

**Shepherdstown Town Council Meeting Minutes**

**Tuesday, July 11, 2023**

**Town Hall**

**104 North King Street**

**6:30 p.m.**

**Mask Wearing is Optional**

**Also being streamed on the town's Facebook page "Shepherdstown,  
West Virginia"**

**DRAFT**

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

**Absent:** None

**Staff:** Town Clerk Amy Boyd, Town Administrator Stephanie Grove, Director of Public Works Frank Welch, Chief Mike King, Officer Doc Moats, Officer Bryce Dickens, and Zoning Officer Andy Beall.

**Visitors:** Annette Gavin-Bates, Phil Baker-Shenk, Bryan Byrd, Jenniffer Kittle, Austin Simms, Hoy Shingleton, Mary Buffington, and Bob Keller.

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

Call to order by Mayor Auxer at 6:30 p.m.

Approval of the Town Council Meeting Draft Minutes of June 13, 2023.

**J. Haynes - move to approve Town Council Draft Minutes of June 13, 2023. Second by L. Rampy, with C. Stroeck abstaining. Motion carried with no objections noted.**

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

- Persons who have registered to address Town Council.

**Agenda Item 4 – Public Hearings:**

a. Second Reading To An Ordinance Re-Enacting Section 9-902 XIV., Entitled “Project Permit Fee Schedule” To Add A Fee For The Publication Of Legal Notices.

**L. Robertson - move to approve the Second Reading To An Ordinance Re-Enacting Section 9-902 XIV., Entitled “Project Permit Fee Schedule” To Add A Fee For The Publication Of Legal Notices. Second by L. Rampy. No objections noted.**

b. Public Hearing for the consideration of a lease between the Corporation of Shepherdstown and The Jefferson County Convention and Visitor’s Bureau. The lease agreement pertains to the Town leasing to the Jefferson County Convention and Visitor’s Bureau the old Market House building at 100 East German Street, Shepherdstown, WV. Adoption of resolution to enter into lease for the Old Market House Building.

Mayor - there should be two motions.

**L. Robertson - move to approve the lease between the Corporation of Shepherdstown and The Jefferson County Convention and Visitors Bureau for the Old Market House. Second by J. Haynes. No objections noted.**

The Mayor read the Resolution for the record.

**C. Roberts - move to approve the Adoption of the Resolution to enter into lease for the Old Market House. Second by C. Stroeck. No objections noted.**

**Agenda Item 5 - Visitors:**

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

- a. Officer Michael Moats - retirement announcement

Mayor Auxer recognized Officer Michael "Doc" Moats who is retiring July 13, 2023.

Chief - read his work history starting in 1982 culminating with his retirement from Shepherdstown. He has been with the Shepherdstown Police Department since July 2015.

Officer Moats - he has thoroughly enjoyed working in Shepherdstown that allowed him to continue his love for community policing.

- b. Officer Austin Simms - new officer

Mayor - welcomed officer Simms to the Department and to Shepherdstown. He started his career in 2022 with the WV State Police. He will be helping us with the night shift position.

- c. Event Request - Boo Fest - Mary Buffington

Is requesting that German Street be closed for halloween from 5-8:30pm for the safety of the kids. Also, other activities on 10/15 & 10/29 require street closures on King Street from 8am-5pm. There will be kid friendly movies at the Opera House to be announced. Volunteers are needed so please reach out.

**L. Robertson - move to approve Boo Fest and street closures for the dates and times above. Second by J. Haynes. No objections noted.**

d. Shentel Franchise Agreement = Bryan Byrd -

B. Byrd - Shentel is a telecommunications provider that has done a lot of expansion over the years encompassing many eastern states. The proposal is a standard agreement to expand 100% fiber optic broad band. It will provide faster and higher speed for residential and business customers. Two benefits are competition and the ability to impose a 5% revenue fee. (The corporation does that already with the current provider)

C. Stroech - will you be using existing cables, new cables, or go underground? Right now we have an overabundance of wires that are stressing the utility poles, a safety issue, and wants any agreement to reflect keeping the cables tidy and safe. We have had poor response from the current provider. Going underground will be tough in Shepherdstown.

B. Byrd - would use new cables or go underground. There is a high level design now for the city.

L. Robertson - who is responsible for changing out the poles if necessary?

B. Byrd - the pole owners and there could be a shared responsibility.

Mayor - what happens to the old wires?

B. Byrd - they stay there as some are still being utilized.

M. Amerikaner - would this agreement be to replace or compete?

B. Byrd - would add as a competitor to Comcast.

**C. Stroeck - move to explore the concept and to put the idea out to the public to see how they feel about it. Second by J. Haynes. No objections noted.**

***\*\*\*Mayor - we will publicize 30-days prior to the September Town Council meeting\*\*\****

e. Hoy Shingleton - Agreement between the Department of Army and the Corporation of Shepherdstown - See under 10.B “Water and Sanitary Board”

F. Welch - this is to update the water lines - more for Mecklenburg Heights for fire hydrants, and for Mill St. as well. We applied for and have received a grant - we will go through the Corp of Engineers and should get started this year.

Hoy - this is a \$2.3 million dollar project with \$785K coming from the Corporation. This agreement should be approved by the Council. The Army grant is limited to this amount. Any overruns the Corporation is responsible for. He recommends the execution of this agreement. It still has to go through the Public Service Commission - the public has to be notified and if no objections, it can be granted. Any objection/s then we must have a hearing.

**L. Robertson - move to ratify the Agreement between the Department of Army and the Corporation of Shepherdstown. Second by C. Roberts. No objections noted.**

**Agenda Item 6 – Unfinished Business:**

a. Market House Update – S. Grove - there will be remediation for the asbestos on the floor and possibly some other areas for mold. We are moving forward on upgrading the heating and cooling system. The ADA bathroom is looking like it will be able to happen, as well as

the lift for then stairs. Grant money is also being looked at for this. The Hotel/Motel tax received for one month from the Bavarian Inn was \$17,000 and will be used for these improvements.

b. Comprehensive Plan Update –

Mayor - Andy Beall- Phil Baker-Shenk is the Chair. The presentation was made to the Jefferson County Planning Commission and he went over some bullet points including how we've grown over the last 10-years, how we want to grow in a way that's appropriate for Shepherdstown, and we want the MOU (Memorandum of Understanding). Shepherdstown was denied with no written decision from the county.

S. Grove - it was deemed that we were being given an unfair advantage with the MOU regarding the Urban Growth Boundary.

Phil - the committee has made significant progress within the core work-groups. Should have the 1st draft finished by September - then will follow up with a written introduction and recommendations by early 2024. The draft will be presented to Council. There are a lot of potential recommendations focusing on the Urban Growth Boundary issues, and to measure progress on a more frequent basis other than every 10-years.

L. Rampy - there is a survey being circulated by the county. Marty should put the link on the email list before it closes.

c. Website Update -

A. Boyd - the website is moving along. We are still shy of the drone footage. There should be a sample to everyone a week from this Thursday.

d. Shepherdstown Grant Guidelines -

C. Stroech - addressed the previous questions and concerns.

L. Rampy - question regarding page 6, line #14 where it states where it say “voluntary”, should it say “volunteer” instead to reflect inkind?

C. Stroeck - he understands the question and will remove that sentence.

**L. Rampy - move to approve the Grant Guidelines with updates and removal of the 2nd line of page 6 of #14.**

M. Amerikaner - what if there is something on the guidelines that isn't applicable?

C. Stroeck - the applicant can simply state that it's not applicable. He will add the language at the top of the form “If Applicable”.

**Agenda Item 7 – Old Business:**

\_\_\_\_\_ a. None

**Agenda Item 8 – New Business:**

\_\_\_\_\_ a. None

**Agenda Item 9 – Reports of Committees:**

**A. Finance Committee:**

1. No Meeting June 2023

2. Recommendations:

a. Review and approval of General Fund Financials

S. Grove - We are in a good position with \$1/2 Million surplus. The net operation income is \$450,000. The next month will include a

lot more tax revenues. Video Lottery has picked up. Some expenses are due to her position.

C. Stroech - will there be a budget revision for the new hire?

A. Boyd - we didn't do it this time but will in the future.

L. Rampy - loves the format and all of the details.

**L. Rampy - move to approve the Corporation Financials.  
Second by C. Stroech. No objections noted.**

**B. Parking Committee:**

1. No meeting in June 2023
2. Recommendations: None

**C. Police Committee:**

1. No meeting in June 2023
2. Recommendations: None

**D. Parks and Recreation Committee:**

1. Meeting minutes of June 2003
2. Recommendations: None

C. Roberts gave an update on Bookmark The Park - The next event is at Bane Harris Park July 22. Also, we are looking into the maintenance agreement with Flexipave as there are some places on the path that will require some attention. Pickleball is now the rage and a court has been added to the Bane Harris basketball court delineating it with yellow tape. There is a plan to place one at the basketball court at Viola Devonshire as well. The nets have been ordered and they will be stored in a metal box located to the side of the courts. We are still working out the process of how to access the nets. The basketball courts will still be able to used -it will be a shared court. July 22nd will be the roll out at Bane Harris.



**E. Public Works Committee:**

1. Meeting minutes of June 2023
2. Recommendations: None

**F. Path Advisory Committee**

1. No meeting June 2023
2. Recommendations: None

**G. Grants Committee**

1. No meeting in June 2023
2. Recommendations:
  - a. Review and approval of the Grant Guidelines  
See Unfinished Business

**H. Age Friendly Committee**

1. Meeting minutes of June 2023
2. Recommendations: None

**I. Personnel Committee**

1. No meeting in June 2023
2. Recommendations: None

**Agenda item 10 – Report of Commissions, Authority and Boards:**

**A. Historic Landmarks Commission:**

1. Meeting minutes of June 2023
2. Recommendations: None

**B. Planning Commission:**

1. No meeting in June 2023
2. Recommendations: None

**C. Tree Commission**

1. Meeting minutes of June 2023
2. Recommendations: None
3. Ratification of the First Energy Tree Proposal

L. Robertson - representatives from First Energy have been very proactive in working with the Tree Commission regarding the trees under their power lines. They do not want to continue to trim the trees in a manner which the trees look bad. The way to prevent that is to remove the problem trees and replant, when possible, appropriate trees that do not require pruning them in a V-shape. They have identified seven trees throughout town that are outlined on the map in the packet. They will remove the trees at their expense and provide us vouchers up to \$2200 for replacement trees. There are two trees on German St that are on the map. The Bradford Pear in front of Lost Dog and the tree on the corner of S. Princess and German St. in front of Green Pineapple. We will be able to replant in front of Green Pineapple as the bed is large. The bed in front of Lost Dog is very small. In the future we may grind the stump to replant. The Tree Commission is working closely with First Energy to fulfill the parameters of the proposal by the end of this year.

**C. Stroech - move to Ratify the First Energy Tree Proposal.  
Second by L. Rampy No objections noted.**

L. Rampy asked about placing the Flexipave around other trees on German St. as the outcome was so good in front of The Devonshire.

L. Robertson - yes, we've talked about doing that around the tree beds that aren't planted with groundcover.. Also, gave a shout out to Eddie with the bike shop for working with the us so quickly to plant another tree in the bed in front of his shop.

#### **D. Water and Sanitary Board:**

1. Meeting minutes of June 2023
2. Recommendations: None
3. Ratification of Agreement between the Department of Army and the Corporation of Shepherdstown Water Works Distribution System Improvements.

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

1. None scheduled.

#### **Agenda Item 11 - Mayor's Report:**

- \* Encouraged the council and public to visit the Shepherdstown Museum and to become a docent. They need the help and can stay open longer if they have more docents.
- \* Don't forget that CATF is in town for most of the month of July.
- \* Recently, the train was stuck on the tracks for an hour with an engine issue. He called the lobbyist in Charleston to try to help us. The number is 1-800-453-2530. Lori will text the number to Marty for the email blast. L. Rampy would like to know which roads are closed at least. Chief King - the officers always check the roads

coming into Shepherdstown to see what is closed and what is open. They then let the EMS personnel know.

\* Please visit the Visitor's Center.

\* C. Stroeck - would like the Recycling Committee to please be put back on the agenda. They are starting to meet again. Looking at glass recycling in its entirety and there is interest county wide based on the Mayor's call with his weekly Mayor's Meeting. A glass crusher located at the Jefferson County Solid Waste Authority is a possibility. The crushed glass turns into sand that can be utilized county wide in various projects.

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

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