

REGULAR MEETING March 19, 2019: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, March 19, 2019, at 7:10 pm.

PRESENT: City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Deputy Mayor Jenny Selin, Ron Dulaney, Mark Brazaitis, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: February 19, 2019, Regular Meeting minutes and March 5, 2019, Regular Meeting minutes were approved as corrected by consensus. March 5, 2019, Special Meeting minutes were approved as printed, by consensus.

CORRESPONDENCE: Mayor Kawecki presented a Proclamation for the American Red Cross Month. Barbara Watkins presented on Mainstreet Morgantown regarding the façade improvement program.

PUBLIC HEARING: AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2019-2020

Mayor Kawecki declared the Public Hearing open.

Danielle Trumble, 1141 Charles Avenue, shared that she appreciates the ability to serve on the BOPARC Board. She shared that they are serving more people than ever before and recently there has been a push for acquiring more green space and recreation area. As Morgantown continues to move forward in these areas, they look toward the park system to provide needed improvements within the city. She is in support of the city-wide sales tax and asks that you remember BOPARC.

Guy Panrell, 757 South Hills Drive, shared that the amount of BOPARC employees have not increased in many years. Respectfully requests that council not put any money on any areas other than where it is needed.

JoNell Strough, 608 Hess Street, believes that BOPARC should be receiving a large portion of the revenue from the sales tax and agrees with Danielle Trumble.

Christine Wallace, 339 Virginia Avenue, shared that the City of Morgantown functions well, but is concerned in the change to outsourcing and privatization, more specifically of the legal department of the city. She shared that the privatization of that department brought surprise to her coming from this council. As well, she is concerned for the lack of transparency of this issue. She asked why Finance is not being outsourced, or the Communications depart, or Engineering. She encouraged council to think through privatization of the public sector.

Alissa Ponzurick, 813½ Monongalia Avenue, agreed with the assessment of BOPARC as it is one of the greatest assets of the city. She agreed with comments of Christine Wallace regarding the outsourcing of the legal department. She shared that perhaps there should be a change in the way we change staffing.

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

PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2018-2019 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

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR FY 2019-2020: The below entitled Ordinance was presented for second reading.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2019-2020

City Manager explained, motion by Wallace, second by Brazaitis, to amend the Annual Budget for the FY 2019-2020 to reflect the continuation of internal legal counsel rather than outsourced legal counsel. Motion failed 3-4. Rachel Fetty, Deputy Mayor Jenny Selin, Barry Wendell and Mayor Bill Kawecki voting No. After discussion, motion by Deputy Mayor Selin, second by Dulaney, to approve the above entitled Ordinance. Motion carried 6-1, Wallace voting No.

AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE FY 2018-2019 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

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

BOARDS & COMMISSIONS:

Motion by Deputy Mayor Selin, second by Wendell, to reappoint by consensus, Patrick Hathaway to the Fire Code Board of Appeals.

Motion by Dulaney, second by Brazaitis, to appoint by consensus, Jonathon McGee as an alternate member to the Fire Code Board of Appeals.

Motion by Wendell, second by Fetty, to reappoint by consensus, Chip Wamsley to the Traffic Commission.

Motion by Fetty, second by Wendell, to reappoint by consensus, Francis Brownfield to the Traffic Commission.

Motion by Brazaitis, second by Fetty, to reappoint by consensus, Brian Walker to the Housing Advisory Commission

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Guy Panrell, 757 South Hills Drive, shared that there is a lack of attention to city parks and recreational play grounds and that they need some attention. He shared that BOPARC’s workload has increased over the past several years and the manpower has not been able to keep up with the work that is needed. He shared his concern regarding the crossover that existing re the administrative leadership which has been assumed by the Mayor. He expressed his concerns regarding a meeting which occurred between the Mayor, the City manager, City Engineer and the Chair of the Wards and Boundaries. He believes the Charter is being overlooked regarding the duties of the Mayor. He stated that immediate attention should be given to the unfunded liability for the retired city employees in support by the entire council. He is glad that someone is finally paying attention. The city’s budget should reflect what is best for the residents.

Jonathan Lazzell, 12½ Kingwood Street, spoke regarding litter issues and trail issues. He shared that he walks often on the rail trail along Decker’s Creek and Caperton trail and has noticed a significant amount of litter and is concerned of the lack of litter enforcement. He shared that the litter is hazardous to health and recommends cameras as a solution.

JoNell Strough, 608 Hess Street, shared an article regarding the preservation of a wooded park in Pittsburgh.to preserve 660 acres. If Pittsburg can do this why can’t we preserve 40+? She urged Council to secure Haymaker Forest.

Brianna Jackson, 12½ Kingwood Street, spoke regarding the trash behind Pennsylvania Avenue sharing that it is basically a dump and it runs into Deckers Creek. She stated that trash and litter enforcement is not there and that there is trash all the way down Brockway Avenue.

There being no further speakers, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS:

CONSENT AGENDA: None

NEW BUSINESS:

A RESOLUTION APPROVING THE FY 2019-2020 BUDGET FOR THE MORGANTOWN CAPITAL ESCROW FUND, MORGANTOWN MUNICIPAL AIRPORT AND THE METROPOLITAIN THEATRE FUND: The above entitled Resolution was presented for first reading.

City Manager explained, motion by Wallace, second by Brazaitis, to approve the above entitled Resolution. After discussion, motion carried 7-0.

A RESOLUTION APPROVING THE 2019-2024 CAPITAL IMPROVEMENT PLAN: The above entitled Resolution was presented for first reading.

City Manager explained, motion by Dulaney, second by Selin, to approve the above entitled Resolution. Motion carried 7-0.

AN ORDINANCE AMENDING ARTICLE 1743 “FLOODPLAIN ORDINANCE”: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 1743 “FLOODPLAIN ORDINANCE”

City Manager explained, Council suspended the rules to allow City Engineer Damien Davis to speak and answer any questions. After discussion, motion by Selin, second by Brazaitis, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER’S REPORT:

New Business:

1. Main Street Morgantown - State of WV Birthday Festival Permit

Main Street Morgantown has made a request for a festival permit for the "State of West Virginia Birthday." This is a first-time ever event hosted by this group in Downtown Morgantown. The event is slated to be held on Saturday, June 22, 2019, from noon to 6:00 p.m. and they are requesting to offer a limited supply and selection of West Virginia craft beer to be vended and sold in strict accordance with ABCC regulations. Staff recommends City Council authorize a festival permit to be sent to the ABCC regarding the details described above.

City Manager explained, after discussion motion by Dulaney, second by Selin, to approve the request for a festival permit for the "State of West Virginia Birthday". Motion carried 7-0.

1. July 2019 City Council Meeting Calendar

A request has been made to change the two meeting dates in July 2 and 16 (current) to July 9 and 23 (proposed). This is to accommodate City Council members who might be away during the first week of the month. Since July 2019 has five Tuesdays, this change can be accommodated. Keep in mind, by changing the first meeting of the month also impacts the second meeting (of the month) for possible ordinance publication requirements. In order to alter the City Council Calendar, a motion is needed to make the change.

City Manager explained, after discussion, no action was taken.

REPORT FROM CITY CLERK:

City Clerk spoke about adjustments to the Boards and Commissions webpages. She shared that the Police Department is still accepting applications for Police Officers. The deadline has been extended to April 1, 2019. Applications can be found on the Police Department website. City Clerk Christine Wade spoke about the upcoming city election on April 30, 2019. For more information visit the city website.

Consideration of approval of setting pay for Poll Workers and Ballot Commissioners for the 2019 Morgantown Municipal Election. Currently, poll workers receive \$115 for working election day and an additional \$35 for training. City Clerk requested an increase to \$150 dollars for working election day and an additional \$50 for training. Currently, Ballot Commissioners receive \$100 dollars for their services. Wade requested that their pay be increased to \$125. This change will cost the city \$2,000.

Motion by Selin, second by Fetty, to approve the request for setting pay for Poll Workers and Ballot Commissioners for the 2019 election. Motion carried 7-0.

REPORT FROM CITY ATTORNEY:

City Attorney Ryan Simonton spoke of the Home Rule pilot program sharing that it has completed Legislation but is waiting for the signature of the Governor. He shared that it would allow Home Rule cities to plan better. City Attorney shared that there are some additional restrictions and some provisions for staffing the board, but essentially it is continued in its current form and open to more communities. He stated that he was informed by Delegate Fleischauer that there was Legislation passed to allow the state Alcohol Beverage Control Administration to work with local law enforcement to plan with them and to assist and enforce the liquor laws in private clubs, a matter that has been important for many here on Council, himself, Delegate Fleischauer, and the Police Chief. He shared that he is looking forward to assisting with implementing.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: March 25, 2019, is the First ward neighborhood Association meeting at the Monongalia County Technical Education Center at 6:30 p.m. She hopes to be seeing the rest of the candidates for city council. She shared that Mr. Bane, Ms. Parsons, and Mr. Harshbarger and she were there at the last meeting. She had the opportunity to find a meeting that she has been looking for a long time and it is the Monongalia County Opioid Group. Awareness week is the first week of May and they are looking for projects to set up to increase awareness regarding opioids to address this issue. She looks forward to continuing to work with them. The three C's family group for family members and friends of addicts meet at Cheat Lake Community Church located at 537 Tyrone Road at 6:30 pm on Tuesdays. This is helpful to have assistance via a support group. There is an inpatient day program which is worth looking into and they can be contacted at 304-598-6429 option 5 for support. The upcoming meet your neighbor meeting at Spruce Street Methodist Church from 6:00 pm -8:30 pm on Thursday evening. There will be a community dinner for the Designing Across Divides. Information can be found online. Many folks who are involved are in many programs that encourage communication through racial, age and community divides. One of the individuals who will be appearing is Usra Ghazi from American Indivisible. That group addresses issues related to the integration of our Muslim community members more fully into the community. She encouraged folks to participate as much as possible.

Councilor Wallace: Thanked Council Fetty regarding the Designing Across Divides event coming up. He shared that he experienced the dissemination of a KKK packet in the neighborhood. And he is thankful to the MPD for looking into it. He shared that he does condemn it as hate and is happy to know it was labeled as such. As well he stated that he is glad to know that there are a lot of people who do not support that. He shared that the dissemination is unfortunate but appreciates the support of the community. He asked the City Manager if council is doing anything regarding the election signatures?

The City Manager advised that the West Virginia Secretary of State's office is handling. Wallace advised that he met with the WV Auditor regarding the open checkbook platform. He noted that Morgantown is the only city who has not accepted the Auditor's assistance with this. He asked if the city would be doing anything with this platform. The City Manager advised that this matter would come later, and that more information would be coming in early April. The Wiles Hill Neighborhood Association will be having a meeting on Wednesday, March 20, 2019, and all are welcome to attend. He shared that one of the most recent items of discussion is future study area 5. He shared that an idea has come to the surface by one of the neighbors that we request the Campus Neighborhood Revitalization Corporation (CNRC) to come along side that study to share their expertise.

Deputy Mayor Selin: Shared in a follow up on Danielle Trumble's comments regarding BOPARC. Some of the items she has been aware of and following. She shared that the Marilla slides have been improved, the diving board is being replaced as well at BOPARC's expense. A stainless-steel liner in the pool will be repaired, as well as a new overflow basin, and brick repair. At Krepps Park the water play area had to be removed and could not be used last year. This year a pirate ship will be added, some replacement of pipes, and much drainage work. She stated that these have been funded by the city as well as BOPARC. She appreciates the assistance from Public Works. Work will be done at the ice rink this summer as well for example plumbing and future renovation. For those who are concerned about BOPARC, BOPARC staff and BOPARC board and the city of Morgantown are working together. The MMPO is working on Morgantown Regional Bike and Pedestrian Transportation Plan which is a one-year planning exercise that will have an analysis of what we have and an analysis of what we might want in our area. They are asking for lots of public participation. They are still gathering information from citizens who are interested. Information can be found at <bikewalkmorgantown.com>.

Councilor Dulaney: shared that there is still a light out on the pole on Walnut Street and noted that it is fairly dark at that location. He thanked Barbara Watkins for her presentation today regarding the façade improvement program. He stated that these investments over time will have a positive impact on our downtown area. He stated that he is very happy that Council is continuing to fund this program. Regarding the trails in Whitmoore Park are in need of some care and it seems that they are starting to see that care. He noted that there are trees which have fallen and fences which are broken. He has been made aware that two cleanups have been scheduled so if anyone is interested in the quality of the trails to please volunteer. Councilor Dulaney stated that he has noticed trash cans which have been left on the curb and that it is disturbing to see folks' step into the road to avoid the trash cans. He is aware that this is a safety issue and he hopes that Council can assist in fixing this problem. He was invited by Mayor Kawecki and the Planning Director to participate in a round table for the Greenmont Neighborhood and is thankful for the invite. He shared that the discussion was good and represented many viewpoints and very respectful which will open up many channels for conversations. The Morgantown Museum Commission meets this Thursday, March 21, 2019, at 6:30 p.m. at the museum. Morgantown History Museum is hosting an event on March 30, 2019, from 2 p.m. to 4 p.m. where they will host the Monongalia County Daughters of the Revolution honoring Mrs. Anna King Hess. She is coming to share her experiences during the war. The museum is located at 175 Kirk Street. Jerome Park Neighborhood Association meets on Monday, April 1, 2019, at 7 p.m. at Sabraton United Methodist Church. Danielle Trumble is working on getting the Woodburn Association of Neighbors started up again. She is working on setting up a meeting for Wednesday, April 3, 2019. This is a tentative date.

Councilor Brazaitis: shared that there are many good movies on the big screen at the Morgantown Met Theater and they can be found at <morgantownmet.com>. He shared that he hopes that we can save the Haymaker Forest in its entirety, either by getting a new appraisal or working through the land reuse and preservation agency to secure public funding or private grants or by delegating a percentage of a possible sales tax to public purchase of land or being pleasantly surprised or shocked by the land owner significantly lowering the price. He hopes we can craft a creative solution to saving this incredible community resource.

Councilor Wendell: Provided the following.

I have heard from many people in Seventh Ward about the fact that Republic has missed several of the last few weeks of picking up recycling in the neighborhood. I spoke to City Manager Brake last Friday about this problem and I hope some action has been taken.

Last Tuesday afternoon, I met with the Blue Zone people, who had a new report on the challenges of implementing that program at WVU and in Greater Morgantown, including areas outside both the city and the university. It's a daunting task to improve the lives of so many people, to reduce the incidence of smoking and alcohol abuse, to get people moving and eating better, to foster a stronger sense of community. I think it is worth giving it a try. Their timeline is five to ten years, and I'm coming to understand that it may mean I won't see the results.

Tuesday evening, our Council had a long and spirited discussion about the budget at a special meeting, which has continued tonight. I know I am impatient when things take a long time, but we needed to find a way to come to an agreement to keep the city running, and to set an example of how people can interact with respect for each other.

Tomorrow night is the Jewish feast of Purim, where we read the Book of Esther and throw a party. We celebrate the victory of the Jews of ancient Persia over Haman, an advisor to the king, who thought to annihilate us. For me, it's a sad day, because my mother died on this holiday sixteen years ago. We celebrated at Morgantown's Tree of Life last Saturday, with a parody of "Man of La Mancha" written by Rabbi Joe Hample.

The descendants of Haman still exist, only last week they came for our Muslim brethren in Christchurch, New Zealand. I would normally be at Chabad on Willey St the evening of Purim, to say a memorial prayer for my mother, but tomorrow, I will be at Woodburn Circle on WVU's campus at 7:30 for a vigil in memory of those killed in New Zealand. I hope other Councilors will join me; if not, I would like to be able to say I represent Council at the vigil.

Sunday, Joe and I attended a "Green Day" walk sponsored by West Virginia's Parks Department, at Tygart Lake State Park, near Grafton. It was a beautiful hike in cool, sunny weather with a large crowd, including children. We got a patch for participating in Green Day!

The Dominion-Post published an op-ed column from Cal Thomas last week about why Jews are fleeing from the Democratic Party. They're not. I wrote a response, which the paper published this past Sunday. My op-ed is available now for a short time at dominionpost.com.

There is a downtown cleanup sponsored by students at University High and others this Saturday, 3 to 5 P.M., meeting at Panera downtown.

There will be an LGBT Pride picnic Saturday, April 13 from 2-6 on Arch St., off Kingwood St.

I will miss the first Council meeting in April to be in Cincinnati for the Central Conference of American Rabbis conference.

Mayor Kawecki: shared that the trash can issue is a problem that we are seeing throughout the city and he urges that we need to get someone's attention regarding such. He echoed the concern regarding the street lights being out and shared that there are also some out on the South Park Bridge. He shared that there is a light that is wrapped with yellow tape and that it goes on and off intermittently. Mayor Kawecki asks that even though this is not a city street he asks if we could help to assist in addressing this location it would be appreciated. He shared that the Seventh Annual History Roundtable with presentations on Genealogical Resources as well as the most recent Sabraton Neighborhood survey will be tomorrow, Wednesday, March 20, 2019, from 6:00 p.m. to 9:00 p.m. at the Aull Center on Spruce Street. The Opioid Crisis exposition at the Arts Mon gallery is free and very much worth seeing. The WVU International Piano Competition and Festival is this weekend and will have participants from all over the world to compete and all the events are free. Look at the Morgantown Public Library website and the Botanic Gardens website for their activities there are many to take advantage of. He also noted Space Day at the Spark Imagination and Science Center on Greenbag Road which is a wonderful time for children.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9 (A) 4(B) (12) to discuss Acquisition or Development of real estate in Downtown Morgantown. Motion by Brazaitis, second by Dulaney to go into Executive Session. Present: City Manager, City Attorney, Mayor and City Council. Time: 9:58 p.m.

ADJOURNMENT: There being no further business, motion by Wallace, second by Fetty, to adjourn the meeting. Time: 10:28 p.m.


City Clerk


Mayor

*** ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE***