REGULAR MEETING February 6, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 6, 2018 at 7:20 p.m.

<u>PRESENT:</u> City Manager Paul Brake, Linda Tucker City Clerk, City Attorney Ryan Simonton, Mayor Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Jenny Selin, Ron Dulaney, Deputy Mayor Mark Brazaitis and Barry Wendell. Assistant City Manager Angela Cline.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: January 9, 2018 Regular Meeting was approved as amended by acclamation and January 23, 2018 Regular Meeting were approved as printed by acclamation.

CORRESPONDENCE: Deputy Mayor Brazaitis mentioned correspondence that he received from a previous Council Member noting his concern of lengthening council terns from two years to four years. He referenced the Peace Corps, stating that there would be fewer applicants and therefore less diverse and qualified candidates. He questioned if a 4-year term would make Council more accountable, and asked if Council is considering this change now? Ex A. Councilor Wendell mentioned an article in the Dominion Post on Saturday by Patrick Nabors and noted that he made comments that mis-characterized him. Ex. B. Councilor Fetty mentioned concerns from constituents about the Republic contract and that billing with MUB will add cost and requested this to be resolved before the change in billing takes place. Councilor Wallace noted that Commissioner Bloom contacted him about 1249 Central Avenue, and that their trash has not been picked up for some time.

PUBLIC HEARINGS: None.

UNFINISHED BUSINESS:

BOARDS AND COMMISSIONS: No appointments at this time. Mayor Kawecki stated that at a Special Meeting this evening Council interviewed candidates for the Wellness Commission and ran out of time to make selections for the commission. He noted that Council will deliberate at a future meeting and announce the members.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

There being no one appearing, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: Councilor Wendell noted that he attended the reception honoring Dave Fryson for his service as VP for WVU Division of Diversity. His work was centered on making it comfortable for African Americans, International Students and setting up the LGBT Center.

NEW BUSINESS:

AN ORDINANCE AMENDING THE SOUTH PARK GREENMONT DESIGNATED PARKING

DISTRICT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE SOUTH PARK GREENMONT DESIGNATED PARKING DISTRICT:

City Manager explained. After discussion, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ESTABLISHING TAX CREDITS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING TAX CREDITS FOR NEW AND EXPANDING BUSINESSES.

City Manager explained. After discussion. Motion by Deputy Mayor Brazaitis, second by Wallace, to approve the above entitled ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING 1373.07 RELATING TO NONCONFORMING SIGNS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1372.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT RELATES TO NONCONFORMING SIGNS.

City Manager explained, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 929: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING BY THE CITY OF MORGANTOWN AMENDING ARTICLE 929 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO STORMWATER MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL.

City Manager deferred explanation and questions to Tim Ball. Council suspended the rules to have Tim Ball, MUB Director, explain and answer questions. After discussion, motion by Fetty, second by Selin, to approve the above entitled ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 505.14: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 505.14 OF THE GENERAL OFFENSES CODE RELATING TO SPAYING AND NEUTERING OF DOGS AND CATS.

City Manager explained. After discussion, motion by Wallace, second by Wendell, to approve the above entitled ordinance to second reading. Motion carried 7-0.

CITY MANAGER'S REPORT:

New Business:

1. Award Bid - Thermal Imaging Camera

The Morgantown Fire Department has sought bids to purchase four (4) thermal imaging cameras. The cost of the purchase is covered 90% through the Federal Emergency Management Agency's Firefighters Assistance Grant program. Attached you will find a copy of a memorandum from Chief Caravasos recommending a preferred vendor. Based on the tabulations in consideration of deficiencies and adhering to the specifications, the Fire Department is recommending awarding the bid to Dills Fire & Safety in the amount of \$28,720. City Council is needed to approve the bid.

City Manager explained. After discussion, motion by Wallace, second by Deputy Mayor Brazaitis to approve the bid to Dills Fire & Safety for \$28,720. Motion carried 7-0.

2. Investing in Opportunity Act

It was brought to the City Manager's attention of an opportunity that the new tax federal bill provides for localities. Included in the overall bill is the "Investing in Opportunity Act", which seeks to bolster economically depressed areas across the country with tax breaks in those areas. It enables governors to

designate "Opportunity Zones" where investors can develop projects with the capital gains of their investments, which will not be taxed. It will allow investors to harbor wealth tax free in struggling, low-income neighborhoods.

Within 90 days of the bill's enactment (mid-March), all governors must designate Opportunity Zones in their states (not to exceed 25% of the low-income qualified census tracts). The U.S. Treasury Department will then either approve or deny these designations.

Opportunity Zones must have the following characteristics, which are essentially the same as New Market Tax Credit eligibility factors:

- have a poverty rate of at least 20 percent;
- in a metropolitan area, have a median income that does not exceed 80 percent of the metro area's median income; or
- be a census tract adjacent to a low-income area as long as the median income doesn't exceed 125 percent of the area median income.

Morgantown should consider whether it wants to press the State of West Virginia (Governor's office, Woody Thrasher, state legislators, etc.) to include some of Morgantown's low-income neighborhoods in its designation. This would provide an incentive for high-wealth investors to park money in Morgantown for community development. The attached map show what areas of the City would qualify for this incentive.

City Manager explained to Council that the memorandum from Sustainable Strategies giving specific information about the new federal program. He recommended City Council to direct the City Manager to work with our consultant, Sustainable Strategies, to pursue this designation through the State of West Virginia.

After discussion, motion by Dulaney, second by Selin to work with the consultant of Sustainable Strategies to pursue the designation through the State of West Virginia. Motion carried 7-0.

3. Public Works Request to Purchase Three Pickup Trucks

Staff is recommending the City Council to forgo the competitive bidding process, per City Ordinance 129.05(e), and purchase a proposed street sweeper through the National Joint Powers Alliance (NJPA). This group represents thousands of competitively solicited equipment and the City has previously purchased equipment earlier this year. You will recall the City made a previous purchase, through this same purchasing organization, for a new street sweeper - December 5, 2017 regular City Council meeting. City Manager presented a memorandum which included the details and specifications of each of the three (3) GMC Sierra pickup trucks in the amount of \$91,006.43. City Council approved of the bid amount and a description of the piece of the equipment as recommended.

After discussion, motion by Wendell, second by Wallace to approve the purchase of the (3) GMC Sierra pickup trucks in the amount of \$91,006.43. Motion carried 7-0.

4. WV Bites and Brews for Festival Permit

City Manager noted that The Spark! Imagination and Science Center has made a request for a festival permit for the "WV Bites and Brews" event. This is a second annual event hosted by this group at the WV National Guard Readiness Center at 90 Army Way. This will offer attendees samples of "bites" from local food trucks and mobile vendors as well as tastes of several microbrews. Spark! Imagination and Science

Center inspires people of all ages to explore science and the arts. City Manager explained that Staff recommends City Council to authorize a festival permit to be sent to the ABCC to all the WV Bites and Brews to take place on April 28, 2018.

After discussion, motion by Fetty, second by Selin to approve the above stated festival permit. Motion carried 7-0.

Announcements:

1. MUB Taking over Bill for Republic

City Manager clarified that the bills will not be higher and that the three percent increase would be added as per compliance. After discussion, City Manager explained in a presentation Chief Ed Preston gave that he said there were 1000 citations given out for the enforcement of the Green Tags for trash in 2015. City Manager clarified that there were only 250 citations given out and wanted to make that known to the public.

2. Hazel Ruby McQuain Park

City Manager updated Council on the progress that the bid document went out to construction specialists to establish a team, a contractor, architect, landscaper and that the City will be evaluating their qualifications. He noted that the Request for Qualification is on the Cities Web, Dominion Post and other State Publications and one month from tonight in the City Managers Report there will be a recommendation of a team to hire.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Councilor Fetty mentioned concerns from constituents about the Oxford House

developing in the Second Ward. She asked what type of proposal is going to be on the ballot. She asked is it going to be about the Council length of terms and

change of election dates.

Councilor Wallace: Councilor Wallace thanked all the health care workers that are battling the flu in

our State. He reported attending the Granville Planning Commission Meeting last week and noted it benefits both leaderships to know each other. He noted his concern about animal cruelty and tethering of dogs and will be presenting an ordinance to Council on this issue. He expressed about the Elections financial transparency is important and would like to see Campaign Finance Reports one week before the election. He noted on Annexation that he would like to see Council move forward with property owners on minor boundary adjustments.

Councilor Selin Councilor Selin reported that she and the Mayor attended Mon County Day at

the Legislature. She noted that Preston County was there and meetings were scheduled for Tourism, Commerce, and Highways that they attended. She announced that the Evansdale Neighborhood Association will have their next meeting at Perceval Hall on 2-7-18 at 6:30 p.m. Councilor Selin suggested that

in reference to Annexation that City Administration come up with a

comprehensive plan to address this issue.

Councilor Dulaney:	Councilor Dulaney mentioned that there are 3 applicants interested in the openings on the Woodburn School Redevelopment Commission. He noted that out of the three applicants they are all in the 5 th ward, it would be nice to get applicants outside the ward. He reported on the upcoming Planning Commission meeting Thursday at 6:30 p.m. He noted topics that will be discussed, such as a recommendation report for future study area 2; new proposal for hostel hotels and a few minor subdivisions to be addressed.
Deputy Mayor Brazaitis:	Deputy Mayor Brazaitis urged the public to let us hear from you on issues of importance. He mentioned the bankruptcy of the Charleston Gazette is disheartening. He noted his appreciation to our local media stating that the City needs a strong, independent, economically viable, and involved press. He thanked all the applicants that interviewed for the Health and Wellness Commission. He appreciated Councilor Fetty supplying a healthy dinner this evening for Council. He mentioned that the City should celebrate the Hazel Ruby McQuain Foundation's \$4.1 million grant and its implementation. Ex. A.
Councilor Wendell:	Councilor Wendell noted that he is humbled by how privileged he is, and noted that during the Health & Wellness interviews Council heard about children that could not take Gym Class because of not having tennis shoes. He stated that when he was growing up, he always had nice clothes to wear to school. He mentioned that he had the flu a month ago, and Medicare paid for his medicine, and he had a spouse to take care of him. He said that it is sad that in such a wealthy country that there is so much poverty and lack of health care for everyone. He announced that he ran for Council in 2016 because the State Legislature inspired him to come forward and make some social changes. He mentioned that there will be a "Fairness Lobby Day" at the Legislature on 2/8/17 to highlight the growing need for fully inclusive LGBT nondiscrimination laws.
Mayor Kawecki:	Mayor Kawecki noted that there was a meeting about the Oxford House with the South Park Neighborhood Association and Chris Fletcher attended and answered questions. He stated that this house can go in this neighborhood by Federal Mandate and the residents have been very receptive. He stated that minutes from that meeting are available for the public to review. He noted that there are other homes in Morgantown such as this in Woodburn and one Spruce/Pleasant. He stated that on changing the terms on Council there are disagreements, but this issue will be debated at the Neighborhood Coordinating Council Meeting at 7pm on 2/12/18. He mentioned that the City Manager and Mayor visited Clarksburg Mission and met with Chris Mullet, Executive Director on homeless issues.
	ursuant to West Virginia Code section 6-9(A)4. (2)(B)(9) to discuss litigation. Motion by ond by Wallace, to go into executive session. Motion carried by acclamation. Present: and Council. Time 9:45 p.m.
ADJOURNMENT: There b	being no further business adjourn by unanimous consent at 10:23 p.m.
City Clerk	Mayor

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

Ex A

Mark Brazaitis, deputy mayor, councilor from Ward 6

1-23-2018

Correspondence

We received a letter from a former Morgantown Deputy Mayor, with concerns about the proposal discussed at the Committee of the Whole to create 4-year, staggered terms for council members.

I'll elaborate briefly on my concerns, which incorporate some of his – and would appreciate, as I'm sure we all would, the public's input.

2 years versus 4 years

The Peace Corps (two years) would like a longer commitment from its volunteers but understands the talent pool would decrease if this were the case. There would be fewer applicants and therefore a less diverse and qualified Peace Corps. In our case, would the pool of likely candidates narrow to entrenched interests and discourage qualified people?

Would 4 year terms make council less accountable to the people? What realistic recourse would voters have to reign in a renegade council? (Staggered terms don't necessarily help here: It takes 4 votes to move bad things forward – or stall good things from moving forward – or discourage our public employees.)

The US House of Representatives is a 2-year term, specifically to keep that body close to the people. Isn't that the intention with our two-year terms?

Why are we considering this change now and in this form? Is it a response to a specific, perhaps one-off or unique situation or is it in response to a systemic, long-standing problem?

Have we war-gamed for unintended consequences and what might those be? Or to quote Donald Rumsfeld, what are the known knowns, the known unknowns, and the unknown unknows?

I appreciate that we're looking elsewhere in WV to see what other municipalities are doing. But are we also appreciating Morgantown's distinct character – with WVU here, in particular – as a somewhat transitory community?

Finally: if we're going to make a charter change, which is a big deal, are we looking at a range of ideas?

A not-necessarily-ready-for-prime-time idea: What if we had 8 council members elected to 2 year terms on the third Tuesday in April and a mayor elected to a 4-year term in the November

general election? The mayor wouldn't replace the city manager, but this would acknowledge the more public and ceremonial role — and other responsibilities — the mayor takes up. He or she would have the same responsibilities — and the same vote — as under our current system. Perhaps the mayor could receive a greater salary. And perhaps the councilors' salary could be provided based on a sliding scale — which might encourage people from all different economic situations from running for these positions.

I am not expressing, at this point, a personal opinion. I want to ask questions raised by the letter and others.

Boards and Commissions:

The Met Theater Commission will meet Thursday at 6 in the Morgantown Museum.

Council Report:

Let us hear from you, the public, on issues of importance.

News of the bankruptcy, and filing of chapter 11, of the *Charleston Gazette* is disheartening.

This is a shout out to our media – DP, DA, WAJR, NPR, etc. -- we need a strong, independent, and involved press in Morgantown – and I hope our media remains economically viable. At the DP, Randy Vealey and his staff have been writing editorials on important local issues – including annexation. I don't always agree with those editorials, but I appreciate the public dialogue.

Thank you to the applicants to the Health and Wellness Commission.

Thank to you Councilor Fetty for the healthy dinner.

We should celebrate a victory for Morgantown – the Hazel Ruby McQuain Foundation's \$4.1 million grant and its implementation. We're looking forward to seeing progress!

4-A THE DOMINION POST SATURDAY, FEB. 3, 2018

OPINION PAGE EDITOR . RANDY VEALEY . 304-291-9470 . Email: opinion@dominionoest.com

GUEST EDITORIAL

Conversion therapy is child abuse

Wash, bill doesn't restrict clergy, volunteers or even parents from attempting practice

Or even parents from attempting practice.

Conversion therapy for gay leshian, bisexual, transgender and questioning youth is child abuse, plain and simple. The Washington Leshiature should have banned this horrible practice lone ago.

If action in the Senate is any undication, 2018 will be the year-for a sensible approach to clanging state law to stop conversation therapy.

The proposal would make it supprofessional conduct for a licensed healthcare provider to perform conversion therapy on a patient younger than 18. The bill would not restrict clergy members and volunter counselors or even parents from attempting the peartice, but child-abuse laws could come into play in those circumstances.

Some speakers at a public hearing last week expressed concern this bill would restrict the appris from even talking with children about their sexuality, but that is an exaggeration of the proposal and its intent acceptance of the proposal state through a state of the providers to add conversion therapy to a list of upprofessional conduct that already includes fraud as well as misuse of drugs or alcohol. The law allows any from his control or includions includes from the association or suspension, nandstory crunellal education and flines.

According to numerous scientific stricks; conversion therapy does not work in any way from any from home. This practice must be bounded in ways from home. This practice is more than uppotessional. It is our engous. This practice must be bounded in ways from home. The therapy is more than uppotessional. It is our engous. This practice must be bounded in ways from home. This practice must be bounded in ways from home. The therapy is more than the proposal.

W.Va. House: Clergy can refuse marriages

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LETTERS TO THE EDITOR

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Rampant hypocrisy

why Trump was elected Whit it Leonard Pitts were smart? Lunderst and that his purpose is to show support for left wing ideals. He does this



LETTERS TO EDITOR

MAIL LETTERS to the entire 10 The DOT 1100 Post, 1251 Ewit, Core Road, Morgantown, WV 25500. for confirmation pulposes. Letters who lideot exceed 300 words.

resent the Idea that If you don't live on the coasts or in a major city, you are clueless, sexist, racist, homo-

well. Not only does he repeat severy left wing talking point, he offer chooses to apply negative embelsialsment and exags service to them.

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Let's mind our own business, while she minds hers

MELANIA TRUMP APPEARS TO SE A
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to be heard. And like men, they have a right to not be heard if they don't want to be — to be private, to keep their thoughts of temperatures. There's a brand of backlash femiliam that demands. Meladic Prump state her position on hery husband's policies that she publicly discuss her lineband's alleged personal few and the supportant business. However, he is her private husband few areas few results expect a first fady who publicly explains the same of existing women the same of the personal pe

BY BRUCE TINSLEY

MALLARD FILLMORE



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BY WILEY