

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](mailto: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, January 11, 2022

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 December 14, 2021
3. **Public Comment Period**
  - a. Persons who have registered to address Town Council.
4. **Visitors**
5. **Public Hearings**

NONE

**6. Unfinished Business**

**7. Old Business**

- a. Train traffic

**8. New Business**

- a. Event Request - Farmer's Market (2 applications)
- b. Tobacco Warehouse Lease to Ascend WV Program

**9. Mayor's Report**

**10. Reports of Committees**

**A. Finance Committee**

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

**B. Parking Committee**

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

**C. Police Committee**

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

**D. Public Works Committee**

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

**E. Parks and Recreation Committee**

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

**F. Grants Committee**

1. Meeting minutes of December 2021- not available
2. Recommendations: NONE

**11. Report of Commissions and Boards**

**A. Tree Commission**

1. No meeting in December 2021
2. Recommendations: NONE

**B. Water and Sanitary Board**

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

**C. Historic Landmarks Commission**

1. Meeting minutes of December 2021 – not available
2. Recommendations: NONE

**D. Planning Commission**

1. Meeting minutes of December 2021 – not available
2. Recommendations: NONE

**E. Board of Appeals**

**12. Work session update**

**Shepherdstown Town Council Meeting Minutes**  
**Tuesday, December 14, 2021**  
**Town Hall**  
**104 North German Street**  
**6:30 p.m.**  
**Masks Wearing is Required**  
**Also being streamed on the town's facebook page "Shepherdstown,**  
**West Virginia"**  
**DRAFT**

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

**Absent:** None

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

**Visitors:** None in person

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

Call to order by Mayor Auxer at 6:31 pm.

Approval of the Town Council Meeting Minutes of November 9, 2021

**C. Roberts- move to approve Town Council Draft Minutes of November 9, 2021 with the following addition per C. Stroeck: pg. 3 Agenda Item 7 – Old Business, a – add at the end of the first sentence -comma - due to not being shovel ready.**

**Second by C. Stroeck with the addition. No objections noted.**

**Agenda Item 3 – Public Comment Period:**

- a. Persons who have registered to address Town Council.
- b. The Mayor noted that no one emailed him regarding the meeting prior to the meeting with questions or comments.

#### **Agenda Item 4 - Visitors:**

Visitor's comments, if any, are logged in under the specific agenda items.

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

- a. Second 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.

**L. Robertson – moved to approve the 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. Second by C. Jenny Haynes. No objections noted.**

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

- a. Chief King – spoke to the train traffic – Norfolk Southern officials can be called if a train is stopped on the tracks for an extended period of time (10 minutes). The number to call is 1-800-453-2530 to reach the dispatcher. The Mayor has spoken to the town attorney to see if the stoppage is citation worthy.

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

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

- a. Request from Shepherdstown Public Library Board of Trustees to appoint Sally Brasher to trustee position.

**L. Robertson – move to approve the request from the Shepherdstown Library Board of Trustees to appoint Sally Brasher to trustee position. Second by C. Roberts. No objections noted.**

- b. Naming of street – no action taken, as it has to go to Public Works.

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

- a. Shepherdstown Public Library Update –  
Mayor – the Library on German St. is back open. There is a leak that is being addressed. The new Library off of Lowe Dr. is moving along.
- Mayor – has been in discussions with the other mayor’s in Jefferson County. The goal is to speak as one voice. They have discussed sharing services, police departments, growing populations, Marc train, services we need to provide, how we are being represented by our delegates/senators, and have the legislators attend the mayor’s meetings. He is also working with the Municipal League.
  - The town has hired 2 new employees for Public Works. Glen Taylor was hired in November and Gary Moats was hired in mid-December.
  - The corporation is need of an accounting clerk/bookkeeper.
  - He thanked all involved with the tree, tree lighting and lights, Christmas in Shepherdstown – Judy Shepherd, Jenny Shepherd, Rotary and Lions, the parade – Holly Frye and Peter Smith.
  - Happy Holidays to the council, town staff, volunteers, and so many organizations that make Shepherdstown what it is.
  - Rt. 340 is getting close to closing to work on the bridge due to the rockslides. The work should take 45-60 days. A start date has not been determined.
  - J. Ford – noted the RFP for the website has been sent to vendors as of December 1. It will be open for 60 days.
  - C. Roberts – December 15, the Lion’s Club is offering gift-wrapping at Evolve from 9 a.m. – 6 p.m. for donations only.
  - M. Amerikaner – noted that there is a new forum to pay water bills. People are having trouble getting verification emails once signed up. Town Hall is working through it.

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

### **A. Finance Committee:**

1. Meeting minutes of December 2021
2. Finance Reporting:
3. Recommendations
  - a. Allocation of \$200,000 to Bike Path Project

**L. Robertson – move to authorize the allocation of \$200,000 from the video lottery reserve for the Bike Path Project and to sign the DOH agreement. Second by C. Roberts. No objections noted.**

L. Robertson thanked everyone profusely for their help over this very long process. This agreement will move us to the breaking ground phase.

### **B. Parking Committee:**

1. No November 2021 meeting
2. Recommendations: None

### **C. Police Committee:**

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

### **D. Parks and Recreation Committee:**

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

C. Roberts – noted that they are looking at funding/grant for a trail around Rumsey and Cullison Parks.

### **E. Public Works Committee:**

1. Meeting minutes of November 2021
2. Recommendations:

None

### **F. Path Advisory Committee**

1. No meeting in November 2021
2. Recommendations:
  - a. None

### **G. Grants Committee**

1. Meeting minutes of November 2021 – not available at time of packet preparation.
1. 2. Recommendations:
  - None
  3. AED Grants - The committee is working on a grant for AED devices for the Shepherdstown Police Department. They are looking at 6 AED's for each patrol car.

**J. Ford – move to approve the Grants Committee to apply for the AED grants when the opportunities open. Second by C. Roberts. No objections noted.**

\*\* M. Amerikaner – noted that the Age Friendly Committee would like to take the next step regarding possible sidewalk grants. The Mayor will set up a meeting with Matt Mullenax.

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

#### **1. Historic Landmarks Commission:**

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

#### **2. Planning Commission:**

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

#### **3. Tree Commission**

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

L. Robertson – Bartlett has been selected for the Tree Inventory. We will need a short special town council meeting via Zoom once the Grant Committee approves it. Looking at Friday the 17<sup>th</sup> at 1 p.m.



**4. Water and Sanitary Board:**

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

**5. Board of Appeals**

1. No meeting scheduled

**M. Amerikaner – move to adjourn at 7:19 p.m. Second by C. Stroeck.  
No objections noted.**

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

# 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:	SFM Shepherdstown Farmers Market
Contact Name:	Natalie Friend
Mailing Address:	6274 Middleway Pike
City, State, Zip:	Leannysville, WV 25430
E-mail Address:	natalie.gantham.friend@gmail.com
Daytime Phone:	
Evening Phone:	
Cell Phone:	304 279-2471

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>	Shepherdstown Farmers Market			
2.) Has this event been held in Shepherdstown in the past?	S. King Street			
	<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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4.) Date and Time of Event: 1/2, 1/10, 1/17	From: 11 am/pm To: 1 am/pm			
4a.) Set Up Time 1hr 1/30, 2/10				
4b.) Tear Down Time 1hr 2/20, 3/10				
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>	Strat Parking		
9.) Will entertainment be involved? <input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> DJ	<input type="checkbox"/> Radio/CD Player <input type="checkbox"/> Other: Explain
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 tents / tables		
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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Cost		
15.) Number of people expected to attend:	<input type="checkbox"/> less than 50	<input type="checkbox"/> 51-100	<input checked="" 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: Natalie Krind	Phone: 301 219-2471	
17.) Check any Town assistance needed:	<input type="checkbox"/> Electric <input type="checkbox"/> Recycling	<input type="checkbox"/> Police <input type="checkbox"/> Other	<input type="checkbox"/> Public Works
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?	bring traffic 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: 12/8/2021

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: _____	_____
	_____

# 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:	Shepherdstown Farmers Market
Contact Name:	Natalie Friend
Mailing Address:	6274 Middleway Pike
City, State, Zip:	Kearneysville, WV 25430
E-mail Address:	natalie.granham.friend@gmail.com
Daytime Phone:	
Evening Phone:	
Cell Phone:	304 279-2471

1.) Name and Complete Description of Event including location if other than one of our Parks: <i>attach on separate sheet if necessary</i>	Shepherdstown Farmers Market S King Street			
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4.) Date and Time of Event: 3/13/22 - 12/18/22	From: 9 am/pm To: 1 am/pm			
4a.) Set Up Time 1 hr 8 am				
4b.) Tear Down Time 1 hr 2 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>			
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>	street parking			
9.) Will entertainment be involved? <input 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
	weekly musicians			
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 tents tables			
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 checked="" type="checkbox"/> Yes <input 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: Natalie Friend		Phone: 304 214-2471	
	Name: Cindy Mazzullo		Phone: 703 907 8816	
17.) Check any Town assistance needed:	<input 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?	bring people into 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: 12/10/21

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	Comments: _____ _____ _____
Approved by: _____	
Title: _____ Date: _____	

Corporation of Shepherdstown  
c/o Mayor Jim Auxer  
PO Box 248  
Shepherdstown, WV 25443

Re: Ascend WV in Shepherdstown

Dear Mayor Auxer:

As you are aware, the West Virginia University's Brad and Alys Smith Outdoor Economic Development Collaborative and West Virginia Department of Tourism have identified the City of Shepherdstown as a host-city for Ascend WV – a talent attraction and retention program designed to support remote professionals and their families as they relocate to West Virginia.

The success of Ascend WV in a host-city is very much tied to the location of the co-working space which will serve as the hub of activity for Ascend WV and its participants. To that end, we believe that the Mecklenburg Tobacco Warehouse (the “Warehouse”) located on North Princess Street provides Ascend WV with its best chance of success in Shepherdstown.

Through the life of the Ascend WV program we hope to attract and retain 136 talented new residents to the area. In doing so we expect the program to have a significant positive social and economic impact on the area in the immediate and years to come.

Our hope is that the City will look favorably on Ascend WV’s use of the Warehouse under the following proposed lease terms:

- Premises: The Mecklenburg Tobacco Warehouse and associated grounds, including existing parking.
- Lessee: West Virginia University Board of Governors on behalf of West Virginia University (“WVU”)
- Construction Term: To begin upon mutual agreement and continue for the duration of necessary planning, design, and renovation.
- Initial Term: Seven years beginning upon completion of the renovation.
- Renewal Term(s): An initial three-year renewal and successive two-year renewals thereafter (all at Lessee’s option).
- Rent: \$1 / year
- City will authorize Lessee, at its expense, to renovate the Warehouse and improve the associated grounds such that the Premises can be repurposed as a modern co-working location. Plans will be shared with City in advance.
- During the Initial and Renewal Term(s), Lessee to pay all utilities and necessary services (voice, data, etc.).
- Lessee will keep the building in good repair; provided, that City shall maintain the rooftop and the structure of the Premises. Additionally, the City shall maintain the grounds, including parking area(s), and landscaping associated with the Premises.
- Lessee may freely assign the lease to another WVU-affiliate or other state agency.



- Lease shall comply with W. Va. Code 18B-19-12 and other applicable state laws.

Our team is confident that if given the opportunity, we can renovate the Warehouse to create a modern co-working space while maintaining the historical aspects of the structure and associated grounds. We estimate that renovation costs to be between \$1,250,000 and \$2,000,000.

This proposed lease will bring Ascend WV one step closer to success in Shepherdstown. Thus, we would appreciate your thoughtful consideration of our proposal. Further, we kindly request an opportunity to discuss this proposal with you to determine next steps required to achieving a formal lease agreement. To ensure we are able to meet necessary deadlines with planning, we are willing to meet at your soonest convenience.

Thank you very much.

Sincerely,

*Chelsea A. Ruby*

Chelsea A. Ruby  
Cabinet Secretary  
West Virginia Department of Tourism  
[Chelsea.A.Ruby@wv.gov](mailto:Chelsea.A.Ruby@wv.gov)

Sincerely,

*Danny Twilley*

Danny Twilley, Ph.D.  
Assistant Dean  
Brad & Alys Smith OEDC  
Office of the Provost  
West Virginia University  
[danny.twilley@mail.wvu.edu](mailto:danny.twilley@mail.wvu.edu)

Cc: Charles Printz, Jr. ([cprintz@bowlesrice.com](mailto:cprintz@bowlesrice.com))

# Tobacco Warehouse

## Fact Sheet

Year Built:	circa 1780
Physical Address:	315 N. Princess Street
Building Condition:	Through the efforts of the Friends of the Shepherdstown Riverfront and State Historic Preservation grants, the structure is sound and mothballed. There are no floors within except the ground floor. The building is an empty shell save a series of concrete pillars and tanks which are now integral to the structures' stabilization per the findings of a certified structural engineer. There is electric to the building and a breaker box on the west interior wall. There is no sewer hookup. The footprint of the structure equals approximately (2,500) two thousand five hundred square feet.
Sub-Zoning:	Currently identified as <b>(Public)</b> based on use as the town's water plant early 20 <sup>th</sup> century until circa 1976. Includes the footprint of the building & lift station to the south ONLY. (See attached aerial map).
Permitted Uses:	Government-owned building...those uses permitted in the <b>COS</b> district.*
Prevailing Zone:	Parcels' 1-87, 1-50, 1-52 and 1-69.2 are zoned <b>COS</b> (Conservation Open Space) ...see attached map.
*Permitted Uses:	<ul style="list-style-type: none"><li>(a) Farms, tree, and plant nurseries.</li><li>(b) Parks, playgrounds, golf courses, public and private recreational uses, and cemeteries.</li><li>(c) Game, wildlife, and nature study preserves and reservations.</li><li>(d) Flood control, water treatment facilities, sewage treatment plants, other utilities, and municipal public works.</li></ul>
Flood Zone:	Located in the 100-year high risk flood zone for which the Corporation currently pays \$6,000 / year in flood insurance. Flood insurance required due to the receipt of federal grant money.
Parking:	<p>The WVDNR currently leases the area shown in red on the attached map. That area includes the boat ramp, the parking area between the warehouse and Town Run, and the graveled area just north of the building. The lease expires on April 14, 2022. The DNR requested a (10) ten-year lease period in 2012 and it is believed will do so again in 2022.</p> <p>Given this, the only current available parking is the area along N. Princess Street (see attached map). There is room for approximately (5) five to (6) six parking spots.</p>



**DIVISION OF NATURAL RESOURCES**

324 Fourth Avenue, Room 200  
South Charleston WV 25303-1228

TDD (304) 558-1439

TDD 1-800-354-6087

Fax (304) 558-6048

Telephone (304) 558-3225

Earl Ray Tomblin  
Governor

Frank Jezioro  
Director

March 8, 2012

Jim Auxer, Mayor  
Town of Shepherdstown  
PO Box 248  
Shepherdstown, WV 25443

RE: Shepherdstown PAS  
Lease Agreement  
Request for Renewal  
LE-12-II/19-37-R

Dear Mr. Auxer:

In accordance with Item No. 2 of the Lease Agreement dated April 14, 1992, by and between the Town of Shepherdstown and the West Virginia Division of Natural Resources, granting permission to DNR to utilize property for a public access site to the Potomac River on the Town of Shepherdstown's property at the above-mentioned project in Jefferson County, West Virginia. The Division of Natural Resources hereby requests this lease be renewed for an additional ten (10) year period beginning April 14, 2012.

All terms and conditions will continue as was presented in the original Lease Agreement.

Please indicate your approval of the renewal by signing where indicated below and returning the letter to this office in the envelope we have enclosed for your convenience.

Your favorable consideration and agreement to this renewal will be greatly appreciated.

Sincerely,

Amy Fleck, Land Agent  
Office of Land and Streams

AF/af

The Town of Shepherdstown hereby agrees to the renewal of this Lease Agreement for an additional ten (10) year period beginning April 14, 2012.

Town of Shepherdstown

Its \_\_\_\_\_ Mayor



**Fleck, Amy D**

---

**From:** Preston, Bret A  
**Sent:** Thursday, March 08, 2012 12:54 PM  
**To:** Fleck, Amy D  
**Subject:** RE: Shepherdstown PAS

Amy,

We are ok with 10 years. Thanks.

Bret

Bret Preston  
WV DNR Wildlife Resources Section  
324 4<sup>th</sup> Avenue  
South Charleston, WV 25303  
304-558-2771  
[bret.a.preston@wv.gov](mailto:bret.a.preston@wv.gov)

---

**From:** Fleck, Amy D  
**Sent:** Thursday, March 08, 2012 11:16 AM  
**To:** Preston, Bret A  
**Subject:** Shepherdstown PAS

Shepherdstown PAS lease is up for renewal. They want to renew for 10 years instead of 20 years. Is that okay with you?

Thanks,

Amy Fleck  
WV DNR  
Office of Land and Streams  
324 4th Avenue, Room 200  
South Charleston, WV 25303  
304-558-3225  
[amy.d.fleck@wv.gov](mailto:amy.d.fleck@wv.gov)

LEASE AGREEMENT

THIS LEASE AGREEMENT, made as of this 14<sup>th</sup> day of April, 1992, by and between THE TOWN OF SHEPHERDSTOWN, (hereinafter referred to as Town), and THE STATE OF WEST VIRGINIA, PUBLIC LAND CORPORATION, DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES, DIVISION OF NATURAL RESOURCES, for the use and benefit of the WILDLIFE RESOURCES SECTION, (hereinafter referred to as Division);

W I T N E S S E T H:

WHEREAS, the Division is charged by Chapter 20 of the Official Code of West Virginia of 1931, as amended, with the duty of providing a comprehensive program for the conservation, development, protection, enjoyment, and use of the natural resources of the State of West Virginia and is charged by said law with the provision, operation, and maintenance of such facilities as may be necessary, desirable, or convenient for the use of the public for recreation; and

WHEREAS, the Potomac River is an important natural resource to the State; and

WHEREAS, water related recreation including fishing and boating is an important resource of the state, county, and community; and

WHEREAS, the Division desires to enter into an agreement with the Town to obtain from the Town permission to utilize a portion of their property for the establishment of a sportsman access site located on the West Virginia side of the Potomac River in Shepherdstown Corporation, Jefferson County, West Virginia.

NOW, THEREFORE, for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1) The Town does hereby grant, demise and lease unto the Division and its assigns a parcel of land, more fully described below, along with permission and authorization to construct, operate and maintain a sportsman access site thereon for the purpose of providing public access to the Potomac River. Said property being located adjacent to the Potomac River and described as follows:

Beginning at a point in the easterly right-of-way line of New Princess Street and corner to Charles David Jones, which said point is located N 79° 57' 42" W, 11.79 feet from an axle which is an original corner; thence with the line of Jones S 79° 57' 42" E, 69.48 feet; thence N 53° 46' 54" E, 22.50 feet; thence N 36° 13' 06" W, 25 feet; thence N 53° 46' 54" E, 52.50 feet to a point in the approximate low water mark of the Potomac River; thence downstream with the approximate low water mark of the Potomac River S 36° 13' 06" E, 65.23 feet to a point in the approximate low water mark of the Potomac River; thence with said low water mark S 54° 26' 15" E, 73.94 feet to a point corner to Atherton; thence with Atherton S 26° 32' 51" W, 380.83 feet; thence N 76° 57' 09" W, 76.30 feet to a point corner to property of Charles Atherton and the Town of Shepherdstown; thence with the line of Shepherdstown N 16° 41' 14" E, 156.54 feet; thence N 72° 13' 41" W, 9.85 feet; thence N 17° 46' 18" E, 71.00 feet to a point corner to Jones; thence in part with the line of property owned by the Corporation of Shepherdstown, N 72° 13' 41" W, 68.0 feet to a point in the easterly right-of-way line of New Princess Street; thence with the easterly right-of-way line of New Princess Street N 7° 47' 35" E, 133.38 feet to the point of beginning, containing 1.256 acres, more or less, and more fully shown on the map attached hereto and hereby made a part of this agreement.

2) The TERM of this agreement shall be for a period of TWENTY (20) YEARS from the date hereof. At the end of said term, this agreement may be renewed by the two parties agreeing to same in writing.

3) The Division will use the above-described land to develop a public access site to the Potomac River and to promote and regulate all other activities consistent with hereinafter-mentioned stipulations and size and location of the subject property.

4) The Division shall place the subject property under management which shall include stocking, enforcement, establishing regulations, and supervising stream improvement endeavors thereto.

5) The Division shall not authorize camping to be permitted on the subject property at any time during the term of this agreement.

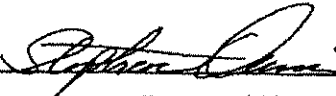
6) The Town stipulates that the general public shall have full and free year-round use of the subject property for the purpose of launching and retrieving watercraft.

7) The Town will be responsible for mowing the grass and the collection and disposal of refuse resulting from the use of the access site by the general public.

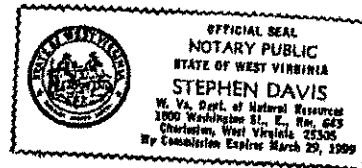
STATE OF WEST VIRGINIA  
COUNTY OF KANAWHA, To-wit:

I, STEPHEN DAVIS, a Notary Public in and for the county and state aforesaid, do hereby certify that J. Edward Hamrick III, Director of the Division of Natural Resources, Department of Commerce, Labor and Environmental Resources, State of West Virginia, who signed the foregoing and annexed writing, bearing date the 14th day of April, 1992, has this day in my said County and State, before me, acknowledged the said writing to be the act and deed of said Division.

Given under my hand this 27th day of April, 1992.  
My commission expires 3/29/99.

  
Notary Public

[Seal]

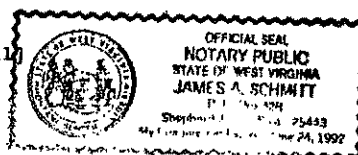


STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON, To-wit:

I, JAMES A. SCHMITT, a Notary Public in and for the city and state aforesaid, do hereby certify that ANDREW S. FOGLE who signed the writing hereto annexed, bearing date the 14 day of APRIL, 1992, as MAYOR of Town of Shepherdstown, has this day acknowledged the said writing to be the act and deed of said Town.

Given under my hand this 14 day of APRIL, 1992.  
My commission expires 6/24/92.

[Seal]



  
Notary Public

Prepared by:

James H. Jones, Administrator  
Office of Real Estate Management  
Division of Natural Resources  
WV Department of Commerce, Labor and  
Environmental Resources



REAL ESTATE I

STATE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

Capitol Complex, Building 3  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305  
Telephone (304)348-2754  
Fax No. (304)348-2768

GASTON CAPERTON  
Governor

June 11, 1992

J. EDWARD HANRICK III  
Director

ANN A. SPANER  
Deputy Director

Ms. Audrey Egle  
Mayor  
Town of Shepherdstown  
P. O. Box 248  
Shepherdstown, WV 25443

RE: Shepherdstown PAS  
Lease Agreement

Dear Ms. Egle:

Enclosed for your file is a fully executed copy of a lease agreement dated April 14, 1992, by and between the Town of Shepherdstown and the Division of Natural Resources for the operation and maintenance of a public access site to the Potomac River at the above-referenced project.

Should you have any questions on this matter, please contact this office at your convenience.

Sincerely,

James H. Jones, Administrator  
Office of Real Estate Management

JHJ:sdt

Enclosure



STATE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

Capitol Complex, Building 3  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305  
Telephone (304)348-2754  
Fax No. (304)348-2768

GASTON CAPERTON  
Governor

J. EDWARD HAMRICK III  
Director

ANN A. SPANER  
Deputy Director

April 29, 1992

RECEIVED

MAY 6 1992

Office of Real Estate Management  
Division of Natural Resources

Ms. Audrey Egle  
Mayor  
Town of Shepherdstown  
P. O. Box 248  
Shepherdstown, WV 25443

RE: Shepherdstown PAS  
Town of Shepherdstown  
Lease Agreement

Dear Ms. Egle:

As per our telephone conversation with personnel of your office, enclosed are two (2) signed copies of a lease agreement by and between the Town of Shepherdstown and the Division of Natural Resources.

Please have your signature attested to where indicated and attach the town seal on both copies prior to returning them to this office in the enclosed self-addressed, postage-paid envelope.

Should you have any questions in this matter, please contact this office at 558-0058.

Sincerely,

Stephen Davis, Land Agent  
Office of Real Estate Management

SD:st

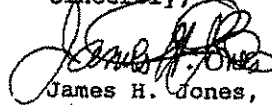
Enclosures



Ms. Audrey Egle  
Page 2  
March 6, 1992

Should you have any questions in this matter, please contact  
this office at 348-0058.

Sincerely,

A handwritten signature in dark ink, appearing to read "James H. Jones", written over the typed name.

James H. Jones, Administrator  
Office of Real Estate Management

JHJ:sdh

Enclosures

Views

Layers

Search

Public

Expert

Risk MAP

Flood

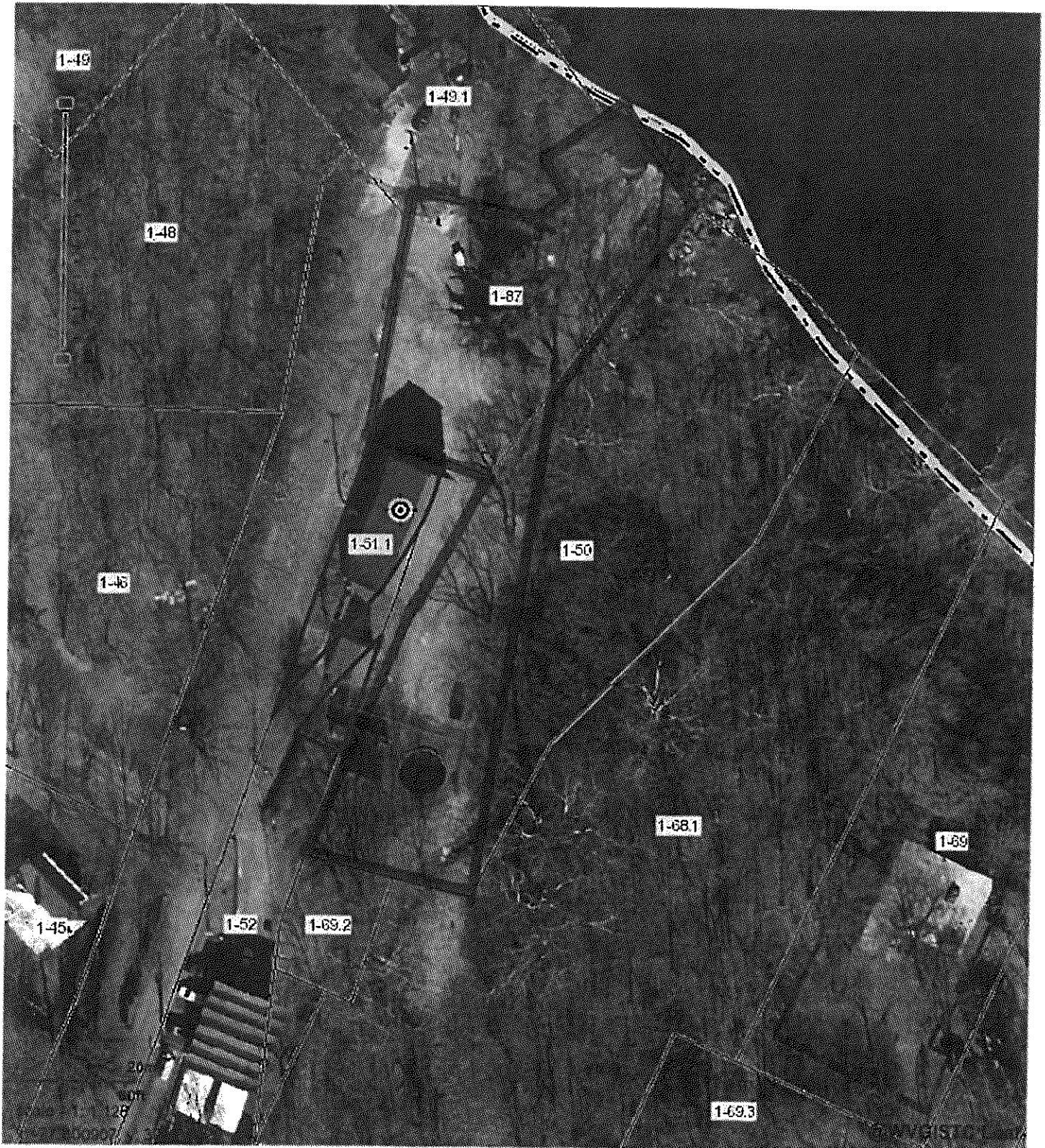
Reference

Basemaps

Address

315 n. princess street, she

Area currently leased by DNR as established through lease agreement dated April 14, 1992 and renewed for (10) ten years on April 14, 2012. (Approximate)



Views

Layers

Search

Public

Expert

Risk MAP

Flood

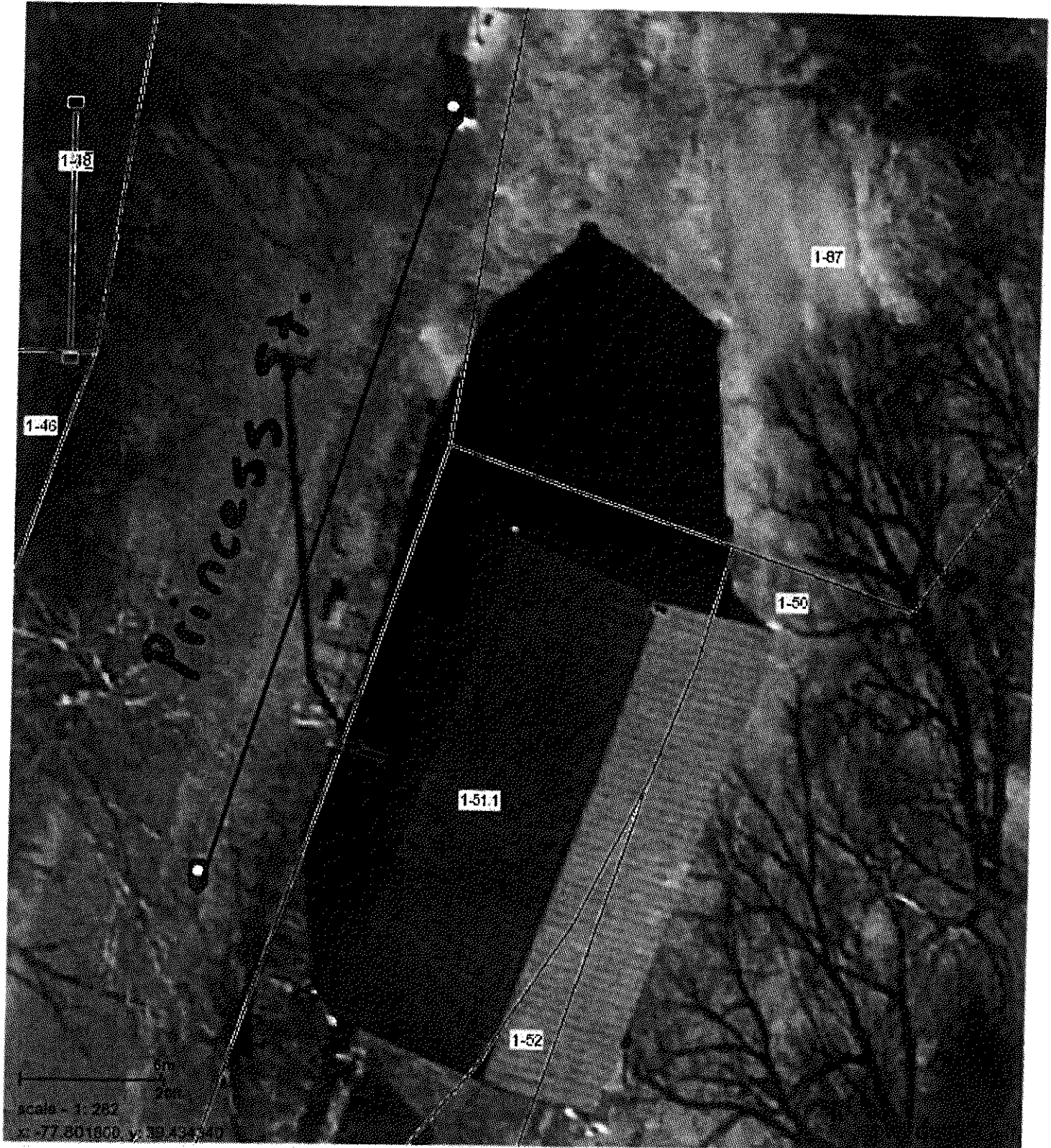
Reference

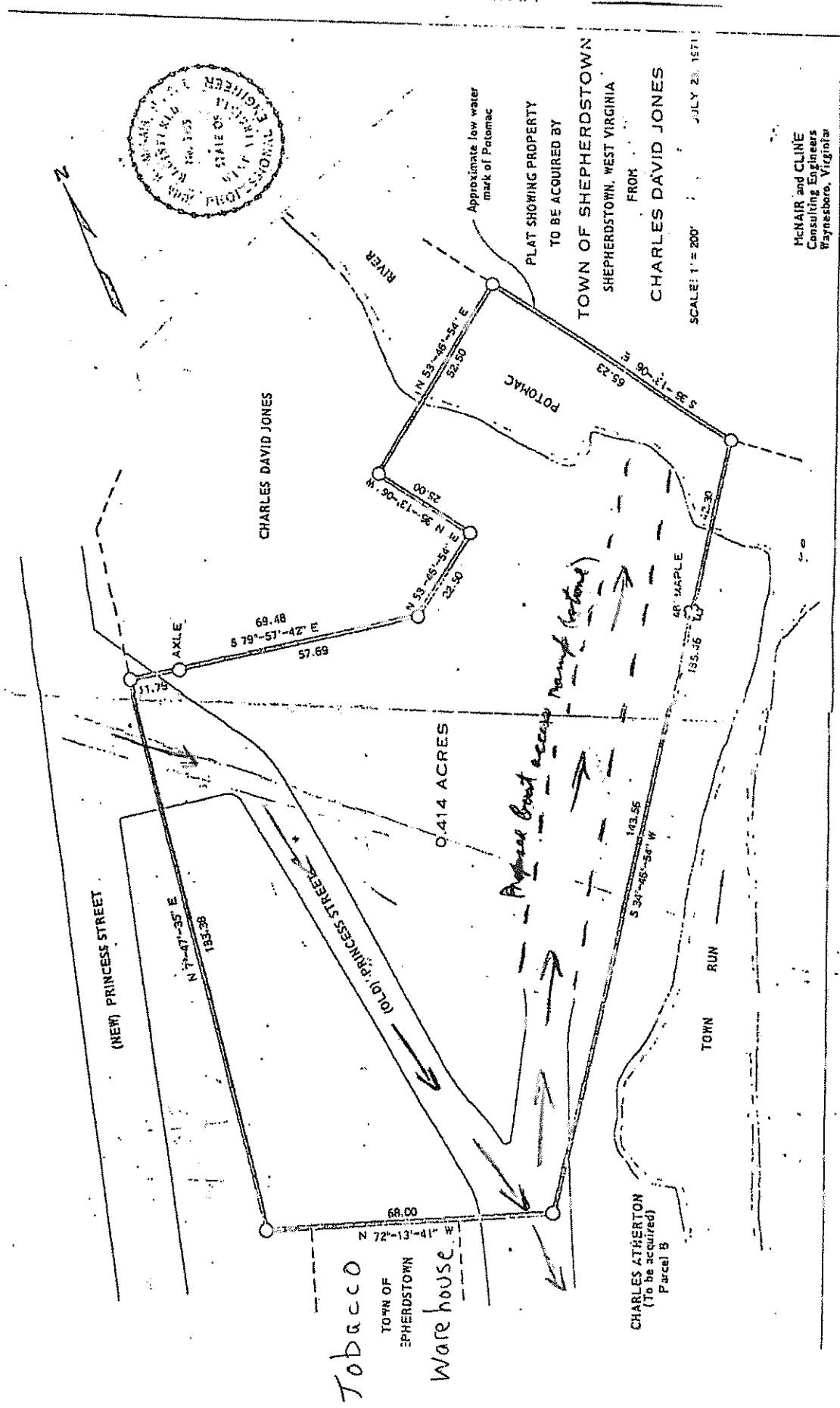
Basemaps

Address

315 n. princess street, she

Only current available parking is along  
N. Princess St. Based on 9'x20' parking space,  
between (5) + (6) exist.





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

December 02, 2021

**ATTENDEES:** **Water Board-** J. Auxer, J. Bresland, J. Ford, S. Kemnitzer (Chair), A. Slater, C. Stroeck  
**Sanitary Board-** J. Auxer (Chair), H. Heyser, R. Keller  
**Town Staff-** C. Painter, K. Shipley, F. Welch  
**Visitors-** J. Ekstrom, Ghosh Engineering

1. **CALL TO ORDER.**

The Water and Sanitary Boards meeting was called to order by J. Auxer at 12:33 p.m.

2. **MINUTES FROM PRIOR MEETING.**

The proposed minutes of the October 21, 2021, regular meeting were reviewed. H. Heyser requested the word "plant" be deleted on line five of item 6.c. which was adopted. The minutes were then approved as corrected.

3. **VISITORS.**

J. Ekstrom attended the meeting to provide an update on two agenda items that follow.

4. **FINANCES.**

J. Auxer advised that there were no financial reports this month due to the resignation of the town bookkeeper D. Nickerson. He reported that a parttime CPA has been retained to fill this role until a replacement hire may be made.

5. **FLOW AND QUALITY REPORTS.**

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

F. Welch reported that water produced adhered to all applicable regulations and requirements and that there were no violations during the month.

5.b. **SANITARY REPORTS – NO VIOLATIONS.**

K. Shipley reported that treated sewage water discharged adhered to all applicable regulations and requirements and that there were no violations during the month.

H. Heyser commented that he was pleased to see that land application of bio-solids has been resumed. A. Slater reported that he recently accompanied K. Shipley on a land application trip at the Willard farm to observe the process; he further reported that he was highly impressed with the professionalism of K. Shipley and his use of an onboard Geo Positioning System (GPS) to record and monitor the appropriate location and distribution of bio-solids.

6. **UNFINISHED BUSINESS.**

6.a **FIRE HYDRANTS- STATUS REPORT.**

K. Shipley reported that all repairs have been completed except for two hydrants (Duke Street and Stutzman-Slonaker Hall), the former of which was a later addition to the project; both are slated for work during the Shepherd University winter break.

J. Ekstrom reported on a meeting with Shepherdstown Volunteer Fire Department Chief Ross Morgan earlier this day regarding the planned water distribution projects at Mecklenburg Heights and in town as regards the location of new fire hydrants. In addition to J. Ekstrom, also attending were J. Auxer, K. Shipley, A. Slater, and F. Welch. J. Ekstrom reported the meeting went very well; some proposed new



fire hydrants were relocated, and three additional hydrants were added to the plans as a result of the collaborative session.

J. Bresland reported that C. Coe advised a new report on the status of all fire hydrants will be added to the monthly water board package.

C. Stroeht asked if we were at the point in this project where we could report to the residents that the fire hydrant repairs have been substantively completed? J. Auxer advised in the affirmative and requested that C. Stroeht prepare such an announcement for the weekly email blast to all residents. A. Slater agreed to send C. Stroeht the updated project spreadsheet to facilitate this message.

J. Auxer took this opportunity to ask for feedback on the recent transition to the new billing platform. Several members reported they had received complaints mainly regarding the new fees associated with bill payment. C. Painter provided statistics showing a decline in debit/credit card payments because of the new fees, and a corresponding uptick in check payments. J. Auxer reminded the boards that the fees had previously been paid by the Town. C. Painter advised that an elderly customer reported they preferred the post card bills. She also reported a problem with registering for electronic billing, but that has been resolved. A. Slater commented that change inevitably invites some unhappiness, but the new system transition was completed extremely well by town staff and offers many new benefits to our customers.

**6.b SEWER USE ORDINANCE – REVISION AND COMMENTS.**

J. Auxer reported that no additional progress has been made on this effort. A meeting will be scheduled in the spring of 2022.

**6.c WATER PLANT IMPROVEMENT PROJECT-UPDATE.**

J. Ekstrom reported that he was reviewing and commenting on 45 submittals from manufacturers regarding components and equipment to be installed in the plant as part of the project. When this process is completed, the equipment may then be ordered. He advised that he expects work to begin at the plant in March 2022, with the new water filters in service by August, and with full completion in October. J. Bresland commented on a conversation he had with C. Coe advising that many currently automated processes in the plant would need to be executed manually during construction resulting in additional work and scheduling.

**6.d POSSIBLE WATER/SEWER SERVICE TO NEW SCHOOL COMPLEX ON RT. 230.**

J. Auxer reported that he and F. Welch had met recently with the Superintendent of the Jefferson County Schools to discuss the possibility of the town providing water and sewer service to the new school complex. They reported that the Superintendent would like the town to provide this service and is working to that end. J. Auxer and R. Keller discussed the many problems associated with package sewage plants which would be the school's only other option. F. Welch advised that he anticipated the schools would be making application soon.

**6.e PURCHASE OF TRUCK AT WATER PLANT.**

F. Welch reported that three bids were received for the replacement truck with the low bidder, Kent Parsons, being awarded the bid at \$35,680. This report was for information only as the water board had previously authorized the purchase from the lowest of at least three bidders.

**7. NEW BUSINESS.**

There was no new business to come before the boards.

**8. MAYOR'S REPORT.**

J. Auxer asked if the boards are happy with meeting at the Community Club or would they like to move back to Town Hall? After discussion, the boards decided to continue to meet at the Community Club in January and decide month-to-month thereafter.

**9. NEXT MEETING DATE.**

Tuesday, January 25 at 12:30PM, 2<sup>nd</sup> floor of the Community Club's War Memorial Building.

10. CONSENT.  
No action.
11. SUMMARIZE ACTION ITEMS FROM THIS MEETING.  
See above.
12. DRAFT AGENDA FOR NEXT MEETING.  
No action.
13. ADJOURNMENT. J. Auxer adjourned the meeting at 1:45PM.

Respectfully Submitted: A. Slater