SHEPHERDSTOWN TOWN COUNCIL MEETING MINUTES

Regular Meeting — Wednesday, September 9, 2026 — 6:30 p.m.
Town Hall — 104 North King Street and via Zoom

1. Call to Order

The meeting was called to order at 6:35 p.m. Mayor Gatz presided.

2. Attendance

Council Members Present: James Gatz (Gatz), Mayor; Jim Auxer (Auxer); Marcy Bartlett (Bartlett); Harriet Pearson (Pearson); Cheryl Roberts (Roberts); Ashleigh Sanders (Sanders); and Joe Yates (Yates). All members were present in person.

Members Absent: None.

Staff Present: Amy Boyd (Boyd), Town Clerk; Maged Kirollos (Kirollos), Finance Director; Woody Coe (Coe), Public Works Director; Police Chief Mike King (King); Police Officer B. Dickens (Dickens); Gino Sisco (Sisco), Town Administrator; Karl Musser (Musser), Program Manager and Planning & Zoning Specialist; and Hunter Wetzel (Wetzel), Intern.

Visitors Present: List of those who signed in is available from the Town Clerk.

3. Approval of Minutes

a. Town Council Minutes of August 12 and August 26. Bartlett moved, Roberts seconded, to approve both sets of minutes. Gatz asked that the letter read at the August 12 meeting regarding the Shepherdstown Farmers Market be attached to those minutes so that the record reflects exactly what was said. The motion was amended to include that edit. Motion carried, all ayes.

4. Public Comment Period

Immigration Enforcement Resolution. S. Acuff, E. McGowan, S. Brown, T. Schwarzhoff and M. Condon spoke in support of the resolution on the agenda (Item 8.c). L. Carter asked for stronger language addressing the safety of all people.

Mail Delivery. L. Clark requested the Town's help to have the U.S. Postal Service deliver mail directly to her home instead of the Post Office.

West End Traffic Pattern. S. Turner, C. Grantham and S. Brown described speeding and cut-through traffic on Brown's Alley, Maiden Lane and Shoe Lane, and asked the Council to take action, including making the streets one-way.

5. Public Hearings

a. Second Reading of an Amendment to Chapter 13 of the Code of Shepherdstown to Adopt the 2018 International Property Maintenance Code. Auxer moved, Bartlett seconded, to approve the ordinance on second reading. To preserve the Town's existing

local provisions, Pearson offered a floor amendment providing that, except as expressly amended, the 2018 edition is substituted for the 2012 edition previously adopted and that Sections 2 through 9 of Chapter 13, as currently set forth, are readopted and incorporated by reference. Auxer moved, Sanders seconded, to adopt the amendment. Motion carried, all ayes. The ordinance as amended then carried, all ayes except Bartlett, who voted no, because her position is that the Corporation of Shepherdstown should adopt both the State Building Code and the International Property Maintenance Code, as West Virginia law allows municipalities to adopt a State Building Code with or without a maintenance code.

6. Mayor's Report and Proclamations

Gatz announced a special Town Council planning workshop on Tuesday, September 15 at 6:30 p.m. at the Byrd Center to review the Comprehensive Plan; it is open to the public, without public comment. He also announced a joint meeting of the Water Board, Sanitary Sewer Board and Town Council on Wednesday, September 23 at 6:30 p.m., at which the boards' legal counsel will brief on the process for their potential rate increases. Gatz noted the 25th anniversary of September 11 and invited reflection on it.

Gatz also reported that the County Commission will convene a September 28 meeting of all municipalities on guardrails for data centers. Discussion supported the Town sending a letter to the County Commission thanking the County for its engagement and emphasizing the importance of local control, and encouraged that any member who attends do so in their individual capacity. No formal action was taken.

7. Ongoing Business

a. Contract for Consultant Services for Grant Writing and Advocacy. An update from the Mayor was discussed regarding the agreement with the consultant, Sustainable Strategies. A kickoff meeting with the consultant is set for October 5.

b. Elementary School Purchase. Gatz presented a proposed workplan for decisionmaking on the purchase and use of the elementary school property, including formation of Town Council working groups on financing of the purchase, potential uses of the property, and engagement with the community. There was general agreement; no vote was taken.

8. New Business

a. FY27 Budget Revision #1. Pearson moved, Roberts seconded, to approve Budget Revision #1, funded by $112,500 from Town reserves, $15,000 in Norfolk Southern grant revenue and $100,000 from the contingency account. Motion carried, unanimous.

b. Water and Sanitary Sewer Department Capital Expenditures. Sanders moved, Auxer seconded, to approve purchase of an articulating boom lift ($65,000, Sewer) and a mini excavator ($81,275, split between Water and Sewer), as recommended by the Water and Sanitary Sewer Boards. Motion carried, all ayes.

c. Resolution on the Role of Local Law Enforcement and the Preservation of Community Trust and Transparency. Council considered the resolution as printed in the packet. Pearson proposed amendments to conform the resolution to W. Va. Code § 15-16, including removing the reference to SB 615, which did not become law. Bartlett moved, Roberts seconded, to accept the amendments and approve the resolution as amended. Motion carried, all ayes. The resolution as approved is attached.

d. Appalachian Heritage and Dolly Parton Day Proclamation. Boyd read the proclamation, proposed by Pearson, designating September 25, 2026 as Appalachian Heritage and Dolly Parton Day in Shepherdstown, in recognition of the 30th year of Shepherd University's Appalachian Heritage Festival. Auxer moved, Yates seconded, to adopt it. Motion carried, all ayes.

e. Experience Shepherdstown Plans for Holiday Festivities. Experience Shepherdstown, represented by Ashley Nease, Marketing and Events Coordinator, reported on December holiday season event plans with the theme "Holiday Magic."

f. Special Events Requests.

i. Freedom's Run, October 10. Tim Mason, logistics manager for Freedom's Run, reviewed the event, with about 1,000 runners expected. Roberts moved, Auxer seconded, to approve the request, with the application to be corrected to identify the host (Eastern West Virginia Area Health Education Center) and Shepherd University's role. Motion carried, all ayes.

ii. BooFest, October 31. Meredith Moore, BooFest chair for Experience Shepherdstown, presented plans for this event. She reported there will be no bonfire this year due to the Fire Department's conflict. Roberts moved, Pearson seconded, to approve the request as corrected. Motion carried, all ayes.

g. Shepherdstown Community Grant Applications.

i. Boots-on-the-Ground Youth Leadership Academy. The application was not moved forward because it was incomplete.

ii. We the People Parade. Mark Kohut, organizer of the Second Annual Constitution Day parade on September 19, requested a grant of up to $1,000. Roberts moved, Auxer seconded, to approve the grant, with receipts to be provided. Motion carried, all ayes.

h. Donations Received. None.

i. Town Applications for Grants. Musser reported on a $15,000 Norfolk Southern Safety First award for railroad safety, and on three pending applications to the West Virginia Department of Highways Transportation Alternatives Program for planning and engineering of sidewalk and path projects, with a decision expected around November.

j. Proposed Edit of Town Special Event Request Form. Sanders proposed adding lines to the "for office use only" section of the form for department heads to estimate staff hours

needed for each event. Bartlett moved, Auxer seconded, to approve the change. Motion carried, all ayes.

k. Briefings.

i. Postal Service Mail Delivery in Town. Sisco briefed Council on the history of mail delivery in town and on his September 1 conversation with Postmaster Jason Braman. Council agreed to invite the postmaster to a future meeting. No action was taken.

ii. Traffic Issues on West High Street and the Surrounding Area. Roberts proposed making Maiden Lane and Shoe Lane one-way northbound and Brown's Alley one-way southbound, with added speed humps and stop signs. Gatz referred the proposal to the Public Works Committee, with input from police. No vote was taken.

iii. Use of Video Lottery Terminals in Town. Sisco reported that video lottery is not a permitted use under the Town's zoning ordinance for the commercial district and that Council would have to amend the ordinance to allow it. No action was taken.

9. Town Staff / Department Reports

a. Department Reports.

Police. King reported on August activity per written report, including traffic enforcement, and advised that federal Customs and Border Protection will conduct training exercises in the area on Friday, September 11.

Public Works. Coe reported on department activities per written report, including placement of "see me" safety flags at all 4-way intersections. A DEP inspection of the wastewater plant found the plant in compliance but resulted in a citation for glass on the ground and an oil leak; remediation is quoted at $16,000.

b. Town Financial Status. Kirollos reported that July revenue was about $115,000 under budget, due to timing of tax receipts, and expenses were about $42,000 under budget. Implementation of the new financial and utility billing software is ahead of schedule, and staff are preparing the annual PSC report.

c. Approval of Town Expenditures. Council asked for a consolidated review of the Tek Advisors contract, which Kirollos will bring through the Finance Committee. Pearson moved, Roberts seconded, to approve the expenditures. Motion carried, all ayes.

10. Reports by Committees, Commissions, and Boards

a. Age Friendly Shepherdstown Committee. Spreen reported that the committee is supporting data collection for the Plaza project, with about 20 volunteers, and will distribute paper surveys in addition to the QR code.

b. Finance Committee. No report.

c. Grants Committee. No report.

d. Historic Landmarks Committee. No report.

e. Parks and Recreation Committee. The crabapple tree in Library Park is within its last decade and in early decline; a replacement marker is needed for the Rumsey Park marker; the committee is changing its meeting schedule.

f. Personnel Committee. No report.

g. Planning Commission. No report.

h. Police Committee. No report.

i. Public Works Committee. No report.

j. Tree Commission. The chair has resigned for personal reasons; the commission needs more members.

k. Water Board. The Council is invited to the Water Board's legal counsel briefing on September 23 at 6:30 p.m.

l. Sanitary Board. No report.

11. Adjournment

Bartlett moved, Pearson seconded, to adjourn. Motion carried, all ayes. The meeting adjourned at 10:00 p.m.

Prepared and submitted by Harriet Pearson, Recorder

Proposed Amendment

Resolution Regarding the Role of Local Law Enforcement and the Preservation of Community Trust and Transparency

Summary of proposed changes

- Removes the description of SB 615 (2026) as enacted law imposing turnover and felony-penalty requirements. SB 615 passed the Senate but died in the House Judiciary Committee and was never signed into law, so it should not be described in an adopted Town resolution as a current legal requirement.

- Add a "Whereas" clause that makes it clear that the Town intends to comply with federal law.

- Removes text in section 1 that describes the scope of compliance with state law as it is unnecessary and potentially too narrow a description.

- Deletes text in section 3 because it referenced actions (officers not inquiring into immigration status) that are prohibited under state law (WV Code section 15-6-2).

- A few tightening edits – no substantive change

CORPORATION OF SHEPHERDSTOWN

Mayor and Town Council, Shepherdstown, West Virginia

Resolution Regarding the Role of Local Law Enforcement and the Preservation of Community Trust and Transparency

WHEREAS, the Town of Shepherdstown is governed by West Virginia state law, including HB 2008 (2023), which requires local entities to enforce state and federal immigration laws and requires local law enforcement to assist or cooperate with a federal immigration officer as reasonable and necessary~~; and SB 615 (2026) which requires that individuals determined to be in the United States illegally by local, state or federal law enforcement in this state be turned over the Immigration and Customs Enforcement ("ICE") for purposes of deportation, as well as stipulating that individuals determined to be in the United States illegally in this state for a second time shall be guilty of a felony offense and shall be incarcerated in a state penitentiary for no less than three years and no more than five years,~~;

WHEREAS, the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act (INA), authorizing U.S. Immigration and Customs Enforcement (ICE) to delegate state and local law enforcement officers the authority to perform specified immigration officer functions under ICE's direction and oversight, and

participation in the 287(g) Program is limited to law enforcement agencies (LEAs) only, and LEAs interested in participating in the 287(g) Program must sign an MOA with ICE;

WHEREAS, the Town of Shepherdstown has a long-standing but unwritten policy of not choosing to participate in the Section 287(g) Program;

WHEREAS, this Resolution is not intended to, and will not, obstruct, hinder, or interfere with the legal exercise of federal immigration enforcement authority, but rather is intended to enhance transparency, accountability, and public safety within the Town;

WHEREAS, the Town Council seeks to provide clarity regarding the role of local law enforcement and the preservation of community trust and transparency;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL:

1. Compliance with State Law: The Town shall continue to comply with all mandatory provisions of W. Va. Code §15-16.

2. Declination of 287(g) Participation: The Town continues to and by this Resolution formally declines to enter into a Section 287(g) Memorandum of Agreement.

~~alignment with state law, Town officers shall not inquire into the immigration status of individuals who are victims of, or witnesses to, a crime. Protecting the safety of all residents is paramount to effective law enforcement~~

3. Constitutional Limits: The Town affirms that all law enforcement in its jurisdiction shall align with the US Constitution, including First Amendment rights to free speech and assembly, Fourth Amendment prohibitions against unwarranted entry onto private property, and Fifth Amendment protections including the right to remain silent. The Fourth Amendment ensures officers (local or federal) may not enter private residences or non-public areas of business without valid judicial warrant or lawful consent. The First Amendment ensures the Right to Record and protects the right to observe and record law enforcement activities, including immigration enforcement, if recording does not interfere with official duties.

4. Opposition to Mandatory Deputizing: The Town opposes any measure that would mandate 287(g) participation, as it infringes upon local budgetary and operational autonomy, should the state legislature take up any such measure.

Adopted this ____ day of _____, 2026.

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James K. Gatz, Mayor
Town of Shepherdstown