

REGULAR MEETING JULY 7, 2015: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, July 7, 2015 at 7:00 p.m.

PRESENT: City Manager Jeff Mikorski, City Attorney Ryan Simonton, City Clerk Linda Tucker, Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Jenny Selin, Marti Shamberger, and Nancy Ganz. Jay Redmond Absent

The meeting was called to order by City Clerk Linda Little, in order to conduct the administration of oaths and to elect the Mayor and Deputy Mayor.

Councilor Bane called for a point of order and stated as part of the record in protesting that two of the Council members have violated the Charter Section 2.05; anything brought up by these two members in the next two years should be null and void.

COUNCIL MEMBER OATHS OF OFFICE: The City Clerk administered the Oath of Office to Council Members Ron Bane and Wes Nugent for the term of July 7, 2015 to June 30, 2017.

ELECTION OF MAYOR AND DEPUTY MAYOR:

The City Clerk opened the floor for nominations among Council for the offices of Mayor and Deputy Mayor.

Nomination by Selin, second by Ganz to elect Councilor Shamberger as Mayor. There being no further nominations, City Clerk took a roll call vote. Motion carried 5-2, electing Marti Shamberger as the Mayor for the 2015-16 term. Councilors Bane and Nugent voted NO.

Nomination by Ganz, second by Shamberger, to elect Councilor Kawecki as Deputy Mayor. There being no further nominations, City Clerk took a roll call vote. Motion carried 5-2, electing Bill Kawecki as the Deputy Mayor of the City of Morgantown. Councilors Bane and Nugent voted NO.

OATH OF OFFICE FOR MAYOR AND DEPUTY MAYOR:

The City Clerk administered the Oath of Office to Mayor Shamberger and Deputy Mayor Kawecki for the term of July 7, 2015 to June 30, 2016.

Thereafter, Mayor Shamberger assumed the Chair of the meeting and began to conduct the regular business of Council,

APPROVAL OF MINUTES: The minutes of the regular meeting of June 16, 2015 were approved as corrected.

CORRESPONDENCE:

Mayor Shamberger read a letter from Councilor Redmond apologizing to the citizens for being unable to attend the meeting; my absence, however does not require me to be silent. With regards to the urban agriculture ordinance, Councilor Redmond cannot support ordinance and its outcomes: diminished neighborhoods, damaged property values, and neighbor pitted against neighbor. Councilor Redmond suggested the ordinance needs to go back to square one-with new, innovative ideas and workable solutions brought to the table. **Exhibit A.**

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1329 “DEFINITIONS” OF THE CITY’S PLANNING AND ZONING CODE AS IT RELATES TO URBAN AGRICULTURE.

Steve Lacaganin, 317 Lebanon Street, Hopecrest, commented that the chickens are dirty, sightly, smelly, and are within 80 feet of my residence. He also noted issues of raccoons and snakes in the Hopecrest neighborhood since the back yard animal farm has existed. He stated that this experience will only lead to tension and divisiveness among neighbors and this Ordinance should not be permitted within the city limits. He then presented to Council a petition of 43 signatures as part of the record opposing the farm animals in residential neighborhoods which is the current Ordinance not being enforced. He then commented “If I wanted to live on a farm I would”. **Exhibit B**

Steve Farmer, 223 Suncrest Village, Hopecrest, commented that he also does not want farm animals in the neighborhood. He stated that coyotes are in the neighborhood due to the implementation of this Ordinance without regard to the neighborhood. He mentioned “can you imagine 30,000 students with 6 chickens a piece and the current 30,000 residents also having 6 chicken a piece this could turn our town into a farm”, this could possibly happen if we pass this Ordinance. The property owners are denied the enjoyment of their property. Mr. Farmer continued with the statement that President Gee and WVU Agriculture are offering to those that want to maintain their domestic farm animals in an environment that is properly maintained. He said “In this environment, it is a win win situation”, and then the neighborhoods can be maintained in the character in which they should be. He also presented to Council photos of the house with the domestic farm animals for reference as part of the record. **Exhibit C**

Rebecca Singleton, 225 Lebanon Street, Hopecrest, stated that she was active with the petition that was taken around and many people had not idea that this Ordinance was coming up for second reading. She is also concerned about coyotes in the neighborhood and feels that this Ordinance should be tabled.

Mike Gray, Wild Animal Removal, 2759 Hallock Road, stated that coyotes are in all parks in the town and are difficult to control. He stated by bringing poultry into the neighborhoods coyotes will escalate in numbers. He then noted that not only coyotes but raccoons, skunks, possums, and rats.

Judy Raese, 233 Lebanon Street, Hopecrest, stated that she likes the idea of WVU Agricultural Department in the chickens might present.

Andy Wilkins, 293 Dormont Street, he stated that he supports everyone’s comments and we have a great community and neighborhood, this Ordinance was not written well and will only bring hardships between neighbors.

Robin Yorty, 245 Lebanon Street, stated that the neighbors were never asked to have these animals and suggested pursuing Mr. Farmer’s options.

Matthew Held, 213 Kingwood Street, commented that “how can anyone reject a quaint trend of gardening and raising chickens” for that is how I live. Urban Agricultural is my church, my meditation and is how I feed myself and my family. He stated that the Hopecrest problem needs to be solved in a way that those who wish to enjoy Urban Agriculture can do so.

Ruth Heavener, 1145 Louise Avenue, noted that she is a gardener and for the past 60-70 years; home production has declined across our country. She mentioned the proposed Urban Agriculture Ordinance being considered is a recent national trend. She then mentioned benefits of home food production: providing healthy food, allowing decreased expenses for store bought food. She then stated the Planning Commission considered this proposal, and address concerns about poultry. She urged Council

to pass the Ordinance to encourage home production in Morgantown as it is happening in cities across our country. She then read support e-mails, letters and notes from the following: George and Naoko Racin, 781 DeMoines Avenue; John Lozier 345 Virginia Avenue and Therese Vanzo, 408 Elm Street. She gave her information to the City Clerk to be entered as part of the record. **Exhibit D.**

Billy Pyler, 733 Astor Avenue, supports the adoption of the Urban Agriculture Ordinance. He stated that gardening is an activity that I love and I must do to feed my family. He stated that any homeowner that does not follow the rules needs to be addressed.

James Giuliani, 256 Prairie Avenue, stated that the chicken issue is a serious subject and agrees with Councilor Redmond planning on enforcement. He noted that Hopecrest has 13 chickens and there is no enforcement; Council members do not return calls. He mentioned that in Orlando, Fl. started out with a pilot program to see if this type of urban agriculture would work in their city. He questioned why the City didn't start with a pilot program; this ordinance is not right.

Rocky Gianola, 705 South Hills Drive, agrees with Steve Lacagnin and Steve Farmer, that the Urban Agriculture Ordinance issues are not gardening; but livestock. He stated that Morgantown and WVU is now considered one of the best cities in the Country. He noted with adding livestock in an R-1 district in our community in not appropriate and will destroy the Cities image.

Lisa M. Salati, 257 Dormont Street, questioned Council on the planning of the Urban Agriculture Ordinance before adopting this evening. She stated that in the Eastern Panhandle they have had problems with waste from the chickens going in their storm drains. She mentioned that Upper South Hills waste will run right into our river making me wonder if the water is safe. She requested that Council not pass this Ordinance this evening to review and come up with a more efficient ordinance.

Ne Hala, One Bryson Avenue, this Urban Agriculture Ordinance defining gardening has saved my life. She noted that better enforcement is need at the home that has not complied with the laws. She stated that this ordinance is written will and deserves to pass.

Andrea Dering, 26 Maple Avenue, commented that the Urban Agriculture Ordinance is neither understood nor enforceable. She stated that she loves to garden like many of her neighbors. She mentioned that this ordinance will bring hardship and bad feelings among neighbors and should not pass this evening.

James Kotcon, 414 Tyrone Avery Road, Member of Morgantown Green Team, stated that the Urban Agriculture Ordinance was worked and proposed over a year ago by the Green Team per City Council's request. He mentioned that people are healthy and happier if they know where their food comes from. He noted that with proper enforcement of this ordinance this should work for everyone.

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

PUBLIC HEARING – AN ORDINANCE AMENDING ARTICLE 1331 “ESTABLISHED OF ZONING DISTRICTS AND ZONING MAP” OF THE CITY’S PLANNING AND ZONING CODE AT IT RELATES TO URBAN AGRICULTURE.

James Giuliani, 256 Prairie Avenue, said that City Council needs to look at this Ordinance again and get it right.

Steve Farmer, 223 Suncrest Village, he noted that he did not want to oppose gardens at all that Dr. Gee has made a commitment to me in the Agricultural and University in 100% behind in supporting this.

Matthew Held, 213 Kingwood Street, opposes not passing this Ordinance due to one property owner in Hopecrest. Council should pass this Ordinance this evening.

Lisa Lagana, 400 Eaglewood Blvd., Chair of the City of Morgantown Green Team, noted that it is wonderful to see all of the different opinions she has visited the Hopecrest home and as part of the Green Team feels this Ordinance is well written. She mentioned that chickens do not smell and are not noisy and questioned the effect of property value. She then welcomed all parties involved to work with The Green Team on this issue.

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

PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 505 "ANIMALS AND FOWL" OF CITY'S GENERAL OFFENSES CODE AS IT RELATES TO URBAN AGRICULTURE.

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

PUBLIC HEARING - AN ORDINANCE AMENDING ARTICLE 906 OF THE CITY CODE PROVIDING FOR OUTDOOR DINING PERMITS.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING ARTICLE 505 "ANIMALS AND FOWL" AS IT RELATES TO URBAN AGRICULTURE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 505 "ANIMALS AND FOWL" OF CITY'S GENERAL OFFENSES CODE AS IT RELATES TO URBAN AGRICULTURE.

Motion by Selin, second by Kawecki to approve above state ordinance for discussion. Deputy Mayor Kawecki requested approval from Council to add "Registration of Animals" to Table 13 of the Ordinance. After more discussion, Deputy Mayor Kawecki asked to table all three ordinances to refine a better one by having meetings with the Community and bring it back at a later date; second by Bane. Motion carried 6-0.

AN ORDINANCE AMENDING ARTICLE 1329 AS IT RELATES TO URBAN AGRICULTURE: The below entitled Ordinance was tabled.

AN ORDINANCE AMENDING ARTICLE 1329 "DEFINITIONS" OF THE CITY'S PLANNING AND ZONING CODE AS IT RELATES TO URBAN AGRICULTURE.

AN ORDINANCE AMENDING ARTICLE 1331 AS IT RELATES TO URBAN AGRICULTURE: The below entitled Ordinance was tabled.

AN ORDINANCE AMENDING ARTICLE 1331 "ESTABLISHED OF ZONING DISTRICTS AND ZONING MAP" OF THE CITY'S PLANNING AND ZONING CODE AT IT RELATES TO URBAN AGRICULTURE.

AN ORDINANCE AMENDING ARTICLE 906 OF THE CITY CODE PROVIDING FOR OUTDOOR DINING PERMITS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING ARTICLE 906 OF THE CITY CODE PROVIDING FOR OUTDOOR DINING PERMITS

After discussion, motion by Nugent, second by Ganz, to adopt the above entitled Ordinance. Motion carried 6-0.

BOARDS AND COMMISSIONS: City Clerk, Linda Tucker, announced that she will be advertising for Urban Landscape positions for fourth and seventh ward.

PUBLIC PORTION:

Jill Ware, 305 Wagner Road, read a letter from Donald Price, Charter Board Member, and requested that letter be recorded with minutes. **Exhibit E.**

James Giuliani, 256 Prairie Avenue, read a letter that was sent to him back on July 8, 2014 from the City Manager, Jeff Mikorski, concerning the property of 200 Prairie Avenue where they built a garage apartment. He has been coming in to the council meetings for a year to get help in regards to building additions that have been done and if they are legal and have permits. He wants council to look at the Ordinance that pertains to building on property because there are some that are not complying with the Ordinance.

George Capel, 327 Willey Street, Apt 2., congratulated the new Mayor, Marti Shamberger and Deputy Mayor, Bill Kawecki. He also thanked Council on how perceptive they have been toward WVU's issues over the past year and hopes that this coming year will be a good one.

Randy Jones, Spring Branch Road, mentions a couple of announcements in regards to the new freshman that will be coming in on August 14th, 2015. There will be around 750 students from the Honors College that will be present for this day of service for the largest day clean up ever. He suggested and requested that City Council engage with the freshman in some way in there freshman year.

SPECIAL COMMITTEE REPORTS: Mayor Shamberger gave an update on the safe community initiative submitted its application on June 30th, 2015. She also mentioned the coalition on the homeless will have a meet your neighbor event on August 30, 2015 from 2-5 in the Farmer Market parking lot and more information will be presented.

NEW BUSINESS:

AN ORDINANCE PROVIDING THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE THIRD WARD: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2, SINGLE-AND TWO-FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion by Selin, second by Kawecki, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FIVE PARCELS AND A PORTION OF ONE PARCEL OF REALTY IN THE THIRD WARD: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF FIVE PARCELS AND A PORTION OF ONE PARCEL OF REALTY IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM (R-1A) SINGLE-FAMILY RESIDENTIAL DISTRICT AND (R -2) SINGLE-AND TWO-FAMILY RESIDENTIAL DISTRICT TO (PUD) PLANNED UNIT DEVELOPMENT DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion carried by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION PROVIDING FOR A PREVENTION RESOURCES OFFICER: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE MONOGALIA COUNTY BOARD OF EDUCATION PROVIDING FOR A PREVENTION RESOURCES OFFICER.

City Manager explained, motion by Ganz, second by Selin to approve the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AND EASEMENT AGREEMENT OVER PROPERTY LOCATED AT 10 MAPLE AVENUE: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AND EASEMENT AGREEMENT OVER PROPERTY LOCATED AT 10 MAPLE AVENUE.

Motion by Bane, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON HOUGH STREET: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE AUTHORIZING A RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH THE West Virginia UNIVERSITY BOARD OF GOVERNORS ON HOUGH STREET.

Motion by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE ANNEXING PROPERTY IN UNION AND GRANT DISTRICTS ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for the first reading.

AN ORDINANCE ANNEXING PROPERTY IN UNION AND GRANT DISTRICTS ADJACENT TO THE MORGANTOWN MUNICIPAL AIRPORT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN.

City Manager explained, motion by Selin, second by Ganz, to approve the above entitled Ordinance to second reading. Motion carried 6-0.

A RESOLUTION TO REQUEST AN APPROVAL OF THE 2015 – 2016 BUDGET FOR THE MORGANTOWN MUNICIPAL AIRPORT FUND AND AIRPORT IMPROVEMENT FUND: The below entitled Resolution was presented for first reading.

A RESOLUTION TO REQUEST AN APPROVAL OF THE 2015 – 2016 BUDGET FOR THE MORGANTOWN MUNICIPAL AIRPORT FUND AND AIRPORT IMPROVEMENT FUND.

Motion by Bane, second by Selin, to approve the above entitled Resolution to second reading. Motion carried 6-0.

CITY MANAGER'S REPORT:

New Business:

1. Rules for 2015 Urban Deer Archery Management Program

This fall will be the fifth Morgantown Urban Deer Archery Hunt. The program has been very successful and safe. This year, as in the past five years, Rick Bebout will be the City Manager's designee for managing and administering the program. Attached are the rules that are recommended for the event to take place from September 5 thru December 31, 2015. All hunters were required to participate in a hunter safety course on June 28, 2015. I recommend City Council approve the rules for this year's deer management program.

After City Manager's update and discussion from Council motion by Ganz to approve the rules for this year's Deer Management Program. Motion carried 6-0. Council on the

Information:

1. Update on City Hall Capital Projects

City Hall Roof Replacement – As everyone has seen the crane and debris dumpster located in front of City Hall for the last few weeks, the installation of a new roof started by removing a 20 year old replacement roof that sat above the original building roof. Over the years the original and replacement roofs developed leaks that could not be patched. Once the replacement roof is removed, a rubberized roof material will be installed, sealing the original building roof. Repair of ceiling tiles and carpet where leaks occurred will be completed after the new roof is in place. A roof is also being replaced on a portion of the South High Street Fire Station. Sidewalk replacement- Another project taking place around City Hall is the sidewalk replacement on Fayette Street by City Public Works' employees. Once the roof project is complete, replacement of the sidewalk will continue around the front of City Hall with a look consistent with High Street. The

first phase will include the Fayette and Spruce Street corner (with accessible ramps) to the front entrance. The second phase completing.

2. Update on Electronic System Communication

City Manager, Jeff Mikorski, stated that the electronic system for the meetings we have had various complaints from the community that they cannot hear some of the Council members during meetings. He noted with much research that it is a Comcast connection problem and we are working on meeting with them to remedy this problem.

REPORT FROM CITY CLERK: City Clerk informed Council of a liquor license application for Playoff's Sport Bar. She also reminded Council to contact Carol Allen about business cards; new photo will be before the next Committee of the Whole Meeting; and then reminded everyone that has not signed up for the Municipal League Meeting to let her know.

REPORT FROM CITY ATTORNEY: No report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane mentioned that he did not participate in the COW in receiving the oath for that it is not an official meeting where action is taken and he stated if you read section 2.05 of the Charter, the oath should have been done at a Special Meeting. He then stated that actually 2 Council Members are valid for the 2015-2017 term are Councilor Nugent and Councilor Bane.

Councilor Kaweck:

Councilor Kaweck thanked the Mayor Jenny Selin for her service and congratulated the new Mayor Shamberger.

Councilor Nugent:

Councilor Nugent mentioned the construction of the Flatboat Project at Hazel Ruby McQuain Park and reported that the City sign is damaged on South University Avenue, the seal is defaced.

Councilor Selin:

Councilor Selin congratulated the Mayor and the Deputy Mayor. She reminded everyone about the ribbon cutting on July 31st for the access road to the Readiness Center. She stated that Don Price's letter this evening about the Wards & Boundaries pleased her and that his letter was written well and appreciated this charter board members opinion on this issue. She commented that she was contacted to do a Welcome for the New WVU Freshman coming in and is just wanting to let the new Mayor know that this is what she will be handling in August.

Councilor Redmond:

Absent

Councilor Ganz:

Councilor Ganz appreciated the interest and comments of everyone this evening and addressing their grievances and requested that the City Manager to do a press release on how the citizens can get in touch with the City about this immediate issue of the Urban Agricultural Ordinance concerns. She then mentioned her concern that Governor Tomblin appoint a City Administrator or City Official to serve on the WVU BOG for decisions that this board makes as they affect our City residence. She then reminded everyone of the Suncrest Neighborhood Picnic on July 14th from 5-7 and all City Employees are invited and there will be entertainment.

Mayor Shamberger:

Mayor Shamberger congratulated Morgantown High School for being selected to appear in Honolulu, Hawaii in 2016 representing West Virginia commemorating of the 75th Bombing of Pearl Harbor; thanked coordinator Rick Bebout for coordinating the Deer Hunt for 5 years; reminded Council of the Tour at the Airport July 16th at 5:00 pm; thanked Mark Nesselroad for the tour at University Park; and is anxious to talk with Randy Jones about working with the honor students. Mayor Shamberger thanked her family and friends and Mayor Selin for being present this evening.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 10:32 p.m.

City Clerk

Mayor

A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY

Fellow city council members,

Once again, I apologize to you, and to the citizens of Morgantown, for being unable to attend tonight's city council meeting in person. It's an unfortunate situation which I am determined to avoid for the remainder of my time on council.

My absence, however, does not require me to be silent. Because my request to participate in the meeting electronically was denied I am watching the proceedings online and would like to offer the following comments on tonight's second reading and potential adoption of a new urban agriculture ordinance.

As elected public officials we are tasked with making decisions in the citizen's best interests. To fulfill this responsibility I am certain during the course of my term I will be challenged to vote in a manner that runs counter to popular opinion, and/or counter to my own personal opinion. These are votes I am prepared and willing to make if my judgement tells me it's in the citizen's best interests.

With regards to the urban agriculture ordinance, I am faced with neither of these challenges. Though anecdotal, it's clear to me from conversations and feedback that the citizens would not support approval of this ordinance if given the opportunity to choose. Additionally, from my own study and research, this ordinance offers me no reasonable basis for confidence or support.

Though I appreciate and CAN support many aspects of urban agriculture--especially the desire and effort to get closer to, and understand more, about what we're eating and where it's coming from--I can not support this ordinance and its likely outcomes: diminished neighborhoods, damaged property values, and neighbor pitted against neighbor--all in an effort to satisfy the personal preferences of a very small number of residents. Additionally, our police and code enforcement personnel are ill-prepared to devote time to the effort that would be required if this ordinance becomes law, especially considering that the ordinance grants permission to individuals 'by right' and offers no mechanism for licensing or revenue. Not to mention the potential issues associated with animal waste. In summary, I believe this ordinance is ill-conceived, ill-designed, and poorly written, and should be soundly rejected. The effort needs to go back to square one--with new, innovative ideas and workable solutions brought to the table.

Instead of creating six-animal 'mini-farms' all over town we should be promoting food empowerment among all with a goal of teaching people to eat right and producing the right food in abundance that would allow them to do so.

Respectfully,

Jay Redmond

Sixth Ward

Morgantown City Council

A PETITION TO OPPOSE THE HOUSING OF DOMESTICATED FARM ANIMALS
IN RESIDENTIAL NEIGHBORHOODS OF MORGANTOWN

For many months a backyard animal farm has existed in our neighborhood. This experience has led us to conclude that for reasons that include unsightliness, safety of the animals, and tension and divisiveness among neighbors, urban animal farms should not be permitted in the city's residential neighborhoods.

✓ Rebecca J. Singleton
225 Lebanon ST.
Morgantown WV 26501

✓ George R. Farmer Jr

✓ Mary Ann Farmer

✓ Jeffrey W. Farmer
1316 Lebanon St
Morgantown, WV

✓ Jim Turn -
1232 Lebanon St

✓ Isela Comsley
260 Rosmont St.

Jack & Robin Gorty
245 Lebanon St
Morgantown, WV
(304) 296-1057 26501

✓ Judy Raese
233 Lebanon St. 26501

A PETITION TO OPPOSE THE HOUSING OF DOMESTICATED FARM ANIMALS
IN RESIDENTIAL NEIGHBORHOODS OF MORGANTOWN

| <u>NAME</u> | <u>Address</u> |
|--|--------------------------------|
| ✓ Loree Houghton Loree Houghton | 211 Lebanon Street, Morgantown |
| ✓ Jeffrey D. Houghton | " " " " |
| Mary Petropoulos 231 Morgantown Ave | |
| ✓ C. W. Ewing | 26 MAPLE AVE |
| ✓ AD | 26 Maple Ave |
| ✓ Kathleen Benison Kathleen Benison | 33 Maple Ave |
| ✓ Chris Benison | 33 Maple Avenue |
| ✓ Brad [unclear] | 249 DORMONT ST. |
| Stephen M. LaCruz | 317 LEBANON ST. |

**A PETITION TO OPPOSE THE HOUSING OF DOMESTICATED FARM ANIMALS
IN RESIDENTIAL NEIGHBORHOODS OF MORGANTOWN**

- Amy Hartman 249 Dormont St.
Morgtn, WV 26501
- Andrew Wilkins 293 Dormont St., Morgtn, WV 26501
- Melody K. Wilkins 293 Dormont St. Morgantown, WV 26501
- Conofance Chio Merandi 281 Dormont St. Morgantown WV 26501
- Frank Merandi 281 Dormont St. Morgantown, WV 26501
- Madonna Ford 10 Maple Ave Morgantown, WV 26501
- Jatta C Bird 10 MAPLE AVE MORGANTOWN WV 26501
- Robert Hudson 38 Maple Ave Morgantown, WV 26501
- Becky Lee Anderson 38 Maple Ave Morgantown WV 26501
- Aimee Tominko 348 Lebanon St. Morgantown WV 26501
- C. Ben 340 Lebanon St. Morgantown, WV 26501
- Carol S. Davis 6 Maple Ave Morgantown W. Va 26501
- Anise Catlett 209 Dormont St. Morgantown WV 26501
- Dale Catlett 209 Dormont St. Morgantown, WV 26501
- KEN WELLS 297 DORMONT ST MORGANTOWN WV 26501
- Sarah Louise WESS " " " " " "
- George Amstead 273 DORMANT ST. Morgantown, WV 26501
- Brad Holzgarter 257 Dormant St. Morgantown, WV 26501
- Tom Holzgarter 257 Dormant Morgantown WV 26501

A PETITION TO OPPOSE THE HOUSING OF DOMESTICATED FARM ANIMALS
IN RESIDENTIAL NEIGHBORHOODS OF MORGANTOWN

- Carolyn J. Thompson
Susan Light
Brian Johnston
224 Lebanon Ave.
454 Park Street
232 Grand St.
- Barbara Tucker Buey
18 Maple Avenue
- Suzanne Elizabeth Buey
18 Maple Avenue
- John R. Verwo
288 Dormont St
- David M. Combs
454 GRAND ST.
- Dawn Combs
454 GRAND ST.
- Jennifer Power
PO Box 1091
MORGANTOWN WV
26507
- Pizatella
27 Maple Avenue
Mgnt. WV 26501
- Jenny Lynne Luchini
235 GRAND ST
Mgnt WV 26501
- Gwonna A. Osman
235 Grand St
Morgantown WV 26501
- Danny J. Burton
1060 Sheldon Ave. Mgnt. 26501
- Ruthanning
21 Maple Ave. Morgantown

**A PETITION TO OPPOSE THE HOUSING OF DOMESTICATED FARM ANIMALS
IN RESIDENTIAL NEIGHBORHOODS OF MORGANTOWN**

For many months a backyard animal farm has existed in our neighborhood. This experience has led us to conclude that for reasons that include unsightliness, safety of the animals, and tension and divisiveness among neighbors, urban animal farms should not be **permitted** in the city's residential neighborhoods.

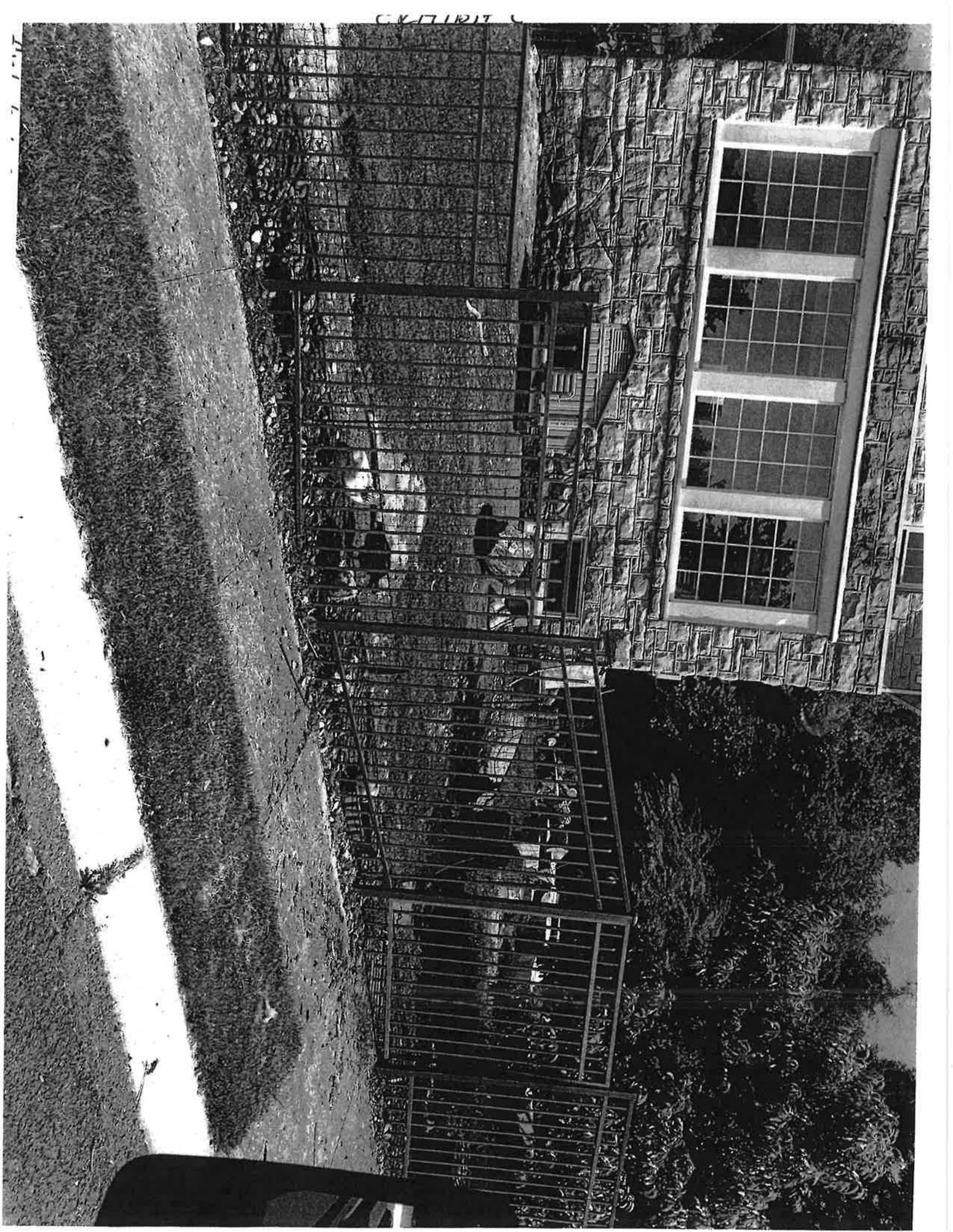
✓ James J. Snyder
244 Lebanon St.

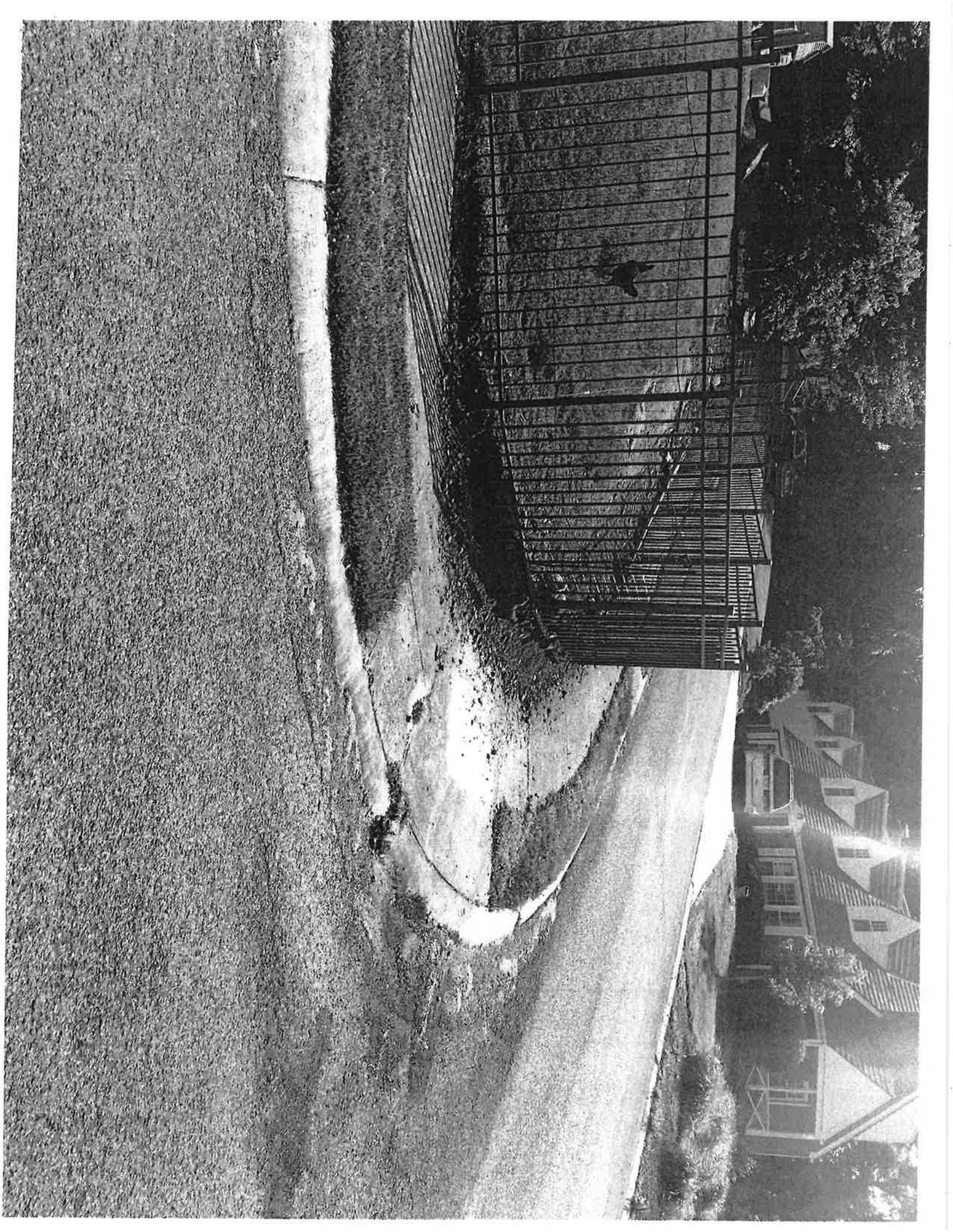
✓ Jane Moore - Snyder
244 Lebanon St.

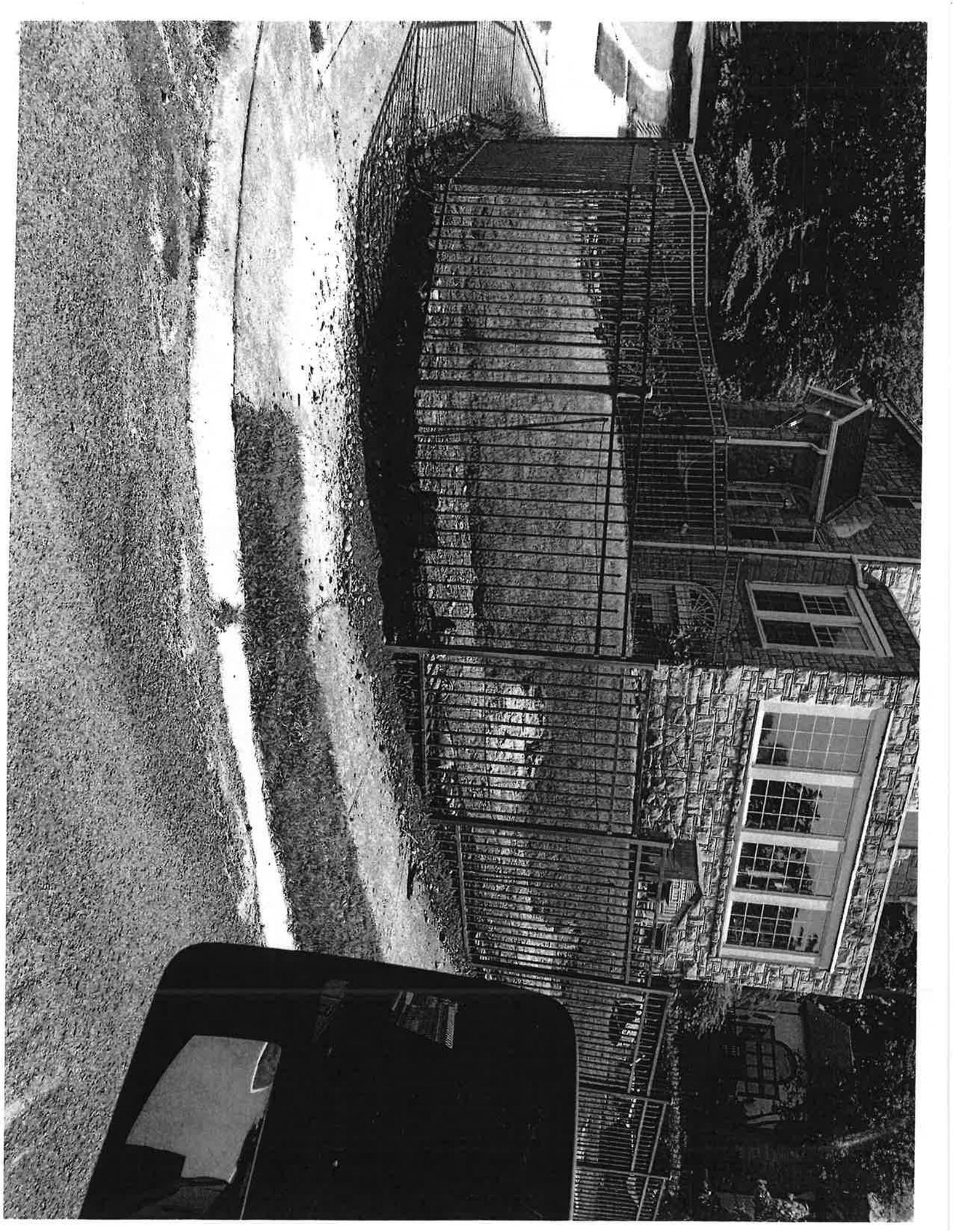
A PETITION TO OPPOSE THE HOUSING OF DOMESTICATED FARM ANIMALS
IN RESIDENTIAL NEIGHBORHOODS OF MORGANTOWN

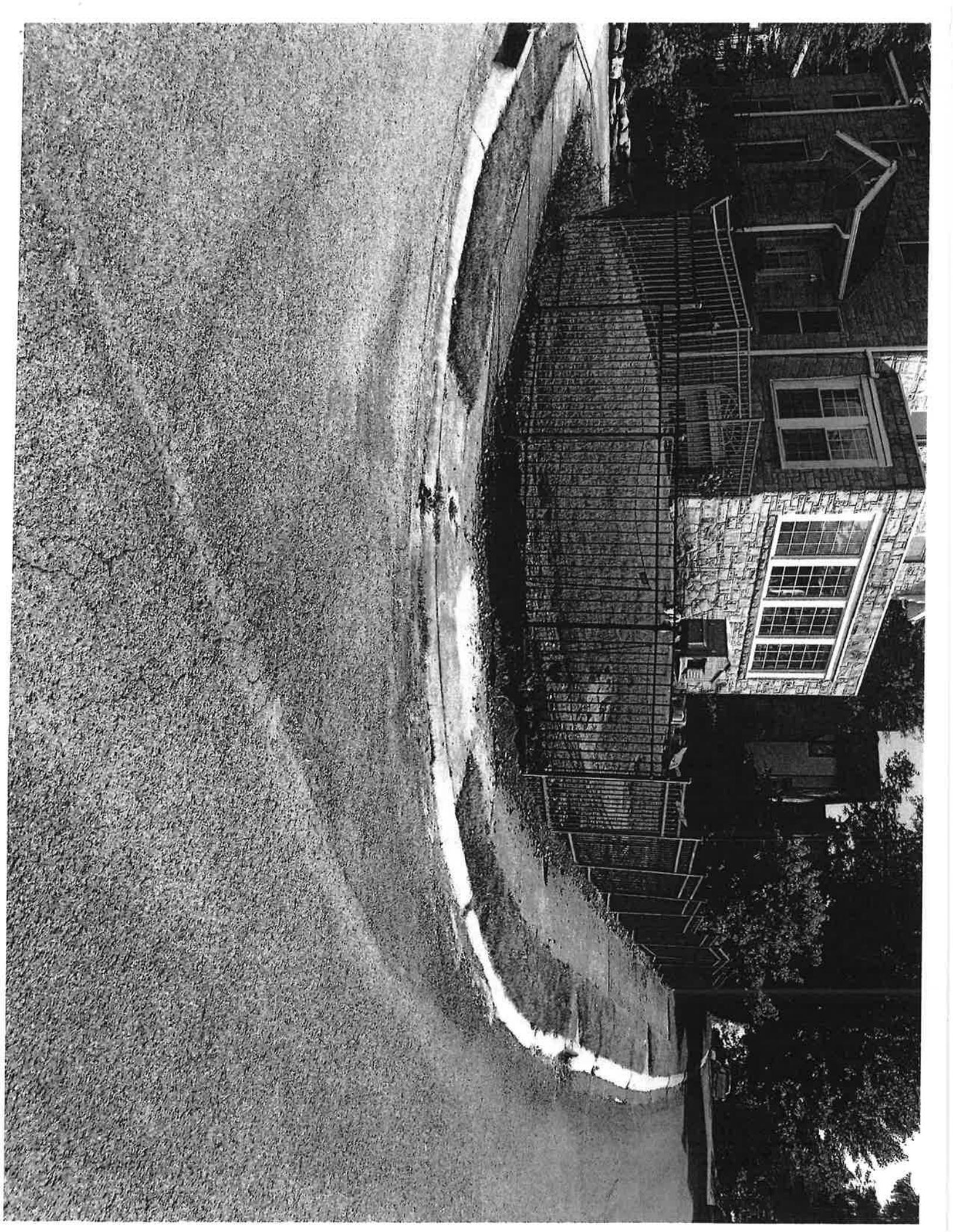
Greg Spransy
Margaret Reicin

1303 Van Voorhies, Hgtw
682-A Killarney Dr. Mgtw









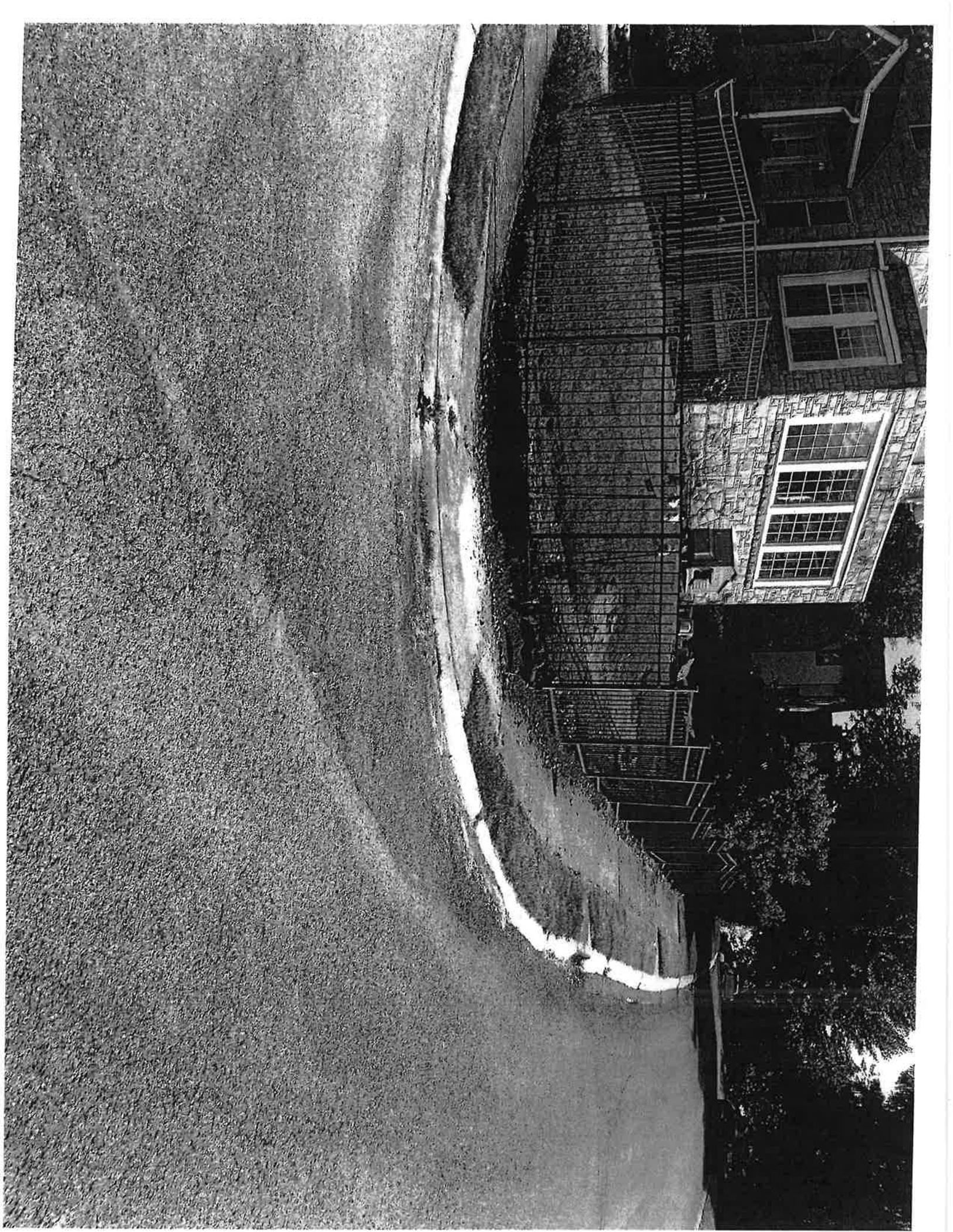


Exhibit D

1145 Louise Ave
Morgantown WV 26505

To Morgantown City Council re proposed Urban Agriculture Ordinances

My name is Ruth Heavener and I live at 1145 Louise Avenue here in Morgantown.

I am a gardener.

In the past 60 to 70 years, home food production has declined all across our country. The proposed Urban Agriculture Ordinances under consideration here tonight reflect a recent national trend encouraging the growing of food at home, not only in rural settings, but also in towns and cities across the US. One of these cities is Charleston WV. City government in Charleston updated home agriculture ordinances recently, and this was the inspiration for our working group here to propose improvements to the Morgantown code.

The benefits of home food production are many:

It provides fresh healthful food, allowing decreased expenditure for store bought food.

Local food? You can't get much more local than your own back yard!

A surprisingly large amount of food can be raised in a small space.

It provides wholesome, family-centered activity.

It provides good exercise outdoors.

It educates children about where our food comes from and about good nutrition.

It provides children and adults with much needed contact with nature.

Local food production can provide increased food security in an uncertain world.

The sharing of home grown food with neighbors, given, traded or sold, can strengthen community ties.

We need all these advantages in our town.

The proposed ordinances improve outdated portions of old code, and places all of it together for easy access.

Then there are the chickens, which seem to be the point of worry for some folks.

It's good to remember that there are many, many animals that we currently live with in Morgantown: to mention a few, there are cats, raccoons, deer, opossums, various songbirds, hawks, crows, and of course dogs, the loudest group of animals around us!

When the Planning Commission considered this proposal, we took care to address concerns about poultry.

They will be contained. No free range poultry.

There will be no roosters. (a point on which the current code has no restriction)

They must be in the back yard.

They must be well cared for and kept clean.

If those conditions are met, chickens can be a wonderful aspect of home agriculture.

The meat and eggs can provide an excellent and easily raised source of protein.

If there is a problem with one family's chickens, or any other aspect of home agriculture, there are nuisance ordinances in place to resolve such issues.

I urge City Council to pass these Ordinances to support and encourage

the home production of food here in Morgantown, just as is happening in cities all across our country.

Why We Have Wards
Respectfully submitted by
Mr. Donald Price, Esq.
April 14, 2015
Read in Council, July 7, 2015

In regards to the recent controversy surrounding the report and recommendation of the Ward Boundary Commission and its rejection by City Council, one may ask why have wards to begin with. The short answer can be provided with one word: DISPERSAL. It is the reason, the only, sole reason to have wards; and thus a Ward Boundary Commission to attend to their maintenance. Wards are the means to a desirable end.

Dispersal denotes the idea that our seven representatives, the City Council members, should come from all parts of the city, that is to say, living scattered throughout the city. This was, or is, not necessarily a profound or new idea, but rather just a good idea. Who amongst us could or would argue against this concept of a dispersal of representation?

Wards, or districts as they were originally called, are simply the means by which we attain dispersal in our election process. Without such districts in our "at large" election system, all seven of our representatives could be elected from one small area or neighborhood. Without defined wards or districts, large areas of our city could be devoid of representatives residing in them. It is a long-held American precept that representatives should live among us.

With the foregoing in mind, it should be emphasized that wards have only to do with the election process and nothing else. Certainly not for the maintenance of the integrity of neighborhoods, as has been suggested.

It is a function of Council that it ordains laws. The exception to this is the laws which define the process by which they are elected. Council should have no say as to how they are elected. That is the sole domain of the Charter. Thus it is that while Council has the power to create its sixteen or so Boards, Authorities, and Commissions, the Ward Boundary Commission is the only board, authority or commission created by the Charter itself, which is consistent with the idea that Council have no say as to the manner in which they are elected.

Unfortunately, our Charter leaves the door open just a crack for Council involvement in the election process by granting the Council the right of review, rejection, and substitution of the Ward Boundary Commission report, hence the charge of Gerrymandering-- a charge that involves two Council members directly and total of four indirectly as members of a group called "Morgantown Together". The these City Council members' conduct may be seen by some members of the public as unseemly, even if lawful. To quote William F. Buckley, "All that is lawful is not necessarily reputable."

The remedy is described in Model City Charter, 6th edition, (section 7.09, e), upon which the present City Charter is based:

Failure to Enact Ordinance. The council shall adopt the ordinance at least 90 days before the next regular city election. If the council fails to do so by such date, all councilmen to be elected at such election shall be elected at large and shall serve as councilmen at large until their terms of office expire. After such an election at large, the districting commission shall reconvene and adjust the district boundaries in accordance with the specifications, requirements and procedures earlier provided in this section, except that the ordinance shall be enacted at least 90 days before the next regular city election following such election at large.

To apply: Retain the Ward Boundary Commission as is, but provide by Charter amendment that if the Ward Boundary Commission report is rejected by Council, that failure to redistrict will mean all council seats will be filled by nomination and election at large without regard to wards or ward boundaries, until their terms of office expire. After such an election at large, the Ward Boundary Commission shall reconvene and adjust the ward boundaries in accordance with Section 7.09 d, except that the WBC report shall be filed between Nov. 15 and Nov. 30 of the year before the next regular city election following such election at large.

Note: Council will have no right to alter the WBC report, thus upholding the precept that Council have no say in their own election process.