

**REGULAR MEETING August 21, 2018:** The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 21, 2018 at 7:00 p.m.

**PRESENT:** Assistant City Manager Emily Muzzarelli, Deputy Clerk Heather Carl, City Attorney Ryan Simonton, Mayor William 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:** 7/31/2018 Committee of the Whole Meeting minutes and 8/16/2018 Special Meeting minutes was approved by consensus.

**CORRESPONDENCE:** Chief Preston and Captain McCabe from the Morgantown Police Department recognized citizens Michael Allam, Matthew Cross, Pamela Kaehler, Daniel Langdon, Leah Myers, and Austin Porter as the first graduating class of the Morgantown Police Departments Citizen Police Academy.

**PUBLIC HEARING:** None

**UNFINISHED BUSINESS:** None

**BOARDS AND COMMISSIONS:** Mayor Kawecki announced that there was a considerable number of applicants for BOPARC Commission and that there will be interviews next week.

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

Michael Clifford, 145 S. High Street, voiced his concerns about the professionalism of council and the recent actions of Councilors Fetty and Brazaitis.

Alvin King, 1405 Greenbag Road, spoke to council about his ideas for new codes and regulations for business signage in industrial and residential areas.

Adam Rosefsky, 640 White Avenue, voiced his concerns about business signage laws in Morgantown, as well as his concerns regarding Councilor Brazaitis' position on council.

Elizabeth Sneethen, 179 Bluegrass Village, praised Councilor Brazaitis for his recent action as and his service to the City of Morgantown.

JoNell Strough, 608 Hess Street, responded to a comment made by a precious speaker regarding Councilor Brazaitis, and claimed that the statements were inaccurate.

Katie Ryan and Anthony "Tony" Christini, 931 Southpoint Circle, spoke in support of Councilor Brazaitis, urging council to keep him in as the Deputy mayor.

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

**SPECIAL COMMITTEE REPORTS:** Deputy Mayor Brazaitis reported that the Metropolitan Theatre Commission is in the process of revitalizing and improving the theatre and its program. Councilor Fetty shared a presentation given to BOPARC about options from the Mills Group to improve the Morgantown Ice Arena. Mayor Kawecki reported that the Sister Cities Commission hosted the Chinese Delegation from Xuzhou, China in collaboration with West Virginia University on Tuesday, August 21, 2018. Councilor Dulaney mentioned the Parking Authority Director Dana McKenzie, to see if he can be put on the Committee of the Whole agenda to come and do a presentation to explain the process of parking tickets.

**CONSENT AGENDA:** None

**NEW BUSINESS:**

**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 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR SAFETY EQUIPMENT UPGRADES:** The above entitled Resolution was presented for first reading.

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

**A RESOLUTION APPROVING A GRANT APPLICATION TO FEDERAL AVIATION ADMINISTRATION:** The above entitled Resolution was presented for first reading.

Assistant City Manager Emily Muzzarelli explained, motion by Wallace, second by Deputy Mayor Brazaitis, to approve the above entitled Resolution. Motion carried 7-0.

**A RESOLUTION AUTHORIZING CITY MANAGER, PAUL BRAKE, TO ACT ON ITS BEHALF TO ENTER INTO AN AGREEMENT WITH THE WEST VIRGINIA DIVISION OF MOTOR VEHICLES TO APPLY, RECEIVE, AND ADMINISTER GRANT FUNDS PURSUANT TO PROVISIONS OF THE WEST VIRGINIA GOVERNOR'S HIGHWAY SAFETY PROGRAM:** The above entitled Resolution was presented for first reading

Assistant City Manager Emily Muzzarelli explained, after discussion, motion by Wallace, second by Fetty, to approve the above entitled Resolution. Motion carried 7-0.

**DEPUTY MAYOR DESIGNATION:**

Mayor Kawecki explained, motion by Wendell, second by Deputy Mayor Brazaitis to approve the Deputy Mayor's designation is currently being executed in a manner that you approve. After discussion, question was called and failed 5-2 (Brazaitis and Wendell voting yes) to remove Mark Brazaitis as being the Deputy Mayor who was upholding his duties, as well as deciding if he is representing his seat and council appropriately.

Councilor Brazaitis would like to nominate himself for Deputy Mayor.

Councilor Dulaney would like to nominate Councilor Selin.

Councilor Wendell would like to nominate Councilor Wallace. Councilor Wallace spoke to decline the nomination due to conflict of interest.

Motion by Wendell, second by Brazaitis, to nominate Councilor Brazaitis for Deputy Mayor. Motion failed 6-1. Brazaitis voting Yes.

Motion by Dulaney, second by Brazaitis, to nominate Jenny Selin for Deputy Mayor, Motion carried 6-1. Brazaitis voting No.

**ASSISTANT CITY MANAGER'S REPORT:**

**New Business:**

**1. Award Bid for 2018 Plumbing Project (Bid Call No. 2018-12)**

The Project consists of constructing the replacement & modification of sanitary and storm piping at City Hall. The City's Engineering Department has solicited two estimates for the proposed work.

Attached, you will find a memorandum from City Engineer, Damien Davis, PE, detailing the responding contractor and tabulation of the bids. The Department is recommending Lytle Construction Corporation in the bid amount of \$269,700.00. Mr. Davis recommends that Lytle Construction Corporation be awarded the contract. Although the bids received were high than anticipated, the bid amount is still within the funds currently set aside in the Capitol Escrow budget (no budget amendments are needed).

Council action is needed in awarding the bid to the recommended contractor.

Assistant City Manager Emily Muzzarelli explained, motion by Brazaitis, second by Wallace, to approve the award Bid to Lytle Construction Corporation in the amount of \$269,700.00.

**2. Sabraton Station Floor Plan Extension Request**

Sabraton Station has requested a floor plan extension for an event, Fall Fest, scheduled on October 13, 2018. The event will include outdoor entertainment, live music, and games. Sabraton Station is requesting an approval letter from the City of Morgantown to use with their application to ABCA for a permit.

Council action is needed in providing the approval letter.

Assistant City Manager Emily Muzzarelli explained, motion by Brazaitis, second by Dulaney, to provide an approval letter for the Sabraton Station to allow them to sell alcohol during home football games outside.

**REPORT FROM CITY CLERK:** No Report

**REPORT FROM CITY ATTORNEY:** No Report

**REPORT FROM COUNCIL MEMBERS:**

Councilor Fetty:

Councilor Fetty announced the 1<sup>st</sup> Ward Neighborhood Association is having their last picnic of the month on 8/28/18 at 6:30 p.m. She mentioned mental illness and how more people out there have it. She would like for this topic of discussion be part of the Health and Wellness. She is grateful for Mark Brazaitis, his willingness to sacrifice his privacy and of his family. She wants to personally note that if anyone in this town, needs assistance, if you are alone, if you have to sit in the hospital, Chestnut Ridge or the Emergency Department, please call her, she will do whatever it takes to help you get the help that you need or if you just need a friend.

Councilor Wallace:

Councilor Wallace wants to announce the return of the BOPARC Morgantown tradition that was a success the "Sprint/Splash/Spin Triathlon at Marilla Park on Friday for the kids, and Saturday for the adults. He wanted to thank BOPARC for their sponsorship, and Morgantown Multi Sport Club for organizing it, he was thrilled to be able to participate as well. He mentioned that during this event he was keenly reminded of the dilapidated state of some of the portions of the Rail-Trail. The Rail-Trail is a key part of the City's identity and thinks it is a great thing that was inherited from the railroad that

use to run through here and is a key feature for Health and Wellness and all members of the Community. He stated that it cannot be neglected so for the upcoming budget, he would like to ask the City Staff to keep that in mind and see what can be done to allocate some funds to the maintenance of the Rail-Trail. He would like to call for Civility in our Community, he has been concerned of the tone of what has happened on City Council here recently and would appeal the people of the City and Greater Morgantown Area to be civil as much as possible to be the better person, especially for elected officials, City Personnel, and anyone in a position of responsibility. He stated that we are public servants and it is the duty to serve the public in the best way that can be done, and he asks the public to bear in mind that everyone is human and that everyone can achieve much more civilly than we can when we are civil.

Councilor Selin

Councilor Selin recognized the Evansdale neighborhood received a beautiful wooden sign and was put up by Troop #44 on Rawley and Riverview. She noted that the City helped pay for it and the neighborhood did a lot of the coordination. She stated that she would like to have one in the Suncrest Neighborhood. She was at an artist showcase this evening for the meeting at Slight Indulgence, Sonya Bierce was the artist, she had done some amazing landscape and still life paintings that were beautiful and mentions that they will be on display at Slight Indulgence for the next month. She would like to encourage other businesses to put on more events and showcase local artists. She mentioned the importance of today and City Council moving forward. She also mentioned a fundraiser she attended at the Botanical Gardens and enjoys seeing all the different creativity involved with the fundraiser. She appreciates those who come to speak regarding issues within the City and does not attack but asks questions and works together.

Councilor Dulaney:

To see Councilor Dulaney's report reference attached **Ex. A**

Councilor Brazaitis:

Councilor Brazaitis recommended items to go onto the Committee of the Whole Meeting, such as: 1% Tax, Early bar closing times, Truck traffic, Bus Depot location, and a Presentation about paid sick leave. He would like to thank all the people in the Community who has been pouring out their support for the Ice Rink that is coupled with some of the pictures of the old Ice Rink and has heard from others how this can be an economic generator to our community. He wanted to thank Caroline Leadman, WVU Figure Skating President, who spoke with him in front of the County Commission. He mentioned Devan Tight, and Terezia Galikova from the Figure Skating Club have been supportive and outstanding. He mentioned that while he is not in the classroom he has had time to read and revisit Sherlock Holmes "A Scandal in Bohemia" and he recommends it to everyone because of the conversation about mental illness. He stated that as his role at WVU he invited Camille Rankin, a terrific African American poet to read October 1, 2018.

Councilor Wendell:

To see Councilor Wendell's report reference attached **Ex. B**

Mayor Kawecki:

Mayor Kawecki mentioned the naming of the new bridge, and a citizen who is a retired Morgantown Police Officer Debra Gordey, that come in front of Council on Tuesday, August 7<sup>th</sup> during the public portion to request and consider naming the new bridge in honor of Frank Fidazzo. He has respect for all Police, Firefighters, Civil Servants and are all an excellent group of people. He noted that the people he represents in the 2<sup>nd</sup> Ward Greenmont/Southpark area had been working on this project for a considerable amount of time (5 years or more). They have named the bridge Kerns Crossing, and he does not feel that Council should have a say in naming the bridge when the people in the 2<sup>nd</sup> Ward have worked so long and hard to come up with a name. He has announcements: Arts Collaborative Meeting at Arts Mon Gallery 201 Hight St. at 5:30 p.m. on August 23<sup>rd</sup>, Southpark Neighborhood Association of Neighborhoods Meeting August 22<sup>nd</sup> at the First Christian Church 6:30 p.m.

**ADJOURNMENT:** There being no further business, motion by Brazaitis, second by Wallace to adjourn at 8:37 p.m.

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City Clerk

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Mayor

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

Ron's Notes – 08/21/2018

July 24<sup>th</sup> we passed a motion, by a vote of 5:1, to endorse the recommendations of the City Manager regarding how to proceed with BOPARC funding.

“Rushing to placing a levy on the November ballot lacks sound solid justification and due diligence in the attempt in gaining voter approval.”

“The motion to reconsider may be made only by a member who voted on the prevailing side in the original vote.” P 315

This issue is not on the agenda. “The only circumstance under which a governing body may amend an agenda *during* a meeting is if a true emergency arises.” “any matter requiring the governing body to take official action must be listed on the agenda.” [Open Governmental Meetings Act]

08/21/208 – Dulaney's Councilor Report

A public forum was held on 08/20 to discuss Area Study 16 (bound by Route 7/Powell Ave and Woodrow St)

Woodburn School Redevelopment Commission meets Thu August 30<sup>th</sup> at 6PM at the Boys and Girls Club entry at the school.

Bicycle Lanes on University Avenue and Richwood – achieved via striping modifications to achieve bike climbing lanes. Thanks to city administration and engineering department.

Downtown Parking Zone 2 hour limit per day with warning, \$20, and \$100 tickets; Would appreciate an invitation to Parking Authority Director to present and discuss at a Committee of the Whole meeting this policy and its enforcement as a matter of public education.

During the last meeting, Ms. Debora Gordet shared the memory of Morgantown Police Private First Class Frank Fidazzo. She requested that the new pedestrian bridge in Greenmont be name after him in his honor. My understanding is that the bridge may have already been named at the time of her request. Could this be confirmed and if it has not been made, consideration given to sharing the name of the bridge with Officer Fidazzo?

Ex. B

## Heather Carl

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**From:** Barry Wendell  
**Sent:** Tuesday, August 28, 2018 9:12 AM  
**To:** Heather Carl  
**Subject:** Councilor's Report from 8/20

I attended the West Virginia Municipal League conference in Morgantown August 8-10. I had the honor of meeting Jan Rader, the Fire Chief in Huntington, and the heroine of the movie "Heroin(e)." Our former City Clerk, Linda Tucker, worked on this conference, which went smoothly. I wish her well on her retirement.

Last week, I visited Clarke County, Virginia, near Winchester. The county seat and largest city is Berryville. Although it is sixty miles from Washington, it is on US 50 and Virginia Route 7, making it now, with housing prices too high for most Federal workers in Washington and the inner suburbs, a commuter suburb. The county has a zoning plan to preserve the Blue Ridge Mountains, on the eastern edge of the county, and much of the farmland and large estates in the county. New development is mostly restricted to the area around the two cities in the county, Berryville and Boyce. It would be great if our county could target areas for growth, while leaving most of the landscape as rural or in scenic easements.

Congratulations to Mark Brazaitis on a new book coming out, and on his daughter being recognized in The Dominion-Post as one of the top graduating seniors at Morgantown High.

The newspaper had an article about WVU starting a fund-raising campaign to raise a hundred million dollars for facilities for student athletes. Perhaps Morgantown could have a fund-raising campaign, possibly through a foundation, to raise money for recreational facilities that would benefit all of our residents.

This weekend, I will be in Naples, Florida with my sister Robin, for a ninety-fifth birthday celebration for my late mother's best friend, my "Aunt" Shirley. Her three sons, who will be there, were my best friends when we were children, and I still keep in touch with them.