

**City of Morgantown**  
389 Spruce Street, Morgantown, WV 26505

**REGULAR MEETING**  
**September 1, 2020**

The Regular Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, September 1, 2020, at 7:25 p.m.

**To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not permitted. When it was time, the public participated in the public portion by videoconference at the following link:** <https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public could view the meeting on Channel 15 and by streaming hosted on the City's website at [www.morgantownwv.gov](http://www.morgantownwv.gov). Those wishing not to speak at the meeting were asked to view it by these methods to conserve capacity on the videoconference. Any person wishing to speak at the meeting should have completed the form at <http://morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-93> or provide their name, phone number they would be using to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. Individuals could sign up to speak at any time until the meeting began. The public could submit written comments concerning items on the agenda or other topics they wished to speak on by sending an email to the City Clerk at [cwade@morgantownwv.gov](mailto:cwade@morgantownwv.gov). Individuals had until 30 minutes prior to the start of the meeting to submit written comments. Written comments were shared with City Council via email as they were received. Written comments were not read aloud during the public portion, however, Council members could choose to speak about comments received during the Correspondence portion of the meeting.

**PRESENT:** Via Webex were Interim City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor Ron Dulaney, Jr., Deputy Mayor Rachel Fetty, and Council Members Bill Kawecki, Zackery Cruze, Jenny Selin, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Mayor Dulaney.

**APPROVAL OF MINUTES:** Motion by Councilor Kawecki, second by Deputy Mayor Fetty, to approve the August 18, 2020, Special and Regular Meeting minutes, and the August 25, 2020, Special and Committee of the Whole Meeting minutes.

**CORRESPONDENCE:**

Councilor Wendell shared correspondence related to the use of the track at Mylan Park.  
Deputy Mayor Fetty shared correspondence related to the Police Oversight Board and advised that she would forward that correspondence to the City Clerk.  
Cruze shared correspondence related to the Police Oversight Board, Wiles Hill condemned properties, and Wiles Hill Republic Services.  
Councilor Selin shared correspondence related to the opening of bars due to COVID-19.

**PUBLIC HEARING: A BOND ORDINANCE OF CITY OF COUNCIL WHICH WOULD (I) AUTHORIZE THE REFUNDING OF THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS) (THE "SERIES 2010 A BONDS"), AND (II) AUTHORIZE THE ISSUANCE BY THE CITY OF NOT MORE THAN \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (TAX EXEMPT) (THE "SERIES 2020 A BONDS") FOR THE PURPOSE OF REFUNDING THE SERIES 2010 A BONDS AND OTHER MATTERS RELATED THERETO**

Mayor Dulaney declared the Public Hearing open.

Adam Rosefsky, 640 White Avenue, spoke related to a donated piece of property to the City of Morgantown as it relates to eminent domain.

Steve Ford, 102 Vandalia Road, spoke in opposition of the Community Policing and Review Board.

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

**UNFINISHED BUSINESS:**

**A BOND ORDINANCE AUTHORIZING REFUNDING OF THE COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A:** The below entitled Bond Ordinance was presented for third reading.

A BOND ORDINANCE OF CITY OF COUNCIL WHICH WOULD (I) AUTHORIZE THE REFUNDING OF THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS) (THE "SERIES 2010 A BONDS"), AND (II) AUTHORIZE THE ISSUANCE BY THE CITY OF NOT MORE THAN \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (TAX EXEMPT) (THE "SERIES 2020 A BONDS") FOR THE PURPOSE OF REFUNDING THE SERIES 2010 A BONDS AND OTHER MATTERS RELATED THERETO

Interim City Manager Emily Muzzarelli explained. Motion by Deputy Mayor Fetty, second by Councilor Kawecki, to approve the above entitled Ordinance. Motion carried 7-0.

**BOARDS & COMMISSIONS:**

Motion by Deputy Mayor Fetty, second by Councilor Kawecki, to reappoint, by consensus, Brian Walker (WVU Off-Campus

# City of Morgantown

Housing Representative) to the Morgantown Housing Advisory Commission for another 3-year term.

Motion by Deputy Mayor Fetty, second by Councilor Selin, to reappoint, by consensus, Lisa Darden (Fairmont-Morgantown Housing Authority Representative) to the Morgantown Housing Advisory Commission for another 3-year term.

Motion by Councilor Cruze, second by Councilor Harshbarger, to appoint, by consensus, Neil Burton to the Museum Commission for a recently vacated 5-year term seat with an expiring term date of June 30, 2024.

Motion by Councilor Selin, second by Councilor Kawecki, to appoint, by consensus, Larissa Cason (General Public) to the Fire Code Board of Appeals for a recently vacated 3-year term seat with an expiring term date of April 30, 2022.

Motion by Councilor Kawecki, second by Councilor Harshbarger, to reappoint, by consensus, Brian McAllister (City Appointment) to the Fairmont-Morgantown Housing Authority for a 5-year term.

## **PUBLIC PORTION:**

Mayor Dulaney declared the Public Portion open.

There being no individuals to speak, Mayor Dulaney declared the public portion closed.

## **SPECIAL COMMITTEE REPORTS:**

Community Policing and Citizens Review Board – Councilor Zack Cruze updated council of the recent meeting of the Special Committee on Community Policing and Citizens Review Board. Participants are working on the language for the Ordinance to establish this Board.

Special Committee on Unsheltered Homelessness – Mayor Dulaney shared that the meeting has been scheduled for Wednesday, September 16, 2020, at 2:30pm by Webex.

## **CONSENT AGENDA:**

**AN ORDINANCE ANNEXING PROPERTY OF THE MONONGALIA COUNTY BOARD OF EDUCATION IN MORGANTOWN DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN**

**AN ORDINANCE ANNEXING PROPERTY OF MORGANTOWN COMMUNITY RESOURCES, INC. IN CLINTON DISTRICT INTO THE CORPORATE BOUNDARIES OF THE CITY OF MORGANTOWN**

**AN ORDINANCE PROVIDING FOR AN ELECTION TO CONSIDER AMENDMENT OF THE CITY CHARTER ESTABLISHING THE COMPOSITION, ELIGIBILITY, ELECTION, AND TERMS OF CITY COUNCIL MEMBERS AND FOR THEIR NOMINATION AND ELECTION**

**A RESOLUTION SUPPORTING THE CITY OF MORGANTOWN BECOMING A CERTIFIED ARTS COMMUNITY**

Motion by Deputy Mayor Fetty, second by Councilor Selin, to approve the above Resolution and to approve the Ordinances to second reading.

## **NEW BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET GENERAL FUND: The below entitled Ordinance was presented for first reading.**

AN ORDINANCE AMENDING THE FY 2020-2021 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

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Deputy Mayor Fetty, second by Councilor Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**A RESOLUTION AFFIRMING AND STRENGTHENING COMMUNITY POLICING: The above entitled Resolution was presented for first reading.**

Interim City Manager Emily Muzzarelli explained. Motion by Deputy Mayor Fetty, second by Councilor Selin, to approve the above entitled Resolution. After further discussion, motion by Councilor Cruze to amend the Resolution to add the word "Advisory" to item #18 of the Resolution to read "Establish a diverse, qualified, and trained volunteer Community Police Review and Advisory Board to aid the City of Morgantown in its Community Policing practices and efforts, make recommendations for policy changes, investigate allegations of police misconduct, and other improvements.", second by Councilor Selin. Motion carried 7-0 to approve after amendment.

**A RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS TRANSPORTATION ALTERNATIVES PROGRAM FOR GRANT FUNDING FOR THE PLEASANT STREET STREETScape PROJECT: The above entitled Resolution was presented for first reading.**

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Resolution. Motion carried 7-0.

# City of Morgantown

**A RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS TRANSPORTATION ALTERNATIVES PROGRAM FOR GRANT FUNDING FOR THE MORGANTOWN MUNICIPAL AIRPORT STREETScape PROJECT:**  
The above entitled Resolution was presented for first reading.

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

**A RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS TRANSPORTATION ALTERNATIVES PROGRAM FOR GRANT FUNDING FOR THE WHITE PARK PARERTON TRAIL CONNECTOR PROJECT:** The above entitled Resolution was presented for first reading.

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Councilor Harshbarger, second by Councilor Selin, to approve the above entitled Resolution. Motion carried 7-0.

**EMERGENCY ORDINANCE 2020-05 REGARDING PUBLIC HEALTH MEASURES IN RESPONSE TO COVID-19 PANDEMIC:** The below entitled Ordinance was presented for first reading.

**EMERGENCY ORDINANCE 2020-05 REGARDING PUBLIC HEALTH MEASURES IN RESPONSE TO COVID-19 PANDEMIC**

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Deputy Mayor Fetty, second by Councilor Kawecki, to approve the above entitled Ordinance with amendments. Motion carried 5-2 with Councilor Cruze and Councilor Wendell voting no.

**CITY MANAGER'S REPORT:**

**Information:**

- 1. Update on Encampment**  
Interim City Manager Emily Muzzarelli provided an update on the encampment.
- 2. June 2020 General Fund Detailed Budget Report**  
Interim City Manager Emily Muzzarelli presented the June 2020 General Fund Detailed Budget Report.
- 3. 2020 – 2022 Strategic Plan**  
Interim City Manager Emily Muzzarelli presented the 2020-2022 Strategic Plan PowerPoint.

**New Business:**

- 1. Letter of Support for WV DOH Van Voorhis Construction Project**  
Interim City Manager Emily Muzzarelli explained that the WVDOH had a meeting regarding the proposed project to upgrade a portion of Van Voorhis between Chestnut Ridge Road and West Run Road. After discussion with decision to include pedestrians, etc. within the letter, motion by Deputy Mayor Fetty, second by Councilor Selin, to approve the letter of support to the WVDOH for the project. Motion carried 7-0.
- 2. Police and Fire Pension Annual Reports**  
Interim City Manager Emily Muzzarelli requested approval of the reports so the city can request the insurance tax allocations of \$763,466.74 for police and \$638,746.60 for the Fire from the state. Motion by Councilor Selin, second by Deputy Mayor Fetty, to approve the Police and Fire Pension Annual Reports. Motion carried 7-0.

**REPORT FROM CITY CLERK:** shared information related to their upcoming codification of the City Code with Municode.

**REPORT FROM CITY ATTORNEY:** No report.

**REPORT FROM COUNCIL MEMBERS:**

**COUNCILOR WENDELL:** shared that the Morgantown Pride is having an event this coming weekend virtually and information can be found on their website.

**COUNCILOR HARSHBARGER:** shared an update on the Rail Trail related to grading the Decker's Creek section.

**COUNCILOR SELIN:** No report.

**COUNCILOR CRUZE:** shared his concerns of the current state of the pandemic and stated that he forwarded concerning photos to council members.

**COUNCILOR KAWECKI:** shared his concerns of the current state of the pandemic and shared that perhaps council should forward the photos from Councilor Cruze to the media and others.

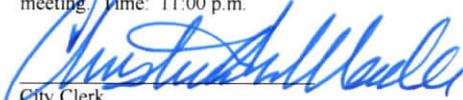
**DEPUTY MAYOR FETTY:** shared his concerns of the current state of the pandemic and stated that we should collaborate with WVU and work to express the importance of wearing masks and socially distancing.

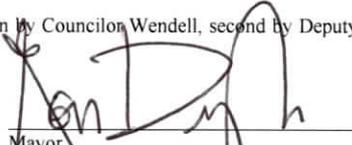
**MAYOR DULANEY:** shared his concerns of the current state of the pandemic and stated that he shared the photos from Councilor Cruze with the Governor's office. He also stated that the Special Committee on Unsheltered Homelessness meeting has been scheduled for Wednesday, September 16, 2020, at 2:30pm by Webex.

# City of Morgantown

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor Kawecki, second by Deputy Mayor Fetty, to go into executive session. Motion carried by acclamation. Present: Interim City Manager, City Attorney, and City Council. Time: 10:54 p.m.

**ADJOURNMENT:** There being no further business, motion by Councilor Wendell, second by Deputy Mayor Fetty, to adjourn the meeting. Time: 11:00 p.m.

  
City Clerk

  
Mayor

