

**City of Morgantown**  
389 Spruce Street, Morgantown, WV 26505

**REGULAR MEETING**  
**April 21, 2020**

The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers via Webex on Tuesday, April 21, 2020, at 7:10 p.m.

**City buildings remain closed to the public to protect public health during the COVID-19 pandemic. Personal attendance at the meeting will not be permitted. When it is time, the public may participate by videoconference at the following link:**

**<https://cityofmorgantown.my.webex.com/cityofmorgantown.my/j.php?MTID=m7d4b797e4fadbcc76429c7b06b6848e2> with meeting number (access code) 799 045 542, and meeting password P3a8Kv7GaRZ (73285874 from phones or video systems) or by calling in at the following number 408-418-9388 and using the access code 799 045 542 and password 73285874.**

**PRESENT:** Via Webex were City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor William A. Kawecki, Deputy Mayor Rachel Fetty, and Council Members Zackery Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

**APPROVAL OF MINUTES:** April 7, 2020, Special Meeting minutes; April 7, 2020, Regular Meeting minutes were approved as printed by consensus.

**CORRESPONDENCE:** Mayor Kawecki presented the Proclamation for Building Safety Month and proclaimed the month of May 2020, to be Building Safety Month for the City of Morgantown. Mayor Kawecki presented the Proclamation for Municipal Clerk's Week and proclaimed May 3, through May 9, 2020, Municipal Clerk's Week for the City of Morgantown. Mayor Kawecki presented the Proclamation for National Library Week and proclaimed April 19 through 25, 2020, to be National Library Week for the City of Morgantown. Councilor Wendell, Councilor Cruze, and Councilor Dulaney shared correspondence.

**PUBLIC HEARING: AN ORDINANCE AUTHORIZING RECEIVERSHIP FOR UNSAFE STRUCTURES**

Mayor Kawecki declared the Public Hearing open.

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

**PUBLIC HEARING: AN ORDINANCE AMENDING THE FY 2019 – 2020 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**

Mayor Kawecki declared the Public Hearing open.

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

**UNFINISHED BUSINESS:**

**AN ORDINANCE AUTHORIZING RECEIVERSHIP FOR UNSAFE STRUCTURES:** The below entitled Ordinance was presented for second reading.

**AN ORDINANCE AUTHORIZING RECEIVERSHIP FOR UNSAFE STRUCTURES**

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

**AN ORDINANCE AMENDING THE FY 2019 – 2020 ANNUAL BUDGET:** The below entitled Ordinance was presented for second reading.

# City of Morgantown

AN ORDINANCE AMENDING THE FY 2019 – 2020 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 Paul Brake explained, after discussion, motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Ordinance. Motion carried 5-2 with Councilor Cruze and Councilor Dulaney voting No.

## **BOARDS & COMMISSIONS:**

Motion by Councilor Dulaney, second by Councilor Selin, to appoint by consensus, Darryl DeGripp to the Museum Commission. Motion carried 7-0.

## **PUBLIC PORTION:**

Mayor Kawecki declared the Public Portion open.

Rachel Coen spoke on behalf of the Monongalia Unsheltered/Homeless Task Force and is requesting council to consider matching the county \$10,000 donation for the cost of moving the homeless of Morgantown into the Motel 6 in Star City during the COVID-19 pandemic. Council suspended the rules to ask questions.

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

**SPECIAL COMMITTEE REPORTS:** Councilor Cruze mentioned that the Sister Cities Commission had requested to be on the Committee of the Whole for April but has since rescinded to a later date once the stay-at-home order has been lifted. Deputy Mayor Fetty asked Councilor Cruze to share information regarding the Sister Cities Commission and their involvement with the COVID – 19 pandemic.

**CONSENT AGENDA:** None

## **NEW BUSINESS:**

**AN ORDINANCE AMENDING THE FY 2020-2021 ANNUAL BUDGET:** The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE FY 2020-2021 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 SUPPLIES TO THE GENERAL FUND

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

**RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE:** The below entitled Rates of Levy was presented for first reading.

RATES OF LEVY LAID BY THE CITY OF MORGANTOWN AND APPROVED BY THE STATE AUDITOR FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, IN ACCORDANCE WITH CHAPTER 11 ARTICLE 8 OF THE WEST VIRGINIA CODE

City Manager Paul Brake explained, motion by Councilor Wendell, second by Councilor Harshbarger, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

**AN ORDINANCE AUTHORIZING AN EASEMENT TO FRONTIER AT THE MORGANTOWN MUNICIPAL AIRPORT:** The below entitled Ordinance was presented for first reading.

# City of Morgantown

## AN ORDINANCE AUTHORIZING AN EASEMENT TO FRONTIER AT THE MORGANTOWN MUNICIPAL AIRPORT

City Manager Paul Brake explained, after discussion, motion by Councilor Selin, second by Councilor Dulaney, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

### CITY MANAGER'S REPORT:

#### Information:

##### **A. City's update on the Coronavirus (COVID – 19) in West Virginia**

The West Virginia Department of Health and Human Resources (DHHR) Bureau for Public Health filed an emergency rule on Thursday which provides consistency to retailers and assurance for purchasers by implementing uniform social distancing guidelines in response to the COVID – 19 pandemic. The purpose of the emergency rule is to provide standard regulations for social distancing in retail spaces across all 55 West Virginia counties, rather than on a county-by-county basis.

At the last Monongalia County Health Department's (MCHD) Joint Information Command (JIC) Meeting, they have reported 83 positive cases in the county with 2 deaths. Six new cases have been announced this past week. County officials are reporting that an outbreak has been associated from a church gathering that occurred in Mid-March. Those attending the services were from different counties including some from Mon County. This was identified as a primarily African American congregation and several people have tested positive. The Health Department is reporting that contact tracing will most likely be completed with this incident.

The County Health Department has reported that the WVU students' outbreak is fairly well contained. Based on the number of students who still remain in Morgantown in off-campus housing, the MCHD is not going to provide additional guidelines based on this. The University is planning their student move-out plans and firming up specific dates when this will occur. WVU estimates that only 6,000 of their 30,000 students live on campus. When university officials are asked, they are referring residents and students to the Governor's stay-at-home order. What we are anticipating is that WVU will most likely stagger students move-out on campus.

City Manager Paul Brake responded to Rachael Coen's comment during the public portion regarding the Community Development Block Grant funds of \$251,233 that cannot be used outside of the city.

##### **B. 2020 Census Operational Adjustments Due to COVID – 19**

City Manager provided an ongoing report on the status of the 2020 Census. The timeline to complete the population count has been pushed out due to COVID-19. Additionally, you will find an attached document from the Census Bureau regarding the revised timeline of the data gathering process.

Based on the information from the Census Bureau, the latest report on the percentage of participation is 35.9% (for the City of Morgantown) while the current national participation average is 48.6%. From what we are anticipating, once WVU has finished their group quarters count that includes about 7,000 students, which may be in the next few months, the numbers should increase. However, the state of West Virginia overall is one of the lowest in the country (at 36.7%). This may be due to our lack of reliable internet access, the rural nature of our state, many individuals distrust of the government and the fact that the mailers the Census is sending out are not going to P.O. Boxes. This is something the Census is working on coming up with a solution.

At the previous meeting, a question has come up in reference to group quarters and including the city's most vulnerable and special needs population. Assisted living centers, nursing homes, hospitals, hospice facilities, prisons, dormitories and group homes for those living in foster care would all be considered a group quarter, and those should have already been counted or be in the process. The Census Bureau should have contacted those facilities' staff members individually to obtain the count.

The Census conducts group quarters counts in several ways: E-response, paper enumeration and in person. E-response is

# City of Morgantown

encouraging individuals to self-respond online, paper is when they send out paper forms and residents mail them back filled in, and in person is when they send Census officials to the facilities and have them help the residents fill the forms out. The E-response and Paper enumeration for group quarters was originally supposed to go from April - June, but has been extended to September. The in-person counts were meant to be from April-June, but have been pushed to July-September.

As far as the homeless population or for those individuals receiving treatment for drug or alcohol abuse in a residential treatment facility, "sober house" that is called Service Based Enumeration. Basically, the way the census counts anyone who does not have a permanent address, but uses these types of services, is counted during this time. The way the Census does this is they reach out to those soup kitchens, homeless shelters, health care facilities, churches etc. to estimate how many individuals they are serving on average. Then, either they will send Census workers to that location to help people fill out the forms or they will encourage the staff of those service provides to help folks fill out the forms themselves.

Organizations like these have a vested interest in obtaining an accurate count of the number of people they serve because that is how they receive federal funding for their organization. Our Regional Census staffer and Skylar Braithwaite have been in contact with Healthright, the Friendship House, the Bartlett House and local churches encouraging them to help with the count. The Beckley office has also been in contact with these organizations as well, and they will be in charge of the actual enumeration. As far as timelines for this count go, it was supposed to occur March - April, but as of now the census has not determined the revised schedule.

For those children living with a foster family, they should be counted as a member of the household when the head of the household fills out their census form. The only thing that matters is where you sleep the majority of the year and/or where you consider your home to be. So, if a child has been placed with a family, even if it is temporary, then that is their home and is where they should be counted. I am also attaching a fact sheet about undercounting children that you be interested in

## **C. Proposed Strategic Planning Session**

City Manager Paul Brake followed up on an email that was sent to each city council member proposing dates of June 19-20, 2020, for the upcoming Strategic Planning Session. Emily Muzzarelli Assistant City Manager will be checking the dates provided by city council in confirming with the facilitator and work on the location of the program.

City Manager Paul Brake suggested to council that they work with the facilitator Julie Novak, in assisting the developing strategic priorities during the COVID – 19 pandemic and the City Manager Paul Brake's departure from the city.

## **D. City's Research Focused Workweek Pilot Telecommuting Policy**

Now more than ever, as the City and our employees face financial difficulties, it is vital to keep employee morale up and retention at a maximum. How can this be done when all Cost of Living Adjustments (COLAs) are eliminated from the budget, promotions cancelled, seasonal and vacant positions remain unfilled, projects are postponed indefinitely, and more? The City stands by its stated priority, as being an employer of choice. While we must financially tighten the belt, there are other non-monetary related things we as a City can implement in order to make staff feel appreciated and satisfied in their employment choices. Now is the time to get creative, to try something new, to adapt. The employees of the City are extremely hard working and dedicated, and it is important that we recognize this. Their institutional knowledge of the City, its history, and operations is priceless to have.

As previously mentioned in my budget message from March, City Staff have been performing research on the idea of a focused workweek for many city buildings and operations. Staff has recently sent out surveys to all employees to gain insight from within, to see if such a program would be of interest to the majority of employees. At next week's Committee of the Whole, staff will be presenting their research and survey results to City Council.

Another idea, that was somewhat forced upon the City as well as many across the world, was a greater use and acceptance of telecommuting. As we practice social distancing, many City staff have been working from home through a temporary telecommuting policy. While the process to get there was not ideal (ex. we don't have many laptops), staff have now been working remotely for a few weeks, and it has been going extremely well. City staff will be working on a permanent telecommuting policy for use in certain situations.

City Manager Paul Brake explained to council that City Staff have been performing research on the idea of a focused workweek for many city buildings and operations. More information is to come at the next Committee of the Whole meeting.

# City of Morgantown

## New Business:

### **A. Appoint Interim City Manager**

As discussed during a recent meeting, City Manager Paul Brake presented a recommendation to appoint an Interim City Manager once he leaves the organization. He put in his resignation letter on May 14, 2020, as his last day as City Manager for the City of Morgantown. He recommended, with City Council's approval, to appoint Emily Muzzarelli as the Interim City Manager for an indefinite period of time, until a permanent replacement is named.

City Manager Paul Brake explained, motion by Councilor Selin, second by Councilor Dulaney, to appoint Emily Muzzarelli as Interim City Manager following his departure. Motion carried 7-0.

**REPORT FROM CITY CLERK:** Christine Wade stated that the application deadline for entry-level police officer has been extended to June 19, 2020, and the test date has been rescheduled to June 27, 2020. Christine Wade stated that the City of Morgantown has contracted with Municode to handle future republication, supplementation and online hosting of city codes.

**REPORT FROM CITY ATTORNEY:** Ryan Simonton stated that there will be a few upcoming ordinances presented at the Committee of the Whole meeting regarding the Fire Protection Service Charge and provisions in the FY 2020-2021 budget. Ryan Simonton stated that legislation has been passed at state level to alter the authority of municipalities regarding weapons. Ryan Simonton stated that he has discussed penalties for violation of the Building Code with staff of Code Enforcement and will reintroduce this information at the next Committee of the Whole. Ryan Simonton stated that he attended a presentation for Municode and expressed the importance of accessibility to information during the COVID-19 pandemic.

### **REPORT FROM COUNCIL MEMBERS:**

**DEPUTY MAYOR FETTY:** thanked the members of the community for doing a very fine job of remaining in place and wearing masks, also for those who are churning out masks at a startling rate. She encouraged those who may be struggling during this period to contact the United Way for assistance as they are providing significant services in our community. She shared that if you are quarantined or elderly or disabled there are ways to get deliveries out where you live. She thanked the many organizations in our community for their contributions during this time. If you need assistance call 2-1-1, similar to 9 1 1, and there will be a very friendly person on the other line. She deeply appreciates the efforts of County Personnel, the hospitals, and the many other folks who are working to ensure that the most challenged receive services. She reminded everyone about the Census to ensure all are counted as ensuring that all children are counted provides children access to education to health care and to the services that they need. As well that this can be completed online.

**COUNCILOR CRUZE:** shared that for those who deal with depression and anxiety in general under covid-19 where it's social distancing this really looks like how we feel in our hardest moments. He reminded everyone that in this Covid crisis if you already struggle with anxiety or depression or suicidal ideation this will not last forever and right now those feelings are intensified. If you are already dealing with these things to reach out for help as the crisis text line is there 24/7. You can text to 741741 and there will always be someone there to talk to. He encouraged folks to also check in on your friends. If you know you have friends that struggle with substance abuse, depression, or suicidal ideation, research has shown that talking about those topics will not make someone more likely to engage in it, the opposite is true. Being direct and talking about that will make someone feel like they've been given a lifeline. He reminded everyone that there is hope if you're struggling during this time and to just reach out.

**COUNCILOR SELIN:** thanked those agencies and persons who are on the front lines, those who are serving others, those who are helping us with safety and with medical attention particularly, and those who are less well paid and more on the front lines than most. She hopes that the face masks that are being created everywhere are getting to the people who need them such as folks who are working retail, and in grocery stores for example. She noted that people who are out walking are appropriately social distancing but they're also having conversations from two sides of the road with their neighbors. She pointed out all the important things that people are doing as far as running their businesses at this time such as having a notice on their door of how you call to get the needed auto part or get services for your car or other things that you need. She noted that you might pass an envelope or a paper bag so that you're not coming in direct contact with other people but you're still conducting business. She shared that she would like to see more businesses install windows at some point that lifts up and down so that items can be passed in and out without people coming into contact. She wished everyone good health and a good evening.

# City of Morgantown

**COUNCILOR DULANEY:** thanked everyone in the community for all that they are doing. He shared that the Museum Commission did meet this past week by electronic means. The commission is starting to ramp up planning for Best Chef which typically happens in August, but it looks like this is not going to be the year for that event. Many restaurants have been very generous with the museum in past years but because we are not open now this isn't the time to have that event. He shared that the commission is planning some activities and as the time approaches he will share that information. Moving forward for now we will listen out the restrictions given to us.

**COUNCILOR HARSHBARGER:** shared that he is seeing good news that the modeling that has been looked at that predicted the peak of the pandemic that in West Virginia it appears the peak happened last week. He shared that our hospitals have been much less impacted and added that what we're doing is working and hopefully we're moving into another phase of the covid issue and that is a decrease in the number of cases. He reminded everyone that we will come through this united and we're doing a great job. He said to keep it up, keep social distancing, and to wear your masks when you're out.

**COUNCILOR WENDELL:** provided the following.

"I'm going to rant now.

Today is Holocaust Remembrance Day, the anniversary of the Warsaw Ghetto Uprising, April 19, 1943, six and a half years before I was born. That would be like October, 2013 is now, a time in recent memory. That's how it must have been for my parents and grandparents.

Hillel, a Jewish social group at WVU, usually sets up in the Mountainlair and has people read names of those killed by the Nazis for twenty-four hours. They were planning to cut it down to two eight-hour sessions this year, but with the Mountainlair closed, they decided to ask people to read names on camera, and they would post them online. Rabbi Joe Hample and I each took a turn reading names. Today, our President took Holocaust Remembrance Day to ban any immigrants from coming to the United States. This is not useful. It's hateful and prejudiced. When we Jews say "Never Again," we mean that for everyone and not just for ourselves. The United States saved my family, now others won't have that opportunity.

The United States government has not done enough to reopen the economy. There must be near-universal testing, tracing of contacts, and identifying potential hotspots for people to be safe. None of that has happened. There are demonstrations in cities near here: Columbus, Lansing, Pittsburgh, Richmond and Annapolis among others, demanding that the economy be reopened. I understand that people are hurting economically, but that doesn't explain protestors carrying assault weapons, waving Confederate banners, placards blaming Jews for coronavirus and Nazi paraphernalia. There is another agenda here. They have been encouraged by the President and paid for by people with ties to the President's cabinet.

West Virginia's governor has done some good things in this crisis. Keeping schools closed for the rest of the term is prudent, and opening hospitals, where patients can be tested when they walk in the door is good.

Locally, everyone is on the same page, caring for our people. The number of new cases has leveled off some in Monongalia County, but it is rising in Kanawha and Jefferson Counties, which are only slightly larger in population than our county, as well as in smaller counties like Jackson and Wayne. I assume that is because people here are likely to take precautions seriously. Still, in some grocery stores, like Kroger and Giant Eagle, not all of the employees are masked, although I have heard from a neighbor who works at Sam's Club that Walmart and Sam's Club workers are all covered.

There have been what some call "process errors." It's good that some people are being sheltered at a motel in Star City, but people on our Council who have been working on issues about the unsheltered downtown were not consulted. The first we heard was County Commissioner Tom Bloom demanding that Morgantown fork over a large sum of money for this endeavor, money we had not yet received, and might not be able to use for the purpose he intended.

I met last Friday with Morgantown staff, and Mayor Kawecki to discuss proposed budget cuts with Finance Director Jim Goff. The cuts are painful, but I could see the necessity. No one said anything about give-backs from employees, but later that afternoon, we all got an e-mail from the Deputy Manager asking employees to voluntarily accept pay cuts or reduced hours to help with the budget. I was alarmed that in a meeting just a few hours before, no one mentioned this.

In these trying times, we need to be sure that what we do is not only helpful, but that decision makers are not excluded from the process, so that no one is given an excuse to stop things that need to be done to get us through this crisis.

There's more, but I'll stop with that for now."

**MAYOR KAWECKI:** shared that he received an alert from Adam Henkins, Monongalia County Schools Title IX Coordinator. Morgantown High School is going to be handing out caps and gowns on April 30<sup>th</sup> and May 1<sup>st</sup> and it will be a process basically like a

# City of Morgantown

drive-through service. Students will drive by the school and stop to receive their materials. He shared regarding the Covid circumstance that there are people out there who don't seem to be dealing with this in the most appropriate manner. However, he did share that in our community he is finding people who are doing extraordinary things and being very responsive, by keeping our distance and being courteous by checking on our neighbors. All of these are remarkable things and encouraging to know that this community is responding in the most appropriate manner. For kids there are various things that you can do and one of those things are to tour mountaineer country with a 360-degree video online. You can tour the Art Museum, Alpine Lake, the ballpark, Dorsey's Knob, and more and those tours are available on YouTube. He shared that a simple google search would probably find most of these things. The Morgantown Library is always a big resource and easy to get to. Also the Morgantown Green Team in their celebration of Earth day is the kids poster contest. The West Virginia planetarium will be hosting virtual planetarium shows on April 17<sup>th</sup> and parents must register using an online form.

**ADJOURNMENT:** There being no further business, motion by Councilor Dulaney, second by Councilor Cruze, to adjourn the meeting.  
Time: 9:34 p.m.

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City Clerk

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Mayor

