

**REGULAR MEETING March 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, March 5, 2019, at 7:00 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:** February 5, 2019, Regular Meeting minutes were approved by consensus, as corrected. February 19, 2019 Special Meeting minutes, February 26, 2019 Special Meeting minutes, and February 26, 2019 Committee of the Whole Meeting minutes were approved by consensus.

**CORRESPONDENCE:** Councilor Fetty received an email regarding the development plan with Haymaker Forest from Fran Toro. She also received an email regarding the charging station at the Farmer's Market Pavilion and mentioned that she has forwarded this information to the City Manager. Councilor Brazaitis also received an email from Fran Toro regarding the development plan with Haymaker Forest.

**PUBLIC HEARING: AN ORDINANCE AUTHORIZING THE HOME RULE PLAN AMENDMENT**

Mayor Kawecki declared the Public Hearing open.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING THE HOME RULE PLAN AMENDMENT:** The below entitled Ordinance was presented for second reading.

**AN ORDINANCE REQUIRING FINANCIAL DISCLOSURE STATEMENT**

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

**BOARDS & COMMISSIONS:**

Motion by Wendell, second by Brazaitis, to reappoint, by consensus, Helene Friedberg to the Sister Cities Commission.

Motion by Brazaitis, second by Deputy Mayor Selin, to appoint, by consensus, Ryan Lewis to the Sister Cities Commission.

Motion by Fetty, second by Brazaitis, to reappoint, by consensus, Liz Finklea to the Sister Cities Commission.

Motion by Dulaney, second by Deputy Mayor Selin, to appoint, by consensus, Johnathan Trumble to the Woodburn School Redevelopment Commission.

Motion by Fetty, second by Wendell, to appoint, by consensus, Kimberly Kelly to the Health & Wellness Commission.

Motion by Deputy Mayor Selin, second by Dulaney, to appoint, by consensus, Hannah Keyser to the Health & Wellness Commission.

Motion by Brazaitis, second by Dulaney, to reappoint, by consensus, Matthew Cross to the Traffic Commission.

**PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

James Kotcon, 414 Tyrone Avery Road, provided an update on the Green Team Annual Report.

Fran Toro, 366 Charleston Avenue, expressed her concerns regarding the development of townhomes in/near the Haymaker Forest.

Katherine McGruder, 963 Southpoint Circle, spoke about her concerns regarding the development of land in/near Haymaker Forest.

JoNell Strough, 608 Hess Street, spoke about her concerns regarding the development of land in/near Haymaker Forest.

Harrison Case, 624 Elysian Avenue, spoke about the concerns regarding the pedestrian safety in the city.

Elizabeth Sneathen, 179 Bluegrass Village, spoke about her concerns regarding the development of land in/near Haymaker Forest.

Twyla Meding, 450 Washington Street, spoke her concerns regarding the development of land in/near Haymaker Forest.

Patrick Hathaway, 359 Sanford Street, spoke about his concerns regarding signatures on city candidate packets, how they are verified and what should be done if they are found to be invalid.

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

**SPECIAL COMMITTEE REPORTS:** Councilor Wallace spoke about his meeting regarding the former Ramadas Inn project. Additional information on the project is available in a recent Dominion Post article.

**CONSENT AGENDA:** None

**NEW BUSINESS:**

**PRESENTATION 2019-2020 PROPOSED BUDGET**

City Manager presented the 2019-2020 Proposed Budget. Council suspended the rules to have Jim Goff, Finance Director, explain and answer questions. No action was taken.

**AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2019-2020:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE ADOPTING THE ANNUAL BUDGET OF THE CITY OF MORGANTOWN FOR THE FISCAL YEAR 2019-2020

City Manager explained, after discussion, motion by Deputy Mayor Selin, second by Wendell, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE FY 2018 - 2019 ANNUAL BUDGET:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2018 - 2019 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

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

**A RESOLUTION AUTHORIZING AN INTERFUND LOAN BETWEEN THE CAPITAL ESCROW FUND AND THE MORGANTOWN MUNICIPAL AIRPORT:** The above entitled Resolution was presented for first reading.

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

**AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ALL AND A PORTION OF PARCELS OF REAL ESTATE IN THE FIRST WARD:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ALL AND A PORTION OF PARCELS OF REAL ESTATE IN THE FIRST WARD OF THE CITY OF MORGANTOWN FROM I-1, INDUSTRIAL DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

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

**CITY MANAGER'S REPORT:**

**Information:**

1. Stonehurst Development – Impact to Haymaker Forest and Adjoining First Ward and South Park Neighborhoods

Attached you will find a copy of the site plan drawing forwarded to me through the Morgantown Utility Board. The proposed neighborhood development is outside of the City limits and, therefore, is not subject to any zoning or subdivision controls nor building inspection regulations. This includes 81 townhouse units consisting of 31 large type, 37 medium type and 13 small type units. The main traffic inlet is off Dorsey Avenue, a point outside of the City limits. Any access to City streets would require an access permit under City Code 910, which may involve a traffic study. The plan sheet identifies a

potential connection through a Charlotte Street right-of-way, which leads to annulled streets, and City Council would have control to access or reopen city streets.

The layout of the townhomes does not appear to include sidewalks and turnaround movements for fire trucks that is specified. It is likely the developer will need a building permit to grade a portion of the property that is in the City (note: none of the housing units are located within the corporate boundaries.) Based on our calculations, this would entail clear cutting approximately one-half of the treed area of the forest.

Housing developments have been proposed off and on at this location over a number of years. I am not presenting this to re-initiate any discussion of acquiring this property. No City Council action is recommended – this is presented for information purposes.

City manager explained about the impact to Haymaker Forest and adjoining First Ward and South Park neighborhoods. No action was taken.

## 2. City Community Newsletter – Morgantown Messenger

We are pleased to announce reviving the effort of distributing a City newsletter to residents and other stakeholders. This is the first edition (of this new initiative) of the *Morgantown Messenger*. This was distributed in the past and brought back after a hiatus.

Also, you will find an executive summary of the outreach effort that is made by the Communications Department. This includes information about all newsletters, website analytics and social media effectiveness. This is one of many efforts of increasing transparency of the City government operations.

City Manager announced that the city recently launched a community newsletter, The Morgantown Messenger. You may sign up for the newsletter by going to our web site. No action was taken.

## 3. Status of electric car charging station located at the Farmer's Market pavilion

City Manager explained that the electric car charging station has been removed due to damage. The city is looking into replacing this station. No action was taken.

### **New Business:**

#### 1. Amending the FY 2018-2019 Capital Escrow and Airport Improvement fund

Presented in new business is a resolution to amend an existing loan for approximately \$660,000 to complete the airport T-Hanger project. The hangers consist of spaces for 45 single engine and light twin aircrafts. The original financial concept was structured from the sale of the former armory property (approximately \$3.2 million). A portion of the proceeds, \$1.5 million, paid for the roadway to West Virginia National Guard Readiness Center. The remaining \$1.6 million paid for the construction of one of the hangers approximately two years ago.

As reported by Brad Homan, Vice-President of Michael Baker International, at last week's Committee of the Whole meeting, staff and airport engineers estimated a total project cost of \$2.5 million for the materials needed to construct the hangers, not including labor costs. Early on, the project anticipated the Department of Defense's Innovative Readiness Training (IRT) to cover costs associated with labor and construction, heavy equipment rentals and fuel costs. The construction did occur during late Spring and early Summer 2017. However, during the construction period, the Federal Government unilaterally scaled back the IRT program and did not allocate the promised manpower nor any support expenditures.

During last year's construction, the contractor experienced a number of difficulties including unsuitable excavation and backfill, rock excavation, alteration of hangar interior columns, increased cost of materials, etc. Again, each of these construction difficulties were detailed during last week's presentation.

Attached you will find a spreadsheet detailing the proposed amendments to expenditures for the increased amount to loan the Airport Improvement Fund for the T-Hangar project completion in the amount of \$700,000. A motion approving the appropriation from the Capital Escrow that amends the fund in the amount of \$2,930,620.

City Manager spoke about the amendment of the Capital Escrow and Airport Improvement Fund to finish out the T-Hangar construction. Motion by Dulaney, second by Brazaitis, to approve the FY 2019-2019 Capital Escrow and Airport Improvement Fund. Motion carried 7-0.

#### 2. Festival permit for WV Bites and Brews event

The Spark! Imagination and Science Center has made a request for a festival permit for the "WV Bites and Brews" event. This is a third annual event hosted by this group at the West Virginia National Guard Readiness Center located at 90 Army Way. This will offer attendees samples of "bites" from local food trucks and mobile vendors as well as tastes of several microbrews. Spark! Imagination and Science Center inspires people of all ages to explore science and the arts. Staff recommends City Council authorize a festival permit to be sent to the ABCC regarding the WV Bites and Brews event taking place on May 18, 2019.

City Manager explained that an application will be sent to the ABC to obtain a festival permit for the WV Bites and Brews event on May 18, 2019. Motion by Brazaitis, second by Dulaney, to approve the permit to be sent in for approval. Motion carried 7-0.

#### 3. Request for funding – Historical Marker at Indian Park – Burrows Cemetery

We have received a funding request from the Historic Landmarks Commission for an unbudgeted historical marker at Indian Park – Burrows Cemetery in the amount of \$2,100. Although this specific project was not identified, there is a line-item in the Capital Escrow for such projects with a balance of \$10,600.

As matter of historical background, the Indian Park – Burrow Cemetery was once part of the Burris farm, the site holds a limestone monument, to Sarah Morgan Burrows (Burris) erected in 1910 to commemorate a raid on the Morgan homestead near Rivesville by Native Americans, during which her father, frontiersman and French and Indian War veteran David Morgan, effectively defended the family. A 1937 Works Progress Administration survey found the graves of several families in the cemetery. The Commission is asking City Council for a motion to approve the allocation of the funds in the amount of \$2,100.

City Manager explained, motion by Dulaney, second by Wendell, to allow funds to be allocated to the Historic Landmarks Commission for the historical marker at Indian Park. Motion carried 7-0.

**REPORT FROM CITY CLERK:** City Clerk announced that the Boards and Commissions application has been updated and submitted to the Mayor for approval. She also stated that when applications are received for Boards and Commissions by email, Council will also be receiving them for review only. City Clerk announced that the results from the ballot drawing earlier today are available on the webpage under Elections. City Clerk spoke about the upcoming City Election on April 30, 2019 and poll workers that we have for early voting and election day. For more information visit the city's website. City Clerk announced that applications are still being accepted for the Morgantown Police Testing. The deadline has been extended to April 1, 2019. Applications can be found on our website. City Clerk also announced that the office is working on updating and documenting processes to make services more efficient. She mentioned that she has been meeting with Ryan Simonton, City Attorney, regarding boards and commissions and how the new appointees would be getting an Orientation and how the board or commission works and does.

**REPORT FROM CITY ATTORNEY:** City Attorney stated that the DOH is moving forward with 2 projects that have led them to file condemnation actions, so they can meet their construction schedule. The first one is Route 7 at the Rail Trail on Greenbag Road in Sabraton, and the second one is the widening of the Mileground, which only pertains to the utility easements, and the payment of costs for those easements. He mentions the legislative topics such as the Small Cell Bill has passed and is pending signature by the Governor which is expected soon. The Home Rule Bill has two different ones that are expected to be adopted by the House and Senate.

**REPORT FROM COUNCIL MEMBERS:**

Councilor Fetty: Thanked the City Manager Paul Brake, Finance Director Jim Goff, and the City Staff who have worked so hard to keep Council up to speed. She appreciates the emphasis on transparency, but even more addressing concerns that people have. She mentioned the campus carry and mentioned that it reminds her of how closely we are integrated as a City and as a University. She would like to reassure everyone that they will do what they can to protect the parts of Haymaker Forest that are in the City. She mentioned Dorsey Avenue and the comments the residents have provided. She mentioned the MMPO and everyone working with them to start pushing for ways to better our City and County. She mentioned what MUB has done by installing ditches lined with rocks and says this is a reasonable way to deal with drainage issues however, this has increased the hazards with those who walk down the road. She thanked the Communications Department for creating the Morgantown Messenger. She mentioned a Conference that will be at the end of March as well as a Neighborhood Dinner.

Councilor Wallace: mentioned the safety of students walking on Dorsey and to Suncrest Middle School and stated that this is one of the reasons why the annexation of Suncrest Elementary School is important and stated that there needs to be some right of way improvements. He mentioned Cherry Trees and planting them throughout the City in time. He stated that he spoke with Mr. Justice at WVU regarding propagating cherry tree clippings, and over time there could be a heavy stock of them. Mayor Kawecki suggested that the Tree Board be notified of the idea for an appropriate way to approach it.

Deputy Mayor Selin: She agreed with Council regarding the Dorsey Avenue and Collins Ferry Road situation and stated that this is the main focus, as it has been brought up by many who live in the area. She mentioned the Haymaker Forest and how difficult this has been on so many. She mentions looking at the rights-of-way(s) to the Haymaker Forest that are particularly in the City to preserve them. She appreciates the work of Matthew Cross and Damien Davis who held a meeting at Suncrest Middle School to discuss pedestrian issues on city streets and paving.

Councilor Dulaney: He mentioned 2 other schools to be added to the list of issues. Eastwood Elementary School is inaccessible by pedestrians; and Mountaineer Middle School does not have pedestrian crosswalks. He apologized for being out last week, he was on a bus going to New York with students watching the meeting live. He thanked City Manager and Finance Director and others who are responding in providing additional information on our city website and feels that the 2-early approach is great and they can connect from year to year. He stated the budget meeting that is being held will be in council chambers and thinks that it should be televised. He noted that the Woodburn School Redevelopment Commission is starting to plan their Open House, by meeting with the tenants to get suggestions.

Councilor Brazaitis: Noted that the Green Team is continuing to work on its grant for overseeing city wide education on

correct recycling and stated that this grant is due in April. He mentioned several items coming up to keep in mind, International Composting Week, 3/5/2019 – 3/11/2019 and movies that will be showing at the Met Theatre, 3/22/2019 – Saving Private Ryan, 3/23/2019 – A Bug's Life at 1:00 p.m. followed by Pink Floyd at 7:00 p.m.

Councilor Wendell: Provided the following.

*The West Virginia Legislature will, thankfully, be over Saturday. They have damaged the reputation of the state by pushing guns on campus (which may have been defeated in committee tonight), charter schools with no standards whatsoever, and just this week, a display of bigotry against the entire Muslim community on "Republican Day at the Capitol." In today's Charleston Gazette-Mail, Governor Justice said about the Legislature "...we need to stop blowing our own legs off and becoming a national story..." I certainly agree. Our own Delegates, Barbara Evans Fleischauer, Evan Hansen, Rodney Pyles, Danielle Walker, and John Williams, handled themselves well through all this, as did our Senators, Bob Beach and Roman Prezioso.*

*Cal Thomas is a columnist who appears every Tuesday in the Dominion-Post. Today, he praised both Israel's Benjamin Netanyahu and President Trump. Netanyahu is already under indictment, and our President lives in a cloud of corruption. Thomas praises both although they have damaged, possibly irreparably, the reputation of each of their nations. Thomas makes the choice between liberal and conservative judges as between "...redefining marriage and defending its once legal-even Biblical definition of marriage..." in his defense of Trump. Thomas is unclear on what the Bible actually says, the meaning of religious freedom, and the precedent about marriage set by the Supreme Court. I have been in a same-gender marriage for more than ten years. Cal Thomas has the right to say what he wants, and to change his mind. During the 2016 primary campaign he was against Trump. The Dominion-Post should be responsible enough not to publish poorly thought out political babble.*

*In local news, the recycling was not picked up in my part of Suncrest on Friday. I did receive a call from them that it would be picked up Saturday, which didn't happen, and by Sunday the city was snowed in. I often hear from neighbors about this problem, and I hope we can find a way to correct it.*

*I'm glad that people came to speak tonight about Haymaker Forest. I agree that it is tragic for metropolitan Morgantown to lose that space, and although it may be too late to do much about the pending development, perhaps we can make the city part of the forest a park, or perhaps bargain with the developers to leave space or maintain trails.*

*I'll get off my soapbox now. I want to thank Heather Carl, Deputy City Clerk, who helped me with the Ethics Form, because I could not do the technical work of filling it out and mailing it online.*

*I visited Columbiana County, Ohio Saturday. East Liverpool is a beautiful city on the Ohio River across from Chester, West Virginia, our state's northernmost city. It's a depressed city, with many vacant buildings, but I see potential in the old buildings and the walkable city.*

*I thought tonight's budget presentation from Paul Brake, our City Manager, was excellent, well-researched and generally in line with the goals that we on Council set. We will have to iron out some of the details. I am concerned as a retiree myself, about pressure to reduce benefits to retirees because of budget problems. My former employer pays for my health insurance (after Medicare) and Joe's. Actuarially, I was supposed to have died by 2009, so they are not happy. I have sympathy for other retirees. who are nervous about their benefits being cut in the name of "fiscal responsibility."*

*Empty Bowls was a great success the weekend before last, and there was a good turnout for the Suncrest Neighborhood Association on the 28th, with most people there concerned about parking and traffic from WVU students off Patteson Drive. The Bike Board meets Thursday at 6:30 at the Public Safety Building.*

Mayor Kawecki: Announced a presentation being held for the public at the Mountainlair Greenbrier room tomorrow starting at 11:00 a.m. on activities that will be occurring this summer on Beverly Avenue and Alleys and what affects it may have on the students. There is information about it on the City's website [morgantownwv.gov/Beverly](http://morgantownwv.gov/Beverly) if you are interested in the project or construction alerts. You may sign up to receive alerts by via text message or email. He appreciates all the people who have come forward to speak about Haymaker Forest and thinks that it is important and brings the issue to light. He noted that he feels the County Commission should have a public session because it is occurring in the County as well. He noted there are still volunteer positions available on Boards and Commissions if you are interested in City Government. He made some announcements: Public Library and the Botanic Garden 3/7/2019 at 6:30 p.m.; Planetarium show at WVU which is free and open to the public 3/8/2019 at 7:00 p.m.; Arts Mon Gallery on opioid crisis and Morgantown Art Crawl on 3/9/2019 downtown; Old time dance at the Marilla Park Center for \$5 on 3/9/2019.

**ADJOURNMENT:** There being no further business, motion by Wallace, second by Wendell, to adjourn the meeting. Time: 10:20 p.m.

  
City Clerk

  
Mayor

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