



The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
April 7, 2020
7:00 p.m.

City buildings remain closed to the public to protect public health during the COVID-19 pandemic. Personal attendance at the meeting will not be permitted. The public may participate in the public portion by videoconference at the following link: <https://zoom.us/j/465159109> with meeting ID 465 159 109 or by calling in to 646-558-8656 with meeting ID 465 159 109.

All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference.

Any person who wishes to speak at the meeting may complete the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-R-58> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or calling 304-288-7072. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at cwade@morgantownwv.gov. In the email, please use the subject line "Public Comment 04/07/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES:** March 24, 2020, Special Meeting minutes; March 24, 2020, Regular Meeting minutes; March 31, 2020, Committee of the Whole Meeting Minutes
5. **CORRESPONDENCE:** Proclamations: Fair Housing Month, American Red Cross Month with presentation by Executive Director Jason Keeling.
6. **PUBLIC HEARINGS:**
7. **UNFINISHED BUSINESS:**
 - A. **BOARDS & COMMISSIONS:**
8. **PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:**
9. **SPECIAL COMMITTEE REPORTS:**

10. **CONSENT AGENDA:**

11. **NEW BUSINESS:**

- A. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FOR THE RONALD MCDONALD HOUSE**
- B. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AUTHORIZING RECEIVERSHIP FOR UNSAFE STRUCTURES**
- C. Consideration of **APPROVAL** of **(FIRST READING)** of **AN ORDINANCE AMENDING THE FY 2019 - 2020 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND**

12. **CITY MANAGER’S REPORT:**

Information:

- A. City’s update on the Coronavirus (COVID – 19) in West Virginia

New Business:

- A. Proposed Strategic Planning Session

13. **REPORT FROM CITY CLERK:**

14. **REPORT FROM CITY ATTORNEY:**

15. **REPORT FROM COUNCIL MEMBERS:**

16. **EXECUTIVE SESSION:** Pursuant to West Virginia State Code Section 6-9A-4(b) to discuss acquisition of Real Estate in the Second Ward.

17. **EXECUTIVE SESSION:** Pursuant to West Virginia State Code Section 6-9A-4(b) (9) to discuss potential or pending litigation.

18. **ADJOURNMENT:**

For accommodations please contact us at (304) 284-7439



Office of the Mayor

The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439

PROCLAMATION

WHEREAS, under the Federal Fair Housing Law, Title VIII of the Civil Rights Act of 1968 no American should have the right to purchase or rent shelter of choice abridged because of race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity; and

WHEREAS, under the West Virginia State Fair Housing Law, Title 49-2-305, MCA, it is illegal to deny housing to any person because of race, sex, religion, color, age, physical or mental disability or national origin; and

WHEREAS, it is the fundamental policy of this nation, our state, and our City to advance, safeguard, and defend the principles and guarantees of equality of opportunity for all; and

WHEREAS, the places where people live have a direct impact on the quality of their health, education, and access to economic opportunities; and

WHEREAS, discriminatory housing practices create racial and economic segregation in communities that can lead to disparate outcomes in overall quality of life; and

WHEREAS, the City of Morgantown believes that understanding of and access to fair housing laws have made our community and our neighborhoods stronger and more vibrant; and

WHEREAS, we are committed to programs that will help educate the public about the right to fair housing practices in the City of Morgantown; and

WHEREAS, we are committed to promoting housing choices and fostering inclusive communities free from housing discrimination.

NOW THEREFORE, I, William Kawecki, Mayor of the City of Morgantown on this 7th day of April 2020, thank the many people and organizations in our community who have opened the doors of housing opportunity to all citizens and proclaim the month of April 2020 to be

FAIR HOUSING MONTH



Wm. A. Kawecki

William A. Kawecki, Mayor



Office of the Mayor

The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439

Proclamation

- Whereas,** March is American Red Cross Month, a time when we recognize the humanitarian organization that eases people's suffering during life's emergencies in greater Morgantown, across the United States and around the world. American Red Cross has a long history of helping our neighbors in need by delivering shelter, care and hope during disasters; making our community safer through its lifesaving Home Fire Campaign; providing lifesaving blood; teaching skills that save lives; and supporting military, veterans, and their families. During this Red Cross Month, we thank and honor the selfless volunteers, dedicated employees and generous supporters who make this compassionate work possible; and
- Whereas,** last year in Monongalia County, multiple local volunteers assisted 13 families impacted by home fire disasters, addressing their urgent needs like food and lodging, and providing recovery support. Meanwhile, when large disasters like the Dayton tornadoes, Hurricane Dorian and California Wildfires devastated families in other parts of the country last year, dozens of volunteers from across West Virginia were among the nearly 9,000 Red Cross workers — 90 percent of them volunteers — who left their homes to work alongside partners to provide refuge, food, relief items, emotional support, recovery planning and other assistance; and
- Whereas,** meanwhile, the Red Cross continues to work with its partners to prevent fire tragedies through its national Home Fire Campaign, which installed its 2 millionth free smoke alarm last year and has saved hundreds of lives across the country since launching five years ago. In Monongalia County, the Red Cross and local partners have installed 96 free smoke alarms, made 75 households safer from the threat of home fires, and educated 829 elementary students on emergency preparedness through the Pillowcase Project; and
- Whereas,** additionally, in Monongalia County, the Red Cross collected 2,731 units of lifesaving blood and educated 1,642 people in CPR & First Aid. We recognize the volunteer heroes in greater Morgantown and Monongalia County who make this work possible to help our neighbors when they need a helping hand; and
- Whereas,** every day, people in our community depend on the American Red Cross, whose lifesaving mission is powered by the devotion of volunteers, generosity of donors and partnership of community organizations. We dedicate the month of March to all those who support its vital work to prevent and alleviate human suffering in the face of emergencies

Now therefore, I, William Kawecki, Mayor of the City of Morgantown, West Virginia do hereby proclaim March 2020 as

American Red Cross Month

Encourage all Americans to support this organization and its noble humanitarian mission

In Witness Whereof, I have hereunto set my hands this 17th day of March, in the year of our Lord two thousand twenty.

Seal:



William Kawecki, Mayor

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF CERTAIN PARCELS OF REAL ESTATE IN THE FOURTH AND SEVENTH WARDS OF THE CITY OF MORGANTOWN FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT AND R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO B-2, SERVICE BUSINESS 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 WERE FULLY SET FORTH HEREIN.

Properties included in this ordinance are identified as Morgantown Fourth Ward Tax District, Tax Map 12, part of Parcel 1.1 and Morgantown Seventh Ward Tax District, Tax Map 11, Parcels 88, 89, 90, and 91.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning designation for that portion of Parcel 1.1 of County Tax Map 12 in the Morgantown Fourth Ward Tax District of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein is reclassified from R-1, Single-Family Residential District to B-2, Service Business District.
2. That the zoning designation for Parcels 88, 89, 90, and 91 of County Tax Map 11 in the Morgantown Seventh Ward Tax District of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same were fully set forth herein are reclassified from R-3, Multi-Family Residential District to B-2, Service Business District.
3. That the Official Zoning Map be accordingly changed to show said zoning classifications.

This Ordinance shall be effective from the date of adoption and the Official Zoning Map shall be duly noted with the effective date of adoption.

FIRST READING: April 7, 2020

Mayor

ADOPTED:

FILED:

RECORDED:

City Clerk

B-2

**Parcels 88 & 89
Tax Map 11
District 15**

**Parcel 91
Tax Map 11
District 15**

**Parcel 90
Tax Map 11
District 15**

**Part of:
Parcel 1.1
Tax Map 12
District 12**

R-3

R-1

**ORDINANCE EXHIBIT
Case No. RZ20-02**



**THE CITY OF
MORGANTOWN
WEST VIRGINIA**

Legend

-  Area to be Rezoned to B-2
-  Zoning
-  Parcels



AN ORDINANCE AUTHORIZING RECEIVERSHIPS FOR UNSAFE STRUCTURES

WHEREAS, the West Virginia legislature adopted House Bill 4797, effective June 5, 2020, authorizing municipalities to adopt an ordinance authorizing the placement of certain unsafe structures into receivership; and

WHEREAS, the City of Morgantown desires to amend its Unsafe Structures Code to add this legislative authority;

NOW, THEREFORE, The City of Morgantown hereby ordains that Section 1719.07 of the City Code is amended as follows:

1719.07 OWNER RESPONSIBILITY FOR COSTS.

(a) The owner of any dwelling or building under determination of the State Fire Marshal, as provided in West Virginia Code Section 29-3-12, or under order of the Code Enforcement Agency of the City, shall be required to pay for the costs of repairing, altering, or improving, or of vacating and closing, removing or demolishing any dwelling or building.

(b) The municipal court may, upon application by a Code Enforcement Agency Official, place a structure, dwelling, or building into receivership when the following circumstances are present:

(A) The owner cannot be located after reasonable inquiry by the code enforcement agency as required by this section or if the owner refuses entry,

(B) The code enforcement agency has obtained an administrative search warrant from either the municipal court or the magistrate court located in the jurisdiction of the municipality or county where the structure, dwelling, or building is located;

(C) Upon entry, the code enforcement agency has determined that the structure, dwelling, or building is salvageable and does not require immediate demolition; and

(D) The code enforcement agency has proffered to the court that the structure, dwelling or building will require demolition or presents a substantial threat to nearby structures, property, or residents due to risk of fire, structural instability, or attractive nuisance if it is not repaired, altered, or improved in the near future.

If all of these circumstances are present, the municipal court may place the structure, dwelling, or building into receivership with the municipality or another entity that is capable of making the necessary repairs, alterations, and improvements to the structure, dwelling, or building. Any owner of the structure, dwelling, or building may petition the municipal court to terminate the receivership at any time and, upon showing that the owner will either demolish the structure, dwelling, or building or make the necessary repairs, alterations, and improvements to the satisfaction of the code enforcement agency, the municipal court may terminate the receivership.

~~(b)~~ (c) In addition to any other rights provided by law, the City may file a lien against the real property in question for an amount that reflects all costs incurred by the City for repairing, altering, or improving, or of vacating and closing, removing or demolishing any dwelling or building.

This ordinance shall be effective June 5, 2020.

FIRST READING: [April 7, 2020](#)

SECOND READING:

ADOPTED:

FILED:

Mayor

Clerk

AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

The City of Morgantown hereby ordains:

That the FY 2019-2020 Annual Budget of the General Fund of the City of Morgantown is amended as shown in the revised budget (Revision 03) attached hereto and made a part of this ordinance.

First Reading: April 7, 2020

Adopted: _____ Mayor

Filed: _____

Recorded: _____ City Clerk

| CITY OF MORGANTOWN | | | | | | | |
|----------------------------|-------------------------|-------------|-----------------|-------------------------|---|--|--|
| GENERAL FUND - REVISION 03 | | | | | | | |
| FY 2019-2020 | | | | | | | |
| ACCT NO | REVENUES | BUDGET FY20 | PROPOSED REV 03 | PROPOSED AMENDED BUDGET | EXPLANATION OF PROPOSED ADJUSTMENTS | | |
| 366 | State Grants WVDEP-REAP | - | 36,786 | 36,786 | REAP grant funding for part-time Recycling Manager and programs | | |
| 381 | Reimbursement | - | 2,500 | 2,500 | Reimbursement from Republic Services for part-time Recycling Manager | | |
| 308 | Hotel Occupancy Tax | 1,000,000 | (150,000) | 850,000 | 50% reduction to quarterly revenue. Local hotel occupancy is down 90%. | | |
| | | | (110,714) | | | | |
| ACCT NO | EXPENDITURES | BUDGET FY20 | PROPOSED REV 03 | PROPOSED AMENDED BUDGET | EXPLANATION OF PROPOSED ADJUSTMENTS | | |
| 699 | Contingency | 381,384 | (108,500) | 272,884 | Excess of total revenues to total expenses, up to 10% of General Fund budget allowed to be carried as Contingency amount. | | |
| 410 | City Council | 53,018 | 15,500 | 68,518 | City Council strategic planning session - fee and travel | | |
| 415 | City Clerk | 178,499 | 7,500 | 185,999 | Amount needed to implement new codification software and annual maintenance | | |
| 422 | Human Resources | 398,710 | 48,000 | 446,710 | Executive coaching for employee, recruiting firm for CM position, and moving costs for new Arts Director | | |
| 566 | Contribution - CVB | 500,000 | (75,000) | 425,000 | 50% of Hotel Occupancy Tax reduction | | |
| 567 | Contribution - BOPARC | 207,900 | (37,500) | 170,400 | 25% of Hotel Occupancy Tax reduction | | |
| 802 | Recycling | - | 39,286 | 39,286 | Cost for salary and training and recycling programs as result of REAP grant and reimbursement from Republic Services for Recycling Intern | | |
| | | | (110,714) | | | | |

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 153 West Main Street, Suite C
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

CONTROL NUMBER
 Fiscal Year: **2019-2020**
 Ending: **General**
 Fund: **3**
 Revision Number: **1 of 1**
 Pages: **1 of 1**

Person To Contact Regarding Request:

Name: **James M. Goff**
 Phone: **304-284-7407**
 Fax: **304-284-7418**

City of Morgantown
 GOVERNMENT ENTITY

389 Spruce Street
 STREET OR PO BOX

Morgantown 26508
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|----------------|-------------------------|----------------------------|------------|------------|----------------|
| 308 | Hotel Occupancy Tax | 1,000,000 | | 150,000 | 850,000 |
| 366 | State Government Grants | | 36,786 | | 36,786 |
| 381 | Reimbursements | | 2,500 | | 2,500 |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |

NET INCREASE/(DECREASE) Revenues (ALL PAGES) -110,714

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|----------------|---------------------|----------------------------|------------|------------|----------------|
| 410 | City Council | 53,018 | 15,500 | | 68,518 |
| 415 | City Clerk | 178,499 | 7,500 | | 185,999 |
| 422 | Personnel Office | 398,710 | 48,000 | | 446,710 |
| 699 | Contingencies* | 381,384 | | 108,500 | 272,884 |
| 802 | Recycling Center | | 39,286 | | 39,286 |
| 900 | Parks & Recreation | 1,655,900 | | 37,500 | 1,618,400 |
| 901 | Visitors Bureau | 500,000 | | 75,000 | 425,000 |
| | #N/A | | | | |

NET INCREASE/(DECREASE) Expenditures -110,714

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
OFFICE: (304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Office of the City Manager

City Manager's Report for City Council Meeting on April 7, 2020

Information:

A. City's Update on the Coronavirus (COVID-19) in West Virginia

At Tuesday's meeting, I will be giving an update on the latest information from the State of West Virginia and Joint Information Command (JIC) of the Monongalia County Health Department. As you have seen from an email to the city staff, the deadline for the remote work has been adjusted until April 30th. This is in keeping with Governor Justice's stay-at-home and the additional measures to prevent the spread of COVID-19.

New Business:

A. Proposed Strategic Planning Session

As discussed in a previous email to City Council, I am recommending that council reconvene a strategic planning session or retreat through our previous facilitator, Julia Novak, sometime in June or July. This is vitally important given the impending transition (of my departure to Ms. Muzzarelli taking over as interim City Manager) and the likely continued financial impacts of the COVID-19 pandemic. The use of Ms. Novak will assist the City in developing strategic priorities during this unprecedented time. During this current period of flux, I am sensing greater uneasiness of the unknown. This process will help City Council and department directors to define the knowns and think-through the difficult decisions that lie ahead. Stability and solid decision making will help guide the organization through these difficult times.

The cost of the proposal is \$12,500 and it is cost neutral coming out of the City Manager's budget. With the upcoming turnover, savings from this vacancy will cover the cost of the consulting service, executive search for a successor city manager and, finally, the additional salary for the forthcoming interim City Manager. I recommend City Council approve the proposal as presented.

Paul J. Brake, ICMA-CM, CEcD
City Manager, Morgantown, WV



March 30, 2020

Paul Brake, City Manager
City of Morgantown
389 Spruce Street
Morgantown, WV 26505

Dear Mr. Brake:

We appreciate the City's interest in The Novak Consulting Group, now part of Raftelis Financial Consultants, facilitating your governing body's retreat. We have extensive experience with this type of work and would be pleased to work with the City of Morgantown. The purpose of this letter is to discuss the potential for this engagement.

Approach

The Novak Consulting Group believes in fully supporting the retreat from beginning to end, from collaboratively planning the agenda to providing a final deliverable that summarizes the results.

Before the retreat, we will collaborate with the City to ensure an understanding of the intended outcomes of the session. Conversations with the City Manager and members of the governing body will provide insights to help us prepare an agenda. We will review and finalize the agenda in consultation with the City Manager.

We expect to accomplish the retreat's goals through a 1.5-day facilitated session that includes exercises and discussion with a focus on updating the strategic plan. The retreat will be held on a mutually agreeable date.

During the session, the primary role of the facilitator is to ensure that the environment is respectful and conducive to open and constructive dialogue, so the established objective is ultimately met. While the agenda provides the structure to accomplish the tasks, we also know how important it is to pay attention to the group and make sure conversations that need to happen actually happen. Therefore, we are flexible and in tune with the group during the process.

Approximately one week after the retreat, we will provide a summary report documenting the results.

Facilitator

The retreat will be facilitated by Executive Vice President Julia Novak. Julia has worked with local governments for more than 30 years, both as a practitioner in direct service to local governments and as a full-time consultant who has worked with hundreds of organizations. She founded The Novak Consulting Group in 2009. As a professional consultant, she has led engagements in communities of all sizes covering the full spectrum of local government services. She has worked

with more than 70 governing bodies across the country to establish goals and set priorities and is an established thought leader in the areas of governance and management. During her local government career, she worked in Fort Collins, Colorado; Lexington, Massachusetts; Rockville, Maryland; and was city manager of Rye, New York. Julia earned a bachelor's degree in government and politics from George Mason University and a master's degree in public administration from the University of Kansas. Julia was in the first class of individuals certified by ICMA as Credentialed Local Government Managers and maintains that designation.

Fee

The total fixed fee to complete the scope of work outlined in this proposal is \$12,500, which includes all professional fees and expenses. To hold the date, a non-refundable deposit of \$3,000 would be invoiced upon signing of the agreement. The balance would be invoiced upon completion of the retreat.

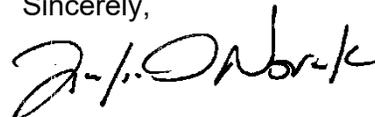
Room Set-up and Logistics

We will need the following materials and room set-up to ensure the session is productive and engaging:

- Tables and chairs set up in a U shape and oriented toward a wall with a smooth surface (for recording the session's conversations and decisions in a visible location)
- Space between the top of the U and the wall for the facilitators to move freely and work
- 2 flip chart stands (solid back or retaining bar)
- 2 pads of flip chart paper – prefer 3M Grid Line paper
- 3x3 sticky notes in four bright colors – one pad of each color per attendee
- Dark color fine point Sharpies for participants to use

We look forward to the opportunity to serve the City of Morgantown. Please contact me at (513) 309-0444 or jnovak@thenovakconsultinggroup.com should you have any questions.

Sincerely,



Julia D. Novak
Executive Vice President

Accepted for the City of Morgantown:

Name: _____

Title: _____

Signature: _____

Date: _____