

REGULAR MEETING April 3, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 3, 2018 at 7:12 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.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: March 20, 2018 Special Meeting Minutes were approved as printed by acclamation. March 20, 2018 Regular Meeting Minutes were approved with a minor amendment by acclamation.

CORRESPONDENCE: Mayor Kawecki presented Rodney Pyles with a Certificate of Appreciation for serving on the Morgantown Historic Landmarks Commission for 32 Years. Mayor Kawecki read a proclamation for Fair Housing Month recognizing the 50th anniversary of the Federal Fair Housing Act, and thanking organizations in the community who have opened doors of housing opportunity to all citizens. Mayor Kawecki noted a script that the City Planner, Chris Fletcher that on April 11, 1968 seven days after the assassination of Rev. King, President Johnson signed into law Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act. **Ex. A** Councilor Brazaitis noted the WVU Creek Day of Service is set for 4/14/18 reported by Catherine Whitworth Community Partner Coordinator WVU Center for Service Learning. Deputy Mayor Brazaitis gave an update on two community projects set up through the City of Morgantown for Greek Day of Service. **Ex. B.** Councilor Fetty stated that she received comments about the Permit Parking Ordinance but since the ordinance won't be on agenda until 4-17 she will hold comments till then. She noted concerns of those living on Avalon in the Hartley Addition for their road has not been paved since 1997. She announced the Fair Housing Event at the Mountaineer Mall on 4-21 from 10am to 3pm. Councilor Selin is attending a meeting and is requesting comments be sent to her about pedestrian crossings and midwalk crossings from the community by Thursday April 12, 2018 to help make improvements to the pedestrian crossings. Councilor Wendell commented that he asked his constituents their thoughts on the permit parking ordinance and he noted their responses: having meter maids would be predatory; Greenmont area someone suggested 24/7 blue zone and someone suggested just at night; lots of talk about miss use of visitor permits and then comments that permits work well when used properly.

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

Mayor Kawecki declared the Public Hearing open.

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

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

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING 1329.02 RELATING TO HOTEL AND LODGING OR ROOMING HOUSE USES: The below entitled Ordinance was presented for second reading.

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

City Manager deferred to City Planner Chris Fletcher to explain and answer questions to Council. Motion by Selin, second by Dulaney, to adopt the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING 1329.02 AND TABLE 1331.05.01 RELATING TO TATTOO PARLOR/BODY PIERCING STUDIO USES: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTION 1329.02 AND 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 City Planner Chris Fletcher to explain and answer questions to Council. Motion by Deputy Mayor Brazaitis, second by Dulaney, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS:

Motion by Fetty, second by Deputy Mayor Brazaitis to appoint Heidi Cook to the BZA by acclamation.

Motion by Deputy Mayor Brazaitis to appoint Jessica Eilchin to the Historic Landmarks Commission by acclamation.

Motion by Selin, second by Deputy Mayor Brazaitis to re-appoint Marti Shamberger to the Woodburn Commission by acclamation.

Motion by Dulaney, second by Deputy Mayor Brazaitis to appoint Robert Merow to the Woodburn Commission by acclamation.

Motion by Wendell, second by Dulaney to appoint Carol Wilson to the Woodburn Commission by acclamation.

Motion by Fetty, second by Dulaney to appoint Kate Levine-Freedman to the Woodburn Commission by acclamation.

Motion by Deputy Mayor Brazaitis, second by Wallace to appoint Drew Bucy to serve on the Human Rights Commission by acclamation.

Motion by Selin, second by Deputy Mayor Brazaitis to appoint Karen Kunz to serve on the Human Rights Commission by acclamation.

Motion by Dulaney, second by Deputy Mayor Brazaitis to re-appoint Greg Dale to the Tree Board Commission by acclamation.

PUBLIC PORTION:

Mayor Kawecky declared the Public Portion open.

Joseph Schaeffer, 48 Donley Street, on behalf of Calvary Baptist Church, spoke to Council on keeping the zoning of that area consistent with the Comprehensive Plan.

Gene Perilli, 1310 Eastern Avenue, noted his concerns on the contract with Republic Services.

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

SPECIAL COMMITTEE REPORTS: Councilor Wallace announced that the Health & Wellness Commission will have its first meeting on Thursday, April 5, 2018 at 7 p.m. in Council Chambers.

NEW BUSINESS:

AN ORDINANCE PROVIDING FOR UTILITY TAXES AND SOLID WASTE COLLECTION:

The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 765 OF THE CITY CODE PROVIDING FOR UTILITY TAXES AND AMENDING ARTICLE 1165 OF THE CITY CODE PROVIDING FOR SOLID WASTE COLLECTION.

City Manager explained. After discussion, motion by Wallace, second by Deputy Mayor Brazaitis to approve the above entitled Ordinance to second reading. Motion carried 6-1. Fetty voted No.

AN ORDINANCE PROVIDING FOR ZONING RECLASSIFICATION OF REAL ESTATE OF ONE PARCEL OF REAL ESTATE IN THE SEVENTH WARD FROM R-1 TO B-2: The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE (1) PARCEL OF REAL ESTATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-2 SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING 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 FULL SET FORTH HEREIN.

City Manager referred to City Attorney to explain ordinance. After discussion, motion by Wallace, second by Fetty, to approve the above entitled Ordinance to second reading. Motion carried 6-1. Wendell voting No.

CITY MANAGER'S REPORT:

1. Award Bid for Laboratory Services for Municipal Landfill

The City Engineer recently took bids for laboratory services for the closed municipal landfill (located adjacent to the Morgantown Municipal Airport). The City has Industrial Waste Discharge Permit to discharge water from the leachate collection pond at its landfill into the waste water collection and treatment system managed by the Morgantown Utility Board (MUB). In compliance with state and local regulations, the City is required to sample and test discharges and report test results to MUB. Services under this contract consist of sampling, testing, reporting test results and obtaining and recording flow measurements as required by the City's flowmeter at the landfill within the specifications of the Industrial Waste Discharge Permit.

As the attached memorandum will report, Reliance Laboratories has the current contract with the City to provide these services. This contract was awarded in 2015 and was renewed in 2016 and 2017. Their current contract will end June 30, 2018. They were the sole bidder and staff recommends renewing the contract in the amount of \$10,514.00. A motion for approval will be needed this evening from Council.

For your background information, the landfill closure cap was completed by the West Virginia Department of Environmental Protection's Landfill Closure Assistance Program back in 1998. The landfill is deemed a post closure status facility.

After discussion, motion by Wallace, second by Selin, to award the bid to Reliance Laboratories for \$10,514.00 to provide lab services for the municipal landfill. Motion carried 7-0.

REPORT FROM CITY CLERK: No report.

REPORT FROM CITY ATTORNEY: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Councilor Fetty noted that she was unable to attend the March 27, 2018 Committee of the Whole and is still getting caught up on reviewing documents. She noted having the Fair Housing event in April. April is Child Abuse Awareness and Autism Month. She mentioned being a guardian for child abuse and asked all citizens if they have knowledge of child abuse or any family at risk to please report to the authorities.

Councilor Wallace: Councilor Wallace announced that April 6th, 2018 is Wear Blue Day for Child Abuse Month and on April 16th, 2018 there will be an Abuse & Neglect Training 2018 at Valley Health Care, 301 Scott Avenue from 9 am to 11 am.

Councilor Selin Councilor Selin noted that in line with Child Abuse Awareness Month she uses to work for the County Victim & Witness Assistance. She announced that there will be an event on April 29, 2018 called Girls Night Out: A Moonlight Masquerade at the Waterfront starting at 6pm and proceeds will go to the Child Advocacy Center.

Councilor Dulaney: Councilor Dulaney noted attending the Riverfront Task Force Meeting on 3-23-18 and City Manager Paul Brake, March Westin and the Landscape Architect was present to give updates on the Waterfront Plan. Councilor Dulaney is hoping that the City Manager will provide updates periodically to Council and to the public by posting updates to a website. He mentioned the blue curb issue as being a hot topic and that the Visitor Permit has been abused. He noted some idea other cities use Paperless Permitting Process and possibly would make the process more efficient. He stated that residents are sticker shock with the fee and the fee should be consistent with what the numbers are showing of what it cost the City.

Deputy Mayor Brazaitis: Deputy Mayor Brazaitis congratulated the City Manager for his interview on WAJR on 3-27-18 and his explanation of annexation. He noted how appropriate it is to celebrate the Fair Housing Act in following the footsteps of Dr. Martin Luther King Jr. as a visionary. He addressed Councilor Selin expressing that Jerome Park/Norwood neighbors would like a footbridge connecting Paul Preserve to Marilla Park. He congratulated Rodney Pyles for his outstanding and long years of service to the City. He announced the following events: April 7, 2018: March for Lives, 10:00am -11:30am, Church of the Brethren, MHS Students; He will speak at 7pm, African Celebration, African Student Association, Mountainlair Ballroom and the Appalachian Prison Book Project Summit, 9am-4pm, Shenandoah Room, Mountainlair. **Ex B.**

Councilor Wendell: See attached addendum for Councilor Wendell's Report. **Ex. C.**

Mayor Kawecki: Mayor Kawecki suggested to citizens go on line at www.wvbg.org to see all the events Botanic Garden has. Mayor Kawecki informed Council that the City

Planner has purchased tablets for the BZA Commission and asked if Council would be interested in this option and to let him know. He reported that the Friendship Room is moving to Walnut Street, and that Laura Jones, Health Right Director has invited Council to lunch and asked Council to get back to him on the following dates April 16th, 17th, 20th and 24th. He announced the following events: Spruce Street Church, 4-6, 11am-1:30pm, Salad Lunch; Botanic Garden, 4-6, 10am-12pm, Friday Family Walk; Mon River Trail, 4-7, 10am, Open Day Trail Celebration; Farmers Market, 4-7, 11am-1pm, Wesley Church; Northern Lights, 4-13, 7:30pm-9:30pm, CAC; Three Musketeers, 4-13-18, CAC.

ADJOURNMENT: There being no further business adjourn by unanimous consent at 9:10 p.m.

City Clerk

Mayor

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

On April 11, 1968, seven days after the assassination of Rev. Dr. Martin Luther King, Jr., President Lyndon Johnson signed into law Title VIII of the Civil Rights Act of 1968, commonly known as the Fair Housing Act. This legislation advanced an ambitious and progressive vision: to eliminate housing discrimination and residential segregation in this country. As envisioned, the Fair Housing Act is an important tool for achieving both justice and equity and strengthening families, communities, businesses, and our overall economy. Fulfillment of the letter and spirit of the law means that every community can be a place of opportunity where people can live in diverse, inclusive, accessible neighborhoods with quality schools, healthy foods, meaningful jobs, health care, green spaces, quality credit, and the other opportunities that frame and affect our lives.

CXB

Mark Brazaitis, deputy mayor, councilor from Ward 6

4-3-2018

Correspondence

Dear Mayor Kawecki and Deputy Mayor Brazaitis,

WVU's Greek Day of Service is set for Saturday April 14th from 9AM to Noon. Our Greek Organizations have set this morning aside to give back to their larger community through group service. We have 17 organizations already on board to host students that day and are seeking a few more large capacity projects that could host groups of 25 or more. Can you think of any ways to engage one or more groups in the City of Morgantown that morning? We are seeking to place about 250 still. Below is the information we sent to our community partners 2 weeks ago with all the particulars. Transportation for students is provided where needed. Beautification and clean-up projects are good fits, but any ideas are welcome. Please give me a call if you have any ideas you want to bounce around. I apologize for the short turnaround on this, I think our contact at the City who would have received it originally may still be on leave– we can give you a few more days if needed. **__Catherine Whitworth Community Partner Coordinator WVU Center for Service and Learning**

I wanted to update you that we now have 2 strong community projects set up through The City of Morgantown for Greek Day of Service. 45 students will be engaged in a community clean up in collaboration with the Greenmont and South Park Neighborhood associations and another 45 with painting the fence along various sections of the rail-trail with BOPARC. On behalf of the Center for Service and Learning and the Office of Fraternity and Sorority Life, we thank you very much for your support and assistance in organizing worthwhile service projects for our Mountaineers. We look forward to continued collaboration in serving our great community. **__Catherine Whitworth Community Partner Coordinator WVU Center for Service and Learning**

Councilor report

Congratulations to our city manager on his WAJR interview on March 27. He explained the win-win benefits of annexation in a thoughtful and thorough way.

It's appropriate that we celebrate the Fair Housing Act of 1968. With our NDO, we are following in the great footsteps of Dr. Martin Luther King Jr. King also was visionary in

declaring that inharmonious and divisive communities hurt everyone. They lead to poorer health outcomes. Harmonious communities can fight intrusions by polluters.

For Councilor Selin: For years, the Jerome Park/Norwood neighbors have been asking for a footbridge that would connect the Paul Preserve to Marilla Park.

Congratulations to Rodney Pyles on his outstanding and long years of service.

Saturday, April 7:

10 to 11:30 a.m. at the Church of the Brethren (464 Virginia Avenue) March for Our Lives Town Hall, to be led by students from Morgantown High School.

I'll be speaking at the Africa Celebration, hosted by the African Students Association, 7 p.m., \$10 general admission – Mountainlair Ballrooms.

The Appalachian Prison Book Project will host a vision summit from 9 a.m. to 4 p.m. in the Shenandoah Room of the Mountainlair.

Handwritten initials or marks in the top right corner.

Linda Tucker

From: Barry Wendell
Sent: Wednesday, April 04, 2018 5:47 PM
To: Linda Tucker
Subject: stream of consciousness

Here's a written version of my Council Report (written today), if you care to use it:

"The Unitarian Universalist Fellowship is showing the film "The New Black" Thursday, April 12 at their hall, 429 Warrick St. Doors open at 5; there will be a panel at 5:30 and the film will screen at 6. "The New Black" is about the reaction of the African-American community in Maryland to same-gender marriage. I will represent City Council on the panel.

"On three Thursdays, Mountaineers For Progress and The League of Women Voters will hold candidate forums. All are at 6 P.M. , April 12, 19 and 26. The first and last will be in White Hall on WVU's campus, room G-09. The middle one will be at the Plumbers and Pipefitters Union Hall, 100 Richard St., off Greenbag Rd. The first evening will be candidates for County Commission and School Board, the second for Delegate in District 51, and the third for the first congressional district.

"I was feeling guilty about running off to Key West, Florida for my nephew's wedding and not participating in a "March For Our Lives" event. Rabbi Joe Hample of Tree of Life officiated at the wedding, which was beautiful, on Sunday, at the Ernest Hemingway House. Saturday, Joe and I participated in Key West's "March For Our Lives" event, marching across the island in 45 minutes in sunshine and 75 degree weather, with about three hundred people in that small town.

"I'm not active in Morgantown's Chamber of Commerce. They are holding a fundraiser for "Operation Welcome Home" that involves firing all kinds of weapons at a local indoor range. The phrase "tone-deaf" is overused, but it applies to how insensitive this seems to me in light of our national trauma around weapons.

"Finally, we read a proclamation about the "Fair Housing Act" signed April 11, fifty years ago. I grew up in a suburb of Baltimore, built in the early 1950s. Two builders built our neighborhood. Neither sold houses to African-Americans. That was unthinkable. One builder sold homes to Jews; one did not. It was awkward, because we all attended the same schools, but you could tell someone's religion by what street they lived on. A swim club opened within walking distance of our house when I was around ten years old. We were excited that it was close enough to walk to, until our parents figured out that Jews would not be allowed to join. After the Fair Housing Act passed, African-Americans began to move to the neighborhood, attracted by the small but pretty and inexpensive homes available there. Today, the neighborhood is mostly African-American. Of the people I knew there, two families on my street remained into this decade; the widow in one home recently moved in with her son in another state, and another elderly woman from the old days died a few years ago in her house. She was past ninety.

I was in college in 1968, and home on spring break when Martin Luther King, Jr. was assassinated on April 4. My parents and sister left that day for spring break with my grandparents in Florida; I stayed home to finish term papers. There was rioting in Baltimore, and a curfew was placed on the city, then extended to Baltimore County as well. In our community, there were people who sympathized with the rioters, and those who did not. I'm not sure that breach is completely healed, to this day."