

City of Morgantown
389 Spruce Street, Morgantown, WV 26505

REGULAR MEETING
February 18, 2020

The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, February 18, 2020, at 7:10 p.m.

PRESENT: 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 Zack Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: January 21, 2020, Regular Meeting minutes; February 4, 2020, Special and Regular Meeting minutes were approved as printed.

CORRESPONDENCE: None

PUBLIC HEARING: AN ORDINANCE REVISING MORGANTOWN CODE PENALTIES FOR CANNABIS POSSESSION

Mayor Kawecki declared the Public Hearing open.

Andy Cockburn, 970 Stewart Street, thanked Mollie Kennedy and the ACLU for their work on the draft ordinance. He also thanked the City Manager, Morgantown Police Chief, City Attorney, and City Council for their work toward and consideration of the ordinance.

Mollie Kennedy, 424 Grand Street, thanked City Council and the City Attorney for their work toward and consideration of the ordinance, and also the West Virginia Working Families Party for their work toward the ordinance.

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

PUBLIC HEARING: AN ORDINANCE APPROVING A LEASE FOR AIR QUALITY SAMPLING SHELTER

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING: AN ORDINANCE PROVIDING FOR AUDIT REPORTING BY THE LAND REUSE AND PRESERVATION AGENCY

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE REVISING MORGANTOWN CODE PENALTIES FOR CANNABIS POSSESSION: The below entitled Ordinance was presented for second reading.

AN ORDINANCE REVISING MORGANTOWN CODE PENALTIES FOR CANNABIS POSSESSION

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

BOARDS & COMMISSIONS: None

PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Evelyn Ryan, 225 Dewey Street, expressed concern for building a new Kayak Facility instead of utilizing buildings that exist already.

Rebecca Polis, 818 Coleman, Fairmont, WV 26554, expressed gratitude to council for their good work in the community, and requested council to visit her website for her 2020 Senate Campaign.

Kim Kelly expressed concern and disapproval of the Campus Carry Bill.

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

SPECIAL COMMITTEE REPORTS: Councilor Selin reported on BOPARC's most recent signing with an Architect.

CONSENT AGENDA:

AN ORDINANCE APPROVING A LEASE FOR AIR QUALITY SAMPLING SHELTER

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City Manager explained, motion approved by unanimous consent.

AN ORDINANCE PROVIDING FOR AUDIT REPORTING BY THE LAND REUSE AND PRESERVATION AGENCY

City Manager explained, motion approved by unanimous consent.

NEW BUSINESS:

A RESOLUTION ON CALENDAR YEAR 2020 HOLIDAY LEAVE FOR FIREFIGHTERS: The above entitled Resolution was presented for first reading.

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

A RESOLUTION REVISING THE RULES AND REGULATIONS OF THE FIRE CIVIL SERVICE COMMISSION PROVIDING RESIDENCY REQUIREMENTS: The above entitled Resolution was presented for first reading.

City Manager Paul Brake explained, after discussion, motion by Cruze, second by Dulaney, to approve the above entitled Resolution. Motion carried 7-0.

CITY MANAGER'S REPORT:

Information:

1. **Update on Milan Puskar Health Right Safe Disposal Box Services**
At Tuesday's meeting, City Manager provided an update on the status of the placement of safe disposal boxes provided and managed by Milan Puskar Health Right.

City Manager Paul Brake updated council on the status of the placement of sharps containers in the city, and stated that Milan Puskar Health Right is in the process of getting insurance coverage and must undergo a 45-day publication period. An estimated placement date of the disposal boxes will be sometime in April.

New Business:

1. **Proposed 2020 Paving List**
The proposed paving list for 2020 was presented. The list generated for Council's review was based on information gathered through a number of means. The selection process involved an evaluation of the previous Dynatest analysis as well as citizen input and City staff observations. Dynatest, which specializes in roadway pavement distress surveys and analysis, helped the City develop a detailed evaluation and rating system of the city streets in order to develop a long-term preventative maintenance plan. For more information about this process and other background information go to the City's website: <http://www.morgantownwv.gov/502/Paving-Plan>. The recommended paving list was presented for consideration and approval.

City Manager explained, council suspended the rules to allow Damien Davis City Engineer to update council on the city's paving plan for 2020 and asked council for approval. Motion by Selin, second by Harshbarger, to approve the 2020 Paving List. Motion carried 7-0.
2. **City Manager Paul Brake updated council on the perspective costs of the Kayak/Bike Rental Facility at Walnut Street Landing/HRM Riverfront Park.**
Following previous Council and Committee of the Whole meetings, he recommended that the City pursue construction of a Kayak Rental Facility at Walnut Street Landing. The work would be added to the current contract with March Westin Company, who is the Construction Manager at Risk for the Hazel Ruby McQuain Park Renovations project, through a change order. The design elements for the proposed facility were described in the February 4, 2020 meeting packet. A rough estimate of the project costs is \$221,000. Project costs will be refined as the design is finalized. The change order for construction of the Rental Facility would be fronted using capitol escrow funds, while construction costs would be recouped through rental and parking revenues. A motion to authorize the City Manager to execute a change order with March Westin Company for the construction of a Kayak Rental Facility was recommended for City Council.

City Manager explained, motion by Harshbarger, second by Selin, to approve the Kayak/Bike Rental Facility at the Walnut Street Landing/HRM Riverfront Park. Motion carried 7-0.
3. **Authorize City Manager to Execute Contract for Consultant to Perform Classification and Compensation Study**
Recommendations to the City to ensure its Pay Plan, pay practices, and job classifications support the overall mission and strategic plan. There were seven proposals received. Those proposals ranged from \$26,550 \$75,000. Our Human Resources, Finance, and City Managers Departments reviewed the proposals and are recommending awarded the contract to GovHR out of Northbrook, IL at a contract price of \$32,500. The proposal was included for review. This project was budgeted for this current fiscal year at \$30,000 coming from the Human Resources general fund allocation. As recommended, the award would be above the budgeted amount, however, there appears to be room within the Human Resources budget to cover the difference. If the project runs higher due to added services or additional billings, then a budget revision might be necessary. This would be covered at a later date if required. A motion to accept the bid as presented and to authorize the City Manager to execute a contract with GovHR was recommended for City Council.

City Manager explained, motion by Selin, second by Harshbarger, to authorize the City Manager to execute contract for Consultant to Perform Classification and Compensation Study for the City. Motion carried 7-0.

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4. Request from Your Community Foundation (YCF) for \$12,500

The City received a request from Your Community Foundation for \$12,500 to put towards a planning and design project for the Historical Morgantown Post Office Building.

City Manager explained, motion by Dulaney, second by Cruze, to approve the request for Your Community Foundation in the amount of \$12,500 to put towards a planning and design project for the Historical Morgantown Post Office Building. Motion carried 7-0.

REPORT FROM CITY CLERK: In his Miracle speech to his 1980 USA Winter Olympic hockey team in the movie Miracle, coach Brooks said “Great moments are born from great opportunity. And that’s what you have here.” An opportunity to become a Morgantown Police Officer.

The Morgantown Police Department is accepting applications for individuals to register for the police officer entry-level civil service exam that will be held on Saturday, April 18, 2020. Applications and pertinent information are available online at morgantownwv.gov/jobs or in person at the City Clerk’s office. Completed applications must be submitted to the City Clerk’s office no later than 5:00 p.m. on Friday, April 17, 2020. Officers must establish and maintain a permanent physical residence within a one-hour driving time to the main station of the Morgantown Police Department. There is also a required examination fee which is due with the application. If individuals are interested in becoming a K-9 handler, they may pursue that avenue. If they would like to be a firearms instructor, they can pursue that as well. For officers who enjoy portraying a different person every day, they can pursue training as an undercover officer. There are so many opportunities. In addition, if individuals would like to pursue leadership, not only can you try different roles and positions, but they can be trained to effectively perform those positions. The primary missions of the Morgantown Police Department are the protection of life and property, and to make an impact to the community they serve, and that takes many forms such as saving a life. Throughout a Police Officer’s career, they encounter small rewards that solidify why they are there. One officer stated that he rescued a little girl from a circumstance that was unspeakable, and he said it doesn’t get any better than that.

So, she encouraged interested folks to stop by and see us, to perhaps check out our website for additional information, as well as LinkedIn, Twitter, and Facebook.

03/02 – FCSC Captain’s promotional exam
03/18 – PCSC Sergeant’s promotional exam

Lastly, she shared that Aldi Incorporated, located at 1351 Earl L. Core Road, has applied for a license to operate a WVABCA licensed Class B establishment. This request has been approved by the City’s Director of Development Services and has been forwarded to Commissioner Wooten for his approval.

REPORT FROM CITY ATTORNEY: City Attorney Ryan Simonton stated that he and the City Clerk’s office is in the process of scheduling an orientation for 10 new Board and Commission members. He also stated that the West Virginia Law Review at the WVU College of Law is hosting its annual symposium on February 27 and 28, 2020. The topic of this year’s symposium is Home Rule Municipalities, and the City Attorney invited members of council to attend.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: shared that she is proud of the engineering folks and our Public Work folks for all that they've done to move along the paving plan so quickly ahead of schedule. She stated that we have so much to be proud of as a city and as a council and would like to remind everyone that hard decisions were made and progress has been made in focusing on resources and taxpayer resources on solving City problems in an efficient and cost-effective way. She is excited to hear that progress is being made with our harm reduction efforts as a city and efforts to put needle disposal boxes in appropriate locations. She is looking forward to seeing positive changes around our schools in terms of pedestrian safety. Deputy Mayor Fetty attends these meetings at night, but during the day she spends hours in child abuse and neglect hearings, noting that it is hard to put on a cheerful open attitude at times. She represents young people who made really terrible decisions and who are trying to see their kids again, and it's a profoundly painful experience to meet young person after young person after young person and in the end to feel like we're losing another generation. She hopes that everyone can understand that her concerns come from a real place. She is excited about things that are going on in her Ward and is watching along with many other people as MUB puts in the waterline. She is concerned along with other folks because they are watching a lot of trees come down and watching paths being made. The trail will be opened by summer and that will give us all a chance to view our beautiful new waterway. The First Ward Neighborhood association meeting will be taking place on the 24th, which is the fourth Monday of the month at 6:30pm at M Tech and she hopes many can attend.

COUNCILOR CRUZE: reminded everyone that the Sister Cities Commission has a couple of openings and they are a cool bunch of people. The Third Ward needs a traffic commissioner and their annual meeting is Wednesday, February 19, 2020, from 6:30pm to 8:00pm, everyone is welcome to attend. On February 26th at 6 pm there will be a campfire gathering behind the parsonage of the Church of the Brethren and all are welcome. We have two sister cities, one in Mexico and one in China. Our Mayor received a very nice Chinese New Year’s card from one of the largest cities in China from their mayor and it was passed along to the Sister Cities Commission. At the last commission meeting they discussed sending them a thank-you letter and a message of support for their city as they just recently had to complete the emergency construction of a 300-bed hospital facility because of coronaviruses having on them. Their city is one of the Cities within China that is locked down. Councilor Cruze discussed this with the Mayor before the meeting and he is going to help draft a thank you card and letter of support to our sister city. The Sister Cities Commission is really excited about the events in the upcoming year and are planning a possibly revitalized mission and focus, and they would like to present the Sister Cities goals for the upcoming year at the April of the Committee of the Whole if it is the desire of the rest of council. He responded to the public comment regarding only meeting three times a month and routinely being out by 9:00 pm, that is not the case and has never been the case. The speaker made a comment about how she knows some city councils routinely stay till 11 pm, that however is the case. They routinely stay that late. He stated that he is confused by the comments which seemed to suggest that this council did not push back and request further information on the kayak rental facility. It took until this meeting for council to vote on it is because there was quite a bit of pushback from council wanting more information. Regarding the number of special studies or commissions he said, that is another thing. That is also why folks are not seeing a lot of different special studies because council has acted to handle those matters amongst council. He would like to see in the next legislative session more involvement from the city or a liaison position appointed by council to advocate for the city and in matters that come up between the Senate and the House. There are several bills

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that were brought up in this session that would dramatically reduce municipalities ability to do everything from established non-discrimination ordinances to establish their own fair wages. He was excited to see the expanded radius for the Fire Department for hiring, as well as new hiring of police officers for testing to expand the eligibility radius. He is interested in seeing how we can expand our diversity within our city employees, particularly the police and fire departments, how we can attract more diversity within those departments. On March 11th, the United States Air Force Band is coming to play in Morgantown at the creative arts center from 8 to 10 pm and there is no charge. For tickets call 304-293-5511. Regarding the Cannabis ordinance, in West Virginia we have a large population that began using opioids due to on-the-job injuries and workman's compensation and chronic pain. There's been quite a bit of good research showing that cannabis is a better agent for chronic pain conditions than some of these stronger opioids, some of which are 700 times as strong as heroin so that is an interesting point.

COUNCILOR SELIN: shared that she appreciates that the paving list is moving forward and that the more we can share the paving lists as far forward as possible with groups like MUB the better so that we don't end up with situations where MUB would have liked to have repair. Camp registration for BOPARC opened today and some of the camps are already full. The schedule for the parks concerts is coming out and it includes some concerts in the newly renovated park. All around the county there are opportunities to develop positive habits for youth adults who need something positive in their life. There's a lot going on that's free or at minimal cost. She recommends that council consider a mayor's letter regarding the issue that Kim Kelly brought up where she's looking at all the different ways that the state government is looking at taking away our ability to control guns for instance during events. As we move toward the Committee of the Whole and looking at issues in the neighborhoods that have to do with people who are experiencing drug addiction, people who have mental health issues, and trying to keep order and quality of life the neighborhood and doing it in a way that is helpful. We may need to look at a way for neighbors, rental property owners, and other concerned citizens who are knowledgeable about the different kinds of problems and issues that happen in neighborhoods a way for people to get together and have a conversation. She shared that she has heard from folks who are interested in being a part of the solution so we should make that happen.

COUNCILOR DULANEY: shared regarding the Woodburn School Redevelopment commission that Chris Haddix who leads that commission invited him to come along on a walkthrough with Director of Public Works Alex Stockdale and City Engineer Damien Davis just to look. Chris Haddix provided an update. The ADA improvements are underway. You can see where the elevator is going to go now, and the connections are being made for the entry. It is exciting to see the progress that's being made. It will also be important for the building because with this new entry reconfiguration previously when you entered into the space, you were either entering into Pop shop or into boys and girls club and accessing the rest of the building through those entries. This project is going to create a common entry with an accessible elevator to all levels of the building and that is important. There are still some outstanding issues and it seemed like there's some consensus around several priorities, one which we've been working on for some time is to stop all the water intrusion through the building. The plaster repair has already happened as well in the interior and that is a huge improvement. There was also some concern by Director Stockdale about the windows and so there's some discussion about those as well. I think the sense is that while they're unattractive for the most part they are doing their job. The Woodburn School Commission is happy to continue doing what they can to advocate for the building which is really the mission of the commission. He shared that his son's Cub Scout Den visited the Morgantown History Museum on Saturday and it was a great time. There was a scavenger hunt throughout the museum and a guided visit to the temporary exhibit titled Morgantown waterways. The part-time employee who provided this did a great job and the kids really enjoyed it. He shared that the old post office building group, the museum, and others appreciate the city's willingness to help in a pinch with water issues. There is nothing that will destroy a building faster than water infiltration. The Morgantown History Museum meets next this Thursday the 20th at 6 pm at the Museum and those meetings are always open to the public. Plans for the annual fundraiser which is Best Chef is coming soon. The Woodburn Association meeting with neighbors meets on February 26th at 6:30 pm.

COUNCILOR HARSHBARGER: shared that he has been in contact with folks that have brought the nuisance ordinance forward, and with those that might oppose that the ACLU future West Virginia. They have had very productive conversations with all. This Friday there is a small working group that will be meeting to further that discussion. He was not able to be at the First Presbyterian Church Saturday, but a smaller core group of us are going to get together and continue to work towards a common agreement, which he thinks we all have making our community better and safer without disenfranchising the vulnerable population. This is what they want to achieve. As the city council's rep on the traffic commission, they are working towards prioritizing pedestrian and safety issues and creating a system of how we will score them to prioritize and rank how they are achieved and take them to the neighborhood associations for their support. He was happy to be notified today that the White Avenue slip is going out for a request for proposal. The Sabra Methodist Church is having a fundraiser for West Virginia flood relief next Tuesday the 25th from 5-8pm and it will be a pancake dinner. It will be put on by the Jerome Park and Sabra Methodist Church. It is \$10 a person, \$20 per family. The blue jean ball is April 4th at Camp Muffly at 6pm and that is for a party for Green Space to support the West Virginia Land Trust and also the Mon Rail Trail Conservancy.

COUNCILOR WENDELL: Shared the following.

"I was in Harrisburg, Pennsylvania from Sunday afternoon until this morning, about 210 miles from here. It's the state capital of Pennsylvania, a larger city than Morgantown, with 49,000 people, part of a much larger metropolitan area. It's on the east side of the Susquehanna River, with parkland and a trail along the river, as we have. Like Morgantown, they are unable to expand the city limits, but they have made the city a center of diversity, entertainment, and recreation, with an emphasis on neighborhood preservation and rehabilitation. There is an independent bookstore and an art house movie theater in the central part of Harrisburg, which I would like to see in Morgantown. I noted that flowers are already blooming in Harrisburg, and driving back today, temperatures were in the upper 40s in Garrett County, Maryland and Preston County. Trees are starting to bud, and there was no snow on the ground. Climate change is here, and long-term, the effects may be devastating.

I want to acknowledge the death of Emilie Marlier, a union leader and an activist. She was a kind, low-key person, available for any demonstration or meeting called by progressive organizations. Condolences to her partner Les, and her other family and friends. I'm glad we passed the cannabis ordinance, although, as I said, the people who wanted this from the City need to work on WVU, the Mon County Commission, the West Virginia legislature and the U.S. Congress, who have more clout than we have, and could make more of a difference in the law.

Councilor Selin brought up just now a reference Kim Kelly's speech to us tonight about SB 96 and some other bills pending in the Legislature. These bills would take away the right of municipalities to regulate weapons. I hope that we can send a letter opposing these potential threats to public safety and to our city's autonomy at the committee of the whole meeting next week.

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The National League of Cities is planning a conference, and they announced last week that Paul Ryan would be the keynote speaker. I was ready to move their emails to spam, when I received a new email today stating that Nancy Pelosi is the new keynote speaker. I can imagine the outrage this organization received over Paul Ryan, not known as a friend to cities.”

MAYOR KAWECKI: shared that there is music available downtown all around. The South Park Association of Neighbors sponsored the movie this past weekend Lady and the Tramp and it was a nice community neighborhood activity. If you are in the South Park area and would like to attend one of the neighborhood meetings, the next meeting is February 26th. Gets together at 6:30 for some social time and then the meeting starts at 7pm. They always finish by 8:30pm and that is at the First Christian Church. The Met pool hall has opened and if you have not had a chance to go down and look around as it is well worth patronizing. On February 22nd it is Science Saturday and that's at Spark which is out on Greenbag Road. The cost is \$6 per child and \$2 per adult. The Planetarium at WVU is offering a free event on the 26th of February and it is the Departments of history and physics and astronomy presenting special screenings of award-winning documentaries. Nostalgia for light is one of the documentaries. The Arts Mon Collaborative is meeting on the 27th of February at 6 pm and it will be at the gallery on High Street. The collaborative discusses ways to bring all of Morgantown's fine arts groups together through events and projects. There's a Winter Music Festival at the South Middle School on Friday, February 28 from 6 pm to 11pm, and all-day Saturday from 9 pm to 11pm. Admission is \$3 on Friday and \$5 on Saturdays, but musicians with instruments and children under seven get in free. Don't miss the swing dance on Friday night from 7:30pm to 9pm, and on the 29th of February there is Empty Bowls at the Hazel Ruby McQuain Community Center at Mylan Park.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4 (b) (9) to discuss matters related to the acquisition or development of Real Estate in the Sunnyside TIF District. Motion by Dulaney, second by Harshbarger, to go into executive session. Motion carried by acclamation. Present: City Manager, City Attorney, and City Council. Time: 9:41 p.m.

ADJOURNMENT: There being no further business, motion by Harshbarger, second by Wendell, to adjourn the meeting. Time: 10:14 p.m.


City Clerk


Mayor

