

Shepherdstown Town Council Meeting Minutes
April 14, 2009
6:30 p.m. – Town Hall

Present: Jim Auxer (Mayor), Lori Robertson (Recorder), Wanda Grantham Smith, Howard Mills, Tom Martin and Jim Ford (after being sworn in).

Absent: Stuart Wallace

Visitors: See visitor's list.

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 H. Mills, Second by W. Smith to approve March 10, 2009 Town Council Minutes. Motion carried unanimously.**

Motion made by T. Martin, Second by L. Robertson to approve March 31, 2009 Town Council Minutes. 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 (moved up from 8) – Mayor's Report:

- a. Appointment to fill Town Recorder vacancy – Appointment to fill Town Council vacancy - (vote required).

L. Robertson submitted a request for Recorder and J. Ford submitted a request for Town Council. L. Robertson resigned her position as a Town Council member.

Motion made by W. Smith, Second by H. Mills to accept the resignation of L. Robertson from Town Council. Motion carried unanimously.

Motion made by T. Martin, Second by H. Mills for L. Robertson to fill the Recorder's vacancy. Motion carried unanimously.

Motion made by H. Mills, Second by W. Smith to accept Jim Ford to fill the Town Council vacancy. Motion carried unanimously.

L. Robertson and J. Ford were then sworn in by Mayor Auxer.

- b. Appointment of members to the Town Hall Construction Committee (vote required).

Mayor Auxer recommends six individuals along with himself to form the new Town Hall Construction Committee.

Motion made by T. Martin, Second by J. Ford to accept these individuals as the newly formed Town Hall Construction Committee. Motion carried unanimously.

Agenda Item 6 (moved from 5) – Public Hearings:

- a. 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 H. Mills, Second by T. Martin to approve the first reading the above ordinance. Motion carried unanimously.

- b. 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 T. Martin, Second by W. Smith to approve the first reading of the above ordinance. Motion carried unanimously.

- c. 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 L. Robertson, Second by H. Mills to approve the first reading of the above ordinance.. Motion carried unanimously..

Agenda Item 7 – New Business:

- a. May Day Celebration – (vote required)

Motion made by H. Mills, Second by L. Robertson to approve the use of German Street from 12:00 – 12:40 p. m. May 2, 2009 and the use of MacMurrans Hall for the Maypole celebration from noon to 4 p.m. Motion carried unanimously.

- b. Street Fest – (vote required)

Discussion was extensive and from many in the community.

Ed Dunleavy – stated he is the treasurer and on the board of the Shepherdstown Museum. The museum made \$2,000 last year which helps because the museum usually runs a deficit.

Meredith Wait – representing the SBA- stated the SBA had a meeting last month and there are businesses that would prefer it to take place on King Street so not to have such a direct impact. She also wanted to be clear that the SBA wasn't against Street Fest just the location. She also stated she would like to be on the Street Fest board and Donn Marshall was receptive to that.

Bain Schill – regarding vendors – stated he would like to see the vendors have a business license not only from the state but also from the town.

Sonya E. – Stated she enjoys the festival as a community member; it brings the town alive and will continue to support it.

Linda Reynolds – Day Care board – made over \$1,200, loves it and will continue to support it.

Lindsey – local artisan- representing the Blue Moon – stated she made enough money to make her mortgage last year and the Blue Moon had their best day.

Ed – community member – stated he loves the live music. He stated the festival was moved to German Street because it was much more successful than on King Street because the band shell was facing the library.

Donn Marshall – representing Street Fest – stated that for the last 4 years his organization has helped pay for extra police and to clean up. They did a survey of the businesses after the festival and 80% said they did ok. They have paid other musicians to play at both ends of German Street to help bring the crowds down there while the main bands were breaking down at the band shell. They have tried to limit vendors that would be a conflict of interest with our current businesses. They spend \$6-7,000 to market the festival and they work with many local charities. He also requested that we move to pass this year as well as next. Mayor Auxer stated we will do one year at a time.

The Mayor asked of the SBA and Donn Marshall if they were at a standstill and the discussion continued. The Mayor asked about parking – Donn stated people will be encouraged to park on campus and a trolley will be used where they can place advertising for local businesses. T. Martin asked if the back alleys could be used for fire trucks so the vendors can be placed more in the middle of the street, however, the Chief stated the alleys aren't large enough to allow the fire trucks to turn around. H. Mills suggested the businesses have a raffle to draw people into their stores.

Bain Schill – stated he noticed the vendors had spilled onto the curbs to store their wares. Meredith recommended a liaison from Street Fest for each block to monitor that. Donn agreed that could be done.

Mayor Auxor – stated the police were busy with beer related incidents and wondered how that could be curtailed.

Cheryl – representing Grapes and Grains - -stated that she is off premise and hard to regulate.

J. Ford – suggested eliminating bottles.

Amy Boyd – stated she would have to look into boundaries for beer.

L. Robertson – suggested a limit on beer purchases from the street vendors.

Chris Crawford – suggested no alcohol beyond a certain point.

Ashley – representing the Sweet Shop – stated in Frederick, Md. during their street festivals they contained on street drinking in “beer gardens”. She said it made a great day of celebration and Donn said that could be done here.

Regina – representing Betty's – stated it's the best day for them but has empathy for the retailers and suggested putting vendors away from the store fronts selling similar items.

Donn – stated that the priority on the street are for local artists and that the bands are paid for by the vendors and beer sales. He stated that 50-60% of vendors are from out of state.

T. Martin – stated he prefers German Street and J. Ford stated he would like to see the SBA and Street Fest work together better in the future and possibly get a town council member to join in the their meetings.

Motion by J. Ford, Second by T. Martin to approve Street Fest June 27, 2009 with the changes of record; sidewalk liaison, beer gardens police help and clean up. Motion carried unanimously.

Agenda Item 8 – NIMS-status report:

Mayor Auxer and L. Robertson have completed some to all of the training. Many council members are having trouble pulling it up on their computers.

Agenda Item 9 – Reports of Committees:

A. Finance Committee – recommendations

- a. Approve donation of \$1,065.00 to Cub scouts (vote required)
Motion made by L. Robertson, Second by W. Smith to approve donation. Motion carried unanimously.
- b. Apply for DUI Grant (vote required)
The Chief stated the grant provides for manpower and equipment.
Motion by T. Martin, Second by J. Ford to approve the application of the grant. Motion carried unanimously.
- c. Reclassify Riverside Park Project budget to Rumsey Park Project in the amount of \$12,000.00 (vote required).
This is to help clean up the park.
Motion by J. Ford, Second by L. Robertson to approve reclassifying budget. Motion carried unanimously.
- d. Apply for Combat Crime and Drugs Grant (vote required)..
The Chief stated this is to boost the economy. It's in the amount of \$257,000 that includes an additional officer, medical expenses, vehicles x 2 and training. The new officer will be covered for 2 years under this grant.

Motion by L. Robertson, Second by T. Martin to approve application for grant. Motion carried unanimously.

- e. Budget Revision #6b inclusive of Parks budget change and Cub Scout donation (vote required).

Motion by T. Martin, Second by J. Ford to approve. Motion carried unanimously.

B. Streetscape Committee

Status Report:

After our last big rain there was some flooding on German Street and some businesses had some water inside due to current construction. That has since been dealt with and the gutters/drains are working better.

C. Personnel Committee – recommendations:

- a. To allow for Town employees to donate up to five days of sick leave, on a voluntary basis, to any other employee who is experiencing a catastrophic illness. The compensation will be applied to the employee's health insurance benefits (vote required).

Motion by J. Ford, Second by L. Robertson to approve the above donation of time. Motion carried unanimously.

Agenda Item 10 – Report of Commissions, Authority and Boards

A. Water and Sanitary Board – recommendation:

- a. Sewer Rate Increase (vote required).

Motion by L. Robertson, Second by H. Mills to approve sewer rate. Motion carried unanimously.

B. Planning Commission - recommendation:

- a. Wendy Moseley request to install handrail on town property (vote required).

Motion by L. Robertson, Second by W. Smith to approve railing. Motion carried unanimously.

C. Building Commission

- a. Acceptance of resignations of members to allow them to serve on newly formed Town Hall Construction Committee (vote required).

Motion by L. Robertson, Second by W. Smith to accept the resignations. Motion carried unanimously.

Motion by J. Ford, Second by W. Smith to adjourn at 7:51 p.m. Motion carried unanimously.