

1 MAYOR SELIN: I'd like to call this meeting to
2 order. This is the Morgantown City Council regular
3 meeting, December 16th, 2014.

4 Clerk, if you would you 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. And now we will have the
19 prayer with Nancy Ganz, and if everyone would rise.

20 MS. GANZ: I would like to take a moment of
21 silence to honor and to remember the friends and
22 family of the individual involved in the unfortunate
23 homicide that took place on Forest Avenue.

24 * * *

1 (Moment of silence.)

2 * * *

3 Father God, at this time of year, we want to
4 thank you for all the blessings for all the religions
5 the world seems to be facing at this time of year
6 (inaudible). We also thank you for the privilege to
7 be elected officials here in our town, and we thank
8 you for our town and the many good things you've
9 given our town, and we just want to thank you for the
10 privilege of serving the people. Amen.

11 MAYOR SELIN: Amen.

12 MR. NUGENT: Amen.

13 * * *

14 (Council members recite Pledge of Allegiance.)

15 * * *

16 MAYOR SELIN: Clerk, if you would just -- we're
17 not going to have --

18 THE CLERK: Yes. I called the lady that's doing
19 the transcribing of the minutes, and they should be
20 available at the next regular meeting.

21 MAYOR SELIN: Thank you very much.
22 Correspondence. I understand we have some
23 correspondence from Joey Gillespie?

24 MR. GALUSKY: Galusky.

1 MAYOR SELIN: Galusky, okay. If you would just
2 come to the podium, and if you would just state your
3 name and tell us where you live, and then we'd love
4 to hear from you -- and your Troop number.

5 MR. GALUSKY: I'm Joey Galusky. I'm the rank of
6 Star in Troop 84. Where we meet is in Masontown,
7 Arthurdale.

8 MAYOR SELIN: Nice.

9 MR. GALUSKY: I am here because I'm pursuing the
10 Citizenship and Community Merit Badge. I appreciate
11 the opportunity to learn more about City government.
12 I would like to thank all of you for funding the
13 airplane tours to the Wheeling Airport Museum and the
14 support of the Annual Aviation Merit Badge Award Show
15 at the airport. The Mountaineer Area Council, my
16 troop, and myself have benefitted greatly from the
17 City of Morgantown programs. Thank you.

18 MAYOR SELIN: You're welcome. Nice job. Hope
19 you get your badge.

20 MR. GALUSKY: (Inaudible.)

21 MAYOR SELIN: We'd like to also have a word of
22 appreciation from Eastwood Cookies from the parents
23 at that school. They're here and available for
24 people to enjoy.

1 And we have some letters, and apparently they're
2 letters to Santa, and I was wondering if Ron Bane
3 would begin by reading his letter, and we would just
4 go around the room from there.

5 MR. BANE: From Kendall. Dear Santa, this year
6 I would like to get an electric scooter, a new bike,
7 a big ball, a plane ticket anywhere, a new iPod case.
8 This is what I want. Thank you. It says, Love,
9 Kendall. P.S. I have been a very good -- I've been
10 very good and I have worked very hard in school.

11 MR. KAWECKI: Very good. I have one from
12 Carmen. Carmen says, Dear Santa, Thank you so much
13 for my (inaudible). You have been very good, just
14 like me. (Laughter.) Here's a list of the things I
15 want. I want kittens, (2) my own computer, (3)
16 bunny, (4) candy, (5) \$3.00, (6) first sleepover, (7)
17 cookies for Santa, and (8) a new house. Love,
18 Carmen.

19 MR. NUGENT: I have a letter from Cameron. Dear
20 Santa, I have been good this year. I would like to
21 have these things. (1) Thomas the Train set, (2) DS
22 games, (3) remote control car. Love, Cameron.

23 MS. SHAMBERGER: Mine is from Logan V. Dear
24 Santa, I have been very good this year. Here is a

1 list of what I want. (1) XBox One, (2) Nerf guns,
2 (3) MBA 2K15 XBox One, (4) WWE Super Strikers, (5)
3 WWE 2K15 XBox One, (6) Madden 15 XBox One, (7) a dog,
4 (8) a computer. Love, Logan.

5 MR. FIKE: I have a letter from Seth. Dear
6 Santa, I have been very good this year. Here is my
7 wish list. I want a battery-powered bike, I want a
8 truck, I want a jacked-up truck, I want a truck with
9 a trailer, and a car. Love, Seth.

10 MAYOR SELIN: A vehicle guy.

11 MS. GANZ: Well, I'm glad for all the good
12 children this year. Dear Santa, I have been very
13 good this year. Here is a list of things I want.
14 (Inaudible), a car for my family, my friend Cat** in
15 my house, grow my tree seed, talk to the moon and
16 catch the stars. Love, Dora (ph).

17 MAYOR SELIN: Nice. This is from Noah. Dear
18 Santa, I hope you had a great summer. I hope you
19 like the cookies I make you. I just want to ask
20 about a few toys that I want, okay? I would like a
21 lot of Legos, please. Maybe some cool action
22 figures. Thanks, and Merry Christmas. Bye, from
23 Noah.

24 That's nice. So, I have one letter that I'm

1 reading today, and if there are other letters that
2 Council members know of that they want to -- someone
3 wants to have read, besides for information, I would
4 like to know that. But this is a letter that happens
5 to be from Don Price, who is a Charter Board
6 chairman, and I always appreciate his commentary, and
7 so here we go.

8 "The term 'dispersal device' needs explanation
9 as it is important. In a purely 'at large' system" -
10 - like a voting system -- "wards would play no part.
11 Our seven councilmen would be elected according to
12 which seven of them received the most votes,
13 regardless of where in the City they might reside
14 with the result that all seven councilmen elected
15 could conceivably reside on the same street in one
16 section of our city.

17 There was in 1975 and 1976 when the proposed
18 charter was being debated a rather significant strain
19 in "town-gown" relations. Many people feared that
20 our city would be ruled by the people of the
21 university community living in the Suncrest area as
22 the voter turnout was higher there. Regardless of
23 the merits of the fear, the fear existed.

24 The Charter Board to counter the problem or

1 perception thereof, came up with the present plan of
2 insuring that the council representation would be
3 dispersed" [emphasis added by the author] "throughout
4 the city. Thus was created the nomination districts
5 or 'wards' we have today. But, it should be
6 emphasized these seven (7) wards were not, and are
7 not election districts. So, the Ward and Boundary
8 Commission was necessarily born. It should be added
9 that in the 37-year existence of our charter there
10 has never been a hint of controversy about ward
11 boundaries. Only now, and only because of pure
12 politics.

13 Finally, ward boundaries have nothing to do with
14 maintaining the integrity of neighborhoods or keeping
15 them intact. They have solely to do with a balanced
16 dispersal of representatives, city wide."

17 So, he would like this entered into the record.
18 I appreciate him taking time to do that. And that's
19 the end of the correspondence section, unless someone
20 else has --

21 MR. NUGENT: Madam Chair, I had a --

22 MAYOR SELIN: Yes, please.

23 MR. NUGENT: -- an additional piece of
24 correspondence that --

1 MAYOR SELIN: OK.

2 MR. NUGENT: -- Roger Banks, at 444 Overhill
3 Street --

4 MAYOR SELIN: Yeah, I didn't know whether he
5 wanted that read.

6 MR. NUGENT: -- had offered. Well, he did ask
7 that that be read into the record.

8 MAYOR SELIN: OK.

9 MR. NUGENT: "Morgantown City Council, I am a
10 member of the Morgantown Ward and Boundary
11 Commission. I speak only for myself. I do not speak
12 for the Commission as a whole.

13 I would like to make several points which will
14 rationally lead Council to enact the Ward and
15 Boundary Commission's proposals.

16 All proposals Council received from the
17 Commission were guided by the Comprehensive Ward and
18 Boundary report. This report utilized the most
19 accurate and credible data available. Several tasks
20 were undertaken in these proposals: adjust the
21 boundaries in reference to county precincts and
22 consolidation, edit ward descriptions to remove
23 references to precincts, and equalize ward registered
24 voters which met certain criteria.

1 It is appropriate not to rely on the voting data
2 just made available, given the need for analysis and
3 verification of complex raw voting data. This is why
4 the Commission uses the most recent credible and
5 reliable voting data, such as the data used to create
6 the Comprehensive report.

7 This recent data is appropriate to utilize as a
8 quick comparison. I remind Council the difference
9 between total registered voter counts from 2012 to
10 2014 was calculated at approximately one percent.
11 Therefore, the proposals coming from the 2012 data
12 are valid and should be enacted into ordinance.

13 Additionally, it is unfortunate some members of
14 Council have used words such as 'circus' and
15 'gerrymandering' to give a negative public impression
16 of the Ward and Boundary Commission's intense and
17 focused work. We should keep matters of government
18 free of such baseless and damaging accusations. As a
19 member of the Commission, I would hope these Council
20 members apologize for these unfortunate and damaging
21 comments. Such negativity broader negative
22 ramification. It discourages citizens from
23 involvement in their government. It is one thing to
24 critique someone's work. It is entirely something

1 different to attack solid work, in a hyperbolic,
2 personal manner with unfounded accusations. We need
3 always remind ourselves of the need to stick to the
4 facts.

5 The Commissioner's' proposals were unanimously
6 approved. These proposals originated from our charge
7 as Commissioners and reliable data. I assure you no
8 child would have attended such a circus. I nor did
9 the Commission during its meetings consider any
10 political issue with regard to any proposal. I take
11 offense to the accusation of 'gerrymandering' because
12 I would never hurt my city in such a way. I would
13 argue, conversely, the Commission's reasonable
14 proposals are being stymied by such political
15 motivation.

16 Last night, as I observed your work on this
17 matter, the intransigence of some was evident. If
18 there was a question about the Commission's report,
19 why not reach out to the Commission? All Council
20 would need do is adjust the proposed ordinance
21 accordingly. But again, some on Council chose to use
22 this question as an obstacle to correcting
23 outstanding ward and boundary issues while casting
24 the work of the Commission as 'harmful.'

1 Council seems willing to waste resources and
2 seek Charter changes rather than fulfill their duties
3 in a manner that is apolitical without regard to any
4 personal aspirations. I expect Council to do what is
5 best for our City, enact the proposals of the
6 Commission. If there is a question about an
7 omission, ask somebody, then add it. And enact these
8 proposals into ordinance."

9 Again, Roger Banks, 444 Overhill Street, Member
10 of the Ward and Boundary Commission.

11 MAYOR SELIN: Thank you. Is there any other
12 correspondence?

13 * * *

14 (No response.)

15 * * *

16 MAYOR SELIN: All right. We have a public
17 hearing. So, these are specific public hearings on
18 specific items.

19 So, this is "An Ordinance approving and creating
20 a new Tax Increment Financing District in the City of
21 Morgantown, Mon County, West Virginia, to be known as
22 'The City of Morgantown Redevelopment District No.
23 4,' approving the Willey-Spruce-Brockway
24 Redevelopment Project Plan No. 1, as approved by the

1 West Virginia Development Office, establishing a Tax
2 Increment Financing Fund and providing for other
3 matters in connection therewith."

4 So, this is a public hearing just regarding the
5 Tax Increment Financing. I'm going to open this
6 public hearing. Is there anyone to speak -- who
7 wishes to speak on this matter?

8 * * *

9 (No response.)

10 * * *

11 MAYOR SELIN: OK, I'll close this public
12 hearing.

13 So, this is public hearing B, "An ordinance
14 amending Sections 103.02 and 103.03 of Morgantown
15 City Code as the same applies to ward boundaries
16 within the City of Morgantown."

17 We're going to open this public hearing. Is
18 there anyone wishing to speak?

19 MR. CROSS: Matthew Cross, at 524 Milford Street
20 in Suncrest. I am currently the President of the
21 Suncrest Neighborhood Association, and I have not
22 been paying attention to the proposed boundary
23 change, so I apologize to my neighbors for this. I
24 do what I can in a volunteer effort.

1 Regarding my (inaudible) of the situation, I can
2 only ask these questions in hope that this Council
3 and the Wards and Boundaries Commission are
4 respecting them. Considering the letters read aloud,
5 I understand their positions, as stated. My
6 understanding is that redistricting the ward boundary
7 lines may be based on the population of registered
8 voters. If this is the case, I think further
9 considerations must be made about the individual
10 qualities of the areas in question, such as geography
11 and the existing integrity of a neighborhood.

12 Any new division can disrupt the associative
13 quality of people and their geographical
14 relationship. It could even disrupt the voting
15 process itself, which may have unintended negative
16 consequences in terms of identification and turnout.

17 And of course, it is also important regarding
18 the ratio of owner-occupied rental properties and
19 commercial businesses that exist, and the potential
20 growth of all of these, which is highly evident at
21 this time.

22 And if a proposal is being made in my district
23 of Suncrest, I would ask how a change may be
24 justified regarding the criteria, as stated aloud in

1 the letter that you read from the gentleman. The
2 criteria of other wards as well. What are the
3 numbers, and how do they compare? What is the basis
4 for any decision, and are we taking into account the
5 diversities, both existing and potential, for all
6 neighborhoods that make up the better qualities of
7 Morgantown.

8 I would hope any changes are made with the
9 intention for the betterment of all the residents of
10 the City, while respecting the existing communities
11 of people and their personal and civic relationships.

12 The reading of the children's Santa letters are
13 appropriate. I compliment whoever posted the
14 children's school project in the lobby. I encourage
15 everyone to read some of it. The children's
16 sentiments express a desire to make other people's
17 lives better --

18 UNIDENTIFIED MALE VOICE: (Inaudible.)

19 UNIDENTIFIED MALE VOICE: Point of order.

20 MAYOR SELIN: Pardon me, pardon me, pardon me.

21 We have to keep it to ward and boundaries, I'm sorry.

22 MR. CROSS: OK.

23 MAYOR SELIN: You can speak up when we have our
24 -- when we have our --

1 MR. CROSS: OK, very good.

2 MAYOR SELIN: (Inaudible) portion.

3 MR. CROSS: Thank you for the time. I encourage
4 everybody to read those letters. They belong there.

5 MAYOR SELIN: All right. So, is there anyone
6 else wishing to speak?

7 MR. GRAHAM: Good evening, Madam Mayor, and
8 other distinguished members of Council. Bill Graham,
9 532 Burroughs Street. Depending on how the vote
10 goes, I used to be in Fourth Ward and I think for a
11 period of time I may have been in Seventh, and I
12 think I'm back in Fourth, but to remain neutral, I'll
13 claim I'm in 5.5, halfway between the both.

14 It would be nice to see a day when entities,
15 people, businesses, outside the City would want to
16 say, I'd like to be annexed into the City. Its
17 operations -- and no matter what the terminology is
18 we use -- I'd like to stand here and say I support
19 the Ward and Boundaries decision, but we know that
20 there was a decision, then that decision changed, and
21 then it may change again, for whatever reason.

22 There are Charter amendments that should be
23 made, and I'll propose one, and that is when someone
24 sits on a board or commission, and during their

1 course of events they vote, and then for whatever
2 reason they vote a second time and that vote changes,
3 they should have to publicly declare why, so that we
4 do have transparent government.

5 And if they've been telephoned and solicited to
6 change your vote, if someone's been yanked off that
7 board or commission because they didn't vote the
8 right way, then we'd like to hear that. If those are
9 things that go on in the background.

10 Sadly, because of how operations go --
11 governmentally, locally, federally, whatever -- you
12 see a very poor turnout. People really don't care,
13 and probably in about two weeks, this will all be a
14 moot matter. The public's attention span will go on
15 to a new matter that's more pressing.

16 But I would like to say, I'd like to see Council
17 support the Ward and Boundaries' first vote, before
18 any ward problems developed whereby people did not
19 attend or were replaced or whatever issues came of
20 that.

21 And I ask Council always to think of now how
22 only the voters view things, but how everybody in the
23 City views the operations of this government --
24 businesses like those outside, who many times we

1 court to come in and join us, but I never see a line
2 of folks wanting to join our operations. Thank you.

3 MAYOR SELIN: Thank you. Is there anyone else
4 wishing to speak?

5 MR. BANKS: My name is Roger Banks, 444 Overhill
6 Street, Third Ward, and I'm a member of the Ward and
7 Boundaries Commission. You've heard my letter, so
8 I'm not going to belay too much of your time on it.

9 What I'd like to say is that, as a member of the
10 Commission, we identified through a report that I'm
11 sure you're all familiar with -- it's the
12 Comprehensive Ward and Boundary Precinct Report that
13 was prepared for us to use as our basis from which
14 every proposal that you received came from. This was
15 the data.

16 The reason that I don't look too closely, other
17 than the registered number of voters in the 2014 data
18 is because of this report. This was done in 2013.
19 So, every proposal that we have is done in the least
20 disruptive manner possible. I'm very heartened to
21 see that I believe the majority of the proposals that
22 we've made have now been looked at and accepted in
23 the ordinance. That heartens me.

24 However, I'm still disturbed that there is one

1 proposal that's still not being enacted, and I
2 believe that's between the Fourth and Seventh Wards,
3 and I would insist that that proposal be amended into
4 that ordinance, because by our charge, that
5 represented a discrepancy that was given our charge
6 to correct. It was without -- it was outside of the
7 deviancy of the figures, 15 percent, and we made the
8 least disruptive change possible.

9 All the proposals that we gave you were
10 unanimous, and to view this in any other way, that
11 you take some of the proposals but not all of them,
12 that strikes me as suspect. I'm not going to make
13 any accusations -- because I've accused and corrected
14 others for doing the same -- but do the right thing,
15 and do what is apolitical -- which is exactly what
16 we've done -- is apolitical.

17 We're making an adjustment that is long overdue
18 in the City to equalize the voting. It's a serious
19 charge, and I know, as a personal citizen, that your
20 vote is going to guide me in my future decisions and
21 elections, and I would hope that it would do so for
22 every citizen in the City. Thank you.

23 MAYOR SELIN: Thank you. Who else is wishing to
24 speak?

1 MR. PANRELL: Good evening. Guy Panrell, South
2 Hills Drive. I also am on the Wards and Boundaries
3 Committee, Co-Chair. And the Comprehensive Ward and
4 Precinct Boundary Reports, as requested by the
5 Assistant City Engineer, the City Clerk's office has
6 assessed the City maps and designated ward numbers to
7 each voter on the registration list provided with the
8 assignment.

9 In addition to this task, several areas of
10 concern have been identified with regard to the
11 City's ward and corporation boundary. It has been
12 pointed out in the illustrated report where anomalies
13 and discrepancies are occurring between the City's
14 boundaries and the County-assigned voting precinct
15 boundaries.

16 Obvious corrections needed such an annex -- such
17 as annexed areas have been omitted from this report
18 in order to focus on the more pressing issues with --
19 along the exterior boundaries of the City. A
20 detailed precinct report accompanies the illustrated
21 report.

22 The City is growing, and we have a lot of issues
23 that needed to be taken care of, and a list of the
24 wards and their predominantly correlating precincts -

1 - First Ward -- this is what we went by -- had
2 Precinct One and Two. The colored precincts that I
3 have on this report indicate an overlap issue, and
4 Second Ward had Precinct Four and it also had
5 Precinct Six. There was an overlap on it. Third
6 Ward, Precinct 10 and 16 with overlaps. Fourth Ward,
7 20, 21 and 26 overlaps. Fifth Ward, 13, 14 and 15
8 overlaps. Sixth Ward, eight and 30 overlaps.
9 Seventh Ward, 23 and 27 overlaps.

10 Now, precinct analysis is presented in numeric
11 order. The areas where ward overlaps occur is
12 presented in the report with the highest level of
13 detail available, up to and including some individual
14 street address numbers. Note that not every home is
15 given overlap that contains residents who are
16 registered voters. Additionally, the house numbers
17 referenced are based on the map provided.

18 Precinct One, this is located completely in
19 First Ward. Precinct Two -- the precinct is located
20 completely in Second Ward. Precinct Four -- the
21 precinct is located completely in the Second Ward.
22 Precinct Six -- predominantly Second Ward, overlaps
23 into Sixth Ward.

24 Some of the streets that we were dealing with

1 were Overdale, house numbers 207, 317. Elmina, house
2 numbers 613, 614, 617, 621. Alma, 608, 621.

3 Edgehill, 37 and 44. Arlington, 604, 620. Brockway,
4 611, 641. Lyndhurst, 222. Pennsylvania Avenue, 625,
5 657. East Brockway, 101, 229, 333. Nolan Street,
6 233 and 235.

7 OK, this report keeps going on and on, and I can
8 keep reading all these houses and numbers that we had
9 to deal with and change. OK, this is where I -- I
10 tried to -- wanted to speak at your Special Meeting
11 to give some interest -- or some information that I
12 didn't -- that you all didn't have -- and I
13 understand that, you know, it's a work session and
14 you don't want to -- anyone to bother you while
15 you're doing what you're supposed to do. I get that.

16 As the Wards and Boundaries Committee, we had
17 the same situation, but we had several councilors
18 show up at each of our meetings and say, I'm going to
19 talk -- that's basically what it was -- and
20 disrespected everyone at these meetings.

21 I was rudely asked to leave in here the other
22 night, when I was trying to explain to my Councilor
23 of some of the issues that were misunderstood, that
24 there was a question from the Councilor from the

1 Fifth Ward. But I -- we all know that this is not
2 about the numbers. This is not about the numbers at
3 all. This is about someone's personal agenda, and
4 trying to say that we have houses that are dissected
5 with lines and you don't know which ward they're in,
6 that is totally false. I just -- you know, I really
7 have an issue with someone coming up and making false
8 accusations.

9 These numbers that we used with -- we started
10 with 2013. First Ward had 2,100 voters. Precinct
11 One had 835, Precinct Two had 1,265. Second Ward,
12 Precinct Four 1,309, Precinct Six 823, total 2,132.
13 Third Ward, Precinct Ten 1,614, Precinct 16, 1,229,
14 gave a total of 2,843. Fourth Ward, 20 -- Precinct
15 20, 1,666 voters, 21 had 474, 26 had 736, with a
16 total of 2,876. Fifth Ward, Precinct 14, 1,312
17 voters, Precinct 15, 247, Precinct 13, 841, came to a
18 total of 2,400. Sixth Ward, Precinct No. 8, 1,101
19 voters, Precinct 30, 1,132, which was 2,233.

20 After all these amendments were made --

21 UNIDENTIFIED FEMALE VOICE: (Inaudible.)

22 MR. BANE: There is no time limit in a public
23 hearing.

24 MR. PANRELL: After all these were added, those

1 are the numbers that we came up with, but when we
2 changed some of these things with the boundaries,
3 that's where some of these variations came in.
4 That's why Sixth Ward lost some voters, because of
5 losing them to the Second Ward, maybe even to Third
6 Ward, and the Fifth Ward, because of the way it was
7 set up. It wasn't -- it wasn't -- that's why we were
8 supposed to do what we were supposed to do. It
9 hadn't been done for so long, and all we did was try
10 to make it right.

11 Had this been taken care of over the past four
12 years -- 2010, there was a report that said that Ward
13 Three, Ward Four, and Ward Seven were out of kilter -
14 - but it was chose not to do anything. I'm not sure
15 why, but that was what happened.

16 So, one of the Commissioners from your ward made
17 a motion not to do anything in 2010. I'm not sure
18 why. 2012 -- they're in the notes -- they're in the
19 minutes of the meeting, if anyone would care to see
20 them, or if you all would have read the material that
21 was given to you, it was in those -- it was in those
22 minutes, but anyway -- but this was what it was, with
23 2013, when we had to work with that.

24 2014 -- this is when we had some issues. We had

1 some precinct changes. We had -- First Ward had
2 Precinct One, 2A and 2B. Second Ward had 2A and 2B.
3 Third Ward, 13. Fourth Ward, 10 and 26. Fifth Ward,
4 13 and 16. Sixth Ward, 30, 2A and 2B. Seventh Ward,
5 23. The totals didn't change enough to cause any
6 issues to where someone could not understand what was
7 going on. The only reason you didn't understand was
8 because you did not want to understand.

9 You know, I've sat here and watched all these
10 meetings, and no one can come up with a reason. All
11 you have is excuses. Excuses do not fly. Have a
12 reason. A finding of fact. That's all anybody asks.
13 You know, I was really irritated that our group got
14 referred to as a circus.

15 The City employees that worked on this and spent
16 so much time -- I mean, that's a slap in the face to
17 Damien, as hard work as he did -- and then to say
18 this is a circus, and then to say you're confused.
19 With all due respect, I think the only confusion is
20 that you all think you can get away with this.
21 That's the confusion.

22 And that's all I have to say right now. Thank
23 you for your time.

24 MAYOR SELIN: Thank you, Mr. Panrell. Is there

1 anyone else wishing to speak?

2 MR. WEST: Well, I wasn't going to say anything,
3 but I can't resist. I'm Don West, and I'm on the
4 Commission from First Ward. I'll be short and sweet.
5 You guys ran a few months ago as a gang of five. I
6 remember that pretty plainly. Now, I would refer to
7 you as a flock of four, because one guy decided to
8 vote the right way on this.

9 I just want to tell you, I resent it. I've been
10 on the Commission for quite awhile, and I do resent
11 it, and I consider it a slap in the face, and I
12 resent it when someone in the paper calls it a little
13 circus. I resent several things I've heard -- and
14 it's especially troubling to me when I go to meetings
15 or to coffee at McDonald's or wherever -- and people
16 are kidding about this Commission, how Council's
17 going to do what they want to do, then why are we
18 even going to these meetings.

19 And this is not the first time I've heard --
20 I've been in Morgantown 65 -- 67 years, I'm sorry,
21 and you know, I've heard other people say, what's the
22 use of getting on a commission, I mean, because
23 Council is going to do whatever they want to do or
24 whatever WVU wants to do.

1 I will only say this -- I have talked to many,
2 many people in the last few weeks, and I will
3 continue to talk to many, many people about this, and
4 there are -- you better be aware there are many, many
5 people -- whether it's Kay Murray and Jim on their
6 show, the newspaper, or whatever -- there are lots
7 and lots of people watching what you're doing, and
8 you better pay attention come next election.

9 That's all I've got to say.

10 MAYOR SELIN: Thank you. Is there anyone else
11 wishing to speak?

12 * * *

13 (No response.)

14 * * *

15 MAYOR SELIN: We now close this public portion -
16 - I mean, public hearing, pardon me. Unfinished
17 business. Item A, Consideration of approval of
18 second reading and adoption of an ordinance approving
19 and creating an new Tax Increment Financing District
20 in the City of Morgantown, Mon County, West Virginia,
21 to be known as the City of Morgantown Redevelopment
22 District No. 4, approving the Willey-Spruce-Brockway
23 Redevelopment Project Plan No. 1, as approved by the
24 West Virginia Development Office, establishing a Tax

1 Increment Financing Fund and providing for other
2 matters in connection therewith. The first reading
3 was December 2, 2014.

4 What's Council's pleasure?

5 MS. SHAMBERGER: Move for approval.

6 MR. BANE: Second.

7 MAYOR SELIN: Is there anyone wanting to have
8 discussion or ask our City Manager to make a
9 statement or move it along? Can -- just for the
10 people who are here, do you want to just mention
11 where this is?

12 MR. MIKORSKI: Sure, sure. This is the second
13 reading of an ordinance to establish both a TIF
14 District, Tax Increment Financing District, and also
15 a redevelopment plan. The Tax Increment Financing
16 District boundaries are roughly Spruce Street going
17 up to Willey, along Richwood, down across Decker's
18 Creek to Brockway Avenue, up Walnut, back to Spruce.

19 Now, within that district, the City of
20 Morgantown will act as the developer to utilize the
21 increment and financing from the base year's taxes
22 over the next 30 years. So, any increment in value
23 within that district we can utilize to do
24 improvements of the public infrastructure, public

1 right-of-way and public projects on City property.

2 So, this would be the second reading and
3 adoption of that ordinance.

4 MAYOR SELIN: Thank you.

5 MR. KAWECKI: Call for the question.

6 THE CLERK: Ron Bane?

7 MR. BANE: Yes.

8 THE CLERK: Bill Kawecky?

9 MR. KAWECKI: Yes.

10 THE CLERK: Wes Nugent?

11 MR. NUGENT: Yes.

12 THE CLERK: Marti Shamberger?

13 MS. SHAMBERGER: Yes.

14 THE CLERK: Mike Fike?

15 MR. FIKE: Yes.

16 THE CLERK: Nancy Ganz?

17 MS. GANZ: Yes.

18 THE CLERK: Mayor Selin?

19 MAYOR SELIN: Yes. Passes 7-0. Item B,
20 Consideration of approval of second reading and
21 adoption of an ordinance amending Sections 103.02 and
22 103.03 of Morgantown City Code as the same applies to
23 ward boundaries within the City of Morgantown. The
24 first reading was December 9th, 2014.

1 What's Council's pleasure?

2 MR. NUGENT: Point of order. Madam Chair, I
3 object to you presiding over this issue, as I
4 previously conveyed. There were amendments that were
5 intimated to be made as part of the December the 2nd
6 meeting, and that clearly affects impartiality and
7 fairness of the Chair.

8 Now, you know, you've relied on an opinion from
9 the Ethics Commission -- and I'm not exactly sure
10 when you were aware of that opinion, given that at
11 the November the 12th meeting there was a discussion
12 brought forth, and the statement, as I recall, being
13 made that if an issue was brought before you, you
14 would step aside. Maybe that was before you knew
15 about the Ethics Commission advisory opinion.

16 Again, regardless of what the Ethics Commission
17 says, whether it's a real conflict, it's definitely a
18 perceived conflict, and I would ask you to respect
19 the concerns of your colleagues with this. You may
20 still vote on this -- I mean, if you're going to, you
21 know, you're running for Council, then that's clear -
22 - that's transparent to the membership. If you're
23 not, then that -- you know, we can talk about that --
24 but to have you sit there in the Chair and preside

1 over this issue, it's unseeming [sic], and so I would
2 ask you -- even if you wish to vote on it, to please
3 step aside and allow the Deputy Mayor to preside over
4 this issue.

5 MAYOR SELIN: I will not be stepping aside. The
6 Clerk has, I think, on more than one occasion, and
7 particularly right before that occasion, asked the
8 Ethics Commission if we are allowed to vote on this
9 issue, and we are allowed to vote on this issue.
10 This is not a conflict. This is something that is --
11 will affect people into the future, and the Ethics
12 Commission has said that.

13 If anything, I've had comments from my
14 colleagues that I spend too much time trying to give
15 each person their opportunity to speak, and so I
16 think my record of fairness on this issue is clear.
17 And so I'm going to stay right where I am, and I'd
18 like to work through the actual issue at hand.

19 MR. BANE: Question.

20 MAYOR SELIN: I think we would like to have some
21 discussion first.

22 MR. NUGENT: I would appeal to the body, if you
23 have rejected the -- if you're unwilling to step
24 aside -- again, I would appeal your decision to the

1 body.

2 MR. BANE: Question.

3 MS. GANZ: On this question?

4 MR. BANE: Mm-hmm.

5 MAYOR SELIN: What's the question?

6 MR. NUGENT: As to whether to have the Chair --

7 THE CLERK: Not a point of order?

8 MR. NUGENT: -- to step aside.

9 MR. BANE: Point of order.

10 MS. GANZ: No, you cannot point of --

11 MR. BANE: We did it last week. You can.

12 Procedurally.

13 MR. NUGENT: Yes, I can ask -- I can appeal the
14 decision to the body.

15 MR. BANE: Yes.

16 MR. NUGENT: And so I'm asking for a roll call
17 vote on whether the Chair should step aside.

18 MS. SHAMBERGER: I would like to ask our City
19 Attorney if that's correct.

20 THE CLERK: Yeah.

21 MR. BANE: We did at the last meeting.

22 MS. SHAMBERGER: According to (inaudible) rules.
23 Excuse me, I'm asking the attorney a question.

24 MR. FANOK: Councilwoman, I believe the

1 procedure is correct, that a Council member is
2 allowed to appeal the decision and vote.

3 MS. SHAMBERGER: Thank you.

4 MR. FANOK: You're welcome.

5 MR. BANE: Question's been called.

6 THE CLERK: Ron Bane?

7 MR. BANE: Yes.

8 THE CLERK: Bill Kaweckki?

9 MR. KAWECKKI: No.

10 THE CLERK: Wes Nugent?

11 MR. NUGENT: Yes.

12 THE CLERK: Marti Shamberger?

13 MS. SHAMBERGER: No.

14 THE CLERK: Mike Fike?

15 MR. FIKE: Yes.

16 THE CLERK: Nancy Ganz?

17 MS. GANZ: No.

18 THE CLERK: Mayor Selin?

19 MAYOR SELIN: No. So, that would be 4-3.

20 THE CLERK: Mm-hmm.

21 MR. NUGENT: Thank you.

22 MAYOR SELIN: So, it fails. So, let's get on
23 with the business at hand. Last time we went around
24 the room in order. Is that something --

1 MR. NUGENT: Madam Chair, point of order.

2 MAYOR SELIN: Yes, please.

3 MR. NUGENT: There is -- there's not a motion on
4 the floor.

5 MS. GANZ: I move, in consideration of
6 (inaudible).

7 MAYOR SELIN: Is there a second?

8 MR. KAWECKI: Second.

9 MAYOR SELIN: Thank you. Are we wanting to go
10 around the room and have each person make some
11 comments, or who are we wanting to handle it at this
12 point?

13 MR. BANE: One simple question is, we have to do
14 the right thing, and we're not -- and the right thing
15 is to take the Ward and Boundaries Commission's first
16 -- first ordinance to us, and we're not doing it, and
17 it's a shame. I mean, I will not be voting in favor
18 of this.

19 MAYOR SELIN: Thank you. Do you have any
20 comments?

21 MR. KAWECKI: No comments.

22 MAYOR SELIN: Thank you. Do you have comments?

23 MR. NUGENT: You know, again, my comments are
24 that the Ward and Boundary Commission's proposal

1 stands on its merits. The time that has been
2 invested -- again, the honest effort to look at this
3 has been described as an apolitical faction. Sadly,
4 that process since the vote was originally taken has
5 been corrupted, and again, to find politics entering
6 into this situation, to me, is unacceptable. So,
7 again, I stand behind that.

8 If we want to talk about different point,
9 though, I mean, I do have my thoughts after looking
10 through the reasons that Council rejected the
11 Commission's proposal. So, if you want to discuss
12 those at this time, we could do that, or --

13 MAYOR SELIN: Whatever. This is --

14 MR. NUGENT: -- if you would prepare to go
15 around, that would be fine as well.

16 MAYOR SELIN: We're going around and so this is
17 your moment.

18 MR. NUGENT: OK, well -- and again, I do reserve
19 the right to come back and have a second bite at the
20 apple --

21 MAYOR SELIN: Of course, of course.

22 MR. NUGENT: -- as permitted by the rules.

23 MAYOR SELIN: Yes.

24 MR. NUGENT: You know, I look through the

1 comments -- and again, Council will have stated
2 reasons -- they're not necessarily good reasons --
3 but you will have stated reasons, according to what
4 the Charter requires. It's, you know, completely
5 permissible to go about doing this, but again, the
6 issue, for me, it goes back to is be open and honest
7 and transparent about it, and you know, that's why
8 asked the question about the intent for the purpose
9 of the next election. Because, again, whether it's
10 real or perceived, it's out there, and so, you know,
11 I really stress that.

12 Because what we want to achieve in the City, I'm
13 concerned about, are going to be our ability to
14 execute that, if people don't believe that we're
15 operating in a trustworthy and transparent fashion.
16 So, that's the bigger issue for me, because there's a
17 lot of issues I'd rather be talking about tonight,
18 but this issue's before us -- and for those reasons,
19 it is important.

20 Now, I looked through the information -- again,
21 the reasons stated -- and you know, I don't see
22 facts. The facts, to me, as they're stated is, the
23 Commission's proposal, as presented, used the least
24 amount of land to basically equalize to the best of

1 their ability the wards, according to their charge.
2 What Council has done is, choosing an alternative --
3 will choose an alternative that would take, if not
4 the same amount of political, geographical,
5 contiguous territory -- whatever Council wants to
6 describe it as, those terms -- it will take the same,
7 if not a larger amount of that territory, as well as
8 reduce the impact of the changes.

9 And my understanding is, the original proposal
10 that the Commission presented, was in excess of 400
11 voters. The proposal that, you know, is being
12 considered tonight, is half that number and the same
13 amount of land.

14 Now, I look at how the Commission went about
15 their business, and they took in the least amount of
16 territory, and they tried to make the least
17 disruption to create the best equalization, and I
18 respect what they've done.

19 I don't understand some of the comments, talking
20 about the diversity of wards, like hybrid vigor -- I
21 don't even know what that means. I guess I get what
22 it was perhaps intended to be but -- you know, we
23 have to look at what the Charter and the law states
24 and not read too much into that.

1 Again, you know, the discussions about the
2 future, I understand those, but those are not
3 appropriate, because if we're always waiting for the
4 future, we would never get around to making these
5 changes. The dust won't settle. If you were to
6 hypothesize that, I think it'd be dangerous because I
7 think Fourth Ward, as its proper old Fourth Ward,
8 Evansdale, which prior to 1980, Patteson Avenue was
9 the dividing line -- that's where the growth in
10 population is going to be, and presumably voters will
11 go there eventually.

12 But we have look at what we've been dealing
13 with, which is the issue over the past two years
14 plus, and in that regard.

15 Now, I did actually have a chance to talk with
16 the other members who were previously referenced --
17 and I won't go into the specifics of those
18 conversations -- but I think there's a
19 misunderstanding of what the statement "not to
20 require the adjustment of precinct boundaries or
21 sacrifice the compactness of wards" means.

22 Again, we as a City Council inherit precincts
23 from our County Clerk. It's an inherited political
24 subdivision. We deal with those. As consolidation

1 has become more commonplace, it becomes more
2 difficult to use precincts to set the boundaries, but
3 it also permits center of street lines.

4 And so, you know, what I -- when I read this,
5 again, we don't have anything to do with the precinct
6 boundaries. So, it's not to say Council can go to
7 require the County Clerk to adjust those precinct
8 boundaries to suit our purposes.

9 "Or to sacrifice compactness of wards." Now, I
10 read that, and again, just as I've described, the
11 Commission's plan takes the least amount of
12 geographic territory that's contiguous to best
13 equalize the numbers.

14 Again, if you wanted to think about the future,
15 I think you could make an argument that you could
16 take both of those pieces, roll them together, and
17 that would prepare that area for the future. But
18 again, that's not our charge today. So, I don't
19 understand how this compact -- sacrifices the
20 compactness of the wards, as other colleagues seem to
21 believe.

22 This issue has been going on for a long time,
23 but prior to this, the Commission haven't presented
24 any official report to guide Council in making a

1 decision regarding changes.

2 So, if what we have before us -- and again, I
3 see no reason to do this. Now, what I suspect we're
4 going to hear is other issues regarding these
5 boundary lines -- you know, this issue in a ward
6 that's totally unrelated, that for purposes of how
7 it's described in the legal document, the Commission,
8 for whatever reason, left a point that looks at one
9 angle and another angle of a neighborhood. But for
10 functional purposes, as we've heard from the City
11 Engineer, it's mapped out to an address in each of
12 those respective wards.

13 So, if we were to actually show a map, one could
14 be drawn down center of street lines. But you know
15 what, there's no alternative that I'm hearing from
16 Council to address that problem. So, it's really --
17 I don't know, is it a red herring? You know, I have
18 to ask myself that. I'm not going to argue that it's
19 not important, but it's obviously not important for
20 Council to make a change about that. And there's one
21 area that Council is making a change in, and that
22 disregards the intent of the Commission.

23 So, that's just what I go back to -- and you
24 know, I wish -- again, I'm sure we'll be able to talk

1 about the broader issues, but we've got to get this
2 one out in front of us and behind us today, so that
3 we can carry on with that in the future.

4 So, you know, those are my kind of initial
5 thoughts, and I'll be interested to hear what my
6 other colleagues have to think about the boundaries
7 as they stand.

8 MS. SHAMBERGER: Thank you. My concern, as
9 before, had to do with the ward boundaries, and I
10 talked about my ward specifically. If you recall
11 tonight, Mr. Panrell discussed the Fifth Ward and the
12 precincts within that ward -- 13, 14 and 15 -- and
13 they were rolled into Precinct 13. What he didn't
14 say -- he didn't address the problem with Precinct
15 30, which is an overlap precinct from the Sixth Ward,
16 and that's not addressed anywhere.

17 My concern is, again, with the numbers. If you
18 read through the description of the ward maps -- and
19 I truly appreciate the work that Linda Little did and
20 Damien did -- but if you even read through those
21 descriptions tonight, for First Ward, Second Ward,
22 each of them, they're still -- if you're looking
23 through the eyes of someone new, there's still points
24 in there that nobody would know what those are.

1 There's, you know, road terms -- Ices Ferry Road
2 -- well, I know where North Willey Street is, it's
3 marked, but not Ices Ferry Road. That's just an
4 example. Hartley Addition -- well, I know where
5 Parkway Drive is, but I don't know -- it was called
6 Hartley Addition. So, getting back to the
7 descriptions of the boundary lines, the actual
8 numbers themselves, when I first brought my concern -
9 - this was two years ago, after the election, to the
10 City Clerk, I asked how this process was done,
11 because there were people who lived in my ward that
12 weren't showing up in those precincts that were the
13 precincts for my ward that the reports were done on.

14 So, therefore, I think it would be wise -- and I
15 offered this solution before -- that in the rules,
16 the process that the Ward and Boundaries need to go
17 through. I think it needs to spell out that each
18 ward is -- the voters are counted on each street
19 within that ward. That's not spelled out anywhere.
20 You don't see that anywhere.

21 So, you know, a solution was offered. As far as
22 not looking in the future, that's not their charge.
23 That was done, in the change in the Second and the
24 Third Ward. That was done after Councilor Kawecki

1 attended the meeting, the voted unanimously no
2 changes in the Second and Third Ward boundary.
3 Councilman Kawecky was at that meeting and pointed
4 out the future growth in that area down along the
5 river, and another road was taken and it was changed.
6 So, the future was looked -- looked at.

7 So, I stand behind what I said before. I
8 appreciate the work that the Ward and Boundary
9 Commission did. I've always said that. I just
10 firmly believe that this is time to move forward, we
11 make the changes, and I think we need to re-examine
12 our Charter because, had we passed what was presented
13 to us, with the way the Charter is written, we still
14 would not have had the time to get this resolved
15 without having special meetings before January
16 election process begins.

17 So, that's my statement.

18 MAYOR SELIN: Thank you. Councilor Fike?

19 MR. FIKE: Much of what we've heard this evening
20 deals with a concept that I've heard kind of tossed
21 around several times now -- perception versus fact --
22 and I really believe that's what we're dealing with
23 here.

24 I stand by my votes on this whole issue. I

1 stand solidly behind my vote of support for the
2 original Wards and Boundaries Commission
3 recommendations. I still do that. I will still vote
4 against this amended -- the ordinance that amends
5 those sections of city Code -- tonight.

6 I wasn't planning on saying a whole lot about
7 that, except simply that I stand by it, and I think
8 the fact that I stand by my vote tells exactly how I
9 feel about that -- and yet, what I'm hearing this
10 evening -- I'm hearing a lot of technicalities, and I
11 appreciate Councilor Nugent and Counselor Shamberger
12 pointing out some of those technicalities in this
13 discussion, because there are lots of them.

14 But what I saw in that original report were the
15 technicalities that we needed to see, they were based
16 on fact, and again, I've said this before, twice,
17 that I saw nothing in that report that was not based
18 on fact, and that was not something that I would not
19 support. I saw a good report. It made sense. The
20 numbers were equalized. And so, I asked myself, what
21 more can you want?

22 Now, since then, we've had all kinds of things
23 thrown at us -- what the original report didn't have,
24 as opposed to what it should have -- but we can say

1 that about anything. I mean, you can take any
2 information that comes to us, and we can change it.
3 We can say, oh, that's not good enough and we needs
4 more, we need to change those, we need to change
5 this, we need to change that -- we don't do that.

6 Our commissions, our boards, take their jobs
7 seriously. They take their assignments seriously.
8 Now, we have a commission who has worked on nothing
9 but boundaries. That's all they do. That's what
10 they're assigned to do.

11 We have other commissions that cover lots of
12 different issues and different things that they bring
13 to us, and usually we thank them for what they do and
14 we say, OK, here may be one little thing you might
15 want to look at further, here may be something you
16 want to tweak a bit, but we don't reject reports.

17 And I guess what I want to say this evening is -
18 - I don't want to be redundant and go into
19 technicalities and comparing numbers and all that --
20 but I must say to my colleagues I'm very, very, very
21 disappointed in the way the majority of this vote is
22 going.

23 The reasons that we're hearing that people are
24 voting this way -- to reject a good report and

1 replace it with something else -- we're hearing
2 things that -- diversity -- the diversity in
3 neighborhoods. We don't -- we've never addressed
4 diversity in neighborhoods, as far as equalizing
5 votes. What bearing does that have on who's
6 registered to vote? Nothing.

7 And we hear the reason given, well, my
8 representative on the Wards and Boundaries Commission
9 did not vote for that particular part of the report,
10 so I want to support that -- we're here for the City,
11 folks. We're not here to say, because my
12 representative voted a certain way, I'm going to vote
13 that -- to do the same thing here in City Council.

14 We -- I don't know. I -- I'm -- I just -- I'm
15 just disappointed. I thought we were above that kind
16 of thing. I thought we were a city council who was
17 committed to terms that we've heard over and over --
18 transparency. We were committed to supporting our
19 commissions and our boards. We were committed to
20 doing what we thought was the best for the City, with
21 the facts that we had.

22 And now we seem to want to say that, because
23 we're City Council, we can just kind of do what we
24 want to do, and we can disburse with any kind of

1 information that comes our way that doesn't please
2 us, that doesn't fit our way of thinking, that
3 doesn't get accomplished what we want to accomplish.

4 I don't want to say we're self-serving. I don't
5 want to go that far, but I just have to say that I'm
6 disappointed. I'm disappointed in the way of
7 thinking. So, tonight, I will vote against this --
8 what I consider to be a replacement for a report that
9 should have been approved in the first place.

10 MAYOR SELIN: Thank you.

11 MS. GANZ: I'll let Mr. Bane speak.

12 MAYOR SELIN: Well --

13 MR. BANE: I've already spoken.

14 MAYOR SELIN: He's already spoken.

15 MS. GANZ: Well, he said he was (inaudible).

16 MR. BANE: No. Everybody gets to speak first
17 before I speak again.

18 MAYOR SELIN: If you're wishing to speak, this
19 is a good moment.

20 MS. GANZ: Mr. Nugent has already lambasted all
21 the statements that were made by me last week.

22 MR. NUGENT: Point of order. I don't appreciate
23 my name being cited.

24 MS. GANZ: OK. Councilor from Third Ward has

1 already spoken --

2 MR. NUGENT: Thank you, Madam Chair. Please let
3 that be reflected in the minutes.

4 MS. GANZ: -- strongly about the --

5 MAYOR SELIN: Thanks.

6 MS. GANZ: -- things I stated last week, so you
7 (inaudible) information that he recorded (inaudible),
8 which I appreciate him recording all our information
9 while we're speaking. I'm very concerned about how
10 the conduct is on what's going on.

11 Also, I share other Councilors' concerns. The
12 Chairperson of the Ward and Boundary Commission
13 happens to live in my ward, as do -- and one of the
14 other Ward and Boundary Commissioners is also a
15 member of our neighborhood association for the Fourth
16 and Seventh Ward.

17 From the get-go, they have recommended to go
18 back to the same thing that was referred to by a
19 person who spoke today, the Flatts area, which is the
20 boundary from Burroughs, going along 705, going to
21 Patteson to University, to be part of the Seventh
22 Ward. For a good portion of history, it has been
23 part of the Seventh Ward, and then it was changed.

24 I approve of that, because it respects the area

1 called Suncrest Park -- and as everyone knows, I was
2 President of the neighborhood association for a year,
3 and the people of Suncrest Park view themselves as an
4 entity that -- a complex and complete entity. By
5 dividing Suncrest Park in half and throwing it
6 together with areas of -- such as Evansdale -- they
7 feel strongly disenfranchised by that move.

8 So, although I do agree that the wards and
9 boundaries in the City does need to be adjusted -- I
10 agree that it needs to be adjusted in a way that's
11 palatable to the community for which it's being
12 adjusted, and this is an alternative plan was
13 suggested also in 2012 -- and was rejected by the
14 Mayor at that time because of the people who might be
15 considering positions at that time -- and said that
16 it's not to -- if you remember, we quoted that 2012
17 statement, that it's not only numbers, but we can't
18 sacrifice compactness of the wards, and so that's why
19 the wards and boundaries were not changed at the
20 time.

21 This has been going on for a long time. Even
22 since we've been voting on this, and it's been before
23 us, there has been numerous map changes, numerous
24 numbers changes and numerous house position changes

1 as well, as we all know the precincts change that we
2 have no control over.

3 Today, the numbers reflect that the Fourth and
4 Seventh Ward aren't the most disparaging -- or
5 disparate from the median. I'm sorry, my mike does
6 not stay on. It reflects that other wards are --
7 were divergent from the norm.

8 So, my position has been to do something that
9 works for the community, that makes the numbers in
10 those two wards closest to the norm, but if you
11 notice, there's many wards -- as much as 19 percent
12 to 28 percent -- that vary that were not selected by
13 the Wards and Boundaries Commission to be looked at.
14 I'm sorry that happened. I'm also sorry that there's
15 members on the various commissions that have also
16 political pasts and future.

17 So, honestly, it has become a very difficult
18 situation, and I'm sorry we're wasting our time on
19 this, but this is partly because the Charter changed,
20 and as one Councilor suggested maybe needs to take
21 place, that's partly the timing of the Charter, but
22 it's partly the fact that the mapping has been
23 incorrect for the past history -- not by the fault of
24 the Wards and Boundary Commission, but the

1 annexations weren't put in. Descriptions have not
2 been updated.

3 There's just been a variety of things that have
4 not taken place, and I believe in the next -- by the
5 next general election, we need to take a big look at
6 how to redo all of this. But at this point, I think
7 the suggestion as this second reading includes, is
8 most appropriate to benefit the people who I
9 represent, as well as the people in the City that
10 elected me.

11 MAYOR SELIN: Thank you. So, one fact I think
12 we can all agree on is that we have not ducked the
13 issues. Right here, we are making decisions. We are
14 not ducking the issue. We are going to be voting on
15 this this evening, and I really appreciate everybody
16 hanging in there. As I was -- as I had commented
17 before, I'd like to recognize the Ward and Boundary
18 Commission and the City staff that put a lot of time
19 putting this report together, and have spent a lot of
20 time over the last year analyzing this.

21 I think that one difficulty that -- the ward and
22 boundary -- the document in our Charter that we have
23 to go by has a whole set of requirements, and one of
24 them is that the ward has to contain as nearly as

1 practical the same number of qualified voters,
2 determined from the registration for the last
3 statewide general election.

4 So, that was part of the -- part of the trick
5 here was that we had an election kind of right after
6 some of these numbers were determined, and that's
7 why, for people who are sort of just entering this
8 conversation, that's part -- the challenge that the
9 Ward and Boundary Commission had, that our Clerk had,
10 was trying to take the new numbers and give them a
11 double check, and I know that it was stated there was
12 a one percent difference, but it meant, for some of
13 the numbers, as many as 400 people different, or 250
14 people different.

15 So, anyway, it's just something that we just
16 have to recognize -- and recognizing also that the
17 wards -- the boundaries and the annexations had not
18 been updated reportedly since 1989, and that right
19 here and now, this evening, we're going to be
20 rectifying this situation, and that, as we've also
21 noted this evening, our Charter does have these short
22 time lines. They have good time lines and things
23 that have to be done, but there -- it's compressed,
24 and when we need to take care of things and have the

1 Ward and Boundary Commission look things through,
2 particularly when we have to look into account the
3 last statewide election numbers, I think that we need
4 to look through that as Councilor Shamberger has
5 mentioned.

6 So, I just think that this is something that
7 we've all been working on. It's something that we
8 have come to one possible resolution. Also part of
9 the Charter is that the Council has an opportunity to
10 look over this and make changes, and we have made
11 basically one -- basically one change. So, the work
12 has been honored in nearly its entirety, and there's
13 been a substitution so that at least there is
14 equalization going on.

15 With respect to the change from one part of the
16 ward -- pardon, from Ward Seven -- one part of Ward
17 Seven was substituted for another part -- again,
18 pardon me -- from the Fourth Ward, one part of the
19 Fourth Ward is being substituted for another part of
20 the Fourth Ward to go into the Seventh.

21 I think that the ward and boundary
22 representatives of an area should be respected
23 regarding proposed ward and boundary changes; that
24 was something that they had asked for from their

1 colleagues; that the change that is proposed, with
2 the area near Windsor being brought over to the
3 Seventh Ward, is within the parameters of 15 percent
4 deviation; that the Windsor area is topographically
5 contiguous and on the same level, and many have
6 considered that they already were part of the Seventh
7 Ward; that the Windsor area is a defined and bounded
8 part of the neighborhood, rather than splitting
9 another part of the neighborhood in half; and that
10 it's at least of similar compactness, and therefore a
11 legal and actual, decent substitution.

12 And I think that some of the numbers were that
13 maybe it was 250 persons in that area -- about that -
14 - something like that -- but we need to get more of
15 the numbers in front of Council, so that we can
16 properly make sure that that's done. Yes?

17 MR. BANE: In the local paper today --

18 MAYOR SELIN: Yes.

19 MR. BANE: Very interesting. The Mayor says --

20 MAYOR SELIN: Yes.

21 MR. BANE: She says she has plans to vote in
22 favor of the second reading at tonight's meeting.
23 She said the prospect of her and Ganz being in the
24 same ward factored in her decision to vote for the

1 current ordinance.

2 MAYOR SELIN: Continue.

3 MR. BANE: But the greatest concern -- it
4 doesn't matter then -- you've already -- the cat's
5 out of the bag on that one. Also, later on in this,
6 the Council member from Seventh Ward said she didn't
7 want to run against Jenny -- against the Mayor, as
8 what happened under the old plan, but would prefer to
9 revise and realign the plan. That says volumes. It
10 says volumes.

11 MAYOR SELIN: I hope that you don't believe
12 everything that's written in the paper. Since it's
13 your emphasis added -- but anyway, that's your --
14 that's your prerogative.

15 MR. BANE: It says volumes.

16 MS. GANZ: (Inaudible) what I said about
17 (inaudible).

18 MAYOR SELIN: Pardon me. So, is there anything
19 else --

20 MR. BANE: No.

21 MAYOR SELIN: -- that anyone wants to speak
22 about?

23 MR. NUGENT: Well, yeah. I would just say, if
24 conveying facts with candor is to be considered

1 lambasting Council, then I apologize to my colleague.
2 But I have to take umbrage with some of these
3 comments that are just utterly false. I mean, the
4 statement that this -- that in 2012, the Commission
5 basically planned to do something, got rejected by
6 the then-Mayor, Jim Manilla, is wholly inaccurate.

7 Yes, he put out a press release talking about
8 the Commission's work, but the Commission chose to
9 put forward no plan. That was not interrupted by the
10 Mayor. So, lets be honest. Let's not mislead. You
11 know, I -- that has to be clear, and you know, I just
12 -- those are the -- those statements, I just don't --
13 I don't appreciate because it just detracts from what
14 we're actually attempting to discuss.

15 So, again, I apologize if me conveying facts
16 with candor is difficult. It's not always
17 comfortable, but you know, again, I'm going to make
18 sure that that is clarified for the public regarding
19 this, because the statements that the Commission's
20 work was rejected by the Mayor is wholly false, OK.

21 Now, I asked the Chair in 2012. The numbers
22 only growing and ballooning, and I said, OK, we've
23 reached 20 percent. At what point is it imperative
24 that the Commission take action?

1 As I had told Council previously, at a point in
2 the 80's, the ward deviation boundaries, according to
3 what I could find in the journal, was as low as five
4 and a half percent. OK, that's splitting hairs
5 practically. We're far from that now. This was an
6 attempt to bring it back into line. And so, you
7 know, I asked that question because I was serious
8 about it in 2012.

9 Now, I would go back to some of the statements
10 the Chair has just offered -- and I've heard this
11 described as democracy in progress. I just have to
12 disagree. This, to me, is mediocrity at its best.
13 You know, again, I think we're not respecting the
14 work of the Commission.

15 We had a Commission member who -- I mean, what
16 about respecting the work of those Commission
17 members? You know, one member put in 199 hours and
18 had -- and voted a certain way, and one person spent
19 an hour and looked at the testimony and voted a
20 different way.

21 I can't explain that, but the point is, what
22 about respecting -- if we're going to talk about
23 votes -- that vote and the thought that was put into
24 it -- and I wasn't at the majority of these meetings.

1 I don't have a good sense of what was conveyed at
2 them.

3 I do recall the meeting that I was at, in which
4 the Chair was present, and I'd be happy to sit down
5 and discuss that more, because I very clearly
6 remember what was offered from the (inaudible) to the
7 Commission, who was sitting here in Council chambers
8 at the time, and I stand by those remarks.

9 So, you know, I just -- I have to set the record
10 straight, and you know, let's just go ahead and do
11 what we're going to do, because numbers don't matter,
12 and that's become evident.

13 MAYOR SELIN: Yes?

14 MR. KAWECKI: Just -- I just felt the necessity
15 to respond to Councilman Fike's comments. I
16 appreciate your stance, and I appreciate where you're
17 coming from. We do, I think, as a Council have a
18 responsibility to see reports from our various
19 commissions and act upon them, and take their counsel
20 very seriously -- and I do. I honestly do.

21 I think what we're doing here is, we're taking
22 almost all of what they've given us pretty much the
23 same and taking it in. There are some things in that
24 that I don't much care for. One of them is the

1 particular disparity in your ward, being what -- 25
2 or 28 percent out of kilter? Whereas, what we're
3 doing now, with the Seventh and Fourth Ward, puts
4 that in the six percent deviation.

5 And that's my -- that's my difficulty with the
6 current numbers. Now, that's not the numbers they
7 worked from. I understand they came in afterwards,
8 but those are the current numbers that we were
9 presented later -- in our work session. You mean,
10 that should not be a consideration in making our
11 determination? That's what we are supposed to do,
12 sitting here.

13 What does this do? Is this satisfactory? No.
14 And what does it really irritate me about? It's that
15 it creates all this dissension, all these posturing,
16 all this brouhaha over things that perhaps we would
17 be better spent deliberating other activities. I
18 find it very disheartening also.

19 All right, I'm at a point now where I just want
20 this done. This does no harm. This brings it very
21 close in align to what we need. It falls well within
22 the Charter's parameters. At six percent, it's a
23 heck of a lot better than 15 percent, and it's
24 certainly a lot better than 25 percent.

1 So, given those circumstances, yes, I am going
2 to vote for this. I hope to put this behind us. And
3 you know what, I'm ready for the next election. If
4 you don't think I'm doing the job that I should be
5 doing, you know -- you know the box to mark.

6 That's all I have to say.

7 MAYOR SELIN: I have one comment to make about
8 the concept of Gerrymandering, and that in the
9 situation that you're talking about, was that there
10 was a situation where a reporter asked about
11 Gerrymandering, and I think that Gerrymandering is an
12 issue that can go both ways. It can -- it can be
13 used a lot of different ways.

14 And at the same time that that reporter was
15 speaking to me, I also mentioned that there would be
16 a hearing, and so -- and that I would be listening to
17 the comments available at the hearing.

18 So, I think that we're about -- it's about time
19 to vote, unless somebody else has another comment.

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: And Mayor Selin?

11 MAYOR SELIN: Yes. Passes 4-3.

12 MR. BANE: Point of order.

13 MAYOR SELIN: Yes.

14 MR. BANE: I would like for the Chair to step
15 down from Council, pursuant to section 2.05 of the
16 Charter, which states conflicts of interest in
17 section (b), and those conflicts of interest can be
18 of direct or indirect and also of privilege.

19 So, you have done that by your vote to make sure
20 that you stay in your ward, and you've done that in
21 an illegal way through the Charter, and I'm asking
22 you to step down.

23 MAYOR SELIN: And I will not be stepping down,
24 because this is considered something that's into the

1 future, that it doesn't necessarily affect or not
2 affect any one of us, and that this --

3 MR. BANE: It does.

4 MAYOR SELIN: -- is our duty go through and look
5 at this issue, and that we have done so, and that at
6 the next election, this is an issue that the voters
7 will take care of, one way or the other.

8 MR. NUGENT: Call for the orders of the day.

9 MR. BANE: Question.

10 MAYOR SELIN: The orders of the day -- boards
11 and commissions?

12 MR. NUGENT: Boards and commissions.

13 MS. GANZ: Question?

14 MR. BANE: On the motion -- not my motion, but a
15 general motion. He asked for -- he's calling --

16 MR. NUGENT: I called for -- yeah, OK.

17 MAYOR SELIN: He wants us to keep going with the
18 agenda.

19 MR. BANE: Right.

20 MAYOR SELIN: Exactly, we've got that. Wards
21 and commissions?

22 THE CLERK: Yes, Council had a special meeting
23 on December the 9th (inaudible) executive session to
24 review the appointments, and I need to know what

1 their decision was on the Board of Zoning Appeals.

2 MAYOR SELIN: So, Linda Herbst is the decision.

3 THE CLERK: I said I need to know the decision
4 on the Board of Zoning Appeals candidate.

5 MR. NUGENT: Madam Chair, I move to nominate
6 Councilor -- or Linda Herbst to the Board of Zoning
7 Appeals.

8 THE CLERK: OK.

9 MR. BANE: Second.

10 THE CLERK: And is that by --

11 MAYOR SELIN: Acclamation.

12 MR. NUGENT: Acclamation, that's fine.

13 THE CLERK: Other than that, I don't have any --
14 anything else at this time. I guess you're still
15 looking for a Fourth Ward --

16 MAYOR SELIN: Yes.

17 THE CLERK: OK.

18 MAYOR SELIN: Thank you.

19 MR. NUGENT: Madam Chair, if I would ask a
20 question -- the prior discussion -- did you have a
21 chance to talk with City staff regarding --

22 MAYOR SELIN: We're not going to deal with that
23 issue at this time.

24 MR. NUGENT: Thank you.

1 MAYOR SELIN: But there has been lots of
2 discussion.

3 MR. NUGENT: Thank you.

4 MAYOR SELIN: So, now we're going to have the
5 public portion, which shall be subject to rules
6 established by Council and adopted by resolution.
7 So, you would come to the podium and state your name
8 and your address, and you would have four minutes to
9 speak. So, we're going to begin this public portion.

10 MR. WEST: Enough about the wards and
11 boundaries and truck traffic and everything else.
12 Don West, First Ward. I just want to point out
13 something real quick to you all. I think it was the
14 last meeting, and I believe it was Councilwoman
15 Shamberger pointed out about the Don Knotts statue,
16 and somebody wrote you a letter or something -- I
17 believe it was you -- about the tripping or something
18 that was going to be a problem, and I think that's
19 all been resolved now -- but I just want to make you
20 aware of -- and I spoke to Council before.

21 I've work with people with disabilities for
22 about 30 years at the state rehabilitation office.
23 We did an accessibility study on High Street 20, 25
24 years ago now. It was very, very unfriendly, whether

1 you were in a wheelchair, a cane, walker, whatever --
2 and we've done a lot of good improvements and stuff,
3 but it's worse now than it's ever been, even way back
4 then -- and what I mean by that is, you mentioned the
5 tripping stuff.

6 I wouldn't be concerned about a statue by the
7 Met. I'd be concerned about obstacles all the way
8 and down both sides of High Street. I, myself,
9 tripped one day. I saw three people trip over your -
10 - the little cement squares around the trees at the
11 parade -- the Christmas Parade. I understand there's
12 probably one or two lawsuits going to happen -- or
13 going on right now over a tripping issue downtown. I
14 would be very concerned about tripping. There are
15 obstacles all over that street, with these silly
16 wide-outs and things that was done with the street
17 scape. It's very unfriendly where the -- I call it
18 the Hippie Shop, where the hands set out and banzai
19 trees and -- you can't even get a wheelchair up and
20 down there.

21 So, I would be very concerned about both sides
22 of my main street of Morgantown, with people with
23 disabilities, as well as old folks like me, or the
24 public in general. Little kids -- I saw a couple

1 kids trip at the parade. Small children tripped over
2 the squares around the trees, which everybody knows
3 what they're used for now, whether it's litter or dog
4 manure or whatever. So, I'd be very concerned about
5 all these obstacles you have up and down the street.
6 Thank you.

7 MAYOR SELIN: Thank you. Is there anyone else
8 wishing to speak?

9 MR. PANRELL: Guy Panrell, South Hills Drive.
10 The truth will set you free, OK. I have a letter
11 here that was written by Co-Chairman, Dr. Donaldson,
12 and this was at our meeting for November the 19th.
13 And what he said was, Bill Ryan believed Precinct 28
14 would bring both wards closer to the overall of seven
15 wards average -- which was referring to Four and
16 Seven. Bill Ryan believed that Precinct 28 would
17 bring both wards closer.

18 Chairman Donaldson conceded this fact. His
19 words, not mine. He conceded this fact, OK. He
20 conceded the fact that that's what should be done,
21 but by doing that, we would put two City Council
22 members in the same ward against each other, and that
23 would eliminate strong leadership within Council.
24 The present City Council having been created with

1 making decisions that are desirable to the City of
2 Morgantown. That's what was argued.

3 When we did this, it was 7-0. 7-0. It was
4 brought up after-the-fact that these two councilors
5 were going to be in the same ward, that we should
6 change it. Now that is Gerrymandering, to change it
7 to something else, and that's what has been done,
8 ladies and gentlemen. That is what's been done. And
9 I -- I don't know. It's appalling. You know, I've
10 totally lost respect for some of you. I know there
11 were a couple of you that -- well, just -- I'm not
12 even going to go there. I'll talk to you
13 individually about telling untruths to people. You
14 know, I'll do it face-to-face, rather than in public.
15 I don't think that needs to be brought out.

16 And we also had someone vote that had been there
17 for one meeting. I think if someone would have
18 changed their vote, it should have been Mr. Huffman
19 (ph), who was on there and had to leave. He's the
20 one that voted for this. He never changed his vote.
21 And then we have someone that was appointed by the
22 Second Ward councilor, and they voted the way he
23 asked them to. I'm almost positive of that.

24 And like I said, your councilor -- or your

1 committee person didn't want to do anything for it in
2 2010 when it was fit to be done. Yeah, I see how it
3 works out, and I appreciate your time on this matter.

4 MAYOR SELIN: Thank you.

5 MR. DONALDSON: My name is Alan Donaldson, and I
6 was -- am Chairman of the Ward and Boundary
7 Commission. I just want to correct a few things that
8 Guy has said. Unfortunately, he said that was -- the
9 vote that we took as a group was 7-0, and the motion
10 actually went -- was 4-3, and I was in the minority
11 as far as that's concerned.

12 So, as far as the Ward and Boundary Commission,
13 we did pass the -- and for -- this request would
14 change Precinct 28 to the Seventh Ward, and that was
15 4-3. And it's really been -- I voted against that,
16 and the other person that would be involved that
17 knows the wards that were in question was Steve
18 Carpenter from the Fourth Ward, and he was also very
19 adamant in his position, and had good reasons for it.

20 So, I just want to clear the misconceptions that
21 are being made here, and I really -- I'm
22 disappointed. That word's been used before, but I've
23 been on this a long time, and I -- it's really gotten
24 very political, and the Gerrymandering,

1 unfortunately, has been by people that are objecting
2 about it.

3 MAYOR SELIN: Thank you. Is there anyone
4 else wishing to speak? This would be the time if you
5 wanted to talk about any other -- if you wanted to
6 talk about any other issues, this is the --

7 MR. CROSS: I will only say for those beautiful
8 letters in the lobby, the sentiments of those
9 children reflect that they only want to benefit their
10 fellow citizens. None of that is about self-serving.
11 I think we all need to consider that in our difficult
12 duties of trying to make this a better town. Thank
13 you.

14 MAYOR SELIN: Thank you. Anyone else?

15 * * *

16 (No response.)

17 * * *

18 MAYOR SELIN: We're going to close the public
19 portion. We have made it. Special committee
20 reports. Are there any?

21 * * *

22 (No response.)

23 * * *

24 MAYOR SELIN: New business. City Clerk?

1 THE CLERK: An ordinance authorizing the City of
2 Morgantown to enter into an agreement to amend a
3 prior agreement with the Monongalia County Commission
4 regarding shared costs at the local regional jail
5 processing center and transportation services.

6 MR. BANE: Move for approval.

7 MAYOR SELIN: Is there a second?

8 MR. FIKE: Second.

9 MAYOR SELIN: OK. Discussion? You want to give
10 a background, please?

11 MR. MIKORSKI: Yes. In 2001, when the new
12 Doddridge Regional Jail was constructed, at that
13 time, the Mon County Jail was removed. There was no
14 opportunity to hold people at that site.

15 At that time, there was an agreement struck
16 between the County and the cities within the County
17 to split up the costs. At that time, there were
18 expected costs for the transport of individuals to
19 the Doddridge Jail.

20 The original agreement, signed July 6th, 2001,
21 showed that -- the breakdown of costs would be
22 roughly 59 percent by the County, 20 percent by the
23 City, 17 percent by the University, three percent by
24 Westover, and one percent by Star City. At that

1 time, the estimated costs were around \$400,000 to
2 deal with the transport of prisoners to the Doddridge
3 Jail.

4 Soon after this agreement, the County then began
5 to actually absorb all of the costs of the
6 transportation. If we -- over the last two years, I
7 asked what the actual costs were for transportation.
8 They -- both years averaged over \$400,000. The last
9 year was close to \$500,000. At that range, if we
10 would have agreed -- if we would have continued with
11 the original agreement, we would have been -- our
12 portion would have been over \$100,000.

13 So, looking at the -- modifying or amending the
14 agreement that looks at the sharing process, from the
15 original to what is currently proposed by the County
16 Commission, makes sense fiscally for the City.

17 Basically, they're saying that they will be invoicing
18 us \$35 per transit, per time that the bus goes to the
19 Doddridge Jail with at least one of our prisoners a
20 part of it. That could be one, that could be three.
21 We're -- the \$35 is based on the actual trip itself.

22 What we're -- based on the numbers that we're
23 looking at, we're estimating that to be roughly a
24 \$10,000 cost. Sharing to the overall \$400,000 to

1 \$500,000 total cost of the transportation of
2 prisoners to the Doddridge Jail. So, I -- I'd like
3 to recommend Council to amend the original ordin --
4 or the original agreement with this ordinance to make
5 -- fiscally, it will make more sense for the City to
6 help share in the costs.

7 MAYOR SELIN: So, discussion? Yes.

8 MS. SHAMBERGER: I was wondering if the City
9 Manager could just repeat that part again, about the
10 \$35 -- it's per transit, not per person?

11 MR. MIKORSKI: That's correct. It's not per
12 person. If we have four people in there, it's still
13 \$35. If we have one person, it's \$35. If none of
14 our people that have been processed through our
15 officers or municipal court are on there, we don't
16 pay anything for that transit.

17 MS. SHAMBERGER: Thank you.

18 MR. KAWECKI: Call for the question.

19 THE CLERK: Ron Bane?

20 MR. BANE: Yes.

21 THE CLERK: Bill Kawecky?

22 MR. KAWECKI: Yes.

23 THE CLERK: Wes Nugent?

24 MR. NUGENT: Yes.

1 THE CLERK: Marti Shamberger?

2 MS. SHAMBERGER: Yes.

3 THE CLERK: Mike Fike?

4 MR. FIKE: Yes.

5 THE CLERK: Nancy Ganz?

6 MS. GANZ: Yes.

7 THE CLERK: Mayor Selin?

8 MAYOR SELIN: Yes. Passes 7-0. City Manager's
9 report.

10 MR. MIKORSKI: Thank you. It's the middle of
11 December, and it's beginning of the budget process
12 once again. I've already spoken with the department
13 heads. We're putting together information to move
14 forward with our 2015-2016 budget.

15 What I would like to do is, recommend that
16 Council put forth a conference session on January
17 13th - that's the second Tuesday of the month --
18 roughly 6:30, to be at the Morgantown Airport
19 Training Center. This conference session will allow
20 staff to discuss the existing budget, the needs and
21 the metrics that have been identified and the
22 performances of our departments over this past year,
23 and looking into the future, as we establish the
24 budget -- or the recommended budget in February.

1 I think we will be able to provide a lot of
2 information regarding what our expectations are, what
3 our needs are, and what our five-year capital
4 improvement plan is going to look like at that time,
5 for Council's interest and involvement prior to the
6 full proposed budget coming out, again, like I said,
7 in February.

8 The second item of business is, earlier today,
9 people may have heard -- it went quickly through the
10 state -- Judge Tabit did act on the declaratory
11 judgment regarding the heavy truck traffic
12 ordinances, and she determined that the City's
13 ordinances are invalid and unenforceable.

14 I think it's important that Council now look at
15 what the next steps are, and I wish that Council
16 would place upon the next Council's agenda an
17 executive session so we can talk with our legal staff
18 and discuss the next steps, and where to go with
19 these ordinances, or at least the goal of reducing
20 truck traffic in the downtown.

21 MR. KAWECKI: When are you recommending?

22 MR. MIKORSKI: At the next Council meeting.

23 MS. GANZ: January 6th.

24 MR. MIKORSKI: Right.

1 MAYOR SELIN: Following the meeting.

2 MR. MIKORSKI: And that -- you know, until we
3 fully -- until Council as a whole fully discusses the
4 ramifications and the order that has really not been
5 presented from the court -- until that time, we talk
6 about it in an executive session to discuss the
7 issues.

8 MR. NUGENT: Just a point of information for
9 that. Will the action that Council has taken
10 regarding the safety study continue, or are we going
11 to have the discussion -- has that already been
12 awarded?

13 MR. MIKORSKI: No, that has not awarded. I did
14 not sign it. Prior to -- I really wanted to see what
15 was going on during this hearing, and we -- with the
16 information that was discussed today, from both sides
17 of -- Council will re-assess if that contract is
18 necessary.

19 Those are the two items.

20 MR. BANE: The only thing, on the budget
21 information, I'll be an hour late because I've got
22 MUB at 6:30, the same time.

23 MR. MIKORSKI: Oh, that's right.

24 MR. BANE: I will come right after -- I don't

1 want to interrupt anybody else's schedule.

2 MR. MIKORSKI: We can modify the time, if
3 necessary.

4 MR. BANE: No, no, no, just leave it --

5 MAYOR SELIN: Why don't we do seven?

6 MR. BANE: No, it's fine, because I don't -- I
7 might be an hour.

8 MR. MIKORSKI: OK.

9 MS. GANZ: I'll be out --

10 MR. BANE: Just to ahead and go --

11 MAYOR SELIN: You'll be out of town?

12 MR. BANE: Just go ahead and go at 6:30, and
13 then I'll catch up. I don't want to mess up --
14 because that makes the night longer for you all, so
15 just start at 6:30, and I'll get up there right after
16 the MUB meeting. That's not a problem.

17 MAYOR SELIN: Is that how we want to treat it,
18 or we would rather do something --

19 MR. BANE: That's fine, 6:30. Just leave it
20 like that for you guys. I don't want to -- you guys
21 have got other stuff going on. I'll get there.

22 MAYOR SELIN: I think we should do seven, so
23 that you can see more of it.

24 MR. BANE: But I may not get there until 7:30.

1 MAYOR SELIN: I know, but at least you just
2 would --

3 MR. BANE: There's no point.

4 MAYOR SELIN: -- miss half an hour of it.

5 MR. BANE: It's up to you guys, but I'm just
6 saying, I'll be here at 6:30 in this chamber.

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

8 MS. SHAMBERGER: Let's change it to seven.

9 MAYOR SELIN: I think seven. Is that all right
10 with you?

11 MR. BANE: Sure.

12 MAYOR SELIN: Is that all right with you?

13 MR. MIKORSKI: Yes.

14 MAYOR SELIN: All right, let's change it to
15 seven, just so that if you miss some, you just miss
16 half an hour.

17 MR. BANE: I apologize.

18 MR. MIKORSKI: No, that's okay.

19 MAYOR SELIN: Yeah, just 7:00. We normally meet
20 at 7:00. That's not hard. Report from the City
21 Clerk.

22 THE CLERK: I just wanted to announce the 2015
23 General Election posters will be going out in the
24 next week, and packets will be available first of

1 January for candidates to pick up.

2 MAYOR SELIN: Thank you for all your hard work
3 on this, and many other matters, particularly ward
4 and boundaries.

5 THE CLERK: Also, I wanted to say Merry
6 Christmas and Happy New Year to all.

7 MAYOR SELIN: Report from the City Attorney?

8 MR. FANOK: I have no report.

9 MAYOR SELIN: Welcome, for the second time.
10 Report from Council members. Councilor Bane?

11 MR. BANE: Just real quick. I'm one -- I like a
12 little bit of history sometimes, and if you ever have
13 a chance to get into the vault, they have everything
14 clear back for every Council meeting -- and on
15 February 3rd, 1838, an act to incorporate Morgantown
16 into the County of Monongalia.

17 I just -- I found this just striking, and I
18 thought it was interesting. At that time, if you --
19 if some people remember some of the history of
20 Morgantown -- at one point, there were 14 members
21 that sat at these tables. There was one democrat and
22 one republican for years, and then the Charter
23 changed and changed it back to seven -- but this --
24 in 1838, this -- when they enacted this, we were the

1 borough of Morgantown, and the -- this is to make us
2 incorporated, of course.

3 And what they said here was, seven persons as
4 trustees who shall be freeholders in said town, who
5 shall before they perform any of the duties required
6 by this act, make an oath and affirm that they will
7 faithfully and impartially perform the duty or duties
8 of trustees of said town. It says volumes.

9 MAYOR SELIN: Nice.

10 MR. BANE: End of my report.

11 MAYOR SELIN: Bill Kawecki?

12 MR. KAWECKI: Nothing except (inaudible).

13 MAYOR SELIN: Councilor Nugent?

14 MR. NUGENT: The neighborhood association that
15 is the Wiles Hill Highland Park Neighborhood
16 Association will have the final meeting of the 2014
17 calendar year. That'll be tomorrow, Wednesday,
18 December the 17th, 2014. That's going to be held at
19 287 Eureka Drive, which is the BOPARC Senior and
20 Community Center. There's a 6:30 p.m. social, with a
21 7:00 p.m. meeting. All neighbors are encouraged to
22 come out.

23 Just to kind of follow up from what Councilor
24 Bane said, I appreciate the love of history, because

1 I've spent some serious time in the vault in recent
2 week, and in the library as well, to try to get more
3 context about issues that have come before previous
4 Councils. You know, that's the reason I made the
5 statement I did on the second, that I was
6 embarrassed. So, I appreciate -- you know,
7 Councilman Fike, maybe you get that -- my colleague
8 from the Sixth Ward, maybe you understand that now.

9 This is the Fourth Charter that the City has
10 operated under, and it's been for a pretty
11 significant period of time. This is by far,
12 according to all the journals that I've seen, the
13 best Charter of those, I think it can be stated at
14 that, because the attempt has been removed -- made to
15 remove politics from the process, and understanding
16 that we all bring the experiences that -- our wisdom
17 in life, with the biases that they are, to the
18 discussions that we have. But when we put those
19 forward in an open and honest way, they just -- adds
20 to the color of Council.

21 And so, you know, again, I want to continue
22 working to address the real big issues that we do
23 face, and I hope that this does not detract from that
24 long-term picture with regards to the public, because

1 we're going to be counting on a lot of public's input
2 and trust in the coming months.

3 And so, with regards to the truck ban, you know,
4 I would just say I'm as disappointed as everybody,
5 because I was hoping that I could eat a big mouthful
6 of crow. Here we are. You know, I'm glad we're
7 going to look at this. I'd like to know at that
8 meeting if we have any sense of what we may be
9 already fiscally responsible for, so if the City
10 Manager has a way of bringing that calculation, I --
11 you know, really want to know that.

12 You know, I read some of the comments that came
13 out of the media there in Kanawha County, from the
14 Gazette, and the comment offered -- we're obviously
15 disappointed. We felt as though we had specific
16 statutory rights to do this, the Mayor said. We're
17 specifically not against trucks. We depend on
18 trucks, but we want to them to offer a route around.

19 You know, that's the reason that I couldn't vote
20 for the action that Council took back in the early
21 fall, because I also wanted to offer, as I stated at
22 the time, a lasting, sustainable solution, and I
23 didn't believe in good conscience that what we'd had
24 put before us was that.

1 So, I'm hoping that we can get to that place,
2 but we've not done anything to date to really foster
3 that route around. We're working on that. There is
4 an MPO committee that has been set forth, and the
5 long-term ramifications of what that committee may
6 report.

7 Some of the easiest solutions were things that
8 City administration had proposed, and so I'd ask us
9 to go back and look at that list, first and foremost,
10 and maybe we can work with our legislators in
11 Charleston to make a quick impact that is amicable to
12 everyone in this regard.

13 So, I want to work as part of that lasting,
14 sustainable solution, and you know, again, I hope
15 that how we go about it -- and if, for example, if in
16 the future the MPO asked me to serve on that
17 committee in some capacity, I would be happy to.

18 So, I'm glad we have a member of Council in the
19 form of the Mayor at that table, because we need to
20 bring the parties to the table and have the full
21 discussion so we can craft the best solutions for
22 Morgantown.

23 So, with that, I do wish everyone a Merry
24 Christmas, Happy Hanukkah, Kwanza -- whatever your

1 faith may be, or if that is none -- I wish you the
2 best of holidays and truly a Happy New Year.

3 End of report.

4 MAYOR SELIN: Deputy Mayor Shamberger?

5 MS. SHAMBERGER: Hello.

6 MAYOR SELIN: Hello.

7 MS. SHAMBERGER: Just a couple things. I just
8 wanted to note -- young Mr. Galusky, the Scout, and
9 his appreciation this evening, I think -- I want to
10 say thank you to the Assistant City Manager for
11 making that opportunity available to Scout and other
12 folks to go to Wheeling, fly at no cost, experience
13 the museum -- and in the Scouts' case, work on a
14 merit badge. I think it's wonderful. So, I think
15 that's a real positive for our City.

16 The second thing, I'm going to be calling on
17 members of City Council on behalf the Coalition for
18 Homelessness, which will be the month of January,
19 just dedicated to awareness of homelessness. So, I'm
20 going to be calling on each of you to see if you'll
21 be willing to stand on a street corner and hold a
22 sign saying, I have a roof over my head and I was
23 warm tonight, you know, how many people are not. So,
24 I just wanted to make you aware of that.

1 Also, on January 2nd, we'll be having our First
2 Friday event at the Woodburn School. I don't have
3 particulars on who it's going to be, but we had a
4 great crowd this past month with Matt Jordan, jazz
5 pianist, who came and played.

6 Let's see -- I'd also like to mention -- if
7 you've been downtown since the parade, you'll notice
8 that those signs that were in the middle of High
9 Street -- the pedestrian signs, reminding people to
10 stop -- not only do we have the big signs on either
11 side of the road with the arrows pointing down, but
12 we had these little signs, and it really made people
13 aware to stop for pedestrians. Those little signs
14 are going to be gone until probably after winter
15 because of, you know, snow shoveling and that type of
16 thing, but for the public to please be aware of
17 pedestrians, and if you see people on the side -- in
18 the crosswalks, please stop for them. That's what
19 they're -- those signs mean.

20 Also, I was saddened by what happened today with
21 the -- at the truck hearing. I think -- it's not
22 only a sad day for Morgantown, but I think it's a sad
23 day for municipalities across the state that have to
24 deal with trucks that go throughout their

1 communities. So, I would hope in the future that
2 would be something the Municipal League maybe would
3 look at or consider.

4 And lastly, Happy Holidays to everybody. End of
5 report.

6 MAYOR SELIN: Thank you. Councilor Fike?

7 MR. FIKE: I have no report.

8 MS. GANZ: First of all, I would like to thank
9 the students of WVU and the BrickStreet consultant
10 for the recreation center study we've been reading
11 about in the paper. I've been involved in this for
12 most of the -- I kind of think for most of my career,
13 and I just wanted to mention that I'm hoping that we
14 can find a location that is part of the community.
15 In my experience (inaudible).

16 I also want to thank Dr. Donaldson -- Dr. Alan
17 Donaldson -- for all his hard work on the Ward and
18 Boundaries for, I think, over 20 years, but maybe
19 more.

20 THE CLERK: (Inaudible.)

21 MS. GANZ: I'm sorry?

22 THE CLERK: Thirty --

23 MAYOR SELIN: Thirty years.

24 MS. GANZ: I know that he has weathered a lot of

1 political storms, and this might have been the most
2 difficult, but I just want to thank him for all the
3 time he spent on trying to adjust the ordinances,
4 trying to adjust the maps with the City engineer and
5 so forth, and trying to look out for the best of the
6 community.

7 I, too, spent part of the time in Charleston,
8 maybe 45 minutes at the hearing, and was extremely
9 disappointed for the City of Morgantown, in that I
10 think there has to be a better balance of the noise
11 and the things from come from trucks to make High
12 Street in our downtown a safer place for the
13 residents of Morgantown. I think that, had we
14 prevailed, it would have been a great example, like
15 the Deputy Mayor said, for other municipalities. And
16 I hope we can join with the Municipal League to
17 support some sort of good compromise for the
18 betterment of downtown in our state -- the joy and
19 other areas, sitting in an outdoor cafés, then
20 walking downtown.

21 When I got to Charleston, I walked probably 15
22 miles on Sunday, and there is truck route around
23 Charleston which enable me to enjoy walking through
24 Charleston. So, I'm hoping that we have those same

1 privileges something in the future.

2 So, I wanted to also wish everybody a Merry
3 Christmas and a Happy Holiday, and I'm looking
4 forward to next year, and working on the budget, and
5 making Morgantown the most sustainable city possible.

6 Thank you.

7 MAYOR SELIN: Well, here we are. We're getting
8 toward the meeting here. I really appreciate
9 everyone's efforts. I appreciate the work that
10 people did on the Ward and Boundaries Commission. I
11 realize this has been a very decisive issue. I look
12 forward to, in the future, trying to minimize those
13 issues, perhaps with an analysis and a Charter
14 change, but that's not something that's going to
15 happen right now. Right now, we're just going to
16 work on putting together the next election and moving
17 that process forward and having democracy go on.

18 I attended the same hearing that people have
19 been discussing in Charleston, where we were looking
20 at our heavy truck ordinance, and I also was
21 disappointed and a little bit frustrated. I think
22 that in other parts of the country there are ways to
23 have heavy trucks go around downtown areas, and I
24 think that communities in West Virginia deserve that

1 same protection.

2 I do serve on this -- there's sort of a three-
3 pronged approach going on right now with heavy trucks
4 in our downtown. So, the second approach, as is
5 acknowledged by Councilor Nugent, that there is an
6 MPO committee looking at Greenbag Road, and they've
7 been having some hearings with both groups of
8 truckers and groups of citizens -- not that they're
9 mutually exclusive -- but I think that specific
10 effort is taken by the MPO, by Bill Austin and by
11 some of the people he's been working with to make
12 sure that everyone had a chance to be heard, which I
13 think is really important in our area, because we
14 have such diverse people with diverse interests, and
15 we need to figure out how we can get on the same page
16 when we can. So, there are some very specific
17 recommendations for improving Greenbag Road, and I
18 would urge us as a community to get behind those and
19 see what we can do to get that funded.

20 Also, one of Council's suggestions for the
21 legislative session -- and also with the national
22 legislative session -- is to increase the weights on
23 the interstate a little bit, similar to something
24 that's being done in Pennsylvania.

1 We're still working on exactly how that works,
2 so that we could see how we could move that forward,
3 but that would be a third thing that we can do as a
4 multi-pronged activity with -- honoring the trucks
5 that need to do their work, and honoring our downtown
6 and making sure that our downtown is protected for
7 commerce and enjoyment of people.

8 And so, I'm hoping that as we move this forward,
9 we figure out some different strategies that we can
10 keep this moving forward. So --

11 MS. GANZ: Home Rule hearing?

12 MAYOR SELIN: Pardon?

13 MS. GANZ: Home Rule hearing (inaudible).

14 MAYOR SELIN: Oh, why don't we mention that?
15 There's a Home Rule hearing on Friday.

16 MR. MIKORSKI: There's two public hearings.

17 MAYOR SELIN: OK, why don't you mention it,
18 because you're familiar with -- two public hearings?

19 MR. MIKORSKI: Yes, there are two public
20 hearings on Friday --

21 MAYOR SELIN: Oh, two different measures.

22 MR. MIKORSKI: That's correct. One to establish
23 the municipal court technology fee, and one for the
24 regulation of upholstered furniture on the exterior

1 premises. Both are Home Rule application ordinances.
2 We need to have a public hearing prior to sending the
3 ordinance and the comments from the public hearing to
4 the Home Rule Oversight Board for their
5 recommendations. So --

6 MAYOR SELIN: 6:00 p.m.?

7 MR. MIKORSKI: That's correct.

8 MAYOR SELIN: Here?

9 MR. MIKORSKI: Yes.

10 MAYOR SELIN: On Friday?

11 MR. MIKORSKI: Yes.

12 MAYOR SELIN: And then, explain why we're having
13 a hearing on the 19th of December. Was it a matter
14 of counting days, is that --

15 MR. MIKORSKI: Well, originally --

16 MAYOR SELIN: -- what it is?

17 MR. MIKORSKI: Yes, originally, the Home Rule
18 Oversight Board had a meeting set up December 3rd.
19 We were not able to get out public hearings set up to
20 meet that date. They will have a meeting January
21 3rd, so we hurried up and tried to get these public
22 hearings in place so that we could send it to them
23 for their next meeting. Although, during their last
24 -- their December 3rd meeting, they said that they're

1 not going to look at any other ordinances, other than
2 sales tax ordinances, but that was the reason why we
3 were doing it on December 19th, to meet the next Home
4 Rule Oversight Board's meeting.

5 If they don't act on it in January, the next
6 meeting will be in March, but at least we'll have
7 this part of the ordinance process taken care of, and
8 then we'll just -- we'll wait on the Oversight Board
9 to send back their recommendations prior to us doing
10 our two readings and public hearing through our
11 ordinance process for those two ordinances.

12 MAYOR SELIN: So, the one other thing is, people
13 can send comments, because if somebody is going out
14 of town, they can send -- is that -- how do they do
15 that?

16 MR. MIKORSKI: They can send comments to
17 info@cityofmorgantown.org -- those would come to me,
18 and I will include them into the comments for those
19 public hearings.

20 MAYOR SELIN: And they can see those provisions
21 online, about upholstered furniture --

22 MR. MIKORSKI: Yes, you can come in --

23 MAYOR SELIN: -- and about municipal technology
24 fund.

1 MR. MIKORSKI: Yes, you can come in to the City
2 Manager's office to review the ordinances, and I do
3 believe we have them at the library as well.

4 THE CLERK: And in my office.

5 MR. MIKORSKI: And in Linda's office as well.

6 THE CLERK: (Inaudible.)

7 MR. NUGENT: Just a point of information.

8 MAYOR SELIN: Yes.

9 MR. NUGENT: My plans may take me away from the
10 downtown area on Friday evening, but this is a public
11 meeting and will be presided by the Chair, and there
12 does need to be a --

13 MR. KAWECKI: Well, it's actually not a City
14 Council meeting, it's just a public hearing.

15 MAYOR SELIN: It's public hearing.

16 MR. KAWECKI: But --

17 MR. NUGENT: So, for purposes of a quorum, none
18 is needed?

19 MR. KAWECKI: That's correct.

20 MR. NUGENT: Thank you.

21 MR. KAWECKI: But Council is encouraged to --

22 MR. NUGENT: Attend if possible.

23 MAYOR SELIN: We'll be here and we'll be in our
24 chairs, and I think it will be presided over by the

1 City Manager.

2 MR. MIKORSKI: That's correct.

3 MR. NUGENT: Move to adjourn.

4 MS. SHAMBERGER: Did you have an announcement?

5 MAYOR SELIN: We're going to mention Mary
6 Poppins, December 17th, downtown at the West Virginia
7 Public Theater.

8 We're going to mention that Empty Pockets has
9 Ebenezer Scrooge online; that Winona and Big Noise is
10 going to be December 19th, and I assume that's at the
11 University -- that's at the University, and that the
12 Morgantown Public Library presents "A Frozen Day" on
13 December 20th. You can look up more about that
14 online, it's at 11:00 a.m. -- and that there's going
15 to be -- that's it. Thank you all very much. You're
16 wanting to adjourn?

17 MS. SHAMBERGER: So moved.

18 MAYOR SELIN: Thank you.

19 * * *

20 (End of proceedings.)

21 * * *

22

23

24

C E R T I F I C A T E

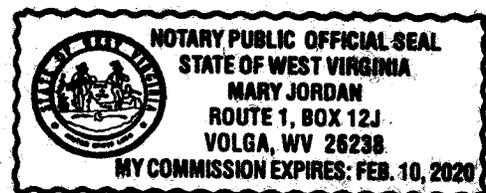
1
2 I, Mary Jordan, Notary Public within and for the
3 State of West Virginia, duly commissioned and
4 qualified, do hereby certify that the foregoing
5 proceeding was held outside of my physical presence;
6 that a transcript thereof was produced from audio
7 and/or DVD recordings provided to me after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