

REGULAR MEETING DECEMBER 21, 2010:

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The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday December 21, 2010 at 7:30 P.M.

PRESENT: City Manager Terrence Moore, Assistant City Manager Jeff Mikorski, Mayor Bill Byrne, City Clerk Linda Little, Council Members Ron Bane, John Gaddis, Charlie Byrer, Jenny Selin, and Don Spencer. City Attorney Steve Fanok and Councilor Marti Shamberger were absent.

APPROVAL OF MINUTES: Minutes from the regular meeting on December 7, 2010 were approved as printed.

CORRESPONDENCE: Mayor Byrne thanked the children of Woodburn Elementary School for bringing cookies to Council. He welcomed new City Manager Terrence Moore to his first Council Meeting and thanked Mr. Mikorski for his service during the interim. Mayor Byrne then presented retirement Proclamations to Chief Phil Scott, Bill Rumble and Dave Custer.

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BOARDS AND COMMISSIONS: Council approved by acclamation to reappoint Rodney Pyles to the Historic Landmarks Commission. They also agreed to interview the candidates for the open seat on BOPARC on January 4th in a special meeting before the regular meeting.

PUBLIC PORTION:

Donald Price, 251 Wagner Road, welcomed Mr. Moore to Morgantown for his first City Council Meeting. He then spoke in opposition to the proposed Vote-By-Mail Pilot Program.

Charlie Russell, 601 McClain Avenue, WVU Student Government, reporting in Nelson France's stead, read a statement on behalf of students supporting Vote-By-Mail and outlining their plans for increasing student voter participation.

Evan McCain, 545 Hoffman Avenue, addressed the proposed Vote-By-Mail Pilot Program and issue of voter turnout. He questions the cost of both holding the election and of running in the election and stated that the ultimate goal should be increased voter information as well as turn-out.

Nancy Ganz, 1276 Colonial Drive, welcomed Mr. Moore to Morgantown and thanked Chief Scott for his service to the community. She appreciates the effort that Council and Student Government are putting into the Vote-By-Mail Pilot Program. She then pointed out that WVU requires an extensive number of documents and history to prove in state residency for the admission process and asserted that documentation process is comparable to the signature verification of the Vote-By-Mail process.

There being no more appearances Mayor Byrne then declared the Public Portion closed.

SPECIAL COMMITTEE REPORT: None.

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NEW BUSINESS:

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CONSIDERATION OF APPROVAL OF AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING ARTICLE 105 OF THE ADMINISTRATIVE CODE BY ADDING A NEW SECTION 105.48 ADOPTING AND IMPLEMENTING THE NEW MUNICIPAL VOTE BY MAIL PILOT PROGRAM ESTABLISHED BY SECTION 3-3A-1 SEQ. OF THE WEST VIRGINIA CODE: The above entitled Ordinance was presented for first reading:

After discussion, Councilor Byrer asked that the Secretary of State, the County Clerk, and the City Clerk meet to discuss the matter. Councilor Spencer reminded that every aspect of the Vote-By-Mail Pilot Program is already in place in

current elections and will simply be carried out in a new way. He then passed out articles outlining the Vote-By-Mail system. Councilor Bane disagreed that the process is the same, and questions the method of "cleaning up the books" and the validity of the signature verification. Councilor Gaddis concurred with all the concerns and will speak with members of his constituency so he can make a concerned vote on this issue. Councilor Selin asked for confirmation on the process of approving and implementing this Vote-By-Mail Pilot Program. Mayor Byrne clarified the procedures approval will take. Councilor Spencer then redressed issues brought up by Councilor Bane and encouraged the process.

Motion by Bane, second by Gaddis to table the above titled Ordinance. Motion to table failed 3-3, for lack of majority vote. Councilors Selin, Spencer and Mayor Byrne voted NO.

Councilor Selin then commented on her past experience of absentee voting and added that voters can go to the City Clerk's office to cast a vote as in polling places of elections past. She spoke in support of the Vote-By-Mail Pilot Program. Councilor Byrer then explained his reason for voting to table due to the need for a public forum on the matter. Mayor Byrne responded to the comments and encouraged Council move forward with a vote on whether we want to try the Vote-By-Mail Pilot Program. City Clerk Little added that she has already been at work securing voting drop sites. Mayor Byrne stated that time must be made to secure the proper process and during the Public Hearing of this Ordinance more issues can be addressed and the public may be heard. Councilor Gaddis then suggested Mr. Moore comment on the Vote-By-Mail Pilot Program. Mayor Byrne again encouraged a vote based on policy alone.

There being no further discussion, a vote on the main motion was taken and the above entitled Ordinance was passed to second reading by a vote of 6-2. Councilors Bane and Gaddis voted NO.

- **CONSIDERATION OF APPROVAL OF AN ORDINANCE AMENDING THE FY 2010-2011 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 above entitled Ordinance was presented for first reading:

- After explanation from the Assistant and City Managers, motion by Selin, second by Byrer to pass the above titled Ordinance to second reading. Motion carried 6-0.

- **CITY MANAGERS REPORT:**

Before the business of the Manager's report, new City Manager Mr. Terrence Moore made a brief report of his first day in Morgantown and his plans for moving forward with the City. He also announced the selection of Captain Brett Watson as Interim Police Chief upon the retirement of Chief Scott. Interim Chief Watson stepped forward at this time and offered thanks and remarks to Council and those present.

New Business:

1. Attached you will find a memo from Denise White, Finance Director, regarding the City's Health Plan renewal rates. Because we are a self-funded Health Plan it is important to take advantage cost savings where we can find them. By increasing the deductible, the City will save nearly \$150,000 on the insurance rate, resulting in an 8.9% increase in costs (rather than a 10.9% increase) for 2011. I recommend approval of the proposed changes to the Health Insurance rates administered by Benefit Assistance Corporation.

After explanation from Mr. Moore and Mr. Mikorski, motion by Selin, second by Byrer to approve the City's health plan renewal rates. Motion carried 6-0.

2. The second attachment from Denise White refers to the Administrative Services Agreement for health reimbursement accounts. As stated in the memo, the health reimbursement accounts were authorized by City Council earlier this year. I recommend approval to execute the Administrative Services Agreement with Vested Health LLC, once minor modifications are made to the agreement in order to setup the accounts for all employees prior to January 1, 2011.

- After commendations for Finance Director Denise White, motion by Gaddis, second by Bane to approve the administrative services agreement for health reimbursement accounts. Motion carried 6-0.

- **CITY CLERK:** City Clerk Linda Little welcomed new City Manager Mr. Terrence Moore to his first Council Meeting, and commended Mr. Mikorski for a job well done as Interim Manager. She reported on the 2011 United Way Campaign and on the Police Department's Entry Level Exam coming up in January.

CITY ATTORNEY'S REPORT: Absent.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane thanked Chief Scott for his service and frankness over the years and on several issues. He also spoke the praises of Bill Rumble for his work with the City and with youths as well. He then explained why he voted 'No' on the Vote-By-Mail Pilot Program adding his concerns. He noted that he had a productive conversation with Mr. Moore and he wishes him the best. He praised Mr. Mikorski for all his efforts, citing most recently the Farmer's Market awning project.

Councilor Gaddis: Councilor Gaddis welcomed Mr. Moore and thanked Mr. Mikorski for all his hard work. He thanked Chief Scott and Bill Rumble for their work with neighborhoods and the City. He also thanked Mr. Custer for his service to the Fire Department. He commented on the Vote-By-Mail Pilot Program, and his hopes that the public will be educated in the process and that the system can be successfully cleaned up.

Councilor Byrer: Councilor Byrer expressed his concerns as a former Charter Board member that the integrity of the process will be maintained. He asked for feedback from the City Clerk Ms. Little and the Secretary of State on the details of the election. Ms. Little then assured Councilor Byrer of the validity and security of the process. Councilor Byrer then welcomed Mr. Moore, thanked Mr. Mikorski and wished everyone a Merry Christmas.

Councilor Selin: Councilor Selin added to the praises of Bill Rumble and Chief Scott as well as Mr. Mikorski. She welcomed Mr. Moore to his first Council Meeting and commented she is looking forward to working with him. She then wished everyone a Happy Holiday.

Councilor Shamberger: Absent.

Councilor Spencer: Councilor Spencer welcomed Mr. Moore and expressed he is looking forward to working with him. He also congratulated Chief Scott, Bill Rumble and Dave Custer for all their years of service. He mentioned the editorial in the newspaper on the Vote-By-Mail Pilot Program, stating that Morgantown is a progressive City which does progressive things. He hopes that the process can be secure and organized. He also asked that Ms. Little give Council guidelines on public education for the mail voting process. He announced that he attended a Child Care Abuse Prevention Seminar and discussed the importance of child safety and child care. He talked about the Energy Efficiency Planning event at WVU and their suggestions for making Morgantown more energy efficient. He encouraged everyone to shop for the holidays downtown and at other local merchants. Councilor Spencer also announced that he will be running for another term in the upcoming City Council Election. He wished everyone Happy Holidays.

Mayor Byrne: Mayor Byrne announced changes from Comcast in the upcoming year, the WVML Winter Conference in Charleston in February, and a production of Annie at the Met Theatre. He thanked Main Street Morgantown for their work on the Marketplace Awning, and also commended the volunteerism at the Met Theatre and other areas of Government and our community. He once again welcomed Mr. Moore to Morgantown and wished everyone Happy Holidays.

Councilor Byrer added that the League of Women Voters be invited to the Public Hearing on Jan. 4 for the Vote-By-Mail Pilot Program.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 9:00 p.m.

City Clerk

Mayor

***A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON CD AT THE MORGANTOWN CITY LIBRARY.**