AMENDED AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
November 20, 2018
7:00 p.m.

1. OATH OF OFFICE FOR NEW CITY CLERK:

2. CALL TO ORDER:

3. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: November 7, 2018 Special Meeting minutes and November 7, 2018 Regular Meeting minutes.

5. CORRESPONDENCE: Proclamations: Giving Tuesday, and Small Business Saturday

6. PUBLIC HEARINGS:

   A. AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN EMPIRE 2000, LLC AND THE CITY OF MORGANTOWN FOR LAND TO BE DESIGNATED AS “EATON PARK”


7. UNFINISHED BUSINESS:

   A. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN EMPIRE 2000, LLC AND THE CITY OF MORGANTOWN FOR LAND TO BE DESIGNATED AS “EATON PARK” (First reading 11/7/2018)


   C. 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:
RESOLUTION ADOPTED DURING THE LEAGUE’S BOARD OF DIRECTOR’S MEETING ON OCTOBER 26, 2018

12. CITY MANAGER’S REPORT:

Information:

1. General Fund Schedule of Revenues and Expenditures – Sept 2018

New Business:

1. Bid on Jacobs Street Slip Repair (Bid Call 2019-04)

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 November 7, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, November 7, 2018 at 5:03 p.m.

PRESENT: Mayor Bill Kawecki, Deputy Clerk Heather Carl, Council Members: Rachel Fetty, Deputy Mayor Jenny Selin, Ryan Wallace, Ron Dulaney, and Barry Wendell.

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 Brazaitis, second by Dulaney, to go into Executive Session to discuss personnel matters in considering new appointments for the Museum Commission, Board of Zoning Appeals, Morgantown Utility Board and Land Reuse & Preservation Agency. Motion carried by acclamation. Mayor, and City Council Members present. Time: 5:05 p.m.

INTERVIEWS FOR MUSEUM AND TRANSIT COMMISSIONS:

5:00 p.m. – Jessica McDonald - Land Reuse & Preservation Agency Board
5:20 p.m. – Paul Brake – Morgantown Utility Board
5:40 p.m. – OPEN
6:00 p.m. – Melissa Berube – Land Reuse & Preservation Agency Board
6:20 p.m. – Brent Bailey – Land Reuse & Preservation Agency Board
6:00 p.m. – Tim Stranko – Land Reuse & Preservation Agency Board
6:40 p.m. – Penny Kostka – Board of Zoning Appeals

ADJOURNMENT:

There being no further business, motion by Brazaitis, second by Wallace, to adjourn the Special Meeting at 7:15 p.m.

City Clerk

Mayor
REGULAR MEETING November 7, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, November 7, 2018, at 7:21 p.m.

PRESENT: City Manager Paul Brake, Deputy Clerk Heather Carl, City Attorney Ryan Simonton, Mayor William Kawecki, and Council Members: Rachel Fety, Ryan Wallace, Deputy Mayor Jenny Selin, Ron Dulaney, and Barry Wendell. Assistant City Manager Emily Muzzarelli was absent.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: Special Meeting minutes for October 16, 2018; Regular Meeting minutes for October 16, 2018; Special Meeting minutes for October 23, 2018; and Special Meeting minutes for October 30, 2018, were approved by consensus. Committee of the Whole meeting minutes for October 30, 2018, were approved as corrected by consensus.

CORRESPONDENCE: Emails to Councilor Wendell were received from friends outside of Council asking to retain the cherry trees at Hazel Ruby McQuain Park (Exhibit A). Councilor Wallace had several phone conversations with Michael Roh regarding the cherry trees and how everything was handled in terms of lack of communication from the City. Councilor Wallace mentioned to City Council about offering a statement, Resolution or a Proclamation to the Roh Family. Email correspondence to Councilor Dulaney was received regarding the cherry trees (Exhibit B). A letter from Bill Rice to Councilor Wallace regarding the Morgantown Utility Board was received (Exhibit C). Letters to Councilor Fetty were received by email regarding the cherry trees (Exhibit D). Deputy Mayor Selin has concerns about trash and trash cans on Willey Street and feels that Willey Street is one of the main streets people see. She also mentioned that she has been in contact with individuals regarding the cherry trees. She has been working with a couple other councilor’s that have been talking about other strategies to move forward, as well as the gift of the cherry trees and how much they are appreciated. Councilor Brazaitis had received emails regarding the cherry trees. Mayor Kawecki announced a 30-year Service Award that the City Manager received during the International City/County Management Association (ICMA) Conference in Baltimore, Maryland.

PUBLIC HEARING: AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PORTIONS OR ALL OF PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

Mayor Kawecki declared the Public Hearing open.

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

PUBLIC HEARING: AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS

Mayor Kawecki declared the Public Hearing open.

Nancy Young, 1216 Philip Street, asked Council to pass the amendment, in support of better treatment for animals that reside in Morgantown.

There being no other appearances, Mayor Kawecki declared the Public Hearing closed.
PUBLIC HEARING: AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD

Mayor Kawecki declared the Public Hearing open.

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

UNFINISHED BUSINESS:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PORTIONS OR ALL OF PARCELS OF REAL ESTATE IN THE THIRD WARD: The below entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF PORTIONS OR ALL OF PARCELS OF REAL ESTATE IN THE THIRD WARD OF THE CITY OF MORGANTOWN FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WERE FULLY SET FORTH HEREIN

City Manager explained, Council suspended the rules to have Chris Fletcher, Director of Planning explain and answer any questions. After discussion, motion by Wallace, second by Brazaitis, to approve the above entitled Ordinance. Motion carried 7-0.

AN ORDINANCE AMENDING THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING SECTIONS 505.03 AND 505.031 OF THE GENERAL OFFENSES CODE PROHIBITING CRUEL TREATMENT OF ANIMALS

City Manager explained, motion by Wallace, second by Deputy Mayor Selin, after discussion, the above entitled Ordinance was approved as amended to change the hours, add shelter to, and amend paragraph (f)(4). Motion carried 7-0. Motion by Wallace, second by Dulaney, after discussion, motion to change the degrees from 80 degrees to 90 degrees. Motion carried 6-1 with Fatty voting No. Motion by Wallace, second by Brazaitis, to approve the Ordinance as amended. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE CITY TO SUBMIT AN AMENDMENT TO ITS WRITTEN PLAN TO THE HOME RULE BOARD

City Manager explained, motion by Wallace, second by Selin, to approve the above entitled Ordinance. Motion 7-0.

BOARDS AND COMMISSIONS:
PUBLIC PORTION:

Mayor Kawecki declared the Public Portion open.

Michael Clifford, 145 South High Street, shared his disapproval of City Manager Paul Brake interviewing for a position on the Morgantown Utility Board. He also shared his dissatisfaction with how council has moved forward with plans to remove the cherry trees in Hazel Ruby McQuain Park.

Bill Rice, 1225 Bakers Ridge Road, expressed his frustrations with his interview process for the Morgantown Utility Board.

Aimee Hoffer, 5207 University Commons, spoke to council about her concerns for the removal of the cherry trees from Hazel Ruby McQuain Park.

Michael Maszaros, 243 Wagner Road, spoke on behalf of the Morgantown History Museum to announce that there will be an annual reception and display featuring Al Anderson on Saturday, November 24, 2018, at the Museum. He also spoke about a new documentary, Ex. E, being produced about Morgantown and the surrounding area.

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

SPECIAL COMMITTEE REPORTS: Councilor Fettty and Deputy Mayor Selin met with West Virginia University officials and the Chief of Police earlier this month to discuss alcohol abuse issues in and around the City.

CONSENT AGENDA: None

NEW BUSINESS:

AN ORDINANCE AMENDING THE FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1345.07 AS IT RELATES TO FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT:

City Manager explained, council suspended the rules to have Chris Fletcher explain and answer questions. After discussion, motion by Brazaitis, second by Wallace, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN EMPIRE 2000, LLC AND THE CITY OF MORGANTOWN FOR LAND TO BE DESIGNATED AS “EATON PARK”

City Manager explained, after discussion, motion by Dulaney, second by Deputy Mayor Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE FY 2018-2019 ANNUAL BUDGET: The below entitled Ordinance was presented for first reading.

City Manager explained, motion by Fetty, second by Deputy Mayor Selin, to approve the above entitled Ordinance to second reading. Motion carried 7-0.

CITY MANAGER’S REPORT:

Information:

1. Letter of Support for Combating Opioid Overdose through Community Level Intervention

The City has received a request from the West Virginia Peers: Enhancing Education, Recovery, and Survival (WV PEERS). This organization is an initiative between West Virginia Sober Living, Inc. and WVU Health Sciences Center. WV PEERS is a network of certified peer recovery coaches in the community working to help connect individuals to the services they need to live a healthier and a more fulfilling life.

The organization has requested a letter of support for its application for the Combating Opioid Overdose through Community-level Intervention, Subaward from the University of Baltimore (funded through the Office of National Drug Control Policy, CFDA# 95.007). The underlying goal of this endeavor is to increase the entry of individuals afflicted with opioid/opiate use disorder into appropriate treatment and recovery programs.

A motion is needed to authorize the City Manager to submit a letter of support for this critical comprehensive local effort.

City Manager explained, motion by Fetty, second by Brazaitis, to approve the letter of support to apply for continuous funding from a grant set up to support a collaborative project between West Virginia and the City of Morgantown. Motion carried 7-0.

2. Comcast

City Manager provided an update on the transition of Comcast Channel 15 to digital, which should take place sometime before Thanksgiving. This should greatly improve the video and audio quality of the channel.

No action is needed.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: Ryan mentions the Scooter Program and stated that he has collected information about how other communities have worked on the issue. He mentions that he has joined the Disruptive Transportation Technologies working group of the International Municipal Lawyers Association. It is a parallel organization to the ICMA, (where the City Manager Paul Brake received the award from) and is a great resource for the City.

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Councilor Fetty stated that it was a challenging couple of weeks with meeting with the County Commissioners, the shooting in Pittsburgh, and the County Election workers who is all working hard for all of Mon County. She stated that over the
next several months Council will be busy interviewing for the opening positions for Boards and Commissions. She mentioned the issues that are challenging for the community such as grappling with development, the importance of having the right volunteers/leaders for Boards and Commissions or Volunteers, and how tangible and intangible things are protected. She encourages the public to grant City Council a bit of kindness as they make decisions. She noted that Paul Brake is doing a great job as the City Manager. She requested to have current concerns put on the Committee of the Whole meeting discussion regarding the Met Theatre Leases and the Met Theatre.

Councillor Wallace: Councillor Wallace explained that when someone talks during the public portion that council cannot answer any questions that the public may ask. He apologizes to Mr. Rice for not being in attendance for his interview on November 7, 2018, because of having a full-time job. He mentioned that according to Forbes or other sources West Virginia comes in at 48 or 49 when it comes to business friendliness and economic performance. He shared that West Virginia is one of two States that still uses the Business and Occupancy Tax for a method of funding for the Municipal Government. He also shared that he has spoken with several business owners and that they have echoed this sentiment. He discussed adopting a sales tax for the future in lieu of the Business and Occupancy Tax and that this would include City residents only. He announced on Saturday, December 1, 2018, at Wiles Hill School, that there is a BOPARC fundraiser for Parks and Playground at 10am. He also announced an Art of Local event at the Spring Hill Suites in Sabratoon on November 15, 2018, from 5 p.m. to 7 p.m. He will meet with the Business and Economics Department, along with Councillor Dulaney, on November 12, 2018, to discuss collaborating on a business incubator program.

Deputy Mayor Selin: Deputy Mayor Selin really appreciates the public who attend the Council meetings to discuss issues within the City. Some attend with good intentions and provide honest thought, while others provide inaccurate information. She would like to see in the future how people participate and whether they provide accurate information.

Councillor Dulaney: See Councillor Dulaney’s report attached (Exhibit F).

Councillor Brazaitis: Councilor Brazaitis mentioned that he and Mayor Kawecki attended the Green Team meeting and that they are looking at grant applications for recycling. It has been a struggle to get it right when making sure the recycling is being disposed properly. He gave his sympathy for the Roh Family regarding the situation involving the cherry trees. He stated that the City Manager has been working with the Roh Family for quite some time. He gave kudos to the United States on the past Election and thanked all the candidates who have applied to the Boards and Commissions.

Councillor Wendell: See Councillor Wendell’s report attached (Exhibit G).

Mayor Kawecki: Mayor Kawecki took time to correct an item that have been misstated. He understands what it is like to lose a loved one and appreciated the desire to honor that loved one. He is very sympathetic to the feelings of the Roh family. He attended a Tree Board meeting to obtain their thoughts on honoring a loved one. They advised that a living thing should never be associated with a tree but feels that it was done with the best intentions.
ADJOURNMENT: There being no further business, motion by Wallace, second by Dulaney, to adjourn the meeting and go into Executive Session. Time: 9:25 p.m.

EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9(A)4 (2)(B) (12) to discuss litigation between Giuliani vs. City of Morgantown and Morgantown Utility Board. City Manager, Attorney, and City Council. Time Started: 9:34 p.m.

ADJOURNMENT: There being no further business, motion by Dulaney, second by Wendell, to adjourn the meeting. Time: 10:02 p.m.

___________________________________________  _________________________
City Clerk                                              Mayor

* ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE*
Hi Barry,

Please see the message below from my WVU choir director.

Milan, a friend of mine, is a great guy and it seems a shame that this is happening. I know you have some local clout although I have no idea if this relates to your position.

If this isn’t your thing I certainly understand!

Thanks!

Vicki Kane
10 Chasewood Lane
Morgantown, WV 26508
Home: 304-291-8190
Mountaineer Duplicate Bridge Club

Begin forwarded message:

From: Kym Scott <kuscott@mail.wvu.edu>
Subject: Opportunity to support a choir member
Date: October 30, 2018 at 8:32:32 AM EDT

Dear Singers,

I know that some of you are aware of the situation that Milan Roh is currently dealing with in regard to city council work that will remove many trees that he donated in memory of his late wife many years ago. For those of you who know Milan well, you will know that this is absolutely devastating for him. For those of you who do not know the situation, here is a link to a recent story in the Dominion Post that gives further details. It also outlines how poorly the council handled communication with the family regarding the renovations.
MORGANTOWN — Following the loss of his wife, Milan Roh took solace in two of his favorite things – cycling and Morgantown’s riverside rail-trail. Over the course of three years the 75-year ...

Milan has been a pillar of the Morgantown community for most of his life. He has given back so much and it breaks my heart to see this happen.

Tonight there will be a council meeting at 7pm at 389 Spruce Street. Milan will be there to address this issue and this is the last opportunity to try and make a difference. Even if nothing can be done at this stage, I think it is important that the local council understand that this is not the appropriate way to handle these situations. I also know that your support would mean the world to Milan and his family.

In a time where the world is so divided and we often feel like we have very little control, here is an opportunity where perhaps as a group we can make a difference. We may not be able to change the world tonight, but I know that your support will make a great deal of difference to Milan.

I hope to see you tonight.

Kym
Dr. Kym Scott
Director of Choral Activities
West Virginia University
Creative Arts Center
1 Fine Arts Drive
Morgantown, WV 26506-6111
Ph: 304-293-4567
West Virginia American Choral Directors Association President
I am writing to express my concern about the trees donated by the Milan Roh family which are slated to be removed from the rail trail. Although I am not a resident of Morgantown, I frequently bike on the rail trail and enjoy the shade and beauty that these trees provide. As a friend of Milan’s for many years, I am saddened by the shameful way his family has been treated in this situation. I implore the council to reconsider the scope of these renovations and work with the community and the Roh family to find a satisfactory resolution to this situation.

Sincerely, Tamara Cerra
-----Original Message-----
From: Connie McCluskey <connie.mccluskey@gmail.com>
To: Barry Wendell <wendell.barry@aol.com>
Sent: Tue, Nov 6, 2018 8:44 pm
Subject: Riverfront Rejuvenation

Hi, Barry,

I was one of the people attending the Council meeting last Tuesday and am concerned about the beautiful cherry trees that have flourished for so many years to create a gorgeous canopy over the rail trail.

Is there a way that most of those trees that are healthy can be saved, perhaps with a minor re-drawing of some of the plan? Can smaller equipment be used that would not damage them? Could the trees be balled up while the work is going on and looked after and replanted later? Can you tell me just how far has the plan gone? What it is that the Council has firmly approved so far in connection with the updating of the Park.

It is so distressing to learn that the person who donated the trees was not part of the planning process, as he was promised he would be. The cherry trees in D.C. are almost 100 years old. Surely these trees in Morgantown have a long life ahead of them. It would be a shame to cut them down now.

Thanks for your assistance and any advice you could give me,

Connie
home: 304-296-5673
cell: 304-685-1761
Dear Bill: I read with some interest that the renovations at Hazel McQuain park would require removal of the cherry trees donated by Milan Roh. The trees were planted to honor the memory of his wife, Jerry, and he also donated a clock to honor his late daughter. The comments of our City Manager suggested that the Roh family were aware of these changes and involved in the planning. He also suggested that the trees were unhealthy. Then I read the comments of Michael Roh (Milan’ son) in today’s paper that refuted what Mr. Brake had said. I encourage you to read Michael Roh’s letter in today’s Dominion Post.

I am urging you as my council representative to ask that these trees be preserved as much as possible as the improvements begin. My reasons go beyond the fact that I have affection for the Roh family and knew Jerry and Susanne Roh very well. Each spring these trees have the most beautiful blooms that are enjoyed by many people, including Cindy and me. I would agree with the Tree Board that these are healthy trees which enhance the beauty of the trail and form a beautiful canopy all year long. I wonder what would happen in Washington, DC if someone proposed to cut down their cherry trees. I feel the same way about these trees and implore you to reconsider their removal and instead save as many of these trees as possible. If it turns out that this would be inconsistent with the plans...change the plans!

Yours,

Larry Harris and Cindy O’Brien
637 Grand Street
Trees

Tamara Cerra <tamaracerra@icloud.com>

Tue 11/6/2018 10:44 AM

To: Ronald Dulaney <rdulaney@morgantownwv.gov>

I am writing to express my concern about the trees donated by the Milan Roh family which are slated to be removed from the rail trail. Although I am not a resident of Morgantown, I frequently bike on the rail trail and enjoy the shade and beauty that these trees provide. As a friend of Milan’s for many years, I am saddened by the shameful way his family has been treated in this situation. I implore the council to reconsider the scope of these renovations and work with the community and the Roh family to find a satisfactory resolution to this situation. Sincerely, Tamara Cerra
Re: Apple Blossom trees along rail trail

Ronald Dulaney
Mon 10/29/2018 12:45 PM
Sent Items
To: Mark Furfari <fishbowlwv@icloud.com>

Hi Mark,

Yes, we are good at 1414. I hope you are enjoying your travel.

Thank you for sharing your position regarding the cherry trees. In my role as city councilor, I will certainly consider all comments that I continue to receive moving forward.

To be honest, I have reviewed progress on the park project twice and have generally supported the reasons for replacing some of the cherry trees. In my professional judgment as an architect, I believe that the long term benefits outweigh the short-term costs. For me, the compelling reasons have nothing to do with the health of the trees and more to do with the nature of the revisions that have been proposed and how they should improve the security and quality of experience in the park for all members of our community.

That said, I understand that any actions regarding the cherry trees would be a delicate matter - especially for the Roh family. I have understood and trusted that communication has been ongoing with them and that their concerns have been heard, that they have been updated on how their concerns have been addressed as design has progressed, and that we have taken every reasonable action to reduce the number of trees that would have to be removed and planted anew. I, too, was surprised to learn from Mr. Roh's letter to the editor (and Mr. Brake has confirmed this to me late last week), that the family and the city have only had two conversations about this matter - once before any particular design options had been explored and once just prior to the public update given at our last council meeting.

As a city we must do better communicating the reasons for our decisions, responding to citizen concerns, and increasing transparency in our work. If such improvements were applied to this circumstance, I expect that while most of us would prefer for all of the cherry trees to remain, the Roh family and we as a community might find a final proposal that includes replacement more palatable and less controversial.

Mark, between you and me, I did reach out last week to Mike Roh via e-mail to offer an opportunity to chat in person so that I could better understand the family's position and experience. I also apologized for the fact that the way this has come about has caused anxiety, sorrow, and anger to the family. Mike responded appreciatively but deferred a discussion at the present time due to the demands this issue is placing on the family. I remain interested in helping to reconcile matters if there is a way that I can.

Again, thanks for sharing your thoughts.

Safe return.

Best,
Ron

Ron Dulaney Jr. RA | NCARB | LEED AP BD+C
Fifth Ward City Councilor
Morgantown, West Virginia

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From: Mark Furfari <fishbowlwv@icloud.com>
Sent: Sunday, October 28, 2018 10:03:56 PM
To: Ronald Dulaney
Subject: Apple Blossom trees along rail trail

Hi Ron, I hope all is well with you and your family.

I read the Dominion Post just about every morning to stay abreast with what’s going on in Morgantown. I read Mike Roh’s letter to the editor a week or so ago and Ben Conleys article in today’s Sunday paper regarding this issue.

I have known Mike for about 23 years and know him as a very fine young man. I don’t know his father, but he also must be a very fine man who most generously in 2001 donated all of the cherry trees in honor of the passing of his wife.

Those trees add a lot to that park. I strongly encourage the city to do what it can to save these trees and complete its renovation of the park with the existing trees remaining.

Thanks for listening and hope to see you on my next trip home to Roosevelt.

Sincerely, Mark Furfari

Sent from my iPad
Milan Roh and the park renovations

Kym Scott <kymlscott@gmail.com>

Fri 11/2/2018 9:39 AM

To: William Kawecki (C.C. Ward 2) <wkawecki@morgantownwv.gov>; Rachel Fetty <rfetty@morgantownwv.gov>; Ryan Wallace <rwallace@morgantownwv.gov>; Jenny Selin (C.C. Ward 4) <jselin@morgantownwv.gov>; Ronald Dulaney <rdulaney@morgantownwv.gov>; Mark Brazaitis <mbrazaitis@morgantownwv.gov>; Barry Wendell <bwendell@morgantownwv.gov>

Dear Council members,

My name is Kym Scott and I believe you heard me speak on behalf of Milan Roh at Tuesday’s council meeting. Since that meeting a considerable amount of discussion has taken place and I feel that the situation is not entirely clear. Several messages have been forwarded to me from councilors but I still do not seem to be able to put together a clear picture of the situation. I am hoping that you may be able to help me.

I have spent some time speaking to Milan regarding the situation. I cannot overstate how incredibly devastated he is to see his tribute to his late wife and gift to the city of Morgantown taken away. More devastating is the way in which the situation has been handled. As I stated on Tuesday night, Milan has given so much to this community and it saddens me immensely to see how little consideration was given to him and his family in the planning of renovations to this park.

I have been receiving some advice on what options might be available to help remedy this situation. However, I don’t believe it is in anyone’s best interests to make this a legal matter. It seems much more logical to have an open discussion about what might be possible. It is clear to me from phone calls and messages received that many councilors believe that the Roh family were not served well in this situation. It also seems from a message forwarded to me that ultimately it is up to the councilors to make changes should changes be made.

When attending the council meeting last week I did not know until arriving there that there was no opportunity to ask questions or have any discussion about matters brought up. Please let me know if there is a forum in which discussion can take place.

I would appreciate any insight that you can provide regarding the renovations to the park in regard to what contracts have already been signed. I would also appreciate any advice or options of how we can make this a better outcome for the Roh family.
Many thanks

Kym
Re: Milan Roh and the park renovations

Kym Scott <kymlscott@gmail.com>

Tue 11/6/2018 11:08 AM

To: Jenny Selin (C.C. Ward 4) <jselin@morgantownwv.gov>
Cc: William Kauwecky (C.C. Ward 2) <wkauwecky@morgantownwv.gov>; Rachel Fetty <rfetty@morgantownwv.gov>; Ryan Wallace <rwallace@morgantownwv.gov>; Ronald Dulaney <rdulaney@morgantownwv.gov>; Mark Brazaitis <mbrazaitis@morgantownwv.gov>; Barry Wendell <bwendell@morgantownwv.gov>

Dear Council Members,

I want to thank those of you who replied to my email late last week. I also want to thank you for coming to our “Messiah” performance on Saturday evening. I know it meant a lot to Milan to see you there supporting a community event. I hope you enjoyed the concert.

In regard to the renovation to the park and the removal of Milan's donation of Cherry Trees, there are two ways forward. An ordinance has been drawn up and is ready to be submitted to the council. This has been done after much consultation with experts in the area and it would cause a great deal of disruption, public scrutiny, and to be honest, a PR nightmare for the city council. After talking with both Milan and Michael Roh regarding the options, and after meeting with a large group of supporters last night, everyone agrees that a better option would be to have further discussion about what is taking place.

After hearing from several of you, either directly, or through other supporters, it seems clear to me that no one is in favor of how the Roh family were treated in regard to this renovation. I believe that you all acted in good faith, assuming that the information given to you was correct. However, now that it is clear that in fact, what you were told was not the truth, I am hoping that you might be willing to look at all options in regard to any way that this situation can be rectified.

I was asked to suggest a solution, and this is my suggestion. Could we have a meeting with the council members, some experts in the field, and community members where discussion could take place and questions could be asked? Perhaps at the council meeting tomorrow evening? I do not believe that a forum where someone is given the chance to speak, but no conversation takes place is particularly helpful to anyone. If it cannot happen at the scheduled council meeting, could it happen at another time? I have been asked a lot of questions that I cannot fully answer and have also asked a lot of questions that have not been answered. This would be a great opportunity for questions to be asked and answered and for the wishes of the family to be heard.

Please let me know as soon as possible how this might be able to take place.

I want to assure you that while I have stepped up to represent the family in this matter, I am acting only as a representative of their wishes. I have no personal agenda other than to see a family that I care for treated in a respectful and appropriate way.

We are currently living in a world where there is so little emphasis on personal connections or the respectful treatment of others. I am asking you, on election day, to put aside politics and focus on the people who make up your local community.

Kym

On Fri, Nov 2, 2018 at 10:38 AM Jenny Selin (C.C. Ward 4) <jselin@morgantownwv.gov> wrote:

To Kym,

The best resolutions for this type of situation require a willingness to talk, because the trees are difficult and painful to discuss for the family it feels like each conversation just opens up the wound. Our manager and council have no desire to cause the Roh family pain.

Much has been offered and considered, many of the Roh family friends have spoken up, the result is to preserve the cherry trees in two areas and replace the rest of the beautiful stand of cherry trees, with an option to potentially rededicate the area.

Every member of council that I have talked to and the city manager feel very sorry about the situation and wish that the family had heard about the park plans first directly from us and that we had more conversations. At this point there is no going back.
Here we are at this moment in time. The park is being renovated, I have a legal and mediation (discussion-oriented) if more
discussion/listening is helpful we can work to set that up. If we are beyond that point, then that is where we are.

Jenny Selin

Get Outlook for iOS

From: Kym Scott <kymlscott@gmail.com>
Sent: Friday, November 2, 2018 9:38:55 AM
To: William Kawecki (C.C. Ward 2); Rachel Fetty; Ryan Wallace; Jenny Selin (C.C. Ward 4); Ronald Dulaney; Mark
Brazaitis; Barry Wendell
Subject: Milan Roh and the park renovations

Dear Council members,

My name is Kym Scott and I believe you heard me speak on behalf of Milan Roh at Tuesday’s council meeting. Since
that meeting a considerable amount of discussion has taken place and I feel that the situation is not entirely clear. Several messages have been forwarded to me from councilors but I still do not seem to be able to put together a clear picture of the situation. I am hoping that you may be able to help me.

I have spent some time speaking to Milan regarding the situation. I cannot overstate how incredibly devastated he is to see his tribute to his late wife and gift to the city of Morgantown taken away. More devastating is the way in which the situation has been handled. As I stated on Tuesday night, Milan has given so much to this community and it saddens me immensely to see how little consideration was given to him and his family in the planning of renovations to this park.

I have been receiving some advice on what options might be available to help remedy this situation. However, I don’t believe it is in anyone’s best interests to make this a legal matter. It seems much more logical to have an open discussion about what might be possible. It is clear to me from phone calls and messages received that many councilors believe that the Roh family were not served well in this situation. It also seems from a message forwarded to me that ultimately it is up to the councilors to make changes should changes be made.

When attending the council meeting last week I did not know until arriving there that there was no opportunity to ask questions or have any discussion about matters brought up. Please let me know if there is a forum in which discussion can take place.

I would appreciate any insight that you can provide regarding the renovations to the park in regard to what contracts have already been signed. I would also appreciate any advice or options of how we can make this a better outcome for the Roh family.
Many thanks

Kym
Roh family memorial

jwalker@ups.com

Fri 10/26/2018 3:39 PM

To: William Kawecki (C.C. Ward 2) <wkawecki@morgantownwv.gov>; Ryan Wallace <rwallace@morgantownwv.gov>; Rachel Fetty <rfetty@morgantownwv.gov>; Jenny Selin (C.C. Ward 4) <jselin@morgantownwv.gov>; Ronald Dulaney <rdulaney@morgantownwv.gov>; Mark Brazaitis <mbrazaitis@morgantownwv.gov>; Barry Wendell <bwendell@morgantownwv.gov>; Paul Brake <pbrake@morgantownwv.gov>

Mr. Brake and Morgantown city council,
I am writing to voice my opposition to the plan to remove or otherwise manipulate the cherry trees gifted to our city by the Roh family as a memorial to Mrs. Roh. I would ask that the riverfront plans be amended to accommodate this memorial that Morgantonians have enjoyed for years and that the generosity of the Roh family and the solace it offers them can be preserved.

Regards,

Jeff Walker
Sixth Ward
775 Mountain View Pl
Morgantown, WV 26501
304.276.7887 (cell)
jwalker@ups.com
Paul Brake, City Manager  
City Council Members  
City of Morgantown  
389 Spruce St  
Morgantown WV, 26501  

Nov 5, 2018

Re: Re-Appointment to MUB Board

Dear Mr Brake and Members of City Council,

I have been a member of the MUB Board of Directors for 5.5 years. My current term expires this month.

I have applied for re-appointment, and was interviewed at a Special Meeting of City Council on Tues Oct 30, 2018.

I have learned that since my interview, City Manager Paul Brake has applied for the same position, and that he will be interviewed on Wed Nov 7.

It is my understanding that you may make a selection and name the appointee during the Board’s and Commissions agenda item (#7D) at the Council meeting of Tues Nov 7.

I plan to make public comments regarding this appointment at the City Council meeting of Tues Nov 7, in the Public Portion of the agenda (Item #8).

I request, in light of the special circumstances described above, that you provide a special accommodation, and that you please allow me the opportunity to make my public comments before you make the selection and appointment for this position.

Thank you for considering this request.

Sincerely,

William “Bill” Rice
From: Michael <patronzo1@gmail.com>
Sent: Tuesday, October 23, 2018 2:07 PM
To: Rachel Fetty
Subject: Cherry trees

The column by Michael Roh in today’s DoPo raises some disturbing questions about how the City Manager has handled at least some of the plans for the riverfront Park. I think City Council should invite Roh to address his concerns in person as part of a study into how the redevelopment is being handled.

Michael Bradley
Sent from my iPhone
From: kelly r williams <kellyrwilliams@msn.com>
Sent: Friday, November 2, 2018 6:52 AM
To: Rachel Fetty
Subject: Riverfront Park: Cherry Trees

Hello, my name is Kelly Williams and I live in First Ward.
I bike through the Riverfront Park daily.
As of yesterday, the upgrade to the Riverfront park has not started.
I am hoping that the decision has been made to do a Phased Replacement of the cherry trees. I see the existing cherry trees as an asset to the city; I regularly see visitors photographing the trees in all seasons. I do not believe that all of the trees should be cut down as a one time replacement.
Thank you. Kelly Williams

Sent from Mail for Windows 10
Hi Heather,

Please find attached a letter in addition to those mentioned by Ron, (Cerra, Walker and Scott). I will forward the others as well.

Rachel

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From: clharris <troutguy13@comcast.net>
Sent: Tuesday, October 23, 2018 10:27 AM
To: William Kawecki (C.C. Ward 2)
Cc: Barry Wendell; Mark Brazaitis; Ronald Dulaney; Jenny Selin (C.C. Ward 4); Ryan Wallace; Rachel Fetty
Subject: The Cherry Trees

Dear Bill: I read with some interest that the renovations at Hazel McQuain park would require removal of the cherry trees donated by Milan Roh. The trees were planted to honor the memory of his wife, Jerry, and he also donated a clock to honor his late daughter. The comments of our City Manager suggested that the Roh family were aware of these changes and involved in the planning. He also suggested that the trees were unhealthy. Then I read the comments of Michael Roh (Milan’s son) in today’s paper that refuted what Mr. Brake had said. I encourage you to read Michael Roh’s letter in today’s Dominion Post.

I am urging you as my council representative to ask that these trees be preserved as much as possible as the improvements begin. My reasons go beyond the fact that I have affection for the Roh family and knew Jerry and Susanne Roh very well. Each spring these trees have the most beautiful blooms that are enjoyed by many people, including Cindy and me. I would agree with the Tree Board that these are healthy trees which enhance the beauty of the trail and form a beautiful canopy all year long. I wonder what would happen in Washington, DC if someone proposed to cut down their cherry trees. I feel the same way about these trees and implore you to reconsider their removal and instead save as many of these trees as possible. If it turns out that this would be inconsistent with the plans...change the plans!

Yours,

Larry Harris and Cindy O’Brien
637 Grand Street
On Saturday November 24, 2018 from 2-4 PM, the Morgantown History Museum will present their "Annual Holiday Display & Reception" featuring Cobbler, Osage Mayor and Rock 'n' Roll Star Al Anderson.

Al will be giving a presentation including a Q & A session, with Al also singing some of his favorite popular music.

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Immediately following will be the premiere of the new Morgantown History Museum's documentary series, "Morgantown Memories"

Episode 1 - Al Anderson

HOLIDAY REFRESHMENTS WILL BE PROVIDED

Any questions, please call the Museum at 304-319-1800.
Notes: 11/07/2018 Dulaney Councilor Report

Downtown Updates

The City of Morgantown - Main Street Morgantown façade Improvement Program is seeking applications from businesses in the Downtown District. Applications are available on the Main Street Morgantown web site and must be submitted by the close of business on Monday, December 3rd for first consideration. Applicants will be considered for forgivable loans between $2,000 and $10,000 that match an applicant’s investment in a façade improvement project. The application review committee is comprised of me, Julie Robison, and LJ Giuliani. Applications received after December 3rd will be reviewed pending availability of funds after the first round of review and awards.

I have heard from small business owners located on Walnut Street between High and Spruce that they are struggling with the challenges of vagrancy on their block. Vagrancy is not merely a matter of policing. This is a multi-faceted problem that we must commit to addressing as a community, and I ask that the city continue doing what it can to help ease the perceived and/or real burdens of vagrancy on our downtown businesses and patrons.

The Planning Commission will meet at 6:30pm on Thursday, 11/08. The agenda includes a minor subdivision request for a parcel fronting White Avenue, an administrative code change introducing the coffee/tea shop as a use and permitting it in all districts except R-1 and only conditionally in R-1A and R2. The agenda also includes a proposal for a mixed use development at 461 High Street (the location of the "old Dairy Queen"/Sandwich U).

Museum Commission

I’d like to once again remind the public of the MHM’s event to spend the afternoon with and celebrate Morgantown legend and treasure Al Anderson on the Saturday following Thanksgiving (11/24) from 2-4pm. The event is open and free to the public. Refreshments will be served.
It's been three weeks since our last meeting. During that time, I met with the representative of a group that wants us to pass an ordinance requiring employers to provide sick leave to all employees. She said employers in other cities at first complained, then realized it was a good thing that food-handling employees were no longer sneezing and coughing on the product and scaring the customers.

I've spent time at various doctors these weeks, dealing with my bad skin, my failing heart and the leg injury I sustained on October 12, which is almost healed.

A letter from me to the Dominion-Post appeared in the paper on October 22. I came out against Amendment One, and asked for stories from men whose wife/girlfriend/trick had an abortion, given that unintentional pregnancies usually involve a man somewhere in the process. I have not heard back from any men.

The Bike Board met November 1 and discussed the proposed contract to provide motorized scooters in Morgantown. I have softened my opposition to them, based on this meeting. They could be useful to students navigating between WVU campuses, perhaps using University Avenue, with its "sharrows" for sharing lanes with bicycles and the designated bike lane southbound in Evansdale. They might also be convenient for rides between South Park/Greenmont and campus, if we can agree to a place for them.

I recorded a podcast with a reporter for the Daily Athenaeum a few weeks ago for "Queer Mountaineers." It came out well, although the reporter only used half of what I said. We talked about what it's like to be an older gay man, and some about my place on Council as, probably, the first openly gay man to serve. That came out November 3.

Also on November 3, Morgantown observed Arbor Day at the Farmers' Market downtown. I was happy to represent Council and read the proclamation for the day, then go out and plant trees in Suncrest and South Park. Someone asked me "Isn't Arbor Day in April?" Technically, yes it is, but we celebrate it here in autumn because it is a better time to plant trees.

I attended, briefly, the Urban Landscape Commission meeting, just before our meeting, postponed from Halloween. They had the Hazel Ruby McQuain Park renovations on their agenda, but I asked them to move it up so I could be there. The Commission had the materials from the October 16 presentation, which showed two alternatives; one saved nineteen of the cherry trees, the other only nine. The consensus I got was that the nineteen tree alternative was a compromise they could live with to get the renovations done; saving only nine trees, to them would be not as acceptable, ignoring the Commission's input.

Nancy Young spoke tonight in favor of our ordinance protecting dogs. She also said cats should not be allowed out except on a leash. I own a cat, and I can tell you that is not feasible. Our cat was a rescue eight years ago, and was used to being outside on her own. I did try taking her out on a leash when we first got her, but she would not have it. We live on a dead-end street with a front yard, a tree and a porch. Tappuz, our cat, is afraid
of cars and doesn’t go to any street where they are. She enjoys being outside when it is warm, and I would not deny her that.

Bill Rice spoke tonight about being upset that some of us were late to his 5 P.M. interview for the MUB Board last week. Only Mayor Kawecki and I of the Councilors don’t have a day job, and in my case I need a nap and food before I set out for a meeting that is guaranteed to last past 9 P.M. This is not an old age thing; I have always been like this. I probably left to come downtown later than I should have, cutting through Councilor Selin’s Fourth Ward on Laurel, then turning on Patteson, catching Mon Boulevard at the Colosseum. On that night, there was a Halloween-themed event at the Colosseum, and traffic was backed up, delaying my journey by at least ten minutes. I apologize for being late.

Council met with the County Commissioners and officials of other cities on October 27th, the fifty-sixth anniversary of my bar mitzvah, at the Marriott. I wasn’t terribly happy about being there, and the activities were too left-brain for my mind. Tom Bloom came over to me at one point with news of the shooting in Pittsburgh at Tree of Life. I called Rabbi Joe, to whom I am married, at Morgantown’s Tree of Life. He was conducting text study from Genesis at the temple. He continued with his session. Meanwhile, we had lunch and continued with our work, which was to go on until three. At one thirty, unable to concentrate, and increasingly upset about what had happened, I called Joe again. He was home, and I felt it was my place to be there with him, so he shouldn’t be alone. Mike Clifford last week thanked me for staying at the Council event despite the tragedy in Pittsburgh. I did, but only for a short time. I left early. When I got home, Joe was fine; I was an emotional wreck and needed to be with him.

We had an event scheduled for our Tree of Life Saturday at 5. It was not well-attended, but Rabbi and I were touched that people left flowers on the steps of our building. It was good to know that people in Morgantown care for our Jewish community.

Sunday, there was a long-planned interfaith event at First Presbyterian Church on Spruce St., and that opened with a short memorial led by Rabbi Joe, followed by a panel discussion about the role of religious groups in making the community a better place. Then we ate.

Monday night, A E TT, a Jewish fraternity at WVU, and Chabad, the student organization representing a traditional branch of Judaism, held a vigil on campus. I saw Councilor Fetty and Councilor Selin there. The vigil attracted a large crowd and there may have been others.

Many people expressed their condolences to me and Rabbi Joe, but this wasn’t just an attack on the Jewish community; it was an attack on all of America. Earlier the same week, a man tried to shoot people at an African-American church near Louisville, Kentucky. Because the doors were locked, he drove to a nearby Kroger and killed two elderly African-Americans, one in the store and one on the parking lot. And earlier this year, a young man murdered students at Marjory Stoneman Douglas High School in Parkland, Florida. Something is desperately wrong in our country, and Part of that is because politicians are afraid to stand up to the NRA about the easy availability of military-style assault weapons. This is the tragedy of our country today.

In the election this week, many Republican candidates used anti-Jewish imagery, and demonized 90-year old George Soros, Tom Steyer, Michael Bloomberg and Dianne Feinstein. The President and others used hateful rhetoric about immigrants, people fleeing poverty and crime, frightened and hungry, looking for what used to be the promise of America. Jewish people as old as I am may remember our own immigrant ancestors. There is a picture of my great-grandparents, who didn't speak English, in New York more than a hundred years ago with their eight short, dark-skinned children. I relate to people from other places searching for safety in the
United States. My grandmother, who died when I was seventeen, was one of those children, and lived with us in her later years, when I was in high school. Whose culture is being threatened? Not mine. I chose to live for more than thirty years in Miami and then Los Angeles. I spoke Spanish, which helped me, but I was happy to learn about other cultures and religions, and work with kids in L.A., children of immigrants or immigrants themselves, who were quickly becoming Americans. Change happens. We have to learn to run with it; we can't stop it.

In the election last night, five good progressive people won in the 51st Legislative District in our county. Kendra Fershee won a majority of votes here for Congress, but not enough to win in the First District. Governor Justice's two appointees to the State Supreme Court, probably the two most gay-hating people in public life in West Virginia, won their seats, but they did not win in Mon County.

People always say that Morgantown is not the "real" West Virginia. I'm happy and proud to live in this place.

Finally, my last class for the quarter at Osher Life-Long Learning at WVU, week six of "Burt Bacharach is 90!" is tomorrow at 10 A.M. at Mountaineer Mall. I promise it will be a great class, and anyone can attend.
Proclamation

Whereas, Giving Tuesday was established as a national day of giving on Tuesday following Thanksgiving; and

Whereas, Giving Tuesday is a celebration of philanthropy and volunteerism where people give whatever they are able to give; and

Whereas, Giving Tuesday is a day where citizens work together to share commitments, rally for favorite causes, build a stronger community, and think about other people; and

Whereas, it is fitting and proper on Giving Tuesday and on every day to recognize the tremendous impact of philanthropy, volunteerism, and community service in the City of Morgantown, West Virginia; and

Whereas, Giving Tuesday is an opportunity to encourage citizens to serve others throughout this holiday season and during other times of the year; and

Now therefore, I, William A. Kawecki, Mayor of the City of Morgantown, West Virginia do hereby proclaim November 27, 2018 as

Giving Tuesday

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Morgantown, West Virginia, to be affixed this 23rd day of October 2018.

Seal:

William A. Kawecki, Mayor
The City of Morgantown
389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439

Office of the Mayor

Proclamation

Whereas, the government of Morgantown, West Virginia, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.2 million small businesses in the United States, they represent 99.7% of all businesses with employees in the United States, and are responsible for 65.9% of net new jobs created from 2000 to 2017; and

Whereas, small businesses employ 47.5% of the employees in the private sector in the United States; and

Whereas, 90% of consumers in the United States say Small Business Saturday has had a positive impact on their community; and

Whereas, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

Whereas, 73% of consumers who reportedly Shopped Small at independently-owned retailers and restaurants on Small Business Saturday did so with friends or family; and

Whereas, the City of Morgantown supports our local businesses that create jobs, boost our local economy and preserve our communities; and

Whereas, the most reported reason for consumers aware of the day to shop and dine at small independently-owned businesses was to support their community (64%); and

Whereas, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now therefore, I, William Kawecki, Mayor of the City of Morgantown, West Virginia do hereby proclaim November 24th, 2018, as:

Small Business Saturday

In the City of Morgantown, and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Seal:

[Signature]

William Kawecki, Mayor
AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN EMPIRE 2000, LLC AND THE CITY OF MORGANTOWN FOR LAND TO BE DESIGNATED AS “EATON PARK”

The City of Morgantown hereby ordains that the City Manager is authorized to execute the attached lease agreement, which is incorporated in this Ordinance by reference, leasing property to be designated as “Eaton Park” located in the second ward, Tax Map 29, Parcel 407.

This ordinance shall be effective upon date of adoption.

FIRST READING:

ADOPTED:  

FILED:

RECORDED:

__________________________  
Mayor

__________________________  
City Clerk
Lease Agreement

This lease agreement (the “Agreement”) is made as of the _____ day of _____, 2018 by and between Empire 2000, LLC, a West Virginia limited liability company (“lessor”), and The City of Morgantown, West Virginia, a municipal corporation (“lessee”):

Lessor, in consideration of the rent later specified to be paid by lessee, and the covenants and agreements set forth in this Agreement, hereby leases to the lessee those certain Premises in the City of Morgantown, County of Monongalia, State of West Virginia, described on Exhibit A (the “Premises”) which exhibit is attached and incorporated into this Agreement by reference, upon the following terms and conditions:

Term:

The term of this lease shall be five years, beginning on the 1st day of ______________ 2018, and ending on the 30th day of ______________ 2023, except as otherwise subsequently provided. Unless terminated pursuant to the provisions of this Agreement, the Agreement shall automatically renew for an additional one-year term at the expiration of each prior term.

Rental:

Lesse agrees to pay to lessor as rent for the Premises the sum of one dollar, for the full term, which rental shall be paid on the first day of each term. Lessor represents and warrants that lessor is the owner of the real property subject of this Agreement and has authority to lease the Premises as described in this Agreement.

Purposes:

Those Premises described on Exhibit A shall be used by the Lessee for the sole purpose of public recreation and for no other purpose without the prior written consent of lessor.

Buildings and Improvements:

Lesse may not, without lessor’s prior written consent, make any changes, alterations, or improvements to the Premises. Any improvements to the Premises shall remain the property of lessee, unless such improvements are not removed by lessee within one hundred eighty (180) days of termination of this Agreement and delivery of written notice to remove such improvements, in which case such improvements shall become the property of the lessor upon termination of this Agreement, free and clear of any liens or encumbrances whatsoever; provided, however, that any equipment, signs and other personal property of lessee not permanently affixed to the leased Premises shall remain the property of lessee and shall so remain unless the lessee shall fail, following the termination of this Agreement and following thirty (30) days’ written notice, to remove such personal property, in which event, at the option of lessor, title to same shall vest in lessor, at no cost to lessor. Removal of such personal property shall be done in such a manner as not to injure or damage the Premises or lessor’s surrounding property.

Lesse will erect one or more signs designating the Premises “Eaton Park” and additionally recognize the contributions of Richard Eaton, predecessor in interest to Lessor, to the park. The sign(s) required by this paragraph shall be subject to the approval of Lessor, which shall not be unreasonably withheld, and shall be installed at the Premises within six months of the beginning of the initial term of this Lease.
Taxes:

Lessee shall pay all taxes levied and assessed upon any personal property, buildings, fixtures and improvements belonging to lessee and located upon the demised Premises, and all leasehold and possessory interest taxes levied or assessed by any proper taxing authority.

Repairs and Maintenance:

Lessee represents that lessee has inspected and examined the Premises and accepts them in their present condition, and agrees that lessor shall not be required to make any improvements or repairs upon the Premises demised or any part of them. Lessee agrees to make all improvements and repairs at lessee’s sole cost and expense, and agrees to keep the Premises safe and in good order and condition at all times during the term, and upon expiration of this lease, or at any sooner termination, the lessee will quit and surrender possession of the Premises peaceably and in as good order and condition as the Premises were at the commencement of the term, reasonable wear, tear and damage by the elements excepted; lessee further agrees to leave the Premises free from all nuisance and dangerous and defective conditions.

Lessee agrees to prepare the adjacent sidewalk on Park Street for safety improvements recommended by the City by breaking up and removing the existing concrete in non-compliant and mutually agreed upon sections. Lessee will then finish the sidewalk improvements in these areas to meet recommended compliance standards.

Assignment and Mortgage:

Neither the Premises nor any portion of them shall be sublet, nor shall this lease, or any interest in it be assigned, hypothecated or mortgaged by lessee without the written consent of lessor, and any attempted assignment, subletting, hypothecation or mortgaging of this lease without such written consent shall be of no force or effect, and shall confer no rights upon any assignee, sublessee, mortgagee or pledgee.

In the event that lessee shall become incompetent, bankrupt, or insolvent, or should a guardian, trustee, or receiver be appointed to administer lessee’s business or affairs, neither this lease nor any interest here shall become an asset of the guardian, trustee or receiver, and in the event of the appointment of any guardian, trustee, or receiver, this lease shall immediately terminate and end.

Liability:

Lessee shall procure insurance coverage naming as additional insured the lessor and its officers, agents, representatives and employees for any claims, demands, actions, suits, or judgments relating to the Premises, including any claim, demand, action, suit, or judgment arising by reason of the injury or death of any person or damage to or loss of any property, and including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney’s fees, court costs and expert fees), and of any nature whatsoever arising out of or incidental to this Agreement, lessee’s use or occupancy of the Premises, or the acts or omissions of invitees, regardless of where the injury, death, loss or damage may occur, unless such injury, death, loss or damage is caused by the sole negligence of lessor. The insurance coverage required of lessee under this section shall be the primary policy providing coverage to lessor with respect to any claim covered hereby. Lessor shall give lessee reasonable notice of any such claims or actions. Lessee shall provide proof of coverage upon demand.

Termination by Lessor:

Lessor may terminate this lease at any time by serving upon lessee in the manner subsequently provided, a written notice of
its election so to terminate, which notice shall be served at least thirty days prior to the date in the notice named for such termination.

Default:

In the event that lessee shall be in default of any payment of any rent or in the performance of any of the terms or conditions agreed to be kept and performed by lessee, then in that event, lessor may terminate and end this lease, immediately, and lessor may enter upon the Premises and remove all persons and property, and lessee shall not be entitled to any money paid or any part of that money.

Holding Over:

In the event that lessee holds over and remains in possession of the demised Premises with the consent of lessor, that holding over shall be deemed to be from month to month only, and upon all of the same rents, terms, covenants and conditions as contained here.

Notices:

Any notices that are required here, or which either lessor or lessee may desire to serve upon the other, shall be in writing and shall be deemed served when delivered personally, or when deposited in the United States mail, postage-prepaid, return receipt requested, addressed to

(1) Lessor at City Manager, 389 Spruce Street, Morgantown, WV 26505
(2) Lessor at Barbara Parsons, 233 Park Street, Morgantown, WV 26505
(3) Lessor at Adelheid Fredrika Schaupp, 108 Marcus Dr., Morgantown, WV 26501

Either party may change the notice recipient by service of a notice in accordance with this Section.

Waiver:

Waiver by lessor or lessee of any default in performance of any of the terms, covenants, or conditions contained here, shall not be deemed a continuing waiver of that default or any subsequent default.

Compliance with Laws:

Lessee agrees to comply with all laws, ordinances, rules and regulations that may pertain or apply to the Premises and their use.

Lessor May Enter:

Lessee agrees that lessor, its agents or employees, may enter upon the Premises at any time during the term or any extension of it for the purpose of inspection, digging test holes, making surveys, taking measurements, and doing similar work necessary for the preparation of plans for construction of buildings or improvements on the Premises, or for the purposes of showing the Premises to prospective tenants, purchasers, or developers, with the understanding that the work will be performed in such a manner as to cause a minimum of interference with the use of the property by lessee.
Successors in Interest:

All of the terms, covenants and conditions contained here shall continue, and bind all successors in interest of lessee.

General Provisions:

If any term, clause or provision of this Agreement shall be adjudged by any court or government agency to be invalid or contrary to any applicable law or regulation or prevent financial or other assistance to the lessor by any federal or state government agency, such invalidation or determination shall not affect the validity and enforceability of the remaining portions of Agreement; and, to this end, the terms, clauses and provisions of this Agreement are hereby agreed to be severable.

The parties acknowledge and agree that this document contains the entire agreement between the parties and that they have not relied upon any statements, representations, agreements or warranties, except such as are expressed herein, and that no amendment or modification of this lease shall be valid or binding unless expressed in writing and executed by the parties hereto in the same manner as the execution of this Agreement.

This agreement shall be deemed to have been made in and construed in accordance with the laws of the State of West Virginia. Any action to enforce or interpret the provisions of this Agreement, or in any way arising out of this Agreement, shall be brought in the Circuit Court of Monongalia County, West Virginia

[Signature Page Follows]
LESSOR: Empire 2000, LLC

By __________________________
   Adelheid Fredrika Schaupp
   Member

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, TO-WIT:

   The foregoing instrument was acknowledged before me this ___ day of __________, 2018, by Adelheid Fredrika Schaupp, Member, on behalf of Empire 2000, LLC.

   My commission expires: ________________________.

__________________________________________
      Notary Public in and for
said State and County

LESSOR: Barbara Parsons
233 Park St.
Morgantown, WV 26501

By __________________________
   Barbara Parsons

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, TO-WIT:

   The foregoing instrument was acknowledged before me this ___ day of __________, 2018, by Barbara Parsons, individual.

   My commission expires: ________________________.

__________________________________________
      Notary Public in and for
said State and County
LESSEE: The City of Morgantown

By ______________________
   Paul J. Brake, ICMA-CM, C. Ec.D.
   City Manager

STATE OF WEST VIRGINIA,
COUNTY OF MONONGALIA, TO-WIT:

The foregoing instrument was acknowledged before me this ___ day of __________, 2018, by Paul J. Brake, City Manager.

My commission expires: ________________________.

______________________________________________
Notary Public in and for
said State and County
Exhibit A

Description of Leased Premises in the City of Morgantown, West Virginia

Parcel 407 of Tax Map 29, 2nd Ward. Parcel ID 10 29040700000000 (10-29-407)

All of Lots 1, 2, and 3, Block "H," of the Brown Addition, as is shown on a plat of said Addition recorded in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Deed Book 58, at page 108. Said lots are more particularly described as being a vacant lot with three sides, one of which sides fronts 149.7 feet on Morris Street, another which side fronts 120 feet on Park Street, and other which extends from Morris Street to Park Street for a distance of 100 feet.

Being the same real estate conveyed to Empire 2000, LLC by Richard B. Eaton by deed dated March 20, 2018 and of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia at Deed Book 1617, page 345.
AN ORDINANCE AMENDING THE FY 2018-2019 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.

The City of Morgantown hereby ordains:

That the FY 2018-2019 Annual Budget of the General Fund of
the City of Morgantown is amended as shown in the revised budget
(Revision 02) attached hereto and made a part of this ordinance.

First Reading:

________________________________________

Adopted: Mayor

________________________________________

Filed:

________________________________________

Recorded: City Clerk
# CITY OF MORGANTOWN
## GENERAL FUND - REVISION 02
### FY 2018-2019
<table>
<thead>
<tr>
<th>ACCT NO</th>
<th>REVENUES</th>
<th>ADOPTED FY18</th>
<th>PROPOSED REV 01</th>
<th>PROPOSED AMENDED BUDGET</th>
<th>EXPLANATION OF PROPOSED ADJUSTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>Refuse Collection</td>
<td>-</td>
<td>1,300,000</td>
<td>1,300,000</td>
<td>Customer billing completed by MUB</td>
</tr>
<tr>
<td>304</td>
<td>Excise Tax on Utilities</td>
<td>1,077,000</td>
<td>25,000</td>
<td>1,102,000</td>
<td>Excise tax on refuse collection</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,325,000</td>
<td></td>
</tr>
<tr>
<td>ACCT NO</td>
<td>EXPENDITURES</td>
<td>ADOPTED FY18</td>
<td>PROPOSED REV 01</td>
<td>PROPOSED AMENDED BUDGET</td>
<td>EXPLANATION OF PROPOSED ADJUSTMENTS</td>
</tr>
<tr>
<td>699</td>
<td>Contingency</td>
<td>363,611</td>
<td>(66,181)</td>
<td>297,430</td>
<td>Excess of total revenues to total expenses, up to 10% of General Fund budget allowed to be carried as Contingency amount</td>
</tr>
<tr>
<td>412</td>
<td>City Manager</td>
<td>769,455</td>
<td>12,000</td>
<td>781,455</td>
<td>Consultant for Blue Zone study</td>
</tr>
<tr>
<td>414</td>
<td>Finance</td>
<td>988,684</td>
<td>10,500</td>
<td>999,184</td>
<td>Office furniture</td>
</tr>
<tr>
<td>416</td>
<td>Municipal Court</td>
<td>302,160</td>
<td>2,160</td>
<td>304,320</td>
<td>Temporary intern to scan citations and files</td>
</tr>
<tr>
<td>417</td>
<td>City Attorney</td>
<td>362,679</td>
<td>25,000</td>
<td>387,679</td>
<td>To cover settlement payment</td>
</tr>
<tr>
<td>436</td>
<td>Code</td>
<td>1,233,484</td>
<td>21,870</td>
<td>1,255,354</td>
<td>Temporary full-time employee to cover employee on extended leave</td>
</tr>
<tr>
<td>439</td>
<td>IT</td>
<td>306,542</td>
<td>36,900</td>
<td>343,442</td>
<td>Increase in overtime and related payroll taxes and benefits</td>
</tr>
<tr>
<td>444</td>
<td>Transfers - MM MPO</td>
<td>5,447,035</td>
<td>7,751</td>
<td>5,454,786</td>
<td>City match for updating the area Bicycle and Pedestrian Plan</td>
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<tr>
<td>800</td>
<td>Garbage Department</td>
<td>-</td>
<td>1,275,000</td>
<td>1,275,000</td>
<td>Charges from Republic Services</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,325,000</td>
<td></td>
</tr>
</tbody>
</table>
# REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

City of Morgantown
GOVERNMENT ENTITY

369 Spruce Street
Morgantown 26508

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>Refuse Collection (Garbage and Trash Fees)</td>
<td>1,300,000</td>
<td></td>
<td></td>
<td>1,300,000</td>
</tr>
<tr>
<td>304</td>
<td>Excise Tax on Utilities</td>
<td>1,077,000</td>
<td>25,000</td>
<td></td>
<td>1,102,000</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 1,325,000

Explanation for Account # 376, Municipal Specific:

Explanation for Account # 369, Contributions from Other Funds

# EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>ACCOUNT DESCRIPTION</th>
<th>PREVIOUSLY APPROVED AMOUNT</th>
<th>(INCREASE)</th>
<th>(DECREASE)</th>
<th>REVISED AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>800</td>
<td>Garbage Department</td>
<td>1,275,000</td>
<td></td>
<td></td>
<td>1,275,000</td>
</tr>
<tr>
<td>699</td>
<td>Contingencies*</td>
<td>363,611</td>
<td>66,181</td>
<td></td>
<td>297,430</td>
</tr>
<tr>
<td>412</td>
<td>City Manager’s Office</td>
<td>769,455</td>
<td>12,000</td>
<td></td>
<td>781,455</td>
</tr>
<tr>
<td>414</td>
<td>Finance Office</td>
<td>988,684</td>
<td>10,500</td>
<td></td>
<td>999,184</td>
</tr>
<tr>
<td>416</td>
<td>Police Judge’s Office</td>
<td>302,160</td>
<td>2,160</td>
<td></td>
<td>304,320</td>
</tr>
<tr>
<td>417</td>
<td>City Attorney</td>
<td>362,679</td>
<td>25,000</td>
<td></td>
<td>387,679</td>
</tr>
<tr>
<td>436</td>
<td>Building Inspection</td>
<td>1,233,484</td>
<td>21,870</td>
<td></td>
<td>1,255,354</td>
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<tr>
<td>439</td>
<td>Data Processing</td>
<td>306,542</td>
<td>36,900</td>
<td></td>
<td>343,442</td>
</tr>
<tr>
<td>444</td>
<td>Contributions / Transfers to Other Funds</td>
<td>5,447,035</td>
<td>7,751</td>
<td></td>
<td>5,454,786</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NET INCREASE/(DECREASE) Expenditures 1,325,000

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division  
AUTHORIZED SIGNATURE OF ENTITY  
APPROVAL DATE
## Boards & Commissions Available Positions

<table>
<thead>
<tr>
<th>Boards/Commissions</th>
<th>Positions Available</th>
<th>Applicants Interested</th>
<th>Action of Positions</th>
<th>Resident/Non Resident Needed</th>
<th>Notes</th>
<th>Code Sec.</th>
</tr>
</thead>
<tbody>
<tr>
<td>BZA</td>
<td>2</td>
<td>3</td>
<td>Resigned/New</td>
<td>Resident</td>
<td></td>
<td>1389</td>
</tr>
<tr>
<td>Building Commission</td>
<td>1</td>
<td>2</td>
<td>Expired</td>
<td>Resident</td>
<td>(D or R)</td>
<td>171</td>
</tr>
<tr>
<td>Fire Code Board of Appeals</td>
<td>3</td>
<td>1</td>
<td>Resigned/New</td>
<td>Resident</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Health &amp; Wellness Commission</td>
<td>1</td>
<td>3</td>
<td>Resigned</td>
<td>Resident</td>
<td></td>
<td>179</td>
</tr>
<tr>
<td>Housing Advisory</td>
<td>12</td>
<td>13</td>
<td>Terms Expired</td>
<td>Resident</td>
<td></td>
<td>160</td>
</tr>
<tr>
<td>Fmt/Mtn Housing Authority</td>
<td>1</td>
<td>2</td>
<td>Term Expired</td>
<td>Resident</td>
<td></td>
<td>161</td>
</tr>
<tr>
<td>Human Rights Commission</td>
<td>3</td>
<td>7</td>
<td>Terms Expired/New</td>
<td>Resident</td>
<td></td>
<td>153</td>
</tr>
<tr>
<td>Met Board</td>
<td>4</td>
<td>6</td>
<td>New</td>
<td>Resident</td>
<td></td>
<td>156</td>
</tr>
<tr>
<td>Land Reuse &amp; Preservation Agency Board</td>
<td>7</td>
<td>12</td>
<td>New</td>
<td>Resident</td>
<td></td>
<td>147</td>
</tr>
<tr>
<td>Museum Commission</td>
<td>1</td>
<td>1</td>
<td>New</td>
<td>Resident</td>
<td></td>
<td>168</td>
</tr>
<tr>
<td>MUB</td>
<td>2</td>
<td>5</td>
<td>Term Exp/Resigned</td>
<td>Resident</td>
<td></td>
<td>169</td>
</tr>
<tr>
<td>Parking Authority</td>
<td>1</td>
<td>1</td>
<td>Term Expired</td>
<td>Resident</td>
<td></td>
<td>155</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>3</td>
<td>5</td>
<td>Term Expired</td>
<td>Resident</td>
<td></td>
<td>145</td>
</tr>
<tr>
<td>Sister Cities</td>
<td>7</td>
<td>3</td>
<td>Terms Expired</td>
<td>Resident</td>
<td></td>
<td>172</td>
</tr>
<tr>
<td>Traffic Commission</td>
<td>5</td>
<td>4</td>
<td>Resigned/New/Resident at large bicycle &amp; Walking</td>
<td>Resident</td>
<td>2nd, 3rd &amp; 4th</td>
<td>151</td>
</tr>
<tr>
<td>Woodburn School Commission</td>
<td>2</td>
<td>2</td>
<td>New</td>
<td>Resident</td>
<td></td>
<td>162</td>
</tr>
</tbody>
</table>

**ALL BOARDS AND COMMISSIONS ABOVE HAVE BEEN ADVERTISED**
A RESOLUTION ADOPTING THE WEST VIRGINIA MUNICIPAL LEAGUE’S CIVILITY
RESOLUTION ADOPTED DURING THE LEAGUE’S BOARD OF DIRECTORS’
MEETING HELD IN BUCKHANNON ON OCTOBER 26, 2018

WHEREAS, Buckhannon very recently hosted the West Virginia Municipal
League (WVML) Board of Directors’ quarterly meeting on October 25 and 26; and,

WHEREAS, one of the primary matters discussed and acted upon by the WVML
Board was adoption of a resolution supporting efforts to revive civility at the local,
governmental level; and,

WHEREAS, the WVML’s Board unanimously passed and adopted the resolution,
a copy of which is exhibited herewith, while urging all 231 of the WVML’s member
municipalities to embrace the substance of the resolution through adoption of their own
resolutions subscribing to civility; and,

WHEREAS, the WVML’s resolution specifically calls for “listening to each other
and listening across differences for understanding” as it “is important in building respect
and sustaining our sense of community”; and,

WHEREAS, the WVML resolution further observes that “civil discourse is the free
and respectful exchange of different ideas in a way that respects and affirms all
persons, while hearing their perspectives”; and,

WHEREAS, the WVML’s resolution further observes that “heated rhetoric and a
dramatic shift away from collaboration leaves us unable to solve the challenges
confronting our community” and “listening across differences for understanding and
exercising civility assists in the process of working together, rebuilding trust and helps
us to create lasting solutions to our most pressing challenges, while fostering respect
among opposing groups” and “sharing our personal hopes, dreams, fears, and the
definition of what being American means to us, can help us tell that story of what unites
us over what divides us, and can reunite us around shared values during this time when
our country needs it” and “recognizing the importance of listening to each other,
exercising civility in our discourse, rebuilding trust and reconnecting around what unites
us, are key elements” of the City of Morgantown’s mission.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
MORGANTOWN, AS FOLLOWS:

SECTION 1: The Council of the City of Morgantown hereby fully adopts and
embraces the WVML resolution as Morgantown’s resolution respecting civility.

SECTION 2: The City Council strongly urges all local, governmental entities to
adopt similar civility resolutions.

SECTION 3: The City Council encourages everyone in our Morgantown-
Monongalia community to undertake and promote affirmative steps and promote the
adoption of policies to encourage the exercise of civility in all of its societal and governmental functions.

SECTION 4: That this Resolution, or a copy thereof, may be provided to any and all affected persons or entities, to manifest the City of Morgantown’s commitment to exercising civility in the exercise of all of its functions at all times, including but not limited to all municipal boards, commissions, and committees.

VOTE ON RESOLUTION

IN FAVOR  

William A. Kawecki, Mayor

Rachel Fetty, Council Member

Ryan Wallace, Council Member

Jenny Selin, Deputy Mayor

Ron Dulaney Jr., Council Member

Mark Brazaitis, Council Member

Barry Wendell, Council Member

OPPOSED

CERTIFICATE OF ENACTMENT

I, Christine M. Wade, City Clerk, do hereby certify that the foregoing Resolution was lawfully ordained and enacted by the Council of the City of Morgantown at a regular session of the said Council assembled on November 20, 2018.

Christine M. Wade, City Clerk
FOR IMMEDIATE RELEASE October 30, 2018

City Officials Resolve to Revive Civility

CHARLESTON, WV – Municipal leaders from across the State of WV are looking at how they can promote cordial dialog through #Revive Civility, a grassroots initiative launched by the National Institute for Civil Discourse (NICD) to counter the coarseness that runs extensively in public discourse.

“This initiative was started as a direct result of the extensive polarization (in society),” said President of the Municipal League, Mayor Steve Williams of Huntington, WV. “It’s on social media, it’s in our businesses, it’s in government, it’s in families, it’s in the media. We believe that respect and civility are core values of building trust. What I have found is Collaboration builds Partnerships-Partnerships build Trust and with that Trust, Hope is the Outcome. As Municipal Leaders It is our responsibility to lead and we must demonstrate grace while we stay focused on the mission at hand.” Without trust you can’t form deep relationships. Without that you have the dismantling of a functioning government and you wind up with unhealthy families and communities.”

That is not to say that disagreements aren’t welcome when discussing a polarizing subject. “Diversity in beliefs and experiences are really imperative to have thriving economies,” he said. “Disagreements are healthy because they force us to stretch our thinking, but when we’re unable to have conversations where we share those experiences and learn from one another, we’re never going to find common ground.”

According to Civility in America: A Nationwide Survey, 75 percent of Americans surveyed believed the nation was at a crisis level while 94 percent said the country had a civility problem. Furthermore, nine out of 10 Millennials and those from Generation Z say they experience some form of incivility every day and 61 percent of children experience it at school.

A Resolution adopted by the Board of Directors of the WV Municipal League kicks off the initiative here in West Virginia. “The National Institute of Civil Discourse, which is a non-partisan organization whose mission is to bring people together on divisive issues, to have constructive conversations, to find common good,” explained Lisa Dooley, Executive Director of the League. “It’s typically on issues directly related to democracy, and we are honored to be the first League in the Nation and the first group in West Virginia to explore this campaign.”

Information: contact Travis L. Blosser, Deputy Executive Director of the WV Municipal League at (304) 342-5564.
City Manager's Report for City Council Meeting on November 20, 2018

Information:

1. General Fund Schedule of Revenues and Expenditures – Sept 2018
   Included is a consolidated budget report for the City’s main fund – the General
   Fund. From this point forward, I will be providing a monthly report at the second
   City Council meeting of the month. As we finalize software upgrades and phase
   out old financial computer servers, other funds (i.e. Airport, Met Theater and
   Capital Escrow, etc.) will be included in future months.

   During Tuesday’s meeting, I will provide an analysis of the report and point out
   significant information.

New Business:

1. Bid on Jacob Street Slip Repair (Bid Call 2010-04)
   Attached, you will a memorandum from the City Engineer in reference to the road
   slip that has occurred on Jacob Street. This is an emergency repair needed as
   the hill-slip portion of the street is temporarily closed. Staff has recently sought
   out bids and Costal Drilling East, LLC and the amount tabulated for the work to
   be performed is $160,810. City Council approval of the bidder and the bid
   amount is recommended for approval at Tuesday’s meeting.

   Paul J. Brake, ICMA-CM, CEcD
   City Manager, Morgantown, WV
## City of Morgantown
### General Fund Schedule of Revenues and Expenditures
### For the Month Ended September 30, 2018

### REVENUES

<table>
<thead>
<tr>
<th></th>
<th>Fiscal Calendar 2019</th>
<th></th>
<th>Fiscal Calendar 2018</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current Budget</td>
<td>YTD Total</td>
<td>MTD Total</td>
<td>% of Budget</td>
</tr>
<tr>
<td>Business &amp; Occupational Tax</td>
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<tr>
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<td>2,032,545.19</td>
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<td>Fire Protection Fees</td>
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<tr>
<td>Municipal Service Fees</td>
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<td>145,406.54</td>
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<tr>
<td>Other Taxes</td>
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<td>924,027.82</td>
<td>138,126.64</td>
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<tr>
<td>Fines and Forfeitures</td>
<td>650,000.00</td>
<td>77,601.76</td>
<td>36,768.76</td>
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</tr>
<tr>
<td>License and Permits</td>
<td>424,095.00</td>
<td>146,653.28</td>
<td>16,096.10</td>
<td>33</td>
</tr>
<tr>
<td>Intergovernmental &amp; Grants</td>
<td>1,094,149.00</td>
<td>183,172.69</td>
<td>29,885.33</td>
<td>17</td>
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<tr>
<td>Interfund Charges</td>
<td>30,000.00</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Miscellaneous - Garbage</td>
<td>456,340.00</td>
<td>102,952.28</td>
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<td>23</td>
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<tr>
<td>Other Charges For Services</td>
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<td>Other Financial Sources</td>
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<td>5,225.42</td>
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<tr>
<td>Prior Year Balance</td>
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<td><strong>Grand Total</strong></td>
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<td><strong>2,817,111.78</strong></td>
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### EXPENSES

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<td>Current Budget</td>
<td>YTD Total</td>
<td>MTD Total</td>
<td>% of Budget</td>
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<td>409 Mayor</td>
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<td><strong>Grand Total</strong></td>
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**Target Year-to-Date Percentage**: 25.00%
Memorandum

To: Paul Brake  
City Manager

From: Damien Davis  
City Engineer

Date: November 13, 2018

Re: Bid on Jacobs Street Slip Repair (Bid Call 2019-04)

Mr. Brake,

The Jacobs Street Slip Repair (Bid Call 2019-04), a hill-slip that has closed Jacobs Street, was designed by Potesta Engineering. The repair will be an H-Pile wall that will consist of 17 piles, a welded guard rail, backfilling, drainage, and grade repair. The bid opening had the following results:

<table>
<thead>
<tr>
<th></th>
<th>Company</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Costal Drilling East, LLC</td>
<td>$160,810.00</td>
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<tr>
<td>2</td>
<td>Rock Forge Bridge Co., LLC</td>
<td>$274,400.00</td>
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<tr>
<td>3</td>
<td>Anderson Excavating, LLC</td>
<td>$359,362.40</td>
</tr>
</tbody>
</table>

All bidders were qualified, competent, and established in our area with a good reputation for quality work. For this reason, the lowest bidder is recommended; Costal Drilling East, LLC at $160,810. We will have a 120-day construction schedule and will use Potesta for Construction Administration and Inspection. Construction is estimated to begin in January of 2019.