

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

**REGULAR MEETING**  
**August 18, 2020**

The Regular Meeting of the Common Council of the City of Morgantown was held via Webex on Tuesday, August 18, 2020, at 7:06 p.m.

To protect public health during the COVID-19 pandemic, personal attendance at the meeting was not permitted. When it was time, the public participated 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 could view the meeting on Channel 15 and by streaming hosted on the City's website at [www.morgantownwv.gov](http://www.morgantownwv.gov). Any person wishing to speak at the meeting could complete the form at <https://www.morgantownwv.gov/FormCenter/Public-Comment-Sign-Up-Sheet-14/Public-Comment-Morgantown-City-Council-M-90> or provide their name, phone number they would be using to participate, and the topic on which they would like to speak by texting 304-288-0847 or texting 304-288-7072. Individuals could sign up to speak at any time until the meeting began. Additionally, the public could submit written comments for the public portion of the meeting by sending written comments via email to the City Clerk at [cwade@morgantownwv.gov](mailto:cwade@morgantownwv.gov).

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

The meeting was called to order by Mayor Dulaney.

**APPROVAL OF MINUTES:** August 4, 2020 Special Meeting minutes and Regular Meeting minutes were approved as printed.

**CORRESPONDENCE:**

Councilor Cruze shared correspondence related to large sporting event gatherings in the area, parking permits, Wiles Hill trash pickup inconsistencies, and nose complaints of large student gatherings.  
Councilor Selin shared correspondence related to a balloting location in November.  
Councilor Wendell shared correspondence related to the raise in fire fee.  
Councilor Harshbarger shared correspondence related to complaints about Diamond Village.  
Mayor Dulaney shared correspondence related to trash pick up in the 5<sup>th</sup> Ward.

**PUBLIC HEARING: AN ORDINANCE AMENDING CITY CODE SECTION 1713.99 PROVIDING PENALTIES FOR VIOLATION OF BUILDING CODE**

Mayor Dulaney declared the Public Hearing open.

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

**PUBLIC HEARING: AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO DOE OVER THE AIRPORT**

Mayor Dulaney declared the Public Hearing open.

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

**UNFINISHED BUSINESS:**

**A BOND ORDINANCE AUTHORIZING REFUNDING OF THE COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A:** The below entitled Bond Ordinance was presented for second reading.

A BOND ORDINANCE OF CITY OF COUNCIL WHICH WOULD (I) AUTHORIZE THE REFUNDING OF THE CITY OF MORGANTOWN COMBINED UTILITY SYSTEM REVENUE BONDS, SERIES 2010 A (DIRECT PAYMENT BUILD AMERICA BONDS) (THE "SERIES 2010 A BONDS"), AND (II) AUTHORIZE THE ISSUANCE BY THE CITY OF NOT MORE THAN \$40,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF COMBINED UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 2020 A (TAX EXEMPT) (THE "SERIES 2020 A BONDS") FOR THE PURPOSE OF REFUNDING THE SERIES 2010 A BONDS AND OTHER MATTERS RELATED THERETO

Motion by Councilor Kawecki, second by Councilor Selin, to approve the above entitled Ordinance to third reading. Motion carried 7-0.

**AN ORDINANCE AMENDING THE CITY CODE PROVIDING PENALTIES FOR VIOLATION OF BUILDING CODE:** The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE CITY CODE SECTION 1713.99 PROVIDING PENALTIES FOR VIOLATION OF THE BUILDING CODE

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Councilor Kawecki, second by Councilor Harshbarger, to approve the above entitled Ordinance. Motion carried 6-1. Councilor Cruze voted no.

**BOARDS & COMMISSIONS:**

Motion by Councilor Cruze, second by Councilor Kawecki, to reappoint Charlie Byrer, by consensus, to the Museum Commission.

Motion by Councilor Wendell, second by Councilor Selin, to reappoint Kara Hurst, by consensus, to the Urban Landscape Commission.

**PUBLIC PORTION:**

Mayor Dulaney declared the Public Portion open.

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Below are names that spoke expressing the importance of not dismantling Diamond Village during the pandemic:

- Danielle Walker
- Robb Livingood
- Wren Parker
- Jonah Kone
- Joy Carr
- Jeff Siegfried
- Liira Raiines
- Mollie Kennedy
- Lloyd Tomlinson
- Hunter Bennett

Delbert Lemley expressed the importance of unity as a community during the pandemic.

Micah Mason Mileto expressed the importance of community outreach for unsheltered individuals.

Tonya Stalnaker requested that council find a better housing solution for the residents of Diamond Village.

Rachel Coen explained the process of housing placement for unsheltered individuals that is done by the WV Coalition to End Homelessness.

Joy Carr expressed the importance of keeping unsheltered individuals together.

Mollie Kennedy expressed the importance of including the residents of Diamond Village in any decisions made regarding their housing solution.

Keri Demasi explained the difficult and unsafe environment fostered by the encampment and expressed the importance of placing the residents of Diamond Village in more sustainable housing.

Joseph Lawson on behalf of the Monongalia County Health Department, explained that process of adhering to health regulations in the county.

City Clerk Christine Wade read written comments from the following regarding the residents of Diamond Village dismantling and placing them in a more sustainable housing:

- Marti Shamberger
- Valerie Wright
- Ash Cutright
- Reverend Zachary Morton
- Cassidy Thompson
- Larissa Cason
- Amanda Marple -
- Faith Napper
- Gabriel Bass
- Reverend Jenny Williams
- Katlynn Martin
- Elise Cowgill

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

## **SPECIAL COMMITTEE REPORTS:**

Community Policing and Citizens Review Board – Councilor Zack Cruze updated council of the recent meeting of the Special Committee on Community Policing and Citizens Review Board. The Board is working on the language for the Ordinance that would establish a Citizens Review Board.

Special Committee to assist with the unsheltered – Mayor Dulaney shared that he will be working with folks to set up the first meeting.

Sister Cities Commission - Councilor Cruze shared that our Sister City in China has offered to share Personal Protective Equipment due to COVID-19. This city is also sharing a ¼ acre green eco-park in their city with us to develop. Groups in our community will be able to get together to decide what is represented on this ¼ acre recreational park and it is expected to launch in May of 2021.

BOPARC - Councilor Selin shared that they are working with the Health Department and stake holders of the ice arena to safely open the ice arena and a design group for an economical design of the ice rink.

## **CONSENT AGENDA:**

### **AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO DQE OVER THE AIRPORT**

Motion by Deputy Mayor Fetty, second by Councilor Harshbarger, to approve the above ordinance unanimously.

## **NEW BUSINESS:**

### **Consideration of preferences for ballot measure on Council Terms and Election Dates – Change to staggered 4-year terms**

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Councilor Kawecki, second by Councilor Selin, to approve the consideration of preference for ballot measure on Council Terms and Election Dates and change the terms to 4-years not including the appointment of the Mayor and Deputy Mayor. Motion carried 7-0.

### **Consideration of preferences for ballot measure on Council Terms and Election Dates – Change of election date**

Interim City Manager Emily Muzzarelli explained. Motion by Councilor Cruze, second by Councilor Harshbarger, to change the City Council elections from April of odd-numbered years to November of even-numbered years. After discussion, Councilor Cruze withdrew his motion to approve. Motion by Councilor Kawecki, second by Councilor Cruze to amend to “not approve a change of election date”. Motion carried 6-1 with Mayor Dulaney voting no.

### **City Response to Monongalia County Health Department Order on Occupancy of City Property at Pennsylvania Avenue/Decker's Creek**

Interim City Manager Emily Muzzarelli explained. After discussion, motion by Deputy Mayor Fetty to the recommendation with modifications, second by Councilor Selin, to approve the Motion carried 6-1 with Zack Cruze voting no. Overview of recommendations are to offer housing before closing the encampment, use resources to provide housing, hang a sign advising of no

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new occupants, increase patrol by law enforcement, ask Bartlett house to be open for 24 hours, develop a rapid housing response, develop a group of volunteers, inventory residents by Friday, allow 1-2 weeks for housing offers to be made, and closure would not happen until all are registered and offered housing.

## CITY MANAGER'S REPORT:

### Information:

#### 1. **Census 2020 Update**

Interim City Manager Emily Muzzarelli stated that the deadline for submission of the 2020 Census was extended to September 30. Census takers are currently going door to door to collect responses from homes who have not yet been counted.

#### 2. **COVID Response Update**

Interim City Manager Emily Muzzarelli stated that the city has extended the temporary outdoor dining program through the end of 2020 to allow outdoor dining for businesses.

#### 3. **MPD Arrest and Use of Force Statistics Pages**

Interim City Manager Emily Muzzarelli stated that the MPD has been working with the Community Policing Task Force, and the MOD has added Arrest Information and Use of Force Information pages to its website to increase transparency. These webpages give an overview of both topics, and include information on training, race statistics, call for service arrests and more.

#### 4. **WV Healthy People Healthy Places**

Interim City Manager Emily Muzzarelli stated that the City is working closely with the Health and Wellness Commission to pledge and apply for the designation of one of "West Virginia's Healthy People Healthy Places".

**REPORT FROM CITY CLERK:** shared that the new online code is scheduled to go live in about 30 days. She will share additional details with Council, Department Heads, and the community in the upcoming days.

**REPORT FROM CITY ATTORNEY:** clarified Robert's Rules of Order related to making a motion and voting on that item. Additionally, he spoke about the plans to upgrade the ice rink and the financing to do so.

### REPORT FROM COUNCIL MEMBERS:

**DEPUTY MAYOR FETTY:** encouraged everyone to continue to wear their masks and remain in small groups.

**COUNCILOR KAWECKI:** no report.

**COUNCILOR CRUZE:** no report.

**COUNCILOR SELIN:** asked City Attorney to explain what the protocol would be when assessing penalties for missed trash pickup.

**COUNCILOR HARSHBARGER:** shared that our local Rail Trail was selected to be entered into the National Rail Trail Hall of Fame.

**COUNCILOR WENDELL:** no report.

**MAYOR DULANEY:** no report.

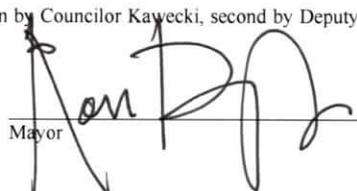
**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9A-4 (2) (B) (12) to discuss potential or pending litigation. Motion by Councilor Kawecky, second by Councilor Harshbarger, to go into executive session. Motion carried by acclamation. Present: Interim City Manager, City Attorney, and City Council. Time: 11:10 p.m.

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9A-4(2) (b) (9) to discuss matters relating to the acquisition or development of real property in the Wharf District.

Due to two council members leaving during the first executive session, council was not able to move on to the second executive session due to having to vote with all council members present. Executive Session to discuss matters relating to the acquisition or development of real property in the Wharf District will be rescheduled for another day.

**ADJOURNMENT:** There being no further business, motion by Councilor Kawecky, second by Deputy Mayor Fetty, to adjourn the meeting. Time: 11:38 p.m.

  
City Clerk

  
Mayor