

REGULAR MEETING March 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, March 6, 2018 at 7:16 p.m.

PRESENT: 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 was absent.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: February 20, 2018 Special Meeting and February 27th, 2018 Committee of the Whole minutes were approved as printed by acclamation. February 20, 2018 Regular Meeting minutes were approved as amended by acclamation.

CORRESPONDENCE: Deputy Mayor Brazaitis noted an e-mail from Adam Rosefsky on incentives for businesses downtown stating that he is flabbergasted that this Council would pass a bill for the wealthy developers that would lower their tax burden. **Ex. A.** He received a concern about MUB allowing wastewater into Decker's Creek and referred this issue to the City Manager to address. Councilor Fetty presented information to the City Manager from the Housing Advisory Commission requesting funding for their upcoming Housing Fair. Councilor Dulaney received an e-mail from a constituent expressing her support of moving City Elections to November based on cost savings and increase voter turnout. Deputy Mayor Brazaitis mentioned an e-mail from Mr. Atkins stating he is not in favor of the 4-year terms, and additional correspondence on speeding. He noted that considering the tragedies that have occurred in Morgantown that speeding issues need to be addressed. Councilor Selin stated she received correspondence that the City can consider next year called "Black Balloon Day" in honor of those who have lost their lives to addiction.

PUBLIC HEARINGS: AN ORDINANCE AMENDING SECTION 1373.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO NONCONFORMING SIGNS.

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

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

AN ORDINANCE AMENDING SECTION 1373.07 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE AS IT RELATES TO NONCONFORMING SIGNS.

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

BOARDS AND COMMISSIONS: No appointments. After discussion by unanimous consent there will be a Special Meeting on March 20, 2018 for Board of Zoning Appeals and Woodburn School Redevelopment interviews.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Sarah Barnes, 25 Cox Place, suggested that Council give the City Charter Election issue discussion a longer period. She noted that Vote by Mail in 2011 might be something Council could consider.

There being no one else wishing to speak, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: None

NEW BUSINESS:

AN ORDINANCE AMENDING SECTION 1329.02 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO HOTEL AND LODGING OR ROOMING HOUSE FIRES:

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1329.02 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO HOTEL AND LODGING OR ROOMING HOUSE FIRES.

City Manager deferred to Chris Fletcher, City Planner, to explain and answer any questions. Motion by Dulaney, second by Wallace, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING SECTION 1329.02 AND THE TABLE 1331.05.01 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO TATTOO PARLOR/BODY PIERCING STUDIO USES.

The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 1329.02 AND THE TABLE 1331.05.01 OF THE CITY OF MORGANTOWN PLANNING AND ZONING CODE RELATING TO TATTOO PARLOR/BODY PIERCING STUDIO USES.

City Manager deferred to Chris Fletcher, City Planner, to explain and answer any questions. Motion by Wallace, second by Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE.

The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING A PLAN REVIEW AND PERMITTING FEE SCHEDULE.

City Manager explained, then deferred City Attorney to explain the Amended Fee Schedule. Motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ESTABLISHING A GENERAL BUSINESS LICENSE IN THE CITY OF MORGANTOWN AND AMENDING RELATED PROVISIONS OF PART SEVEN OF THE CITY CODE REGULATING BUSINESS AND TAXATION.

The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING A GENERAL BUSINESS LICENSE IN THE CITY OF MORGANTOWN AND AMENDING RELATED PROVISIONS OF PART SEVEN OF THE CITY CODE REGULATING BUSINESS AND TAXATION.

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

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2018-2019:

The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2018-2019.

City Manager explained, after discussion, motion by Wallace, second by Fetty, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER'S REPORT:

New Business:

1. Award Construction Manager at Risk (CMR) for Hazel Ruby McQuain Riverfront Park

The City sought proposals for a Construction Manager at Risk (CMR) for upgrades to the existing Hazel Ruby McQuain Amphitheater, Riverfront Park and revitalization of the Walnut Street Landing. This is the first phase of the construction project following the \$4.1 million grant award announcement from the Hazel Ruby McQuain Charitable Trust. The CMR will provide consultant management services for the construction of upgrades and new construction at the waterfront park and facility. Once the selection of the CMR is completed, services will be coordinated with hiring of the engineering and architectural firm.

The outreach of bids was done through an advertisement in the *Dominion Post*, the City's website, Contractors Association of WV and the Construction Employers Association of West Virginia. The City received two (2) bids by the bid opening date of February 23rd. The firms bidding included March-Westin (Morgantown) and Waller Corporation (Washington, PA). The bidding document required the construction company to submit pricing in a separately sealed envelope. The CMR fee amounts are \$209,700 and \$225,225 (Guaranteed Maximum Price) respectively. City Engineer Damien Davis and I conducted interviews with both firms on Thursday, March 1, 2018. Staff recommends the selection of March-Westin for the Guaranteed Maximum Amount of \$209,700 as submitted in their February 23, 2018 proposal. City Council approval of the proposal is recommended at Tuesday's meeting.

City Manager explained, after discussion, motion by Wallace, second by Wendell to approve the selection to March – Westin, Construction Manager at Risk (CMR) for upgrades to the existing Hazel Ruby McQuain Amphitheater, Riverfront Park and revitalization of the Walnut Street Landing. Motion carried 7-0.

2. Follow Up Discussion to Amending the City Charter provisions for Terms of City Council Members

At this week's Committee of the Whole meeting, City Council continued discussion of an ordinance to amend the City Charter to a future date for two reasons. As mentioned before, a follow up ordinance is not prepared just yet. Based on the direction of City Council, we will compile an ordinance to place the question on the ballot for the electorate in November 2018. We will need to notify the County no later than July of the City's intent to place a ballot issue on the November ballot. The first reading will take place on Tuesday, March 20 and the second reading (and public hearing) will be placed on the October 2, 2018 regular City Council meeting agenda. The adoption of the ordinance to place the question on the November ballot cannot occur more than sixty (60) days prior to the November election date.

To facilitate the discussion, the City Manager compiled four stand-alone meeting motions to determine the best configuration to be presented to the voters. They are:

Option 1 - Keep City Election Dates, Staggered Terms

MOVE TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO PREPARE AN ORDINANCE FOR THE NOVEMBER 2018 GENERAL ELECTION TO AMEND THE CITY CHARTER PROVIDING FOR STAGGERED FOUR-YEAR TERMS OF CITY COUNCIL MEMBERS BECOMING EFFECTIVE THE NEXT CITY ELECTION IN APRIL 2019.

Option 2 - Keep City Election Dates, Concurrent Terms

MOVE TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO PREPARE AN ORDINANCE FOR THE NOVEMBER 2018 GENERAL ELECTION TO AMEND THE CITY CHARTER PROVIDING FOR CONCURRENT FOUR-YEAR TERMS OF CITY COUNCIL MEMBERS BECOMING EFFECTIVE THE NEXT CITY ELECTION IN APRIL 2019.

After discussion motion by Selin, second by Fetty to select option 2. Motion carried 4-3. Dulaney, Deputy Mayor Brazaitis and Wendell Voted No.

Option 3 - Move Election Date to be included with County Elections Staggered Terms

MOVE TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO PREPARE AN ORDINANCE FOR THE NOVEMBER 2018 GENERAL ELECTION TO AMEND THE CITY CHARTER TO 1) CHANGE ALL FUTURE CITY COUNCIL ELECTION DATES TO NOVEMBER ALONG WITH COUNTY ELECTIONS AND 2) PROVIDING FOR STAGGERED FOUR-YEAR TERMS OF CITY COUNCIL MEMBERS.

Option 4 - Move Election Date to be included with County Elections, Concurrent Terms

MOVE TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO PREPARE AN ORDINANCE FOR THE NOVEMBER 2018 GENERAL ELECTION TO AMEND THE CITY CHARTER TO 1) CHANGE ALL FUTURE CITY COUNCIL ELECTION DATES IN NOVEMBER ALONG WITH COUNTY ELECTIONS AND 2) PROVIDING FOR

3. Letter of Support - Mountaineer Trail Network Recreation Center

A bill before the West Virginia Legislature is now being considered to establish well-managed facilities for trail-oriented recreation for bicycling enthusiasts, mountain bicyclists and others. A similar trail system was established in the southern portion of the state (known as the Hatfield-McCoy Trail System) and best practices found that trail oriented recreation facilities could exist on private property without diminishing the landowner's interest, control or profitability in the land and without increasing the landowner's exposure to liability.

This proposed legislation creates and empowers a joint development entity to work with landowners, county officials and community leaders, state and federal government agencies, recreation user groups and other interested parties to assist in the facilitation.

Identified in the draft legislation as the Mountaineer Trail Network and this has been endorsed by the Monongalia County Commission and the Morgantown Area Chamber of Commerce. Jason Donahue, a local real estate developer, has been the champion of this issue. Mr. Donahue asked for your consideration of a letter of support to be sent to the WV Legislature while this bill is reviewed during

the current session.

After discussion, motion by Dulaney, second by Selin, to continue with the letter of support to be sent to the WV Legislature. Motion carried 7-0.

4. Channel 15

City Manager announced that by April Channel 15 will be have improvements with new equipment and should sound better and look better.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

- Councilor Fetty: Councilor Fetty stated that she was glad that the kids are going back to school and is proud of the Teachers and parents of this City. She noted acknowledgement for the Pantry Plus More and Shack for helping to feed students while the Teachers were striking. She thanked Commissioner Tom Bloom for development of the program and part of this effort.
- Councilor Wallace: Councilor Wallace left meeting to travel to Washington D.C. at 9:00 p.m.
- Councilor Selin: Councilor Selin stated that she appreciates everyone's difference of opinions on the issues of terms and noted this is what democracy is discussing items and moving on. She stated that the City Budget document is the best she has ever seen, and commended the City Manager and his Staff. She announced that the next Evansdale Neighborhood Meeting will be 3-7-18 at 6:30 p.m. at Percival Hall.
- Councilor Dulaney: Councilor Dulaney thanked all the Teachers in the State of WV for standing strong during the strike. He complimented the City Manager on a well-presented City Budget. He thanked Charlene Marshall for her presentation at Morgantown History Museum about her experience of growing up as an African American in Osage, Scotts Run, Morgantown WV.
- Deputy Mayor Brazaitis: Deputy Mayor Brazaitis mentioned the letter from Adam Rosefsky about annexation that Suncrest Town Center, Pierpont Center and Mileground business are registered with the IRS. Adam Rosefsky explained that the City could get their address and tax them for having a Morgantown address which would force them to annex into the City. Deputy Mayor Brazaitis mentioned that he talked to an MHS teacher about carrying guns in schools, the teacher told him he would be done. He mentioned a quote from Hanna Arendt- "Guns pose a monumental challenge to freedom, and, the liberty that is the hallmark of any democracy worthy of the name---that is, freedom of speech. Guns do communicate, after all, but in a way, that is contrary to free speech aspirations: for, guns chasten speech." He announced to Council to look for an invitation from Commissioner Tom Bloom to wait tables on behalf of Pantry Plus. He thanked the City Attorney for his research that he requested. He mentioned that

some U.S. cities are trying safe injection sites for the opioid epidemic. He stated that this isn't something Morgantown should consider, but the City could think expansively and creatively about the problem. He congratulated the Teachers and State Employees whose courage and outspokenness illuminated serious problems in our state and country with income inequality and denigration of science and education – and showed a path forward. **Ex. B.**

Councilor Wendell: Councilor Wendell's report has requested that **Ex. C.** attached be presented as his report.

Mayor Kawecki: Mayor Kawecki mentioned that the Sixth Annual Historic Roundtable Discussion at the Aull Center from 6 p.m. to 9 p.m. on 3-7-18. He made the following announcements: Foreigner at CAC on 3-7-18; Farmers Market at Wesley Methodist Church on 3-10-18; Mohigan Idol 2018 at Met Theater on 3-10-18; Glengarry Glen Ross by David Mamet at M.T. Pockets Theatre on 3-16-18; Kids Gardening Workshop at Botanic Garden on 3-17-18 and Superfoods on 3-18-18 at Botanic Garden

ADJOURNMENT: There being no further business adjourn by unanimous consent at 9:20 p.m.

City Clerk

Mayor

A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD AT THE CITY CLERKS OFFICE

Linda Tucker

From: Mark Brazaitis
Sent: Thursday, March 08, 2018 11:51 AM
To: Linda Tucker
Subject: Letter I referenced...

See below, Linda. Thank you!

Mark Brazaitis
Deputy Mayor
Council member, Sixth Ward
City of Morgantown

E-Mail: mbrazaitis@morgantownwv.gov

From: adam.rosefsky@gmail.com <adam.rosefsky@gmail.com>
Sent: Wednesday, February 21, 2018 11:34 AM
To: Ronald Dulaney; Jenny Selin (C.C. Ward 4); Ryan Wallace; William Kawecki (C.C. Ward 2); Rachel Fetty; Barry Wendell; Mark Brazaitis
Subject: Tax Cuts for wealthy developers

Mr. Mayor, Mr. Deputy Mayor, Ladies and Gentlemen of the City Council,

I am deeply saddened by rushed vote to significantly lower the tax burden of large and wealthy real-estate developers and large corporations.

The bill that you passed was incomplete, flawed and rushed. As Councilor Dulaney mentioned in his speech against passage of the bill at this time (Thank you Councilor Dulaney for your thoughtful vote), there are too many unknowns and too many questions to responsibly pass this ordinance.

The majority of councilors spoke about how they were against giving money to wealthy developers, and yet voted in favor of doing just that. This reeks of hypocrisy.

Another citizen speaker, Mr. Juliani (sp), indicated that there was a real estate venture in process that will benefit from this tax gift, although the City Manager indicated that there were no such considerations in place. The speed at which this tax break for the wealthy was passed makes me wonder if there is some sort of collusion, or foreknowledge by some or all members and staff of an impending deal that required rushed passage of this flawed bill.

How difficult would it have been to delay the vote to complete the section on business expansions or look for other possible avenues of development. Would another 30 days of hard work by the Council to complete a good bill be so terrible?

This current council is the most progressive the city has had in a long time, possibly ever. In the few months since this council took office, they have done a number of good works. This vote, and the refusal to address the abominable \$3.00 weekly user fee have left me deeply concerned with the direction of the Council.

This council seems to have become yet another crony capitalist organization. This council robs from the weakest members of society and gives that money to wealthy corporate and private interests. I would have expected this from the previous council, but I am flabbergasted that the current council is following the typical GOP model of rob the poor and give it to the rich.

Adam Rosefsky
304-581-8613 (o)
304-942-4856 (c)

Council Report:

I spoke to a teacher at MHS who said, "As soon as teachers are allowed to carry guns in schools, I'm done." He'll quit the profession.

[G]uns pose a monumental challenge to freedom, and in particular, the liberty that is the hallmark of any democracy worthy of the name — that is, freedom of speech. Guns do communicate, after all, but in a way that is contrary to free speech aspirations: for, guns chasten speech." — Hannah Arendt

Look for an invitation from Commissioner Tom Bloom to wait tables on behalf of Pantry Plus.

Thank you to our city attorney.

The opioid epidemic requires creative solutions. Some U.S. cities are trying (apparently with success) safe injection sites. This isn't something Morgantown should necessarily consider, but we do need to think expansively and creatively about this problem.

Congratulations to teachers and other state employees whose courage and outspokenness illuminated serious problems in our state and country with income inequality and denigration of science and education – and showed a path forward.

Cx. C.

" I want to add to the other counselors' relief that teachers are going back to work, and that all state employees, including teachers, will receive a five percent raise. I don't believe the leaders of West Virginia's House and Senate are really interested in public education, judging from their reluctance to listen to teachers, their attempts to undermine teacher seniority and union leadership, and their championing of home schooling with no oversight, and charter schools, which would be impractical in our state. I worked as a substitute in six school districts, mostly more than eighteen years in Los Angeles. As a substitute in that district, I had health insurance (which they still pay, although I have Medicare now) and I was vested in the pension plan. I come from a line of teachers. My sister taught for thirty years in Prince George's County, Maryland, my mother was a teacher and guidance counselor in Baltimore County, and her father taught high school in New York City. I believe strongly in public education.

"Students, teachers and staff deserve to be safe in their schools. Arming teachers is not a solution. Banning assault weapons is our best bet at making schools safer. I am saddened that I am probably the top elected official in West Virginia to say this publicly, one of seven counselors in a city that is not in the thousand largest in the country.

"I became emotionally involved with the Oscar race this year.. I lived in Los Angeles for more than twenty-five years, and The Academy Awards show is bigger than the Super Bowl there. I saw all nine of the "Best Picture" nominees and most of the movies where an actor was nominated. I know American-born European-Americans often feel left out today, but they were still most of the nominees. Still ,Greta Gerwig was the rare woman director, nominated for " Lady Bird." "Best Director" and "Best Picture" went to Guillermo del Toro, from Mexico, for "The Shape of Water." Best Original Screenplay was won by Jordan Peele, an African-American, and James Ivory, an openly gay 89-year old man won "Best Adapted Screenplay" for "Call Me By Your Name." The pictures were all wonderful, and a call out to the people who put down women, African-Americans, foreigners, especially Mexicans, and gay men. We all know who they are."