

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

*MINUTES*  
**REGULAR MEETING**  
**September 6, 2022**

**Regular Meeting: September 6, 2022:** The regular meeting of the Common Council of the City of Morgantown was held in the Monongalia County Commission Chambers on Tuesday, September 6, 2022, at 7:12 pm.

**Present:** City Manager Kim Haws, Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, City Clerk Christine Wade, Mayor Jenny Selin, Deputy Mayor Danielle Trumble, and Council Members Joe Abu-Ghannam, Bill Kawecki, Ixya Vega, Dave Harshbarger, and Brian Butcher.

The meeting was called to order by Mayor Selin.

**Approval of Minutes:** August 30, 2022, Special Meeting minutes; and August 16, 2022, Regular Meeting minutes were approved as printed. August 30, 2022, Committee of the Whole Meeting Minutes will be on the next meeting for approval.

**Correspondence:** None

**Public Hearing: An Ordinance authorizing a Lease Agreement with EAN Holdings. LLC at the Morgantown Municipal Airport**

Mayor Selin declared the Public Hearing open.

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

**Unfinished Business:** None

**Boards & Commissions:** None

**Public Portion:**

Mayor Selin declared the Public Portion open.

Debra Gordey, 52 Dustin Lane, Morgantown, WV 26501, stated that City Manager Kim Haws does not live in city limits and shared that she followed him on more than one occasion. She also spoke in opposition of the new personnel rules which negatively affects the MPD and the firefighters.

Todd Stainbrook, 512 Valley Road, Morgantown, WV 26501, questioned the city manager about living within the city limits. He shared his opposition on this subject.

There being no other individuals to speak, Mayor Selin declared the public portion closed.

**Special Committee Reports:**

**Special Committee on Unsheltered Homelessness** – Members: Mayor Selin, Deputy Mayor Trumble, Councilor Vega, Councilor Harshbarger, and Councilor Butcher.

**Consent Agenda:**

**An Ordinance authorizing a Lease Agreement with EAN Holdings. LLC at the Morgantown Municipal Airport**

**A Resolution authorizing application for Governor’s Highway Safety Program Grant**

**A Resolution approving agreement with Monongalia County Board of Education providing a School Resource Officer for Morgantown High School**

**A Resolution approving agreement with Monongalia County Board of Education providing a Prevention Resource Officer for Suncrest Middle School**

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Motion by Deputy Mayor Trumble, second by Councilor Vega, to approve the above Ordinance and Resolutions. Motion carried 7-0.

## **New Business:**

**A Resolution amending the FY 2022-2023 Revised Budget (Revision 01) for Capital Escrow Fund:** The Resolution was presented for approval.

Finance Director Kevin Tennant explained. After discussion, motion by Deputy Mayor Trumble, second by Councilor Harshbarger, to approve the above-entitled Resolution. Motion carried 7-0.

**A Resolution endorsing Vision Zero, for Monongalia County, and the Morgantown Area to achieve zero traffic deaths on local streets:** The Resolution was presented for approval.

City Manager Kim Haws explained. Motion by Councilor Harshbarger, second by Councilor Kawecki, to approve the above-entitled Resolution. Motion carried 7-0.

**Approval of Purchasing a new HVAC at the Metropolitan Theatre:** The Purchase of a new HVAC was presented for approval.

City Manager Kim Haws explained. Motion by Councilor Kawecki, second by Councilor Harshbarger, to approve the HVAC BID Award to CP&H in the amount of \$524,800. Motion carried 7-0.

**Approval of An Agreement for Public Recreation at Flegal Reservoir:** The Agreement was presented for approval.

City Manager Kim Haws explained. After discussion, motion by Councilor Harshbarger, second by Councilor Vega, to approve the Agreement for Public Recreation at Flegal Reservoir. Motion carried 7-0.

**Vacant Structure Exemption Request for 2100 Listravia Avenue:** The Exemption request was presented for approval.

Motion by Councilor Kawecki, second by Deputy Mayor Trumble, to put the Vacant Structure Exemption Request for 2100 Listravia Avenue on a future agenda. Motion carried 7-0.

**Set Date & Time of Trick-or-Treat:** Date & Time of Trick-or-Treat was presented for approval.

City Manager Kim Haws explained. After discussion, motion by Deputy Mayor Trumble, second by Councilor Butcher, to approve Monday, October 31, 2022, 6pm – 8pm for Trick-or-Treat. Motion carried 7-0.

**City Manager's Report:** shared that he had one important item to review with council. He shared information related to the three-year sidewalk improvement plan which includes not only replacement of sidewalks or construction and new sidewalks but also discuss handicap accessibility and recrossing. This plan has been made internally, and he plans to present at the Committee of the Whole in September. Council will have plenty of opportunity for input in terms of timing, and priorities.

**Report from City Clerk:** provided an update on Municipal Government Week. The Clerk's office has been working with Councilor Abu-Ghannam to help facilitate a mock city council meeting with some students from Morgantown High School. Municipal Government Week is the week of October 17-20. We will also be working with Eastwood Elementary to do a "If I were Mayor" letter again. The letters will be picked up on October 11 so that we can get those letters to Mayor Selin prior to the meeting on the 18th. The Clerk's office is still working to plan other events such as a read aloud at the library, or maybe some sort of open house type event with council.

**Report from City Attorney:** shared that the State Bar is having its regional meeting in Morgantown this Thursday. These meetings occur in each of the regions each year to provide an update on the state of the bar and try to work collaboratively with lawyers practicing in the region. They often have Supreme Court Justices and local Circuit Court Judges attend. They may have judges from the new intermediate appellate court this year. The Supreme Court is working on updates to our rules of civil procedure and have just adopted and begun implementing rules for the intermediate appellate court. Attorney Simonton shared that he recently met with the city engineer and AECOM, who is the design engineer for the Walnut Street streetscape to talk about their work on the sidewalks and the vaults underlying some areas of the sidewalks and adjoining properties. They're continuing to work on the design needed to either retain those vaults in places where it's appropriate and property owners want to keep operating them or to ensure the sidewalk is safe for the kinds of

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**Councilor Butcher:** shared his appreciation to council members who attended the Morgantown Pride Block party, noting that it was well attended and that it is their largest fundraising event of the year. He appreciated all the vendors and everyone that made it a fun and safe event. He shared that he feels frustrated and almost like he has little option or little recourse to get a message and forward motion on things that they have been frustrated about at this point in terms of with the police and the firefighters and our city's pay plan. Like the Deputy Mayor he is frustrated with how this entire process has been rolled out. He shared that he also would like to see numbers that can tell him that our city staff can take care of their families and that they can provide for their families and that they're making more money than they were last year. He shared that their paychecks should reflect what allows for quality of life for our cities, employees, and most especially our first responders who are putting their lives on the line for us. He has also spent months in private meetings with council and staff for further information on these issues. He feels that they have not been given the information required to make proper decisions, and it makes them look frankly silly when they try to speak to their constituents. He shares a great deal of the frustrations that many have spoken about this evening. They have called for meetings with city staff, and they have not got one. He would like to be able to talk to one of our firefighters who's sitting back here in a more formal setting and ask him how his daily life feels now, how his kids feel now, and what kind of effect it's had on him and his family. He feels that the communication with rank-and-file employees is not what it should be. Wherever that failing is it ultimately falls back on them, and he apologizes to city staff for failings in that regard. He encouraged members of the public to look up information about the police review board and understand that a settlement was reached with the FOP and that that board is not able to enforce on officers, nor could it have retaliation against the chief of police for anything that they do. Regarding the comment about following the city manager, he shared that he finds that unacceptable and highly disturbing.

**Mayor Selin:** On September 8 from 5pm to 7pm there is a comprehensive plan fair at Mountaineer Station and that should be an excellent opportunity for anyone interested in having an impact on the overall comprehensive plan. It's an opportunity for people to have input into those plans and see what has been put together so far. On September 9, at the Morgantown Public Library, from 6pm to 8pm there's an opening of an exhibit and it's called Listening for Racial Understanding and it is very interesting. Part of the conversation centered on grandmothers and the influence of our grandmothers and what we experienced at our grandmother's kitchen table, whether it be snapping beans or having conversation or whatever what goes on around the kitchen table. Mayor Selin is looking forward to seeing all the art pieces, and the library was very welcoming and willing to have this exhibit happen at their facility. She shared her appreciation of the legislators who visited this evening. She appreciates the efforts towards working with the police department and fire department toward resolution of the remaining issues between the city and those departments. She shared that they do value services of the police and fire department as they value all our employees, noting that it is difficult when you completely rewrite personnel manuals. Mayor Selin stated that it is going to take a little while to figure it all out, and that hopefully they are right on the cusp of some breakthroughs because you can tell that there's a lot of frustration building on all parts. On the 18th at 2pm the neighborhood will be having their picnic, and many times they are focused on the steel band. The neighborhood will be having an event to talk about a possible traffic plan in the Evansdale neighborhood at 2pm on the 11th.

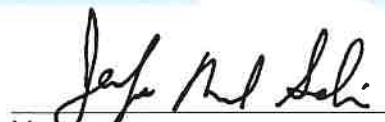
**Executive Session:** Pursuant to West Virginia Code 6-9A-4(b)(9) to discuss matters protected by attorney-client privilege or potential litigation. Motion by, second by, to go into executive session. Motion carried by acclamation. Time: 8:23 p.m. Present: City Council, City Manager, and City Attorney.

**Executive Session:** Pursuant to West Virginia Code 6-9A-4(b)(2)(A) to discuss personnel matters.

**Executive Session:** Pursuant to West Virginia Code 6-9A-4(2)(9) to discuss acquisition or development of real estate in the Sixth Ward.

**ADJOURNMENT:** There being no further business, motion by Councilor Vega, second by Councilor Harshbarger, to adjourn the meeting. Time: 12:05 p.m.

  
City Clerk

  
Mayor

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fluids it may encounter from traffic in their right of ways and is reaching out to property owners to address those issues and make sure we have the proper discussion with them and agreements in places that project move forward.

## Report from Council Members:

**Councilor Abu-Ghannam:** acknowledged Councilor Butcher and said, "Well done!" as he and his family visited the Morgantown pride block party. He expressed how lively and wonderful everything was and said to Councilor Butcher that he did a fantastic job. He mentioned the new kayak facility and stated that he looks forward to trying it out soon since he worked on his kayaking skills during covid. He thanked our Legislators for visiting with council prior to tonight's meeting, and for discussing all the things happening in and around our city.

**Councilor Kawecki:** shared that he was very gratified in seeing that our legislators turned out for a discussion. He was pleased with the way they started the conversation, and he believes it was very fruitful. He shared his disappointment with the ongoing publicity that council is hearing in an attempt to negotiate the media, he shared that there are a bunch of people who are complaining and seem to be serving their own political or personal agenda, and they're not offering a solution to any of the problems. Councilor Kawecki stated that they are simply wanting to tear everything apart and are not looking at the accomplishments of this council. The quality that they have managed to obtain over these past years is the quality of city that is worth some consideration, and he hopes that our constituents look at what has been done and not simply react to what is the hilarious gossip that is being presented. Councilor Kawecki shared that they are concerned with our community, and that they do respect our police department and our fire department, as they do all our employees as we have demonstrated in the past and we will continue to do so regardless of these frivolous accusations.

**Councilor Vega:** shared that Hispanic Heritage Month begins September 15, so she took a moment to share and celebrate the accomplishments of her people. She stated that they feed this country by picking the food that they eat, and they had their first Mexican American astronaut go into space this year named Katya Echazarreta. Latinos specifically who enroll in universities are growing at a higher rate than ever before, and not that it matters but they contribute \$252 billion in taxes to this country. They contribute to politics, organizing economy, music, university sports, etc., and they are here to stay. Councilor Vega also noted her appreciation for our city that has taken the steps to be more inclusive to Spanish speaking communities and Latino communities and she cannot wait to see what the future will bring with that. On another note, speaking of conversations that they had with our state representatives, they had a conversation about Amendment 2, this amendment will take away important funding from our counties impacting us all. There will be a postcard party this Sunday at the White Park shelter at 5:30pm to act on Amendment 2. Everything from critical funding for our schools, local libraries, and public safety to keep politics out of our kids' classrooms is at stake. She stated that it is important that we reach out to folks in our state and let them know this amendment would impact our city and our county in an enormous way. She stated that on the 20th BOPARC hosted a great concert in the Wiles Hill Community Center. She heard from several community members that they were very excited to just be able to stop by after their long day and enjoy some music.

**Deputy Mayor Trumble:** shared that the Woodburn Association of Neighbors is having their block party on Sunday, September 11, from 3pm to 6pm, that will be on the 600 block of Louise Avenue. They received approval to shut that portion of the street down, between Dayton and East Prospect. The Woodburn Association of Neighbors is having their bi-monthly cleanup of Whitmore Park and their adopted street cleanup for Charles and Richwood Avenues on Saturday, September 17 at 10am. Deputy Mayor shared that she is aware of discontent among many of our city employees, and that she has been willing and able to listen to any employee who has contacted her. She has spoken personally with firefighters and with groups of firefighters, she has spoken personally with police officers and with groups of police officers. If someone calls her and reaches out to say that they concern, she has always been willing to listen. Deputy Mayor stated that most people seated near her that evening can agree that she doesn't just listen, she takes those concerns, and she takes them into executive session and discussions, and she takes them into private meetings in the city manager's office or in the city attorney's office. She stated that she has been asking for numbers for weeks/months, and she received up until 4:45 pm on this date new numbers that she has not had time to go over. She stated that she and other council have asked to meet with the chief of police and the fire chief, and those meetings have not been set up. Time and time again she has been told these are not functions of Council, that they are personnel matters that are functions of the city manager's office. Despite this, she has continued to push forward and has been asking for answers and for changes, but she feels they are just kicking the can down the road. She shared that she wanted people in the public to know that just because I have been asked not to speak about this publicly does not mean that I am not trying to address it privately and despite a vote of no confidence from employees she will continue to advocate on their behalf.

**Councilor Harshbarger:** thanked everyone for well said words that needed to be said. He shared that the Kayak facility is now open and that is a wonderful resource to continue to attract people to our waterfront. Regarding the rail trail system, the Suncrest connector which will take Collins Ferry down to the rail trail is going out to bid in the next couple of weeks with the goal of hiring a contractor by the end of October, and then that work can begin within 30 to 60 days following. He shared that it was wonderful to have our legislators here and that it was a very productive meeting. Lastly, the South Hills Neighborhood is also having a block party on September 11 from 4pm to 7:30pm, so folks could potentially visit both block parties.