

**Shepherdstown Town Council Meeting Minutes**  
**Tuesday, October 12, 2021**  
**Shepherdstown Community Club**  
**120 East German Street**  
**6:30 p.m.**  
**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, Seargent Jake Jeffries.

**Visitors:** Steve Pearson, Tabitha Johnston, Kenny Lowe, Spirit Williamson, Jim Gatz, Michael Hofe, David Deamer, Bev Johnson, Wayne Johnson, Elise Baach, Chancey Winbush, and Chris Cafiero.

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

Call to order by Mayor Auxer at 6:33 pm.

Approval of the Town Council Meeting Minutes of September 14, 2021

**C. Stroeck- move to approve Town Council Draft Minutes of September 14, 2021. Second by J. Ford. 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. Michael Hofe and David Deamer – Broadband Information –  
M. Hofe – he will market the water tank locations to the big carriers.  
He has licesening agreements for them. He can advise our legal

counsel as to what the terms mean. He will help the structural analysis, permits, construction monitoring (meaning he will make sure no extra equipment is not added that they aren't paying for). Once the equipment is placed, the carrier will pay the city for the use of the tanks. There is no cost to the town. All leases are with the city. He will work with the utility board and the utility board. Works with the city. The land where the tanks sit is who owns the tanks, thus who the lease is with. Installation problems are seldom. An engineer will make sure the tanks can hold the equipment, but doesn't foresee any issues.

F. Welch – the tanks are inspected regularly.

M. Hofe – needs a confirming email so he can move forward.

Mayor – he will do that and also reach out to town Attorney Chazz Printz.

K. Lowe – think about future uses for potential revenue streams.

Could get the carriers to agree to maintain the tank and to paint it.

- b. James Gatz – Jefferson County Development Authority – Update  
There is a forum with municipal leaders on Thursday evening via Zoom at 6 p.m. regarding what town's need and how JCDA can help. He gave a rundown of what JCDA does, its mission statement. They hired a new executive director about a year ago.. There is a new website with videos to attract businesses to the area highlighting that Jefferson County is a good place to live. The industrial park near Black Dog Coffee has been selling space.
  - K. Lowe explained the banners about to be erected on four telephone poles that he is paying for. It refers to Shepherdstown as Sheptown WV 25443. They will come down after Homecoming. Some merch will be sold at Lila's and the Rainbow Connection with the money will help recoup his investment in the banners. Discussion ensued if we want to be known as Sheptown as many also refer to us as Shetown. If we want to rebrand Shepherdstown, the public should have input in the future.

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

- a. Second 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.

**C. Roberts – move to approve all of the second readings of the above ordinances. Second by L. Robertson. No objections noted.**

**Agenda Item 6 – Unfinished Business:**

- a. Christmas in Shepherdstown – Friday after Thanksgiving  
J. Haynes – Santa is on the way and the Who gals will be in force.

**Agenda Item 7 – Old Business:**

- a. Website redesign update – vote on approval Draft RFP  
J. Ford – asked to hold off until October’s meeting.  
Chazz has reviewed the terms and conditions.  
**C. Stroech – move to approve the RFP with final changes to be made by Amy Boyd, Mayor Auxer, and the council as previously discussed. Second by J. Ford. No objections noted**
- b. Ascend Program – Mayor- it is slow moving and they have inquired about the use of the Tobacco Warehouse.

**Agenda Item 8 – New Business:**

- a. Report on Age Friendly Shepherdstown – Marty Amerikaner  
AFS takes in the needs and goals of all ages in the community. They look at communication, walking paths, looking at a centralized kiosk, handrail and lights on W. High St, painting yellow lines on steps for better line-of-sight, and grants for courses on producing art.
  
- b. Initial discussion regarding the development of a public commons area – Chris Stroeck  
The idea is to develop, in town, a public common area. It could be a new space or an expansion of a current one in a park. There are grants to fund outdoor spaces that are due at the end of the year to fund a study.
  
- c. Event Requests:
  - None

**Agenda Item 9 – Mayor’s Report:**

- FEMA – 5-6 years ago we looked at the Flood Plane change. We were turned down at the time. We can now re-address it using the past information we collected and the Mayor has sent this info to FEMA. The purpose is to eliminate the need for flood insurance.
- Public Works and volunteers from Generation Panhandle cleaned all of the trash receptacles. They did a great job!
- There is an upcoming book sale at the Community Club.
- Homecoming is next weekend at 10 a.m.
- We will have a brainstorming workshop for the council/public 10/27 at 6 p.m.
- Check out the new bike/walking path on Shepherd University

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

**A. Finance Committee:**

1. No meeting in September 2021
2. Finance Reporting:
  3. Recommendations
    - a. None

**B. Parking Committee:**

1. No September meeting
2. Recommendations: None

**C. Police Committee:**

1. No September meeting
2. Recommendations: None

**D. Parks and Recreation Committee:**

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

**E. Public Works Committee:**

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

**F. Path Advisory Committee**

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

**G. Grant Committee**

1. No meeting scheduled for September 2021
  - a. Recommendations:  
None

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

**A. Historic Landmarks Commission:**

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

**B. Planning Commission:**

1. Meeting minutes of September 2021 – not available at this time
2. Recommendations:
  - a. 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.

C. Cafiero – this is for when it’s discovered that projects are started or something is being demolished. Currently, we cannot stop it without a court ordered injunction. This will allow the Mayor and Zoning Officer to sign a Stop Work Order without having to go to court to get it.

**L. Robertson – motion to move forward for the 1st reading.  
Second by C. Stroeck. No objections noted**

**D. 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.

**E. Water and Sanitary Board:**

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

**F. Board of Appeals**

1. No meeting scheduled

**C. Roberts – move to adjourn at 8:09 p.m. Second by J Haynes. No objections noted.**

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