

Special Town Council Meeting

November 17, 2009

Men's Club

6:30 p.m.

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

Visitors: Jacquelyn Haynes, Jennifer Haynes, Judy Shepherd, Meredith Wait, Bane Schill, Karene Motivans, Josh and Kathryn Stella, Sonya Evanisko, Zenia, Sue Kennedy, Michael Theis, Hillary Lo, Mike Abshire, Chelsea McBee, Meredith, Bob and Carolyn (Carriage House), Chief Johnson, Balliets, Carlos Niederhauser, Liz Wheeler, Andreus Dean Wallace-Miller, Mr. Yates, Jay Hurley, Frank Hill, Alan Bond, John A., Butch Sanders, Robert Mitchell, Neal Martineau, Erin, Hank Willard, Stacey Evanisko, Stephanie O'Brian, Jane O.

1. Call the meeting to order by Mayor Auxer at 6:38 p.m. and approval of agenda. **Motion made by L. Robertson, Second by J. Ford to approve the agenda. Motion carried unanimously.**

The Mayor asked to change the order of the agenda and no one had any objections.

2. Appointment to fill Water Board vacancy.

**Motion was made by J. Ford, Second by L. Robertson to approve Ed Landrum, Dr. in Geology for the appointment of three (3) years to the Water Board. Motion carried unanimously.**

3. First reading of "An Ordinance Establishing A Floodplain Area And Requiring All Contractors, Persons, Partnerships, Businesses, And Corporations To Obtain A Permit For Development And The Construction, Substantial Improvement, Or Relocation Of Any Building Or Structure, Providing For Certain Minimum Standards For Construction Within The Floodplain Area And Setting Forth Special Procedures For Submission And Approval Of Plans; And Establishing Penalties For Any Person Who Fails To

Comply With The Requirements Or Provisions Of This Ordinance” (vote required).

Mayor Auxer read the ordinance to everyone present and Mike Abshire held up the floodplain map for all to see. The Mayor stated that this was required for the National Flood Plan, he then read what would happen if the council didn't pass the ordinance; homeowners not able to purchase flood insurance.

**Motion made by H. Mills, Second by S. Wallace to approve the first reading of the above Floodplain Ordinance with the changes recommended from the Planning Commission. Motion carried unanimously.**

4. Second reading of “An Ordinance Annexing To The Corporation Of Shepherdstown A Parcel Of Real Estate Consisting Of 13.09 Acres And Identified Upon Jefferson County, West Virginia Tax Maps As Being Part Of Parcel 16 On Tax Map 8, Located In The Shepherdstown District And Part Of Parcel 1 On Tax Map 2, Located In The Shepherdstown District, Owned By Shepherd University Board Of Governors, And Providing For The Institution Of The Necessary Proceedings Before The County Commission Of Jefferson County, West Virginia, In Accordance With West Virginia Code 8-6-4 (Annexation Without Election)” (vote required).

The Mayor stated that everyone present who wishes to speak will have a chance to do so with a 5 minute limitation. He proceeded to call names from the sign in sheet.

Robert Mitchell – stated he is not in favor of annexing the dorms.

Karene Motivans – stated she is on the Planning Commission and would like to make 4 points for the council to consider when making this decision.

- 1) Sunk Costs- don't base decision on spending we've already done.
- 2) Escalation of Commitment- some members may feel compelled to vote a certain way to save face.
- 3) Motivational Bias- regarding self interest, members must take ourselves out of the equation.
- 4) Anchoring- when people present evidence that confirms their beliefs.

Josh Stella – stated he has always been favorable to the town council, but if we annex there will be negative consequences. Understands that the town's budget is big and gave statistics on Shepherdstown's poverty rate compared to surrounding town's in Jefferson County. He stated we have a 60% higher income per household and we are a wealthy town. Given the opportunity the students will vote.

Judy Shepherd – stated she is in favor of annexation. She works 7 days a week to live here and feels the money the town will receive from annexation will be money well spent and we should get it while we can.

Sonya – stated she has lived here 16 years and thanked the town council for their work. She is against annexation realizing the town may face financial challenges. She as a resident, doesn't want to be a voting minority and we always will be if we annex.

H. Mills –He stated that 10 years ago 400 students already annexed in had the right to vote, in the last election only 200 residents cast votes and in the last 10 years only one student has run and that student didn't live on campus. He also pointed out that during election time in June the dorms are empty.

John A. –stated he lives outside of town and is against annexation.

Hillary Lo – stated she has lived here for 12 years and urged the council to please vote against annexation. Addressing H. Mills issue she stated the scales will now be tipped and don't discount electronic communications.

Zenia – stated she challenged the legitimacy of the petition and it should be done again.

Sue K. – there are registration laws on the books already and guidelines for any voter, can the registration laws be made tougher to fulfill?

Stacey Evanisko – stated our reasons for annexing should be for more than just money. Students should receive money. The dorms may end up needing money and we would be obligated to provide services. The funds aren't guaranteed and she is not in favor.

Bane – stated that our current mayor is a Shepherd University graduate. He stated the town's problems aren't going to change, that Ranson tried to take over the county by annexing in everything they could. He noted that he felt the town council and the finance committees have used the town's money wisely.

Maura Balliet(s) – stated she is against annexation.

Liz Wheeler – stated she is against it and questions the council's wisdom.

Carlos N. – asked if the students had to be registered in this county to vote here, he was told yes. He stated they may come out to vote and wanted to know what was in it for the University.

Stephanie O'Brian – stated she has lived here for one year and was a college student. She would not have known what was best for the town.

Christian – stated the town was trading money for breaking down democracy and that students can organize and be connected-he's against.

Butch Sanders – stated he was a former Planning Commission member and questions the short term funds for long term commitment – thinks it's a crazy idea.

Neal M. – urged the town council to do this. He stated that Frank Salzano, a student, won with the town's votes and the college is an enormous contribution to our town. He is for annexation and feels there should be a seat on the council for a student.

Kathryn Stella – stated she has seen a change in parking and we will be enabling them (students). She urged the council to vote no.

Jane O. – stated she is extremely frightened about a rally and doesn't want to be overrun by students, against.

Mr. Bond – stated he is against.

Mayor – stated it was time for the council to discuss the issue.

Stuart Wallace – asked for a show of hands from those in attendance for and against. He stated that it was an overwhelming show against the idea. He stated the council is to represent the town's people and feels like it's a cheap trick trying to push annexation through. The dorm's aren't going to go away and we can do this again in 10 years if need be- we can do better than this.

Tom Martin – stated he voted for it twice already, once in Finance and at the First Reading. He stated we can't undo this once we do it. He's not afraid of the students and feels they are not likely to vote. They would have to file in March to run in June. Most of SU students are commuters and they aren't the problem with parking. He realizes the revenue lost is a big deal as costs are going up and we have to meet those costs.

Wanda Grantham Smith - stated she is torn about the decision. She pushed Frank Salzano to run, which he did and won. We should give the students the opportunity to vote.

Lori Robertson – stated she understands both sides, and who do we blow off; the citizens of the town or the finances that we may need in the future. Regarding Ranson, she stated she doesn't live in Ranson, she lives in Shepherdstown and is ultimately responsible for Shepherdstown. She asked what would we do if we needed money, we could charge for parking 7 days a week, increase our permit fees or impose a tax on the businesses.

Howard Mills – stated that once people are elected to office, they swear to the duties of the office, not to start frat houses. He gave the financial report comparing 05/06 budget to 08/09 budget, stating in 3 years the town ran

through the income. Expenses have gone up 60%-this is a recipe for bankruptcy. We have no wiggle room to increase income. Tonight's the night for the decision as this must go to the County Commission on Dec. 10<sup>th</sup>.

Jim Ford – stated it would be disingenuous to not vote for this- video lottery money is generally not used for operating costs. Health care through the state has gone up and we need the money.

Mayor – stated that the town kicked in \$25,000 to renovate Reynold's Hall. The students cost the town money. The college has not always been receptive to annexation in the past and may not be in the future. He gave statistics on the sewer plant and how much the town could have saved if the town would have acted several years ago. He noted that many of those opposed were from High Street and the East and West ends were not represented. He stated we could lose 1/3 of the video lottery money from the 2010 census and could be more.

Hillary – stated she questions the real finances and stated the State of WV is facing their own budget shortfalls, our V.L. could be drained.

Mr. Yates – stated he understands fiscal responsibility. The argument is insulting to be afraid of the college students.

Carlos N – asked if the new 600 students get a residential parking pass. He was answered –no.

Sonya – stated that with one week's worth of emails people came tonight. She had some solutions; could ask for donations from the town's people and the businesses, form a wish list, fundraisers, and not build town hall, trash pick up once a week.

Zenia – stated the town should apply for stimulus money, like green money.

Mayor – stated that the town is part of the lottery situation as the track is in Jefferson County.

Sue Kennedy – stated that she is new to the town, only lived here a few years. She noted that in the last election only 200 people voted out of 800, she's never seen voter turnout so low. She's not concerned about the college kids and maybe the residents will be motivated to vote in the next election. She commended the people who showed up tonight and pointed out that the 20-25 of those opposed didn't represent the whole town.

Bob Myers (Carriage House)- stated that the students can already vote. Shepherdstown is a college town and we don't want to turn into Martinsburg. The town council is responsible to maintain fiscal responsibility for the town.

Josh – stated that in the last election how many votes were decided by 76 votes. Michael Theis stated none. Getting a turnout is not hard to do. Get rid of town hall.

Hank Willard – asked if the town was negotiating with a developer and can we get anything from the college, will they provide police force to the town, what was their incentive?

Mayor – stated the college already has their own police force and the town and SU help each other out now on a regular basis. A developer?-no. The Mayor asked if there was a motion.

**Motion made by Jim Ford, Second by Wanda Grantham Smith to approve the Second Reading of the above Ordinance regarding Annexation. Motion was carried by Jim Ford, Wanda Grantham Smith, Howard Mills and Lori Robertson. Opposed by Stuart Wallace and Tom Martin.**

**Motion made by W. Smith, Second by J. Ford to adjourn at 8:22 p.m. Motion carried unanimously.**





