

City of Morgantown
389 Spruce Street, Morgantown, WV 26505

REGULAR MEETING
May 5, 2020

The Regular Meeting of the Common Council of the City of Morgantown was held in the Council Chambers via Webex on Tuesday, May 5, 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 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-Committee-of-the-Whole-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 05/5/2020" 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 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 21, 2020, Special Meeting minutes; April 21, 2020, Regular Meeting minutes; April 28, 2020, Special Meeting Minutes; April 28, 2020, Committee of the Whole Meeting minutes were approved as printed by consensus.

CORRESPONDENCE: Mayor Kawecki presented the Proclamation for Gene Vance Day and proclaimed May 16, 2020, to be Gene Vance Day for the City of Morgantown. Mayor Kawecki expressed his thanks to City Manager Paul Brake and read a list of his major accomplishments during his time with the city. Mayor Kawecki also wished Paul well on his new position at Royal Oak, Michigan.

PUBLIC HEARING: AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FOR THE RONALD MCDONALD HOUSE

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 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 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 AUTHORIZING AN EASEMENT TO FRONTIER AT THE MORGANTOWN MUNICIPAL AIRPORT

Mayor Kawecki declared the Public Hearing open.

City of Morgantown

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FOR THE RONALD MCDONALD HOUSE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING A ZONING AMENDMENT FOR THE RONALD MCDONALD HOUSE

City Manager Paul Brake explained. Council suspended the rules to have Director of Development Chris Fletcher speak and answer questions. Motion by Councilor Selin, second by Deputy Mayor Fetty, to approve the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2020 - 2021 ANNUAL BUDGET: The below entitled Ordinance was presented for second 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 APPLIES TO THE GENERAL FUND

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

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

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

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

BOARDS & COMMISSIONS: None

PUBLIC PORTION:

Mayor Kawecky declared the Public Portion open.

City Clerk Christine Wade read written comments from Tiffany Mihaliak, and Jan Derry. The written comments expressed support for the Human Rights Commission LGBTQ+ liaison positions.

Don Spencer, on behalf of the Human Rights Commission, stated to council that the LGBTQ+ liaison positions would increase the city's Municipal Equality Index Program score.

Ramsay Kinsella expressed support for the Human Rights Commission LGBTQ+ liaison positions.

Jacob Powers expressed support for the Human Rights Commission LGBTQ+ liaison positions.

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

SPECIAL COMMITTEE REPORTS: None

CONSENT AGENDA: None

NEW BUSINESS:

City of Morgantown

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

AN ORDINANCE AMENDING ARTICLE 545 REGULATING WEAPONS

City Manager Paul Brake explained, motion by Councilor Harshbarger, second by Councilor Selin, to approve the above entitled Ordinance to second reading. Motion carried 6-1 with Councilor Wendell voting No.

AN ORDINANCE AMENDING ARTICLE 747 ESTABLISHING FIRE PROTECTION SERVICE CHARGES: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 747 ESTABLISHING FIRE PROTECTION SERVICE CHARGES

City Manager Paul Brake explained, after discussion, Council suspended the rules to allow City Attorney Ryan Simonton to speak. Motion by Councilor Selin, second by Councilor Harshbarger, to approve the above entitled Ordinance to second reading. Motion carried. 7-0.

CITY COUNCIL MEETING RULES:

City Manager Paul Brake explained, after discussion, motion by Deputy Mayor Fetty, second by Councilor Harshbarger, to approve the City Council Meeting Rules for conducting electronic meetings. Motion carried 7-0.

LGBTQ+ LIAISON POSITIONS:

City Manager Paul Brake explained, after discussion, Council suspended the rules to allow Human Rights Chair Jacob Powers and Ash Bray-Cutright speak regarding the volunteer positions they are requesting. Motion by Councilor Wendell, second by Councilor Selin, to approve the above request from the Human Rights Commission. Motion carried 7-0.

A RESOLUTION ADOPTING AIRPORT RULES AND REGULATIONS AND MINIMUM STANDARDS: The above entitled Resolution was presented for first reading.

City Manager Paul Brake explained, Council suspended the rules to allow Airport Director Jon Vrael to speak and answer questions. Motion by Councilor Harshbarger, second by Councilor Dulaney, to approve the above entitled Resolution. Motion carried. 7-0.

A RESOLUTION APPROVING THE 2021-2026 CAPITAL IMPROVEMENT PLAN: The above entitled Resolution was presented for first reading.

City Manager Paul Brake explained, Council suspended the rules to allow Finance Director Jim Goff to speak and answer questions. After discussion motion by Councilor Dulaney, second by councilor Selin, to approve the above entitled Resolution. Motion carried 7-0.

A RESOLUTION APPROVING THE 2020-2021 BUDGET FOR THE MORGANTOWN CAPITAL ESCROW FUND: The above entitled Resolution was presented for first reading.

City Manager Paul Brake explained, Council suspended the rules to allow Finance Director Jim Goff to speak and answer questions. Motion by Councilor Dulaney, second by Councilor Selin, to approve the above entitled Resolution. Motion carried. 7-0.

CITY MANAGER'S REPORT:

Information:

A. Update - Minority Liaison Coordinating Council

City Manager Paul Brake included in the meeting packet, a copy of the draft guidelines that the Human Rights Commission approved and is proposing for the Liaison Council. There was also a copy of the resolution establishing this advisory group –

City of Morgantown

approved June 18, 2019. This was provided for informational purposes.

B. Update - Appointment of Interim Police Chief

City Manager Paul Brake provided an update and response to the recent resignation submitted by Morgantown Police Chief Ed Preston. The Chief recommended appointing the current Deputy Chief in his resignation letter. The City Manager shared that the permanent appointment of the permanent successor to Chief Preston should be left to the incoming City Manager as this will be important to evaluate the culture of our police organization and identify the qualities of the new Chief Law Enforcement Official, and then conduct the necessary process to find that leader. City Manager Paul Brake took the opportunity to discuss his thought process and how the recruitment for this important position should be conducted and provided an update about the next steps of the process for immediate needs.

C. Cares Act Funds for Morgantown Municipal Airport Runway Extension Project

City Manager Paul Brake shared as previously reported, the offices of Senator Shelley Moore Capito and Senator Joe Manchin announced that the City of Morgantown will receive \$7.8 million in Airport Improvement Program funding for the runway extension project at the Morgantown Municipal Airport. The federal funds will be used to cover expenses for the first phase of the project, which is slated to begin in the fall of 2020. It is anticipated that the funds will be used towards:

- All clearing and grubbing for site prep; Erosion and sedimentation controls;
- Temporary stormwater management features;
- Embankment toe bench;
- Culverts for the stream enclosure;
- The start of the embankment; and,
- Design and construction management for the first construction package.

In November 2019, the city received concurrence from the Federal Aviation Administration on its Environmental Assessment and Benefit Cost Analysis. This was the final step before construction could begin on the project. The next step in the Runway Extension project is to post a bid announcement for the construction phase. The bid announcement is expected to be released this summer. The Runway Extension project is closely tied to the future I-68 Commerce Park. When completed, the two projects will be the most significant economic development projects in the history of the city, and it will be an important economic driver for the region. The Runway Extension project has received support from local businesses, the Monongalia County Commission, Star City, the City of Westover, West Virginia University, and the Morgantown Area Partnership, all of which have been instrumental in moving the project forward. The current length of the runway is 5,199 feet, making it the shortest runway for commercial carrier airports in the state. The extension will add 1,001 feet to the runway and will enhance and modernize the airport's facilities to help it maintain current operations, recruit new businesses, and improve safety at the airport. The Runway Extension Project is estimated to take at least five years to complete at an estimated cost of \$50 million. It is anticipated that most of the funding for the design and construction of the project will come from the FAA Airport Improvement Program. The remaining cost will be funded by the City of Morgantown and the State of West Virginia. The \$7 million in AIP funding announced last week requires no local match.

City Council suspended the rules to have Airport Director Jon Vrabel speak and answer questions.

D. City's Update on the Coronavirus (Covid-19) in West Virginia

The city is looking to make both physical changes to the building and changes to processes and policies to help protect employees and residents as the city begins the start process of reopening buildings/functions to the public. Physical improvements will look a lot like what you see in grocery stores and other retailers and would include things such as plexiglass barriers and floor markings to promote social distancing. Employees in these customer contact areas will be provided PPE and all visitors are recommended to wear PPE as well. As what was done during the building closures, we will encourage those who are able to utilize electronic means to make payments and submit permits and applications. Lastly, our cleaning and sanitizing practices will be ramped up.

As mentioned during the Committee of the Whole meeting, the city is anticipating an opening around mid-May. However, this will be contingent upon the Mon County Health Department recommendations and the West Virginia DHHR guidelines. Some employees will still be working remotely even past this timeframe. It is important to get City Council's feedback on these types of plans. We have taken in the concerns of City Council, from the last meeting, and have made some changes based on the items they noted. We have reached out to the health department for additional guidance on the tentative plan. Where possible, practical, and desired, the City will be able to continue to hold meetings via electronically means. There was a good response in switching to remote working. While face to face interactions is still vital to be able to serve all populations, we now have a better idea of how different services can be provided through digital or telecommuting practices

City of Morgantown

City Manager Paul Brake stated the city administration will continue to prioritize both the health and safety of residents and employees and providing excellent city services through this pandemic and beyond. We are in an ever-changing situation and need to remain flexible in our plans.

New Business:

A. Request for Advance of Funding from WV Coalition to End Homelessness

City Manager Paul Brake explained that this advancement of funds would provide \$10,000 to the WV Coalition to End Homelessness for the cost of moving the homeless into the Motel 6 in Star City during the COVID-19 pandemic. After discussion, motion by Deputy Mayor Fetty, second by Councilor Cruze, to approve the advancement of funds in the amount of \$10,000 to the WV Coalition to End Homelessness. Motion carried 7-0.

B. City Infrastructure Improvement Bond

As proposed in the Fiscal Year 2020 - 2021 Budget, the concept of the City Infrastructure Improvement Bond was first introduced. It included both energy efficiency upgrades as well as aesthetic improvements. Based on the recent budget reductions, the focus is solely on energy efficiency upgrades, such as HVAC and windows. The total improvements called for include replacement of current heating and cooling system in City Hall. The building currently operates using several different systems and the current boiler was installed in 1995; it has issues with corrosion in the distribution pipes. It is common occurrence that the Building Maintenance Division, of the Public Works Department repairs leaking pipes that have caused damage to many documents stored in the basement. Cooling in City Hall is done with window units, and three roof top units. With the anticipated replacement of the windows, those window units will no longer be an option. Installing a water source heat pump, with a dedicated outdoor air system (DOAS), will increase the air quality and decrease inefficiencies caused by overheating the building using the boiler. The cost of the improvements is estimated at \$725,000. The current City Hall windows need restoration and repair. Many do not open or close properly and create building envelope issues in the form of moisture and air intrusion and add to the overall inefficiency of the operation of the heating/cooling system of City Hall. The cost of replacement of the window is estimated at \$280,000. An Energy Performance Contract (EPC) concept for City Council's consideration was presented. The following information was provided by the U.S. Environmental Protection Agency ENERGY STAR Buildings program. Under the EPC arrangement, this is sometimes compared to design/build construction contracting which will provide the City with a comprehensive set of energy efficiencies and distribution generated measures and often is accompanied with guarantees that the savings produced by a project will be sufficient to finance the full cost of the project. A typical EPC project is delivered by an Energy Service Company (ESCO) and consists of the following elements:

- Turnkey Service – The ESCO provides all of the services required to design and implement a comprehensive project at City Hall, from initial energy audit through long-term monitoring and verification of project savings.
- Comprehensive Measures – the ESCO will tailor a comprehensive set of measures to fit the needs of a particular facility, and can include energy efficiency, renewable, distributed generation, water conservation and sustainable materials and operations.
- Project Financing – the ESCO arranges for long-term financing that is provided by a third-party financing company. At Tuesday's meeting, Jim Goff, and Rob Steptoe (our financial consultant from Crews and Associates) explained in detail the financial arrangement and benefits to the City. During Jim Goff and Rob Steptoe's presentation, financing is typically in the form of a municipal lease.
- Project Savings Guarantee – the ESCO provides a guarantee that the savings produced by the project will be sufficient to cover the cost of project financing for life of the project.

The alternative of doing a performance guarantee contract would likely take 5-10 years to complete using traditional capital escrow funds. Absent looking at this program, the City will run into more emergency repairs. During the meeting, staff provided the next steps to pursue an ESCO lease.

Council suspended the rules to allow Rob Steptoe to speak and answer questions. After discussion, motion by Councilor Wendell, second by Councilor Wendell, to approve the City Infrastructure Improvement Bond. Motion carried 7-0.

C. Implementation of Focused Workweek Pilot Program

At the April Committee of the Whole meeting, Assistant City Manager Emily Muzzarelli presented information on the research and survey results that were conducted; she presented to Council a proposal on implementing a focused workweek for several City buildings and offices beginning July 4, 2020. Council provided both support and concern over elements of the focused workweek.

City of Morgantown

One of the bigger concerns raised was how this impacts those with a family. While this is one of the major challenges in focused workweeks, City Administration knows the importance of being accommodating to parents and families. We do and will continue to support families, and have the ability to provide flexibility to staff. This may come in the form of shifting work hours, partial telecommuting, or even reduced hours for non-exempt employees. It is important to note that much of City staff that falls under this pilot program are in support of it. After presenting, city staff was approached to provide clarification and resurvey Public Works for consideration of inclusion in the program. Assistant City Manager Muzzarelli provided survey results.

Another question that came about was why implement this now. Three top things that makes this an ideal time to implement a pilot program now as opposed to waiting. First, beginning this in July would allow changes during a slower time for most departments. There is a natural ebb in workload for many departments over the summer, allowing some opportunity to get used to this transition before workload picks up again. It is also important to have a year-long pilot to be able to experience all seasons of work. Next, staff and residents are in a state of change due to COVID -19. Schedules and operations are already disrupted. Residents are used to buildings being closed on Fridays (as well as every other day), so this will be easier to get used to. Many staff also view this schedule as an incentive, which can outweigh some of the negative affects they have experienced from the current pandemic. Lastly, the City will be getting a new City Manager. At best, this will occur in 3-4 months, then it will take another few months to begin becoming acclimated. By implementing this now, the new City Manager will be able to assess the program for several months, then help City Staff to determine if it should be considered as a permanent program. Although staff scheduling is an administrative function, City staff brought this proposal to Council for support of the overall idea of a focused workweek pilot and subsequent building/office closures on Fridays. If Council feels that it is appropriate, Council can choose to consider approval of the Focused Workweek Pilot Program.

After discussion, motion by Councilor Selin, second by Councilor Harshbarger, to approve the Implementation of Focused Workweek Pilot Program for one year starting July 1, 2020 through June 30, 2021. Motion carried 6-1 with Councilor Dulaney voting No.

REPORT FROM CITY CLERK: shared a few words of appreciation for City Manager Paul Brake and the leadership he provided. She stated that because of the nature of the City's responsibilities, effective leadership is essential. Some of the challenges we are confronted with every day as an organization are immediate and extremely impactful. She shared that through the years the people that she loved working with all had three similar qualities. They were team players, they took initiative, and they made everyone else around them look better, and those 3 qualities are found within our City Manager Paul Brake. She stated that employees such as herself value in their leaders the values of courage, competence, and collaboration, and stated that as it relates to her position that Paul has been an example of all of these and it is greatly appreciated. He entrusted in her and allowed her the opportunity to lead where she stood. She thanked him and wished him the very best in his new endeavor.

REPORT FROM CITY ATTORNEY: shared that he attended a Tree Board meeting last Thursday and the board prepared a draft update to the community forestry ordinance and he will be working with them to bring that forward targeting the May Committee of the Whole meeting. There is a request by staff, the city GIS Coordinator, to update the street address in a mapping ordinance codified at article 919 due to some updates, and updates to state code, and how the city is staffing that. That will be another ordinance item on the agenda. Council adopted the frontier easement for the airport mileground relocation tonight so two of those utility ordinances are adopted and authorized. We have received contact from Segre, formerly Lumos, about their use of that as well and hop to be moving forward with that easement along with a couple others property. He thanked City Manager Paul Brake and shared that he very much enjoyed and appreciated working with him. He wished Paul the best of luck in Royal Oak.

REPORT FROM COUNCIL MEMBERS:

DEPUTY MAYOR FETTY: thanked City Manager Brake for his steady leadership. She shared that she appreciated hearing positive comments from employees of the City Manager. She encouraged everyone in town to take a look at the Governor's website which clarifies what our responsibilities are. She encouraged everyone to wear their masks and to maintain social distancing wherever they happen to be as we still have vulnerable members of our population who are at higher risk of contracting the disease. We're in this together. She reminded folks of the upcoming election and shared that it is very important that we not forget that we still have an obligation to be conscientious in democracy. The voter registration deadline is May 19, 2020. We can register online at the Secretary of State's website. You can request an absentee ballot, but you must ensure that your application is received by June 3. June 9th is primary election day and early voting begins May 27. She thanked everyone in the community who is working so hard providing food and shelter to those who are less fortunate.

COUNCILOR CRUZE: No report.

COUNCILOR SELIN: shared of the City Manager and his evenness and ability to listen when dealing with employees. She received comments from employees about how enjoyable it has been to work with him and with his administration. She appreciated of him his ability when things do not work out, which they do not always work out, in keeping the collective chin up at City Hall and in the face of criticism, and there has been criticism, as there always is. When items are being accomplished there's always a few

City of Morgantown

setbacks and we have been working through complicated projects. She shared that she has seen the Administration through the city hall going through all of the steps finding the funding for things and following through on steps so that major accomplishments are made. She is very appreciative of everyone at City Hall during this time. Appreciative of those who have been innovative and worked from home. This is a huge shift to not have normal times and a lot of it falls on staff. She shared that she participated last week in a rails-to-trails national webinar and it was nice because 250 people participated and the topic was the role of trails in our country in terms of economic recovery stimulus plans and just moving forward as a nation.

COUNCILOR DULANEY: thanked City Manager Paul Brake for his service and professionalism, and shared that he has always been very responsible and always very responsive. He stated that as an architect he typically thinks in very concrete terms when it comes to legacy and stated that two big contributions that City Manager Brake made that are book ends to his service are Hazel Ruby McQuain Park and the grant that allowed us to make those improvements. Additionally, the airport funding. Councilor Dulaney stated that those contributions are huge for our community, and that he will certainly forever associate those two projects with City Manager Brake. Councilor Dulaney thanked him for his accomplishments and wished him well in Royal Oak

COUNCILOR HARSHBARGER: shared that he has worked the City Manager for less than a year, but he has enjoyed it. He reiterated the projects that Councilor Dulaney mentioned as highlights he is appreciative of during that time. He thinks very highly of City Manager Brake's involvement in making things happen. Councilor Harshbarger wished him the best of luck in the future.

COUNCILOR WENDELL: Councilor Wendell provided the following.

"To Paul Brake- I'm sorry that you are leaving us. You know that the winters are colder in Royal Oak than they are here, and that protestors armed with assault weapons are allowed in the state capitol building. And wouldn't it be too bad if you lost Governor Gretchen Whitmer to Joe Biden as his vice-presidential nominee? As to things I appreciate that you did, I would add the one that, unfortunately, was not successful, the acquisition of Haymaker Forest for a park. That idea came out of Council, and you came up with numbers showing it was feasible. I wish we had gone ahead with it, instead of listening to the voices telling us we could not. I thank you for trying to make that happen.

As to my vote against aligning our laws on guns with state law, I'm not voting to allow zip guns, air guns and brass knuckles to be openly carried on High Street on Children's Day because a bunch of yahoos from the Republican Party, admittedly with help from some Democrats, think that's a great idea. I also don't see why we would bow to pressure from someone who doesn't live in the City of Morgantown who pressures our City Attorney to change the law."

MAYOR KAWECKI: shared that he appreciated City Manager's capability of dealing with adversity and maintain his cool. He also shared that he is appreciative that he is leaving us with a very competent and trustworthy staff, and that he is looking forward to working with them and continuing. The Mayor stated that he believes that the people that we have in city administration is as good as they could possibly be, and he thanked the City Manager for helping us with that.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor Harshbarger, second by Councilor Wendell, to go into executive session. Motion carried by acclamation. Present: City Manager, Assistant City Manager, City Attorney, and City Council. Time: 10:25 p.m.

ADJOURNMENT: There being no further business, motion by Councilor Dulaney, second by Councilor Wendell, to adjourn the meeting. Time: 10:54 p.m.

City Clerk

Mayor