# CITY OF CHARLES TOWN
## CITY COUNCIL
## AGENDA • FEBRUARY 6, 2023

**Regular Session** **COUNCIL CHAMBERS** **7:00 PM**
**101 E Washington Street, Charles Town, WV 25414**

**CALL TO ORDER**

**1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**

: **2023-169**: City Council Meeting Minutes - January 17, 2023
January 17 2023 City Council Meeting Minutes.docx

**3. PUBLIC COMMENT**

**4. WARD REPORTS**

**5. MAYOR'S REPORT**

: **2023-147:** 2022 Charles Town Car Show Contribution Presentations
Car Show Profit Loss 2022.pdf

: **2023-162:** Administration of Oath - Parking Enforcement Officer, Lisa Smith

: **2023-166:** Administration of Oath - Ann Paonessa, Charles Town Planning Commission; Term Expiring December 31, 2025

: **2023-163:** Letter of Response from West Virginia Department of Highways, Ref: Augustine Avenue/Rt. 340 Intersection
WV DOH Correspondence Ref Augustine Ave Rt. 340.pdf

**6. COMMITTEE REPORTS**

: **2023-141:** Ordinance Committee
Ordinance Meeting Minutes 1_19_23.pdf

: **2023-142:** Vacant Properties Board

**7. CITY MANAGER REPORT**

**8. POLICE CHIEF REPORT**

**9. UNFINISHED BUSINESS**

: **2023-144:** Public Hearing in Consideration of an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the

Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.

: **2023-145:** Second Reading and Final Consideration of an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.
Ordinance re Rescission of COA(15935941.2 SJDOCS).pdf
Conditions of Annexation.pdf
hayes concept-drawing.png

: **2023-146:** Developer Fee Implementation Project - Staff Update (Possible Executive Session)

: **2023-168:** Pharmaceutical Industry Opioid Lawsuit, Proposed Settlement Agreements - Possible Executive Session

: **2022-106:** Consideration of an Ordinance Providing for a Special Election to Consider if the Charles Town City Charter Shall be Revised as a
Whole by Representatives of the People and to Elect Seven Members to the Charter Board

Partial Minutes from 2022-10-03 City Council.pdf
Charter Revision Timeline 2023-24.docx
2022-07-05 City Council - Full Minutes-1806.pdf
Â§8-4-2.pdf
Â§8-4-7.pdf
OrdinanceSpecialElectionCharter2022.pdf
Legal Revised Charter Committee Ordinance.docx
Current City Charter.pdf

## 10. NEW BUSINESS

: 2023-159: American Rescue Plan Act (ARPA) - Community Request Allocation, Phase 2

: **2023-167:** NPDES Permit Authorization Resolution
Resolution NPDES Permit Authorization - Charles Town Utility Board.docx

: **2023-143:** Charles Town Tree Board Appointment - 4-year Term Serving 1/1/23 - 12/31/26
Image.jpeg

: **2023-156** - Charles Town Tree Board Appointment - Unexpired term until 12/31/2024
updike_tree_board_app_2023.pdf

: **2023-170:** Charles Town Building Commission Appointment - New 5-year term serving 01/01/23 – 12/31/27
Hartman - Boards-and-Commissions-Application-January-2020.pdf
Sarah Edgar Board & Commission Application.pdf

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

## 12. APPROVAL OF BILLS

: **2023-176**: Payment of Bills - February 6, 2023
CAPITAL RESERVE COUNCIL REPORT 2023 2 06.pdf
GENERAL FUND COUNCIL REPORT 2023 2 06.pdf
PARKS & REC COUNCIL REPORT 2023 02 06.pdf

## 13. ADJOURNMENT

## 14. INFORMATION ONLY - NEXT MEETING February 21, 2023 at 7:00 PM

: **2023-160:** Charles Town Utility Board Minutes - December 2022
CTUB December 22 Minutes.pdf

: **2023-164:** Charles Town Building Official Oath of Office - Delaine Englebert
Englebert Oath

: **2023-165:** Charles Town Utility Board Oath of Office - Keith Peirson
Oath.pdf

**NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:**
https://www.charlestownwv.us/government/agendas-and-minutes

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-169: City Council Meeting Minutes - January 17, 2023

**ATTACHMENTS:**

- January 17 2023 City Council Meeting Minutes.docx

# CITY OF CHARLES TOWN

**CITY COUNCIL**

**MINUTES • January 17, 2023**

**Regular Meeting** **Council Chambers** **7:00 PM**

**101 East Washington Street, Charles Town, WV 25414**

## CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Bob Trainor | Mayor | Present | |
| James Kratovil | Councilmember | Present | |
| Elizabeth Ricketts | Councilmember | Remote | |
| Kevin Tester | Councilmember | Present | |
| Jeff Hynes | Councilmember | Present | |
| Jean Petti | Councilmember | Present | |
| Julie Philabaum | Councilmember | Present | |
| Micheal George | Councilmember | Present | |
| Rikki Twyford | Councilmember | Present | |

Mr. John Barkley, City Manager; Mr. Todd Wilt, City Operations Director; Ms. Alissa Meeks, Community Development Director; Ms. Delaine Englebert, City Building Official; Ms. Breanna Barr, Finance Director; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

## 1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

## 2. APPROVAL OF MINUTES

2023-131: City Council Meeting Minutes - January 3, 2023

There being no changes, corrections, or objections to the minutes, Mayor Trainor declared the minutes approved.

2023-136: City Council Special Meeting Minutes - January 9, 2023

The following change were made to the minutes:

2022-245: Interviews for Director Position - Charles Town Utility Board of Directors (CTUB) - first paragraph: The names of the candidates will be included in the first line to read; " The City Council conducted interviews with three candidates, Mayor Keith Pierson, Councilman Tommy Custer, and Councilman Herbie McDaniel, nominated from the Ranson Utility District for the open seat on the Charles Town Utility Board of Directors.

Mayor Trainor asked if there were any objections to approving the minutes as amended. Hearing none, he declared the minutes approved.

## 3. PUBLIC COMMENT

There was no public comment.

## 4. WARD REPORTS

Ward #1

Ms. Ricketts reported that she attended the Charles Town Tree Board meeting and that the Board has finalized their master plan for the year, which she'll present at the first Council meeting in February.

Mr. Kratovil had nothing to report.

Ward #2

Mr. Hynes reported the following:

- That he attended the Finance Committee meeting.
- That he listened to a caller on a radio show, named Doug, who was asking for legal advice concerning a long-standing dilapidated house that is located next to his house in Charles Town and that the City has failed to take action to correct the situation. Mr. Hynes recommend that the Council keep this situation and similar ones in mind while developing the FY2024 budgets.
- That he congratulates all the winners of the Charles Town/Ranson Christmas Light's contest.

Mr. Tester reported that he attended the Personnel Committee and the Special Council meeting for Charles Town Utility Board of Directors' interviews. He also met with City staff members to listen to their concerns.

Ward #3

Ms. Petti had nothing to report.

Ms. Philabaum reported that the yarn bombing in the downtown has been completed and reminded the Council that cold weather clothing items may be dropped off at Jefferson County Community Ministries or drop boxes located at select local businesses. She also reported that Betts and Coops Boutique will be holding their ribbon cutting ceremony on Saturday, January 21, 2023 at 11:00 AM.

Ward #4

Mr. George reported that he attended the Personnel Committee and the Vacant Properties meetings and met with staff as well to hear their concerns.

Ms. Twyford reported the following:

- That she hoped everyone had a nice day of reflection on MLK Jr. Day yesterday.
- That she was pleased to attend the Jefferson County Chamber of Commerce Mixer at the Old Opera House on January 10th. She thanked Mr. Tester and Mr. George for putting on a great show.
- Reminded the Council that everyone is invited to attend the "Coffee with a Cop" event at Sibling Coffee Roasters from 8 - 10:00AM on January 18, 2023.

- That everyone is invited to join her for the Betts and Coops Ribbon Cutting at 11:00AM on January 21st to show your support for a new downtown business.

## 5. MAYOR'S REPORT

Mayor Trainor reported that he attended the Finance Committee, Vacant Properties Board, and Augustine Trail meetings.

2023-129: Jefferson County Mayors' Meeting

Mayor Trainor summarized the recent Jefferson County Mayor's Meeting hosted by the City of Bolivar on January 4th. Discussions included: effective two-way communications between Jefferson County, the municipalities and the West Virginia Department of Highway (DOH), the status and funding options for a Jefferson County social services liaison position, State Civil Service rules governing municipal police departments and sheriff departments, and possible cost sharing for the Jefferson Memorial Park pool renovations.

## 6. COMMITTEE REPORTS

2023-116: Personnel Committee (Possible Executive Session)

Mr. George reported that the Personnel Committee met on January 9, 2023. The committee discussed the need to hire a code enforcement official and a human resource professional. They also began reviewing the personnel handbook and established the 2023 meeting schedule for the second Monday of every month at 5:00 PM.

Mr. George stated that an executive session was not needed at this meeting.

2023-117: Finance Committee

Mayor Trainor reported that the Finance Committee met on January 10, 2023. The Council will be asked to consider action on the FY23 General Fund Revision #2 (agenda item 2023-127) and the FY23 Capital Reserve Revision #2. (agenda item 2023-128)

He also shared with the Council the FY2024 budget preparation timeline and that Mr. Barkley and staff will begin developing a 5-year Capital Improvement Plan and associated budget(s) as part of the City's FY2024 budget.

2023-118: Infrastructure Committee

Ms. Philabaum reported the following:

- That there may be more than enough funding available for the Augustine Trail project, which could allow for various related components of the project. Groundbreaking for the project may begin as soon as March 2023.

- That Ms. Ricketts submitted a "Complete Streets" conceptual project for review by the Smart Growth America Champion's Institute.

- That Mr. Barkley will follow-up with the City's Main Street partners to determine possible next steps for Charles Street.

Ms. Philabaum requested Council approval for the City to direct Sustainable Strategies to pursue further grant fund monies from the Green Street, Green Jobs, Green Towns Grant programs to augment the $370,000.00 of congressional direct funding assigned to improve Liberty Street stormwater runoff issues.

Mayor Trainor asked if there were any objections to the staff directing Sustainable Strategies to pursue the aforementioned grants and there were no objections.

Ms. Philabaum also requested that Council direct staff to develop a Request for Proposal (RFP) for the FY2023 City street maintenance project, which includes up to twenty-nine (29) streets.

Mayor Trainor asked if there were any objections to directing staff to develop the aforementioned RFP, and there were no objections.

2023-119: Vacant Properties Board

Mayor Trainor reported that the Vacant Properties Board reviewed the status of the following properties: 100 West Street; 219 West Liberty Street; 114 S. Lawrence Street; and 307 E. Washington Street. He informed the Council that the Committee granted an extension to March 31, 2023 - for compliance of the 114 S. Lawrence Street property.

## 7. CITY MANAGER REPORT

2023-130: Committee Attendance

Ms. Philabaum suggested that a policy be created, similar to City Codified Ordinance Article 111 - Rules of Council, regarding City Boards and Committees, specifically meeting attendance requirements. Mr. Barkley was tasked with developing a policy for Council review.

Ms. Twyford recommended that meeting agendas should reflect whether or not the meeting will be held in person.

Mr. Barkley reported the following:

- That the deadline to file a Municipal Candidate Certificate of Announcement for the upcoming May, 2023 Council Election is January 28, 2023.
- That the updated boards and commission vacancies are listed on the City's website.
- That staff continues to research possible grave site remains at the "Potter's Field Coloured" grave yard.
- That a Request for Proposal (RFP) is being developed for the Liberty Street stormwater runoff mitigation project and the City's building feasibility and organization study.
- That a 5-year Capital Plan will be introduced to the Council for the next budget planning cycle process.

- He thanked Councilman Tester for his 457 Retirement program presentation to City staff.

## 8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department (CTPD) December Statistics Report with the Council.

Chief Kutcher reported that - thanks in large part to Lieutenant Manning, Corporals Quinnam and Newlin, and Patrolman Zechman - the CTPD obtained an arrest warrant in connection with an armed robbery at a downtown business less than 48-hours after the incident.

On Wednesday, January 18, 2023 from 8 to 10:00 AM "Coffee with a Cop" will be held at Siblings Coffee Roasters.

## 9. UNFINISHED BUSINESS

2023-121: Public Hearing in Consideration of an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.

Mr. George moved to open the public hearing. Mr. Tester seconded the motion, and there were no objections.

No one signed up for the public hearing.

Mr. Hynes moved to close the public hearing. Ms. Twyford seconded the motion, and there were no objections.

2022-218: Second Reading and Final Consideration of an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.

Mr. Michael Funk, the City's counsel, recommended to the Council that they enter into executive session to discuss a possible agreement between the Hayes Property Owners and WV University Hospital - East that will likely materially alter the Ordinance and Nullification Agreement approved at first reading.

Mr. George moved to enter into Executive Session. Mr. Tester seconded the motion, and there were no objections. Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

After reviewing the changes to the Ordinance and Nullified Agreement, Mr. George moved to approve the First Reading of the amended Ordinance and Nullified Agreement. Mr. Hynes seconded the motion, and it passed by a 7-1 vote.

| | |
|---|---|
| **RESULT:** | **APPROVED [7-1]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Jeff Hynes |
| **AYES:** | Kratovil, Tester, Hynes, Petti, Philabaum, George, Twyford |
| **NAYS:** | Ricketts |

2023-120: Developer Fee Implementation - Staff Update

Mr. Hynes requested that this agenda item to be included in the February 2, 2023, Council meeting agenda.

## 10. NEW BUSINESS

2023-127: FY2023 General Fund Budget Revision #2 - FY23 COLA, 457 Employer Benefit, Miscellaneous Adjustments

Mr. George moved to approve the proposed FY23 budget revision #2 to the general fund budget for submission to the WV State Auditor. Mr. Tester seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

2023-128: FY2023 Capital Reserve Budget Revision #2 - Police Department Vehicle Request

Mr. George moved to approve the proposed FY23 Capital Reserve budget revision #2 to the Capital Reserve fund budget as recommended by the Finance Committee. Mr. Tester seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Kevin Tester |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

2023-124: SLD 2016-01 Norborne Glebe Phase 6 Bond Reduction Request

Ms. Philabaum moved to approve the bond reduction request for the Norborne Glebe Subdivision - Phase 6 from $1,266,417.44 to $167,787.52. Mr. Hynes seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum |
| **SECONDER:** | Jeff Hynes |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

2023-125: Charles Town Planning Commission Appointment - New 3-year Term Expiring 12/31/2025

Mr. Kratovil recused himself from the vote.

Mr. George moved to appoint Ms. Ann Paonessa to a 3-year term on the Planning Commission serving from January 1, 2023, until December 31, 2025. Ms. Philabaum seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED** |
| **MOVER:** | Micheal George |
| **SECONDER:** | Julie Philabaum |
| **AYES:** | Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

2023-126: Charles Town Board of Zoning Appeals Appointments - 3 New 3-year Terms Expiring 12/31/25

Mr. Hynes moved to appoint Mr. Locke Wysong, Jr. and Mr. James Thomas each to a 3-year term on the Charles Town Board of Zoning Appeals serving from January 1, 2023, until December 31, 2025. Ms. Philabaum seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Jeff Hynes |
| **SECONDER:** | Julie Philabaum |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

2023-122: Community Development Department - Departmental Overview Presentation

Ms. Alissa Meeks, Community Development Director, presented to Council a brief overview of the departments missions, goals and objectives and what is expected as new policies and procedures are implemented in 2023. Another presentation/update will be given to Council at the scheduled March 20, 2023, Council meeting.

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees or commissions.

## 12. APPROVAL OF BILLS

Payment of Bills - January 17, 2023

Mr. Kratovil moved to approve the bills for payment. Mayor Trainor asked if there was any objection. Hearing none, he declared the bills approved for payment.

## 13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none, he declared the meeting adjourned.

**14. INFORMATION ONLY - NEXT MEETINGS**

**Workshop - February 6, 2023, 6:00 PM;**

**Council Meeting - February 6, 2023, 7:00 PM**

**NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:**

**https://www.charlestownwv.us/government/agendas-and-minutes/**

## 2023-147: 2022 Charles Town Car Show Contribution Presentations

Mayor Trainor, on behalf of the City Council, will present checks to several groups that made contributions to the 2022 Charles Town Car Show as well as to the Show's chosen charity, the Boys and Girls Club of the Eastern Panhandle.

**ATTACHMENTS:**

- Car Show Profit Loss 2022.pdf

# 2022 Charles Town Car Show - Profit/Loss Report

## Income

| | | Actual Income |
|---|---|---|
| Day of Registrations | $ | 3,858.00 |
| City Pre Registrations | $ | - |
| Event Bright Preregistrations | $ | 1,670.40 |
| **Total Registrations** | **$** | **5,528.40** |
| | | |
| **Vendor Registration** | **$** | **710.00** |
| **People's Choice** | **$** | **82.00** |
| **50/50** | **$** | **966.00** |
| **Spot Raffle** | **$** | **77.00** |
| **Publishing/Advertising Grant** | **$** | **500.00** |
| | | |
| **Sponsorships** | | |
| Esperanza | $ | 100.00 |
| Kim Athey | $ | 125.00 |
| Guy's Buick | $ | 500.00 |
| Petti Pest Control | $ | 700.00 |
| VFW | $ | 700.00 |
| Jefferson County Development | $ | 125.00 |
| Paddy's | $ | 500.00 |
| Squatchworks | $ | 100.00 |
| Sumittra's | $ | 500.00 |
| Ranale J | $ | 100.00 |
| Needful Things | $ | 250.00 |
| HJ Flemings | $ | 100.00 |
| State Farm | $ | 125.00 |
| Cardinal | $ | 700.00 |
| Briel PC | $ | 250.00 |
| Duane Marcus | $ | 1,250.00 |
| **Total Sponsorships** | **$** | **6,125.00** |

## Expenses

| | | |
|---|---|---|
| MC | $ | 500.00 |
| Sound | $ | 2,000.00 |
| Pens and Gift Bags for Registrations | $ | 66.80 |
| Facebook Ads | $ | 71.71 |
| The Journal | $ | 615.00 |
| Model T Demo | $ | 600.00 |
| Toilets | $ | 832.00 |
| Trophies | $ | 4,439.45 |
| Mass Gathering Permit | $ | 180.00 |
| Kid Zone Signage | $ | 192.00 |
| Water, Ice, & Snacks | $ | 41.15 |
| **Total Expenses** | **$** | **9,538.11** |

**Income over Expenses**

| | | |
|---|---|---|
| Gross Income | $ | 13,988.40 |
| Total Expenses | $ | 9,538.11 |
| ***2022 Net Income (NOT INCLUDING LABOR)*** | ***$*** | ***4,450.29*** |
| 2022 Car Show Labor Costs | $ | (4,510.15) |
| ***2022 True Net Income*** | ***$*** | ***(59.86)*** |

## City of Charles Town Donations

| | | |
|---|---|---|
| Boys & Girls Club of Jefferson County (Selected Chairity) | $ | 2,500.00 |
| Washington High School Show Chior (Show Assistance) | $ | 300.00 |
| Jefferson High School Air Force Jr. ROTC (Show Labor) | $ | 500.00 |
| ***2022 Donations from Show*** | ***$*** | ***3,300.00*** |

**2022 Car Show**

| *Name* | *Hours Worked* | *Loaded Rate* | *Total* |
|---|---|---|---|
| Megan | 5 | [redacted] | $ 132.85 |
| Caitlyn | 8 | [redacted] | $ 244.32 |
| Carolyn | 7 | [redacted] | $ 223.86 |
| Perry | 12.5 | [redacted] | $ 524.63 |
| Blaise | 10 | [redacted] | $ 265.70 |
| Travis | 12 | [redacted] | $ 378.96 |
| City Hall Labor Cost | | | $ 1,770.32 |
| Stevens | 11 | [redacted] | $ 732.49 |
| Manning | 4.5 | [redacted] | $ 271.62 |
| Anderson | 4.25 | [redacted] | $ 238.64 |
| DeSarno | 9.5 | [redacted] | $ 508.06 |
| Knott | 13.5 | [redacted] | $ 758.03 |
| Gerstell | 5 | [redacted] | $ 181.00 |
| Eric Grove | 5 | [redacted] | $ 50.00 |
| Police Dept Labor Costs | | | $ 2,739.83 |
| *Todd* | | | *SALARIED* |
| *Bre* | | | *SALARIED* |
| *Jim* | | | *SALARIED* |
| *Chief* | | | *SALARIED* |
| *Liz* | | | *SALARIED* |
| **TOTAL LABOR COSTS FOR 2022 CARSHOW** | | | **$ 4,510.15** |

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Appointment
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-162: Administration of Oath - Parking Enforcement Officer, Lisa Smith

Mayor Trainor will welcome Lisa Smith as Charles Town Police Department's newest employee and administer an oath for her duties as the Parking Enforcement Officer.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Appointment
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-166: Administration of Oath - Ann Paonessa, Charles Town Planning Commission; Term Expiring December 31, 2025

Mayor Trainor, on behalf of the City Council, will administer the oath of office to Ann Paonessa whom the City Council appointed to the Charles Town Planning Commission at the January 17 meeting.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-163: Letter of Response from West Virginia Department of Highways, Ref: Augustine Avenue/Rt. 340 Intersection

Mayor Trainor shares the included letter of response from the West Virginia Department of Highways in reply to a letter authorized by the City Council pertaining to the ongoing concerns with the US Route 340 and Augustine Avenue intersection.

**ATTACHMENTS:**

- WV DOH Correspondence Ref Augustine Ave Rt. 340.pdf

RECEIVED
JAN 17 2023
BY: MKF

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
**Division of Highways**
1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

D. Alan Reed, P.E.
State Highway Engineer

Jimmy Wriston, P. E.
Secretary of Transportation
Commissioner of Highways

January 6, 2023

Mr. Robert Trainor
Mayor of Charles Town
101 East Washington Street
Post Office Box 14
Charles Town, West Virginia 25414

Dear Mr. Trainor:

Thank you for your letter, dated November 21, 2022, regarding the intersection of US 340 and Augustine Avenue, in Jefferson County.

A design study for improvements to US 340 and Augustine Avenue (CR 340/18) intersection in Jefferson County was completed in July 2022. A new interchange in this area would cost upwards of $43 million. From a traffic engineering perspective, the construction of a new interchange is not justified at this time. Please note the following:

- Level of service analysis of existing conditions does not show any significant congestion or delay that an interchange could improve.
- The crash rate at this intersection is below the statewide average for an intersection of this type.
- A traffic impact study for the proposed development at this intersection showed that minor mitigations could be implemented to accommodate future traffic volumes without constructing an interchange.
- Traffic Engineering has recently modified the signal phasing, and indications at this intersection to address the severe angle crashes that have occurred.

Based on this information and the study's results, it was determined that an interchange is not being proposed at this time. Monitoring of the intersection operation should be continued to evaluate the effectiveness of the modifications made and the proposed mitigations referenced above. Factors contributing to proposing an interchange at this intersection would be increased traffic in the area, a higher crash rate, or the level of service of the intersection becoming critical. An interchange may be warranted if a point is reached where the above factors are met.

**Full support will be given if you desire to seek an alternative funding source to fund this project fully.**

**Thank you for your continued support and interest in highway matters. If you have any questions concerning this matter, please do not hesitate to contact my office.**

**Sincerely,**

**Jimmy Wriston, P.E.**
**Secretary of Transportation/**
**Commissioner of Highways**

**JW:r**

**cc: Jefferson County Commission, WV**
**Matt Mullenax, HEPMPO, Executive Director**

**bcc: SEC(Hodges), CH, HO, OS, DO, HCC**

# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us


**VIA EMAIL AND FIRST-CLASS MAIL**
November 21, 2022


**MAYOR**
*Robert M. Trainor*

**CITY COUNCIL**
*James Kratovil*
*Elizabeth Ricketts*
*Jeff Hynes*
*Kevin Tester*
*Jean Petti*
*Julie Philabaum*
*Micheal George*
*Rikki Twyford*

**CITY MANAGER**
*John Barkley*


The Honorable Jimmy Wriston
Secretary of Transportation
DOT.Secretary@wv.gov

J. Lee Thorne
District Five Engineer
P.O. Box 99 (Route 50)
Burlington, WV 26710-0099
lee.j.thorne@wv.gov

D. Alan Reed, P.E.
State Highway Engineer
D.Alan.Reed@wv.gov

West Virginia Department of Transportation
Building 5, 1900 Kanawha Blvd E
Charleston, WV 25305

**RE: US 340 I/C Augustine Ave Design Study, State Project No. T219-340-5.46; Federal Project No. NHPP-0340(074)D**

Dear Secretary Wriston, Highway Engineer Reed, and District Engineer Thorne:

I write on behalf of the City of Charles Town to offer comments on the recent traffic field review held on April 19, 2022 referenced above. The City has reviewed the report's findings and disagree with its conclusion, that "While there have been severe crashes at the intersection, the crash rate at this intersection is not high.", recommending "…that a build alternative not be selected at this time."

The intersection's proximity to Washington High School, with over 1,300 students combined with the nearly 650 homes of the three nearby communities whose access roads intersect with the Augustine Ave/US 340 intersection within 1,100 feet of each other, creates heightened and unacceptable risks for crashes, injuries, and fatalities. Continued growth in the area, both residential and commercial, will add still more traffic to these congested roadways, further increasing risk, which in our opinion requires an immediate commitment of funding to drastically improve safety.

Therefore, the Charles Town City Council requests that the West Virginia Division of Highways reconsider their recommendation and move forward with an initiative to reduce the traffic risks at the Augustine Ave/US 340 intersection. If not, then we request authorization to seek an alternative source of funding to address this dangerous intersection, such as Federal Infrastructure Grant Funding. Naturally, we anticipate working closely with the appropriate State and County agencies throughout the process.

Sincerely,

Robert M. Trainor
Mayor

cc: Jefferson County Commission, WV
Matt Mullenax, HEPMPO Executive Director

## 2023-141: Ordinance Committee

Committee members offer the included report from the January 19 meeting and a table dropped report from the February 3 meeting.

**ATTACHMENTS:**

- Ordinance Meeting Minutes 1_19_23.pdf

# City of Charles Town Ordinance Committee Report - January 19, 2023

## Call to Order
18:00

## Participants

| | | | |
|---|---|---|---|
| Rikki Twyford | *Councilwoman / Committee Chair* | Julie Philabaum | *Councilwoman* |
| Kevin Tester | *Councilman* | John Barkley | *City Manager* |
| Jean Petti | *Councilwoman (Remote)* | Todd Wilt | *City Operations Director (Remote)* |

## Agenda / Discussions

**531 - Simple Possession of Marijuana** Continued discussion regarding changes to Article 531, including reference to the West Virginia Medical Cannabis Act and feedback from Charles Town City Prosecutor's Office and Charles Town Police Department. Several follow up questions were posed and we will invite both Chief Kutcher and City Prosecutor Adam Ward to our next Ordinance Meeting.

- ***Recommendation to City Council:***
    - *None at this time.*

## Next Ordinance Committee Meeting Date
Thursday, February 3, 2023, at 18:00

## Adjournment
19:28

## 2023-142: Vacant Properties Board

Board members will offer a verbal report from the February 2 meeting.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Ordinance
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

**2023-144: Public Hearing in Consideration of an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.**

Motion to Open the Public Hearing

After the public has been heard, a motion to close the public hearing will be needed.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Ordinance
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

**2023-145: Second Reading and Final Consideration of an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.**

During the January 17 City Council meeting, several material changes were made to the proposed ordinance. In light of the material changes, the City Council used the January 17 meeting as the first reading of the newly revised ordinance, and set February 6, 2023 for the public hearing and final consideration of the revised ordinance. The City Council is asked to consider the ordinance for second reading and enactment.

## Proposed Motion:

Motion to adopt on Second Reading and Enact an Ordinance Authorizing and Directing the Mayor to Execute an Agreement Rescinding, Canceling, and Nullifying, as Between the Parties to such Agreement, those certain Conditions of Annexation Dated the 30th Day of January 2007, Entered by and Between Rolfe G. Hayes and Ahmad H. Abdul-Baki, as Owners of the Subject Real Property, and the City of Charles Town, and Releasing the Parties to such Agreement from any Executory Obligations, Covenants, or Duties Under the Conditions of Annexation.

**ATTACHMENTS:**

- Ordinance re Rescission of COA(15935941.2 SJDOCS).pdf
- Conditions of Annexation.pdf
- hayes concept-drawing.png

CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT RESCINDING, CANCELING, AND NULLIFYING, AS BETWEEN THE PARTIES TO SUCH AGREEMENT, THOSE CERTAIN CONDITIONS OF ANNEXATION DATED THE 30th DAY OF JANUARY, 2007, ENTERED BY AND BETWEEN ROLFE G. HAYES AND AHMAD H. ABDUL-BAKI, AS OWNERS OF THE SUBJECT REAL PROPERTY, AND THE CITY OF CHARLES TOWN, AND RELEASING THE PARTIES TO SUCH AGREEMENT FROM ANY EXECUTORY OBLIGATIONS, COVENANTS, OR DUTIES UNDER THE CONDITIONS OF ANNEXATION.

WHEREAS, pursuant to (i) an Ordinance duly approved upon second reading and adopted by the Common Council of the City of Charles Town at a regular meeting held on October 16, 2006 (the "Annexation Ordinance"), and (ii) an Order entered by the County Commission of Jefferson County, West Virginia, on November 30, 2006 (the "Annexation Order"), the City of Charles Town annexed within its corporate limits four (4) parcels of land containing an aggregate of 268.8668 acres, more or less, being two parcels then owned by Rolfe G. Hayes ("Hayes") containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, a parcel then owned by Ahmad H. Abdul-Baki ("Abdul-Baki") containing 4.6209 acres, more or less, and a portion of the Route 340 Bypass containing approximately 55.15 acres, more or less (collectively, the "Annexed Property");

WHEREAS, pursuant to a Resolution duly adopted by the Common Council of the City of Charles Town at the aforesaid meeting held on October 16, 2006, the City of Charles Town accepted and approved the annexation of the Annexed Property and thereby agreed with Hayes and Abdul-Baki to the provisions of those certain Conditions of Annexation thereafter executed by Hayes, Abdul-Baki, and the then Mayor, and dated the 30th day of January, 2007 (the "Conditions of Annexation");

WHEREAS, the Conditions of Annexation contemplated a specific development project that required rezoning particular portions of the Annexed Property, respectively, to General Commercial, Neighborhood Residential, and Residential Multi-Family districts, and other modifications to the zoning regulations in order to permit construction of a hospital and related medical uses and professional uses in the General Commercial district and innovative residential units in the residential districts;

WHEREAS, the Conditions of Annexation required that the final development design of the development project be in general conformance with an Annexation Concept Plan attached to the Conditions of Annexation (the "Concept Plan");

WHEREAS, the Conditions of Annexation further contemplated that, in order to facilitate the construction of a new hospital and medical office facility on the Annexed Property, approximately thirty (30) acres of land would be donated to West Virginia University Hospitals –

East for construction of a hospital and related medical uses and professional offices;

WHEREAS, subsequent to execution of the Conditions of Annexation, the intended purchaser and developer of the parcels owned by Hayes and Abdul-Baki withdrew from the contemplated transaction and development;

WHEREAS, in 2012, Abdul-Baki conveyed to third parties his parcel of 4.6209 acres, more or less;

WHEREAS, Hayes died in 2014 and his parcels containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, came to be held by Roscoe A. Hayes, Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust, and Joseph R. Gallo (collectively, the "Hayes Property Owners");

WHEREAS, in 2020, the Hayes Property Owners subdivided the parcel of 198.1519 acres, more or less, and conveyed therefrom a parcel of 27.8213 acres, more or less, to a third party;

WHEREAS, the Hayes Property Owners continue to hold the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less (collectively, the "Hayes Property Owners' Property"), which property has not been further developed;

WHEREAS, in recognition that the Conditions of Annexation contemplated a specific development project and that it now and in the future would and will be impractical, if not impossible, to develop the specific development project contemplated, particularly in general conformance with the Concept Plan as required by the Conditions of Annexation, due to changed circumstances and for various reasons including, without limitation, that portions of the Annexed Property intended to be included in the development project are now owned by third parties and that construction of a hospital on the Annexed Property is no longer contemplated, the Hayes Property Owners have requested that the City of Charles Town agree to rescind, cancel, and nullify the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town and that the Hayes Property Owners, West Virginia University Hospitals – East, and the City of Charles Town mutually release each of the other Parties from any and all executory covenants and obligations thereunder; *provided that*, it is the intent and desire of the Hayes Property Owners that Paragraph V of the Conditions of Annexation, pertaining to provision of water and sanitary sewer service to the Annexed Property by the Charles Town Utility Board, shall remain in full effect ("Paragraph V Provision");

WHEREAS, the Hayes Property Owners have expressed that the existence of the Conditions of Annexation and the uncertainty of their effect have frustrated the efforts of the Hayes Property Owners to market and sell the Hayes Property Owners' Property, which has prevented development of such real property; and

WHEREAS, West Virginia University Hospitals – East has expressed its willingness to release any

claim and/or rights it may have with respect to the donation of thirty (30) acres of land contemplated by the Conditions of Annexation on such separate terms and conditions as may be agreed between the Hayes Property Owners and West Virginia University Hospitals – East;

NOW, THE COUNCIL OF THE CITY OF CHARLES TOWN FINDS AND DECLARES, that the Conditions of Annexation contemplated a specific development project;

FURTHER FINDS AND DECLARES, that it now and in the future would and will be impractical, if not impossible, to develop the specific development project contemplated, particularly in general conformance with the Concept Plan as required by the Conditions of Annexation;

FURTHER FINDS AND DECLARES, that certain covenants and obligations of each of the Hayes Property Owners and the City of Charles Town to the other under the Conditions of Annexation remain unperformed and executory and, accordingly, the Conditions of Annexation are unenforceable by either the Hayes Property Owners or the City of Charles Town;

FURTHER FINDS AND DECLARES, that the best interests of the City of Charles Town would not be served by the City of Charles Town performing and satisfying its unperformed and executory covenants and obligations to the Hayes Property Owners under the Conditions of Annexation for the sole purpose of positioning the City of Charles Town to enforce the Conditions of Annexation against the Hayes Property Owners;

FURTHER FINDS AND DECLARES, that leaving the Conditions of Annexation in effect between the Hayes Property Owners and the City of Charles Town serves no current or contemplated future purpose of the City of Charles Town;

FURTHER FINDS AND DECLARES, that it is in the best interests of the City of Charles Town to agree to rescind, cancel, and nullify the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town, with each of the Hayes Property Owners, West Virginia University Hospitals – East, and the City of Charles Town mutually releasing each of the others from any and all executory covenants and obligations thereunder, excepting only the Paragraph V Provision; and

FURTHER FINDS AND DECLARES, that, in light of the continuing applicability of the Conditions of Annexation to the 4.6209 acre, more or less, parcel and the 27.8213 acre, more or less, parcel conveyed to third parties, as discussed above, each of the current owners of such parcels should be offered the opportunity to enter a separate agreement rescinding, canceling, and nullifying the Conditions of Annexation as between such owner and the City of Charles Town, with mutual releases of executory covenants and obligations thereunder;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the Mayor of the City of Charles Town be, and hereby is, authorized and directed to execute and enter on behalf of the City of Charles Town an agreement with the Hayes Property Owners and West Virginia University Hospitals – East in the form of that attached as EXHIBIT A that rescinds,

cancels, and nullifies the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town, with each of the parties thereto mutually releasing each of the other parties from any and all executory covenants and obligations under the Conditions of Annexation, excepting only the Paragraph V Provision (the "Hayes Property Owners Nullification Agreement");

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that, in the event the current owner(s) of the 4.6209 acre, more or less, parcel and/or the current owner(s) of the 27.8213 acre, more or less, parcel conveyed to third parties, as discussed above, so elect, the Mayor of the City of Charles Town be, and hereby is, authorized and directed to execute and enter on behalf of the City of Charles Town an agreement with such persons in the form of that attached as EXHIBIT A, but (i) with such persons substituted for the Hayes Property Owners therein, (ii) with West Virginia University Hospitals – East included as a party thereto only to the extent it elects to so be included; (iii) with references to any separate agreement between the Hayes Property Owners and West Virginia University Hospitals – East deleted therefrom; (iv) with respect to only the 4.6209 acre, more or less, parcel, with Subsections 1(a) and 2(a) included therein only if desired by the subject current owner and as appropriately modified to reflect the subject property; and (v) with Subsection 3(b)(i) deleted therefrom (each, a "Third Party Nullification Agreement");

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, de-annex or otherwise affect the annexation of the Annexed Property, which Annexed Property shall remain annexed within the corporate limits of the City of Charles Town;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, undo, reverse, change, or affect the current zoning of the Annexed Property as reflected on the Charles Town Zoning Map except that, pursuant to Section 3(b)(i) of the Hayes Property Owners Nullification Agreement, the Hayes Property Owners shall seek a change in the zoning classification of the Hayes Property Owners' Property to the Urban Reserve District by zoning amendment, for which purposes the prior rezoning of the Hayes Property Owners' Property pursuant to the Conditions of Annexation shall be considered revoked, annulled, void, and of no effect for all purposes;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, undo, cancel, reverse, or otherwise make or render ineffective any other act heretofore performed by any party pursuant to the Conditions of Annexation; and

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that, with respect

to any Third Party Nullification Agreement to be entered hereunder, this Ordinance and such Third Party Nullification Agreement are intended to, and shall be deemed to, result in the release of the executory covenants and obligations of the subject third parties and their successors and assigns to or in favor of the City of Charles Town under the Conditions of Annexation, and this Ordinance and such Third Party Nullification Agreement are intended to, and shall be deemed to, result in release of the executory covenants and obligations of the subject third parties and their successors and assigns to or in favor of West Virginia University Hospitals – East only to the extent it elects to be a party to the subject Third Party Nullification Agreement.

This Ordinance shall take effect upon enactment.

First Reading: _____, 20___

Public Hearing: _____, 20___

Passed on Second Reading: _____, 20___

Enacted this _____ day of _____, 20___

CITY OF CHARLES TOWN

_____
Robert M. Trainor
Mayor

Attest:

_____
John C. Barkley
City Clerk

**EXHIBIT A**
**NULLIFICATION AGREEMENT**

# NULLIFICATION AGREEMENT

This **NULLIFICATION AGREEMENT** (this "Agreement"), dated the ___th day of _____, 20__, is entered into by and between the CITY OF CHARLES TOWN, a West Virginia municipal corporation, party of the first part (the "City"), ROSCOE A. HAYES, ALICE M. SPICKLER AND DONALD L. SPICKLER, CO-TRUSTEES OF THE ALICE M. SPICKLER LIVING TRUST, AND JOSEPH R. GALLO, parties of the second part, and WEST VIRGINIA HOSPITALS – EAST, INC., a West Virginia non-profit corporation, party of the third part. The party of the first part, the parties of the second part, and the party of the third part are sometimes referred to herein collectively as the "Parties," or individually as a "Party."

## RECITALS

WHEREAS, in 2006, the City annexed within its corporate limits four (4) parcels of land (the "Annexed Property") including two parcels then owned by Rolfe G. Hayes ("Hayes") containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, and a parcel then owned by Ahmad H. Abdul-Baki ("Abdul-Baki") containing 4.6209 acres, more or less;

WHEREAS, pursuant to a Resolution duly adopted by the City's Common Council, the City accepted and approved said annexation and thereby agreed with Hayes and Abdul-Baki to the provisions of those certain Conditions of Annexation thereafter executed by Hayes, Abdul-Baki, and the then Mayor of the City, and dated the 30th day of January (the "Conditions of Annexation");

WHEREAS, the Conditions of Annexation contemplated a specific development project and required that the final development design of the development project be in general conformance with an Annexation Concept Plan attached to the Conditions of Annexation;

WHEREAS, the Conditions of Annexation further contemplated that, in order to facilitate the construction of a new hospital and medical office facility on the Annexed Property, approximately thirty (30) acres of land would be donated to West Virginia University Hospitals – East, Inc.;

WHEREAS, subsequent to execution of the Conditions of Annexation, the intended purchaser and developer of the parcels owned by Hayes and Abdul-Baki withdrew from the contemplated transaction and development;

WHEREAS, in 2012, Abdul-Baki conveyed to Richard Smith and Erin Smith his parcel of 4.6209 acres, more or less;

WHEREAS, Richard Smith and Erin Smith continue to hold said parcel of 4.6209 acres, more or less;

WHEREAS, Hayes died in 2014 and his parcels containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, came to be held by Roscoe A. Hayes, Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust, and Joseph R. Gallo (collectively, the "Hayes Property Owners");

WHEREAS, in 2020, the Hayes Property Owners subdivided the parcel of 198.1519 acres, more or less, and conveyed therefrom a parcel of 27.8213 acres, more or less, to Brad Bishop;

WHEREAS, Brad Bishop continues to hold said parcel of 27.8213 acres, more or less;

WHEREAS, the Hayes Property Owners continue to hold the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less;

WHEREAS, various provisions of the Conditions of Annexation currently remain unperformed and executory on the part of each of the City and the Hayes Property Owners, the City and the Hayes Property Owners accordingly agree that the Conditions of Annexation are unenforceable by neither of them, and the Hayes Property Owners dispute the enforceability of the Conditions of Annexation in any event;

WHEREAS, the City and the Hayes Property Owners mutually desire to rescind, cancel, and nullify the Conditions of Annexation as between them; and

WHEREAS, the Parties mutually desire that the Parties mutually release each of the other Parties from any and all executory covenants and obligations under the Conditions of Annexation, except as expressly provided otherwise herein;

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement and other good and valuable consideration (including, as between the Hayes Property Owners and West Virginia University Hospitals – East, Inc., any other consideration set forth in any separate agreement between such parties relating to the subject matter of this Agreement (the "Hayes/WVUH-E Separate Agreement")), the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

SECTION 1 -- NULLIFICATION

The Conditions of Annexation shall be, and hereby are, fully and completely rescinded, canceled, and nullified as between the Parties.

(a) Notwithstanding the foregoing Section 1, Paragraph V of the Conditions of Annexation, which pertains to water and sewer service to the subject property, shall remain in full force and effect such that the Hayes Property Owners' parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519

acres, more or less, shall be served by the Charles Town Utility Board and otherwise in accordance with said Paragraph V.

SECTION 2 -- MUTUAL RELEASE

Each of the Parties shall, and hereby does, for and on behalf of itself and its heirs, personal representatives, attorneys, successors, and assigns, fully, finally, and completely release, remise, acquit, and forever discharge each of the other Parties, and all their respective trustees, directors, officers, managers, employees, agents, representatives, insurers, heirs, devisees, personal representatives, successors, and assigns, if any, of and from any and all executory obligations, covenants, and duties under the provisions of the Conditions of Annexation.

(a) Notwithstanding the foregoing Section 2, the obligations of the Hayes Property Owners under Paragraph V of the Conditions of Annexation shall remain in full force and effect.

SECTION 3 -- LIMITED EFFECT OF AGREEMENT

This Agreement is not intended to, does not, and shall not be deemed or interpreted to:

(a) De-annex or otherwise affect the annexation of the Annexed Property, which Annexed Property shall remain annexed within the corporate limits of the City of Charles Town;

(b) Undo, reverse, change, or affect the current zoning of the Annexed Property as reflected on the Charles Town Zoning Map;

(i) Notwithstanding the foregoing Subsection 3(b), the Parties agree that the Hayes Property Owners shall, by petition, pursuant to the process and subject to all required actions provided in Section 1321.12 of the Charles Town Zoning Ordinance, seek a change in the zoning classification of the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less, now owned by the Hayes Property Owners from the Neighborhood Residential and General Commercial zoning districts to the Urban Reserve zoning district, in recognition that such land would be placed in the Urban Reserve zoning district upon annexation under the current Charles Town Zoning Ordinance; or

(c) Undo, cancel, reverse, or otherwise make or render ineffective any other act heretofore performed by any Party pursuant to the Conditions of Annexation.

SECTION 4 -- ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties hereto in respect to the subject

matter contained herein. There are no restrictions, promises, representations, warranties, covenants, or undertakings, other than those expressly set forth or referred to herein. This Agreement supersedes all prior agreements and understandings between the Parties with respect to such subject matter. Notwithstanding the foregoing, the Hayes Property Owners and West Virginia University Hospitals – East, Inc. acknowledge and agree that the Hayes/WVUH-E Separate Agreement addresses to some extent the subject matter contained herein and the Hayes/WVUH-E Separate Agreement shall be given full effect together with this Agreement.

SECTION 5 -- AMENDMENT

To the fullest extent provided by applicable Law, this Agreement may only be amended, modified, and supplemented by mutual consent of the Parties hereto with respect to any of the terms contained herein, in such manner as may be agreed upon in writing by such Parties.

SECTION 6 -- SEVERABILITY

If any provision of this Agreement is terminated or held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Agreement will remain in full force and effect.

SECTION 7 -- SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators, successors, and assigns.

SECTION 8 -- COUNTERPARTS & FACSIMILES

This Agreement may be executed by the Parties hereto in any number of separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts together shall constitute but one and the same instrument. Signed counterparts of this Agreement may be delivered by facsimile or electronically transmitted image, and such facsimile or electronically transmitted image counterparts and signatures shall be deemed to be, and fully effective and enforceable as, originals for all purposes.

SECTION 9 -- CHOICE OF LAW

This Agreement shall be governed by and construed in accordance with the internal laws of the State of West Virginia, without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the State of West Virginia.

*[remainder of page intentionally blank – signature page follows]*

IN WITNESS WHEREOF, the Parties hereto have executed this Nullification Agreement, intending it effective the day and year first above written.

CITY OF CHARLES TOWN

Robert M. Trainor
Mayor

Attest:

John C. Barkley
City Clerk

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Robert M. Trainor, in his capacity as Mayor of the City of Charles Town, a West Virginia municipal corporation.

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC

My commission expires: _____.

_____
ROSCOE A. HAYES

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Roscoe A. Hayes.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

_____
ALICE M. SPICKLER, Co-Trustee

_____
DONALD L. SPICKLER, Co-Trustee

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

JOSEPH R. GALLO

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of , 20___, by Joseph R. Gallo.

(AFFIX NOTARIAL SEAL)

NOTARY PUBLIC

My commission expires: _____.

WEST VIRGINIA HOSPITALS – EAST, INC.

By: _____

_____

Its: _____

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of , 20___, by _____ _____, in his/her capacity as _____ of West Virginia Hospitals – East, Inc., a West Virginia non-profit corporation, as the act and deed of said corporation.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

This document was prepared by Michael J. Funk, Esq., Steptoe & Johnson PLLC, 1250 Edwin Miller Blvd., Martinsburg, WV, 25404.

# HAYES PROPERTY
# CONDITIONS OF ANNEXATION

Rolfe G. Hayes and Ahmad H. Abdul-Baki (collectively the "Owners"), owners of the land identified on the tax map of Jefferson County, West Virginia as Parcels 6, 6.2 and 6.3 in the Charles Town District (the "Property") hereby agree to the following conditions of annexation, contingent upon approval by the City of Charles Town (the "City") of the annexation of the Property into the municipal boundaries of the City of Charles Town. These conditions of annexation are contingent upon and shall not be binding unless and until the Property is annexed into the municipal boundaries of the City of Charles Town and the City of Charles Town approves the zoning classifications with clarifications and additions specified in paragraph I.B below.

## I. PLANNING & ZONING COMPLIANCE

### A. Comprehensive Plan

The final development design shall be in general conformance with Exhibit 1 - Hayes Property Annexation Concept Plan dated August 15, 2006 and prepared by EDSA (the "Annexation Concept Plan").

### B. Urban Zoning

Upon annexation, the City shall zone the Property Neighborhood Residential (NR), General Commercial (GC), and Residential Multi-Family (RM), as generally depicted on Exhibit 1, in accordance with the City of Charles Town Zoning Ordinance with the clarifications and additions specified below.

To permit construction of a hospital and related uses in the General Commercial (GC) District and innovative residential units in the Residential Multi-Family (RM) and Neighborhood Residential (NR) districts, the City shall approve the following clarifications and additions to the zoning regulations as they apply to the Property:

1. **General Commercial (GC) District –**

   a. Hospital and related medical uses and professional offices shall be a permitted use.

   b. One or more hospital buildings of up to eight stories and up to one hundred twenty feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

c. Medical and professional office buildings of up to four stories and up to fifty-five feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

2. **Neighborhood Residential (NR) District –**

a. Residential units of four stories and up to fifty-five feet in height and residential units of three stories and up to forty-five feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

b. The minimum lot width for townhomes shall be sixteen feet.

c. The minimum lot area for townhomes shall be 1,000 square feet for rear load integral garage townhomes, provided that for each such 1,000 square foot lot there shall be 1,000 square feet of community open space provided within walking distance in excess of the minimum open space required under the zoning ordinance.

d. No more than twenty-five percent of the dwelling units constructed on the Property shall be rear load integral garage townhomes.

d. The minimum lot area for townhomes other than rear load integral garage townhomes shall be 1,600 square feet.

e. There shall be no minimum lot area for townhome blocks.

f. The minimum front yard setback shall be twenty-five feet from edge of pavement.

g. The minimum rear yard setback shall be five feet for rear load integral garage townhomes.

h. Encroachment within the front yard setback shall be permitted up to 30%.

i. The maximum impermeable site coverage per lot shall be 100% for rear load integral garage townhomes.

j. The minimum street pavement width for two travel lanes, excluding on-street parking, shall be twenty-two feet.

k. Townhome portions of the development shall be permitted to have an area of less than five acres.

l. Townhome portions of the development shall be permitted at a maximum density of sixteen dwelling units per acre.

m. Alleys may provide lot access and satisfy road frontage requirements when lots served by those alleys front on open space.

3. **Residential Multi-Family (RM) District** –

a. Residential units of four stories and up to fifty-five feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

b. The minimum lot width per dwelling unit shall be sixteen feet.

c. There shall be no minimum lot area for residential multi-family blocks.

d. The maximum impermeable site coverage shall be 100% for individual condominium units.

e. The minimum street pavement width for two travel lanes, excluding on-street parking, shall be twenty-two feet.

f. Alleys may provide lot access and satisfy road frontage requirements when lots served by those alleys front on open space.

g. Gross density shall be permitted up to twenty dwelling units per acre.

Any other clarifications, additions or modifications to the zoning regulations that may be required to develop the Property in accordance with the Annexation Concept Plan and to yield 950 residential units shall be reviewed by the City of Charles Town.

**C. Contiguous Location**

The subject property is contiguous to existing corporate limits of the City of Charles Town by the following connections:

From the North – By Augustine Avenue and Route 340
From the South – By Route 340 and Norborne Glebe
From the East – By Route 340 and Norborne Glebe
From the West – By Augustine Avenue (Old Route 340) and Huntfield

**D. Transportation Planning**

For the purpose of providing transportation facilities, the following dedications of right-of-way and construction of transportation improvements, which are consistent with City standards and transportation plans, shall be provided at a time approved by the City Planning Commission:

1. **U.S. Route 340/Future Route 51 (New Vinton Lane) Intersection:**

   a. Design and construct a traffic signal;

   b. Dedicate required on-site right-of-way, design and construct a northbound left turn lane;

   c. Dedicate required on-site right-of-way, design and construct a southbound right turn lane;

   d. Dedicate required on-site right-of-way, design and construct a westbound right turn lane.

2. **Augustine Avenue/Future Route 51 (New Vinton Lane) Intersection:**

   a. Dedicate required on-site right-of-way, design and construct a southbound left turn lane;

   b. Dedicate required on-site right-of-way, design and construct a right turn lane from northbound Augustine Avenue onto eastbound Future Route 51 (New Vinton Lane).

3. **Future Route 51 (New Vinton Lane) - on site:**

   a. Dedicate required on-site right-of-way, design and construct a half section (two lanes) of a 4-lane divided roadway from Augustine Avenue to the intersection of Rte. 340;

   b. Dedicate required on-site right-of-way, design and construct an additional half section (two additional lanes) of a 4-lane divided roadway from the intersection of the North-South Commercial Boulevard to the intersection of Route 340.

4. **North-South Commercial Boulevard**:

   a. Dedicate required on-site right-of-way, design and construct a half section (two lanes) of a 4-lane divided roadway system running north-south within the site.

   b. Dedicate required on-site right-of-way, design and construct an additional half-section (two additional lanes) of a 4-lane divided roadway system running north-south within the site.

   c. Design and construct a left turn lane from the northbound North-South Commercial Boulevard onto westbound Future Route 51 (New Vinton Lane).

## II. ECONOMIC GROWTH

To facilitate the construction of a new hospital and medical office facility on the Property, approximately thirty (30) acres of land shall be donated to the West Virginia University Hospitals - East ("WVUH-E") for construction of a hospital and related medical uses and professional offices. This donation shall be made on April 30, 2007 or upon approval by the City of the Schematic Plan for development of the Property, which ever is later.

In addition, approximately fourteen (14) acres of land will be developed for commercial and retail uses to support the hospital and medical offices. Together, these non-residential development areas within the Property are expected to provide significant economic development benefits to the Charles Town and Jefferson County areas.

## III. WORKFORCE HOUSING

The proposed development of the Property as a mixed-use community will provide for a variety of dwelling types at modest market rate prices to serve the entire community. Seven percent (7%) of the units shall sell for no more than $220,446 (measured in 2006 dollars which shall be escalated annually in accordance with changes in the Consumer Price Index), based on the City's current calculation of Workforce Housing sales prices. These units shall be made available to the Charles Town Housing Opportunity Board (the "CTHOB") or to a designated agency authorized to offer housing for sale to qualified purchasers under the following conditions: (i) the location and type of units to be made available to the CTHOB shall be determined and designated by the Owners or assigns in their sole discretion, (ii) at least seven (7) units will be designated for every ninety (90) market rate units sold subject to the following conditions, (iii) at least seven (7) units to be made available to the CTHOB will be designated prior to the $90^{th}$, $180^{th}$, $270^{th}$, $360^{th}$, $550^{th}$, $640^{th}$, $730^{th}$, and $820^{th}$ occupancy permits, and six (6) units will be designated prior to the $910^{th}$ occupancy permit, (iv) the Owners may designate all units to be provided at any time at their sole discretion, (v) if more than seven (7) units are designated for any ninety (90) market rate units, then the minimum number of units to be designated for each succeeding group of ninety (90) market rate units will be reduced proportionately until the total number of units designated equals sixty-seven (67), at which time this condition of annexation will have been fully performed, (vi) a construction schedule estimating the completion date of each designated unit will be provided by the builder upon the start of construction of the unit, (vii) the CTHOB shall be responsible for satisfying all requirements of its program regarding the solicitation, qualification, and financing of its qualified purchasers and the placement of a qualified purchaser at settlement upon completion of any designated unit, (viii) any designated unit that is completed and ready for settlement for which a qualified purchaser is not present for settlement will be available for unrestricted sale by the Builder, and (ix) designated units made available for unrestricted sale due to lack of a qualified purchaser present for settlement shall continue to be counted toward the seven percent (7%) of units in satisfaction of this condition of annexation. The Owners or their assigns are currently working with City staff to further clarify the process by which workforce housing will be provided and administered.

## IV. PROTECTION OF RESOURCES

A. **Floodplain**. No development, other than grading and the installation of storm water management and utilities, shall occur within floodplain limits on the portion of the Property located within the 100-year floodplain along Evitts Run.

B. **Existing Dwelling**. The existing structure commonly known as the "manor house" on the portion of the Property identified as tax map Parcel 6.3 shall be retained in some location upon the Property. The ultimate use of the manor house will be decided by the Owners or their assigns in their sole discretion. The uses may be, but are not limited to, a private residence, commercial or retail.

## V. MUNICIPAL INFRASTRUCTURE AND SERVICES

The Property shall be served by the Charles Town Water & Sewer Departments and shall comply with the existing rules and regulations of the City of Charles Town Utility Board and any State regulatory agencies. The prevailing water and sewer capacity improvement fees, as approved by the Public Service Commission of West Virginia, will be paid as a condition of building permit issuance.

## VI. FISCAL IMPACT

The following contributions shall be paid as a condition of building permit issuance:

A. **Capital Improvement Fee** of $948 per each residential unit, to be subject to review and adjustment once every three (3) years in accordance with changes in the Consumer Price Index from the base year 2006. Workforce Housing units shall be exempt from these fees.

B. **Non-Capital Fee** of $1,500 per each residential unit during the first five years of development following approval of the first record plat for residential units, $2,650 per each residential unit during the sixth through tenth years of development following approval of the first record plat for residential units, and $4,400 per each residential unit during the eleventh through twentieth years of development following approval of the first record plat for residential units. Workforce Housing units shall be exempt from these fees.

C. **School Impact Fees** - Any legally valid and applicable Jefferson County School Impact Fee in the amount established by the Jefferson County Commission.

The Owners agree that these conditions of annexation shall be binding on the Owners and their assigns and that a breach or default on the part of the Owners or their assigns may, at the option

of the City, result in enforcement by the City of Charles Town either through injunctive relief in the Circuit Court of Jefferson County or through the denial of schematic plan approvals, site plan approvals, record plat approvals, building permits or use and occupancy permits for the Property.

For purposes of these conditions of annexation, an assignee of the Owners shall mean any person or group of persons acting in concert who, as defined in Chapter 36B of the West Virginia Code: (i) as part of a common promotional plan, offers to dispose of his or its interest in a unit not previously disposed of; or (ii) reserves or succeeds to any special declarant right.

Further, the Owners agree that if the Annexation Concept Plan is amended so as to significantly increase the demand for governmental services generated by the development of the Property, the Owners or their assigns shall provide additional conditions of annexation or altered conditions of annexation to offset the impact generated by these changes on the demand for governmental services.

Dated this 30 day of January, 2007.

CITY OF CHARLES TOWN:

Mayor

ATTEST:

City Clerk

Ahmad H. Abdul-Baki

STATE OF:
COUNTY OF Jefferson, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Ahmad H. Abdul-Baki, whose name is signed to the writing above, has appeared before me and personally acknowledged the same before me in my jurisdiction aforesaid.

GIVEN under my hand and seal this 26 day of January, 2007.

Notary Public

My commission expires: April 25, 2012

OFFICIAL SEAL
NOTARY PUBLIC - STATE OF WV
EDNA M. KING
ROUTE 2, BOX 42K
CHARLES TOWN, WV 25414
My Commission Expires April 25, 2012

OWNERS:

Rolfe G. Hayes

STATE OF:
COUNTY OF Jefferson, to wit:

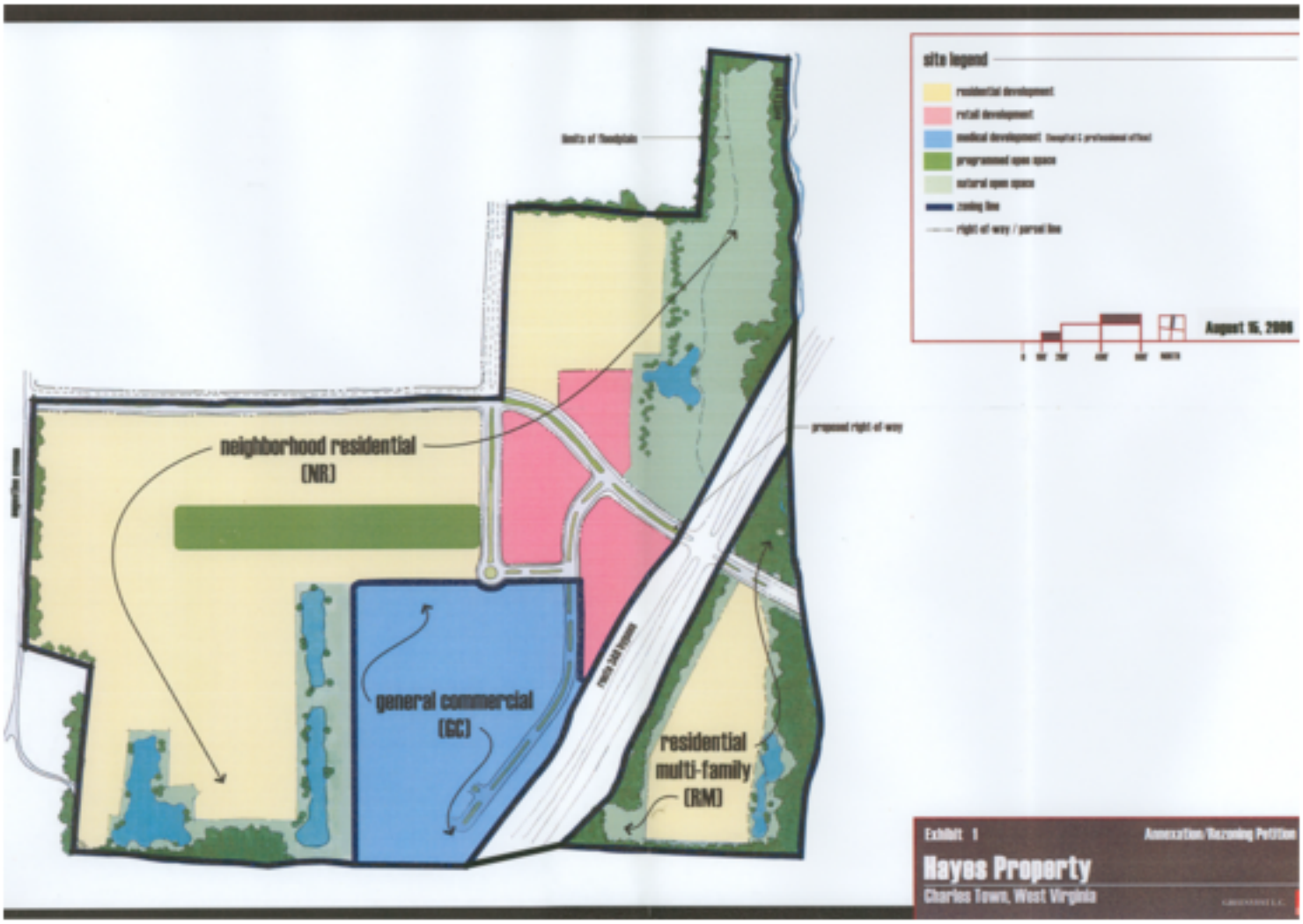
I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Rolfe G. Hayes, whose name is signed to the writing above, has appeared before me and personally acknowledged the same before me in my jurisdiction aforesaid.

GIVEN under my hand and seal this 21 day of November, 2006.

Notary Public

My commission expires: April 25th, 2012

OFFICIAL SEAL
NOTARY PUBLIC - STATE OF WV
EDNA M. KING
ROUTE 2, BOX 42K
CHARLES TOWN, WV 25414
My Commission Expires April 25, 2012


site legend
residential development
retail development
medical development
programmed open space
natural open space
zoning line
right of way / parcel line
August 15, 2008
neighborhood residential
(NR)
general commercial
(GC)
residential
multi-family
(RM)
proposed right-of-way
Exhibit 1
Annexation/Rezoning Petition
Hayes Property
Charles Town, West Virginia

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-146: Developer Fee Implementation Project - Staff Update (Possible Executive Session)

Staff will offer an update to the City Council regarding implementation of the Developer Fees that were adopted by the City Council at the October 17, 2022 meeting.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Contract
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-168: Pharmaceutical Industry Opioid Lawsuit, Proposed Settlement Agreements - Possible Executive Session

Staff, along with the City's legal counsel to this matter, asks the City Council to review and consider the included settlement agreements with Bypass Pharmacy, Rhonda Pharmacy, The Pharmacy, Clendenin Pharmacy and Fruth Pharmacy as presented regarding the ongoing statewide Pharmaceutical Industry Opioid Lawsuit. At this time, the agreements are considered privileged and should be held in confidence.

**Proposed Motion:**

Motion to authorize Mayor Trainor to execute the included settlement agreements with Bypass Pharmacy, Rhonda Pharmacy, The Pharmacy, Clendenin Pharmacy, and Fruth Pharmacy as presented.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Ordinance
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2022-106: Consideration of an Ordinance Providing for a Special Election to Consider if the Charles Town City Charter Shall be Revised as a Whole by Representatives of the People and to Elect Seven Members to the Charter Board

This agenda item was last "tabled until February 6, 2022, to allow time for City staff to create a new schedule for amending the City of Charles Town City Charter."

Council has had a number of previous discussions related to a revision of the City's Charter and continues to work toward determining a path forward. Included with this item are several attachments related to the most recent work on this issue including a newly revised timeline established by the city manager along with two versions of a proposed ordinance establishing an election for members of a charter review committee.

**ATTACHMENTS:**

- Partial Minutes from 2022-10-03 City Council.pdf
- Charter Revision Timeline 2023-24.docx
- 2022-07-05 City Council - Full Minutes-1806.pdf
- Â§8-4-2.pdf
- Â§8-4-7.pdf
- OrdinanceSpecialElectionCharter2022.pdf
- Legal Revised Charter Committee Ordinance.docx
- Current City Charter.pdf

Mr. Barkley reported the three open positions; Community/Economic Director, Planner, and Building Inspector/Code Compliance Officer have been filled with a start date of October 24, 2022, for all three.

## 8. POLICE CHIEF'S REPORT

Chief Kutcher reported that recruiting for new police officers continues to be challenging. To date, five (5) applicants have applied for the next testing date, October 7, 2022. Chief also reported that one Charles Town Police Department officer is on light duty due to surgery and there is an opening for an administrative assistant due to the departure of the current administrative assistant. Finally, Chief reported that the new body cameras have been delivered.

## 9. UNFINISHED BUSINESS

2022-106: Consideration of an Ordinance Providing for a Special Election to Consider if the Charles Town City Charter Shall be Revised as aWhole by Representatives of the People and to Elect Seven Members to the Charter Board

Mr. Tester moved to un-table this agenda item. Ms. Philabaum seconded the motion, and there were no objections.

After extended discussion Ms. Philabaum moved to table this agenda item until February 6, 2022, to allow time for City staff to create a new schedule for amending the City of Charles Town City Charter. Ms. Petti seconded the motion, and it passed unanimously.

Only the final vote is reflected in the box below.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum |
| **SECONDER:** | Jean Petti |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

## 10. NEW BUSINESS

2022-73: First Reading and Consideration of Amendments to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter5, Article 345 and Part 5 General Offenses Code, Articles 501, 521, & 545 as a result of adopted State Code Changes.

Mr. Kratovil moved to approve the First Reading and Consideration of Amendments to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 5, Article 345 Safety and Equipment and Part 5 General Offenses Code, Articles 501 Administration and Law Enforcement, 521 Liquor Control, and 545 Weapons and Explosives as a result of adopted State Code Changes. Ms. Philabaum seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | James Kratovil |
| **SECONDER:** | Julie Philabaum |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

2022-108: Appointment of a City Council Liaison to the Charles Town Tree Board

Ms. Philabaum moved to appoint Ms. Elizabeth Ricketts as the City Council Liaison to the Charles Town Tree Board. Mr. Kratovil seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum |
| **SECONDER:** | James Kratovil |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

2022-110: DRAFT Charles Town Utility Board Water Tariff Revisions

Ms. Petti moved to refer the DRAFT Charles Town Utility Board Water Tariff Revisions to the Ordinance Committee. Mr. Tester seconded the motion.

DRAFT SCHEDULE FOR AMENDING THE CHARLES TOWN CITY CHARTER
Presented to the Mayor and City Council February 6, 2023

| ACTION | | MILESTONE DATES |
|---|---|---|
| First Reading of Ordinance<br>– Ordinance for submission to voters (shall the charter be revised as a whole by representatives of the people?)<br>– Ordinance also provides for voting for seven-member Charter Board at same election (qualifications – resident and qualified voter of City for at least two years prior to election date)<br>– Governing body can nominate up to three candidates in the Ordinance (other nominations of candidates by petition to governing body with at least 200 handwritten signatures)<br>– Governing body fills any vacancies in nominations<br>– Affirmative vote of 2/3rds the governing body required to set a special election | | July 3, 2023 |
| Second Reading of Ordinance | | July 17, 2023 |
| Publish first notice of election<br>– Notice consists of the Ordinance and brief prefatory statement setting forth (i) date and hours of election, (ii) the governing body's nominated candidates, and (iii) how other nominations (by public by petition) are made and deadline for same | | July 26, 2023 |
| Publish second notice of election | | August 2, 2023 |
| Deadline for Charter Board nominations by public | | August 18, 2023 |
| Governing body fills vacancies in nominations (if necessary) | | August 28, 2023 (Special Meeting) |
| Special Election<br>– Each voter has seven votes and may cumulate all those for one candidate or allocated among multiple candidates<br>– Other requirements related to voting are contained in the 5th paragraph of WV Code Section 8-4-2 and *additional research is still needed on requirements for 500-voter precincts* | | September 14, 2023 |
| Charter Board Organizational Meeting<br>– Convenes 5 – 10 days after canvass of votes for Board membership | | September 21, 2023 |
| Drafting of Charter Completed<br>– Draft completed within 90 days of first meeting<br>– Specific tasks for Charter Board are set forth in WV Code Section 8-3-2, including setting election on approval of Charter and *election of officers under Charter (?)* | | December 20, 2023 |
| Certify draft Charter and submit to Attorney General for review<br>– AG has 30 days to review for consistency with laws | | December 21, 2023 |
| City publishes notice of public hearing on Charter | | January 3, 2024 |

| | | |
|---|---|---|
| WV Attorney General review complete | | January 21, 2024 |
| City conducts public hearing | | February 5, 2024 |
| Charter Board incorporates AG and public comments<br>– Once finalized, Board files one copy with the County Clerk and two copies with the City Clerk/Recorder | | February 21, 2024 |
| Council determines regular or special election<br>– Affirmative vote of 2/3rds of governing body for special election<br>– Special election must be held within 30-90 days following the filing of copies with the Recorder/Clerk | | March 6, 2024 |
| If special election, notice published<br>– Class II notice (once a week for two consecutive weeks)<br>– Notice shall state that voter may obtain copy of Charter from whom and where | | March 13, 2024 |
| Special election date<br>– Election on both approval of Charter (and possible election of elected officers under Charter) | | April 11, 2024 |
| | | |
| New Charter takes effect<br>– After Charter is approved at election, one of the copies filed with the Recorder, together with certified copy of declaration of the election results, is sent to the Clerk of the House of Delegates<br>– After Charter is approved at election, certified copy of declaration of the election results is filed with the County Clerk. | | July 1, 2024 |

# CITY OF CHARLES TOWN

**CITY COUNCIL**

**MINUTES • JULY 5, 2022**

**Regular Meeting** **Council Chambers** **7:00 PM**

**101 East Washington Street, Charles Town, WV 25414**

## CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Bob Trainor | Mayor | Present | |
| James Kratovil | Councilmember | Present | |
| Elizabeth Ricketts | Councilmember | Present | |
| Kevin Tester | Councilmember | Present | |
| Jeff Hynes | Councilmember | Present | |
| Jean Petti | Councilmember | Present | |
| Micheal George | Councilmember | Present | |
| Rikki Twyford | Councilmember | Present | |

Mr. Todd Wilt, City Clerk, Chris Kutcher, Chief of Police, and Ms. Kristen Stolipher, Director of Charles Town Utility were also in attendance.

## I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

## II. APPROVAL OF MINUTES

City Council Meeting Minutes - June 21, 2022 - draft

There being no corrections, changes, or objections to the meeting minutes, Mayor Trainor declared the minutes approved.

## III. PUBLIC COMMENT

Three persons signed up for public comment.

Ms. Sokel expressed her opposition to permanently closing N. Charles Street to vehicular traffic, as it would have a negative impact on her business.

Mr. Tolbert expressed his concerns regarding the Route 51 intersection study, specifically that the options presented didn't adequately consider the impacts to the neighborhood and business district.

Ms. Milliron provided an explanation for her Charles Town Utility Board (CTUB) votes regarding Capacity Improvements Fees (CIF) and CTUB's debt service ratio policy.

## IV. REPORTS

### A. Ward Reports

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported the following:

- There have been several road closures on the west side of Charles Town due to non-moving trains and maintenance work on the railroad tracks. Ms. Ricketts recommended that the City schedule a meeting with CSX to discuss the impacts these road closures have on City residents and explore better options for conducting the maintenance work.
- That she enjoyed a Friday twilight swim at the Jefferson Memorial Park Pool.
- That a federal judge has ruled in favor of three major drug distributors in Cabell County, WV and City of Huntington legal cases and would like to receive regular updates from the Skinner Law Firm on the case in which the City is a party.

Ward #2

Mr. Tester had nothing to report.

Mr. Hynes reported that he has been contacted by developers concerning the City's building permit backlog and that he was upset that the meeting agenda was not available on the website Friday night.

Ward #3

Ms. Philabaum offered her condolences to the family of Harpers Ferry Councilman Jim Jenkins and reported that July is Disability Pride month.

Ms. Petti reported the following:

- Congratulated the "Owls" for winning the Jefferson Park Summer Tennis Little League Firecracker Tournament.
- That the Charles Town Library will partner with the Ranson Community Gardens on July 7th at 7:00 PM for the Growing Readers Program.
- That the Charles Town Ghost Tours will have a benefit walk on July 9th at 8:00 PM and 40% of the proceeds will go to the local VFW.

Ward #4

Ms. Twyford thanked Angie and Tim of Charles Town Haunted History Tours for their help in rescuing a kitten in front of the Bank of Charles Town and reported that Christmas in July will take place in the downtown on July 23, 2022.

Mr. George reported he watched the Planning Commission, Vacant Structure Committee, and Ordinance Committee meetings.

B. **Mayor's Report**

Mayor Trainor reported he attended a mayor's meeting, two Charles Town Utility Board meetings, Vacant Structure Committee meeting and two Police Civil Service Commissions meetings with the Charles Town Police Department.

**C. Committee Reports**

IV.1 Ordinance Committee

Ms. Twyford reported the Noise Ordinance will be discussed later in the meeting. The State Building Code will be placed on the Ordinance Committee's July 21st meeting agenda, with the First Reading scheduled for the August 1st Council meeting.

IV.2 Vacant Structures Committee

Mayor Trainor reported that the Committee reviewed the latest Vacant Structure report and will work with staff and Council to ensure that the report includes all the City's vacant structures, that vacant property owners are notified and updated, and that City codified ordinances are up-to-date.

**D. City Manager's Report**

Mr. Wilt reported that the City is in the process of updating the Council meeting agenda and minutes program. The agenda was posted outside City Hall on Wednesday and the City's website June 29, 2022. He stated that he was not aware that the website had "dropped" the agenda from the website over the weekend.

**E. Police Chief's Report**

Chief Kutcher reviewed the June statistics with the Council.

He reported that of the three applicants who passed the police officer candidate testing on June 18th, one took a position in another jurisdiction, one voluntarily removed his application, and one is moving forward in the process.

Finally, Chief Kutcher reported that progress has been made in the Evitts Run vandalism case. He could not go into details because the suspects are juveniles.

IV.3 School Resource Officer Agreement:

Ms. Petti moved to authorize the Mayor to sign the agreement. Mr. Hynes seconded the motion, and it passed without objection.

**V. UNFINISHED BUSINESS**

V.1 American Rescue Plan Act - Award Presentation

Mayor Trainor presented a check in the amount of $10,000.00 to Voices Against Domestic Violence as part of the American Rescue Plan Act Award program.

V.2 FEMA Mitigation Grant Participation Request - Staff Update

Mr. Wilt informed the Council that to qualify for the FEMA Mitigation Grant the City must have clear title to the property in question and retain ownership after the mitigation process, which includes the removal of the structure(s) in the designated special flood hazard area. After discussing the grant requirements with the property owners, they opted to reconsider the grant application and plan to meet with City staff to explore options.

V.3 CTUB Request - Letter of Support for Consolidation of pending Public Service Commission Cases

Since the Public Service Commission (PSC) has already affected the action requested in the proposed letter of support, Ms. Philabaum moved to table the agenda item indefinitely. Mr. Test seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **TABLED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum, Councilmember |
| **SECONDER:** | Kevin Tester, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Petti, Philabaum, Hynes, George, Twyford |

V.4 First Reading and Consideration of an Ordinance Providing for a Special Election to Consider if the Charles Town City Charter Shall be Revised as a Whole by Representatives of the People and to Elect Seven Members to the Charter Board

Mr. George moved to remove this agenda item from the table. Ms. Philabaum seconded the motion, and there were no objections.

Ms. Philabaum moved to amend the ordinance by removing the sentence, **"...(3) the following three (3) individuals are nominated by City Council as candidates for membership on the charter board..."** and then rework the numbering in the paragraph. Mr. George seconded the motion and it passed by a 6-2 vote.

(Ayes: Kratovil, Ricketts, Hynes, George, and Twyford)

(Nays: Tester and Petti).

Mr. Kratovil moved to table this agenda item for 6 months. Ms. Twyford seconded the motion but it failed by a 3-5 vote.

(Ayes: Kratovil, Tester, and Twyford)

(Nays: Ricketts, Hynes, Petti, Philabaum and George)

Mr. George moved to table this agenda item until a date not later than October 11, 2022. Ms. Petti seconded the motion and it passed by a 7-1 vote.

Only the final vote is reflected in the box below.

| | |
|---|---|
| **RESULT:** | **TABLED [7 to 1]** |
| **MOVER:** | Micheal George, Councilmember |
| **SECONDER:** | Jean Petti, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, George, Twyford |
| **NAYS:** | Philabaum |

V.5 City Manager Search (Possible Executive Session)

Mr. Tester moved to go into Executive Session. Ms. Ricketts seconded the motion, and there were no objections.

Mayor Trainor declared the Council out of Executive Session.

Mr. George moved to direct the Mayor and City Clerk to sign the employment contract with Mr. John C. Barkley as the Charles Town City Manager with a start date of August 15, 2022. Mr. Hynes seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Micheal George, Councilmember |
| **SECONDER:** | Jeff Hynes, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

## VI. NEW BUSINESS

VI.1 WV State Route 51 Feasibility Study - Project Status Presentation & Recommended Actions

Mr. Matt Mullinax, Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO); Mr. Collin Forsch and Mr. Mark Phillips, Kimely-Horn Engineering; and Mr. Matt Ward with Sustainable Strategies presented the status of the WV Route 51 Feasibility Study Project Status, an overview of the approval process and recommended actions for Charles Town.

Mr. Ward presented a proposed draft letter from the City, addressed to various recipients in the West Virginia Department of Transportation, recommending several local transportation projects and initiatives be included in the WV Statewide Transportation Improvement Plan (STIP).

Ms. Philabaum suggested changing the words "…of the free world…" in Section 6 to the "…Nation's capital…" to read "The West Virginia eastern panhandle connection to the **Nation's** capital…"

Mr. George moved to authorize the Mayor to sign the letter as amended. Mr. Tester seconded the motion and the vote passed 6-2.

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| **RESULT:** | **APPROVED [6-2]** |
| **MOVER:** | Micheal George, Councilmember |
| **SECONDER:** | Kevin Tester, Councilmember |
| **AYES:** | Kratovil, Tester, Hynes, Petti, George, Twyford |
| **NAYS:** | Philabaum, Ricketts |

VI.2 First Reading and Consideration of an Ordinance Authorizing the Design, Acquisition, Construction, and Equipping of Additions, Betterments, Improvements and Extensions to the Sewerage Portion of the Existing Public Combined Waterworks and Sewerage System of the City of Charles Town and Temporarily Financing of the Cost thereof, Not Otherwise Provided and Paying Costs of Issuance and Related Costs, Through the Issuance of the Combined Waterworks and Sewerage System Bond Anticipation Notes, Series 2022, in One or More Series, of the City of Charles Town in the Aggregate Principal Amount of Not More Than $10,000,000; Providing for the Rights and Remedies of, and the Security for, the Registered Owner of Such Notes; Authorizing the Execution and Delivery of a Tax Certificate, Request for Proposals, and Other Documents; Authorizing the Sale and Providing for the Terms and Provisions of Such Notes and Adopting Other Provisions Relating Thereto.

Mr. Hynes moved to approve the First Reading of the Bond Ordinance. Mr. Tester seconded the motion, and it passed unanimously.

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|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Jeff Hynes, Councilmember |
| **SECONDER:** | Kevin Tester, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

VI.3 First Reading and Consideration of Amendments to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 5 General Offenses Code, Article 527 Noise Control

Ms. Twyford reviewed the new proposed Noise Ordinance. The time of **"any 10-minute period"** under Section 527.01 Noise Prohibited (b) (ii) was suggested to be changed to "**any 30-minute period**". There was no objection.

Ms. Philabaum moved to approve the First Reading and Consideration of Amendments to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 5 General Offenses Code, Article 527 Noise Control as amended. Mr. Hynes seconded the motion, and it passed unanimously.

| | |
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| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Julie Philabaum, Councilmember |
| **SECONDER:** | Jeff Hynes, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

VI.4 City Council Workshop Request - Review the City's Training, Education, and Travel Budget

Mr. Kratovil moved to refer the City's Training, Education and Travel Budget to the Finance Committee to review for the Council members' requirements and to the Personnel Committee for City staff requirements. Mr. Tester seconded the motion, and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | James Kratovil, Councilmember |
| **SECONDER:** | Kevin Tester, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

VI.5 Public Engagement Scheduling Request - Regarding a Proposal to Restrict a Portion of Northwinds Drive in the Crosswinds Subdivision to One-Way Traffic.

Mr. Hynes moved to approve the Infrastructure Committee's plan to conduct door-to-door survey of City residents who reside in the Crosswinds Community regarding the proposal to restrict a portion of Northwinds Drive to one-way

traffic and report the results to Council at the August 1, 2022 regular Council meeting. Mr. Tester seconded the motion and it passed unanimously.

| | |
|---|---|
| **RESULT:** | **APPROVED [UNANIMOUS]** |
| **MOVER:** | Jeff Hynes, Councilmember |
| **SECONDER:** | Kevin Tester, Councilmember |
| **AYES:** | Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford |

## VII. REFERRALS TO COMMITTEES/COMMISSIONS

VII.1 Handicap Parking Request - 404 S. Charles Street

Mr. Tester moved to refer the handicap parking request to the Infrastructure Committee. Ms. Philabaum seconded the motion, and there were no objections.

## VIII. APPROVAL OF BILLS

VIII.1 Payment of Bills - July 5, 2022

Mr. Kratovil moved to approve the payment of the bills. Hearing no objections, Mayor Trainor declared the bills approved for payment.

## IX. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none, he declared the meeting adjourned.

## X. INFORMATION ONLY - NEXT MEETING - July 18, 2022 at 7:00 PM

Charles Town Utility Board - Minutes June 3, 2022

**XI. NOTICE: THE PUBLIC MAY VIEW OR PARTICIPATE IN THIS MEETING BY ACCESSING THE FOLLOWING ZOOM LINK: (HTTPS://US02WEB.ZOOM.US/J/85738156650?PWD=UTDKM1QXNHIVDNLCAXHQQLDBRZJZDZ09) AND ENTERING THE PASSCODE (588045)**

**THE PUBLIC MAY LISTEN TO THIS MEETING BY CALLING (301) 715-8592 AND ENTERING THE MEETING ID (857 3815 6650) AND PASSCODE (588045)**

# WEST VIRGINIA CODE: §8-4-2

**§8-4-2. Charter board; number of members; qualifications of members; nominations; notice; ballots and ballot labels; election of a charter board; effect of vote on question as to charter board.**

The ordinance providing for submission to the qualified voters of the city of the question of whether a charter shall be framed shall make provision for voting for a charter board concurrently with the voting on the question of whether a charter shall be framed. A charter board shall consist of eleven members in a Class I or Class II city and seven members in a Class III city. Members shall be elected at large and shall receive no compensation for their services, but shall be reimbursed by the city for all reasonable and necessary expenses actually incurred in the discharge of their duties. Any individual who has been a resident and qualified voter of the city for at least two years prior to the date of election of members shall be eligible for membership on said charter board.

In the initiatory ordinance, the governing body of a Class I or Class II city may nominate five candidates, and that of a Class III city three candidates, for membership on the charter board. Other nominations, or all of the nominations if the governing body does not make any, shall be made by petition to the governing body bearing the signatures, written in their own handwriting, of not less than two hundred qualified voters of the city. Nominating petitions may be filed at any time after the adoption of the initiatory ordinance and not less than twenty days prior to the date of the election. In the event of a vacancy in the nominations which shall reduce the number of candidates below the number of members to be elected, the vacancy shall be filled by the governing body.

Notice of any election at which the question of whether a charter shall be framed shall be voted upon shall consist of the initiatory ordinance and a brief prefatory statement setting out the date and hours of the election, naming the candidates, if any, nominated by the governing body for membership on the charter board as above provided and stating how and within what time limit other nominations may be made. The governing body shall cause such notice to be published as a Class II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be the city. The first publication shall be made not less than thirty days prior to the date of the election.

Each qualified voter entitled to vote on the question of framing a charter may cast as many votes for members of the charter board as there are members to be elected. He may cumulate all his votes for one candidate or distribute them among the several candidates as he sees fit.

The ballots, or ballot labels where voting machines are used, pertaining to the question of framing a charter shall be separate from the ballots or ballot labels for members of the charter board. The position of the names of the candidates upon the ballots or voting



WV Legislature

machines shall be interchanged, as provided in the general election laws of this state. A voter who shall vote "No" on the question may, nevertheless, vote for such candidates. The ballots or voting machine directions shall bear instructions to this effect, and also instructions which shall indicate the number of candidates for which the voter may vote (which shall be the same as the number of members to be elected), and that cumulative voting is permitted. Special ballots or ballot labels without party designation shall be used at every election held under this article even though the election is held at the same time as some other election. The ballots or ballot labels shall be prepared by or at the direction of the recorder of the city.

After such an election, the legal votes on the question shall be counted and canvassed. If a majority of the legal votes cast on the question be in the negative, the proceeding shall be at an end, and the question shall not be submitted again, without a petition of the qualified voters as provided for in subsection (b), section one of this article, for at least two years. If a majority of the legal votes cast on the question be in the affirmative, the legal votes cast for members of the charter board shall be counted and canvassed and the candidates, in the number to be chosen, who receive the highest number of votes shall be declared elected.

WV Legislature

# WEST VIRGINIA CODE: §8-4-7

## PART II. REVISING OR AMENDING A CHARTER.

### §8-4-7. Revising or amending a charter -- Generally.

A special legislative charter or a charter framed and adopted or revised as a whole under the provisions of former chapter eight-a of this code, under article three of this chapter or under this article four, as the case may be, may be revised as a whole in like manner as a charter may be framed and adopted under the provisions of this article four, except that the question submitted shall be "Shall the charter be revised as a whole by representatives of the people?", but no such revision as a whole shall be made within four years of the effective date of such a charter or of the last preceding revision as a whole, whichever be later, as the case may be. A revision as a whole may also be initiated in the manner specified in section nine, article three of this chapter or in the manner specified in said section nine considered in pari materia with the provisions of section three of this article four. If a majority of the legal votes cast on the question be in the negative or if the proposed charter revised as a whole is rejected by a majority of the legal votes cast at the election thereon, the provisions of sections two and three of this article relating to a negative vote on the question of framing a charter and to rejection of a proposed charter shall govern and control.

The qualified voters of a city may amend a special legislative charter or a charter framed and adopted or revised as a whole under the provisions of former chapter eight-a of this code, under article three of this chapter or under this article four, as the case may be, but no amendment shall be made within one year of the effective date of such a charter or of the last preceding revision of such charter as a whole, whichever be later, as the case may be. An amendment or amendments may be initiated in the same manner provided in this article for the framing of a charter, in the manner specified in section nine, article three of this chapter, or in the manner specified in said section nine considered in pari materia with the provisions of section three of this article four. The governing body of a city shall provide by ordinance for a special municipal election to pass upon a proposed charter amendment or amendments if (1) such governing body by the affirmative vote of two thirds of its members shall determine and specify that a special municipal election is necessary; or (2) a petition bearing the signatures, written in their own handwriting, of fifteen percent of the qualified voters of the city, if a Class I or Class II city, or ten percent of the qualified voters of the city, if a Class III city, expressly requesting that a special municipal election be called for the purpose has been filed with the governing body more than one hundred twenty days prior to the date of the next regular municipal election. In all other cases, a proposed charter amendment or amendments shall be submitted by ordinance at the next regular municipal election. Any proposed amendment or amendments shall be set out in full in the ordinance submitting same. The date of any special municipal election for the purpose shall be fixed by the ordinance providing for same, but any such special municipal election shall be held not less than thirty nor more than sixty days after such ordinance shall have been adopted.

WVLegislature

Notice of any election at which a proposed amendment or amendments shall be voted upon shall state the date and hours thereof, and shall set out the proposed amendment or amendments at length or state that copies may be obtained by any qualified voter or any freeholder of the city from a designated person at a stated place, upon request. Such notice shall be published as in the case of a notice of an election on the question of whether a charter shall be framed, as specified in section two of this article. A charter amendment or amendments approved, or such of them as may be approved, by a majority of the legal votes cast at the election thereon shall take effect on the date that the declaration of the results showing approval by the voters has been made by the governing body and entered in the minutes of the governing body. One copy of the amendment or amendments, together with a certified copy of the declaration of results attached thereto, shall be certified forthwith by the recorder of the city to the Clerk of the House of Delegates, as keeper of the rolls, and another to the clerk of the county court for recording in the office of such clerk of the county court. The same shall be preserved by said Clerk of the House of Delegates as an authentic public record. After the effective date of an amendment or amendments so filed, all courts shall take judicial notice of such amendment or amendments.

If a majority of the legal votes cast at the election thereon be against any amendment, such proposed amendment shall not be submitted again, without a petition of the qualified voters as provided for in subsection (b), section one of this article considered in pari materia with the provisions of this section seven, for at least one year.

WV Legislature

**AN ORDINANCE PROVIDING FOR A SPECIAL ELECTION TO CONSIDER IF THE CHARLES TOWN CITY CHARTER SHALL BE REVISED AS A WHOLE BY REPRESENTATIVES OF THE PEOPLE AND TO ELECT SEVEN MEMBERS TO THE CHARTER BOARD.**

**WHEREAS**, the current City Council and former City Councils have been considering a comprehensive revision of the City of Charles Town Charter adopted in 1915, for many years; and

**WHEREAS**, it is apparent that the role of City government has changed considerably since the 1915 Charter and that revision of the City Charter as a whole is needed in order for the City to remain a vibrant community and to meet the current challenges of City government; and

**WHEREAS**, City Council finds and determines that the qualified voters of the City should determine whether to revise the City Charter as a whole and to elect seven members to the charter board to perform such revision; and

**WHEREAS**, the voters are authorized to consider such at a special election called for the purpose pursuant to WV §8-4-7 and WV §8-4-2;

**NOW, THEREFORE**, the City of Charles Town hereby ordains (1) that a special election will be conducted on Thursday, August 18, 2022 from 7:00AM-7:00PM at Charles Town City Hall and allowing for early voting pursuant to WV §3-3-3, at which the qualified voters of the City will consider whether the charter shall be revised as a whole by representatives of the people and to elect seven members to the charter board; (2) All nominations for candidates of the charter board shall be residents and qualified voters of the City of Charles Town for at least 2 years prior to the election date and shall be made by petition to the City of Charles Town bearing the signatures, written in their own handwriting, of not less than two hundred qualified voters of the city and be filed with the City of Charles Town by 5:00pm on Monday, July 22, 2022 and in the event of a vacancy in the nominations which shall reduce the number of candidates below the number of members to be elected, the vacancy shall be filled by City Council; (3)That the form of ballot for such election shall be as follows:

Proposition 1: Shall the charter be revised as a whole by representatives of the people?

FOR _____ AGAINST ____

You may cast up to seven votes for the below candidates for the charter board, even if you have voted against the proposition above, and may cumulate all your votes for one candidate or distribute them among the several candidates as you see fit.

*(The positions of the names of the candidates upon the ballot shall be interchanged, as provided in the general election laws of West Virginia.)*

This Ordinance shall take effect upon enactment.

First Reading: _____, 2022

Public Hearing: _____, 2022

Passed on Second Reading: _____, 2022

Enacted this _____ day of _____, 2022

City of Charles Town

_____

Robert M. Trainor

Mayor

Attest:

_____

Todd Wilt

City Clerk

# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us


CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE PROVIDING, BY SPECIAL ELECTION, FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY THE QUESTION WHETHER THE CHARLES TOWN CITY CHARTER SHALL BE REVISED AS A WHOLE BY REPRESENTATIVES OF THE PEOPLE AND FOR VOTING FOR MEMBERS OF A CHARTER BOARD.

WHEREAS, the current City Council and former City Councils have been considering a comprehensive revision of the City of Charles Town Charter enacted in 1915, as amended (as so amended, the "Current City Charter"), for many years; and

WHEREAS, it is apparent that the role of City government has changed considerably since enactment of the Current City Charter and that revision of the Current City Charter as a whole is needed in order for the City to remain a vibrant community and to meet the current challenges of City government; and

WHEREAS, WV Code § 8-4-7 provides for revision as a whole of a municipal charter in like manner as a municipal charter may be framed and adopted under WV Code §§ 8-4-1 to -6, as provided for in this ordinance;

WHEREAS, City Council finds and determines that the qualified voters of the City should determine whether to revise the Current City Charter as a whole and vote for the members of a seven-member charter board who shall be elected to perform such revision upon a vote in favor of revision as a whole; and

WHEREAS, City Council may nominate three (3) candidates for membership on the charter board pursuant to WV Code §§ 8-4-2 & -7;

WHEREAS, City Council determines and specifies, by affirmative vote of at least two-thirds of its members pursuant to WV Code §§ 8-4-1 & -7, that a special election on such matters is necessary ;

NOW, THEREFORE, pursuant to the provisions of West Virginia Code §§ 8-4-1, -2, & -7, the City Council of the City of Charles Town hereby ordains that (1) the question "Shall the charter be revised as a whole by representatives of the people?" be submitted to the qualified voters of the City at a special election to be conducted on Thursday, August 18, 2022 from 7:00AM-7:00PM, and allowing for early voting pursuant to WV §3-3-3; (2) voting for the members of a seven-member charter board shall be conducted at the same special election by which, if the question of whether the charter shall be revised as a whole is answered

in the affirmative, the seven (7) candidates receiving the highest number of votes shall be elected to the charter board; (3) the following three (3) individuals are nominated by City Council as candidates for membership on the charter board: _____, _____, and _____; (4) following enactment of this ordinance, the City shall cause to be published as a Class II-0 legal advertisement in the City, with the first publication being no later than June 29, 2022, notice of the special election consisting of this ordinance and a prefatory statement setting out the date and hours of the special election, naming the candidates nominated above by City Council, stating the process and time limit for other nominations, and stating eligibility requirements of candidates; and (5) the form of ballot for such special election shall be as follows:

Proposition 1: Shall the charter be revised as a whole by representatives of the people?

YES _____ NO ____

You may cast up to seven votes for the below candidates for the charter board, even if you have voted against the proposition above, and may cumulate all your votes for one candidate or distribute them among the several candidates as you see fit.

*(The positions of the names of the candidates upon the ballot shall be interchanged, as provided in the general election laws of West Virginia.)*

This Ordinance shall take effect upon enactment.

First Reading: _____, 2022

Public Hearing: _____, 2022

Passed on Second Reading: _____, 2022

Enacted this _____ day of _____, 2022

City of Charles Town

_____

Robert M. Trainor
Mayor

Attest:

_____

Todd Wilt
City Clerk

CHARTER
OF THE
CITY OF
CHARLES TOWN
WEST VIRGINIA

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**SECTION 1. CORPORATE LIMITS.**

The corporate limits of the Town of Charles Town shall be as follows, to-wit:

Beginning at the corner of William H. Travers and Andrew Hunter, on the north side of Smithfield, Charles Town and Harpers Ferry turnpike, being 41.1 poles from the east side to town alley (figure 1 in plat of S. Howell Brown's survey of January eighteenth, one thousand eight hundred and seventy-two); running thence with the line of said Travers and Hunter, and also the line of Richard Hessey and the said Hunter, N. 20 degrees, 20 minutes, W. to the Winchester and Potomac Railroad, and extending the same course in all 79.3 poles to a stake in James M. Ranson's field; thence parallel to Washington Street S. 69 degrees, 40 minutes, W. 290 poles to a stake at the prolongation of the line of Mrs. Buskirk and Henry B. Davenport; thence in the direction of said line S. 20 degrees, 20 minutes, E. 10.8 poles to a stake at the west side of new road, where the same intersects the "Old Mill Road"; thence with the west side of new road S. 20 degrees, 10 minutes, W. 52.9 poles, crossing the aforesaid turnpike to a stake in the line of said Davenport (5); and thence with the said line S. 17 degrees, 50 minutes, E. 30.9 poles to the south line of the "Old Winchester Road"; thence with it N. 69 degrees, 40 minutes, E. 36.05 poles to a point at the prolongation of the aforesaid line of Buskirk and Davenport; thence extending said course S. 20 degrees, 20 minutes, E. 147.12 poles to a stake in William Drew's field; thence parallel to Washington Street N. 69 degrees, 40 minutes, E. 122 poles to a stake; thence S. 20 degrees, 20 minutes, E. 45.45 poles to a stake; thence N. 69 degrees, 40 minutes, E. 115.25 poles to a stake; thence N. 20 degrees, 20 minutes, W. 45.45 poles to a stake; thence N. 69 degrees, 40 minutes, E. 52.75 poles to a stake in George H. Tate's field (13); thence N. 20 degrees, 20 minutes, W. 150.18 poles to beginning; containing 460 acres.

Editor's Note: In addition to the Corporate Limits defined herein, the above described territory, additional territory annexed to the City after 1967 shall be further described by Annexation Ordinance and thereafter added to Part One - Administrative Code, Chapter One - General Provisions, Article 102, Corporate Boundaries.
(Amended May 26, 2005.)

ATTEST: TRUE COPY
CITY CLERK 05/28/04

Beginning at the present corporation line of Charles Town in the east line of South Samuel Street; thence N 72-30 E 926 feet; thence N 17-30 W 750 feet, crossing Forrest Avenue, to a point; thence and still with said present corporation line, N 72-30 E 797.3 feet to a point; thence leaving said present corporation line and running with the east line of an alley, S 20-15 W 1463.7 feet to a point therein; thence S 69-45 E 3 feet; thence S 20-15 W 992.2 feet to a point; thence N 69-43 W 79.8 feet; and N 18-00 W 425.4 feet; N 13-30 E 285.7 feet; N 25-10 E 45 feet; N 14-15 W 205 feet; and S 73-15 W 343.5 feet to the east line of South Samuel Street (extended); and thence with same N 17-30 W 232 feet to the beginning; containing 22.48 acres.

**SECTION 2. MUNICIPAL AUTHORITIES.**

The Municipal authorities of said Town shall be a Mayor and two Councilmen from each ward who, together, shall be a Common Council.

**SECTION 3. TOWN INCORPORATE.**

The Mayor and Councilmen as soon as they shall be elected and qualified, as herein provided, shall be a body politic and corporate by the name of "The Corporation of Charles Town", and shall have perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and may purchase and hold real estate and other property necessary or proper to enable it to discharge its duties, and needful for the good order, government and welfare of said corporation.

**SECTION 4. CORPORATE POWERS.**

All the corporate powers of said town shall be exercised by the said Council or under its authority, except when otherwise provided.

**SECTION 5. ELECTION OF MAYOR.**

The Mayor and Councilmen shall be elected by the qualified voters of said corporation.

**SECTION 6. WARDS; ELECTIONS THEREIN.**

The said City shall consist of four wards located and bounded as follows:

The first ward shall include all the territory within the corporate limits lying north of Washington Street and the Summit Point Road and west of George Street and lying north of Congress Street from George Street to West Street; the second ward, all the territory lying south of Washington Street and the Summit Point Road and west of George Street except that territory north of Congress Street from George Street to West Street; the third ward all the territory within said corporate limits lying east of George Street and south of Hunter Street and lying north of Hunter Street to Academy Street from George Street to Seminary Street; the fourth ward all territory within said corporate limits lying east of George Street and north of Academy Street to Seminary and east of Seminary north of Hunter Street.

Editor's Note: The City shall consist of four wards located and bounded as described above. Upon each U.S. Census, the City shall, if necessary, redefine Wards, Elections Therein and thereafter be added to Part One - Administrative Code, Chapter One - General Provisions, Article 104, Wards, Elections Therein.
(Amended May 26, 2005.)

**SECTION 7. QUALIFICATIONS OF MAYOR, ETC.,**

The Mayor and Councilmen must be, at the time of their election and during their terms of office, owners in fee of real estate in said corporation of the value of two hundred and fifty dollars over and above all encumbrances, and be entitled to vote for members of its common Council.

**SECTION 8. TERMS OF OFFICE.**

Their term of office shall be (except when to fill vacancies) for four years, and until their successors elected and qualified, as herein provided; except that the election to be held the fourth Thursday in May, nineteen hundred ninety nine, there shall be one Councilperson from the first, second, third and fourth wards, their terms of office shall be for four years.

Bi-annually thereafter, on the fourth Thursday of May, there shall be elected one Councilperson from each ward, to be voted for throughout the town as hereinbefore provided. The Mayor shall be elected on the fourth Thursday in May, 2001 and every four years thereafter on such Thursday. The Mayor and members of Council elected in May, 1998 shall continue in office until their successors are elected in May, 2001. (Enacted 9-21-98.)

**SECTION 9. CERTIFICATES OF ELECTION.**

The City Council shall be the ex officio board of canvassers, and, as such, shall keep in a well-bound book, marked "election record," a complete record of all their proceedings in ascertaining and declaring the results of every election. They shall convene on the canvassing board at City Hall on the 1st day after each election held in the City or at such other time as Council shall publicly declare and the officers in whose custody the ballots, pollbooks, registration records, tally sheets and certificates have been placed shall lay them before the board for examination, and after canvassing the returns of the election, the board shall publicly declare the results of the election.
(Amended May 26, 2005.)

**SECTION 10. WHO MAY VOTE.**

Citizens of this City shall be entitled to vote at all elections. No person who has not been registered as a voter as required by law, or who is a minor, or of unsound mind, or who is under conviction of treason, felony or bribery in an election, or who is not a bona fide resident of the State of West Virginia and this City in which he offers to vote, shall be permitted to vote at such election while such disability continues.
(Amended May 26, 2005.)

**SECTION 11. VACANCIES IN OFFICE.**

All vacancies occurring from any cause in any elective office of the Town shall be filled by appointment by the Council until the next election held in said Town for Councilmen; but in case of a Councilman, such appointment shall be made only of a resident of the ward in which such vacancy has occurred, and such appointees shall be otherwise qualified as is required by this Act.

**SECTION 12. MODE OF VOTING.**

At all elections the mode of voting shall be that prescribed by the State Constitution for election of State officers.

**SECTION 13. TIE VOTES**

Whenever two or more individuals shall receive an equal number of legal votes for the same office, if such number be the highest cast for such office, the individuals under whose supervision the election is held shall decide by lot which of them shall be returned elected, and shall make their return accordingly.
(Amended May 26, 2005.)

**SECTION 14. CONTESTED ELECTIONS.**

Any contest of an election shall be heard and decided by the City Council.
(Amended May 26, 2005.)

**SECTION 15. QUORUM.**

A majority of the Councilmen elected shall be necessary for the transaction of any business.

**SECTION 16. NUMBER, TERMS, DUTIES AND COMPENSATION OF APPOINTIVE OFFICERS.**

There shall be one or more Sergeants, a Clerk, a Treasurer, an Assessor, a City Attorney, a City Health Officer, a City Engineer, and three Commissioners of Roads, Streets and Alleys of said Town, who shall be appointed by the Council thereof and hold office during the pleasure of said Council. The duties of Sergeant, Clerk, Treasurer and Assessor may be discharged by the same person, or otherwise, as the Council may from time to time determine; but no member of the Council shall hold any of said offices. The compensation for said officers shall be in the discretion of the Council.

**SECTION 17. OATH OF MAYOR AND COUNCILMEN..**

The Mayor and Councilmen and all officers herein provided for, shall each, before entering upon the duties of his office, and within ten days of the time of his election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of his office, and the oath to support the Constitution of the United States, and the Constitution of the State of West Virginia. The Mayor, having taken such oath or affirmation, may administer the same to the Councilmen and other officers. Certificates of said oaths or affirmations shall be recorded in the journal of said Council, and whenever two-thirds of the members of the Council shall have qualified, they shall enter upon said offices.

SECTION 18. FAILURE TO QUALIFY.

If any one who shall have been elected Mayor or Councilman shall not be eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this Act, within the time prescribed, the Council may declare his office vacant and fill the vacancy as provided in Section Eleven of this Act.

SECTION 19. PRESIDING OFFICER.

The Council shall be presided over at its meetings by the Mayor, or in his absence, by the Mayor Pro Tem., who shall be chosen annually by a majority of the Council present at the first meeting of said Council, from the members of the Council after the election and qualification; and such Mayor Pro Tem., shall in the absence of the Mayor, have all the powers and perform all the duties of the Mayor.

SECTION 20. JOURNAL OF COUNCIL.

The Council shall cause to be kept, in a well-bound book, an accurate record of all its proceedings, bylaws, acts and orders, which shall be fully indexed, and open to the inspection of citizens of the Town. The proceedings of each meeting shall be read and corrected at the succeeding meeting, and signed by the person presiding for the time being. Upon the call of any member the yeas and nays shall be called and recorded in the journal. In all cases of a tie the person presiding at the time shall have the casting vote.

SECTION 21. POWERS OF COUNCIL.

The Council shall have power to open and grade new streets and extend, widen, straighten, repair and grade old streets and alleys; to curb and pave streets, sidewalks and gutters for public use, and to alter, improve and light the same, and shall have control of all the avenues for public use in said Town; to have the same kept in good order and free from obstructions on or over them; to regulate and determine the width of all streets, sidewalks and public alleys; to order and direct the curbing and paving of all sidewalks and footways for public use in said town, to be done and kept in good order by the owners or occupants of the adjacent property; to control the construction and repair of all houses, bridges and culverts; the opening and construction of all ditches, drains and gutters; to widen, deepen and clear the same of stagnant water and filth and to determine at whose expense the same shall be done; to purchase, lay off and appropriate public grounds and control the use of the same; to provide, contract for and take care of all public buildings proper to the Town; to provide for the regular building of houses or other structures; to cause the removal of unsafe walls or buildings; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of the majority of the whole Council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles and explosives; to provide in or near the Town places for the burial of the dead, and regulate the interments in the Town, and provide ornamental trees; to provide for making division fences, and for the draining of lots by proper drains and ditches; to make regulations for guarding against danger or damages from fire;

to provide for the poor of the Town; to organize one or more fire companies, and provide the necessary apparatus, tools, implements, engines, or any of them, for their use; to provide a sufficient revenue for said Town, and appropriate the same to its expenses; to issue bonds of the corporation and make sale thereof, but no such bonds shall be sold by said corporation for less than par, nor bearing a higher rate of interest than six percent per annum; nor shall said corporation be indebted on account of such issue at any period in a greater sum than ten thousand dollars without the consent of a majority of the voters of the Town expressed at an election held for that purpose; nor shall the whole indebtedness of said Town at any time ever exceed the sum of one hundred thousand dollars; to provide for the annual assessment of taxable persons and property in the Town; to adopt rules for the transaction of business and for the government and regulation of its own body; to promote the general welfare of the Town, and to protect the persons and the property of the citizens therein; to appoint the officers authorized by Section Sixteen of this Act, fix their terms of service and compensation, require and take from them bonds, with such sureties and in such penalties as the Council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure; but all bonds taken by the Council shall be made payable to the Town by its corporate name; to provide for and regulate the weighing of hay, coal, wood and other articles sold or for sale in said Town, and to regulate the transportation thereof through the streets; to establish and regulate markets, or prescribe the time for holding the same, and what articles shall be sold only in said markets; to protect places of divine worship; to lay off the Town into four or more wards, prescribing the boundaries of said wards; but should any change in the boundaries of the wards be made; the new wards shall be equal in population as nearly as possible; to appoint and publish the places of holding Town elections; to erect or authorize or prohibit the erection of gas works in or near the Town; to prevent injuries to, and provide protection of the same; to provide for the purity of the water and the healthfulness of the town; for all of which purposes except that of taxation, the Council shall have jurisdiction for one mile beyond the corporate limits of said Town; to prescribe and enforce ordinances for the purpose of protecting the health, decency, morality and order of the Town and its inhabitants, and to punish violators of such ordinances, even if the offenses under and against such ordinances shall also constitute offenses under the laws of the State of West Virginia, or the common law, for which purpose also the jurisdiction of said Town shall extend for one mile beyond the corporate limits thereof.

**SECTION 22. POWER TO REPAIR SIDEWALKS, ETC.**

If the owner or occupant of any sidewalk, footway, gutter or pavement in said Town, or of the real property next adjacent thereto, shall fail or refuse to curb, pave or keep the same clean, in the manner and within the time required by the Council, it shall be the duty of the Council to cause the same to be done at the expense of the said Town and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the Town sergeant in the manner herein provided for the collection of Town taxes.

SECTION 23. GENERAL POWERS.

To carry into effect these enumerated powers, and all other powers conferred upon the said Town, or its Council, expressly or by implication, by this or any future act of the legislature of this State, the Council shall have power to make, pass and enforce all needful orders, bylaws, ordinances, resolutions, rules and regulations, not contrary to the Constitution and laws of this State; and to prescribe and impose reasonable fines, penalties, and imprisonment in the County jail for a term not exceeding thirty days, for violations thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the Mayor of said Town, or the person lawfully exercising the functions of Mayor. And the authorities of said Town may, with the consent of the County Court of Jefferson County, entered of record, use the jail of said County for any purposes for which the use of a jail may be needed by them, under the acts of the Council or of the State.

SECTION 24. ANNUAL ESTIMATE.

The Council shall cause to be made up annually and entered upon its journal an accurate estimate of all sums which are or may become lawfully chargeable on said Town, and which ought to be paid within one year, and it shall order a Town levy of so much, in its opinion, as may be necessary to pay the same; provided, however, that the tax rate shall not exceed thirty-five cents on the one hundred dollars, except where it appears to the satisfaction of the Council that a levy of thirty-five cents on each one hundred dollars will not produce sufficient revenue in any one year to pay current expenses, the interest on the bonded indebtedness of the Town, and provide for a sinking fund sufficient to liquidate such bonded indebtedness within the time prescribed by law; and in such case, the Council may, by a vote of a majority of all members elected to the Council, increase such tax rate to such a rate, not exceeding fifty cents on the one hundred dollars, as may be necessary for the purpose aforesaid. All vacant property embraced in the proposed boundaries of the said Town, beyond the old limits of the Town, shall be subject only to such taxation for the benefit of said Town, as is levied upon other property for county and district purposes, and until the said vacant property shall be divided into lots for building purposes, and offered for sale as such, and until the streets of the said Town shall be opened for the use and accommodation of the same.

SECTION 25 ANNUAL LEVY.

The levy so ordered shall be upon all male persons resident of said Town over the age of twenty-one years, dogs, and all real and personal estate within the said Town, subject to State or County taxes; provided, that the tax so levied upon persons does not exceed two dollars per head.

SECTION 26. LICENSES.

Whenever anything for which a State license is required is to be done within the said Town, the Council may require a Town license therefor, and may impose a tax thereon for the use of the Town. The Council may require from the persons so licensed a bond with sureties, payable to the Town, in such penalties and with such conditions as it may think proper, and may revoke such license at any time, after due notice and a hearing thereon, if the conditions of said bond be broken.

SECTION 27. ASSESSOR.

It shall be the duty of the Assessor to make an assessment of the persons, dogs, and property within said Town subject to taxation, substantially in the manner and form in which such assessments are made by the Assessor of the County, and to return the same to the Council on or before the first day of July in each year; and for this purpose he shall have all the powers conferred by law upon the County Assessor. He shall receive a compensation for his services to be fixed by the Council, which shall not be increased or diminished during his continuance in office.

SECTION 28. SERGEANT.

The Sergeant shall have power to collect the Town taxes, fines, and levies, and shall have power one month after he receives the books of the Assessor of said Town, to distrain and sell therefor, in like manner as the Sheriff may distrain and sell for State taxes, and shall in all other respects have the same powers as a Sheriff to enforce the payment and collection thereof; and the said Sergeant shall have power, within the corporate limits, to exercise all the duties of a constable as a conservator of the peace, and he shall be entitled to the same compensation therefor. Upon the conviction of any person arrested by him, for the violation of any of the ordinances of the Town, he shall be entitled to one dollar for such arrest, to be taxed in the costs against the person so convicted, and he and his sureties shall be liable to all fines, penalties and forfeitures that a constable is legally liable to, for any failure or dereliction in his said office, to be recovered in the same manner and before the same courts that said fines, penalties and forfeitures are now recoverable against constables.

SECTION 29. LIEN ON REAL ESTATE FOR TAXES.

There shall be a lien upon real estate within said corporation for the Town taxes assessed thereon, from the commencement of the year in which they are assessed, and for all other assessments, fines and penalties assessed or imposed upon the owners thereof by the authorities of the Town, from the time the same are so assessed or imposed, which liens shall be enforced by the Council in the same manner as the lien for taxes for county purposes is now enforced or by suit in equity in the circuit court of Jefferson County. The lien aforesaid shall have priority over all other liens, except that for taxes due the State.

SECTION 30. PROHIBITION OF SHOWS.

The Council may prohibit any theatrical or other performance, show or exhibition which it may deem injurious to the morals or good order of the Town.

SECTION 31. BONDS OF SERGEANT AND TREASURER.

The Council shall have the power to require and take from the sergeant and treasurer bonds, with sureties satisfactory to the Council, in such penalty as it may deem sufficient, except that as to the sergeant it shall not be for a penalty less than two thousand five hundred dollars; and said bond shall be conditioned for the true and faithful performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines and other moneys of the Town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the Council may order.

The Treasurer's bond shall be conditioned for the true and faithful performance of his duties as Treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as Treasurer, when and as he shall be thereto required by the Council.

SECTION 32. MAYOR; POWERS, DUTIES, ETC.

The Mayor shall be the chief executive officer of the Town, and shall take care that all bylaws, ordinances and orders of the Council are faithfully executed. He shall be ex officio a conservator and justice of the peace within said Town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the Town, and may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of said Town are preserved, and that the persons and property therein are protected; and to this end he may cause the arrest and detention of all riotous and disorderly persons in said Town before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of Jefferson County until the fine or penalty and costs shall be paid, to be employed during the term of his imprisonment as hereinafter provided; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the Council such measures as he may deem needful to the welfare of the Town. He may receive a compensation for his services, to be fixed by the Council, which shall not be increased nor diminished during the term for which he was elected.

SECTION 33. CLERK; HIS DUTIES AND COMPENSATION.

It shall be the duty of the Clerk to keep the journal of the proceedings of the Council, and to have charge of and preserve the records, papers, documents, contracts, etc., of the Town. He shall attend the Mayor in all his examinations, issue his orders, swear witnesses, and perform all the duties of a Clerk in the Council and Mayor's Court. He shall receive such compensation for his services as may be fixed by the Council, which shall not be increased nor diminished during his term of office.

SECTION 34. SERGEANT; HIS DUTIES, LIABILITIES AND COMPENSATION.

It shall be the duty of the Town Sergeant to collect the taxes, fines and other income and revenue of the Town, as specified in his bond, and to account for and pay the same to the Treasurer at such times as the Council may order. And it shall be his duty, at least once in every three months, and oftener if required by the Council, to render an account of the taxes, fines and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency, to which list he shall make an oath that he has used due diligence to collect the same, but has been unable to do so. The Council shall, if it be satisfied that he could not have collected the same by the use of due diligence, allow them. But if the Council shall be of opinion that by the use of due diligence on the part of said Sergeant he could have collected the same, or any part thereof, then he shall be

charged with such as he might have collected. The said Sergeant shall do and perform all other acts pertaining to the office of Sergeant of a corporation, and of a police officer within said Town, and as such shall have the same powers, duties, fees and liabilities as are by law prescribed for a constable when acting as such. He shall for his services receive such compensation as shall be fixed by the Council.

SECTION 35. TREASURER.

All moneys belonging to said Town shall be paid over to the Treasurer, none of which shall be paid out by him except as the same have been apportioned and ordered to be paid by the Council; and the said Treasurer shall pay the same upon the certificate of the Mayor.

SECTION 36. MOTION AGAINST TREASURER.

If the Treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the Council, it shall be lawful for the Council, in the corporate name of the town, by motion before the circuit court of Jefferson County, or any court having jurisdiction, after ten days' previous notice, to recover from the treasurer and his sureties, or their personal representative, any sum that may be due from said treasurer to said town.

SECTION 37. MOTION AGAINST SERGEANT.

If the Sergeant shall fail to collect, account for and pay over all the taxes, fines and other revenue of the Town in his hands for collection, according to the conditions of his bond, it shall be lawful for the Council to recover the same by motion, in the corporate name of the Town, in the same manner and before the same courts as provided against the Treasurer in Section Thirty–Six of this Act.

SECTION 38. COMMISSIONER OF STREETS.

It shall be the duty of the Commissioner of Streets to superintend the opening, construction and repair of the roads, streets and alleys, sidewalks, crosswalks, footways, drains, and gutters within the said Town, and to put and keep the same in good repair, and to carry into execution all the resolutions, orders and ordinances of the Council in relation thereto.

SECTION 39. EXEMPTION FROM ROAD AND POOR TAX.

The said Town, and the taxable persons and property therein, shall be exempt and free from the payment of any poor taxes or ordinary road tax, and from contributing to any county expenses for the poor and the ordinary roads and bridges of said County, outside of the corporate limits of the said Town, for any year in which said Town shall, at its own expense, provide for its own poor and keep its streets and bridges in order.

**SECTION 40. HITCHING YARD. (REPEALED)**

EDITOR'S NOTE: Former Charter Section 40 was deleted by the voters on May 26, 2005.

**SECTION 41. FORMER TOLL ROADS WITHIN THE CORPORATE LIMITS.**

Nothing contained in this Act shall be deemed to place upon the corporation of Charles Town the duty of maintaining and keeping in good order and repair and covered with gravel such streets and roads within the corporate limits as were formerly toll roads or turnpikes, the duty to maintain which and keep in good order and repair and covered with gravel, is placed upon the County Court by the acts of the legislature of one thousand nine hundred and three, one thousand nine hundred and seven and one thousand nine hundred and nine. The County Court of Jefferson County may, however, upon the request of the Council of the corporation of Charles Town surrender its jurisdiction and control of any or all of such roads or streets within the corporate limits to the corporation of Charles Town; and in such case, the duty of maintaining such streets, and keeping them in good order and repaired and covered with gravel, shall be placed upon the corporation of Charles Town; and in such case the county court of Jefferson County shall pay to the corporation of Charles Town annually such amounts as may be expended by it in maintenance of such roads and streets; or the said County Court of Jefferson County may, at its option, pay to the corporation of Charles Town such lump sum as may be agreed upon between them, in consideration of the corporation of Charles Town assuming jurisdiction of such roads and streets, and becoming liable for their upkeep, maintenance and repair, as aforesaid.

**SECTION 42. OTHER PROVISIONS OF LAW APPLICABLE.**

The corporation of Charles Town, except as is herein otherwise provided, shall have all the powers, rights and privileges, and be entitled to all the benefits now conferred on municipal corporations by West Virginia Code 8-11-1 et seq. or which may hereafter be granted to municipal corporations by general law.

**SECTION 43. RIGHTS RESERVED.**

All rights, privileges and properties of the said Town, heretofore acquired and possessed, owned and enjoyed by said Town under any act now in force, shall continue undiminished and remain vested in said Town under this Act; and all laws, ordinances and resolutions of the council now in force and not inconsistent with this Act shall be and continue in full force and effect until regularly repealed by a Council elected as provided under this Act.

**SECTION 44. DUTIES OF THE COUNCIL.**

The Council shall adopt all needful and just ward regulations, whether general or special, for the good of the citizens thereof. It shall authorize street expenditures in the several wards as equity and justice shall demand; and may authorize the collection of a special tax in any ward of the Town, for a specified purpose within such ward, when requested to do so by a majority of the voters thereof. Whenever in the opinion of the Council it becomes necessary to lay off said Town into more than four wards, the said Council shall lay it off.

**SECTION 45. PRISONERS; HOW EMPLOYED.**

The Council shall provide for the employment and safekeeping of persons who may be committed for default in payment of fines, penalties, or costs under this Act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the Town; shall keep on hand an ample supply of necessary material for the same, and shall provide all necessary tools, implements, fixtures, and facilities for the immediate employment of any and all of such persons; shall fix a reasonable rate per diem as wages to be allowed every person, until such fine and costs against him are discharged; and the clerk shall keep an account of all fines and penalties so collected and expended.

**SECTION 46. OPENING STREETS.**

The Council of said corporation shall be entitled to all the benefits of West Virginia Code 54-1-1 to 54-2-20 for the condemnation of land for streets, alleys and public buildings in said corporation, and the Commissioners appointed under said chapter shall in cases of opening streets or alleys or in widening the same, not only assess what is a just compensation as provided in said chapter, but they shall also assess the damages and benefits to all lot owners or property holders having lots or land adjacent to and abutting on said street or alley, whose lot or land may be benefited or injured by the opening of such street or alley or by the widening of any such street or alley, and shall make report as provided in said chapter, but lot owners and property holders shall be named in the application and served with notice as required by said chapter, and the duties of such Commissioners and their oaths shall cover the duties herein imposed. All assessments for benefits under this Act shall be a lien on the property against which the same are assessed, and may be enforced in a court of equity. But either party to such assessment of damages or benefits shall have the right to call for a jury as provided in said chapter.

ATTEST: TRUE COPY
Joe Counts
CITY CLERK
08/28/08

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-159: American Rescue Plan Act (ARPA) - Community Request Allocation, Phase 2

The City Council established the following schedule for the second round of American Rescue Plan Act - Community Allocation Requests during the November 21, 2022 City Council meeting.

SCHEDULE FOR REVIEW AND AWARD OF ARPA FUNDING APPLICATIONS

- November 21, 2022 - City Council Approval of the Revised ARPA Application and Process
- November 28, 2022 - City Advertisement of ARPA Funding Opportunity
- December 5, 2022 - Application process begins.
- January 27, 2023 - ARPA Application Due Date (Closes at 5:00 PM)
- February 6, 2023
    - 6:00 PM - Special Meeting of the City Council to Consider Applications (Applicants Will Be Invited to Present Their Project Ideas)
    - 7:00 PM - Consideration of Applications during Regular City Council Meeting

The City Council is now asked to consider the applications, as presented, and determine next steps.

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Resolution
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-167: NPDES Permit Authorization Resolution

The City Council is asked to consider the included resolution in light of recent staffing changes.

**Proposed Motion:**
Motion to adopt the NPDES Permit Authorization Resolution as presented.

**ATTACHMENTS:**
- Resolution NPDES Permit Authorization - Charles Town Utility Board.docx

# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone:(304) 725-2311 ♦ Web: www.charlestownwvus


RESOLUTION

NPDES Permit Authorization - Charles Town Utility Board

WHEREAS, the City of Charles Town Mayor and City Council recognize the regulatory authority of the West Virginia Division of Environmental Protection; and

WHEREAS, the City of Charles Town currently holds WV/NPDES Permit #WV0022349, WV/NPDES Permit #WV0084361 and UIC Permit #1432-15-037, and

WHEREAS, the City of Charles Town Mayor and City Council recognize the need for a certain official to serve in an authorized capacity to sign all permits, modifications, and required reports with regard to the City of Charles Town Sewer Department and the Wastewater Treatment Plants.

NOW, THEREFORE, BE IT RESOLVED, that the City of Charles Town Mayor and City Council hereby advise the West Virginia Department of Environmental Protection, Office of Water Resources that Kristen Stolipher, Utility General Manager, has been authorized as agent to sign for the City of Charles Town in all permits, modifications, and required reports with regard to the City of Charles Town Sewer Department and Wastewater Treatment Plants. In the event of an absence by the Utility General Manager, her authorized agents are Robert Shipe and Ashley Stottlemyer.

Adopted the _____ day of _____ , 2023 and effective February 6, 2023.

_____
Robert M. Trainor
Mayor

_____
John Barkley
City Manager/Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Appointment
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-143: Charles Town Tree Board Appointment - 4-year Term Serving 1/1/23 - 12/31/26

City Council is asked to consider an appointment to a new term on the Charles Town Tree Board. This is a 4-year term expiring December 31, 2026. This term has been advertised for at least the past 30 days and staff has received the included application regarding the same.

**Proposed Motion:**
Motion to appoint **Jane King** to a 4-year term expiring December 31, 2026 serving the Charles Town Tree Board.

**ATTACHMENTS:**
- Image.jpeg

# CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

**Board or Commission Applying for:** **Date of Application:** Dec. 15, 2022

- ☐ Board of Park and Recreation
- ☐ Board of Zoning Appeals
- ☐ Building Commission
- ☐ Historic Landmarks Commission
- ☐ Planning Commission
- ☒ Tree Board
- ☐ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: Jane King

Address: 515 Lord Fairfax St. Charles Town, WV 25414

Email: plane_jane_22@hotmail.com

Phone: (928) 380-5208

Length of time lived in the City of Charles Town: 6 years

Have you ever been a member of a local government board or commission? yes

If yes, when, where, and in what capacity? Tree Board in Charles Town, as secretary

List present memberships in any relevant community, service, or civic associations.

City of Charles Town Tree Board, secretary
Huntfield Activities Committee, board member
Page Jackson PTVO, volunteer

Explain your interest in the board/commission and how it would benefit from your participation.

I joined the Tree Board a year ago and I have enjoyed working with the board and helping with events. I would like to continue on as the secretary of the board.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-156 - Charles Town Tree Board Appointment - Unexpired term until 12/31/2024

City Council is asked to consider an appointment to a partial term on the Charles Town Tree Board. This partial term expires December 31, 2024. This term has been advertised for at least the past 30 days and staff has received the included application regarding the same.

**Proposed Motion:**
Motion to appoint **Scott Updike** to a partial term expiring December 31, 2024 serving the Charles Town Tree Board.

**ATTACHMENTS:**
- updike_tree_board_app_2023.pdf

# CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

**Board or Commission Applying for:** **Date of Application:** 1/30/23

- ☐ Board of Park and Recreation
- ☐ Board of Zoning Appeals
- ☐ Building Commission
- ☐ Historic Landmarks Commission
- ☐ Planning Commission
- ☒ Tree Board
- ☐ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: Scott Allen Updike

Address: 425 S. Mildred St.

Email: supdike314159@gmail.com

Phone: 540-892-9795

Length of time lived in the City of Charles Town: 6 years (13 years in the county.)

Have you ever been a member of a local government board or commission? No

If yes, when, where, and in what capacity? N/A

List present memberships in any relevant community, service, or civic associations.

N/A

Explain your interest in the board/commission and how it would benefit from your participation.

I have always been interested in trees and would like to be an active member of an organization that acts as a steward for tree education, health, and responsible planting practices. I also have planted quite a few trees on my own properties over the years. I also worked as a landscaper when I was younger

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Appointment
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-170: Charles Town Building Commission Appointment - New 5-year term serving 01/01/23 – 12/31/27

City Council is asked to consider an appointment to a new term on the Charles Town Building Commission. This is a 5-year term expiring December 31, 2027. This term has been advertised for at least the past 30 days and staff has received the included applications regarding the same.

**Proposed Motion:**
Motion to appoint _____ to a 5-year term, expiring December 31, 2027 serving the Charles Town Building Commission.

**ATTACHMENTS:**
- Hartman - Boards-and-Commissions-Application-January-2020.pdf
- Sarah Edgar Board & Commission Application.pdf

# CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

**Board or Commission Applying for:** **Date of Application:** 2/2/2023

- [x] Board of Park and Recreation
- [x] Board of Zoning Appeals
- [x] Building Commission
- [ ] Historic Landmarks Commission
- [ ] Planning Commission
- [ ] Tree Board
- [ ] Utility Board
- [ ] Vacant Properties
- [ ] Other: _____

Name: Nate Hartman

Address: 515 S Samuel St Charles Town WV 25414

Email: nathanael@flooret.com

Phone: 202-500-8447

Length of time lived in the City of Charles Town: 1.5 Years

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? Charles Town Building Commission.

List present memberships in any relevant community, service, or civic associations.

MBR: Thurston County Chamber of Commerce, WA
MBR: DeKalb County Chamber of Commerce, TN
MBR: Thurston County CEOs Roundtable, WA

Explain your interest in the board/commission and how it would benefit from your participation.

Interested is supporting Charles Town and surrounding areas and the effort to improve the area, attract residents, & businesses and modernize some of the approaches that are currently contributing to Charles Town losing out on growth opportunities to other proximate municipalities.

My experience in Commercial Real Estate, owning & operating a large multi-state business a plus.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

# CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

**Board or Commission Applying for:**

**Date of Application:** January 10, 2023

- ☐ Board of Park and Recreation
- ☑ Board of Zoning Appeals
- ☑ Building Commission
- ☑ Historic Landmarks Commission
- ☑ Planning Commission
- ☐ Tree Board
- ☑ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: Sarah Edgar

Address: 194 Triberg Dr Charles Town, WV 25414

Email: saranpalmer96@yahoo.com

Phone: 571-334-1874

Length of time lived in the City of Charles Town: 3 months

Have you ever been a member of a local government board or commission? No

If yes, when, where, and in what capacity? N/A

List present memberships in any relevant community, service, or civic associations.

New resident - not applicable.

Explain your interest in the board/commission and how it would benefit from your participation.

I would love to become involved in the City of Charles Town to have an impact on, not only the growth and development of the City, but to also assist in preserving those qualities about the City that people know and love. Being a recently new resident, I believe I could provide new perspectives that will aid in making appropriate change and advancements in the community.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

# Sarah Edgar

*Analyst Financial Senior*

## Personal Info


**Address**
Charles Town, WV 25414

**Phone**
(571) 334-1874

**E-mail**
sarahpalmer96@yahoo.com

**LinkedIn**
www.linkedin.com/in/sarah-palmer-0a55b6a0


## Skills

| | |
|---|---|
| Expertise in Microsoft Office, including: Excel, Power Query, Power BI, and Microsoft Word | Very Good |
| Risk mitigation strategies | Very Good |
| Audit coordination | Excellent |
| Report writing | Excellent |

## Work History

**2022- 07 – Current**

### Analyst Financial Senior

*Motorola Solutions, Inc., WV Remote*

- Prepare cost forecast and evaluate Below Gross Margin (BGM) performance
- Monitor revenue projections compared to forecasted results
- Compile Current View (CV) backlog data for Cybersecurity Acquisitions and prepare North America pipeline revenue projections
- Collaborate with business leads to ensure current view accuracy and attainability
- Complete Sales and Margin loads within Oracle
- Monitor and maintain department structure within GDM
- Analyze and distribute CV and BGM results with business leads monthly

**2021-09 – 2022-07**

### Senior Analyst I – Accounting

*Motorola Solutions, Inc., Sterling, VA*

- Continued work on Staff Accountant role responsibilities and review team member's work for billing and project management
- Prepared budget forecasts and long range plan (LRP) analysis
- Reported and managed backlog, segmented by each line of business
- Prepared monthly and quarterly analysis reports

Regulatory compliance — Very Good

Data analysis — Very Good

Technical writing — Very Good

Project management — Very Good

## Software

CaseWare — Excellent

Microsoft Office — Excellent

Quickbooks — Good

Dynamics — Average

- Managed further system implementation teams and troubleshoot issues identified for full enablement

**2020-01 – 2021-09**

### Staff Accountant

*Motorola Solutions, Inc., Sterling, VA*

- Managed month end close procedures, including balance sheet reconciliations, applicable accruals, and compiling reporting requirements
- Monitored and recorded project data for appropriate project accounting, project margins, budget hours, labor allocations, billings and revenue recognition in accordance with ASC 606
- Compiled year end reporting requirements for tax and other functional areas
- Assisted in implementing new financial system

**2019-08 – 2020-01**

### Senior Accountant

*PBMares, LLP, Fairfax, VA*

- Managed staff productivity throughout audit engagements.
- Developed firm and client analytical skills through the use of Power Query and Power BI.
- Completed audit papers by thoroughly documenting audit tests and findings.
- Collaborated with clients to identify control gaps in processes, procedures and systems through in-depth research and assessment and suggested methods for improvement.
- Developed auditing program to address risks and evaluate regulatory requirements.
- Prepared working papers, reports and supporting documentation for audit findings.
- Interviewed business owners, explained audit scope and conducted exit interviews of audit findings.

**2018-01 - 2019-08**

### Staff Accountant

*PBMares, LLP, Fairfax, VA*

- Completed audit papers by thoroughly documenting audit tests and findings.
- Prepared working papers, reports and supporting documentation for audit findings.
- Evaluated design and operating effectiveness of audit areas, including efficiency, effectiveness, and mitigating controls.
- Evaluated company's policies to determine how well standards adhered to best practices.

## Education

**2014-08 - 2017-12**

### Bachelor of Science: Accounting

*Christopher Newport University - Newport News, VA*

- Minored in Leadership Studies
- Graduated with 3.26 GPA
- Coursework in Strategic Management, Auditing, Intermediate Accounting I, Intermediate Accounting II, Cost and Managerial Accounting, Government and Not-for-Profit Accounting, Business Law, Taxation, and Business and Accounting Information Systems
- Member of Zeta Tau Alpha Fraternity
- Elected to Treasurer for Zeta Tau Alpha Fraternity in 2016

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-176: Payment of Bills - February 6, 2023

**ATTACHMENTS:**

- CAPITAL RESERVE COUNCIL REPORT 2023 2 06.pdf
- GENERAL FUND COUNCIL REPORT 2023 2 06.pdf
- PARKS & REC COUNCIL REPORT 2023 02 06.pdf

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| ADVANTAGE TECHNOLOGY LLC | 2/03/23 | DECEMBER2022 MONTHLY AGREE | CAPITAL RESERVE | GENERAL GOVERNMENT | 1,909.15 |
| | 2/03/23 | DECEMBER2022 MONTHLY AGREE | CAPITAL RESERVE | GENERAL GOVERNMENT | 1,382.40 |
| | 2/03/23 | DECEMBER 2022 TECH SERVICE | CAPITAL RESERVE | GENERAL GOVERNMENT | 700.62 |
| | 2/03/23 | DECEMBER 2022 TECH SERVICE | CAPITAL RESERVE | GENERAL GOVERNMENT | 1,519.38 |
| | 2/03/23 | DECEMBER 2022 TECH SERVICE | CAPITAL RESERVE | GENERAL GOVERNMENT | 69.99 |
| | 2/03/23 | VEEAM ANNUAL MAINTENANCE R | CAPITAL RESERVE | GENERAL GOVERNMENT | 288.40 |
| | 2/03/23 | VEEAM ANNUAL MAINTENANCE R | CAPITAL RESERVE | GENERAL GOVERNMENT | 288.40 |
| | 2/03/23 | SYNOLOGY&7 SEAGATE HARD DR | CAPITAL RESERVE | GENERAL GOVERNMENT | 1,404.04 |
| | 2/03/23 | SYNOLOGY&7 SEAGATE HARD DR | CAPITAL RESERVE | GENERAL GOVERNMENT | 2,989.63 |
| | | | | TOTAL: | 10,552.01 |
| TYLER TECHNOLOGIES, INC | 2/03/23 | FINANCIALS ANL 3/1/23-2/29 | CAPITAL RESERVE | GENERAL GOVERNMENT | 7,124.18 |
| | 2/03/23 | A/R MAINT 3/1/23-2/29/24 | CAPITAL RESERVE | GENERAL GOVERNMENT | 918.92 |
| | 2/03/23 | COURT ANL FEES 3/1/23-2/29 | CAPITAL RESERVE | GENERAL GOVERNMENT | 1,840.73 |
| | 2/03/23 | INCODE ANL FEE 3/1/23-2/29 | CAPITAL RESERVE | GENERAL GOVERNMENT | 6,914.14 |
| | 2/03/23 | INCODE ANL FEE 3/1/23-2/29 | CAPITAL RESERVE | GENERAL GOVERNMENT | 915.90 |
| | 2/03/23 | INCODE ANL FEE 3/1/23-2/29 | CAPITAL RESERVE | GENERAL GOVERNMENT | 750.00 |
| | | | | TOTAL: | 18,463.87 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 200 | CAPITAL RESERVE | 29,015.88 |
| | GRAND TOTAL: | 29,015.88 |

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: CAP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 2/03/2023 THRU 2/03/2023

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| 10-42 TACTICAL LLC | 2/03/23 | 4 NAME TAPES | GENERAL FUND | POLICE DEPARTMENT | 13.00 |
| | 2/03/23 | 4 NAME TAPES | GENERAL FUND | POLICE DEPARTMENT | 13.00 |
| | 2/03/23 | 4 NAME TAPES | GENERAL FUND | POLICE DEPARTMENT | 13.00 |
| | 2/03/23 | 4 NAME TAPES | GENERAL FUND | POLICE DEPARTMENT | 13.00 |
| | | | | TOTAL: | 52.00 |
| ADVANCED AUTO AUTHORITY SERVICES | 2/03/23 | #5 STATE INSPECTION | GENERAL FUND | POLICE DEPARTMENT | 14.00 |
| | 2/03/23 | #5 SHAFT SEAL/LFT FRONT AX | GENERAL FUND | POLICE DEPARTMENT | 408.65 |
| | | | | TOTAL: | 422.65 |
| AUTOZONE, INC. | 2/03/23 | BATTERY FOR CAR #7 | GENERAL FUND | POLICE DEPARTMENT | 180.99 |
| | | | | TOTAL: | 180.99 |
| BOARD OF TRUSTEES OF THE POLICE PENSIO | 2/03/23 | FEB2023 POLICE PENSION CON | GENERAL FUND | POLICE DEPARTMENT | 4,943.16 |
| | | | | TOTAL: | 4,943.16 |
| BOBBIE CARTWRIGHT | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| BOLAND TRANE SERVICES INC | 2/03/23 | FEB23 HVAC SERV 661 GEORGE | GENERAL FUND | POLICE DEPARTMENT | 457.00 |
| | | | | TOTAL: | 457.00 |
| CHAD COOK | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| CHARLES TOWN BOARD OF PARKS & REC | 2/03/23 | JANUARY 2023 50% HOTEL COL | GENERAL FUND | TRANSFERS | 10,179.43 |
| | | | | TOTAL: | 10,179.43 |
| CINTAS | 2/03/23 | LAUNDRY BAGS | GENERAL FUND | STREETS & HIGHWAYS | 188.53 |
| | 2/03/23 | LAUNDRY BAGS | GENERAL FUND | STREETS & HIGHWAYS | 188.53 |
| | 2/03/23 | LAUNDRY BAGS | GENERAL FUND | STREETS & HIGHWAYS | 188.53 |
| | | | | TOTAL: | 565.59 |
| CITY OF CHARLES TOWN PETTY CASH | 2/03/23 | CTPD PETTY CASH REPLENISHM | GENERAL FUND | PARKING | 50.94 |
| | 2/03/23 | CTPD PETTY CASH REPLENISHM | GENERAL FUND | POLICE DEPARTMENT | 25.53 |
| | 2/03/23 | CTPD PETTY CASH REPLENISHM | GENERAL FUND | POLICE DEPARTMENT | 88.37 |
| | 2/03/23 | CTPD PETTY CASH REPLENISHM | GENERAL FUND | POLICE DEPARTMENT | 236.80 |
| | | | | TOTAL: | 401.64 |
| CITY OF CT CAPITAL RESERVE | 2/03/23 | DEC22 GAMING/LOTTERY XFR | GENERAL FUND | TRANSFERS | 92,273.74 |
| | 2/03/23 | DEC22 GAMING/LOTTERY XFR | GENERAL FUND | TRANSFERS | 1,422.29 |
| | 2/03/23 | DEC22 GAMING/LOTTERY XFR | GENERAL FUND | TRANSFERS | 23,417.06 |
| | 2/03/23 | DEC22 GAMING/LOTTERY XFR | GENERAL FUND | TRANSFERS | 36.77 |
| | | | | TOTAL: | 117,149.86 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| | 2/03/23 | FEBRUARY 2023 CITY RENTS | GENERAL FUND | POLICE DEPARTMENT | 7,840.98 |
| | | | | TOTAL: | 27,057.98 |
| CHARLES TOWN UTILITY BOARD | 2/03/23 | 661 WATER DELIVERY 1/6/23 | GENERAL FUND | POLICE DEPARTMENT | 93.49 |
| | | | | TOTAL: | 93.49 |
| DEB PARK | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| DIVISION OF HIGHWAYS | 2/03/23 | SALT BRINE 12/26/2022 | GENERAL FUND | STREETS & HIGHWAYS | 824.56 |
| | | | | TOTAL: | 824.56 |
| FRONTIER, INC. | 2/03/23 | CITY&PD PHONE SERV 1/4-2/3 | GENERAL FUND | CITY HALL | 1,494.78 |
| | 2/03/23 | 661 304-725-2381SER12/24-1 | GENERAL FUND | POLICE DEPARTMENT | 68.33 |
| | 2/03/23 | 661 304-725-238SER1/24-2/2 | GENERAL FUND | POLICE DEPARTMENT | 69.50 |
| | 2/03/23 | CITY&PD PHONE SERV 1/4-2/3 | GENERAL FUND | POLICE DEPARTMENT | 1,494.77 |
| | 2/03/23 | PD FAXLINE 1/7/23-2/6/23 | GENERAL FUND | POLICE DEPARTMENT | 143.21 |
| | 2/03/23 | PD RINGDOWN 1/22/23-2/21/2 | GENERAL FUND | POLICE DEPARTMENT | 51.61 |
| | | | | TOTAL: | 3,322.20 |
| GRANICUS | 2/03/23 | ONLINE TRAINING | GENERAL FUND | CITY HALL | 0.00 |
| | 2/03/23 | ONLINE TRAINING | GENERAL FUND | CITY HALL | 2,950.00 |
| | 2/03/23 | ONLINE TRAINING | GENERAL FUND | CITY HALL | 125.00 |
| | 2/03/23 | ONLINE TRAINING | GENERAL FUND | CITY HALL | 1,350.00 |
| | 2/03/23 | ONLINE TRAINING | GENERAL FUND | CITY HALL | 685.08- |
| | 2/03/23 | ONLINE TRAINING | GENERAL FUND | CITY HALL | 694.58- |
| | | | | TOTAL: | 3,045.34 |
| GRIFFITH ENERGY SERVICES, INC | 2/03/23 | CITY HALL OIL 1/21/23 | GENERAL FUND | CITY HALL | 919.25 |
| | | | | TOTAL: | 919.25 |
| GUARDIAN | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | NON-DEPARTMENTAL | 93.28 |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | TREASURER'S OFFICE | 26.94 |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | CITY CLERK'S OFFICE | 8.98 |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | PLANNING & ZONING | 35.92 |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | CITY HALL | 8.98 |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | PARKING | 8.98- |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | POLICE DEPARTMENT | 144.61 |
| | 2/03/23 | FEB23 VISION PREMIUMS | GENERAL FUND | STREETS & HIGHWAYS | 26.94 |
| | | | | TOTAL: | 336.67 |
| HEATHER HOLLOMAN | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| INGRID RODRIGUEZ | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 75.00 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| JEFFERSON SECURITY BANK | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| JEFFERSON PUBLISHING COMPANY, INC. | 2/03/23 | 12/28 PERMIT TECH JOB POST | GENERAL FUND | PLANNING & ZONING | 135.63 |
| | 2/03/23 | 1/4 &1/11 NPH ORDINANCE AN | GENERAL FUND | PLANNING & ZONING | 58.34 |
| | 2/03/23 | 1/11&1/18 2023 MUNICIPAL E | GENERAL FUND | ELECTIONS | 46.86 |
| | 2/03/23 | 1/11&1/18 ABSENTEE BALLOT | GENERAL FUND | ELECTIONS | 41.94 |
| | 2/03/23 | 12/14 WEEKLY EVENT CALENDA | GENERAL FUND | CITY HALL | 69.50 |
| | 2/03/23 | 12/21 WEEKLY EVENT CALENDA | GENERAL FUND | CITY HALL | 69.50 |
| | 2/03/23 | 12/28 WEEKLY EVENT CALENDA | GENERAL FUND | CITY HALL | 69.50 |
| | | | | TOTAL: | 491.27 |
| JOHNSON CONTROLS SECURITY SOLUTIONS | 2/03/23 | 108N GEORGE ALARM 2/1-4/30 | GENERAL FUND | STREETS & HIGHWAYS | 333.74 |
| | | | | TOTAL: | 333.74 |
| JULIE STAUBS | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| KABLE EXCAVATING, LLC | 2/03/23 | SPREAD BRINE 12/14/22&12/2 | GENERAL FUND | STREETS & HIGHWAYS | 772.75 |
| | 2/03/23 | SPREAD BRINE 12/14/22&12/2 | GENERAL FUND | STREETS & HIGHWAYS | 772.75 |
| | | | | TOTAL: | 1,545.50 |
| KAREN VIANDS | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 100.00 |
| | | | | TOTAL: | 100.00 |
| KENDRA WYNN | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| KEVIN SHIPLEY | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| LINCOLN NATIONAL LIFE INSURANCE COMPAN | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | CITY MANAGER'S OFFICE | 90.77 |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | TREASURER'S OFFICE | 137.75 |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | CITY CLERK'S OFFICE | 37.67 |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | PLANNING & ZONING | 174.37 |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | CITY HALL | 43.76 |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | PARKING | 29.81- |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | POLICE DEPARTMENT | 733.63 |
| | 2/03/23 | FEBRUARY 2023 LIFE INS PRE | GENERAL FUND | STREETS & HIGHWAYS | 161.56 |
| | | | | TOTAL: | 1,349.70 |
| MARLIN BUSINESS BANK | 2/03/23 | PD&CITY COPIER RENTAL | GENERAL FUND | CITY HALL | 515.98 |
| | 2/03/23 | PD&CITY COPIER RENTAL | GENERAL FUND | POLICE DEPARTMENT | 280.00 |
| | | | | TOTAL: | 795.98 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| | 2/03/23 | ELECTRIC SERV DECEMBER 202 | GENERAL FUND | VISITORS CENTER | 621.33 |
| | | | | TOTAL: | 10,112.42 |
| RC TOWING LLC | 2/03/23 | TOW 2012 DODGE RAM | GENERAL FUND | STREETS & HIGHWAYS | 167.50 |
| | | | | TOTAL: | 167.50 |
| RONNIE FELLERS | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| SHINE AUTO DETAILING LLC | 2/03/23 | #24 BASIC DETAIL/CARPET CL | GENERAL FUND | POLICE DEPARTMENT | 245.00 |
| | 2/03/23 | #2 BASIC DETAIL/CARPET CLE | GENERAL FUND | POLICE DEPARTMENT | 300.00 |
| | | | | TOTAL: | 545.00 |
| SOUTH CENTRAL PLANNING & DEVELOPMENT C | 2/03/23 | MYPERMITNOW OVERAGE FEES D | GENERAL FUND | CITY HALL | 720.00 |
| | 2/03/23 | MYPERMITNOW FEES JANUARY 2 | GENERAL FUND | CITY HALL | 730.00 |
| | | | | TOTAL: | 1,450.00 |
| STAPLES ADVANTAGE | 2/03/23 | SHARPIE,BINDER,POST ITS | GENERAL FUND | CITY MANAGER'S OFFICE | 13.89 |
| | 2/03/23 | HP INK, DIVIDERS | GENERAL FUND | TREASURER'S OFFICE | 7.65 |
| | 2/03/23 | HP INK, DIVIDERS | GENERAL FUND | CITY CLERK'S OFFICE | 179.02 |
| | 2/03/23 | STANDING DESK CONVERTER | GENERAL FUND | PLANNING & ZONING | 189.99 |
| | 2/03/23 | SHARPIE,BINDER,POST ITS | GENERAL FUND | CITY HALL | 29.15 |
| | 2/03/23 | ECONOMY STAPLES,STAPLES,KC | GENERAL FUND | CITY HALL | 67.70 |
| | 2/03/23 | KCUP-APPLE CIDER | GENERAL FUND | CITY HALL | 16.56 |
| | 2/03/23 | CARD STOCK,CLIPS,AAABATTER | GENERAL FUND | CITY HALL | 90.05 |
| | 2/03/23 | CARD STOCK,CLIPS,AAABATTER | GENERAL FUND | POLICE DEPARTMENT | 25.71 |
| | | | | TOTAL: | 619.72 |
| STEPTOE & JOHNSON PLLC | 2/03/23 | LEGAL SERVICES DECEMBER 20 | GENERAL FUND | CITY ATTORNEY | 15,056.25 |
| | | | | TOTAL: | 15,056.25 |
| T-MOBILE | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | NON-DEPARTMENTAL | 17.72 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | CITY MANAGER'S OFFICE | 41.96 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | BUILDING INSPECTION | 31.86 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | PLANNING & ZONING | 17.72 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | CITY HALL | 148.98 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | CITY HALL | 213.99 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | POLICE DEPARTMENT | 53.16 |
| | 2/03/23 | CELL SERV 12/21/22-1/20/23 | GENERAL FUND | STREETS & HIGHWAYS | 53.16 |
| | | | | TOTAL: | 578.55 |
| THE JOURNAL,MARTINSBURG | 2/03/23 | PD PARKING ENFORCE JOB POS | GENERAL FUND | POLICE DEPARTMENT | 857.09 |
| | | | | TOTAL: | 857.09 |
| TRAVIS KABLE | 2/03/23 | REIMBURSE FOR CLASS B CDL | GENERAL FUND | STREETS & HIGHWAYS | 100.00 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| WENDY PAYNE | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |
| WESLEY WILDRICK | 2/03/23 | FY23 LIGHT THE CITIES CONT | GENERAL FUND | FAIR ASSOC/FESTIVAL | 50.00 |
| | | | | TOTAL: | 50.00 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 001 | GENERAL FUND | 233,033.80 |
| | GRAND TOTAL: | 233,033.80 |

TOTAL PAGES: 5

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 2/03/2023 THRU 2/03/2023

PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| AC & T CO., INC | 2/03/23 | JMP PORTA POTTY SERV | PARKS & REC | PARKS & REC | 265.00 |
| | 2/03/23 | JMP PORTA POTTY SERV | PARKS & REC | PARKS & REC | 265.00 |
| | | | | TOTAL: | 530.00 |

========== FUND TOTALS ==========

| | | |
|---|---|---|
| 207 | PARKS & REC | 530.00 |
| | GRAND TOTAL: | 530.00 |

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: PARK1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 2/03/2023 THRU 2/03/2023

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PAYROLL SELECTION

PAYROLL EXPENSES: NO
EXPENSE TYPE: N/A
CHECK DATE: 0/00/0000 THRU 99/99/9999

---

PRINT OPTIONS

PRINT DATE: Check Date
SEQUENCE: By Vendor Sort
DESCRIPTION: Item
GL ACCTS: NO
REPORT TITLE: COUNCIL REPORT
SIGNATURE LINES: 2

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PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

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**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-160: Charles Town Utility Board Minutes - December 2022

**ATTACHMENTS:**

- CTUB December 22 Minutes.pdf

**Charles Town Utility Board**
**Special Board Meeting**
**December 14, 2022**

The Charles Town Utility Board held a special meeting on December 14, 2022 at 4:00 P.M. Members of the Board present were John Barkley, Duke Pierson, Tommy Stocks and Jeff Whitten. Also present were Kristen Stolipher, April Shultz, Hoy Shingleton and Ashley Stottlemyer.

## CALL TO ORDER

Chairman John Barkley called the meeting to order at 4:00 P.M.

## APPROVAL OF MINUTES

Approval of November 16, 2022 Regular Meeting Minutes

The Chairman called for changes or corrections to the November 16, 2022 special meeting minutes.

**Action:** **Motion by Mr. Whitten, second by Mr. Stocks, the Board unanimously approved the minutes as presented.**

## PUBLIC COMMENT

The Board received no public comments.

## NEW BUSINESS

2023 CTUB Board Meeting Schedule

Mrs. Stolipher presented the 2023 board meeting schedule, noting one special meeting in November and December, as done in the past due to the holidays. She also proposed one special meeting in January due to Mr. Whitten not being available on January 11th and a PSC hearing in Charleston on January 25th. The Board discussed having a special meeting on January 18th.

**Action:** **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved scheduling a special meeting on January 18, 2023.**

**Action:** **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the 2023 CTUB board meeting schedule as amended.**

Vehicle Purchases – Maintenance and Sewer

Mrs. Stolipher reviewed the vehicle fleet and drivers with the Board. She requested to purchase a new vehicle for the sewer department to replace a 2001 vehicle with a cap of $57,000.00. Mrs. Stolipher also requested to purchase a new vehicle for the maintenance department. The Board discussed looking into the WV Funding Program and leasing options. Staff will also work on drafting a policy for replacing vehicles to be included in the Capitol Improvement Plan.

**Action:** **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved staff drafting a policy for replacing and purchasing vehicles.**

**Action:** **Motion made by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the purchase of a sewer vehicle and a maintenance vehicle, each not to exceed $57,000.00.**

Renewal & Replacement Project Resolution No. 2 – Contractor Pay Application No. 2

Mrs. Stolipher included GDF's Engineers Report in the board packet detailing the contractors progress on the project. The contractor has submitted an application for payment no. 2 in the amount of $188,174.70.

**Action:** **Motion by Mr. Whitten, second by Mr. Stocks, the Board unanimously approved the Contractor Pay Application No. 2.**

## MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher briefed the Board on this month's sewer and water efforts including the ongoing lead and copper inventory and the City Council approval of the water capacity improvement fee effective December 6th. She also mentioned there will be an update as well as plans for the Collection System Project at the January meeting. The Board also discussed the vacant board member position as well as expiring terms.

**Action:** **No action required by the Board.**

Chairman Report

The Chairman wished everyone a Merry Christmas and Happy New Year.

**Action:** **No action required by the Board.**

## APPROVAL OF BILLS

December 14, 2022

December 7, 2022

**Action:** **Motion by Mr. Stocks, second by Mr. Pierson, the Board unanimously approved the payment of the bills.**

## EXECUTIVE SESSION

- Legal Services Discussion - Possible Executive Session Under: WV State Code Section §6-9A-4(b)(9) - To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial 1 competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.
- Utility Manager Performance Review & Contract Addendum – Possible Executive Session Under: WV State Code Section 6-9A-4(b)(2)(A) – Matters arising from the appointment, employment of an employee

**Action:** **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved convening into Executive Session at 4:20 P.M. to discuss legal services and the Utility Manager performance review and contract addendum. Mrs. Stolipher was invited to attend the discussion on legal services and Mayor Trainor was invited to attend the discussion on the Utility Manager review.**

**Action:** **Motion by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved executive session over at 5:02 P.M.**

**Action:** **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the Chairman to compile the board member evaluations and issue to the Utility Manager, along with a valid performance appraisal as well as goals for 2023.**

There being no further business at this time, the Board adjourned the meeting at 5:04 P.M.

**Action:** **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the motion to adjourn.**

**INFORMATION ONLY**

The next special meeting is scheduled for Wednesday, January 18, 2023 at 4:00 P.M. at 661 S. George Street.

John Barkley
Chairman

Ashley Stottlemyer
Secretary

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Appointment
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-164: Charles Town Building Official Oath of Office - Delaine Englebert

**ATTACHMENTS:**
- Englebert Oath

# STATE OF WEST VIRGINIA

**COUNTY OF JEFFERSON, SCT.**

I, **DELAINE ENGLEBERT,** do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of West Virginia.

I, **DELAINE ENGLEBERT,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Building Official for the City of Charles Town to the best of my skill and judgment, and according to law.

So help me God.

DELAINE ENGLEBERT

The above oath was taken and subscribed before John Barkley, City Clerk for the City of Charles Town, on this 1st day of December, 2022.

John Barkley, Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/06/23
Department: City Council
Category: Appointment
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2023-165: Charles Town Utility Board Oath of Office - Keith Peirson

**ATTACHMENTS:**
- Oath.pdf

# STATE OF WEST VIRGINIA

**COUNTY OF JEFFERSON, SCT.**

I, **DUKE PIERSON,** do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of West Virginia.

I, **DUKE PIERSON,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Board Member for the City of Charles Town Utility Board, to the best of my skill and judgment, and according to law.

So help me God.

**DUKE PIERSON**

The above oath was taken and subscribed before John Barkley, City Clerk for the City of Charles Town, on this 18th day of January, 2023.

John Barkley, Clerk