

City of Morgantown
389 Spruce Street, Morgantown, WV 26505

REGULAR MEETING
June 2, 2020

The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers via Webex on Tuesday, June 2, 2020, at 7:19 p.m.

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 in the public portion by videoconference at the following link:

<https://cityofmorgantown.my.webex.com/meet/cityofmorgantown> with meeting number (access code) 793 734 477, or by calling in at the following number 408-418-9388 and using the access code 793 734 477. All members of the public may view the meeting on Channel 15 and by streaming hosted on the City's website at www.morgantownwv.gov. If you do not wish to speak at the meeting, please view it by these methods to conserve capacity on the videoconference. Any person who wishes to speak at the meeting may complete the form at <https://www.morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Regular-Meeting-fo-61> or provide their name, phone number they will use to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. You may sign up to speak at any time until the meeting begins. Additionally, the public may submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at cwade@morgantownwv.gov. In the email, please use the subject line "Public Comment 06/02/2020" and indicate in the body of the email if you would like your comment read aloud during the public portion of the meeting.

PRESENT: Via Webex were Interim 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: Special Meeting minutes May 19, 2020; Regular Meeting Minutes May 19, 2020; Special Meeting minutes May 26, 2020; and Committee of the Whole Meeting minutes May 26, 2020, were approved as printed by consensus.

CORRESPONDENCE: Mayor Kawecki presented the Proclamation for Edward Cordwell for his 33 years of volunteer service with the BOPARC Commission. Mayor Kawecki presented the Proclamation for LGBTQ+ Pride Month and proclaimed the month of June 2020 as LGBTQ+ Pride Month in the City of Morgantown. Councilor Wendell, Councilor Selin, Deputy Mayor Fetty,

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.

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 COAL SEVERANCE FUND

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

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

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

Interim City Manager Emily Muzzarelli explained, after discussion, motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2019-2020 ANNUAL BUDGET COAL SEVERANCE FUND: The below entitled Ordinance was presented for second reading.

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AN ORDINANCE AEMDNING 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 COAL SEVERANCE FUND

Interim City Manager Emily Muzzarelli explained, motion by Councilor Harshbarger, second by Councilor Cruze, to approve the above entitled Ordinance. Motion carried 7-0.

BOARDS & COMMISSIONS:

Motion by Councilor Selin, second by Councilor Wendell, to appoint by consensus, Saba Ashfaq, to the Traffic Commission for the Fourth Ward.

Motion by Councilor Harshbarger, second by Councilor Dulaney, to appoint by consensus, Ray Glymph, to the Health & Wellness Commission.

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

City Clerk Christine Wade read a written comment from Marti Shamberger. The comment expressed concern of the treatment of unsheltered individuals, and requested council to focus on providing affordable housing in the City of Morgantown.

City Clerk Christine Wade read a petition she received. The petition requested that nuisance action be enacted at the homeless encampment in the Greenmont Area.

Rachel Coen, spoke on behalf of the WV Coalition to End Homelessness, and addressed misconceptions about the Coalition. She stated that homeless services are still available and there are multiple ways to access them. She mentioned that the Bartlett House has not received any additional funding, and that the Bartlett House does not have bed bugs.

Deputy Chief of Police Eric Powell provided statistics of crime activity that MPD has received in the Greenmont area. There being no speakers, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: NONE

CONSENT AGENDA:

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

AN ORDINANCE AUTHORIZING AN EASEMENT TO SEGRA AT THE MORGANTOWN MUNICIPAL AIRPORT

No motion, Council approved by consensus the above entitled Ordinance to second reading. Deputy Mayor Fetty was having technical difficulties, so she was not present for this Ordinance when read and approved.

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

AN ORDINANCE AUTHORIZING AN EASEMENT TO CITYNET AT THE MORGANTOWN MUNICIPAL AIRPORT

No motion, Council approved by consensus the above entitled Ordinance to second reading.

AN ORDINANCE ACCEPTING EASEMENT AT RIVERVIEW DRIVE: The below entitled Ordinance was presented for first reading.

AN ORDINANCE ACCEPTING EASEMENT AT RIVERVIEW DRIVE

No motion, Council approved by consensus the above entitled Ordinance to second reading.

NEW BUSINESS:

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AN ORDINANCE AUTHORIZING A PLANNING AND ZONING CODE TEXT AMENDMENT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING A PLANNING AND ZONING CODE TEXT AMENDMENT FOR SECTIONS 1329.02 AND 1331.05 AS THEY RELATE TO PUBLIC AND PRIVATE EV CHARGING STATIONS

Interim City Manager Emily Muzzarelli explained, motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A ZONING MAP AMENDMENT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING A ZONING MAP AMENDMENT FOR WEST VIRGINIA HOSPITALS (445 VAN VOORHIS ROAD)

Interim City Manager Emily Muzzarelli 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. Response to Encampment Situation in Lower Greenmont

There has been significant attention to the City's ongoing response to and interaction with an encampment along Pennsylvania Avenue near Decker's Creek. There have been accusations that the actions taken by City staff are harassment towards individuals experiencing homelessness. Interim City Manager stated that she wanted to publicly say that these accusations are false. City Council was provided with details surrounding Code Enforcement and Police responses at the site. All these responses and visits to the site were a direct response to a call for dispatch, a citizen complaint, or part of a regular patrol. Contrary to what was reported, only one citation was given, and the citation had nothing to do with the people present at the site.

The City is working with the WV Coalition to End Homelessness, property owner, and other social service agencies to help people staying at the encampment. With that being said, the City has standards for property maintenance that state exterior property and premises shall be maintained in a clean, safe, and sanitary condition.

B. City Council's upcoming Strategic Planning Workshop

The Novak Consulting Group will be running a Strategic Planning Workshop for City Council on June 19th and 20th. It is vital that this workshop be conducted in person. The City is making accommodations to allow for social distancing and other measures for protecting public health during the COVID-19 pandemic, including making masks available.

The Strategic Planning Workshop will be open to the public to attend with prior registration so that City staff can plan precautions. The public will also be required to adhere to social distancing requirements and are encouraged to wear masks while they attend.

Information for this workshop will be forthcoming.

C. Reminder of Rescheduled Election Date – June 9, 2020

Interim City Manager Emily Muzzarelli provided an update regarding the Election Day Due to the Governor's previous "Stay at Home" orders which were put in place to promote public health, West Virginia's primary election day was moved from May 12 to June 9. City of Morgantown offices will be closed Tuesday, June 9, 2020, in observance of election day. We urge all citizens to participate in election day.

More information can be found at <https://sos.wv.gov/about/Pages/Covid-19.aspx>.

D. City COVID – 19 Response Update

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Interim City Manager Emily Muzzarelli updated council on the city's response to COVID – 19. She also stated that city buildings have reopened, and majority of city employees have returned to work, but the public is still encouraged to conduct business from home when possible. She also stated that a number of local restaurants have taken advantage of the Temporary Dining Program.

New Business:

A. Schedule Hearing on Application for Nuisance Abatement Declaration Against Problem Property Owner – 625 Pennsylvania Avenue, 324 Dewey Street, and 619 Brockway Avenue

The regular meeting packet included three separate memorandums from Police Chief Ed Preston and he recommended declaring a Public Nuisance pursuant to Morgantown City Code 1149.03. Each document is descriptive in detailing the complaints and police reports that have been filed associated with each of the three addresses. None of the properties are rentals – they are recorded as vacant structures with the Code Enforcement Department. Council voted at the March 3, 2020, meeting to hold a special meeting for a Public Hearing for these properties, but this was later cancelled due to the COVID-19 Pandemic. Now that courts are reopening, Council can choose to move forward with the Public Hearing.

This was brought forth to council for consideration, motion by Councilor Selin, second by Councilor Harshbarger, to reschedule and conduct a public hearing on June 16, 2020, at 5:00 p.m... The code requires that the city provide 10 days-notice to the property owner. The City Attorney is recommending that the city file a subsequent petition in Circuit Court for mandamus to compel the owner to comply, and allow the city to take enforcement action if compliance is not made.

B. Eighth Street Pedestrian Project & Blue Curb Removal

Interim City Manager Emily Muzzarelli stated that City Engineer Damien Davis and staff are looking to provide safety and pedestrian upgrades along Eighth Street. There is utility work related to the replacement of a gas line for most of the roadway. As a follow up to the utility project, the City is working with the Campus Neighborhoods Revitalization Corporation to design and install a sidewalk along Eighth Street. The City is recommending that six (6) blue curb on-street parking spaces be eliminated as part of the improvements. If council is in agreement with the removal of the on-street parking, City staff will notify the property owners and prepare for a pedestrian project along Eighth Street.

Interim City Manager Emily Muzzarelli explained, council suspended the rules to allow City Engineer Damien Davis speak and answer any questions. After discussion, the Eighth Street Project and Blue Curb Removal was approved by consensus.

REPORT FROM CITY CLERK: Christine Wade stated that the Morgantown Police Department is accepting applications for entry level police officer. She stated that the application deadline is June 19, 2020, and the test date is June 27, 2020. Christine Wade also stated that the Fire Civil Service Commission will be meeting next week to discuss promotional books for Lieutenant, Captain, and Chief. Christine Wade expressed appreciation to the Communications Department for their work to provide information to the public on the city's website. She recommended that the public sign up for notifications from the Notify Me application on the city website.

REPORT FROM CITY ATTORNEY: shared that applications for the CARES Act had been opened and deadlines established by the state. The first one passed the end of last week and the city has submitted its first application for reimbursement from those funds. A reminder that they are available for necessary expenditures in relation to the coronavirus pandemic. He advised that local government entities can submit multiple applications during one of the interim periods although they are time bound to the specific expenditure period preceding the application. He shared that the city has not received any response on the application yet. The city has conducted some management training for City staff with many of the topics that council would have seen as newer entering council members about allegations of public officials and employees. We are continuing to do those, or attempt to do this, under different circumstances for our new board member appointees. One suggestion that we received from staff is that we conduct a larger scale event, or ordering commission members along the same lines of the training received today. We will also consider whether we can do that or provide a recording or similar material for their reference.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: shared that it is challenging to figure out how to address the needs of all our citizens. She appreciates hearing from City staff and thanked the City Manager. Related to the black lives matter march she stated that as a member of this community and a member of the council that she hopes that our citizens understand that we are all in a state of shock and grief about the terrible issues and that we are going to take whatever steps we can to make sure that nothing happens in our community on our watch and that we want to support the black community as much as we possibly can as members of the leadership and we want to make sure that the services we provide on every level from every person unbiasedness and fair and caring and take into consideration

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the humanity of everyone. She shared that it is important for as many of us as possible to turn out for the marches and believes strongly that the turn out would have been bigger had we not had other issues such as Covid-19 that we're facing. She noted that it is an election time and that we are already in early voting. If you have any concerns about any of your elected representatives now is the time to take the step that you can to make sure that your choices are optimal. These are the people that you get to pick. Please do vote.

COUNCILOR CRUZE: shared his concerns for the people residing at Diamond Village, formerly known as the encampment. His goal was for them to be able to be left alone. He shared that he was elected in a wide end campaign with 52 percent of the total votes, over 700 individual votes, with only two platforms, being a voice for underrepresented populations and public transparency within Administration. He spoke of violent rhetoric aimed at and about the individuals at Diamond Village and stated that he would do his job to be a voice for these folks.

COUNCILOR SELIN: shared that she has received calls regarding trash trucks dumping smelly liquid material on the roadway which includes glass, metal screws, and some other items. She would like to see this investigated. She also shared a request that we look into burying wires whenever possible. Regarding the Census she discussed the importance of getting a better count in Morgantown and how important it is. She appreciates the work on Eighth Street and the work to make another connection to the trail for people. A cross walk is being worked on across University Avenue providing a useful place to get across. She suggested that City Council obtain a list of the current projects, like infrastructure projects, that are being worked on.

COUNCILOR DULANEY: shared that many have been keeping up with what is going on with the former Morgantown Post Office where they are securing an architectural firm to help with planning for the building complex. He has been invited to participate in the planning workshop and he will keep everyone informed as that progresses. The Planning Commission meets next week, June 11, 6:30 p.m. Councilor Dulaney shared concerns related to trash not being picked up in a timely fashion. He engaged in conversation with a volunteer that was working in what is now called Diamond Village, as well as a number of campers and from what he could tell it seemed like it was very orderly condition. He is happy that the city is actively working with social service agencies to assist and feels that this is a positive step. He would like to ensure that people are situated in the most sustainable way possible. He appreciates the work that the Police Department has done and appreciates the work that our city staff have done to communicate more effectively as we move forward.

COUNCILOR HARSHBARGER: thanked the City Manager for the report timeline information regarding what's now being referred to as Diamond Village and the city staff for their service such as Code Enforcement, Public Works, and the Police Officers for trying to maintain safety for the neighborhood and for the people who are in the camping area. As we start to move through Covid and begin to reopen our facilities and our buildings he would like folks to keep council updated on what's working, what's not working, and if we need to change how we're doing things.

COUNCILOR WENDELL: Councilor Wendell provided the following.

“Times have changed, even in West Virginia, even in the nearly eight years I’ve lived in Morgantown, even in the three years since I was elected to Council. People calling for a return to some past era, to “Make America Great Again” often are white supremacists. How do I know that? Because I grew up in Maryland in the 1950s and 1960s, when Black people could not be fed at a restaurant, could not go to a skating rink or a bowling alley or a swimming pool, could not buy a suburban house. I worked against George Wallace in the 1964 primary in Baltimore County, and I was met with a wall of open racism from Wallace supporters. Is that what we want go back to? Is that the “Great America” of the past? For some it is. A candidate in the 2017 election for Council said that Morgantown had gone downhill. I wasn’t here in the past of which he was so enamored, but I think we are becoming a more open and diverse city, and that is good.

When I moved here, WVU students often burned couches, and WVU was the nation’s number one party school. The couch burning ended one year when a burning couch rammed two cars and they blew up. The University asked “Does anyone have cell-phone pictures of this?” “And a lot of people did, and students were expelled.

So how is it that a police officer in Minneapolis in 2020 could keep his knee on the neck of a Black man, who was handcuffed and on the ground, while three other police officers looked on, knowing that he would kill that man, and knowing also that he was being filmed, and still think he would get away with that? Must be something in the culture, and not just in Minneapolis. In addition to Baltimore, I’ve lived in Miami, New Orleans and Los Angeles. The police were a problem in all of those cities.

Friends and relatives in New York and Los Angeles thought we were crazy to move here; now they are jealous that we have a much smaller percentage of the population with COVID-19, that we don’t have rioting and looters, that the police seem to be “nice.”

I attended an on-line demonstration this week, if there can be such a thing, where African-Americans spoke about their issues. A woman said her teen-aged son was held up by the cashier at a store on High Street, and although he had done nothing wrong, a police officer gave him a hard time. It may not have been a Morgantown police officer; maybe it was a private security guard. And three Black state legislators spoke: Sean Hornbuckle from Huntington, Sammi Smith from Charles Town, and our own Morgantown

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legislator, Danielle Walker. All three of them have been harassed by local police. In the case of Delegate Walker, I don't believe it was Morgantown Police.

We have a letter from Chief Preston about police training, including... "de-escalation anti-bias training." I'm glad to hear that. I've never had a legitimate complaint come to me about Morgantown Police. I did ask the City Manager for statistics about arrest by race, specifically about drug arrests and what court they were referred to, and I've asked Mollie Kennedy of the ACLU if she has statistics.

I also want to hear what the policies of the State Police, the County Sheriffs and WVU police are, because they operate in our city limits. I don't know, at this point, that they can be trusted by our local residents, particularly Black people, I want to make sure that all our citizens are protected, that all of the police in our town are the "Good Guys."

MAYOR KAWECKI: he shared a letter he received from the Green Team asking if council would consider a letter of support to the governor regarding solar energy. He discussed the efforts that have been extended to address the current problems within the city and he is aware of the care that individuals have shown while executing their work. An example is to simply look at our police officers, sharing that officers have reached into their own pockets for people to make sure they had a bed to sleep in, he appreciates their effort. To Interim City Manager Muzzarelli he shared that he appreciated the report that she provided which was as factual as it could be.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9a-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor Wendell, second by Councilor Selin, to go into executive session. Motion carried by acclamation. Present: Interim City Manager, City Attorney, and City Council. Time: 9:17 p.m.

ADJOURNMENT: There being no further business, motion by Councilor Dulaney, second by Councilor Selin, to adjourn the meeting. Time: 9:33 p.m.


City Clerk


Mayor

