

REGULAR MEETING JUNE 21 2011: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, June 21, 2011 at 8:00 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 Meeting on June 7, 2011 were presented and approved as printed.

CORRESPONDENCE: Council recognized City Employees who participated in the United Way Corporate Cup event. City Clerk Little administered the Oath of Office to Mike Caravasos upon his promotion to Lieutenant.

PUBLIC HEARING - AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2011-2012.

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

PUBLIC HEARING - AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.

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

PUBLIC HEARING - AN ORDINANCE REPEALING ARTICLE 721 OF THE CITY OF MORGANTOWN'S BUSINESS AND TAXATION CODE AND REPLACING IT WITH A NEW ARTICLE 721, WHICH PROHIBITS OIL AND GAS DRILLING OPERATIONS WHICH INVOLVE HORIZONTAL DRILLING AND/OR FRACTURING OR FRACKING WITHIN THE CITY, AND THE OPERATION OF WELLS THAT UTILIZE HORIZONTAL DRILLING AND/OR FRACTURING OR FRACKING WITHIN ONE MILE OF THE MORGANTOWN CITY LIMITS.

Mike McCowan, Vice President for Gas Exploration Co. stated that he received a letter from the Office of the Governor Earl Ray Tomblin and read it to Council. In summary, the letter stated that Governor Tomblin wishes Morgantown City Council to confine their powers and authority to within City Limits and not try to extend regulation outside of corporate limits. He assured Council that the method of drilling currently used is the safest method for the situation in the Industrial Park. He also reminded Council that gas companies have a choice where they drill and if the economic opportunities they provide are not welcome, and then the companies will choose to commerce with and support communities elsewhere.

Richard Cohen, Lincoln Avenue, stated that he feels the Governor and the Gas Companies see nothing but dollar signs. He feels that other local organizations and bureaus have already abdicated responsibility in this situation and urges local government to step in. He also stated that no one knows how affected the local water supply will be after fracking occurs. He asked what the long term health effects are and what the property values will be after drilling. He then compared the drilling and fracking chemicals to Agent Orange of the Vietnam War era.

Professor Gull, Local Scientist, stated that there is danger to water land and farms. He asserted that Officials in Charleston cannot determine whether the fracking process is truly safe or not and he opposes

fracking near Morgantown.

Renee Hernandez, Retired Nurse, spoke about the Governor's comments in the letter to Council and asserted that the drilling issue is not a game and that these are serious times. She opposes drilling and fears an accident may occur during fracking.

Martha Schwab, Collins Ferry Road, referred to various articles that she has read on drilling issues and stated that there should be safeguards in place and that Morgantown should not be in this position. She urged Council to issue a stop work order immediately.

Dr. Larry Schwab, Collins Ferry Road, quoted various articles about scientific study on diseases that are caused by a "witches brew" of chemicals used in the fracking process. It is of concern not only being near the water intake, but also close to an elementary school. He stated that Elected Officials should protect the public and he requested that Council make the right decision to protect the citizens.

Will Riley, Retired Medical Physicist, offered Council statistics and data on the risks of the drilling by quoting a memo from Dr. Carr. He asked Council to consider what happens if the fracking goes wrong, and how the situation will be remedied in the future. He read procedures that Pennsylvania implements in similar situations.

Era Burkhart, 116 Kingwood Street stated that she doesn't trust the gas companies with her health, or with the safety of public water supply. She asserted that the Gas Official's behavior during the public comments does not instill confidence that the process is safe.

Neil Maurer, Waterfront Place Hotel, warned Council of a possible loss of jobs and B&O Tax revenue if drilling is banned. He asked Council to attract industry and business, not push it away.

Matthew Cross, thanked Council for the opportunity to speak. He asserted that the Gas Drilling industry operates by deceit and misleading information; that they also keep secret the chemicals used in the fracking process. He stated he hopes the County Commission joins Morgantown in the fight for public safety. He added that there are many other problems and challenges facing Morgantown. He feels that those with gas drilling interests are not invested in the health or economic welfare of our community.

Brooks Javins, President of Javins Corporation, a horizontal drilling company that has operated in the Morgantown area for over 40 years. Gave Council a summary of the well drilling experience his company has in West Virginia and Pennsylvania. He reports there have been no detrimental effects of these wells, many of which were drilled in the late 70's up to the 90's. He assured that the water supply of the Morgantown area is safe, and that the MUB director agreed. He asked if the City of Morgantown is liable for the cancelled mineral rights of property owners due to this Ordinance.

Rose Baker, Wetzel County, Representative Wetzel County Action Group, she reported that in her area the fracking is a serious problem and cited inconveniences such as traffic, closed roads, strained EMS services, and traffic accidents. She suggested that the gas drillers are threatening Morgantown by withholding commerce if drilling is banned. She feels that there is no regulation and it is a serious problem.

Bill Overby, 4010 Morningside Way, stated he has followed the drilling process and offered his credentials to Council, and then some information he has gathered on the Marcellus fracking industry and process. He cited the benefits of horizontal drilling and of using natural gas. He urged Council to not ban drilling because it is the State's duty to oversee this type of industry. He also suggested that it would be cheaper to hire an inspector full time to monitor the drill sites near the water intake rather than to fight legal

battles and lose millions of tax and revenue dollars for the City. He assured that the closed-loop system of hydraulic fracturing keeps contaminants from escaping. He addressed those who spoke about problems and contamination, and stated he has heard of no known cases since 1952 when horizontal drilling began, except for Wetzel County, where recently, a drill operator did not follow procedure. He fears that Morgantown will lose out on a very prosperous economic opportunity if the City bans horizontal drilling.

Eve Falks, South Park Resident, Graphic Design Teacher, thinks that the gas industry, like many others does not want their constituents to know all the details concerning this process. She believes that the situation should be looked at from a holistic view. She also raised concerns about the number of wells in the State and also the amount of water being used.

-Dave Trenin, Parkersburg, local property owner, spoke about intellectual honesty and asked Council to draft Resolutions, and ask other cities to pass similar resolutions speaking out against drilling. He also expressed to Council that the situation has repeated itself in Texas and other cities and that the process is indeed misguided and harmful.

Sarah Wood, Wetzel County, thanked Council members from coming to see what has happened in her County after drilling. She asserted that the gas companies mislead citizens and the after affects are not known until it is too late. She is disappointed that this has already happened in her County.

Candice Jordan, Westover, the greater welfare of the community is indicative of the health and economy of the citizens and local area. She stated that the businesses and water have been adversely affected by drilling.

Susan Shoemaker, Keener Road, stated that fracking can be done safely if conducted among proper guidelines and safety procedures.

Trista Wright, 117 South Walnut Street, Apt. B, commented to Council that one human error among the drillers can cause mayhem and harm for many citizens in our area.

Logan Shamberger, Ridgeway Avenue, supported the ban and the one mile extension to protect Morgantown's water and citizens.

Marty Whiteman, Wetzel County farmer, said that his community was beautiful before drilling and now it is dangerous to live there. He feels that West Virginia is worth protecting.

Cathy Cash, 644 Grant Street, Wetzel County, thanked Council for visiting Wetzel County and spoke about the before and after conditions of the waterfall, and now the color of the water has changed. She stated that clearly because of this, fracking is not safe.

Council then declared by acclamation in a motion by Spencer, second by Shamberger, that due to the lengthy nature of tonight's discussions on the issues at hand, the rules shall be suspended to allow the meeting to continue past the 11:00 p.m. curfew.

Ed White Jr., stated that the Marcellus shale affects our health, air, water, and causes crime, drugs and pollution. He asked Council to make the right decision.

Mike Johnson, Northeast Natural Energy, encouraged Council that their West Virginia based company educates the public and ensures the safety of the neighbors. He assured that all laws have been followed and the preparation and planning has been made in conjunction and with guidance by the

Morgantown Utility Board. He stated that all permits and plans have been approved by the DEP and have also included added safety measures at the request of the City of Morgantown. He told Council that there have been no proven cases where groundwater was contaminated by hydro fracking and that this company is dedicated to safety measures above any beyond those required by state law. He asked the Council to consider what compensation may be due to the company which has over \$7 million invested in the Morgantown Industrial Park, and to countless other property owners and mineral rights owners.

Scott Rotruck, Burroughs Street resident, representative of Chesapeake Energy, asked Council to take a moment and think, that tabling the Ordinance would be the best thing for the community. He explained that the process is safe, and the project can be successful and that the community should allow it to move forward. He stated that the opportunity is there to harness abundant clean, natural energy, whose by-products can be used in multiple other ways.

Rachel Martin, Morgantown Area Resident, argued that mineral rights are not supreme, and that many other factors trump extraction. She feels that the gas company is trying to bully City officials to act in a manner contrary to the health and well-being of the community. She feels that West Virginia has been taken advantage of by many other mineral/natural resource extraction companies in the past. She thinks that other avenues should be sought to gain revenue for our State.

Hiram Lewis, Attorney in Morgantown, 416 Holland Avenue, offered statistics on how many well pads there are in West Virginia and how many wells the gas company wants to drill in the Morgantown Industrial Park. He then began adding up the amounts of water it would take to frack those wells at least 7 times. He argued that the closed loop system is not as effective as the gas company makes it out to be, and added that he spent over 2 years fighting for justice for those who suffered contaminated water and pollution in Wetzel County. He asserted that the wastewater from fracking is being placed back into the Mon River and this will cause the TDS levels to skyrocket. He says the natural gas is being shipped to India and China, and not of economic benefit to us. He also stated that the situation in Texas is not as rosy and the gas company representatives made it out to be.

Dwayne Nichols, Dreamcatcher Lane, stated that this ban is not meant to restrict drilling and fracking in all of West Virginia, but just in our area where it is a danger to the Citizens of Mon County. He feels there are more instances than is let on where the danger levels at wells are more than indicated by industry spokespersons. He says it is unacceptable that there are no warnings and no plans to deal with the after affects, and that the state law is not adequate.

Evan Hanson, owner Downstream Strategies, told Council that his company has done water safety testing for individuals and companies and the conclusions he has come to is that the water and soil pollution does not occur everywhere there is drilling, but it does occur in some instances and can be conclusively linked to drilling.

There being no more appearances, Mayor Byrne then declared this Public Hearing Closed. He thanked everyone for speaking and sharing their concerns with Council.

PUBLIC HEARING - AN ORDINANCE AMENDING SECTIONS 1155.02, 1155.03, 1155.04, 1155.05, 1155.06, 1155.07, 1155.08, 1155.09, AND 1155.99 OF THE HEALTH AND SANITATION CODE OF THE CITY OF MORGANTOWN, AS THE SAME APPLIES TO SMOKING REGULATION.

Alan Duckatman, WVU, reported to Council several facts about the dangers of smoking based upon research from the Surgeon General. He stated that the City will be better off if Council protects its citizens from cigarette smoking.

-Kyle Macovoy, expressed concerns over cigarette litter in the streets and drunken misconduct that may arise by forcing drunken college-aged bar goers onto the streets to smoke. He urged Council to allow bar owners to decide whether to be smoke free. He also noted the added difficulty of bar owners keeping track of capacity in accordance with Fire Codes, if bar patrons are constantly walking in and out of the bar to smoke.

Kevin Tephabock, American Cancer Society, encouraged Council to adopt the smoking Ordinance. He said that the impact on businesses is not as great by comparison of the number of lives this measure could save. He then presented statistics showing the benefits of restricting smoking.

Jerry Lorenze, Owner Suburban Lanes, asserted that business people are not refuting the dangers of smoking, but protecting their interests, from outside competition from businesses that do allow smoking in the County. He feels that options are provided to patrons, and those patrons over 21 can decide for themselves whether they want to participate in a smoking or non-smoking environment. He feels this battle should be fought at the state level to make an even playing field for all businesses. He pointed out that the patterns of behavior of the patrons of certain businesses such as bars, video lottery parlors, etc. shows these patrons like to smoke and they will start to patronize other businesses where they can smoke. This will create a negative business effect for those establishments within the City's smoking ban; and this is simply not fair to business owners who should have a choice in the matter. He asked why Council is making this decision, why there is no City Health Department and why the County Health Department was not consulted in this decision.

Matt Erdman, WVU Student, asserted that in States where smoking is banned businesses did not have a problem. He suggested that eventually the state will follow if Morgantown leads the way. He feels that saving people's lives and protecting those who do not smoke should be the priority here.

Robert Anderson, Suncrest Resident, WVU employee, reposted statistics related to smoking and the banning of smoking in establishments. He stated the City should protect the citizens from environments that contain second hand smoke.

Louis Scotchel, Owner Classics, brought to light the fact that many smoking establishments contribute greatly to the City's B&O Taxes and that their revenues could decline because businesses outside the City are now being patronized by smokers. He asked that Council consider the lost revenues of City businesses and the revenue to the City itself. He asked Council to reconsider and make the regulations fair across the board for all businesses.

Stacy North, 731 Wells Street, agreed with other speakers that the Board of Health should be consulted in this instance. She reported that statistics show a dip in revenues for smoking establishments initially but most recover. She asked Council to pass the Ordinance.

-John Groll, stated that County Health Boards are responsible for passing smoking regulations, and warned that litigation may be nearby if the City tries to pass this kind of Ordinance on its own. He reported that the State Code should be followed in this instance. He also asked that Council meet with the County and Health Board and stakeholders to come up with a proper solution. He also asked that the air quality of smoking establishments actually be tested before regulation is considered. He pointed out many inconsistencies in the proposed regulation and asked that these contradictions and loopholes be addressed.

Tammy Henry, Health Care Organization Employee, shared her personal story about growing up in a smoking family and then told Council that her employer recently went smoke free. She then touted the health

risks of second hand smoke and risks to children when people smoke in homes. She asked Council to pass the smoking ban.

Henry Gould, WVU Professor, gave his opinions on the effects of smoking and cancer. He urged Council to do everything they can to protect the public from second hand smoke.

-Gerri Angeli, Grant Street, asked that Council pass the smoking Ordinance and stated the importance of saving lives. She gave facts about the health problems that exposure to second hand smoke can cause.

Will Riley, Medical Physicist, shared a personal history of his experience with cancer and health problems due to smoking. He gave facts about lung cancer treatments, and compared the amount of tobacco related deaths to those of auto accidents.

Richard Cohen, Lincoln Avenue, gave his views on the smoking issue, citing the importance of workplace safety. He thinks that Council is doing the right thing in passing this Ordinance.

-Era Burkhart, seconded Mr. Cohen's comments regarding workplace safety and asked Council to consider everyone's comments especially those mentioning workers in smoking establishments.

Taylor Richmond, WVU Graduate Student, spoke in support of the smoking ban and echoed the comments of those supporting worker's rights to clean air.

Renee Hernandez, 224 Overdale Street, RN, spoke in favor of the smoking Ordinance and stated that she remembers when smoking was allowed in hospitals. She is grateful for smoke free states and is supportive of Morgantown's city-wide effort.

John Vaughn, WVU Graduate Student, spoke in favor of the smoking Ordinance and talked about how creating a smoke free work environment for employees of bars and restaurants is a great achievement.

Citizen, spoke in favor of the smoking Ordinance and stated that it will benefit everyone.

-Benjamin Asrath, WVU Graduate Student, understands the concerns of business owners not wanting to lose or see their livelihood reduced. He stated that in good conscience this Ordinance must be supported and he is sure that other Municipalities, the County and State will follow suit once Morgantown takes the first step.

-James Keresztury, Stewartstown area resident, spoke on behalf of an anti-smoking coalition, gave more statistics and health problems associated with second hand smoke. He stated that the youth in Morgantown, working in smoking establishments should not be exposed to these kinds of risks. He reported that his favorite establishment in Morgantown recently went smoke free voluntarily and he is very pleased of this. He feels it will be good for business and this Ordinance is a good start.

-Leigh Limerick, 1106 Windsor Avenue, a former longtime bar/restaurant employee and patron, she enjoys a smoke free establishment and wants to protect her child from the effects of second hand smoke in all establishments they patronize. She feels it should be a County-wide Ordinance and hopes they will follow suit after the Ordinance is passed.

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

City Manager Terrence Moore made a statement, remarking that he has spoken with a County

Official and will attend the upcoming Mon County Board of Health meeting to communicate concerns over this Ordinance. He remarked that a 90-120 day transition period may be more helpful in finding effective ways to implement this Ordinance. He suggested this to Council as a minor amendment to the Ordinance.

PUBLIC HEARING – AN ORDINANCE ESTABLISHING AND FIXING SEWER RATES, CONNECTION CHARGES, DELAYED PAYMENT PENALTIES AND OTHER CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

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

PUBLIC HEARING – AN ORDINANCE ESTABLISHING AND FIXING WATER RATES, CONNECTION CHARGES, DELAYED PAYMENT PENALTIES AND OTHER CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN.

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

UNFINISHED BUSINESS:

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

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2011-2012.

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

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

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.

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

AN ORDINANCE REPEALING AND REPLACING SECTIONS OF THE CITY'S BUSINESS AND TAXATION CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE REPEALING ARTICLE 721 OF THE CITY OF MORGANTOWN'S BUSINESS AND TAXATION CODE AND REPLACING IT WITH A NEW ARTICLE 721, WHICH PROHIBITS OIL AND GAS DRILLING OPERATIONS WHICH INVOLVE HORIZONTAL DRILLING AND/OR FRACTURING OR FRACKING WITHIN THE CITY, AND THE OPERATION OF WELLS THAT UTILIZE HORIZONTAL DRILLING AND/OR FRACTURING OR FRACKING WITHIN ONE MILE OF THE MORGANTOWN CITY LIMITS.

Per request of the City Manager, City Attorney Steve Fanok addressed Council before the motion was made and informed them that there is a new handout containing the original Ordinance, and that changes have been made to the revised Ordinance in this packet. He explained the changes and other information about the Ordinance. Motion by Spencer, second by Selin to adopt the above entitled Ordinance.

After discussion, motion by Gaddis, second by Selin, to add the language of Sections 8-12-513 and 8-12-23 to the above entitled Ordinance in the “Declarations and Findings” section. Motion on the amendments carried 6-1, Councilor Byrer Voted NO.

After discussion, motion by Shamberger, second by Selin, to add the definition of Horizontal Drilling to the above entitled Ordinance. Motion carried 6-1, councilor Byrer voted NO.

After discussion, motion by Selin, second by Shamberger, to amend the language from “Horizontal drilling of oil and gas wells and/or fracturing or fracking” to “Horizontal drilling of oil and gas wells WITH fracturing or fracking” throughout the above entitled Ordinance. Motion carried 6-1, Councilor Byrer voted No.

After continued discussion, Councilor Spencer gave remarks supporting the Ordinance for the safety and welfare of our community, Councilor Byrer gave remarks in opposition to the Ordinance as a hindrance to progress, Councilor Selin spoke in support of the Ordinance, Councilor Bane stated that he would support the Ordinance, however he has concerns regarding the severity of the Ordinance; and explained that this is a very complicated situation. Councilor Shamberger also offered her comments supporting the Ordinance. Councilor Gaddis urged citizens to continue to express their concerns to higher bodies of Government. Mayor Byrne commented that he feels more regulation is needed. The main motion on the above entitled Ordinance with amendments was called, and carried 6-1, Councilor Byrer voted NO.

AN ORDINANCE AMENDING SECTIONS OF THE CITY’S HEALTH AND SANITATION CODE: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTIONS 1155.02, 1155.03, 1155.04, 1155.05, 1155.06, 1155.07, 1155.08, 1155.09, AND 1155.99 OF THE HEALTH AND SANITATION CODE OF THE CITY OF MORGANTOWN, AS THE SAME APPLIES TO SMOKING REGULATION.

Motion by Shamberger, second by Spencer to adopt the above entitled Ordinance. After discussion, about the number of days that should be allowed before enforcement begins, City Manager Terrence Moore explained that 90-100 days would be a prudent measure to encourage compliance with the Ordinance. Motion by Selin, second by Shamberger, to add language to the above entitled Ordinance making its effective date, 100 days from the date of adoption.

After discussion, Councilor Bane expressed his concern that this issue should go before the Mon. County Health Board at their next meeting and that the timing should match accordingly. Discussion continued with comments from Councilors Selin, and Gaddis in support of the above referenced amendment. Motion to amend the above entitled Ordinance with added 100 days to effective date carried 7-0. The main motion was called, and thereafter continued discussion, motion to adopt the above entitled Ordinance with amendments carried 7-0.

AN ORDINANCE ESTABLISHING SEWER RATES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING AND FIXING SEWER RATES, CONNECTION CHARGES, DELAYED PAYMENT PENALTIES AND OTHER CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

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

AN ORDINANCE ESTABLISHING WATER RATES: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ESTABLISHING AND FIXING WATER RATES, CONNECTION CHARGES, DELAYED PAYMENT PENALTIES AND OTHER CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN.

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

A BOND ORDINANCE FOR SEWERAGE SYSTEM: The below entitled Ordinance was presented for second reading:

A BOND ORDINANCE PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2011 A (THE "SERIES A BONDS"). THE PROCEEDS OF THE SERIES A BONDS WILL BE USED (I) TO PAY A PORTION OF THE COSTS OF ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SEWERAGE PORTION OF THE COMBINED WATERWORKS, SEWERAGE AND STORMWATER SYSTEM OF THE ISSUER, (II) TO FUND A RESERVE ACCOUNT FOR THE SERIES A BONDS, AND (III) TO PAY CERTAIN COSTS OF THE ISSUANCE OF THE SERIES A BONDS AND RELATED COSTS. THE SERIES A BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE SYSTEM OF THE CITY. (PUBLIC HEARING AND THIRD READING/ADOPTION SCHEDULED FOR 7/5/11)

The rules were suspended to allow explanation from MUB Director Tim Ball. Motion by Bane, second by Gaddis to pass the above entitled Ordinance to third reading. Motion carried 6-1, Councilor Spencer voted NO.

A BOND ORDINANCE FOR WATERWORKS SYSTEM: The below entitled Ordinance was presented for second reading:

A BOND ORDINANCE PROVIDING FOR THE ISSUANCE OF ITS COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2011 B (THE "SERIES B BONDS"). THE PROCEEDS OF THE SERIES B BONDS WILL BE USED (I) TO PAY A PORTION OF THE COSTS OF ACQUISITION AND CONSTRUCTION OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE WATERWORKS PORTION OF THE COMBINED WATERWORKS, SEWERAGE, AND STORMWATER SYSTEM OF THE ISSUER, (II) TO FUND A RESERVE ACCOUNT FOR THE SERIES B BONDS, AND (III) TO PAY CERTAIN COTS OF THE ISSUANCE OF THE SERIES B BONDS AND RELATED COSTS. THE SERIES B BONDS ARE PAYABLE SOLELY FROM REVENUES TO BE DERIVED FROM THE OWNERSHIP AND OPERATION OF THE WATERWORKS SYSTEM OF THE CITY. (PUBLIC HEARING AND THIRD READING/ADOPTION SCHEDULED FOR 7/5/11)

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

BOARDS AND COMMISSIONS: David McKain was appointed by acclamation as the Third Ward representative on the Traffic Commission. Charles McEwuen and Shane Mardis were reappointed by acclamation to the Parking Authority, and John Ganz was appointed by acclamation to the MUB Board.

PUBLIC PORTION:

A Citizen came forward and thanked Council for all their support of the neighborhoods, and for participating in Neighborhood Association Meetings and Neighborhood Watch events as well.

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

SPECIAL COMMITTEE REPORTS: None.

NEW BUSINESS:

A RESOLUTION APPROVING AND AUTHORIZING TO SUBMIT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THE 2011 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE (AI): The above entitled Resolution was presented for approval:

Council suspended the rules to allow explanation from Community Development Administrator Dave Bott on the Analysis. Motion by Gaddis, second by Bane to adopt the above entitled Resolution. Motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN PARTICIPATE IN THE NATIONAL LEAGUE OF CITIES' PRESCRIPTION DISCOUNT CARD PROGRAM: The above entitled Resolution was presented for approval:

Motion by Spencer, second by Bane to adopt the above entitled Resolution. Motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE METROPOLITAN THEATRE: The above entitled Resolution was presented for approval:

Motion by Shamberger, second by Selin to adopt the above entitled Resolution. Motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY THE WEST VIRGINIA BOTANICAL GARDENS: The above entitled Resolution was presented for approval:

Motion by Spencer, second by Bane to adopt the above entitled Resolution. Motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY SENIOR LEGAL AID: The above entitled Resolution was presented for approval:

Motion by Gaddis, second by Bane to adopt the above entitled Resolution. Motion carried 7-0.

A RESOLUTION THAT THE CITY OF MORGANTOWN APPLY FOR A COMMUNITY PARTICIPATION GRANT, FUNDS FOR USE BY MEMBER OF DIVERSITY, A 501(C)3 ORGANIZATION: The above entitled Resolution was presented for approval:

After discussion, motion by Spencer, second by Selin to adopt the above entitled Resolution. Motion carried 7-0.

CITY MANAGERS REPORT:

NEW BUSINESS:

1. Bid Results Report for construction of Morgantown Marketplace Project.

The rules were suspended to allow explanation about the project from Public Works Director Terry Hough. After discussion, motion by Selin second by Bane to award the bid for the Marketplace to Waller Corp. Motion carried 7-0.

2. Fair and Festival Permit Request from Classics II Restaurant for beer sales during Mountainfest.

After discussion, motion by Spencer second by Bane to approve the permit for Classic's II Restaurant. Motion carried 7-0.

3. Fair and Festival Permit Request from Archie's Restaurant for beer sales during Mountainfest.

Motion by Bane second by Gaddis to approve the permit for Archie's Restaurant. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

CITY ATTORNEY'S REPORT: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: No Report.

Councilor Gaddis: Councilor Gaddis reminded everyone to attend the Greenmont Pot-Luck event this weekend, and stated all are invited.

Councilor Byrer: Councilor Byrer urged Council to stay on top of the Urban Deer issue and asked that it be placed on the COW agenda. He announced the upcoming 3rd ward tour.

Councilor Selin: Councilor Selin announced the upcoming Suncrest Neighborhood Picnic and invited everyone to attend. She also mentioned the Gardens on the Mon.

Councilor Shamberger: Councilor Shamberger stated she spoke with a Boy Scout Troup who provided her with insights into the Smoking and Marcellus Shale issues. She also suggested that Urban Deer issues be on the COW agenda. She wished Councilors Gaddis, Byrer and Spencer well and thanked them for their help on Council.

Councilor Spencer: Councilor Spencer thanked all those who spoke at the Public Portion and stated more information is needed regarding Marcellus Shale and other

issues like trucks are also still prevalent. He asked that Inclusive City Committee, Vice Mayor and Urban Forestry be placed on the COW agenda.

Mayor Byrne:

Mayor Byrne noted that it has been great to serve Morgantown with Councilors Gaddis, Byrer and Spencer and stated that he has enjoyed working with everyone and making good choices for the betterment of the community.

EXECUTIVE SESSION: By acclamation Council unanimously moved to go into Executive Session, pursuant to Section 6-9A-4 of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Byrne and Council Members, and City Clerk Linda Little entered into executive session at 12:25 a.m.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 1:00 a.m.

City Clerk

Mayor