

1 MAYOR SELIN: We're going to call this meeting
2 to order. This is the Morgantown City Council
3 regular meeting of December 2nd, 2014, and Clerk, if
4 you'd please call the roll.

5 THE CLERK: Ron Bane?

6 MR. BANE: Here.

7 THE CLERK: Bill Kawecki?

8 MR. KAWECKI: Here.

9 THE CLERK: Wes Nugent?

10 MR. NUGENT: Here.

11 THE CLERK: Marti Shamberger?

12 MS. SHAMBERGER: Here.

13 THE CLERK: Mike Fike?

14 MR. FIKE: Here.

15 THE CLERK: Nancy Ganz?

16 MS. GANZ: Here.

17 THE CLERK: And Mayor Selin?

18 MAYOR SELIN: Here. If we'd all rise, Deputy
19 Mayor Shamberger has the prayer today.

20 MS. SHAMBERGER: Dear Lord, please give us the
21 wisdom in all the decisions that we will be making
22 tonight. We also want to say thank you for the law
23 enforcement that you had available yesterday in our
24 county that helped keep most of us safe, away from

1 the tragedy that happened. At this time, I'd like to
2 take a moment of silence, in memory of those who
3 passed.

4 * * *

5 (Moment of silence.)

6 * * *

7 MS. SHAMBERGER: In your name, we pray.

8 MR. NUGENT: Amen.

9 MAYOR SELIN: Amen.

10 * * *

11 (Council members recite Pledge of Allegiance.)

12 * * *

13 MAYOR SELIN: So, our next item of business is
14 approval of the minutes for the Special and Regular
15 meeting on November 18th, 2014.

16 Does anyone have any additions or corrections,
17 or we would by acclamation let the minutes stand as
18 printed?

19 * * *

20 (No response.)

21 * * *

22 MAYOR SELIN: OK, seeing none. Correspondence.

23 So, the first item of correspondence that we
24 have is an award, and I'd like to see anyone who's

1 here from the Morgantown Human Rights Commission, if
2 you would just come forward.

3 I'm going to read something about this award,
4 and then I'm going to let some of the representatives
5 of the recipients tell you a little bit about it.

6 So, this is the Ian Gibson-Smith Award, and it's
7 right here -- maybe you could hold it (handing award
8 to representative) -- perfect, all right -- so, it's
9 the Ian Gibson-Smith Award, and it's given annually
10 to people or organizations that exemplify LGBT
11 activism through outstanding service,
12 professionalism, and performance in daily life.
13 These individuals or organizations have made great
14 strides in eliminating discrimination against LGBT
15 people.

16 The Morgantown Human Rights Commission is
17 recognized for its dedication to ensuring LGBT
18 rights, and encouraging a political commitment to
19 fair treatment under the law in the City of
20 Morgantown. The Award is named after Mr. Gibson-
21 Smith, a Shepherdstown native and co-founder of the
22 Ian Foundation. The Foundation funds efforts in LGBT
23 rights, women's health and reproductive freedom,
24 education, youth-related issues, environmental

1 awareness, and various arts organizations.

2 Past recipients of the Award include the West
3 Virginia Delegate Stephen Skinner, and Sue Julian,
4 former Team Coordinator for the West Virginia
5 Coalition Against Domestic Violence.

6 So, tell us a little bit about who this was
7 provided to, and for what reason, if you would, and I
8 don't know which of you is speaking.

9 MS. DAIRY: I'll start, but Don never stops.
10 (Laughter.) So, I'll start.

11 UNIDENTIFIED FEMALE VOICE: This is Jan Derry.

12 MS. DERRY: Hi, I'm Jan Derry, and I'm the
13 current Chair of the West -- the Morgantown Human
14 Rights Commission, and I want to thank you for taking
15 the time to recognize us for this achievement.

16 The Human Rights Commission in Morgantown
17 strives to fight discrimination and promote equality
18 for all, and equal opportunity to take advantage of
19 everything this wonderful city has to offer.

20 We couldn't be receiving this award if it had
21 not been for the outstanding community support
22 backing all the efforts that promote the equality for
23 the LGBT community in our town.

24 Secondly, I want to -- without the support of

1 the City Council, as demonstrated by your adoption of
2 our resolution for marriage equality, as well as for
3 the support of the West Virginia Employment and
4 Housing Non-Discrimination Act, again, that type of
5 support is what has given us this recognition in our
6 city.

7 So, it's this type of support, the commitment
8 that will make it possible for the Human Rights
9 Commission to work with the City and all its planning
10 commissions and all of its other bureaus to ensure
11 that we build a more inclusive community.

12 So, thank you so much.

13 MR. SPENCER: You said it all. (Laughter.)

14 MS. DAIRY: Oh, come on. (Laughter.)

15 MAYOR SELIN: Don Spencer staying silent? This
16 is a moment. He's saving his words for another time.
17 So, does this stay here, or this goes with you?

18 MR. SPENCER: It stays with me. With the City.

19 MAYOR SELIN: With the City, all right.

20 MR. SPENCER: I think they'll find a home for
21 it.

22 MAYOR SELIN: All right. Well, congratulations.

23 MS. DERRY: Thank you.

24 MAYOR SELIN: Congratulations.

1 MR. SPENCER: Thank you.

2 MR. FIKE: Madam Mayor, may I add just a couple
3 things here?

4 MAYOR SELIN: Please, as a person who's on it.

5 MR. FIKE: Council members, you've been provided
6 with a copy of the program that outlined the
7 conference and the event at which time the Award was
8 given. That's just for your reference, to see what
9 all happened at that particular conference.

10 I want to -- I'm a member of the Commission, and
11 I also -- I want to recognize one person who refused
12 to walk up here. Bob Jones is back here, and he's
13 not a member of the Commission as such, but he's been
14 very active as a resource person to the Human Rights
15 Commission, and I don't believe there's anyone in the
16 community who has not heard of our human rights needs
17 survey that has gone everywhere.

18 Bob engineered all that, and he deserves a lot
19 of credit. He's been very helpful to us as a
20 resource, and as a research person, so I just want to
21 make sure we recognize Bob. (Applause.)

22 MAYOR SELIN: So, we have Poly Sci Class 220
23 here? If you'd just raise your hands. Are there any
24 other students here, as part of a class? Welcome.

1 We don't always remember to do this, but we always
2 mean to.

3 Is there any other correspondence? Is there any
4 other correspondence that I need to --

5 THE CLERK: (Shakes head.)

6 MAYOR SELIN: All right. Public hearings.

7 So, we're going to have a public hearing, and
8 it's just about this particular subject matter, if
9 you wish to speak. It's an ordinance to approve
10 current replacement pages to the City Code. This is
11 something we do every year.

12 So, we're going to open the public hearing and,
13 if anyone wishes to speak just on this issue of
14 approving the current replacement pages of the City
15 Code?

16 * * *

17 (No response.)

18 * * *

19 MAYOR SELIN: We're going to close this public
20 hearing. Unfinished business.

21 Consideration of approval of second reading and
22 adoption of an ordinance to approve current
23 replacement pages to the City Code. The first
24 reading was November 18th, 2014, so this is adoption.

1 What's Council's pleasure?

2 MR. NUGENT: Move for adoption.

3 MR. KAWECKI: Second.

4 MS. SHAMBERGER: Second.

5 MAYOR SELIN: Is there any discussion?

6 * * *

7 (No response.)

8 * * *

9 MAYOR SELIN: Clerk, would you please call the
10 roll?

11 THE CLERK: Ron Bane?

12 MR. BANE: Yes.

13 THE CLERK: Bill Kaweckki?

14 MR. KAWECKI: Yes.

15 THE CLERK: Wes Nugent?

16 MR. NUGENT: Yes.

17 THE CLERK: Marti Shamberger?

18 MS. SHAMBERGER: Yes.

19 THE CLERK: Mike Fike?

20 MR. FIKE: Yes.

21 THE CLERK: Nancy Ganz?

22 MS. GANZ: Yes.

23 THE CLERK: Mayor Selin?

24 MAYOR SELIN: Yes. Passes 7-0.

1 Wards and Commissions. Clerk?

2 THE CLERK: This evening, I just wanted to
3 discuss a Board of Zoning Appeals process. We do
4 have three candidates for the Board of Zoning Appeals
5 vacancy, and I wanted to know if Council wants to do
6 those interviews. I have [inaudible] December 16th
7 for their written [inaudible].

8 MS. SHAMBERGER: We have a -- excuse me, we have
9 a meeting at 5:30 --

10 MAYOR SELIN: With the judge?

11 MS. SHAMBERGER: Right.

12 MAYOR SELIN: But the Board of Zoning Appeals,
13 we need to make sure that we take care of that so
14 that that is a working, functioning body. So, I
15 didn't know -- I know that 5:30 is a hard time to get
16 here. I didn't know if we could do, you know,
17 something at five and something at six, before our
18 7:00 meeting, or how we could do that so that we
19 could take care of all of our business.

20 MR. BANE: Well, I guess that since the topic
21 was brought up, I guess my concern -- and it's been a
22 concern for a while --

23 MAYOR SELIN: Yes.

24 MR. BANE: -- is that we have done a tremendous

1 amount of pass-throughs here lately, and --

2 MAYOR SELIN: Pass-throughs?

3 MR. BANE: We have --

4 MAYOR SELIN: What is that?

5 MR. BANE: -- by acclamation.

6 MAYOR SELIN: Oh.

7 MR. BANE: And we have a person that's on here
8 that wants to serve again. You've got Bernie Bossio
9 that's not going to serve, so you have an open seat.
10 I'm trying to figure out why this particular person
11 has to do this when he wants to serve and he's been a
12 good member.

13 MAYOR SELIN: I don't know. When I was on the
14 Planning Commission, when they would re-up, they
15 interviewed everybody. I don't know what the -- I
16 don't know what the protocol is for the Board of
17 Zoning Appeals, if that is a necessity or?

18 MR. BANE: I'm just -- I'm -- it's not a
19 necessity.

20 THE CLERK: No.

21 MR. BANE: We've done it in the past, and we've
22 been doing this by pass-through, and this person -- I
23 could see where we have a problem if a person doesn't
24 show up, he's not a good member, that kind of thing.

1 This person goes to the meetings, and he's served
2 well. When you still have an opening for the other
3 candidates that want to do this, I'm concerned.

4 MAYOR SELIN: So, what's Council's pleasure?

5 MS. SHAMBERGER: I think we should interview
6 everybody.

7 UNIDENTIFIED MALE VOICE: (Inaudible.)

8 MAYOR SELIN: I don't know what the difference
9 is in the reporting.

10 MR. BANE: I'd like to know the difference and
11 why George Papandreas is pointed out on this one.
12 That's what I want to know. I want to know why.

13 MAYOR SELIN: I don't have any --

14 MR. BANE: That's what I want to know.

15 MR. NUGENT: Madam Chair, my concern is that we
16 are in now to the holiday season.

17 MAYOR SELIN: Yes, we are.

18 MR. NUGENT: And it is not uncommon for people
19 to say they do want to be interviewed, and still have
20 a conflict that prevents them from participating. We
21 do have a regularly-scheduled meeting, you know,
22 prior to our regular -- or special meeting, prior to
23 our regular meeting already on the 16th -- which,
24 personally, I think this takes precedence but -- I

1 mean, I have to agree we all know how difficult it is
2 to find good volunteers who want to serve, and I'm
3 just concerned about the message that we send when we
4 have someone who wants to serve in that capacity, and
5 as has been indicated by all accounts, been a good
6 member -- upstanding member of the Board of Zoning
7 Appeals, and yet Council hasn't made that
8 reappointment, for whatever reason.

9 So, the way I look at it, we have three
10 qualified candidates for one vacancy, and I would be
11 prepared tonight to make the nomination.

12 MAYOR SELIN: I thought we had three for two.

13 MR. NUGENT: But we have one that wants to serve
14 again. We have a member who wants to serve.

15 MAYOR SELIN: Yes.

16 MR. BANE: So, we have two for one.

17 THE CLERK: Yes.

18 MAYOR SELIN: OK, so how does it work with the
19 Planning Commission -- is the Planning Commission
20 different that we interviewed all of the -- because -

21 THE CLERK: For the Planning Commission, all
22 those people want to serve again, so we don't have
23 any -- and we didn't --

24 MAYOR SELIN: So, then we don't.

1 MR. BANE: And the first time that we put this
2 out --

3 MAYOR SELIN: Yes.

4 MR. BANE: -- Madam --

5 MAYOR SELIN: Yes.

6 MR. BANE: Didn't the -- the Clerk initially
7 said within the first posting there was no candidates
8 for this, correct?

9 THE CLERK: For the?

10 MR. BANE: For [inaudible] BZA, right?

11 MAYOR SELIN: BZA, Right.

12 MR. BANE: So, this Council extended that, even
13 though Mr. Papandreas wanted to continue to serve.

14 THE CLERK: Continue to serve.

15 MR. BANE: So, we do have an opening for the two
16 candidates that came late, and they can still be
17 looked at for Mr. Bossio's, but if we do Mr.
18 Papandreas' tonight --

19 MAYOR SELIN: Yes.

20 MR. BANE: -- then we have a quorum here and we
21 can take our time and not rush these people right
22 around the holidays.

23 MR. KAWECKI: That's a good idea. I -- I --

24 MR. BANE: I mean, you have a quorum.

1 MAYOR SELIN: Yeah.

2 MR. KAWECKI: I would -- that's a good idea. I
3 would support bringing George back once I --

4 MAYOR SELIN: Yeah.

5 MR. KAWECKI: -- Mr. Papandreas back. That's
6 not a problem.

7 MAYOR SELIN: No.

8 MR. BANE: Well, I'm going to -- I nominate
9 George Papandreas for the BZA.

10 MR. NUGENT: Second.

11 MAYOR SELIN: By acclamation?

12 MAYOR SELIN: Do I see acclamation on that one?
13 All right.

14 THE CLERK: Would Council like to go ahead and
15 do the Planning Commission this evening, since
16 there's --

17 MAYOR SELIN: I'd like to set up the interviews
18 first for the two --

19 MR. NUGENT: Yes, thank you.

20 MR. BANE: And then, what Councilwoman
21 Shamberger was saying is true, we do have an early
22 meeting, but with two candidates, if the Clerk can
23 get in touch with those two candidates, and they're
24 willing to be able to come on the 18th, if Council

1 wanted to do that. If they can't --

2 MAYOR SELIN: It's the 16th.

3 THE CLERK: 16th.

4 MR. BANE: Or 16th.

5 MAYOR SELIN: Sorry.

6 MR. BANE: I've got the 18th on there.

7 THE CLERK: I accidentally --

8 MAYOR SELIN: Yeah, she said it -- she started
9 it.

10 MR. BANE: All right, on the 16th -- but here's
11 the thing. If they can't, it's OK --

12 MAYOR SELIN: Oh, oh --

13 MR. BANE: -- because now we have a quorum and
14 we can schedule --

15 MAYOR SELIN: We could do it in January.

16 MS. SHAMBERGER: I think a quorum on the BZA --
17 they have five members, so really a quorum is three
18 people, so.

19 MR. NUGENT: It's not uncommon for a [inaudible]
20 not to be --

21 MAYOR SELIN: Yeah, it is. It is (inaudible).

22 MR. BANE: We just want to make sure that they
23 have it.

24 MS. SHAMBERGER: Well, I mean, I just wanted --

1 MR. BANE: Yeah, sure.

2 UNIDENTIFIED FEMALE VOICE: -- clarification for
3 a quorum.

4 MR. KAWECKI: Thank you.

5 MR. BANE: But if that's fine with the rest of -
6 - I mean, the 16th -- I don't know, what time would
7 that be, then?

8 MAYOR SELIN: Well, I mean, we could do two
9 interviews, presumably, in an hour -- and discuss
10 within an hour -- if we had two 20-minute interviews
11 and 20 minutes to discuss, we could then -- I mean, I
12 don't know whether it's -- when is the next BZA
13 meeting? I think the next BZA meeting is partway
14 into January. Could we just -- we've been working on
15 making an appointment with the judge for awhile, and
16 have one. I didn't know if we did this our first
17 meeting in January -- when is the first BZA meeting?
18 I think I have the answer to that.

19 MR. NUGENT: That's the third Wednesday.

20 MR. BANE: Third Wednesday.

21 MS. SHAMBERGER: Wednesday, I believe.

22 MAYOR SELIN: Yeah. So then, whoever was
23 selected would have, you know, a week to -- a week
24 and a day to prepare. I don't know if that's --

1 MR. BANE: If that's okay with everybody else,
2 or we could still try the 16th, and limit it to 15
3 minutes for each candidate, and we'd still have some
4 time with Judge Higgins.

5 MAYOR SELIN: If people could start at five,
6 that would be -- just -- I know that people need to
7 get here from work.

8 MR. KAWECKI: Why don't we just -- since we
9 have the time, since we have the quorum, why don't we
10 just simply wait until January to do the interviews
11 for that?

12 MR. BANE: And then just come in and -- you want
13 to do it at six, then, on the first January meeting?

14 THE CLERK: [Inaudible.]

15 MR. BANE: Because that would give an hour --
16 half an hour -- 15 and 15 --

17 THE CLERK: [Inaudible.]

18 MAYOR SELIN: OK, that would be enough.

19 MR. KAWECKI: Because that way, we're not
20 rushing.

21 MAYOR SELIN: That would be enough.

22 MR. FIKE: When is that?

23 MR. BANE: The first meeting of January.

24 MS. SHAMBERGER: January 6th.

1 MAYOR SELIN: So, then that's the 6th, and we
2 wouldn't -- we would make our meeting at 6:00 --

3 MR. BANE: And then that way --

4 MAYOR SELIN: -- and then the regular meeting at
5 7:00.

6 MR. BANE: And then the concern of the Mayor
7 goes to that person. And then that way, once we make
8 that -- then they have two weeks to look over their
9 information --

10 UNIDENTIFIED MALE VOICE: Before the --

11 MR. BANE: -- to be ready for --

12 MAYOR SELIN: A week.

13 MR. BANE: Only a week?

14 MAYOR SELIN: Yeah.

15 MR. BANE: They'd have a week. That's -- well,
16 they'll have to read over their stuff and --

17 MR. NUGENT: Personally, Madam Chair, my
18 preference would be for us to do this in December, so
19 the person has adequate amount of time to prepare,
20 because the Board of Zoning Appeals, we know, has
21 some of the largest --

22 MAYOR SELIN: It needs some orientation.

23 MR. NUGENT: It does. So, I would be willing to
24 adjust my schedule accordingly.

1 THE CLERK: (Inaudible,..)

2 MS. SHAMBERGER: Is the Board of Zoning Appeals
3 meeting in December, do we know?

4 MR. BANE: I think they --

5 MAYOR SELIN: Well, I don't know if we know that
6 far ahead.

7 MR. BANE: I think they are, aren't they, Jeff?

8 MR. MIKORSKI: Yeah, I think they are.

9 THE CLERK: Yeah.

10 MR. BANE: Because the problem with that is, is
11 that there are people that need variances or things
12 because they've got pending --

13 MAYOR SELIN: Absolutely.

14 MR. BANE: -- pending stuff that they're doing
15 and --

16 MAYOR SELIN: Right.

17 MR. BANE: -- you don't want to delay them any
18 more than we need to.

19 MS. SHAMBERGER: I just asked because --

20 MR. BANE: Yeah.

21 MS. SHAMBERGER: -- several times this past
22 year, their meetings were cancelled, so just to be
23 sure.

24 MR. FIKE: Well, we have -- we have inter -- if

1 we're looking to interview two people, we've
2 interviewed people more than one at a time.

3 MAYOR SELIN: Oh, right.

4 MR. FIKE: We can do a double interview with
5 those two individuals at 5:00 at our next meeting,
6 and still be clear for the 5:30 obligation that we
7 have.

8 MAYOR SELIN: That would be fine with me, if we
9 just did --

10 MR. BANE: And then we could just --

11 MAYOR SELIN: -- ten minutes each.

12 MR. BANE: The only thing, to be fair on that
13 one, is you would rotate them to be able to answer.
14 So, at least give them --

15 MAYOR SELIN: I think --

16 MR. BANE: -- each a chance to be first, if
17 they're going to answer, whatever question --

18 MAYOR SELIN: I think we could do them
19 sequentially. We could just do 10-minute or 15-
20 minute interviews.

21 MR. FIKE: Fifteen minutes each.

22 MR. NUGENT: Just a point of clarification, and
23 I'd ask this of the Clerk --

24 MAYOR SELIN: Yes.

1 MR. NUGENT: I thought we had three candidates.

2 THE CLERK: We do have three candidates.

3 MR. FIKE: Oh, we thought --

4 MR. MIKORSKI: George as being one of them.

5 THE CLERK: No.

6 MR. BANE: No, we have three candidates.

7 THE CLERK: We have --

8 MAYOR SELIN: Three additional candidates?

9 THE CLERK: Mm-hmm (nodding).

10 MAYOR SELIN: Besides George.

11 MR. BANE: Oh, I thought it was --

12 THE CLERK: George is no longer a candidate.

13 MR. FIKE: I thought we already had --

14 MAYOR SELIN: I understand now.

15 MR. FIKE: I'm sorry, I thought we had --

16 MAYOR SELIN: So, there are four individuals
17 we're speaking about.

18 MR. NUGENT: Right.

19 MAYOR SELIN: All right. That won't work in
20 half an hour. That's too tight.

21 MR. FIKE: No.

22 MR. BANE: So, if we start at 5:30? Well, we've
23 got Judge Higgins at what time, 5:30?

24 MAYOR SELIN: At 5:30.

1 MR. NUGENT: I just personally don't see why
2 Judge Higgins -- we can't hold that over until the
3 first meeting in January.

4 MR. BANE: You want to do him then?

5 MR. NUGENT: I know we've been trying to
6 schedule the meeting, but I have to look at the order
7 of priority here and consider that -- and I want to
8 meet with the judge as much as any person, but I
9 think the Board of Zoning Appeals takes precedence.

10 MS. SHAMBERGER: Could people meet next Tuesday?

11 MAYOR SELIN: I have some -- I don't have
12 anything. Want to meet next Tuesday to do this?

13 MR. BANE: Well, MUB is usually --

14 MAYOR SELIN: Oh, is that --

15 MR. BANE: That's on Tuesday.

16 MAYOR SELIN: Okay.

17 MR. BANE: That's 6:30. Now, if you want to do
18 5:30 on Tuesday, we have an hour then.

19 MAYOR SELIN: Why don't we do that. OK, 5:30 to
20 6:30 on the 9th, does that work for everyone?

21 MR. BANE: 9th of December?

22 MR. FIKE: Say that one again, please?

23 MAYOR SELIN: So, the 9th of December, next
24 Tuesday, from 5:30 to 6:30, we would interview

1 candidates for the BZA -- three candidates. We'd
2 have one hour, because then MUB starts. But we could
3 do it -- we could take care of that in one hour if we
4 use our time efficiently.

5 MR. BANE: And I figure if MUB -- MUB will give
6 us a little time, too, so that -- I mean, they'll --
7 you know, if we go over, it's not a problem.

8 MAYOR SELIN: I think we could -- I mean, we
9 could even go down and deliberate --

10 MR. BANE: Yeah.

11 MAYOR SELIN: Does that work for everyone? All
12 right.

13 MR. BANE: Jeff, if you could just arrange for
14 the cameraman to be here?

15 MR. MIKORSKI: Yes, yes.

16 MS. SHAMBERGER: You said 5:30?

17 MR. FIKE: Which Tuesday?

18 MS. SHAMBERGER: The 9th, next Tuesday.

19 MR. FIKE: Next Tuesday. Just a special meeting
20 at 6:30.

21 MAYOR SELIN: Is there anything else?

22 THE CLERK: [Inaudible.]

23 MAYOR SELIN: Oh, you said Planning Commission.

24 THE CLERK: We can take care of that the next --

1 MAYOR SELIN: We could --

2 MR. BANE: We can do it now.

3 MAYOR SELIN: If that's all --

4 MR. BANE: If we don't have any candidates, have
5 you --

6 THE CLERK: No, there -- those [inaudible]
7 continue to serve.

8 MAYOR SELIN: All of them? And the rule with
9 that is that --

10 THE CLERK: [Inaudible] Council can [inaudible],
11 they do not really -- there's no candidates that they
12 unanimously approved of.

13 MR. BANE: OK.

14 MAYOR SELIN: So, would you like to do that at
15 this point?

16 MR. BANE: Yes.

17 MAYOR SELIN: I don't think we should wait --

18 MR. BANE: I nominate --

19 MAYOR SELIN: -- wanting to reappoint people for
20 --

21 MR. BANE: I nominate Sam and Tim, both.

22 MAYOR SELIN: All right. Is this by --

23 MR. KAWECKI: Second [inaudible].

24 MR. NUGENT: Councilor Kawecky, your term comes

1 up also?

2 MR. KAWECKI: I --

3 MAYOR SELIN: Who's on the list?

4 MR. KAWECKI: (Inaudible.)

5 MR. NUGENT: OK, you're not on the list. Never
6 mind. (Laughter.)

7 MR. KAWECKI: No.

8 MAYOR SELIN: All right.

9 UNIDENTIFIED FEMALE VOICE: Don't tempt him.

10 MR. BANE: You're not -- no, you have to stay.

11 MR. KAWECKI: I'm just thrown in.

12 MAYOR SELIN: You didn't have much choice, huh?
13 (Laughter.) All right, is that by acclamation? For
14 the --

15 MR. NUGENT: Yes, move to reappoint --

16 MAYOR SELIN: As we normally do.

17 MR. NUGENT: For Sam Loretta and Tim Stranko.

18 MR. BANE: First and second, yeah.

19 MAYOR SELIN: All right.

20 MR. BANE: To reappoint.

21 MAYOR SELIN: All right. Acclamation, thank
22 you.

23 MR. BANE: Then you have the urban landscape --
24 did we already do that one or are we doing --

1 THE CLERK: She's looking for somebody.

2 MAYOR SELIN: I'm still looking for somebody.
3 They've decided they'll reconsider, so now I need to
4 go talk to them again.

5 MR. BANE: And Jeff, is there any time table on
6 fire service?

7 THE CLERK: We're looking for somebody.

8 MR. MIKORSKI: Yeah.

9 MR. BANE: Yeah, I mean, I didn't know if -- do
10 they -- when do they meet?

11 THE CLERK: We just had testing last night.

12 MR. BANE: Had testing last night, OK.

13 THE CLERK: Mm-hmm.

14 MAYOR SELIN: OK. So, now is the public
15 portion, which will be subject to rules established
16 by Council and adopted by resolution. So, whoever is
17 wishing to speak this evening would come to the
18 podium and you can have four minutes to speak, and
19 please state your name and your address when you are
20 wishing to speak.

21 So, we'll open this public portion. This is the
22 time that anyone can have some time to speak.

23 MR. PANRELL: Good evening, my name is Guy
24 Panrell. I live on South Hills Drive. I'm on the

1 Wards and Boundaries Committee, and I have a report
2 from 2010, and it states: "Ward One, Two, Five and
3 Six deviate less than 10 percent from average, but
4 Third, Fourth and Seventh Wards deviate 15 percent,
5 16 percent and 15 percent from the average,
6 respectively. An examined remedy would consider
7 Precinct 20 as Seventh Ward, but unfortunately, it's
8 position in Fourth Ward is not contiguous and
9 exchangeable with Seventh Ward, thereby eliminating
10 it as any credible remedy option." OK, that was in
11 2010.

12 Since 2010, there have been -- since I've been
13 on the committee, there's been over 200 man hours put
14 in, trying to do something to get this the way it
15 needs to be. We've looked at four different areas in
16 those wards. Four different areas. So, we've not
17 hurried through anything, from 2010 until 2014, and
18 when we came up with our decision, it was unanimous.
19 It was unanimous because the numbers that we used
20 were perfect. We couldn't get any better. I think
21 they were both at zero percent.

22 So, over the next three, four, five years, any
23 kind of growth out there will not cause any issues.
24 But I just wanted to let everyone know that this was

1 not a hurried-up thing that was done, and it was done
2 properly. I stand behind any part of it that I was
3 involved with. And if anything -- anyone has any
4 questions later on in the meeting when this comes up,
5 I will be more than happy to answer anyone's
6 questions to the best of my ability. Thank you.

7 MAYOR SELIN: Thank you, Mr. Panrell.

8 Is there anyone else wishing to speak?

9 MS. HERBST: I'm Linda Herbst on Western Avenue
10 in Morgantown, and I come here before you because
11 some of the things that I've been hearing really
12 distresses me about what's going on with City Council
13 members, and I'm wondering -- and this is a question
14 that I don't look for an answer right now -- how many
15 of you have read the Charter -- the City of
16 Morgantown Charter?

17 Upon reviewing the information again, I'm
18 finding that people are ignoring this, and there's
19 some behaviors that may be going on with certain City
20 Council members that are in direct violation of the
21 Charter. And as a result of this, you have grounds
22 for removal from the City Council.

23 But the other -- the reason I really came before
24 you tonight is with the wards and boundaries, and it

1 is -- this is -- and I was listening to what Guy was
2 saying -- and it's written in the Charter about the
3 ward and boundaries. It's done by -- there's a
4 number -- there's three different -- there's a number
5 of sections that are stated here, what's required,
6 and I am -- what I'm hearing is that the decision's
7 already been made not to accept this Committee.

8 Now, I've heard from this Council before that
9 they say they respect the members of this community
10 and the work that they do.

11 Well, if that's the case, please listen to the
12 Committee, and do what's right, not what furthers
13 your political agenda. And I think you owe it to the
14 citizens of Morgantown to do what's right for the
15 citizens, and not what will further your political
16 agenda. Thank you.

17 MAYOR SELIN: Thank you. Is there anyone else
18 wishing to speak?

19 * * *

20 (No response.)

21 * * *

22 MAYOR SELIN: That closes the public portion.
23 Special Committee reports. Are there any Special
24 Committee reports this evening?

1 * * *

2 (No response.)

3 * * *

4 MAYOR SELIN: New business, City Clerk?

5 THE CLERK: Yes. "An ordinance approving and
6 creating a New Tax Increment Financing District in
7 the City of Morgantown, Monongalia County, West
8 Virginia, to be known as 'The City of Morgantown
9 Redevelopment District No. 4,' approving the Willey-
10 Spruce-Brockway Redevelopment Project Plan No. 1 as
11 approved by the West Virginia Development Office;
12 establishing a Tax Increment Financing Fund and
13 providing for other matters in connection therewith."

14 Now, on this one, I emailed Council some updates
15 and corrections, and if you have some questions about
16 that [inaudible] to answer your questions.

17 MAYOR SELIN: So, how do you want to handle it?

18 MR. MIKORSKI: You have to vote it first.

19 MAYOR SELIN: Pardon me. What's Council's
20 pleasure?

21 MR. FIKE: Move for approval.

22 MR. BANE: Second.

23 MAYOR SELIN: Thank you. This would seem more
24 like a report, pardon. So, we have had these

1 changes. Is that something that we'd like to --
2 would you like to describe them or would we just --

3 MR. MIKORSKI: Yes. Well, first off, this is,
4 again, the Tax Increment Financing District that
5 would be east of Spruce Street, up toward Richwood
6 Avenue, down Spruce Street to Walnut, across the
7 Walnut Street bridge, encompassing the area from
8 Brockway to the trail, up the hill again to Richwood
9 Avenue, and north to -- North Willey Street to Oak
10 Street.

11 We did receive the letter -- it's in your packet
12 -- from the Director of the Development Office, Keith
13 Burdette, who -- his correspondence is the official
14 notice that the City's application for the
15 Redevelopment District No. 4 is complete and hereby
16 approved by the bonding -- with a bonding capacity
17 not to exceed \$12 million.

18 Now, the District -- this Ordinance is doing two
19 things. Creating a district TIF -- Tax Increment
20 Funding district -- and then also a development plan
21 within that district for the City to utilize for
22 infrastructure, lighting and improvements in public
23 right-of-way and public property.

24 The Ordinance that was in the packet was

1 modified, and if you'd like to suspend the rules, we
2 can have Mr. Aman come up and describe the minor
3 changes that were included into the Ordinance.

4 MAYOR SELIN: Let's do that.

5 MR. FIKE: I'd like to hear that.

6 MAYOR SELIN: By acclamation, we want to suspend
7 the rules?

8 MR. KAWECKI: Yes.

9 MAYOR SELIN: All right. If you would please
10 come to the podium and please tell us a little bit
11 about this, or just the changes that have been made.

12 MR. AMAN: Tom Aman with Steptoe & Johnson, and
13 we're the bond counsel for your project. Basically,
14 it's technical correction on the Ordinance, a couple
15 of small things. We had some surplus language -- and
16 I don't know if you have the black line that's in
17 your packet.

18 MR. MIKORSKI: They should. It's in your
19 folders.

20 MR. KAWECKI: The one that says --

21 MAYOR SELIN: Mm-hmm, that one.

22 MR. AMAN: Yeah, and the black line shows the
23 changes. Basically, you have in the recital, on the
24 second page, you have some surplus language there

1 that we've just stricken from that recital, just for
2 clarification. So that one's pretty straightforward.

3 The other one is on No. 6 -- paragraph No. 6, on
4 page 3, that talks about the allocation of property
5 taxes -- and this language is taken, for the most
6 part, directly from the state code with respect to
7 TIF districts and the allocation of tax increment
8 revenues in a district -- and there was an exclusion
9 here, "personal motor vehicles are not included in
10 the tax increment," and the way this language was
11 worded, those revenues from personal motor vehicles
12 would be excluded from the entire allocation, which
13 is not the intention. So, we just struck that
14 provision.

15 The rest of it remains as-is, except an
16 assertion of the actual date on the recital for the
17 letter from the Development Office, which was just
18 received today, dated as of yesterday.

19 So, just some basically technical corrections on
20 that. Any other questions on the Ordinance? It'll
21 be -- we'll publish a legal ad for a notice of public
22 hearing for your next meeting, and have a public
23 hearing before the Ordinance is considered for final
24 enactment.

1 At that point in time, the district will be
2 created, the Sheriff's office will need to set up the
3 TIF fund, and then those future incremental revenues
4 will be deposited into that fund for this district.

5 MAYOR SELIN: Thank you for your hard work.
6 Does anyone have questions?

7 MR. NUGENT: A technical question I have, given
8 that what's in our packet is the unamended version.
9 What is the proper procedure or way -- is that to go
10 through these manually to make those amendments, or
11 to replace that as a substitute?

12 MR. MIKORSKI: No, because it is first reading.

13 MR. NUGENT: First reading.

14 MR. MIKORSKI: You can take the substitute as
15 the --

16 MR. NUGENT: OK. So, what we made the motion to
17 approve, then, I'm presuming is the substitute?

18 MR. MIKORSKI: Yes.

19 MR. NUGENT: OK.

20 MR. MIKORSKI: [inaudible] yes.

21 MAYOR SELIN: So, if there are no further
22 questions, the Clerk will call the roll.

23 THE CLERK: Ron Bane?

24 MR. BANE: Yes.

1 THE CLERK: Bill Kawecki?

2 MR. KAWECKI: Yes.

3 THE CLERK: Wes Nugent?

4 MR. NUGENT: Yes.

5 THE CLERK: Marti Shamberger?

6 MS. SHAMBERGER: Yes.

7 THE CLERK: Mike Fike?

8 MR. FIKE: Yes.

9 THE CLERK: Nancy Ganz?

10 MS. GANZ: Yes.

11 THE CLERK: And Mayor Selin?

12 MAYOR SELIN: Yes. Passes 7-0. City Manager's
13 report. New business?

14 MR. MIKORSKI: Thank you. I have four items of
15 new business.

16 First, in order to continue to determine the
17 safety issues regarding truck traffic and the truck
18 issue coming into the downtown area, we've been
19 trying to get an engineering company to do a safety
20 study along a couple routes, and the safety study
21 would look at Route 7, and also the Greenbag Road,
22 making sure that, as we move forward and go through
23 the hearings and the eventual interaction with the
24 federal highways ordinances, we want to make sure

1 that we have substantial safety information from a
2 credible report that we can provide, if need be.

3 So, we requested quotes from a number of
4 different companies. Trans Associates provided a
5 quote of \$11,900 to do those two routes, to do the
6 study. We will be actually doing some of the work to
7 reduce some of the -- to reduce the cost. Our staff
8 will be putting out the counters on the different
9 areas, and that information would then be provided to
10 Trans Associates to come up with the full package for
11 the safety study.

12 It's not only going to look at the amount of
13 traffic, but the size, shape and weight of traffic
14 traveling along those routes, so that we have some
15 credible information regarding the safety of vehicles
16 traveling those two routes.

17 So, my recommendation is to -- for Council to
18 approve this contract for Trans Associates of
19 \$11,900, and revise the Capital Escrow Fund -- which
20 is also in the packet -- basically, budgeting \$11,900
21 to the Capital Escrow for the traffic study along
22 Route 7 and Greenbag Road. And I need action on
23 that.

24 MAYOR SELIN: So, I guess we would make a motion

1 before we have discussion if you want action?

2 MR. MIKORSKI: Mm-hmm (nodding).

3 MAYOR SELIN: So, is there any -- what's
4 Council's pleasure? Move to approve it and then have
5 discussion, or -- ?

6 MR. KAWECKI: Move to approve.

7 MS. SHAMBERGER: Second.

8 MAYOR SELIN: And I'm wondering how this -- I'm
9 in favor of doing this. I'm wondering how this works
10 back and forth with our MPO. Is this something that
11 then would be useful to them when they're designing?

12 MR. MIKORSKI: Yes, in fact our staff has been
13 involved with the study along the Greenbag Road.
14 We've been interacting with the MPO as a part of
15 this. It'll bring in Trans Associates to cover some
16 of those technical issues, looking at the size of the
17 vehicles that can operate on Greenbag Road as well --
18 but we have been interacting with the MPO all along,
19 and we will continue work with them.

20 MAYOR SELIN: Any further questions?

21 MS. GANZ: Does this have any effect on the
22 legal issues?

23 MR. MIKORSKI: No, I did provide this to Ms.
24 Basters (ph) and there was no comment of having an

1 effect on the court system, because right now, the
2 court hearing is on the state laws. I think these
3 issues will be more important when we deal with the
4 federal highway issues.

5 MR. KAWECKI: Does this take into account 119
6 also?

7 MR. MIKORSKI: No, it does not, and that will
8 probably be the next phase. In order to move this
9 along and get information and start the process, it
10 does not include 119.

11 MAYOR SELIN: But you have plans -- plans to do
12 that?

13 MR. MIKORSKI: That's -- you know, the --

14 MAYOR SELIN: Potential.

15 MR. MIKORSKI: The bigger issues we see are with
16 Route 7, so we're focusing on that -- and also trying
17 to keep the costs on this first phase low enough to
18 move forward, and come back with issues on 119, if
19 need be.

20 MAYOR SELIN: Yes?

21 MR. FIKE: I don't object to it, because I think
22 that -- I mean, my prediction is, it's going to
23 reinforce what we've already been saying about the
24 number of trucks -- but I don't see it much going

1 beyond a simple count. I mean, I think we're
2 justified in doing this. Again, I would see it as
3 reinforcing our ordinance, but I just hope we're
4 getting our money's worth.

5 MR. MIKORSKI: Yeah, it would be looking at turn
6 radiuses, line of sight issues -- a lot of different
7 aspects of the travel lane, not just the count.

8 MR. KAWECKI: Excuse me, isn't this the kind of
9 information in particular that the Department of
10 Highways could provide?

11 MR. MIKORSKI: They did internal studies, and
12 when they did come up with it, they made minor
13 changes to the routes. We want to verify that some
14 of the turn radiuses are appropriate for that route.

15 MAYOR SELIN: We're wanting our own data.

16 MR. NUGENT: What about the MPO? Madam Chair,
17 is this something that, with regards to what we give
18 to the MPO, that we should be working through them
19 instead?

20 MR. MIKORSKI: As far as them actually doing the
21 report?

22 MR. NUGENT: Doing this -- yes.

23 MR. MIKORSKI: I don't they would be able to do
24 all aspects of it.

1 MR. NUGENT: OK.

2 MR. MIKORSKI: I mean, our time line, making
3 sure we get it in a timely fashion, and by a third
4 party. So, we look to work with engineering
5 companies that have done these types of studies in
6 the past -- and in fact, when the MPO was doing work
7 on the Greenbag, we had to help them with those
8 aspects. So, we felt that having that third party
9 coming in and verifying the information, and working
10 with us to identify all the aspects of the safety
11 routes, was important.

12 MAYOR SELIN: Fresh eyes.

13 MR. NUGENT: It's just a hefty price tag.

14 MR. MIKORSKI: I agree.

15 MAYOR SELIN: Engineering studies seem to carry
16 a --

17 MR. NUGENT: And that concerns me, because I
18 don't think it's going to tell us anything
19 [inaudible].

20 MR. BANE: I guess my only concern with this is,
21 if we're doing turning radiuses and other studies of
22 the width of the roads and all that business, this
23 may give some issue to school buses, municipal
24 busses, municipal trucks, and I don't know --

1 MAYOR SELIN: I think we should know -- I think
2 we should know what the concerns are.

3 MR. BANE: I understand that, but I'm just
4 saying, it becomes a document that we have that's a
5 public document, that has information -- if we've got
6 stuff on there that shouldn't be on --

7 MR. MIKORSKI: Yeah.

8 MR. BANE: I mean --

9 MR. MIKORSKI: That is a concern.

10 MR. BANE: Yeah.

11 MR. MIKORSKI: I mean, that may -- you know,
12 with the federal highways or restriction, it doesn't
13 matter what type of vehicle.

14 MR. BANE: Right.

15 MR. MIKORSKI: But in order to actually restrict
16 a certain type of vehicle, we have to look at that.

17 MR. BANE: No, I understand that. I just want
18 to walk in this eyes open, that's all.

19 MR. MIKORSKI: Right.

20 MAYOR SELIN: Unintended consequences.

21 UNIDENTIFIED FEMALE VOICE: Mm-hmm.

22 MR. BANE: Now, how long is this study going to
23 last?

24 MR. MIKORSKI: I think it said six weeks.

1 MR. BANE: I could read your summary here, but I
2 didn't.

3 MR. MIKORSKI: Yeah.

4 MS. GANZ: Madam Chair?

5 MAYOR SELIN: Yes.

6 MS. GANZ: If you don't mind, back to both
7 councilpersons' point of view thus far, I think there
8 could be some unintended consequences, but every time
9 we meet with the City and/or an engineer, he mentions
10 that we need to look at the whole package, and 119 is
11 part of that whole package. So, although I applaud
12 the idea of doing it step-by-step, and I'm not sure
13 where it's going to go, I still --

14 UNIDENTIFIED MALE VOICE: Right.

15 MR. BANE: Yeah.

16 MS. GANZ: -- wonder the unintended consequences
17 of working as a partial package.

18 MR. NUGENT: Piecemeal.

19 MS. GANZ: I beg your pardon?

20 MR. NUGENT: Piecemeal.

21 MR. BANE: Well, it wasn't included in the --

22 MS. GANZ: And so I just don't know --

23 MR. MIKORSKI: Yeah.

24 MS. GANZ: I'm -- I would not -- I don't know

1 how to make a decision on this, because of all the
2 red flags.

3 UNIDENTIFIED MALE VOICE: Mm-hmm.

4 MS. GANZ: And the consequences of piecemeal
5 would be one of them. The cost would be another.
6 The third would be, I don't know if it's our job to
7 find the alternative route. I don't know.

8 MR. BANE: Can -- just a suggestion out there?

9 MS. GANZ: Mm-hmm.

10 MR. BANE: This -- could we hold off on signing
11 a contract with these people until after the 5th --
12 15th or --

13 UNIDENTIFIED FEMALE VOICE: 16th.

14 MR. BANE: 16th, whenever that --

15 MR. MIKORSKI: Well, if you'd like, I can bring
16 this back at the next Council meeting.

17 MR. BANE: I'm just saying, if we -- if
18 something happens with this that it doesn't -- the
19 courts don't go our way, do we still sign something
20 with -- can we put some sort of rider in there --
21 contingent to? I don't know -- and I don't know if
22 we can wait that long either.

23 MR. MIKORSKI: Yeah.

24 MR. BANE: And I don't know if you need that.

1 MR. MIKORSKI: Well, it's not going to be just
2 the 16th. We'll probably have some time after the
3 16th for an order to come from the court.

4 MR. BANE: Right.

5 MR. MIKORSKI: So, it may be even beyond that.
6 And with the holidays, then, we'd be starting in
7 January, apparently.

8 MAYOR SELIN: I think we have a City interest in
9 knowing these items, and helping take care of these
10 items.

11 MR. MIKORSKI: If Council is more comfortable
12 with coming back with a quote on 119 and Route 7,
13 rather than the Greenbag Road, we can do that as
14 well.

15 MR. KAWECKI: What's the recommendation from
16 staff? Just this -- these particular routes?

17 MR. MIKORSKI: We were looking at Route 7, and
18 the alternatives, so that we knew what options, and
19 we were working with the MPO for those options.

20 MR. KAWECKI: But it [inaudible] kickback from
21 the federal government -- it would be like all their
22 roads, is that correct?

23 MR. MIKORSKI: It would be on roads leading into
24 the downtown.

1 MAYOR SELIN: So, these are some of them and
2 then we can --

3 UNIDENTIFIED MALE VOICE: It wouldn't be 7 --

4 MAYOR SELIN: -- be advised on these --

5 UNIDENTIFIED MALE VOICE: -- it would be 19 --

6 MAYOR SELIN: -- and then we can pick up the
7 others, if we choose to.

8 MR. MIKORSKI: Right, right.

9 MAYOR SELIN: Once we know more information.

10 MR. MIKORSKI: Right.

11 MR. BANE: It wouldn't be -- Route 7, they're
12 not going to worry about. 119 and 19, where they
13 overlap.

14 MR. MIKORSKI: Right.

15 MR. BANE: Not so much Route 7.

16 MR. MIKORSKI: Well, I think our ordinance --

17 MR. BANE: But for the federal government, I'm
18 just saying that they feds aren't going to care about
19 Route 7, because that's not a federal highway -- 7's
20 not.

21 MR. MIKORSKI: Well, it's in the national
22 network.

23 MR. BANE: Is it?

24 MR. MIKORSKI: Yes.

1 MAYOR SELIN: Because somehow you have to get to
2 Greenbag Road --

3 MR. MIKORSKI: And it's a state route that's in
4 the national network.

5 MR. BANE: Oh, well then -- OK.

6 MR. MIKORSKI: Because it's -- I think it's --

7 MS. SHAMBERGER: Isn't 857 combined with Route
8 7? Isn't 857 combined with Route 7, at points
9 through Sabreton area?

10 MR. BANE: There is a -- you're right, Marti,
11 there's overlap there.

12 MR. MIKORSKI: Yeah.

13 MAYOR SELIN: Yeah.

14 MR. MIKORSKI: Yeah, from Greenbag to --

15 MAYOR SELIN: Yeah, it's part of the network.

16 MR. MIKORSKI: OK, yeah.

17 MR. NUGENT: Madam Chair, I have to say, as much
18 as I want to part of what I think could be a helpful
19 and lasting solution, going back to the concerns I've
20 already expressed, I feel uncomfortable with taking
21 up a vote in the affirmative on this, this evening at
22 least. That's just my own opinion, as one person.

23 MAYOR SELIN: All right. Do others want to
24 express how they want to handle this this evening?

1 I'm inclined to pass this portion and not look at the
2 next portion, due to budgetary reasons and some of
3 the reasons that Councilor Bane was talking about,
4 that this would be something that would be useful, no
5 matter what other outcomes there are, and we'd be
6 contributing to the MPO process and our own
7 knowledge.

8 Is this something that we're wanting to do now,
9 or wanting to hold off on?

10 MR. BANE: I guess -- I just -- the only thing
11 with me is that I'm -- I'd really feel more
12 comfortable spending the money if we get -- or have a
13 discussion in our hand, in the affirmative. I mean,
14 that's my only --

15 MAYOR SELIN: But things will just keep moving,
16 so if you don't collect data --

17 MR. BANE: I understand that, but if it --

18 MAYOR SELIN: -- then you won't have the data.

19 MR. BANE: But if we run into a brick wall, and
20 it's not the affirmative from the court case, I'm not
21 sure how much that's going to help.

22 MAYOR SELIN: We're still going to want to work
23 on that corridor.

24 MR. MIKORSKI: Irregardless of the --

1 MAYOR SELIN: We're still going to want to work
2 on that --

3 MR. MIKORSKI: -- corridor, you know, if there's
4 restrictions, then it would be up to the state to
5 modify this route to make it appropriate.

6 MR. BANE: That's a good way to think about
7 that.

8 MAYOR SELIN: Yes. We want data. This would
9 give us data.

10 MR. KAWECKI: I don't know if this decision is
11 going to get any easier. If we can afford it, I
12 suppose it's a way to move this thing forward, so
13 let's do it. Move for approval.

14 MS. SHAMBERGER: Second.

15 MAYOR SELIN: So, Clerk if you would call the
16 roll?

17 THE CLERK: Ron Bane?

18 MR. BANE: No.

19 THE CLERK: Bill Kawecky?

20 MR. KAWECKI: Yes.

21 THE CLERK: Wes Nugent?

22 MR. NUGENT: No.

23 THE CLERK: Marti Shamberger?

24 MS. SHAMBERGER: Yes.

1 THE CLERK: Mike Fike?

2 MR. FIKE: Yes.

3 THE CLERK: Nancy Ganz?

4 MS. GANZ: Yes.

5 THE CLERK: And Mayor Selin?

6 MAYOR SELIN: Yes. Passes 5-2.

7 MR. MIKORSKI: Great, thank you very much.

8 The Upper Monongalia [sic] River Association
9 made a request to Council at the Committee of the
10 Whole, requesting \$5,000 to increase recreational and
11 commercial activity on the Mon River. That would be
12 paying the Army Corps of Engineers, opening the
13 Opekiska and the Hildebrand locks for approximately
14 34 days in the upcoming year.

15 They are also making a request for \$500 for
16 supporting their agency, as far as participation in
17 the Waterways Council. Again, Council must authorize
18 this by budgeting \$5,500 from Capital Escrow
19 Contingency Line for this expenditure. And again, on
20 -- I do have a page that identifies the budget fund,
21 and what the \$5,500 would do to the -- be
22 incorporated into -- or budgeted from the Capital
23 Escrow Contingencies Line.

24 MR. BANE: Move for approval.

1 MR. KAWECKI: Second.

2 MAYOR SELIN: Thank you. I have a question in
3 the wording, because when you look back at their
4 query of us, they talked about locks at the Upper Mon
5 River at Opekiska and Hildebrand --

6 MR. MIKORSKI: Right.

7 MAYOR SELIN: -- and as necessary at Morgantown,
8 and so I just wanted to make sure that -- because
9 they're working on every other weekend in Morgantown
10 -- so I just wanted to -- I think that that was part
11 of the ask, was that it was keeping it open at the
12 other two locks that are higher up that are closed,
13 and --

14 MR. MIKORSKI: Yeah.

15 MAYOR SELIN: -- then making sure that the
16 weekends were open for bass tournaments and such in
17 our area.

18 MR. MIKORSKI: I think that's already --

19 MAYOR SELIN: It was part of the ask.

20 MR. MIKORSKI: I think that's already
21 incorporated into the Army Corps' agreement with
22 them. This would create additional commercial
23 activity, leading to activity on the Morgantown lock
24 and dam.

1 MAYOR SELIN: I just know that his wording was,
2 the locks in the upper river, and as necessary at
3 Morgantown.

4 UNIDENTIFIED MALE VOICE: Right.

5 MAYOR SELIN: That some of the funds would be
6 directly in Morgantown and --

7 MR. MIKORSKI: Yeah, that -- that could be
8 included at [inaudible].

9 MAYOR SELIN: I just -- I just would feel more
10 comfortable if we were making sure that that money
11 would be eligible to be used at all three locations.

12 MR. BANE: Madam Chair, if we remember -- if his
13 presentation -- it is crucial to have all three locks
14 incorporated, because when you have a bass
15 tournament, if you don't have them all open, the
16 pools have -- you have so many people that are
17 entrants in this, that they -- they go in to practice
18 ahead of time and they get their pools, and they only
19 have so much time. You've got to get -- it's a timed
20 event, so they've got to be able to get where they
21 need to get to --

22 MAYOR SELIN: Yep.

23 MR. BANE: -- and get back. So, that's why I
24 think he worded it that way -- because any time

1 you're having a bass tournament, it's usually in
2 Morgantown, so the locks are typically open for that
3 for us. It's just the making sure that the
4 Hildebrand and Opekiska is open.

5 MAYOR SELIN: So, I'm just saying that the
6 request included --

7 MR. MIKORSKI: Right.

8 MAYOR SELIN: -- and as necessary at Morgantown.

9 MR. BANE: Right.

10 MAYOR SELIN: But I wanted our response to
11 include Morgantown, since that's where we live and --

12 MR. MIKORSKI: We'll note it in the minutes.

13 MAYOR SELIN: Pardon?

14 MR. MIKORSKI: We'll note it in the minutes.

15 MAYOR SELIN: If that's -- if that's all right
16 with --

17 UNIDENTIFIED MALE VOICE: [inaudible]

18 MAYOR SELIN: Yes, please?

19 MR. FIKE: When this was presented to us at our
20 Committee of the Whole meeting, I know I raised the
21 question about the \$40,000 to \$50,000 that was being
22 needed for that project, and where those other funds
23 are coming from, and my question was answered with
24 the statement that other entities, other governing

1 councils, county commission, were also being
2 approached in the same way we were. Now, that's
3 great, that's fine, but we don't know what their
4 decision is going to be. What happens if we say,
5 yes, we're going to contribute our \$5,500, but others
6 don't, and they don't get the money that they need to
7 open -- to complete the project -- all the locks
8 being open. I guess -- I mean, I -- it's a risk.

9 MAYOR SELIN: I would think that these funds
10 would be available -- that we're not giving the funds
11 now, but they would be available when this activity
12 was actually taking place, is that correct?

13 MR. BANE: I think what he said he was going to
14 is, the funds that he gets will limit the amount of
15 events they have. If they get the full funding, then
16 they can go with a full schedule of events, but if
17 they have to, they'll have to scale back.

18 MR. FIKE: Yeah, they'll (inaudible) back, yeah.

19 MR. BANE: Yeah.

20 MAYOR SELIN: And they will probably ask
21 numerous organizations, and so the few that may say
22 no, then they will continue to ask other
23 organizations -- because they've identified quite a
24 few.

1 MR. FIKE: Right.

2 MR. MIKORSKI: And as with other organizations,
3 we'd receive an invoice showing that that cost was a
4 part of the project itself. So, the \$5,000 wouldn't
5 go to them ahead of time, it would be after-the-fact.

6 MR. FIKE: That sounds good.

7 MS. GANZ: I had some of the same questions --
8 and I unfortunately wasn't here -- but did Mr. Polay
9 (ph) bring information on the heads in the beds (ph)
10 and what it provides to Morgantown's economy?

11 UNIDENTIFIED MALE VOICE: Yes.

12 MS. GANZ: (Inaudible.)

13 MR. NUGENT: Well, just -- yeah, I want to be
14 supportive of this, because generally, not only the
15 recreational aspect -- which I firmly understand --
16 but I believe there's the commercial aspect to the
17 locks being open, and I think this is part of a
18 solution that can help with other issues that we're
19 dealing with right now. Two questions that I have.
20 I know we had this proposal come before us, because,
21 you know, we're getting this prior to the spring
22 season, but it is outside of our kind of normal --

23 UNIDENTIFIED MALE VOICE: Yes.

24 MR. NUGENT: -- budgetary process, and so is

1 there a need to authorize this now, rather than --
2 because that wasn't clear by any of the documentation
3 that I think I received. So, you know, again, if
4 it's needed now, to make that commitment so that we
5 can go to other partners, I can understand that. I'm
6 just pointing out that, like I said, it's a little
7 bit outside the normal budgetary process.

8 UNIDENTIFIED MALE VOICE: Right.

9 MR. NUGENT: The other question goes to the
10 \$500. I mean, obviously, we learned that these
11 individuals have contributed a lot of their own
12 personal treasure to making the UMRA function for the
13 past I don't know how many years now -- but do we
14 typically fund as Council as part of our requests
15 operational costs? I mean, I'm just thinking about
16 precedents with other entities.

17 MR. BANE: I think in the past we have, but it
18 has been where it's -- we've never wanted to be 100%
19 of their operational costs.

20 MR. NUGENT: OK, which this is not, obviously.

21 UNIDENTIFIED MALE VOICE: Right.

22 MR. BANE: No, and it was all -- I think the way
23 he illustrated this was, that first \$500 was for --
24 is there sanctions -- sanction fees or something --

1 MR. MIKORSKI: Yeah, well that's --

2 MR. BANE: -- with the Bass Association or
3 something that they have to have?

4 MR. MIKORSKI: Well, he actually, during his
5 presentation, talked about the participation of the
6 Waterways Council.

7 MR. BANE: Yeah.

8 MR. MIKORSKI: So, I felt that that would be an
9 appropriate use --

10 MR. BANE: Use of the money, OK.

11 MR. MIKORSKI: -- because we're supporting them
12 being a part of that council.

13 MR. NUGENT: And it's appropriately worded in
14 your report as such --

15 MR. MIKORSKI: Right.

16 MR. NUGENT: Just a [inaudible] for
17 clarification. OK, thank you.

18 MAYOR SELIN: Take the vote.

19 MR. BANE: Question.

20 THE CLERK: Ron Bane?

21 MR. BANE: Yes.

22 THE CLERK: Bill Kawecki?

23 MR. KAWECKI: Yes.

24 THE CLERK: Wes Nugent?

1 MR. NUGENT: Yes.

2 THE CLERK: Marti Shamberger?

3 MS. SHAMBERGER: Yes.

4 THE CLERK: Mike Fike?

5 MR. FIKE: Yes.

6 THE CLERK: Nancy Ganz?

7 MS. GANZ: Yes.

8 THE CLERK: Mayor Selin?

9 MAYOR SELIN: Yes. Passes 7-0.

10 MR. MIKORSKI: Third item is the Don Knotts
11 Memorial Statue. Over the last few months, there's
12 been a small group of people looking at locations for
13 the Don Knotts statue in Morgantown.

14 In the past, there was a location identified
15 along University Avenue, but this group of people --
16 including the artists putting forth the statue --
17 wanted to make the statue something that becomes a
18 destination point for the City of Morgantown itself.
19 And in so doing, they started looking at other areas
20 that would receive a lot more attention, and bring
21 people into the downtown area.

22 So, two areas were identified. They come to us
23 with a request to place the statue in front of the
24 Met Theater, as identified in the mock-up in your

1 packet. And also in your folder, there's a letter
2 from the President of York Community Foundation.
3 That's the foundation that's wanting to move forward
4 with this statue project. So, they're making a
5 request that it be placed in front of the Met
6 Theater. It's very close to 30 inches in width that
7 would jet out into the sidewalk. Luckily, the Met
8 Theater is set back up to six inches -- the sidewalk
9 actually goes on to the property itself about six
10 inches, so it wouldn't be as big of an intrusion as a
11 larger statue.

12 In this area within -- outside of the Met
13 Theater is also one that there are no tree pits in
14 front, and there's more than ample -- more than five
15 feet of space that you can travel around the statue.

16 And they also identified that the Don Knotts
17 star is in the sidewalk there. It would be a nice
18 combination of the two to have the statue placed in
19 front of the Met.

20 So, Council would have to give the go-ahead to
21 allow them to place the statue in the public right-
22 of-way in front of the Met Theater -- and I don't
23 know why the picture shows that -- it does show that
24 it's very dirty there.

1 UNIDENTIFIED MALE VOICE: Yeah.

2 MR. MIKORSKI: I walked out there immediately
3 when I saw the picture and it's not as bad, so it
4 might have been a dreary day or just after a rain or
5 something --

6 MAYOR SELIN: It was a dreary day.

7 MR. MIKORSKI: -- and it looked even worse, but
8 we guarantee that things will be power-washed well
9 ahead of time, before the statue, if placed there,
10 would be placed. Yes?

11 MS. SHAMBERGER: I just had a concern that's
12 been voiced to me by several people. As far as
13 placing it right there, would be it a safety hazard?
14 Would it be something that's going to draw graffiti?
15 You know, is it the safest place for people -- crowds
16 of people coming down the street? Is it a tripping
17 hazard? I don't know if those kind of questions have
18 been answered in other conversations.

19 MR. MIKORSKI: You know, we were concerned about
20 the statue itself, and that it would be damaged or
21 anything, and the artists themselves told us that it
22 would be very hard to damage. Though it may be spray
23 painted, it would be able to be cleaned up very
24 easily.

1 MS. SHAMBERGER: (Nods head.)

2 MR. MIKORSKI: As far as the tripping hazard,
3 it's not something that juts out that's low. You
4 know, you have some vertical -- verticalness to it,
5 so that it -- it kind of forces you to go around and
6 you see the whole -- the whole statue. There were
7 concerns from staff regarding those issues, but as we
8 looked at it and after the mock-up, we felt that it
9 wouldn't be as much of a tripping hazard as we
10 expected when it was first identified to us.

11 MS. SHAMBERGER: Would the windows stay behind
12 it?

13 MR. MIKORSKI: Yes.

14 MS. SHAMBERGER: It would stay?

15 MR. MIKORSKI: Yes.

16 MS. SHAMBERGER: I mean, I've seen statues like
17 this in other cities, and they certainly add
18 character to their downtown, you know. I recognize
19 that but --

20 MR. MIKORSKI: Right.

21 MS. SHAMBERGER: -- they're just issues that
22 have been voiced --

23 MR. MIKORSKI: And it's also in an area where we
24 could probably place lighting on it, because there

1 are electrical conduits or electrical outlets above,
2 on the marquis, and it's in an area that is very
3 visible and there's a lot more activity going on. We
4 felt we'd have more concern if it was in an isolated
5 spot, away from a lot of people.

6 MS. SHAMBERGER: Thank you.

7 MR. BANE: I like the idea of having a light on
8 it.

9 MR. MIKORSKI: Yeah.

10 MAYOR SELIN: They were looking at the marquis
11 coming out, and that you could potentially place
12 something under -- or over or somewhere up in the
13 marquis that would then come right --

14 MS. GANZ: Yeah, there's already lighting that
15 comes down under that marquis there.

16 MAYOR SELIN: Right, but you would want
17 something --

18 MS. GANZ: I mean, for safety.

19 MAYOR SELIN: -- I think that would be a
20 spotlight --

21 MS. GANZ: Spotlight.

22 MR. MIKORSKI: Yeah.

23 MAYOR SELIN: -- or potentially a camera that
24 would go -- that would go right there, so that it

1 would be protected and monitored.

2 MR. KAWECKI: Unfortunately, I think you're
3 going to have to be concerned no matter where you put
4 it. And this is a very appropriate spot. My only
5 concern would be that, are we allowing enough access
6 for pedestrians for ADA?

7 MR. MIKORSKI: Yes.

8 MR. KAWECKI: Are we in compliance?

9 MR. MIKORSKI: Yes.

10 MR. KAWECKI: If we meet that, I don't have a
11 problem.

12 MAYOR SELIN: It's very -- it's very wide there
13 -- surprisingly wide -- and then there's the fact
14 that the City Manager referred -- and the fact that
15 the adjoining buildings jut out -- mean that it's --
16 it feels very comfortable there.

17 We've been looking at it quite a few times, and
18 had a model sit there and get photographed -- a model
19 that looks like Don Knotts sit there and get
20 photographed in that spot, and it's -- also there's
21 this sort of pedestal that he's on, and that's to
22 provide a uniform surface, so that you're not just
23 having two feet sitting there for somebody to trip
24 over. So, it's been -- it's been looked at. Those

1 are very real concerns about tripping and making sure
2 that there's enough width there, but there's an
3 exceptional amount of width there.

4 MR. KAWECKI: Doesn't seem much worse than our
5 sandwich boards.

6 MAYOR SELIN: It isn't.

7 MR. MIKORSKI: And that's the area that -- 30
8 inches is the distance that you are able to put
9 tables and things out from the businesses, so it
10 would fit within that --

11 MR. KAWECKI: And even this has a --

12 MR. MIKORSKI: -- within that area.

13 MR. KAWECKI: -- an additional six-inch set-
14 back because of the building structure.

15 MR. MIKORSKI: Right, exactly.

16 MR. KAWECKI: OK.

17 MR. MIKORSKI: And with the other statue going
18 on Spruce Street, I think having two public art
19 pieces together would really create some synergy in
20 the downtown area.

21 MR. KAWECKI: I agree.

22 MR. NUGENT: Madam Chair, realizing we don't
23 have a motion on the floor to entertain further
24 discussion, I would make a motion to approve the

1 recommendation as presented.

2 MR. KAWECKI: I'll second.

3 MR. NUGENT: OK. As far as for the discussion,
4 is this the location -- I'm looking here. The window
5 -- I can't remember if there are windows on both
6 sides, but --

7 MAYOR SELIN: There's windows on both sides, and
8 if you're looking straight on at the building, it's
9 on the right-hand side.

10 MR. NUGENT: OK, so it's in front of where the
11 star location is?

12 MAYOR SELIN: Yes.

13 MR. MIKORSKI: Yes.

14 MAYOR SELIN: So, you can see the star location
15 in that photograph --

16 MR. NUGENT: That's what I thought.

17 MAYOR SELIN: -- on the left --

18 MR. NUGENT: OK, I just wanted to --

19 MAYOR SELIN: -- you can see a little piece of
20 plywood --

21 MR. NUGENT: Yes.

22 MAYOR SELIN: -- a little corner, and that's
23 exactly where the star is.

24 MR. NUGENT: Well, I think it's very appropriate

1 given that the star is right there in front of the
2 statue. That was my concern.

3 MAYOR SELIN: And there was a recent donation by
4 John Pyles of a star from Don Knotts that had -- that
5 was the star that you're given when you get a
6 Hollywood star -- you get a little smaller star in
7 sort of a plaque -- and that's recently been donated
8 to the Met, and it will potentially be in the lobby
9 of the Met, right when you come in. So, there would
10 be kind of a whole Don Knotts flavor to it.

11 MR. NUGENT: Very nice.

12 MS. SHAMBERGER: Question.

13 THE CLERK: Ron Bane?

14 MR. BANE: Yes.

15 THE CLERK: Bill Kawecki?

16 MR. KAWECKI: Yes.

17 THE CLERK: Wes Nugent?

18 MR. NUGENT: Yes.

19 THE CLERK: Marti Shamberger?

20 MS. SHAMBERGER: Yes.

21 THE CLERK: Mike Fike?

22 MR. FIKE: Yes.

23 THE CLERK: Nancy Ganz?

24 MS. GANZ: Yes.

1 THE CLERK: And Mayor Selin?

2 MAYOR SELIN: Yes. Passes 7-0.

3 MR. MIKORSKI: Great, thank you.

4 MAYOR SELIN: And I do appreciate the power wash
5 of the sidewalk to get the gum off --

6 MR. MIKORSKI: Yes.

7 MAYOR SELIN: -- because there's a lot of gum
8 particularly under there.

9 MR. MIKORSKI: Yeah, we will be managing an
10 annual maintenance plan to do that with the
11 sidewalks.

12 The last new business is the -- this is the time
13 of year that we renew our City's health insurance
14 plan, with the premiums. Last month, I came to you
15 with some modifications to that plan, reporting that
16 the insurance company did not have an increase in the
17 renewal price, but to cover the 125% of the past
18 year's claims and -- it shows that we will be putting
19 a two percent -- 2.9 percent increase in the health
20 plan premiums for next year.

21 That's far less than what we were expecting. In
22 the budget we presented last March, we had about
23 eight percent we were expecting, so it's far less
24 than what we were expecting the increase to be. And

1 just to keep into consideration that two percent is -
2 - 2.9 percent is relatively low when you look at the
3 rates that the employees are already paying.

4 A single laborer working for us, the monthly
5 cost for health insurance is about \$14, and the
6 highest paid -- payment for employees is the family
7 coverage with all health -- medical, vision and
8 dental -- would be paying about \$64 a month for
9 health insurance. So, it's very reasonable rates,
10 and the 2.9 percent is not that -- it's not a big
11 increase in the premiums.

12 Also, as identified last month, we've been able
13 to increase some of the benefits. We've increased
14 the vision from \$200 to \$400 a year for employees and
15 their beneficiaries -- or family members. And also
16 we've increased the health -- or the life insurance
17 from \$20,000 to \$50,000, and we've also increased the
18 part of the health insurance that allows an employee
19 to be in a disabled manner for not only six months
20 but 12 months before they're removed from the health
21 insurance.

22 And again, we ran into that situation last year
23 where somebody was wanting to come back to work but
24 we had to remove them from the insurance because of

1 the deadline that was placed in the plan. So, we've
2 increased that to 12 months.

3 So, we've increased the benefits, reduced the
4 amount that we were expecting to increase, and we've
5 maintained very low rates for the employees for the
6 health insurance.

7 And with that, I recommend City Council
8 approving the 2015 health -- City health plan rates
9 for employees and retirees.

10 MR. NUGENT: So moved.

11 MR. BANE: Second.

12 MS. SHAMBERGER: I have a question.

13 MAYOR SELIN: Yes.

14 MS. SHAMBERGER: With all these changes, I know
15 you had previously talked about having a clinic --

16 MR. MIKORSKI: Yes.

17 MS. SHAMBERGER: -- for the City employees?

18 MR. MIKORSKI: Yes.

19 MS. SHAMBERGER: Does this health insurance
20 affect the clinic?

21 MR. MIKORSKI: It doesn't impact it. We are
22 still working on the application for the State
23 oversight board to accept a clinic -- an employee
24 clinic. We're also still looking for companies to

1 put bids in for that service. Our broker -- our
2 health insurance broker is still looking for
3 additional bids before he comes back to us with the
4 best deal.

5 Once that's completed, we will look for a
6 location for a clinic -- and maybe not the first
7 year, but over a long period of time, that clinic
8 will help continue to reduce these -- or keep these
9 insurance rates low and have additional benefits for
10 the employees.

11 MS. SHAMBERGER: OK, great. Thank you.

12 MAYOR SELIN: Ready for the question?

13 MR. BANE: Yeah.

14 THE CLERK: Ron Bane?

15 MR. BANE: Yes.

16 THE CLERK: Bill Kaweckki?

17 MR. KAWECKKI: Yes.

18 THE CLERK: Wes Nugent?

19 MR. NUGENT: Yes.

20 THE CLERK: Marti Shamberger?

21 MS. SHAMBERGER: Yes.

22 THE CLERK: Mike Fike?

23 MR. FIKE: Yes.

24 THE CLERK: Nancy Ganz?

1 MS. GANZ: Yes.

2 THE CLERK: Mayor Selin?

3 MAYOR SELIN: Yes. Passes 7-0. So, we're --
4 that's it?

5 MR. MIKORSKI: That's all I have.

6 MAYOR SELIN: OK. Report from the City Clerk.

7 THE CLERK: [inaudible] liquor license
8 application to inform Council about pertaining TIN
9 202 and 202 High Street, and that's just for
10 information only. I also have in your packet the
11 Ward and Boundary Report for Council to discuss and
12 approve this evening.

13 I also have an amendment. When we were meeting,
14 the Commission was kind of confused because they --
15 according to the paper, Precinct 16 was still on the
16 list, and we tried to get a vote carried, and did not
17 get confirmation. So, I added an amendment
18 [inaudible] meet on Monday morning, answering
19 questions to the Board (inaudible) about the voter
20 registration list, that Precinct 16 was still on the
21 list -- and she said that, according to the article
22 in the paper, 14, 15 and 16 are consolidated into 13.

23 There was confusion, and she cleared that up by
24 saying that 16 -- that she kept 16 where it was, next

1 to BOPARC Senior Center. There's just a few of the
2 citizens that were there and got to talk to her about
3 it. We also used her numbers that needed cleared up
4 and that was done [inaudible] some typos, and other
5 than that, the report is ready for Council's
6 approval.

7 MAYOR SELIN: So, what is Council's pleasure?

8 MS. SHAMBERGER: May I ask a question about this
9 memo, please?

10 MAYOR SELIN: Yes.

11 MS. SHAMBERGER: Looking under Precinct 2 in the
12 Second Ward, OK, there's -- I guess the first column
13 is 2013, is that correct? On this piece of paper?

14 THE CLERK: No, the first column?

15 MS. SHAMBERGER: Mm-hmm. See, there's -- we
16 have four columns. We have -- I'm assuming the first
17 column are precinct numbers.

18 THE CLERK: That's Precinct, then Ward.

19 MS. SHAMBERGER: Ward, and then what is the next
20 two columns?

21 THE CLERK: That is voter registration from
22 Carye.

23 MS. SHAMBERGER: For 2014?

24 THE CLERK: For 2014.

1 MS. SHAMBERGER: And then what's the last
2 column?

3 THE CLERK: That is the ward -- well, I can't
4 explain that to you. Guy, would you like to explain
5 that to her?

6 MR. PANRELL: Sure.

7 THE CLERK: That is a boundary --

8 MR. BANE: Can we [inaudible]?

9 MR. NUGENT: Madam Chair, yeah, we need to
10 suspend --

11 MAYOR SELIN: All right. Would we like to
12 suspend the rules?

13 MS. SHAMBERGER: Yes.

14 MAYOR SELIN: All right. If you would please
15 explain what the two columns are.

16 MR. PANRELL: OK, on the left side, we have
17 combined precincts, OK, and they're not the same as
18 they were before. 2A and 2B are now covering for
19 four, and six and eight. So, in the first column, it
20 gives the precinct number.

21 MS. SHAMBERGER: OK.

22 MR. PANRELL: OK, then the next column has the
23 ward number.

24 MS. SHAMBERGER: Right.

1 MR. PANRELL: And then the amount of votes -- or
2 the amount of elect -- or registered voters -- are in
3 the next column. OK, now there are six columns on --
4 or seven columns for the -- on the back for the
5 amount of wards. So, right now, I think there are --
6 let me see -- one, two, three, four, five, six,
7 seven, eight -- there are eight.

8 THE CLERK: Eight precincts.

9 MR. PANRELL: Eight precincts.

10 THE CLERK: (Inaudible.)

11 MR. PANRELL: And 2A and 2B are combined with
12 three different precincts now -- part of Ward 6, part
13 of Second Ward, and part of First Ward.

14 MS. SHAMBERGER: So, Guy, would this total in
15 this last column be the new combined total?

16 MR. PANRELL: That's the new -- that's the
17 amount of what's in that ward. Those are the ward's
18 numbers.

19 MS. SHAMBERGER: That's what --

20 MR. PANRELL: The last column is what number of
21 voters are in each ward.

22 MAYOR SELIN: Does the first number have to do
23 with the precincts?

24 MR. PANRELL: Yes, the column on the left -- our

1 left -- is the precincts.

2 MAYOR SELIN: The registered voters -- so we
3 have the wards on the far right column, and then one
4 column in, so the column starting with 854, that's
5 from the precinct?

6 MR. KAWECKI: No, that's 2013.

7 MR. BANE: That's 2013. The new wards are
8 column four, so if you correspond your ward with
9 column four, you've got seven wards, because there's
10 seven numbers.

11 MR. KAWECKI: Right.

12 MAYOR SELIN: OK.

13 MR. BANE: First Ward would be 2116, Second Ward
14 2277, Third Ward 2730, Fifth Ward 2478.

15 MAYOR SELIN: Yeah, I got that.

16 MR. BANE: OK, and then Seventh Ward, Fourth
17 Ward, and Sixth Ward are on the back.

18 MAYOR SELIN: So, what I'm wondering is, 2013
19 registered voter numbers --

20 MR. BANE: Are the same.

21 MAYOR SELIN: Those are wards or precincts?

22 MR. KAWECKI: (Inaudible.)

23 MR. PANRELL: All of these numbers here are
24 2014.

1 MR. KAWECKI: Yeah.

2 MAYOR SELIN: No, I understand they're 2014.

3 MR. MIKORSKI: On the last column.

4 MAYOR SELIN: OK, I understand the last column.

5 There are seven wards, and there are seven numbers.

6 I'm just asking, the other column that starts with

7 854, are those precinct --

8 MR. PANRELL: Yes, that's the number of voters

9 in that precinct.

10 MAYOR SELIN: Yeah, so that's precincts.

11 MR. PANRELL: YRight.

12 MAYOR SELIN: And that's --

13 MR. MIKORSKI: 2014.

14 MAYOR SELIN: 2014 numbers.

15 MR. MIKORSKI: Right.

16 MR. BANE: Those are the new precincts?

17 MR. PANRELL: Yes.

18 MR. BANE: Because like Precinct 16 won't be

19 used any more.

20 MR. MIKORSKI: No, it --

21 MR. PANRELL: No, it still is --

22 THE CLERK: (Inaudible.)

23 MR. PANRELL: It still is.

24 MR. NUGENT: That was in --

1 MAYOR SELIN: That was the one that changed.

2 MR. BANE: That's the one that changed?

3 THE CLERK: Yeah, that's the correction I made.

4 MR. PANRELL: So, we thought they had done away
5 with it when they created 13 -- was it 13?

6 MR. NUGENT: But we didn't, because we --

7 THE CLERK: But we didn't.

8 MR. NUGENT: No.

9 MAYOR SELIN: So, the numbers don't correspond
10 exactly because there's no longer alignment, is that
11 correct?

12 MR. PANRELL: I'm sorry, what did --

13 MAYOR SELIN: The numbers don't correspond
14 exactly across because they're no longer in line.
15 The precincts --

16 MR. PANRELL: Right, there are -- there are --

17 MAYOR SELIN: The county precincts are no longer
18 in line with the wards.

19 MR. PANRELL: Right, just like 2A and 2B.
20 Approximately a third of those voters are from the
21 Sixth Ward, a third are from the Second Ward, and a
22 third is from the First Ward.

23 MAYOR SELIN: (Inaudible.)

24 MR. PANRELL: Any other questions?

1 MAYOR SELIN: Well, I have a question. Is that
2 mapped out anywhere?

3 MR. PANRELL: Mapped out?

4 MR. BANE: Yeah, we've got the maps in here.

5 UNIDENTIFIED MALE VOICE: (Inaudible.)

6 MAYOR SELIN: Precincts and the wards on the
7 same map, I just was curious whether that was mapped
8 out and where.

9 MR. MIKORSKI: We have maps with the 17 wards,
10 but not with the eight wards.

11 MAYOR SELIN: But right, not checked because --

12 UNIDENTIFIED MALE VOICE: You said 17 --

13 MR. MIKORSKI: The 17 precincts, I'm sorry. The
14 17 precincts. On our wards, we don't have the eight
15 precincts --

16 UNIDENTIFIED FEMALE VOICE: The eight wards.

17 MR. MIKORSKI: -- on our wards.

18 MAYOR SELIN: Yes.

19 MR. PANRELL: See, that was what the issue was
20 with the wards and boundaries, because they were
21 described by precincts that no longer exist --
22 precincts from years and years ago. So, there had to
23 be some way that you could describe where you were.
24 So, streets and certain monuments are being used now

1 as descriptions of each ward. Like Decker's Creek is
2 part of one -- just the different streets that break
3 it up now, so you know the left side of the street
4 you're in one ward, on the right side of the street
5 you're in another ward. The streets are the
6 boundaries now, for the most part.

7 MAYOR SELIN: Does anyone have any questions? I
8 don't know if we can ...

9 MR. DONALDSON: Can I add to this statement,
10 because I wasn't here last time?

11 MAYOR SELIN: What's Council's pleasure?

12 MS. SHAMBERGER: Well, we suspended the rules
13 for one of the chair people. I don't know how you --
14 how you --

15 MR. BANE: It's fine. That's fine.

16 MAYOR SELIN: All right. If you would come to
17 the podium and state your name.

18 MR. DONALDSON: Well, my concern was, when I
19 came back from vacation and found that this report
20 did not include one page that described, you know,
21 the activity -- the issues and the activities that
22 took place at the meeting that we had -- and
23 discussion, particularly when we're trying to resolve
24 and improve the difference between Wards Seven and

1 Six -- Seven and Four -- because of the precincts
2 that had to be used. And I find that --

3 THE CLERK: Well, actually, Alan, those notes
4 are in the packet of information --

5 MR. DONALDSON: Right, I gave them out today,
6 so.

7 THE CLERK: Those minutes are in the -- are
8 actually in the packet of information that Council
9 has tonight.

10 MR. DONALDSON: Yeah, right.

11 MR. NUGENT: This is this document from the
12 clerk.

13 MR. DONALDSON: I thought that went in.

14 THE CLERK: That did, yes.

15 MR. BANE: That's it.

16 MR. DONALDSON: Right, so that's a new one that
17 I gave to Linda.

18 THE CLERK: [Inaudible.]

19 MR. DONALDSON: That's important, too. Right,
20 because it gives -- I just want to make sure that --

21 MR. MIKORSKI: He's talking about this one.

22 MAYOR SELIN: Thank you, Mr. Donaldson.

23 MS. GANZ: And I have a question of Linda.

24 THE CLERK: Mm-hmm.

1 MS. GANZ: Was this -- as part of the minutes --
2 was this presented as part of the minutes of this
3 meeting, this document?

4 THE CLERK: No.

5 MS. GANZ: Where did this document originate?

6 THE CLERK: (Inaudible.)

7 MR. FIKE: That was last week.

8 MS. GANZ: Right, this is the Committee of the
9 Whole meeting, and so at this meeting, they approved
10 this this from (inaudible).

11 THE CLERK: No, that meeting right there has not
12 been approved yet. That's a draft, just for Council
13 here. But in your packet, there's a mention of all
14 meetings. All minutes for the meeting (inaudible).

15 MR. NUGENT: Yeah, I'm looking here. I mean,
16 you go back --

17 MS. GANZ: I have some comments here from
18 several people. There's a comment that was addressed
19 to -- I guess Jenny's going to read that I just
20 received in my packet. I also had some other
21 comments I wanted to read.

22 This comment -- actually, I'm reading from 2012,
23 July 19th, when this came up -- as Mr. Panrell said,
24 this has come up in 2010 and 2012. Specifications

1 include wards formed from contiguous territories
2 following precinct lines and the center lines of
3 streets wherever practical [sic], and nearly as --
4 and as nearly as practical [sic] as the same number
5 of qualified voters as determined from the last
6 statewide general election 2010.

7 Mayor Jim Manilla said it's important to
8 remember the City Charter states specifications are
9 not be construed to require the adjustment of
10 precinct boundaries or to sacrifice compactness of
11 wards for the sake of achieving equality in numbers
12 of registered voters among the seven wards of the
13 City.

14 And then, I just -- and he was quoting that from
15 the note from Linda that was received, related to
16 Wards and Boundary Commission in -- I printed it out
17 today, but I -- it unfortunately does not have the
18 date, but it gets in there from the Morgan --
19 Codified Ordinances.

20 The issue here is that our city is growing
21 rapidly, and there's a lot of construction taking
22 place. There is no doubt that the wards and
23 boundaries do need to be looked at in a comprehensive
24 fashion, with no unintended consequences. There's no

1 doubt that -- I've looked at these maps. There's
2 areas in the wards that I'm familiar with that are
3 not -- they do not include the names of streets and
4 the locations of the voters on the streets. There's
5 been some confusion, even until today when we
6 received updates, that -- which wards, which
7 precincts -- there's just some confusions.

8 So, what I would like to do is, since the County
9 is undergoing a major GIS study, and the University
10 is doing a major public/private partnership
11 development in Evansdale, in Woodburn area, and
12 almost all wards.

13 I think what we should do, as part of our budget
14 process, either contact the Secretary of State and
15 subcontract from them a group that can look at all of
16 our maps, look at where all of the people who vote
17 are located on those streets, and come up with -- if
18 we choose seven wards, to have seven wards based on
19 the population that will be here at the time of the
20 next general election. Because most people register
21 to vote at the general election time, and the
22 development will be completed at general election
23 time.

24 So, I think we should have a major study done --

1 and this might even out the numbers at this point,
2 but it's not achieving our goal of consistency moving
3 forward. I think the next study would achieve a goal
4 of consistency for the future, and I think making a
5 chance in wards and boundaries right now would just
6 add to the confusion.

7 MR. FIKE: Should we not have at least a motion
8 on the floor?

9 MR. BANE: Yeah.

10 MAYOR SELIN: Didn't we start this with a
11 motion.

12 MR. NUGENT: No.

13 MR. FIKE: Don't we need to.

14 MS. GANZ: We started with discussion,
15 suspending the rules.

16 MS. SHAMBERGER: We started with I asked a
17 question for clarification on the memo.

18 MAYOR SELIN: All right. So, to continue
19 further discussion, do we have a motion?

20 MR. NUGENT: Move for approval.

21 MR. BANE: Second.

22 MAYOR SELIN: OK. So, my discussion would be
23 that we would not approve this tonight, and it would
24 be because I would be wanting to change -- there was

1 an area that was taken from part of Fourth Ward and
2 added into the Seventh Ward, and I would take a
3 different area which was mentioned during the citizen
4 discussion, and I would -- the area around Windsor --
5 and I would place that area within the Seventh Ward.

6 It's because it would still be within the 15
7 percent deviation. It would -- that area is already
8 along Burroughs. It's very close to the Seventh Ward
9 -- to the heart of the Seventh Ward. It's a defined
10 and bounded part of the neighborhood, rather than
11 splitting another part of another neighborhood in
12 half, and it would have similar compactness. So, I
13 have an interest in making a change. In order to do
14 that, we would need to not approve this this evening,
15 and then we would need to put forth a different
16 proposal at our next meeting.

17 THE CLERK: Can I make a comment here?

18 MAYOR SELIN: Yes.

19 THE CLERK: They visited all those different
20 issues, and all the different viewpoints [inaudible].
21 Did anybody read their minutes?

22 MR. NUGENT: Yeah, that's in this.

23 MAYOR SELIN: Yes, yes.

24 THE CLERK: Guy, would you explain that to --

1 [inaudible] suspend the rules again.

2 THE CLERK: Because I think it needs to be
3 explained that this Ward and Boundary Commission
4 looked at that area again.

5 MAYOR SELIN: That's true.

6 THE CLERK: And said, that in fact, Bill Ryan
7 made the motion to look at again for Alan Donaldson
8 at that meeting.

9 MAYOR SELIN: Yes.

10 THE CLERK: And they looked at that again.

11 MAYOR SELIN: Yes.

12 THE CLERK: And Damien was here.

13 MR. BANE: The Mayor was here.

14 THE CLERK: And we put it up --

15 MAYOR SELIN: Yes.

16 THE CLERK: We put it up on the screen, and they
17 looked at those numbers again to make sure the
18 decision they were making was correct.

19 MR. KAWECKI: (Inaudible.)

20 THE CLERK: But yes --

21 MAYOR SELIN: Based on numbers -- and this is a
22 different decision that would still be based on
23 numbers, that would still be compact, that would
24 still be within the 15 percent, that would fulfill

1 all of (d) and that we could, under the rules of our
2 Charter, that we could put forth at our next meeting
3 this change, and that's what I'm recommending, and
4 that's just something that I'm putting forth.

5 MR. KAWECKI: Madam Chair?

6 MAYOR SELIN: Yes.

7 MR. KAWECKI: I attended the same meeting, and
8 I agree. First of all, I really do appreciate the
9 activity. I understand that there was --

10 MAYOR SELIN: Yes.

11 MR. KAWECKI: -- considerable debate back and
12 forth, and I'm very sympathetic to the fact that
13 you're volunteers, that you did the work, and I'm
14 very appreciative.

15 What I do find, though, is that the two people
16 who are represented on that Board from those
17 districts, voted against this. It wasn't unanimous.
18 There were three people who voted against this.

19 There were two other solutions brought forth
20 that were more -- as you say, more in keeping with
21 the neighborhoods -- that were within the 15 percent
22 requirements. Two other solutions -- not just one --
23 two.

24 And the other part of this, too, is at that

1 time, we were working from 2013 data. We have 2014,
2 and as I look at that, our big problem is in First
3 Ward and Third Ward. I mean, there's a 500 people
4 discrepancy there. I'm sorry, I'm just not
5 comfortable with the figures. I can't vote for this.
6 I appreciate the effort, but I'm not comfortable with
7 what's being presented.

8 MAYOR SELIN: So, here we sit.

9 MR. NUGENT: Madam Chair, I'll just point out --

10 MAYOR SELIN: Anyone else who's wanting --
11 wishing to speak? Yes.

12 MR. NUGENT: -- that the person who did speak
13 was accurate in the statement that the vote taken on
14 this was 7-0. There was a subsequent vote taken that
15 changed that. What changed between the 7-0 vote and
16 the 4-3 vote --

17 MR. KAWECKI: When was that?

18 MR. NUGENT: January.

19 THE CLERK: It's in the minutes.

20 MR. BANE: It's in the minutes.

21 THE CLERK: It's in the packet in the back.

22 MR. BANE: It was in January.

23 MR. KAWECKI: January?

24 MR. BANE: Yes.

1 MAYOR SELIN: Yeah, we have a whole set of
2 minutes.

3 MR. NUGENT: So, it's an accurate statement that
4 it was a unanimous decision --

5 MR. KAWECKI: (Inaudible.)

6 MR. NUGENT: -- and then something changed --

7 MR. KAWECKI: January?

8 MAYOR SELIN: It's --

9 UNIDENTIFIED MALE VOICE: February.

10 MR. BANE: February? It thought it was January.

11 MR. NUGENT: But what concerns me --

12 MAYOR SELIN: Yes.

13 MR. NUGENT: -- are statements that I'm hearing
14 about unintended consequences and consistency moving
15 forward. I'm not exactly sure what we're talking
16 about, consistency moving forward, other than
17 following the Charter. Not reading into the Charter,
18 not saying what might happen in the future might
19 happen, not basing this on the numbers of population,
20 but as the Charter states, the number of registered
21 voters.

22 That's the law. It's the law that we have
23 today. This has not been updated in far too long.
24 It has to be updated now. I think that these people

1 have put a lot of thought and time in this, and it's
2 evident to me.

3 MR. KAWECKI: Why -- why is it that it has to
4 be updated now?

5 MR. NUGENT: Because that's what the Charter
6 requires, Bill.

7 MAYOR SELIN: That's the part --

8 MR. NUGENT: I'm sorry, Councilor for the Second
9 Ward.

10 MAYOR SELIN: Yes.

11 MR. NUGENT: The Charter does require this, that
12 a report shall be made on even number years, and the
13 Council shall approve or disapprove the same. Here
14 we are. Well, we're coming into -- in January --

15 MR. KAWECKI: Well, approve or disapprove. At
16 this moment, I disapprove. I'm not confident --

17 MAYOR SELIN: So, so --

18 MR. NUGENT: But we're also on a timetable that
19 puts us up into January -- the first Monday of
20 January. All these decisions have to be made by that
21 date.

22 MAYOR SELIN: The decisions have to be made, and
23 the only way to amend it -- it's not within our
24 Charter that we can amend this type of thing this

1 evening. The only way to amend it is this evening to
2 disapprove it and offer up at the next meeting --
3 within 15 days, offer up a change, if we want to make
4 a change -- and I'm just offering that up as a
5 possibility.

6 MR. NUGENT: Well, the other question I would
7 raise is, is it a conflict of interest when we have
8 members who may be impacted by this, and this is what
9 seems to be the reality. Is that a conflict of
10 interest, according to our Charter, Section 2.05B?

11 MAYOR SELIN: Apparently, our Clerk --

12 MR. NUGENT: So, ask the question.

13 MAYOR SELIN: Apparently, our Clerk called in
14 and --

15 THE CLERK: Excuse me?

16 MAYOR SELIN: Apparently you called and asked
17 whether that was something that we were eligible to
18 discuss?

19 THE CLERK: I called the --

20 MR. MIKORSKI: The Ethics Commission.

21 MAYOR SELIN: The State Ethics Commission.

22 THE CLERK: We asked and a report was provided.

23 MS. GANZ: And what did it say?

24 MAYOR SELIN: He's just saying that he doesn't

1 think --

2 MR. NUGENT: Is it a conflict of interest -- I
3 mean, maybe they couldn't report on it officially
4 because it's --

5 THE CLERK: Conflict of interest for them --

6 MR. NUGENT: For -- if -- there's a council
7 member --

8 MR. BANE: (Inaudible) by this ordinance.

9 MR. NUGENT: that is impacted -- and that seems
10 to be the driving factor behind rejecting this --

11 THE CLERK: Yes (inaudible).

12 MR. BANE: Right.

13 MR. NUGENT: OK. Thank you.

14 MAYOR SELIN: My understanding was that you
15 asked the Secretary of State's office and that we
16 were allowed to vote on it because it was something
17 that was for the future and it did not -- it was not
18 something that was a problem.

19 MS. GANZ: To vote on it?

20 MS. SHAMBERGER: And the fiduciary, it was a --

21 THE CLERK: I don't know about voting.

22 MR. MIKORSKI: The Ethics Commission did say
23 that it's an upcoming election. It's not saying that
24 the people that are voting on it here will be Council

1 members --

2 THE CLERK: In the next -- yes.

3 MR. MIKORSKI: -- there in the election, just
4 like any other person. So, they said that -- the
5 Ethics Commission did say that it's OK for the
6 Council members from the two wards to vote on the
7 report.

8 UNIDENTIFIED MALE VOICE: OK.

9 MAYOR SELIN: Yes.

10 MR. FIKE: I appreciate Councilman Nugent's
11 bringing that forward. I do, Wes, thank you. I know
12 that it's a difficult thing for a city council to sit
13 and try to talk about something that could impact the
14 very make-up of the Council.

15 I understand that, but the bottom line for me
16 is, I also share Councilman Nugent's emphasis on
17 adhering to what we have to go with, and that's our
18 City Charter, and too often we kind of use that when
19 we want and ignore it when we don't want it, and
20 that's not right. We -- we're obligated. That's our
21 -- that's how we function.

22 We have a commission who worked on producing a
23 report for us, for us to take action, just as many,
24 many commissions do, and I have to look at what they

1 have presented to us and, with thanks for the effort
2 that they've put into it. I hear my City Clerk
3 saying that this is indeed appropriate. Her part in
4 it has been fulfilled. She's comfortable with this.

5 So, I have to look beyond all those other things
6 that lie out there, and while it pains me that we
7 would have anyone on Council that might feel -- I'm
8 going to use the word "threatened" -- in some way
9 that it's not going to be good for that person on
10 Council.

11 I sympathize with that, but I also have to say
12 that we have a report that I can't -- I can't find
13 fault with it. I've read the minutes. I've read all
14 the supporting documentation that they've given to
15 us. I just -- I just cannot find fault.

16 Yes, maybe there could have been other ways of
17 distributing the population, and maybe that could
18 have happened, but for us to say let's not distribute
19 it the way they did it, let's look at other ways to
20 distribute it -- we may be -- we're just doing what
21 they've already done over, and there's no need for
22 that. I just -- I have to accept the work of a
23 commission who took their task seriously and brought
24 us a report that I find no problem with.

1 As far as projecting into the future, again, I
2 agree with the point that Wes made. I -- if we set
3 that precedent -- if we say, oh my goodness, we're
4 going to grow so much in the next little while, well
5 the next time the Wards and Boundaries Commission
6 tries to come up with a report, we're going to say,
7 oh whoa, now we've got development going here, and
8 now we've got growth there, let's put that off again
9 and see what happens.

10 I don't want to go there. I don't want to set a
11 precedent that says let's not take the current facts,
12 let's always look ahead. Well, we'll never get
13 anything. I mean, we will never have a concise
14 boundary drawn anywhere. So, I support this report.

15 MAYOR SELIN: Thank you. Is there anyone else
16 wishing to speak?

17 MS. SHAMBERGER: I would just like to say, I do
18 appreciate all the work that's put into this, but I
19 do have to say, without a doubt there was constant
20 confusion. I mean, if from -- even up until today,
21 as we're getting more emails from the City Clerk with
22 changes, with information she's getting from the
23 County, I mean, it's -- it's kind of been like a
24 little circus going on, in my -- and that's my

1 opinion -- and I don't mean to offend anybody by
2 that, but it's just like all this stuff has been
3 going on, and then all of a sudden it stops.

4 I respect what Councilor Fike says, and
5 Councilor Nugent, and about the future, but I think
6 we can all drive down University Avenue and look at
7 all that construction -- and who's going to move into
8 that construction, you know. I can drive up Willey's
9 Street, and you can see College Park, what's up
10 there.

11 So, you know, as the University is growing and
12 people are moving in and moving out, I think that
13 population is going to change, and I do think it's in
14 the best interest of the City that we wait.

15 MAYOR SELIN: So --

16 MR. BANE: Madam Chair?

17 MAYOR SELIN: Yes.

18 MR. BANE: I really -- you know, I really was
19 hoping that it wouldn't go this way. I really
20 didn't, but you know, it's time for us to talk about
21 the 800-pound gorilla in this room.

22 We just had our Chairman suggest a change that
23 would keep that person in the ward that she's in. We
24 have had several situations here, excuses to that,

1 but let's talk about the 800-pound gorilla. There
2 are five members of this Council -- which, the
3 Council member from Sixth Ward, God bless you. We're
4 going to not do anything because we're trying to
5 protect something, and it's a shame.

6 Over 200 hours of those people's time and effort
7 was put into this, and we're setting a standard.
8 Maybe coining the word, you know, it's like council
9 member jandering, or council jandering, instead of
10 Gerrymandering, because if we don't do this now,
11 everybody in the City is going to know that, if you
12 are an official, and you happen to be in that zone
13 change, it's not going to happen.

14 And it's a shame, because I thought when you sat
15 in these leather chairs, you're just a citizen that
16 happens to be in a -- not better or more valuable
17 than anybody that sits out there and watches this on
18 Tuesday nights.

19 If we take this action tonight, and we don't
20 approve this, we've set the stage, and it's going to
21 be bad. Because now we've got a Ward and Boundaries
22 Commission that -- why are they even doing it? 1989
23 was the last time this was changed. It has been
24 suggested in 2010, 2012, and here we are at 2014, and

1 it just so happens that we have two wards that will
2 merge, and representatives from those two wards would
3 have to run against each other. It's out there,
4 folks. People are talking about it.

5 So, right now, the vote is 4-3, and it's a
6 shame. And I'm not saying anything derogatory, Bill,
7 I'm just stating -- I'm just stating the facts,
8 because the gorilla is sitting right there in the
9 chair, and everybody is going to see it, and it's the
10 truth.

11 MR. KAWECKI: You go back into this. Two other
12 solutions that solved the problem, well within the
13 configuration that was necessary, [inaudible]
14 suggested also by the people, the person who was --
15 that representative -- you put this in place. He's -
16 - you lose him as a Ward Commissioner. I'm just --
17 I'm not confident in the information. I'm sorry, I
18 wish I were -- and I'm not -- and I really think that
19 there's a better configuration there, in terms of
20 keeping the neighborhood together.

21 UNIDENTIFIED MALE VOICE: With all due respect,
22 you're wrong.

23 MR. NUGENT: Point of order.

24 UNIDENTIFIED MALE VOICE: Point of order.

1 MR. KAWECKI: I'm sorry, Guy. I really do
2 appreciate what you tried to do, but I just can't
3 agree with it. I just don't.

4 MR. NUGENT: Madam Chair?

5 MAYOR SELIN: Yes.

6 MR. NUGENT: If I may offer a secondary comment,
7 follow up. City Council of the City of Morgantown
8 shouldn't be held hostage by another level of
9 government. I mean, if we're questioning the County
10 Clerk, that's an issue that we need to take up with
11 the County Clerk.

12 These numbers, you know, make a change, but
13 there's no statutory requirement for the Clerk -- or
14 the County Clerk to work with us. So, I mean, I'm
15 not trying to cast a disparaging light there --
16 that's not my intent -- but the point is, these
17 people have been working from the best information
18 that they have, that is current.

19 `Is it perfect? Well, no, but does it make a
20 difference in the deviation? No, it doesn't. And
21 you know, I think ultimately the statement -- I have
22 to agree with my colleague from the First Ward, that
23 what's being stated here is that we're more
24 interested in preserving and protecting than serving.

1 And again, I go back to conflict of interest.

2 Even abdicating from sitting in the Chair. Maybe
3 that's not appropriate. And I think we need to take
4 that into consideration.

5 This is a very delicate place that we find ourselves
6 in, and going back to the growth of the community, I
7 can't imagine a day when the dust actually settles in
8 Morgantown. Because when that happens, my sense is
9 that our community will have stagnated and we will be
10 finding ourselves in a state of decay. I continue to
11 hope for population growth, not only in the
12 community, but in the county, and we project that.
13 So, the dust is never going to settle. We can't look
14 into the future. That's not what the law prescribes.
15 I think this is a very bad statement.

16 MAYOR SELIN: I'd like to point something out,
17 which is that we have the right, under (f) to, if
18 under (e), disapprove this report --

19 MR. NUGENT: Mm-hmm.

20 MAYOR SELIN: -- that under (f), we can do what
21 normally we would do with a normal ordinance, which
22 is just make an amendment to it. So, it is possible
23 to -- whatever parts of this report in total or in
24 part -- whatever we would like to take up -- we can

1 approve and then we can make an amendment to it.

2 It is our right, it's our duty to look at our
3 own neighborhoods, our own areas where we live, where
4 other people live, where our neighbors live, and look
5 for the best solution. If we find that there's
6 something in this report that does not honor
7 neighborhoods, that does not look at natural
8 boundaries, that we can find something that is a
9 better solution, it is our right, duty and part of
10 our Charter that we are able to do this.

11 MR. NUGENT: Center of street lines, Madam
12 Chair. I don't know about neighborhood boundaries or
13 landmarks. That's not what the law says. Now, can
14 you find center of street lines in those places?
15 Well, sure, but it seems like the Commission's
16 already considered alternatives -- and that wasn't
17 unanimously supported, but they did look at this, and
18 it seems that they rejected that ultimately.

19 MAYOR SELIN: Just was interesting that the two
20 people who lived in the area said why is it that we
21 get to -- that you get to govern what happens in your
22 ward, but in our ward, you're telling us what to do.
23 Just an interesting, interesting way of operating.
24 Yes.

1 MR. BANE: What I find interesting also, Madam
2 Chair, is --

3 MAYOR SELIN: Yes?

4 MR. BANE: -- that there are several changes in
5 several wards, but what we have focused in on are the
6 two wards that are being affected by the people
7 sitting in their chairs tonight. Isn't that
8 interesting?

9 MAYOR SELIN: Everyone here has something that's
10 been changed --

11 MR. BANE: Well, no one has said anything about
12 any other wards, ma'am.

13 MAYOR SELIN: If someone would like to say
14 something about another ward, they can.

15 MR. BANE: We've went around the horn.

16 MAYOR SELIN: And that's fine.

17 MR. BANE: Well, there's the 800-pound gorilla.

18 MAYOR SELIN: That's each person's right --

19 MR. BANE: I'm sure it is.

20 MAYOR SELIN: -- to make a suggestion or not --

21 MR. BANE: It's a shame.

22 MAYOR SELIN: -- and you've noticed that
23 everyone has a slightly different read on this.

24 MR. BANE: It's a shame.

1 MAYOR SELIN: There's nothing unanimous about
2 any of the discussion. Does anyone else have
3 something to say?

4 THE CLERK: I do.

5 MAYOR SELIN: Yes.

6 THE CLERK: I just wanted -- I don't know
7 whether everybody looked at this or not, but with the
8 difference of 114 new voters from 2013 and 14, of the
9 total voter registration, the difference is less than
10 one percent, and making no changes in the numbers.

11 MR. BANE: And that's if it was all in one ward,
12 correct?

13 THE CLERK: Yes, right. So, you know, I don't
14 know whether you understand that or not, but that's
15 how close the numbers are from each year. So, when
16 they do the numbers, it doesn't change that much so.

17 In reference to Carye sending us the voter
18 registration numbers. So, Bill Kawecky was saying
19 they were working from old numbers, that's not really
20 a big deal. We were working from she gave us, and
21 she wasn't sending us anything because she didn't
22 have any new numbers from the election, and she
23 wasn't going to send anything until she had them.
24 You got it in the data.

1 MAYOR SELIN: So, what is Council's pleasure?

2 MR. BANE: Call the question.

3 MR. NUGENT: Call the question.

4 THE CLERK: Ron Bane?

5 MR. BANE: Yes.

6 THE CLERK: Bill Kawecki?

7 MR. KAWECKI: No.

8 THE CLERK: Wes Nugent?

9 MR. NUGENT: Yes.

10 THE CLERK: Marti Shamberger?

11 MS. SHAMBERGER: No.

12 THE CLERK: Mike Fike?

13 MR. FIKE: Yes.

14 THE CLERK: Nancy Ganz?

15 MS. GANZ: No.

16 THE CLERK: And Mayor Selin?

17 MAYOR SELIN: No, so it fails 4-2 -- I mean, 4-
18 3, pardon me.

19 MR. NUGENT: Madam Chair, I'd ask a question for
20 point of order. How exactly shall those reasons be
21 stated in the minutes?

22 MR. BANE: Because it says on the Charter it has
23 to have findings of fact.

24 UNIDENTIFIED FEMALE VOICE: Mm-hmm.

1 MR. BANE: So, for those people that voted
2 against it, we need affirmative facts to say why you
3 did not vote for it. Just like in the BZA.

4 MAYOR SELIN: All right.

5 MR. KAWECKI: Go around?

6 MAYOR SELIN: Sure, yes.

7 MR. KAWECKI: All right. First of all, I don't
8 think it really represents -- I don't think that
9 configuration really represents the community.
10 That's the first. Secondly, I'm not confident in the
11 data. Perhaps I'm not --

12 MR. NUGENT: Do we want to take --

13 MAYOR SELIN: Did you have any other --

14 MR. NUGENT: Do we need to take a vote on that,
15 to approve in the minutes, or is that sufficient?

16 MAYOR SELIN: That's his contribution to the
17 minutes.

18 MR. KAWECKI: It was my contrib -- my opinion.

19 MR. NUGENT: So, that's for the record.

20 MAYOR SELIN: Yes.

21 MS. SHAMBERGER: I believe the boundary could
22 have been done differently, with more progression,
23 using the University Avenue as the dividing line --
24 and keeping that area of like Windsor Avenue all with

1 the Seventh Ward, I think you would have had a more
2 diverse area, as far as like registered voter
3 population, but you'd also have a mix of regular
4 residents and rentals in that area, as opposed to
5 mostly all regular residents.

6 I also -- I'm also not comfortable with all the
7 numbers. Even though all the numbers are there, you
8 know, it's -- you come tonight and, you know, find
9 out what things really mean. I would just like to
10 see more clear numbers.

11 MAYOR SELIN: OK.

12 MS. GANZ: There's been continual changes in the
13 numbers and the mapping and so forth. The ward
14 representative from my ward voted against this. The
15 ward representative from my ward, I assume -- which I
16 haven't -- his reason is, because the ward
17 representative presented an amendment to include the
18 Flatts area, which is traditionally within part --
19 or in the past what part of Seventh Ward, and that's
20 the natural boundary being University Avenue,
21 including the natural boundary that the -- that
22 Flatts area would diversify both wards to include
23 commercial areas, rental areas, and single family
24 areas, making both wards more stable and more

1 heterogenous.

2 I believe in hypervigor (ph). I think having a
3 ward that's primarily single family is -- when it
4 would be the only ward like that -- is detrimental to
5 Seventh Ward. I also noted that the previous council
6 people -- that would be Charlie Byrer who wrote the
7 Charter and encouraged us to weigh -- he didn't think
8 there was adequate information.

9 He said it took five years to tweak the Charter,
10 and that this has not been done for 20 years. He
11 also pointed out that Jimmy Manilla, under the same
12 circumstance, said it's important to remember that it
13 states not to require the adjustment of precinct
14 boundaries to sacrifice compactness of wards. I
15 believe that this proposed changed would sacrifice
16 the kind -- the compactness of Seventh Ward.

17 So, I also listened to the counsel from the
18 previous mayor, as well as a previous council person.
19 I will point out that this issue has been going on
20 since 1989, like Mr. Bane suggested, and Mr. Bane
21 says was in the councils that chose to do nothing to
22 date for the last 20 years. The maps in the
23 precincts have not been changed. Those are my
24 reasons.

1 MAYOR SELIN: My reasons, for the record, have
2 to do with that there -- that the only way that we
3 can amend this or that we can make a change to this
4 is to reject it at this time and put forth -- if we
5 choose, put forth an alternative. It has to fall
6 within (d) of 7.05, and so it has to be an
7 alternative that is -- has to be contiguous, has to
8 have boundary lines that follow the precinct lines,
9 as we were talking, and center lines of the street.

10 It has to try to make -- equalize the number of
11 voters, and keep it within the deviation that we've
12 been talking about. Then we have to look at the
13 registration from the last statewide general
14 election, which is what has been done and been
15 attempted to do, and then it says that it doesn't
16 require the adjustment of precinct boundaries or to
17 require the sacrifice of compactness.

18 I'm offering up an alternative that fits within
19 (d), that fits within the deviation, that is
20 topographically and geographically already connected
21 to Seventh, that it's a defined and bounded area,
22 with streets all the way around it, rather than
23 splitting another part of the neighborhood in half,
24 and I know that every council person here can

1 understand that, and that is something that is
2 important, and that it has similar compactness.

3 So, I am voting on this basis, and I'm wanting
4 to improve the maps and make sure that we follow as
5 much as possible. The items that these [inaudible]
6 that the Ward and Boundaries Commission put forth,
7 I'm wanting to honor that as much as possible, but
8 I'm wanting to offer an amendment, and the only way
9 that I know to offer an amendment is to reject this
10 report today and bring it up at our next meeting.

11 That's what I would put in the minutes.

12 THE CLERK: [inaudible]

13 MAYOR SELIN: Following the Charter. So, that's
14 my comments. Is there anything else? So --

15 MR. FIKE: May raise a point of order, at least
16 for clarification?

17 MAYOR SELIN: Yes.

18 MR. FIKE: Where does this go now?

19 THE CLERK: Back to the regular meeting.

20 MAYOR SELIN: It'll come back to the regular
21 meeting.

22 MR. BANE: We have 15 days to come up with an
23 alternative.

24 MR. FIKE: OK.

1 MR. NUGENT: However, all actions, including
2 second reading, and a second reading that has enough
3 time according to the public notice, needs to be
4 transacted prior to the first Monday in January.

5 THE CLERK: Right.

6 MR. FIKE: That's where I'm going.

7 MR. NUGENT: We have to have a --

8 MR. FIKE: I'm thinking, how is that --

9 MR. NUGENT: At a special meeting.

10 MR. FIKE: Yeah, OK.

11 MR. NUGENT: That's what this is going to
12 require.

13 UNIDENTIFIED MALE VOICE: Yep.

14 MS. GANZ: In all due respect, did this require
15 a second reading last Council?

16 UNIDENTIFIED MALE VOICE: What?

17 MR. NUGENT: There were no changes, Madam Chair.

18 MAYOR SELIN: Pardon me?

19 MR. NUGENT: No changes last time.

20 MR. BANE: The Ward and Boundary Commission came
21 to this chamber and said, yes, those wards were out
22 of whack, but they did not come up with an
23 alternative plan. That's why it wasn't voted on, but
24 it was evident that something needed to be done. But

1 at that time, the Ward and Boundary Commission did
2 not bring something to us.

3 MAYOR SELIN: When you're looking at a statute
4 and you're reading it, you try to effectuate all the
5 parts of it, so if we follow this and we go through,
6 and it says, shall within 15 days introduce an
7 ordinance adjusting, then we will need to figure out
8 a way to keep effectuating it, because that is what
9 was written by our ...

10 MR. BANE: Fifteen days.

11 MAYOR SELIN: So, as far as I know, this would
12 come up at the next meeting.

13 THE CLERK: Yes.

14 MR. BANE: It has to.

15 THE CLERK: It has to.

16 MR. MIKORSKI: The ordinance that's going to be
17 put forth is the text of the boundaries of the wards,
18 and within that, Council will have to make
19 modifications to those ward recommendations. So,
20 would you want us to start with what the report shows
21 as the descriptions of the wards, or is Council going
22 to come up with an alternative starting point for the
23 wards?

24 MAYOR SELIN: Well, because this was something

1 that was discussed at a prior meeting, it's already
2 been counted and discussed and could be written up, I
3 would think, by the Clerk, if the Clerk was willing -
4 - the amendment.

5 THE CLERK: [inaudible]

6 MAYOR SELIN: -- the amendment. Pardon me?

7 THE CLERK: Amend what?

8 MR. BANE: Point of order here on this.

9 MAYOR SELIN: Yes.

10 MR. BANE: And I'm trying to answer your
11 question, still looking at the (inaudible). Here's
12 the thing -- it was not discussed -- and please,
13 Madam Clerk, I want this in the minutes -- it was not
14 discussed on any other wards changed. So, you can
15 write [inaudible] everything, because we're only
16 dealing with the Fourth and Seventh, OK. I mean,
17 that's what we're talking about.

18 They're not talking about anything else to be
19 changed, so you might as well write it up, you know.
20 They've got the votes to do what they're going to do,
21 so write up -- so that we don't have to start from
22 Point One.

23 MR. MIKORSKI: OK.

24 MR. BANE: Because there's no other change,

1 because that's not what they want to do, OK.

2 MR. MIKORSKI: OK.

3 MS. GANZ: In all due respect, I appreciate your
4 point of order, but Section (f) has seven choices for
5 enacting ordinances, and it says, if the report of
6 the commission disapproved or if the commission fails
7 to file a report -- blah, blah, blah -- the Council
8 shall, withing 15 days after disapproval or of such
9 failure, nevertheless introduce an ordinance
10 adjusting the wards boundaries, unless the Council
11 shall, within 15 days after filing a report -- or
12 failure to file a report -- make a finding of fact
13 entered upon the minute account, that no ward
14 boundary adjustments are necessary.

15 By the way, that's what was done at the last
16 City Council, under the exact same circumstance.

17 MR. BANE: No, it's not. You're incorrect.

18 MS. GANZ: OK.

19 MR. BANE: Because there was nothing proposed to
20 us.

21 MS. GANZ: Do you know why?

22 MR. BANE: Well, because they didn't want to do
23 it at that time because they had an imbalance, and
24 Chairman Donaldson brought it to us, saying that

1 there's no way you can do it.

2 MR. NUGENT: Madam Chair, just to add onto that,
3 I recall asking the Chair at the time, this is
4 obviously a growing problem. It's only getting
5 worse, the discrepancy. So, at what point does
6 action get taken, because we're now outside of the
7 traditional operating bounds. There was not answer
8 to be able to be provided for that, so you know, they
9 made their decision, and obviously that's been
10 rejected but -- and that's the history on why there
11 was no change made --

12 MR. BANE: And it wasn't the same.

13 MR. NUGENT: -- last time.

14 MR. MIKORSKI: And Mayor?

15 MAYOR SELIN: Yes.

16 MR. MIKORSKI: If I can, I would appreciate it
17 if we didn't identify it as no changes that need to
18 be made, because a lot of the changes in the ward and
19 boundaries are due to annexation areas and new areas
20 in the City --

21 MAYOR SELIN: And we need those maps.

22 MR. MIKORSKI: So, we -- yes, we need --

23 MAYOR SELIN: Yes.

24 MR. MIKORSKI: -- to include those changes into

1 the ward and boundaries.

2 THE CLERK: Mm-hmm (nodding).

3 MR. MIKORSKI: So, we will start with what we've
4 heard as a beginning of the ordinance for next
5 Council meeting.

6 MAYOR SELIN: I would say that for the next
7 Council meeting, I would take the charts that are
8 here, and I would clean them up so that we know -- so
9 that there's something up above that says what each
10 thing is -- I think that that was part of what
11 Councilor Shamberger was asking for -- and you know,
12 anything that, for clarify, would make it so that
13 people could see -- and incorporating this into the
14 document, either --

15 MR. MIKORSKI: Well, actually, the ordinance is
16 going to be --

17 THE CLERK: The ordinance (inaudible).

18 MR. MIKORSKI: -- completely different than the
19 reports.

20 THE CLERK: Yes.

21 MAYOR SELIN: OK.

22 MR. MIKORSKI: The ordinance is going to be Ward
23 One and the boundaries written out.

24 MAYOR SELIN: All right.

1 MR. MIKORSKI: And identifying the boundaries of
2 each ward.

3 MAYOR SELIN: All right.

4 MR. MIKORSKI: So, it's going to be text -- we
5 can include the maps to make understanding of it, but
6 it's going to be an actual ordinance with boundaries
7 for the wards, and that's it.

8 THE CLERK: Because I talked to Damien today and
9 he -- I gave him some of the data, and he is working
10 on that ordinance -- finishing it up.

11 MAYOR SELIN: OK. So, from what I can tell, we
12 want it to look clean. If there's a chart -- so
13 there's no chart in this? There's no chart?

14 MR. MIKORSKI: No, it's not a report. It's an
15 ordinance.

16 THE CLERK: It's an ordinance.

17 MAYOR SELIN: It's an ordinance?

18 MR. MIKORSKI: Yes.

19 MAYOR SELIN: So, it's just going to have
20 property descriptions and maps, is that what you're
21 saying?

22 MR. BANE: No, all it's going to have is street
23 names.

24 UNIDENTIFIED MALE VOICE: [inaudible]

1 MR. BANE: Yes, street names and boundaries.

2 MAYOR SELIN: But that's the property
3 descriptions I'm talking about.

4 MR. MIKORSKI: Right.

5 MAYOR SELIN: And then maps?

6 MR. MIKORSKI: Yes.

7 MAYOR SELIN: OK.

8 MS. SHAMBERGER: Could we --

9 MAYOR SELIN: So, the area around Windsor would
10 be the only change that I know of. Are there any
11 other changes that people are wanting to be included
12 in it? Yes.

13 MS. SHAMBERGER: Could we though -- I would like
14 to request of the City Clerk, though, if we could
15 have a clean document of -- with those descriptions
16 of the precincts, wards, and all those numbers --
17 have a clean chart to be attached with the Ward and
18 Boundary minutes -- or report?

19 THE CLERK: I'll talk to the Committee Co-Chair
20 and see [inaudible].

21 MS. SHAMBERGER: Well, I think Council is
22 requesting --

23 THE CLERK: [inaudible] and I'll talk to them
24 and see [inaudible]. I'm just reporting what they

1 reported to me.

2 MAYOR SELIN: So, is this document considered
3 separate -- the document that we have in our packet
4 that was approved by the Ward and Boundary
5 Commission?

6 THE CLERK: The map -- the map itself, I added
7 for your viewing. This is what Damien (inaudible).

8 MAYOR SELIN: Right.

9 THE CLERK: The minutes, I added in there for
10 your viewing.

11 MAYOR SELIN: Yes.

12 THE CLERK: Because that's what they actually
13 approved.

14 MAYOR SELIN: Right, OK. So --

15 THE CLERK: I also added in there the Charter.

16 MAYOR SELIN: Right. If the Charter -- I don't
17 know how we do this. I'm wanting the Charter to
18 reflect -- the whole Charter passage about this,
19 rather than just (inaudible) in the report -- but the
20 report has -- it's a historic document that's already
21 been approved as-is.

22 So, then are we amending that, with this -- is
23 what you are saying? Within the doc -- OK. For the
24 listeners at home, the Charter provisions that are

1 written up in the document that was approved by the
2 Ward and Boundary Commission -- the document we're
3 operating from before we get to the amendments --

4 THE CLERK: [Inaudible.]

5 MR. BANE: [Inaudible.]

6 MAYOR SELIN: You didn't approve -- this was not
7 an approved document by the Ward and Boundary
8 Commission that's being put forth to us?

9 MR. BANE: What's being put forward from you is
10 the Clerk reporting to you the number changes for the
11 wards. The ordinance hasn't been put together yet.
12 The ordinance is after subsequent approval from the
13 Council --

14 THE CLERK: [inaudible]

15 MR. BANE: -- for the changes.

16 MAYOR SELIN: All right.

17 MR. BANE: Just numbers. That's what we're
18 supposed to be looking at --

19 MAYOR SELIN: I under --

20 MR. BANE: Just numbers.

21 MAYOR SELIN: That's --

22 MS. GANZ: That's not what the Charter says.

23 MAYOR SELIN: That's -- no, the Charter does say
24 we look at numbers, and we look at compactness.

1 MS. GANZ: It says numbers and contiguous areas.

2 MAYOR SELIN: And contiguous areas, defined and
3 bounded. OK, so I'm just concerned that within this
4 report is similar concerns to what Deputy Mayor
5 Shamberger is talking about -- that within this
6 report, there are items that aren't complete, and I -

7 THE CLERK: I'm confused, did you pass the
8 report?

9 MAYOR SELIN: No, we did not pass the report,
10 but we're trying to determine what needs to be
11 brought forth at our next meeting. We're just going
12 to -- we're not going to do --

13 THE CLERK: We're just doing the ordinance.

14 MAYOR SELIN: OK, we're just doing the
15 ordinance.

16 MR. MIKORSKI: Yeah.

17 MAYOR SELIN: All right.

18 MR. MIKORSKI: Now that will be included into
19 the minutes, as a revised memo from the Clerk.

20 THE CLERK: (Inaudible) as I -- and the bond
21 ordinance, I'll add it in as an exhibit.

22 MAYOR SELIN: OK, all right.

23 THE CLERK: [Inaudible.]

24 MAYOR SELIN: As long as this is in there.

1 MR. BANE: That was disapproved.

2 MAYOR SELIN: I understand that it was
3 disapproved. That's the only way that you can make
4 an amendment to it is to disapprove it.

5 THE CLERK: I will put it in there and I will
6 come up with a new [inaudible].

7 MAYOR SELIN: That would be appreciated. Well,
8 just because then when members of the public are
9 looking at it, they can tell what the parts are.

10 THE CLERK: If anybody has a question about the
11 parts, call me.

12 MAYOR SELIN: All right. So, is it clear what
13 we wanted to change? The only mapping -- there was
14 one mapping change that was the mapping change that I
15 mentioned. Is there -- are there any other mapping
16 changes? I don't think so. We would just make that
17 one mapping change, and then we would put it forth.
18 All right. Report from the City Attorney.

19 UNIDENTIFIED MALE VOICE: None.

20 MAYOR SELIN: No report. Report from Council
21 members. Councilor Bane?

22 MR. BANE: OK, well, after that, it's clear to
23 me that this Council does not adhere to what they
24 say. What they said was, they would support

1 committees and commissions when they give direction
2 to this Council. It's clear to me it's only when it
3 suits them. You know, I sat here -- and I've had
4 some things come in front of me that I never thought
5 I'd have come in front of me, and I've researched
6 them and I worked at them, and I did what was right
7 for the City, and what was right for that committee
8 that put that effort in -- and the Human Rights
9 Commission has brought some stuff that I never
10 thought I'd have front of me, but I wanted to support
11 their efforts.

12 I appreciate Councilman Fike sticking to those
13 words. Your level of respect from me is just jumped
14 a barrel, and I appreciate it.

15 I think that what we've set -- we've set a
16 standard that is awful, because what I just said a
17 minute ago was, the numbers on that report, they're
18 only numbers. They shouldn't have a star by them or
19 a special number or a bigger number, because, for the
20 record, it is plain to everybody in this -- that's
21 watching -- there was only one ward and boundary
22 change, but there were five wards that changed, but
23 the only one that changed was the one that was going
24 to affect the political aspects of this Council --

1 and that's a shame, because what have we set?

2 Future Councils now are going to say, well, you
3 know, 2014, if it involved a Council member, better
4 not because they set the standard. End of my
5 disappointing report.

6 MAYOR SELIN: Thank you. Bill Kawecki?

7 MR. KAWECKI: Two things. One is that yeah,
8 there's a lot of things that are presented to us --
9 some of them I agree with and some of them I don't.
10 That's the reason why I was elected, is that I was to
11 make these kinds of decisions for my community, for
12 my ward, as I assume that you and Councilor Ganz has
13 done for their ward -- your ward -- and I think we
14 need to be an effective representative, so I
15 appreciate you doing that.

16 I agree with you in this instance. I think the
17 idea of keeping a community is appropriate. I
18 thought that there were other solutions, and those
19 other solutions should have taken -- had much more
20 momentum -- much more emphasis. That's the reason
21 for my vote, and like I said, we'll see whether or
22 not people agree with me when it comes election time.

23 And in terms of the other part of my report, I
24 wanted to thank both the City Manager and also the

1 police chief who showed up at a Second Ward Greenmont
2 meeting last night to address neighborhood concerns
3 about public safety. It was a very good meeting. I
4 had a conflict that I had to leave before the
5 conclusion, but what I saw happening was very
6 encouraging in terms of the presentation. I
7 appreciate the interaction we've been able to --
8 thank you, and thank the police department and the
9 police chief. End of report.

10 MR. NUGENT: This is, I think, the weekend we're
11 having another round of flights at the Morgantown
12 Airport -- Municipal Airport -- to Wheeling, and I
13 think we do probably need some standby flyers. It
14 doesn't hurt because we've had some cancellations and
15 such previously, and so if people would like to
16 travel to Wheeling and experience the joys of
17 aviation and understand about the airport and the
18 good work that's happening there, and the challenges
19 that lie ahead, I would encourage them to contact
20 Nick Galusky at the airport, and Nick can be reached
21 by dialing 304-296-2359, and asking to be added to
22 the wait list.

23 So, that's been a positive -- and I look forward
24 to perhaps receiving a report about the activities at

1 some point here from the City Manager's office. That
2 would be greatly appreciated.

3 With that said, I have to say tonight I'm
4 embarrassed to be a member of this body, and that
5 makes me disappointed and sad. I recall a former
6 Councilman and Mayor being quoted, and I'm going to
7 paraphrase -- that Council works best to serve its
8 citizens when politics are kept out of the City
9 Council chamber. And quite frankly, I don't see any
10 way other and around it, and it's even in the
11 document that was handed to us tonight, that politics
12 are present, and that's disturbing.

13 With that said, given the interest to the Chair
14 of this issue, I really have to question when we go
15 forward with this whether it's appropriate to be the
16 chairperson for those discussions, given the
17 closeness related to the issue. So, I would ask that
18 to be given some thought prior to this next meeting.

19 You know, I try to do the right thing, and I
20 appreciate the hard work that all of these members
21 have put into this effort. You know, is life
22 perfect? No, but is what they have done, being blind
23 to what the circumstances are and trying to do the
24 right thing? I believe so. So, thank you to the

1 commissioners. With that, end of report.

2 One last thing I would say, there is a special
3 neighborhood open forum on Thursday the 4th. I
4 believe that will be at six o'clock at the Wiles Hill
5 Community and Senior Center on Eureka Drive, and
6 that's going to be reviewing some preliminary plans
7 with a developer whose going to have a project that
8 is adjoining the neighborhood. So, end report.

9 MAYOR SELIN: Thank you.

10 MS. SHAMBERGER: Thank you. I just wanted to
11 say, I really enjoyed helping Main Street Morgantown
12 and the Chamber of Commerce on Saturday -- Small
13 Business Saturday. I worked with three WVU students,
14 who were also volunteering for the whole day. So, my
15 hat's off to them, and it certainly seemed by the
16 receipts that we were recording that there was an
17 awful lot of shopping going on. So, that was good.

18 My second item is, this Friday is First Friday
19 at Woodburn from six to eight. We're going to have
20 the blues by Matt Jordan. There's also going to be
21 food provided for purpose -- for purchase. We're
22 going to have -- I think there's going to be pizza,
23 nachos, and wings -- that type of thing. So, it's
24 from six to eight up at Woodburn School in the Multi-

1 Purpose Room, so please come out and join us. It's a
2 family-friendly event.

3 I also would just like to say I'm just really --
4 I feel good tonight, because I think everybody spoke
5 from their heart, and everybody stood up for what
6 they believe, and I think -- you know, the wisdom --
7 I felt there was a lot of wisdom in Charlie Byrer's
8 email. I have a lot of respect for him, you know,
9 being a Charter member, being a former Ward and
10 Boundary member and Councilperson -- you know, I felt
11 like he was looking at things unbiasedly.

12 I really appreciate all the hours of work that
13 Ward and Boundaries puts in. You know, all of our
14 boards and commissions all put in a lot of time, and
15 you know, we made our decision and we come back at
16 the next meeting with what we propose is the
17 solution. So -- and that is a choice that's given to
18 us in the Charter. I think people need to remember
19 that. So, end of report.

20 MAYOR SELIN: Thank you. Councilor Fike?

21 MR. FIKE: I was fully prepared to say no report
22 for the first time in my life, but can't do that.
23 What -- I'll freely admit, that was probably -- the
24 vote on that commission report was probably one of

1 the most difficult votes I've ever cast, but I stand
2 by it. I had to ask myself two things.

3 First of all, if the element of the boundary
4 change between Fourth and Seventh Ward were not a
5 part of that -- if that was not in the mix, how would
6 I have voted. Well, I would have voted in the
7 affirmative, thanking that commission so much for
8 their work. That told me right there how I should
9 vote.

10 Then my second thought on it was, what if it
11 were me? What if Councilman Kawecky and I were two
12 adjoining wards where the line was drawn and suddenly
13 I was thrown into his ward? I would have voted for
14 the report. I would have, because it came from a
15 commission who worked on our behalf.

16 For me to tell that commission, no, we don't
17 like that report, what are we telling our
18 commissions? What are we telling them? That they've
19 done all that work, and here's this part that we just
20 -- we just don't want this. We don't want this.
21 This is personal. This is hitting us where it hurts.
22 No, we can't -- and I agree with the other two who
23 voted with me, that we were not elected to vote -- to
24 change a report for those reasons. I can't do it. I

1 just cannot. I will not.

2 Now, I'm going to really struggle with what in
3 the world we come up with, because if anything looks
4 to me at all like we're adjusting boundaries to keep
5 our neat little group intact, I won't do it. I won't
6 do it. End of report.

7 MAYOR SELIN: Thank you.

8 MS. GANZ: Well, first of all, I, obviously, am
9 the other 800-pound gorilla, and I checked in with
10 the Ethics Commission myself, personally, who said
11 that unless it involved financial issues, then I
12 should feel free to vote and that my job was to
13 represent my people, and I spoke to them about
14 exactly what the Charter says. So, I cast my vote
15 with not -- full knowledge of what I found out from
16 the phone call.

17 Second, I respect the recommendations of the
18 Ward and Boundary Commission, and I know how hard
19 they work. When I was Neighborhood Association
20 president, I often attended -- I also respect the
21 opinion of the Fourth and Seventh Ward boundary
22 people who recommended that another area be added to
23 make it contiguous, and those are the people I
24 represent. The people in the community that would be

1 compact with me or in my community.

2 So, I cast my vote -- although it might seem
3 protective to other council people -- I cast my vote
4 for the best of the Seventh Ward to be in a
5 contiguous area or compact area. I also cast my vote
6 with the respect to Mr. Byrer who wrote the Charter
7 when he was involved in the original ward
8 configurations. I also cast my vote from the
9 recommendation of the people on the Ward and Boundary
10 Commission who represent our wards.

11 Now, on the bright side, it was a very hard
12 thing to do, to go against these other people that I
13 respect, but my -- I am elected, and if I am
14 reelected, it is to represent the people in my ward.
15 That is my Number One job. My Number Two job is the
16 City. So, I kept my job in mind, and will continue
17 to do that, no matter what happens.

18 Suncrest Neighborhood Association is meeting
19 Thursday, December 4th, and I encourage everybody in
20 the city to come. Ron Lytle from the school board is
21 going to present the design for the new school on
22 Collins Ferry Road. So, feel free to come see the
23 new school. It's going to be the best of the state,
24 and so we're excited that it's located on Collins

1 Ferry Road.

2 So, the meeting is at seven o'clock, Thursday,
3 December 4th, Calgary Baptist Church at Eastern and
4 Burroughs. If you want to come at 6:30, bring
5 refreshment and get to know the other neighbors, and
6 we welcome any students, any other community members,
7 anybody from outside the city, anybody who wants to
8 see about the new school.

9 Thank you very much.

10 MAYOR SELIN: Thank you. So, my comments on
11 this, as the other 800-pound gorilla. I also
12 appreciate the work of the Committee. I appreciate
13 that -- the report. I appreciate it completely, and
14 just wanted to make some sort of an amendment. The
15 only way through our Charter to make that amendment
16 is to reject the current report and offer an
17 amendment within 15 days.

18 So, in the spirit of making a change -- which
19 this Ward and Boundary Commission wanted to see a
20 change -- I'm offering up a change that's within (d)
21 within our Charter, that is a contiguous area -- and
22 it's not my choice or my change, it was a change that
23 was offered up by the two ward representatives in the
24 Fourth and Seventh Ward of the Ward and Boundary

1 Commission. So, it's not my idea of what would be a
2 better way to do it. It's the idea of the
3 representatives from the Fourth and the Seventh Ward.

4 The only way this action -- the reason why we're
5 talking about the Fourth and the Seventh Ward is that
6 those were the only changes that were substantial,
7 where numbers were -- substantial numbers were moved.
8 Other changes were more minor changes, and I have not
9 heard from any other council people that they wanted
10 to make a change. But this was a change that was
11 wanted in the ward in which I reside.

12 And I'd also point out that other Council
13 members have worked to preserve their neighborhood,
14 their wards, their ability to have a precinct where
15 their people can vote, places where people can
16 actually, you know, have a neighborhood and work
17 together. And so, with that in mind, I'm hoping that
18 we will pass this at our next meeting and move on.

19 I was wondering if the Deputy City Manager would
20 tell us, just briefly, where we are in the flight --
21 in the flight numbers, if you have that with you
22 today. Where -- with the counts.

23 MR. KELLY: We're --

24 MAYOR SELIN: Toward making the federal --

1 MR. KELLY: We are still 1,600 from 10,000.

2 MAYOR SELIN: OK, 10,000 is the goal?

3 MR. KELLY: Right. Last month, we had 933 -- or
4 month before this last month was 628, which was off
5 the pace that I had hoped. We have had 204 from the
6 charters -- the two charters we've done. We expect
7 to have a similar number this Saturday.

8 MAYOR SELIN: So, like a hundred? How many do
9 we get in this Saturday?

10 MY KELLY: Well, between -- originally what I
11 had budgeted for was 98, but --

12 MAYOR SELIN: Yeah.

13 MR. KELLY: Because we've been able to squeeze
14 some extra people in, we're 101 and 103.

15 MAYOR SELIN: OK.

16 MR. KELLY: So, yeah, around a hundred. And
17 also working on another plan. We were going to
18 underwrite a flight for -- or help underwrite a
19 flight for WVU. As it turns out, that company,
20 another West Virginia company, does not report
21 enplanements, so we will not be using them.

22 I found an alternative flight with a different
23 company, and also looked into a flight for Council
24 for next Tuesday to fly down to Charleston for the

1 hearing, and the cost on that was \$2,900 and change,
2 which I had already had briefed Jeff on.

3 So, it's -- we're a little off the pace that I
4 had hoped, particularly with the \$50 off discount.
5 As of yet, Silver still can't tell me how many of the
6 promo codes have been used, after eight attempts.

7 MAYOR SELIN: Does that include all of the chart
8 -- do we have the charter numbers, or do those come
9 later?

10 MR. KELLY: No, those come later. Last year,
11 we had 709 charter, though. So, are we still within
12 reach? Yes. Unfortunately, I had hoped to have 850
13 for this month on Silver, and we didn't.

14 MAYOR SELIN: So, do you have any proposals, or
15 could you, over the next -- you're going to keep
16 coming up with proposals to try to make the numbers?

17 MR. KELLY: Well, I'm almost out of money, and
18 what I've already briefed Jeff on is doing another
19 round of flights to Wheeling or somewhere, which
20 would be expedited. But with the money I've got
21 left, that will probably be about another 50
22 enplanements.

23 If I can take money that has been used from the
24 promo codes, I'll use that in the same way, because

1 those are guaranteed numbers.

2 MAYOR SELIN: OK, thank you.

3 MR. KELLY: But other than that, I'd be coming
4 back to you for more money.

5 MAYOR SELIN: All right, thank you. Arts and
6 Entertainment. Mary Poppins, December 1st through
7 4th, 2014, obviously. It says 2:00 p.m. I don't
8 know if they're all at 2:00 p.m.

9 Anyway, this is -- Mary Poppins delighted
10 Broadway audiences for over 2,500 performances, and
11 seven Tony Award nominations. And this is -- you
12 would call to get reservations, 304-291-4122, and ask
13 for Mary Poppins.

14 Met Glee is having concert rehearsals --
15 rehearsals for their holiday concert, if you like to
16 sing. It's called "Fa, La, La, La, La," and it's
17 being held at the Monongalia Arts Center, the MAC, so
18 if you're interested, you would call 304-599-2431.

19 A Midsummer Night's Dream is being shown at the
20 WVU Creative Arts Center, and it's December 2nd
21 through 7th, so get right to it if you're interested.
22 The shows on December 2nd through 6th are at 7:30
23 p.m., and on December 7th, it would be at 2:00 p.m.

24 There's a notice about the Christmas Parade

1 traffic alterations, and just to keep in mind that
2 there's going to be altering traffic patterns on
3 Friday, December 5th, at 5:30 p.m. The parade begins
4 at 6:30 p.m. on High Street.

5 Let's see -- the Greater Morgantown Convention
6 and Visitors Bureau on High Street -- so that's in
7 like the Arts Mon Building -- they're collecting food
8 items for Scott's Run Settlement House, and the drive
9 -- the food drive lasts from now until December 12th.
10 So, go in and see them [inaudible] and drop off your
11 food.

12 There's going to be Great Russian Nutcracker
13 from the Moscow Ballet, December 11th, Thursday, at
14 7:30 p.m., and that is at the University.

15 THE CLERK: It's at the CAC, the C-A-C.

16 MAYOR SELIN: It's at the CAC, yeah. It's at
17 the University at the CAC.

18 So, thank you all for coming this evening. We
19 have democracy in action. Is there anything that the
20 students -- the student group was here. Did you have
21 anything that you wanted to say this evening, or are
22 you good?

23 (No response.)

24 MAYOR SELIN: All right. Thank you all for

1 attending this evening. Is there anything else for
2 the good of order?

3 MR. BANE: Move to adjourn.

4 MR. KAWECKI: Second.

5 MAYOR SELIN: Thank you. We stand adjourned.

6 * * *

7 (End of proceedings.)

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C E R T I F I C A T E

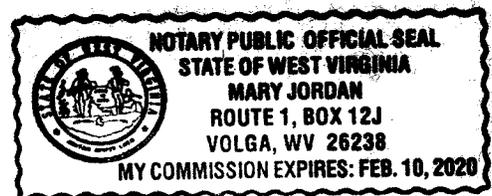
1
2 I, Mary Jordan, Notary Public within and for the
3 State of West Virginia, duly commissioned and
4 qualified, do hereby certify that the foregoing
5 proceeding was held outside of my physical presence;
6 that a transcript thereof was produced from audio
7 and/or DVD recordings provided to me after said
8 proceedings; that the foregoing is a true and correct
9 transcription of said audio and/or DVD recordings
10 within the parameters of inherent limitations of
11 transcription after-the-fact; that no assumptions
12 were made as to speaker identification and/or any
13 other content, substantive or otherwise.

14 I further certify that I am not a relative or
15 attorney of any parties or participants, or otherwise
16 interested in the event of this action.

17 IN WITNESS THEREOF, I have hereunto set my hand
18 and affixed my seal of office at Stonewood, West
19 Virginia, on the 5th day of January, 2015.

20
21 

22
23 Mary Jordan



24 My commission expires February 10, 2020.