AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
September 3, 2019
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: 08/20/2019, Special Meeting minutes and 06/20/2019, Regular Meeting minutes, and 8/27/2019, Committee of the Whole Meeting minutes.

5. CORRESPONDENCE:
   - Convention & Visitors Bureau Presentation – Susan Riddle

6. PUBLIC HEARINGS: None

7. UNFINISHED BUSINESS:

   A. BOARDS & COMMISSIONS:

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:

9. SPECIAL COMMITTEE REPORTS:

10. CONSENT AGENDA:

11. NEW BUSINESS:

   A. Consideration of APPROVAL of A RESOLUTION OF THE CITY OF MORGANTOWN PROCLAIMING SEPTEMBER 20-27, 2019, AS THE WEEK OF WEST VIRGINIA CLIMATE ACTION

   B. Consideration of APPROVAL of THE CITY OF MORGANTOWN’S GIFTS AND MEMORIALS POLICY

   C. Consideration of APPROVAL of SUPPORT FOR MUB’S RAW WATER LINE ROUTE

   D. Consideration of APPROVAL of (FIRST READING) of A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE PLAN AUTHORIZING AN ALTERNATE AUDIT REPORTING DATE FOR THE LAND REUSE AGENCY

12. CITY MANAGER’S REPORT:

   NEW BUSINESS:

   A. Set hours for Halloween Trick-or-Treat

13. REPORT FROM CITY CLERK:
14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. ADJOURNMENT:

*If you need an accommodation contact us at (304) 284-7439*
SPECIAL MEETING August 20, 2019

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 20, 2019 at 6:25 p.m.

PRESENT: Mayor William Kawecki, Council Members, Zackery Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell. Deputy Mayor Rachel Fetty was absent.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Harshbarger, second by Dulaney, to go into Executive Session to discuss personnel matters in considering appointments for Boards and Commissions. Motion carried by acclamation. Mayor, and City Council Members present. Time: 6:26 p.m.

INTERVIEW FOR:

Ward & Boundary

6:20 p.m. – Moira Reilly

ADJOURNMENT:

There being no further business, motion by Dulaney, second by Wendell, to adjourn the Special Meeting at 7:17 p.m.

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City Clerk

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Mayor
COMMITTEE OF THE WHOLE MEETING August 27, 2019: The Committee of the Whole meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 27, 2019 at 7:05 p.m.

PRESENT: Assistant City Manager Emily Muzzarelli, City Attorney Ryan Simonton, Mayor Bill Kawecki, Council Members, Deputy Mayor Rachel Fetty, Zackery Cruze, Jenny Selin, Ron Dulaney, Dave Harshbarger, and Barry Wendell City Manager Paul Brake, was absent.

Deputy Mayor Fetty called the meeting to order.

PRESENTATIONS:

1. Director of Morgantown Library – Sarah Palfrey
   
   Sarah Palfrey, Director of Morgantown Library, presented to council the Morgantown Public Library System’s Annual Report. She also presented information of upcoming events for September 2019. Handouts were given to council and for those interested, please contact the City Clerk’s Office.

2. Gift and Memorial Policy – Joe Morris, Chairperson Urban Landscape
   
   Joe Morris, Chairperson for the Urban Landscape Commission, presented the current Gift and Memorial Policy.

3. School Resource Officer Program – Adam Henkins, Director of Safe Schools, Monongalia County Schools
   
   Adam Henkins, Director of Safe Schools, Monongalia County Schools, presented to council with information about the School Resource Officer Program.

4. MUB Discussion of the Raw Water Line Route - Tim Ball, General Manager
   
   Tim Ball, MUB General Manager, presented to council with information about the route that MUB has selected for its Raw Water Line.

PUBLIC PORTION:

Deputy Mayor opened the public portion and asked if there was anyone wishing to speak.

Those that spoke in opposition with MUB’s selected route of the Raw Water Line through White Park are as followed:
- JoNell Strough
- Elizabeth Sneethen
- Judy Semler
- Twila Medding

James Giuliani, 256 Prairie Avenue, expressed his concerns about the city and MUB’s handling of his properties on Richwood Avenue.

James Kotcon spoke to council about a new climate action initiative that was being taken up by the Sierra Club.

Ellen McCabe expressed her support for MUB’s selected route of the Raw Water Line through White Park.

There being no one else wishing to speak, Deputy Mayor Fetty closed the Public Portion.

ITEMS FOR DISCUSSION:

1. Morgantown Public Library
No action taken on this item.

2. Gift and Memorial Policy

Assistant City Manager explained, after discussion, by consensus, council referred to the next regular meeting agenda September 3, 2019.

3. School Resource Officer Program

No action taken on this item.


Assistant City Manager explained, after discussion, by consensus, council referred to the next regular meeting agenda September 3, 2019.


Assistant City Manager reported to council the monthly budget report, no action taken on this item.

ADJOURNMENT:

There being no further business, motion by Dulaney to adjourn the committee of the whole meeting at 9:56 pm.

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City Clerk                        Mayor
RESOLUTION

Whereas, There is overwhelming scientific evidence of climate change occurring globally, regionally, and in West Virginia; and

Whereas, The projected impacts of climate change may include increased precipitation and flooding; warming temperatures and severe weather; loss of biodiversity and habitat; stresses on food production, agriculture, soil, and forest resources; damage to infrastructure and facilities; and risks to public health and welfare; and

Whereas, The West Virginia Climate Action initiative (WV Climate Action) has been established to draw attention to climate issues in Morgantown and West Virginia throughout the week of September 20 – 27, 2019; and

Whereas, WV Climate Action is inspired by and strives to support students from the United States and across the world who are calling on government leaders to address climate change during the week of September 20-27, 2019; and

Whereas, Increased attention; discussion; research; education; and, most importantly, community, citizen, and elected leaders’ support is needed to identify solutions to the challenges of climate change.

Whereas, An important initial step needed to constructively and productively address the challenges of climate change is to begin a public conversation about addressing climate change, diversifying the state’s energy economy, and ensuring good jobs for all workers; and

Whereas, WV Climate Action strives to provide a forum for Morgantown citizens and all West Virginians to end the silence, overcome the attitudes of helplessness and despair, and engage everyone in that public conversation; and

Whereas, WV Climate Action urges all West Virginians to engage in educational activities and climate actions in their classrooms, workplaces, churches, businesses, agencies, and organizations; and

Now Therefore Be It Resolved by The City of Morgantown, that the Mayor and City Council of the City of Morgantown, do hereby proclaim the week of September 20-27, 2019, as The Week of West Virginia Climate Action in the City of Morgantown, and

Be It Further Resolved, on this ___ day of September, 2019, that the Mayor and City Council encourage all citizens to celebrate our local natural resources and climate, learn about climate change, engage with others to discuss climate change, and urge elected leaders to address
climate change and its potential impacts on the people, infrastructure and natural resources of Morgantown.

Adopted this 3rd day of September, 2019.

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Mayor

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City Clerk
THE CITY OF MORGANTOWN

Home Rule Plan Amendment

Introduction

The City of Morgantown ("Morgantown") has been approved to participate in West Virginia’s Municipal Home Rule Pilot Program, Phase II ("Home Rule Program") and its initial written plan has been approved by the Municipal Home Rule Board (the "Board"). Pursuant to W. Va. Code § 8-1-5a(k), “[a] municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.” A first amendment to the City’s written plan was approved by the Board on September 14, 2015. A second amendment to the City’s written plan was approved by the Board on October 3, 2016. A third amendment to the City’s written plan was approved by the Board on October 2, 2017, granting authority for Fire Marshals’ arson and explosives offenses arrest authority, limiting expansion of nonconforming agricultural, industrial, and manufacturing uses; waiver of the certified mail requirement for zoning changes that alter density; disposition of real estate without auction; expenditure of money on schools by agreement with the governing agency; and elimination of the property ownership requirement for park board membership. A fourth amendment to the City’s written plan authorized use of the Board of Zoning Appeals to administer the subdivision and land ordinance. Morgantown has successfully implemented initiatives in its current plan and seeks the amendments below to promote additional community benefits through the Home Rule Program.

The City proposes amendment of its written plan to include the following:

1. Audit reporting date for the Land Reuse Agency. Morgantown seeks to coordinate the audit procurement and reporting dates for the City and its Land Reuse Agency. West Virginia Code Chapter 31, Article 18E, Section 18 requires land reuse agencies to submit an audit report within 120 days of the close of the fiscal year. West Virginia Code Chapter 8, Article 13, Section 18 provides that audits and accounts of the City are governed by West Virginia Code Chapter 6, Article 9. Under Chapter 6, Article 9, the State Auditor requires that municipalities present reports of annual audits within nine months of the close of the fiscal year. Morgantown seeks authority under the Home Rule Program to submit audit reports for its Land Reuse Agency within nine months of the close of the fiscal year so that it may obtain a combined audit that includes the Agency. The initiative will promote efficiency and reduce expenditure of public funds.
The applicable laws and reasons for amendment are set out below.

**Proposed Initiatives**

1. **Audit reporting date for the Land Reuse Agency.**
   
a. **Applicable laws:** *W Va. Code* sections 8-13-18 (municipal audits governed by state); 6-9-1 *et seq.* (uniform system of accounts and examinations for government entities); 31-18E-18 (audit reporting for land reuse agencies). The full text of *W. Va. Code* 31-18E-18 is copied here:

   (a) The land reuse agency shall annually, within one hundred twenty days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the West Virginia Housing Development Fund.
   
   (b) A duplicate of the audit and the report shall be filed with the governing body of:
   
   (1) The land reuse jurisdiction which created the land reuse agency; and
   
   (2) Each political subdivision which opted to participate in the land reuse agency pursuant to an intergovernmental agreement.

   *Id.*

b. **Limitations presented by law:** State law requires municipal land reuse agencies to report audits within 120 days of the close of the fiscal year, while municipalities and their other component parts report audits within nine months of the close of the fiscal year (usually March 24th). Under the different timelines for examination and reporting, Morgantown would need to procure a separate audit for its land reuse agency. If the auditing timelines are coordinated, Morgantown can include its land reuse agency within the city’s audit.

c. **Home Rule solution:** Morgantown will amend its land reuse agency ordinance to require audit reporting within nine months of the close of the fiscal year, consistent with the State Auditor’s office Audit Procurement Manual guidance, pursuant to authority granted under the Home Rule Program. When the auditing timelines for the land reuse agency and the city are coordinated, Morgantown can include its land reuse agency within the city’s audit. Including the land reuse agency in the city’s audit will result in recurring annual savings and promote efficient use of staff time.
Assistant City Manager's Report for City Council Meeting on September 3, 2019

New Business:

1. Set Hours for Halloween Trick-or-Treat
   Halloween falls on a Thursday this year. The City Council has previously established the hours for Trick-or-Treating within the City. Last year, City Council set the hours from 6:00 pm -8:00 pm. Starting at 6:00 pm allows younger children to be able to Trick-or-Treat with some daylight and before bedtime, while extending the hours to 8:00 pm allows older children to Trick-or-Treat later/in the dark and also accommodates parents who may work later.

   Staff recommends that City Council approve the set Trick-or-Treat hours.

Emily Muzzarelli, P.E.
Assistant City Manager, Morgantown, WV