CITY OF CHARLES TOWN

CITY COUNCIL

AGENDA • FEBRUARY 21, 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

: **2023-204:** City Council Workshop Minutes - February 6, 2023
City Council Workshop meeting 2-3-23.docx

: **2023-203:** City Council Meeting Minutes - February 6, 2023
February 6 2023 minutes - draft.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

: **2023-197:** Local High School Key Club Recognition

: **2023-191:** WV Fest - Mayor's Invitation to the Governor or West Virginia
WVFest_Gov_Invite_2023.docx

6. COMMITTEE REPORTS

: **2023-184:** Finance Committee
Finance Committee 2-14.pdf

: **2023-185:** Infrastructure Committee
Infrastructure Committee 2-9.pdf

: **2023-198:** Ordinance Committee
Ordinance Meeting Minutes 2_3_23.pdf

: **2023-186:** Personnel Committee
personnel 2023 02 13 .docx

7. CITY MANAGER REPORT

8. POLICE CHIEF REPORT

: **2023-233:** Charles Town Police Department Monthly Stat Report - January, 2023
Police Statistics.pdf

9. UNFINISHED BUSINESS

: **2023-170:** Charles Town Building Commission Appointment, Candidate Interviews - 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

: **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, Staff Update

Schedule for Charter Revision as a Whole(16018372.1 SJDOCS).docx
Summary for Charter Revision as a Whole(12645638.4 SJDOCS).docx
Partial Minutes from 2022-10-03 City Council.pdf
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

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

10. NEW BUSINESS

: **2023-187:** Charles Town Tree Board - 2023-2024 Master Plan
2023-2024 Tree Board Master Plan.pdf

: **2023-192:** FY23 Community Donations - But For Organizations
2022 contribution received letter-Jefferson County Comunity Ministries.pdf
CHARLES TOWN LIBRARY Donation Use Letter 2022 .pdf
CHARLES TOWN MUSEUM Donation Use Letter 2022 .pdf
Citizens Fire Charles Town City 2022 Funds.pdf
EPTA Budget_Request_Cover_Letter_FY24.pdf
Independent Fire Co. Donation Use Letter 2022 .pdf

: **2023-193:** FY24 Community Donations - But For Organizations, FY24 Application Process

: **2023-199:** Eastern Panhandle Transit Authority (EPTA)/ Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Letter of Support Request
EPTA_LetterofSupport_Template.docx
EPTA_Multimodal _Transit_Center_60%_Design.pdf

: **2023-194:** 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 531 - Simple Possession of Marijuana
Article 531 Redline.docx
Article 531 Clean.docx

: **2023-208:** Charles Town Utility Board Member Vacancy - 1 new 4-year term, serving 01/01/23 – 12/31/26 (Jefferson County Commission Recommendation Appointment) - Appointment Status and Recommendations
Notification of CTUB Vacancy to County Commission.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2023-195:** Referral to Ordinance Committee - Article 171 - Municipal Court

: **2023-196:** Resolution - City of Charles Town to Become Carbon Neutral by 2030

12. APPROVAL OF BILLS

: **2023-207:** Payment of Bills - February 21, 2023
CAPITAL RESERVE COUNCIL REPORT 2023 2 21.pdf
GENERAL FUND COUNCIL REPORT 2023 2 21.pdf
PARKS & REC COUNCIL REPORT 2023 02 21.pdf

13. ADJOURNMENT

INFORMATION ONLY - NEXT MEETING March 6, 2023

: **2023-188:** Charles Town Utility Board - Minutes, January 2023
CTUB Minutes January 2023.pdf

: **2023-189:** Pharmaceutical Industry Opioid Lawsuit, Executed Settlement Agreement Authorization
WV Local Government Election and Release Form.pdf

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

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

: **2023-167:** NPDES Permit Authorization Resolution
2023-02 - Resolution NPDES Permit Authorization - Charles Town Utility Board.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: 02/21/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-204: City Council Workshop Minutes - February 6, 2023

ATTACHMENTS:

- City Council Workshop meeting 2-3-23.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • February 6, 2023

Workshop **Council Chambers** **6:00 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	Remote	
Jeff Hynes	Councilmember	Present	
Jean Petti	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Micheal George	Councilmember	Remote	
Rikki Twyford	Councilmember	Remote	

Mr. John Barkley, City Manager, Mr. Todd Wilt, City Operations Director, and Chief Chris Kutcher, Charles Town Police Department were also in attendance.

WORKSHOP TOPIC

2023-161: American Rescue Plan Act (ARPA) - Community Request Allocation, Phase 2 - Application Review

11 applicants, each presented to the City Council a brief overview of their American Rescue Plan Act Funds requests and were available to answer questions.

ADJOURNMENT

Mayor Trainor, after all of the applicants had an opportunity to present their requests, declared the meeting adjourned.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-203: City Council Meeting Minutes - February 6, 2023

ATTACHMENTS:

- February 6 2023 minutes - draft.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • February 6, 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	Present	
Kevin Tester	Councilmember	Remote	
Jeff Hynes	Councilmember	Present	
Jean Petti	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Micheal George	Councilmember	Remote	
Rikki Twyford	Councilmember	Remote	

Mr. John Barkley, City Manager; Mr. Todd Wilt, City Operations Director; Ms. Liz Cook, Business Development and Downtown Coordinator; and Chief Chris Kutcher, Charles Town Police Department were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

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

The following changes were made to the minutes:

Police Chief Report, third paragraph - remove the "s" in Siblings to read "Sibling Coffee Roasters".

2023-120: Developer Fee Implementation - Staff Update - change the date from "February 2, 2023" to "February 6, 2023".

2023-125: Charles Town Planning Commission Appointment - New 3-year Term Expiring 12/31/2025 - add a "Recused" line and "Kratovil" as the last line in the Vote Result box to record Mr. Kratovil's action.

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

3. PUBLIC COMMENT

Two people signed up for public comment.

Ms. Stacie Rohn representing the Boys and Girls Club of Jefferson County thanked the City of Charles Town, specifically Liz Cook, Business Development and Downtown Coordinator, for their continued support of the Boys and Girls Club.

Ms. Rashida Yost introduced herself to the Council as an official candidate for West Virginia Governor in 2024.

4. WARD REPORTS

Ward #1

Ms. Ricketts reported the following:

- That the Charles Town Tree Board will attend the February 21st City Council meeting to present their Master Tree Plan for 2023. They plan to hold an Arbor Day event on April 29, 2023.

- That on January 18th she attended the Hagerstown-Eastern Panhandle Metropolitan Planning Organization's Interstate Council meeting.

- That the new City's Agenda/Minutes software program allows you to sign up for agenda's to be automatically emailed.

- That Jefferson County is currently working on their Comprehensive Plan that includes a survey for Jefferson County residents, which can be found on the Independent Observer's website.

- That she was recently appointed by the Jefferson County Commission to represent Jefferson County on the Eastern Panhandle Transit Authority Board.

- She thanked resident Kristie Thompson for organizing a trash pick-up day on Route 340.

Mr. Kratovil thanked Liz Cook for all that she does for the City. He also reminded those organizations seeking American Rescue Plan Funds (ARPA) funding that Jefferson County also received ARPA funds in a much greater amount than the City of Charles Town received.

Ward #2

Mr. Tester reported that he is recovering from a recent surgery and:

- That he attended two Ordinance Committee meetings, a meeting with representatives of Dan Ryan Builders concerning the Conditions of Annexation for the Huntfield Community, and the Betts and Coops Boutique's ribbon cutting ceremony.

- He also reminded the Council that this weekend will be the last chance to attend The Old Opera House's production of "Leading Ladies".

Mr. Hynes reported that he met with representatives of Dan Ryan Builders concerning the Conditions of Annexation for the Huntfield Community. He also reported that the Planning Commission meeting was cancelled and that he and his wife had an enjoyed attending a show at the Charles Town Casino.

Ward #3

Ms. Philabaum reported that she attended the ribbon cutting ceremony for Betts and Coops Boutique and on Saturday, February 11th at 10:00 and 11:00AM, there will be ribbon cutting ceremonies for JoLee's Consignment Shop and Grappling Arts 360 and River Song Collective Creations.

Ms. Petti thanked the City's Community Development Department for their presentation at the last Council meeting and their willingness to address concerns with the City's building permit and inspections processes. She also recognized all the candidates in the upcoming Municipal Election on May 25, 2023.

Ward #4

Mr. George reported he attended "Leading Ladies" at The Old Opera House and the ribbon cutting ceremony for Betts and Coops Boutique.

Ms. Twyford reported the following:

- That “Coffee with a Cop” was very successful and thanked Chief Kutcher and his staff. She will be sponsoring later this year, with Lieutenant Manning and Chief Kutcher another event.

- That she attended a Jefferson County Schools Board of Education Parent Senate Meeting where they are evaluating discipline and alternative support methods to better support kids, teachers, administrators, and parents. She would be happy to include any feedback from residents and they can contact her via email anytime. The next meeting is February 15th.

- That she joined the American Legion Auxiliary, and she appreciates their giving back to the community and the Children's Miracle Network.

- That she chaired the Ordinance Meeting and the minutes will be reviewed later in this meeting.

- That she was able to attend the Betts and Coops Boutique ribbon cutting ceremony. Congratulations to Bethany on a great job and a successful endeavor.

- That she chaired a Special Ordinance Meeting. More to come on this during the February 21st Council meeting.

- That she is very proud of the Jefferson County Middle School Math Field Day participants that scored high enough to represent their school. She congratulates everyone, especially our own Charles Town Middle School which took first place in the 6th grade category, and her own son, Owen Twyford, who took first place overall in his grade and is now headed to the Regional Math Field Day competition to represent Jefferson County.

- That the Power Couples Downtown are doing a great job promoting each other’s businesses. She especially loved the SVG, Grappling Arts, and River Song Healing Therapies collaboration video.

- That she will be attending the Jefferson County Chamber Mixer on behalf of the City on February 14th and the Citizens Fire Company Pancake Day is being held February 21st from 6:00AM to 7:00 PM.

5. MAYOR'S REPORT

Mayor Trainor reported the following:

- That he attended a Public Service Commission hearing in Charleston, WV, a Charles Town Utility Board, Huntfield Condition of Annexation, and Vacant Properties Board meetings.

- That he also attended the Jefferson County Commission meeting and reported that the County Commission unanimously approved hiring a Social Services Liaison/Coordinator this fiscal year.

2023-147: 2022 Charles Town Car Show Contribution Presentations

Mayor Trainor presented the Jefferson County High School ROTC with a gift of $500.00 for their support during the Car Show.

Mayor Trainor presented the Jefferson County Boys and Girls Club, as the Car Show's chosen charity for 2022, with a check for $2,500.00.

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

Mayor Trainor administered the oath of office to the new City Parking Enforcement Officer, Lisa Smith.

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

Mayor Trainor administered the oath of office to Ms. Ann Paonessa to serve on the Charles Town Planning Commission for a term to expire December 31, 2025.

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

Mayor Trainor reviewed with the Council the West Virginia Department of Transportation - Division of Highway's (WVDOT-DOH) letter of January 6, 2023 received in response to the Council's letter of November 21, 2022. The letter reiterated the WVDOT-DOH's position that a project to construct a new interchange at the intersection was not justified at this time but would support local efforts to seek alternative funding for the project.

6. COMMITTEE REPORTS

2023-141: Ordinance Committee

Ms. Twyford reported that the Ordinance Committee met on January 19th and again in a special meeting on February 3rd to finish up the proposed revisions to Article 531 - Simple Possession of Marijuana. The Committee plans to present the Council with their recommendations for action at the Council's next regular scheduled meeting, February 21st.

2023-142: Vacant Properties Board

Mayor Trainor reported that the Vacant Properties Board discussed possible revisions to Article 1759 - Vacant Properties and Vacant Structures.

7. CITY MANAGER REPORT

Mr. John Barkley reported the following:

- The draft FY2024 budget is ready for the Finance Committee meeting on February 14th.

- At the upcoming Charles Town Utility Board (CTUB) of Directors meeting, the assessment and timing of availability fees and developing written policies to cover the various water and sewer fees will be discussed.

- The Augustine Trail design plans are 70% completed.

- At the next City Council meeting staff will update the Council on options for Convention and Visitors Bureau options for Charles Town.

- The Municipal Election will be May 25th and the deadline for entering as a write-in candidate is April 12th.

- The Community Development Department will hold an open house on February 22nd from 2:00-4:00PM at City Hall.

- The City is working on formalizing contracts with outside engineering and legal services.

- The City will participate in a site walk at the new Sheetz convenience store and gas station location on February 16th with representatives of WV-DOH, Jefferson County Commission, and the Board of Education.

- The City is working on the lease renewal with Bushel and Peck.

- The City has hired Cheryl Petersen as the new permit technician and has promoted Breanna Barr to Finance Director and Caitlyn DeLashmutt to Accounting Clerk III.

8. POLICE CHIEF REPORT

Chief Kutcher reported he is working on the FY2024 budget and the CALEA accreditation re-evaluation coming up in June or July of this year. He reported that "Coffee with a Cop" was successful, and that police officer candidate testing to fill the three open patrolmen positions will begin next month.

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.

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

Although nobody had signed up for public comment, Mr. Matt Ward requested to have an opportunity to address the Council. Mr. Hynes moved to allow Mr. Matt Ward to address the Council. Mr. Kratovil seconded the motion, and there were no objections.

At the conclusion of the comments, Ms. Philabaum moved to close the public hearing. Mr. Hynes seconded the motion, and there were no objections.

Only the final vote is reflected in the box below.

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

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.

Mr. Hynes moved to Authorize and Direct 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. Ms. Philabaum seconded the motion, and it passed 7-1.

RESULT:	**APPROVED**
MOVER:	Jeff Hynes
SECONDER:	Julie Philabaum
AYES:	Kratovil, Tester, Hynes, Petti, Philabaum, George, Twyford
NAYS:	Ricketts

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

Mr. Hynes moved to enter into Executive Session. Ms. Philabaum 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.

Ms. Ricketts moved to direct staff to research the Municipal Home Rule Board Application process and report back to the Council their findings at a future meeting. Mr. Hynes seconded the motion, and it passed unanimously.

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

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

Ms. Ricketts moved to authorize the Mayor to execute the settlement agreements with Bypass Pharmacy, Rhonda Pharmacy, The Pharmacy, Clendenin Pharmacy and Fruth Pharmacy as presented. Ms. Petti seconded the motion, and it passed unanimously.

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

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

Mr. Hynes moved to accept the Draft Schedule for Amending the Charles Town City Charter as presented. Mr. George moved to second the motion.

Mr. Kratovil moved to table this agenda item until the regularly scheduled June 21, 2023 Council meeting. Ms. Ricketts seconded the motion. The motion failed 3-5.

Ayes - Kratovil, Ricketts, Twyford

Nays - Hynes, Tester, Petti, Philabaum, George

The motion to accept the Draft Schedule for Amending the Charles Town City Charter as presented failed 2-5.

Ayes - Hynes, Tester

Nays - Ricketts, Kratovil, Petti, Philabaum, Twyford

Did not vote - George

After extensive discussion and compiling questions for legal counsel research, Mr. Hynes moved to table this agenda item until the next regular scheduled Council meeting on February 21, 2023. Ms. Philabaum seconded the motion and it passed unanimously.

Only the final vote is reflected in the box below.

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

10. NEW BUSINESS

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

Mr. George departed from the meeting (remote attendance) at 9:35 PM.

The Council agreed to schedule a Council workshop session with a possible Executive Session at 6:00 PM on February 21, 2023, to further discuss the ARPA requests.

2023-167: NPDES Permit Authorization Resolution

Ms. Philabaum moved to adopt the NPDES Permit Authorization Resolution as presented. Ms. Petti seconded the motion, and it passed unanimously.

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

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

Ms. Philabaum moved to appoint Ms. Jane King to serve on the Charles Town Tree Board for a full 4-year term expiring December 31, 2026. Mr. Kratovil seconded the motion, and it passed unanimously.

RESULT:	**APPROVED**
MOVER:	Julie Philabaum
SECONDER:	James Kratovil
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, Twyford
ABSENT:	George

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

Ms. Philabaum moved to appoint Mr. Scott Updike to serve on the Charles Town Tree Board for a partial term expiring December 31, 2024. Ms. Ricketts seconded the motion, and it passed unanimously.

RESULT:	**APPROVED**
MOVER:	Julie Philabaum
SECONDER:	Elizabeth Ricketts
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, Twyford
ABSENT:	George

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

Ms. Ricketts moved to table this agenda item until both candidates are interviewed by the Council, tentatively at the next scheduled regular Council meeting. Mr. Hynes seconded the motion, and it passed 6-1.

RESULT:	**APPROVED**
MOVER:	Elizabeth Ricketts
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Tester, Hynes, Philabaum, Twyford
NAYS:	Petti
ABSENT:	George

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to Committees/Commissions.

12. APPROVAL OF BILLS

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

Mr. Kratovil moved to approve the bills for payment. Ms. Ricketts seconded the motion. Mayor Trainor asked of there was any objections, 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 MEETING February 21, 2023, at 7:00 PM

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

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

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

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

https://www.charlestonwv.us/government/agenda-and-minutes/

2023-197: Local High School Key Club Recognition

Mayor Trainor will recognize several members of local high school Key Clubs who have made recent meaningful contributions to the Boys and Girls Club of the Eastern Panhandle.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-191: WV Fest - Mayor's Invitation to the Governor or West Virginia

Mayor Trainor shares the included letter inviting Governor Justice to the City's WV Fest event to be held June 17.

ATTACHMENTS:

- WVFest_Gov_Invite_2023.docx

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

February 21, 2023

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

Office of the Governor
State Capitol, 1900 Kanawha Blvd. E
Charleston, WV 25305

Subject: Invitation to the Charles Town "West Virginia Fest" on Saturday, June 17, 2023

Dear Governor Justice:

I write on behalf of the City of Charles Town to cordially invite you to be our guest of honor at this year's annual Charles Town "West Virginia Fest", one of our major downtown festivals, drawing thousands of West Virginians as well as folks from across the tri-state region for a fun-filled day of activities in celebration of West Virginia's birthday.

We hold our annual WV Fest on the Saturday that is closest to West Virginia's actual birthday of June 20th, which falls on Saturday, June 17th this year and typically runs from 10:00AM to 5:00PM or so. It is an absolutely awesome event with plenty of activities for all ages including, a parade, music, street fair, arts and cultural presentations, and a rousing "Are You Smarter than an 8th Grader" history quiz competition hosted by Curator Randall Reid-Smith. We would be especially pleased and grateful if you served as our special Guest of Honor for these festivities. Naturally, we'll accommodate your schedule for that day to ensure that you'll be able to make the most of your time in the beautiful Eastern Panhandle.

Please feel free to contact me at 304.283.2946 or email: btrainor@charlestownwv.us if you have any questions.

My contacts for this event are:
Ms. Liz Cook, Downtown Coordinator at 304.261.6279, ecook@charlestownwv.us;
Mr. John Barkley, City Manager at 304.724.3244, jbarkley@charlestownwv.us;
Mr. Matt Ward at 202.422.2411, Matt.Ward@StrategiesDC.com

Sincerely,

Robert M. Trainor
Mayor

cc: Melissa.R.Parsons@wv.gov
Rebecca.D.Blaine@wv.gov
Randall.ReidSmith@wv.gov
Daryl.E.Cowles@wv.gov

DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-184: Finance Committee

The Committee will offer a table drop report from the February 14 meeting.

ATTACHMENTS:

- Finance Committee 2-14.pdf

City of Charles Town Finance Committee Report
14 February 2023 Meeting

Drafted by: Bob Trainor - Chairman

Call to Order ooa 12:00PM

1. **Persons present:** Finance Committee Members Ms. Jean Pettit (Remote – departed the meeting at approximately 1:00PM), Mr. Jeff Hynes and Mr. Bob Trainor; Finance Director, Ms. Breanna Andrews; Community Development Director, Ms. Alissa Meeks; Operations Director, Mr. Todd Wilt; and Downtown Coordinator/Business Development, Ms. Liz Cook.

2. **Unfinished Business**

   2.1: **Update Banking Signature Cards** – Staff is still awaiting updated signature cards from the financial institutions.

3. **New Business**

   3.1 2023 Community Donations - But For Organizations

   The Committee reviewed written reports submitted by the recipients of the City's FY2022 "But For" grant awards. The FY2023 budget includes a general "But-For" grant funding line item (Department 464) of $60K. The Committee agreed that the Council as a whole should determine the recipients and amounts of the FY2023 "But For" grants.

   The Committee also agreed that documented guidelines should be developed providing clearer parameters that determine what constitutes a "But For" organization and a more equitable process for identifying qualified organizations.

   Recommendations to the City Council:

   (1) Determine the FY2023 funding recipients and grant amounts; and
   (2) Provide staff with direction concerning the development of guidelines governing "But For" grants in future City budgets.

   3.2 FY2024 Budget Update - Preliminary Reviews

   Staff presented the Committee with the proposed FY2024 Operating and Capital budgets. The proposed Operating budget included a 5.6% Cost of Living Allowance (COLA) increase for City staff, the 3% - 457 retirement plan – City contribution, two additional City staff, and the shifting of Information Technology (IT) expenses from the Capital budget. The Committee and staff discussed the predicted revenues and expenses and explored various options, primarily concerning proposed expenditures. Staff was directed to provide additional information and data for a special Finance Committee meeting, scheduled for February 28, 2023, at 12:00PM. The FY2024 budgets will be presented to the Council for approval at the March 6, 2023 Council meeting.

   Note: Ms. Petti had departed the meeting and was not involved in the discussion of this agenda item.

   Recommendations to the City Council: None at this time, information only

3.3 Bushel & Peck Lease of Charles Washington Hall First Floor Discussion Request

The current lease, effective April 24, 2019, expired April 30, 2022. Staff presented the Committee with a draft two-year renewal lease. The Committee agreed that a Mayor's Select Committee be formed, similar to that which was formed to draft the 2019 lease agreement, to negotiate and draft a renewal lease for presentation to and approval by the City Council.

Note: Ms. Petti was present (remotely) and participated in the discussion of this agenda item.

Recommendations to the City Council: None at this time, information only.

4. Information Items

The next Finance Committee meeting is a special meeting scheduled for 28 February 2023 at 12:00PM

5. Tabled Items

There are no information items.

6. Pending Items

There are no pending items.

7. The meeting was adjourned ooa 3:16PM

2023-185: Infrastructure Committee

The Committee will provide a table drop report from the February 9 meeting.

ATTACHMENTS:

- Infrastructure Committee 2-9.pdf

City of Charles Town Infrastructure Committee Report
9 February 2023 6:00PM Meeting at City Hall

I. CALL TO ORDER ooa 6:06pm

II. PERSONS IN ATTENDANCE

Councilmembers Jim Kratovil, Elizabeth Ricketts, Julie Philabaum; Downtown Coordinator Liz Cook; City Manager John Barkley

III. UNFINISHED BUSINESS

2023-177: Smart Growth America Champions Institute Update

Smart Growth America staff will come to Charles Town to offer technical assistance on Councilwoman Rickett's project on the Augustine Avenue Trail. As a reminder this project does not obligate the city to anything.

Recommendation for council: none at this time.

2023-178: Update on Augustine Avenue Trail

The State will be conducting a site visit, specifically to discuss a crosswalk at the new Sheetz location, on February 23rd. As a reminder the city's match obligation for the two grants used to fund this trail is $525,000.

Recommendation for council: none at this time.

2023-179: Liberty Street Stormwater Project

Staff continues to try to work with the county. The city's grant writer is moving forward with the Green Streets, Green Jobs, Green Towns grant application to help fund the engineering designs.

Recommendation for council: none at this time.

IV. NEW BUSINESS

2023-180: Wayfinding Signage

Liz Cook advised the previously designed wayfinding signs are being adjusted and finalized by Kimly Horn to be ready for production.

The Infrastructure Committee will conduct an inventory of downtown signs to find signs that are no longer applicable and should be removed. Staff will research if State approval is needed for sign removal on the State Roads.

Recommendation for council: none at this time.

2023-181: Augustine Avenue Speed Sign Repair

Maintenance staff was able to manually charge the battery for the sign, as there had not been enough sunlight. This may continue to be a problem in future during particularly cloudy time periods, which prevent the battery from being charged by the solar panels on the sign.

Recommendation for council: none at this time.

V. ADJOURNMENT ooa 6:45PM

2023-198: Ordinance Committee

The Committee offers the included report and recommendations.

ATTACHMENTS:

- Ordinance Meeting Minutes 2_3_23.pdf

City of Charles Town Ordinance Committee Report - February 3, 2023

Call to Order
18:00

Participants

Rikki Twyford	*Councilwoman / Committee Chair*	Adam J. Ward	*City Prosecutor*
Kevin Tester	*Councilman*	Todd Wilt	*City Operations Director (Remote)*
Jean Petti	*Councilwoman*	John Barkley	*City Manager*
Julie Philabaum	*Councilwoman*	Chief Chris Kutcher	*Charles Town Police Chief*

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.

- ***Recommendation to City Council:***
  - *Approve the first reading*

Next Ordinance Committee Meeting Date
Thursday, March 16, 2023, at 18:00 at City Hall

Adjournment
19:28

2023-186: Personnel Committee

The Committee offers the include report from the February 13 meeting.

ATTACHMENTS:

- personnel 2023 02 13 .docx

City of Charles Town Personnel Committee Report

13 February 2023 Meeting
Drafted by: Micheal George – Chairman

I. Call to Order ooa 5:10PM

Persons present: Personnel Committee Members Micheal George; Elizabeth Ricketts, Julie Philabaum, and Kevin Tester

II. Unfinished Business_

2022-242: Updates on Personnel

Entered executive session. Once out it was decided that the Committee will have a special meeting on February 27 at 5 pm to complete mid-year review of the city manager which will be presented to him at the next regular Committee meeting.

Recommendations to the City Council: None

2022-243: Review of Personnel Handbook

Not discussed.

Recommendations to the City Council: None

III. New_Business_

IV. The meeting was adjourned ooa 6:05PM

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-233: Charles Town Police Department Monthly Stat Report - January, 2023

ATTACHMENTS:

- Police Statistics.pdf

Charles Town Police Department
Monthly Stat Report

January 2023

911 Hangup	1
Abandoned Vehicle	6
Aggressive Animal	
Alarm	24
ATV Complaint	1
BOLO	5
Breaking and Entering	1
Breaking and Entering Veh	
Building Check	5
Capias Recalled by Court	11
Capias Service	6
Child Abuse/Neglect	
Code Enforcement	
Court/Bailiff Duty	2
Destruction of Property	1
Directed Patrol	202
Disabled Vehicle	6
Disturbance	19
Dog Loose	
Domestic Battery	
Drug Activity	6
DUI	1
EMS Assist	5
Fingerprinting	7
Fire Assist	1
Fireworks Complaint	
Follow Up	22
Found Property	1
Fraud	2
Funeral Escort	
Gunshots Heard	
Harassment	3
Hardcopy Check	1
Illegal Burn	2
Information	
Injured Animal	1
Intoxicated Person	2
Juvenile Complaint	10

Missing Child	
Motorist Assist	2
MVA w/ Entrapment	
MVA Hit and Run	6
MVA No Injury	14
MVA Into Structure	
MVA w/ Injury	5
Open Door	
Out of Car (Investigation/Meeting/Court)	1
Overdose	1
Overdose-Death	
Panhandling	2
Parking Complaint	4
Protection Order Service	
Public Assist (In Person Contact)	17
Public Service (Phone Contact)	72
Reckless Driver	1
Robbery	1
Sexual Assault	
Shoplifting	1
Special Event/Detail	1
Stolen Tag	1
Suspicious Activity	3
Suspicious Mail	
Suspicious Person	4
Suspicious Vehicle	10
Swear to Complaints	
Theft	1
Traffic Hazzard	5
Transport	
Trespassing	3
Unattended Death	4
VIN Verification	2
Walk-In	1
Warrant Service	4
Welfare Check	14
Wires Down	1
Total calls of service	535

Assists/Back-Ups:	Ranson	10	Sheriffs Dept.	16
	Harpers Ferry		State Police	1
	Shepherdstown		Other (not including CTPD)	3
			Total Assists	30

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	10	6	15	1				16
Total Charges	19	10	27	2				29
Citations:								252
- Moving								133
- Nonmoving								105
- Criminal								13
- S Ticket (Parking)								1
Stops	138	77	164	27	18	3	3	215
Warnings:								72
Stops	39	33	53	7	8	1	3	72
Total	187	116	232	35	26	4	6	
Incident Report								55
Parking								
- Citations								105
-Warnings								4

Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

January 2023

	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
PART I OFFENSE							
Burglary							
Grand Larceny							
Malicious Assault							
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny							
Robbery - Attempted							
Robbery - Armed	1		1				
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting							
Shoplifting 2nd Offense							
Shoplifting 3rd Offense							
Strangulation							
TOTAL	1	0	1	0	0	0	0
PART II OFFENSE							
Assault							
Attempted Disarm of Police Officer							
Attempted to Defeat Drug/Alcohol Screening Test							
Battery							
Battery on School Employee							
Breaking and Entering							
Capias Served	4	1	5				
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury							
Computer Fraud							
Conspiracy							
Conspiracy to Distribute MDMA							
Conspiracy to Breaking and Entering							
Conspiracy to Possess w/Intent to Deliver Acid/LSD							
Conspiracy to Commit Petit Larceny							
Criminal Invasion of Privacy							
Cultivation of Marijuana							
Deadly Weapon on School Property							
Delivery of Controlled Substance							
Destruction of Property							
Disorderly Conduct							
Disruption of School							
Distribution of Crack Cocaine							
Disturbing the Peace							
Domestic Assault							
Domestic Battery							
Domestic Battery 2nd Offense							
Domestic Battery 3rd Offense							
Driving Revoked for DUI	3	1	4				
Driving Revoked for DUI 2nd	1			1			
Driving Revoked for DUI 3rd							
Driving Revoked Non DUI Admin							
DUI							
DUI 2nd		1	1				
DUI 3rd							
DUI Aggravated							
DUI Causing Bodily Injury							
DUI - Drugs							

Charles Town Police Department

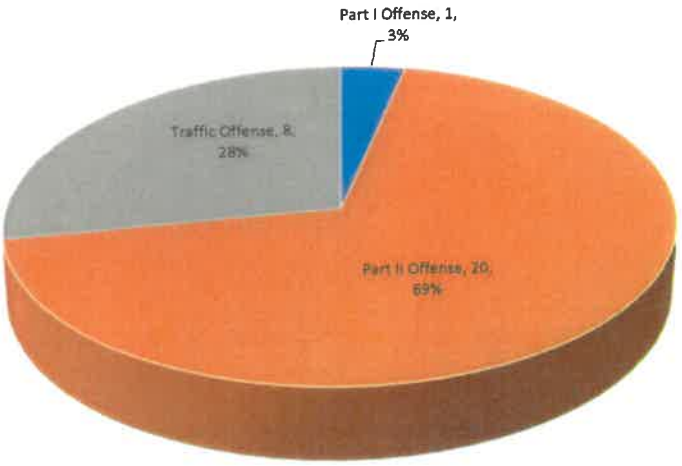
Monthly Stat Report

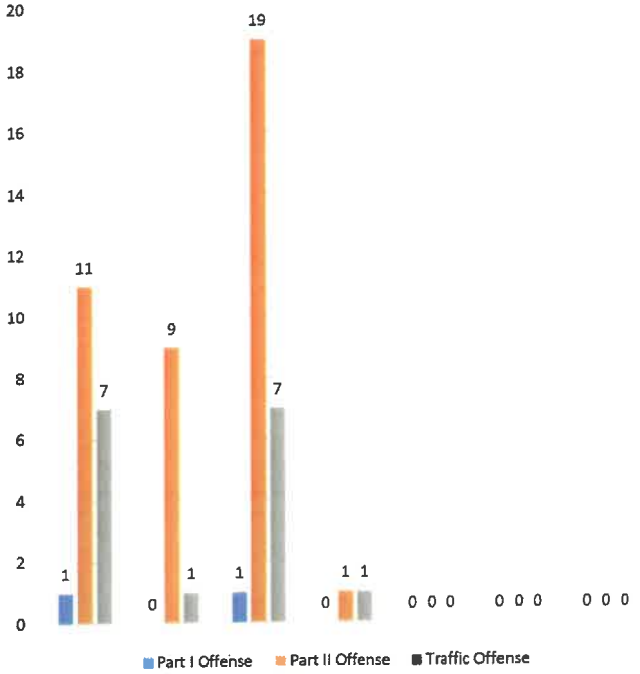
Charges by Offense/Gender/Race

DUI - Drugs 2nd Offense							
DUI w/ Minor							
Embezzlement		1	1				
Failure to Register for Child Abuse Registry							
False Alarm of Fire							
False Reporting of an Emergency							
Felon in Possession of Firearm							
Fingerprint Refusal							
Fleeing on Foot							
Fleeing in Vehicle							
FPO Violation							
Fraudulent Schemes							
Fugitive From Justice	1		1				
Incest							
Interfering with Emergency Communication							
Interlock Violation							
Littering							
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer	1	1	2				
Obtain Money, Property, Services by False Pretense							
Open Container							
Open Container in Vehicle							
Pedistrian in Roadway							
Pimping							
Possession Deadly Weapon by Minor							
Possession of Alcohol Under 21							
Possession of Controlled Substance		2	2				
Possession of Gabapentin							
Possession of Heroin							
Possession of Marijuana	1	2	3				
Possession of Morphine							
Possession of Oxycodone w/out Prescription							
Possession of Stolen Property							
Possession of Vape Product under 18							
Possession w/ Intent to Deliver Cocaine							
Possession w/ Intent to Deliver Fentanyl							
Possession w/ Intent to Deliver Marijuana							
Possession w/ Intent to Deliver MDMA (Molly)							
Probation Violation							
Prohibited Person in Poss of Firearm							
Prostitution							
Prostitution 2nd Offense							
Providing Alcohol to Under 21							
Public Intoxication							
Reckless Driving							
Resisting Arrest							
Sexual Abuse 1st Degree							
Sexual Assault 2nd Degree							
Threats of Terroristic Acts							
Transfer Receive Stolen Property							
Trespassing							
Unlawful Possession/Tranport into WV Fentanyl							
Underage Possession of Firearm (Federal Warrant)							
Uttering							
Violation of Protection Order							
TOTAL	**11**	**9**	**19**	**1**	**0**	**0**	**0**

Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

TRAFFIC OFFENSE							
Cell Phone Violation							
Child Safety Restraint Violation							
Defective Equipment							
Driving Suspended	1		1				
Driving Suspended 2nd Offense							
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI	1		1				
Expired/No Operators							
Expired/No Registration	3		2	1			
Fail to Keep Right							
Fail to Maintain Control							
Fail to Obey Traffic Control Device							
Fail to Obtain WV Operators							
Fail to Report Accident							
Failure to Update Address on License							
Following to Closely							
Improper Backing							
Improper Registration							
Leaving the Scene of Accident Causing Serious Bodily Injury							
Left of Center							
No Insurance/No Proof of Insurance	1		1				
No Motorcycle Endorsement							
No Parking Violation							
No Seatbelt							
No White Bicycle Light							
Passing on Right							
Red Light Violation							
Speeding	1		1				
Stopping on Highway		1	1				
TOTAL	7	1	7	1	0	0	0
TOTAL CHARGES	**19**	**10**	**27**	**2**	**0**	**0**	**0**





Charles Town Police Department

SRO Monthly Report

Washington High School & Charles Town Middle School 2022-2023 /January 2023

INVOLVEMENTS:					
Alcohol Related	0	Fire/Shelter Drills	0	SRO Use of Force	0
Battery on School Employee	0	Found Property	1	Suspensions	22
Citizen Assist	0	Incident Reports	1	Threats	0
Directed Patrols	0	Juvenile Petitions	0	Tobacco Related	10
Disturbance	7	Marijuana Possession	0	Trespassing	0
Evacuations	0	Parental Contacts	6	Vandalism/Theft	0
Extra Curricular Activities	8	Parking Complaints	1	Vehicle Accident	0
Fights	3	Reckless Driver	0	Welfare Check	2
Fire Department Assist	0	Social Media Related	2	*Total Involvements*	*63*

Officer Notes/Misc. Information:

5 CORE Meetings attended from incident involving Girls Basketball Fairmont Trip

YOUTH SERVICES:	
Total Classes Taught:	0
Students in Class:	0
Topics Taught:	N/A
One on One Contacts:	6
Total Students Served:	6

Charles Town Police Department

Total Traffic Citation Report, by Violation

Violation	Description	Total
17A-3-16	Expired Registration	62
17A-3-2	Farm use	1
17A-9-2	No Or Expired Registration	6
17B-2-1	No Operators	3
17B-2-3a	GDL License Violations	1
17B-4-3(a)	Driving Suspended/2nd/3rd	1
17B-4-3(b)	Driving Revoked For DUI/2nd/3rd	5
17B-4-3a	Driving Suspended or Revoked	3
17C-10-6	Hitchhiking Pedestrian In Roadway	1
17C-13-3	Parking Violation	1
17C-14-15	Use Handheld Communication Device	2
17C-16-9	No Or Expired MVI	39
17C-3-4	Fail To Obey Traffic Control Device	16
17C-3-5	Fail To Obey Traffic Light	13
17C-3-5(c)	Right on Red	1
17C-5-2(m)	DUI 3rd Or Subsequent	1
17C-6-1(a)	Too Fast For Conditions	2
17C-6-1(e)	Speeding 2nd Or 3rd Offenses	1
17C-6-1a	Failure To Maintain Control	6
17C-6-1b	Speeding	61
17C-7-4	Passing On Right-Off Road	2
17C-8-8	Improper Stopping/Turning/Signaling	1
17C-9-1	Fail Yield At Intersection	2
17D-2A-3	No Insurance	6
17D-2A-4	No Proof Of Insurance	3
CTPD1103.06	Burning Brush Prohibited	1
CTPD171.07	Failure To Appear For Trial (CAPIAS)	4
CTPD521.06(a)(2)	Open Container In Public	1
CTPD530.02(f)	Solicit Money Or Other	2
CTPD531.03	Possession Of Marijuana <15gms	3
ctpd521.06(a)(6)	Open Container In Public	1
Report Totals		**252**

Report Includes:
All dates of issue between `00:00:00 01/01/23` and `23:59:59 01/31/23`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

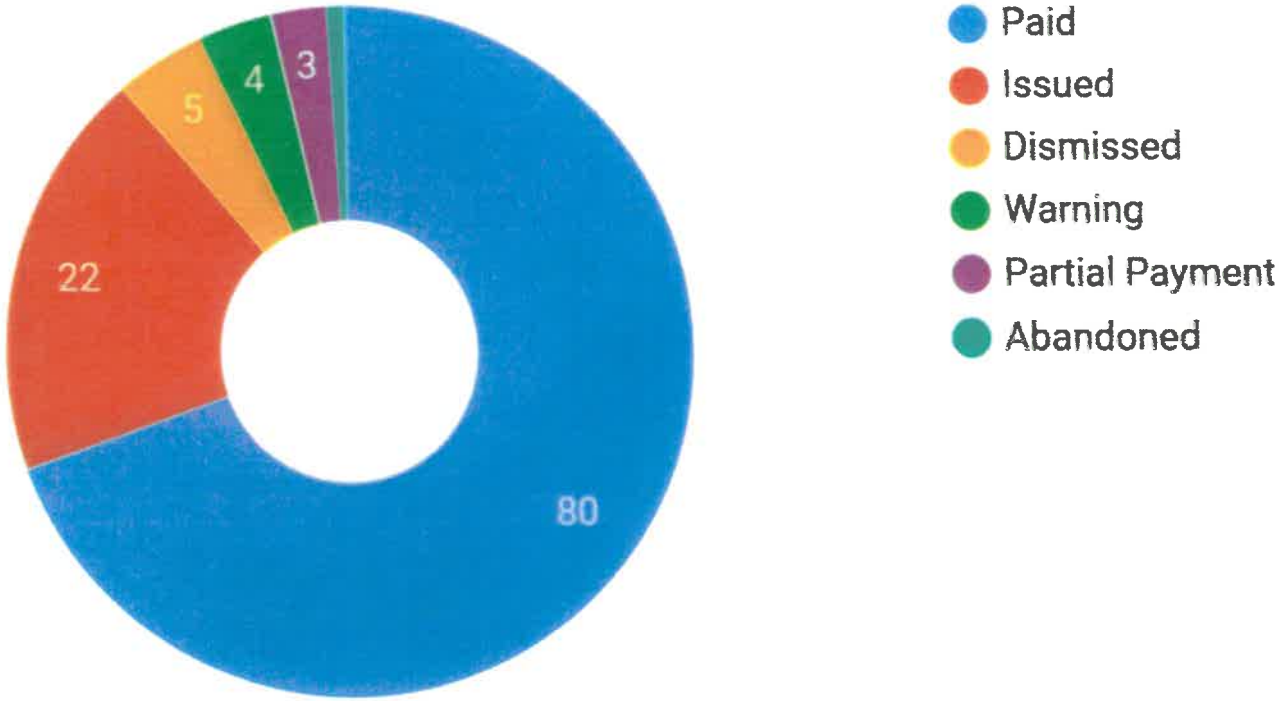
Charles Town Police Department

Total Traffic Warning Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	18
17A-3-16	Expired Registration	21
17A-9-2	No Or Expired Registration	1
17B-2-13	Operators Fail To Change Address	1
17C-14-15	Use Handheld Communication Device	1
17C-15-1	Unsafe-Improperly Equipped Vehicle	2
17C-15-4	Head Lamp Requirements	2
17C-15-5	Tail Lamp Requirements	1
17C-16-9	No Or Expired MVI	3
17C-3-4	Fail To Obey Traffic Control Device	3
17C-3-5	Fail To Obey Traffic Light	3
17C-3-5(c)	Right on Red	1
17C-6-1(a)	Too Fast For Conditions	1
17C-6-1a	Failure To Maintain Control	1
17C-6-1b	Speeding	10
17C-7-1	Fail to Keep Right	1
17C-7-10	Following Too Closely	1
17C-7-4	Passing On Right-Off Road	1
	Report Totals:	**72**

Report Includes:
All dates between `00:00:00 01/01/23` and `23:59:59 01/31/23`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

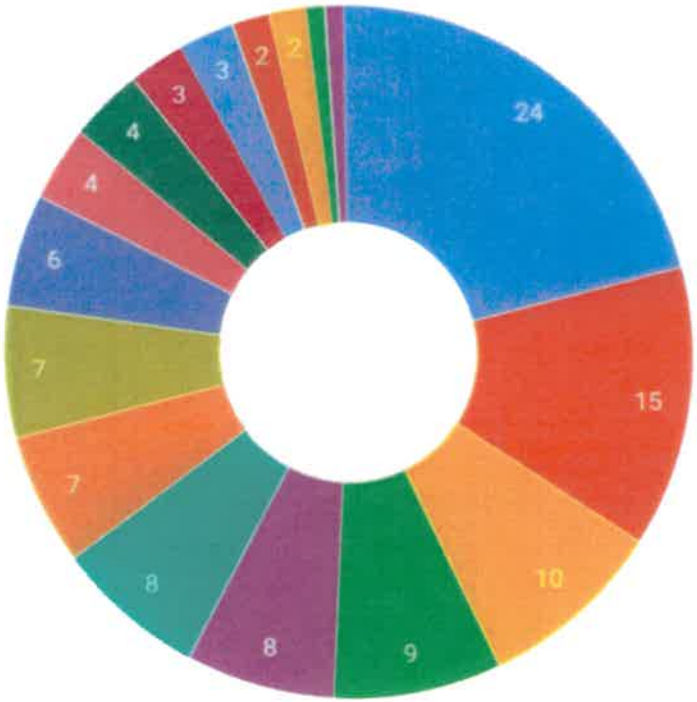
City of Charles Town - Tickets By Status (Jan. 2023)



Data as of 2/21/2023, 12:00:00 AM

UPSAFETY®
a T2SYSTEMS company

City of Charles Town - Tickets By Location (Jan. 2023)

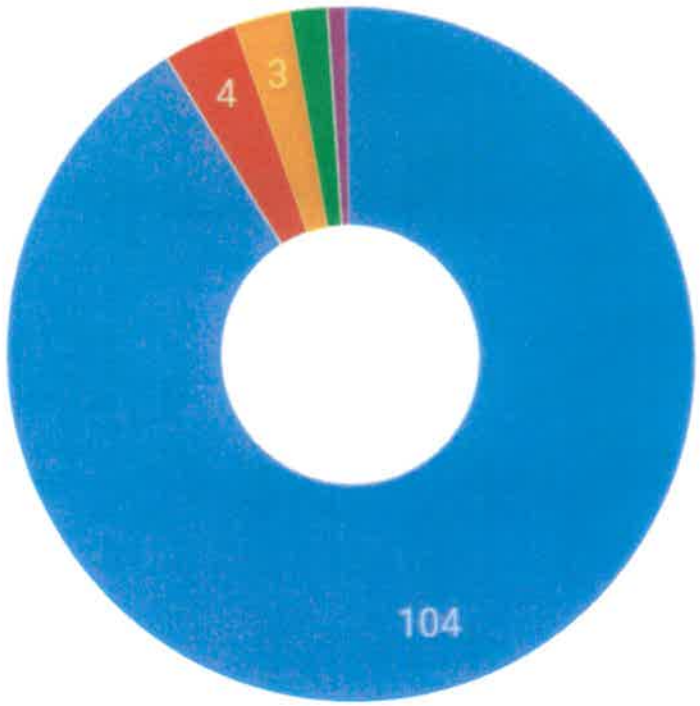


- 100 BLOCK NORTH CHARLES STREET
- 100 BLOCK EAST LIBERTY STREET
- 100 BLOCK SOUTH CHARLES STREET
- 100 BLOCK WEST LIBERTY STREET
- 200 BLOCK WEST LIBERTY STREET
- 100 BLOCK SOUTH LAWRENCE STREET
- 100 BLOCK NORTH LAWRENCE STREET
- 200 BLOCK NORTH GEORGE STREET
- CHARLES STREET PARKING LOT
- LIBERTY STREET PARKING LOT
- 200 BLOCK WEST CONGRESS STREET
- 100 BLOCK NORTH SAMUEL STREET
- 100 BLOCK EAST CONGRESS STREET
- 100 BLOCK SOUTH SAMUEL STREET
- LAWRENCE STREET PARKING LOT
- 200 BLOCK NORTH CHARLES STREET
- 100 BLOCK WEST CONGRESS STREET

UPSAFETY®
a i2SYSTEMS company

Data as of 2/21/2023 12:00:00 AM

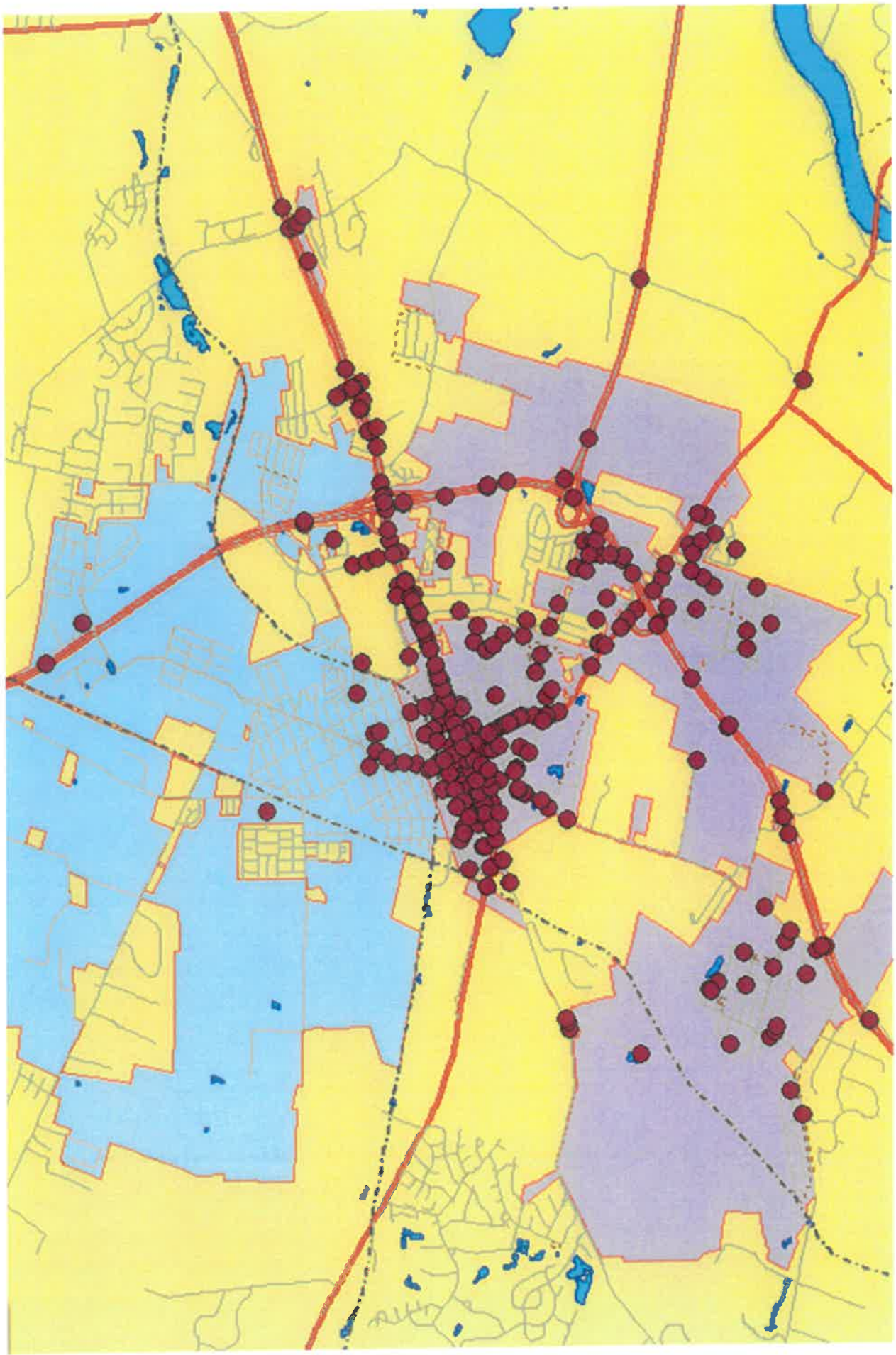
City of Charles Town - Tickets By Violation (Jan. 2023)



- Expired Meter
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Loading/Unloading Zone Violation
- Wrong Direction
- Accessible Parking Violation

UPSAFETY®
a i2SYSTEMS company

Data as of 2/21/2023 12:00:00 AM



January 2023 – All CTPD Calls

January 2023 – All CTPD Traffic Stops



City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

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

As requested by the City Council, both candidates have been invited to the February 21 meeting for interviews pertaining to this position. Of additional interest, staff recently audited the Boards and Commission lists and notes the following vacancies currently exist:

- Charles Town Parks & Recreation Commission – 1 new 6-year term serving 01/01/23 – 12/31/28
- Charles Town Board of Zoning Appeals – 1 new 3-year term serving 01/01/23 – 12/31/2025
- Charles Town Building Commission – 1 new 5-year term serving 01/01/23 – 12/21/27
- Charles Town Tree Board – 1 new 4-year term serving 01/01/23 – 12/31/26
- Historic Landmarks Commission – 1 new 3-year term serving 01/01/23 – 12/31/25
- Charles Town Utility Board – 1 new 4-year term, serving 01/01/23 – 12/31/26 (Jefferson County Commission Appointment)

During the February 6, 2023 meeting there were also some questions pertaining to the qualifications necessary for appointment to the Building Commission. While City Ordinance has no requirements for such and only references state code, state code provides the following requirements:

From West Virginia State Code 8-33-3: ....*No more than two thirds of the total number of members of the board of each commission shall be from the same political party and no member of any such board shall hold any office (other than the office of notary public) or employment under the United States of America, the State of West Virginia, any county or political subdivision thereof, or any political party. All members of any board shall be residents of the municipality or county for which appointed.....*

From February 6, 2023 Meeting:
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: 02/21/23
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, Staff Update

Staff and Legal Counsel provide the included updated documents regarding the questions posed by the City Council at its last meeting as well as a draft schedule to consider. Legal also provides a separate privileged memo on the issue. Staff together with Legal Counsel will be present at the meeting to discuss this topic further.

From February 6, 2023 Meeting:
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:
- Schedule for Charter Revision as a Whole(16018372.1 SJDOCS).docx
- Summary for Charter Revision as a Whole(12645638.4 SJDOCS).docx
- Partial Minutes from 2022-10-03 City Council.pdf
- 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

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 - Ordinance for submission to voters (shall the charter be revised as a whole by representatives of the people?) - 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) - 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) - Governing body fills any vacancies in nominations - Affirmative vote of 2/3rds the governing body required to set a special election		Jun 19, 2023
Second Reading of Ordinance		July 17, 2023
Publish first notice of election - Notice consists of the Ordinance and brief prefatory statement setting forth (i) date and hours of election, the governing body's nominated candidates, and 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 - Each voter has seven votes and may cumulate all those for one candidate or allocated among multiple candidates - Other requirements related to voting are contained in the 5th paragraph of WV Code Section 8-4-2		September 14, 2023
Charter Board Organizational Meeting - Convenes 5 – 10 days after canvass of votes for Board membership		September 21, 2023 (estimated)

Drafting of Charter Completed - Draft completed within 90 days of first meeting - Specific tasks for Charter Board are set forth in WV Code Section 8-3-2, including setting election on approval of Charter, specifying the manner for nominating and electing (at the same election at which the Charter is voted upon) the candidates for the first elective offices under the new Charter, and specifying form of city government (i.e., Mayor-Council Plan, Strong-Mayor Plan, Comm'n Gov't, Manager Plan, or Manager-Mayor Plan)		Deadline: December 20, 2023 (estimated based on date of first meeting of Charter Board – the draft charter is to be completed within 90 days of that first meeting)
Certify draft Charter and submit to Attorney General for review - 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 makes changes to draft charter it considers necessary - Once finalized, Board files one copy with the County Clerk and two copies with the City Clerk/Recorder		TBD (within 30 days of later of (i) conclusion of public hearing, or (ii) receipt of Attorney General's certificate)
Council determines regular or special election - Affirmative vote of 2/3rds of governing body for special election - Regular election at next regular municipal election. - Special election at next regularly scheduled primary or general election (if more than 90 days prior)		TBD
If special election, notice published - Class II notice (once a week for two consecutive weeks) - Notice shall state that voter may obtain copy of Charter from whom and where		TBD (first publication at least 30 days prior to election)
Special election date - Election on both approval of Charter and election of elected officers under Charter		Date of next regularly scheduled primary or general election if there are more than 90 days preceding such election
New Charter takes effect - 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 - After Charter is approved at election, certified copy of declaration of the election results is filed with the County Clerk.		July 1, 2024

The first paragraph of WV Code Section 8-4-7 addresses revisions of charters as a whole. It provides that a charter "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?'".

Accordingly, you must look to the provisions regarding framing and adopting a charter contained in Part I of Article 4 (Sections 8-4-1 through 8-4-6):

- Section 8-4-1 (as modified by 8-4-7 in the case of revision as a whole):
    - City Council may provide by ordinance for submission to the qualified voters of the city the question of "Shall the charter be revised as a whole by representatives of the people?" [8-4-1(a)]
    - Default is vote at earlier of next general election or next regular municipal election after ordinance adopted [8-4-1(a) & 8-4-1(d)(1)]
    - Special municipal election may be utilized if Council, by affirmative vote of 2/3 of Council, determines and specifies that SME is necessary [8-4-1(a)]
        - Special election shall be held 30-60 days after ordinance adopted [8-4-1(e)]

- Section 8-4-2:
    - The ordinance providing for the election shall provide for voting for a charter board at the same election [8-4-2, ¶ 1]
        - Charter Board of a Class III city consists of 7 members. [8-4-2, ¶ 1]
        - Governing body may nominate 3 candidates in initiatory ordinance [8-4-2, ¶ 2]
            - Other nominations made by petition to Council bearing the signatures (in own handwriting) of at least 200 qualified voters; petitions are filed after adoption of initiatory ordinance and not less than 20 days prior to election [8-4-2, ¶ 2]
            - 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 [8-4-2, ¶ 2]
    - Notice of election
        - Notice consists of initiatory ordinance and brief prefatory statement setting out date and hours of election, naming candidates nominated by Council, and stating process and timeframe for nomination by petition [8-4-2, ¶ 3]
        - Notice published in City as Class II-0 legal advertisement (once/week for 2 successive weeks); first publication not less than 30 days prior to election [8-4-2, ¶ 3]
    - Each voter may cast 7 votes; may cumulate votes or distribute them among several candidates as sees fit [8-4-2, ¶ 4]
    - Section specifies provisions for voting process, ballots, instructions to voters, etc.; [8-4-2, ¶ 5]
    - If majority of votes are for framing a charter, the 7 candidates with the most votes are elected to the Charter Board [8-4-2, ¶ 6]
    - Charter Board members

- Eligibility: must have been a resident and qualified voter of the city for 2 years prior to election [8-4-2, ¶ 1]
- Elected at large (i.e., not by precinct, ward, etc.) [8-4-2, ¶ 1]
- No compensation for services, but actual expenses reimbursed [8-4-2, ¶ 1]

- Section 8-4-3 provides that the pertinent provisions of Article 3 pertaining to the charter drafting and adoption process apply to proceedings under Article 4 (except: (i) publication area is City & (ii) duties upon county commission instead upon Council), and that the Charter Board is governed by the provisions of Article 3 and shall carry out its duties in accordance with those provisions (except: (i) board files 1 signed copy of proposed charter w/ county clerk & 2 signed copies w/ city recorder, & (ii) duties of board end if proposed charter rejected at election) [8-4-3]

  Hence, you now look to the provisions of Article 3 pertaining to the charter drafting and adoption process:
  - Section 8-3-2:
    - Candidate receiving most votes convenes Charter Board 5–10 days after canvass by written notice; Charter Board holds first meeting, elects a chair and secretary (who keeps a journal), and determines rules for its proceedings.
    - Any vacancy on the Charter Board is filled by appointment by majority action of the other members.
    - Journal to be kept by Secretary with votes on questions recorded if demanded by any member
    - Majority of members constitutes a quorum
    - Board specifies the manner for nomination and election of the first officers to be elected under the proposed charter at the election on approval of the charter
      - Fixes date of election
    - Charter Board considers submissions from the public.
    - Committees may carry out drafting process in advisory capacity
    - Charter Board drafts a proposed charter within 90 days of its first meeting, which proposed charter shall provide for a form of city government IAW one of specified plans (e.g., "Mayor-Council Plan," "Manager-Mayor Plan," etc.); BUT, purpose of section is to establish basic requirements of alternative plans, & the structure and organization of the city government may be specified by the charter in respects other than those enumerated and in elaboration of basic requirements, to extent charter requirements do not conflict with purpose & provisions of the alternative plans

  - Section 8-3-3:
    - Upon completion of the draft charter, it is certified by the secretary to the Attorney General for examination and advice on whether it is consistent with the Constitution and general law
    - Within 30 days of receipt of the draft, the Attorney General either certifies his satisfaction that the draft is consistent with such law or certifies in what respects the draft does not conform

- Section 8-3-4 (as modified by 8-4-3 in the case of charters under Article 4):
  - After completing the draft, Charter Board conducts a public hearing on the draft charter
  - Council publishes, as Class I legal advertisement (published one time) within the City, notice of the hearing at least ten days prior to the hearing; notice shall state where copies of the draft charter may be obtained.
  - NOTE: Nothing specifies the public hearing is held after the AG's certification, so the steps can be conducted concurrently

- Section 8-3-5 (as modified by 8-4-3 in the case of charters under Article 4):
  - Charter Board has 30 days after the later of conclusion of the public hearing or receipt of the Attorney General's certificate to make changes to the draft charter [8-3-5, ¶ 1]
  - At least three copies of the completed draft charter are signed by at least a majority of the Charter Board, with one copy filed with the County Clerk and two copies with the City Recorder [8-3-5, ¶ 2]

- Section 8-4-4 provides for submission of the proposed charter to the qualified voters of the city <u>in like fashion and with like notice as provided for a proposed charter of a newly incorporated city as set forth in Article 3</u> (except: by general election unless SME specified by Council) [8-4-4]

  Hence, you now look to the provisions of Article 3 pertaining to submission of a charter to the voters:

  - Section 8-3-6 (as modified by 8-4-4 in the case of charters under Article 4):
    - Proposed charter shall be submitted to the qualified voters of the city at the next regular municipal election unless the governing body determines by a 2/3 majority vote that a special election is necessary [8-3-6, ¶ 1 & 8-4-4]
      - If special election determined necessary, more cautious approach is to consider special election to be held concurrently with the next regularly scheduled primary or general election (if more than 90 days before such election) [8-3-6, ¶ 1 & 8-4-4]
    - The officers provided for by the proposed charter shall be voted upon at the election, in the manner provided in the proposed charter [8-3-6, ¶ 1]
    - Council shall cause notice of the election to be given by Class II-0 publication (once/week for 2 successive weeks) within the City; first publication not less than thirty days prior to the date of the election; notice shall state that qualified voters and freeholders may obtain a copy of the proposed charter [8-3-6, ¶ 1]

- Section 8-4-5:
  - If the charter is approved at the election, it takes effect on the next July 1 following the election [8-4-5, ¶ 1]

    - The section contains requirements for a signed copy of the charter and certified copy of the election results to be certified to the clerk of the House of Delegates [8-4-5, ¶ 1]
    - The section contains requirements for certified copy of the election results to be forwarded to the County Clerk for filing [8-4-5, ¶ 2]

- Section 8-4-6 specifies that the new charter entirely supersedes the prior charter [8-4-6]
    - Ordinances, rules, etc. in conflict with or inconsistent with new charter continue in effect for 60 days (unless sooner modified/repealed) after charter becomes effective, after which they are of no force or effect [8-4-6]

- Section 8-4-9 specifies revision as a whole may be proposed with alternative provisions for submission to voters; voted on separately to question of whether revision as a whole should be adopted [8-4-9]

- Section 8-4-10:
    - Provides for Council canvassing returns and declaring results of election
    - Canvass & declaration of results entered in Council's minutes on date made
    - Unless otherwise provided by charter, election held under supervision at each precinct of 3 commissioners & 2 clerks appointed by Council
    - Council provides election supplies and polling places
    - Recount available

- Section 8-4-11 provides, in the case of special elections, for representation of proponents and opponents among appointed election officials

- Section 8-4-12 provides that Council shall provide for expenses of elections and other expenses of complying with article (including expenses of charter board)

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.

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.

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.

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.

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

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: 02/21/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

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

The City Council continues to consider the applications and applicant presentations, and during this meeting is asked to determine next steps and/or and possible funding awards.

From the February 6, 2023 Meeting:
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: 02/21/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-187: Charles Town Tree Board - 2023-2024 Master Plan

Members of the Charles Town Tree Board will offer a presentation regarding their work on a Master Tree Plan for 2023-2024 and ask the City Council to consider adoption of the plan.

Proposed Motion:
Motion to adopt the 2023-2024 Charles Town Master Tree Plan as presented.

ATTACHMENTS:
- 2023-2024 Tree Board Master Plan.pdf

Charles Town Tree Master Plan

Priority administrative tasks & projects for 2023

January 5th, 2023
Mayor and City Council,

We would like to start with thanking you for the opportunity to serve on the City of Charles Town Tree Board. It is our honor to assist our community with the critical tasks of planting, protecting, and maintaining our City's trees.

Our 2022 Master Plan was overwhelmingly successful. Here are just a few of our successes from this year:

- Maintained our Tree City USA status for the 10th year and received national recognition.
- Hosted a community Arbor Day event at Willingham Knolls park and planted 17 trees.
- Collaborated with Shepherd University to plant trees with a grant totaling $4,900 from WV Division of Forestry and planted 30 trees throughout the City in April of 2022. These trees were planted as part of a research study that Dr. Campany of Shepherd University conducted regarding tree growth in urban areas.
- Developed a Landmark Trees Program to recognize trees of significance in our community.

We seek to build on these successes in 2023 and continue addressing our community's tree-related concerns and interests; create a healthier, more vibrant community through community forestry; provide educational and volunteer opportunities for our citizens; and increase tree canopy throughout our City.

As per our City's Ordinance Article 1104 Trees, one of our duties as a board is *"to prepare and update, annually, a written City-wide "Tree Master Plan" that guides the care, preservation, pruning, planting, replanting, removal, or disposition of trees on public lands; such plan shall consider existing and future utility locations and environmental factors in relation to existing and future tree species on public or private lands, as provided in this article or other ordinances; such plan shall also provide a status report of "Landmark Trees" within the City; such plan shall be recommended to the Mayor and Council and, upon their acceptance and approval, shall be implemented as the "Tree Master Plan."*

The recommended priority actions on the following pages reflect the conversations we've had as a board, as well as conversations that our community has had with us as friends and neighbors. However, at this moment, they are only that – recommendations.

We have grouped our recommended priority actions into two categories – "Administrative", which will need to be addressed within the Board itself or at the staff or Council level, and "Projects", which are implementable projects throughout our community. Each has a priority ranking; estimated timeframe for completion; a generalized, estimated cost; and a Tree Board member lead.

This list conveys our values and what we want to achieve moving forward, but they can only be achieved with your input, acceptance, and ultimate approval.

We respectfully submit the following Charles Town Tree Master Plan and sincerely look forward to working with you on implementing these recommended priority actions.

Charles Town Tree Board,
Aaron Amore, Chair
Katie Coon
Jane King
Betsy Wells
Elizabeth Ricketts

Administrative

Maintain Tree City USA Status

There are 4 Standards that must be met prior to re-applying for Tree City USA designation:

1. **City must have a Tree Board or a Forestry Department**
2. **City must have a tree care ordinance**
3. **City must have a community forestry program with a budget of at least $2 per capita**
4. **City must have an annual Arbor Day observance and proclamation**

In 2022, The City of Charles Town attained Tree City USA for the 10th time in the City's history. We received national recognition for reaching this milestone. The Tree Board will work with staff and City Council and WV Division of Forestry on reapplying to maintain this status with the Arbor Day Foundation. Visit the Arbor Day Foundation website for more details.

- **Priority: High**
- **Estimated Time Frame: January 2023**
- **Estimated Cost: No costs beyond the $2/capita that is already budgeted for contracted tree costs**
- **Tree Board Lead: Katie**

Tree Canopy Survey

Seek and obtain funding for a Tree Canopy Survey within the 2023 calendar year. Several companies offer such surveys through an Urban Tree Canopy assessment. The purpose of such of survey would assist in the following areas:

- **assessing defensible space around buildings to reduce wildfire risk**
- **mapping risks to utility infrastructure like powerlines**
- **modeling of tree services like air and water pollution mitigation**
- **measuring carbon storage and sequestration**
- **wildfire modeling**
- **assessing tree risks to residential properties**
- **creating and analyzing forest inventory**
- **measuring agroforestry resources in rural landscapes**

Benefits come in many forms, such as energy conservation and the improved physical and psychological health of the people within these urban environments. The CTTB is in the process of obtaining estimates for a Tree Canopy Survey, utilizing its non-for-profit status and will seek outside funding, including but not limited to grants, awards and fundraisers. CTTB reserves the right to request matching or additional funds from the City Council if necessary.

- **Priority: High**
- **Estimated Time Frame: by end of 2023**
- **Estimated Cost: Unknown**
- **Tree Board Lead: Aaron Amore**

Finalize Landmark Trees Program

We have researched and drawn upon the expertise of the many Landmark Tree programs across the country and tailored it to our community. We have created an online form and a printable brochure for citizens to apply.

Our plan for the landmark trees program is to distribute this brochure (link) on the city's website and social media. We will use this form (link) to collect applications for it. We have a goal of recognizing at least 10 trees in 2023 that people nominate for this.

- **Priority: Medium**

- **Estimated Time Frame: January 2023**
- **Estimated Cost: None**
- **Tree Board Lead: Katie**

Create list of trees for Charles Town

City staff has expressed interest in receiving support from the Tree Board in creating a list of trees for planting in Charles Town. This will aid staff in providing guidance on landscaping plans during development projects, with the added benefit of being a useful resource for the Tree Board in our projects and an educational resource for the community as a whole.

Generally speaking, considerations of what makes trees appropriate for planting, beyond being non-invasive, include the presence of above ground power lines or below ground utilities; the size of the planting area; the shape of the tree crown; growth habitat; diseases; and others.

The Tree Board will assist City Staff with this task, with a valuable first step being to collect similar resources that are already available for our region. At a minimum, we can review, and if necessary, refine the City's existing list of "Prohibited Species" found in the City's "Subdivision and Land Development Ordinance".

- **Priority: Medium**
- **Estimated Time Frame: Fall 2023**
- **Estimated Cost: None**
- **Tree Board Lead: Betsy**

Projects

Tree Inventory/Mapping

There are three main types of inventories: sample, partial, and complete.

1. **A sample inventory is conducted on a random sample of street segments, blocks, road miles, or area to provide an estimate for the urban forest. Typically, the sample is 3-10%. The sample can also be stratified.**
2. **A partial inventory is conducted on a specific non-random area. It may be a geographic area, such as a downtown. It may be a phased inventory where different areas are collected at different times, with the goal of each phase eventually comprising a complete inventory. A survey collects a few attributes over a large area, even the entire municipality. Surveys are often conducted by vehicle.**
3. **A complete inventory includes all street trees, sometimes all park trees and trees on municipal properties, and often includes available planting locations and stumps.**

CTTB seeks to create a complete tree inventory to the greatest extent possible. An example of such a tree inventory is seen in the following link which shows a complete tree inventory for the WVU Campus in Charleston, WV. https://pg-cloud.com/WVSU/https://pg-cloud.com/WVSU/ Such an inventory would require the services of one or more companies in combination with several tools by which data is retrieved. Applications designed to be used with smartphones can be used by multiple persons to obtain and gather real time information about trees in our community. CTTB sees this as an opportunity for direct outreach to its citizens and to incorporate this as an educational component for our school aged residents. City employees can also participate as they access all areas of the City, many on a routine basis. A cell phone application can gather an image of the tree, determine its genus and species and accurately locate the tree using the phone's GPS coordinates. Appropriate waivers/consents would need to be required for those under 18 years to participate.
Purpose: Identification of the City's tree inventory will not only identify the type of trees in the community but will assess the overall health of the trees. This will enable City maintenance to be aware of diseased or dying trees that might create a hazardous condition or situation. It can also

identify invasive species which can be removed to prevent further spread of such trees to the detriment of native trees.

- Priority: High
- Estimated Time Frame: by end of 2023
- Estimated Cost: Unknown
- Tree Board Lead: Aaron C. Amore

Arbor Day Celebration

CTTB seeks to promote its Arbor Day Celebration through the following means:

1. Planting of a Tree
2. Session/class with an Arborist on planting, care and pruning trees growing in their yards for Charles Town Citizens. This workshop may be facilitated by certified ISA Arborists with WV Division of Forestry.
3. Educational program for young persons, including a nature walk, artistic activities and possibly a sponsored event by a local business or businesses.

In order to maintain our Tree City USA status we also need a Mayoral proclamation.

- Priority: High
- Estimated Time Frame: April 2023
- Estimated Cost: None
- Tree Board Lead: TBD

Poster Contest

We would like to hold an art poster contest for school aged children in Charles Town with the theme of "Charles Town is Wonder-FALL". Art will be displayed downtown in windows and a winner will be chosen.

- Priority: Medium
- Estimated Time Frame: Sept/Oct 2023
- Estimated Cost: None
- Tree Board Lead: Jane

Cost-share Tree Planting Program for Private Residents

The Charles Town Tree Board plans to apply for Cacapon Institute's "Your Community BMP" program in fall 2023. Through this program, up to 18 residents can sign-up to purchase up to two trees each at the discounted rate of $25/tree. The trees will be in 5-7 gallon containers and approximately 6-8' tall. Each tree comes with two wooden stakes, a plastic bark protector, and a section of arbor tie.

City staff assistance will be needed to collect the payments and subsequently send those funds to Cacapon Institute. The City will incur no costs for participating in this program. The Tree Board has approximately $800 in the City's budget from conducting this project in fall 2021 that may be used to support a similar initiative in 2023.

Trees will be picked up by City maintenance personnel from the WV Division of Forestry office in Inwood and delivered to residents houses at a date TBD in October-November.

- Priority: High
- Estimated Time Frame: October-November 2023
- Estimated Cost: None
- Tree Board Lead: TBD

Tree Maintenance and Removal

The Tree Board will assist City staff and Council with making recommendations on cost-sharing on said requests. Funding for these maintenance & removal tasks will be paid for through the City's budget for contracted tree services, which is currently funded at $12,000.

- **Priority: High**
- **Estimated Time Frame: On-going**
- **Estimated Cost: TBD, but out of $12,000 budget for contracted tree removal**
- **Tree Board Lead: City Staff**

Tree Dedication Program

CTTB would like to work on creating a program, possibly in partnership with local mortuaries, for community members to be able to purchase a tree and have it planted in memory of a loved one.

- **Priority: Medium**
- **Estimated Time Frame:**
- **Estimated Cost: None**
- **Tree Board Lead: TBD**

Appendix 1 – Table of Priority Administrative Tasks (grey) & Projects (green)

Task	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Maintain Tree City	Katie											
Tree Maintenance Program	TBD											
Arbor Day Celebration	TBD											
Poster Contest						Jane						
Tree List						Betsy						
Landmark Trees Program						Katie						
Cost-Share Tree Planting						TBD						
Tree Dedication Program			Aaron									
Tree Pruning Workshop			Aaron									
Tree Survey/Inventory				Aaron								
Tree Maintenance requests			City Staff with Tree Board support									

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-192: FY23 Community Donations - But For Organizations

Referral from 2/14/2023 Finance Committee Meeting:

The attached documents were received from "But For" organizations that received funding from the city last fiscal year and are requesting assistance in FY23.

FY2022 Payouts:
Citizens Fire Co - $10,000
EPTA - $4,000
Independent Fire Co - $10,000
Charles Town Library - $15,000
JCCM - $20,000
Jefferson County Museum - $1,000

This discussion is to determine funding amounts for the organizations listed above.

Proposed Motion:
Motion to approve ***Mover to Identify*** as a "but for" organization and fund in the amount of ***$_____*** for FY23 and direct staff to process accordingly.

ATTACHMENTS:
- 2022 contribution received letter-Jefferson County Comunity Ministries.pdf
- CHARLES TOWN LIBRARY Donation Use Letter 2022 .pdf
- CHARLES TOWN MUSEUM Donation Use Letter 2022 .pdf
- Citizens Fire Charles Town City 2022 Funds.pdf
- EPTA Budget_Request_Cover_Letter_FY24.pdf
- Independent Fire Co. Donation Use Letter 2022 .pdf

Jefferson County Community Ministries

RECEIVED
JUN 08 2022
BY:

June 10, 2022

Breanna Andrews
Accounting Manager
City of Charles Town
PO Box 14
Charles Town, WV 25414

Dear Ms. Andrews

At the request of Mayor Trainor and the City of Charles Town, I am providing a written report outlining what JCCM was able to accomplish with the City's grant of $20,000 on March 2, 2022.

With the City's contribution, we were able to add a full time Licensed Social Worker to our case management staff. JCCM matched the funds to hire the individual, which in turn expanded our case management capability to more than 400 individuals and families annually. This is a significant increase from the 25 under case management in early 2021.

JCCM currently serves over 1,500 individuals and about 500 families within Jefferson County. Our focus is on giving clients the ability to be self-sufficient. To accomplish this, we coordinate with over 50 different agencies to focus on the needs of the individual. On average each month we find permanent housing for three clients. Additionally, we also place approximately four clients each month in better paying jobs. Lastly, we have increased our day programs, giving clients the ability to serve the community, learn social and life skills, and attend literacy classes. The day programs provide our clients things to accomplish rather than roaming the streets. Your funds contributed to all these efforts.

On behalf of all our clients, I thank you Mayor, the members of the City Council, and your staff members for making all this possible. Your generous donations create opportunities that otherwise would be unavailable. If you have any questions, or require any further information, please let me know.

Regards,

Keith A. Lowry
Executive Director, JCCM

Cc:, Mayor Trainor, Charles Town WV.

THE
Charles Town LIBRARY
A Fine-Free Library

30 September 2022

Ms. Breanna Andrews, Accounting Manager
City of Charles Town
101 East Washington St.
Charles Town, WV 25414

Dear Ms. Barr:

The Charles Town Library greatly appreciates the support we receive from the City of Charles Town to provide library and information services to the city. 2022 has remained colored by the pandemic; we are still not fully open as we continue to practice social distancing in our relatively small space. However, we hope to return seating to a pre-pandemic level before the year is out.

Last year, we introduced digital services to the library through the Beanstack app which allows children and their parents to register for the summer reading program and other reading programs/challenges throughout the year. With our digital materials through hoopla, we are providing a significant number of audiobooks to our readers, far more than pre-pandemic when we only had CD books. Patrons can also check out ebooks, movies, tv shows, and comics through the hoopla service. With these digital services, our patrons can access them from anywhere. One patron, who has a robust travel schedule has mentioned how important these digital services have become as she travels the world. It is pretty neat that we have a user in France, for example, who can access our services.

The City's contribution to the library has allowed us enough financial cushion to feel comfortable in taking the financial risks that an underfunded library normally cannot responsibly take. Hoopla costs, as they have become more popular this year, have soared to almost $15,000 for the year. The city contributed approximately 5% of the cost of running the library, including personnel, materials, and basic operations.

More than 7,000 residents with Charles Town addresses hold a Charles Town Library card. The library remains free to all. Without fines, there are no impediments to using the library and this is especially good for those with limited resources.

As a community library we are pleased to provide these benefits to the citizens of Charles Town and look forward to serving our community with your continued support.

Yours sincerely,

Marcella Genz, MLIS, PhD
Director

c: Robert Trainer, Mayor
John Barkley, City Manager

JEFFERSON COUNTY MUSEUM

200 East Washington Street, Charles Town, WV 25414 · 304-725-8628 · jeffcomuseumwv.org

RECEIVED
SEP 21 2022
BY:

September 17, 2022

Breanna Andrews, Accounting Manager
City of Charles Town
P.O. Box 14
Charles Town, WV 25414

Dear Ms. Andrews:

On behalf of the Jefferson County Museum, I am submitting a report on the museum's use of a $1000 grant from the city, received in March 2022. As always, we are grateful for the city's support of the museum's mission to acquire, preserve, and exhibit items reflecting the rich history of this county. We realize that city funds are limited and therefore take very seriously our commitment to use the grant wisely to benefit the residents of Charles Town.

So far this year, not counting staff time, the museum has spent $3,049 on the preservation and conservation of museum artifacts and archives and $1117 on outreach (exhibits/education/ publicity). The City of Charles Town grant paid $200 for preservation and conservation expenses and $800 for outreach efforts. The museum paid the remaining from its budget. The museum budget is derived from admission fees, donations from individual supporters, and the Old Charles Town Library (OCTL) endowment. (The Jefferson County Museum and Charles Town Library are sister organizations under OCTL.)

Despite the continuing dampening effect of the global pandemic we turned to other avenues, supported by the city grant, to reach out to Charles Town residents and others. We continued to provide online access to our collection of more than 2,500 artifacts; 30,000 photos and negatives; 2000 books, pamphlets, and other published materials; and thousands of documents. We created a new online exhibit, "Jefferson County Businesses," that can be viewed on our website along with several other exhibits.

Already, many Charles Town residents have benefited from the city's support for the museum by visiting the museum and consuming educational content through our virtual exhibits and online collection. Because we do not collect data on where in-person or online visitors live, we cannot provide information on how many of those visitors were from the city. However, from talking with visitors we know that city residents are well represented.

Measurable preservation, conservation, and outreach outcomes from combined city grant and museum budget (not counting staff time) are as follows:

-Created a new online exhibit ("Jefferson County Businesses"
-Protected valuable photographs by purchasing archival-quality enclosures
-Maintained hosting of online collection database (https://jeffcomuseumwv.pastperfectonline.com/)

inally, I wish to reiterate our appreciation for the city's support of the museum's important mission and its role in the intellectual and cultural life of Charles Town.

Sincerely,

Jane F. Rissler

Jane Rissler
Director

Citizens Fire Company, Inc.
P.O. Box 927
Charles Town, W. Va. 25414
Phone: 304-725-2814
Fax: 304-725-4029
Strictly Volunteer - - - Organized July 15, 1884

To: City of Charles Town, Finance Committee

From: Ronald Fletcher, President

Ref: City of Charles Town Donation

Date: January 16, 2023

To Whom It May Concern,

Citizens Fire Company received the generous donation of $10,000 dollars from the City of Charles Town in 2022. With those funds, Citizens Fire Company was able to make some major repairs to our station. We had the following work done to the apparatus bay area.

1. Replace door springs/motors – We were able to replace and buy spring systems for our bay door systems. This system is crucial to allowing the engine bay doors to operate properly. We also replaced the motors on door units that were approximately 20 years old. The maintenance and alignment for all the doors were completed and made safe.

I hope this letter is sufficient enough to explain what those funds were spent on, once received. If any further reasoning or paperwork is needed, please let me know and I will gladly provide that for you. Citizens Fire Company appreciates the City's continued support.

Respectfully Yours,

Ronald L. Fletcher,
President

Eastern Panhandle Transit Authority

January 5, 2023

City of Charles Town
101 E. Washington Street
Charles Town, WV 25414
Attn: Mayor Bob Trainor

Re: FY 24 Funding Request

Dear Charles Town City Council,

Thank you for your continued support of EPTA and our mission. EPTA's mission involves, in part, operation of Routes 16 and 20 in Jefferson County Monday thru Friday 5:00 am to 8:40 pm and MARC commuter services from Brunswick MD. EPTA receives federal funds in support of those operations as well as capital improvements, but these funds cannot be accessed without matching funds, notably funds from local governments and municipalities. Charles Town has historically provided such matching funds. All local funding will be first employed as matching funds to access those federal funds and then, in company with the federal funding, applied to the route operations that provide services to the elderly, the disabled, our veterans, and all other riders as they travel for work, shopping, and/or enjoying our local attractions. In this manner, EPTA is an important part of the fabric of our communities; contributing to the economic growth and enhancing the quality of life for residents of Jefferson County. Charles Town support of $4,000 last fiscal year provided EPTA with local match funds for our new non-emergency medical transportation vehicles that serve area residents with vital transportation life sustaining treatments such as dialysis and cancer or general medical visits. EPTA purchase 2 replacement mini Vans with a total cost of $102,224 (5310 Grant Funding $81,779, local match funds $20,445).

EPTA is requesting $50,000 annual support for funding in FY 24. Recognizing that this is an increase over past requests, we offer this rationale. FY 23 federal funding allocated to EPTA which was the largest amount to date. EPTA was unable to access all these funds due to insufficient local matching funds. EPTA will be unable to access the total of the federal funds allocated without increases in local contributions. EPTA is making similar requests to all Jefferson and Berkeley County governments and municipalities for FY 24.

EPTA significant accomplishments for FY 23

1. EPTA Transit Center Project reached 60 % for design and engineering
2. Completed GTFS (General Transit Feed Specifications) data for Google maps
3. EPTA wayfinding signage permits from WV DOH obtained
4. Public Transit Agency Safety Plan Update for FY23
5. Purchase and delivery of two new transit buses
6. Updated scheduling technology for medical transportation optimizing passenger trips (this software has allowed EPTA to move away from paper and pen and use digital tablets for signatures and trip information

7. Updated technology for pre/post trip inspection to track and reduce preventative maintenance and routine maintenance costs
8. Real time notification of bus location for passengers Passio GO (link on eptawv.com website)

What major activities are planned by EPTA for FY 24

1. EPTA Transit Center Project: Construction Ground Breaking (5339 Grant Funding)
2. Silver Line expansion and procurement of commuter buses (Pickup location with parking at the Potomac Market Place, Ranson)
3. Bus shelters
4. Purchase and installation of bus stop signage to enhance community transit wayfinding –finalizing and waiting on DOH approval of location and GTFS data.

I appreciate the consideration of our funding request. Please let me know if you have any questions and I look forward to presenting an update for EPTA to the city council. We appreciate Ms. Ricketts attending our meetings via Zoom.

Respectfully,



Elaine Bartoldson, CCTM
Executive Director
Cc:
Budget File
Nicolas Diehl - EPTA BOD President

Independent Fire Co. No. 1, Inc.
Mailing:
P.O. Box 925
Charles Town, WV 25414

Phone: 304-725-2514

Organized 1884
Location:
200 W. 2nd Ave.
Ranson, WV 25438

Fax: 304-728-6006

March 10, 2022

Breanna Andrews
Accounting Manager
City of Charles Town
PO Box 14
Charles Town, WV 25414

This is to reply to the request from Mayor Robert Trainer, related to accounting for the donation from the City of Charles Town in 2022.

The Charles Town donation for calendar year 2022 will be applied to our capital expenditures program. We will be ordering new hydraulic rescue tools for our Heavy Duty Rescue. This new will enable us to provide better stabilization at vehicle accidents and structural type collapse.

Any further consideration in distributing your annual contributions would be appreciated.

Regards,

Edwin D Smith
President

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-193: FY24 Community Donations - But For Organizations, FY24 Application Process

Referral from 2/14/2023 Finance Committee Meeting:

Finance Committee members are seeking to engage the City Council in a discussion regarding the process of identifying But-For Organizations in Charles Town. This discussion will also include potential for a change in process to implement public advertisements of the But-For funding cycles in July of each year. The goal is for more organizations to have an opportunity to submit funding requests outside of the six organizations that have historically received consideration.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-199: Eastern Panhandle Transit Authority (EPTA)/ Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Letter of Support Request

Representatives with the Eastern Panhandle Transit Authority will present to request the City Councils consideration for providing a letter in support of the agency's application for U.S. Department of Transportation RAISE grant funding for the proposed Eastern Panhandle Rural Multimodal Transit Center project.

Proposed Motion:
Motion to authorize the Mayor on behalf of the City Council to provide a letter of support as requested.

ATTACHMENTS:
- EPTA_LetterofSupport_Template.docx
- EPTA_Multimodal _Transit_Center_60%_Design.pdf

[YOUR ORGANIZATION'S LETTERHEAD]

February [x], 2023

The Honorable Pete Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Re: [ORGANIZATION NAME] Supports DOT RAISE Grant Funding for Eastern Panhandle Rural Multimodal Transit Center Project

Dear Secretary Buttigieg:

I write on behalf of [ORGANIZATION NAME] to convey our strong support for the West Virginia Department of Transportation Division of Highways (WVDOH) application for U.S. Department of Transportation RAISE grant funding for the Eastern Panhandle Rural Multimodal Transit Center project in downtown Martinsburg, which will be owned and operated by the Eastern Panhandle Transit Authority (EPTA). This project will improve access to safe and reliable transit service, provide sustainable transportation choices, and improve the quality of life and economy within our community. I encourage you to give the highest consideration to this RAISE grant request.

Our organization supports EPTA's mission of providing safe and reliable transit service, and believe that this project to locate the transit center in the heart of downtown will be the capstone of many years of planning and effort within the community. [PLEASE ADD 1-2 SENTENCES ABOUT YOUR ORGANIZATION, ITS MISSION, AND WHAT IT DOES, OTHER RELEVANT TIES TO THE EPTA TRANSIT CENTER PROJECT]. We believe strongly in the transit center project, because [GIVE A SENTENCE OR TWO ON WHY YOU SUPPORT THE PROJECT].

Thank you for your consideration of this important infrastructure project in Martinsburg, West Virginia.

Sincerely,

[NAME]
[TITLE]
[ORGANIZATION]

Eastern Panhandle Transit Authority

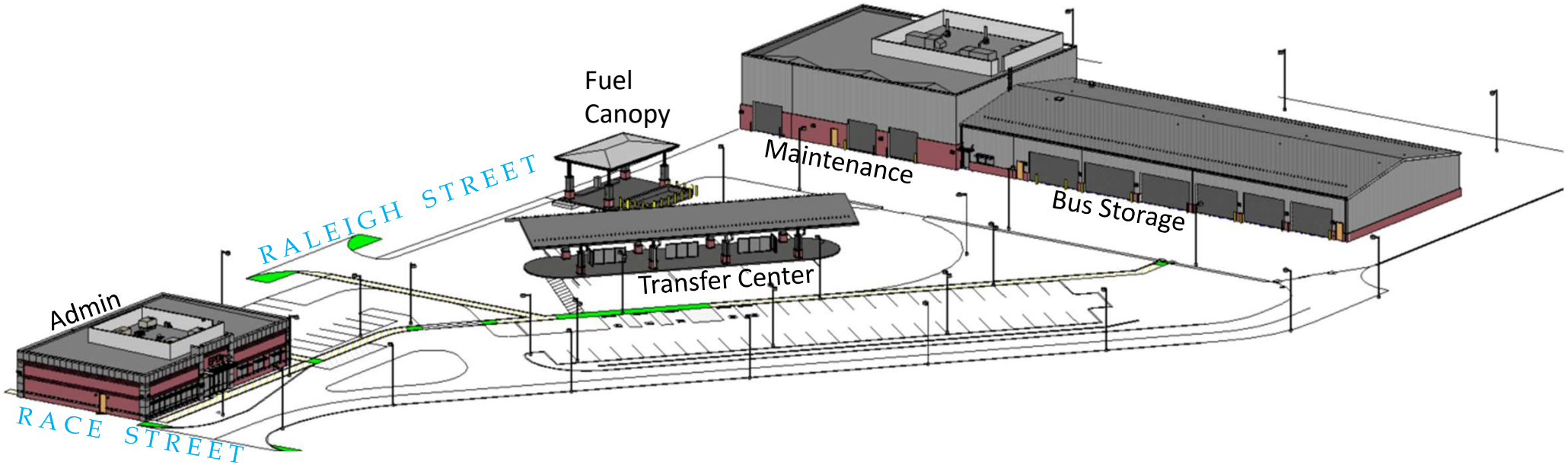
EPTA Multimodal Transit Center Project

(EPTA Transit Facility)

60% Design Submission Review Meeting
January 23, 2023
04:00 PM
Eastern Panhandle Transit Authority
446 Novak Drive, Martinsburg, WV 25405

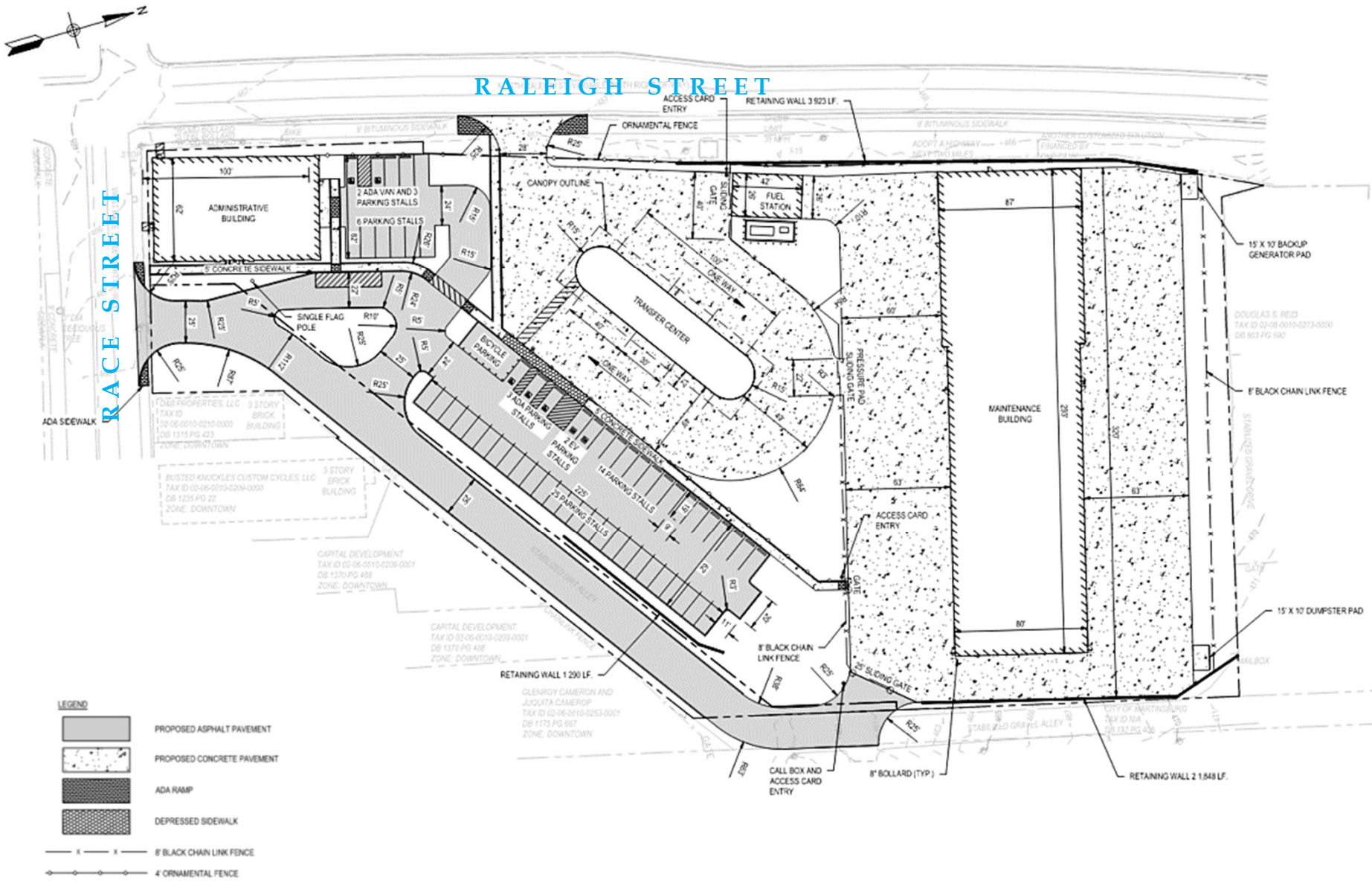
Michael Baker INTERNATIONAL | *We Make a Difference*

Overall Site Layout



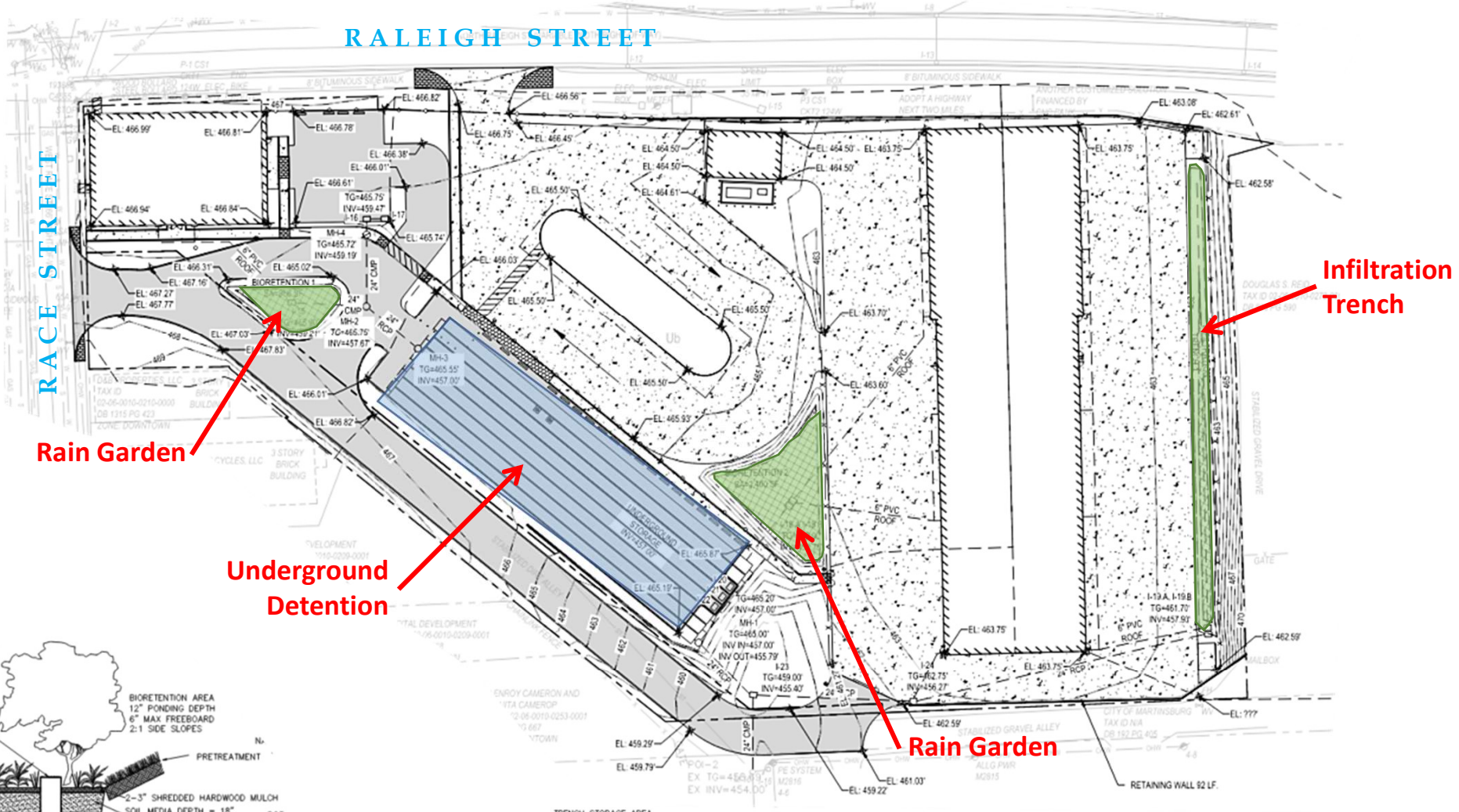
Site Improvements Plan

Michael Baker INTERNATIONAL

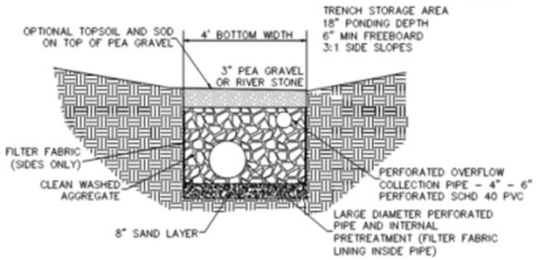


Site Grading and SWM Plan

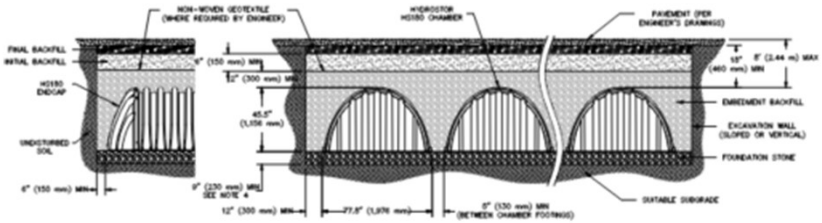
Michael Baker INTERNATIONAL



Rain Garden



Infiltration Trench



Underground Detention

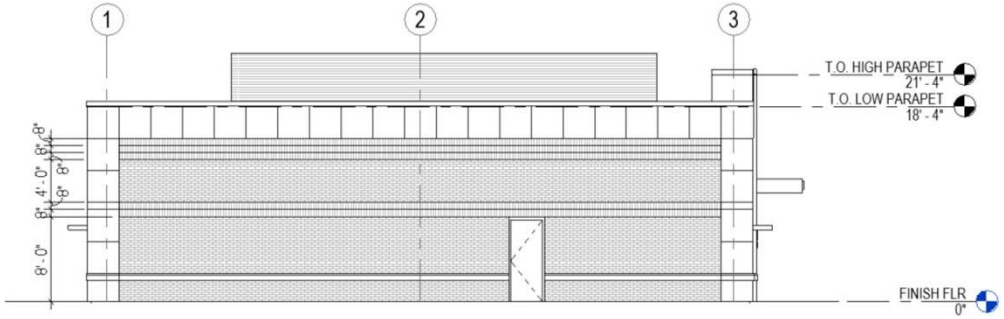
Administration Building Plan



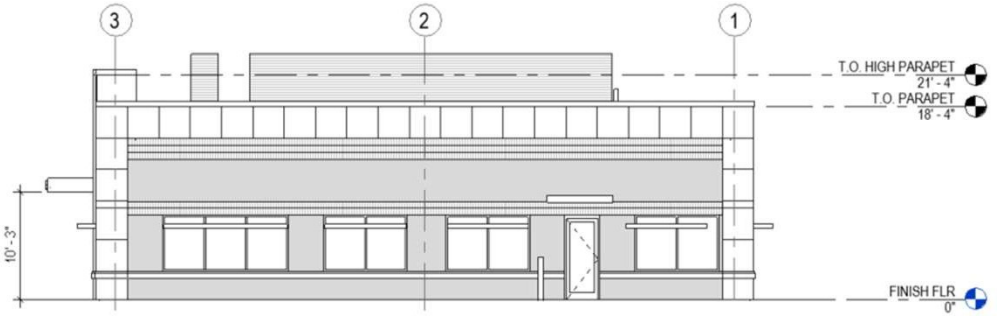
Administration Building Elevations



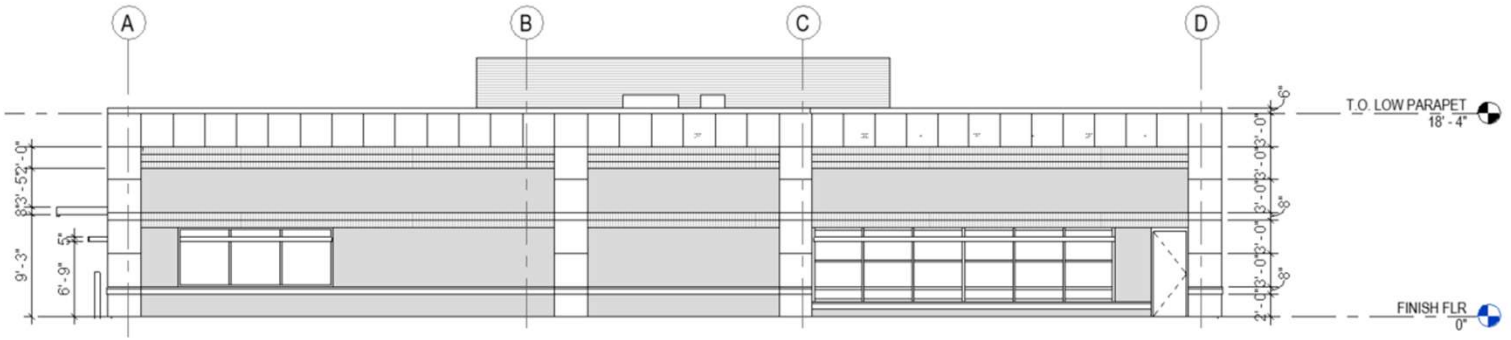
EAST ELEVATION (KISS-AND-RIDE)



SOUTH ELEVATION (RACE STREET)



NORTH ELEVATION (EMPLOYEE ENTRANCE)



WEST ELEVATION (RALEIGH STREET)

Administration Building Perspective



Maintenance/Storage Building

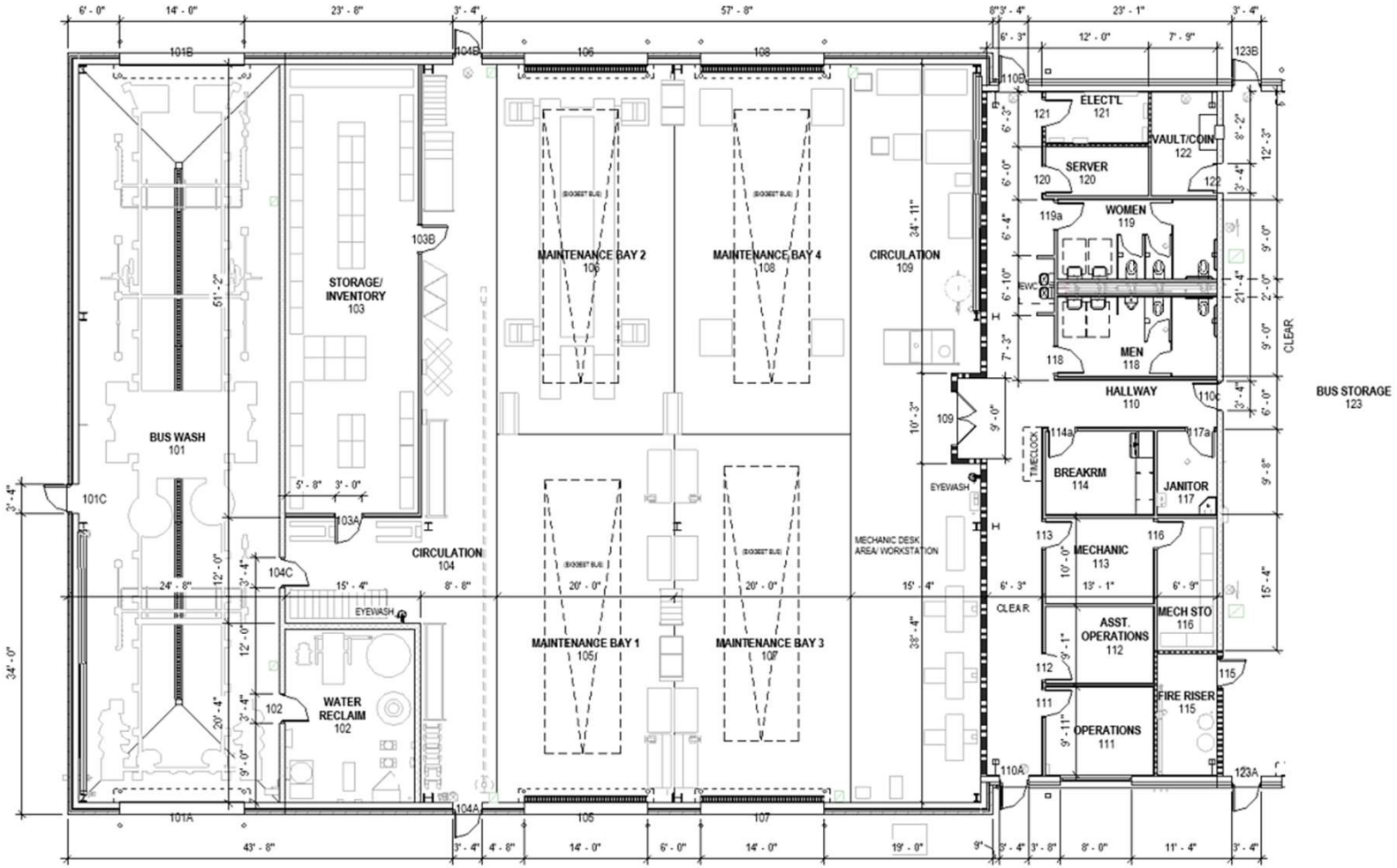


Department Legend

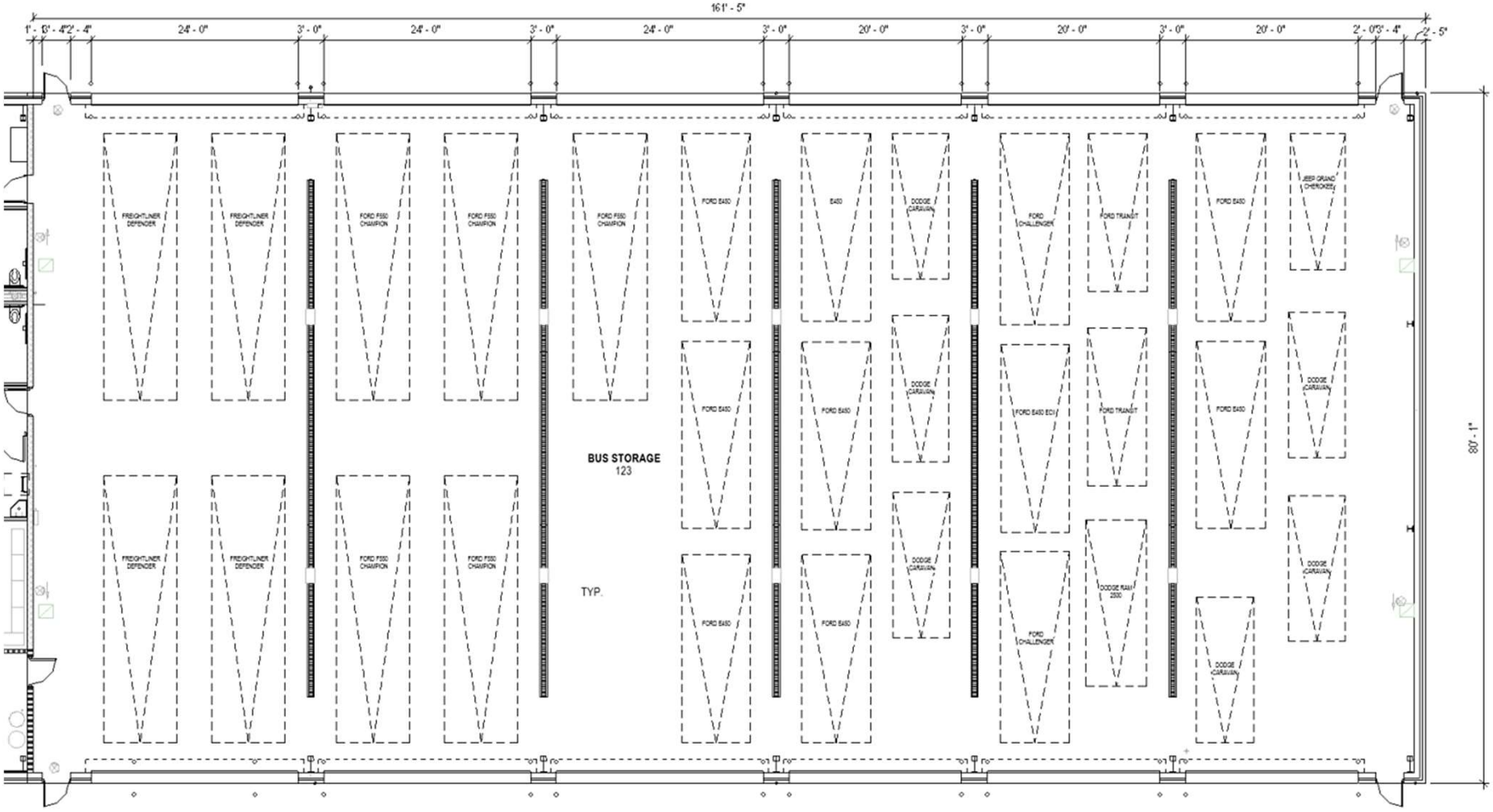
- CIRCULATION
- COMMON
- OFFICE
- SERVICE
- STORAGE
- UTILITY



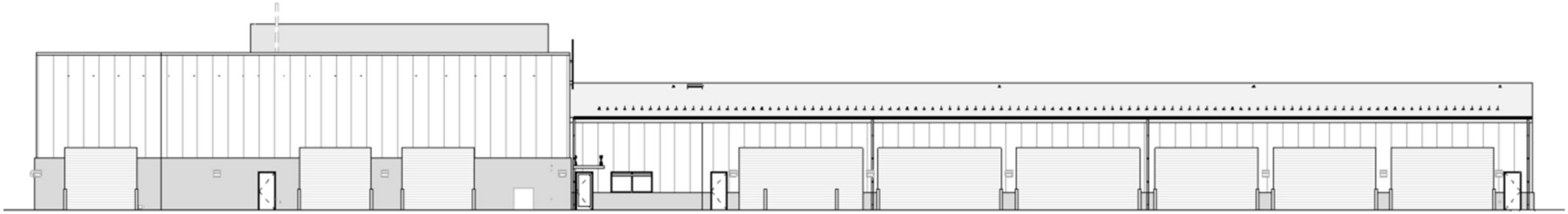
Part Plan A – Maintenance Building



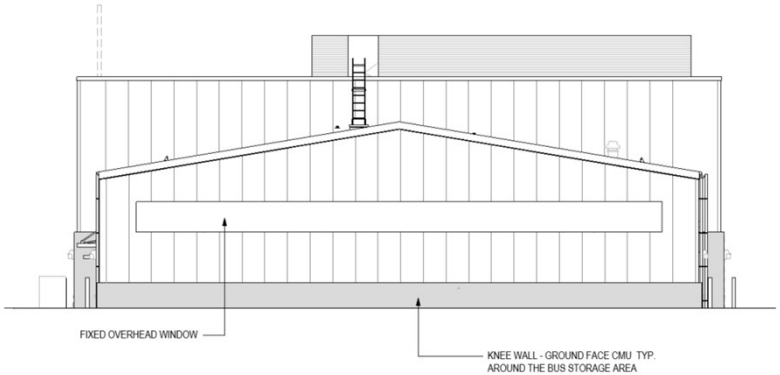
Part Plan B – Bus Storage



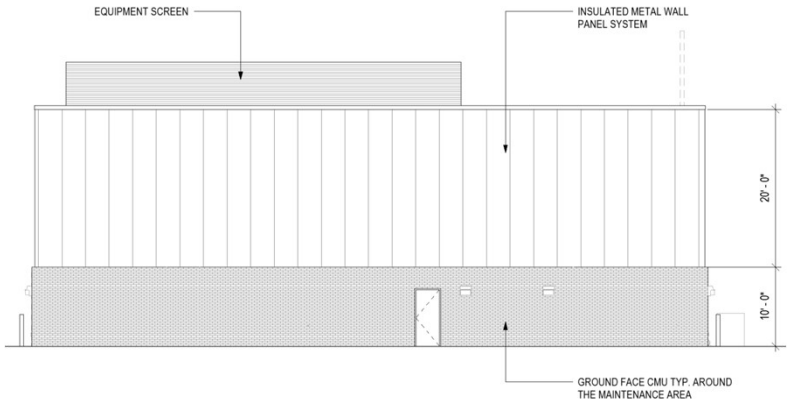
Maintenance/Storage Building Elevations



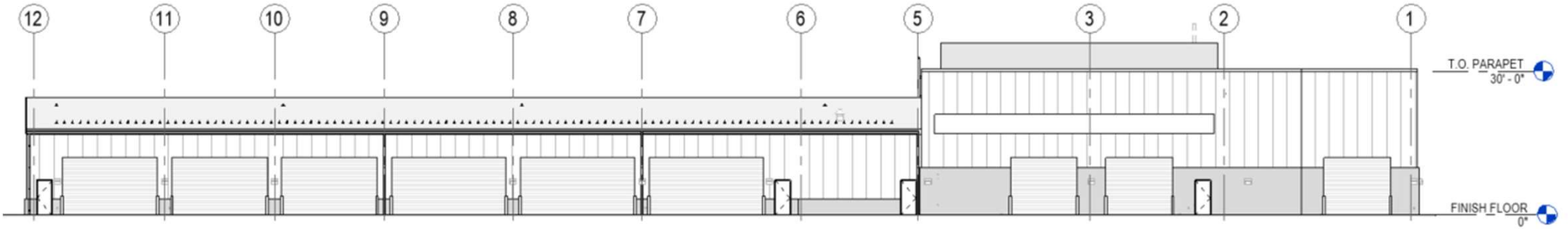
SOUTH ELEVATION (FRONT)



EAST ELEVATION



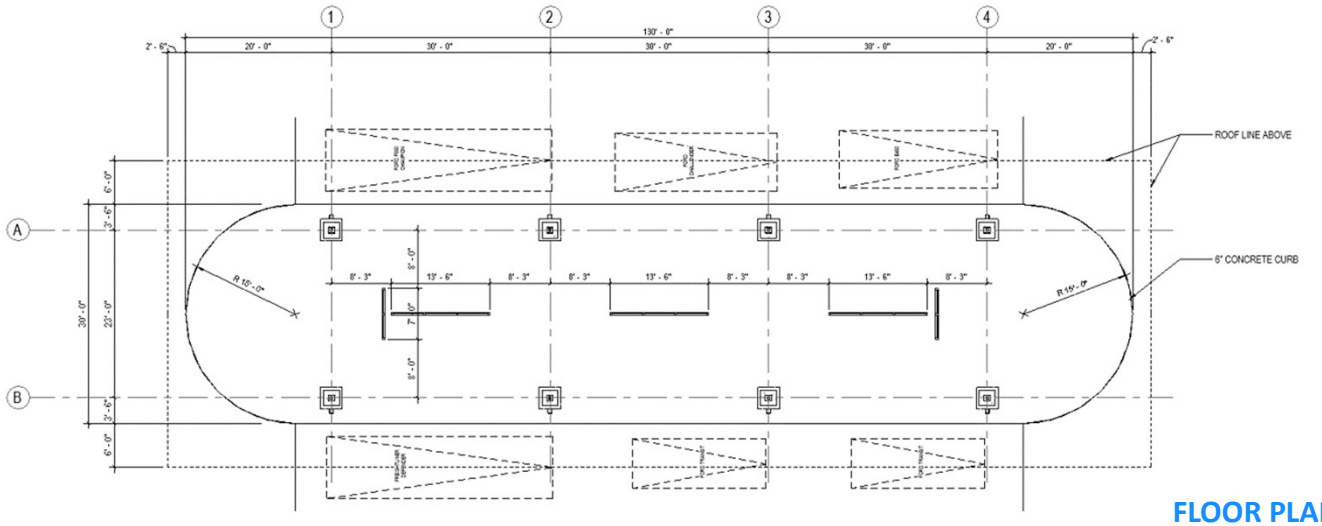
WEST ELEVATION



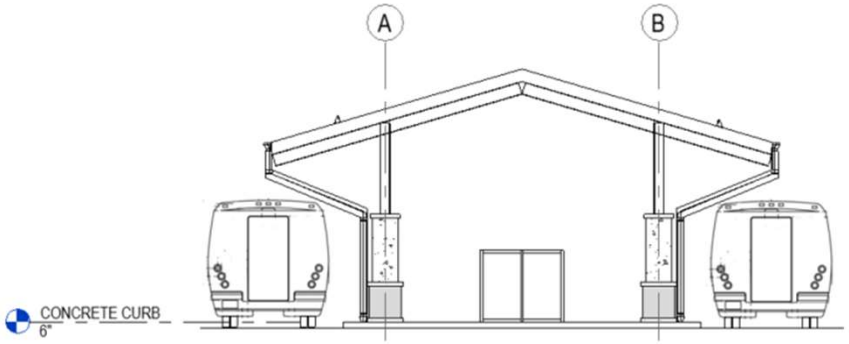
NORTH ELEVATION (REAR)

Transfer Center

Michael Baker INTERNATIONAL

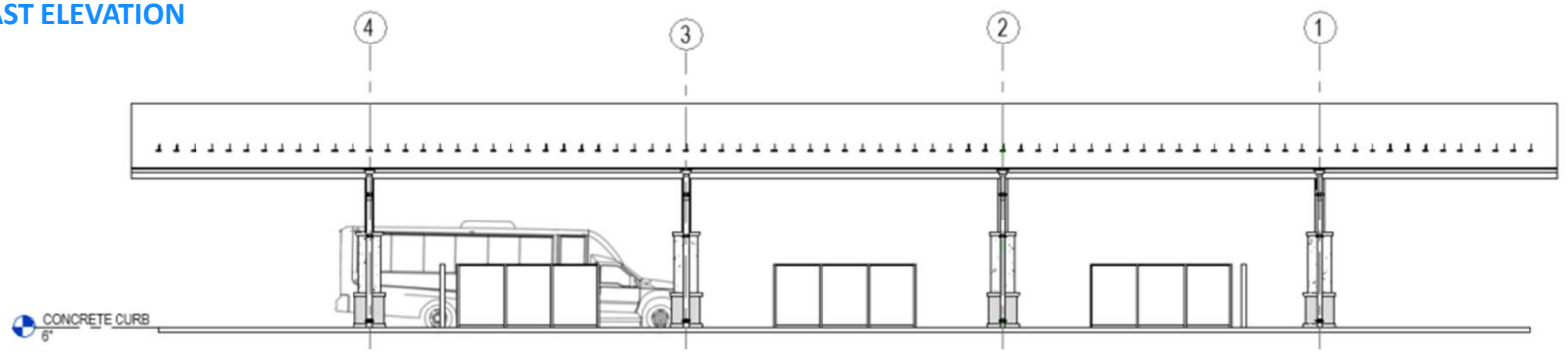


FLOOR PLAN



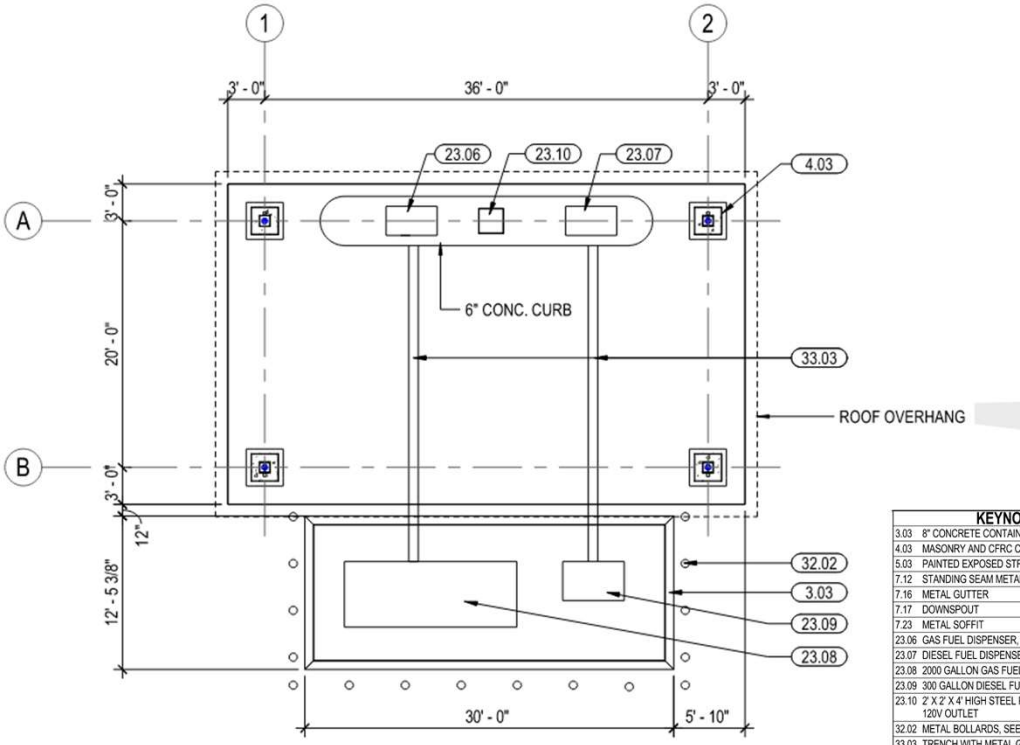
WEST/EAST ELEVATION





NORTH/SOUTH ELEVATION

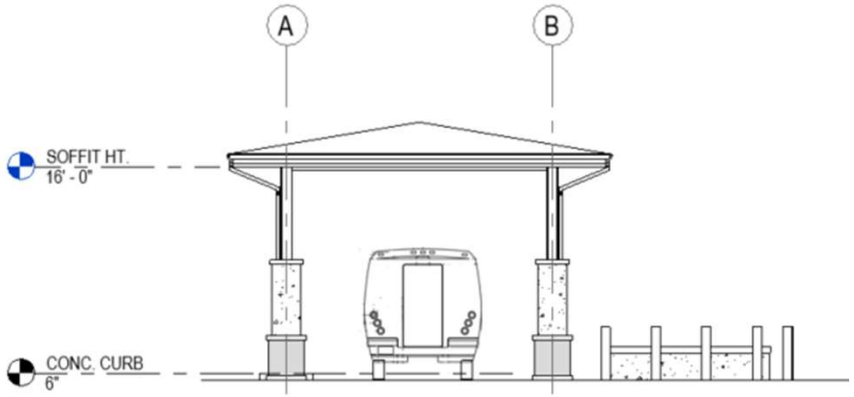
Fuel Station



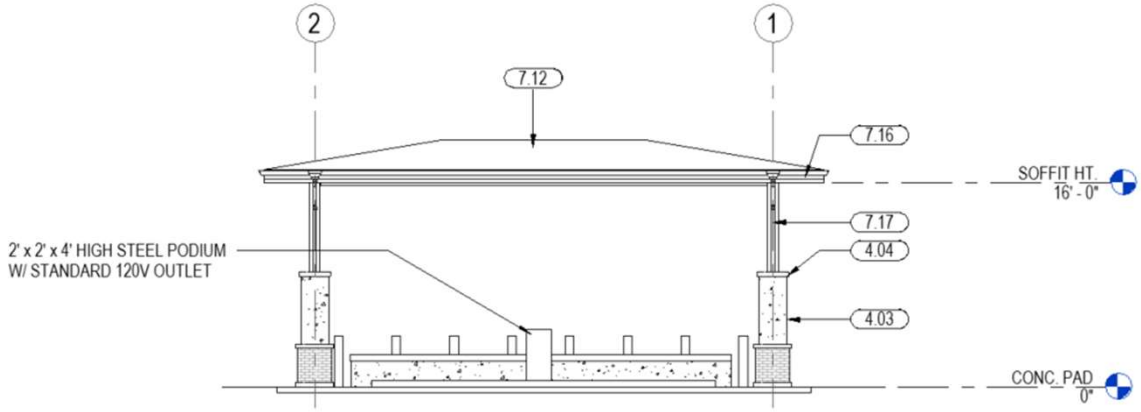
KEYNOTES	
3.03	8" CONCRETE CONTAINMENT WALL
4.03	MASONRY AND CFRC COLUMN ENCLOSURE
5.03	PAINTED EXPOSED STRUCTURE
7.12	STANDING SEAM METAL ROOF SYSTEM
7.16	METAL GUTTER
7.17	DOWNSPOUT
7.23	METAL SOFFIT
23.06	GAS FUEL DISPENSER, BY OTHERS
23.07	DIESEL FUEL DISPENSER, BY OTHERS
23.08	2000 GALLON GAS FUEL TANK, BY OTHERS
23.09	300 GALLON DIESEL FUEL TANK, BY OTHERS
23.10	2' X 2' X 4' HIGH STEEL PODIUM W/ STANDARD 120V OUTLET
32.02	METAL BOLLARDS, SEE C-SERIES FOR DETAILS
33.03	TRENCH WITH METAL GRATING FOR FUEL PIPING

FLOOR PLAN





SOUTH ELEVATION (NORTH-SIM. OPP.)



EAST ELEVATION (WEST-SIM.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-194: 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 531 - Simple Possession of Marijuana

The Ordinance Committee provides the included recommended changes to City Codified Ordinance Article 531 - Simple Possession of Marijuana. The City Council is asked to consider the recommended changes on first reading and establish the date of March 21, 2023, for a public hearing and final consideration or the amended ordinance.

Proposed Motion:

Motion to adopt on First Reading, Amendments to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 5 General Offenses Code, Article 531 - Simple Possession of Marijuana and establish the date of March 21, 2023, for a public hearing and final consideration or the amended ordinance.

ATTACHMENTS:

- Article 531 Redline.docx
- Article 531 Clean.docx

ARTICLE 531
Possession of Marijuana

531.01 Definition of marijuana

531.02 Unlawful activity

531.03 Severability

531.99 Penalty

CROSS REFERENCES

West Virginia Code Section 60A-1-101

Parallel provisions - W.Va. Code Section 60A-4-401(c)

531.01 DEFINITION OF MARIJUANA

“Marijuana” means all parts of plant “Cannabis sativa L.,” whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

531.02 UNLAWFUL ACTIVITY

It shall be unlawful for any person to knowingly or intentionally possess, within the City of Charles Town, marijuana, unless the marijuana was obtained legally under the West Virginia Medical Cannabis Act.

531.03 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this article if for any reason is held invalid or unconstitutional by any Court of competent jurisdiction, then and in said event such portion shall be deemed a separate, distinct and independent provision and such holding such not affect the validity of the remaining portions thereof. 531.99 PENALTY

Any person who shall violate this article shall be subject to a fine of not more than one thousand dollars ($1,000).

ARTICLE 531
Possession of Marijuana

531.01 Definition of marijuana

531.02 Unlawful activity

531.03 Severability

531.99 Penalty

CROSS REFERENCES

West Virginia Code Section 60A-1-101

Parallel provisions - W.Va. Code Section 60A-4-401(c)

531.01 DEFINITION OF MARIJUANA

"Marijuana" means all parts of plant "Cannabis sativa L.," whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

531.02 UNLAWFUL ACTIVITY

It shall be unlawful for any person to knowingly or intentionally possess, within the City of Charles Town, marijuana, unless the marijuana was obtained legally under the West Virginia Medical Cannabis Act.

531.03 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this article if for any reason is held invalid or unconstitutional by any Court of competent jurisdiction, then and in said event such portion shall be deemed a separate, distinct and independent provision and such holding such not affect the validity of the remaining portions thereof.

531.99 PENALTY

Any person who shall violate this article shall be subject to a fine of not more than one thousand dollars ($1,000).

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-208: Charles Town Utility Board Member Vacancy - 1 new 4-year term, serving 01/01/23 – 12/31/26 (Jefferson County Commission Recommendation Appointment) - Appointment Status and Recommendations

Councilor Hynes requests this item to discuss the status of and path forward for the remaining vacancy on the Charles Town Utility Board. This seat was vacated by resignation in August of 2022 and has remained unfilled due to no recommendations being provided by the Jefferson County Commission. Included you will find the original letter sent to the Jefferson County Commission regarding this matter along with a portion of City of Charles Town Codified Code 147.02 outlining the requirement and procedure for filling this position.

Codified Code 147.02

(5) Since CTUB has acquired the Jefferson County Public Service District (JCPSD) system and as such provides services to those areas previously serviced by the JCPSD, the City Council will consider the Jefferson County Commission's ("Commission") recommendation(s) for an individual to serve as one of the Directors, using the following process:

A. The Commission shall have the right to nominate not more than three (3) individuals to serve as a Director, each of whom shall satisfy all ofthe following criteria:

1. Resident of Jefferson County, West Virginia;
2. Customer of the CTUB served by the assets of the former JCPSD Sewer System, or extensions thereof; and
3. Customer of the CTUB paying the same prevailing sewer rate charged to the customers of the former JCPSD Sewer System.

B. The City Council may select one (1) of the individuals so nominated by the process in the preceding paragraph, or the City Council may request the Commission to nominate not more than three (3) additional individuals, each of whom shall satisfy all of the preceding paragraph's criteria, who have not previously been so nominated, for consideration by the City Council to serve as Director for the current vacancy.

C. Although the City Council is not obligated to appoint any of the nominees as Director using the above method, it is the intention of this section to provide a seat on the Board of Directors that best represents the interests of Jefferson County residents who are former JCPSD rate payers and are currently served by CTUB. City Council retains the discretion to appoint a Director at will if a suitable nominee is not presented.

ATTACHMENTS:

- Notification of CTUB Vacancy to County Commission.pdf

City of Charles Town

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

September 2, 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

Jefferson County Commission
ATTN: Mr. John Nissel
Post Office Box 250
Charles Town, WV 25414

Re: Notification of Vacancy, Charles Town Utility Board

Dear Mr. Nissel:

During the August 15, 2022 meeting of the Charles Town City Council, the Council accepted the resignation of Charles Town Utility Board (CTUB) member, Jacquelyn Milliron to be effective August 26, 2022. Mrs. Milliron served as the member representing the former Jefferson County Public Service District system. Charles Town Codified Ordinance Part 1 Administrative Code, Chapter 5 Administrative, Article 147, Utility Board provides the following requirements and process for filling this vacancy:

147.02 Board of Directors Composition.

...**(5)** Since CTUB has acquired the Jefferson County Public Service District (JCPSD) system and as such provides services to those areas previously serviced by the JCPSD, the City Council will consider the Jefferson County Commission's ("Commission") recommendation(s) for an individual to serve as one of the Directors, using the following process:

A. The Commission shall have the right to nominate not more than three (3) individuals to serve as a Director, each of whom shall satisfy all of the following criteria:

1. Resident of Jefferson County, West Virginia;
2. Customer of the CTUB served by the assets of the former JCPSD Sewer System, or extensions thereof; and
3. Customer of the CTUB paying the same prevailing sewer rate charged to the customers of the former JCPSD Sewer System.

B. The City Council may select one (1) of the individuals so nominated by the process in the preceding paragraph, or the City Council may request the Commission to nominate not more than three (3) additional individuals, each of whom shall satisfy all of the preceding paragraph's criteria, who have not previously been so nominated, for consideration by the City Council to serve as Director for the current vacancy.

C. Although the City Council is not obligated to appoint any of the nominees as Director using the above method, it is the intention of this section to provide a seat on the Board of Directors that best represents the interests of Jefferson County residents who are former JCPSD rate payers and are currently served by CTUB. City

Council retains the discretion to appoint a Director at will if a suitable nominee is not presented...

The Charles Town City Council herby requests the Jefferson County Commission provide its list of nominees to fill the created vacancy at its earliest convenience. Please contact City Hall at 304-725-2311 should you have any questions regarding this vacancy.

Sincerely,

John Barkley
City Manager

Enclosures

cc: Charles Town Utility Board

Notice of Resignation to Charles Town City Council on August 15, 2022

RE: Director Milliron Effective Date of Resignation from the Charles Town Utility Board

Good Evening, Elected Members of the Charles Town City Council.

I have come here to provide you with my letter of Resignation to the Charles Town Utility Board effective August 26, 2022.

The reason for my resignation is that in the very near future, I will be disqualified to serve as a CTUB director because soon I will not require CTUB sewer service.

While this resignation comes a little over a year short of my full term in December 2023, it is a fitting slow-walk end to over 15 years of utility ratepayer advocacy. I achieved a degree in chemistry, worked for a state environmental regulatory body as well as a private enterprise research lab, and was educated in West Virginia utility process and procedures by seasoned utility experts. However, these qualities and experiences evidently didn't hold a candle to the political currency required to serve as a voting director on CTUB.

Breaking the cycle of resistance to public transparency has been my most challenging task. The spirit of transparency in government is diminished with every withheld report, last-minute table drop, and obvious information delay to those who carry the ultimate responsibility for an informed vote. A liability that should not be ignored. In fact, it is right to question just about everything that government does and we the people should expect a legitimate answer to those questions without shame in the asking or the risk of losing our dignity in the process. The power of transparency is the enemy of some, but it is the protector and right of many.

Measures in public transparency developed during my service at CTUB include a monthly capital improvement fee report, treatment facility flow data, and the addition of the monthly Revenue and Expense reports to agenda packets. Furthermore, agendas and meeting minutes have improved significantly. Facility plans and strategic plans are readily accessible to the public via website design and there is an accessible electronic mail alert system. I hope one day the CTUB website will contain easy to read growth maps and a way to for customers to pre-calculate and monitor their personal household consumption real-time. The CTUB volumetric ratepayer should expect to see a capital improvement plan in the near term outlining how approximately 40% of their rate money is used for capital projects as well as fiscal accountability of fee contributions from the development community. On the horizon, should be an asset management plan and new

specifications to contain developer policy improvements including disclosures and commitments from developers seeking service.

CTUB's new mission statement was also crafted to help provide general guidance. It reads as follows:

"To provide reliable water and sewer services that protect public health and the environment with financial accountability, regional stewardship, and superior customer service.

CTUB is obligated to serve as a public health entity under the law, but its mission is not to obligate its rates to subsidize private, for-profit interests.

I do not regret nor would I change any of my CTUB votes in the three plus years of service. That includes some of my more defensible nay votes regarding capital improvement fees, rate equalization, service territory policy, and developer policy.

CTUB continues to face challenges that were either by design or perhaps serendipitous. The good and fair task of consolidating utilities for efficiencies and economies of scale to better serve the community and the environment was historical. Some now see the fruit of consolidation being wasted by other utility's monopolistic use of captive investors for Wall Street purposes in a way that seemingly mocks true capitalism. Those issues are maybe solved by the great American equalizer, the voting booth.

For now, I pray that this Council sees their commitment to the terms and understanding in which the Public Service Commission Order in consolidation was approved. I have provided you a copy of that Order dated June 26, 2018. The seat containing a potential nominee from the Jefferson County Commission is reserved for a **non-Municipal** former Jefferson County Public Service District ratepayer. I wish to stress that without a non-Municipal former JCPSD seat at CTUB, those non-municipal citizens who contribute substantially to CTUB's revenue stream and cannot vote for City Council members, would be broadly unrepresented.

With relative success, I have intervened in five utility cases one proving a multimillion-dollar project was not necessary or convenient and another preventing the ratepayers from being overcharged by utilities. A couple of observations as an intervenor are that any utility can take something good and make it bad no matter how much of other people's money they get, but it takes a fair utility to make something good, even better for the people who have nothing to gain beyond potable water and sanitation service.

Thank you all for allowing me the opportunity to serve your citizens and the broader rate base these years. Never forget we heard from the financial experts that the value of the utility is in its volumetric ratepayers.

In closing, you may recall I have quoted William Wilberforce who said "You may choose to look the other way, but you can never say again that you didn't know." That was for those who are unaware of the consequences of deferring the cost of futures on the backs of legacy customers. It is time for the incremental narrative to stop and the elected to put belief into reality regarding the benefits of community growth by responsibly divulging to your citizens what is the actual cost of growth and how you intend to pay for it.

I would like to thank this Council for allowing individual directors to exercise their first amendment rights. I hope you found my exercises edifying, if not downright agitating.

A special thanks goes to my husband and the many untitled ratepayer citizens who rarely get recognized for their contributions. My sincere wish for you is to be represented which now requires you to answer the call to service.

This evening I leave you with a message about moral objectives from William Penn:

"Right is right, even if everyone is against it, and wrong is wrong, even if everyone is for it."

In Highest Regards,
Jacquelyn Milliron 8-15-22

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Referral
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-195: Referral to Ordinance Committee - Article 171 - Municipal Court

During discussion in the Ordinance Committee regarding Article 531 - Simple Possession of Marijuana, Committee Members indicated a desire to have Article 171 - Municipal Court referred to the Ordinance Committee for review and consideration of revisions related to imposition of various fines and fees by the Court.

Proposed Motion:
Motion to refer Article 171 - Municipal Court, to the Ordinance Committee for consideration of revisions as discussed.

ATTACHMENTS:

2023-196: Resolution - City of Charles Town to Become Carbon Neutral by 2030

Councilor Kratovil requests consideration of a resolution "that the City of Charles Town become Carbon neutral by 2030 and that every expenditure of the city over $1000 have a carbon note attached to it".

Councilor Kratovil further recommends referring this issue to the Infrastructure Committee or other committee as the City Council sees fit.

Staff offers the following draft text for the proposed resolution but asks the Council for further review and input.

WHEREAS, the City of Charles Town acknowledges the reality and urgency of climate change, and its potential impacts on the health, safety, and well-being of the community; and

WHEREAS, the City of Charles Town recognizes its responsibility to take action to mitigate greenhouse gas emissions and reduce its carbon footprint; and

WHEREAS, the City of Charles Town believes that becoming carbon neutral is an achievable and necessary goal for the city;

THEREFORE, BE IT RESOLVED, that the City of Charles Town establishes a goal to become carbon neutral by 2030, with a target of zero greenhouse gas emissions from all municipal operations, including buildings, transportation, and energy consumption; and

BE IT FURTHER RESOLVED, that the City of Charles Town will develop and implement a comprehensive plan to achieve this goal, with specific actions and timelines for reducing greenhouse gas emissions and increasing the use of renewable energy and other low-carbon solutions; and

BE IT FURTHER RESOLVED, that the City of Charles Town will require that all city expenditures over $1000 be accompanied by a carbon note, estimating the carbon footprint associated with the purchase or service, to increase transparency and inform decision-making on carbon reduction measures; and

BE IT FURTHER RESOLVED, that the City of Charles Town will engage with local businesses, residents, and community organizations to foster collaboration and encourage collective action to reduce greenhouse gas emissions and promote sustainable practices;

BE IT FURTHER RESOLVED, that the City of Charles Town will allocate adequate resources and funding to implement this resolution and ensure successful achievement of carbon neutrality by 2030.

Proposed Motion:
Motion to refer this item to the _____ ***Committee***.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-207: Payment of Bills - February 21, 2023

ATTACHMENTS:

- CAPITAL RESERVE COUNCIL REPORT 2023 2 21.pdf
- GENERAL FUND COUNCIL REPORT 2023 2 21.pdf
- PARKS & REC COUNCIL REPORT 2023 02 21.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANTAGE TECHNOLOGY LLC	2/17/23	VMWARE HORIZON ADVANCED ED	CAPITAL RESERVE	GENERAL GOVERNMENT	1,215.00
	2/17/23	VMWARE HORIZON ADVANCED ED	CAPITAL RESERVE	GENERAL GOVERNMENT	1,215.00
	2/17/23	JANUARY2023 MONTHLY AGREEM	CAPITAL RESERVE	GENERAL GOVERNMENT	1,909.15
	2/17/23	JANUARY2023 MONTHLY AGREEM	CAPITAL RESERVE	GENERAL GOVERNMENT	1,382.40
	2/17/23	JANUARY 2023 TECH SERVICE	CAPITAL RESERVE	GENERAL GOVERNMENT	1,995.00
	2/17/23	JANUARY 2023 TECH SERVICE	CAPITAL RESERVE	GENERAL GOVERNMENT	2,018.75
	2/17/23	VEEAM ANNUAL MAINTENANCE R	CAPITAL RESERVE	GENERAL GOVERNMENT	288.40
	2/17/23	VEEAM ANNUAL MAINTENANCE R	CAPITAL RESERVE	GENERAL GOVERNMENT	288.40
	2/17/23	SEAGATE DESKTOP HARD DRIVE	CAPITAL RESERVE	GENERAL GOVERNMENT	199.99
				TOTAL:	10,512.09
ALPHA ASSOCIATES, INCORPORATED	2/17/23	AUGUSTINE AVE TRAIL-DESIGN	CAPITAL RESERVE	CULTURE & RECREATION	4,424.41
				TOTAL:	4,424.41
GRANICUS	2/17/23	AGENDA MANAGE 8/1/22-7/31/	CAPITAL RESERVE	GENERAL GOVERNMENT	4,167.00
	2/17/23	AGENDA MANAGE 8/1/22-7/31/	CAPITAL RESERVE	GENERAL GOVERNMENT	0.00
	2/17/23	AGENDA MANAGE 8/1/22-7/31/	CAPITAL RESERVE	GENERAL GOVERNMENT	0.00
	2/17/23	AGENDA MANAGE 8/1/22-7/31/	CAPITAL RESERVE	GENERAL GOVERNMENT	0.00
	2/17/23	AGENDA MANAGE 8/1/22-7/31/	CAPITAL RESERVE	GENERAL GOVERNMENT	2,667.89
	2/17/23	AGENDA MANAGE 8/1/22-7/31/	CAPITAL RESERVE	GENERAL GOVERNMENT	1,500.00
				TOTAL:	8,334.89
RCN COMMUNICATIONS, LLC	2/17/23	VEHICLE TECHLAB SETUP FOR	CAPITAL RESERVE	PUBLIC SAFETY	895.15
	2/17/23	VEHICLE TECHLAB SETUP FOR	CAPITAL RESERVE	PUBLIC SAFETY	172.00
	2/17/23	VEHICLE TECHLAB SETUP FOR	CAPITAL RESERVE	PUBLIC SAFETY	10.00
	2/17/23	VEHICLE TECHLAB SETUP FOR	CAPITAL RESERVE	PUBLIC SAFETY	10.00
	2/17/23	VEHICLE TECHLAB SETUP FOR	CAPITAL RESERVE	PUBLIC SAFETY	65.00
				TOTAL:	1,152.15
SHERIFF OF JEFFERSON COUNTY	2/17/23	PD-5 IN CAR TABLETS	CAPITAL RESERVE	PUBLIC SAFETY	2,917.90
				TOTAL:	2,917.90

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

200	CAPITAL RESERVE	27,341.44
	GRAND TOTAL:	27,341.44

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: 2/17/2023 THRU 2/17/2023

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
BLAISE SHIPLEY	2/17/23	REIMBURSE-CDL PHYSICAL	GENERAL FUND	STREETS & HIGHWAYS	120.00
				TOTAL:	120.00
CINTAS	2/17/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	188.53
	2/17/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	188.53
	2/17/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	188.53
				TOTAL:	565.59
E. CLIFTON COOK JR	2/17/23	CITY HALL CLEANING JAN23	GENERAL FUND	CITY HALL	720.00
	2/17/23	CITY HALL CLEANING JAN23	GENERAL FUND	CITY HALL	720.00
	2/17/23	PD CLEANING SERV JANUARY23	GENERAL FUND	POLICE DEPARTMENT	1,575.00
	2/17/23	PD CLEANING SERV JANUARY23	GENERAL FUND	POLICE DEPARTMENT	500.00
				TOTAL:	3,515.00
CNA SURETY	2/17/23	ANN BOND PREM WVDOT 3/31/2	GENERAL FUND	STREETS & HIGHWAYS	100.00
				TOTAL:	100.00
COMCAST CORPORATION	2/17/23	CITY HALL INTERNET 2/09-3/	GENERAL FUND	CITY HALL	198.39
	2/17/23	661 INTERNET SERV2/3-3/2/2	GENERAL FUND	POLICE DEPARTMENT	303.35
	2/17/23	661 XFINITY SER2/7/23-3/6/	GENERAL FUND	POLICE DEPARTMENT	10.47
				TOTAL:	512.21
CHARLES TOWN UTILITY BOARD	2/17/23	661S GEORGE ST SERV12/15-1	GENERAL FUND	NON-DEPARTMENTAL	98.31
	2/17/23	105S GEORGE ST SERV 12/15-	GENERAL FUND	CITY HALL	98.47
	2/17/23	661S GEORGE ST SERV12/15-1	GENERAL FUND	POLICE DEPARTMENT	199.60
	2/17/23	34N WATER ST 12/15-1/15	GENERAL FUND	STREETS & HIGHWAYS	70.91
				TOTAL:	467.29
DELTA DENTAL OF PENNSYLVANIA	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	NON-DEPARTMENTAL	448.77
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	66.54
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	CITY CLERK'S OFFICE	22.18
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	PLANNING & ZONING	88.72
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	CITY HALL	22.18
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	PARKING	44.36-
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	354.88
	2/17/23	MARCH 2023 DENTAL PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	66.54
				TOTAL:	1,025.45
JONATHAN DESARNO	2/17/23	50% TUITION REIM- HIS305	GENERAL FUND	POLICE DEPARTMENT	825.00
				TOTAL:	825.00
ENTHUSIAST MEDIA GROUP	2/17/23	2023 CAR SHOW AD	GENERAL FUND	FAIR ASSOC/FESTIVAL	500.00
				TOTAL:	500.00
EXECUTIVE EMERGENCY LIGHTING LLC	2/17/23	CAR#12- REMOVE ALL EQUIPME	GENERAL FUND	POLICE DEPARTMENT	1,250.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	2/17/23	DAY-BOOTS	GENERAL FUND	POLICE DEPARTMENT	15.99
				TOTAL:	163.19
JACQUELINE C SHADLE, COUNTY CLERK	2/17/23	DEED BOOK AND JUDGEMENT BO	GENERAL FUND	PLANNING & ZONING	3.00
				TOTAL:	3.00
JEFFERSON COUNTY EMERGENCY COMMUNICATI	2/17/23	CAD MOBILE DATA11/6/22-12/	GENERAL FUND	POLICE DEPARTMENT	479.36
	2/17/23	CAD MOBILE DATA11/6/22-12/	GENERAL FUND	POLICE DEPARTMENT	21.82
	2/17/23	CAD MOBILE DATA11/6/22-12/	GENERAL FUND	POLICE DEPARTMENT	0.71
				TOTAL:	501.89
JEFFERSON PUBLISHING COMPANY, INC.	2/17/23	1/4 PERMIT TECH JOB POSTIN	GENERAL FUND	PLANNING & ZONING	135.63
	2/17/23	1/25 NPH-HLC ALEXANDER SAL	GENERAL FUND	PLANNING & ZONING	25.90
	2/17/23	1/25&2/1 NPH ANNEXATION AG	GENERAL FUND	PLANNING & ZONING	55.06
	2/17/23	1/4 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	2/17/23	1/11 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	2/17/23	1/18 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	2/17/23	1/25 OPP TO SERVE TREE BOA	GENERAL FUND	CITY HALL	151.90
	2/17/23	1/25 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	2/17/23	1/25 RFP CLEANING SERVICES	GENERAL FUND	CITY HALL	25.90
				TOTAL:	672.39
KABLE EXCAVATING, LLC	2/17/23	SPREAD BRINE 1/24/23	GENERAL FUND	STREETS & HIGHWAYS	772.75
				TOTAL:	772.75
LINCOLN NATIONAL LIFE INSURANCE COMPAN	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	CITY MANAGER'S OFFICE	90.77
	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	TREASURER'S OFFICE	137.75
	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	CITY CLERK'S OFFICE	37.67
	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	PLANNING & ZONING	236.96
	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	CITY HALL	43.76
	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	POLICE DEPARTMENT	906.89
	2/17/23	MARCH 2023 LIFE INS PREMIU	GENERAL FUND	STREETS & HIGHWAYS	161.56
				TOTAL:	1,615.36
POTOMAC EDISON COMPANY, INC.	2/17/23	661 ELECTRIC SERV 1/5-2/1/	GENERAL FUND	NON-DEPARTMENTAL	1,166.51
	2/17/23	661 ELECTRIC SERV 1/5-2/1/	GENERAL FUND	POLICE DEPARTMENT	2,368.37
				TOTAL:	3,534.88
PURCHASE POWER	2/17/23	POSTAGE REFILL 1/26/23	GENERAL FUND	CITY HALL	200.00
				TOTAL:	200.00
STAPLES ADVANTAGE	2/17/23	2PRINTER INK & 3 INDEX TAB	GENERAL FUND	TREASURER'S OFFICE	7.65
	2/17/23	2PRINTER INK & 3 INDEX TAB	GENERAL FUND	CITY CLERK'S OFFICE	179.02
				TOTAL:	186.67

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
TAKE A POWDER INC.	2/17/23	2 #5 & 2 #10- METER KEYS	GENERAL FUND	PARKING	98.00
				TOTAL:	98.00
TIAA, FSB	2/17/23	2ND FLR COPIER RENTAL	GENERAL FUND	CITY HALL	221.15
				TOTAL:	221.15
WIRELESS NETWORKS GROUP INC	2/17/23	JANUARY 5,9,10 2023 REVIEW	GENERAL FUND	CITY HALL	270.00
				TOTAL:	270.00
WV MUNICIPAL LEAGUE	2/17/23	WVML 2023-2024 ANNUAL DUES	GENERAL FUND	CITY HALL	2,352.24
				TOTAL:	2,352.24
WEST VIRGINIA TRACTOR CO	2/17/23	STREET SWEEPER-WATER FILTE	GENERAL FUND	STREETS & HIGHWAYS	84.76
	2/17/23	STREET SWEEPER-WATER FILTE	GENERAL FUND	STREETS & HIGHWAYS	72.45
	2/17/23	STREET SWEEPER-WATER FILTE	GENERAL FUND	STREETS & HIGHWAYS	20.05
				TOTAL:	177.26

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

001	GENERAL FUND	29,029.17
	GRAND TOTAL:	29,029.17

TOTAL PAGES: 3

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: 2/17/2023 THRU 2/17/2023

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
CHARLES TOWN UTILITY BOARD	2/17/23	22 WATER ST SERV 12/15-1/1	PARKS & REC	PARKS & REC		55.41
					TOTAL:	55.41
FRONTIER, INC	2/17/23	JMP PHONE SERV FEBRUARY 20	PARKS & REC	PARKS & REC		70.63
					TOTAL:	70.63
JEFFERSON PUBLISHING COMPANY, INC.	2/17/23	1/25 RFP- INCLUSIVE PARKS	PARKS & REC	PARKS & REC		29.58
					TOTAL:	29.58
POTOMAC EDISON COMPANY, INC	2/17/23	JMP ELECTRIC SERV DEC 2022	PARKS & REC	PARKS & REC		26.81
	2/17/23	JMP ELECTRIC SERV DEC 2022	PARKS & REC	PARKS & REC		249.30
	2/17/23	JMP ELECTRIC SERV DEC 2022	PARKS & REC	PARKS & REC		5.15
	2/17/23	JMP ELECTRIC SERV DEC 2022	PARKS & REC	PARKS & REC		5.21
	2/17/23	JMP ELECTRIC SERV DEC 2022	PARKS & REC	PARKS & REC		7.35
	2/17/23	JMP MEMORIAL 1/6/22-2/2/23	PARKS & REC	PARKS & REC		7.30
					TOTAL:	301.12

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

207	PARKS & REC	456.74
	GRAND TOTAL:	456.74

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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: 2/17/2023 THRU 2/17/2023

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-188: Charles Town Utility Board - Minutes, January 2023

ATTACHMENTS:

- CTUB Minutes January 2023.pdf

Charles Town Utility Board
Special Board Meeting
January 18, 2023

The Charles Town Utility Board held a special meeting on January 18, 2023 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 December 14, 2022 Special Meeting Minutes

The Chairman called for changes or corrections to the December 14, 2022 special meeting minutes.

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

PUBLIC COMMENT

The Board received a public comment from Elizabeth Ricketts.

SWEARING IN OF NEW BOARD MEMBER

The Chairman swore in Mr. Pierson for another three-year term as a CTUB board member.

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

ELECTION OF OFFICERS

Action: **Motion made by Mr. Whitten, second by Mr. Stocks, the Board unanimously approved the nomination of Mr. Pierson as Vice Chairman. Mr. Pierson accepted the nomination.**

Action: **Motion made Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the nomination of Ms. Stottlemyer as Secretary. Ms. Stottlemyer accepted the nomination.**

Action: **Motion made by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the nomination of Mr. Stocks as Treasurer. Mr. Stocks accepted the nomination.**

OLD BUSINESS

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 competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.

Action: **Motion made by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved convening into Executive Session at the end of the meeting.**

NEW BUSINESS

Colandrea Request

Mrs. Stolipher provided that in April of 2021, the Board evaluated a request for Mr. Colandrea's property. At that time, the Board offered a reduction based on actual usage for the proposed establishment. She explained the fee was reduced from around $68,000 to $11,099.73 at the old CIF rate of $1,127.00 plus the $1,625.00 (the Flowing Springs pump station fee). Mrs. Stolipher mentioned that since that time the CIF has increased to $2,930.00 plus the $1,625.00 giving a total of $18,356.65 for that location. Mr. Whitten informed the Board that he is the general contractor for Mr. Colandrea's project and has recused himself from the discussion.

Andy Colandrea was in the audience and mentioned he is in attendance as the owner of the property, Inferno Brewery, that is being discussed and not as a Ranson City Councilman. Mr. Colandrea is now ready to break ground and requested the Board allow him to pay the original CIF of $11,099.73 instead of the higher fee. The Board held discussions and decided to discuss further in executive session later in the meeting.

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

RK&K Scope of Work Change No. 02

John Cole and Rhiannon Dodge from RK&K reviewed the Scope of Work for change no. 2 relating to the Collection System Project. Through the course of the design of the project, modifications were needed regarding Evitts Run, the Flowing Springs Pump Station, the Lakeland Pump Station and the Jetts Farm force main. Mr. Cole provided the new scope of work would not exceed $85,000.00.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the Scope of Work for Change No. 2.**

RK&K Collection System Project Update

Mr. Cole and Mrs. Dodge of RK&K gave an update on the project. Mrs. Dodge mentioned construction costs have increased to $7 million due to the availability of supplies, inflation and modifications made to the project design. Mr. Cole briefed the Board on the project funding package, which will not increase customer rates. The Board held discussions.

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

Alternate Mainline Extension Agreement – Ranson School Site

Mrs. Stolipher provided this agreement is with the Board of Education for the new Ranson School site. The sewer will be extended from the school site down Route 115 towards Lloyds Flat. Mr. Shingleton has reviewed the agreement.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the Alternate Mainline Extension Agreement for the Ranson School site as presented.**

Renewal & Replacement Project Resolution No. 3 – Contractor Pay Application No. 3

Mrs. Stolipher provided an update on the progress of the project. The contractor has submitted an application for payment no. 3 in the amount of $134,861.40.

Action: **Motion by Mr. Whitten, second by Mr. Pierson, the Board unanimously approved the Contractor Pay Application No. 3.**

Pump Station Discharge Line Piping

- Work Change Directive and Approval to Purchase Material

Mrs. Stolipher mentioned the plant operators requested to have a bypass connection installed on the line that exits the headworks building and the influent pump station. Staff would purchase the materials and Alverez would complete the installation as a Work Change Directive with the Renewal and Replacement project. Mrs. Stolipher mentioned bids were received from Ferguson, Core & Main and Citco Water. She recommended the Board approve the bid from Ferguson totaling $12,651.31.

Action: **Motion by Mr. Whitten, second by Mr. Pierson, the Board unanimously approved the bid from Ferguson for the pump station discharge line piping.**

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, progress on the security grant and Gannet Fleming has initiated their efforts on the cost of service study for water and sewer. She also mentioned the PSC Hearings will take place on January 25th and 26th with a Public Comment Hearing in Jefferson County on February 6th. The Board provided discussions.

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

Chairman Report

The Chairman congratulated Mr. Pierson on his renewed term as a board member.

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

APPROVAL OF BILLS

January 18, 2023

Action: **Motion by Mr. Pierson, second by Mr. Stocks, 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.
- Temporary Access Easement Lease Agreement - 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 competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.

- Burns Farm Agreement Renewal - 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 competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.
- Colandrea Request

Action: **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved convening into Executive Session at 4:51 P.M. to discuss legal services, a temporary access easement lease agreement, the Burns Farm Agreement Renewal and the Colandrea Request. Mayor Trainor was invited to attend the discussion on the Colandrea Request.**

Executive session was over at 5:29 P.M.

Action: **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the Utility Manager to negotiate a timetable and site access safety for the Temporary Access Lease Agreement and bring back to the Board for final approval.**

Action: **Motion by Mr. Stocks, second by Mr. Pierson, the Board unanimously approved the Burns Farm Agreement Renewal.**

There being no further business at this time, the Board adjourned the meeting at 5:30 P.M.

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

INFORMATION ONLY

The next special meeting is scheduled for Wednesday, February 8, 2023 at 4:00 P.M. at 661 S. George Street.

~~John Barkley~~ Duke Pierson
Vice Chairman

Ashley Stottlemyer
Secretary

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-189: Pharmaceutical Industry Opioid Lawsuit, Executed Settlement Agreement Authorization

ATTACHMENTS:

- WV Local Government Election and Release Form.pdf

EXHIBIT ___

WEST VIRGINIA LOCAL GOVERNMENT ELECTION AND RELEASE FORM

This Election and Release Form for West Virginia Participating Local Governments resolves opioid-related Claims against "The" Pharmacy, Bypass Pharmacy, Rhonda's Pharmacy, Clendenin Pharmacy and Fruth Pharmacy under the terms and conditions set forth in the attached West Virginia State-Wide Opioid Settlement Agreements ("Agreements") the provisions of which are incorporated by reference in their entirety.

Upon executing this Election and Release Form, a Participating Local Government agrees that, in exchange for the consideration described in the Agreements, the Participating Local Government is bound by all the terms and conditions of the "Agreements". By executing this Election and Release Form, the Participating Local Government submits to the jurisdiction of the panel overseeing the mass litigation proceeding captioned *In re: Opioid Litigation,* Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) (the "Court").

To the extent the Participating Local Government has asserted Claims against "The" Pharmacy, Bypass Pharmacy, Rhonda's Pharmacy, Clendenin Pharmacy and Fruth Pharmacy, in Actions that are pending before the Court, the Participating Local Government hereby grants all necessary right and authority to the Plaintiffs and/or their attorneys in the Action to seek dismissal of the Participating Local Government's Action as contemplated in the "Agreements". If a Participating Local Government's Action is pending in another court as of the Effective Date, the Participating Local Government hereby agrees to dismiss (or if necessary move to dismiss) that Action as to "The" Pharmacy, Bypass Pharmacy, Rhonda's Pharmacy, Clendenin Pharmacy and Fruth Pharmacy and any other Released Entities within seven (7) business days of the Effective Date.

Dated: 13 Feb 2023

City of Charles Town, WV

By: Robert M Trainor

Robert M. Trainor, Mayor
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414
304-725-2311
btrainor@charlestownwv.us

State of West Virgnia

County of Jefferson

This record was acknowledged before me on February 13, 2023

by Robert Trainor

Carolyn Vezzosi
Signature of Notarial Officer

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
Carolyn M. Vezzosi
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414
My Commission Expires June 12, 2025

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
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 - Signed Oath

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:

- Ann Paonessa - 2023.pdf

STATE OF WEST VIRGINIA
CITY OF CHARLES TOWN

COUNTY OF JEFFERSON

I, **Ann Paonessa,** do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the laws of the City of Charles Town.

I, **Ann Paonessa,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Commissioner for the City of Charles Town Planning Commission to the best of my skill, ability, judgment, and according to law.

Ann Paonessa

The above oath was taken and subscribed before the Charles Town City Clerk on this 6th day of February, 2023.

Robert M. Trainor
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

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

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:

- Lisa Smith Oath - 2023.pdf

CITY OF CHARLES TOWN, WEST VIRGINIA
POLICE DEPARTMENT OATH OF OFFICE

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

I, **LISA SMITH,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Parking Enforcement Officer to the best of my skill, judgment, and according to law.

Lisa Smith
Charles Town Police Department

The above oath was taken and subscribed before Robert M. Trainor, Mayor of Charles Town, on this 6th day of February, 2023.

Robert M. Trainor
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 02/21/23
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:
- 2023-02 - Resolution NPDES Permit Authorization - Charles Town Utility Board.pdf

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 6th day of February, 2023 and effective February 6, 2023.

Robert M. Trainor
Mayor

John Barkley
City Manager/Clerk