

Shepherdstown Town Council Meeting Minutes
Tuesday, March 8, 2022
Town Hall
104 North German Street
6:30 p.m.
Mask Wearing is Required
Also being streamed on the town’s Facebook page “Shepherdstown,
West Virginia”
DRAFT

Present: Jim Auxer (Mayor), Lori Robertson (Recorder), Marty Amerikaner, Jenny Haynes, Jim Ford, Cheryl Roberts, with Chris Stroech calling in.

Absent: None

Staff: Town Clerk Amy Boyd, Public Works Director Frank Welch, Accounting Clerk Beverly Bennett, and Sargeant Jake Jefferies.

Visitors: Susan Benzinger, Connie Heyer, Janet Hughes, Marshall DeMeritt, Jennifer Krouse, John Meeker, Jen Wabnitz, Steve Pearson, Laura First, James Cook, Chandla Cook, Chief Morgan, Mary Fortuna, and Rachael Meads

Agenda Items 1 and 2-Call to order/approval of Town Council Minutes (vote required):

Call to order by Mayor Auxer at 6:31 pm.

Approval of the Town Council Meeting Minutes of February 8, 2022

J. Haynes - move to approve Town Council Draft Minutes of February 8, 2022. Second by C. Roberts with the correction under Agenda Item 8 – New Business, b, pg. 3, line 10 from the bottom to add to - the public hearings are all done and the bond money is procured (add-from the Board). No objections noted.

Agenda Item 3 – Public Comment Period:

- a. Persons who have registered to address Town Council.
- b. The Mayor noted that no one emailed him regarding the meeting prior to the meeting with questions or comments.

Agenda Item 4 - Visitors:

Visitor's comments, if any, are logged in under the specific agenda items.

- a. Marshall DeMeritt – SVFD – EMS services

M. DeMeritt – spoke to the Fitch Report.

The data used in the report is flawed. The annual rate of 2.25% inflation is not realistic. The county wants to take our ambulances as a revenue grab. Based on medical health data, the recommended on the scene response time is 8.59 minutes. No option the county has proposed meets this standard. The county currently has 13 ambulances and wants to go down to 4. The Fitch data does not take into account multiple ambulances being called out for a multi-vehicle accident at one location or multiple accidents/fires over the county.

There are 200 Certified EMS paramedics in Jefferson County – that will go to 8 paid staffers. Fitch is proposing going to 4 ambulances- 2 in Shepherdstown and 2 at the Citizens Fire Department. With the reduction in ambulances it will increase the response time for the EMS personnel to reach those in need. The past response time average from 2020 was 10.1 minutes. The past response time average from 2021 was 8.4 minutes. Fitch is proposing an increase in response time to 16.5 minutes.

If this is implemented it will increase response time and reduce service.

What we have now works. It is responsible and efficient. The Fitch proposals are dangerous for Shepherdstown.

Social media and newspapers are being used to get the word out. An online petition is possible.

Chief Morgan – these proposals will also impact the fire protection as volunteers are cross-trained. A couple of firehouses will shut their doors if happens. Please call the County Commissioners and let them know how you feel. The report is misleading – please read it for yourself. It is on the county's website.

Mayor – the mayors from the county meet tomorrow with the County Commission, Fire Chiefs, and EMS personnel. This is an important issue. Shepherdstown has a large older population and the fast response time is imperative.

M. Amerikaner – would a resolution be helpful?

M. DeMeritt – yes

M. Fortuna – was there any discussion about population growth or industrial accidents?

M. DeMeritt – No

C. Roberts – when her dad needed EMS, they were there in 5 minutes. If he had had to wait for 16 minutes, he would have died.

Mayor – thanked M. DeMeritt for coming and speaking to us.

J. Krouse introduced herself as a candidate running for the Jefferson County Commission.

Susan Benzinger introduced herself as a candidate running for the House of Delegates.

Agenda Item 5 – Public Hearings:

- a. First Reading of An Ordinance Re-enacting Section 7-120 of Chapter 1, Title 7 of the Code of Shepherdstown, West Virginia, to Revise the Gender Identification and to Confirm to the Corresponding State Statute, West Virginia Code 61-8-16
Mayor – this is to bring our code to state code.
- b. **J. Haynes – move to approve the First Reading of An Ordinance Re-enacting Section 7-120 of Chapter 1, Title 7 of the Code of Shepherdstown, West Virginia, to Revise the Gender Identification and to Confirm to the Corresponding State Statute, West Virginia Code 61-8-16. No objections noted.**
- c. Second Reading of An Ordinance to Enact Chapter 5, Title 3 of the Code of Shepherdstown as the Outdoor Dining Act.
Mayor – ABC states that we have to have an ordinance to allow outdoor dining with alcohol. We have seen where 48” is required from the curb to the dining seating to allow for

wheelchairs to pass by. However, L. Robertson noted the ADA website itself states you only need 36”.

L. Robertson – made a motion to move forward and send the proposed ordinance to Chazz for review, specifically paragraph 3-504(f) to reflect the 36”, not 48” requirement. Second by C. Roberts. No objections noted.

Agenda Item 6 – Unfinished Business:

- a. None

Agenda Item 7 – Old Business:

- a. ITA WVDOH Grants – High Street Project not selected for funding.
C. Stroeck – we were turned down.

Agenda Item 8 – New Business:

- a. Event Request –
 - Back Alley Garden Tour – May 21-22
J. Wabnitz – the Tour and Tea are back after a two-year absence due to Covid. People can do just the Tea for \$10 or the Tea and Tour for \$20. There will be some vintage cars at the JSB parking lot.
L. Robertson – move to approve the Back Alley Garden Tour. Second by J. Ford. No objections noted.
 - * May Day Parade – May 1
R. Meads – there will be no parade and the Set Up Time is changed from 10 a.m. to 9 a.m. They need 3 parking spaces on King Street in front of Reynolds Hall held for the May Pole unloading either the night before or by 6 a.m. the day of. All other street parking will remain open.
L. Robertson – move to approve May Day with changes reflecting no parade and the set up time at 9:00 a.m. Second by M. Amerikaner. No objections noted.

- Street Fest – June 24

J. Meeker – Excited to bring the festival back after Covid.

L. Robertson – asked for some clarifications. The event date should be changed from 6/24 to 6/25. The set up time should be changed from 10 a.m. to 6 a.m. on the 6/25, and allow for set up of the stages/port-a potties 6/24. The fencing and posts are stored in the water tanks and need to be checked for integrity. TIPS training is required for at least 2 members of the board and one or two bartenders. The town doesn't supply electric and vendors on German St. cannot run extension cords across the sidewalks or have generators. Food vendors need to be approved by the Health Dept. Port-a-potties will be needed. You'll need to get permission from the state to close German and show the alternate route. Liability insurance is required. Please bring a detailed map of the street closures during the April Council meeting. A reminder that the Public Works guys are paid for their time.

J. Meeker – understood

L. Robertson – move to approve Shepherdstown Street Fest – June 25th with changes, and waive the open container and noise ordinances. Second by C. Roberts. No objections noted.
- Dog Fest – June 4

C. Heyer – would like to have a short parade of dogs from Church St. to King St. then turn onto N. King St. The parade is from 11:00 a.m. to 11:30 a.m. If the pavement is hot, booties will be available to protect the paws. German would need to be closed for 3-45 minutes for the parade. Port-a – potties needed. There will additional events at the Midway on SU's campus. Thinking about food trucks on King – maybe have the Shep. Fire Dept. sell food. Would like to have a beer garden to serve beer. Music on the porch at Town Hall. Requesting to close N. King St from 7:00 a.m. to 9:00 p.m.

L. Robertson – Any food vendors need to go through the Health Dept. If a beer garden – you have to fence the whole thing in and have entrances that are manned so no outside alcohol comes in, and no event alcohol goes out. Bartenders need to be TIPS trained. You'll need to work with Public

Works for recycling and trash and pay them. The alleys must remain open.

C. Roberts – move to approve Dog Fest June 4 and waive the open container and noise ordinances, Second by M. Amerikaner. No objections noted.

Mayor – please come to the April council meetings for a planning update.

b. Tuesday, June 7, 2022 is the Municipal Election for Mayor, Recorder and Council. The candidate filing period is February 28 – March 11.

Agenda Item 9 – Mayor’s Report:

- The regular Farmer’s Market starts, along with the Ribbon Cutting, March 20 from 9 a.m. – 1 p.m.
- Rose Hill – the survey has been completed.
- The Shepherdstown Museum opens April 23. They need docents and if interested, call Theresa at 304-876-0910.

* Visitor’s Center – May 15 at 2 p.m. there is an African American exhibit.

- Tobacco Warehouse – the design team visited-no update since the visit.
- The train had a recent stoppage – the railroad was called and reported.
- Alley Clean Up Day – April 1 for SU. Need adults to help oversee the students cleaning up.
- J. Ford – regarding the 340 closures – it won’t happen until after Labor Day 2023.

- J. Ford – the CVB is doing a marketing blast in DC for Jefferson County. They are doing a great job of promoting Shepherdstown.
- The LED lighting study is tabled for now.

Agenda Item 10 – Reports of Committees:

A. Finance Committee:

1. No meeting in February 2022
2. Finance Reporting:
 3. Recommendations
 - a. None

B. Parking Committee:

1. No February 2022 meeting
2. Recommendations: None

C. Police Committee:

1. No February 2022 meeting
2. Recommendations: None

D. Parks and Recreation Committee:

1. Meeting minutes of February 2022 - not available
2. Recommendations:
 - a. None

E. Public Works Committee:

1. Meeting minutes of March 2022
2. Recommendations:
None

F. Path Advisory Committee

1. No meeting in February 2022
2. Recommendations:

- a. None

G. Grants Committee

- 1. Meeting minutes of February 2022
- 2. Recommendations:
 - a. None
- 3. State of the Committee – volunteers are needed to help. There are lots of grants out there available, but project managers are needed to follow up. Workshops can be done to help the volunteers.

Agenda item 11 – Report of Commissions, Authority and Boards:

1. Historic Landmarks Commission:

- 1. Meeting minutes of February 2022 – not available
- 2. Recommendations:
 - a. None

2. Planning Commission:

- 1. Meeting minutes of February 2022 – not available
- 2. Recommendations:
 - a. None

3. Tree Commission

- 1. Special minutes of February 2022 - not available
- 2. Recommendations: None

4. Water and Sanitary Board:

- 1 –Meeting minutes of February 2022 – not available
- 2 – Recommendations:
 - a. Approval of Master Service Agreement with 120 Water Audit, Inc. for inspection of all water lines for lead fittings.
J. Ford – move to approve the Master Services Agreement with 120 Water Audit, Inc. for inspection of

**all water lines for lead fittings. Second by C. Roberts.
No objections noted.**

5. Board of Appeals

1. No meeting scheduled

12. Work session update – M. Amerikaner – was going to have a session in March, but now looking at April.

L. Robertson – move to adjourn at 8:34 p.m. Second by J. Haynes. No objections noted.

Draft Minutes respectfully submitted by L. Robertson, Recorder for the Corporation of Shepherdstown.