

**For “in-person” meetings, persons who are not on the agenda but wish to address the governing body must register to speak at least 15 minutes prior to the start of the meeting. For virtual meetings, the Mayor will canvas attendees for those wishing to speak. Time limits will be imposed. Requests for copies of documents related to agenda items must be made in writing at least 24 hours in advance of the meeting, not during the meeting. NOTE: Council members are elected to represent citizens of the Corporation of Shepherdstown, please contact them regarding any questions or comments you may have about the agenda items. This Council follows Robert’s Rules of Order (Revised).**

## **TOWN COUNCIL MEETING AGENDA**

**Tuesday, September 14, 2021**

**6:30 p.m.**

**ZOOM MEETING**

**Link Address:**

**<https://us06web.zoom.us/j/85775463547?pwd=SC8zMWJNNzQ5K3R2d3hvMU1GRWZOUT09>**

1. Call to order
2. Approval of Town Council Meeting Minutes of August 10 and 26, 2021
3. **Public Comment Period**
  - a. Persons who have registered to address Town Council.
4. **Visitors**
  - a. David Deamer – Broadband information
  - b. Phil Baker-Shenk – Habitat for Humanity
5. **Public Hearings**
  - a. Public hearing on Bond Ordinance (the “Bond Ordinance”) authorizing the issuance of up to \$1,250,000 in aggregate principal amount of Corporation of Shepherdstown Water Revenue Bonds, Series 2021 (the “Bonds”), to finance a portion of the costs of the acquisition, construction and equipping of certain additions, betterments and improvements to the waterworks system of the Corporation of Shepherdstown, including without limitation the renovation and improvement of the water treatment plant and related facilities (the “Project”).

- b. Final action to give final approval to the Bond Ordinance, as defined and described under “Public Hearings” above, to put the Bond Ordinance into effect.
- c. Consideration of and final action on a Supplemental Resolution supplementing and amending the Bond Ordinance referenced above relating to the Bonds.
- d. Consideration of and action on Resolution authorizing and approving the first requisition of the proceeds of the Bonds.
- e. Possible other actions relating to the Bonds and/or the Project.
- f. First readings of the following ordinances:

- An ordinance to create and adopt Section 7-601 of chapter 6, title 7 Of the code of shepherdstown to establish that simple larceny of goods or chattels of the value of less than one thousand dollars is illegal.
- An ordinance to amend section 3-104 of chapter 1, title 3 of the code of shepherdstown pertaining to the penalty for the unlawful sale, illegal possession, and consumption, of alcoholic beverages in public places
- An ordinance to amend chapter 4 of title 3 of the code of shepherdstown, west virginia, section 3-407 relating to nonintoxicating beer and the use of false identification by persons underage
- An ordinance to enact Section 4-208 of chapter 2, title 4 of the code of Shepherdstown pertaining to the penalty for nuisances caused by dogs
- An ordinance to amend Section 6-304 of chapter 3, title 6 of the code of shepherdstown pertaining to the unlawful sale or use of fireworks
- An ordinance to amend chapter 1 of title 7 of the code of shepherdstown, west virginia, section 7-103, relating to criminal offenses for indecent exposure, public indecency, and invasion of privacy
- An ordinance to amend chapter 1 of title 7 of the code of shepherdstown, west virginia, section 7-106 relating to weapons and firearms
- An ordinance to amend chapter 1 of title 7 of the code of shepherdstown, west virginia, section 7-107 relating to the discharge of firearms
- An ordinance to amend chapter 1 of title 7 of the code of shepherdstown, west virginia, section 7-109 relating to falsely reporting an emergency incident

- An ordinance to amend chapter 1 of title 7 of the code of shepherdstown, west virginia, section 7-110 relating to riots and unlawful assemblages
- An ordinance to create and adopt 7-501 of chapter 5, title 7 of the code of shepherdstown to make it unlawful to litter and to establish penalties for violations
- An ordinance to adopt Chapter 6, title 7 of the code of shepherdstown in accordance with the code of the state of west virginia.
- An ordinance to enact Section 12c-1009 of chapter 10, title 12c of the code of shepherdstown regarding stealing from or tampering with any parking meter, vending machine, pay telephone, cash machine, etc.

#### **6. Unfinished Business**

#### **7. Old Business**

- a. Website redesign update – approval Draft RFP

#### **8. New Business**

- a. Trick or Treat – October 31, 6 – 8 p.m.
- b. Event Requests:
  - Boofest -October 30, 6 – 7 p.m. Thriller Dance
  - October 30, 10 – 5 p.m. Street Music
  - Christmas Parade – December 4, 10 – 11 a.m.
- c. Christmas In Shepherdstown – begins November 26

#### **9. Mayor's Report**

## **10. Reports of Committees**

### **A. Finance Committee**

1. Meeting minutes of August 2021
2. Financial Reporting
3. Recommendations:
  - a. Allocate 40K to the Cost Sharing Sidewalk Program
  - b. Allocate the money received from the American Resue Plan to the Water Treatment Plant Upgrade Project

### **B. Parking Committee**

1. No August meeting
2. Recommendations: NONE

### **C. Police Committee**

1. No August meeting
2. Recommendations: NONE

### **D. Public Works Committee**

1. Meeting minutes of August 2021
2. Recommendations: NONE

### **E. Parks and Recreation Committee**

1. Meeting minutes of August 2021- not available at this time
2. Recommendations: NONE

### **F. Grants Committee**

1. No meeting scheduled for September 2021
2. Recommendations: NONE



## **11. Report of Commissions and Boards**

### **A. Tree Commission**

1. Meeting minutes of September 2021- not available at this time
2. Recommendations: NONE

### **B. Water and Sanitary Board**

1. Meeting minutes of August 2021
2. Recommendations:
  - a. Review and consider utilizing the town water tower(s) for broadband service providers as outlined in the presentation

### **C. Historic Landmarks Commission**

1. Meeting minutes of August 2021 – not available at this time
2. Recommendations: NONE

### **D. Planning Commission**

1. Meeting minutes of August 2021- not available at this time
2. Recommendations: NONE

### **E. Board of Appeals**

**Shepherdstown Town Council Meeting Minutes**  
**Tuesday, August 10, 2021**  
**Community Club – 102 East German St.**  
**6:30 p.m.**  
**DRAFT**

**Present:** Jim Auxer (Mayor), Lori Robertson (Recorder), Chris Stroeck, Marty Amerikaner via speaker phone, Jenny Haynes, Cheryl Roberts, and Jim Ford.

**Absent:** None

**Staff:** Town Clerk Amy Boyd, Public Works Director Frank Welch, and Police Chief Mike King.

**Visitors:** Joe Spurges, Cam Secrist, Denny Barron, Bondy Gibson, Joyce White, Randy Jones, Ken Lowe, Allen Lueck, Malcolm Ater, Derek Gallapher, Hoy Shingleton, Toni Milbourne, Rachael Meads, Steve Pearson, Tabitha Johnston, Jan Hafer, John Doyle, Donna Joy, Adam Shively, Jeff Feaga, Mark Cucuzzella, Liz McGowen, and Sallie Mickey.

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

Call to order by Mayor Auxer at 6:32 pm.

Approval of the Town Council Meeting Minutes of July 13, 2021

**C. Stroeck- move to approve the Town Council Meeting Minutes of June 8 2021 with a correction to pg. 4 Agenda Item 7 – Old Business a under Website redesign update - C. Stroeck to reflect the addition of “RFP is close to being done.” Second by C. Roberts with the correction. No objections noted.**

**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. Bondy Shay Gibson, Jefferson County Schools Superintendent - Resolution-

B. Gibson – reviewed the history of the school project – did a 2-year public input period, held many public meetings, and then went to a public vote. The vote was 2 to 1 for funding the project – they got full funding from Charleston.

R. Jones – gave a fiscal analysis – \$2.7 million to keep the Shepherdstown Middle School functional. There is a challenge to converting the SMS to an elementary school. Additions would be \$1-12 million.

J. White – the survey of how many kids walk to the Shepherdstown Elementary School is approximately 10

C. Stroeck – would the acquired funding go away if a conversion were to take place?

Bondy – yes

J. Spurgas – ridiculous to be discussing this – vehemently against it

D. Barron – the new location will be better for the elementary school.

Ken Lowe – Shepherdstown Elementary School

K. Lowe – it is wrong to move it. He has had calls and emails wanting the school to stay where it's walkable. Currently, students can walk to these schools. He questions the school board costs. Parents and kids have historically walked to Shepherdstown Elementary School for years. He is dedicated to the town and the community and wants to see it stay where it is, and to repurpose the middle school for the elementary school – it is cheaper to do this.

Derek G. – loves walking his 3 kids to school and wants it to stay here. It has a connection to the community.

M. Cucuzzella – there is a study showing that kids don't/can't walk to school anymore contributing to high obesity rates. Long bus rides are detrimental to kids.

S. Mickey – she bought her house in town so her son can walk to school.

A. Shively – school campuses are the future. They save money on transportation. We can't afford to lose the bond money.

M. Ater – is all for the middle school being repurposed for the elementary school.

Mayor – is there any action the council wants to take? No one moved to take any action. He wanted to allow people to speak their minds

### **Agenda Item 5 – Public Hearings:**

- a. Consideration of and action on first reading of a Bond Ordinance authorizing the issuance of the Corporation of Shepherdstown Water Revenue Bonds, Series 2021, in an original aggregate principal amount not to exceed \$1,250,000 to finance costs of the acquisition, construction, and equipping of certain additions, betterments, and improvements to the waterworks system of the Corporation of Shepherdstown, including without limitation the renovation and improvement of the water treatment plant and related facilities.

H. Shingleton – there has to be 3 readings. The 1<sup>st</sup> reading of the Bond Ordinance addresses the borrowing of the money. The financing has to be approved from Jefferson Security Bank (JSB); the Council then needs to establish a Special meeting for the 2<sup>nd</sup> reading. The bid opening in July with 5 bidders. The Council can then award to the lowest bidder. Construction costs are high – \$2.5 million. We can borrow at a tax-free rate.

Mayor Auxer called Cam Secrist who went over the proposed terms of the bond, when the 2<sup>nd</sup> and 3<sup>rd</sup> public hearings should be, bank terms and insurance.

- a. **J. Ford – move to approve Consideration of and action on first reading of a Bond Ordinance authorizing the issuance of the Corporation of Shepherdstown Water Revenue Bonds, Series 2021, in an original aggregate principal amount not to exceed \$1,250,000 to finance costs of the acquisition, construction, and equipping of certain additions, betterments, and improvements to the waterworks system of the Corporation of Shepherdstown, including without limitation the renovation and improvement of the water treatment plant and related facilities. Second by L. Robertson. No Objections noted.**

**C. Roberts – Move to approve the commitment letter from Jefferson Security Bank (JSB). Second by J. Haynes. No objections noted.**

**J. Ford – move to have a Special Council meeting August 26 at 1 p.m. for the Second Reading. Second by J. Haynes. No objections noted.**

- An Ordinance to Amend Section 12C-503 of Chapter 5, Title 12C of the Code of Shepherdstown Pertaining to Reckless Driving
- An Ordinance to Amend Section 12C-601 of Chapter 6, Title 12C of the Code of Shepherdstown Pertaining to Speed Limitations Generally

Chief King – Attorney Chazz Printz received our ordinances and these are the amendments for us to come into line with the state laws.

**C. Roberts – move to approve all ordinances for the first reading. Second by C. Stroeck. No objections noted.**

#### **Agenda Item 6 – Unfinished Business:**

- a. ROUNDTABLE DISCUSSION – Business Owners – to be held in September? Are other Council members interested in helping? C. Stroeck – the goal is get a mission statement to the business owners, to designate individuals to speak on behalf of the businesses, and to invite the public in-person here in October. J. Haynes offered to help.
- b. IT EQUIP FOR STREAMING MEETINGS FROM TOWN HALL – Status – the goal is to be able to live-stream meetings from council chambers. The equipment was on backorder.
- c. LED lights – Mayor – no decision has been made yet. No light will be over 90 watts.

#### **Agenda Item 7 – Old Business:**

- a. Website redesign update – Draft RFP  
J. Ford – almost done. We should be able to put it to a vote next month.

#### **Agenda Item 8 – New Business:**

- a. Planning Commission Member Appointments/Re-appointments – Roger Munro, Chris Cafiero, Terry Fulton  
Mayor – all fulfill the requirements to serve.  
**L. Robertson – move to approve all three individuals to the Planning Commission. Second by C. Roberts. No objections noted.**
- b. Historic Landmarks Commission Member Appointments/Re-appointments – Nicole Saunders/Meske, Carmen Slater  
**L. Robertson – move to approve the two individuals to the Historic Landmarks Commission. Second by J. Haynes. No objections noted.**
- c. Event Requests:
  - Shepherd University Homecoming Parade event request  
R. Meads – will be celebrating 150 years of leadership/learning. C. Stroeck suggested they encourage those in the crowd to mask up; R. Meads stated SU veers towards safety. They can tell the participants to mask up but can't control what the crowd does.  
**C. Roberts – move to approve Shepherd University Homecoming Parade, COVID contingent and following CDC guidelines. Second by J. Haynes. No objections noted.**
  - Panhandle Free Narcan Day  
Chief – this a free training – September 1, 11 a.m. – 5 p.m.  
**J. Ford –move to approve Panhandle Free Narcan Day. Second by J. Haynes. No objections noted.**

#### **Agenda Item 9 – Mayor's Report:**

- Shepherdstown Museum - open from 12-4 on the weekends. Do go and see it and encourage people to visit.
- Shepherdstown Library – moving along. We are in the process of finding people to do the inside work.
- A postcard will be going out soon detailing the recycling/trash parameters.
- He read his message to the Shepherdstown Community

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

**A. Finance Committee:**

1. No July meeting
2. Finance Reporting:
3. Recommendations
  - a. None

**B. Parking Committee:**

1. No July meeting
2. Recommendations: None

**C. Police Committee:**

1. No July meeting
2. Recommendations: Non

**D. Parks and Recreation Committee:**

1. No July meeting
2. Recommendations:
  - a. None

**E. Public Works Committee:**

1. Meeting minutes of July 2021
2. Recommendations:  
None

**F. Path Advisory Committee**

1. No meeting in July
2. Recommendations:
  - a. None

**G. Grant Committee**

1. Meeting minutes of August 2021
  - a. Recommendations:  
None

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

**A. Historic Landmarks Commission:**

1. Meeting minutes of July 2021
2. Recommendations:
  - a. None

**B. Planning Commission:**

1. Meeting minutes of July 2021
2. Recommendations:
  - a. None

**C. Tree Commission**

1. Meeting minutes of July 2021
2. Recommendations: None

**D. Water and Sanitary Board:**

- 1 –Meeting minutes of July 2021
- 2 – Recommendations:
  - a. None

**E. Board of Appeals**

1. No meeting scheduled

**J. Haynes – move to adjourn at 8:14 p.m. Second by C. Roberts. No objections noted.**

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



Special Town Council Meeting

Thursday, August 26, 2021

1:00 p.m.<sup>[SEP]</sup>

Zoom Meeting

**Present:** Mayor Jim Auxer, Lori Robertson (Recorder), Jim Ford, Chris Stroeck, Cheryl Roberts, and Marty Amerikaner.

**Absent:** Jenny Haynes

**Staff:** Amy Boyd – Town Clerk

**Visitors:** – Hoy Shingleton, Cam Secrist

**Agenda:**

1. Call meeting to order<sup>[SEP]</sup>

**Call the meeting to order by Mayor Auxer at 1:00 p.m.**

2. Consideration of and action on second reading of a Bond Ordinance (the "Bond Ordinance") authorizing the issuance of the Corporation of Shepherdstown Water Revenue Bonds, Series 2021, in an original aggregate principal amount not to exceed \$1,250,000 (the "Bonds") to finance a portion of the costs of the acquisition, construction and equipping of certain additions, betterments and improvements to the waterworks system of the Corporation of Shepherdstown, including without limitation the renovation and improvement of the water treatment plant and related facilities.
3. Possible other actions with respect to the Bonds, the project to be financed in part with proceeds of the Bonds and/or the Bond Ordinance.

**C. Stroeck – motion to approve the Consideration of and action on second reading of a Bond Ordinance (the "Bond Ordinance") authorizing the issuance of the Corporation of Shepherdstown Water Revenue Bonds, Series 2021, in an original aggregate principal amount not to exceed**

**\$1,250,000 (the "Bonds") to finance a portion of the costs of the acquisition, construction and equipping of certain additions, betterments and improvements to the waterworks system of the Corporation of Shepherdstown, including without limitation the renovation and improvement of the water treatment plant and related facilities.**

**Possible other actions with respect to the Bonds, the project to be financed in part with proceeds of the Bonds and/or the Bond Ordinance. Second by C. Roberts. No objections noted.**

4. Award of construction contract for water treatment plant additions and renovations.

**J. Ford – move to approve the Award of construction contract for water treatment plant additions and renovations. Second by M. Amerikaner. No objections noted.**

5. Second Reading of:

- An Ordinance to Amend Chapter 1 of Title 7 of the Code of Shepherdstown, West Virginia, Section 7-111 Relating to Malicious Mischief
- An ordinance Amending and Reenacting Chapter 2 of Title 7 of the Code of Shepherdstown, West Virginia, and Section 7-201: "Prohibited Acts A; Penalties", Section 7-202: Prohibited Acts B: Penalties", Section 7-203: "Penalties Under Other Laws", Section 7-204: "Bar to Prosecution", Section 7-205: "Conditional Discharge for First Offense of Possession", Section 7-206: "Second or Subsequent Offenses", Section 7-207: "Prohibited Acts-Withholding Information from Practitioner; Additional Controlled Substances; Penalties," Relating to Criminal Offenses Involving Controlled Substances
- An Ordinance to Amend Chapter 4 of Title 7 of the Code of Shepherdstown, West Virginia, Section 7-402: "Trespass in Structure and Conveyance", Section 7-403: "Trespass on Property other than Structure or Conveyance", and Section 7-405: "Trespass on State Government Property; Aiding and Abetting; Penalties", Relating to Criminal Offenses for Trespass
- An Ordinance to Adopt Chapter 6, Title 7 of the Code of Shepherdstown in Accordance with the Code of the State of

West Virginia

- An Ordinance to Amend Chapter 3 of Title 10 of the Code of Shepherdstown, West Virginia, Section 10-310, Relating to Obstructing, Fleeing from or making false Statements to a Police Officer
- An Ordinance to Amend Section 12C-502 of Chapter 5, Title 12C of the Code of Shepherdstown pertaining to Driving Under the Influence of Alcohol, Controlled Substances, or Drugs, and to Add Section 12C-502b to Chapter 5, Title 12C of the Code of Shepherdstown to Establish Standards for Participation in the Motor Vehicle Alcohol Test and Lock Program
- An Ordinance to Amend Section 12C-503 of Chapter 5, Title 12C of the Code of Shepherdstown Pertaining to Reckless Driving
- An Ordinance to Amend Section 12C-601 of Chapter 6, Title 12C of the Code of Shepherdstown Pertaining to Speed Limitations Generally

C. Stroeck – inquired as to feedback, either good or bad. Chief King stated that there had been no feedback at all.

**C. Stroeck – move to approve the Second Reading of all of the above police Ordinances. Second by L. Robertson. No objections noted.**

6. Adjournment.

**J. Ford – move to adjourn at 1:23 p.m. Second by C. Roberts. No objections noted.**

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

**AN ORDINANCE TO CREATE AND ADOPT  
SECTION 7-601 OF CHAPTER 6, TITLE 7  
OF THE CODE OF SHEPHERDSTOWN TO ESTABLISH THAT SIMPLE LARCENY  
OF GOODS OR CHATTELS OF THE VALUE OF LESS THAN ONE THOUSAND  
DOLLARS IS ILLEGAL.**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 6 of Title 7 of the Shepherdstown Code is hereby created and adopted by adding Section 7-601 entitled "Petit Larceny," which establishes that simple larceny of goods or chattels of the value of less than one thousand dollars penalties is illegal, and sets forth penalties for such violations. Accordingly, Section 7-601 of Chapter 6 of Title 7 is to read as follows:

**7-601. Petit larceny**

If a person commits simple larceny of goods or chattels of the value of less than one thousand dollars, such person is guilty of a misdemeanor, designated petit larceny, and, upon conviction thereof, shall be fined not to exceed two thousand five hundred dollars, confined in jail for a term not to exceed thirty days, or both, in the discretion of the court.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND  
SECTION 3-104 OF CHAPTER 1, TITLE 3 OF THE CODE OF SHEPHERDSTOWN  
PERTAINING TO THE PENALTY FOR THE UNLAWFUL SALE, ILLEGAL  
POSSESSION, AND CONSUMPTION, OF ALCOHOLIC BEVERAGES IN PUBLIC  
PLACES**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 1, Title 3 of the Code of Shepherdstown is hereby amended by revising Section 3-104. to increase the penalty for the unlawful sale, illegal possession, and consumption, of alcoholic beverages in public places.

**Section 3-104. Violation; Penalties.**

A violation of any provision of this Chapter shall be punishable by a fine of not more than five hundred dollars (\$500.00) for each separate offense.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND CHAPTER 4 OF TITLE 3 OF THE CODE OF  
SHEPHERDSTOWN, WEST VIRGINIA, SECTION 3-407 RELATING TO  
NONINTOXICATING BEER AND THE USE OF FALSE IDENTIFICATION BY  
PERSONS UNDERAGE**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 4, Title 3 of the Code of Shepherdstown is hereby amended by revising Section 3-407, relating to the use of false identification by persons underage, to conform with the penalties and standards set forth in W. Va. Code § 11-16-19 and W. Va. Code § 61-8-27a. Accordingly, Chapter 4, Title 3 of the Code of Shepherdstown is amended and revised as follows:

**Section 3-407. Unlawful acts by persons; use of false identification; penalties.**

- (a) A person under the age of twenty-one years may not order, pay for, share the cost of or attempt to purchase any nonintoxicating beer from a licensee or consume any nonintoxicating beer purchased from a licensee or possess any nonintoxicating beer purchased from a licensee. Any person under the age of twenty-one years who violates any provisions of this subsection is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed five hundred dollars: Provided, That nothing in this subsection shall prohibit a person who is at least eighteen years of age from purchasing or possessing nonintoxicating beer when he or she is acting upon the request of or under the direction and control of any member of a state, federal or local law-enforcement agency or the West Virginia alcohol beverage administration while the agency is conducting an investigation or other activity relating to the enforcement of the alcohol beverage control statutes and the rules and regulations of the commissioner.
- (b) Any person under the age of twenty-one years who, for the purpose of purchasing nonintoxicating beer from a licensee, misrepresents his or her age, or who for such purpose presents or offers any written evidence of age which is false, fraudulent or not actually his or her own, or who illegally attempts to purchase nonintoxicating beer from a licensee, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed one hundred dollars.
- (c) Any person who knowingly buys for, gives to or furnishes to anyone under the age of twenty-one years, any nonintoxicating beer purchased from a licensee, is guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than one hundred dollars.
- (d) Any person who exhibits or displays a false or erroneous birth certificate, draft card, registration card or certificate, license, or identification card or certificate of any kind or character, or who exhibits or displays any certificate, card or license of any kind or character not his own, for the purpose of purchasing or drinking wine or alcoholic liquor or gaining

admittance to any establishment, from which he or she would otherwise be barred by reason of age, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Authority: W. Va. Code Ann. § 11-16-19; W. Va. Code § 61-8-27a

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO ENACT  
SECTION 4-208 OF CHAPTER 2, TITLE 4 OF THE CODE OF SHEPHERDSTOWN  
PERTAINING TO THE PENALTY FOR NUISANCES CAUSED BY DOGS**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 2, Title 4 of the Code of Shepherdstown is hereby amended by enacting Section 4-208 to create a penalty for the various nuisances caused by dogs already prohibited by the Code of Shepherdstown.

**Section 4-208. Penalties.**

Notwithstanding any provision to the contrary, any person in violation of any provision of this Chapter shall be fined no more than one hundred dollars.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder



**AN ORDINANCE TO AMEND  
SECTION 6-304 OF CHAPTER 3, TITLE 6 OF THE CODE OF SHEPHERDSTOWN  
PERTAINING TO THE UNLAWFUL SALE OR USE OF FIREWORKS**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 3, Title 6 of the Code of Shepherdstown is hereby amended by revising Section 6-304 to allow for increased penalties for the sale or use of fireworks in Shepherdstown.

**Section 6-304. Unlawful sale or use of fireworks; permit for public display.**

Except as provided in this section, no person shall sell or use fireworks as defined in Section 6-303; provided the State Fire Marshall may grant permits for special occasions such as fairs, amusement parks, municipalities and others. All permits are obtained through the State Fire Marshall after he has inspected the fireworks and a bond has been, posted. The permit is good only for the one purpose it is listed for and is not transferable. Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined no more than one hundred dollars per firework sold or used.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 7 OF THE CODE OF  
SHEPHERDSTOWN, WEST VIRGINIA, SECTION 7-103, RELATING TO CRIMINAL  
OFFENSES FOR INDECENT EXPOSURE, PUBLIC INDECENCY, AND INVASION OF  
PRIVACY**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 1, Title 7 of the Code of Shepherdstown is hereby amended by revising Section 7-103 relating to indecent exposure, public indecency, and invasion of privacy to comply with the standards set forth in W. Va. Code § 8-11-1, W. Va. Code § 61-8-9, and W. Va. Code § 61-8-28. Accordingly, Chapter 1, Title 7 of the Code of Shepherdstown is amended and revised as follows:

**Section 7-103. Indecent exposure; Public indecency; Invasion of privacy.**

- (a) A person is guilty of indecent exposure when such person intentionally exposes his or her sex organs or anus or the sex organs or anus of another person, or intentionally causes such exposure by another or engages in any overt act of sexual gratification, and does so under circumstances in which the person knows that the conduct is likely to cause affront or alarm: *Provided*, That it is not considered indecent exposure for a mother to breast feed a child in any location, public or private. (b) Except as provided in subsection (c), any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not more than thirty days, or fined not more than two hundred fifty dollars, or both. (c) Any person who violates the provisions of subsection (a) of this section by intentionally exposing himself or herself to another person and the exposure was done for the purpose of sexual gratification, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in jail not more than thirty days, or both. For a second offense, the person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in jail for not more than thirty days, or both.
- (d) It is unlawful for a person to knowingly visually portray another person without that other person's knowledge, while that other person is fully or partially nude and is in a place where a reasonable person would have an expectation of privacy. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, shall be confined in a county or regional jail for not more than thirty days or fined not more than five thousand dollars, or both. (e) Any person who displays or distributes visual images of another person with knowledge that said visual images were obtained in violation of subsection (d) of this section is guilty of a misdemeanor and, upon conviction, shall be confined in a county or regional jail for not more than thirty days or fined not more than five thousand dollars, or both.
- (f) The definitions set forth in West Virginia Code § 61-8-28 shall be controlling regarding subsections (d) and (e).

Authority: W. Va. Code § 61-8-9; W. Va. Code § 61-8-28.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 7 OF THE CODE OF  
SHEPHERDSTOWN, WEST VIRGINIA, SECTION 7-106 RELATING TO WEAPONS  
AND FIREARMS**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 1, Title 7 of the Code of Shepherdstown is hereby amended by revising Section 7-106 relating to weapons and firearms to comply with the standards set forth in W. Va. Code § 61-7-11. Accordingly, Chapter 1, Title 7 of the Code of Shepherdstown is amended and revised as follows:

**Section 7-106. Weapons and firearms.**

It shall be unlawful for any person armed with a firearm or other deadly weapon, whether licensed to carry the same or not, to carry, brandish or use such weapon in a way or manner to cause, or threaten, a breach of the peace. Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one thousand dollars, or shall be confined in the regional jail not more than thirty days, or both.

Authority: W.Va. Code Ann. § 61-7-11.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 7 OF THE CODE OF  
SHEPHERDSTOWN, WEST VIRGINIA, SECTION 7-107 RELATING TO THE  
DISCHARGE OF FIREARMS**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 1, Title 7 of the Code of Shepherdstown is hereby amended by revising Section 7-107 relating to the discharge of firearms to conform with the penalties set forth in W. Va. Code § 20-2-58. Accordingly, Chapter 1, Title 7 of the Code of Shepherdstown is amended and revised as follows:

**Section 7-107. Discharge of firearms.**

- (a) It shall be unlawful for any person to discharge any firearm within five hundred feet of any dwelling house or near any public road in this Town, at any time, except in the lawful defense of person or property and except in the performance of a lawful duty.
- (b) Any person violating this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500 or confined in jail for not more than thirty days, or both.

Authority: W. Va. Code Ann. § 20-2-58.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 7 OF THE CODE OF  
SHEPHERDSTOWN, WEST VIRGINIA, SECTION 7-109 RELATING TO FALSELY  
REPORTING AN EMERGENCY INCIDENT**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 1, Title 7 of the Code of Shepherdstown is hereby amended by revising Section 7-109 relating to false reporting of an emergency incident to conform with the standards set forth in W. Va. Code § 61-6-20. Accordingly, Chapter 1, Title 7 of the Code of Shepherdstown is amended and revised as follows:

**Section 7-109. Falsely reporting an emergency incident.**

A person is guilty of reporting a false emergency incident when knowing the information reported, conveyed or circulated is false or baseless, he or she:

- (1) Initiates or circulates a false report or warning of or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other emergency under circumstances in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned; or
- (2) Reports, by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, accident, illness or other emergency in which it is likely that public alarm or inconvenience will result or that firefighting apparatus, ambulance apparatus, one or more rescue vehicles or other emergency apparatus might be summoned, which did not occur, does not in fact exist; or
- (3) Reports to a law-enforcement officer or agency the alleged occurrence of any offense or incident which did not in fact occur or an allegedly impending occurrence of an offense or incident which is not in fact about to occur or false information relating to an actual offense or incident or to the alleged implication of some person therein; or
- (4) Without just cause, calls or summons by telephone, fire alarm system or otherwise, any firefighting apparatus, ambulance apparatus, rescue vehicles or other emergency vehicles.

Any person who violates this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars or confined in the regional jail not more than thirty days, or both.

Authority: W. Va. Code Ann. § 61-6-20.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 7 OF THE CODE OF  
SHEPHERDSTOWN, WEST VIRGINIA, SECTION 7-110 RELATING TO RIOTS AND  
UNLAWFUL ASSEMBLAGES**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 1, Title 7 of the Code of Shepherdstown is hereby amended by revising Section 7-110 relating to riots and unlawful assemblages to conform with the standards set forth in W. Va. Code § 61-6-1 and W. Va. Code § 61-6-1a. Accordingly, Chapter 1, Title 7 of the Code of Shepherdstown is amended and revised as follows:

**Section 7-110. Riots and unlawful assemblages.**

The mayor may suppress riots, routs and unlawful assemblages in this Town. It shall be the duty of the mayor to go among, or as near as may be with safety, to persons riotously, tumultuously, or unlawfully assembled, and in the name of the law command them to disperse; and if they shall not thereupon immediately and peaceably disperse, the mayor giving the command, and any other present, shall command the assistance of all persons present, and of all or any part of other law-enforcement personnel available to him or her, as need be, in arresting and securing those so assembled. If any person present, on being required to give his or her assistance, depart, or fail to obey, he or she shall be deemed a rioter. The mayor, and those acting under his or her order, may, when engaged in suppressing a riot, rout or unlawful assemblage, cordon off any area or areas threatened by such riot, rout or unlawful assemblage, and may take all actions which are necessary and reasonable under the emergency to restore law and order, and such actions may be, but are not limited to, the following:

- (a) Prohibit the sale, offering for sale, dispensing, furnishing, or transportation of firearms or other dangerous weapons, ammunition, dynamite, or other dangerous explosives in, to or from such areas.
- (b) Prohibit the sale, offering for sale, dispensing, furnishing, or consumption of alcoholic beverages or nonintoxicating beer in a public place in such areas, and prohibit the transportation of alcoholic beverages or nonintoxicating beer in, to, or from such areas.
- (c) Impose curfews, as required, to control movement of persons in, to, and from such areas.
- (d) Enter a private dwelling or other building or other private place in such areas when in fresh pursuit of a rioter, when in search of a sniper who has fired upon a person from such a dwelling or other building or place or when in search of firearms, other dangerous weapons, ammunition, dynamite, or other dangerous explosives when there is reason to believe that such items are stored in the said dwelling, building, or place and that they will be removed therefrom before a search warrant could be obtained.

No person shall willfully fail to obey a lawful order of the mayor, and those acting under his or her order, given pursuant to this section.



Any person who violates an order given pursuant to the authority of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$500, or imprisoned in the regional jail not more than thirty days, or both.

Authority: W. Va. Code Ann. § 61-6-1; W. Va. Code Ann. § 61-6-1a

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder

**AN ORDINANCE TO CREATE AND ADOPT 7-501 OF CHAPTER 5, TITLE 7 OF THE  
CODE OF SHEPHERDSTOWN TO MAKE IT UNLAWFUL TO LITTER AND TO  
ESTABLISH PENALTIES FOR VIOLATIONS**

**THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:**

Chapter 5 of Title 7 of the Shepherdstown Code is hereby created and adopted by adding Section 7-501 entitled "*Unlawful disposal of litter; civil and criminal penalty*," to make it an offense to litter, and to establish penalties and guidelines for such violations. Said ordinance is expressly authorized by W. Va. Code § 22-15A-4. Accordingly, Section 7-501, Chapter 5 of Title 7 is to read as follows:

**Section 7-501: Unlawful disposal of litter; civil and criminal penalty.**

- (a) (1) A person may not place, deposit, dump, throw, or cause to be placed, deposited, dumped, or thrown any litter as defined in West Virginia Code §22-15A-2, in or upon any public or private highway, road, street, or alley; any private property; any public property; or the waters of the state or within 100 feet of the waters of this state, except in a proper litter or other solid waste receptacle.
- (2) A person may not place, deposit, dump, throw, or cause to be placed, deposited, dumped, or thrown any litter from a motor vehicle or other conveyance or perform any act which constitutes a violation of the motor vehicle laws contained in the Shepherdstown Code.
- (3) If any litter is placed, deposited, dumped, discharged, thrown, or caused to be placed, deposited, dumped, or thrown from a motor vehicle, boat, airplane, or other conveyance, it is prima facie evidence that the owner or the operator of the motor vehicle, boat, airplane, or other conveyance intended to violate the provisions of this section.
- (4) Any person who violates the provisions of this section by placing, depositing, dumping, or throwing or causing to be placed, deposited, dumped, or thrown any litter on his or her private property in an amount not exceeding 50 pounds in weight is not subject to the criminal provisions of this section.
- (5) Any person who violates the provisions of this section by placing, depositing, dumping, or throwing or causing to be placed, deposited, dumped, or thrown any litter, not collected for commercial purposes, in an amount not exceeding 100 pounds in weight or 27 cubic feet in size, is guilty of a misdemeanor. Upon conviction, he or she is subject to a fine of not less than \$100 nor more than \$2,500, or in the discretion of the court, sentenced to perform community service by cleaning up litter from any public highway, road, street, alley, or any other public park or public property, or waters of the state, as designated by the court, for not less than eight nor more than 100 hours, or both. If any person is convicted of the misdemeanor by placing, depositing, dumping, or throwing litter in the waters of the state, that person shall be fined not less than \$500 nor more than \$3,000, or in the discretion of the court sentenced to perform community service by cleaning up litter from any waters of the state, as designated by the court, for not less than 20 hours nor more than 120 hours, or both.

(6) Any person who violates the provisions of this section by placing, depositing, dumping, or throwing or causing to be placed, deposited, dumped, or thrown any litter, not collected for commercial purposes, in an amount greater than 100 pounds in weight or 27 cubic feet in size, but less than 500 pounds in weight or 216 cubic feet in size is guilty of a misdemeanor. Upon conviction, he or she is subject to a fine of not less than \$2,500 nor more than \$5,000, or in the discretion of the court, may be sentenced to perform community service by cleaning up litter from any public highway, road, street, alley, or any other public park or public property, or waters of the state, as designated by the court, for not less than 16 hours nor more than 200 hours, or both. If any person is convicted of the misdemeanor by placing, depositing, dumping, or throwing litter in the waters of the state, that person shall be fined not less than \$3,000 nor more than \$5,500, or in the discretion of the court sentenced to perform community service by cleaning up litter from any waters of the state, as designated by the court, for not less than 20 hours nor more than 220 hours, or both.

(7) Any person who violates the provisions of this section by placing, depositing, dumping, or throwing or causing to be placed, deposited, dumped, or thrown any litter in an amount greater than 500 pounds in weight or 216 cubic feet in size or any amount which had been collected for commercial purposes is guilty of a misdemeanor. Upon conviction, the person shall be fined not less than \$2,500 nor more than \$25,000 or confinement in jail for not more than thirty (30) days, or both. If any person is convicted of the misdemeanor by placing, depositing, dumping, or throwing litter in the waters of the state, that person shall be fined not less than \$3,000 nor more than \$11,000, or confinement in jail for not more than thirty (30) days, or both. In addition, he or she may be guilty of creating or contributing to an open dump as defined in West Virginia Code §22-15-2 and subject to the enforcement provisions of West Virginia Code §22-15-15.

(8) Any person convicted of a second or subsequent violation of this section is subject to double the authorized range of fines and community service for the subsection violated.

(9) The sentence of litter clean up shall be verified by environmental inspectors from the Department of Environmental Protection. Any defendant receiving the sentence of litter clean up shall provide, within a time to be set by the court, written acknowledgment from an environmental inspector that the sentence has been completed and the litter has been disposed of lawfully.

(10) Any person who has been found by the court to have willfully failed to comply with the terms of a litter clean-up sentence imposed by the court pursuant to this section is subject to, at the discretion of the court, double the amount of the original fines and community service penalties originally ordered by the court.

(11) All law-enforcement agencies, officers, and environmental inspectors shall enforce compliance with this section within the limits of each agency's statutory authority.

(12) The municipal court judge may not dismiss an action brought under the provisions of this section without notification to the Town attorney of his or her intention to do so and affording the Town attorney an opportunity to be heard.

(13) No portion of this section restricts an owner, renter, or lessee in the lawful use of his or her own private property or rented or leased property or prohibits the disposal of any industrial and other wastes into waters of this state in a manner consistent with the provisions of West Virginia Code §22-11-1 *et seq.* But if any owner, renter, or lessee, private or otherwise, knowingly permits any of these materials or substances to be placed, deposited, dumped, or thrown in a location that high water or normal drainage conditions will cause these materials or substances to wash into any waters of the state, it is prima facie evidence that the owner, renter, or lessee intended to violate the provisions of this section: *Provided*, That if a landowner, renter, or lessee, private or otherwise, reports any placing, depositing, dumping, or throwing of these substances or materials upon his or her property to the Town of Shepherdstown, the Town attorney, the Jefferson County Commission, the Division of Natural Resources, or the Department of Environmental Protection, the landowner, renter, or lessee will be presumed to not have knowingly permitted the placing, depositing, dumping, or throwing of the materials or substances.

(b) Any indication of ownership found in litter is prima facie evidence that the person identified violated the provisions of this section: *Provided*, That no inference may be drawn solely from the presence of any logo, trademark, trade name, or other similar mass reproduced things of identifying character appearing on the found litter.

(c) (1) Every person who is convicted of or pleads guilty to disposing of litter in violation of subsection (a) of this section shall pay a civil penalty of not less than \$200 nor more than \$2,000 as costs for clean up, investigation, and prosecution of the case, in addition to any other court costs that the court is otherwise required by law to impose upon a convicted person.

(2) The Clerk of the municipal court in which these additional costs are imposed shall, on or before the last day of each month, transmit 50 percent of a civil penalty received pursuant to this section to the State Treasurer for deposit in the State Treasury to the credit of a special revenue fund known as the Litter Control Fund which was transferred to the Department of Environmental Protection. Expenditures for purposes set forth in this section are not authorized from collections but are to be made only in accordance with appropriation and in accordance with the provisions of West Virginia Code §12-3-1 *et seq.* and upon fulfillment of the provisions set forth in West Virginia Code §5A-2-1 *et seq.* Amounts collected which are found from time to time to exceed the funds needed for the purposes set forth in this article may be transferred to other accounts or funds and designated for other purposes by appropriation of the Legislature.

(d) The remaining 50 percent of each civil penalty collected pursuant to this section shall be transmitted to Jefferson County or its regional solid waste authority where the litter violation occurred. Moneys shall be expended by the county or regional solid waste authority for the purpose of litter prevention, clean up, and enforcement.

(a)(1) No person shall place, deposit, dump, throw or cause to be placed, deposited, dumped or thrown any litter as defined by W. Va. Code § 22-15A-2, in or upon any public or private highway, road, street or alley; any private property; any public property; or the waters of the

Town or within one hundred feet of the waters of this Town, except in a proper litter or other solid waste receptacle.

(2) It is unlawful for any person to place, deposit, dump, throw or cause to be placed, deposited, dumped or thrown any litter from a motor vehicle or other conveyance or to perform any act which constitutes a violation of the motor vehicle laws contained in section fourteen, article fourteen, chapter seventeen-c of the West Virginia Code.

(3) If any litter is placed, deposited, dumped, discharged, thrown or caused to be placed, deposited, dumped or thrown from a motor vehicle, boat, airplane or other conveyance, it is prima facie evidence that the owner or the operator of the motor vehicle, boat, airplane or other conveyance intended to violate the provisions of this section.

(4) Any person who violates the provisions of this section by placing, depositing, dumping or throwing or causing to be placed, deposited, dumped or thrown any litter, not collected for commercial purposes, in an amount not exceeding one hundred pounds in weight or twenty-seven cubic feet in size, is guilty of a misdemeanor. Upon conviction, he or she is subject to a fine of not less than \$100 nor more than \$1,000, , or in the discretion of the court, sentenced to perform community service by cleaning up litter from any public highway, road, street, alley or any other public park or public property, or waters of the state, as designated by the court, for not less than eight nor more than sixteen hours, or both.

(5) Any person who violates the provisions of this section by placing, depositing, dumping or throwing or causing to be placed, deposited, dumped or thrown any litter, not collected for commercial purposes, in an amount greater than one hundred pounds in weight or twenty-seven cubic feet in size, but less than five hundred pounds in weight or two hundred sixteen cubic feet in size is guilty of a misdemeanor. Upon conviction he or she is subject to a fine of not less than \$1,000 nor more than \$2,000, or in the discretion of the court, may be sentenced to perform community service by cleaning up litter from any public highway, road, street, alley or any other public park or public property, or waters of the state, as designated by the court, for not less than sixteen nor more than thirty-two hours, or both.

(6) Any person who violates the provisions of this section by placing, depositing, dumping or throwing or causing to be placed, deposited, dumped or thrown any litter in an amount greater than five hundred pounds in weight or two hundred sixteen cubic feet in size or any amount which had been collected for commercial purposes is guilty of a misdemeanor. Upon conviction, the person is subject to a fine not less than \$2,500 or not more than \$25,000 or confinement in jail for not more than one year or both.

(7) Any person convicted of a second or subsequent violation of this section is subject to double the authorized range of fines and community service for the subsection violated.

(8) The sentence of litter clean up shall be verified by an official from the Town. Any defendant receiving the sentence of litter clean up shall provide, within a time to be set by the court, written acknowledgment from a Town official that the sentence has been completed and the litter has been disposed of lawfully.



(9) Any person who has been found by the court to have willfully failed to comply with the terms of a litter clean up sentence imposed by the court pursuant to this section is subject to, at the discretion of the court, double the amount of the original fines and community service penalties originally ordered by the court.

(11) No portion of this section restricts an owner, renter or lessee in the lawful use of his or her own private property or rented or leased property or to prohibit the disposal of any industrial and other wastes into waters of this state in a manner consistent with the provisions of article eleven, chapter twenty-two of the West Virginia Code. But if any owner, renter or lessee, private or otherwise, knowingly permits any such materials or substances to be placed, deposited, dumped or thrown in such location that high water or normal drainage conditions will cause any such materials or substances to wash into any waters of the state, it is prima facie evidence that the owner, renter or lessee intended to violate the provisions of this section: Provided, That if a landowner, renter or lessee, private or otherwise, reports any placing, depositing, dumping or throwing of these substances or materials upon his or her property to the prosecuting attorney, county commission, the Division of Natural Resources or the Department of Environmental Protection, the landowner, renter or lessee will be presumed to not have knowingly permitted the placing, depositing, dumping or throwing of the materials or substances.

(b) Any indication of ownership found in litter shall be prima facie evidence that the person identified violated the provisions of this section: Provided, That no inference may be drawn solely from the presence of any logo, trademark, trade name or other similar mass reproduced things of identifying character appearing on the found litter.

(c) Every person who is convicted of or pleads guilty to disposing of litter in violation of subsection (a) of this section shall pay a civil penalty in the sum of not less than \$200 nor more than \$1,000 as costs for clean up, investigation and prosecution of the case, in addition to any other court costs that the court is otherwise required by law to impose upon a convicted person.

(d) Pursuant to W. Va. Code § 22-15A-4(c), the clerk of the municipal court in which these additional costs are imposed, as set forth in subsection (c), shall, on or before the last day of each month, transmit fifty percent of a civil penalty received pursuant to this section to the State Treasurer for deposit in the State Treasury to the credit of a special revenue fund to be known as the Litter Control Fund. The remaining fifty percent of each civil penalty collected pursuant to this section shall be transmitted to the county or regional solid waste authority in Jefferson County.

Authority: W. Va. Code § 22-15A-4.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Mayor

Recorder

12959865.1

**AN ORDINANCE TO ENACT  
SECTION 12C-1009 OF CHAPTER 10, TITLE 12C OF THE CODE OF  
SHEPHERDSTOWN REGARDING STEALING FROM OR TAMPERING WITH ANY  
PARKING METER, VENDING MACHINE, PAY TELEPHONE, CASH MACHINE,  
ETC.**

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 10, Title 12C of the Code of Shepherdstown is hereby amended by enacting Section 12C-1009 to establish the offense of stealing or tampering with any parking meter, vending machine, pay telephone, cash machine, money changing machine, etc. and to set forth a specific penalty for violations.

**Section 12C-1009. Stealing from or tampering with any parking meter, vending machine, pay telephone, cash machine, etc.**

Any person who enters, forces or attempts to force an entrance into, tampers with, or inserts any part of an instrument, into any parking meter, vending machine, pay telephone, cash machine, money changing machine, or any other device designed to receive money, with intent to steal therefrom, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Recorder



Request for Proposals  
For  
Corporation of Shepherdstown Website



Corporation of Shepherdstown  
104 North King Street  
Shepherdstown, WV 25443  
(304) 876 2312  
[www.shepherdstown.us](http://www.shepherdstown.us)

## **Overview**

The purpose of soliciting proposals is to identify a provider for replacing, hosting and providing support for the website of the Corporation of Shepherdstown (Town). The website ([www.shepherdstown.us](http://www.shepherdstown.us)) was developed and is currently hosted by a third party. The successful proposer will be invited to work with a team appointed by the Town Council to develop a final proposal and contract that will be presented to the Town Council for final review and approval.

The Town is a small municipality (about 2000 residents) in Jefferson County, which is in the Eastern Panhandle section of West Virginia.

## **Contacts**

Questions related to this project may be addressed to:

Amy Boyd  
Town Clerk  
[clerk@shepherdstown.us](mailto:clerk@shepherdstown.us)

Jim Ford  
Town Council  
[jim.ford@shepherdstown.us](mailto:jim.ford@shepherdstown.us)

## **Objectives**

The primary purpose of the website is to act as a communication platform between Town government and Town residents. With that in mind, the primary goal of this project is to facilitate that communication.

The redesigned website must provide all the information that is available on the Town's current site and should have the capability to provide much more.

The website will be maintained and updated by Town administrative personnel. While they all have some level of expertise in computer usage it should be assumed that they are not IT professionals. Therefore, another important goal of this project is ease of use.

## **Mandatory Requirements**

The new website must include all the capabilities of the current website. These include:

- List of Town-related News items.
- Events Calendar
- Separate pages for the Town Council and each Committee that include all the pertinent information including (but not limited to):
  - Committee member names and contact information.
  - List of scheduled and past meetings including links to agendas and minutes.
- Separate pages for each of the Town departments.
- Links to access Town Ordinances, Forms, Bill Payment, Parking Information, etc.
- Embedded social media links and/or feeds.

Note that this list is not meant to be exhaustive. The prospective vendor should view the site ([www.shepherdstown.us](http://www.shepherdstown.us)) to determine the complete list of current capabilities.

The new website must be usable from all the generally available desktop and mobile devices.

The new website must function correctly when used with all the major browsers.

The new website must be easily maintainable by the Town's administrative personnel. This includes minor changes (e.g. adding a calendar event, a news item or a new meeting for a committee) and more significant changes (e.g. creating a new page(s) and adding a link to it from an existing page).

The new website must be easy for users to navigate and search.

The new website must meet emerging industry standard guidelines for security, privacy and accessibility.

## **Optional Requirements**

While it is not absolutely necessary that the requirements in this section be addressed by a proposal, those that do address them will be considered more favorably.

The new website should provide a 311 system capability; i.e. pages on the site which allow Town residents to post non-emergency questions or report non-emergency situations that require municipal attention.

The new website should provide the ability for Town departments such as Police, Water, Sewer, Waste Management, Streets, etc. to have their own sub-sites.

The new website should provide the ability to maintain various ad-hoc email lists based on subject matter. For example, a Town resident interested in the finances of the Town should be able to register to receive emails whenever a Finance committee agenda or minutes is posted on the website.

## **Additional Features**

Availability of additional website features not detailed above should be included in the proposal and will be considered when evaluating proposals.

## **Budget**

Each proposal should specify the one-time cost of getting the new website up and running. This should include all design and implementation efforts and also training of the Town's administrative staff. This cost should not exceed \$10,000.

Each proposal should also include the ongoing annual cost of hosting and supporting the website.

## **Timeline**

TBD - How much time should elapse between award of the contract and delivery of the website. Intermediate milestones prior to final delivery might also be specified.

## **Proposal Submittal Instructions**

TBD - how proposals should be submitted (written, electronically submitted ...)? How many copies if written? What is the cut-off date for proposals?

## **Terms and Conditions**

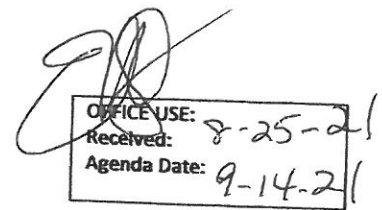
Mostly legal content - provided by Town Attorney.

Should include, at a minimum, things like:

How will the contract be awarded?

How will payments be made?

What will be the legal and financial responsibilities of the vendor?



## Agenda Request Form

Corporation of Shepherdstown  
104 N. King Street  
Post Office Box 248  
Shepherdstown, WV 25443  
Ph. 304-876-2312  
Fax: 304-876-1473  
Website: [www.shepherdstown.us](http://www.shepherdstown.us)

**PLEASE PRINT CLEARLY**

Name: STEVE PEARSON  
Phone Number: 703-328-9200 (CALL)  
Email Address: OPERAHOUSEALIVE@GMAIL.COM  
Mailing Address: PO BOX 0, SHEPHERDSTOWN WV  
Physical Address (if different from mailing): 131 WEST GERMAN ST

Meeting Agenda you wish to be placed on: TOWN COUNCIL - SEPT. 14

Reason for your request: (please summarize your request on this form and if necessary, attach a more detailed description of your request)

DISCUSSION OF ~~POD~~ BOOFEET & CHRISTMAS IN SHEPHERDSTOWN  
EVENTS - GUIDELINES, CONSIDERATIONS & CONTINGENCY  
PLANNING VIS-A-VIS PANDEMIC GUIDELINES

Attendance at the meeting is mandatory (unless otherwise specified).

If a representative is attending the meeting on your behalf, please provide their information below:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Signed: [Signature]

Date: 8-25-2021

Corporation of Shepherdstown



Event/Park Request Form

Applications and fees are due at least ninety (90) days prior to the event unless otherwise noted.

Any form of advertising of this event, prior to approval by Town Council, is done at applicant's own risk.

Please read and complete entire application. An incomplete application may result in denial or delay of request. The Corporation of Shepherdstown reserves the right to approve or deny any event request.

Organization:	EXPERIENCE SHEPHERDSTOWN
Contact Name:	STEVE PEARSON
Mailing Address:	PO BOX 329
City, State, Zip:	SHEPHERDSTOWN WV 25443
E-mail Address:	<del>SHEPHERDSTOWN</del>
Daytime Phone:	EXPERIENCE SHEPHERDSTOWN @ GMAIL.COM
Evening Phone:	
Cell Phone:	703-328-9200 (Steve)

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>	THRILLER DANCE (BOOFEST)			
2.) Has this event been held in Shepherdstown in the past?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, on a separate sheet, please provide event dates (last three years) and describe any scheduling conflicts with other events that occurred in prior years or potential conflicts for the current requested event</i>			
3.) Is this a "one-time" event?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
4.) Date and Time of Event: 10/30/2021 4a.) Set Up Time 5:30 PM 4b.) Tear Down Time 7:30 PM	From: 6:00 am/pm To: 7:00 am/pm			
5.) Park Requested, if applicable:	<input type="checkbox"/> Bane-Harris \$100	<input type="checkbox"/> Cullison \$100	<input type="checkbox"/> Rumsey \$500	<input type="checkbox"/> Viola-Devonshire \$100
6.) Are street closures requested?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please provide, on the attached map, streets that need to be closed. If having a parade, provide parade route. Alleys must be kept open. (No Exceptions)</i> MAP →			
7.) Is event open to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			



8.) What are the parking arrangements? <i>Please explain.</i>	N/A			
9.) Will entertainment be involved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, give details w/# groups, type of music, time of performance(s) etc. See Noise Ordinance</i>	Any entertainment must be approved by the Town Council.			
	<input type="checkbox"/> Live Band	<input checked="" type="checkbox"/> DJ	<input type="checkbox"/> Radio/CD Player	<input type="checkbox"/> Other: Explain
	SELF-CONTAINED PA SYSTEM			
10.) Will other equipment be used? (i.e. generator, tents, inflatables, etc.) If yes, give details.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
	WILL NEED ACCESS TO ELECTRIC			
11.) Are you a non-profit organization? <i>If yes, provide certification of non-profit status.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
12.) Will vendors be at the event? <i>If yes, give details including complete list of vendors and contact information.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
13.) Will event participants be charged a fee? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
14.) Will admission be charged for the event? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Cost	
15.) Number of people expected to attend:	<input type="checkbox"/> less than 50	<input checked="" type="checkbox"/> 51-100	<input type="checkbox"/> 101-150	<input type="checkbox"/> more than 150
16.) Name & contact info. for two (2) people with authority that will be present at event:	Name: STEVE PEARSON		Phone: 703-328-9200	
	Name: NICOLE SMITH		Phone: 304-876-8240	
17.) Check any Town assistance needed:	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Police	<input type="checkbox"/> Public Works	
	<input type="checkbox"/> Recycling	<input type="checkbox"/> Other		
18.) Will alcoholic beverages be served? <i>If yes, the Shepherdstown Open Container Ordinance must be suspended by action of the Town Council for this day's event.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<i>If yes, you must contact the WV Alcohol Beverage Control Commission to obtain a "one day" license.</i>	
19.) How will this event benefit Shepherdstown?	ATTRACTING VISITORS TO DOWNTOWN			

Requirements:

- All event requests must be applied for at least 90 days prior to the event date.
- For park events, notification of the event must be provided, in writing, to all neighbors within two blocks of the event location (a copy of this notification must be provided to the Town)
- If this is a parade, walk or run, give details including map of route to be taken.
- General liability insurance coverage of no less than one million dollars (\$1,000,000) reflecting the Corporation of Shepherdstown as additionally insured.
- If assistance from the Police or Public Works Department is needed for the event, you will be responsible for contacting the respective departments.
- Payment of costs incurred during the event must be paid within one week following the event (i.e. Assistance from the Police Department or Public Works Department).
- Representation at meeting where this application will be reviewed and a decision made.
- All required information must be submitted at least two weeks prior to the Town Council meeting.

Corporation of Shepherdstown

It is hereby agreed and understood that \_\_\_\_\_ is reserved, as specified, for the use of the above named organization and/or individual. The Facility reserved is subject to inspection by any authorized representative of the Corporation of Shepherdstown in order to assure proper use of Town

property. This permit must be in the possession of the organization and/or individual to whom it is issued and shown upon request to any authorized Town Official.

The organization and/or individual assumes personal liability and responsibility for any and all costs of cleanup of the premises, loss, breakage, damage to or removal of Town property and further assumes liability and responsibility for the conduct and good order of the group and its invitees and guests.

The organization and/or individual shall be responsible for any and all loss, damage or injury to any and all personal property that it or its agents, representatives, invitees or guests, may bring to, store at, or leave at the facility, and shall indemnify and hold harmless the Corporation of Shepherdstown and any department, agent, official and/or employee thereof for any personal injury incurred during, or as a result of such use. The organization and/or individual further agrees to abide by all procedures, policies, and rules governing use of the above-mentioned facility.

☒ I have read and agree to these responsibilities.

Signature of Organization and/or Individual: \_\_\_\_\_

Date: 8-25-2001

Any individual under the age of 21 must have the signature of a parent or guardian who shall assume any and all responsibility and liability as set forth above and the person signing must be in attendance at the rental event.

Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

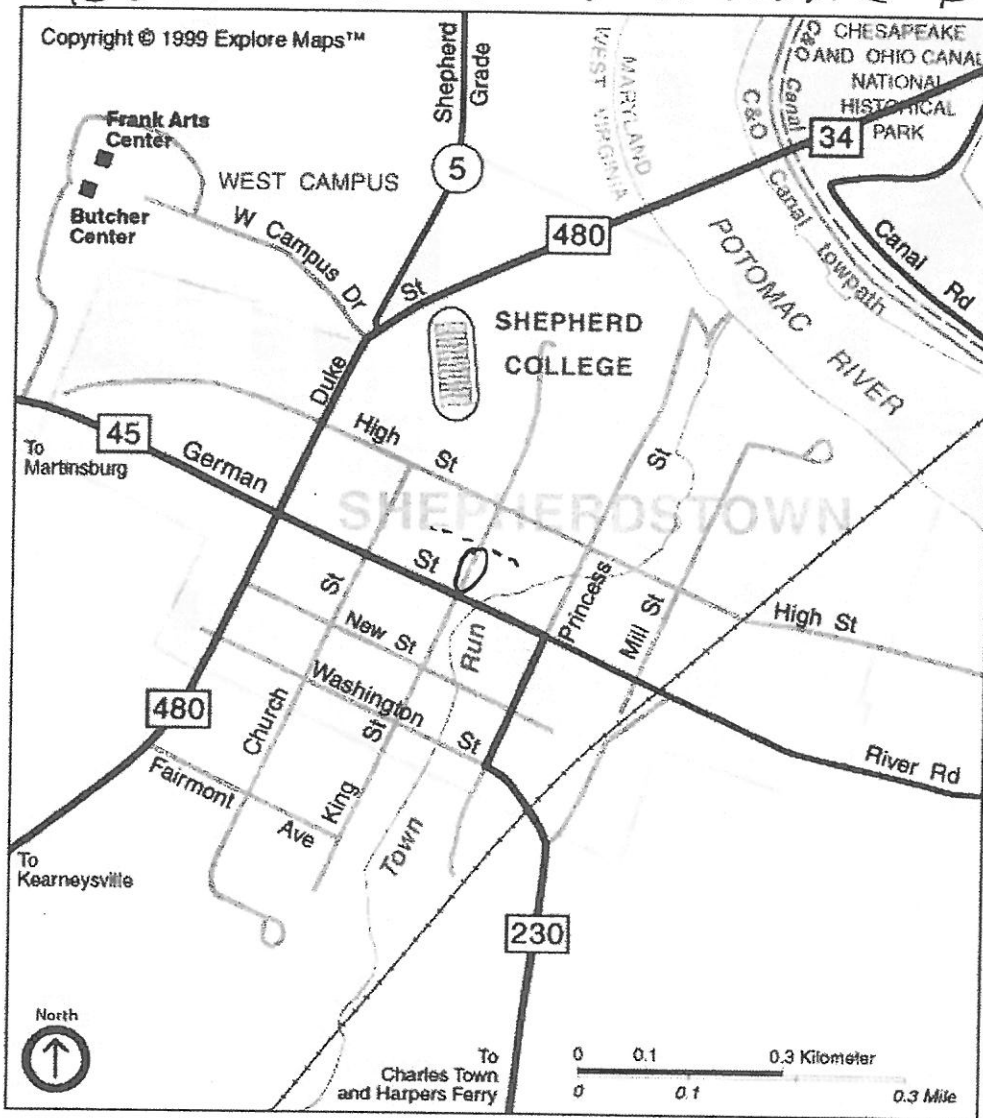
Phone: \_\_\_\_\_

PLEASE NOTE APPROVAL IS REQUIRED FOR USE OF THE PARK FACILITIES. Once approved, this permit will be issued.

FOR OFFICE USE ONLY	
Rental Fee: \$ _____	<input type="checkbox"/> Cash
Date Paid: _____	<input type="checkbox"/> Check
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Approved by: _____	Comments: _____
Title: _____ Date: _____	_____
	_____



# BODFAST 2021 - TRICKER DANCE



NORTH KING ST BETWEEN  
GERMAN ST & OLD QUEEN AVE

## Checklist

(To be completed by the Corporation of Shepherdstown)

- ☐ Complies with 90 day notice
- ☐ Insurance certificate provided
- ☐ Police or Public Works Department fees paid (if applicable)
- ☐ Park fee paid (if applicable)
- ☐ Open Container Ordinance Suspended (if applicable)
- ☐ Amplified Sound Use (if applicable)
- ☐ Vendor's list (if applicable)
- ☐ Date approved by Town Council \_\_\_\_\_

Corporation of Shepherdstown



Event/Park Request Form

Applications and fees are due at least ninety (90) days prior to the event unless otherwise noted.

Any form of advertising of this event, prior to approval by Town Council, is done at applicant's own risk.

Please read and complete entire application. An incomplete application may result in denial or delay of request. The Corporation of Shepherdstown reserves the right to approve or deny any event request.

Organization:	EXPERIENCE SHEPHERDSTOWN
Contact Name:	STEVE PEARSON
Mailing Address:	PO Box 309
City, State, Zip:	SHEPHERDSTOWN WV 25443
E-mail Address:	EXPERIENCE SHEPHERDSTOWN@gmail.com
Daytime Phone:	
Evening Phone:	
Cell Phone:	703 308-9200 (STEVE)

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>	BUFFET - STREET MUSIC IN FRONT OF LIBRARY [SEE NOTE]			
2.) Has this event been held in Shepherdstown in the past?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, on a separate sheet, please provide event dates (last three years) and describe any scheduling conflicts with other events that occurred in prior years or potential conflicts for the current requested event</i>			
3.) Is this a "one-time" event?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
4.) Date and Time of Event: 10/30/2021	From: 10 am/pm To: 5 am/pm			
4a.) Set Up Time	9:30 AM			
4b.) Tear Down Time	5:30 PM			
5.) Park Requested, if applicable:	<input type="checkbox"/> Banc-Harris \$100	<input type="checkbox"/> Cullison \$100	<input type="checkbox"/> Rumsey \$500	<input type="checkbox"/> Viola-Devonshire \$100
6.) Are street closures requested?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please provide, on the attached map, streets that need to be closed. If having a parade, provide parade route. Alleys must be kept open. (No Exceptions)</i> MAP			
7.) Is event open to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

NOTE: SIDEWALK IN FRONT OF LIBRARY IS BACKUP TO  
McMURRAN LAWN

8.) What are the parking arrangements? <i>Please explain.</i>	N/A			
9.) Will entertainment be involved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, give details w/# groups, type of music, time of performance(s) etc. See Noise Ordinance</i>	Any entertainment must be approved by the Town Council.			
	<input checked="" type="checkbox"/> Live Band	<input type="checkbox"/> DJ	<input type="checkbox"/> Radio/CD Player	<input type="checkbox"/> Other: Explain
	VARIOUS SOLD / PWD GRWS, SELE - CONTAINERS PA SYSTEM			
10.) Will other equipment be used? (i.e. generator, tents, inflatables, etc.) If yes, give details.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
11.) Are you a non-profit organization? <i>If yes, provide certification of non-profit status.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		
12.) Will vendors be at the event? <i>If yes, give details including complete list of vendors and contact information.</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
13.) Will event participants be charged a fee? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
14.) Will admission be charged for the event? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
15.) Number of people expected to attend:	<input type="checkbox"/> less than 50	<input type="checkbox"/> 51-100	<input type="checkbox"/> 101-150	<input checked="" type="checkbox"/> more than 150
16.) Name & contact info. for two (2) people with authority that will be present at event:	Name: STEVE PEARSON		Phone: 903 323 4200	
	Name: NICOLE SMITH		Phone: 304 876-5240	
17.) Check any Town assistance needed:	<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Police	<input type="checkbox"/> Public Works	
	<input type="checkbox"/> Recycling	<input type="checkbox"/> Other		
18.) Will alcoholic beverages be served? <i>If yes, the Shepherdstown Open Container Ordinance must be suspended by action of the Town Council for this day's event.</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
	<i>If yes, you must contact the WV Alcohol Beverage Control Commission to obtain a "one day" license.</i>			
19.) How will this event benefit Shepherdstown?	ATTRACTIVE VISITORS TO TOWN			

Requirements:

- All event requests must be applied for at least 90 days prior to the event date.
- For park events, notification of the event must be provided, in writing, to all neighbors within two blocks of the event location (a copy of this notification must be provided to the Town)
- If this is a parade, walk or run, give details including map of route to be taken.
- General liability insurance coverage of no less than one million dollars (\$1,000,000) reflecting the Corporation of Shepherdstown as additionally insured.
- If assistance from the Police or Public Works Department is needed for the event, you will be responsible for contacting the respective departments.
- Payment of costs incurred during the event must be paid within one week following the event (i.e. Assistance from the Police Department or Public Works Department).
- Representation at meeting where this application will be reviewed and a decision made.
- All required information must be submitted at least two weeks prior to the Town Council meeting.

Corporation of Shepherdstown

It is hereby agreed and understood that \_\_\_\_\_ is reserved, as specified, for the use of the above named organization and/or individual. The Facility reserved is subject to inspection by any authorized representative of the Corporation of Shepherdstown in order to assure proper use of Town

property. This permit must be in the possession of the organization and/or individual to whom it is issued and shown upon request to any authorized Town Official.

The organization and/or individual assumes personal liability and responsibility for any and all costs of cleanup of the premises, loss, breakage, damage to or removal of Town property and further assumes liability and responsibility for the conduct and good order of the group and its invitees and guests.

The organization and/or individual shall be responsible for any and all loss, damage or injury to any and all personal property that it or its agents, representatives, invitees or guests, may bring to, store at, or leave at the facility, and shall indemnify and hold harmless the Corporation of Shepherdstown and any department, agent, official and/or employee thereof for any personal injury incurred during, or as a result of such use. The organization and/or individual further agrees to abide by all procedures, policies, and rules governing use of the above-mentioned facility.

☒ I have read and agree to these responsibilities.

Signature of Organization and/or Individual: \_\_\_\_\_

Date: 8-8-2021

Any individual under the age of 21 must have the signature of a parent or guardian who shall assume any and all responsibility and liability as set forth above and the person signing must be in attendance at the rental event.

Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

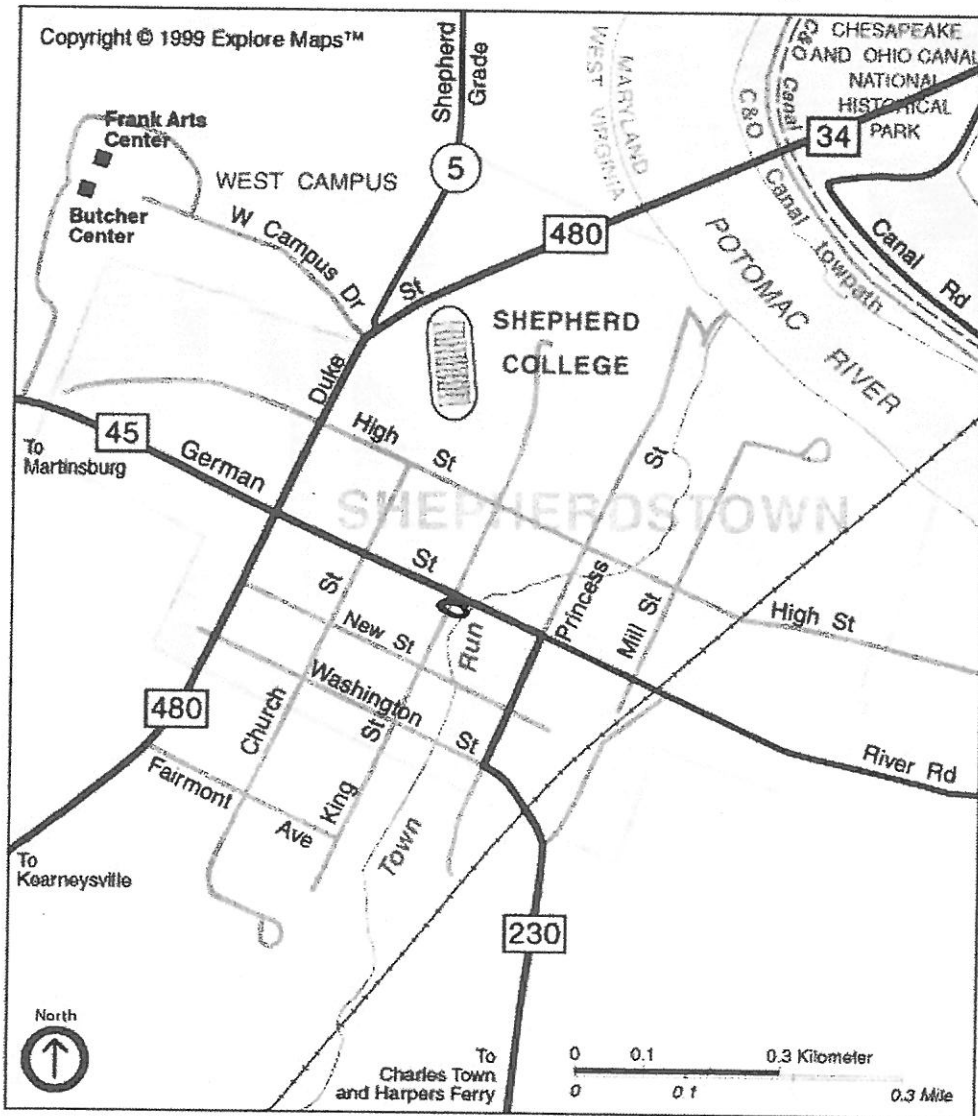
Printed Name: \_\_\_\_\_

Phone: \_\_\_\_\_

PLEASE NOTE APPROVAL IS REQUIRED FOR USE OF THE PARK FACILITIES. Once approved, this permit will be issued.

FOR OFFICE USE ONLY	
Rental Fee: \$ _____	<input type="checkbox"/> Cash
Date Paid: _____	<input type="checkbox"/> Check
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Approved by: _____	Comments: _____
Title: _____ Date: _____	_____
	_____

# BODFEST STREET MUSIC 2021



SOUTH KING ST ON OTHER SIDE OF LIBRARY  
 BLOCK TO VEHICLE, OK FOR PEDESTRIAN  
 LOCATION IS BACKUP TO Mc MURRAN LAWN

## Checklist

(To be completed by the Corporation of Shepherdstown)

- ☐ Complies with 90 day notice
- ☐ Insurance certificate provided
- ☐ Police or Public Works Department fees paid (if applicable)
- ☐ Park fee paid (if applicable)
- ☐ Open Container Ordinance Suspended (if applicable)
- ☐ Amplified Sound Use (if applicable)
- ☐ Vendor's list (if applicable)
- ☐ Date approved by Town Council \_\_\_\_\_



Corporation of Shepherdstown



Event/Park Request Form

*Applications and fees are due at least ninety (90) days prior to the event unless otherwise noted.*

*Any form of advertising of this event, prior to approval by Town Council, is done at applicant's own risk.*

Please read and complete entire application. An incomplete application may result in denial or delay of request. The Corporation of Shepherdstown reserves the right to approve or deny any event request.

Organization:	ROTARY CLUB OF SHEPHERDSTOWN
Contact Name:	PETER SMITH
Mailing Address:	PO Box 603
City, State, Zip:	SHEPHERDSTOWN, WV 25443
E-mail Address:	PVSMITH@FRONTIERNET.NET
Daytime Phone:	304-876-1139
Evening Phone:	" "
Cell Phone:	304-579-9114

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>		ANNUAL CHRISTMAS PARADE	
2.) Has this event been held in Shepherdstown in the past?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, on a separate sheet, please provide event dates (last three years) and describe any scheduling conflicts with other events that occurred in prior years or potential conflicts for the current requested event</i>	
3.) Is this a "one-time" event?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4.) Date and Time of Event: 12 / 04 / 2021		From: 10:00 am/pm To: 11:00 am/pm	
4a.) Set Up Time 8:30 AM			
4b.) Tear Down Time 11:00 AM			
5.) Park Requested, if applicable:	<input type="checkbox"/> Bane-Harris \$100 <input type="checkbox"/> Cullison \$100 <input type="checkbox"/> Rumsey \$500 <input type="checkbox"/> Viola-Devonshire \$100		
6.) Are street closures requested?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please provide, on the attached map, streets that need to be closed. If having a parade, provide parade route. Alleys must be kept open. (No Exceptions)</i>		
7.) Is event open to the public?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		



8.) What are the parking arrangements? <i>Please explain.</i>	PARADE WILL FORM UP ON CHURCH ST. SPECTATORS WILL BE EXPECTED TO USE SHEPHERD U. LOTS		
9.) Will entertainment be involved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, give details w/# groups, type of music, time of performance(s) etc. See Noise Ordinance</i>	Any entertainment must be approved by the Town Council. <input checked="" type="checkbox"/> Live Bands <input type="checkbox"/> DJ <input type="checkbox"/> Radio/CD Player <input type="checkbox"/> Other: Explain IN PARADE		
10.) Will other equipment be used? (i.e. generator, tents, inflatables, etc.) If yes, give details.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No PARADE SOUND SYSTEM AND ANNOUNCER WILL BE LOCATED ON MC KINNA HILL LAWN		
11.) Are you a non-profit organization? <i>If yes, provide certification of non-profit status.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
12.) Will vendors be at the event? <i>If yes, give details including complete list of vendors and contact information.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
13.) Will event participants be charged a fee? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
14.) Will admission be charged for the event? <i>If yes, what is the cost?</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Cost		
15.) Number of people expected to attend:	<input type="checkbox"/> less than 50	<input type="checkbox"/> 51-100	<input type="checkbox"/> 101-150 <input checked="" type="checkbox"/> more than 150
16.) Name & contact info. for two (2) people with authority that will be present at event:	Name: PETER SMITH		Phone: 304-579-9114
	Name: KELLY FRYE		Phone: 304-671-4080
17.) Check any Town assistance needed:	<input type="checkbox"/> Electric	<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Works
	<input type="checkbox"/> Recycling	<input type="checkbox"/> Other	
18.) Will alcoholic beverages be served? <i>If yes, the Shepherdstown Open Container Ordinance must be suspended by action of the Town Council for this day's event.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, you must contact the WV Alcohol Beverage Control Commission to obtain a "one day" license.</i>		
19.) How will this event benefit Shepherdstown?	PROVIDING VALUABLE FAMILY ENTERTAINMENT FOR THE TOWN		

Requirements:

- All event requests must be applied for at least 90 days prior to the event date.
- For park events, notification of the event must be provided, in writing, to all neighbors within two blocks of the event location (a copy of this notification must be provided to the Town)
- If this is a parade, walk or run, give details including map of route to be taken.
- General liability insurance coverage of no less than one million dollars (\$1,000,000) reflecting the Corporation of Shepherdstown as additionally insured.
- If assistance from the Police or Public Works Department is needed for the event, you will be responsible for contacting the respective departments.
- Payment of costs incurred during the event must be paid within one week following the event (i.e. Assistance from the Police Department or Public Works Department).
- Representation at meeting where this application will be reviewed and a decision made.
- All required information must be submitted at least two weeks prior to the Town Council meeting.

Corporation of Shepherdstown

It is hereby agreed and understood that GERMAN ST. is reserved, as specified, for the use of the above named organization and/or individual. The Facility reserved is subject to inspection by any authorized representative of the Corporation of Shepherdstown in order to assure proper use of Town

property. This permit must be in the possession of the organization and/or individual to whom it is issued and shown upon request to any authorized Town Official.

The organization and/or individual assumes personal liability and responsibility for any and all costs of cleanup of the premises, loss, breakage, damage to or removal of Town property and further assumes liability and responsibility for the conduct and good order of the group and its invitees and guests.

The organization and/or individual shall be responsible for any and all loss, damage or injury to any and all personal property that it or its agents, representatives, invitees or guests, may bring to, store at, or leave at the facility, and shall indemnify and hold harmless the Corporation of Shepherdstown and any department, agent, official and/or employee thereof for any personal injury incurred during, or as a result of such use. The organization and/or individual further agrees to abide by all procedures, policies, and rules governing use of the above-mentioned facility.

☒ I have read and agree to these responsibilities.

Signature of Organization and/or Individual: \_\_\_\_\_

Date: 8/22/2021

Any individual under the age of 21 must have the signature of a parent or guardian who shall assume any and all responsibility and liability as set forth above and the person signing must be in attendance at the rental event.

Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Phone: \_\_\_\_\_

PLEASE NOTE APPROVAL IS REQUIRED FOR USE OF THE PARK FACILITIES. Once approved, this permit will be issued.

FOR OFFICE USE ONLY	
Rental Fee: \$ _____	<input type="checkbox"/> Cash
Date Paid: _____	<input type="checkbox"/> Check
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Approved by: _____	Comments: _____
Title: _____ Date: _____	_____
	_____

property. This permit must be in the possession of the organization and/or individual to whom it is issued and shown upon request to any authorized Town Official.

The organization and/or individual assumes personal liability and responsibility for any and all costs of cleanup of the premises, loss, breakage, damage to or removal of Town property and further assumes liability and responsibility for the conduct and good order of the group and its invitees and guests.

The organization and/or individual shall be responsible for any and all loss, damage or injury to any and all personal property that it or its agents, representatives, invitees or guests, may bring to, store at, or leave at the facility, and shall indemnify and hold harmless the Corporation of Shepherdstown and any department, agent, official and/or employee thereof for any personal injury incurred during, or as a result of such use. The organization and/or individual further agrees to abide by all procedures, policies, and rules governing use of the above-mentioned facility.

☒ I have read and agree to these responsibilities.

Signature of Organization and/or Individual: \_\_\_\_\_

Date: 9/22/2021

Any individual under the age of 21 must have the signature of a parent or guardian who shall assume any and all responsibility and liability as set forth above and the person signing must be in attendance at the rental event.

Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Phone: \_\_\_\_\_

PLEASE NOTE APPROVAL IS REQUIRED FOR USE OF THE PARK FACILITIES. Once approved, this permit will be issued.

FOR OFFICE USE ONLY	
Rental Fee: \$ _____	<input type="checkbox"/> Cash
Date Paid: _____	<input type="checkbox"/> Check
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Approved by: _____	Comments: _____
Title: _____ Date: _____	_____
	_____

## **Addendum to 2021 Christmas in Shepherdstown Parade event request**

**2. EVENT HISTORY.** There has been a Christmas in Shepherdstown celebration in the town annually since 1988, and the celebration has included a Christmas parade for many of those years. In 2015, when Shepherd University hosted a NCAA Division II playoff football game, the parade's traditional 11:00 a.m. start time exacerbated traffic and parking problems. Therefore, in 2016 we moved the start time of that year's parade up one hour, to 10:00 a.m. The start time has remained there ever since, in large part because it makes it easier for parade entries to participate in both our parade and Charles Town's, which is held in the afternoon of the same day.

**6. STREET CLOSURES.** As in previous years, this year's parade route will be limited to the section of German Street between Church and Princess streets. The parade will form up on Church Street, with most of the units in the blocks south of German Street and horses and horse-drawn units in the block between German and High streets. The parade will disperse on Princess Street.

**Therefore, we are requesting the following closures:**

**1.) The two + blocks of Church Street between German Street and the town line just south of Washington Street and the block between German and High streets from 8:30 am until approximately 11:00 a.m. (We also ask that the meters in the block between German and Church streets be hooded the night before, with "no parking" signs or cones posted in that area.)**

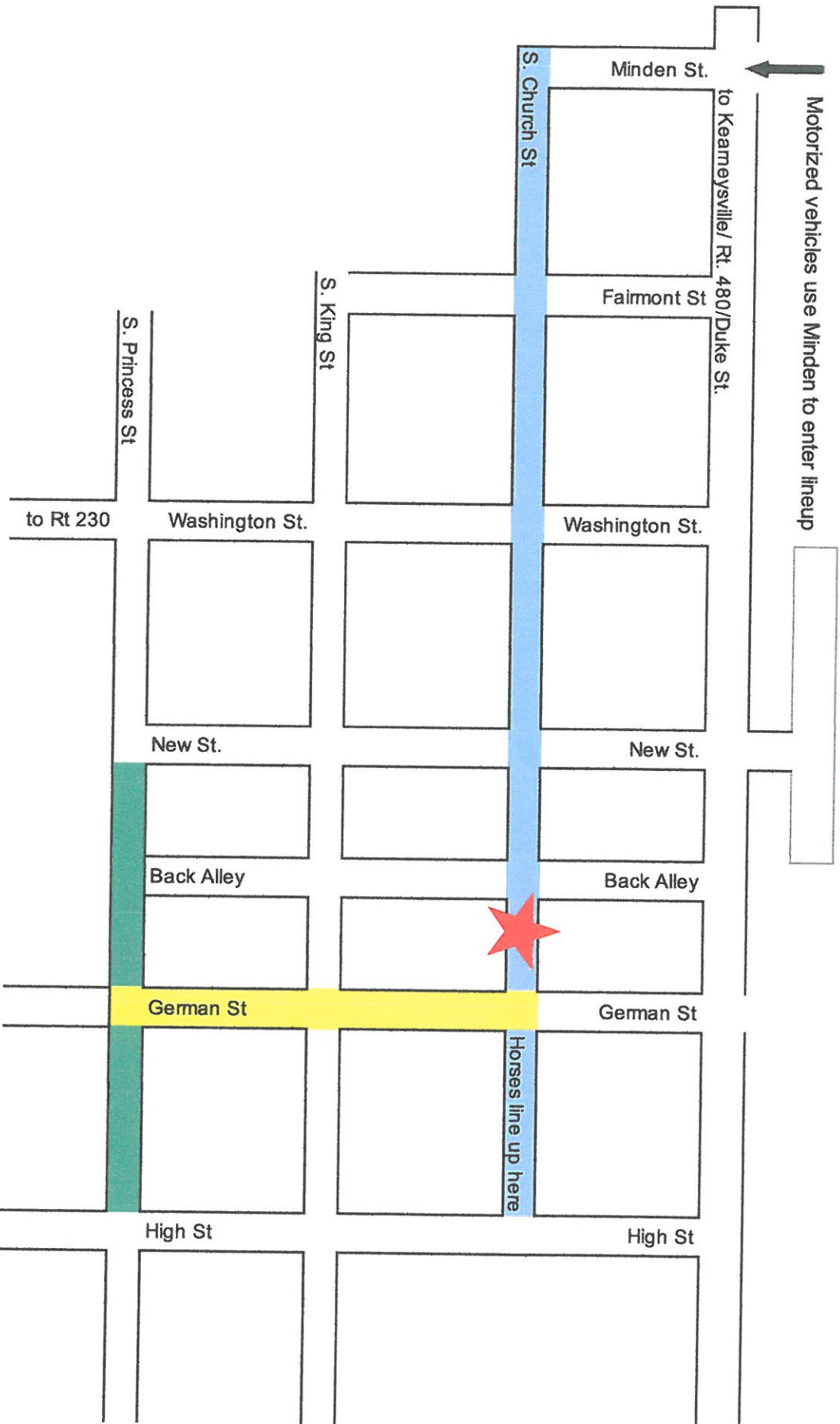
**2.) German Street, between Church and Princess streets, from 9:30 a.m. until the end of the parade at 11:00 a.m. or so.**

**3.) The block of Princess Street between German and High streets from 10:00 a.m. until 11:00 a.m.**

**In addition, we are asking that the King Street parking spaces designated for Town Hall business along the McMurran Hall wall across from Town Hall be blocked off the night before with "no parking" signs or cones, so that Welsh Sound can use this area to park its truck and offload sound equipment for the parade.**

# Shepherdstown Xmas parade

Motorized vehicles use Minden to enter lineup



Parade entries will line up on Church Street (access restricted 9:30 am-12 noon)

Parade coordinator will be stationed here

Parade route (closed to traffic 11:00 am-12 noon)

Parade entries disperse here (closed to traffic 11:00 am-12 noon)





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/13/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
Arthur J. Gallagher Risk Management Services, Inc.  
2850 Golf Road  
Rolling Meadows IL 60008

CONTACT NAME: Ali Sulita  
PHONE (A/C, Ho, Ext): 1-833-3ROTARY FAX (A/C, No): 630-285-4062  
E-MAIL: rotary@ajg.com  
ADDRESS:

INSURED  
All Active US Rotary Clubs & Districts  
ATTN: Risk Management Dept.  
1560 Sherman Ave.  
Evanston, IL 60201-3698

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A:	Lexington Insurance Company	19437
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

**COVERAGES**

CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	015375594	7/1/2021	7/1/2022	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		015375594	7/1/2021	7/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> RETENTION \$ OCCUR CLAIMS-MADE		NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	NOT APPLICABLE			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is included as an additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

**CERTIFICATE HOLDER**

Corporation of Shepherdstown  
PO Box 248  
Shepherdstown, WV 25443  
Re: Rotary Club of Shepherdstown  
2021 Shepherdstown Christmas parade  
December 4, 2021

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Internal Revenue Service  
District Director

Department of the Treasury

P. O. Box 2508  
Cincinnati, OH 45201

Date: OCT 15 1993

Person to Contact:

Lois Parrott

Telephone Number:

513-684-3951

Refer Reply to:

EP/EO

Employer Identification Number:

55-0672814

Group Exemption Number: 0573

Rotary International  
Shepherdstown Rotary Club  
P. O. Box 603  
Shepherdstown, WV. 25443-0603

OCT 19 1993

Dear Sir or Madam:

COX ALLEMONG NICHOLS, WAS

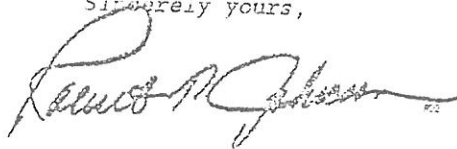
This is in response to your request for a copy of your determination letter.

Our records indicate that you are included in a group ruling issued to Rotary International National Headquarters which is located in Evanston, Illinois. Our records indicate that your organization is exempt from Federal income tax under section 501(c)(4) of the Internal Revenue Code.

There is no individual exemption letter for your organization, since you are included in a group ruling. The group exemption letter applies to all of the subordinate organizations on whose behalf the Rotary International has applied for recognition of exemption. If you want a copy of the group exemption letter, please contact your parent organization.

If we can be of further assistance in this matter, please contact us.

Sincerely yours,



Robert T. Johnson  
District Director

**PUBLIC WORKS COMMITTEE MINUTES**  
**Monday, August 23, 2021**  
**9:00 a.m.**  
**Town Hall**  
**104 North King Street**

1. Call to Order – 9:00am – Jim A., Jim F. Chris S.; Staff – Frank W., Andy B.
2. Reading and approval of minutes -- Jim F. motion to approve July, 2021 Minutes, approved.
3. Visitors – None.
4. Unfinished Business:
  - a. International Property and Maintenance Code:
    1. 332 W. German Street – Waiting on second engineering report.
    2. 105 Ray Street – No update; neighbor complained about dumpster at house.
    3. 349 W. German Street – Unable to reach, second notice to be sent.
    4. Struna – New Street – grass and vines growing, will contact.
    5. 103 Race Street – lock on meter removed several times, will charge and send notice of violation.
  - b. Trash in alleys – On-going; commercial cans at Lilah’s are working well, suggest that other restaurants (Maria’s) obtain.
  - c. Recycling Grant – Will apply in April, 2022.
  - d. Rt. 45 project – Applied for alternate transportation grant – no update.
  - e. Sidewalks – Jim F. motion to approve sidewalk shared cost program at \$40K, seconded by Chris S., approved. Will refer to Finance Committee for approval.
  - f. Recycling “postcard” report – Finished and mailed.
  - g. Ken Clohan projects: projects and updates – No update:
    - \*Washington Street - partially paved and improved, handicap corners to be installed;
    - \*German Street - pave Princess to Mill Street;
    - \*Princess Street dip - bridge crew to assess;
    - \*Duke Street - water problem – ponding;
    - \*Re-do crosswalk decals - partially completed - few more to complete;
    - \*New entry – check German St. at crossing of “Town Run”;
    - \*New entry – Jay Hurley’s request – Rt. 230 – enclosure.



\*Meeting was held with Ken Clohan and O'Hurley regarding speed issues coming into Town; rumble strips are too noisy, State not much help, will inquire regarding temporary speed sign.

- h. Garbage and recycling rates – Special Meeting to be held in Jan. 2022.
  - i. LED lights – Feedback has been positive; will send one more email blast and wait awhile to get more community feedback.
- 5. New Business: None.
  - 6. Mayor's Report: None.
  - 7. Next Meeting: 9/20/21, 9am, at Town Hall.
  - 8. Adjournment: Jim F. motion to adjourn, Chris S. seconded, approved.

**DRAFT MINUTES**  
**CORPORATION OF SHEPHERDSTOWN, WEST VIRGINIA**  
**WATER & SANITARY BOARDS**

August 27, 2021

**ATTENDEES:** **Water Board** – J. Auxer (Mayor), J. Bresland, J. Ford, S. Kemnitzer (Chair), A. Slater  
**Sanitary Board** – J. Auxer (Chair), H. Heyser, R. Keller  
**Town Staff** –C. Coe, C. Painter, K. Shipley, F. Welch,  
**Visitors:** David Deamer and Michael Hofe, Broadband  
Steve Pearson, The Observer

1. **CALL TO ORDER.**

The Water and Sanitary Boards meeting was called to order by J. Auxer at 1:00 p.m.

2. **MINUTES FROM PRIOR MEETING.**

The proposed minutes of the July 22, 2021, regular meeting were reviewed and approved as submitted.

3. **VISITORS.**

6.d. **UNFINISHED BUSINESS, BROADBAND.**

J. Auxer requested this agenda item be taken out of order to accommodate invited visitors Michael Hofe and David Deamer, to discuss the prospect of locating broadband service provider antennae on the Town water tower under a lease agreement. J. Auxer first asked D. Deamer, WVa Region 9 Broadband coordinator, to present his report. D. Deamer presented a propagation study modeling the Town water tower as a location for broadband antennas. D. Deamer reported that the location is a favorable site and could operate to provide broadband to many underserved customers in the area. He also advised that the most likely technology would be A-a point-to-multipoint line-of-sight radio frequency system. In closing, D. Deamer advised he would assist potential service providers in seeking Federal assistance grant funding. Michael Hofe, a municipal broadband marketing representative, was then asked to comment on the system. He shared that the antennae on the water tower would most likely communicate with a small 8"-10" square antennae that would be located on the customer's home, providing from 25MBS to 100MBS. He also shared, as an example, that a potential service provider could be Telegia, a firm that currently operates in the Frederick and Hagerstown areas.

J. Auxer asked M. Hofe to describe his role in facilitating this type of service. M. Hofe advised that he has worked ~~for~~ as an agent for Charles Town for over 10-years managing attachments to their water towers with communications providers. He advised that it would not be unusual to have four carriers on one tower. He then reviewed the business model that he would recommend for Shepherdstown to have broadband service providers attach to the water towers. That process, where M. Hofe would act at the Town's representative in seeking out prospective carriers and conducting lease negotiations, includes: (1) once a service provider has notified their intent to negotiate, we should conduct a baseline structural analysis of the water tank to ensure the tank may safely accommodate the antennas, which may include some modest upfront engineering fees to the Town; (2) an application will be completed by the interested carrier and a fee will be assessed to the carrier, which includes Hofe's fee for lease negotiations and a structural engineer, typically \$2,950 (50% payable to Hofe and 50% to a structural engineer), to study that specific carrier's loading on the tower, and for Hofe to conduct lease negotiations; and (3) a \$2,500 fee payable by the carrier for contractor qualification and construction management, which would be managed by M. Hofe. M. Hofe advised the Town could expect a monthly lease payment of \$500 per month for one point-to-multipoint antenna on the tower; however, if a national wireless carrier wanted access for both broadband and mobile

services then the lease would be approximately \$2,000 month, reflecting the greater burden on the tower.

H. Heyser inquired of possible encumbrances the antennas could pose to town staff in their operation of the water tower, to which M. Hofe advised that in his 10-years with the City of Charles Town they never had a problem or interference from the carrier's equipment or activity. A. Slater inquired of the typical lease term, to which M. Hofe advised they are normally 5-years in duration with a series of automatic 5-year renewals, lasting upwards to 30-years in duration.

R. Keller exited the meeting at this time (1:35PM).

J. Auxer and J. Ford discussed the appropriate protocol and path forward for further consideration of this opportunity and concluded that the Town Council should react based on the action of the Water Board.

**ACTION ITEM: A. SLATER MOVED AND J. FORD SECONDED THAT THE WATER BOARD RECOMMENDS THE TOWN COUNCIL REVIEW AND CONSIDER UTILIZING THE TOWN WATER TOWER(S) FOR BROADBAND SERVICE PROVIDERS AS OUTLINED IN THE PRESENTATION BY M. HOFE, UNANIMOUSLY ADOPTED BY THE WATER BOARD.**

Messrs. M. Hofe and D. Deamer were excused from the meeting.

#### **4. FINANCES.**

##### **4.a. FINANCIAL STATEMENTS- REVIEW.**

H. Heyser expressed concern and frustration over the accuracy and value of the financial statements due to missing or inaccurate information, noting an exceptional example on statement S7, account 403- Depreciation, where there was no expense posted for the month of July. Discussion ensued as regards to other observations, concerns, and options to address the deficiencies. J. Auxer will confer with the Town's Finance Committee on a possible resolution.

#### **5. FLOW AND QUALITY REPORTS.**

##### **5.a WATER - NO VIOLATIONS.**

C. Coe stated that all the water-related reports are in compliance, all metrics were within guidelines, and bacteria ~~was~~were absent, adding there were no violations for the month of July. He noted that the river level was down resulting in higher algae concentrations.

J. Bresland reported that the the United States Geological Service (USGS) is proposing a Groundwater Quality Assessment of Jefferson County. He shared that groundwater resources are vital to the rural residents of Jefferson County and several public water systems which rely on groundwater as their primary water source. Shepherdstown relies on the spring fed Town Run as its secondary source. The USGS assessment will sample 90 sites, 70 wells and 20 large springs for a broad suite of chemical constituents. The assessment is scheduled for completion by the end of federal FY 2024. The budgeted total cost is \$600,000 with USGS matching funds of \$150,000 and a Jefferson County contribution of \$450,000.

C. Coe reported that a meeting organized by the West Virginia Department of Environmental Protection will be held at the Morgan's Grove Park pavilion at Noon on August 30, 2021, to discuss preserving and protecting the Town Run watershed and ensuring the highest quality of the water.<sup>1</sup>

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<sup>1</sup> Post meeting report: Attending the meeting for the Water Board was J. Auxer, A. Slater, F. Welch, and C. Coe. The meeting was facilitated by representatives of the West Virginia Department of Environmental Protection, aiming to develop a collaborative cross section of stakeholders interested in working to preserve and protect the Town Run and associated watershed. Also represented was Shepherd University, the Community Club, the Downstream Project, and the West Virginia Conservation Agency; additional stakeholders will be recruited. Additional meetings and organizational efforts, including forming a board, were discussed and are contemplated.

- 5.b. **SANITARY REPORTS – NO VIOLATIONS.**  
K. Shipley reported there were no violations for the month. He noted that sludge spreading would be resuming shortly.
6. **UNFINISHED BUSINESS.**
- 6.a **FIRE HYDRANTS- STATUS REPORT.**  
K. Shipley advised that two more hydrants have been completed and returned to service since the last report: Tinsley Circle, and Clarion Hotel. The updated spreadsheet was reviewed that continues to show progress on this project. K. Shipley advised that the repair contractor, Kable Construction, was pulled off our work to attend to an emergency job but will return soon. A. Slater advised that he called Shepherdstown Volunteer Fire Department Chief Ross Morgan to discuss the project. He reported that Chief Morgan is pleased with the progress and appreciates the frequent communication from both K. Shipley and C. Coe on the status of the hydrants.
- 6.b **SEWER USE ORDINANCE – REVISION AND COMMENTS.**  
J. Auxer reported that no progress has been made on this effort. He referred the boards to an article he included in the meeting packet regarding fats, oils and grease (FOG) and the adverse impact on the sewage system when dumped down the drain.
- 6.c **BERKELEY SPRINGS WATER TASTING COMPETITION.**  
C. Coe reported that Shepherdstown water ranked at the 11<sup>th</sup> position in the water tasting competition, scoring 217 out of a possible 396 points.
- 6.d **BROADBAND.**  
Addressed earlier in the meeting.
- 6.e **FLOURIDATION-FLUORIDATION AWARD.**  
J. Auxer directed attention to a letter included in the meeting packet regarding an announcement by the West Virginia Department of Health and Human Services which recognized Shepherdstown, among others in the state, for winning the Water Fluoridation Quality Award from the U.S. Center for Disease Control.
7. **NEW BUSINESS.**
- 7.a **POSSIBLE WATER/SEWER SERVICE TO NEW SCHOOL COMPLEX ON RT. 230.**  
J. Auxer advised that the Jefferson County Board of Education (JCBOE) has not formally approached the Town regarding water and sewer service to their proposed new elementary and middle schools on Rt. 230 south of town. He also noted that the distance to serve those schools from our closest mains is 1.7 miles, which represents a considerable investment in system extension, which would ultimately be borne by the JCBOE; but that adequate system capacity does exist to serve the schools. After further discussion, F. Welch was directed to contact the JCBOE Vice President of Facilities to discuss this opportunity.
8. **MAYOR'S REPORT.**  
J. Auxer discussed several Federal grant funding opportunities that the Town is presently pursuing for water and waste water infrastructure.
9. **NEXT MEETING DATE.**  
Thursday, September 30, 2021, at 12:30PM.
10. **CONSENT.**  
No action.
-

11. SUMMARIZE ACTION ITEMS FROM THIS MEETING.  
No action.
12. DRAFT AGENDA FOR NEXT MEETING.  
No action.
13. ADJOURNMENT. J. Auxer adjourned the meeting at 2:45PM.

Respectfully Submitted: A. Slater

Historic Landmark's Commission August 9, 2021 – Regular Meeting



Draft Minutes

**Members Present:** Bruce Massey – Chairman; Dan Anderson; Keith Alexander; T. Nicole Saunders-Meske; Jim Broomall

**Members Not Present:**

**Staff:** Andy Beall

**Visitors:** Jim Auxer; Jim King; Keith Stegall; James Gatz; Martin & Elise Baach; Paula McClain

**Call to Order:** 6:03 p.m.

**Approval of Minutes:** 6/14/2021 Approved

6/29/2021 Approved

**Conflicts of Interest:** None

**Application Review:**

Previous Applications:		Project Description
20-21	Keith Stegall	Resubmittal of revised plans for garage / shed.
	301 W. German Street	
<p><i>The applicant is present. The storage shed portion of application #20-21 was tabled at the 6/14/2021 meeting pending further research of the Secretary of Interior's Standards for Rehabilitation. B. Massey motions to remove the application from the table, no objections and motion passed. B. Massey begins the review of the proposed storage shed by asking the applicants if they had considered relocating the shed to the NW corner of the lot. The applicant states he is not open to that option. B. Massey then proceeds to discuss the incompatibility of the proposed structure in the proposed location with the historic landscape. This, a result of further research into the Secretary of Interior's Standards for Rehabilitation spurred by an e-mail sent prior to the June meeting from the neighbor to the north with their concerns over the proposed location of the shed:</i></p> <p>"It has been brought to our attention that the construction permit for the home at the corner of Duke/German (301 W German St) has expired and is up for renewal. Over the past year we have reflected on the planned project and have a couple of concerns. Points of Concern:</p> <ul style="list-style-type: none"><li>• Location of the Shed structure 12 feet off the front corner of our home.<ul style="list-style-type: none"><li>○ We feel that the location of the building will decrease natural light, the view from our family room window, and general curb appeal of surrounding residences.</li><li>○ We hope that re-locating the structure toward the back of the property will be considered."</li></ul></li></ul> <p><i>B. Massey then refers to the following:</i></p>		





**Draft Minutes**

1. *Page 2 of the Shepherdstown Historic District Design Guidelines, Introduction , second bullet point under These Guidelines Can, "Help reinforce the historic character of Shepherdstown and protect its visual aspects."*
2. *Secretary of Interior's Standards for Rehabilitation, specifically, Guideline #9 which states, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."*

*B. Massey continues that the addition of the proposed shed in its proposed location would greatly disrupt the historic landscape of the property and the spatial relationship with surrounding historic properties. Mr. Stegall reiterates the fact he has presented a Sanborn Fire Insurance Map from 1899 that shows a log cabin in the location of the proposed storage building and argues he would be restoring the historic landscape. K. Alexander states that from a chronological review of the Sanborn Maps for that parcel, the log cabin has been nonexistent for nearly 120 years. He states there is no singular moment in history for which preservation efforts should be focused and the commission must protect the current spatial relationships. J. Broomall states it is the responsibility of the Historic Landmarks Commission to preserve the historic landscape as it now exists and not try to replicate features from any one period. He continues and references page 67, Section C of the design guidelines which states, "When any new structure, furnishing or object is added, it should be done in such a way that does not detract from or alter the historic character of the landscape. For example, installing a period gazebo that was never present in the cultural landscape." The log structure depicted in the Sanborn Map presented by the applicant hasn't existed on the site for nearly 120 years. The proposed 24' L x 14' W x 15' H board and batten storage building would disrupt what is now and has been for nearly 120 years, the historic landscape and spatial relationship with the surrounding historic structures. Mr. Stegall then begins questioning the commissioners as to their backgrounds and credentials at which point, N. Saunders-Meske states a motion.*

**Notes:**

**Motion:**

*Nicole Saunders-Meske motions to deny the construction of the proposed storage shed per the findings stated above; no objections and motion passed unanimously.*

**New Applications:**

**Project Description**

**21-18**

**James Gatz**

**Minor design alterations to previously approved application to include window and sliding glass door additions.**

**215 W. New Street**

*The applicant is present and describes the proposed alterations. The commissioners see no issues with the North & West elevation window additions and find them to be an improvement over the previously approved plan. As for the addition of glass sliding doors on the East elevation, the applicant would like approval in addition to the previous approval for just windows as he would like the option to choose the least expensive. The commission points out that there are no plans for steps or a landing of any sort outside the sliding glass door proposal. The commission prefers the applicant develop a solid plan for one or the other options and return to the HLC. The applicant agrees.*

**Notes:**

Historic Landmark's Commission August 9, 2021 – Regular Meeting



Draft Minutes

<b>Motion:</b>	<i>D. Anderson motions to approve the North and West elevation window alterations and memorializes the fact the applicant will return later with definitive plans for the East elevation; no objections and motion passed unanimously.</i>

New Applications:		Project Description
21-30	Martin & Elise Baach	Removal of existing roof on one-story garage and addition of a second story studio space with exterior stairs and covered porch.
	110 S. King Street	
<i>The applicants are present and describe the proposed expansion. The commission expresses their appreciation of the proposed design and feel it is compatible to the historic district. A few questions arise as to the intended materials as the plans call for the use of vinyl for the staircase. The applicants state that is a mistake and that no vinyl will be used. The materials include Hardie board siding, standing seam metal roof, wood windows and doors and 5" half round galvanized gutters with round downspouts...and "no vinyl". K. Alexander questions what the intended use is for the upstairs expansion. The applicants confirm it will be a studio/office with no kitchen.</i>		
Notes:		
Motion:	<i>D. Anderson motions to approve application 21-30 contingent on the use of Hardie board siding, standing seam metal roof, wood windows and doors and 5" half round galvanized gutters with round downspouts...and "no vinyl"; no objections and motion passed.</i>	

Workshop: N/A

Continuing Business: N/A

New Business: N/A

Administrative Matters: N/A

Adjournment: Motion to adjourn at 7:30 p.m.; no objections and passed unanimously.