

**REGULAR MEETING AUGUST 16, 2011:**

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, August 16, 2011, at 7:30 P.M.

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

**APPROVAL OF MINUTES:** The minutes of the Regular Meeting on August 2, 2011 were approved as printed.

**CORRESPONDENCE:** Mayor Manilla presented retiring employee John DeProspero with a proclamation followed by remarks from co-worker Vick Cordwell. Mayor Manilla then announced that the City of Morgantown was awarded the “All Star Community Award” at the WV Municipal League Conference for implementing Vote By Mail; as well as the Curtis Uhl Award, given to Deputy Mayor Bane for finishing second place in the WVML Golf Tournament.

Councilor Byrne then mentioned the CIP Event honoring Social Service Professionals from all over the world. He also introduced Felix Santizo who is from Guanajuato, Mexico and shared that he works with families to surgically repair cleft palates through a program called “Evelyn’s Baskets of Love.”

**PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 1158 SQUARE FOOT PORTION OF A RIGHT-OF-WAY EXTENDING ALONG A PORTION OF FALLING RUN ROAD IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES:**

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.

**PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 192 SQUARE FOOT PORTION OF AN UNNAMED ALLEY IN THE HOPECREST ADDITION IN THE FIRST WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES:**

Mayor Manilla declared the Public Hearing open on the above entitled Ordinance.

Ed Divine, Contractor representing the Jucketts, stated that this piece of property is a legal non-conforming; meaning that the house is there but sometime in the past it was built one-foot from this right-of way. He commented that the house needs a room removed as it is settling in to the ground, and in order to meet the City code we need 5 feet to make that adjustment. He noted that the Jucketts are also purchasing a small piece of property from a neighbor so there is room to move around the house.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE ANNULLING A PORTION OF A RIGHT-OF-WAY IN THE FOURTH WARD:**

The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 1158 SQUARE FOOT PORTION OF A RIGHT-OF-WAY EXTENDING ALONG A PORTION OF FALLING RUN ROAD IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

**AN ORDINANCE ANNULING A PORTION OF AN UNNAMED ALLEY IN THE FIRST**

**WARD:** The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 192 SQUARE FOOT PORTION OF AN UNNAMED ALLEY IN THE HOPECREST ADDITION IN THE FIRST WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

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

**BOARDS AND COMMISSIONS:** Lyndell Millecchia was reappointed by acclamation to serve another 5 year term on the Library Board. Mary Davis was appointed by acclamation to serve on the Mon River Trails Conservancy Board.

**PUBLIC PORTION:**

Paul Brown, Morgantown resident, informed Council that citizens have been researching fracking, and relayed those concerns and facts to Council. He asserted that the risks and health effects are widespread and many communities in West Virginia have been victimized by these “filthy frackers”. He accused the fracking industry members of buying judges and politicians, and physically threatening those who speak out and oppose fracking. He pledged his support and that of others in the community who can help by lobbying, and monitoring fracking activities.

Kay Lotspeich, 1053 Tacoma Street, handed Council pictures of rain run-off on her property and asked that this be fixed. Mr. Moore replied that they will contact MUB and try to help her get the problem resolved.

Bob Anderson, 7<sup>th</sup> Ward Resident, commented about the Smoking Ordinance and is glad that Council extended the effective date in order to allow meetings with the County Board of Health. He suggested that the BOH might not take any action, and if they do not, he encouraged Council to maintain this Ordinance.

Renee Hernandez, 224 Overdale Street, expressed her dismay at the Marcellus ruling and stated that our community has the right to clean air and water. She feels the land is being exploited and stated that the people want the drilling to stop.

Catherine Whitworth, Breathe Easy Alliance, thanked Council for their support and for all that they do for our community. She questioned the Board of Health’s support regarding the Smoking Ordinance, but encouraged Council to hold their ground, regardless of their decision.

Candace Jordan, Westover Resident, mentioned that she is disappointed that the fracking ban has been overturned. She reported seeing fracking water pollution firsthand in Wetzel County and expressed that our Community needs to be protected.

Jim Kotcon, WV Sierra Club, stated that he attended a leadership seminar and that Council has more work to do in this regard. He informed that he has been contacted by other communities wanting to tour the Morgantown Industrial Park. He will keep Council informed and seek their input how to handle these tour requests.

Guy Panrell, commented that the media is not being clear concerning the taxi services in the area and that new business is a boost to the community. He then restated his request to know how much money the Sister Cities Commission is being allocated and what expenses they are incurring.

Kathleen Cash, area resident, reported that she attended the Tygart Watershed Meeting and told Council that the group there is also concerned about the wells; along with the possibility of a number of wells appearing. They are concerned that this may affect Tygart Lake. She urged that the issue is critical.

Barb Tudor, Morgan County, stated that people are watching Morgantown all over the State and the people in her community are also trying to prevent this from happening. She urged Council to stand strong in this situation.

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

**SPECIAL COMMITTEE REPORTS:** No Reports.

**CITY MANAGERS REPORT:**

**INFORMATION:**

Item No. 1: Initial dialogue with the West Virginia Public Service Commission regarding various concerns in Morgantown.

After discussion, Mr. Moore requested that City Clerk Little obtain information from Council regarding which issues they would feel are important for the Public Service Commission to address.

Item No. 2: Request from Morgantown Brewing Company to partner with Arts Monongahela, for their annual Oktoberfest event, which will be held September 17, 2011. Their request is for a festival permit to allow for controlled beer sales at this event.

After explanation, motion by Byrne, second by Bane to approve the above requested festival permit. Motion carried 7-0.

Item No. 3: Open Spaces, Sacred Places Grant Program:

City Manager Moore reported that on this initiative WVU Landscape Architectural Academic Unit has offered to work with the City to obtain a 100% grant funding for our Urban Initiative and Green Space. As always I will keep Council updated on the progress on this program, and as well it is good for the City to work with outside agencies on initiatives such as these.

**CITY CLERK'S REPORT:** No Report.

**CITY ATTORNEY'S REPORT:** No Report.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane: Councilor Bane described an issue in First Ward with roaming cats. He noted that the stray animal Ordinance encompasses only dogs. He requested that the City Manager check with other Municipalities regarding this concern. He also reported some uneven paving in his ward and asked that it be fixed, as several residents have complained.

Councilor Nugent: Councilor Nugent announced the Wiles Hill Highland Park Neighborhood Association Meeting, and the fact that this is student move in weekend. He asked the City Manager to confer with MPD to help manage the huge influx of traffic this causes. He also mentioned concern over the traffic patterns on University Avenue, and asked that the City Manager provide

feedback regarding the BOH meetings in connection to the Smoking Ordinance. Councilor Nugent asked that this concern be added to the Committee of the Whole Agenda.

Councilor Selin:

Councilor Selin recommended that signage be replaced on Beechurst Avenue in order to alleviate move-in weekend confusion over the new traffic patterns. She also requested that sidewalk width discussions be revisited. She added that MUB has made strides in storm water control and suggested that MUB representatives attend Neighborhood Association Meetings to gain the resident's perspective. Councilor Selin then announced that Krepps pool is open evenings for swimming and that there is also a concert in the park tonight. She also mentioned she is looking forward to a productive Council Retreat later this fall.

Councilor Shamberger:

Councilor Shamberger announced the Woodburn Neighborhood Association block party and remarked she enjoyed attending the Neighborhood Coordinating Council meeting as well.

Councilor Byrne

Councilor Byrne stated that he was recently appointed as an Advisory Board Member for the WV Botanical Gardens, and then encouraged everyone to support this valuable community project. He also noted to the public that Council is aware of the recent court ruling on the Marcellus Shale Ordinance and that the issue is now elevated to a State level. He commented that Council is committed to improving health in our community by supporting the Smoking Ordinance. He added that he enjoyed the CIP event at WVU.

Councilor Herbst:

Councilor Herbst commented that she has been working with CIP for 15 years and she is currently hosting an international exchange from Africa. She mentioned that game day shuttles have been discussed at the Parking Authority meeting.

Mayor Manilla:

Mayor Manilla announced that the Morgantown Theatre Company will host a celebration of Children's Theatre honoring David and Chip Selby and the annual Dog Swim at Marilla pool is also upcoming. He reminded everyone about the City Blood Drive, MT Pockets performance, and the 9/11 Memorial event, among others.

**EXECUTIVE SESSION:** By acclamation Council unanimously moved to go into two separate Executive Sessions, pursuant to Section 6-9A-4 (9) and (12) of the West Virginia Open Governmental Proceedings Act with the following persons present: Mayor Manilla, Council Members, City Attorney, City Manager, Gary Furbee and Mr. Shuman in first session starting at 8:42p.m. then Mayor, Council, City Attorney and City Manager in second session starting at 9:10p.m and the City Council/City Clerk stayed in Executive Session Pursuant to 6-9A-4-A to discuss personnel matters.

**ADJOURNMENT:** There being no further business, the meeting adjourned by unanimous consent at 11:00 p.m.

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City Clerk

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Mayor

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