

Shepherdstown Town Council Meeting Minutes
Tuesday August 11, 2009
6:30 p.m. – Town Hall

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

Absent: None

Visitors: Bain Schill, Michael Theis, Mike Austin, Patrinka Kelch, Carl Moore, Todd Coyle, Matt Robinson, Satch Alwin, Don Oesher, Laura First, Josh Stella, John Meeker, Lillian Potter-Saum and Sarah Carter. Amy Boyd, Town Clerk and the Chief of Police were also in attendance.

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

Call to order by Mayor Auxer at 6:29. **Motion made by H. Mills, Second by J. Ford to approve the agenda and the August 11, 2009 Town Council Minutes. 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:

Second Reading of An Ordinance Enacting Section 4-207 Of Chapter 2 Title 4 Of The Code Of Shepherdstown, West Virginia, Relating To Dogs That Deposit Waste On Public or Private (vote required).

Motion made by L. Robertson, Second by T. Martin to approve the second reading of the above ordinance. Motion carried unanimously.

Agenda Item 6 – New Business:

- a. Letter of request to close street behind Library to enable showing of movies Friday August 14, 21 and 28. (vote required)

Motion made by L. Robertson, Second by J. Ford to approve the street closure for the above dates to show movies. Motion carried unanimously.

- b. Labor Day Celebration hosted by the Shepherdstown Rotary Club (vote required).

Carl Moore representing Rotary stated they have been working with Parks & Rec. since 2008 and will basically model the Labor Day event after the July 4th event having food, soda, water, selling beer and having live entertainment. They have acquired the one day liq. Lic. needed to serve beer in the park. The July 4th event had roughly 500 attendees and 240 of those bought beer. They have also gotten the liability insurance, have hired extra police and have volunteers lined up. July 4th ran very smoothly although Carl stated he probably wouldn't use the fire truck again as it ran the whole time.

Mike Austin, President of the Men's Club stated they wanted to co-host with the Rotary – at Morgan's Grove Park – not Rumsey. He feels the Rumsey event undercuts what the Men's Club is doing at Morgan's Grove the same weekend but not the same day. He feels it's direct competition even though it's three days apart. Rumsey is a Saturday and M. G. is Monday. Carl Moore suggested that Mike Austin should attend the Parks & Rec. meetings so everyone involved knows what each other is doing/planning.

Patrinka Kelch stated as a resident of Mill Street she is totally opposed to any concert series held at Rumsey. She stated she was not informed of said events and feels like Morgan's Grove is better suited for these types of events.

Carl Moore stated he made every effort to contact those around the park.

Chief Johnson stated the event was excellent, the traffic was good, no arrests and the department had no complaints.

Motion made by L. Robertson, Second by W. Smith to recommend the Labor Day Celebration/Picnic at Rumsey Park Sept. 5th, 2:30 – 9pm. Motion carried unanimously.

Motion made by J. Ford, Second by L. Robertson to recommend the lifting of the open container law for the Labor Day Celebration/Picnic Sept. 5th, 3:00 – 8:00pm. Motion carried unanimously.

- c. Shepherdstown Volunteer Fire Department – parade request (vote required).

Mrs. Pittinger states the parade will be 90 minutes long and the Mayor will call Meredith Wait to inform.

Motion made by H. Mills, Second by T. Martin to approve the 90 minute parade. Motion carried unanimously.

- d. Trail Town Program Resolution (vote required).

J. Ford spoke on behalf of a small group that has met already and are working with the Trail Town people to encourage bicyclists coming from the bike path along the river to find their way into Shepherdstown. To assist the bikers, better signage at the bridge stating where the town is as well as information describing what the town offers bikers; B & B's, hotels, eateries, bike shop, etc.

Motion made by H. Mills, Second by S. Wallace to approve the Trail Town Program Resolution. Motion carried unanimously.

John Meeker suggested that Parks & Rec. set the standards for events held in our parks. The Mayor wants a time frame allowed for public input and a procedure written.

Agenda Item 7 – Old Business:

- a. NIMS-

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. Darfur Benefit at Rumsey Monument (vote required)

Todd Coyle, organizer, stated he came to the meeting to ask for a positive vote to hold the benefit. They have fulfilled the town's requirements; insurance, police, etc. The coalition they are working with is world wide and it's their third year doing this benefit.

Matt Robinson, organizer, stated the insurance has been taken care of and flyers were handed out to local residents notifying them of the event.

Mayor Auxer stated that each and every event has to be voted on by the council regarding the event itself and the use of alcohol in the park.

Josh Stella, resident, stated he loves the location because it doesn't require any driving for the locals. He feels lucky to have talented local musicians and utilizing the park for such events is part of living in town.

John Meeker, resident Mill Street, stated he was a bit taken aback at the comments directed towards him in emails and would prefer to settle matters civilly. He loved the 4th event and should be used as a great model. It was designed to bring people together.

Patrinka Kelch, resident Mill Street, stated if the council votes to approve the benefit it does set a precedent. She wants to know where the money is going and is very opposed to all of it. She stated she resents the comments made that have been directed to her and threatened a possible lawsuit. She wants the public park to be quiet and feels it is disturbing the peace.

Lillian Potter-Saum, lives outside of town but calls Shepherdstown home. She plays, dines and spends money here. The town has a public park and the benefit is for a great cause, the vendors are donating as are the musicians and the park is meant to be used by all of the public.

Mayor Auxer stated that there is a Shepherd Univ. football game that day and Todd Coyle has addressed this regarding parking.

Motion was made by H. Mills, Second by L. Robertson to approve the Darfur Benefit with the event from 4-9pm and bands from 4:30 – 8:30pm. Motion carried unanimously.

Motion made by T. Martin, Second by S. Wallace to lift the open container law inside the park only from 4-9pm for the Darfur Benefit. Motion carried unanimously.

There was discussion to include on the Shepherdstown's web site detailed information regarding "Events ". L. Robertson will work with A. Boyd, Town Clerk to develop a format.

Agenda Item 8 – Mayor's Report:

The Mayor stated regarding Town Hall that Andy Singletary and Stuart Wallace made a good presentation to the HLC to make the recommendation to the Planning Commission – passed on a unanimous vote.

Agenda Item 9 – Reports of Committees:

A. Finance Committee :

1. Meeting minutes of June 2, and July 6, 2009.
2. Financial Reprting:
 - a. Financial Statements as of August 6, 2009.
Per H. Mills – we had a \$200,000 deficit in the budget but we essentially broke even after the final analysis.
 - b. H. Mills stated that the post retirement funds required an increase.
 - c. H. Mills also stated we received a grant from the Washington Heritage Trail - \$15,000 with \$5,000 match from the town to work on Rumsey monument to help stabilize it.
3. Recommendations:
 - a. Internal Budget Revision #1a (vote required).

Motion made by J. Ford, Second by S. Wallace to approve the Internal Budget Revision #1a. Motion carried unanimously.

B. Parks and Recreation Committee:

Recommendations:

- a. Allocate \$2,000 for plaques at the parks-withdrawn.
- b. Allocate \$200 for electric and \$200 for light rental at Rumsey Park (vote required).

The Mayor and H. Mills stated the money was coming out of grant money. Vote not needed.

Agenda Item 10 – Report of Commissions, Authority and Boards

A. Water and Sanitary Board

1. Recommendation:

- a. Reappointment of Sue Kemnitzer as Water Board Member (vote required).

Motion made by H. Mills, Second by L. Robertson to approve Sue Kimmnitzer for reappointment to the Water Board. Motion carried with a no vote from S. Wallace due to lack of advertising.

2. The Mayor stated there is still an open seat on the water board and will advertise the position.

Motion made by J. Ford, Second by W. Smith to adjourn at 7:37 pm. Motion carried unanimously.

Respectfully submitted by L. Robertson, Recorder.