

REGULAR MEETING April 16, 2019: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, April 2, 2019, at 7:10 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: April 2, 2019, Special Meeting minutes was approved as printed.

CORRESPONDENCE: Mayor Kawecki presented a Proclamation for Women's Health Day, declaring April 27, 2019 as Women's Health Day in the City of Morgantown. Councilor Wendell read an email that he received from a citizen regarding a crack in the sidewalk near their home that needs to be repaired. Councilor Wallace announced that Richard Dumas, President of the Wiles Hill Neighborhood Association, is inviting the public to the Future Study 5 meeting and a walking tour. He mentioned the closing of the Rail Trail in front of the Seneca Center for repaving and should be done within 2 days. He stated that an email that was received to all council, Jeff Walker with concerns about the future Air Service potential subsidy decrease at the Morgantown Municipal Airport. Mayor Kawecki received an email from Ashton Bray speaking in favor of the rainbow of sidewalks to commemorate the local LGBTQ Committees and Morgantown should be proud to join that list.

PUBLIC HEARING - ASSET PURCHASE AGREEMENT – CITY OF MORGANTOWN, MORGANTOWN UTILITY BOARD AND RIVER ROAD PUBLIC SERVICE DISTRICT

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE ASSETS OF THE WATERWORKS SYSTEM OF RIVER ROAD PUBLIC SERVICE DISTRICT AND APPROVING AN ACQUISITION AGREEMENT BY AND AMONG RIVER ROAD PUBLIC SERVICE DISTRICT, THE CITY OF MORGANTOWN, AND MORGANTOWN UTILITY BOARD

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - AN ORDINANCE SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN

Mayor Kawecki declared the Public Hearing open.

Tim Ball, General Manager of MUB, spoke about lowering of rates for customers in the River Road Public Service District.

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

PUBLIC HEARING - AN ORDINANCE ANNULLING A PORTION OF BEVERLY ALLEYWAY AND PROVIDING FOR DEDICATION OF ADDITIONAL PUBLIC RIGHT-OF-WAY TO BEVERLY ALLEY

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING - THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

ASSET PURCHASE AGREEMENT: The below entitled Asset Purchase Agreement was presented for second reading.

ASSET PURCHASE AGREEMENT – CITY OF MORGANTOWN, MORGANTOWN UTILITY BOARD AND RIVER ROAD PUBLIC SERVICE DISTRICT.

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

THE RIVER ROAD PUBLIC SERVICE DISTRICT'S WATER REVENUE BOND ORDINANCE: The below entitled Bond Ordinance was presented for second reading.

BOND ORDINANCE – ASSUMPTION, AND RE-DESIGNATION, OF THE RIVER ROAD PUBLIC SERVICE DISTRICT’S WATER REVENUE BOND

City Manager explained, motion by Wallace, second by Deputy Mayor Selin, after discussion, council suspended the rules to have Tim Ball, General Manager MUB speak. After further discussion, the above entitled Bond Ordinance was approved to third reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE ASSETS OF THE WATERWORKS SYSTEM OF RIVER ROAD PUBLIC SERVICE DISTRICT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE ASSETS OF THE WATERWORKS SYSTEM OF RIVER ROAD PUBLIC SERVICE DISTRICT AND APPROVING AN ACQUISITION AGREEMENT BY AND AMONG RIVER ROAD PUBLIC SERVICE DISTRICT, THE CITY OF MORGANTOWN, AND MORGANTOWN UTILITY BOARD

City manager explained, after discussion, motion by Deputy Mayor Selin, second by Dulaney, to approve the above entitled Ordinance. Motion Carried 6-1 with Fetty voting no.

AN ORDINANCE SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING SALE OF REAL ESTATE NEAR THE MORGANTOWN MUNICIPAL AIRPORT

City manager explained, after discussions, council suspended the rules to have Tim Ball, General Manager MUB to speak and answer all questions. Motion by Wallace, second by Brazaitis, to approve the above entitled Ordinance with a minor amendment to the language of the reduction of rates. Motion carried 7-0.

AN ORDINANCE AUTHORIZING SALE OF REAL ESTRATE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING SALE OF REAL ESTRATE NEAR THE MORGANTOWN MUNICIPAL AIRPORT

City manager explained, after discussion, motion by Wallace, second by Deputy Mayor Selin, to approve the above entitled Ordinance. Motion carried 5-2 with Dulaney and Brazaitis voting no.

AN ORDINANCE ANNULLING A PORTION OF BEVERLY ALLEYWAY: The below entitled Ordinance was presented for second reading.

AN ORDINANCE ANNULLING A PORTION OF BEVERLY ALLEYWAY AND PROVIDING FOR DEDICATION OF ADDITIONAL PUBLIC RIGHT-OF-WAY TO BEVERLY ALLEY

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

BOARDS & COMMISSIONS:

Motion by Wendell, second by Brazaitis, to reappoint, by consensus, Noel Hoffman to the Fire Civil Service Commission.

Motion by Fetty, second by Wendell, to appoint, by consensus, Matthew Cummons to the Tree Board.

Motion by Brazaitis, second by Fetty, to reappoint, by consensus, Pat Esposito to the Fire Code Board of Appeals.

Motion by Wendell, second by Brazaitis, to reappoint, by consensus, Drew Bucy to the Human Rights Commission.

Motion by Brazaitis, second by Fetty, to reappoint, by consensus, George Lies to the Sister Cities Commission.

PUBLIC PORTION:

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

SPECIAL COMMITTEE REPORTS: None

CONSENT AGENDA: None

NEW BUSINESS:

RATES OF LEVY LAID, APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2019:

The below entitled levy was presented for first reading.

THE RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE

City manager explained, motion by Brazaitis, second by Wallace, to approve the above entitled Levy to second reading. Motion carried 7-0.

CITY MANAGER’S REPORT:

INFORMATION:

A. ESSENTIAL AIR SERVICE FOR MORGANTOWN MUNICIPAL AIRPORT (MGW) – RESPONSE TO USDOT PROPOSED SUBSIDY ELIMINATION

City manager explained, after discussion, no action was taken.

B. GENERAL FUND SCHEDULE OF REVENUES AND EXPENDITURES – FEBRUARY 2019

City Manager explained, no action taken.

NEW BUSINESS:

A. AWARD STREET PAVING PROJECT – HOT LAID BITUMINOUS (BID CALL 2019-07)

City Manager explained, after discussion, motion by Dulaney, second by Deputy Mayor Selin, to approve the Street Paving Project (Bid Call 2019-07) Hot Laid Bituminous to the Greer Asphalt Company. Motion carried 7-0.

B. AWARD STREET PAVING PROJECT (BID CALL 2019-08)

City Manager explained, after discussion, motion by Brazaitis, second by Dulaney, to approve the \$1.5 million-dollar Street Paving Project (Bid Call 2019-08). Motion carried 7-0.

C. RECOMMENDATION TO INSTALL TWO SIDEWALKS AS PART OF THE 2019 PAVING PROJECT

City Manager explained, after discussion, motion by Deputy Mayor Selin, second by Wendell, to approve the installation of two (2) sidewalks as part of the 2019 Paving Project. Motion carried 7-0.

D. RECOMMENDATION TO INSTALL A “PRIDE” CROSSWALK AS PART OF THE 2019 PAVING PROJECT

City Manager explained, after discussion, motion by Wendell, second by Brazaitis, to approve the installation of a “Pride” crosswalk as part of the 2019 Paving Project. Motion carried 7-0.

E. WOODBURN ELEVATOR PROCUREMENT RECOMMENDATION

City Manager explained, after discussion, motion by Dulaney, second by Deputy Mayor Selin, to approve the recommendation of an elevator at Woodburn School and move forward with the bidding process to purchase from Schindler Elevator Company. Motion carried 7-0.

F. FAIR AND FESTIVAL PERMIT – WVU ALUMNI ASSOCIATION

City Manager explained, after discussion, motion by Brazaitis, second by Dulaney, to approve the Fair and Festival permit for WVU Alumni Association during WVU Football home games. Motion carried 7-0.

G. FAIR AND FESTIVAL PERMIT – JIM DUNN MEMORIAL SCHOLARSHIP TWILIGHT 5 MILER

City Manager explained, after discussion, motion by Brazaitis, second by Dulaney, to approve the Fair and Festival permit for the Jim Dunn Memorial Scholarship Twilight 5 Miler on July 12, 2019. Motion carried 7-0.

H. CITY COUNCIL APPOINTMENT TO MORGANTOWN AREA PARTNERSHIP

City Manager explained, after discussion, motion by Wallace, second by Brazaitis, to appoint Mayor Kawecki to be the individual as the appointed representative to the board. Motion carried 7-0.

REPORT FROM CITY CLERK: City Clerk Christine Wade announced Early Voting dates, dates for Poll Worker training, the last day for Write-in Candidate applications and the process of how to apply, Entry Level Police Testing, and Election Day. She thanked all of Council, City Manager and Assistant City Manager, and City Attorney for doing what they do for the City.

REPORT FROM CITY ATTORNEY: City Attorney, Ryan Simonton, reported about the Home Rule Board. The two items that was brought forth to the Board was the Board of Zoning becoming the administrator and add another Campaign Finance Report. The Board considered council’s proposal to amend the Home Rule written plan to use the Board of Zoning Appeals as an administrator but did not approve the additional Campaign Finance Report. They appreciated the thought that went into it.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Thanked the City Clerk regarding the Election and how smooth it has gone so far. She also mentioned the new Board & Commission Orientation that was started and is nice to have to show the board members how each meeting is ran and what needs to be done. Morgantown held it first ever Pride Event and was wonderful and nice to see everyone out and about. She stated that she enjoys flying Southern Airways from Morgantown. She mentioned ongoing trash issues with Republic and them not picking up in neighborhoods. She passed along to the City Manager every time they do not pick up trash they should be fined. She mentioned that the Community Housing Action Partnership has hired a new

administrative coordinator Alexis McMillen, to help improve the Cities, Employees and Workforce Access to affordable housing. She thanked Deputy Mayor Selin for working so hard to move the City forward in having sidewalks around schools, and City streets. She thanked BOPARC in all the work that is being done to a lot of different fronts, such as: Whitmore Park, Marilla Park, and Krepps Park. She also thanked the City Manager for allowing this to happen. She thanked everyone for the opportunity to serve and asked everyone to please vote.

Councilor Wallace: He mentioned the Election and that everyone needs to get out there and vote. He mentioned that he is on the ballot but was not able to fulfill his duties due to moving. He stated that he does not want anyone to vote for him even though his name is on the ballot. He thanked the City Clerk for all of the reports at the meetings. He announced that he and his family had met with a student reporter from the DA, that was doing an essay for a class and wanted to interview and take some photos of them regarding his time on Council. He was very disappointed when the City Attorney mentioned that the Home Rule Board had denied the request for the additional Campaign Finance Report. He would like to see this be addressed at the next sitting of the Home Rule Board. He noted the ongoing Hazel Ruby McQuain project and thanked the City Staff for coordinating it. He asked when the completion date was going to be, and the City Manager said that it would be one year from the date of starting, February of 2020. He requested that if anything important was brought forth before going to the press, to please communicate it with all of Council so things do not get construed. He agreed with Councilor Fetty about Republic Services. If they do not follow what is in the contract, then they should be fined. He stated that there is still a problem with loud parties within his Ward that is keeping his girls up, especially on the weekends and when it is a warm evening. He has called the Morgantown Police Department and sometimes WVU have been enforcing the loud noise complaint parties. He is requesting that there be a penalty of an escalating fee schedule or a designated nuisance or party house Ordinance in addition to what we already have for those who violates this Ordinance.

Deputy Mayor Selin: She thanked Ella Belling for all that she had done on Saturday, with opening day of the Rail Trail that had a lot of activities that was scheduled for everyone. She also attended the Pride party and stated that it was a real nice event and she enjoyed seeing all that was congregating in groups. She mentioned that there is going to be a pedestrian safety group that will be meeting and looking into some City intersections. She mentions that she is in favor of the campaign finance extra reporting and would like to see what the process is. She noted on April 20, 2019 from 2pm – 6pm there is going to be a spring flower festival in the Arboretum. She mentioned the Greenbag Road Improvement Project and if anyone would like to get some feedback you may go to the WVDOD website where you can submit your comments.

Councilor Dulaney: He appreciated all the information that is coming from City Hall, such as the Hazel Ruby McQuain Park and the construction going on there. He would like to have some information shared of where they are, where they are headed and what will they see at the end. He agreed with Councilor Wallace's request to keep all Council informed before going to the press. He mentioned the Annexation Plan has been a popular subject lately and he feels that there should be a layout of the plan to keep everyone informed. He attended the Greenbag Road Open House that was at the Middle School and he was not prepared going into the meeting, he thought it was about Greenbag road and the roundabout. He mentioned the only roads that are going to be compromised is Mississippi to the Kingwood Pike. He would like for all to tune into what is going on with that project. He announced that the Museum Commission will be holding their 7th Annual Fundraiser Best Chef Cookoff on Thursday August 1, 2019 6pm-9pm. He mentioned there will be an open house at the former Woodburn School on Saturday, April 27, 2019 at 1pm – 4pm. There will be activities and games there for all to do along with live music from the Boys and Girls Club. There will be property clean-up lead by AmeriCorps member Summer Phillips, with the Northern WV Brownfield Assistance Center, along with a pile of paste food truck that will be there. He mentioned the Development Services Department and the City of Morgantown Planning Department will be having a listening session for the Future Study Area 5 at the Wiles Hill Neighborhood tomorrow evening April 17, 2019, 6pm at the Wiles Hill Community Center.

Councilor Brazaitis: He mentioned moving forward with the annexation and what the benefits are that comes with that. Announcements: Back Fork the movie will be played at the Met Theatre 4/17/19 at 7pm with a \$5 charge; Chocolate Lover's Day 4/27/2019, and the Met Theatre will be celebrating it with the Lego Movie at 1pm, admission is \$6 which included a popcorn and a drink. He mentioned the Morgantown Pride party was a success. He thanked the City Clerk and Councilor Fetty for providing dinner for tonight.

Councilor Wendell: Provided the following.

I missed the last Council meeting, because I was at the conference of Reform rabbis in Cincinnati, with my spouse, the rabbi. Lots of interesting things there, but the most relevant was our trip, as a workshop, to OTR, Over-The-Rhine, a neighborhood just north of downtown Cincinnati. This was a decaying, partly vacant slum, with many historic structures, a park and an urban market. It has had a remarkable comeback. We had two tours, one with a guide who pointed out all the good things happening in the neighborhood, and one with a guide who felt poor people were being driven out in favor of wealthy people, and parking garages were being built so suburbanites could come visit the new and expensive shops.

Morgantown is not like Cincinnati, but still, we have to take care that our downtown has stores people need, instead of expensive specialty stores, like the candle shop, and the store that sells raw meat for pets at high prices on Vine Street in OTR.

It's been a busy few weeks, with a vigil for Christchurch on March 21, meeting with the First Ward Association on March 25, the Urban Landscape Commission on the 27th, and a meeting where several of us Councilors and the City Manager read the riot act to people from Republic about the poor quality of trash and recycling pickup. I've noticed an improvement in service since then. Last week, we had a preview of how the voting machines work.

There is now an official Parents and Friends of Lesbian and Gays Chapter in Morgantown, and I attended their chili cook-off at the Church of the Brethren on April 9. I made a vegan, gluten-free chili, the first time I had ever tried to make chili. It was a lovely event.

On April 10, Miriam Katin, a child Holocaust survivor and a graphic novelist, spoke for WVU's Pi Lambda Phi lecture about her writing and cartooning, her experiences as a Survivor and the child of Survivors, living in Eastern Europe under communism and coming to the United States. We dined with her after at Table 9 in the Wharf District.

Saturday, Morgantown had its first Gay Pride Block Party on the border of South Park and Greenmont. Helped by sunny, warm weather, there was a tremendous turnout and a welcoming, peaceful vibe to the event. By contrast, yesterday and today, in cooler, gloomier weather, WVU Hillel held its annual reading of names of people murdered in the Holocaust from noon yesterday to noon today. It's a gut-wrenching experience to give names to the people who were killed, especially when I hear surnames of people I know in the United States, or the names of places where I had family members before World War II. Rabbi Joe Hample gave opening remarks about the need to be ever-vigilant against hatred.


My class at Osher Life-Long Learning, "The Great Hits of 1966" continues Thursday at 10 at Mountaineer Mall. In addition to The Beatles, The Rolling Stones, and The Beach Boys, we'll hear this week from SSgt. Barry Sadler, The Mamas and the Papas, Simon and Garfunkel, The Lovin' Spoonful and Nancy Sinatra.

This weekend is a holy time for both Jews and Christians. Passover begins Friday night, when we celebrate at the Passover meal. the seder, our freedom from bondage in ancient Egypt. We pray for the freedom of those who are not free, those fleeing the modern equivalent of Ancient Egypt in Syria or Central America, and we wish them peace and safety.


All of us candidates for Council have been interviewed by the Chamber of Commerce, and The League of Women Voters and Mountaineers for Progress held a candidate night with almost all the candidates. Videos of these are on YouTube. My opponent and I will be interviewed by WAJR Thursday at 9 A.M. Early voting for Council starts tomorrow here at City Hall and at the Northside Fire Station on Van Voorhis. Election Day is April 30.

Mayor Kawecki: Announcements: Pot spot light at the Morgantown Public Library 4/18/2019, Earth Day Celebrations at the Farmers Market by the Sierra Club at 10am; 4/27/2019 27th Annual Chocolate Lover's Day 11am – 3pm, Spring Bird Walk at the Botanic Gardens, Lego Movie 1pm at the Met Theatre; Woodburn Block Party, and April 30, 2019 the Mountaineer Chapter of the National Audubon field trip at the Arboretum and will be doing a Bird Walk.

ADJOURNMENT: There being no further business, motion by Dulaney, second by Brazaitis, to adjourn the meeting.
Time: 10:27p.m.



City Clerk



Mayor

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