



CORPORATION OF HARPERS FERRY

Town Council

MINUTES

Regular Meeting

Monday, 13 July 2020

7:00 p.m.

Town Hall • 1000 Washington Street, Harpers Ferry, West Virginia 25425 • VIA ZOOM

Called to order at 7:00 p.m. by Mayor Bishop. Due to the COVID-19 pandemic, this meeting was conducted through Zoom and live-streamed on social media, in compliance with the State's emergency guidance on the Open Governmental Meetings Act. *Due to a technical issue, the meeting had to be closed and immediately reopened before approval of the agenda.*

Member	Title	Status
Wayne Bishop	Mayor	Present
Kevin Carden	Recorder	Present
Barbara Humes	Councilmember	Present
Hardwick S. Johnson, Jr.	Councilmember	Present
Christian Pechuekonis	Councilmember	Present
Jay Premack	Councilmember	Present
Charlotte Thompson	Councilmember	Present

The agenda was approved as amended. There was debate and disagreement surrounding whether item 7.g. could be discussed in executive session. Items 4.c.i. and 4.d.iii. were moved to the end of the agenda.

1. Mayor's announcements.

Mayor Bishop gave a brief overview on several items, including: he traveled to Charleston in late June to meet with officials at the WV Department of Commerce to discuss the Tourism Development District bill; he met with merchants to distribute masks and discuss the High Street Beautification Project; he spoke to Senator Manchin regarding the Great American Outdoors Act; he spoke with the Park about some resident concerns pertinent to the fiber optic project; he sent the Tourism Development District information to the Park Superintendent; and he spoke with some individuals about the Heyward Shepherd monument in Lower Town.

2. Approval of minutes.

a. Regular Council meeting: 8 June 2020.

The minutes of 8 June 2020 were approved as received.

b. Special Council meeting: 21 April 2020; 27 May 2020; 10 June 2020; 24 June 2020; 8 July 2020.

Approval of the minutes for 21 April 2020 were postponed (*see motion and amendments below*). The minutes of 27 May, 10 June, 24 June, and 8 July 2020 were approved as received.

Main motion	Motion to postpone approval of the 21 April 2020 Town Council meeting minutes to the next regular meeting. (ROLL CALL VOTE REQUESTED)
Main motion by	Barbara Humes
Second – main motion	Christian Pechuekonis
Amendment #1	Motion to amend by requiring the revisions to the minutes to be completed no later than the 27 th of July by the Town Hall office staff. (ROLL CALL VOTE REQUESTED)
Amendment #1 by	Jay Premack
Second to amend	Hardy Johnson
YES – amendment #1	<i>none</i>
NO – amendment #1	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
Result – amendment #1	AMENDMENT #1 FAILED
Amendment #2	Motion to amend by requiring the revisions to the minutes to be completed no later than the 27 th of July. (ROLL CALL VOTE REQUESTED)
Amendment #2 by	Jay Premack
Second to amend	Christian Pechuekonis
YES – amendment #2	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO – amendment #2	<i>none</i>
Result – amendment #2	AMENDMENT #2 APPROVED
Yes – main motion	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
No – main motion	<i>none</i>
Result – main motion	MOTION APPROVED WITH AMENDMENT #2

3. Treasurer’s reports and approvals.

a. Review and approval of financial reports: May 2020.

The financial reports for May 2020 were approved as received

b. Approval of invoices and purchases over \$500.

None.

4. Town reports.

a. Police Department.

Chief Brown reported that for the month of June 2020, there were 2 accidents, no call-outs, 8 assists to other agencies, 86 citations issued, and 82 calls for service.

i. Update on letter to Bolivar regarding community policing.

Mayor Bishop gave a brief update on the possibility of discussions with Bolivar regarding contracted police services.

b. Ordinance Compliance Officer.

The Ordinance Compliance Officer submitted a written report by email.

c. Office Operations Committee.

i. Discussion and action regarding current Town staffing and coverage.

Charlotte Thompson said Office Ops has agreed to reevaluate the possibility of the office staff returning to work in the office at the end of July.

This item was discussed further in executive session.

Motion	Motion to hire a temporary part-time employee to work four hours a day, three days a week. (ROLL CALL VOTE REQUESTED)
Motion by	Charlotte Thompson
Second	Christian Pechuekonis
YES	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

d. Water Department.

i. General report.

Barbara Humes reported that the Water System Manager will be resigning to move out of the area later this month. The Public Service Commission has allowed utilities to return to normal operations, including the assessment of late penalties and shut-offs. Harpers Ferry Water Works has been invited to participate in a river network teambuilding workshop, which will involve community outreach and interviews, Earth Day and public school activities, and the grant of a stipend of \$1,000 to the Water Works. To accept the invitation, an MOU would need to be signed. The Water Commission has not yet had an opportunity to discuss this invitation but will do so at an upcoming meeting.

ii. Update on water system improvement project.

Barbara Humes said an appraisal report is in process to appraise possible easements on private property. Once the easements have been dealt with, the project loan can go to closing.

iii. Discussion and action on employee matters.

This item was discussed in executive session.

Motion	Motion to increase the hourly wage of Water Clerk Angela Cummings to \$16.75 effective the 1 st of July 2020, and to \$17.75 effective the 1 st of January 2021. (ROLL CALL VOTE REQUESTED)
Motion by	Charlotte Thompson
Second	Christian Pechuekonis
YES	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

Motion	Motion to prepare an advertisement for the position of Harpers Ferry Water Works Superintendent. (ROLL CALL VOTE REQUESTED)
Motion by	Barbara Humes
Second	Charlotte Thompson
YES	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

5. Organizations / other reports.

None.

6. Unfinished business.

a. Update on status of footbridge repair.

Mayor Bishop announced that the footbridge was reopened on Independence Day weekend.

b. Update on Corporation of Harpers Ferry's response to the COVID-19 pandemic.

Mayor Bishop said that it was reported last week that West Virginia had its worst week since the beginning of the COVID-19 pandemic. The Governor has issued an executive order requiring the wearing of masks. A new executive order was issued today mandating further restrictions. Visitorship to Harpers Ferry has quickly increased. The Jefferson County Convention and Visitors' Bureau has pulled tourism advertisements, but other entities have been advertising to bring visitors to West Virginia and Jefferson County. The National Park will likely remain closed for at least another month, and probably longer.

c. Update on High Street Beautification project.

Documents have been received and are at Town Hall with three options for this project. Some design issues will need to be completed before a meeting can be scheduled to discuss these designs and options for the beautification project.

d. Discussion regarding restart of public works projects, specifically engineering and stormwater projects.

Mayor Bishop said the stormwater outfall along Washington Street across from the daycare facility received emergency repairs last year. Since work on these projects were halted due to the pandemic, some of the previous emergency repairs are deteriorating. The Budget and Finance Committee will need to discuss this and other public works projects to determine a course of action.

e. Discussion and action on appointments to the Planning Commission.

Four letters of interest have been received for two vacant unexpired terms on the Planning Commission, both expiring 31 December 2020. Due to the current composition of the Commission and the residency requirements in Ordinance Section 133.02, both appointees must be residents of Harpers Ferry for at least three years at the time of appointment. One of the applicants has not yet met the residency requirement. The other three applicants were formally nominated for appointment as follows:

<u>Applicant</u>	<u>Nominated by</u>
Ken Dill	Charlotte Thompson
Jim Jenkins	Jay Premack
Jim Prentice	Charlotte Thompson

Action	Appointment to the Planning Commission.
KEN DILL	Humes, Johnson, Thompson, Bishop
JIM JENKINS	Premack, Pechuekonis, Carden
JIM PRENTICE	Humes, Johnson, Premack, Thompson, Pechuekonis, Carden, Bishop
Result	KEN DILL and JIM PRENTICE appointed to the Planning Commission for unexpired terms ending 31 December 2020.

7. New business.

a. Discussion and action on appointments to the Historic Landmarks Commission.

One letter of interest has been received for an unexpired term formerly occupied by Cathy Wilkin, who recently resigned. The expiry date of this term is currently undetermined. Formal nomination for appointment was as follows:

<u>Applicant</u>	<u>Nominated by</u>
Guy Hammer	Wayne Bishop

Action	Appointment of Guy Hammer to the Historic Landmarks Commission.
YES	Humes, Johnson, Premack, Thompson, Pechuekonis, Carden, Bishop
NO	<i>none</i>
Result	GUY HAMMER appointed to the Historic Landmarks Commission for unexpired term.

b. Discussion and action regarding Town Council’s review of Title 145, Emergency Rule, WV Department of Commerce, WV Development Office, Series 16—Tourism Development Districts.

Mayor Bishop gave a brief overview on how the Emergency Rules are enacted, which includes a 30-day public comment period for each project, which is laid out on pages 10 and 11 of the document. Barbara Humes felt that the definition of a “Tourism Development District” is insufficient and does not respect the Harpers Ferry Promontory Overlay District. Further information regarding this Emergency Rule will be posted to the Town’s website when available.

c. Discussion and action on crafting a proclamation to Senator Capito and Senator Manchin in full support of the Great American Outdoors Act.

Mayor Bishop will draft a letter and send it to each Council member for input.

d. Discussion and action regarding the increased trash and human waste appearing in the Town due to parking / visitation.

Mayor Bishop expressed concern about complaints received of trash and human waste in several areas of the town, which poses a public health hazard. Jay Premack spoke about the possibility of using CARES Act funding to pay for clean-up of these areas and placement of additional portable toilets. Consensus is to explore the possibility of placing additional toilets.

Motion	Motion to approve up to \$5,000 for COVID-19 expenses, to include portable toilets, additional trash pick-up points, and additional police protection, with locations to be determined, from Line 976 Public Safety. (ROLL CALL VOTE REQUESTED)
Motion by	Christian Pechuekonis
Second	Barbara Humes
YES	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

e. Discussion and action on implementing document style and standard for keeping all official minutes, agendas, and all file posting requirements for all commissions and committees.

Motion	Motion to have the Recorder move forward with training commissions and committees on implementing document styles and standards for official minutes, agendas, and file postings. (ROLL CALL VOTE REQUESTED)
Motion by	Charlotte Thompson
Second	Hardy Johnson
YES	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

f. Discussion and action to schedule Roberts Rules training for all who serve in the Town in an official capacity.

Motion	Motion to schedule Roberts Rules training for all who serve the Town in an official capacity. (ROLL CALL VOTE REQUESTED)
Motion by	Jay Premack
Second	Charlotte Thompson
YES	Humes, Johnson, Pechuekonis, Premack, Thompson, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

g. Discussion and action on pending Guy Hammer permit application.

This permit application was to address a safety issue along the public right-of-way in front of Mr Guy Hammer’s home. Mayor Bishop said the ordinances are not sufficient at this time to grant Mr Hammer’s permit application. He felt those ordinances may need to be reviewed by the Ordinance Review Committee, specifically Section 909.03. The Planning and Historic Landmarks Commissions reviewed this permit application and recommended approval. Jay Premack felt that any property owner who constructs on or improves a public right-of-way should be required to sign an indemnification agreement.

Motion	Motion to approve Guy Hammer’s existing structure pursuant to the signing of an indemnification agreement, subject to the review of legal counsel. (ROLL CALL VOTE REQUESTED)
Motion by	Jay Premack
Second	Christian Pechuekonis
YES	Johnson, Pechuekonis, Premack, Thompson, Carden
NO	Humes, Bishop
Result	MOTION APPROVED

h. Discussion and action on response to Black Lives Matter Movement.

Mayor Bishop felt that the Town needs to express its support for the Black Lives Matter Movement and the equal rights of all. He said Harpers Ferry could lead the way on helping disadvantaged minorities in business, contracts, etc., and should work in cooperation with the citizens, the National Park, the NAACP, and other organizations. Jay Premack agreed and said the nation is at a point of reckoning for systemic racism; that there is a gaping wound that has been bleeding for centuries. Mr Premack said the Heyward Shepherd monument in Lower Town needs to be discussed. Mr Premack said the Annual Gathering of Storer College Alumni should be incorporated in the Town’s discussion on this matter. He said it is important to take action and not just issue a proclamation. We have a fantastic police force, and it would be great to have an official statement from the Harpers Ferry Police Department condemning police brutality and discrimination. Christian Pechuekonis said there should be an educational component in

conjunction with the National Park Service. Mayor Bishop commended a film about Storer College produced by resident Midge Flinn Yost. Mr Premack suggested that we create a subcommittee with the goal of coming up with a plan of action, including a statement from the Harpers Ferry Police Department; Mayor Bishop, Mr Premack, and Ms Humes agreed to serve on this subcommittee.

i. Discussion and action on adoption of Loving Day as an official day of recognition in Harpers Ferry.

The subcommittee formed at item 7.h. will draft a resolution to be considered by the Town Council at a later date.

Motion	Motion to enter executive session, pursuant to WV Code § 6-9A-4(b)(2)(A) (for agenda items 4.c.i. and 4.d.iii.).
Motion by	Charlotte Thompson
Second	Barbara Humes
Result	MOTION APPROVED. Executive session began at 10:50 p.m.

Motion	Motion to exit executive session.
Motion by	Charlotte Thompson
Second	Jay Premack
Result	MOTION APPROVED. The meeting returned to open session at 11:26 p.m.

Motion to adjourn by Wayne Bishop, second by Christian Pechuekonis. Meeting adjourned at 11:34 p.m.

The above minutes are true and correct, as approved.

Mayor: _____ Date: _____

Recorder: _____ Date: _____