

REGULAR MEETING DECEMBER 15, 2009:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Monday, December 15, 2009, 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, and 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 December 1, 2009, were approved as printed.

CORRESPONDENCE: Mayor Byrne thanked Woodburn Elementary parents for the tray of Christmas Cookies. Mayor Byrne then commended Chief Scott, Detective Dalton, and First Sgt. Ford for rescuing and saving the life of the driver who wrecked his truck on Brockway Avenue. Mayor Byrne announced that Nora Sheets, teacher at St. Francis School who along with her students chose to ban landmines as a project, was recently recognized in an article in USA Today. Mayor Byrne then presented proclamations to MHS for representing the City in the Macy's Thanksgiving Day Parade and proclaiming 2010 as It's Easy Being Green. Mayor Byrne also awarded a Certificate of Achievement to Leigh Rosennecker in recognizing her for being chosen as a contestant on Jeopardy.

PUBLIC HEARING- AN ORDINANCE AUTHORIZING A MUTUAL RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH WVU AND ACCESS TO KREPPS PARK & WVU CHILD CARE FACILITY:

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 AUTHORIZING A MUTUAL RIGHT-OF-WAY AND EASEMENT AGREEMENT WITH WVU AND ACCESS TO KREPPS PARK & WVU CHILD CARE FACILITY:** The below entitled Ordinance was presented for second reading:

AN ORDINANCE AUTHORIZING A MUTUAL RIGHT-OF-WAY AND EASEMENT AGREEMENT FOR THE CITY OF MORGANTOWN AND WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS, PERTAINING TO THE ACCESS TO KREPPS PARK AND THE WVU CHILD CARE FACILITY.

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

- **BOARDS AND COMMISSIONS:** Motion by acclamation to reappoint Jenny Dinsmore and Hugh Kierg to the Transit Board.

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NEW BUSINESS:

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AN ORDINANCE REPEALING ARTICLE 1743 ADDRESSING FLOOD PLAINS AND ADD A NEW ARTICLE 1743: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN REPEALING ARTICLE 1743 OF ITS BUILDING AND HOUSING CODE, ADDRESSING FLOOD PLAINS WITHIN THE CITY, AND ENACTING IN ITS PLACE A NEW ARTICLE 1743 WHICH ALSO ADDRESSES FLOOD PLAINS.

City Manager, Dan Boroff explained that the amendments are done per FEMA regulations and for flood insurance. Motion by Gaddis, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING 2009-2010 GENERAL FUND BUDGET: The below entitled Ordinance was presented for first 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.

City Manager Dan Boroff explained the amendments to the budget. Motion by Gaddis, second by Selin to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING 2009-2010 COAL SEVERANCE FUND BUDGET: The below entitled Ordinance was presented for first 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 COAL SEVERANCE FUND.

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

PUBLIC PORTION:

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

SPECIAL COMMITTEE REPORTS:

Councilor Spencer reported that the MPO Director will be putting together a list of priorities and monies needed for each project. Councilor Spencer stated by doing this then we will be ready when the State contacts us on our traffic issues.

Councilor Selin requested that the MPO be invited to a COW Meeting.

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CITY MANAGERS REPORT:

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INFORMATION:

Item No 1:

Effective January 1, 2010, Comcast will make rate adjustments for its levels of services and equipment. The monthly basic service rate will be decreased from \$14.15 to \$13.15 as per a Federal formula that establishes such rates. All other fees will be increased by amounts generally ranging from 3% to 5%. The company reports that these changes are necessary to fund increased operating costs.

Councilor Shamberger asked the City Manager if there were any other companies competing for the franchise agreement and how long is the agreement with Comcast?

City Manager Dan Boroff responded the only company that responded was Comcast and their contract expires in 2022.

NEW BUSINESS:

Item No. 1:

This time each year, Council sets the schedule to adopt the City's budget documents for the new fiscal year as per State

requirements. To meet these conditions and as per your direction, I recommend the following schedule be adopted:

January 26, 2010: Council reviews the current year's goals; establishes City goals and objectives for the new fiscal year; and delivers budget guidance to the City Manager.

February 16, 2010: During the regular Council meeting, the City Manager presents the proposed budgets for 2010-2011.

March 2, 2010: First reading of the Budget Ordinance

March 16, 2010: Public Hearing and Second Reading of the Budget Ordinance

March 17, 2010: The Budget is forwarded to the State Tax Office.

Special Note: Budget Conference Meetings may be scheduled after the proposed Budget is presented
By acclamation Council approved the above stated schedule.

Item No. 2:

Attached is a letter from the Mon River Trails Conservancy requesting \$3,500 to help fund design engineering work to correct a slip on the Deckers Creek Trail. Given the importance of this project, I recommend that the request be granted.

After discussion, motion by Bane, second by Seline to approve \$3,500 to help correct a slip on the Deckers Creek Trail. Motion carried 7-0.

Item No 3:

The second attachment is a memo from the Assistant City Manager reporting a \$524,990.65 change order to the Event Center contract (south side access road) to be funded with adjusted State Economic Development Grant revenue. Based upon the merits of the proposal, I recommend that the change order be approved.

Motion by Gaddis, second by Seline, to approve the \$524,990.65 change order to the Event Center contract for reconfiguration of the south entry into the property. Motion carried 7-0.

Item No. 4:

The last attachment is a memo from the City Finance Director reporting health insurance cost increases for calendar year 2010. As you will read, the overall increase is 11% with an increased cost of \$90,000 for the balance of this fiscal year. With the renewal though there is an opportunity to offer a new, double indemnity benefit for public safety personnel in the event of a line of duty death and a new long-term, non work related, disability benefit for all City employees (60% of salary after 90 days). Given the merit of these additional fringe benefits, I recommend that they be approved for an additional cost of approximately \$15,000.

After discussion, motion by Gaddis, second by Shamberger to approve the additional benefits to the employee health insurance costing \$15,000. Motion carried 7-0.

CITY CLERK'S REPORT: Wished everyone Merry Christmas & Happy New Year.

CITY ATTORNEY'S REPORT: City Attorney Steve Fanok stated that when negotiating for agreements the City solicited all of the TV Companies. Comcast won the only company that would bid for the Morgantown area.

REPORT FROM COUNCIL MEMBERS: (Roll Reversal)

Councilor Spencer: Councilor Spencer complimented the Dominion Post on the Article and Editorial they did on the Homeless. Councilor Spencer reported that the Clarksburg Water Board is

passing a Resolution that it discontinue treating discharges of gas wells. Councilor Spencer requested that the City Manager in the New Year move forward with the next phase of technology change to reduce energy cost in the City. Councilor Spencer mentioned to those that are shopping during the holiday Downtown or local business to support the community. Councilor Spencer then stated that he appreciates all Morgantown City Staff for their work. Councilor Spencer wished everyone Happy Holidays

Councilor Shamberger:

Councilor Shamberger updated Council on the work being done at the Met Theatre, and that it seems slow but progress is being made. Councilor Shamberger thanked the Legislators for coming this evening. Councilor Shamberger also thanked City Staff and volunteers on Boards and Commissions for all the work they do. Councilor Shamberger also wished everyone Happy Holidays.

Councilor Selin:

Councilor Selin thanked all of the Neighborhood Associations for all the work they do for the City. Councilor Selin asked shoppers to patronize local businesses during the holidays. Councilor Selin reminded everyone of the Farmers Market on 12-9 at the Marilla Center from 12-3pm. Councilor Selin reminded all that the SNHA meeting is the 2nd Tuesday of the month and the next Evansdale Neighborhood Association meeting is on January 11, 2010.

Councilor Byrer

Councilor Byrer mentioned that the Wiles Hill/Highland NHA meeting is on 12-16-09 at 7pm. Councilor Byrer then congratulated Leigh Rosennecker for being a contestant on Jeopardy. Councilor Byrer then wished everyone a safe and Happy Holiday.

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Councilor Gaddis:

Councilor Gaddis requested if the Brockway neighbors could get another cleanup again.

Councilor Bane:

Councilor Bane requested Sunnysde Up come to the January COW and give a report on what they did in 2009 and their goals for 2010. Councilor Bane questioned what is going on with the Square at Falling Run? Councilor Bane also requested a report from the Square at Falling Run be presented at a COW. Councilor Bane thanked Council for putting up with him and thanked City Staff for all they do all year. Councilor Bane then wished everyone a Happy Holiday and Happy New Year.

Mayor Byrne:

Mayor Byrne commented on Ryan Diviney and the nicest thing his father said in the Dominion Post even after his son was beaten and is still in a coma. Mayor Byrne informed Council that he sent a letter assuring the family that Morgantown is praying for his recovery and that our Police Department will work diligently to solve this crime. Mayor Byrne mentioned that Professor William Bob Moore supporter of WAVE and the community died suddenly last week; our prayers go out to Phyllis and children. Mayor Byrne stated we live in a great City, and work with good Staff and Council, everyone is civic minded, and it is a great partnership. Mayor Byrne then wished everyone Merry Christmas, Happy Holiday, and the Best New Year to come.

ADJOURNMENT: There being no further business, the meeting adjourned by unanimous consent at 8:30 p.m.

City Clerk

Mayor

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