

REGULAR MEETING JUNE 1, 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, June 1, 2010, at 7:30 P.M.

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

The meeting was called to order by the Mayor.

APPROVAL OF MINUTES: Minutes from the regular meeting on May 18, 2010, were approved as printed.

CORRESPONDENCE: Mayor Byrne presented a letter of accommodation to Lt. Larry Dudley, FFC Keith Summers, FFC Jeff Kennison and FFC Derek Porter for saving a life of a young girl on April 25, 2010.

PUBLIC HEARING- AN ORDINANCE AMENDING THE FY 2009-2010 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.

Pursuant to a legal notice appearing in the Dominion Post, Mayor Byrne called for a public hearing on the above referenced ordinance.

There being no appearances or objections, Mayor Byrne declared this public hearing closed.

PUBLIC HEARING- WITH RESPECT TO THE PROPOSED AMENDMENT (AND REISSUANCE FOR FEDERAL INCOME TAX PURPOSES) OF THE CITY OF MORGANTOWN'S COMMERCIAL DEVELOPMENT REVENUE BONDS, SERIES 2007(WEST VIRGINIA UNIVERSITY ALUMNI ASSOCIATION INC. PROJECT) IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,400,000.00(THE "BONDS", THE PROCEEDS OF WHICH WERE ORIGINALLY USED TO CONSTRUCT AND EQUIP THE WEST VIRGINIA UNIVERSITY ALUMNI CENTER (THE "PROJECT"). THE PROJECT IS OWNED BY THE WEST VIRGINIA UNIVERSITY ALUMNI ASSOCIATION, INC.

Pursuant to a legal notice appearing in the Dominion Post, Mayor Byrne called for a public hearing on the above referenced ordinance.

There being no appearances or objections, Mayor Byrne declared this public hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE FY 2009-2010 ANNUAL BUDGET: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING THE FY 2009-2010 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.

Motion by Spencer second by Selin, to adopt the above entitled Ordinance. Motion carried 7-0.

BOARDS AND COMMISSIONS: Motion by acclamation to reappoint Linda Durfee to the Library Board to serve another 5 year term.

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NEW BUSINESS:

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CONSIDERATION FOR ADOPTION OF A RESOLUTION APPROVING THE MAKING OF CERTAIN AMENDMENTS TO THE CITY'S COMMERCIAL DEVELOPMENT REVENUE BONDS, AND APPROVING THE TAKING OF ALL NECESSARY ACTIONS: The below entitled Ordinance was presented for first reading:

CONSIDERATION FOR ADOPTION OF A RESOLUTION APPROVING THE MAKING OF CERTAIN AMENDMENTS (AND REISSUANCE FOR FEDERAL INCOME TAX PURPOSES) TO THE CITY'S \$8,400,000 AGGREGATE PRINCIPAL AMOUNT COMMERCIAL DEVELOPMENT REVENUE BONDS, SERIES 2007 (WEST VIRGINIA UNIVERSITY ALUMNI ASSOCIATION, INC. PROJECT) AND DOCUMENTS RELATED THERETO; DESIGNATING THE AMENDED BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS FOR PURPOSES OF SECTION 265(B)(3) OF THE INTERNAL REVENUE CODE; APPROVING THE REISSUANCE OF THE AMENDED BONDS FOR FEDERAL INCOME TAX PURPOSES; AND APPROVING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FOREGOING.

City Manager Dan Boroff explained that by approving this Resolution the Bond will be restructured by Wesbanco and United Bank which will lower the interest rate. Motion by Selin second by Gaddis, to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY REGARDING THE FINANCE AND CONSTRUCTION OF A NEW ROADWAY, SEWAGE SERVICE, AND WATER SERVICE ON THE EAST SIDE OF THE MORGANTOWN AIRPORT, WHICH WILL SUPPORT VARIOUS GOVERNMENTAL ECONOMIC DEVELOPMENT PROJECTS.

After discussion, motion by Spencer second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 7-0

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ESTABLISHING THE RATES OF COMPENSATION FOR THE CITY OF MORGANTOWN EMPLOYEES FOR THE FISCAL YEAR 2010-2011.

Motion by Bane, second by Gaddis, to pass the above entitled Ordinance to second reading. Motion carried 7-0

AN ORDINANCE AMENDING SECTIONS OF THE PERSONNEL RULES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTIONS III-1(B) (LONGEVITY PAY), III-3(B) (SHIFT DIFFERENTIAL), AND III-4 (HAZARDOUS DUTY PAY) OF THE PERSONNEL RULES OF THE CITY OF MORGANTOWN BY INCREASING THE MONETARY AMOUNTS OF EACH.

Motion by Gaddis, second by Byrer, to pass the above entitled Ordinance to second reading. Motion carried 7-0

AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT, MORGANTOWN EVENTS CENTER: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LICENSOR, AND MERMAID, LLC, LICENSEE, AS THE SAME APPLIES TO ACCESS TO THE MORGANTOWN EVENTS CENTER.

Motion by Selin, second by Gaddis, to pass the above entitled Ordinance to second reading. Motion carried 7-0

A RESOLUTION DESIGNATING THE AMERICAN GOLDFINCH AS THE OFFICIAL BIRD OF THE CITY OF MORGANTOWN. The above entitled Resolution was presented for approval.

Motion by Selin, second by Shamberger, to approve the above entitled Resolution. Motion carried 7-0.

PUBLIC PORTION:

Guy Panrell, 763 South Hills Drive, spoke in reference to the proposed Urban Deer Committee's recommendations to Council. He dispelled rumors that WVU has been involved from the start with the push for a hunt. He offered statistics on how many deer need to be put down after collisions with vehicles in the City and County. He explained how often the deer repopulate and how much they consume. He asserted that the number of signatures on the anti-hunt petition is not representative of the majority opinion of citizens in our City. He insists that the deer population doubles each year and a hunt will not reduce the number of deer to a dangerously low level. He asked Council to consider the recommendation of the

Committee and use common sense in dealing with this issue.

Joan Gibson, 1104 Koontz Avenue, insists she can no longer garden due to deer trampling and eating her plants, vegetables and flowers on her property. She has gone so far as to look for property in another state because of the deer problem.

Irene Liberatore, South Point Circle, reported 32 deer in her yard at a time and an average of 14 per day on her property. She stated that her yard and porch are covered in deer feces and that her neighbor feeds them. She showed Council pictures of the damage to her property caused by these nuisance deer.

Nelson France, Student Government Association, invited Council to come to a Meet the Candidate event on October 26, more information will come later.

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

SPECIAL COMMITTEE REPORTS:

Mayor reported about the Sister Cities Commission that the Delegation of 13 from Guanajuato will be visiting in August; the Sister City Commission will be represented at the Chamber of Commerce Expo this week.

Councilor Spencer reported on the Rental Housing Advisory meeting that they have developed a City Policy on grocery stores and pharmacies in neighborhoods. Councilor Spencer requested that the issue be placed on the COW Agenda in June.

CITY MANAGERS REPORT:

INFORMATION:

Item No 1: Last year, the City applied for a Department of Justice grant to fund three Police Officers for a three year period. Of 7,000 applications, 1,500 were approved. Morgantown was one of the successful applicants and was awarded one Police Officer position. Recently, the Department has again reviewed the applications and has qualified 40 for the award of additional positions. Morgantown is also in this group and can apply for funding for two additional Police Officers. The necessary forms for this action were filed last week.

NEW BUSINESS:

Item No. 1: Changes in generally accepted accounting principles and Federal law have substantially increased the City's cost for health insurance (particularly for its retirees--Other Post Employment Benefits). To help fund these increases and as previously discussed, I recommend that the current and all future percentage increases in health insurance costs generate an equal percentage increase in employee and retiree premium charges (current, monthly family premium is \$45 for employees and \$198 for non-Medicare retirees). The first rate increase would be 11% effective July 1, 2010. I also recommend that all working spouses of City employees and retirees eligible for health insurance with a contribution of 50% or less of the total annual premium with their own employers not be covered under the City's plan. In the near future, additional changes in the City's Health Insurance Program will be presented for your consideration

Motion by Spencer, second by Gaddis to approve the rate increase of 11% to Employees/Retirees Health Insurance effective July 1, 2010. Motion carried 7-0. Motion by Shamberger, second by Selin that working spouses of City Employee/Retirees that are eligible for health insurance with a contribution of 50% or less of the total annual premium with their own employers not be covered under the City's plan. Motion carried 7-0.

Item No. 2: Attached you will find a memo from the Public Works Director reporting bid results for the High Street Streetscape Improvement Project (Phase IV). I agree with her comments and recommend that the contract be awarded to the low bidder Tony Baiano Construction for \$590,600.

Motion by Bane, second by Byrer, to award the bid for Streetscape Project to Tony Baiano Construction for \$590,600. Motion carried 7-0.

CITY CLERK'S REPORT: No Report.

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CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: No report.

Councilor Gaddis: No report.

Councilor Byrer: Councilor Byrer commented about Allegheny Power trimming trees in his neighborhood and that there is no direction or citizen involvement. He asked that a plan be made to work with the community on these future projects.

Councilor Selin: Councilor Selin agreed with Councilor Byrer about the manner in which the trees are being trimmed and that we should work with Allegheny Power.

Councilor Shamberger: Councilor Shamberger thanked citizens for their input on the deer issues and commented that it is good to hear from both sides before a final decision is made.

Councilor Spencer: Councilor Spencer agreed about the tree trimming issue and requested that part of the information presented by the Tree Board be used for negotiations with Allegheny Power when coming to Tree Trimming. Councilor Spencer talked about the recent Suncrest neighborhood picnic which was at Suncrest Lake Park.

Mayor Byrne: Mayor Byrne mentioned various downtown events coming up and the next phase of the High Street streetscape project. He talked about a wine tasting fundraiser event for the United Way, M.T. Pockets Theatre new play called Hats, the Public Library offering Curiosity Quest summer classes, the WV Brewing Co. will have various live bands throughout the summer, the Guanajuato City delegation will visit this August, and the Youth Ambassador program to Mexico. He then thanked those who spoke out about the deer program. Council must hear from all sides of the issue and know the dynamics of the situation to come to the best solution.

EXECUTIVE SESSION: Motion by, second by Spencer, second by Shamberger to go into an executive session pursuant to Section 6-9A-4-2 of the West Virginia Code in order to discuss personnel matters with the following persons present: Mayor Bill Byrne, Council Members, City Manager and Assistant City Manager. Time 8:15 p.m.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:40 p.m.

City Clerk

Mayor

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