

DRAFT
Shepherdstown Town Council Meeting Minutes
Tuesday, October 11, 2022
Town Hall
104 North King Street
6:30 p.m.
Mask Wearing is Optional
Also being streamed on the town’s Facebook page “Shepherdstown,
West Virginia”

Present: Jim Auxer (Mayor), Lori Robertson (Recorder), Marty Amerikaner, Jenny Haynes, Chris Stroeck, Leah Rampy, and Cheryl Roberts.

Absent: None

Staff: Town Clerk Amy Boyd, Director of Public Works Frank Welch, and Sergeant Jake Jeffries.

Visitors: Steve Pearson, Hali Taylor, Bob Keller, Frank Hill, Sally Brasher, Rosemary Nickerson, Lee Ann Warner, Phil Baker-Shenk, John Doyle, Sum Kemnitzer

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

Call to order by Mayor Auxer at 6:29 pm.

Approval of the Town Council Meeting Draft Minutes of September 13, 2022.

C. Stroeck- move to approve Town Council Draft Minutes of September 13, 2022. Second by J. Haynes. No objections noted by the majority with C. Roberts abstaining citing she wasn’t present. Motion carried.

Agenda Item 3 – Public Comment Period:

- a. Persons who have registered to address Town Council.

Agenda Item 4 - Visitors:

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

a. Jay Hurley – Town Sign -

The sign is completed. It is an industrial looking sign to reflect the area of town that included iron and bricks. It has been 5-years in the making with a lot of volunteers. The letters and the eye are hand-carved with the pupil being glass. The sign will be lit up.

C. Roberts – move to accept the sign. Second by M. Amerikaner. No objections noted.

b. John Doyle – Amendment 2 Property Tax Modernization

There are no pros to this amendment. The WV constitution gives entities a portion of the personal property tax collected. Amendment 2 gives the legislature the authority to eliminate that tax. This raises \$500 million dollars. Legislatures are saying they will make up the money but aren't sure how. The legislature wants it to be a lure for big business coming to the state – it is more favorable to business and less favorable to individuals. He would like to see the Council vote to oppose Amendment 2.

S. Kemnitzer – asked about the cost of collection of these monies.

J. Doyle – no one has calculated it.

The other amendments are:

Amendment 1 – is a power grab by the legislature

Amendment 3 – says churches can incorporate

Amendment 4 – rulings by the state board of education would come under the oversight of the legislative body. He feels like all areas should be under the oversight committee.

Agenda Item 5 – Public Hearings:

a. Second Reading of garbage ordinance Section 11-612, of Chapter 6 of Title 11, Entitled “Rate Schedule”

A. Boyd – Billing begins in December for the new rate. The notification will go out with the November bill. The notice will also go out on the email list.

J. Haynes – move to approve the Second Reading of garbage ordinance Section 11-612, of Chapter 6 of Title 11, Entitled “Rate Schedule”. Second by L. Robertson. No objections noted.

- b. First reading of an ordinance to enact Chapter 16, Title 9 of the Code of the Corporation of Shepherdstown accepting the donation of real property.

F. Hill – the Snyder’s own Lot 1, 1.726 acres. Since the 1950’s this land has been added to and/or subtracted from. The right-of-way is Mill St. from Lot 2 and the Potomac River. Town attorney, Chazz Printz, recommends to accept this donation of land. The land is designated as conservation with part of it is restricted to residential.

C. Stroeck – when we accept a gift like this, is there any research that’s done that may bring some kind of liability to the town?

F. Hill – there has never been a building on the property, it’s mostly a ravine. Nothing has ever been there except rocks and trees. Lot 2 has to sign off on any changes to Lot 1 that are expressed in the restrictions on the plat. Park benches could potentially be put there.

C. Stroeck – if we put benches there, would the easement suffice for traffic?

F. Hill – it is unrestricted, so yes.

- c. **L. Robertson – move to approve the First reading of an ordinance to enact Chapter 16, Title 9 of the Code of the Corporation of Shepherdstown accepting the donation of real property. Second by C. Stroeck. No objections noted.**

Agenda Item 6 – Unfinished Business:

- a. Christmas in Shepherdstown – update

J. Haynes – the kick-off is happening – we are working on the lights, the chili cook-off is a go, the bonfire is on, and the plans are in for decorating McMurrin Hall.

Agenda Item 7 – Old Business:

- a. None

Agenda Item 8 – New Business:

- a. Snyder land donation –
Refer to Public Hearings, b.

Agenda Item 9 – Mayor’s Report:

- We have hired a new public works employee
- Public Works – the renovations of the Market House will fall under PW.
- Everyone has a copy of the Market House survey.
 - L. Rampy – what happens next?
Mayor – we need to see what renovations need to be done.
 - S. Stroech – the person coming to look at the building can recommend. What will the use be, what repairs are needed are questions that need to be answered. Would be good to have a public hearing before the end of the year.
Mayor – the Town Council can deal with the survey questions. Once we get the recommendations, we can hold a special council meeting to discuss them. Many in the survey like a welcome center.
 - M. Amerikaner – what type of occupant do we want – as a town building?
Mayor – yes. How can the market House benefit the most people, and we need to think about the upkeep of the building. We can have a special meeting, a work session, the first week of November with no public comment, followed by other meetings to include public comments.
 - L. Rampy – think about the parameters as to whom we’d want to rent to.
- We made a \$6K donation to the Shepherdstown Fire Department
- Reminder – if doing business in town, whether inside or outside, you need a business license.
- Freedom’s Run is 10/22
- Trick or treating is Oct. 31 from 6-8 p.m.
- BooFest – S. Pearson – many fun events happening for Halloween. An outdoor carnival at SU, Doggy costume parade,

pumpkin judging, thriller dance, Vampire's Ball, Haunted House and more.

• **Agenda Item 10 – Reports of Committees:**

A. Finance Committee:

1. Meeting minutes of September 23, 2022
2. Finance Reporting:
3. Recommendations

a. Increase Shepherdstown Public Library monthly donation
Mayor – the increase will start now and will go from \$900 to \$1800 beginning September 1, 2022.

L. Rampy – where does the money come from?

Mayor – the money comes from the general fund.

Chris Stroeck there was an updated memo circulated with new information including the history of the library and miscellaneous data. The decision was made as the mowing wished for could be donated.

C. Roberts – move to approve the increase of the monthly donation to the Shepherdstown Public Library to \$1800.00. Second by M. Amerikaner. No objections noted.

B. Parking Committee:

1. No September 2022 meeting
2. Recommendations: None

C. Police Committee:

1. No September 2022 meeting
2. Recommendations: None

D. Parks and Recreation Committee:

1. Meeting minutes of September 2022
2. Recommendations:
 - a. Cullison Park walking path bid proposal
M. Amerikaner – P&R has received 3 bids for the walking path and would like to move forward with the lowest bidder who also has the greatest experience – Capitol Flexi-Pave for \$47,680.98.
C. Stroeck – has there been any insight from the neighbors?

M. Amerikaner – has spoken with one neighbor that had concerns and they are coming to terms with the path. There is still a concern about animal (groundhog) holes.

C. Roberts – the neighbors are not used to an increase in foot traffic in that park. The walking path meets the need to use our parks more.

Mayor – P&R has \$30K in their budget – we can accept it and send it back to Finance to procure the rest of the funds.

L. Robertson – move to accept the lowest bidder for the Cullison Park walking path. Second by C. Stroech. No objections noted.

Chris Stroech – move to approve this project contingent on Finance Committee approving the remaining funds. Second by J. Haynes. No objections noted

** L. Robertson stepped out for 2 minutes to use the restroom – all discussion stopped until she returned.

Chris Stroech – any more discussion regarding public hearing about public restrooms?

Cheryl Roberts – one grant has expired and the second grant is to be discussed at the next meeting.

**C. Stroech stepped out for 2 minutes to use the restroom – all discussion stopped until his return.

Mayor – asked P. Baker –Shenk to speak to the Comprehensive Plan meeting – He stated that they had a productive first meeting. The next meeting is November 2, and he will report to Council regularly.

E. Public Works Committee:

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

F. Path Advisory Committee

1. No meeting in September 2022

2. Recommendations:
 - a. None

G. Grants Committee

1. Meeting minutes of September 2022 – not available
2. Recommendations:
 - a. None
 - C. Stroeck – update – the Utility and Rental Assistance Grant can be extended for an additional year. One applicant met the criteria when first advertised.

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

1. Historic Landmarks Commission:

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

2. Planning Commission:

1. Meeting minutes of September 2022 – not available
2. Recommendations:

None

3. Tree Commission

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

4. Water and Sanitary Board:

- 1 –Meeting minutes of October 5, 2022 - not available
- 2 – Recommendations:
 - a. None

5. Board of Appeals

1. None scheduled.

**L. Robertson – move to adjourn at 8:03 p.m. Second by M. Amerikaner.
No objections noted.**

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