

**REGULAR MEETING June 21, 2016:** The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, June 21, 2016 at 7:00 p.m.

**PRESENT:** City Manager Jeff Mikorski, City Clerk Linda Tucker, Mayor Marti Shamberger, City Attorney Ryan Simonton, Assistant City Manager Glen Kelly and Council Members: Ron Bane, Deputy Mayor Bill Kaweck, Wes Nugent, Jenny Selin, Jay Redmond, and Nancy Ganz.

The meeting was called to order by Mayor Shamberger.

**APPROVAL OF MINUTES:** COW Meeting for May 31, 2016 was approved by acclamation. Regular Meeting of June 7, 2016, was approved with two minor amendments.

**CORRESPONDENCE:** Mayor Shamberger presented a Proclamation to Lisa Burtner, Owner of CTA announcing June 2016 as CTA All-Star Cheerleading Month. Lisa Burton then presented a certificate to Jessica Shroud for Outstanding Coach and also 2016 Miss West Virginia Teen United States. Jessica Shroud then presented a certificate to Michelle Pettis for being so courageous while battling breast cancer. Mayor Shamberger also shared with us a gift that was given to the City of Morgantown by one of our Sister Cities last week during their visit from Xuzhou China. Mayor Shamberger read what the script says on the scroll hanging in our lobby that was done and given to the City of Morgantown by WV Chinese Students & Scholar Association. "The state of harmony is the greatest virtue of heaven and earth, only the harmony can nourish all things on earth, it can make people calm among consolation. As ancients said: harmony is the foundation of a family." From West Virginia University Chinese Students and Scholars Association to The City of Morgantown, by Mr. Hongxian Feng, June of 2013. The style of this script is called Zhangcao, a specific kind of Chinese calligraphy. Mayor Shamberger then announced that the City of Morgantown was recognized as being designated by the National Safety Council for Safe Community America and that we were one of twenty-eight across the country. Mayor Shamberger wanted to thank our City Manager, City Communications Manager, City Clerk, Engineers, Joe from the Met Theatre and also the Morgan's for being a part of the dedication of the Morgan Statue.

The Mayor declared this Public Hearing open.

**PUBLIC HEARING - AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2016-2017.**

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

**PUBLIC HEARING - AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), III-4 (HAZARDOUS DUTY PAY), AND III-5 (SPECIAL SUPERVISION DIFFERENTIAL) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS WITHIN EACH.**

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

**PUBLIC HEARING - AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST RENTAL SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.**

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

**PUBLIC HEARING - AN ORDINANCE AMENDING CITY CODE SECTION 155.03 PROVIDING FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING**

**AUTHORITY.**

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

**PUBLIC HEARING – AN ORDINANCE VACATING, ABANDONING, AND ANNULLING A PORTION OF FIFTH STREET MEASURING APPROXIMATELY FORTY (40) FEET IN WIDTH AND APPROXIMATELY ONE HUNDRED (100) FEET IN LENGTH LOCATED AND SITUATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.**

Robert Shuman, 256 Hight Street, had some questions about the property and the Mayor advised him to speak during the Unfinished Business.

**PUBLIC HEARING – AN ORDINANCE APPLICATION REGARDING CREATION OF THE CITY OF MORGANTOWN DEVELOPMENT DISTRICT #5 AND APPROVAL OF A PROJECT PLAN FOR UPPER FALLING RUN PROJECT #1 AND ISSUANCE OF TAX INCREMENT FINANCING OBLIGATIONS.**

Barbara Howell, 432 Riley Street, spoke of her concerns for the TIF District.

John Martys, Executive Director of Fairmont – Morgantown Housing Authority, stated that he was in favor of the TIF District and that Liberty Street would be handled by the developer.

Brian Helmick, Spillman, Thomas, & Battle Law Office, Council to the Fairmont - Morgantown Housing Authority, discussed the TIF application process and addressed that the property is owned by the Fairmont – Morgantown Housing Authority.

James Kotcon, 414 Tyrone Avery Road, presented a hand out in regards to the Upper Falling Run Tax Increment Financing District. He stated that WVU officials just confirmed with him that they want to be good partners and recognize the advantages of the housing project. **(Exhibit A)**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE ESTABLISHING RATES OF COMPENSATION FOR THE FY 2016-2017:** 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 2016-2017.

After discussion, motion by Ganz, second by Selin, to adopt the above entitled Ordinance. Motion carried 6-1. (Nugent voting no)

**AN ORDINANCE AMENDING SECTIONS OF THE PERSONNEL RULES INCREASING THE MONETARY AMOUNTS WITHIN EACH:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), III-4 (HAZARDOUS DUTY PAY), AND III-5 (SPECIAL SUPERVISION DIFFERENTIAL) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY

INCREASING THE MONETARY AMOUNTS WITHIN EACH.

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

**AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST RENTAL SPACE AT THE MMA:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH KLM PROPERTIES, INC. TO LIST RENTAL SPACE AT THE MORGANTOWN MUNICIPAL AIRPORT.

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

**AN ORDINANCE AMENDING CITY CODE FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING AUTHORITY:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING CITY CODE SECTION 155.03 PROVIDING FOR THE COMPOSITION AND MEMBERSHIP OF THE PARKING AUTHORITY.

City Manager explained, motion by Kawecki, second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

**AN ORDINANCE ANNULING A PORTION OF FIFTH STREET IN THE FORTH WARD:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE VACATING, ABANDONING, AND ANNULING A PORTION OF FIFTH STREET MEASURING APPROXIMATELY FORTY (40) FEET IN WIDTH AND APPROXIMATELY ONE HUNDRED (100) FEET IN LENGTH LOCATED AND SITUATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA.

Motion by Selin, second by Kawecki, to bring off the table. Motion carried 4-3. (Bane, Redmond, and Ganz voting no) After discussion, motion by Selin second by Kawecki, to move and approve for questions to be answered by Mr. Shuman. Suspended the rules by consensus, after discussion motion carried 4-3. (Nugent, Redmond, and Ganz voting no)

**BOARDS AND COMMISSIONS:** City Clerk Linda Tucker, announced that there are 3 openings for the Human Rights, 1 for Sister Cities, and 1 for Traffic Commission. Applications have been submitted and interviews will be taking place throughout June and July.

**PUBLIC PORTION:**

Mayor Shamberger declared the Public Portion open.

Lucas Tatham, First Presbyterian Church 456 Spruce Street, read a letter that was written to Mayor, Marti Shamberger and City Council asking them to review thoroughly and critically the proposed construction by CA Student Living on the former VFW property at the corner of Spruce and Willey Streets. He states that they are concerned with the land use intensity of the project and the density of overload on the pedestrian safety and built environments. **(Exhibit B)**

Ron Justice, 741 Johnson Avenue, talked about the Met Theatre and the agreement with the City and how it would remain a community theatre.

Patrick Hathaway, 359 Sanford Street, expressed his early vote on the Brunch Bill.

There being no more appearances, Mayor Shamberger declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** None

**NEW BUSINESS:**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH WEST VIRGINIA UNIVERSITY FOR PARTNERSHIP IN OPERATION OF THE METROPOLITAN THEATRE:**

The above entitled Resolution was presented for Council's approval.

After discussion, motion by Redmond, second by Selin, to adopt the entitled Resolution. Motion carried 6-1. (Ganz voting no)

**CITY MANAGERS REPORT:**

**New Business:**

**1. CA Living**

City Manager reports that CA living has gone through Planning and Board of Zoning Appeals, and does not know how Council could make any modifications. City Manager said he could work with the City Attorney to make any determinations of the construction plan. The building permits have not been provided at this time and are still being acquired. To have it changed through Planning and Board of Zoning would be very difficult. Looking at the other issues we can provide more information to the members as the information comes into the city to see if there is a way to negotiate with CA Living on some of the plans such as traffic and construction concerns. Lucas Tatham, First Presbyterian Church 456 Spruce Street asked City Manager, City Attorney, and Council questions regarding the construction that will be going on beside them.

**2. State Contract purchase for Public Works Department**

In order to improve the equipment and services to the residents in the summer and winter, funds from the Safe Streets and Safe Community will be used to purchase two Public Works vehicles. Pursuant to City Code, State contract purchases require City Council approval. As seen on the attached memo from Damien Davis, City Engineer and Public Works Director, the City is interested in purchasing two dump trucks with snow plows for a total cost of \$111,193.12 from Matheny Motors in Parkersburg, WV. City Manager, Jeff Mikorski recommend the purchase by State contract utilizing the Safe Streets and Safe Community Municipal Fee proceeds.

After discussion, City Manager recommended the purchase of two dump trucks with snow plows for a total cost of \$111,193.12 from Matheny Motors in Parkersburg, WV. Motion by Ganz, second by Selin to approve the purchase of two dump trucks with snow plows. Motion carried 7-0.

**3. 2016 Urban Deer Archery Hunt Requirements and Rules**

Attached are the proposed 2016 Urban Deer Archery Hunt hunter requirements and rules. This year the Archery Hunt will take place from September 3 to December 31, 2016. Listed are the locations that hunters will be positioned, which includes the change that hunters will not be located in the

City parks. New hunter enrollment will not take place this year due to the amount of hunters already signed up and a reduction in the number of locations. City Manager, Jeff Mikorski recommended City Council approve the proposed hunter requirements for the 2016 Urban Deer Archery Hunt.

City Manager explains, after discussion, Mayor Shamberger asks about Parks that are not on the list. Motion by Redmond, second by Selin to approve the proposed hunter requirements for the 2016 Urban Deer Archery Hunt. Motion carried 7-0. (Exhibit C)

**REPORT FROM CITY CLERK: No Report**

**REPORT FROM CITY ATTORNEY: No Report**

**REPORT FROM COUNCIL MEMBERS:**

Councilor Bane:

Councilor Bane announced on the 27<sup>th</sup> of June in the 1<sup>st</sup> Ward Neighborhood Associate will have a meeting at 6pm in the Jack Roberts Park in the Pavilion. Councilor Bane asked the City Manager about the Urban Agriculture Ordinance. City Manager explained, that they have been talking with other attorneys and looking at other Ordinances with in the State of WV. City Manager was hoping to have the Ordinance ready for the COW meeting in June. If not, then it will be on for the COW in July. Councilor Bane questioned the City Manager about the bike lane on the Blvd. City Manager explained, that the share funding with DOH concerns with the hillside. DOH does not want us to move forward until that is looked into further. Councilor Bane questioned about the lighting and when the changing of the lamps and if the boulevard was going to have them done as well. Councilor Bane also mentioned about the County Levy and BOPARC and what is happening with the new Ice Rink in regards to the Green Space. Councilor Bane mentioned that at the 1<sup>st</sup> Ward Neighborhood Association meeting there were some questions asked and was wondering about the where it goes from here.

Deputy Mayor Kaweck:

Deputy Mayor Kaweck mentioned that the Arts Mon brought some fiberglass bears and have been distributed to various businesses downtown for

display. Deputy Mayor Kawecki announced that if you would be interested in seeing these bears you could go to the Bears Game, Chili's, The Green Turtle, CVB, Ruby Hospital, Crab Shack, Morgantown Mall and also there are some much smaller ones down at Arts Mon.

Councilor Nugent:

Councilor Nugent stated that he has received phone calls in regards to rutting in the hog back turn that is causing runoff on the downhill side. Councilor Nugent mentions his concerns along with residence on the TIF project about the streets and organic farm. Councilor Nugent wants to thank Brenda Shinkovich and the Daughters Against Revolution (DAR) who have raised money to put in an outstanding statue of Zacquill Morgan. Councilor Nugent would also like to commend Jamie Lester for the design and the work that he put into making the statue. Councilor Nugent stated about the City Charter and what it means to him and he will continue to follow it.

Councilor Selin:

Councilor Selin stated that she and Deputy Mayor Kawecki attended a River Town meeting in California, Pennsylvania. Councilor Selin stated that it was interesting to see up and down our river at how many different things going on. Councilor Selin mentions the Summer Stroll that take place this Saturday from 9 a.m. - Noon in front of the dam. Councilor Selin mentioned that she was at Palentine Park in Fairmont, WV playing with her grandson in the splash park and stated that BOPARC was looking into something like that for our city. Councilor Selin mentions that she is concerned with the TIF Project. Councilor Selin also mentions that the Brunch Bill is important and will offer more to the community. Councilor Selin handed out a card announcing times for the Soul Fuel that will be

happening all weekend long and is being put on by the CVB.

Councilor Redmond:

Councilor Redmond announced an effort going on at Jack Robert's Park that was purchased by the City. Judy Semler heads up the group and has about 40 members involved. The primary focus on the park is on the wall. Councilor Redmond mentions that it was a pleasure to be there and see the energy amongst the group. Councilor Redmond wanted to thank Rick Bebout in all of the hard work that he has put into the Urban Deer Archery and has been such a big success. Councilor Redmond stated that he has 2 initiatives to bring up this evening in regards to the CA Living project. Councilor Redmond states that the new phase of our town should or should not have a final approval for Council to sign off on, which would make a significant impact to the City. Councilor Redmond mentioned that a couple of citizens have brought up maybe adding a Citizens Advisory Board. This would be an interface between the public, and 2 Council Members regarding the relationships we have with our contracted partners. This would give the citizens a little more of a voice in the concerns regarding those. Councilor Redmond states that this is something to bring in front at the COW meeting. He will let the City Manager look into this to see if this is something that can be moved forward.

Councilor Ganz:

Councilor Ganz states that this has been an exciting meeting and announces that the Suncrest Neighborhood Association meeting will be held at Calvary Baptist Church on June 30<sup>th</sup> at 7:00 p.m. and there will be a pot luck. Also Suncrest Neighborhood Picnic will be July 7<sup>th</sup> from 5 p.m. – 7p.m. at Krepps Park and there will be a Fire Department Engine and a Police Department vehicle for all to see. Councilor Ganz wanted to congratulate CTA and that she had

children that was in cheerleading and competed in national competitions. Councilor Ganz stated that there will be an impact on the First Presbyterian Church and appreciates the residents for looking at the impact on their daycare center. Councilor Ganz stated that every time a building of significant impact is proposed there are many public hearings. Councilor Ganz would have to have seen more people at those public hearings when there was discussion on setbacks and so forth. Councilor Ganz is not sure what will happen, but hopes that the City Manager and City Attorney can help and offer the possible support. Councilor Ganz noted that the Citizen Advisory Board is a great idea and hopes that the citizens continue going to the Boards & Commissions meetings. Councilor Ganz stated that the last few weeks had been busy for the City of Morgantown. She mentioned that several council members took time to attend a heroin seminar presented by the FBI. Councilor Ganz mentioned that one of the presenters was our Police Chief and stated there was a lot of talk about our state and community. Councilor Ganz mentioned the Safety Council and the excitement we are having with them. She also mentioned the Sister Cities visit and one of the gifts that was brought was a scarf that was designed by the children in their providence. Councilor Ganz stated that the good thing about the Safety Council and Sister Cities is that they both bring forward great opportunities. Councilor Ganz wants to thank all of those who attended Ageless Friends. Councilor Ganz noted that a council member told her that they were all now Morganites, after the dedication of the Zacquill Morgan dedication and meeting the Morgan's that showed up and was a part of it. Councilor Ganz brought forth the Charter concerns and the individuals that are involved that are continuing the litigation. She says that it is important to do your best to prevent future litigation and would like to keep everything as

sharp as possible. Councilor Ganz also notes that understanding in this state that State Law supersedes our Charter. Councilor Ganz announces that this weekend will be a big one for the Botanic Garden. Also she is encouraging all citizens to look at the newsletter that is done and sent out by our Communications Director Chelsi Baker once a month.

Mayor Shamberger:

Mayor Shamberger commended Police Chief Ed Preston on the heroin training and she thought he did an excellent job; Commended the city crews after the severe storm on Thursday and appreciated the street sweeper in the 5<sup>th</sup> Ward; July 6<sup>th</sup> Fairmont-Housing Authority is having a dedication at 521 Grove Street at 11:00 a.m.; Thursday Evening Orlando Vigil at WVU bell rang 49 times once for each person who lost their life; Farmer's Market is every Saturday; Mon Arts Center is having an Artist Networking Night every 3<sup>rd</sup> Tuesday from 5:30 p.m. – 7:00 p.m.; Morgantown Public Library will be hosting a Theatre Thursday on June 23, 2016 at 1:00 p.m. Come see Norm of the North for free; Botanic Garden is hosting an evening with Chef Marion Ohlinger of Hill and Hollow Restaurant, preregistration is required by midnight June 16<sup>th</sup>, 2016 at [www.wvbg.org](http://www.wvbg.org); WV Bass Federation Morgantown Invitational June 25-26, 2016 at Riverfront Park; Krepps Kritters presented by the Morgantown Public Library and BOPARC is a fun program for children between the ages of three and six held under the Pavilion in Krepps Park, there is a \$5 charge per child; Mayor Shamberger is very proud of the Safe Community award that the City of Morgantown received and it will be displayed at City Hall.

**ADJOURNMENT:** There being no further business, motion by Selin, second by Kawecki to adjourn by unanimous consent at 10:05 p.m.

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City Clerk

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Mayor

**\* COMPREHENSIVE DVD IS AVAILABLE OF ALL COUNCIL MEETINGS AT THE MORGANTOWN CITY LIBRARY.\***

**Comments on for proposed the Upper Falling Run FMHA Tax Increment Financing district.**

WVU officials have confirmed that we want to be good partners in this project and we recognize the advantages of this housing project. But good partners requires a two-way agreement. I am specifically concerned about two issues: 1) Maintenance of the organic integrity of the WVU Organic Research Farm, and 2) Creation of a through street from Liberty Street to Route 705 and the attendant traffic problems.

The scenario envisioned assumes that the developer would construct the road along a right-of-way from the main farm gate generally following a path through what we call Field 24 to the west side of the Farm as indicated in the legal announcement for the TIF District. The route is approximately 1500 feet in length. To maintain organic integrity, as specified in federal regulations (7-CFR-Part 205), the following provisions are needed:

**Construction**

- A. Prior to construction, the existing water line should be moved by the developer. During this period, the developer must provide an acceptable alternative water supply for sheep (2-4 gallons per animal per day during hot weather, 300 head at peak) and other livestock (7-CFR-205.239 (a) (1)), as well as for Farm workers. Irrigation water for crops is also needed during dry weather (up to 20,000 gallons per week). Water supplies either must be municipal water or must be tested to document that water is free of prohibited materials (OEFFA Certification Application, Section 5. D2). Water tests must be filed at the WVU Organic Research Farm (7-CFR-205.103).
- B. A 8-foot-tall chain-link security fence must be constructed on the edge of the right-of-way (on both sides of the proposed road) from the existing gate to the west edge of the farm property line in order to comply with the requirement for distinct and defined boundaries (7-CFR-205.202 (c)).
- C. Gates to access Farm property must be constructed on both sides at the intersection of the current gravel road (previously known as the Orchard Road Bypass). Gates must be adequate to provide access to the Farm buildings and the WVU Physical Plant staging area for semi-tractor trailers and tour buses. Two additional gates are recommended on the west end of the proposed road to allow tractors, equipment, and livestock to pass from one side of the Farm to the other.
- D. Construction activities, equipment, and soil disturbance must be limited to the right-of-way. Staging during construction would be limited to a designated portion of section 17 (office and parking lot) to avoid soil compaction and disturbance in certified production and pasture areas as required by 7-CFR-205.203 (a).
- E. During construction, any spills of prohibited materials, including but not limited to leaks of equipment oil, antifreeze, hydraulic fluids, as well as any releases of construction chemicals or other synthetic fluids shall be promptly cleaned up, and any soil contaminated will be removed to appropriate waste disposal facilities. Each such

requirements. Such a tunnel should be conveniently located where the topography lends itself to easy movement of livestock.

- B. An adequate parking area for Field Day visitors (as many as 250 people at past events), school and tour buses, and semi-truck loading and unloading is needed, as the proposed road and fences would bisect the existing lots. During summer and fall days with produce sales, hundreds of vehicles per day stop by, many with elderly or disabled visitors. During school tours and field days, as well as during produce sales, young children may also be present.
- C. Additional security will be needed for the machine shed and research plot areas because of the increased visibility to the vehicles passing on the proposed road. This should include doors, locks, night lighting, screening, and increased security patrols after hours.

## II. Through Street

I am opposed to creation of any egress through the FHMA property that creates a through street to Route 705, as appears in the TIF plan. Once established, this would become the shortest route from the Downtown campus and University Avenue to the Mileground. Instead of minimal residential traffic, this creates a major traffic artery through the Organic Farm. The intersection with Route 705 is already heavily traveled and the potential for traffic accidents is already quite high. If this TIF is approved, it should be amended to provide for either a road through the WVU Organic Research Farm, or access through Liberty Street, but not both.

James Kotcon

Associate Professor



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June 20, 2016

Dear Mayor Shamberger,

We, the session members of First Presbyterian Church (FPC), request City Council of Morgantown to review thoroughly and critically the proposed construction by CA Student Living on the former VFW property at the corner of Spruce and Willey Streets before taking action on the proposal. We have concerns which we believe raise significant reservations about the advisability of this project as it now stands.

We are concerned with the land use intensity of the proposed project and the density overload on the pedestrian safety and built environments. Even though the Planning Commission has relaxed compliance with height restrictions for the project, this will not prevent the building from becoming a “spike building” which dwarfs surrounding properties and diminishes the value and livability of the area.

The Commission has also apparently approved non-compliance with the green space and set back requirements for the structure which will allow the building to crowd the corner of Willey and Spruce streets and be a “corner to corner” edifice. Such building design will influence not just sightlines relating to the Willey/Spruce streets intersection, it will also significantly impact adjoining land use – something very important to our Church’s service to the community which does not seem to have been addressed by the developer or the City’s planning process.

In 1970 the First Presbyterian Church developed the Presbyterian Child Development Center (PCDC). After 46 years of service it continues as a non-profit child care center which operates on a sliding scale to permit participation by families of various means. Currently there are 95 children from infants to elementary age participating in this vital community service. An essential element in this program is the availability of a safe playground area.

The proposed building and its construction site as designed will be within 30 inches of the PCDC playground – a facility necessary to maintain PCDC licensure and its certification requirements.

It is incomprehensible how the project has gotten this far without addressing this issue with the Church and its PCDC. Overhead dangers will continue without required setback in place. Even the construction process will render the playground unsafe and therefore unusable and place at risk parents' confidence in the safety and security of the environment PCDC provides.



We therefore request that Council's CA Student Living project evaluation address these concerns:

- Building setbacks and building design to protect adjoining child safety services and property interests - and not just the interests of the project developer
- Construction plans, locations of cranes and staging areas, and their impact on the safety of children and personnel of the PCDC
- The planned closure of a lane on Spruce Street during construction and its impact on vehicle access to/from Forest Ave where children are dropped off each day and where access to other services of the church is essential
- Assurance that food, garbage and recycling waste of the residential, commercial and retail occupants will be managed completely within the building so as not to attract rodents or pests
- Assurance that water runoff from the building and any adjacent paved area will not impact adjoining property or its use (The church currently experiences runoff problems due to the proposed project property.)

The First Presbyterian Church has a productive record of service seeking to address essentials in life for the people in Morgantown. We 1) initiated and sustained our free Sunday morning community hot breakfast when no other such Sunday meal was available in town; 2) initiated the Empty Bowls Project Monongalia and continue to participate actively; 3) provide leadership for Coordinating Council on Homelessness; 4) have members serving on the Morgantown Friends of Syrian Refugees and a member who has chaired the interfaith committee that sponsored the Community Information Meeting and Refugee Sunday/Weekend; 5) participate in the Greater Morgantown Interfaith Association, organized by our Interim Pastor; 6) have worked for several years to develop Harless Center located within Central Place - which provides interfaith, faith-based housing to students seeking a downtown alternative to large-scale unaffiliated student housing. These services are in addition to the sponsorship/support of the PCDC which continues to address one of important unmet family needs in the Morgantown area.

We place our concerns related to the CA Student Living Project before you and ask you to review the zoning ordinances currently in place and their essential relevance to the protection of children, families, neighbors, pedestrians and the future of our community before a decision is made.

Respectfully,

*Session Members of First Presbyterian Church, Morgantown*

Donna Berber  
Just W. ...  
Elizabeth H. Mullett  
David ...  
Catherine Samuel

Lizbeth La Sala  
Dyana ...  
Linda A. Granderson

*a congregation of the Presbyterian Church (U.S.A.)*



Lee Mullett



**Office of the City Manager**

# The City of Morgantown

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Wednesday, June 15, 2016

## City Manager's Report for City Council Meeting on June 21, 2016

### New Business:

#### 1. State Contract purchase for Public Works Department

In order to improve the equipment and services to the residents in the summer and winter, funds from the Safe Streets and Safe Community will be used to purchase two Public Works vehicles. Pursuant to City Code, State contract purchases require City Council approval. As seen on the attached memo from Damien Davis, City Engineer and Public Works Director, the City is interested in purchasing two dump trucks with snow plows for a total cost of \$111,193.12 from Matheny Motors in Parkersburg, WV.

I recommend the purchase by State contract utilizing the Safe Streets and Safe Community Municipal Fee proceeds.

#### 2. 2016 Urban Deer Archery Hunt Requirements and Rules

Attached are the proposed 2016 Urban Deer Archery Hunt hunter requirements and rules. This year the Archery Hunt will take place from September 3 to December 31, 2016. Listed are the locations that hunters will be positioned, which includes the change that hunters will not be located in the City parks. New hunter enrollment will not take place this year due to the amount of hunters already signed up and a reduction in the number of locations. I recommend City Council approve the proposed hunter requirements for the 2016 Urban Deer Archery Hunt.

Jeff Mikorski ICMA-CM,  
Morgantown City Manager

# MORGANTOWN CITY MANAGER'S HUNTER REQUIREMENTS AND RULES PERTAINING TO THE CITY OF MORGANTOWN'S URBAN DEER ARCHERY HUNT

September 3 - December 31, 2016

## Hunter Requirements

1. Hunters must have a valid West Virginia hunting license.
2. Hunters must complete all parts of the hunt application.
3. Hunters must successfully complete the Bowhunter Education Course.
4. Hunters must successfully complete an archery proficiency test.

## Rules

1. Hunters shall park only in designated parking areas.
2. Hunters shall treat everyone they meet with courtesy and respect.
3. Hunters shall not litter.
4. Hunters shall obey all West Virginia game laws.
5. Hunters will be selected and assigned locations by the City Manager or his designee. A completed application is not a guarantee that a hunter will be selected. The City Manager or his designee will attempt to assign all qualified hunters, but there may be more qualified applicants than hunting locations.
6. Locations for the hunt include, but are not exclusive to:
  - a. Chalfant Avenue properties (2)
  - b. Conrad Place/White Avenue adjacent properties (3)
  - c. Sheldon Avenue woodlot
  - d. Green Bag Road hillside
  - e. Harner Street
  - f. Koontz Avenue
  - g. Liberty Street
  - h. Logan Avenue
  - i. Norwood neighborhood (surrounding woodlots)
  - j. Peninsula Avenue
  - k. Sheldon Avenue
  - l. Southpoint Circle (4 parcels)
  - m. West Virginia University properties
    - i. Core Arboretum
    - ii. Dairy Farm
    - iii. Farm woodlot

- iv. Falling Run hollow
- v. Monongahela Boulevard hillside
- vi. Motor Pool woodlot
- vii. Organic Farm
- viii. Van Voorhis woodlot

7. All hunters, prior to receiving a permit authorizing him or her to participate in the hunt, must agree to hold harmless the City of Morgantown, City of Morgantown employees and officials, and the owner of the realty upon which they will be hunting from any and all claims for personal injury, death, or property damage arising as a result of the hunter participating in the hunt.
8. No person, without first receiving written permission from the City Manager or his designee, may accompany a hunter while he or she is participating in this hunt.
9. Permits must be on a hunter at all times while hunting.
10. Portable, ladder or climbing stands are required for all hunters except for those who are physically disabled and have been issued a valid Class Y hunting license by the State of West Virginia or for sites where a ground blind has been approved.
11. Stalking deer on the ground is prohibited. This includes walking to and from designated hunting sites.
12. Those hunting from an elevated tree stands must use a full-body safety harness while in the tree.
13. The hunter's name and sequential numbers must be on all arrows used while hunting, i.e. J. Miller #1, J. Miller #2, J. Miller #3.
14. Shots of 25 yards or more shall not be taken.
15. A maximum of 7 deer can be taken by each hunter on their urban season tags (5 antlerless deer, 2 bucks). Additional deer can be taken on a hunter's regular West Virginia license providing they have the correct stamps for the corresponding seasons.
16. In pursuance of the City of Morgantown's deer management goals and the West Virginia DNR regulations, an antlerless deer is required to be taken first. After that, 2 bucks can be taken as long as the second buck is preceded by an antlerless harvest.
17. Two deer may be taken per day and can be checked-in at the same time. While two does or a buck and a doe can be taken in the same day, two bucks cannot be taken in the same day.
18. If a wounded deer leaves the boundary of the designated hunting area, the hunter shall not pursue the deer onto another's realty without first obtaining the permission of the owner of the realty upon which the hunter wishes to enter. The hunter shall not fire his/her bow once he/she leaves the designated hunt area assigned to him or her. If the wounded deer is located, while alive, on another's property, the hunter must contact the Morgantown Police Department at (304) 284-7522. The hunter shall identify himself/herself as a participant in the Morgantown Urban Deer Archery Hunt, and request assistance from the Police Department in retrieving the deer.
19. If a property owner does not give the hunter permission to enter his or her property to search for a wounded deer, the hunter shall inform the property owner that he or she can call (304) 284-7522 to have the deer removed from his or her property.

20. Under no situation will entrails be left on any property. A carcass is to be removed in its entirety or have entrails placed in plastic bags, removed from the property and properly discarded. (Please provide your own bags for this purpose.)
21. All deer must be checked-in using West Virginia DNR's new check-in system by either:
  - a. Calling **1-844-WVCheck** or
  - b. Logging in to **<https://wvhunt.com/>**
22. Once the deer is checked-in, hunters must report their harvest(s) to Rick Bebout by phone or text at 304-290-7205. This is mandatory for internal record-keeping.
23. Hunters shall be required to comply with any additional restrictions set by the hunting realty owner which do not conflict with the City Manager's Rules, the Morgantown City Code, the general statutory laws of the State of West Virginia, and the Rules and Regulations of the West Virginia DNR.
24. At the request of an owner of realty upon which the hunt will be conducted, the City Manager may set specific timed periods of the day in which hunting will be allowed on a specific property.
25. Failure to comply with any of the above requirements may result in a hunter's removal from participating in the City of Morgantown's archery hunt.
26. Before being issued a permit to participate in the hunt, all selected hunters must agree in writing to the foregoing rules.

  
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Jeff Mikorski, ICMA\_CM  
City Manager

  
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Date