



CORPORATION OF HARPERS FERRY

Town Council

MINUTES

Regular Meeting **Monday, 10 August 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. Items 4.a.i., 4.d.i., and 4.e.iii. were moved to the end of the meeting. Item 6.d. was moved before item 6.c.

1. Mayor's announcements.

Mayor Bishop briefly discussed the Town Council agenda approval process.

2. Approval of minutes.

a. Regular Council meeting: 13 July 2020.

The minutes of 13 July 2020 were approved as received.

b. Special Council meeting: 21 April 2020; 22 July 2020; 5 August 2020.

The minutes of 21 April 2020 were approved as amended. The minutes of 22 July 2020 were approved as received.

c. Board of Canvassers meeting: 29 July 2020.

The Board of Canvassers minutes of 29 July 2020 were approved as amended.

3. Treasurer’s reports and approvals.

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

The financial reports for June 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 July 2020, there were 16 assists, 103 citations, 110 incidents, and no accidents or call-outs.

i. Discussion and action on employee matter.

This item was discussed in executive session. No action was taken at this time.

Motion	Motion that the Corporation of Harpers Ferry retain the services of an employment attorney to address the matter of extending healthcare benefits to part-time police officers who have yet to take the Civil Service exam due to COVID-19. (ROLL CALL VOTE REQUESTED)
Motion by	Nancy Case
Second	Jay Premack
YES	Humes, Johnson, Premack, Pechuekonis, Case, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

b. Ordinance Compliance Officer.

Pat Morse read aloud a written report received from the Ordinance Compliance Officer.

c. Budget and Finance Committee.

i. Approval of budget line item regarding restart of public works projects, specifically engineering and storm water projects.

Nancy Case noted that the Town Council will need to vote on whether to allow a temporary construction road during the public works projects because they will be occurring on public rights-of-way. Mayor Bishop stated that the design concept drawings have not been received yet from the engineering firm.

d. Office Operations Committee.

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

This item was discussed in executive session. No action was taken.

e. Water Department.

i. General report.

Barbara Humes reported that she and Christy Huddle were interviewed for a recent trust building workshop on how the Water Commission involved partners in water projects. Advertisements have been placed for the two vacant Water Works positions.

ii. Update on water system improvement project.

Barbara Humes reported that the bond attorney required several documents from the Town, which have been supplied. Assessments on easements in Lower Town are being finalized. Decisions will need to be made by the Town Council in the near future regarding those easements.

iii. Discussion and action on employee salary adjustments.

This item was discussed in executive session.

Motion	Motion to make an adjustment to Shawn Veney’s wages of an additional 50 cents per hour, retroactive to 1 July 2020, because of the July 2020 adjustment to the Harpers Ferry water facility base pay range chart. (ROLL CALL VOTE REQUESTED)
Motion by	Barbara Humes
Second	Nancy Case
YES	Humes, Johnson, Premack, Pechuekonis, Case, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

f. Planning Commission.

Tim Wisecarver read a report received from the Tree Committee that a matching grant for \$2,509 has been received from the Division of Forestry.

Mr Wisecarver gave an overview of a complex issue regarding a project permit application in the area of West Ridge and Cambridge streets that will need Town Council discussion and approval. The contractor involved with the project is hoping to start work in September 2020 and feels the approval has been delayed continuously. This item will likely require a special meeting of the Town Council due to the complexities and possible time constraints. Mr Wisecarver noted that the contractor had submitted a request to be put on this agenda for a decision, but Mayor Bishop said the request was unclear.

(The meeting was briefly recessed at this point. Recess began at 8:20 p.m. and ended at 8:23 p.m.)

5. Organizations / other reports.

None.

6. Unfinished business.

a. Update on Corporation of Harpers Ferry’s response to the COVID-19 pandemic.

Mayor Bishop gave a brief overview of COVID-19 cases in Jefferson County and the surrounding areas. Christian Pechuekonis elaborated further on these numbers.

b. Update on High Street Beautification project.

Region 9 will be scheduling a meeting to refine the design for this project. At some point after that, public meetings will be held to review the design options.

c. 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 said there is nothing to report on this item at this time. *(See item 6.d.)*

d. Status update from B. Bastress on SB 657 legal challenge.

The Mayor Bishop stated that Mr Bastress said no application for a project has been submitted, so there is yet no action on this legal challenge.

7. New business.

a. Discussion and action on Town Council member assignments to commissions / committees.

Motion	Motion to appoint Nancy Case to the Budget and Finance, Office Operations, and Ordinance Review Committees, and as a check signer for the Corporation of Harpers Ferry. (ROLL CALL VOTE REQUESTED)
Motion by	Jay Premack
Second	Christian Pechuekonis
YES	Humes, Johnson, Pechuekonis, Premack, Case, Carden, Bishop
NO	<i>none</i>
Result	MOTION APPROVED

Christian Pechuekonis volunteered to serve as the Town Council liaison to the Merchants Association.

b. Discussion and action on current general legal counsel contract.

Main motion	Motion that effective immediately, Harpers Ferry cease the services of the current municipal general counsel, Ms. Euphemia Kallas, and that the Town Council advertise, in the next issue of the paper of record, the Spirit of Jefferson, at the next legal advertising deadline, a request for submittal of qualifications, rates, fees, and other information from interested West Virginia-licensed attorneys with the skills and experience to meet the needs of the Corporation of Harpers Ferry. (ROLL CALL VOTE REQUESTED)
Main motion by	Nancy Case

Second – main motion	Kevin Carden
Amendment	Motion to strike the words “Harpers Ferry cease the services of the current municipal general counsel, Ms. Euphemia Kallas, and...” (ROLL CALL VOTE REQUESTED)
Amendment by	Barbara Humes
Second to amend	Hardy Johnson
YES – amendment	Humes, Johnson
NO – amendment	Pechuekonis, Premack, Case, Carden, Bishop
Result – amendment	AMENDMENT FAILED
Yes – main motion	Humes, Johnson, Pechuekonis, Premack, Case, Carden, Bishop
No – main motion	<i>none</i>
Result – main motion	MOTION APPROVED (UNAMENDED)

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

The Town Council had previously requested on 21 April 2020 that Mr Hammer enter into an agreement with the Town indemnifying it with regard to his project constructed within the public right-of-way. No such indemnity agreement has yet been received. A letter was received from the Town’s insurance carrier regarding liability issues concerning Mr Hammer’s structure. This letter has not yet been distributed to the Town Council. A legal opinion will be requested regarding the letter and other questions surrounding Mr Hammer’s application.

Motion	Motion to enter executive session, pursuant to WV Code § 6-9A-4(b)(2)(A) (for agenda items 4.a.i., 4.d.i., and 4.e.iii.).
Motion by	Nancy Case
Second	Christian Pechuekonis
Result	MOTION APPROVED. Executive session began at 9:34 p.m.

Motion	Motion to exit executive session.
Motion by	Christian Pechuekonis
Second	Jay Premack
Result	MOTION APPROVED. The meeting returned to open session at 10:04 p.m.

Motion to adjourn by Jay Premack, second by Hardy Johnson. Meeting adjourned at 10:19 p.m.

The above minutes are true and correct, as approved.

Mayor: _____ Date: _____

Recorder: _____ Date: _____