

REGULAR MEETING February 5, 2019: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 5, 2019, at 7:18 pm.

PRESENT: City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William Kawecki, and Council Members: Rachel Fetty, Ryan Wallace, Deputy Mayor Jenny Selin, Ron Dulaney, Mark Brazaitis, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: January 22, 2019, Special Meeting minutes were approved by consensus.

CORRESPONDENCE: Morgantown Police Department (MPD) Chief Ed Preston spoke to address the riot which began as sled riding and ultimately grew over several hours on Spruce Street. Chief advised that when criminal activity such as throwing projectiles and setting fires on streets began, at that point it was declared a riot. Public Works crews attempted to plow the streets but could not due to students on the streets. Around 2:45 pm WVU police called the MPD regarding the situation with 400-500 people. Alcohol violations were involved and crews spent over an hour on the street trying to remove students. Officers shot pepper balls only above the rafters, not into the crowd. At 3:48 pm it was declared a riot. Officers asked the crowd to clear the street, but this did not occur, so they used a Long-Range Acoustic Device (LRAD), a loud speaker that sounds out a loud annoying noise. The LRAD was deployed twice. Lastly, 37 mm smokes canisters were deployed which caused the crowds to leave. Chief explained that there was one report of a contusion. Councilor Wallace asked what steps the city could take to prevent these types of things from happening. Chief Preston shared that they are watching body cam videos, listening to radio traffic, and looking at social media. He also advised that they are also looking for people who were committing the violations, and that they will work in conjunction with WVU Police. Ron Justice, WVU State and Local Relations Specialist, shared that the activity is not condoned. From the initiation of contact, law enforcement worked in collaboration. He noted that footage will eventually be shared, and that agencies have been successful in working together. He wants to learn from this to prevent things like this from happening in the future. He greatly appreciates the communication and cooperation and wants people to know that they are working together to get the best outcome. Councilor Fetty advised that she bumped into Ms. McConnell and appreciated speaking with her. She echoed the appreciation of collaboration among the agencies and acknowledged the efforts of WVU. Councilor Fetty also shared that it was painful to see the events transpire but appreciates that we did not see any weapons and no batons. She also stated that hearing of only one potential injury is a reflection of the Departments. Councilor Selin shared that she, Dulaney, and Fetty toured the PD. She mentioned one discussion during the tour was the collaboration among the agencies and appreciates the use of creative methods used to tame the crowd. Chief Preston shared that any time we have an incident we have a protocol to follow, and each time there is a review of the incidents afterward to ensure protocol was used. Mayor Kawecki shared his appreciation of WVU and stated that he, along with the remaining council, are proud of our PD. Chief Preston shared that he will be sending a briefing to the City Manager.

Councilor Fetty shared that a young woman contacted her from WVU regarding a 5k race and bus schedules. She stated that a gentleman in a wheelchair was left behind because the lift was not working. Councilor Fetty shared that she will forward the information to the City Manager. She also shared her concern regarding the potential danger to residents due to adverse weather and no bus shelters.

Councilor Wallace noted updates from Charleston regarding bills in the Legislature that affect municipalities, specifically House Bill (HB) 2708 and HB 2699. HB 2708 is titled Local Government Labor and Consumer Marketing Regulatory Regulation Act. This effectively decreases the municipalities under Home Rule. The main focus of the West Virginia Municipal League is to push for Home Rule. HB 2699 is a bill to amend and reenact 865 of the code of WV regarding minor boundary adjustment provided that 50 percent or more of the land area to be annexed should be occupied residential land. He shared to please raise any concerns to the delegates. Councilor Wallace received communication from Vanessa Reeves of the First ward regarding support of the power purchase agreement, allowing people to participate in the energy market. He shared that this is a good bill and supports it.

Councilor Wendell noted items he received this week. Two items were regarding snow not being removed from the streets, but noted that one was a dead end street. Another one wondered why the three dollar increase did not include snow removal. Lastly, the other two emails today were related to the power sharing resolution being discussed this evening.

PUBLIC HEARING: None

UNFINISHED BUSINESS: None

BOARDS & COMMISSIONS:

Motion by Delaney, second by Brazaitis, to re-appoint Gary Murdock, to the Building Commission for another 5-year term.

Motion by Brazaitis, second by Dulaney, to re-appoint Clement Solomon, by consensus, to the Transit Authority for

another 2-year term.

Motion by Deputy Mayor Selin, second by Fetty, to re-appoint Jenny Dinsmore, by consensus, to the Transit Authority for another 2-year term.

Motion by Wendell, second by Brazaitis, to appoint Tina Tallaksen, by consensus, to the Met Theatre Commission for a 1-year term.

Motion by Dulaney, second by Deputy Mayor Selin, to appoint Richard McEwuen, by consensus, to the Met Theatre Commission for a 2-year term.

Motion by Brazaitis, second by Dulaney, to appoint Joshua Williamson, by consensus, to the Met Theatre Commission for a 2-year term.

AUDIT PRESENTATION

David Shriver of Tetrick and Bartlett spoke regarding the Auditor’s report.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Ashton Bray, 262 Kingwood Street, asked for Council support in growing a garden in the Greenmont community and asked to be placed on the agenda for the next Committee of the Whole.

James Kotcon, 414 Tyrone Avery Road, spoke regarding the Green Team’s presentation of their Annual report. He gave corrections to statements which were provided during the presentation of the Green Team’s report.

SPECIAL COMMITTEE REPORTS:

Councilor Selin spoke regarding bicycle and pedestrian incidents. Councilor Selin provided handouts and shared information regarding the Morgantown Monongalia Metropolitan Planning Organization (MMMPO) initiative. She shared that they hired a national consultant and there are many planning initiatives. Councilor Selin stated that there was a meeting at the Metropolitan Theatre regarding bicycle input from citizens. She noted there is information online at MMMPO and it directs you to the planning initiative. She shared that people are working together and coordinating to improve pedestrian and bicycle safety.

CONSENT AGENDA: None

NEW BUSINESS:

AN ORDINANCE AUTHORIZING THE HOME RULE BOARD

City Manager explained, motion by Wallace, second by Selin, to approve the above entitled Ordinance to second reading. After discussion. Motion carried 7-0.

AN ORDINANCE REQUIRING FINANCIAL DISCLOSURE REQUIREMENTS FOR ELECTED OFFICIALS

City Manager explained, motion by Wallace, second by Fetty, to approve the above entitled Ordinance to second reading. After discussion. Motion carried 7-0.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE

City Manager explained, motion by Selin, second by Brazaitis, to approve the above entitled Ordinance to second reading. After discussion. Motion carried 7-0.

A RESOLUTION OF THE CITY OF MORGANTOWN SUPPORTING THE LEGALIZATION OF POWER PURCHASE AGREEMENTS IN WEST VIRGINIA

City Manager explained, motion by Brazaitis, second by Wallace, to approve the above resolution. Motion by Brazaitis, second by Wendell, to amend 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 DIVISION OF JUSTICE AND COMMUNITY SERVICES, TO RECEIVE AND ADMINISTER GRANT FUNDS FOR THE SUPPORT OF PREVENTION RESOURCE OFFICERS FOR MOUNTAINEER MIDDLE SCHOOL AND SUNCREST MIDDLE SCHOOL

City Manager explained, motion by Wallace, second by Selin, to approve the above entitled resolution. After discussion. Motion carried 7-0.

CITY MANAGER’S REPORT:

INFORMATION:

1. BUDGET CALENDAR

City Manager explained and asked for a working session on Tuesday, March 12, 2019 at 7pm.

NEW BUSINESS:

1. FINANCIAL AND PROGRAM TRANSPARENCY PROPOSAL

City manager explained. Motion by Wallace, second by Selin. After discussion. Motion carried 7-0.

2. PROPOSED 2019 PAVING LIST

City manager explained. Asked to suspend the rules to allow City Engineer to speak. City Engineer explained. Motion by Wallace, second by Wendell. After discussion. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk Christine Wade spoke about the Police Department’s recruitment for new officers. Applications are available on the City website and will be accepted until 5:00 pm on March 15, 2019. Applications can be sent to the City Clerk’s office. She also spoke about the updates to the website regarding the upcoming City election. Citizens can find voter registration, polling locations and additional election information on the City’s website.

REPORT FROM CITY ATTORNEY:

Mayor Kawecki asked City Attorney if he had any comment regarding HB 2699. City Attorney shared that he had not heard anything from the Municipal League or elsewhere suggesting that that bill is likely to pass but he will be glad to look into it and follow up with the Municipal League regarding any prospects for changes. He shared that he is also tracking other bills such as the Home Rule bill and the Small Cell Wireless Facilities Act, and asks that if Council has any questions, he will be glad to assist.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty thanked the staff. She shared that she was concerned with the situation on Spruce Street, and that the social media was distressing. She shared that it was good to hear that there was only one injury and was happy to see the collaboration among agencies and staff. She noted that she is looking forward to report from the PD, and acknowledges the pressure that was put on the public safety crews. Councilor Fetty felt sorry that they had a negative experience. She is grateful for Jim Goff from Finance and states that it is good to see a clean audit. She notes her appreciation for the time he get involved with the community, such as the Art Auction for Monongalia County Child Advocacy Center, Wheeling Gardener, and Empty Bowls. She stated to contact any of those organizations to volunteer or participate as they are all wonderful community activities.

Councilor Wallace spoke regarding the Spruce Street riot. He shared that we have work to do to convince the community to get on board. He also noted that at 5:00 am on Saturday morning someone knocked on his door at his home. The student was inebriated and was looking for his home. Regarding social media, he was shocked at the encouragement of illegal behavior, anger at police and myself personally to include my family. He stated that these things need to be addressed, and that we need to talk about it and not be afraid to call it out as what it is. He appreciates the collaboration amongst law enforcement agencies and was thankful there were no injuries. He asks that Council talk to their constituents, as this doesn’t give Morgantown or WVU a good reputation. Councilor Wallace asks the City Manager if we can get a summary of the plan for budget updates, snapshots monthly, and reviews quarterly. He thanked City Staff for communication, websites, social media, and Facebook posts. He also notes that it is his Daughter’s birthday – Faith Wallace.

Councilor Selin shared that there is an Evansdale Neighborhood meeting on Wednesday, February 6, 2109, at 6:30 pm at 895 Fairfax, and that the Assistant City Manager will be the guest speaker. She shared that Chestnut Ridge Park had a golden moment on Saturday with a sliding moment and that there were hundreds of attendees. She shared that the families enjoyed the warm weather and snow. She noted that on February 28, 2019, the Suncrest Neighborhood Association and the city Engineering Department are meeting in the library at Suncrest Middle School at 7_00 pm regarding the paving list looking at Krepps Street and pedestrian areas on Baldwin Street.

Councilor Dulaney spoke regarding his role as City Councilor and shared that council we want what is good for the whole but also to our Ward. He noted his appreciation the work of the City Engineer. He shared that he cannot take the credit for the campaign finance report Home Rule proposal plan, credit should go to Councilor Wallace for initiating that. He Congratulates Jim Goff for a clean Audit report. He shared that he was thankful that the news was positive. He does believe about the health and pension liabilities, and continued funding for commitments to the Morgantown Fire Department. The Woodburn School Redevelopment met this past week, and he is excited about the CDBG funding that is going to improving accessibility to the building. He also reported that they are planning a “get to know the facility event” which will be held in April. He shared that he will keep everyone updated as plans evolve. He shared that on February 14, 2019, 6:30-9:30pm at Crosely’s next to Mario’s Fishbowl. He noted Jay Wilson trio, and that food will be provided by Mario’s Fishbowl. Reserve by contacting Jenny Wilson, and he hopes that folks can attend.

Councilor Brazaitis shared regarding smart recycling and is looking forward to fleet vehicle inventory, building inventory and street light inventory information so it can be more specific in its climate action plan and lead the way in even more cost savings.

Councilor Wendell: Provided the following.

It's been an odd two weeks for me since our last regular meeting on January 22. I spoke on the 23rd to a drama class at North Marion High School, near Farmington, about The Holocaust. They had asked Rabi Hampel for a Holocaust survivor to speak, but the one survivor in Morgantown is quite elderly and doesn't get out much. I offered to go. I spoke to the teacher and she said I could speak about growing up Jewish in America after World War II. I was born four and a half years after the liberation of Auschwitz. I told them what I know about what happened to distant family members in Europe, talked about my life and that of friends who were the children of survivors. I gave them a list of books I've read and movies I've seen. The kids were about to perform a play about the St. Louis, a ship of German refugees that was turned away from the United States. They were attentive and asked thoughtful questions. It was a great emotional experience for me.

Several of us Councilors attended the Chamber of Commerce dinner Thursday at the Waterfront Marriott, and the West Virginia Municipal League Conference Sunday to Tuesday in Charleston. We were to lobby legislators about Home Rule, but, Mitch Carmichael, the Senate President, spoke to us, first about his support for Home Rule, then about the Omnibus Education Bill, which has now passed the Senate, and is an awful bill. I walked out of his speech, and met with our five legislators in District 51, who all support Home Rule and oppose the Education Bill. It was snowing when we left Council Tuesday night, and got colder through the day Wednesday. Thursday and Friday, I could not go out in the bitter cold Thursday and the snow Friday. I was disturbed by the events on North Spruce St, and I'm glad that Chief Preston and Ron Justice from WVU came here tonight to explain what happened.

When the weather warmed, I went out in the Seventh Ward to get signatures for my reelection campaign. I don't know why I'm still surprised at how beautiful the Seventh Ward is, but I am. When I could find people at home, most of them were gracious and kind. I think I have all my signatures in. I'm looking forward to running for reelection to Council.

Mayor Kawecki advised that he will provide the link to the Morgantown events. He shared that from February 7-9, 2019, there is an event at Empty Pockets theatre. He shared that Spark has a make led valentine cards for adults, as well the Arts Mon is presenting a MIA documentary at the Metropolitan Theatre this Friday, February 8, 2019. He also shared that there is an Arts Crawl on February 9, 2019, and a musical at the Mon Arts Center on February 14, 2019.

ADJOURNMENT: There being no further business, motion by Brazaitis, second by Dulaney, to adjourn the meeting.
Time: 9:48 p.m.


City Clerk


Mayor

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