

**Shepherdstown Town Council Meeting Minutes  
Tuesday November 10, 2009  
6:30 p.m. – Town Hall**

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

**Absent:** Howard Mills

**Visitors:** Bain Schill, Michael Theis, Sonya Evanisko, Neal Martineau, Zenia, Josh Stella, Sue Kennedy, Hillary Lo, Mike Abshire and Amy Boyd.

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

Call to order by Mayor Auxer at 6:30. **Motion made by Jim Ford, Second by T. Martin to approve the agenda and the October 13, 2009 Town Council Minutes. Motion carried unanimously.**

**Motion made by T. Martin, Second by J. Ford with the typos to approve the Special Town Council Minutes of October 22, 2009. 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. Second Reading of “An Ordinance Enacting Chapter 15 of Title 9 Of The Town Code Of The Corporation Of Shepherdstown, West Virginia, To Regulate Blasting Activities Within The Corporate Limits” (vote required).

**Motion made by L. Robertson, Second by J. Ford to approve the second reading of the above ordinance. Motion carried unanimously.**

b. First 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 Corporation 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).

The Mayor went down the sign in sheet as follows:

Sonya – stated the reason for annexation is solely based on increasing revenue for the town. With annexation the town could receive 5 million over the next 10 years, if we don't annex we should still receive 3.3 million dollars. Can we wait 5-10 years and see what we need, then act.

Neal – brought a statement that he had written and read it to the council providing us with copies. His statement was in favor of annexation.

Hillary – stated her greatest concern was not the students, but the contiguous properties to Maddox Farms and Chaplain's Choice. T. Martin asked her why not be concerned about other areas as well. Hillary stated areas outside of the historic district don't have the same concerns as those living in the historic district of town.

Josh – stated he is still conflicted on the issue and offered a proposal that he read to the council and presented a copy of it. He feels like the spirit of the town is at risk.

Mayor – stated that there are a lot of numbers being tossed around and that people/areas have to request to be annexed in to town.

Zenia – stated she would like to see a recount from the Planning Commission and feels Harvey Heyser should have recused himself from the voting process. Also she doesn't understand the 10 petition signatures.

Mayor – stated because the students were there all year.

Zenia – stated she felt like the whole process was a disservice to the students as well as a transfer of power to them.

Mayor – stated the members of the town council have the same concerns as those not on the town council.

Zenia – stated Shepherd University needs housing and wants to be a regional school – all of this is going to fast.

Mayor – stated the university cannot fill the dorms now.

Sonya – stated she likes Josh’s comments and would like to try again in 5-10 years, video lottery money is questionable and it’s to great a risk.

Hillary – stated the State could take V.L money away.

Zenia – stated that people have invested in their homes and we are stewards for the future as well as the past, and the parking will go.

Josh – stated it is a pure gamble, there is no model for this, no known risk, no way to undo the damage. Idea- to ask the town’s people to come up with the money needed if there is a shortfall.

Mayor – stated his job is to look ahead and see where things are going, and things are going up. We have trouble getting people to volunteer and cannot legally ask the town’s people for money.

Josh – stated he was ok with certain rate increases to avoid annexation.

Mayor – stated he was laying out the financial future of the town.

Zenia – asked if condo’s were an option.

Neal – stated that the town could stand to lose 1/3 of \$500.000.

Mayor – stated it was time for the council to discuss it:

T. Martin – stated this is an important issue. This has already gone through Finance and they recommended bringing it to Council. The town needs the money. Can we get by without it? Yes, but we will have to do with much less (\$). He doesn’t see gambling money drying up or it might even increase. The money received already has paid for Streetscape, and will pay for milling/paving and Town Hall to mention a few. It’s a big risk – a hard choice. He doesn’t fear the students and feels it could change the way the town looks.

S. Wallace – stated this choice is not a once in a lifetime opportunity. SU will always be there and only the town, not the county, is interested in annexing. There is money in the bank and it's set aside for town hall, do we need more than 2.3 million over the next 10 years?

J. Ford – stated that S. Wallace is overstating that we can still annex SU in 10 years. He sees the risks and it is a tough choice.

S. Wallace – stated we are buying time with the money.

Mayor – stated we are indeed buying time with the money. Can we make it financially the next 10 years? We need to increase our revenue and doesn't know what the future will hold.

Hillary – asked if could annex the students in 3 years?

Mayor- -stated we had to petition the State to challenge the last census as the 400 students were overlooked. Also, only one student in the last 10 years has run for elected office.

L. Robertson – stated the calls she made to 18 States speaking with either the town clerk or elections officials from 20 towns across the country asking if their students could vote and if they had run and won. Two town's had a student run, one won and did a great job.

Josh – asked what the variables were.

Zenia – stated that small towns have gotten an increase in occupancy in homes.

Neal – asked if the town hall had gone out to bid.

Mayor – stated that the Council had heard a lot comments, pro and con and asked for a motion.

**S. Wallace made a motion to deny the request. There was no Second. Motion made by T. Martin, Second by J. Ford to approve the First Reading of the above Ordinance. Motion carried by L. Robertson, T. Martin, J. Ford, W. Smith, opposed by S. Wallace.**

### **Agenda Item 6 – New Business:**

- a. Resolutions for Community Participation Grant Award Contract for: Shepherdstown Day Care, Friends of Music, Mechlenburg Warehouse, Shepherdstown Historic Commission (vote required).  
**Motion made by L. Robertson, Second by T. Martin to approve the the above Resolution. Motion carried unanimously.**

### **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.

The Mayor stated that this must get done as it effects funding.

### **Agenda Item 8 – Mayor’s Report:**

The Mayor stated that solar xmas lights are going in some of the trees on German Street. The town will be suspending parking meter collection from 12/16 – 12/27 as well as 90 minute will not be enforced.

Christmas in Shepherdstown is Black Friday, the day after Thanksgiving and will start at 6:30 pm, cars will not be allowed to park along the length of the wall.

Jefferson County Chamber of Commerce needs a representative from the council to attend a meeting about development 11/12, 8am-2pm.

### **Agenda Item 9 – Reports of Committees:**

#### **A. Finance Committee :**

1. Meeting minutes of November 4, 2009.
2. Financial Reprting:
  - a. Financial Statements as of September, 2009

3. Recommendations:

- a. Provide \$3,000.00 for K-9 and officer training to come from Police Equipment Fund (vote required).

S. Wallace asked if the town owns the dog and what happens if Officer Cumming's decides to leave. The Chief stated Officer Cummings has expressed his desire to stay in Shepherdstown.

**Motion made by L. Robertson, Second by W. Smith to approve \$3,000.00 for the K-9/officer training. Motion carried unanimously.**

- b. Move forward with "Intent to Apply" grant application for Rt. 480 bike path from Lowe Drive to Morgan's Groove Park. (vote required).

L. Robertson stated that the initial estimate for the application is \$370,000 with the town sponsoring 20%. The County has expressed its commitment to help fund the project and has sent in 4 letters of support.

**Motion made by S. Wallace, Second by T. Martin to approve the grant application contingent on the town's 20% match to be helped by the county. Motion carried unanimously.**

**B. Parking Review Committee:**

Recommendations:

None

**C. Police Committee:**

Recommendations:

- a. None

**D. Parks and Recreation Committee:**

Recommendations:

None

**Motion made by L. Robertson, Second by J. Ford to adjourn at 8:00 pm. Motion carried unanimously.**

**Respectfully submitted by L. Robertson, Recorder.**

