

REGULAR MEETING AUGUST 19, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 19, 2014 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Mike Fike, and Nancy Ganz.

The Meeting was called to order by Mayor Selin.

APPROVAL OF MINUTES: The minutes of the regular meeting of August 5, 2014, were approved as printed.

CORRESPONDENCE: Chris DeBerry was promoted to Fire Fighter 1st Class; Chief Caravazos expressed how well Mr. DeBerry has been doing and is very proud of his continued hard work and service with the Morgantown Fire Department. Ms. Linda Little, City Clerk, received the Quiet Strength Award from the West Virginia Municipal League to recognize her quiet strength, hard work and continued service to the Municipal League. The City Manager, Jeff Mikorski, received an award from the West Virginia League City Manager Association in honor and appreciation for his dedicated leadership in the advancement of the Municipal Government. The City of Morgantown received the All-Star Community Award for the year of 2013-2014 in the enrichment category for recognition of the Woodburn Reuse Committee's exceptional performance in the innovative contributions to a progressive municipal government. Council Members read letters from Shirley Stewart Burns, Ph.D., Valerie Frey- McClung, Harrison Case, Amy Weislogel, Brian Camp and Matthew Held all in support of limiting heavy truck traffic through downtown. **(EXHIBITS A, B, C, D, E, F ATTACHED)**

PUBLIC HEARING - AN ORDINANCE AMENDING THE FY 2014-2015 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 COAL SEVERANCE FUND.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE RELATING TO ANIMALS AND FOWL.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER AND RELATED DEFINITION OF TERMS.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 5' WIDE UNNAMED ALLEY RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-ONE FEET LOCATED SOUTH OF FIRST STREET BETWEEN JONES AVENUE AND LORENTZ AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 16' RIGHT OF WAY ALONG A PORTION OF FIRST STREET RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-SIX FEET IN AN EASTERLY DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, AS LESSEE, ON BEHALF OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, REGARDING REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT UTILIZED FOR PURPOSES OF AIR QUALITY SAMPLING.

There being no appearances, Mayor Selin declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE FY 2014-2015 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2014-2015 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 COAL SEVERANCE FUND.

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

AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 505.09 OF ITS GENERAL OFFENSES CODE RELATING TO ANIMALS AND FOWL.

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

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND MONONGALIA COUNTY COMMISSION AS THE SAME APPLIES TO CERTAIN ANIMAL CONTROL SERVICES TO BE PROVIDED BY THE COUNTY TO THE CITY.

After explanation from the City Manager, motion by Fike, second by Bane, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 921.01 AND 921.12 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO DISCHARGE OF DETRIMENTAL WASTES INTO ANY SEWER AND RELATED DEFINITION OF TERMS.

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

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 5' WIDE UNNAMED ALLEY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 5' WIDE UNNAMED ALLEY RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-ONE FEET LOCATED SOUTH OF FIRST STREET BETWEEN JONES AVENUE AND LORENTZ AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After comments made by Council Members, motion by Bane, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 6-1, Ganz voted no.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 16' RIGHT OF WAY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 16' RIGHT OF WAY ALONG A PORTION OF FIRST STREET RUNNING A DISTANCE OF APPROXIMATELY EIGHTY-SIX FEET IN AN EASTERLY DIRECTION FROM ITS INTERSECTION WITH JONES AVENUE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

After comments made by Council Members, motion by Bane, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 6-1, Ganz voted no.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN, AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT BETWEEN IT, AS LESSOR, AND THE STATE OF WEST VIRGINIA, AS LESSEE, ON BEHALF OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, REGARDING REALTY AT THE MORGANTOWN MUNICIPAL AIRPORT UTILIZED FOR PURPOSES OF AIR QUALITY SAMPLING.

Motion by Nugent, second by Kaweck, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: The City Clerk announced that we are looking for appointments for Urban Landscape in the fourth and seventh wards.

PUBLIC PORTION:

David Biafora, 6200 Mid-Atlantic Drive, stated that City Council and City Manager need to follow the laws that we have and noted that Council is not in charge of laws and ordinances that are regulated by the State of West Virginia. Mr. Biafora also stated that the citizens of Morgantown do not need to be paying taxes on lawyers and law suits and should be paying taxes on more important things in the community. Mr. Biafora continued to explain his feelings about how Council should do things differently and in conclusion of his comments he stated that they will not win this one and that Council will one day thank Mr. Biafora and his team for all the taxes that they are collecting from West Virginia University and public-private entities.

Bob Bastress, 851 Bakers Ridge Road, stated that he is an attorney and teaches at the College of Law. He noted that his concentrated studies are constitutional law and local government law. Mr. Bastress began his comments by stating that he will explain the Cities basic power; there are several constitutional and statutory provisions which accord this City the power to regulate municipal affairs as long as the law is consistent with the State law. Mr. Bastress stated that there is a statute that specifically authorizes Council to regulate to protect the health and safety of the public and also to regulate the use of City Streets as long as it is consistent with West Virginia State Law. Mr. Bastress continued to explain more about what the Cities rights are in conjunction with the proposed truck ordinance until his four minute time period was up.

Renee Hernandez, Morgantown, asked if her letter would be part of record and stated that she was in support of the restricted truck traffic through Morgantown. She continued to explain her personal encounters with loud noise from trucks and also safety issues. Ms. Hernandez concluded her comments by saying that she trusts that Council will make the right decision and pass this ordinance. **(EXHIBIT G ATTACHED)**

Charlie Benson, Cheat Lake, stated that she has a business in Morgantown City limits called Mountain State Truck Parts. She is very concerned that if the truck ordinance is passed, the negative economic impact that it will have not only of the companies that own the trucks but also causing mechanics and repair shops to be out of work. She stated that before passing the ordinance, they should do a very detailed economic study and she also mentioned if businesses do go out of business then the City will be losing a lot of money in taxes. Ms. Benson noted that there are also jacked up trucks with smoke stacks in the back causing loud noise and pollution, she asked it should be enforced all the way around and not just on heavy trucks but recreational vehicles as well.

Christina Byrne Hoffman, 1289 Carlisle Avenue, stated that we have a general lack of code enforcement due to lack of City funds. If we had more code enforcement to enforce not only the truck laws already in place but also inspections on rentals and property maintenance; the money we collect from all the citations would pay for itself.

Bill Case, 472 Longview Dive, stated that truck and bus traffic are definitely a hazard to pedestrians. The issue is what route they are taking to get from point A to point B without endangering pedestrians. He stated that no one wants to shut down the Industrial Entities causing issues; we just want a rational decision on alternate routes for the heavy and large trucks. Mr. Case stated that he is glad to see the City Council taking action about this situation instead of just talking about it.

Alex Baker, Front Avenue, stated while he would sit on the back porch of his house he observed quite frequently the complete lack of regard for traffic laws that the trucks driving through the area have. He explained how the trucks create environmental impacts that are very damaging to the roads and neighborhoods in and around Brockway Avenue.

James Giuliani, 256 Prairie Avenue, stated that he's not coming here for truck traffic problems; although he can see how it can be very emotional on both sides just as his issues with the City and West Virginia University are. He stated that we are trying to get the City to follow its own ordinances and also get West Virginia University and the private developers involved with the City permitting and fee process. Mr. Giuliani believes that there were many instances that if West Virginia University projects would have had the City involved; there would have been fewer mistakes in the planning and zoning process. He also stated that we are trying to do what's right for the City of Morgantown and its citizens and hopes that the Council Members are as passionate with his concerns just as they are about the truck ordinance.

Gary Tannenbaum, 248 Walnut Street, stated that he owns the Blue Moose Café on the corner of Spruce and Walnut Street and he is in support of the truck ordinance. He believes that in the past few years traffic has increased greatly to a point of critical mass. His business is right in the epicenter of the most congestion and fears for the safety of others and himself. He also feels that this heavy truck traffic would be a poor introduction to new prospective businesses and people wanting to make Morgantown their home. Mr. Tannenbaum hopes that Council will pass the truck ordinance.

Matthew Cross, 524 Milford Street, stated it is true that we are not the trucker's enemies, we are their neighbors and if we do pass the truck ordinance we need to do what we can to ease their difficulties by making a smooth transition for them including enhancing the alternative routes. Mr. Cross spoke about an increase in tax to compensate the private contractors that have to pay more in shipping, empirical data on safety concerns, and how a wise legislation should envision prevention.

Andria Rivado stated she works downtown on High Street and spends most of her time as a pedestrian downtown. She noted that there have been a couple of times when the noise and size of the trucks interrupted her day; she urged Council to pass this ordinance.

Lacy Paine, 304 Wilson Avenue, stated that she is in support of the proposed truck ordinance and that her husband was struck by a large truck about three years ago while bicycling along the road on Spruce Street. She expressed that it is dangerous for bicyclists and pedestrians to be sharing the streets with large trucks.

Leo Schlosnagle, 89 Kingwood Street, stated that he has lived in Morgantown since 2007 and currently works as a faculty member for WVU. He noted that he lived on High Street prior to his current address and the noise of the trucks causes him to have to wear earplugs so he won't be disturbed while sleeping. He also noted that the noise causes his furniture and objects in his room to vibrate which wakes him up. Mr. Schlosnagle stated that he noticed sediment on his car and in his opinion it's due to pollution in the air caused by the large trucks in the area. He also stated that the trucks have an impact on our roads in Morgantown and they are in bad need of repair in many areas notably in the most traveled areas and he feels that the large trucks are the primary culprits that cause these damages.

Brian McAllister, Morgantown, stated that he shared an MPO study with Council that was done in 2005. Mr. McAllister reiterated the safety concerns from the MPO study and also noted that those findings have not changed. He then read the recommendations that the MPO gave in 2005 to better the truck traffic issues and he noted that there are alternative methods to the recommendations made. Mr. McAllister stated that this Council has the safety regulatory authority pursuant to our charter and the State Law and he asks that you exercise that right in the best interest of the City of Morgantown and for the people who reside within the City limits.

SPECIAL COMMITTEE REPORTS: No Reports

NEW BUSINESS:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY: The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE SALE OF REALTY OWNED BY IT IN THE FOURTH WARD OF THE CITY TO JONES PLACE, LLC.

After City Manager explanation, motion by Bane, second by Shamberger, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 529.01 OF ITS GENERAL OFFENSES CODE IN REGARD TO OFFENSES RELATING TO PERSONS.

After City Manager explanation, motion by Kaweckı, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 301 OF THE CITY OF MORGANTOWN TRAFFIC CODE BY ADDING NEW SECTIONS 301.071 AND 301.111 TO IT, DEFINING THE TERMS "DOWNTOWN BUSINESS DISTRICT" AND HEAVY TRUCKS.

After City Manager explanation and minor amendment, motion by Kaweckı, second by Ganz, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 347 OF ITS TRAFFIC CODE BY AMENDING SECTIONS 341.01 (a) AND 347.01 (c), AND ADDING NEW SECTIONS 347.01 (d) AND 347.01 (e), AS THE SAME APPLY TO HEAVY TRUCKS WITHIN THE DOWNTOWN BUSINESS DISTRICT.

After City Manager explanation and minor amendment, motion by Fike, second by Shamberger, to pass the above entitled Ordinance to second reading. Motion carried 6-1. Nugent voted no.

CITY MANAGER'S REPORT:

NEW BUSINESS:

1. Audit Selection Committee:

The City Manager stated that a selection committee for hiring an auditor is required by State Law and he recommends to Council along with the Finance Director to appoint Mayor Jenny Selin, City Manager Jeff Mikorski, Finance Director J.R. Sabatelli, and Budget & Accounting Manager Lori Livengood to the audit committee.

Motion by Kawecki, second by Ganz, to approve the appointments to the audit committee. Motion carried 6-0. Mayor Selin abstained.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane stated that after hearing the clapping, people that support this ordinance should not have the perception that the trucks will end completely because you're still going to see them. Councilor Bane expressed whether it be from special permitting or construction in the City, the trucks will still be around.

Councilor Kawecki:

Councilor Kawecki stated that he does not want to give the people a perception that once the ordinance is passed that nothing will happen. He expects that City Administration will act on good faith to enforce the proposed ordinance. Councilor Kawecki announced that the South Park Association of Neighbors is having its super sale on Saturday.

Councilor Nugent:

Councilor Nugent stated that he would like to hold an executive session for public/private partnership and real estate matters on the first

regular meeting of next month so everyone can be brought up to speed on this issue. Councilor Nugent announced that tomorrow August 20, 2014, is the third Wednesday of the month and typically that is the Neighborhood Association meeting for Wiles Hill/Highland Park; Councilor Nugent has not received notification that a meeting will be held however; if it is he noted that neighbors are always welcome and will be held at 287 Eureka Drive with the social starting at 6:30 p.m. following the meeting at 7:00 p.m. Councilor Nugent noted that he has received several comments on the Wiles Hill Blue Curb Permitting and wanted to confirm that information was being mailed out. He also noted that there have been some kinks along the way but once ironed out he believes that the permitting process will proceed to be a betterment for the neighborhood. Councilor Nugent stated that he hopes Council does make the right decision on the passing of the truck ordinance and that his interpretation isn't in line with what other people believe. He noted that this is a difficult decision and hopes that we can continue looking at other alternatives.

Councilor Shamberger:

Councilor Shamberger noted that she would like Council to be informed next time there is a memo or email from Main Street Morgantown. She also expressed that Ms. Hoffman brought up a good point about the core to a lot of our problems is code enforcement or enforcement of rule that we already have. She noted that she doesn't like how we are complaint driven and would like a more proactive approach to code enforcement. Councilor Shamberger announced that the Safe Communities Committee received a grant for approximately \$4,600 from the school of Public Health to help with communications and publicity about safe communities. She also noted that the committee will be meeting again in September. Councilor Shamberger stated that she respects Councilor Nugent's position; however she is very glad that they are going to keep moving forward with that ordinance.

Councilor Fike:

Councilor Fike stated that he was inspired by the recent West Virginia Municipal League Conference in Bridgeport. He expressed that he was very proud of our City for the All-Star

Award that was granted, due to the redevelopment of the Woodburn School property. Councilor Fike congratulated the City Clerk, Linda Little for her achievement of the Quiet Strength Award. He noted that it was truly well-deserved honor for her work and diligence as an advocate for the League and its mission. Councilor Fike expressed appreciation for those who have spoken, phoned, emailed and wrote letters to express opinions about the Truck Restriction Ordinance issue and he noted that it's good to see democracy in action as concerned citizens accept the responsibility to offer input and guidance for us. Councilor Fike expressed that he feels we are doing the right thing.

Councilor Ganz:

Councilor Ganz stated that she also appreciates the people who care about the City of Morgantown as they spent a lot of their time reviewing ordinances, making recommendations and solving issues in our City and find it a privilege to represent people of such character. She stated that the City of Morgantown has a long tradition of giving away our properties and resources and that is why she dissented in the vote about annulment because she thinks our land is a valuable resource in the City of Morgantown. Councilor Ganz noted that she and Mayor Selin attended Fall Fest and in spite the lack of alcohol, there was still good attendance. Councilor Ganz stated that the Police Chief sent her a news release today noting that there were 769 calls for service. Councilor Ganz stated that in her opinion, the City should share the cost with entities that are receiving higher revenue such as WVU, to compensate the City for its services our Police and Fire Departments provide during WVU events that involve students. Councilor Ganz announced that there will be a Kid's Triathlon this Saturday at Marilla Park and also Sunday Marilla Park will be hosting a Dog Splash from 10:00 a.m. to 4:00 p.m. She also thanked the Racket Club for its 40 years of service and upkeep with the Marilla tennis courts and making them accessible for public use.

Mayor Selin:

Mayor Selin made the following announcements: MAC will be hosting an Arts Network Event on August 22nd from 5:30 p.m. to 7:00 p.m.; Farmer's Market on August 23rd from 8:30 a.m. to 12:00 p.m.; Botanical Garden will host a Wild Flower Walk on August 23rd from 9:30 a.m. to 11:00 a.m.; Summer Stroll on August 30th from 9 a.m. to 12:00 p.m. Mayor Selin noted that she would like to be educated on the Code Enforcement protocols due to repeat complaints received from concerned citizens. Mayor Selin also expressed that she would like to see Resolutions to be readily available to the public online and also indexed and listed by topic. She thanked everyone that was involved in tonight's council meeting and also liked to see democracy in action.

EXECUTIVE SESSION:

Motion by Fike, second by Shamberger, to move to executive session pursuant to West Virginia State Code section 6-9A-4(2) (9) in order to discuss personnel matters with the following persons present; Council Members; Jeff Mikorski, Glen Kelly, Linda Little, and Steve Fanok. Time 9:45 p.m.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:45 p.m.

City Clerk

Mayor

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

E.x.h.i.b.+A

Zimbra

llittle@cityofmorgantown.org

re: proposal to limit heavy truck traffic -- comments to the council

From : Shirley Stewart Burns, Ph.D. <shirley26505@yahoo.com>

Tue, Aug 19, 2014 06:04 PM

Subject : re: proposal to limit heavy truck traffic – comments to the council**To :** citycouncil@cityofmorgantown.org**Reply To :** Shirley Stewart Burns, Ph.D. <shirley26505@yahoo.com>

Please read the following comments into the official record of the Morgantown City Council meeting of August 19, 2014, regarding the proposal to limit heavy truck traffic through downtown Morgantown.

August 19, 2014

Dear Council Members:

I am a concerned citizen and constituent residing in South Park on Clark Street, facing Brockway Avenue. I am writing to support the proposal to limit heavy truck traffic through downtown.

Presently, in my corner of Morgantown, trucks begin hauling their loads through this residential area as early as 3:30 am. To illustrate how loud these trucks are, the reverberation of the noise from these trucks frequently turns on our touchless lamp just by passing by our home. It also is difficult to maneuver a vehicle on narrow streets that were never designed to accommodate such large trucks, trucks which must frequently take up two lanes to adequately make a turn. As a city on the cutting edge, with an eye to the future, Morgantown should enact measures to protect their citizens from the clear and present danger of these heavy trucks.

I have heard many of these truckers will be at this meeting to ensure that their "voices are heard" as they protest this proposal. I can assure the Commission that these truckers' voices are loud and clear as they barrel past my bedroom window throughout the early morning and through most of the day. They are obviously spurred on by their employers and those companies by their bottom line, but I can assure the Commission that I and many other taxpaying citizens find these machines to be more than just a mere nuisance with their constant noise pollution and choking exhaust. Morgantown has expanded by leaps and bounds in the past few years. The Commission should also consider the toll that this constant heavy traffic is causing to the roads and bridges and what that might cost the city in the future as it is forced to help pay for the repair of the problems these trucks have caused and in lost tax revenues as businesses relocate to more attractive locations outside the city limits and outside the purview of these heavy trucks. There is a distinct difference in a half-ton car traversing these roads and bridges and an 80,000 pound truck. In addition, these trucks increase the congestion of an already crowded downtown area. While these trucks have every right to operate, they do not have the right to infringe on other's safety and well being.

Again, I urge the Commission not to bow down to the demands of large corporations at the expense of their constituency. These companies certainly provide employment and revenue to the county, but my neighbors and I are your voting constituents, and we pay taxes, too. I would question how many of the truckers voicing their discontent even live in Morgantown and vote in city elections much less have families that have to endure the loud noise and pollution that comes from their trucks. If they are not citizens of Morgantown then they should not have a voice in how the city is governed and must be made to abide by Morgantown's rules and regulations when they enter our city. For the sake of your constituents who have to put up with these trucks, please enact the ordinance to limit heavy truck traffic. I, for one, am fed up with the loud noise. These truckers would be fed up, too, if they had to hear their loud trucks while they were trying to sleep. Again, these trucks begin rolling by my home around 3:30 am. Please support this ordinance that will benefit the citizens of Morgantown from these deafening, polluting behemoth trucks. Morgantown is a city with its eyes toward the future. The heavy truck traffic through the heart of our city is hampering economic growth as well as the quality of life of Morgantown residents. Upton Sinclair once wrote that "It is difficult to get a man to understand something when his salary depends on his not understanding it." That said, I do not expect the truck drivers to understand our concerns, but I do expect the Council to fully comprehend these concerns and to act in the interest of its constituents.

Exhibit B

llittle@cityofmorgantown.org

Zimbra

Limit Heavy Truck Traffic

From : Valerie Frey-McClung <valerie.freymcclung@gmail.com>

Tue, Aug 19, 2014 11:06 AM

Subject : Limit Heavy Truck Traffic**To :** citycouncil@cityofmorgantown.org

I strongly urge City Council to limit trucks with a gross vehicle weight over 20,000 pounds from the downtown business district. The hundreds of large trucks that travel through the business district each day pose serious safety and health problems for others. I implore you to do everything in your power to see that truck traffic is rerouted around our business district.

Please support the proposed ordinance to limit heavy through-truck traffic downtown.

I am unable to attend tonight's meeting, so I respectfully request that my message be read into the record. Thank you.

Valerie Frey-McClung

Exhibit C

llittle@cityofmorgantown.org

Zimbra

Photo for record of Aug 19 hearing

From : Harrison Case <harrison.case@gmail.com>

Fri, Aug 15, 2014 04:18 PM

Subject : Photo for record of Aug 19 hearing

1 attachment

To : citycouncil@cityofmorgantown.org

Dear Councilmembers,

I ask that you include the attached photo in the record of the hearing on the proposed Heavy Truck ordinance on August 19. The photo of an uncovered limestone truck stopped and blocking the crosswalk at High and Walnut was taken at approximately 12:53 PM today, August 15, 2014.

My family and I are in strong support of the ordinance. As an attorney, it is clear to me that there is plenty of authority for its enactment.

Yours,

Harrison Case
136 Sherman Ave.



image.jpeg
3 MB



Item 10B on the agenda of the Morgantown City Council Regular Meeting Aug. 19, 2014

From : Amy Weislogel <amy.weislogel@gmail.com>

Tue, Aug 19, 2014 04:30 PM

Subject : Item 10B on the agenda of the Morgantown City Council Regular Meeting Aug. 19, 2014

To : citycouncil@cityofmorgantown.org

To the City Council Members of Morgantown, WV:

I request this letter be read into the record as correspondence at the Morgantown City Council Regular Meeting Aug. 19, 2014 regarding item 10B on the regular meeting agenda. I have lived in the South Park district of Morgantown since 2010.

I regularly drive on Rt. 7 from South Park to the Mileground with my 2 small children and then on US 119 to Rt 7 where it passes WVU's Downtown campus (Beechurst Ave). One thing that is abundantly clear from my experience is that heavy trucks constantly pass through on Rt. 7 between downtown Morgantown and Sabraton and this practice is inherently unsafe.

The condition of Rt. 7 between downtown Morgantown and Sabraton is inadequate to allow safe clearance of large industrial trucks. In order to travel this route, heavy trucks regularly must cross the center line into the oncoming lane and drive over sidewalks during their transit. Operators of these trucks are conscientious citizens doing their job, but the infrastructure they regularly rely on to do this job is inadequate and therefore their practice in traveling this route is unsafe.

Industrial trucks should have access to roads in the city of Morgantown as necessary to conduct their business, but all members of the Morgantown community are obligated to operate in a safe manner. Violating traffic laws as a matter of practice in order to pass along inadequate roads is not safe. Our community is risking further injury and loss of life and property if heavy truck traffic continues to operate along this route.

Sincerely,

Amy Weislogel
156 Grandview Ave.
Morgantown, WV

truck ordinance *Please read this email into the record of the meeting*

From : Brian Camp <bcamp@citizensbankwv.com> Tue, Aug 19, 2014 09:12 AM
Subject : truck ordinance *Please read this email into the record of the meeting* 2 attachments
To : citycouncil@cityofmorgantown.org
Cc : Evan Hansen <ehansen@downstreamstrategies.com>

City Council,

My name is Brian Camp and I am a Vice President of Citizens Bank of Morgantown. As you may know, our bank has been locally owned and operated downtown on the corner of high and walnut around since 1922. We know more than most the importance of this ordinance. We support the ordinance to limit heavy through-truck traffic downtown for many reasons. Our concerns are the safety of our citizens, cleanliness of our streets and of our historic Citizens Bank buildings, and the interruptive noise created by these heavy trucks. Thank you for your time.



Brian C. Camp
Vice President of Operations
Citizens Bank of Morgantown
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The Greenmont Neighborhood Association
Matthew Held, President
213 Kingwood St.
Morgantown, WV 26501

Morgantown City Council
389 Spruce St.
Morgantown, WV 26501

Dear Mayor Selin, Deputy Mayor Shamberger, Members of Council,

On behalf of the good people of Greenmont I want to express how grateful we are that you have advanced the Safe Streets Morgantown ordinance limiting heavy truck traffic to your agenda for official consideration. The residents of Greenmont have suffered with this threat to our safety and health for a generation. We have tried repeatedly over the years to find protection from this relentless procession to no avail. Our streets are old and from a different time. They lack adequate safety buffers between pedestrians and heavy traffic and in the case of several dozen homes their front doors are just feet from the road. Years of spilled cargo, sooty exhaust, noise and the anxiety of living with this danger have inspired the people to stand in overwhelming support of this action.

Many have reviewed the ordinance and believe it to be a sound proposition. It has been crafted with care by fellow neighbors to be strong and fair with the safety we deserve on our streets at its heart. We ask you to exercise your safety regulatory authority to enact this regulation so as to mitigate these risks to people and property. We are optimistic that a solution is close at hand, and I write to you today to reassure you that the people of Greenmont stand strongly with you in support and advancement of the Safe Streets Morgantown ordinance.

Sincerely,

Matthew Held
President, Greenmont Neighborhood Association

I am in support of the cessation of
restricting truck traffic through Mayntown.
When I returned to Mayntown in the fall
of 2010 I resided at Overdale St &
lived there through August of 2013.
The relentless truck traffic began distal-
ly sleep immediately & then I woke my other
effects. In the first months a truck heads
east on Rt 7 hit a house wall. Fortunately
the truck was empty I fear there would have
been greater damage.
I cooked the noise, gravel falling out
out the streets, the pollution, the brake &
Air horns as, drums, wild yell, good
money etc
& began voicing my strong opinion regarding
these industrial trucks almost immediately.
I sought support by joining my neighborhood
Association, I started petitions.
I spoke to council, Senator Bob Berch,
called the PSC as his recommended
AS it is a state law that all these
loads be carried.
I did civil disobedience & was given
a ticket for attempting to slow these trucks
down & decelerate loud braking for my neighbors
I was cited, I appealed the ticket to
municipal court & Judge Goyot commended

me for my service + stated his appreciation to the trucks

I brought to court attention various laws at W. City of Mountain side Address truck loads casing litter, engine brake hoses yellow + slushy + hoses. I grew discouraged as the laws were not enforced.

This summer, upon seeing a group of citizens mobilizing to address this situation energized me.

And now so as I had another flare of RSD + navigated the city streets w my wife + by care, ~~safety is~~ ~~my~~ ~~present~~ ~~what~~ ~~I~~ ~~am~~ please pass this ordinance.

we the undersigned; request that the City Council of Morgan JWD will ask the State Highway to make an alternate truck route for WV Rt 7 so that RE-coules trucks to prevent them from going thro the residential area + downtown Morgan JWD.

NAME	Address	Signature
RENEE HERNANDEZ	224 Overdale St Apt. A	Renee Hernandez
Ryan Sellers	Sandwich University	Ryan Sellers
Cindy Taapken	5011 Stonepath Lane	Cindy Taapken
JAMES KETTER	145 SOUTH HIGH ST	James Ketter
John P. ...	302 Duffell St	John P. ...
Michael Diehl	469 Broadway #B	Michael Diehl
Jeanne Hagan	322 High St	Jeanne Hagan
Candace Jordan	26 GEORGIA AVE	Candace Jordan
Kathy Cook	644 Grand St	Kathy Cook
Green Jones	430 Civitanisti Mtn	Green Jones
Jim Katsen	414 TYRONE AVERY ROAD MOUNTAIN	Jim Katsen
Darien Flores	1275 Tartan Lane Mtn	Darien Flores
Ebe Faulber	49 Maple Ave	Ebe Faulber
LOURDES COTTINGHAM	909 Montrose Ave	Loures Cotte
AMAXK Luci	221 ROGERS AVE	AMAXK Luci

John Ritterhaus 181 Walnut St.

DR. LARRY HAYCOCK WEST VIRGINIA UNIVERSITY

Steve Malorky 245 Morris St 26581

Gregory Shaffer Westover 26561
Dell F. [unclear]

Elenn Saleyer 105 W. Park Ave - Westover

Ann [unclear] 997 Grand St Morg. 26501

Orian Britton 1007 Garfield St Wheeling 2608

Benjamin Cook 320 Walnut Street ^{Apt 4} Morgantown WV 26501

DEBRA KINDER 312 DEWEY ST. MORGANTOWN WV 26501

SUSAN SUTHERLAND 53 WHIGH ST WESTOVER, WV 26501

Diane Palmer 25 Morgan Hill Rd Mt. 26508

Cheri Hall 986 Northwest Ave Morgantown

Carol J. [unclear] 233 River View Ct Morgantown, 26501

Katy Ryan 931 Southport Circle Morgantown 26501

Ann [unclear] 133 Morland St. Apt #2, Morgantown - 26501

Michelle 69 W. Jefferson Morgantown WV 26501

B. Fenthaber 901 GRANDVIEW AVE 265017

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