

REGULAR MEETING SEPTEMBER 21, 2010:

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

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

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

CORRESPONDENCE: Mayor Byrne read a proclamation declaring September 25, 2010 as Arbor Day in the City of Morgantown and asked citizens to support efforts to protect and enhance our trees throughout the city. Mayor Byrne then presented a retirement plaque to Dan Boroff for his 18 years of service as City Manager of the City of Morgantown.

PUBLIC HEARING- AN ORDINANCE ADOPTING A NEW SECTION 505.18 WITHIN THE GENERAL OFFENSES CODE OF THE CITY OF MORGANTOWN PROHIBITING THE FEEDING OF DEER.

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

Nelson France, WVU Student Government, commented that the feeding of the deer has to stop and agrees that the City must adopt this Ordinance.

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

PUBLIC HEARING- AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN IT AND THE STATE ARMORY BOARD WHEREIN THE CITY AGREES TO DEED 46.50 ACRES OF AIRPORT REALTY TO THE STATE IN RETURN FOR THE STATE ARMORY BOARD DEEDING ITS MILEGROUND ARMORY REALTY TO THE CITY.

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- AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN IT AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY REGARDING THE DEVELOPMENT OF THE MORGANTOWN AIRPORT BUSINESS PARK.

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- AN ORDINANCE AMENDING ARTICLE 1713 OF THE CITY OF MORGANTOWN'S BUILDING AND HOUSING CODE BY ADDING A NEW SECTION 1713.03 ADDRESSING BOARDING STANDARDS FOR STRUCTURES.

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- AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND APHELION AVIATION, LESSEE, IN WHICH OFFICE SPACE IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

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 PROHIBITING THE FEEDING OF DEER: The below entitled Ordinance was presented for first reading:

AN ORDINANCE ADOPTING A NEW SECTION 505.18 WITHIN THE GENERAL OFFENSES CODE OF THE CITY OF MORGANTOWN PROHIBITING THE FEEDING OF DEER.

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

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR AN EXCHANGE OF REALTY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN IT AND THE STATE ARMORY BOARD WHEREIN THE CITY AGREES TO DEED 46.50 ACRES OF AIRPORT REALTY TO THE STATE IN RETURN FOR THE STATE ARMORY BOARD DEEDING ITS MILEGROUND ARMORY REALTY TO THE CITY.

After discussion, City Attorney presented 3 minor amendments. Motion by Selin, second by Spencer to approve the minor amendments. Motion carried 6-0. (Ron Bane Absent) Motion by Spencer, second by Byrer to pass the above entitled Ordinance to second reading. Motion carried 6-0. (Ron Bane Absent)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE AIRPORT BUSINESS PARK: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN IT AND THE MONONGALIA COUNTY DEVELOPMENT AUTHORITY REGARDING THE DEVELOPMENT OF THE MORGANTOWN

AIRPORT BUSINESS PARK.

Motion by Gaddis, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 6-0. (Ron Bane Absent)

AN ORDINANCE AMENDING THE BUILDING AND HOUSING CODE OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING ARTICLE 1713 OF THE CITY OF MORGANTOWN'S BUILDING AND HOUSING CODE BY ADDING A NEW SECTION 1713.03 ADDRESSING BOARDING STANDARDS FOR STRUCTURES.

After discussion, motion by Gaddis, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 6-0. (Ron Bane Absent)

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR OFFICE SPACE AT THE MUNICIPAL AIRPORT: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN, LESSOR, AND APHELION AVIATION, LESSEE, IN WHICH OFFICE SPACE IS BEING LEASED AT THE MORGANTOWN MUNICIPAL AIRPORT FOR THE PURPOSE OF OPERATING A FLIGHT TRAINING CONCESSION.

Motion by Gaddis, second by Shamberger to pass the above entitled Ordinance to second reading. Motion carried 6-0. (Ron Bane Absent)

BOARDS AND COMMISSIONS: Council appointed by acclamation Dennis Bidwell to the Parking Authority and Cassie Werner to the Sister Cities Commission.

Mayor Byrne recognized City Employee John DeProspero in the audience and wished him a well recovery from his injuries sustained during a severe accident at work.

PUBLIC PORTION:

Sharron McKendall, 343 Jacobs Drive, objected to having Halloween be observed on Sunday in the City due to her religious beliefs.

Nelson France, WVU SGA, thanked Council for hosting the Student Body Address at the last regular meeting and announced that at the next Student Body meeting they will discuss their Bylaws. He thanked Council members who attended the student government meetings.

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

NEW BUSINESS:

APPOINTMENT OF ACTING CITY MANAGER: Motion by Gaddis, second by Selin to appoint Jeff Mikorski the acting City Manager, effective October 1, 2010. Motion carried 7-0.

SPECIAL COMMITTEE REPORTS: No reports.

CITY MANAGERS REPORT:

NEW BUSINESS:

Item No 1: Attached you will find a memo from the Public Works Director reporting the Request for Qualification result to design the Morgantown Farmers Market Project. I agree with her comments and recommend that the contract be awarded to Michael J. Mills, AIA, Mills Group, LLC for a base amount of \$43,500

After discussion, motion by Spencer, second by Byrer to award the contract to Michael J, Mills to design the Farmer's Market project. Motion carried 6-0. (Ron Bane Absent)

Item No 2: As per the Intergovernmental Agreement with the Monongalia County Development Authority, I recommend that Council appoint the Airport Director and the City Manager to the five person committee that will administer the Light Industrial Business Park Project on the east side of the Airport

Motion by Selin, second by Shamberger to appoint the Airport Director and City Manger to the Business Park Project Committee. Motion carried 6-0. (Ron Bane Absent)

Item No. 3: The second attachment is a letter from the Morgantown Brewing Company and Arts Monongahela requesting a Festival Permit to allow beer sales at an event to be held on Saturday, October 2, 2010. Based upon consideration of similar requests, I recommend that it be approved.

Motion by Gaddis, second by Selin to approve the Festival Permit request. Motion carried 6-0. (Ron Bane Absent)

Item No. 4: The third and fourth attachments are important. They are memos from the City Finance Officer reporting the most current estimates of OPEB costs and projected savings from changes in the City's Health Insurance. The highlights of the memos are: the discount rate of future benefits is conservatively estimated to be 4% instead of 5%; the City's OPEB costs start at approximately \$1,550,000 and grow each year (the clock has already started); with the changes the City has put in place, this number will be reduced by \$307,000 per year; transferring City retirees Prescription Drug Coverage from the City's program to Medicare Part D (substantially the same coverage) will save the City an additional \$777,000 per year. SPECIAL NOTES: By virtue of these actions, the annual OPEB costs will be reduced from approximately \$1,550,000 to \$466,000; current numbers are for current employees—each year, the OPEB liability will be further reduced by virtue of new employees hired without retiree health insurance replacing existing employees; the \$1,500 increased deductible and off setting HRA's will also reduce the liability in future years by paying front end health cost; there is now a new requirement though to place \$350,000 per year into an Irrevocable Trust for HRA's with any unobligated funds applied to the liability (interest earnings on deposits and employees leaving prior to retirement)—further reducing the OPEB requirements); the HRA costs can be funded from the surpluses generated by the 125% health insurance line items; \$500,000 is escrowed for transitional opportunities (initial payment to the Irrevocable Trust). Given the above, I recommend that City retirees Prescription Drug Coverage be transferred to Medicare Part D and that the City continue to closely administer this major OPEB liability.

Motion by Spencer, second by Selin to approve the recommended changes to the Health Insurance program. Motion carried 6-0. (Ron Bane Absent)

CITY CLERK: Thanked everyone for their support of the Blood Drive on September 10th.

CITY ATTORNEY'S REPORT: No report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane explained that he was late because he was attending a ceremony honoring his son's achievements. He asked that his vote in support of the Deer Ordinance and of Jeff being appointed acting City Manager be counted at this time.

Councilor Gaddis: Councilor Gaddis announced when the South Park and Greenmont meetings would be and commended Dan Boroff for his work as City Manager. He also commented that he feels Halloween should be observed on Saturday the 30th.

Councilor Byrer: Councilor Byrer reminded everyone of the reopening of the Met Theatre this week and of the second walk through for the Wiles Hill Neighborhood. He also commented that he feels Halloween should be observed on Saturday the 30th. He thanked Mr. Boroff for all his hard work on the neighborhoods and for all the memories.

Councilor Selin: Councilor Selin reported that she spoke to some boy scouts about the Halloween issue and they agree that it should take place on Saturday. She also feels it should last an hour and a half in duration. She reported that she attended the Fair Housing Workshop and feels a committee should be formed dealing with accessibility. She announced the Shack is holding a free puppet show and the public is welcome.

Councilor Shamberger: Councilor Shamberger informed everyone on the upcoming neighborhood picnic and asked that everyone attend the reopening of the Met Theatre. She reported a motorcycle and deer early morning concern and mentioned she saw rental company signs all over and Mr. Boroff reassured her that City Planner was working on an Ordinance to deal with this issue. She thanked Mr. Boroff for being such a good teacher.

Councilor Spencer: Councilor Spencer mentioned an article in the Dominion Post on the limitations of public transportation. He is hoping that further study on this issue can be a concern for the Transit Authority and Council in the year ahead. He mentioned another article from the DA where the students are interested in a walking/bike path to Evansdale Campus. He talked about tailgating and that though there are improvements, control and enforcement is still needed. He stated that there is increased dump truck traffic on Dorsey Avenue and asked that the Police Department monitor this traffic as there are potential violations as well as a noise disruption. He asked that there be neighborhood maps of the blue lines provided at the next Neighborhood Coordinating Council meeting and they be made available to Council. He spoke about Arbor Day and reported on the

Suncrest meeting with guest speaker, Mark Wise. He told Mr. Boroff it has been an honor to work with him and he wished him the best of luck.

Mayor Byrne

Mayor Byrne mentioned the Met Theatre opening on Friday Night and Randy Travis at the Event Center Saturday Night. He reported that he attended the Governor's Conference on Tourism and that he recently read Morgantown is one of the Best Small Cities for Careers. He announced the upcoming Green Team Green Fair at the Library and stated that the Fair Housing issues are federal law and the City needs to meet with the Stakeholders to address various issues. He asked Mr. Boroff to contact those involved. He reminded Council of the retreat on Saturday and updated Council on the last email from the consultants regarding the City Manager search schedule and dates. He announced the South Hills picnic where a new president was selected. Halloween was discussed and it was decided that Saturday is the best day. He mentioned that John Khuen's daughters have reopened his shop and encouraged everyone to attend their grand opening. He also stated that the History museum is selling coupon books and they can be purchased from Charlie Byrer or the Commission. Lastly, he praised Mr. Boroff for his leadership and hard work. He wished him the best of luck.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:32 p.m.

City Clerk

Mayor

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