



The City of Morgantown

389 Spruce Street
Morgantown, West Virginia 26505
(304) 284-7439 Fax: (304) 284-7525
www.morgantownwv.gov

Office of the City Clerk

AMENDED AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
September 17, 2019
7:00 p.m.

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES:** 9/3/2019, Special Meeting minutes and Regular Meeting minutes
5. **CORRESPONDENCE:** Oath of office for New Morgantown Fire Fighters: Phillip Fobare and Andrew Waxman
6. **PUBLIC HEARINGS:**
 - A. A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE PLAN AUTHORIZING AN ALTERNATE AUDIT REPORTING DATE FOR THE LAND REUSE AGENCY
 - B. AN ORDINANCE DESIGNATING AND DECLARING SECOND STREET RESTRICTED TO ONE-WAY TRAFFIC FROM UNIVERSITY TO GRANT AVENUE
7. **UNFINISHED BUSINESS:**
 - A. Consideration of APPROVAL of (SECOND READING) of A PROPOSED AMENDMENT TO THE CITY OF MORGANTOWN HOME RULE PLAN AUTHORIZING AN ALTERNATE AUDIT REPORTING DATE FOR THE LAND REUSE AGENCY (First reading 9/03/2019)
 - B. Consideration of APPROVAL of (SECOND READING) of AN ORDINANCE DESIGNATING AND DECLARING SECOND STREET RESTRICTED TO ONE-WAY TRAFFIC FROM UNIVERSITY TO GRANT AVENUE (First reading 8/06/2019)
 - 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:**
 - A. Consideration of APPROVAL of (FIRST READING) of A RESOLUTION AUTHORIZING CITY MANAGER PAUL BRAKE TO ACT ON ITS BEHALF TO ENTER INTO AN AGREEMENT WITH THE WV DIVISION OF MOTOR VEHICLES TO ADMINISTER GRANT FUNDS PURSUANT TO PROVISIONS OF THE WV GOVERNOR'S HIGHWAY SAFETY PROGRAM

12. CITY MANAGER'S REPORT:

New Business

1. FY 2019 Annual Reports of Police & Fire Pension Funds

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(b) to discuss Acquisition and Development of Real Estate in Sabraton, First Ward, and Downtown”

17. EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(b) to discuss ClearFiber vs City of Morgantown

18. EXECUTIVE SESSION: Pursuant to West Virginia Code Section 6-9A-4(b) to discuss TIF District No. 3, Project No. 3

19. ADJOURNMENT:

If you need an accommodation contact us at (304) 284-7439



THE CITY OF MORGANTOWN

Home Rule Plan Amendment

Introduction

The City of Morgantown (“Morgantown”) has been approved to participate in West Virginia’s Municipal Home Rule Pilot Program, Phase II (“Home Rule Program”) and its initial written plan has been approved by the Municipal Home Rule Board (the “Board”). Pursuant to *W. Va. Code* § 8-1-5a(k), “[a] municipality selected to participate in the Municipal Home Rule Pilot Program may amend its written plan at any time.” A first amendment to the City’s written plan was approved by the Board on September 14, 2015. A second amendment to the City’s written plan was approved by the Board on October 3, 2016. A third amendment to the City’s written plan was approved by the Board on October 2, 2017, granting authority for Fire Marshals’ arson and explosives offenses arrest authority, limiting expansion of nonconforming agricultural, industrial, and manufacturing uses; waiver of the certified mail requirement for zoning changes that alter density; disposition of real estate without auction; expenditure of money on schools by agreement with the governing agency; and elimination of the property ownership requirement for park board membership. A fourth amendment to the City’s written plan authorized use of the Board of Zoning Appeals to administer the subdivision and land ordinance. Morgantown has successfully implemented initiatives in its current plan and seeks the amendments below to promote additional community benefits through the Home Rule Program.

The City proposes amendment of its written plan to include the following:

1. Audit reporting date for the Land Reuse Agency. Morgantown seeks to coordinate the audit procurement and reporting dates for the City and its Land Reuse Agency. West Virginia Code Chapter 31, Article 18E, Section 18 requires land reuse agencies to submit an audit report within 120 days of the close of the fiscal year. West Virginia Code Chapter 8, Article 18, Section 18 provides that audits and accounts of the City are governed by West Virginia Code Chapter 6, Article 9. Under Chapter 6, Article 9, the State Auditor requires that municipalities present reports of annual audits within nine months of the close of the fiscal year. Morgantown seeks authority under the Home Rule Program to submit audit reports for its Land Reuse Agency within nine months of the close of the fiscal year so that it may obtain a combined audit that includes the Agency. The initiative will promote efficiency and reduce expenditure of public funds.

The applicable laws and reasons for amendment are set out below.

Proposed Initiatives

1. Campaign Finance reporting.

- a. Applicable laws: *W Va. Code* sections 8-13-18 (municipal audits governed by state); 6-9-1 *et seq.* (uniform system of accounts and examinations for government entities); 31-18E-18 (audit reporting for land reuse agencies). The full text of *W. Va. Code* 31-18E-18 is copied here:

(a) The land reuse agency shall annually, within one hundred twenty days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the West Virginia Housing Development Fund.

(b) A duplicate of the audit and the report shall be filed with the governing body of:

(1) The land reuse jurisdiction which created the land reuse agency; and

(2) Each political subdivision which opted to participate in the land reuse agency pursuant to an intergovernmental agreement.

Id.

- b. Limitations presented by law: State law requires municipal land reuse agencies to report audits within 120 days of the close of the fiscal year, while municipalities and their other component parts report audits within nine months of the close of the fiscal year (usually March 24th). Under the different timelines for examination and reporting, Morgantown would need to procure a separate audit for its land reuse agency. If the auditing timelines are coordinated, Morgantown can include its land reuse agency within the city's audit.
- c. Home Rule solution: Morgantown will amend its land reuse agency ordinance to require audit reporting within nine months of the close of the fiscal year, consistent with the State Auditor's office Audit Procurement Manual guidance, pursuant to authority granted under the Home Rule Program. When the auditing timelines for the land reuse agency and the city are coordinated, Morgantown can include its land reuse agency within the city's audit. Including the land reuse agency in the city's audit will result in recurring annual savings and promote efficient use of staff time.

AN ORDINANCE DESIGNATING SECOND STREET BETWEEN UNIVERSITY AVENUE AND GRANT AVENUE FOR ONE-WAY VEHICULAR TRAFFIC

The City of Morgantown hereby ordains that City Code Section 305.02 is amended as follows:

305.04 ONE-WAY STREETS DESIGNATED.

(a) The following streets or portions thereof are hereby designated as and declared to be one-way streets and vehicular traffic on such streets shall move only in the direction specified in this section:

Brockway Avenue, from Walnut Street to Maryland Avenue.

Carson Street, from University Avenue to Grant Avenue.

Chestnut Street, from Kirk Street to Willey Street.

Clark Street, from Cherry Street to Kingwood Street.

Clay Street, from Wharf Street to Hurley Street.

Court Street, from Spruce Street to University Avenue.

Decker Avenue, from Spruce Street to Elk Street.

Edgewood Street, from Cobun Avenue to Wilson Avenue.

Elmina Street from Dewey Street to Lyndhurst Street.

Fayette Street, from University Avenue to Spruce Street.

First Street, from Grant Avenue to University Avenue.

Forest Avenue, from High Street to Spruce Street.

Forest Avenue, from High Street to Chestnut Street.

Fortney Street, from Charles Avenue to Richwood Avenue.

Gem Street, from Locust Avenue to Richwood Avenue.

High Street, from Prospect Street to Kirk Street.

Hough Street, from University Avenue to Beechurst Avenue.

Jones Avenue, from Stewart Street to Overhill Street.

Kirk Street, from High Street to Spruce Street.

Manville Street, from Winsley Avenue to Winsley Avenue in an easterly direction.

Maryland Avenue, from Brockway Avenue to Cobun Avenue.

McClain Avenue, from Third Street to Eighth Street.

Moore Street, from University Avenue to B. & O. Railroad Station.

Moreland Street, from Spruce Street to University Avenue.

Pearl Avenue, from Richwood Avenue to Cass Street. Parking on the east side of Pearl Avenue only.

Pleasant Street, between Spruce Street and Cobun Avenue.

Pleasant Street, from University Avenue to Spruce Street.

Prairie Avenue, from Wilson Avenue to Wagner Road.

Prospect Street, from Willey Street to University Avenue.

Reid Street, from Chestnut Street to University Avenue.

Rotary Street, from Collins Ferry Road to Rebecca Street.

Second Street, from University Avenue to Grant Avenue.

Spruce Street, from Kirk Street to Prospect Street.

Walnut Street, from Spruce Street to University Avenue.

Walnut Street, between Cobun Avenue and Spruce Street.

Wharf Street, from Hurley Street to Clay Street.

Winsley Street, from Overdale Street to Green Street.

This ordinance shall be effective upon adoption.

First Reading:	_____
Adopted:	Mayor
Filed:	_____
Recorded:	Clerk

**RESOLUTION AUTHORIZING APPLICATION FOR
GOVERNOR’S HIGHWAY SAFETY PROGRAM GRANT**

The City of Morgantown hereby resolves that the City Manager, or a designee, is authorized to execute the attached grant application seeking funding from the Governor’s Highway Safety Program, together with any other documents necessary to accept and administer the grant funds described in the attached documents.

Adopted this ____ day of _____, 2019

Mayor

City Clerk



The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
OFFICE: (304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Office of the City Manager

City Manager's Report for City Council Meeting on September 17, 2019

New Business:

1. FY 19 Annual Reports of Police & Fire Pension Funds

Attached you will find a copy of the annual report for both the Morgantown Police and Fire Pension Funds as required by the WV Municipal Pensions Oversight Board. This state-wide program enables municipalities to secure a dedicated revenue source for public safety pensions through an additional premium tax equal to one percent of taxable premiums for fire insurance and casualty insurance policies. As indicated in the attached memorandum, this fiscal year 2020 State of West Virginia allocation amount totals \$1,370,043.19 for the respective pension funds. City Council approval motion is needed to request the state insurance tax allocations.

Paul J. Brake, ICMA-CM, CEcD
City Manager, Morgantown, WV

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

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MEMO

DATE: September 9, 2018

TO: Paul Brake, City Manager

FROM: James Goff, Finance Director

RE: FY19 Annual Reports of Police & Fire Pension Funds

Attached are copies of the Annual Reports for the fiscal year ended June 30, 2019 for the Morgantown Police and Fire Pension Funds required by the WV Municipal Pensions Oversight Board. Please include this item on the agenda for the September 17th City Council meeting as part of your City Manager's report. Once Council approves the reports, we will be able to make requests for the State's insurance tax allocations. These fiscal year 2020 State allocations amount to \$738,271.36 for the Police Pension Fund and \$631,771.83 for the Fire Pension Fund.

The pension fund balances have changed as follows:

	<u>FY17</u>	<u>FY18</u>	<u>Unaudited FY19</u>
Policemen's Pension	\$15,181,765	\$15,731,259	\$16,633,959
Firemen's Pension	\$12,233,107	\$12,718,148	\$13,539,956

From previous actuarial valuations currently utilizing an investment rate of return of 4.5%, the funded ratios and unfunded accrued liabilities are as follows:

	<u>7/1/16</u>	<u>7/1/17</u>	<u>7/1/18</u>
Policemen's Pension			
Funded Ratio	23.36%	24.18%	Report
Unfunded Liability	\$45.4mm	\$47.6mm	Pending
Firemen's Pension			
Funded Ratio	25.24%	26.73%	Report
Unfunded Liability	\$33.0mm	\$33.5mm	Pending

Please let me know if you have any questions or need additional information.