

Shepherdstown Town Council Meeting Minutes
Tuesday, September 14, 2021
Zoom Meeting
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, Officer Bryce Dickens, and Police Chief Mike King.

Visitors: Philip Baker-Shenk, David Deamer, Elizabeth Ricketts, John Bresland, Lois Turco, Cam Secrist, Hoy Shingleton, Steve Pearson, Tabitha Johnston, Doc McClusky, Peter Smith, and Mary Fortuna.

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

Call to order by Mayor Auxer at 6:30 pm.

Approval of the Town Council Meeting Minutes of August 10, 2021

C. Stroeck- move to approve Town Council Draft Minutes of August 10, 2021. Second by J. Ford. No objections noted.

J. Ford – move to approve Special Town Council Draft Minutes of August 26, 2021. Second by C. Roberts. 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.

Mayor – introduced Bryce Dickens, a newly hired officer as of 9/9/21.
Please welcome him.
Officer Dickens – he appreciates the opportunity.

- a. David Deamer – Broadband Information – works with Region 9. The wireless network group will handle many aspects of this project. Equipment/antennae’s will be placed on top of our water tanks/towers across from 7-11 that will make the signal better and allow for more internet coverage in rural areas within a 5-mile radius around the towers that are within line of sight.
Mayor – the corporation will receive a monthly payment for the use of our towers. There is no cost to the town. We need a vote to move forward with this project.
C. Roberts – who benefits? Is there a schematic we can see?
D. Deamer - Those within a 5-mile radius. Yes, he can get that to council.
M. Amerikaner – will this allow for in-town internet enhancement?
D. Deamer – in-town speed is adequate. It’s more for those people that have no options outside of town.
L. Robertson – motion to move forward to explore broadband in Shepherdstown utilizing the placing of equipment on our water towers. Second by C. Stroech. No objections noted

- b. Phil Baker-Shenk – Habitat for Humanity – this is a preliminary report on the HFH project. He bought the last piece of property to closedown the Shepherd Village project. He donated Lot #20 to Habitat. Doc and Mel McClusky have been great partners. The permit to secure the building should start soon. Donations have already come in to help. The direct # for the local chapter is 304-263-3154.

Agenda Item 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 the 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 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.

J. Haynes – move to approve the third reading of the Bond Ordinance (the “Bond Ordinance”) authorizing the issuance of up to \$1,250.000 in aggregate principal amount of the 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”). Second by L. Robertson. No objections noted.

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 Section 3-407 of Chapter 4, Title 3 of the Code of Shepherdstown relating to the non-intoxicating 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 Section 7-103 of Chapter 1, Title 7 of the Code of Shepherdstown relating to criminal offenses for indecent exposure, public indecency, and invasion of privacy.
- An Ordinance to amend Section 7-106 of Chapter 1, Title 7 of the Code of Shepherdstown relating to weapons and firearms.
- An Ordinance to amend Section 7-107 of Chapter 1, Title 7 of the Code of Shepherdstown relating to the discharge of firearms.
- An Ordinance to amend Section 7-109 of Chapter 1, Title 7 of the Code of Shepherdstown relating to falsely reporting an emergency incident.
- An Ordinance to amend Section 7-110 of Chapter 1, Title 7 of the Code of Shepherdstown relating to riots and unlawful assemblages.
- An Ordinance to create and adopt Section 7-501 of Chapter 5, Title 7 of the Code of Shepherdstown to make it lawful to litter and to establish penalties for violations.

- An Ordinance to adopt Chapter 6, Title 6 of the Code of Shepherdstown relating to the discharge of firearms.
- 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.

Chief – this brings us in line with WV state codes.
 M. Amerikaner – is there anything significant here/
 Chief – no, all standard –just updating.

L. Robertson – move to approve all of the first readings of the above ordinances put forth by Chief King. Second by M. Amerikaner. C. Stroech abstained. Motion passed with a majority vote.

Agenda Item 6 – Unfinished Business:

- a. None

Agenda Item 7 – Old Business:

- a. Website redesign update – approval Draft RFP
 J. Ford – asked to hold off until October’s meeting.

Agenda Item 8 – New Business:

- a. Trick or Treat – October 31, 6-8 p.m.
 Mayor Auxer noted that the health department has offered no guidelines regarding Trick or Treating in the area.
 J. Haynes – The Haunted House will be open that night at the Community Club and may require masks. She can cancel at any time if deemed necessary.
 L. Robertson – anything done indoors is a private event and we do not need to vote on it.
M. Amerikaner – move to not promote Trick or Treating, and to not close German Street, as last year. Second by C. Stroech. No objections noted.

b. Event Requests:

- Boofest – October 30, 6-7 p.m. Thriller Dance
October 30, 10-5 p.m. Street Music

S. Pearson – Thriller Dancers are spaced out on King St.

L. Robertson – move to approve Thriller Dance, encouraging the wearing of masks and distancing. Second by J. Ford. No objections noted.

Mayor – we can revisit Boofest in October’s meeting.

S. Pearson – no vote tonight now on the street music.

- Christmas Parade – December 4, 10-11 a.m.
P. Smith – he will recommend all involved to wear masks and practice distancing. Normally, the \$450.00 for the sound system is paid for by Christmas in Shepherdstown.
S. Pearson stated that that could happen again.
C. Roberts – move to approve the Christmas Parade with Covid considerations/regulations. Second by L. Robertson. No objections noted.

- Christmas in Shepherdstown – J. Haynes – Mrs. Santa is all ready, the Who gals are in, she is chatting with Santa, Rotary will erect the Xmas tree, she is checking on the LED lights, and there is to be a chili cook-off at the Community Club. The Cook-off might possibly be take out as opposed to eating in or held under a tent behind the library. She will speak to the Kiwanis Club about the logistics of the cook-off. Need to think about the tree lighting in regards to crowds.

L. Robertson – move to proceed with Christmas in Shepherdstown. 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. The need docents.
- Shepherdstown Library – work is beginning 9/16/21.
- Habitat for Humanity ceremony is 9/27/21 @ 1:30 p.m.

- Please cut your grass around signs, on the sidewalks, and near the curbs.
- Please help pick up trash, cig. butts, etc.
- Generally, help take care of our town.
- CATF – Ed Herenden has retired with Peggy McKowen stepping up to fill in.
- The Mayor has been appointed to the Jefferson County Criminal Justice Board until July 2024
- M. Amerikaner inquired as to why the pedestrian signs moved to the side of German St.? Chief King – the fire trucks were hitting them. F. Welch – it was expensive to keep replacing them at \$350 each. Public Works has replaced a bunch

Agenda Item 10 – Reports of Committees:

A. Finance Committee:

1. Meeting minutes of August 2021
2. Finance Reporting:
3. Recommendations

a. Allocate 40K to the Cost Sharing Sidewalk Program—

Mayor – there will be an application process and the public can be informed via email, newspapers, social media, and the website.

J. Haynes – move to approve the allocation of \$40K to the Cost Sharing Sidewalk Program. Second by C. Roberts. No objections noted.

b. Allocate the money received from the American Rescue

Plan to the Water Treatment Plant Upgrade Project.

Mayor – this is to finish the water treatment plant project. We can use the \$421,000 from the American Rescue Plan to complete it. This money being used for this project falls under the permitted uses, and we would not have to pull money from our reserves.

Chris Stroeck – suggested deferring the vote until next month to get input from the public as to possible other uses the money could be used for, as the public may not understand the agenda item as written.

Mayor – this is a time sensitive issue and some of the details were just presented to him.

Cheryl Roberts – this opportunity may not come around again to be able to use these funds for this project.

Mayor – the costs did go up. The funds are limited as to what they can be used for.

A discussion ensued as to vote now or in October. Some felt it was rushed and/or was buried in the agenda. The Mayor insisted it wasn't either.

L. Robertson – stated that the Finance Committee, the Water & Sanitary Board, approved it and our town attorney was fine with it. Council is elected to make these decisions.

L. Robertson – move to approve putting the American Rescue Plan money (\$421,000) toward the Water Treatment Plant Upgrade Project. Second by J. Haynes. C. Stroech opposed. The motion passed with a majority.

C, Stroech – suggested the possibility of a special meeting to explain it fully.

B. Parking Committee:

1. No August meeting
2. Recommendations: None

C. Police Committee:

1. No August meeting
2. Recommendations: Non

D. Parks and Recreation Committee:

1. Meeting minutes of August 2021 – not available at this time
2. Recommendations:
 - a. NoneC. Roberts – looking at a possible grant to extend a walking path around Cullison.

E. Public Works Committee:

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

F. Welch – LED lights – on 8/10/21 50-watt bulbs were installed on Church & Old Queen Alley and Mill & High Streets. 90-watts bulbs are installed on Church & German.

F. Path Advisory Committee

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

G. Grant Committee

1. No meeting scheduled for September 2021
 - a. Recommendations:
None
C. Stroeck – a \$60,000 grant was awarded for Community Development that runs for over a year. It is for those who had trouble paying their rent/mortgage/utilities during Covid. We can give out up to \$5K a month to help.

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

A. Historic Landmarks Commission:

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

B. Planning Commission:

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

C. Tree Commission

1. Meeting minutes of September 2021 – not available at this time
2. Recommendations: None
3. L. Robertson – the Grant Committee presented proposals for a tree inventory that grant money can be used for.

D. Water and Sanitary Board:

- 1 – Meeting minutes of August 2021
- 2 – Recommendations:

- a. Review and consider utilizing the town water towers for broadband service as outlined in the presentation. (Refer to Visitor's report)

E. Board of Appeals

1. No meeting scheduled

L. Robertson – move to adjourn at 8:33 p.m. Second by J. Ford. No objections noted.

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