

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 Zoom meetings, the Mayor will canvas attendees for those wishing to speak. Time limits will be imposed. Written comments and/or questions to be addressed at the meeting, must be submitted to jimauxer@yahoo.com 24 hours before the meeting. 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).

THE MEETING IS STREAMED ON THE TOWN’S FACEBOOK PAGE
“SHEPHERDSTOWN, WEST VIRGINIA”

TOWN COUNCIL MEETING AGENDA

Tuesday, November 9, 2021

6:30 p.m.

LOCATION: TOWN HALL

104 NORTH KING STREET

MASK WEARING IS REQUIRED

1. Call to order
2. Approval of Town Council Meeting Minutes of October 12 and November 3, 2021 – not available at time of packet preparation
3. **Public Comment Period**
 - a. Persons who have registered to address Town Council.
4. **Visitors**
5. **Public Hearings**
 - a. First Reading of An ordinance to amend section 9-905, subpart ii, of chapter 9, title 9 of the code of shepherdstown, by expanding and further describing the legal remedies available for violations of this title

6. Unfinished Business

- a. Christmas In Shepherdstown update

7. Old Business

- a. Initial discussion regarding the development of a public commons area – Chris Stroeck

8. New Business

9. Mayor's Report

- a. Shepherdstown Public Library Update

10. Reports of Committees

A. Finance Committee

- 1. No meeting in October 2021
- 2. Recommendations: NONE

B. Parking Committee

- 1. No meeting in October 2021
- 2. Recommendations: NONE

C. Police Committee

- 1. No meeting in October 2021
- 2. Recommendations: NONE

D. Public Works Committee

- 1. Meeting minutes of October 2021
- 2. Recommendations: NONE

E. Parks and Recreation Committee

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

F. Grants Committee

1. Meeting minutes of October 2021- not available at time of packet preparation
2. Recommendations: NONE

11. Report of Commissions and Boards

A. Tree Commission

1. Next meeting November 11, 2021
2. Recommendations: NONE

B. Water and Sanitary Board

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

C. Historic Landmarks Commission

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

D. Planning Commission

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

E. Board of Appeals

12. Work session update

AN ORDINANCE TO AMEND SECTION 9-905, SUBPART II, OF
CHAPTER 9, TITLE 9 OF THE CODE OF SHEPHERDSTOWN, BY
EXPANDING AND FURTHER DESCRIBING THE LEGAL
REMEDIES AVAILABLE FOR VIOLATIONS OF THIS TITLE

THE SHEPHERDSTOWN TOWN COUNCIL ORDAINS:

Chapter 9, Title 9, Section 9-905, Subpart II, is hereby amended by expanding and further describing the legal remedies available for violations of Title 9 as follows:

Section 9-905 Remedies and Penalties

II. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or demolished or any building, structure or land is used in violation of this title, the appropriate authorities of The Corporation of Shepherdstown, in addition to other remedies, may institute injunction, mandamus, or other appropriate actions or proceedings, **including a stop work order, citation, or criminal prosecution**, to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, demolition or use, or to correct or abate such violation, or to prevent the occupancy of said building or land.

First Reading: _____

Second Reading: _____

Adopted: _____

Mayor

Recorder

PUBLIC WORKS COMMITTEE MINUTES

Monday, October 25, 2021

9:00 a.m.

Town Hall – In person

104 North King Street

1. Call to Order – 9:00am – Jim A., Chris S.; Staff – Frank W., Andy B.
2. Reading and approval of minutes – Chris S. motion to approve Sept., 2021 Minutes, approved.
3. Visitors – Carlos Niederhauser, Heidi Glenn, Rob Glenn.
4. Public Comment – Carlos N. commented that the lights from both the bank and street are too bright, suggested that a shield be installed on the street light. CPS to check out. Heidi and Rob Glenn commented that the LED installed on the corner of King and Washington is too bright. They have concerns that it will affect their Japanese Maple. They have additional concerns that are set forth in an email (w/photo) attached hereto and incorporated herein.
5. Unfinished Business:
 - a. International Property and Maintenance Code:
 1. 332 W. German Street – Waiting on second engineering report;
 2. 105 Ray Street – All issues resolved, remove from Agenda;
 3. 349 W. German Street – PD to hand-deliver violation letter;
 4. 103 Race Street – Will check on issues again, then issue summons if necessary.
 - b. Trash in alleys – On-going.
 - c. Recycling Grant – Will apply in April, 2022.
 - d. Rt. 45 project – Applied for alternate transportation grant – no update.
 - e. 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 – rumble strips considered, neighbors complained strips are too noisy;

*Drain to be cleaned at Washington / Princess.

***Town will send another letter to WVDOT.

- f. Garbage and recycling rates – Special Meeting to be held in Jan. 2022, will add glass recycling issues to this agenda.
 - g. LED lights – Upon hearing all comments and further deliberation, CPS motioned to table all action on LED lights and cease all activity of LED Task Force until spring, 2022. Notwithstanding, continued public feedback is welcomed. Second by Jim A., passed.
 - h. Sidewalk survey – completed with 15 serious issues noted, letters to be sent with form regarding shared cost program.
 - i. FEMA study – (re flood insurance) Mayor reported that progress is being made.
 - j. Fall clean-up – Nov. 1-5
6. New Business: None.
7. Mayor’s Report: New hire for laborer w/CDL – positioned to be announced.
8. Next Meeting: 11/29/21, 9am, at Town Hall.
9. Adjournment: Chris S. motion to adjourn, approved.

Subject: Shepherdstown Lighting
Date: Monday, October 25, 2021 at 10:13:14 PM Eastern Daylight Time
From: Glenn, Robert E.
To: jimauxer@yahoo.com, chris.stroeck@shepherdstown.us, jim.ford@shepherdstown.us
CC: lahaven@comcast.net, Carlos Niederhauser (exmex@frontiernet.net), Heidi, Glenn, Robert E., marty.amerikaner@shepherdstown.us, jennifer.haynes@shepherdstown.us
Attachments: Street_Light.jpg, NEO IQP Final Report.pdf

To the Shepherdstown Public Works Committee:

This is a supplemental email to my and my wife's public comments to the Shepherdstown Public Works Committee meeting held on October 25, 2021 at 9 am at City Hall.

We (Rob and Heidi Glenn) live at 206 South King Street. We moved into the house in December, 2002.

As we noted in our public comments, the LED light installed at the corner of Washington and King Streets is unacceptable from our perspective. It is too bright, too glaring, focused on King Street rather than Washington Street and inappropriate for the Shepherdstown Historic District.

We heard during the meeting that there were concerns about pedestrians crossing Washington Street. We completely understand this concern. That intersection is a major traffic issue in town as people regularly run the stop signs (sometimes without even attempting to brake). Certainly lighting at night is a safety issue; however, from our personal experience, that intersection is most heavily trafficked during daylight business hours during the week (especially the morning and afternoon rush hours) and on weekend mornings as people visit the post office and the farmers market.

We do not believe that the safety issue is properly addressed with brighter LED lighting at night. The focus on that intersection should be on pedestrian safety during the day (especially visitors to the post office and children going to school). Cars rule that intersection and we regularly watch pedestrians play "chicken" with cars failing to come to a full stop on Washington Street.

From our experience, there is much less pedestrian use of that intersection at night given that visitors to the downtown amenities do not park on the south side of Washington Street, which would require a pedestrian crossing that intersection.

We have two main issues with the LED lighting.

First, the current LED light is are too bright and creates too much light pollution. It has a substantive negative effect on our quality of life. We cannot sit in our front living room or on our front porch without being confronted with that glaring light. In this regard, if the issue is pedestrian safety for the Washington Street crossing, why is the light focused on King Street and our front yard. The attached picture was taken from our front door at approximately 9 pm on October 25, 2021. As you can see the light is shining almost directly into the camera lens putting a spot light on the South King Street crossing, while the Washington Street crossing remains in the dark.

Second, we have concerns that LED lighting (at least certain types) are inappropriate for the Shepherdstown Historic District. As you know, a main goal of establishing a historic district is to preserve property values by preserving the historic qualities of neighborhoods. We think that the wrong lighting will

not be compatible with the goals of the historic district and will result in a reduction of the value of our property and surrounding properties.

Of course, all of our views are anecdotal and subjective, albeit based on 22 years of "on the ground" data collection. But this brings us to our overall point.

Changing the lighting in a historic district requires study, consultation, data collection and input from all stakeholders, including property owners, pedestrians and the Shepherdstown Historic District.

While we appreciate expressing our views to the Public Service Committee, we came away from the meeting with the feeling that not enough preliminary development work has been done to make the proposed dramatic changes to Shepherdstown. The views expressed by the members of the Committee and the police department were anecdotal in nature without any reference to studies, standards or reports.

We did a basic search on Google relating to LED lights in historic districts. We think you will find that this topic has generated much discussion (and controversy) around the country. For example, before implementing LED lighting on Nantucket Island, Nantucket commissioned a 157 page report, which is attached.

I think you will agree that the Nantucket report reflects a comprehensive, fact-based and balanced approach to the issue of street lighting in a historic district, that weighs all of the factors that go into what good street lighting should accomplish.

We were particularly impressed by the level of outreach made by the report writers to stakeholders. From personal experience, the more any organization seeks input from stakeholders, the greater the buy-in to the final decision.

We would like to know and read what other residents and business owners think about LED lighting in Shepherdstown (apart from the rumor mill). As you will see from the Nantucket report, a majority of stakeholders were in favor of the benefits of LED lighting if properly implemented in the historic district. The report also reflects the opinions of lighting engineers on what is the right type of lighting would be appropriate for a historic district.

In Shepherdstown, we have a very robust Historic Commission that oversees the Historic District with members having unique and valuable experience in protecting and preserving the Shepherdstown Historic District. This seems to us to be an obvious source that the Town could tap to inform the Town's decision regarding street lighting.

From our view, the issue of street lighting in Shepherdstown is a critical infrastructure issue, that must be addressed with an objective, data-driven approach that seeks input from all stakeholders and balances all of the factors that go into street lighting, including energy efficiency, safety, quality of life and preservation of the historic district (including property values).

The members of Public Works Committee were attentive to our concerns and we appreciate the time they spent listening to our comments.

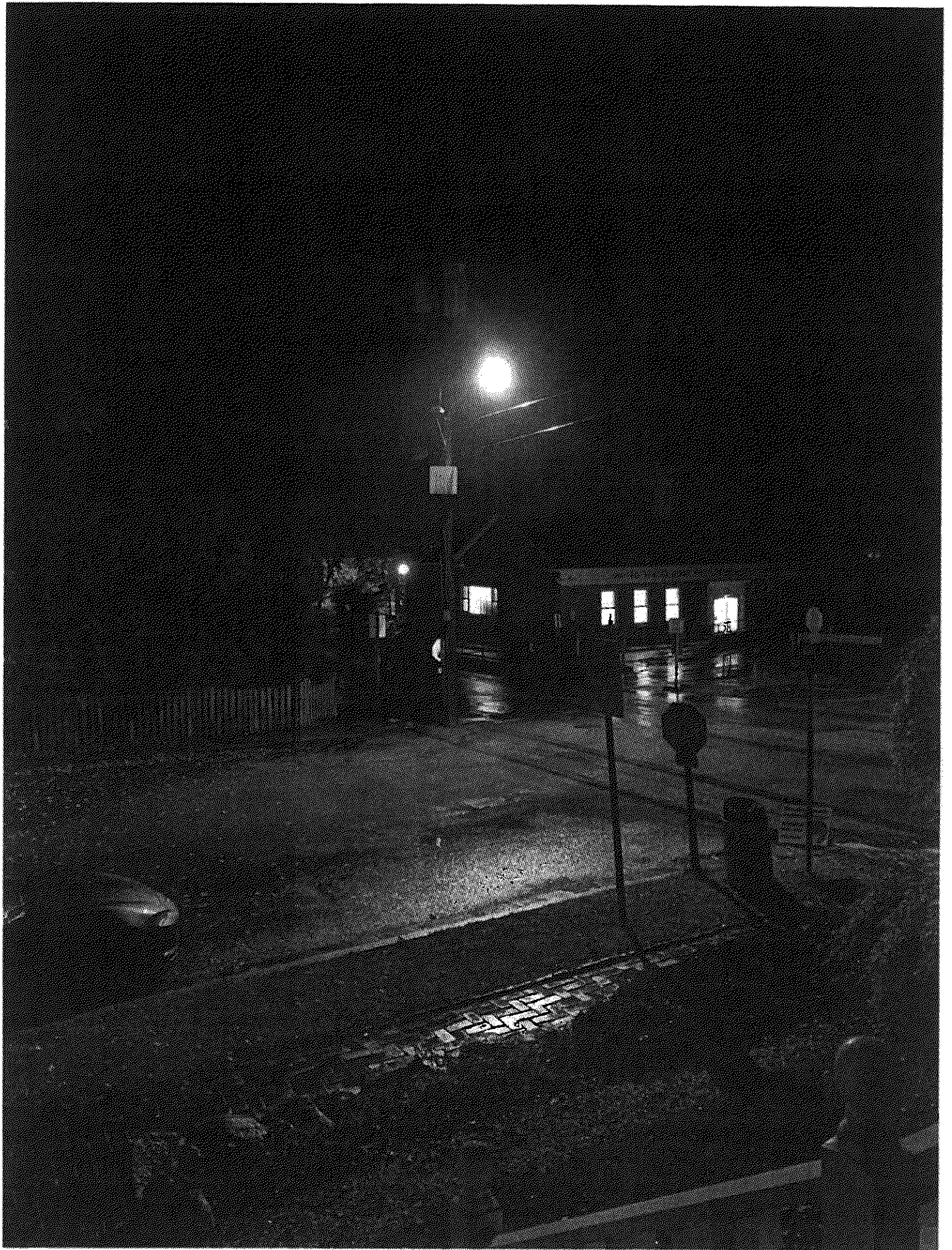
We are hopeful that the Committee and the Town leadership in general will consider the foregoing in moving forward with the replacement of street lights.

We request that these supplemental comments be included in the meeting minutes.

Thank you.

Rob and Heidi Glenn

Robert Glenn | Counsel | JacksonKelly PLLC
310 West Burke Street | Martinsburg, WV 25402 | www.JacksonKelly.com
Office Direct: (304) 260-4957 (Preferred) | Mobile: (304) 268-8125 | Fax: (304) 263-7110 |
rglenn@JacksonKelly.com | V-card | **BIO**



Minutes

Shepherdstown Parks & Recreation - October 26, 2021

6:00 p.m.

Town Hall & Zoom

1. Call to Order:

Meeting Called to Order at 6:04 PM.

Members Present: Cheryl Roberts (Chair), Marty Amerikaner & Jenny Haynes all in person. Effie Kallas attended virtually.

Members Absent: Nick Tully & Lori Robertson.

Staff: Frank Welch.

2. Approval of Agenda:

MOTION to approve the agenda made by Jenny second by Marty. Motion carried without objections.

3. Approval of Minutes:

MOTION, made by Effie, to approve the Minutes from September 28, 2021. Second by Marty. Motion passed without objections.

4. Welcome Visitors: No visitors.

5. Unfinished Business:

a. Bane-Harris Park - C. Roberts

i. Tree Branches Removal - Frank reports that he removed the branches which fell last month and called Viking Tree to inspect the tree. They inspected the tree and opined that it is safe and stable.

ii. Fence - Repairs, Paint Refurbish - Cheryl reports that paint is peeling from the fence railings. Frank will take a look and make an assessment of what could be done to improve the aesthetic of the fencing.

b. Cullison Park - M. Amerikaner

i. Playground Equipment Replacement "Toy" Follow-up - Frank reports that he ordered the spring toy. No delivery nor installation date has been set yet.

ii. Walking Path Update - Marty reports that he and Frank met with Noble Adkins from Capitol Solutions Group at Cullison Park today. Marty was impressed with Mr. Adkins' knowledge and experience. He suggested a product called Plexi-Pave. It is a crushed stone with a binder which holds the path in place. He said that no maintenance is required for this product to stay "in warranty". He will send a proposal with estimates broken down by park & phases. A Special Meeting may be called to review this proposal and get the project moving.

iii. Park Boundary Maps - Frank reports that he has asked Andy Bell for the maps. Cheryl will ask again. These maps will be needed for Noble Adkins to make an accurate estimate and proposal.

c. Rumsey Park - N. Tully

Frank reports that he took a dead Spruce down near the gate.

d. Viola Devonshire - L. Robertson

No report.

e. Riverfront Park - J. Haynes

Jenny reports that usage is slowing down due to cooler weather setting in.

f. Bookmark The Park - E. Kallas & C. Roberts

i. Artist Gift Presentation - Cheryl reports that she presented Jason Enterline, the artist who created the "Bookmark the Park" logo, a gift of appreciation from the Committee. Cheryl will seek reimbursement for this \$50.00 Gift Card.

ii. Spring 2022 Plan - Effie reports that she will generate a program of calendared events and present same at the next Committee Meeting.

iii. Text-Ready Posting Info. - L. Robertson. No report.

g. Park & Rec Facebook Page - L. Robertson

Jenny suggests that a Park & Rec Instagram account be created and that a link be made from this Instagram account to the Park & Rec Facebook page. That way, posting made to Facebook will automatically link to Instagram. She will communicate with Lori about creating an Instagram account and initiating the link.

h. Community Survey Action Plan.

Cheryl suggests sending the results of the survey to Amy for display and posting at Town Hall.

6. New Business:

a. Grant Application - *Parks & Recreation Grants for WV Cities - LWCF*. The Town's Grants Committee has suggested several ideas including a park-like setting behind the Shepherdstown Library and a partnership with Shepherd University regarding the serenity garden behind Knutti Hall. The deadline for applications is approaching quickly. The Committee may call a Special Meeting to see if we want to submit an application.

b. Future Meeting Topics.

7. Next Meeting: November 23, 2021 - 6:00 pm - Location: Town Hall or Zoom.

8. Adjournment

MOTION to adjourn meeting made by Marty and second by Jenny.

Adjournment: 7:08 pm.

Respectfully Submitted by Secretary Effie Kallas.

Approved by President, Cheryl Roberts

Historic Landmark's Commission October 11, 2021 – Regular Meeting



Draft Minutes

Members Present: Keith Alexander; T. Nicole Saunders-Meske; Jim Broomall; Carmen Slater

Members Not Present: Bruce Massey – Chairman

Staff: Andy Beall

Visitors: Jim Auxer; Jim King; Tom Mayes; Rodney Glover; Eleanor Finn; Donna Bertazzoni

Call to Order: 5:00 p.m.

Approval of Minutes: 9/13/2021 Approved

Conflicts of Interest: None

Application Review: None

Workshop: 205 W. Washington (Mayes) – Renovations:

The home owners wish to make several alterations including the addition of wood shutters where none currently exist, replacing non-historic windows with more appropriate configurations in 1970's ell addition, and removing the small stoop on the rear of the 1970's ell addition and replacing it with a larger screened-in porch with period-appropriate columns and balusters.

Continuing Business: N/A

New Business: Discussion of upcoming grant opportunity through the National Trust for Historic Preservation: Telling the Full History Preservation Fund. Grants will be awarded for humanities-based work to interpret and preserve historic places of importance to underrepresented communities including, but not limited to, women, immigrants, Asian Americans, Black Americans, Latinx Americans, Native Americans and LGBTQA communities.
K. Alexander suggests applying for funding for the restoration of Rosehill Cemetery. Eleanor Finn would like to see portions of funding allocated for similar work Historic Shepherdstown is currently undertaking. Donna Bertazzoni states that a member of the HSC has extensive background in federal grant writing and management and may be willing to take the lead.

Administrative Matters: N/A

Adjournment: Motion to adjourn at 6:09 p.m.; no objections and passed unanimously.

Shepherdstown Planning Commission October 18, 2021 – Regular Meeting & Public Hearing



Draft Minutes

Present:

Commission Members Present: CHRIS CAFIERO, VICE CHAIR; LORI ROBERTSON; TERRY FULTON; DR. HANI AL-SALEH; ABBY STREU; ROGER MONROE

Commission Members Absent: JIM AUXER, MAYOR

Planning & Zoning Staff: ANDY BEALL

Visitors: Annette Gavin Bates

Call to Order: 6:00 P.M.

Approval of Minutes: MINUTES FOR REGULAR MEETING: 9/20/2021

Motion: MOTION TO APPROVE; NO OBJECTIONS; PASSED UNANIMOUSLY

Discussion:

Conflicts of Interest: None

New Applications:		PROJECT DESCRIPTION
21-38	Jefferson County Visitor's Bureau	Hang a 4.5 sq. ft. sign from metal bracket to be attached to porch column.
	102 S. King Street	
The applicant present and describes the proposed sign. The commission confirms with staff that Title 9 requirements are met. Staff and commission suggest the base of the bracket which will be in contact with the porch column be slightly curved to set flush against the column.		
HLC Motion:	N/A	
PC Motion:	MOTION BY L. ROBERTSON TO APPROVE; NO OBJECTIONS AND PASSED UNANIMOUSLY.	

New Applications:		PROJECT DESCRIPTION
21-39	Main Street Partners L.P.	Mount a 4.5 sq. ft. business sign to wall, left of door.
	217 S. Duke St., Ste. 100	
THE APPLICANT IS NOT PRESENT.		
HLC Motion:	N/A	

Shepherdstown Planning Commission October 18, 2021 – Regular Meeting & Public Hearing



Draft Minutes

PC Motion:	MOTION BY LORI ROBERTSON TO TABLE; NO OBJECTIONS AND PASSED UNANIMOUSLY.

Continuing Business: N/A

New Business: N/A

Administrative Matters: N/A

Adjournment: MOTION TO ADJOURN: 6:30 P.M.