

REGULAR MEETING February 19, 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 19, 2019, at 7:05 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, Regular Meeting minutes, January 29, 2019, Committee of the Whole Meeting minutes, and February 5, 2019, Special Meeting minutes were approved by consensus.

CORRESPONDENCE: **Councilor Wendell** received some emails regarding SB 409 Power Purchase Agreement, asking him to support it. He was invited by a neighbor to go to a Chinese New Year Celebration, unfortunately he forgot about it and did not go. He wanted to apologize to the Chinese Community for not attending. He mentioned he heard from Kelly Allen, WV Policy Council regarding SB 2708 and stated that he had signed on to let them know he was supporting them against it. He received an email from the Mercatus Center at George Mason University in Virginia, asking that he contact them to talk about scooters. He mentioned an interview with Holden Strosser from WVU regarding how things are going with City Council and about Councilor Brazaitis. He did not answer regarding his fellow co-worker. He also received a letter today from Forest Bowman regarding the trash not being picked up. **Councilor Dulaney** received an email just before the meeting this evening that a small business owner on Walnut Street is asking that a light outage on a pole be replaced at 241 Walnut Street. He has addressed it through request tracker, and Dulaney stated that he would forward this onto the City Manager. **Councilor Wallace** mentioned that a neighbor had some concerns regarding a water leakage at the intersection of Overhill and Highland that becomes an ice patch when it freezes. He then mentioned an unnamed alley way close to Highland where there has been speeding from some of the local students. He wanted to see if there could be some enforcement in the area along with speed limit posted.

PUBLIC HEARING: AN ORDINANCE REQUIRING FINANCIAL DISCLOSURE STATEMENT

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING: AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE REQUIRING FINANCIAL DISCLOSURE STATEMENT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE REQUIRING FINANCIAL DISCLOSURE STATEMENT

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

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE TO APPROVE CURRENT REPLACEMENT PAGES TO THE CITY CODE

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

BOARDS & COMMISSIONS:

Motion by Fetty, second by Brazaitis, to appoint Jena Martin, by consensus, to the Human Rights Commission.

Motion by Selin, second by Dulaney, to reappoint Jacob Powers, by consensus, to the Human Rights Commission.

Motion by Wendell, second by Selin, to reappoint Marlene Robinson, by consensus, to the Human Rights Commission.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Danielle Trumble, 1141 Charles Avenue, spoke in favor of the resolution requesting a grant for the Woodburn School.

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

SPECIAL COMMITTEE REPORTS: Deputy Mayor Selin mentioned 2 groups: Morgantown Monongalia Metropolitan Planning Organization (MMMPO) and the other group consists of the following: County, Department of Highways (DOH), West Virginia University (WVU) and the City of Morgantown. The MMMPO has been meeting about Pedestrian and Bicycle infrastructure. The County, DOH, WVU and the City have been talking about VanVoorhis Road, Patteson Drive and Route 705 for paving over the next paving season. There has been a lot of talk about various entities about intersections throughout the City and the sharing costs between WVU, the County and the City.

CONSENT AGENDA: None

NEW BUSINESS:

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MONONGALIA COUNTY BOARD OF EDUCATION TO FUND A PROJECT AT MOUNTAINEER MIDDLE SCHOOL: The above entitled Resolution was presented for first reading.

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

A RESOLUTION REQUESTING GRANT FUNDING FROM THE MONONGALIA COUNTY COMMISSION IN THE AMOUNT OF \$25,000 TO BE USED FOR REPOINTING OF BRICKS ON THE NORTH SIDE OF THE MAIN BUILDING, WOODBURN SCHOOL: The above entitled Resolution was presented for first reading.

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

CITY MANAGER'S REPORT:

New Business:

1. AWARD BID CALL 2019-06 – SUNNYSIDE UP TIF PHASE 3A – BEVERLY AVENUE AREA IMPROVEMENTS

Staff has sought construction bids for improvements in the Campus Neighborhoods Revitalization Corporation Tax Increment Finance district. The improvements consist of constructing roadway, sidewalk, lighting and storm sewer improvements along Beverly Avenue and Model Alley way. At the time the memorandum is written, staff is tabulating the bids and finalizing the analysis of the bid documents. A recommendation will be presented at Tuesday's meeting for City Council action.

Assistant City Manager explained, motion by Brazaitis, second by Wallace, to approve the construction Bid for improvements in the Campus Neighborhood Revitalization Corporation Tax Increment Finance district. Motion carried 7-0.

2. AUTHORIZE CITY MANAGER TO EXECUTE CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES – FORMER WOODBURN SCHOOL

Attached you will find a memorandum from Development Director Chris Fletcher regarding the architectural services for the determined improvements to the former Woodburn School. As indicated, we have followed the West Virginia Qualifications Based Selection (QBS) Council's guidelines for the review of this professional services. As you will see, staff recommends awarding the proposal from the Mills Group in the lump sum of \$58,500. For the purposes of this action item, we are seeking a motion to authorize the City Manager to execute a contract for professional architectural services as described in this report.

City Manager explained, after discussion, motion by Dulaney, second by Wallace, to approve the City Manager to execute a contract for professional Architectural Services to the former Woodburn School by the Mills Group in the lump sum of \$58,500. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk Christine Wade spoke about the upcoming City Election on April 30, 2019. For more information visit the city website. She talked about the indexing in the City Clerk's office and that they are still looking into software to use specifically for indexing. She also mentioned the Morgantown Police Department is still accepting applications for Police Officers. The deadline to apply is March 15, 2019. Applications can be found on the Police Department webpage.

REPORT FROM CITY ATTORNEY: He mentioned that the City has started an orientation session for all the newly appointed members to the boards and commissions. This allows them to have the opportunity to introduce them to city staff and orient some basic functions and obligations of their new role as a member of the public governing body and to give them a brief introduction to the functioning of their particular board or commission. He has been working with the City Clerk's office, along with the Human Resources office to update and formalize the application and the intake process for

those positions to present them to Council. He gave an update about the Legislative and the minor boundary adjustment process. He stated that there has not been any activity in the Home Rule Bill and the Telecommunications Bill.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: She noted that she is planning for the Designing Across Divides Conference at the end of March and is proceeding quickly. There will be a dinner on Friday at the Spruce Street United Methodist Church. She mentioned several events that will be going on Saturday, Empty Bowls will be out by Mylan Park, starting on Friday, February 22, 2019, the Gardner Winter Festival will be at South Middle School and it will be from 6:00 p.m. to 11:00 p.m. and Saturday, February 23, 2019, it is at 9:00 a.m., admission is \$3 on Friday, and \$5 on Saturday. The Mon County Advocate Center will be holding a collectible art auction at the Holiday Inn in Morgantown, doors open at 6:30 p.m., auction at 7:30 p.m., it is \$15 per person or \$25 per couple. This supports a good group of children who experience abuse and neglect in our community. This group also works with families of children with drug addiction. The 1st Ward Neighborhood Association will be meeting on February 25, 2019, at 6:30 p.m. at MTECH. She mentioned that The Today Show mentioned that Morgantown beat Salt Lake City on being the sexiest town in the Country.

Councilor Wallace: Reported on the Cabin Fever pot luck that Wiles Hill Highland Neighborhood Association had on Saturday in the basement of the Church of the Brethren. He thought it was a very nice event that was hosted by the neighborhood association and thanked the Church for opening their doors to have the event. The Neighborhood Association is having a meeting tomorrow at 6:00 p.m. at the Senior Center. Snacks will be at 6:30 p.m. and then the meeting starts at 7:00 p.m. He mentioned that he met with Ron Justice from WVU and via teleconference with Mr. Farmer yesterday specifically about the Ramada Inn project. He talked with Ron Justice at WVU regarding the snow day riot and possibly getting a Municipal Recreation Center or a Civic Center at the Waterfront Wharf District. He would like to see it on the budget for next year. He mentioned that he has been trying to get a YMCA to come to this area but is not looking like Morgantown will not succeed in getting one. He has been talking with Andy Lang, Mayor of Bridgeport, WV who has some success of implementing a 1% Sales Tax and building a recreational facility for their residents. He received an update from Ron Justice and Mr. Farmer regarding Hazel Ruby McQuain Park and the cherry trees. He stated that there have been hundreds of clippings that have been taken to start the growth of future cherry trees to put throughout the city. He received a request from Mr. Banks, who lives within his Ward, regarding the Wards and Boundary Commission, and was wanting to get an update with what was happening.

Deputy Mayor Selin: Had the privilege of attending the limited release movie at the Met Theatre on February 8, 2019, regarding a performing artist. She also attended the Art Crawl downtown on February 9, 2019, with numerous art activities. She had some announcements: the Suncrest Neighborhood Association will be having a meeting on February 28, 2019, at the Suncrest Middle School Library and they will be talking about the city streets in that area. She really appreciated that the Assistant City Manager attended the Evansdale Neighborhood Association meeting that evening after a long work day to work with the residents that had questions.

Councilor Dulaney: He wants to clarify about the Woodburn School and the studies that the contractor provided to us regarding the figure that he gave earlier of 5 million. He looked and it was 2.6 to 4.5 million. He wanted to correct that for the record. He thanked Councilor Wallace for bringing the potential project on the former Ramada Inn forward to the public forum. There is a survey online at bilewalkmorgantown.com for anyone interested in providing input into bike facilities, bike infrastructures, as well as pedestrian network. There was a Planning Commission meeting last Thursday, February 14, 2019, that had 2 issues on the agenda that may have a broad public interest. The commission accepted the recommendation report for the future area study 16 that is across from Marilla Park. The other was the application for development along Jones Avenue and it was tabled. He mentioned that the Morgantown History Museum meets Thursday 21, 2019, at 6:00 p.m. at the Museum 75 Kirk Street. They are hosting a reception for an Exhibition titled "Eddie Dooms Hamburger King of Morgantown, WV" on Saturday, February 23, 2019, from 2:00 p.m. to 4:00 p.m.

Councilor Brazaitis: He announced the upcoming movies at the Met Theatre, Lincoln, Saving Private Ryan, Alice in Wonderland, and Mission Impossible I, II, and III. For more information about other up-coming events you can get on their website at morgantownmet.com. Mon Valley Green Space Coalition are working to securing trails at the under construction Cobun Creek Reservoir.

Councilor Wendell: Provided the following.

I was away Wednesday to Friday, February 6 to 8, to Columbia County, Pennsylvania. The two major cities, both smaller than Morgantown, are Bloomsburg and Berwick. Bloomsburg has a state university, a Main Street of restaurant and bars, a live theater venue in a former movie house and a small gift and book store. Berwick manufactured tanks during World War II and has a functioning family-owned movie theater. Both towns are on the Susquehanna River along I-80 north of Harrisburg and west of Wilkes-Barre.

Joe and I attended the Art Crawl on High Street, Saturday night, which was a fun early night out for us in the cold. I bought a copy of the 1961 vinyl album "Connie Francis Sings Jewish Favorites" at Retrotique, a wonderful store on Walnut Street. Great music from a great singer!

I met Monday the 11th with Reverend Zac Morton of First Presbyterian Church on Spruce St. He is interested in finding ways to help people "on the street" in Morgantown. I also attended the Neighborhood Coordinating Council meeting here that night.

I'm a member of Osher Life-Long Learning, and I attended two classes last week: one about Blue Zones, which was informative, and a class about landmarks in West Virginia, which helped me to better understand West Virginia's history and culture. The second of those classes will be this Friday at 12:45 at Mountaineer Mall.

The Mon Valley Greenspace Coalition met Thursday. They 're talking about adding new trails around town. Saturday, I attended a meeting of a group that is organizing to have a Gay Pride Picnic in Greenmont in April. That would be exciting. And Joe and I had a good time with the folks in Wiles Hill at a potluck dinner Saturday night at The Brethren Church.

There have been many bad bills discussed in the West Virginia Legislature. HB 2708 would limit what we, as a city, can do about worker rights. There was an amendment proposed that would annul our addition of LGBT people to our Human Rights laws, and with that, an outbreak of real hatred from one of the Delegates. There were letters from me in both the Dominion-Post and the Daily Athenaeum in the last week about this, and I was interviewed on video by a student at WVU. Senate Bill 451, the Omnibus Education Bill, was apparently defeated just today. It was a bad bill for students, pushed by people in the Republican Party. I was out demonstrating this morning with teachers downtown. Senate Bill 391, which would add protections for LGBT people in employment and housing, is not being considered for release. I am also adamantly opposed to the idea of allowing concealed carry of weapons on college campuses in the state. I wish the Legislature, particularly our local Delegates and Senators, could focus on important issues facing the state, rather than putting out fires created by the majority party.

Empty Bowls, a great annual event, which raises money for the food insecure, is this Saturday, 11-2 at Mylan Park. The Urban Landscape Commission meets Wednesday at 4:30, and the Suncrest Neighborhood Association meets at 7 Thursday, February 28, at Suncrest Middle School.

Mayor Kawecki: He wanted to shout out to the volunteers in the Volunteer Organization who do things, for instance, Vaike Haas who is a WVU Landscape Architectural Professor who is taking her classes out to market the trail for the City in Suncrest. She is associated with the Green Space Coalition who are interested in helping to construct that trail, which will get kids to school more safely. He mentioned that the Power Purchase Resolution will be sent down to the Legislature to have support of this activity. He mentioned that there has been a meeting scheduled for the Ward and Boundary Commission with the Chair, Roy Nutter, to see if this needs to be more inclusive. He thanked Councilor Wallace for the ideas and what he is doing to get a YMCA or a Municipal Recreational Center to the area. He stated that this is something that has been in the making for quiet sometime now. He mentioned that the Arts Monongalia is hosting an open call for non-juried visual art for the month of March and the title will be "Perspective on the Opioid Crisis". He stated that it will bring the community to attention and felt that it would be worthwhile. If you would like more information about it, you can go to the Arts Mon website. He mentioned that SPAN is having their usual neighborhood meeting on March 27, 2019.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss Acquisition or Development of Real Estate in Downtown Morgantown. Motion by Brazaitis, second by Dulaney, to go into executive session. Motion carried by acclamation. Present: City Manager, City Attorney, and Council. Time: 8:37 p.m. Time end: 9:35 p.m.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss Giuliani et al. v. The City of Morgantown and Morgantown Utility Board, Monongalia County Civil Action No. 17-C-460. Motion by Wallace, second by Dulaney, to go into executive session. City Manager, Attorney, and City Council. Time started: 9:35 p.m. Time end: 9:57 p.m.


REGULAR SESSION: Motion by Wallace, second by Brazaitis, to enter back into regular session. Time: 9:57 p.m.

Council reconvened and voted on the following: Giuliani et al.v. The City of Morgantown and the Morgantown Utility Board, Monongalia Council Civil Action Case No. 17-C-460.

A settlement agreement and release involving plaintiff James Giuliani v. City of Morgantown and the Morgantown Utility Board. Motion by Wallace, second by Dulaney, to come to a settlement agreement. Motion carried 7-0.

A memorandum of understanding between the City of Morgantown and the Morgantown Utility Board. Motion carried by Deputy Mayor Selin, second by Wallace to come to an agreement. Motion carried 7-0.

ADJOURNMENT: There being no further business, motion by Wendell, second by Wallace, to adjourn the meeting. Time: 10:00p.m.


City Clerk


Mayor

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