

**REGULAR MEETING August 6, 2019:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 6, 2019, at 7:02 pm.

**PRESENT:** City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William A. Kawecki, and Council Members: Deputy Mayor Rachel Fetty, Zackery Cruze, Ron Dulaney, Dave Harshbarger, and Barry Wendell. Jenny Selin was absent.

The meeting was called to order by Mayor Kawecki.

**APPROVAL OF MINUTES:** July 16, 2019, Regular Meeting minutes, July 30, 2019, Special Meeting minutes, and July 30, 2019, Committee of the Whole Meeting minutes.

**CORRESPONDENCE:** Councilor Wendell forwarded correspondence to the City Clerk. Deputy Mayor Fetty acknowledged correspondence from Mr. Clark and Captain Solomon regarding the pension issue, and a telephone call from Mr. Guiliani.

**PUBLIC HEARING: 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**

Mayor Kawecki declared the Public Hearing open.

James Giuliani expressed concerns over the lawsuit settlement of his property on Forest Avenue and asked to see detailed accounting of funds. Mr. Giuliani also inquired about increased funding from the previous fiscal year regarding the city Arborist and requested the City's budget process be more accessible to the general public.

**PUBLIC HEARING: 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 COAL SEVERANCE FUND**

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET REVISED AND ATTACHED HERETO AND APPLIES TO THE GENERAL FUND:** The below entitled Ordinance was presented for second reading.

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

City Manager explained, after discussion, motion by Deputy Mayor Fetty, second by Wendell, to approve the above entitled Ordinance. Motion carried 6-0. Jenny Selin was absent.

**AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET REVISED AND ATTACHED HERETO AND APPLIES TO THE COAL SEVERANCE FUND:** The below entitled Ordinance was presented for second reading.

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 COAL SEVERANCE FUND

City Manager explained, after discussion, motion by Deputy Mayor Fetty, second by Harshbarger, to approve the above entitled Ordinance. Motion carried 6-0. Jenny Selin was absent.

**BOARDS & COMMISSIONS:** None

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

Matthew Solomon, Captain Morgantown Police Department, Secretary of the Police Pension Fund, asked the council members to authorize overpayments of the Police Pension Fund to ensure those receiving pensions do not face a reduction in monthly payout. Melvin Lewis, Granville, WV, asked council to authorize overpayments of the Police and Fire Pension Funds to ensure those receiving pensions do not face a reduction in monthly payout.

Karen Giuliani, 256 Prairie Avenue, expressed her concerns about the City Council, City Manager, Code Enforcement Department and the Morgantown Utility Board.

James Giuliani, 256 Prairie Avenue, expressed his concerns with Sunnyside Up and the status of his settlement agreement for his properties on Forest Avenue.

Jayson Nicewarner, 314 Butler Drive, asked council to authorize overpayments of the Police and Fire Pension Funds to ensure those receiving pensions do not face a reduction in monthly payout.

Delegate Daniel Walker, 26 Addison Circle, addressed the significant need of the service members who receive pensions and expressed solidarity with the firefighters and police officers urging the council to authorize overpayments.

Delegate John Williams, 25 Robin Lane, asked council to authorize overpayments of the Police and Fire Pension Funds to ensure those receiving pensions do not face a reduction in monthly payout.

Philip Scott, Summit Woods Drive, asked council members to authorize overpayments of the Police and Fire Pension Funds to ensure

those receiving pensions do not face a reduction in monthly payout.

Todd Stainbrook, 512 Valley Road, expressed concern regarding the dates of four signatures and addresses on councilor Barry Wendell's candidate petition signatures for the 2019 Municipal Election.

Gary Freshour, 1052 Laurelwood Drive, spoke on behalf of the Fire Pension Board, and asked council to authorize overpayments of the Police and Fire Pension Funds to ensure those receiving pensions do not face a reduction in monthly payout.

Max Humphrey, Westover, asked council to authorize overpayments of the Police and Fire Pension Funds to ensure those receiving pensions do not face a reduction in monthly payout.

Gary Tibbs, 27 Grace Lane, asked council members to authorize overpayments of the Police and Fire Pension Funds to ensure those receiving pensions do not face a reduction in monthly payout.

There being no other speakers, Mayor Kawecky declared the Public Portion closed.

**SPECIAL COMMITTEE REPORTS:** None

**CONSENT AGENDA:** None

**NEW BUSINESS:**

**AN ORDINANCE DESIGNATING AND DECLARING SECOND STREET RESTRICTED TO ONE-WAY TRAFFIC FROM UNIVERSITY TO GRANT AVENUE:** The below entitled Ordinance was presented for first reading.

City Manager explained, after discussion, motion by Deputy Mayor Fetty, second by Cruze, to approve the above entitled Ordinance to second reading. Motion carried 6-0 with Jenny Selin absent.

**AN ORDINANCE AUTHORIZING AND APPROVING THE ACQUISITION, EQUIPPING AND IMPROVEMENT BY THE MORGANTOWN LAND REUSE AND PRESERVATION AGENCY OF REAL PROPERTY LOCATED AT 430 SPRUCE STREET:** The below entitled Ordinance was presented for first reading.

City Manager explained, after discussion, motion by Deputy Mayor Fetty, second by Wendell, to approve the above entitled Ordinance to second reading. Motion carried 6-0 with Jenny Selin absent.

**A RESOLUTION APPROVING TERMS OF THE LEASE REVENUE BONDS, SERIES 2019 OF THE CITY OF MORGANTOWN LAND REUSE AND PRESERVATION AGENCY:** The above entitled Resolution was presented for first reading.

City Manager explained, motion by Wendell, second by Harshbarger, to approve the above entitled Resolution. Motion carried 6-0 with Jenny Selin absent.

**A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH WVDOT DOH FOR ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC SIGNAL SYSTEM WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MORGANTOWN:** The above entitled Resolution was presented for first reading.

City Manager explained, motion by Dulaney, second by Harshbarger, to approve the above entitled Resolution. Motion carried 6-0 with Jenny Selin absent.

**A RESOLUTION AUTHORIZING THE FY 2019-2020 GRANT APPLICATION FOR THE PREVENTION RESOURCE OFFICERS THROUGH THE WEST VIRGINIA JUSTICE ASSISTANCE GRANT PROGRAM:** The above entitled Resolution was presented for first reading.

City Manager explained, motion by Dulaney, second by Harshbarger, to approve the above entitled Resolution. Motion carried 6-0 with Jenny Selin absent.

**CITY MANAGER'S REPORT:**

**Information:**

**1. PROPOSED ANNEXATION PLAN**

City Manager stated that four public meetings/Open Houses have taken place to answer questions about the Draft Annexation Plan. He also stated that the City is finalizing the FAQ section of the web page. The Morgantown Area Partnership has formed a task force of business leaders to study and offer recommendations to the Draft Annexation Plan. City Staff will be working with them on this endeavor to answer any questions and provide information. Information regarding the Draft Annexation Plan can be found on the city website.

**New Business:**

**1. COMPLIANCE WITH WV CODE 8-22-27A – CORRECTION OF ERRORS: UNDERPAYMENT**

City Manager explained, after discussion, motion by Wendell, second by Dulaney, to continue payment as allowed through the passage of 2019 WV Senate Bill 316 signed by Governor Justice on March 25, 2019. Motion carried 6-0 with Jenny Selin absent.

**2. MORGANTOWN MUNICIPAL AIRPORT MISCELLANEOUS AIRFIELD UPGRADES – BID CALL 2019-13**

City Manager explained, after discussion, motion by Dulaney, second by Deputy Mayor Fetty, to approve BID Call 2019-13 which includes four projects and one alternative project. Motion carried 6-0 with Jenny Selin absent.

### 3. URBAN DEER ARCHERY HUNT

City Manager explained the annual program and shared the rules and regulations that are submitted to council for informational purposes. The program provides a venison donation system to deliver processed deer to city food kitchens and organizations to help those in need.

**REPORT FROM CITY CLERK:** City Clerk shared that the WV Municipal League Conference is scheduled for Wednesday, August 7-9, 2019, in Huntington. She shared some that this conference is a great place to meet with and learn from other municipal officials who have the same goals, concerns, etc. for their city. She noted some of the items for discussion such as CyberSecurity, the Opioid crisis, and Home Rule, and that she was excited for the takeaways to bring back to Morgantown. She shared that the Morgantown Police Department is currently accepting applications for entry level police officers. Applications are available online at [www.morgantownwv.gov/jobs](http://www.morgantownwv.gov/jobs) or in person at the City Clerk's office located on the 3<sup>rd</sup> floor at 389 Spruce Street in Morgantown, West Virginia. Deadline to apply is November 1, 2019.

**REPORT FROM CITY ATTORNEY:** shared that the Municipal Attorney's Association conducts its semiannual meeting at the WV Municipal League Conference, and he is looking forward to that meeting. He shared that the conference is always a good way to meet with other folks who are engaged in the same services that we are. He participated in a telephone conference on this date regarding the renovation of Stansbury Hall into the new Business and Economics building. The project is already underway and has a two year timeline. The city has already granted an access license for the rail trail property for the placement of construction fencing along the trail edge and that has already been put in place. The next activity planned by WVU is the demolition. The building design will connect a ramp from a sort of back-porch area of the building to the rail trail area. There are multiple condemnation actions pending by the Division of Highways (DOH) mainly involving the widening project for the Mileground Road and two of those actions are impacting the city's airport property. The DOH has been granted a right of entry order agreed to include for the city protective language in that order that ensures their entry complies with the city's obligations to the Federal Aviation Administration and Transportation Security Administration and we are in the process of coordinating this work that will involve a slight movement to the airport boundary fence and some work on the alternate side of the Mileground Road. The protections are in place to ensure that this project does not impact airport operations. City Attorney Simonton also responded to concerns regarding sidewalks and storm water runoff presented by Councilor Harshbarger.

#### **REPORT FROM COUNCIL MEMBERS:**

**DEPUTY MAYOR FETTY:** shared regarding the Annexation Open Houses that she is thankful for the CM and the staff who attended each event. She looks forward to working through everyone's concerns. Regarding Mr. and Mrs. Guiliani, council is working to address their concerns. She stated that she and Councilor Dulaney have met with them. Regarding the decision to pay the retirees, she felt it was a very good decision and shows the values of the council.

**COUNCILOR CRUZE:** shared that he appreciates everyone's comments this evening. He shared that there is a need for bicycle storage stands so that more folks can park and come up into the town and frequent the businesses. He would like to see this included in future discussions. The Morgantown Public Library has been doing great things with their summer reading program. Last week they hosted a teen lock-in, and this year alone the library has hosted approximately 80 events. He shared that as a city we should encourage these programs. On August 9, 2019, North Elementary will be holding a back to school event to offer free haircuts, school supplies and dental screenings to name a few for any Mon County student. He noted that these items are some of the items which families are in need of and it is great to see the sponsors come together to provide for our local students.

**COUNCILOR SELIN:** absent

**COUNCILOR DULANEY:** the Best Chef cook off was August 1, 2019, it was the most attended in the past 7 years. Woodburn and Arts Community Festival is August 17, 2019, with free live music, the Josh Arthurs Blues Band, and it will be an outdoor event. Marios will be offering food and it begins at noon and will end around 8pm. There will be kids activities and it is free. Thursday is Jazz on the Green at Jack Roberts Park with the Jenny Wilson Trio and Curtis Johnson. The 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Wards need a Traffic Commission member. If you are interested, then please consider applying. There are two openings for the Woodburn School Redevelopment Commission and note that you do not need to live in the Woodburn area. He shared that he was out of town and missed all of the annexation open houses and he is sorry he missed them. He shared that he read an article recently by Dave Wilson regarding a movement for the state legislature to limit the city's ability to expand by redefining minor boundary adjustments and noted that when we ask businesses what their reluctance is for not wanting to be in the city the common response is the B&O tax. He shared that there needs to be a parallel consideration of how we might change the WV tax code to replace the antiquated B&O tax system. It was good to see our Delegates here this evening supporting us, and I hope that when they consider other things that may come before them that this consideration able can be made. He shared that his hope regarding the properties in Forest Avenue that the 3 parties involved will finally come to a settlement.

**COUNCILOR HARSHBARGER:** he shared that he attended 2 of the annexation open houses. He shared that he gained good insight and he looks forward to the FAQs. He also shared that he wants this to move forward in a united way as opposed to a divisive way. He mentioned the 6<sup>th</sup> Ward traffic light at the Aldi's and shared that this is a large access point for many. He attended a meeting yesterday with the CM, the Mayor, and Deputy Mayor yesterday regarding coordination of lighting from the rail trail to Table 9 to encourage foot traffic from the hotel to business. He noted that there is a common goal is to light the rail trail from the hotel to the Westover bridge to the amphitheater and provide safety and lighting hopefully by the opening.

**COUNCILOR WENDELL:** Provided the following.

*There have been more complaints about garbage pick-up in Suncrest. City Manager Brake, Councilor Selin, Mayor Kawecki and I met with people from Republic, and I hope these problems will be resolved.*

*There was a street fair last week in the 100 block of Pleasant Street since the street was closed for repairs. I was there near the end of the event, and many people were out for fun on a beautiful night.*

*As to annexation, it's not too late for us to do some public relations work. I suggest a program with bumper stickers and signs that say "One Morgantown." I don't see the point in having fighting between the city and the unincorporated areas. We are all living in "Morgantown." There shouldn't be an "us and them" mentality.*

*Michael Garcia, a representative of Senator Manchin, was here at our downtown library yesterday. I asked Mr. Garcia to convey to Senator Manchin my disappointment that he was the only Democratic Senator who would not cosponsor a gay rights bill that had passed the House. I also asked him to consider reintroducing gun control legislation.*

*It's important that we keep our promise to our police and firefighters, and I'm glad we agreed to continue to pay the pensions we promised to them.*

*Some of us will be at the West Virginia Municipal League conference in Huntington from when we can get there tomorrow until Friday morning. I made new friends at the conference in Morgantown last summer and at the winter conference in Charleston.*

*I've been disturbed by the corruption in our last election in Seventh Ward, and that nothing has been done about apparent fraud committed by a former candidate. Now, the losers have targeted me. At this point, all I will say is "Bring It."*

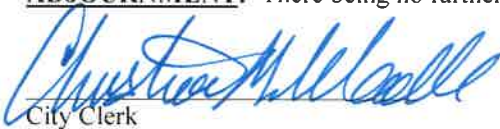
*The important news this week has been the two mass shootings in El Paso and Dayton. It's not just that the people committing these crimes are highly disturbed individuals, it's also that they have been radicalized online, and encouraged by racist speech and tweets from our President. The House of Representatives passed legislation for background checks, without the votes of any of our three West Virginia representatives, and the Senate has not taken up the bill at all. It's a national disgrace that we are not safe anywhere in this country, and Republicans in Congress and the Senate and most of the state legislatures refuse to act. Our state Legislature, contrary to any logic, has reduced regulations on guns. It's inexcusable.*

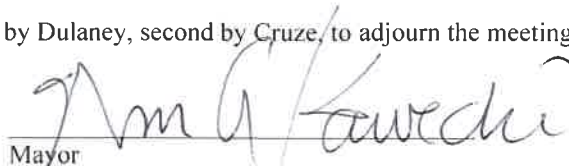
**MAYOR KAWECKI:** shared that the Jazz on the Green will be on Thursday, August 8, 2019, and this is an excellent event and it is free. The Morgantown Public Library is doing wonderful things. They are showing Dumbo and many other things. He noted that it would be to someone's advantage to look at their website. On August 8, 2019, there will be a Fish Printing workshop with Eddie Spaghetti who is a local artist and it will be held at the outdoor learning park behind Sabratorn Kroger. He shared that the Mac has a new show playing on August 9, 2019, called Different voices and common experience. Also, on that the MT Pockets will be showing the Dead Man's Cell Phone. On August 10, 2019, the Children's Home Society of WV is having a masquerade ball.

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss litigation for Giuliani vs. City of Morgantown. Motion by Deputy Mayor Fetty, second by Dulaney, to move into Executive Session. Present: City Attorney, Mayor, and City Council Members. Time: 9:22 p.m.

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss litigation for DBI, Inc. vs. City of Morgantown.

**ADJOURNMENT:** There being no further business, motion by Dulaney, second by Cruze, to adjourn the meeting. Time: 10:33p.m.

  
City Clerk

  
Mayor

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