion by Bane, second by Nugent to adopt the above entitled Ordinance. After a brief explanation from the City Manager, the motion carried 6-0.

BOARDS AND COMMISSIONS: Council appointed Michelle Leversee by acclamation, to the Sister Cities Commission. Council will also discuss their own appointments during the Committee of the Whole meeting.

PUBLIC PORTION:

Chris Roberts, Chairman of Breathe Easy Alliance, thanked Council for passing the no-smoking Ordinance recently and presented them with many thank-you cards from local residents who appreciate Morgantown becoming smoke-free.

Renee Hernandez, 222 Overdale Street, stated that she is shocked to see that the Hogback turn issue is again on the agenda, especially after she brought a petition to the City asking them to restrict the truck traffic.

She added that the noise and traffic is a continuing problem and is appalled at the idea of widening the turn to allow trucks to pass easier. She also addressed the new members of Council and asked them to continue in the support of the Marcellus Shale Drilling Ban.

Janice Ganel, 1409 Dogwood Avenue, bid new Council Members welcome and asked them to continue supporting the Marcellus Shale Drilling Ban. She spoke about the importance of Morgantown's industries and jobs and encouraged that the City is not the only place dealing with the drilling industry in this manner.

Larry Schwab, Collins Ferry Road, welcomed new Council members and congratulated everyone on the Marcellus Shale Fracking Ban. He asserted that there is no regulation because the government may know about all the hazardous chemicals in the fracking fluids. He asked that everyone who discusses this issue to be civil to each other. He offered citations from an editorial recently published in the paper and stated that Morgantown is in good company with other states and nations who have also banned horizontal drilling and fracking. He added that there are many proven carcinogens in the fracking fluid and that more regulation is needed.

Jeff Gordon, 45 Maple Avenue, spoke against the prospect of an Urban Deer Hunt. He stated that deer are a joy to some and that a law allowing their slaughter is an unnecessary step because the nuisance deer do not constitute a safety and welfare threat to citizens. He suggested that the proposed hunt be on the next Municipal ballot for all to decide.

Jim Kotcon, WV Sierra Club, thanked Council for passing the No Smoking Ordinance and Fracking Ban. He then informed Council about a meeting on legislation that they should attend.

Kathleen Abate, 201 Logan Avenue, informed Council that she feels misled because there is conflicting information in the community about who wants to hunt the deer and where WVU officials and others have supposedly suggested this hunt take place. She asked Council who at WVU suggested this hunt be in the first place. She asked that the facts be brought to light to end all the confusion about Urban Deer Hunting. She warned that there could be many unintended consequences to a hunt that make the deer problems worse.

Courtney Kirsher 50 Maple Avenue, asked where the liability falls if a hunter during an urban hunt does not make a clean kill, and a frantic, injured deer runs into traffic or other situations causing harm to citizens and property. Mayor Manilla stated that this question will be answered during the Council Report portion of the meeting.

Guy Panrell, 763 South Hills Drive, congratulated all the new Council and commended Councilor Shamberger for her interview this morning. He told Council that the deer issue was brought to light over 17 years ago. He asked that action be taken to resolve the problem sooner than later.

Ray Swiger, 93 Richmond Avenue, asked who the liaison would be to inquire details about a proposed hunt and then read from the newspaper about Rick Bebout training local bow hunters to control deer in an urban environment. He asked how the City would interface with this citizen created committee. He wondered about the University's desire to allow hunting on their farms. He stated that out of three neighborhoods surveyed by himself and others, that 14 out of 168, 12 out of 60, and 2 out of 16 households polled were in favor of urban bow hunting. He feels that more people are against a hunt than for it.

Valerie Fry-McClung, Fairmore Drive, thanked Council for passing the Smoking Ban and applauded their efforts to work with the County. She hopes that the ban can be made County wide.

Rick Bebout, 1333 Richwood Avenue, reported to Council that he worked on the Deer Committee and helped make recommendations to Council, including that of a DNR controlled urban archery season. He added that Dr. Samuels stepped down as Chair of the committee and he (Bebout offered assistance to the City). He has since worked with City Officials to ensure that any approved hunt is conducted appropriately. He stated that he

is the liaison to the City for the hunt information. He answered several questions brought up about the practice of these hunts.

John McGraw, representing Business Owners, addressed the Smoking Ban stating that Council should protect the public within reason, and that other harmful and legal products are regulated with moderation including alcohol, cell phones and second hand smoke should be treated as such. Banning smoking in all establishments in its entirety will put many Businesses out of business. He asked that Council set in motion the means to revamp this entire law.

Catherine Whitworth, 18 Lawrence Street, thanked Council for passing the Smoking Ban, and stated that the community supports Council's leadership. She agreed that the anti-smoking rules should apply to the entire area, to make things fair across the board for all area Business Owners.

Rachel Martin, Morgantown Resident, welcomed new members of Council and spoke in support of the Smoking Ban. She assured Council that public support of this and the recently passed Drilling Ban are widespread. She noted that the State of Maryland is preparing to sue Chesapeake Energy over fracking, and Pennsylvania has suffered a massive well blow-out and spill. She asserted that mortgage lending practices are being affected by the impacts of wells near residential properties. She asked Council to continue to protect our quality of life in Morgantown.

Beverly Keener, Regional Tobacco Prevention Coordinator, Health Educator for the State, thanked Council for passing the Smoking Ban, and told Council about her experiences educating people on the effects of second hand smoke. She then cited to Council several statistics about smoking.

There being no more appearances or objections, Mayor Manilla declared this public portion closed.

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH MON COUNTY FOR ANIMAL CONTROL SERVICES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE CITY OF MORGANTOWN TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MONONGALIA COUNTY COMMISSION, WHEREBY THE MONONGALIA COUNTY COMMISSION WILL PROVIDE ANIMAL CONTROL SERVICES TO THE CITY OF MORGANTOWN.

Motion by Bane, second by Shamberger, to pass the above entitled Ordinance to second reading. After brief explanation from the City Manager, the rules were suspended to allow explanation from Bob Doyle of Animal Control. After continued discussion, the motion carried 6-0.

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

AN ORDINANCE AMENDING THE FY 2011-2012 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET HERETO ATTACHED AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE COAL SEVERANCE FUND.

Motion by Selin, second by Shamberger, to pass the above entitled Ordinance to second reading. After brief explanation from the City Manager, an discussion by Council, motion carried 6-0.

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

AN ORDINANCE AMENDING THE FY 2011-2012 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 Bane, second by Shamberger, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE ADOPTING A NEW SECTION OF THE GENERAL OFFENSES CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADOPTING 533.11 OF THE CITY OF MORGANTOWN GENERAL OFFENSES CODE, OFFENSES RELATING TO PROPERTY.

Motion by Nugent, second by Bane, to pass the above entitled Ordinance to second reading. After explanation from the City Attorney, motion carried 6-0.

AN ORDINANCE AUTHORIZING URBAN DEER MANAGEMENT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN CREATING A NEW SECTION 505.18 WITHIN ITS GENERAL OFFENSES CODE, AUTHORIZING URBAN DEER MANAGEMENT WITHIN THE CITY OF MORGANTOWN, AS AUTHORIZED BY LEGISLATIVE RULE OF THE WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES.

Motion by Shamberger, second by Nugent, to pass the above entitled Ordinance to second reading. After explanation from the City Manager, the rules were suspended to allow further commentary from the City Attorney Steve Fanok, and Chief of Police Edward Preston so that they may answer the public's questions and give additional information regarding concerns and regulations for a proposed Urban Bow Hunt for deer population management. After continued discussion, motion carried 6-0.

AN ORDINANCE AUTHORIZING THE TRANSFER OF REALTY TO THE WVDOH: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE TRANSFER OF 294 SQUARE FEET OF CITY OWNED REALTY, LOCATED ADJACENT TO WHAT IS COMMONLY KNOWN AS "HOGBACK TURN" ALONG WEST VIRGINIA STATE ROUTE 7, TO THE WEST VIRGINIA DIVISION OF HIGHWAYS, SO THAT IT MAY WIDEN THE TURNING RADIUS WITHIN THE ROUTE 7 ROADWAY AT THAT LOCATION.

Motion by Bane, second by Nugent, to pass the above entitled Ordinance to second reading. Council suspended the rules to have explanation from a WVDOH Representative as well as Public Works Director Terry Hough. After discussion, motion carried 5-1. Councilor Shamberger voted NO.

CITY MANAGERS REPORT:

INFORMATION:

Item No. 1: City Manager Terrence Moore relayed information to Council regarding the continuation of the Edward Byrne Memorial Justice Assistance Grant Program. Additional commentary was provided by Morgantown Chief of Police Edward Preston.

City Manager Moore then reported on the Essential Air Service Program and legislative activity regarding the recently introduced bill with effect to the program.

CITY CLERK'S REPORT: Absent.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane requested that the Neighborhood Coordinating Council give a report at each Committee of the Whole, and also that a Budget and Sunnyside Up agenda item be added as well, along with Council's assignments on Boards and Commissions. He reported that he has visited Wetzel County and described his experience there. He urged those working at the Capitol to do their best regarding this ongoing Marcellus situation.

Councilor Nugent: Councilor Nugent announced the upcoming Wiles Hill-Highland Park Neighborhood Association Meeting, along with other community events. He also reminded citizens of the Marcellus legislative meeting held in Morgantown, He thanked all those who contacted him and expressed their opinion regarding the drilling. He asked drivers to use caution regarding the new routing of University Avenue.

City Manager Terrence Moore, offered additional commentary regarding this new road project.

Councilor Selin: Councilor Selin offered that we need solutions to present to the legislature, and urged citizens to voice constructive suggestions. She remarked that she also visited Wetzel County and noted the impact she saw in the area both socially and economically. She voiced her support for the Sister Cities Commission and talked about the attributes of the Commission's various programs. She asked that the WVDOH mark the climbing lane on Beechurst Avenue, and in other areas. She thanked those who participated in the Public Portion, and stated she values their comments.

Councilor Shamberger: Councilor Shamberger offered her regards for those who worked hard on the Hog Back Turn improvements, and explained why she voted no; citing traffic problems as the main cause. She announced her neighborhood block party and thanked the Police Chief and the Department for their participation. She also noted that the owner of Mario's Fishbowl has reported an increase in profit since voluntarily converting the establishment to smoke free. She asked for a re-education program for bicyclists. Councilor Shamberger also commented on Youth Ambassador Program and congratulated the Commission's new member.

Councilor Byrne: Absent.

Councilor Herbst: Councilor Herbst noted that she would like to visit Wetzel County and share in the experience. She announced upcoming community events such as the Putnam County Spelling Bee.

Councilor Selin interjected whether a meeting is possible between the DOH and the Public Service Commission regarding Hog Back Turn. City Manager Moore replied that he would be happy to facilitate such a meeting. Discussion continued on how to best organize this idea.

Mayor Manilla:

Mayor Manilla suggested that a protocol for organizing the COW agenda should be discussed at the upcoming meeting. Discussion erupted regarding several emails and City Manager Moore explained the status of the addressed issues. Mayor Manilla then added he will make arrangements to visit Wetzel County as well.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 10:30 p.m.

City Clerk

Mayor

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