

REGULAR MEETING August 20, 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 20, 2019, at 7:25 pm.

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

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: August 6, 2019, Special and Regular Meeting minutes were approved by consensus.

CORRESPONDENCE: Morgantown Police Chief Ed Preston spoke to council about recent U.S. Immigration and Customs Enforcement (ICE) operations in the area. Mayor Kawecki read a proclamation recognizing the importance of the upcoming 2020 Census and calling for the organization of a complete count committee for the City of Morgantown.

PUBLIC HEARING: ON THE PROPOSED ENACTMENT BY CITY COUNCIL OF AN ORDINANCE WHICH WOULD AUTHORIZE AND APPROVE (I) THE ACQUISITION, EQUIPPING AND IMPROVEMENT BY THE CITY, WORKING IN CONJUNCTION WITH THE MORGANTOWN LAND REUSE AND PRESERVATION AGENCY (THE “ISSUER”) OF REAL PROPERTY LOCATED AT 430 SPRUCE STREET TO BE USED AS A CITY HALL ANNEX AND RELATED PURPOSES AND ALL REAL ESTATE, RIGHTS OF WAY, IMPROVEMENTS, FIXTURES, EQUIPMENT, PERSONAL PROPERTY AND APPURTENANCES ASSOCIATED THEREWITH (THE “ANNEX PROPERTY”); (II) THE LEASING OF SUCH ANNEX PROPERTY BY THE CITY OF MORGANTOWN FROM THE ISSUER; (III) THE SALE AND ISSUANCE BY THE ISSUER OF ITS NOT TO EXCEED \$2,000,000 PRINCIPAL AMOUNT OF LEASE REVENUE BONDS TO FINANCE THE COSTS OF THE ACQUISITION, EQUIPPING AND IMPROVEMENT OF THE ANNEX PROPERTY; AND (IV) THE EXECUTION AND DELIVERY BY THE CITY OF AN AGREEMENT AND LEASE AND OTHER DOCUMENTS IN CONNECTION WITH SUCH FINANCING

Mayor Kawecki declared the Public Hearing open.

James Giuliani, 256 Prairie Avenue, expressed concerns over the financing of the 430 Spruce Street property and the process used to approve the purchase.

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

UNFINISHED BUSINESS:

AN ORDINANCE TO CONSIDER FOR ENACTMENT ON SECOND READING FOLLOWING A PUBLIC HEARING AUTHORIZING AND APPROVING THE ACQUISITION, EQUIPPING AND IMPROVEMENT BY THE CITY WORKING WITH THE LAND REUSE AND PRESERVATION AGENCY OF REAL PROPERTY AT 430 SPRUCE STREET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE WHICH WOULD AUTHORIZE AND APPROVE (I) THE ACQUISITION, EQUIPPING AND IMPROVEMENT BY THE CITY, WORKING IN CONJUNCTION WITH THE MORGANTOWN LAND REUSE AND PRESERVATION AGENCY (THE “ISSUER”) OF REAL PROPERTY LOCATED AT 430 SPRUCE STREET TO BE USED AS A CITY HALL ANNEX AND RELATED PURPOSES AND ALL REAL ESTATE, RIGHTS OF WAY, IMPROVEMENTS, FIXTURES, EQUIPMENT, PERSONAL PROPERTY AND APPURTENANCES ASSOCIATED THEREWITH (THE “ANNEX PROPERTY”); (II) THE LEASING OF SUCH ANNEX PROPERTY BY THE CITY OF MORGANTOWN FROM THE ISSUER; (III) THE SALE AND ISSUANCE BY THE ISSUER OF ITS NOT TO EXCEED \$2,000,000 PRINCIPAL AMOUNT OF LEASE REVENUE BONDS TO FINANCE THE COSTS OF THE ACQUISITION, EQUIPPING AND IMPROVEMENT OF THE ANNEX PROPERTY; AND (IV) THE EXECUTION AND DELIVERY BY THE CITY OF AN AGREEMENT AND LEASE AND OTHER DOCUMENTS IN CONNECTION WITH SUCH FINANCING

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

A SUPPLEMENTAL RESOLUTION OF CITY COUNCIL WHICH WOULD SUPPLEMENT THE ORDINANCE ENACTED BY COUNCIL PROVIDING FOR THE ISSUANCE BY THE MORGANTOWN LAND REUSE AND PRESERVATION AGENCY OF ITS LEASE REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION OF REAL PROPERTY LOCATED AT 430 SPRUCE STREET TO BE USED AS A CITY HALL ANNEX AND RELATED PURPOSES AND SPECIFYING CERTAIN TERMS FOR THE ISSUANCE OF SUCH BONDS: The above entitled Supplemental Resolution was presented for second reading.

Assistant City Manager explained, after discussion, motion by Selin, second by Harshbarger, to approve the above entitled Supplemental Resolution. Motion carried 7-0.

BOARDS & COMMISSIONS:

Motion by Cruze, second by Wendell, to appoint Moira Reilly, by consensus, to the Ward & Boundary Commission. Motion by Harshbarger, second by Wendell, to reappoint Nancy Ulrich, by consensus, to the Personnel Board. Motion by Deputy Mayor Fetty, second by Harshbarger, to appoint Susan Kitchen, by consensus, to the Personnel Board.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Karen Giuliani, 256 Prairie Avenue, expressed her concerns about the City Council, City Manager and the city's handling of Forest Avenue.

James Giuliani, 256 Prairie Avenue, expressed his concerns with the safety of his properties on Forest Avenue, the status of his settlement agreement for his properties on Forest Avenue, and the city and MUB's handling of Forest Avenue. Alissa Ponzurick, 813 ½ Monongalia Avenue, expressed her concerns about the U.S. Immigration and Customs Enforcement operating in city limits and the city's response to this.

Christopher Reed, 825 Beverly Avenue, expressed his concerns about the U.S. Immigration and Customs Enforcement operating in city limits and the city's response to this.

Patrick Kyle, 87 Kingwood Pike, expressed his concerns about the proposed roundabout on Greenbag Road.

Jennifer Hastings, 87 Kingwood Pike, expressed her opposition to annexation, MUB's planned route for its raw water pipeline through White Park and the roundabout on Greenbag Road.

Ren Peterson expressed his opposition to MUB's planned route for its raw water line pipeline through White Park.

Ted Hastings, 87 Kingwood Pike, expressed his thanks to council for its support of greenspace and his opposition to the roundabout on Greenbag Road.

SPECIAL COMMITTEE REPORTS: None

CONSENT AGENDA: None

NEW BUSINESS:

A RESOLUTION APPROVING A GRANT OFFER ACCEPTANCE FROM THE FEDERAL AVIATION ADMINISTRATION: The above entitled Resolution was presented for first reading.

Assistant City Manager explained, motion by Deputy Mayor Fetty, second by Wendell, to approve the above entitled Resolution. After discussion, motion carried 7-0.

A RESOLUTION AUTHORIZING CITY MANAGER PAUL BRAKE TO ACT ON ITS BEHALF TO ENTER A CONTRACTUAL AGREEMENT WITH THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, TO RECEIVE AND ADMINISTER GRANT FUNDS FROM THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR SAFETY EQUIPMENT UPGRADES: The above entitled Resolution was presented for first reading.

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

A RESOLUTION AUTHORIZING CERTAIN INDIVIDUALS OF THE CITY OF MORGANTOWN TO TRANSACT BUSINESS WITH THE CITY'S VARIOUS BANKING AND BROKERAGE INSTITUTIONS: The above entitled Resolution was presented for first reading.

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

CITY MANAGER'S REPORT:

Information:

1. Decennial Census and State Funding

The Assistant City Manager reported that the federal government has cut funding for the upcoming census which will make it more difficult to get a complete count. She discussed the impact that the census has on federal funding and political representation to the state. She discussed the necessity for the state to increase funding aid to form a complete count committee.

New Business:

1. Bank Bid Results – City Hall Annex Project, Taxable Lease Revenue Bonds, Series 2019

Assistant City Manager explained, motion by Selin, second by Deputy Mayor Fetty, to approve the Bank Bid Results. After discussion, motion carried 7-0.

2. Floor Plan Extension – Erickson Alumni Center Farm to Table Dinner Fundraiser

Assistant City Manager explained, motion by Selin, second by Harshbarger, to approve the Floor Plan Extension for the Erickson Alumni Center Farm to Table Dinner Fundraiser. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk announced that the Clerk's office had the honor of swearing in new Police Officers Monica Brun, Kyle Compton, and Ian Nuzum, and shared that photos of the ceremony can be viewed on the city's Facebook page. The Morgantown Police Department is accepting applications for entry level Police Officer and the test will be Saturday, November 16, 2019. All information regarding this posting is available on the city's website and indeed.com, as well as social media sites such as Facebook and Twitter.

REPORT FROM CITY ATTORNEY: City Attorney spoke regarding the most recent ICE operations here in our city and shared that City Council does not have the authority to prevent these types of operations from occurring. He shared that he is available if council members would like to speak with him regarding this matter. He shared regarding the most recent implementation of the Diversity, Equity, and Inclusion plan and discussed some upcoming actions. He also spoke of Home Rule Plan Amendment #5.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: shared that she attended the 20th Anniversary of the opening of the Village at Heritage Place. She had the best time. A significant comment by the Chaplin while attending was that we should acknowledge our mistakes and the adjustments that have been and need to be made in order to achieve the best. She asked how do we acknowledge our mistakes and make appropriate adjustments to the complicated issues that we face? She thanked Mr. Hastings for his comments regarding trying to do the right thing. She noted that there are many good things happening in our community. She spoke about the Healthy Grandfamilies program which provides services to grandparents who may need them and advised to reach out to Deputy Mayor Fetty and Councilor Cruze if you are interested in learning more about the program. Regarding BOPARC, phase I has been successfully completed and they are now moving to Phase II. Regarding ICE and the roundabout, these are issues which we have no power over as the roundabout is a state decision and ICE is federal. She commented that she appreciates all of the concerns being brought forward. Regarding the issue of immigrants, we have no power, but she would request that the PD notify the city's elected officials and administration if they are aware of a potential visit. This would be as a courtesy so that council could be able to respond to the concerns of the constituents. She stated that this is a concern of hers personally that children could be removed from our town and placed into a detention center many miles away. She commented that she is opposed to this and thanks folks who provide support to families and she hopes that we can acknowledge the contributions that immigrants bring to our town. We should have a commitment to humanity and thanks all who attended this evening.

COUNCILOR CRUZE: stated that on May 2, 2017, the Morgantown City Council signed a resolution supporting the rights of immigrants, refugees, and asylum seekers and that portions of the resolution states that the City of Morgantown welcomes these individuals. He shared that he supports this resolution without hesitation. He shared that he reached out to folks regarding what roles Municipalities have regarding immigration and custom activities and found that they have little power in this matter. He stated that what can be done is to know our rights. Reach out and support our neighbors and help them to know their rights as well. Council Cruze stated that the Wiles Hill Neighborhood Association will meet on August 21, 2019 and invites everyone. On September 5, 2019, the Morgantown Public Library will be celebrating Grandparents Day. He shared that the Mon County Healthy Grandfamilies program is a statewide initiative and is excited about getting this off the ground. Grandparents are now facing issues which they have not dealt with in the past such as cyber bullying, technology, social media, to name a few.

COUNCILOR SELIN: shared that it is heartening to hear from the community regarding how they want to make our community better and how they care about it. She stated that there are good things happening with BOPARC regarding the strategic-priority session and the improvements to the ice rink, specifically the building of the ice rink and how we can lay a firm foundation for the rink and build it up from there. Pool season is over at BOPARC. She commented that it was good to see the number of people at the pool enjoying the community pool, and she appreciates the effort that BOPARC puts into the community events and making things work well. Councilor Selin stated that there is a committee, a partnership between the city, county and WVU, which focuses on pedestrian fatalities and injury, and pedestrian improvements. Three intersections were designated for improvements, and those intersections are Falling Run Road and University Avenue, end of Grant where it hits the university, and University Avenue and Pizza Al's. The treatments varied and they look to be complete to have pedestrian activated blinking lights which are solar. As well they have installed rumble strips prior to the intersection. She stated that she is hoping to work with the DOH with other intersections. She shared that it is important to assist with the CENSUS. She attended the WV Botanic Garden party and stated that it is great to see that the Botanic Gardens offers free activities to the community that are oriented toward different interests. As well, they are working on a Children's adventure play area which will provide a nice space for activities.

COUNCILOR DULANEY: welcomed the students back into town. He shared that he appreciates the students and shared that if they were not here that things would be very different. He hopes they have a safe and successful academic year. He shared regarding ICE that he is thankful to his fellow council members statements, as well as the statements from the City Attorney. He referenced the banner and what it states which is out in the lobby. It states that the City of Morgantown welcomes all people regardless of race, religion, national origin, sex, gender identity, sexual orientation, color, ancestry, age, abilities, blindness, economic or family status, or life situation. He shared that what ICE has done is an offense to our community and this statement. He stated that we should respond in some way and he hopes that perhaps a resolution could be considered.

COUNCILOR HARSHBARGER: shared that the University announced that they would be looking into suspending the Blue Zone project but did not give a timeline. From the city's perspective there is still an opportunity so he suggested that we should not let this hold us back if we still want to pursue it. Regarding safety, he stated that he liked seeing the sharrows on the roadway. These are markings on the roadway which are meant to be used in situations where cyclists and drivers must coexist in the same lane. Regarding a citizen's concern for an illegal commercial sign on the property at Hampton and Desmoine Avenue – he thanked Planning Director Fletcher in having that removed. Councilor Harshbarger stated that a citizen raised funds for three bike Fix-It stations located at the Hazel Ruby McQuain Park, Prickett's Fort, and Masontown. These are stations placed to assist if you have a bike repair need. He stated with regard to MUB and the waterline, we will at some point need to consider which route and should consider this thoughtfully, preserving the park as best we can.

COUNCILOR WENDELL: Provided the following.

The day after our last meeting two weeks ago, I left for the West Virginia Municipal League Conference in Huntington. There were problems of my own making getting there. Cabell County is smaller than Monongalia in population, but Huntington has a much larger downtown than Morgantown. There are street sculptures, a park along the Ohio River, and a downtown entertainment complex. I attended a workshop about the opioid epidemic, which hit Huntington particularly hard. We have problems here, which I fear are becoming more severe. They have teams in Huntington to visit with people who survived an overdose to try to convince them to go into a treatment program. Their rate of overdoses has gone down dramatically with the success of this program.

I spent much of Saturday after the conference in Culpeper, Virginia, a pretty, small town, now considered commuting distance to Washington, 87 miles away, with a gentrified downtown, trying to live down a racist past. I was in Washington with my sister Sunday and Monday, and we visited the Smithsonian's Museum of African American History and Culture. I've never felt responsible for slavery, as my family didn't live in this country during that time, but I did grow up in a segregated neighborhood in suburban Baltimore, and despite being discriminated against often as Jews, there were places I could go in my young days that I knew African-Americans could not visit. Culpeper closed all its public schools for a long time rather than integrate, and they have to live with that. The museum made me see that I need to confront how racism may have benefited me, and I need to help erase racism. And, as an American, I have to take responsibility for all of our nation's history.

I see now that we are all one, regardless of race or religion or so-called "status." I, along with many others, were disturbed that ICE was in town last week and arrested our neighbors, who live and work among us. This Thursday at noon there will be a march from 48

Donley St. (Senator Capito's office) to the post office to welcome immigrants to our city, sponsored by Working Families Party. I plan to be there. My friends Alyssa Ponzurick and Christopher Reed asked us to come up with a plan to stop ICE from detaining immigrants. A group called "Morgantown Organizing For Immigrants" met tonight with Reverend Zac Morton at First Presbyterian Church, just up the street from us. The group has a Facebook page. I hope they will come up with a plan. As a City Council, there isn't a lot we can do. Saturday evening, I attended an informational rally at WVU put on by the ACLU and others. Please contact the ACLU if you are concerned and want to know your rights.

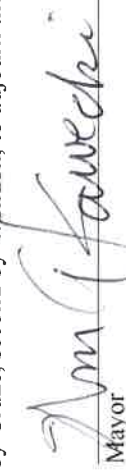
This past Saturday, I spoke to Moms Demand Action Against Gun Violence at the County Courthouse Square. My point was that, in addition to sensible gun regulations, we need to stop hate speech, whether from the President of the United States, national talk show hosts on the radio or syndicated columnists in our local newspaper. I wrote a letter this week to the Dominion-Post about a hate-filled column from Michelle Malkin in last Thursday's paper. It may appear soon.

Yesterday at 5:30, I attended MUB's meeting about selecting a route for the pipeline from the new reservoir. I didn't stay for the end, but I heard many sensible comments asking MUB to avoid the park. I read about the vote in today's paper. Tearing out 250 trees and moving possibly tainted soil is not a small thing. We need to respect our forest, the flora and fauna that share the land with us. We are "One Morgantown" and we need to do what we can to stop the divisiveness in our city, whether it's about city/not city, political differences, race, immigration status, economic standing or sexual orientation. Whether your family has been here for twelve generations, or if you are a new student at WVU who will only be here a few years, you are part of our city, and you are welcome here. I pledge to do my part to unite our town.

MAYOR KAWECKI: shared that the Brownfields Conference is in September and if council is interested in attending please advise the Clerk. He shared that there will be much discussion regarding the downtown area and revitalization. Councilor Selin and the Mayor met with WVU representatives regarding the new smoking policy to discuss how that will impact the city. They have all agreed to work together. The Mayor stated that he received a call from Evan Hansen regarding the county solid waste authority and they are planning a trip to Clarksburg to look at their composting facility. If any council member is interested in attending, please advise him. He shared that as he came across the bridge, he noticed a White Park sign that was very visible. He shared that this area is not a very safe place to have a sign. He asked the city to look at it and the city discovered that this area had actually been turned into a camping area for the homeless. In its good attention, the city denuded the location. He apologized to the community and shared that he is dissatisfied. He shared that we should not assume we know what the community wants without asking them. The Mayor shared a few announcements such as on August 24, 2019, Superhero Science Day with a \$5 charge; August 25, 2019, Dog Splash BOPARC Marilla Pool; August 28, 2019 Teen Movie Night: The Sun is also a Star Morgantown Public Library (Ages 12-18) at 5:00 p.m.; August 30, 2019, Arts Walk Historic Downtown Morgantown; and on September 1, 2019, The Handcrafted Cooperative at the Morgantown Market Place 413 Spruce Street. These are the things we deal with daily and another reason we need annexation. These are the people who take the time to make Morgantown a better place.

ADJOURNMENT: There being no further business, motion by Cruze, second by Wendell, to adjourn the meeting. Time: 10:09 p.m.


City Clerk


Mayor

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