

Shepherdstown Town Council Meeting Minutes
Tuesday May 12, 2009
6:30 p.m. – Town Hall

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

Absent: None

Visitors: Bane Schill, Carl Moore & Linda Reynolds.

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 S. Wallace to approve April 14, 2009 Town Council Minutes. Motion carried unanimously.**

Motion made by S. Wallace, Second by T. Martin to approve April 30, 2009 Special Town Council Minutes with changes to #2 (\$35,000 per year), Q- (\$1,000,000), #4 last paragraph (..changing the exterior to emulate the existing building). Motion carried unanimously.

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

Visitor’s comments are logged in under the specific agenda item.

Agenda Item 5 – Public Hearings:

- a. Second Reading of “An Ordinance Amending and Re-enacting Section 12C-2008 Subsection (d) Entitled Penalty of Chapter 20 of Title 12C of the Code of Shepherdstown, West Virginia, Relating to Immobilization of Certain Vehicles and Impoundment” (vote required).
Motion made by L. Robertson, Second by H. Mills to approve the second reading the above ordinance. Motion carried unanimously.

- b. Second Reading of “An Ordinance Amending and Re-enacting Section 11-612 Entitled “Rate Schedule” of Chapter 6 of Title 11, of the Code of Shepherdstown, West Virginia, Relating To Garbage Rates” (vote required).

Motion made by J. Ford, Second by W. Smith to approve the second reading of the above ordinance. Motion carried unanimously.

- c. Second Reading of “An ordinance Authorizing Amendments to and Re-adoption of the Tariff for All Users of the Sewer System of the Corporation of Shepherdstown” (vote required).

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

- d. First Reading of “An Ordinance Authorizing Amendments to and Re-adoption of the Tariff for All Users of the Water System of the Corporation of Shepherdstown” (vote required).

Motion made by L. Robertson, Second by H. Mills to approve the first treading of the above ordinance. Motion carried unanimously.

Agenda Item 6 – New Business:

- a. Street Fest – adoption of resolution for suspension of open container ordinance (vote required).

Street Fest will take place from 10 am to 9 pm, 6-27-09 and the “beer gardens” will be set up in front of the band shell and behind the library to Back Alley. The beer gardens will have small entry and exit points to assure that no open container is allowed past onto the streets. They will borrow tables from the Men’s Club to assist in forming the barriers.

J. Ford suggested taking a look at the ordinance regarding vendors and offered to look into it. Bain Schill suggested Donn Marshall speak to the state about taxes for the vendors.

Motion made by T. Martin, Second by L. Robertson to approve the adoption of resolution for suspension of open container ordinance. Motion carried unanimously.

- b. Adoption of resolutions for Community Partnership Program Grants – (vote required).

Change made from Friends of Shepherdstown Riverfront for \$3,000 to Friends of Shepherdstown Music for \$2,000. Project # 09LEDA0235.

Motion made by J. Ford, Second, by H. Mills to approve the adoption of resolutions for Community Partnership Program Grants with above changes. Motion carried unanimously.

- c. 4th of July Celebration at Rumsey Park – request for suspension of open container ordinance (vote required).

Mr. Moore stated that they are planning two performance series this year; 4th of July and Labor Day. For the 4th of July performance they will start at 4 pm with a parade and have two bands from 6-9 pm and are requesting suspension of the open container ordinance from 5-9 pm. He also stated that people will be carded and given arm bands to verify they can drink. Beer will be sold in containers and be contained in the park by patrolling the exits. The Bavarian Inn will be buying the beer and will use their bartenders.

The Mayor asked about liability and Mr. Moore stated they will provide three forms of insurance to town hall one week prior to the event. The Mayor also stated it would be good if they notified the neighbors, possibly using a flyer like Shep Fest does.

Motion made by L. Robertson, Second by W. Smith to approve the request for suspension of the open container ordinance from 5 – 9 pm on the 4th of July at Rumsey Park. Motion carried unanimously.

Agenda Item 7 – NIMS-status report:

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.

Agenda Item 9 – Reports of Committees:

A. Finance Committee :

H. Mills gave a brief report stating the General Fund has some good news in that we won't need video lottery money to balance the budget. Our expenses were under budget; legal fees were less, planning commission expenses were less and the police came in under budget.

(d) Regarding the Audit Contract only one company submitted a bid to do the audit.

(e) Check signing changes-recorder to allow specific members to sign checks; Mayor Auxer, L. Robertson, Tom Martin, Howard Mills, Amy Boyd and Frank Welch.

Motion made by J. Ford, Second by H. Mills to approve the resolution that allows the above specific members to sign checks. Motion carried unanimously.

2. Recommendations:

- a. Approve loan of \$60,000 to Entler Hotel in 09-10 with town participating in a dollar for dollar matching up to \$20,000 as a possible donation.

This is a 5 year, no interest loan to help the Entler fix the chimney that is causing a leak in the structure. J. Ford suggested the council vote only on the \$60,000 loan and not the possible \$20,000 donation.

Motion made by H. Mills, Second by T. Martin to approve the loan of \$60,000 to the Entler Hotel in 09-10. Motion carried unanimously.

- b. Transfer of \$30,000 from Video Lottery unallocated to Garbage Truck Fund in 09-10 budget for purchase of new truck at estimate provided.

We currently have \$80,000 reserved for a garbage truck and with the additional \$30,000 there is enough for a new truck costing \$106,000. As a side note, garbage fees collected cannot be used for a capital purchase.

Motion made by L. Robertson, Second by J. Ford to approve the transfer of \$30,000 from Video Lottery to the Garbage Truck Fund. Motion carried unanimously.

- c. Re-allocate \$265,000 in 09-10 budget from general Infrastructure to specific project – Mill and Paving.

This is for Town Street not Stare Roads.

Motion made by H. Mills, Second by J. Ford to Re-allocate \$265,000 in 09-10 budget from General Infrastructure to Mill – Paving. Motion carried unanimously.

B. Parking Review Committee:

Recommendation:

Increase third parking permit to \$50 (vote required).

Motion made by J. Ford, Second by W. Smith to increase the third parking permit to \$50.00. Motion carried unanimously.

Agenda Item 10 – Report of Commissions, Authority and Boards

Water and Sanitary Board – recommendation:

- a. Sewer Rate Increase (vote required).

Acted on and approved under Public Hearing.

Motion made by S. Wallace, Second by J. Ford to adjourn at 7:38 pm. Motion carried unanimously.