

Shepherdstown Town Council Meeting Minutes
Tuesday October 13, 2009
6:30 p.m. – Town Hall

Present: Jim Auxer (Mayor), Lori Robertson (Recorder), Jim Ford, Tom Martin, Wanda Grantham Smith, Howard Mills and Stuart Wallace.

Absent: None

Visitors: Bain Schill, Michael Theis, Sonya Evanisko, Hillary Lo, John Griffith, Meredith Wait, Chazz Printz.

Agenda Items 1 and 2-Call to order/approval of agenda and minutes:

Call to order by Mayor Auxer at 6:31. **Motion made by H. Mills, Second by J. Ford to approve the agenda and the September 8 and 24, 2009 Town Council Minutes with the correction on 9/8/09, Agenda Item 6-d to approve the Home Consortium Resolution from Trail Town Program Resolution. Motion carried unanimously.**

Agenda Item 3 and 4 – Public Comment Period/Visitors:

Visitor's comments, if any, are logged in under the specific agenda item.

Agenda Item 5 – Public Hearings:

- a. First Reading of “An Ordinance Annexing a portion of real property located at West Campus of Shepherd University on the west side of WV Sec. Rt. 480 (N. Duke Street), located in Shepherdstown District and Shepherdstown Corporation District, Jefferson County, West Virginia, and is contiguous with the current municipal boundary of the Town of Shepherdstown, all of which is described in a Deed dated the 16th day of July, 2009, and recorded in the Office of the Clerk of County Commission of Jefferson County, West Virginia, in Deed Book 1067, page 325.” (vote required)

The Mayor made a brief statement outlining the current video lottery money the town receives (14.29%) and the increase we would receive

(14.37%). Annexing would add 663 students to the 2010 census allowing the town to receive more video lottery money. The Mayor stated that the town uses V.L. money for capital expenses and not operating expenses. Capital expenses include; garbage trucks, repair of trucks, milling/paving, streetscape, donations to the library and daycare to name a few.

Hilliary Lo – asked what would the percentage be if we don't annex? The Mayor stated it would be 10% or below.

Chazz Printz – stated the county still had to approve the annexation. He has worked with Shepherd University's legal counsel to make sure it falls within the comprehensive plan meaning that it keeps annexed property close to town, and he feels it will pass as we have met all of the elements in the statute. He also states this has been a three year process.

Mayor – stated that these students will be part of the 2010 census and 13 currently annexed students signed the petition for the new annexation. Thirteen was all that was required. The pros- no maintenance of the buildings or streets on campus are required of the town and the University already provides police protection. The cons-increased student voting population.

Chazz Printz – stated that there must be a mechanism for a referendum to change parking, and there isn't one.

Hillary Lo – asked what if relations between the university and the town change? The Mayor replied that the 405 annexed students can run for town council already and we hold our elections in June.

Sonya Evanisko – stated that she feels like this whole process has been rushed and that the town's people don't know about it. She felt the students could organize and take over the town govt. She asked what did we do before we had video lottery money. The Mayor replied that the town had equipment that was junk.

Tom Martin – stated everyone is aware if the possibility of student organization .

Howard Mills – asked if we could have an ordinance stating that one must be 21 to hold office.

Jim Ford – stated he liked H. Mills idea and Chazz stated that could be done.

Sonya Evanisko – stated only the people that live here full time have a vested interest in the town.

Jim Ford – questioned Sonya’s concerns regarding the students taking over.

Stuart Wallace – asked when the 2010 census starts. The Mayor replied June 2010, adding that we still have to have a 1st & 2nd reading before it can go to the county commission. Stuart stated we should have a public meeting and Chazz responded that had already happened with the Planning Commission. Stuart stated we should do it again.

Tom Martin – stated he was ok with that.

Bane Schill – stated per Title 9 there has to be at least 10 days notice posted for the public.

Jim Ford – stated we could have a public meeting in two weeks, then the first reading at the next T.C. meeting, then the second reading two weeks later. A possible meeting date for 10/22/09 at Town Hall @ 6:30. This will be a non-voting meeting.

Chazz Printz – stated he encourages public debate but to make sure we have plenty of cushion for the time line.

Mayor – stated we get \$500 per person per year in video lottery.

Lori Robertson – asked how do we generate money without video lottery money? The Mayor replied that small towns are limited in ways to generate revenue. They could possibly raise water rates and the cost of permits, but that won’t touch the revenue from annexation. The Mayor also asked and expressed concern about our time line to get this done and in front of the county commission.

Motion made by Jim Ford, Second by I. Robertson to defer the first reading for annexation tonight until the public meeting October 22, and pending what the Mayor finds out about the time line. Motion carried unanimously.

- b. First reading of “An Ordinance Enacting Chapter 15 of Title 9 Of The Town Code Of The Corporation Of Shepherdstown To Regulate Blasting Activities Within The Corporate Limits.” (vote required)

The Mayor stated the Planning Commission spent a long time on the Blasting Ordinance, 1 ½ years.

Stuart Wallace – stated that the applicant must meet criteria for a permit and then go before the Planning Commission.

Howard Mills – stated that in the Historic district no permit will be allowed.

Stuart Wallace – stated that people owning historic buildings are not able to prove potential damage with a study to protect those structures when blasting is done outside of the historic district.

Jim Ford - The burden of proof on the homeowner's is difficult to prove.

Howard Mills – asked if any builders were consulted. The Mayor replied that none came forward.

Tom Martin – asked if any building done lately in the historic district required blasting and the answer was yes using very small charges.

Hillary Lo - stated she like the ordinance and thought it was a good idea.

Howard Mills – stated that as an alternative to blasting jack hammers can be used but they are noisy and time consuming.

Motion was made by S. Wallace, Second by L. Robertson to approve of the first reading of the above ordinance. Motion carried by all with one opposed by H. Mills.

Agenda Item 6 – New Business:

- a. Renewal of Entler Lease between the Corporation of Shepherdstown and Historic Shepherdstown Commission (vote required).

M. Griffin wants to renew the lease on the Entler and the renovations are based on the new lease. The term wanted is for ten years. The current term expires 4/16/2012. The town set aside \$60,000 for repairs and repayment in five years.

Jim Ford – stated that the new lease needed updated wording to maintain more concrete terms regarding finances. He suggested sending it back to Finance, then a group to go over the wording of the lease. He stated that 11/4/09 at 9:45am was the Finance Committee meeting.

Motion made by S. Wallace, Second by J. Ford to table the renewal of the Entler’s lease and send it to Finance Committee for initial action for appropriate budget action. Motion carried unanimously.

- b. Resolution for Community Participation Grant Award Contract for Shepherdstown Day Care (\$15,000). (vote required)

Motion made by L. Robertson, Second by H. Mills to approve the above resolution. Motion carried unanimously.

Old Business:

Agenda Item 7 – NIMS-status report:

- a. Mayor Auxer and S. Wallace have completed all four, L. Robertson has completed two, and T. Martin has completed one. Everyone else is working on them. Many council members are having trouble pulling it up on their computers.

b. **Agenda Item 8 – Mayor’s Report:**

Agenda Item 9 – Reports of Committees:

A. Finance Committee :

1. Meeting minutes of October 6, 2009.
2. Financial Reporting:
 - a. The Finance Committee recommends the annexation of Shepherd University discussed previously.
3. Recommendations:
 - a. DUI Grant (vote required)
Motion made by L. Robertson, Second by J. Ford to go forward with the DUI Grant. Motion carried unanimously.
 - b. General Fund Budget #3 (vote required).
Motion made by H. Mills, Second by T. Martin to approve the General Fund Budget #3. Motion carried unanimously.

B. Police Committee:

Recommendations:

- a. Donate out of service police cruiser to the Shepherdstown Fire Dept. (vote required)
Motion made by H. Mills, Second by J. Ford to approve the above donation. Motion carried unanimously

Agenda item 10 – Report of Commissions, Authority and Boards

A. Water and Sanitary Board

1. Adoption of Real Property Acquisition Rules and Regulations (vote required)
This is regarding the replacement of our current force main with a gravity feed line thru President Obama’s stimulus plan there is money available for “green” infrastructure. This is money we will borrow but will not have to pay back. We need to acquire three easements. Frank Hill has spoken to the landowners in question and has contracted an appraiser. If federal money is

involved to acquire property we must have real property acquisition rules/regs that allows immanent domain. The town is under the gun to do this so we need to adopt a policy. The property owners have not agreed to the use of their land and the town will file suit next week and the property owners are aware of this. We are applying for \$350,000 and have been approved. Funds to purchase the land comes out of our capital money.

Hillary Lo – asked if the town can take anyone’s land? The Mayor replied that we can already do this. This is specifically for federal applications/money. His actually offers a layer of protection to the property owner. Some tree are involved and the property owners will be compensated.

Motion was made by L. Robertson, Second by H. Mills to allow Mr. Shingleton to move ahead for acquisition of easements. Motion carried unanimously.

2. Adoption of Inducement Sewer Resolution (vote required)
This is an expansion of the treatment plant to comply with the IRS, it allows us to spend money out of pocket before we borrow money.

Motion by J. Ford, Second by H. Mills to approve the above resolution. Motion carried unanimously.

3. Misc – Sonya Evanisko asked why the trash had to be picked up twice a week since she had so little. The Mayor suggested she write a letter to Public Works and then it would be put on the agenda.

**Motion made by H. Mills, Second by J. Ford to adjourn at 8:13 pm.
Motion carried unanimously.**

Respectfully submitted by L. Robertson, Recorder.