

REGULAR MEETING September 17, 2019: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, September 17, 2019, at 7:14 pm.

PRESENT: City Manager Paul Brake, 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.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: September 3, 2019 Special meeting minutes and Regular meeting minutes were approved by consensus.

CORRESPONDENCE: Mayor asked to suspend the rules to present a birthday card and a City of Morgantown lapel pin to Miss Riley Huggins who is turning 7 and who requested to meet the Mayor for her birthday.

Jonathan Vrabel, the new Director of the Morgantown Municipal Airport, presented current efforts to improve the airport, and discussed his vision for the airport.

PUBLIC HEARING: A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE AUTHORIZING AN ALTERNATE AUDIT REPORTING DATE FOR THE LAND REUSE AGENCY

Mayor Kawecki declared the Public Hearing open

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

PUBLIC HEARING: AN ORDINANCE DESIGNATING AND DECLARING SECOND STREET RESTRICTED TO ONE-WAY TRAFFIC FROM UNIVERSITY TO GRANT AVENUE

Mayor Kawecki declared the Public Hearing open

Chris Yeager, 2045 University Avenue, shared his concerns regarding limited parking and the challenges customers may have with entering his business. He also spoke of concerns regarding the use of the Red Zone which is on the side of his building.

Harshbarger asked to suspend the rules to allow questions for Mr. Yeager.

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

UNFINISHED BUSINESS:

A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE AUTHORIZING AN ALTERNATE AUDIT REPORTING DATE FOR THE LAND REUSE AGENCY: The above entitled Amendment was presented for second reading.

City Manager explained, motion by Selin, second by Fetty, to approve the above entitled proposed amendment to the Home Rule. Motion carried 7-0.

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

City Manager explained, after discussion, motion by Selin, second by Fetty, to approve the above entitled Ordinance. Motion carried 5-2.

BOARDS & COMMISSIONS:

Motion by Selin, second by Dulaney, to reappoint by consensus, Terry Jones to the Building Commission.
Motion by Fetty, second by Harshbarger, to appoint by consensus, Sam Zizzi to the Traffic Commission for the Second Ward.
Motion by Cruze, second by Selin, to appoint by consensus, Meredith Hartery to the Library Board.
Motion by Wendell, second by Harshbarger, to appoint by consensus, Cindy O'Brien to the Ward & Boundary Commission.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Kristee Montgomery, 2045 University Avenue, expressed concerns of the loss of parking in front of her business at 2045 University Avenue.

Gary Tannenbaum, 248 Walnut Street, owner of Blue Moose Café, expressed his concern of homelessness, drug use and violence on Walnut Street, specifically at the Friendship House, and how it affects his business at this location.

Caitlin Sussman, Program Director of the Friendship House, spoke regarding the current issues in the City of Morgantown such as homelessness and addiction. The Friendship House is interested in being part of the solution for these issues.

Stephanie Swain, business owner at 245 Walnut Street, Hoot and Howl, expressed her concern of homelessness, drug use, and violence. She thanked Councilor Dulaney for his welcoming efforts to her business and others downtown. She asked council to review Article 1149 of Morgantown City Code.

L.J. Guilian, 123 Pleasant Street owner, thanks the Mayor and council members for their willingness to listen to his concerns. He shared that the issues which have been mentioned tonight are not just a city issue, but also a county and state issue and that action needs to take place. He recommended that partnerships be formed with the county and WVU.

Jillian Kelly, 218 Walnut Street business owner, spoke regarding the extreme issues and the safety concerns of her customers, and expressed concern about the city's efforts to combat homelessness and how frequent violence and drug abuse around her storefront

affects her business

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

SPECIAL COMMITTEE REPORTS:

CONSENT AGENDA: None

NEW BUSINESS:

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

City Manager explained, after discussion, motion by Selin, second by Harshbarger, to approve the above entitled proposed amendment to the Home Rule. Motion carried 7-0.

CITY MANAGER'S REPORT:

New Business:

1. **FY 2019 – Annual Reports of Police and Fire Pension Funds**

City Manager explained, motion by Dulaney, second by Wendell, to approve the annual reports of the Police and Fire Pension Funds. Motion carried 7-0.

City Manager also shared information regarding the slip in White Park.

REPORT FROM CITY CLERK: shared that the Morgantown Fire Department, as well as the Morgantown Police Department are currently accepting applications. Applications can be received in the City Clerk's office. Applications can be received in the City Clerk's office. Applications will be accepted until October 18, 2019, for Fire Fighters, and until November 1, 2019, for Police Officers. There will be two Open Houses offered for those fire fighter candidates to practice the agility test prior to the actual test. The two Open Houses will be on September 21, 2019, from 1:00 pm to 5:00 pm, and on October 19, 2019, from 1:00 pm to 5:00 pm, both at the Northside Fire Station

REPORT FROM CITY ATTORNEY: expressed that with council's approval of the Home Rule plan Amendment tonight that he will prepare the council certification letter as well as a record reflecting the absence of public comments on the plan and submit that to the home rule board along with the remainder of the packet materials. He stated that he will also notify the board of the request to have it on their October 9, 2019, agenda. It is anticipated that this will give them sufficient time to do so, as well as reach out to their staff for any comments and follow up on our previous discussions in email correspondence with the Housing Development Fund, which is the agency that receives the audit subject of the plan Amendment and anticipate presenting that to the Home Rule Board at its October 9, 2019, meeting. Secondly, we are coming up on the time of year when council should begin to consider any state level legislative issues it would like to promote, and as well as the time when you commonly organize a meeting with your delegates to discuss those issues. He advised that he is happy to discuss with any members or with councilor generally what initiatives you'd like to pursue or what those opportunities are, as well as how we might work with the Municipal League to advance this.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: thanked everyone attending the council meeting to talk about the issue of homelessness and in particular issues related as subsets of that problem specifically addiction and mental illness. She recited an old sobriety prayer, which is God grant me the serenity to accept the things I cannot change and the courage to change the things I can and the wisdom to know the difference. She commented that if anyone has ever been to an Al-Anon meeting or an AA meeting that they have heard that prayer. She commented that she has been to many. She shared that she is an attorney for children in the abuse and neglect system, as well as for defendant parents in the abuse and neglect system, so she is dealing every day with the extraordinary challenges of addicted persons and their families. She has seen over the past several years a growing hum of trauma that affects every single person who has to deal with these situations. A single overdose experience with a customer, neighbor, friend, sister, or a mother is devastating as it creates trauma and it's not something that a person can easily address. She shared that she believes sometimes as a city government we are trying to make sure that we focus on the things that we can change historically. That the City of Morgantown has worked hard to make sure that we have adequate police and fire protection, and adequate other municipal services. Deputy Mayor stated like most other cities we are going to have to shift in how we approach the problem. She suggested we take a step back from the diagnosis of the folks that we're dealing with and consider what the city can do in addition to collaborating with and working with the many organizations that are already working on these issues. She commented that she is opposed to restricting services, and that the city will have to handle the issues in a different way suggesting a meeting to discuss.

COUNCILOR CRUZE: began by addressing the parking situation with Appalachian Cannabis sharing that a large amount of their customers are using it because they are in chronic pain, or they have disabilities, or they are parents of disabled children, that if we moved their parking down the hill those individuals would be forced to walk up the hill to purchase the product. He shared that he hopes the City can work toward a solution to solve the problem. Councilor Cruze stated that people wouldn't assume that he is an individual who has dealt with homelessness, but he has in the past when he was homeless himself noting that it was not because he was lazy or because of anything he did. He stated that the Friendship House and Health Right are doing amazing things noting that during the Art Walk the Friendship House opens its doors for clients to display their artwork. The client community cleanups involve picking up the rail trail and homeless camps

in an attempt to help our community. He commented that this is our city, and these are our neighbors regardless of the crisis that they're currently enduring. He hears the concerns of the business owners and shared that we need to support our neighbors and come together to find solutions.

COUNCILOR SELIN: shared that she appreciates everyone who came to speak tonight and that she is very hopeful that we can work together with business owners and social service agencies to figure out solutions in our downtown. She commented that she is a downtown lover and when problems reach to the level that it is, we need to work harder and do more. We need to have some immediate assistance, and perhaps we need a subcommittee meeting with dialogues somewhere that's comfortable where people could sit in a circle and just talk about solutions to promoting a positive business climate. She shared that some people may be afraid to come downtown because someone is acting unpredictable, and the environment may be more negative than positive. She commented that there were some bicycle riders in the downtown area on Friday evening and this is one of the programs that is important to have available as it is a positive thing to do.

COUNCILOR DULANEY: shared that he spoke with the owners of Appalachian Cannabis, as well as the City Administration and it is his understanding that the issue is not completely settled. He encouraged both the City Administration and the owners to get together. He commented that one important issue is keep vehicles off of the sidewalk, however there may be a problem with enforcement. He is hopeful that we can come to a resolution with the parking issue. He shared that Main Street Morgantown continues to advocate for positive actions for our downtown and that they are in transition as an organization, but there is strong leadership there which can help play a role in revitalizing our downtown. He shared that there is commitment to more intensive programming at the Amphitheatre and also to developing more Waterfront recreational amenities. There is also obvious improvement at Christian Help and new investment in downtown such as the new building at the top of High Street that is currently being developed. One business that is taking advantage of the downtown business district B&O tax credits. Dulaney commented that our community is struggling with addiction and mental illness. He shared that he has met with the social service agencies on Walnut Street and the Walnut Street businesses, and they were very constructive conversations. There were some action steps which came out of the meetings however there was some disappointment that not all the actions taken. He shared that he has walked the streets with MPD officer Starsick and commented that we are very fortunate to have him here in council chambers during meetings. He stated that we have many dedicated entities and specialists addressing the implications of the problems that we face but asks if we have enough law enforcement. He suggested that we consider creating a project manager position or a sort of coordinator position in the city to lead a coordinated effort to address this problem in Morgantown. We've got to get the right people in the right room together and identify some concrete action items so that we can make progress in addressing this issue as a community. I also suggested that council should schedule a working session.

COUNCILOR HARSHBARGER: shared that he would like to thank everyone who spoke on the issues from the cannabis shop to downtown noting that a healthy downtown is the core of a healthy community. He advised that what he hears when he talks to folks is that they do not feel safe downtown. He also hears those same people being very compassionate about wanting to provide services and helping those same people that make them feel uncomfortable. He shared that he works with Folks at WVU medicine who try to get upstream of some of these issues with Behavioral Health and Social Service work, and this is a combination of what can we put in place to get upstream to help as well. We need to talk about these items and create a subcommittee, however, what can we do right now when folks are feeling threatened. What can we do to help people with an immediate tool? Ultimately, we need to get upstream and try and resolve the long-term problem with a solution.

COUNCILOR WENDELL: Provided the following.

It's been a busy two weeks since our last meeting. September 4-5 I visited Cumberland County, Pennsylvania, across the Susquehanna River from Harrisburg. It's a larger county than ours. The county seat, Carlisle, is smaller than Morgantown, and the home of Dickinson College. High Street is the Main Street in Carlisle, and it is lined with restaurants, a bookstore, and a historic theater that shows movies and hosts live theater. Most of the town is in a historic district, and on the town square on Wednesday night, there was a market, selling fresh fruits and vegetables as well as food, including pizza and vegetable-flavored popsicles made by college students.

Sunday before last, I attended worship at the redeemed Christian Church of God on Route 100 at the border of Westover and Granville. David Fryson, the former Vice-President for Diversity, Equity and Inclusion spoke for their "Diversity Service." The church is based in Africa, and many of the congregants are from the African diaspora. The service was followed by a delicious lunch, which included African foods. Not having had enough food, I moved on to the Greater Morgantown Interfaith Commission meeting in Scott's Run, followed by the Community Coalition for Social Justice annual picnic.

Monday last week I attended my first meeting of the Met Theatre Commission. I have ideas for what I would like to see there, but when we discussed successful events, they were comedians and musicians with whom I was not familiar. I realized that I am far out of the current cultural zeitgeist.

Tuesday to Thursday was the West Virginia Brownfields Conference at the Marriott. I met many interesting people from throughout the state who are working to revitalize their cities and towns. I took a walking tour of downtown Morgantown, which gave me the opportunity to see our city through different eyes. People I spoke to were impressed with how good our city looks. I am often downtown, and I am aware of the issues with street people. We should, as L.J. Giuliani suggested, recruit the County, University and state to help with the issues of homelessness and addiction. I also know that Friendship House does good work, and needs to be supported. We all need to work together on these issues. Walnut Street is the heart of the small business community that makes Morgantown unique. The "Give Change That Matters" group still meets monthly at Spruce Street United Methodist Church. Contact Reverend Neil Leftwich at the church to connect with this group. I also hope we can work something out for parking at Appalachian Cannabis on University Avenue.

My evenings were busy last week. Tuesday evening, there was a march and demonstration from Congressman McKinley's office in Seneca Center to Senator Capito's office in the Wharf District about the draconian measures taken by the current administration regarding immigrants and asylum seekers. I have called Congressman McKinley's and Senator Capito's offices several times about these issues. They have not responded. Wednesday night, we opened the rainbow crosswalk in Greenmont. Many people think it's not a

big deal, but for people who are still often denigrated, even by their own families, it is a very big deal to have a symbol of acceptance in our community. Kudos to Morgantown Pride, and to Mayor Kawecki for his remarks to the reporter for Channel 12. Thursday night there was an event for Sam Brown Petsonk, running for West Virginia Attorney General. He is a good guy, and his parents are long-time friends.

This past Sunday, I attended a program on religious diversity at WVU to kick off Diversity Week. Christian, Muslim and Jewish religious groups were represented.

Yesterday, Osher Life-Long Learning held an open house, and there was a speaker from national OLLI. Our group in Morgantown is famous nationally. I'm teaching "The Great Hits and Albums of 1967" starting October 3 for six Thursdays from 12:45-2:35. The music I plan to play will blow people's minds.

We are in the Jewish month of Elul, a time of introspection. Rosh Hashana, the Jewish New Year, begins the evening of September 29. As part of my repentance at this season, I ask forgiveness if I have wronged anyone, let me know if I can make amends, and I will do my best.

MAYOR KAWECKI: shared that members of this council are completely aware of the circumstance in town and are completely attuned to what's happening with our various charities and organizations. He shared that this is not something that's new to council as it has been expressed quite well among their membership. He commented that this is not a city problem, it is a community problem that not only requires community's attention but the people who are supplying the services. He shared that we need the dialogue and the communication, perhaps the first place to start is with council itself in a working session so that we can come to some understanding of the circumstances that we face. He shared that we cannot discontinue services as there would be consequences in the end. He commented that the police are good at what they do as they know the names of these people downtown. They know the illnesses of these people and have personally reached into their pocket to try to remedy some of these circumstances. Working sessions are appropriate and we should move forward with them. He was thankful for the suggestions this evening and noted that there are levels of complexity to the circumstance of parking. He shared that it is a matter of safety, traffic, pedestrians, and business, and that they are trying to address all of those although the solutions are not easily accomplished. The Mayor advised of the Climate Solutions Fair which is Friday September 20, 2019. MT Pockets Theater has some interesting things going on such as the Pulitzer prize-winning portrayal of one woman's decision to end her own life. There is a Worldwide Day of Play at Sparks with a four-dollar charge on Saturday, September 21, 2019. There is also an International Street festival downtown on that day, an all-day event. Also, a number of things with the Botanic Gardens and with the library.

EXECUTIVE SESSION: Pursuant to West Virginia State Code Section 6-9A-4(b) to discuss to discuss Acquisition and Development of Real Estate in Sabraton, First Ward, and Downtown. Motion by Dulaney to go into executive session. Motion carried by acclamation. Present: City Manager, City Attorney and Council. Time 9:22 p.m.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(b) to discuss ClearFiber vs City of Morgantown. Motion by Dulaney to go into executive session. Motion carried by acclamation. Present: City Manager, City Attorney and Council. Time 9:22 p.m.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(b) to discuss TIF District No. 3, Project No. 3 Present: City Manager, City Attorney and City Council. Time: 9:55 p.m. Motion by Dulaney, second by Harshbarger to exit Executive Session.

ADJOURNMENT: There being no further business, motion by Wendell, second by Fetty, to adjourn the meeting. Time: 10:58 p.m.


City Clerk


Deputy Mayor Rachel B. Kelly

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