

REGULAR MEETING AUGUST 21, 2012:

The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 21, 2012 at 7:00 P.M.

PRESENT: City Manager Terrence Moore, Deputy City Manager Jeff Mikorski, City Clerk Linda Little, City Attorney Steve Fanok, Mayor Jim Manilla and Council Members: Wes Nugent, Jenny Selin, Marti Shamberger, Linda Herbst and Bill Byrne. Councilor Ron Bane was absent.

APPROVAL OF MINUTES: The minutes of the Regular Meeting of August 7, 2012 were approved as printed.

CORRESPONDENCE: Mayor Manilla commented on the recent decision of the Board of Directors of Sunnyside Up to relieve Director Jim Hunt. He stated that Mr. Hunt was offered a part time position and he declined. Councilor Selin responded, adding further explanation of the Board's action.

PUBLIC HEARING - AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE.

There being no appearances or objections, Mayor Manilla declared the public portion closed.

PUBLIC HEARING - AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION, WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEAVORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.

There being no appearances or objections, Mayor Manilla declared the public portion closed.

UNFINISHED BUSINESS:

AN ORDINANCE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW SECTION 349.18 TO THE CITY OF MORGANTOWN TRAFFIC CODE PROHIBITING THE USE OF HANDHELD ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING OR OPERATING A MOTOR VEHICLE.

Motion by Nugent, second by Byrne to adopt the above entitled Ordinance. Motion carried 6-0.
(Councilor Ron Bane was absent.)

AN ORDINANCE REQUIRING MOTION PHOTOGRAPHY PERMITS WITHIN THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for second reading:

AN ORDINANCE ADOPTING A NEW ARTICLE 769, MOTION PHOTOGRAPHY PRODUCTION, WITHIN THE BUSINESS AND TAXATION CODE; REQUIRING MOTION PHOTOGRAPHY PRODUCTION PERMITS FOR MOTION PHOTOGRAPHY PRODUCTION ENDEAVORS ON PUBLIC PROPERTY OWNED OR CONTROLLED BY OR UNDER THE JURISDICTION OF THE CITY OF MORGANTOWN.

Motion by Byrne, second by Selin to adopt the above entitled Ordinance. Motion carried 6-0.
(Councilor Ron Bane was absent.)

BOARDS AND COMMISSIONS: Ms. Little updated Council on the incoming applications for the Human Rights Commission.

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

AN ORDINANCE AMENDING AND REPEALING SECTIONS OF THE HEALTH AND SANITATION CODE: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 1139.061, 1139.12, 1139.13, 1139.14, 1139.15, 1139.16, AND 1139.17 OF ITS HEALTH AND SANITATION CODE, AND REPEALING SECTION 1139.11 OF ITS HEALTH AND SANITATION CODE, AS THE SAME APPLIES TO SOLID WASTE COLLECTION.

Motion by Selin, second by Herbst to pass the above entitled Ordinance to second reading. After explanation from the City Attorney on some minor amendments made, motion carried 6-0. (Councilor Ron Bane was absent.)

PUBLIC PORTION:

There being no appearances, Mayor Manilla declared the public portion closed.

CITY MANAGER'S REPORT:

INFORMATION:

1. Final Quarterly Financial & Budget Report for FY 2011-2012

Mr. Moore offered to Council updated information regarding the Final Budget Report.

NEW BUSINESS:

1. Bid Results for 5-23 Conversion and Miscellaneous Airfield Improvements Project

After explanation from the City Manager, and further information from Airport Director Mr. Clow, motion by Nugent, second by Byrne to accept the Bid Results as presented. Motion carried 6-0. (Councilor Ron Bane was absent.)

REPORT FROM CITY CLERK: Ms. Little reported that members of the former Human Rights Commission were contacted regarding the reformation of the Commission, and a few have replied with interest. She offered Council a book obtained at the recent WVML Conference, and then reminded of the upcoming 9/11 Memorial Blood Drive on September 7th.

REPORT FROM CITY ATTORNEY: No Report.

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Absent.

Councilor Nugent: Councilor Nugent announced new chicanes on Hoffman Avenue to aid traffic calming. He thanked MUB for keeping Council informed on current projects. He also thanked Mr. Moore for the fiscal information provided and commented on State fiscal projections which call for reductions in public agencies.

Councilor Selin: Councilor Selin announced that she attended a Friends of Deckers Creek event, and reported a call received about a grass triangle on Laurel Street, which requires maintenance. She also noted comments regarding Hoffman Avenue's new chicanes, adding concerns can be discussed.

Councilor Shamberger: Councilor Shamberger thanked City workers, area Landlords, Allied Waste and Fire and Police for being proactive in picking up litter and burnable contraband before Fall Fest Events. She also announced that the MHS Band will practice in Suncrest Neighborhoods as part of a Food Drive for their Rose Parade appearance. She also announced the upcoming Green Team meeting, a Dog Swim at Marilla Pool, and a movie in Wiles Hill.

Councilor Byrne: Councilor Byrne relayed that he was dismayed to find out the Sunnyside Up Board of Directors decided not to renew the contract of Director Jim Hunt. He read a statement issuing his opinion of Mr. Hunt and Sunnyside Up. He then asked that his written statement of his remarks become part of the permanent record, and are attached hereto.

Councilor Herbst: Councilor Herbst thanked Fire Chief Caravasos for allowing her to tag along while making the late night rounds during Fall Fest. She announced that the Goodwill City initiative has 40 volunteers to welcome out of town guests at football events. She concurred with Councilor Shamberger that the Dog Swim is a great event.

Mayor Manilla: Mayor Manilla reported that he read Morgantown has the lowest water and sewer rates in the State, and commended MUB for this. He shared an article where Sheriff Kisner expressed an interest in local police patrolling establishments for underage drinking, and agreed it would be a good idea downtown. He added it could be brought to our legislators, to possibly deputize several officers under ABCC supervision. He then announced several upcoming events, including M.T. Pockets Theatre productions, the Renaissance Morgantown Photographic Exhibit, and the 9/11 Memorial Blood Drive.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 7:40 p.m.

City Clerk

Mayor

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

August 21,2012

I was dismayed to read while I was out of town, the decision of the Sunnyside Up Board of Directors to not renew the contract of Jim Hunt, the Exec. Director, for "budgetary reasons". It seems that the statements made by some members of this Council and the deep cuts to SSUP by this Council have had their desired effect.

The history of success of SSUP speaks for itself and is outlined in this Ten year Report. SSUP is the most effective and substantive cooperative venture between the City and WVU and has resulted in:

1. The 1st and only non profit directed TIF project in this State.
2. Creating an economic environment in which over \$100 million of new investments have been made in an area that had to be declared "blighted" after the 2000 Census.
3. Developing a positive relationship with the property owners of that area, obtaining their significant cooperation and investments to address Sunnyside's myriad of problems born of 40+ years of neglect by both the City and the property owners.
4. Building a student culture that is more respectful and civic minded than in the past through student and faculty volunteer efforts valued at more than \$100K, neighborhood cleanups and numerous student internships dealing with street fires, need for green space and creating a more attractive neighborhood .
5. Direct investments by WVU exceeding \$21 million including the construction of the Honors Hall and the

purchase and demolition of a number of dilapidate properties.

We have been fortunate to have had Jim Hunt as the Executive Director of this organization for the past 5 years. Jim is a nationally recognized municipal leader having served as President of the National League of Cities and other national municipal leadership positions for many years. Under Jim's direction SSUP has been tremendously successful and I for one want to publically thank him for all he has done for our community. I also want to publically apologize to him for the slanderous and intemperate remarks made by one member of this Council which have to this day remained un-repudiated by the leadership of this Council. These remarks are beneath us as a first class city.

For supposed "fiscally conservative" reasons we have slashed SSUP's budget first by \$25K (and SSUP was the only project drastically cut) and then suddenly by another \$25K to ostensibly purchase a bubble gum removal machine...which was never purchased. I believe our SSUP partner WVU has gotten the message...this Council does not approve of SSUP or its director, and WVU is undoubtedly tired of being mired in something that has been made so inexplicably controversial.

The budget slashing of SSUP is "penny wise and pound foolish" given that every dollar we invest is matched by a like WVU dollar. We are cutting off our nose to spite our face...and it is not only not smart...it's sad.

We have a small window of opportunity to pull off the 2nd phase of the TIF project that will bring \$3.3 million of

additional tax dollars to Sunnyside for sorely needed infrastructure. Are we prepared to meet that challenge?

We have a park planned for the area that needs a strong executive to get that done...are we prepared to meet that challenge?

There is a campus connector, trash issues, parking issues, street fires, and volunteer efforts and internships to mentor....are we ready to keep all those balls in the air?

What was gained by getting rid of Jim Hunt? And essentially killing SSUP? And what has been lost? Only time will tell.