



1           MAYOR SELIN: I'm going to call this meeting to  
2 order. This is the Morgantown City Council Special  
3 Meeting, Council Chambers, December 9th, 2014, at  
4 5:30 p.m. Clerk, if 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: Mayor Selin?

18          MAYOR SELIN: Here. And for this type of  
19 meeting, we're not doing the normal protocol. We  
20 just go right into business, is that correct?

21          THE CLERK: Yes.

22          MAYOR SELIN: All right. So, we have some  
23 unfinished business. This is an interview for the  
24 Board of Zoning Appeals to fill one vacancy. We have

1 three candidates here this evening, and the first one  
2 who we'll be interviewing is Linda Herbst, and so if  
3 Linda would please come forward, and if Chuck Coole  
4 and Julie Cryser would --

5 UNIDENTIFIED MALE VOICE: (Inaudible)

6 MAYOR SELIN: Right, she's not quite here yet --  
7 but anyway, anyone who's not being interviewed, if  
8 they would wait in the hall.

9 MR. MIKORSKI: That's (inaudible).

10 MAYOR SELIN: Yes. I'm not asking you to leave.  
11 I know who Julie Cryser is. You can be here.

12 UNIDENTIFIED FEMALE VOICE: I wasn't sure  
13 (inaudible).

14 MAYOR SELIN: Yes, you can be here. No -- and I  
15 know that you're not Julie Cryser. I just was --  
16 just looking in the audience part.

17 So, we're here to interview for this position,  
18 and generally what we do is give you a few minutes to  
19 tell us about yourself relative to this position, and  
20 then we'll go around and if people have questions,  
21 they'll ask you questions about things.

22 MS. HERBST: Okay, for those of you --

23 MAYOR SELIN: Welcome.

24 MS. HERBST: -- who don't know me, I'm Linda

1       Herbst. Of course, I know everybody, and I'm  
2       interested in staying active in the City. I've been  
3       here for a long time, and I feel I have a vested  
4       interest in the City. I've been here for 30 years  
5       now, and looking at the different boards and  
6       commissions which I feel that I am qualified for, and  
7       this one I feel that I am.

8               I've worked in government, both cities and  
9       federal. I know how to read regulations. I know how  
10      to read a packet, definitely. I've got a lot of  
11      experience in that.

12             Business owner -- I have experience in business.  
13      I feel strongly about the neighborhood, which is very  
14      important in this issue, and I feel that my  
15      background would lend itself very well to this  
16      particular board.

17             MAYOR SELIN: Wonderful. So, we can just sort  
18      of go around the room and if people have questions  
19      that they'd like to ask this candidate -- and  
20      generally, what we try to do is have individual  
21      council persons ask the same question of the same  
22      candidates as much as possible.

23             MR. BANE: I just have two questions, Linda.  
24      So, how did you find out about this position?

1 MS. HERBST: I had heard -- I -- actually, I  
2 talked to Linda and I asked if there was any  
3 positions coming open, and then she said it had to be  
4 re-advertised.

5 MR. BANE: So, you called the Clerk, OK. Then  
6 the second question I have, just give us a summary of  
7 -- in the past, how many boards and commissions have  
8 you interviewed with? Can you give us kind of a  
9 snapshot of that?

10 MS. HERBST: Well, I've done the Parking  
11 Authority. I've been on the Historic Landmark. I'm  
12 -- I've been on religious boards. I'm currently on  
13 the Board of Empty Bowls, which is a very active  
14 board in the community. I think that's it.

15 MR. BANE: Anything recently --

16 MS. HERBST: Oh, I'm also on the -- right now,  
17 I'm on the Rental Housing Advisory.

18 MR. BANE: OK.

19 MS. HERBST: I've been very active with them for  
20 a few years now.

21 MAYOR SELIN: That's good.

22 MR. BANE: And then, have you recently  
23 interviewed with anything or anybody? I mean --

24 MS. HERBST: No.

1 MR. BANE: How many times have you come in front  
2 of us for interviews?

3 MS. HERBST: No, nothing in the City, other than  
4 the last time I was in front of you all.

5 MS. GANZ: That would be BOPARC. Didn't you  
6 interview for --

7 MS. HERBST: (Inaudible.)

8 MS. GANZ: Didn't you interview for another  
9 board? I'm not trying to interrupt. I thought we --  
10 you did interview, but OK.

11 MR. BANE: Yeah, I was just wondering. I know  
12 that you interviewed for some -- I just couldn't  
13 remember.

14 MS. HERBST: Well, I know I did, but offhand I'm  
15 not remembering either.

16 MR. BANE: Yeah.

17 MS. HERBST: I think this is the third time I'm  
18 interviewing for a position --

19 MR. BANE: So this --

20 MS. HERBST: -- a City position, since I'm no  
21 longer on City Council.

22 MR. BANE: OK. So -- I just couldn't remember  
23 which ones. OK, thank you. That's all I've got.

24 MAYOR SELIN: If you want to keep going, and you

1 have a question, that'd be great.

2 MR. KAWECKI: Thanks for your persistence. I  
3 really appreciate that, and I appreciate what you've  
4 done, and I served with you on the Housing Advisory  
5 Board, and I'm very happy that you're continuing with  
6 that, and I look forward to that activity.

7 I -- I know you, so I mean, I feel fortunate in  
8 that I -- I should ask you a question just that I  
9 will ask the other people.

10 Tell me what you think about the BZA, and what  
11 the function of the BZA is.

12 MS. HERBST: Well, from my understanding of the  
13 BZA, it's -- it's the opportunity for -- if people in  
14 the community want to do something that's a little  
15 bit different than what our laws allow, like a  
16 conditional use for doing -- maybe building on the  
17 property -- if I wanted to put a 10-foot fence around  
18 my yard, I'd have to come before BZA.

19 Variances, activities that are contradictory, or  
20 not quite spelled out in the laws, that business  
21 people may come before BZA to get approval to do  
22 something like that, or even running a small --  
23 people who want to run a business from their homes  
24 have to come before BZA for approval.

1 MR. KAWECKI: OK.

2 MS. HERBST: And then I understand there's also  
3 administrative, if somebody has a problem with what's  
4 been decided here at City Hall, then they have the  
5 option of going before BZA for an administrative  
6 decision.

7 MR. KAWECKI: OK. What -- tell me why it is  
8 you want to take this on. I mean, it could be a real  
9 -- I mean, I know we don't want to discourage people  
10 from applying (laughter) -- but it can be contentious  
11 at times.

12 MAYOR SELIN: We want you to do this.

13 MR. KAWECKI: Why -- why would you want to take  
14 this on?

15 MS. HERBST: Well, I'm always looking for a  
16 challenge. This definitely would be a challenge.

17 MR. KAWECKI: All right, good enough. I'll let  
18 you -- I'll let it go at that, thank you.

19 MR. NUGENT: Councilor Kaweck, you actually  
20 asked one of the questions that I was interested in.  
21 So, I appreciate you providing your understanding of  
22 what the Board of Zoning Appeals does, because it is  
23 a really important board within our city that helps  
24 keep our city moving with regards to development.

1 Kind of a related question that speaks to, I  
2 believe, the importance of the board -- if you would  
3 want to -- I guess my question -- what it ultimately  
4 gets to is, how many other activities -- non-profit,  
5 civic organizations -- are you participating in, and  
6 do you feel that you would have adequate amount of  
7 time to read packets of information that average  
8 often between 60 and up to 600 pages of information  
9 each month, as well as the time to -- that's required  
10 to go around the city and visit the sites to look at  
11 the issues in person?

12 MS. HERBST: Well, I don't -- I don't see a  
13 problem with that. Maybe if it gets to be 600 pages,  
14 it might be a real challenge to read that, but having  
15 worked with government paperwork for years, I can --  
16 if I don't read every word, I know how to look  
17 through it and become familiar with the information.

18 And as far as traveling around the City, the  
19 City's not that big. I mean, I know that some nights  
20 there's going to be a late -- it might be late, but I  
21 don't see a problem visiting job sites to get an  
22 understanding of what's going on.

23 MR. NUGENT: Thank you.

24 MAYOR SELIN: Deputy Mayor Shamberger?

1 MS. SHAMBERGER: First, I'd like to say thank  
2 you for applying. We always appreciate volunteers on  
3 all of our boards, and as you probably know, the BZA  
4 is a judicial board, and it's -- it's -- the state  
5 sets up the regulations for that board, the City  
6 doesn't.

7 Have you ever come before the BZA? Have you  
8 ever experienced that?

9 MS. HERBST: No.

10 MS. SHAMBERGER: OK, thank you.

11 MS. HERBST: (Inaudible)

12 MAYOR SELIN: Councilor Fike?

13 MR. FIKE: I, too, want to thank you for  
14 applying, and for your continued interest in serving  
15 the City.

16 My question is -- kind of branches out a little  
17 bit from what the BZA actually does, although what  
18 the BZA does is, as Councilor Nugent pointed out, it  
19 -- it's very integral and involved in the development  
20 of the City, and making sure that that development  
21 follows proper procedure.

22 Do you think -- and this is just an opinion  
23 question -- but do you think that the BZA, as it  
24 reflects the interpretation of City building code and

1 development -- do you think we're on the right track  
2 for development in our City?

3 (Laughter.)

4 MR. FIKE: (Inaudible) opinion.

5 MS. HERBST: I'm not running for political  
6 office.

7 MAYOR SELIN: (Inaudible) question. (Laughter.)

8 MS. HERBST: We have a lot of problems in the  
9 City and -- as far as the development goes -- and we  
10 know that sometimes our -- we have no control over  
11 certain things that are going on in the City -- on in  
12 the City right now, and it's very difficult, and it's  
13 causing a lot of problems in the City.

14 How we're going, there's a lot of organizations  
15 who put into that. You know, we have the long range  
16 plans, the short range goals. It's not just the BZA,  
17 but it's these other committee groups that come up  
18 with those, and I think that we have to take a closer  
19 look at some of our -- I should back up a little bit.

20 In the City, I think we're doing all right.  
21 We're running into a problem with the surrounding  
22 areas that we have no control over. I mean, the  
23 massive growth, and we all know that it's occurring.  
24 Last night, I couldn't even get into town. I needed

1 to come downtown for something at six -- I couldn't  
2 get out of my neighborhood. Traffic was backed up  
3 all over the place, and that's not -- it's a problem  
4 that we're suffering from, created outside the City.

5 MR. FIKE: Thank you.

6 MAYOR SELIN: Thank you. Councilor Ganz?

7 MS. GANZ: I, too, thank you for your continued  
8 efforts and so forth, and I do want to point out that  
9 you were also very active as a City Council person,  
10 and so you have experience from that, and I thank you  
11 for continuing to volunteer even after that -- but I  
12 was wondering if -- and this is the same question I'm  
13 asking everybody -- are you involved in any integral  
14 or are you involved in any investments or related to  
15 anything that may come before the BZA that you can  
16 see in your future?

17 MS. HERBST: Let me say that that could happen.  
18 I'm not --

19 MS. GANZ: I mean, I don't know --

20 MS. HERBST: -- personally in relationship with  
21 it, but you all know my son's a businessman in town,  
22 and if I feel, and the Board feels that it would be a  
23 conflict of interest, I would recuse myself for that  
24 particular situation.

1 MS. GANZ: Thank you.

2 MS. HERBST: I -- I think I can recognize where  
3 there may be a problem, or perceived conflicts of  
4 interest, too.

5 MAYOR SELIN: And also noting that several  
6 people who are on this particular group, that that's  
7 a desirable trait, that somebody would be involved  
8 with development being on the BZA, so.

9 I think that we've -- I think we've covered  
10 nicely. I'm wondering if anybody has any kind of  
11 other questions, or if you have any kind of follow-up  
12 that you wanted to -- you know, maybe two minutes of  
13 wrap-up, if you had any other comments and otherwise.

14 MS. HERBST: No, I just felt that I wanted to  
15 continue doing some work for the City, and this was -  
16 - this was a challenge. Got to keep the old brain  
17 matter working, so. I don't think there's anything  
18 else.

19 MAYOR SELIN: Thank you very much.

20 MS. HERBST: All right, thank you all.

21 MAYOR SELIN: Oh, and we have a second matter on  
22 this agenda, and then we have an executive session,  
23 so I'm not certain when we will announce this, but we  
24 will -- we will let you know. We'll announce it

1 coming out of our executive session, presumably.

2 THE CLERK: Or at the next regular meeting.

3 MAYOR SELIN: Or at the next regular -- the next  
4 meeting.

5 THE CLERK: Good.

6 MAYOR SELIN: Why don't we announce it at the  
7 next regular meeting, because I think people  
8 (inaudible).

9 UNIDENTIFIED VOICE: You want me to send him in?

10 UNIDENTIFIED VOICE: Yes, please.

11 MAYOR SELIN: Thank you. If you'd send in Chuck  
12 Coole. If you would just come and have a seat right  
13 here. So, as you can see, these are the members of  
14 City Council, and they'll each maybe have a question  
15 for you.

16 MR. COOLE: OK.

17 MAYOR SELIN: So, how we start off is, usually  
18 you just say briefly a little bit about yourself  
19 relative to the BZA and kind of how you think you  
20 could contribute to it or what makes you a great  
21 candidate for doing this type of position.

22 MR. COOLE: OK, yeah. I just recently built a  
23 house here in town, and understand the importance of  
24 zoning -- and it's an interest of mine. I've

1 participated in the past in other projects in the  
2 City when -- I didn't live in the City at the time --  
3 and some volunteer work, in White Park and Marilla,  
4 so -- but -- and in the process of building my house,  
5 I had to go through the permitting process.

6 And then after the house was built, I got a  
7 Certificate of Occupancy, and then some additional  
8 work that I wanted to do -- a fence, that was another  
9 permitting process -- and rather than look at it as a  
10 burden, I understand the need for it, and when this -  
11 - I saw this opportunity, I said, well, you know,  
12 I'll express an interest in it, so -- and you know,  
13 just -- you know, I've volunteered over the years in  
14 several of -- in several projects, and so I  
15 understand the importance of volunteer work.

16 And then for several years, I was on a homeowner  
17 association board in Westbrook Heights, and I've  
18 since moved away, but -- the development at the time  
19 was relatively new, and we had some sort of gaps in -  
20 - not zoning, I guess, but sort of regulation, and we  
21 didn't -- the one was we didn't really have a storm  
22 water -- a good storm water drainage plan, and some  
23 of the homeowners wanted to cover up their ditches,  
24 because of the way the lots are shaped, you'd have a

1 ditch and a road, and a ditch and a road, and they  
2 wanted to, you know, cover up the ditch out to the --  
3 out to the road and make it look nice -- which is  
4 fine, except that -- except they -- there was no  
5 hydrology design. So, you're downstream and you put  
6 a 12-inch culvert where it needs a 24 -- so we went  
7 through that process.

8 We hired a hydrologist, we went through the  
9 design -- you know, developed the design criteria for  
10 all locations where drop structures needed to be, and  
11 the size -- culvert size and that kind of stuff.

12 So, I've -- I'm familiar with the reasoning  
13 behind regulations and rules. You know, even though  
14 people don't like them, there's a reason for them,  
15 you know. Anarchy is not the best -- the best way to  
16 go, so. That's kind of --

17 MAYOR SELIN: That's, of course, what we say in  
18 the City.

19 MR. COOLE: Yeah (laughing).

20 MAYOR SELIN: So --

21 MR. COOLE: So, that's -- that's kind of some  
22 background.

23 MAYOR SELIN: Wonderful. So, we've been  
24 starting with Councilor Bane, and if you would ask

1 the applicant --

2 MR. BANE: Yeah, I'm going to ask you the same  
3 questions I asked Linda earlier. So, you said you  
4 found out -- you had an interest in this. How did  
5 you find out, exactly, about the position?

6 MR. COOLE: I -- you know, I think I looked on  
7 the website. I think I was -- I was also habitats --  
8 habitat -- I've got some time now, so I've got, you  
9 know -- I think it was on the website. I'm pretty  
10 sure it was on the City website, yeah, yeah.

11 MR. BANE: Just interested because I --

12 MR. COOLE: Yeah.

13 MR. BANE: It's interesting how some people find  
14 out about --

15 MR. COOLE: Yeah, I've got some time now, so.

16 MR. BANE: Yeah, right.

17 MR. COOLE: You know, and I back -- back, you  
18 know, like I said, in my --

19 MR. BANE: Yeah. Then you touched on -- you've  
20 been on some other boards and commissions. Have you  
21 ever been interviewed like this with anything around  
22 here, with the county or --

23 MR. COOLE: No. Well, actually, I was on the  
24 Chestnut Ridge Park Board for a few years, too, and

1 then I took a job outside the area. And that was an  
2 interview process with the County Commission. I had  
3 forgotten about that.

4 MR. BANE: Yeah, OK. Anything right now that  
5 you're on, besides --

6 MR. COOLE: No, no.

7 MR. BANE: You're not on any -- that's all my  
8 questions.

9 MR. KAWECKI: Well, thank you, first of all,  
10 for your willingness to do this. I'm trying to get  
11 acquainted with your background, and I see that  
12 you're working at WVU?

13 MR. COOLE: Yes, I work for -- technically, I  
14 work for the Research Corporation, year-to-year grant  
15 money, so.

16 MR. KAWECKI: OK. You -- I was looking,  
17 because as I heard you refer to hydrology and all the  
18 rest of this -- I was wondering what credentials -- I  
19 was wondering whether we're talking to an engineer.

20 MR. COOLE: Mostly life experience (laughter).

21 MR. KAWECKI: OK. Regardless of that, the  
22 question I asked before is, the BZA can be at times  
23 contentious.

24 MR. COOLE: Yeah, I -- I know.

1 MR. KAWECKI: You're aware of that?

2 MR. COOLE: Yeah.

3 MR. KAWECKI: OK.

4 MAYOR SELIN: (Laughter) he's smiling.

5 MR. COOLE: Yeah.

6 MR. KAWECKI: Tell me why it is that you're  
7 willing -- you're willing to take it on.

8 MR. COOLE: Well, I understand the need for a  
9 plan -- a process -- a plan or regulations or the  
10 need for people to comply with, you know, certain  
11 regulations. I mean, you know, zoning -- R1 versus  
12 R1a versus Commercial, what you can do in those  
13 situations.

14 If you buy a piece of property, and it's an R1  
15 piece of property, and somebody wants to, you know,  
16 ask for a variance of some sort that, you know, it  
17 kind of -- R1a or commercial right up against you,  
18 you know -- I mean, I understand that need for having  
19 some regulations, you know, because you invest money  
20 in a piece of property, and you don't want somebody  
21 next door to you doing basically anything they want.

22 MR. KAWECKI: Bear with me, it's a little off  
23 here, and I didn't ask Linda this questions, but I  
24 know Linda, but I know Linda, so -- I knew a lot of

1 the background of this -- but tell me what your  
2 feeling is about property rights. How do you feel  
3 about property rights?

4 MR. COOLE: Well, you own the piece of property,  
5 but if you're upstream -- I mean, if you're -- I  
6 mean, I think you have to be conscientious about, you  
7 know, what you can do and what you can't do -- or  
8 what you -- what you should do, yeah. I mean, I  
9 understand owning a piece of property gives you some  
10 rights, but then you -- it doesn't give you unlimited  
11 rights. You have to live -- you have to be a good  
12 neighbor. That's -- that's the -- I mean, that's the  
13 basic thing, is the -- is being a good neighbor -- a  
14 conscientious neighbor.

15 MR. KAWECKI: Thank you (inaudible).

16 MR. NUGENT: Yes, I'll ask the same question I  
17 asked the previous candidate, and thank you again for  
18 your willingness to apply and be interviewed this  
19 evening.

20 You kind of hinted a little bit at this, but  
21 I'll flesh it out a little bit more. The BZA, often  
22 the information that's received every month, the  
23 packet of information that you're going to be asked  
24 to review, it could average between 60 and 600 pages

1 in some instances. With the additional requirement  
2 that you need to go around and visit the sites to  
3 actually have an understanding of what's -- what's on  
4 the ground.

5 What else are you involved with, as far as non-  
6 profits, civic organizations, and do you feel that  
7 you would have the time to adequately devote to  
8 conducting that in a thorough process?

9 MR. COOLE: I'm not involved, other than work.  
10 I work 32 hours a week, four days a week, and I'm not  
11 involved in any other non-profit or any other  
12 projects, other than, you know, work and that's it.

13 MR. NUGENT: OK, thank you.

14 MR. COOLE: And hobbies.

15 MAYOR SELIN: Deputy Mayor Shamberger?

16 MS. SHAMBERGER: Sure. First of all, thank you  
17 so much for applying. We always appreciate our  
18 volunteers. As you may know, the BZA is a judicial  
19 board, as opposed to an advisory board, and I just  
20 wondered -- I'm not sure from what you've told us,  
21 but have you ever gone to the BZA? Have you ever  
22 gone through a process for a variance or conditional  
23 use or --

24 MR. COOLE: Actually, I have, with the house I

1 built, yes, because where I live -- I live in West  
2 Fairview -- and on Spring Street, there are no  
3 sidewalks, and the nearest sidewalk is out on  
4 Willowdale Road, and Hoffman Street doesn't have  
5 sidewalks, Randolph Road there's --

6 MS. SHAMBERGER: Mm-hmm.

7 MR. COOLE: I mean, there's no sidewalks nearby,  
8 and so in order to build a house, I mean, one of the  
9 requirements are sidewalks, but there's no point in  
10 sidewalks where I'm at. I had to pave the area in  
11 front of the house where the sidewalk would be, but I  
12 asked for a variance on the sidewalk, and got that.

13 MS. SHAMBERGER: OK, thank you.

14 MR. COOLE: So, I went through that process.

15 MS. SHAMBERGER: Thank you very much.

16 MR. FIKE: My question is one of opinion, more  
17 than just fact, but -- if you feel comfortable  
18 answering it -- but as you know, the BZA is part of  
19 that larger arm of the City that controls development  
20 and makes sure that we keep an accurate record of  
21 what's going on and making sure that people comply  
22 with building code and ordinances and that sort of  
23 thing.

24 My opinion question to ask you is, do you think

1 our city is headed in the right direction, as far as  
2 what we're doing for positive development?

3 MR. COOLE: I -- I mean, for the most part, the  
4 City is a very well-run city. There's, you know -- I  
5 mean, there's a lot -- because of the way the  
6 political structure is, between the City, the County  
7 and the State, and State control over certain areas -  
8 - I mean, traffic is an issue. Everybody knows that.  
9 But the City of Morgantown is a pretty well-run city,  
10 I think. I mean, you look -- and then MUB is -- you  
11 look at utility -- water, sewage, storm water  
12 faucets, in some areas around the -- in the  
13 surrounding areas, and our utility bills are pretty  
14 reasonable. So, in general, yeah, the City's pretty  
15 well-run.

16 MR. KAWECKI: All right, and thank you for  
17 applying.

18 MR. COOLE: (Inaudible)

19 MAYOR SELIN: Councilor Ganz?

20 MS. GANZ: Well, I also thank you, and I think  
21 you've answered my question, but I need to ask the  
22 same question. Do you perceive any conflict of  
23 interest in your participation, in other words, with  
24 your investments or any family members' investments,

1 or --

2 MR. COOLE: No, I can't -- there wouldn't be any  
3 conflict of interest. I don't own any other property  
4 in the City.

5 MS. GANZ: Mm-hmm.

6 MR. COOLE: I have no investments.

7 MS. GANZ: Other than your home, I know --

8 MR. COOLE: Yeah, exactly. Other than what I  
9 own now.

10 MS. GANZ: But -- and then the --

11 MR. COOLE: There wouldn't be any conflict of  
12 interest.

13 MS. GANZ: Not that it's a bad thing to have  
14 other investments in the City or anything like that,  
15 it's just that --

16 MR. COOLE: Yeah.

17 MS. GANZ: -- it's just that it's a -- just a  
18 question to ask, with perceptions.

19 MR. COOLE: Right.

20 MS. GANZ: Thank you.

21 MAYOR SELIN: So, these are all the questions  
22 that you'll be asked, and then if you just had  
23 anything else that you wanted to add, you sort of  
24 have two minutes that you could wrap up any of your -

1 - any additional thoughts or comments.

2 MR. COOLE: Well, other than, you know, my  
3 initial statement of being interested and sort of  
4 understanding the process, because I've been through  
5 it several times, and I'm willing to serve on the BZA  
6 if, you know, that's the decision. So, other than  
7 that, no, I can't think of anything else.

8 MAYOR SELIN: We appreciate your interest, and  
9 being willing to volunteer. We usually say to  
10 everyone that if perhaps -- if it didn't happen that  
11 you or if it didn't happen for Linda that you're  
12 selected -- that you're encouraged to apply for  
13 another board or commission, so.

14 MR. COOLE: OK, thanks.

15 MAYOR SELIN: Thank you very much.

16 MR. COOLE: You're welcome.

17 MAYOR SELIN: And if Julie Cryser's out there,  
18 you can send her in.

19 MR. COOLE: OK.

20 MS. GANZ: I was thinking the same thing, and I  
21 was going to ask you -- can I turn it up? I am  
22 freezing.

23 MS. CRYSER: Hello.

24 MAYOR SELIN: Welcome, if you would sit down

1 here in the front, and we try to do these all  
2 similarly. So, the first thing is, you would just  
3 have a few minutes that you could tell us a little  
4 bit about yourself, particularly relative to the  
5 Board of Zoning Appeals, and anything that you'd like  
6 for us to know with respect to this position.

7 MS. CRYSER: My name's Julie Cryser. I'm in the  
8 Seventh Ward. I work for the WVU Davis College of  
9 Ag, Natural Resources and Design. I have been a  
10 Development Officer there, fund-raising, but with the  
11 University since 2001. I served on the Planning  
12 Commission for the City in 2006. I had to leave when  
13 I had my baby, so -- she's not a baby any more. I  
14 would like to volunteer and get back into working  
15 with the City again.

16 I have -- am familiar with zoning on a number of  
17 fronts. I've been part of the Suncrest Neighborhood  
18 Association over the years. We've had zoning issues  
19 in our area, as you guys know. And I thought this  
20 would be a good opportunity to take some of my  
21 strengths, which I think are attention to detail and  
22 being able to strategize and take a look at issues on  
23 a broader scope and narrow them down.

24 I've spent probably -- well, about -- I was 15

1 years trained as a journalist, so I'm able to take  
2 information, even information that I'm not familiar  
3 with, and learn pretty quickly, and then take that  
4 information and boil it down and assess it.

5 So, I think those are some of the strengths that  
6 I bring to the position, and I would like to get more  
7 involved.

8 MAYOR SELIN: Great. So, we're just going to go  
9 around the room, and people will ask the same or very  
10 similar questions to the previous applicants. So, if  
11 Councilor Bane would like to begin?

12 MR. BANE: OK. I just have two questions. The  
13 first one is, how did you find out about this  
14 position? Did you -- what means did you find out  
15 about it?

16 MS. CRYSER: Initially, I was actually looking  
17 at being on the -- I forget the name -- the City  
18 Beautification Committee --

19 UNIDENTIFIED VOICE: Urban --

20 MS. CRYSER: Urban Landscaping, because one of  
21 the familiarities that I have with working in the  
22 Davis College is that I work with the landscape  
23 division of our college as well. So, I'd initially  
24 looked at that, but then I thought that this would

1 play more to my strengths. And I talked to Nancy  
2 Ganz about what was open, and she said this was one  
3 of the open positions -- or one of the open volunteer  
4 positions, so I -- I thought that it might be more  
5 interesting.

6 MR. BANE: OK, and then my second question --  
7 you touched on it a little bit -- you were on the  
8 Planning Commission. Is there anything else that  
9 you've been on besides -- something with the County  
10 or anything else? Any other boards you've been on  
11 recently?

12 MS. SHAMBERGER: No, the only one -- I was on  
13 the Planning Commission and I served as Secretary for  
14 the Suncrest Neighborhood Association for awhile.

15 MR. BANE: OK, that's all I've got. Thanks.

16 MR. KAWECKI: The question I have for you is,  
17 why would you want to serve on the BZA? That can be  
18 kind of a contentious (inaudible). Why do you want  
19 to do that?

20 MS. CRYSER: Yeah, contention doesn't really  
21 bother me much. I -- I think it's an important  
22 position. I think that the City is growing  
23 tremendously, and I think that there has been  
24 questions in the past about consistency in how -- how

1 zoning rules are applied, who gets what rule, and I  
2 think that I bring an outside view that -- you know,  
3 I haven't served on many of the boards in the City.

4 I don't have a lot of connections to many of the  
5 players, except for WVU -- which is always one of  
6 the, of course, major players in the City but -- so I  
7 think that being able to come in from the outside,  
8 and being able to take a look at the rules and  
9 regulations and see whether or not, you know, someone  
10 should be given a waiver or a -- you know, if the  
11 laws change in any way, or allow someone to build  
12 where -- or to divide up a piece of property that was  
13 not allowed to be divided up, or whatever.

14 I think that that would -- I would be able to  
15 look at that in a different way than somebody who's  
16 had a lot of experience with the City. And I've been  
17 on the Planning Commission, so I know a little bit  
18 about zoning and planning in the City.

19 MR. KAWECKI: Very good. Just quickly -- and I  
20 asked this of the previous person also -- how do you  
21 -- what's your feeling on individual property rights?

22 MS. CRYSER: I think individual property rights  
23 are very important. I think that the -- the rules  
24 and the regulations that the City set forth were set

1       forth to protect landowners and property owners in  
2       the City, and I think that if you are a property  
3       owner, and the City doesn't ensure that the letter of  
4       the law to protect your land as a taxpayer in the  
5       City, if that -- if the City doesn't do that job,  
6       then it's not doing it's job and -- you know, in the  
7       past, I've had issues in my area of Suncrest where  
8       we've had, you know, people trying to re-zone, and  
9       the City has pretty much followed the letter of the  
10      law, and it came out to protect the landowners, the  
11      property owners, in that district. And some people  
12      weren't very happy about it, but other people were,  
13      but I think the people who are sitting in that -- you  
14      know, when you buy your house, when you buy your  
15      piece of property, and it's zoned in a certain way,  
16      and that -- I think that should be protected.

17           MR. KAWECKI:     Thank you.

18           MR. NUGENT:    Thank you for taking the time to  
19      apply, and we appreciate you taking the time to be  
20      interviewed with us this evening.

21           My question is, given the breadth of information  
22      that the Board of Zoning Appeals reviews each month,  
23      and those packets can average between oftentimes 60  
24      and 600 pages, as well as the additional requirement

1 to go around the visit the sites in an attempt to  
2 understand the actual lay of the land and the issue  
3 and the context of that.

4 Do you feel that you have time, given whatever  
5 other maybe organizations you might be participating  
6 in this -- at this point -- to adequately devote to  
7 preparing for those meetings?

8 MS. CRYSER: Yes.

9 MR. NUGENT: Thank you.

10 MAYOR SELIN: Thanks. Deputy Mayor Shamberger?

11 MS. SHAMBERGER: Thank you so much for applying,  
12 number one. As you probably know, the BZA is a  
13 judicial board, as opposed to our other boards and  
14 commissions, which are advisory. I think you might  
15 have touched on it a little bit, but have you  
16 personally gone through the BZA process?

17 MS. CRYSER: I've never had to get through to  
18 the BZA process. I have been involved in the  
19 Planning Commission as far as zoning issues, but it's  
20 never gone as far as the BZA.

21 MS. SHAMBERGER: Thank you very much.

22 MR. FIKE: I get to ask you an opinion question.  
23 You've already -- well, first of all, let me thank  
24 you for applying, too, and I also want to thank you

1 for submitting your résumé with your accomplishments  
2 and your education. That's got a lot of good  
3 information in it.

4 You've already explained, in response to several  
5 questions, the importance -- how -- what you think is  
6 important in planning, and the fact that the City  
7 needs to have proper planning.

8 The BZA, of course, part of the City planning  
9 process, as it monitors and coordinates the  
10 application of City building code and that sort of  
11 thing, In your opinion, if you choose to answer  
12 this, do you think our city is headed in the right  
13 direction, to foster positive development within the  
14 City?

15 MS. CRYSER: I think that the City can  
16 potentially do more. While I believe that property  
17 owners are -- you know, that it's very important to  
18 protect property rights. I also believe that the  
19 City -- it took me about 35 minutes to get across  
20 town. I could have either come over here or gone to  
21 Fairmont.

22 There are a lot of issues in the City with how  
23 we plan, and I think that in order to sustain the  
24 growth, with the University trying to achieve 40,000

1 student population, with the -- you know, what the  
2 City, I think, aspires to be, we have to look more  
3 forward, and we have to do that in a more unified  
4 way.

5 In order to achieve growth, we have to think a  
6 little outside the box, and also try to get some  
7 consensus and -- you know, I'd love to say I know how  
8 to do all those things, and I don't -- but I think  
9 that the City, in order to grow, has to change.  
10 There has to be a better planning system for the  
11 City, and there has to be a longer -- there has to be  
12 a more effective planning system for the City,  
13 because we have this growth, we know that this  
14 growth's coming, the University is only growing.

15 You know, we have some of the lowest  
16 unemployment -- this is an area of the state that  
17 people want to be in, and we don't want to end up  
18 pushing everybody out into bedroom communities. And  
19 we want to be able to have businesses, and people  
20 within the City, and make sure all of that can thrive  
21 and live together cooperatively, And I think that --  
22 that's the direction the City has to move.

23 MR. KAWECKI: Thank you.

24 MAYOR SELIN: Thank you. Councilor Ganz?

1 MS. GANZ: I actually (inaudible). I appreciate  
2 your application, and so forth, and with all your  
3 business, you know, with your children, that you  
4 would be willing to take the time to go over these  
5 70-page packets, but I am asking the same question of  
6 everyone. So, do you think there's any real or  
7 perceived conflict of interest with your  
8 participation -- I know you work for WVU -- or I  
9 don't know anything about your family and business or  
10 anything like that -- is there any conflict of  
11 interest you can see in this?

12 MS. CRYSER: I think probably if there -- the  
13 only conflict may be pertaining to WVU, but I've  
14 asked Ron Bane what the -- if there was anything that  
15 I'd have to sign or do as far as WVU, and he said no.  
16 So, --

17 UNIDENTIFIED MALE VOICE: (Inaudible)

18 MS. CRYSER: Yeah -- or not Ron -- Ron --

19 MAYOR SELIN: Ron Justice.

20 MS. CRYSER: -- Justice, sorry.

21 MAYOR SELIN: The other -- the other Ron.

22 MR. BANE: The other Ron.

23 MS. CRYSER: The other Ron, so -- and as far as  
24 family, I'm the only -- our family is the first

1 family in Morgantown, so I have no connection to  
2 Morgantown at all, except for working for the  
3 University and the friends and the people that I've,  
4 you know, met in the City, so.

5 MS. GANZ: Thank you for going --

6 MS. CRYSER: I don't bring a lot of baggage  
7 (laughter).

8 MS. GANZ: Oh, good, because (inaudible) meeting  
9 with the other Ron, too, about this. Thank you.

10 MAYOR SELIN: So, that concludes the questions,  
11 and then there would just be maybe two or three  
12 minutes, if you had any other -- any other wrap-up  
13 comments that you wanted to offer to us -- and I  
14 didn't offer this to the others, but if you have any  
15 questions, you have two or three minutes left that  
16 you can do with as you like.

17 MS. CRYSER: Well, I just wanted to say thank  
18 you for the opportunity to apply for the position,  
19 and that I think it would be very exciting to be a  
20 part of it. I know it can be contentious, but I  
21 think that if you want to be a part of moving the  
22 conversation forward, and you want to be a part of  
23 moving things forward in the City, then you have to  
24 be willing to take a little heat occasionally. But

1 you know, I think it's a chance to be a part of  
2 something that could help the City, so I think that's  
3 about it.

4 MAYOR SELIN: Perfect, thank you.

5 MS. SHAMBERGER: Thank you.

6 MS. CRYSER: Thank you.

7 MS. GANZ: By the way, did you tell -- we don't  
8 know -- when are they going to find out the answer?

9 MAYOR SELIN: Well, our choices are either later  
10 on this evening or at the next meeting, but I think  
11 it would be easier and more appropriate to announce  
12 it at the next meeting.

13 MS. CRYSER: Thank you very much.

14 MAYOR SELIN: Thank you.

15 THE CLERK: Thank you.

16 MAYOR SELIN: So, we're going to work on our  
17 ordinance, rather than the executive session, and  
18 then the executive session will be later.

19 THE CLERK: (Inaudible.)

20 MAYOR SELIN: Pardon me?

21 THE CLERK: (Inaudible.)

22 MAYOR SELIN: Pardon me, unfinished business.

23 So, what we're doing now is consideration of  
24 approval of the first reading of an ordinance

1 amending Sections 103.02 and 103.03 of Morgantown  
2 City Code, as the same applies to ward and boundaries  
3 within -- to ward boundaries, pardon, in the City of  
4 Morgantown. And so, I'm just going to take one  
5 minute -- so -- pardon?

6 (Inaudible.)

7 So, I wanted to just make sort of some  
8 introductory comments, just to kind of get us all  
9 perhaps on the same page. So, I'd like to recognize  
10 that the Ward and Boundary Commission and City staff  
11 have spent a lot of time putting this report  
12 together, and all of the different options and  
13 numbers that have been provided to us, and that the  
14 wards and -- the boundaries and the annexations,  
15 particularly -- so, it's kind of the outer boundaries  
16 of the City -- had not been updated in our  
17 descriptions and maps reportedly since 1989, and that  
18 I really appreciate the work of particularly Damien  
19 Davis, the Ward and Boundary Commission, and our  
20 Clerk, and that -- that it's our intent -- and I  
21 think this is something that we had all agreed on at  
22 various points, and you all can agree with me or not,  
23 that it's our intent this evening to rectify that  
24 situation, to make sure that we do a good job of

1 making sure that the outer boundaries and all of the  
2 annexations over time are properly included.

3 I think another point that we might agree on or  
4 not agree on, is that we're recognizing that our  
5 Charter has short time lines at the end of the Ward  
6 and Boundaries process, and that that has made it  
7 difficult and necessitated special meetings, and that  
8 even in the best of circumstances, there would need  
9 to be special meetings, and that at some point in the  
10 near future, that that should be addressed, so that  
11 we didn't end up with special meetings and with short  
12 time lines, and that would be -- make it a lot easier  
13 on staff, and that would make it easier on the Ward  
14 and Boundaries Commission, and also on Council and  
15 maybe improve our results.

16 I also just wanted to take note of the fact that  
17 we've had several different sets of data and frequent  
18 updates, and then that's been part of the process  
19 because of looking at election data, and that that  
20 has just been something that is -- has been a fact of  
21 life -- and that another thing that just, I think, is  
22 important to note is that there was, at some point in  
23 the Ward and Boundary process, something that had to  
24 do with the Fifth Ward that was approved but then

1 didn't make it into the report, and so, as we're  
2 going around this evening, I just wanted to make sure  
3 that we check with different Council people and make  
4 sure that their ward, whatever their concerned about,  
5 is taken into account so that the end product that we  
6 put out is the best that we can, under the  
7 circumstances.

8 So, is there anything that you wanted to --

9 MR. MIKORSKI: Just that the ordinance that was  
10 put at your desk is a version that has a few minor  
11 changes from the packet. That includes minor  
12 changes, including the parcel number instead of the  
13 landmark location of the Flatts School, and the other  
14 change would be, where it used to say Bureau of Mines  
15 property, it now says Bureau of Mines NETL property,  
16 and there's a few minor spelling corrections within  
17 the -- the street names.

18 That is the only change that is in this version  
19 that's at your desk, from the packet.

20 MS. SHAMBERGER: I didn't get that.

21 MR. FIKE: I don't believe Marti got a copy.

22 MAYOR SELIN: It's OK, as long as she has it  
23 now.

24 MR. FIKE: Those two were waiving but she just

1 didn't (inaudible).

2 MS. SHAMBERGER: I didn't have this.

3 MS. GANZ: Oh, good (inaudible).

4 MAYOR SELIN: So, this version includes from the  
5 Ward and Boundary Commission the changes between the  
6 Second and Third Wards?

7 MR. MIKORSKI: Yes, it does. From Council's  
8 direction, when the discussion was about the report  
9 from the Ward and Boundary Commission, that's what  
10 directed us to include parts -- parts of the report  
11 into the ordinance descriptions. It includes all of  
12 the annexed areas from 1989 to the current. It also  
13 includes a modification from Ward Two and Ward Three  
14 that was -- in order to equalize some of the  
15 registered voters in those two wards. Those are the  
16 only changes to take place.

17 MAYOR SELIN: And then, between the Fourth Ward  
18 and the Seventh Ward, how has that been handled?

19 MR. MIKORSKI: There is no change from the  
20 current City ordinance -- or City ward map regarding  
21 the Fourth and Seventh Ward.

22 MAYOR SELIN: And then the Fifth Ward,  
23 obviously, those changes would not be in here either?

24 MR. MIKORSKI: No, because it was not identified

1       until last night, and it would be Council's  
2       prerogative to include something that wasn't into the  
3       -- wasn't in the final report from the Ward and  
4       Boundary Commission.

5             MAYOR SELIN: OK. So, we're following up on  
6       that. I wanted to make sure that we kind of went  
7       around the room and checked with people in their  
8       wards to see if what's in here is what they're  
9       agreeing with.

10            MR. MIKORSKI: You probably have to bring it up  
11       to --

12            MAYOR SELIN: Pardon?

13            MR. MIKORSKI: -- to introduce it.

14            MAYOR SELIN: Oh, OK, pardon. All right. So,  
15       is this -- what's Council's pleasure on this?

16            MR. KAWECKI: Move for approval.

17            MAYOR SELIN: Is there a second?

18            MS. SHAMBERGER: Second.

19            MAYOR SELIN: All right. Now, we can have  
20       discussion. Thank you very much.

21            MR. NUGENT: Point of order.

22            MAYOR SELIN: Yes.

23            MR. NUGENT: It has been clear from previous  
24       discussions that the Chair has put forward positions

1 and opinions regarding this document, and if it isn't  
2 a real conflict, it's definitely a perceived  
3 conflict, and unseemly to have the Chair presiding  
4 over an issue that affects that person's standing in  
5 a future potential election.

6 So, I object to the Chair presiding over this  
7 issue, and would request that the Chair step aside  
8 for this issue, and allow the Deputy Mayor to  
9 preside.

10 MAYOR SELIN: And I would respectfully state  
11 that we had checked this issue out with the Ethics  
12 Commission, and that this is something that each of  
13 us is responsible for, in our own way and our own  
14 position; that I, as the Mayor have presided over  
15 this issue from the beginning; that I have asked each  
16 person, as I was willing to and interested in doing  
17 this evening, how this affected their ward, if there  
18 was something that they wanted to comment on the  
19 overall document, and that I feel as though I can be  
20 impartial on this issue; that our Chair traditionally  
21 has had positions on issues that we have not had a  
22 neutral Chair that doesn't have a vote; that we have  
23 had a Chair who does at some point offer a position.

24 MR. NUGENT: I appeal to the body.

1           MAYOR SELIN: Feel free to appeal to the body.

2           MR. BANE: Question.

3           THE CLERK: Ron Bane?

4           MR. BANE: Yes.

5           THE CLERK: Bill Kawecki?

6           MR. KAWECKI: No.

7           THE CLERK: Wes Nugent?

8           MR. NUGENT: Yes, the Chair should recuse  
9           themselves.

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: Mayor Selin?

17          MAYOR SELIN: No. So, the motion fails 4-3. We  
18          can continue the meeting now.

19                 So, at this point, I was thinking that we should  
20                 -- we've discussed this issue quite a bit -- these  
21                 issues quite a bit, and I was thinking that we should  
22                 go around the room and see if there were any other  
23                 items that people wanted to change, and then work  
24                 toward a vote.

1           So, I was wondering of Ron Bane had anything.

2           MR. BANE: Mine would be to change it back to  
3 what was recommended by the Ward and Boundaries  
4 Commission.

5           MAYOR SELIN: OK.

6           MR. BANE: In total -- in total tally.

7           MAYOR SELIN: OK. Councilor Kawecki?

8           MR. KAWECKI: I'm satisfied with the changes  
9 made in my ward.

10          MR. NUGENT: I reject what's been put before me  
11 this evening, and stand behind the report of the Ward  
12 and Boundary Commission.

13          MAYOR SELIN: Thank you very much. Councilor  
14 Shamberger?

15          MS. SHAMBERGER: Just a (inaudible).

16          MAYOR SELIN: This is sort of any kind of  
17 comment about what you see here, and then if you had  
18 anything in your own ward.

19          MS. SHAMBERGER: Right. I would like to move  
20 this recommendation forward. I do have a question,  
21 going back to my ward, in the description, it says,  
22 situated at the intersection of Charles Avenue, Ices  
23 Ferry Road -- I believe on our maps, it's indicated  
24 as North Willey Street. I'd like that change to be

1 made, and I also want to be clear on the  
2 understanding that the motion that was made on the  
3 ward and boundaries to extend my ward, that we are  
4 not going to accept that, because they never moved it  
5 forward, is that correct? I'm a little bit confused  
6 about that still.

7 MR. BANE: Are you --

8 MAYOR SELIN: It didn't get included in the  
9 report.

10 MS. SHAMBERGER: Right.

11 MAYOR SELIN: And so, with the Fifth Ward, the  
12 portion that were in the minutes with the Fifth Ward  
13 changes.

14 MS. SHAMBERGER: So, if it didn't -- if it was  
15 not included in their final report, then that will  
16 not stand? Can we make some kind of addendum or  
17 something to the report, indicating that  
18 specifically? I'm thinking for future reference of  
19 anybody that --

20 MAYOR SELIN: If somebody read the minutes, that  
21 it would be clear --

22 MS. SHAMBERGER: Yes, right.

23 MAYOR SELIN: -- that was specifically not  
24 included?

1 MS. SHAMBERGER: Yes.

2 MAYOR SELIN: And that we had made the addendum  
3 that that was not part of the original document --

4 MS. SHAMBERGER: Mm-hmm.

5 MAYOR SELIN: -- or put forth by the Ward and  
6 Boundary Commission, but we're taking notice of that.

7 MS. SHAMBERGER: Right. Correct, thank you.

8 MAYOR SELIN: Councilor Fike?

9 MR. FIKE: I would like to ask -- it's  
10 redundant, probably, but I would like to ask for  
11 another explanation about what changes are in this  
12 document that were not in the original report. I'm --  
13 - I missed a little bit of that --

14 MAYOR SELIN: Sure.

15 MR. FIKE: -- probably due to hearing --

16 MAYOR SELIN: Absolutely.

17 MR. FIKE: -- but if you could just, again, tell  
18 me the changes that this document contains, as  
19 compared to the original report.

20 MR. MIKORSKI: Right. The ordinance itself  
21 includes all the annexed areas that were not  
22 identified into a ward from 1989 to the current. It  
23 also makes a change in -- between the Second and  
24 Third Ward for a redistribution of registered voters

1 that was identified in the report. I do believe  
2 those are the only changes. I can refer to the  
3 Clerk.

4 Are those the only changes that were from the  
5 report?

6 THE CLERK: I'm sorry,

7 MR. MIKORSKI: The Ward and Boundary report.  
8 Are there any other changes?

9 THE CLERK: That were missed?

10 MR. MIKORSKI: Yes.

11 THE CLERK: No.

12 MR. MIKORSKI: Those are the only --

13 MAYOR SELIN: So, my understanding is that  
14 what's in front of us has some cleaned up language  
15 compared --

16 MR. MIKORSKI: Yeah.

17 MAYOR SELIN: -- to the Ward and Boundary  
18 report; that the maps have been updated more  
19 completely since -- I think that, because we've had  
20 short time lines, that there has been a necessity on  
21 the part of staff, to clean up the maps and clean up  
22 the -- it's all within the intent of what the Ward  
23 and Boundary Commission was doing, but they --  
24 they're trying to update things so that they're

1 complete, because this is something that hasn't  
2 happened before.

3 The other item that isn't in here, is that  
4 they've left the situation between the Fourth and the  
5 Seventh Ward as it was originally, and it's not in  
6 here, as far as what was recommended from the Ward  
7 and Boundary Commission.

8 If that's what you're asking, I'm trying to give  
9 you the clearest answer I know.

10 MR. FIKE: OK, and thank you for indulging me in  
11 the rehashing of that. Now, before I offer my  
12 opinion as we're going around, I'm going to take the  
13 liberty of turning to the person that I consider to  
14 be our expert -- and in this case, my particular  
15 expert -- and any issues related to wards,  
16 boundaries, registered voters, election processes,  
17 all of that -- and that's our City Clerk.

18 So, Mrs. Tucker, if you don't feel comfortable  
19 answering this question for me, I would certainly  
20 respect that, but I would like to hear your opinion  
21 of as to whether or not the original report that was  
22 rejected last Tuesday night from the Wards and  
23 Boundaries Commission, did that report, to you,  
24 appear to equalize the registered voters across the

1 seven wards of our city?

2 THE CLERK: Yes, I do believe it did, with the  
3 information and the data that they were given at that  
4 time, and the numbers they had, yes.

5 MR. FIKE: OK. That being -- thank you. Thank  
6 you for doing that.

7 THE CLERK: Mm-hmm.

8 MR. FIKE: That being said, I would object to  
9 any changes from the original report, and I would  
10 stand by my vote to approve that report.

11 MAYOR SELIN: Does that include map changes or  
12 changes that had to do with updating the materials?

13 MR. FIKE: Yes, it would, because all of those  
14 changes were discussed and decided upon after we had  
15 already rejected the report, and I had already voted  
16 in favor of it. So, I would go back to the time when  
17 I voted to approve the report, with those facts only.

18 MAYOR SELIN: Even if you knew that there were  
19 misspellings or other kinds of things?

20 MR. FIKE: Mm-hmm.

21 MAYOR SELIN: All right, that's your  
22 prerogative. Thank you. Councilor Ganz?

23 MS. GANZ: Well, first of all, I appreciate the  
24 hard work also of the Wards and Boundaries Commission

1 and Damien Davis and Linda Little -- Linda Tucker --  
2 with the maps. I do want to point out that some of  
3 the changes were made, as requested, in the Seventh  
4 Ward. I encourage us to make minor changes related  
5 to nomenclature (inaudible) but there were some made  
6 -- but things like Corporation Line and Annex --  
7 Kenwood Annexation and Oakview Annexation -- I think  
8 we could clear up by paralleling it with the rest of  
9 the description so that it says road names and things  
10 that area easier for neophytes, or people new to  
11 looking at the system, to understand.

12 That being said, I would like to amend the  
13 motion to include the area as recommended by the Ward  
14 and Boundary Commission members representing the  
15 Fourth, Second and Seventh Ward, who have also  
16 studied the equalization, and I would ask that the  
17 area of Burroughs Street extending from its  
18 intersection with University eastward to the  
19 intersection with Van Voorhis and Chestnut Ridge  
20 where the BB&T is located, which turns nearly 90  
21 degrees and (inaudible) the southern border to the  
22 intersection with University/Patteson, and then down  
23 to University -- which basically means a triangle  
24 that includes Windsor and those roads over there to

1 be included in the Seventh Ward. That recommendation  
2 was made by the (inaudible) group, and I would like  
3 to include that.

4 MAYOR SELIN: So, that would be --

5 THE CLERK: (Inaudible.)

6 MAYOR SELIN: -- a proposed amendment --

7 MS. GANZ: Yes.

8 MAYOR SELIN: -- to this document.

9 MS. GANZ: Yes, so that -- and we -- as I  
10 respect the Ward and Boundaries members in terms of  
11 their attitudes towards community, neighborhood and  
12 equalization, I would like to take their proposal and  
13 amend the ordinance in that fashion.

14 MAYOR SELIN: Thank you. I guess I was  
15 concerned in the Fifth Ward --

16 MR. MIKORSKI: That's a --

17 MR. BANE: That's a motion, Chair.

18 MAYOR SELIN: Oh, pardon.

19 UNIDENTIFIED VOICE: Motion.

20 MAYOR SELIN: All right. So, we have a motion.

21 Do we have a second to that motion?

22 MS. GANZ: For the amendment. Are you talking  
23 about for the amendment?

24 MAYOR SELIN: For just the amendment.

1 MS. SHAMBERGER: So moved.

2 MAYOR SELIN: Thank you. So, is there any  
3 discussion on that?

4 MR. KAWECKI: We need to -- I'm sorry.

5 MAYOR SELIN: Yes.

6 MR. KAWECKI: Do we need to move on the first  
7 motion?

8 MR. MIKORSKI: No.

9 MR. BANE: Do the amendment?

10 MAYOR SELIN: Do amendments first.

11 MR. KAWECKI: OK.

12 MS. GANZ: Madam Chair?

13 MAYOR SELIN: Yes.

14 MS. GANZ: May I explain the amendment?

15 MAYOR SELIN: Yes.

16 MS. GANZ: The Wards and Boundary Commission  
17 chaired by Dr. Alan Donaldson has been in effect for  
18 many years, and they've taken into careful  
19 consideration community development, community  
20 orientation, and neighborhoods, and Steve Carpenter  
21 from Fourth Ward, Alan Donaldson, as I mentioned, and  
22 Cindy O'Brien, had recommended, after studying the  
23 neighborhoods and the wards and equalizing them, that  
24 this section be added to the Seventh Ward.

1           MAYOR SELIN: So, I would be voting in favor of  
2 such amendment -- which I think I had talked about a  
3 little bit before -- that it would be within the  
4 parameters of the 15 percent deviation that was  
5 desired; that it had similar compactness to the other  
6 -- to the other alternative that Windsor areas --  
7 that defined and bounded part of the neighborhood,  
8 splintering another part of the neighborhood in half;  
9 that Windsor area is topographically -- it's right  
10 across Burroughs, and it's on the same level as the  
11 rest of the Seventh Ward, so I -- in an area that has  
12 topography, that, I think, has meaning when you're  
13 looking at numbers, and that I think that it's  
14 important to respect the opinion of the other  
15 representatives in the particular ward when we're  
16 looking at the proposed ward and boundary changes,  
17 that it's a matter of numbers, and that it's also a  
18 matter of choices, and that there's often more than  
19 one choice, and that the neighbors seem to know what  
20 the topography is and how it could best -- how it  
21 could best be taken care of.

22           Is there any other --

23           MR. NUGENT: I'll be voting no on the amendment,  
24 Madam Chair, because I know at least one of those

1 members was newly-appointed the prior evening, as  
2 well as I know another one of the members -- and  
3 looking back through the minutes -- didn't attend a  
4 number of the meetings prior to the vote being taken  
5 -- the final vote was a non-unanimous vote, and I  
6 believe that the amendment further injects political  
7 processes into what is supposed to be a non-partisan,  
8 non-political Council.

9 And so, I will be voting no on the amendment.

10 MR. BANE: I will also be voting no, because the  
11 Chair at that time -- at several meetings, when you  
12 look at the minutes -- he also mentioned that he did  
13 not want to get involved with the politics, but he  
14 did, because he was saying that both -- it would move  
15 two Council members into one ward, and he did not  
16 want to do that.

17 So, I will be voting no.

18 MAYOR SELIN: Thank you. Are there any other  
19 comments?

20 MS. SHAMBERGER: Question.

21 MAYOR SELIN: Thank you.

22 THE CLERK: Ron Bane?

23 MR. BANE: No.

24 THE CLERK: Bill Kawecki?

1 MR. KAWECKI: Yes.

2 THE CLERK: Wes Nugent?

3 MR. NUGENT: No.

4 THE CLERK: Marti Shamberger?

5 MS. SHAMBERGER: Yes.

6 THE CLERK: Mike Fike?

7 MR. FIKE: No.

8 THE CLERK: Nancy Ganz?

9 MS. GANZ: Yes.

10 THE CLERK: Mayor Selin?

11 MAYOR SELIN: Yes. Passes 4-3. Back to the  
12 main motion. I wanted to just make a comment. In  
13 the Fifth Ward we had talked about during our  
14 meeting, that there was a particular diagonal line,  
15 and maybe that's something that Councilor -- Deputy  
16 Mayor Shamberger could refresh me on which road that  
17 is, that there's a line that we looked at that has  
18 houses on both sides, and I believe that when a staff  
19 member was looking at it, he said you looked at how  
20 the doors faced to see which way that that fell on  
21 the line?

22 MR. MIKORSKI: It's right here.

23 MAYOR SELIN: Do you know which road -- which  
24 road was that? Yeah, that goes diagonally across.

1 MR. MIKORSKI: Yes.

2 MAYOR SELIN: Actually, it's not a road -- it's  
3 just a -- it's a line.

4 THE CLERK: (Inaudible.)

5 MS. SHAMBERGER: I think there's multiple road.

6 MAYOR SELIN: Pardon me?

7 MS. SHAMBERGER: Yes, I think there's multiple  
8 roads that that line goes through.

9 MAYOR SELIN: So, exactly -- so in situations  
10 like that, I would like to make sure that, if we have  
11 determined which ward a house is in relative to which  
12 way their door was facing, that we would look at it  
13 at the parcel level and make sure that we noted that,  
14 so that each person in each house could know which  
15 ward they were in. I don't know if that's something  
16 that's possible, since he said he already did that.

17 THE CLERK: He's trying to -- he's working on  
18 that, yes.

19 MAYOR SELIN: Right.

20 THE CLERK: Still.

21 MAYOR SELIN: So, I'm just requesting that he  
22 continue to work on that, and that that's something  
23 that would be valuable.

24 THE CLERK: (Inaudible.)

1           MAYOR SELIN: Of course, but -- it's just good  
2 to note because --

3           THE CLERK: And I think -- I think he also said  
4 that he was going to call Carye and he's going to  
5 work with her, too, on trying to make that work.

6           MAYOR SELIN: OK.

7           THE CLERK: Yeah.

8           MAYOR SELIN: And any other place that's like  
9 that --

10          THE CLERK: Right.

11          MAYOR SELIN: -- where there's a line that  
12 splits houses, if we could just make sure that we  
13 note which is on which side.

14          Is there anything else that anyone wants to  
15 speak about, and then we can vote on the main motion.

16          MR. NUGENT: Call for the question.

17          MAYOR SELIN: Thank you.

18          THE CLERK: Ron Bane?

19          MR. BANE: No.

20          THE CLERK: Bill Kawecky?

21          MR. KAWECKY: Yes.

22          THE CLERK: Wes Nugent?

23          MR. NUGENT: No.

24          THE CLERK: Marti Shamberger?

1 MS. SHAMBERGER: Yes.

2 THE CLERK: Mike Fike?

3 MR. FIKE: No.

4 THE CLERK: Nancy Ganz?

5 MS. GANZ: Yes.

6 THE CLERK: Mayor Selin?

7 MAYOR SELIN: Yes. Passes 4-3.

8 So, now we need to have an executive session.

9 Does somebody want to state the number here?

10 UNIDENTIFIED MALE VOICE: Could you suspend the  
11 rules and I can talk about the Fifth Ward --

12 MR. BANE: No, point of order.

13 MAYOR SELIN: Pardon -- no.

14 MR. BANE: Point of order.

15 MAYOR SELIN: No, no, no.

16 MR. BANE: No.

17 MS. SHAMBERGER: I would move that we go into  
18 executive session, pursuant to West Virginia State  
19 Code section 6-9A-4(b)(2)(A), in order to discuss  
20 personnel matters.

21 MAYOR SELIN: Thank you.

22 THE CLERK: Is there a second?

23 MS. GANZ: Oh, second.

24 THE CLERK: Thank you. With just Council?

1           MAYOR SELIN: With just Council? I believe,  
2 because we're just -- yeah, just Council. Just  
3 Council. I also just wanted to make notice for  
4 people who are in the gallery this evening that we  
5 will be taking comment and having a specific public  
6 hearing about ward and boundaries at our next  
7 meeting, so that everyone knows that the public is  
8 included, and including Ward and Boundary members.

9           So, we're going to adjourn and go into executive  
10 session.

11                           \* \* \*

12                           (End of proceedings.)

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## C E R T I F I C A T E

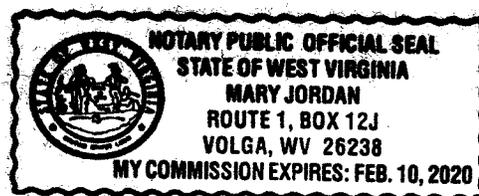
1  
2 I, Mary Jordan, Notary Public within and for the  
3 State of West Virginia, duly commissioned and  
4 qualified, do hereby certify that the foregoing  
5 proceeding was held outside of my physical presence;  
6 that a transcript thereof was produced from audio  
7 and/or DVD recordings provided 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.