CITY OF CHARLES TOWN

CITY COUNCIL
AGENDA • AUGUST 19, 2024

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

: **2024-866:** City Council Meeting Minutes - August 5, 2024
CityCouncilMeetingMinutes_5Aug2024_Draft_rmt.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2024-859:** Finance Committee Meeting - August 7, 2024

: **2024-860:** Board of Parks and Recreation Commission - August 14, 2024

: **2024-861:** Ordinance Committee Meeting - August 15, 2024
Ordinance Meeting Minutes 8_15_24.pdf

: **2024-862:** Personnel Committee Meeting - August 16, 2024 - Possible Executive Session

7. CITY MANAGER REPORT

: **2024-864:** City Manager Report - August 19, 2024
City Manager Report - August 19, 2024.pdf

: **2024-847:** Overview of Code Enforcement
Code Enforcement working list 2024.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2024-853: Public Hearing -** *TXA2023-09* - First Reading and Consideration of an Ordinance to Amend the Zoning Ordinance, Article 1322 Zoning District Provisions, Section 1322.04 Rules for Interpretation of Uses, Table 1322.04 Zoning District Use Table in Regard to Permitted Uses in the Neighborhood Residential Zoning District
1. Report.pdf
2. Draft Ordinance.pdf

: **2024-836:** *TXA2023-09* - First Reading and Consideration of an Ordinance to Amend the Zoning Ordinance, Article 1322 Zoning District Provisions, Section 1322.04 Rules for Interpretation of Uses, Table 1322.04 Zoning District Use Table in Regard to Permitted Uses in the Neighborhood Residential Zoning District

: **2024-842:** First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District.
Article 365 Parking Ordinance SFG Comments.pdf
New parking zones.pdf

: **2024-844:** Historic Overlay District Discussion

: **2024-849: Public Hearing:** *TXA2024-04* - Second Reading and Consideration of an Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to Permit Public Participation for Preliminary Plans
1. Report.pdf
2. Draft Ordinance.pdf

: **2024-854:** *TXA2024-04* - Second Reading and Consideration of an Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to Permit Public Participation for Preliminary Plans

10. NEW BUSINESS

: **2024-850: Public Hearing**: *BR2024-11* - Tate Manor Bond Release request
1. Staff Report.pdf
2._Land_Disturbance_Bond_Release_Application.pdf
3._Performance_Bond_Release_Application.pdf
4._As-Builts.pdf
5._Property_Corner_Certification.pdf
6._KH_Review_-_Performance_Bond.pdf
7._KH_Review_ESC_Cash_Bond.pdf
8. Public Comment.pdf

: **2024-855:** *BR2024-11* - Tate Manor Bond Release request

: **2024-835:** Discussion of a Walking Trail from Norborne-Glebe to the Willingham Knolls Park
1. Overall Trail DevelopmentPlans.pdf
2. Trail details in Phases 10B-13.pdf

: **2024-856:** Article 509 Disorderly Conduct Discussion
Article 509 - Disorderly Conduct and Peace Disturbance.pdf

: **2024-857:** Augustine Avenue Phase I Supplemental Agreement
DOH Supplemental Agreement 1 for Phase 1.pdf
DOT DOH Supplemental Agreement 1 Change in Funding.pdf

: **2024-858:** Huntfield COA Modification

4. Huntfield Zones REVISED July 2024.pdf
2003 Huntfield Original Proffers.pdf
2005 Huntfield Proffer Amendment 2.pdf
07.19.2024 DRA Proffer Amend 3 - staff final redline - (002).docx

: **2024-863:** First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code, Chapter 3 Taxes and Service Charges, Article 745 Business and Occupation Tax
Art745_Redline_8Aug2024_rmt.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2024-865:** Payment of Bills - August 19, 2024
GENERAL FUND COUNCIL REPORT 2024 08 16.pdf
BOND ESCROW 2024 08 16.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 08 16.pdf
PARKS N REC COUNCIL REPORT 2024 08 16.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING REGULAR COUNCIL MEETING - September 3, 2024, at 7:00PM

: **2024-846:** Board of Parks and Recreation Meeting - July 25, 2024
P&R Report_ July 2024.pdf

15. 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: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-866: City Council Meeting Minutes - August 5, 2024

ATTACHMENTS:
- CityCouncilMeetingMinutes_5Aug2024_Draft_rmt.pdf

CITY OF CHARLES TOWN
CITY COUNCIL

MINUTES • August 5, 2024

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	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Priscilla Rodd	Councilmember	Present	
Micheal George	Councilmember	Present	
Andie Sugrue	Councilmember	Present	

Mr. John Nissel, City Manager; Ms. Alissa Meeks, Community Development Director; Ms. Lori Nice, Finance Director; Mr. John Wysong, Maintenance Director; Ms. Kristen Stolipher, Charles Town Utility Board Manager; Ms. Liz Cook; Business Development/Downtown Coordinator; Mr. James Newman, City Planner; and Chief Chris Kutcher, Charles Town Police Department (CTPD) were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2024-784: City Council Meeting Minutes - July 25, 2024

There being no additions, corrections, or changes to the Council meeting minutes of July 15, 2024, Mayor Trainor declared the minutes approved.

3. PUBLIC COMMENT

Five people signed up for public comment:

Ms. Milliron expressed her concerns regarding the increased estimated project costs for the Charles Town Utility Board's 2022 Sewer Collection System project.

Ms. Soodeen, Ms. Dumont and Ms. Langla all expressed their concerns regarding the City's feral cat population and requested that Charles Town develop and implement a plan of action to bring the City's feral cat population under control.

Ms. Erfurt thanked Charles Town, in particular councilmember Rodd, for initiating the Weed and Waste Wednesdays program. Ms. Erfurt shared that she and her children have enjoyed participating in the program these past few weeks and appreciates this easy way of becoming more involved with the community.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that the Infrastructure Committee placed notices on the doors of homes on West Liberty Street, Higgs Boulevard, Maple Avenue, and Center Street, informing the residents of the public hearing concerning possible traffic pattern changes on those roads. She also reported attending the West Virginia Infrastructure Investment and Jobs Act (WV IIJA) Hub Transportation Grants Workshop with members of City staff.

Ward #2

Mr. Hynes reported that City staff and the Huntfield Conditions of Annexation Negotiating Committee will host a townhall meeting on August 13, 2024, at 7:00PM at Charles Washington Hall.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd reported that the last Weed and Waste Wednesday for the summer will take place on August 7, 2024, at 10:00AM. She also reported graduating from the Leadership Jefferson program.

Ward #4

Mr. George reported that he plans to attend the WV Municipal League Annual Conference in Huntington, WV from August 6th through the 9th.

Ms. Sugrue had nothing to report.

5. MAYOR'S REPORT

Mayor Trainor had nothing to report.

6. COMMITTEE REPORTS

2024-756: Ordinance Committee Meeting - July 18, 2024

Mr. Tester reviewed the Ordinance Committee report with the Council.

2024-757: Finance Committee Meeting - July 25, 2024

Mayor Trainor reviewed the Finance Committee report with the Council.

2024-758: Board of Parks and Recreation Meeting - July 25, 2024

Ms. Ricketts reviewed the Board of Parks and Recreation report with the Council.

7. CITY MANAGER REPORT

City Manager's Report - August 5, 2024

Mr. Nissel reviewed the City Manager report with the Council. He reported meeting with City staff to refine the process for processing code enforcement violations that may result in resident evictions. Mayor Trainor advised that the Council will need to

consider and define the City's roles and responsibilities regarding displaced persons who have been evicted due to code violations.

2024-819: Property Acquisition - Possible Executive Session

Mr. Hynes moved to enter into executive session. Mr. Tester seconded the motion, and there were no objections.

Mayor Trainor declared the Council in executive session.

Mayor Trainor declared the Council out of executive session.

There was no action taken by the Council on this agenda item.

8. POLICE CHIEF REPORT

Chief Kutcher reported that Charles Town Police Department (CTPD) officers are required at times to access dangerous uninhabited properties throughout Charles Town and recently a CTPD officer fell through a floor at one of these properties.

He also reported that Corporal Kassidy Noble, who was involved in a horrific traffic accident a few weeks ago in Berkeley County, is improving every day. He expressed his thanks for the unbelievable community support for Corporal Noble. Finally, Chief Kutcher announced that the Jefferson County Police National Night Out Against Crime event will be held at the Home Depot on August 6, 2024, from 6:00PM to 8:00PM.

9. UNFINISHED BUSINESS

2024-753: ZMA2024-02 - Second Reading and Consideration of an Ordinance to Amend the Zoning Map by Rezoning 1.3 Acres of Land on Willow Spring Drive from General Commercial to Neighborhood Commercial.

Ms. Philabaum moved to approve the second reading and consideration of an ordinance to amend the zoning map by rezoning 1.3 acres of land on Willow Spring Drive from General Commercial to Neighborhood Commercial. Mr. Kratovil seconded the motion, and it passed by a 7-0 vote. Ms. Sugrue recused herself from the vote.

RESULT:	**APPROVED [7-0]**
MOVER:	Julie Philabaum
SECONDER:	James Kratovil
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George
RECUSED:	Sugrue

10. NEW BUSINESS

2024-746: Public Hearing - Possible Traffic Pattern Changes to Park Street and Portions of Higgs Blvd. and Maple Ave.

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

Ms. Ricketts reported on a phone call she received from Ms. Susan Wall, a resident residing at Mt. Parvo Avenue and Liberty Street, who stated that Higgs Boulevard was converted to a one-way street in 2014. However, due to numerous accidents, the City converted it back to two-way traffic. Ms. Wall recommended that to improve safety, the City should consider restricting parking to only one side of the street.

Mr. Nissel received and read into the record an email from Mr. Gary Penkala, who was not in favor of the one-way street proposal and recommended restricting parking to the north side of Higgs Boulevard and Park Street.

Ms. Mary Taylor stated that her residence is located on Park Street and recommended converting Park Street into a one-way street to enhance safety.

There being no other persons signed-up for the public hearing on this subject, Mr. George moved to close the public hearing. Mr. Tester seconded the motion, and there were no objections.

2024-745: Public Hearing: BR2024-06 - Bond Release request for St. James Church

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

Staff announced that no one had signed up for the public hearing.

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

2024-822: Bond Release Request for St. James Church

Ms. Philabaum moved to approve the bond release request for St. James Church's Performance Bond and Land Disturbance Bond in the amount of $7,500.00. Mr. Hynes seconded the motion, and it passed by unanimous vote.

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

2024-747: Public Hearing: BR2024-07 - Bond Release Requests for Norborne-Glebe Phases 7 & 8

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

Staff announced that no one had signed up for the public hearing.

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

2024-820: Bond Release Requests for Norborne-Glebe Phases 7 & 8

Mr. Kratovil moved to approve the bond release request for Norborne-Glebe Phases 7 & 8 Performance Bond in the amount of $605,245.32 and the Land Disturbance Bond in the amount of $336,571.45. Ms. Rodd seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Priscilla Rodd
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

Note: Ms. Ricketts requested adding an item to the August 19, 2024, Council meeting agenda to discuss a walking trail from Norborne-Glebe to Willingham Knolls Park.

2024-748: Public Hearing: BR2024-08 - Bond Release Requests for Norborne-Glebe Phase 6

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

Staff announced that no one had signed up for the public hearing.

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

2024-821: Bond Release Requests for Norborne-Glebe Phase 6

Mr. Kratovil moved to approve the bond release request for Norborne-Glebe Phase 6 Performance Bond in the amount of $167,787.52 and the Land Disturbance Bond in the amount of $216,291.13. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-749: Public Hearing: BR2024-09 - Bond Release Request for Huyett Road Self Storage

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

Staff announced that no one had signed up for the public hearing.

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

2024-823: Bond Release Request for Huyett Road Self Storage

Mr. Kratovil moved to approve the bond release request for the Huyett Road Self Storage Performance and Land Disturbance Bond in the amount of $1,492,269.65. Mr. Tester seconded the motion.

During discussion, Mr. Hynes commented that he appreciated that the project developer took into consideration the concerns of the residents living next to the project and did an excellent job in addressing those concerns.

The motion passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-759: BR2024-10: Bond Initiation for Hillside Townhouse Development

Mr. George moved to approve the initiation of a Performance and Land Disturbance Bond in the amount of $1,898,142.16. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-778: TXA2023-09 - First Reading and Consideration of an Ordinance to Amend the Zoning Ordinance, Article 1322 Zoning District Provisions, Section 1322.04 Rules for Interpretation of Uses, Table 1322.04 Zoning District Use Table in Regard to Permitted Uses in the Neighborhood Residential Zoning District

Ms. Ricketts moved to Table this agenda item until a future Council meeting. Mr. Kratovil seconded the motion, and it passed by a 7-1 vote.

RESULT:	**TABLED [7-1]**
MOVER:	Elizabeth Ricketts
SECONDER:	James Kratovil
AYES:	Kratovil, Ricketts, Hynes, Tester, Rodd, George, Sugrue
NAYS:	Philabaum

2024-750: TXA2024-04 - First Reading and Consideration of an Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to Permit Public Participation for Preliminary Plans

Mr. Kratovil moved to approve the first reading and consideration of an ordinance to amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to permit public participation for preliminary plans. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-754: Discussion on Spending Plan for the Coal Severance Fund

Mr. Hynes moved that current and future Coal Severance Fund revenue be set aside for the purchase of pool related items for the renovated Jefferson Memorial Park pool. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jeff Hynes
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-814: FY2025 Capital Budget Discussion and Approval

Mr. Hynes recommended transferring $400,000. from contingencies to the Liberty Street project to cover the overall cost of the project of $1,419,178. Mayor Trainor asked if there were any objections, there were none.

Ms. Ricketts moved to increase the Culture and Recreation expenditures by $135,000 from $740,100 to $875,100 by increasing the following line items:

Safety Lighting – Increase by $90,000, from $10,000 to $100,000
Skate Park Mural and Benches – Increase by $15,000, from $25,000 to $40,000
Arts & Culture - Historical Signs – Increase by $30,000, from $25,000 to $55,000

Mr. Kratovil seconded the motion, and it failed by a 4-4 vote.

RESULT:	**FAILED [4-4]**
MOVER:	Elizabeth Ricketts
SECONDER:	James Kratovil
AYES:	Kratovil, Ricketts, Rodd, Sugrue
NAYS:	Hynes, Tester, Philabaum, Geroge

Ms. Ricketts moved to increase the Skate Park murals and benches line item from $25,000 to $40,000. Mr. Kratovil seconded the motion, and it passed by a 7-1 vote.

RESULT:	**APPROVED [7-1]**
MOVER:	Elizabeth Ricketts
SECONDER:	James Kratovil
AYES:	Kratovil, Ricketts, Hynes, Tester, Rodd, George, Sugrue
NAYS:	Philabaum

Ms. Rodd moved to add $20,000 to the Arts & Culture - Historical Signs line item. Ms. Ricketts seconded the motion, and it passed by a 5-3 vote.

RESULT:	**APPROVED [5-3]**
MOVER:	Priscilla Rodd
SECONDER:	Elizabeth Ricketts
AYES:	Kratovil, Ricketts, Rodd, George, Sugrue
NAYS:	Hynes, Tester, Philabaum,

Mr. Kratovil moved to approve the Capital Budget as amended. Mr. Hynes seconded the motion, and it passed by a 7-1 vote.

RESULT:	**APPROVED [7-1]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Rodd, George, Sugrue
NAYS:	Philabaum

2024-755: Appointment to the Ordinance Committee

Mr. Hynes moved to appoint Ms. Sugrue to the Ordinance Committee. Mr. George seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jeff Hynes
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-777: First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District.

Ms. Philabaum moved to Table this agenda item until the August 19, 2024, Council meeting. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Julie Philabaum
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-788: Letter to the WV Alcohol Beverage Control Administration - Abolitionist Ale Works' Beer Garden

Ms. Philabaum moved to authorize Mayor Trainor to sign the letter of request for a Fairs and Festivals one-day permit on September 7, 2024, for Friends of Happy Retreat. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Julie Philabaum
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-794: Letter to the WV Alcohol Beverage Control Administration for Happy Retreat Beer and Music Festival

Ms. Philabaum moved to authorize Mayor Trainor to sign the letter of request for a one-day permit allowing Abolitionist Ale Works' to host an

outdoor beer garden at this year's Charles Town Car Show on August 31, 2024. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Julie Philabaum
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-789: Charles Town Utility Board Manager Briefing

Charles Town Utility Board (CTUB) Manager, Ms. Stolipher briefed the Council on CTUB's Renewal and Replacement Project, Collection System Project, Lead and Cooper Rule Revision Compliance status, and other CTUB initiatives and activities.

2024-790: Council Special Session Discussion - Charles Town Utility Board of Directors Vacancy

The Council agreed to hold a Special Council meeting at 5:30PM, August 19, 2024, to conduct candidate interviews for the Charles Town Utility Board vacancy, term ending December 31, 2025.

2024-816: Historic Overlay District Discussion

Mr. Kratovil moved to Table this agenda item until the August 19, 2024, Council meeting. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-817: Approval of the City of Charles Town Building Code of Appeals Board - Rules and Regulations of Procedure

Mr. George moved to approve the City of Charles Town Building and Code of Appeals Board Rules and Regulations of Procedure. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Micheal George
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Sugrue

2024-818: B&O Tax Discussion - Possible Executive Session

Note: Council did not enter into executive session for this agenda item.

Ms. Philabaum recommended editing City of Charles Town codified code, article 745.34(a), last sentence by removing and replacing the words "**abate and forgive**" with "**waive**" to read: "…recommendation of […] Finance Committee, […] the municipality may **waive** the penalty and interest…"

Mr. Kratovil moved to adopt Ms. Philabaum's recommendation and to cap the monthly late fee [additional penalty] at $250 per reporting period and $500 total. Ms. Rodd seconded the motion, and it failed by a 2-6 vote.

RESULT:	**FAILED [2-6]**
MOVER:	James Kratovil
SECONDER:	Priscilla Rodd
AYES:	Kratovil, Ricketts
NAYS:	Hynes, Tester, Philabaum, Rodd, George, Sugrue

Mr. George moved to adopt Ms. Philabaum's recommendation to edit the City of Charles Town codified code, article 745.34(a), last sentence by removing and replacing the words **"abate and forgive"** with **"waive"** to read: "…recommendation of […] Finance Committee, […] the municipality may waive the penalty and interest…" and to cap the additional penalty to $250 per tax reporting cycle [6 months] and $500 per year. Mr. Hynes seconded the motion, and it passed by a 6-2 vote.

RESULT:	**APPROVED [6-2]**
MOVER:	Micheal George
SECONDER:	Jeff Hynes
AYES:	Kratovil, Ricketts, Hynes, Tester, Rodd, George
NAYS:	Philabaum, Sugrue

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees and commissions.

12. APPROVAL OF BILLS

2024-825: Payment of Bills - August 5, 2024

Mr. Kratovil moved to approve the payment of the bills. Hearing no objections, Mayor Trainor 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 adjourned the meeting at 11:35PM.

14. INFORMATION ONLY:
SPECIAL COUNCIL MEETING - August 19, 2024, at 5:30PM
REGULAR COUNCIL MEETING - August 19, 2024, at 7:00PM

2024-785: Letter from Jefferson County Community Ministries

2024-786: Letter of Appreciation to Georgia Brenneke

2024-787: FY25 General Fund Revision #1 Worksheet and Resolution and FY25 Coal Severance Revision #1 Worksheet and Resolution

2024-791: Ms. Andie Sugrue City Council Oath of Office

2024-792: Mr. Alden Roth Board of Parks and Recreation Oath of Office

2024-793: Charles Town Utility Board Meeting Minutes - July 10, 2024

2024-815: Charles Town Police Department Monthly May and June Statistics

2024-824: Letter from the Boys and Girls Club of the Eastern Panhandle

15. 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: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-859: Finance Committee Meeting - August 7, 2024

ATTACHMENTS:

2024-860: Board of Parks and Recreation Commission - August 14, 2024

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-861: Ordinance Committee Meeting - August 15, 2024

ATTACHMENTS:

- Ordinance Meeting Minutes 8_15_24.pdf

City of Charles Town Ordinance Committee Report - August 15, 2024

Call to Order:
17:59

Committee Members In Attendance:

Councilmembers Kevin Tester and Julie Philabaum. Councilmember Andie Sugrue absent due to illness

Also in attendance: Staff Attorney, Stephanie Gove and City Manager, John Nissel

Agenda / Discussions:

Unfinished Business

2024 - 611: Parking - Article 365

After being tabled at the last Council meeting, we reviewed the original redline presented at the last meeting with our new staff attorney, she will be making adjustments in language only, not substance and the slightly revised redline version will be present at the next Council meeting for its first reading

- ***Recommendation to City Council:***
    - *On Aug 19th Agenda for 1st Reading, Revised Red Line Version to be included in the packet*

2024-852: Outdoor Dining

Continued discussion on outdoor dining possibilities, this time including our attorney. Discussion centered around alternative options for downtown where sidewalk width in most places will not allow. Takeaways at this point include:

Most of Washington St. will not accommodate due to ADA compliance and sidewalk width.

Discussion on ideas of using parking spaces sectioned off with temporary Bollards as a possible solution to offer as an alternative, more research to be done on legal and safety issues as well as any issues with State DOH

Looking into other locations of downtown off Main Street and how an Ordinance can be crafted to accommodate using their outdoor spaces where ADA requirements are not an issue. Looking at legal issues from State Compliance to ABC laws.

- **Recommendation to City Council**
    - None at this time. Working with Legal to determine any concerns or hurdles, review with CTPD on safety concerns and Historic Landmarks where applicable.

Adjournment:
18:58

Next Meeting:
TBD

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-862: Personnel Committee Meeting - August 16, 2024 - Possible Executive Session

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-864: City Manager Report - August 19, 2024

ATTACHMENTS:

- City Manager Report - August 19, 2024.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

City Managers Report
August 19, 2024

- **The 2023 Audited Financial Statements** - City of Charles Town has been posted to DAC and EMMA. I want to thank Lori Nice, our Finance Director, for all her hard work.
- **Walks About Nothing.** We will be conducting a "Walks about Nothing" during the months of September, October, November and December. This is an opportunity to get to know the city officials, Council, Charles Town NOW, along with other community members. I encourage members of the council, City staff and community members to walk.
- **The Maintenance team has been busy getting ready for the Fall season.** As you travel the city you may notice fresh paint on the crosswalks at Wright Denny school, Crescent Drive in the County Green subdivision and at Evetts Run Park. They are also painting curbs along Liberty and Congress Streets. The 15MPH school lights are programmed for the beginning of the school season at Wright Denny. The crews will continue this effort into the Fall.
- **Milling/Paving North George Street.** Milling and paving will begin Sunday evening August 18th and weather permitting should be completed by Thursday August 22nd.
- **Skate Park Mural.** The skatepark will be closed during the month of September for mural painting. Notices will be posted this coming week on the website and social media.
- **Doggy Swim.** The pool at Memorial Park will host a "doggy swim" on August 25th from 3:00pm to 5:00pm to celebrate our furry friends.
- **Fall Tennis Program.** We have had a lot of requests from the community to continue the tennis program into the Fall season. Information on times and program descriptions will be posted to the website in the next week.
- **Update on Code Enforcement efforts**

2024-847: Overview of Code Enforcement

ATTACHMENTS:

- Code Enforcement working list 2024.pdf

Property	Case #	Description	Current Status	Commercial
214 S WATER ST	CE-23-15	Property Maint \ O2V	Court	
305 W Congress Street	CE-23-17	Property Maint	Working	
420 E Washington Street	CE-23-19	Property Maint	Working	
317 S Church St	CE-23-25	Property Maint	Open	
202 S Samuel Street	CE-24-01	Property Maint	Open	X
208 N WEST ST	CE-24-02	Property Maint	Open	
128 W Washington St	CE-24-03	Property Maint	Court	X
412 W LIBERTY ST	CE-24-04	Property Maint	Abated	
610 W Washington Street	CE-24-05	Property Maint	Open	
809 S George Street	CE-24-06	Property Maint	Abated	
133 W WASHINGTON ST	CE-24-07	Property Maint	Open	
401 N George Street	CE-24-08	O2V	Court	X
528 E Washington St	CE-24-09	Property Maint	Hold	
510 S Reymann St	CE-24-10	Property Maint	Working	
418 E Washington	CE-24-11	Property Maint \ O2V	Working	
219 N Mildred Street	CE-24-12	Property Maint	Open	X
300 N Lawrence St	CE-24-13	Property Maint	Open	
524 E Washington St	CE-24-14	Property Maint \ O2V	Court	X
526 E Washington St	CE-24-15	Property Maint \ O2V	Court	X
302 E Washington St	CE-24-16	Property Maint	Abated	
1040 Summerset	CE-24-17	Property Maint	Working	X
Test	CE-24-18	Property Maint	VOID	
230 N Samuel St	CE-24-19	Property Maint & Structural	Open	X
323 E 1 St	CE-24-20	Property Maint	Working	
109 E Congress	CE-24-21	Property Maint	Working	X
424 E 1st Ave	CE-24-22	Property Maint	Abated	
219 S George St	CE-24-23	Property Maint	Working	X
205 S George	CE-24-24	Property Maint	Working	
631 Eagle Ave	CE-24-25	Property Maint	Open	
509 W Congress	CE-24-26	Property Maint	Working	
515 W Congress	CE-24-27	Property Maint	Working	
90 Extrovert Dr	CE-24-28	Permit	Working	
206 S Lawrence	CE-24-29	Property Maint	Working	
512 S George	CE-24-30	Property Maint	Court	X
100 S West St	CE-24-31	Property Maint \ Vacant Struc	Working	
57 Bramble Dr	CE-24-32	Property Maint \ O2V	Working	

11 of 36 are commercial

6 Orders to Vacate - 3 of the 6 boarded up

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-853: Public Hearing - *TXA2023-09* - First Reading and Consideration of an Ordinance to Amend the Zoning Ordinance, Article 1322 Zoning District Provisions, Section 1322.04 Rules for Interpretation of Uses, Table 1322.04 Zoning District Use Table in Regard to Permitted Uses in the Neighborhood Residential Zoning District

ATTACHMENTS:

- 1. Report.pdf
- 2. Draft Ordinance.pdf

TXA2023-09

Neighborhood Residential Use Mix

Date: For the August 19, 2024 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

ISSUE

While the NR zoning district allows for some recreational uses by-right (such as parks, tennis courts, gym), the only retail use permitted is a convenience store open 15-16 hours/day. That is the sole commercial use allowed at all, either by-right or with a special exception. Additionally, the only office use allowed at all is a government office building. The requirement for Neighborhood Commercial (NC) uses does not specify that such uses must be commercial in nature, and must be corrected.

CITY COUNCIL

On September 5, 2023, City Council unanimously voted to refer this item to the Planning Commission for discussion and eventual public hearing.

Council reviewed this item at their August 5, 2024 meeting, and tabled the item to allow time for additional review.

PLANNING COMMISSION

The Commission reviewed this item at their October 23, 203 work session. The Commission requested staff modify the language about NC Use requirements in NR zoning, and requested some modifications to permitted uses.

The Commission reviewed this item at their November 27, 2023 meeting. The Commission discussed removal of reference to Neighborhood Commercial, and to simplify by stating that the required 10% to be *non-residential* uses. They asked staff to provide a comparison of the R15, NR, NC Districts.

The Commission reviewed this item at their January 30, 2024 meeting. The Commission asked staff to prepare a matrix of uses with definitions and status in the NR district.

The Commission reviewed this item at their March 25, 2024 meeting. The Commission reviewed the staff-proposed changes and made suggestions.

The Commission reviewed this item at their April 22, 2024 meeting. The Commission reviewed the staff-proposed changes and made suggestions.

The Commission reviewed this item at their May 28 2024 meeting. The Commission recommended staff bring this item to a public hearing.

The Commission held a public hearing on this item at their July 22, 2024 meeting. There were no comments from the public. The Commission unanimously voted to recommend approval, subject to the clarification of language about permitted accessory uses..

NEIGHBORHOOD RESIDENTIAL

Purpose: The purpose of the NR District is to provide for a mix of housing types and related services and Uses, including Commercial Uses and office services. It is the intent of the zoning classification to allow mixed development on undeveloped land and, where applicable as may be further described in this Ordinance, the Redevelopment of specific parcels within the City. The NR District applies to parcels or tracts larger than five (5) acres. The intent is to create a cohesive pattern of primarily residential development that allows a mix of Uses, including neighborhood servicing Commercial and office Uses and/or Commercial and office Uses that complement the primarily residential character of the neighborhood.

POTENTIAL USES

Proposed use changes are based on the intent of the district.

NOTE: Uses not defined in our Code take their definitions from the Institute of Transportation Engineers manual (per City Code regulations) **unless otherwise specified**.

Red Text in the *NR* column is the staff proposed use permission level: P = permitted by-right, S= Special Use Permit required, blank = not permitted at all. PA=Permitted accessory use, SA = Special Exception accessory use.

TABLE 1322.04, Zoning District Use Table

ITE CODE	USE	NR
090	Park-and-Ride Lot Not defined. Proposed definition: PARK AND RIDE LOT – Park and ride lots, with bus or other public or shared transportation service areas used for the transfer of people between private vehicles and buses or other public or shared transportation. They usually contain a bus shelter, a parking lot and circulation area for buses or other public or shared transportation, as well as circulation areas for private motor vehicles. In addition to park and ride, passengers may also be dropped off. Note: Definition slightly modified from the ITE definition, to include passenger/shared transportation, to broaden the category beyond just buses and private cars.	
210	Single-Family Detached Housing DWELLING, SINGLE-FAMILY DETACHED – A Building containing only a Dwelling Unit surrounded by Yards or other open area on the same Lot and not occupied by more than one single Family.	P
*	Duplex DWELLING, DUPLEX – A Building located on two Lots and containing two individual Dwelling Units that are attached, but on separate Lots.	P
	Go to next page	

*	Dwelling, Two Family DWELLING, TWO-FAMILY – A Building located on one Lot containing not more than two Dwelling Units, arranged one above the other or side-by-side.	P
220	~~Apartment~~ Multi-Family Dwelling DWELLING, MULTI-FAMILY – A Building containing three or more Dwelling Units. Note: Apartment not defined. Propose replacing with Multi-family.	P
230	Residential Condominium/Townhouse DWELLING, TOWNHOUSE – One of a series of three or more attached Dwelling Units separated from one another by continuous vertical party walls without openings from Basement floor to roof, with each Dwelling Unit occupied by only one single Family.	P
240	Mobile Home Park MOBILE HOME PARK – A Lot or tract of land used or intended to accommodate Mobile Homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A Mobile Home Park does not include Mobile Home sales lots, on which unoccupied Mobile Homes are parked for inspection or sale, and does not include parks for the temporary parking for camping or recreational purposes of Travel Trailers or Motor Homes or sales lots for the same. See the Charles Town Subdivision and Land Development Ordinance for additional information and requirements regarding Mobile Home Parks.	
251	Senior Adult Housing – Detached Not defined in our Code: SENIOR ADULT HOUSING, DETACHED – Senior adult detached housing consists of detached independent living developments, including retirement communities, age-restricted housing, and active adult communities. These developments may include amenities such as gold courses, swimming pools, security,	P
252	Senior Adult Housing – Attached Not defined in our Code: SENIOR ADULT HOUSING, ATTACHED – Senior adult housing consists of attached independent living developments, including retirement communities, age-restricted housing, and active adult communities. These developments may include limited social or recreational services. However, they generally lack centralized dining and on-site medical care facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired.	P
253	Congregate Care Facility Not defined in our Code: CONGREGATE CARE FACILITY – Independent living developments that provide centralized amenities such as dining, housekeeping, transportation, and organized social/recreational activities. Limited medical services (such as nursing and dental care) may or may not be provided. The residents may contract additional medical or personal services.	S

254	Assisted Living Not defined in our Code: ASSISTED LIVING – These complexes are residential settings that provide either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. They commonly have separate living quarters for residents, and services include dining, housekeeping, social and physical activities, medication administration, and transportation.	S
255	Continuing Care Retirement Community Not defined in our Code: CONTINUING CARE RETIREMENT COMMUNITY – A complex that provides multiple elements of senior adult living. These combine aspects of independent living with increased care, as lifestyle needs change with time. Housing options may include various combinations of senor adult housing-detached and senior adult housing-attached, congregate care, assisted living and skilled nursing care – aimed at allowing the residents to live in one community as their medical needs change. The communities may also contain special services such as medical, dining, recreational, and some limited supporting retail facilities. These communities are usually self-contained villages.	S
*	Adult Day Care Center ADULT DAY CARE CENTER – A facility that provides non-medical care for seven (7) or more adult persons on a less than 24-hour basis and that is duly licensed by the State of West Virginia and approved to operate as an adult day care center by all appropriate authorities.	S
*	Child Care Center CHILD CARE CENTER – A private home-based establishment enrolling six (6) or fewer children where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed by the State of West Virginia and approved to operate as such an establishment.	S
*	Detached Garage or carport, provided it does not exceed 500 sq. feet.	PA
	Guest Quarters Not defined in our Code. Proposed definition is from Fredericksburg VA GUEST QUARTERS -A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot	PA
	Group Home GROUP HOME – A facility that: 1. Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; 2. Is occupied as a residence by not more than eight (8) individuals who are developmentally disabled and not more than three (3) supervisors, or is occupied as a residence by not more than twelve (12) individuals who are behaviorally disabled and not more than three (3) supervisors;	

	3. Is licensed by the West Virginia Department of Health and Human Resources; 4. Complies with the State Fire Code for residential facilities.	
*	Home Occupation, Minor HOME OCCUPATION – A business, profession, occupation, or trade conducted for financial gain or profit and located entirely within a residential Dwelling, or within a detached Residential Garage. Such Use is accessory, incidental, and secondary to the Use of the Dwelling for residential purposes and does not change the residential purposes and does not change the residential character or appearance of the Dwelling or detached Residential Garage.	PA
*	Home Occupation, Major HOME OCCUPATION – A business, profession, occupation, or trade conducted for financial gain or profit and located entirely within a residential Dwelling, or within a detached Residential Garage. Such Use is accessory, incidental, and secondary to the Use of the Dwelling for residential purposes and does not change the residential purposes and does not change the residential character or appearance of the Dwelling or detached Residential Garage.	SA
*	Swimming Pool (Private) SWIMMING POOL – Any Structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground, and on-ground Swimming Pools, hot tubs, and spas.	PA
310	Hotel Not defined in our Code: HOTEL- A place of lodging that provides sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room), and/or other retail and service shops.	
311	All Suites Hotel Not defined in our Code: HOTEL, ALL SUITES – A place of lodging that provides sleeping accommodations, a small restaurant and lounge, and small amounts of meeting space. Each suite includes a sitting room and separate bedroom; limited kitchen facilities are provided within the suite.	
312	Business Hotel Not defined in our Code: HOTEL, BUSINESS – A place of lodging aimed towards business travelers. These hotels provide sleeping accommodations and other limited facilities, such as a breakfast buffet bar and afternoon beverage bar (no lunch or dinner is served and no meeting facilities are provided). Each unit is a single large room. Business hotels provide very few or none of the supporting facilities provided at a hotel or all suite hotel, and are usually smaller in size. Generally located in a suburban area.	

320	Motel Not defined in our Code: MOTEL – A place of lodging that provides sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space and few (if any) supporting facilities	
*	Bed and Breakfast Inns BED AND BREAKFAST INN – Any Owner-occupied residential Dwelling, or Accessory Structure which is part of the owner occupied property, in which rooms are rented to paying guests on an overnight basis with not more than one (1) meal served daily, the entire service to be included in one (1) stated price. Such facility is not a Home Occupation for purposes of this Ordinance.	SA

411	City Park Not defined in our Code. Staff drafted: CITY PARK: Parkland owned and operated by the City.	P
412	County Park Not defined in our Code. Staff drafted: COUNTY PARK – Parkland owned and operated by Jefferson County, West Virginia.	P
413	State Park Not defined in our Code. Staff drafted: STATE PARK – Parkland owned and operated by the State of West Virginia.	P
416	Campground/Recreational Vehicle Park Not defined in our Code: CAMPGROUND/RECREATIONAL VEHICLE PARK - Recreational sites that accommodate campers, trailers, tents, and recreational vehicles on a transient basis. They provide a variety of facilities, often including restrooms with showers, recreational facilities (such as a swimming pool), laundromat facilities, and a convenience store.	
430	Golf Course Not defined in our Code: GOLF COURSE – A recreational location offering 9, 18, 27, and 36 hole courses, or a similar configuration. Some sites may also have driving ranges, and clubhouses with a pro shop, restaurant, lounge, and banquet facilities. Includes municipal golf courses. Does not include miniature golf.	S
431	Miniature Golf Course Not defined in our Code: MINIATURE GOLF COURSE – Consists of one or more individual putting courses. They may include limited game rooms or refreshment services. This is a stand-alone facility and not part of a larger recreational facility	S
432	Golf Driving Range Not defined in our Code: GOLF DRIVING RANGE – Outdoor facilities containing driving tees for golfers to practice. These facilities may also provide individual or group lessons. May include a pro-shop and/or refreshment facilities.	S

433	Batting Cages Not defined in our Code: BATTING CAGES – Recreational facilities which consist of one or more individual batting cages. They may contain game rooms and/or refreshment services.	S
438	Billiard Hall Not defined in our Code. Definition taken from Merriam-Webster and modified: BILLIARD HALL – A facility used to play billiards, also known as a poolhall. Generally provides dining or refreshment facilities	S
435	Multipurpose Recreational Facility Not defined in our Code: MULTIPURPOSE RECREATIONAL FACILITY – A facility containing two or more of the following uses combined at one site: miniature golf, batting cages, video arcades, bumper cars/vehicles, go-carts, golf driving ranges, and similar recreational facilities. Refreshment areas may also be provided	S
437	Bowling Alley Not defined in our Code: BOWLING ALLEY – A recreational facility that includes bowling lanes. A small lounge, restaurant and/or snack bar, video games, and billiards table may also be available.	S
440	Adult Cabaret (Adult Uses) ADULT ENTERTAINMENT CABARET – A public or private establishment that is licensed to serve food and/or alcoholic beverages, which features topless dancers, strippers, male or female impersonators, or similar entertainers.	
441	Live Theater Modified from existing *Theater* definition. THEATER, LIVE – A Building or part of a Building devoted to showing live dramatic, musical, or other performances.	
443/444	Movie Theater Not defined in our Code: THEATER, MOVIE – A facility with a screen or multiple screens up to a maximum of nine (9), audience seating, a lobby, and refreshment stand. Not used for live performances.	
445	Multiplex Movie Theater Not defined in our Code: THEATER, MULTIPLEX MOVIE- A facility with a minimum of ten (10) screens, audience seating, a lobby, and a refreshment stand. Generally has one or more of the following amenities: digital sound, tiered stadium seating, moveable/expandable walls.	
460	Arena Not defined in our Code: ARENA – Large indoor structures in which spectator events are held. These events vary from professional sports to events such as concerts, shows, or religious services.	

464	Roller Skating Rink Not defined in our Code. Definition taken from Merriam-Webster and modified: RINK, ROLLER SKATING – An enclosure for roller skating. May feature a refreshment area.	
465	Ice Skating Rink Not defined in our Code: RINK, ICE SKATING – Standalone facilities use for ice-skating oriented sports and entertainment. May contain spectator areas, refreshments areas, locker rooms, and arcades.	
473	Casino/Video Lottery Establishment Not defined in our Code. This definition is from ITE and modified to include dining facilities. The ITE definition did not cover full-service casinos. CASINO/VIDEO LOTTERY ESTABLISHMENT – Establishment that provides electronic or manually-controlled slot machines, games of chance, and/or games of skill. These facilities exist for the primary purpose of deriving revenue from gaming operations. May include dinning and refreshment facilities, as well as lodging, and conference spaces.	
480	Amusement Park Not defined in our Code: AMUSEMENT PARK – A recreational facility that contains rides, entertainment, and refreshment stands.	
488	Soccer Complex Not defined in our Code: SOCCER COMPLEX – Outdoor facility used for non-professional soccer games. They may consist of multiple fields. Ancillary amenities include stadium seating, and other recreational activities, such as a fitness trail, ball court, and playground.	S
490	Tennis Courts Not defined in our Code: TENNIS COURT – Indoor or outdoor facilities specifically designed for playing tennis. May be public or private. Generally does not include ancillary uses besides seating.	P
491	Racquet/Tennis Club Not defined in our Code: RACQUET/TENNIS CLUB – Privately owned facilities that primarily cater to racquet sports (tennis, racquetball, or squash – indoor or outdoor). The land use may also provide ancillary facilities, such as swimming pools, saunas, weight rooms, snack bars, retail stores, and/or a clubhouse. These facilities are membership clubs that allow access to the general public for a fee.	S
492	Health/Fitness Club Not defined in our Code: HEALTH/FITNESS CLUB – A privately owned facility that primarily focuses on individual fitness or training. Typically they provide exercise classes; weightlifting, fitness, and gymnastics equipment, spas, locker rooms, and refreshment areas. Ancillary features may include saunas, swimming pools, racquet sport facilities, handball courts, and limited retail. These facilities are membership clubs that may allow access to the general public for a fee.	P

493	Athletic Club Not defined in our Code: ATHLETIC CLUB – Privately owned facilities that offer comprehensive athletic facilities. These clubs typically have one or more of the following: tennis, racquetball, squash, handball, basketball, and volleyball courts; swimming pools, whirlpools, saunas, spas, exercise rooms, and/or weight rooms. They may offer a diversity of competitive team sports activities, as well as social facilities. They facilities are membership facilities that may allow access to the general public for a fee.	P
495	Recreational Community Center Not defined in our Code: RECREATIONAL COMMUNITY CENTER – Stand-alone public facilities similar to an athletic club. These facilities often include classes and clubs for adults and children; a daycare/nursery school; meeting rooms; swimming pools, whirlpools, saunas; tennis racquetballs, handball, basketball, and/or volleyball courts; outdoor and indoor recreation areas; athletic fields; weightlifting and gymnastics equipment; and a refreshment area. A fee may be charged.	S
*	Swimming Pool Facility Not defined in our Code or in ITE. Staff crafted proposed definition: SWIMMING POOL FACILITY – A swimming pool open to the public for free, a fee, or to a fee paying membership. May contain refreshment facilities.	S
520	Elementary School Not defined in our Code: SCHOOL, ELEMENTARY – Educational facility typically serving students from kindergarten through to fifth or sixth grade. Generally includes bus parking, as well as outdoor recreational fields and play areas. Include both private and public facilities.	
522	Middle School/Junior High School Not defined in our Code: SCHOOL, MIDDLE/JUNIOR HIGH – Educational facility serving students who have graduated from elementary school but not yet in high school. Generally includes bus parking, as well as outdoor recreational fields and play areas. Include both private and public facilities.	
530	High School Not defined in our Code: SCHOOL, HIGH – Educational facility serving students who have graduated from middle/junior high school. Generally includes bus parking, as well as outdoor recreational fields and play areas. Include both private and public facilities.	
534/536	Private School (K-12) Not defined in our Code: SCHOOL, PRIVATE – Educational facility that primarily educates kindergarten through eighth grade. They may offer pre-kindergarten classes, as well as extended daycare. Generally includes bus parking, as well as outdoor recreational fields and play areas.	

540	Junior/Community College Not defined in our Code: COLLEGE, JUNIOR/COMMUNITY – Educational facility which offers two-year junior, community, or some technical colleges. Educational programs may exceed two years for certain programs.	
550	University/College Not defined in our Code: COLLEGE/UNIVERSITY – Educational facility offering four-year educational programs. Generally offers a variety of undergraduate, graduate, and postgraduate educational programs.	
*	Technical and Vocational School Not defined in our Code or ITE. Definition from Fredericksburg VA: SCHOOL, TRADE/TECHINCIAL/VOCATIONAL- A facility primarily teaching a usable skill that prepares a person for a job in a trade and meeting any licensing requirements of the State, including barber, cosmetology, mechanical, plumbing, electrical, carpentry, and auto-mechanic trades.	
*	Professional and Management Development Training Center Not defined in our Code or ITE. Definition from N. American Industry Classification System: PROFESSIONAL AND MANAGEMENT DEVELOPMENT TRAINING CENTER - Establishments primarily engaged in offering an array of short duration courses and seminars for management and professional development. Training for career development may be provided directly to individuals through employers' training programs and courses that are customized or modified to meet the special needs of their customers. Common types of services within this sector include: continuing Education (classes, seminars, and conferences), professional development training, quality assurance training, and management development training.	
560/561	Church/Synagogue CHURCH – A Religious Institution.	S
565	Day Care Center DAY CARE CENTER – A private establishment enrolling more than six (6) children where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed by the State of West Virginia and approved to operate as such an establishment.	~~SA~~ P
566	Cemetery CEMETERY -A place used for the permanent internment of dead human bodies or the cremated remains thereof. A Cemetery may be a burial park for earth internments, a mausoleum for vault or crypt internments, a columbarium for cinerary internments, or a combination of one or more thereof.	
571	Prison Not defined in our Code: PRISON – A building or buildings where persons convicted of a crime or who are awaiting trial are confined. May include limited recreational facilities, as well as work areas, dining areas, and office spaces.	
	Go to next page	

580	Museum Not defined in our Code MUSEUM – A facility offering exhibitions, displays, shows, and/or demonstrations of historical, scientific, artistic, or other cultural significance.	P
*	Cultural Center CULTURAL CENTER – A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use allows for the combination of the uses as follows, but is not limited to: museums, art performances, corporate retreats, art galleries, historic interpretation/reenactment, cultural activities, weddings, or interpretive sites, but does not include commercially-operated businesses.	~~S~~ P
590	Library Not defined in our Code LIBRARY – Either a public or private facility with shelved books, reading rooms, and sometimes meeting rooms.	P
591	Lodge/Fraternal Organization LODGE/FRATERNAL ORGANIZATION: A private clubhouse with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	S
610	Hospital HOSPITAL – A licensed and West Virginia accredited institution rendering medical, surgical or convalescent care at least partially on an inpatient basis, including Nursing Homes, homes for the aged and sanatoriums, and treatment centers that serve human patients at least partially on an inpatient basis and partially by outpatient services, particularly emergency care.	
612	(Outpatient) Surgery Center OUTPATIENT SURGEY CENTER – A healthcare facility that provides surgical care without providing overnight accommodations.	
620	Nursing Home NURSING HOME – This item includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care; a place that has obtained the necessary licensing requirements in West Virginia which is devoted primarily to the maintenance and operation of facilities for the treatment and care of four (4) or more persons suffering from illness, diseases, deformities or injuries not requiring extensive and/or intensive care that is normally provided in a general Hospital or other specialized Hospital.	
630	Clinic CLINIC – An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, social workers, or veterinarians and where patients are not usually lodged overnight.	

640	Animal Hospital/Veterinary Clinic ANIMAL HOSPITAL – A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.	S
*	Medical / Dental Lab Not defined in our Code or ITE. Definition from Fredericksburg VA: MEDICAL/DENTAL LAB - A room or group of rooms used for conducting the affairs of a businesses engaged in offering or providing medical, dental, or other health-related diagnostic services to clients both on-site and in separate locations.	S
*	Heliport Not defined in our Code or ITE. Definition from Fredericksburg VA: HELIPORT - An area, either on ground level or elevated on a structure, licensed or approved for repetitive helicopter landings and takeoffs on the same parcel of land. The term heliport includes accessory uses and structures such as parking, waiting room, fueling, and maintenance equipment	
710	General Office Building Not defined in our Code OFFICE BUILDING, GENERAL – A building generally housing multiple tenants. It is a location where affairs of businesses, commercial, or industrial organizations, or professional persons or firms are conducted. May include ancillary businesses such as dining or retail.	
714	Corporate Headquarters Building Not defined in our Code, and such a use seems like it can be subsumed into another Office category use.	
715	Single Tenant Building Not defined in our Code OFFICE BUILDING, SINGLE-TENANT – A building containing the offices of a single business or company. Generally contains offices, meeting rooms, and storage facilities. May have ancillary support services such as a cafeteria, gym facilities, and/or a daycare.	P
720	Medical-Dental Office Building Not defined in our Code, and this use seems like it can be subsumed into the *Medical/Dental Lab* use.	P
730	Government Office Building Not defined in our Code OFFICE BUILDING, GOVERNMENT – A individual building containing government offices. May be local, state, or federal offices.	P
732	United States Post Office Not defined in our Code UNITED STATES POST OFFICE – A federal post office building. Generally contains service windows, post office boxes, and sorting and distribution facilities.	P

733	Government Office Complex Not defined in our Code OFFICE COMPLEX, GOVERNMENT – A series of government office buildings connected by pedestrian walkways. May be local, state, or federal offices.	
735	Judicial Complex Not defined in our Code or ITE. Staff crafted definition: JUDICIAL COMPLEX – An office building or series of office buildings used for judicial proceedings. May include offices, meeting rooms, trial hearing rooms, and detention facilities.	
750	Office Park Not defined in our Code OFFICE PARK – Usually a planned development featuring general office buildings and support services, such as banks, restaurants, and service stations, arranged in a campus-like atmosphere. The development is focused on offices and ancillary service industry businesses.	
760	Research and Development Center RESEARCH AND DEVELOPMENT CENTER – A Building or Buildings, for which an overall Schematic Plan has been approved by the Planning Commission, designed with Open Space and compatible with the adjacent community, to be used for the inquiry and investigation of sources and limited to the basic and applied research phase of the inquiry; not including however, any manufacturing, industrial operations or pilot plant involving machines or operations normally associated with production or assembly lines or the production of goods in quantity above that needed for product testing and evaluation.	
770	Business Park Not defined in our Code BUSINESS PARK – Consists of a group of buildings used for flex-type or incubator businesses. Generally one or two story buildings served by a common roadway system. The tenant space is flexible and may be used for a variety of uses. The rear of the building is usually used as a service entrance. May include office space, retail and wholesale stores, warehousing, restaurants, light-industrial, and scientific research businesses. Average mixture of uses is 30% commercial/office, and 70% industrial/warehouse.	
812	Building Materials and Lumber Store Not defined in our Code BUILDING MATERIALS AND LUMBER STORE – A free-standing building that sells hardware, building materials, and lumber. Generally less than 30,000 sq. ft. May feature an outdoor storage yard.	
813	Free-Standing Discount Superstore Not defined in our Code DISCOUNT SUPERSTORE, FREE-STANDING – This type of store offer a wide arrange of products and services, and has centralized cashiering. It also has a full-service grocery department. May have ancillary support operations, such as gasoline sales, a garden center, and automotive services. Generally open every day, with long operating hours. May be part of a larger retail complex.	

814	Specialty Retail Center Not defined in our Code. Proposed definition taken from Wikipedia: RETAIL CENTER, SPECIALTY - A specialty store is a shop/store that carries a deep assortment of brands, styles, or models within a relatively narrow category of goods. Furniture stores, florists, sporting goods stores, and bookstores are all specialty	P
815	Free-Standing Discount Store Not defined in our Code DISCOUNT STORE, FREE-STANDING – This type of store offer a wide arrange of products and services, and has centralized cashiering. It does not have a full-service grocery department. May have ancillary support operations, such as gasoline sales, a garden center, and automotive services. Generally open every day, with long operating hours. May be part of a larger retail complex.	P
816	Hardware/Paint Store Not defined in our Code. ITE definition is simply "Generally a free-standing store". This proposed definition is Staff created: HARDWARE/PAINT STORE – A store offering hardware, paint, and other home improvement goods. Generally has a more limited selection of good compared to a building materials and lumber	P
817	Nursery/Garden Center Not defined in our Code. NURSERY/GARDEN CENTER – A free standing building with an outside storage area for planting or landscaping stock. Primarily serves the general public. May have a greenhouse on-site, offices, storage, shipping facilities, and may offer landscaping services.	S
818	Nursery (Wholesale) Not defined in our Code. NURSERY (WHOLESALE) - A free standing building with an outside storage area for planting or landscaping stock. Primarily serves contractors and suppliers. May have a greenhouse on-site, offices, storage, shipping facilities, and may offer landscaping services.	
820	Shopping Center Not defined in our Code. SHOPPING CENTER – An integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Generally provides on-site parking.	
823	Factory Outlet Center Not defined in our Code. FACTORY OUTLET CENTER – A shopping center that primarily houses factory outlet stores.	
841	Automobile Sales Not defined in our Code. AUTOMOBILE SALES – A dealership, typically located along major arterial streets characterized by abundant commercial development. Leasing and used car sales may also be areas of focus. May offer services and sale of parts.	

843	Automobile Parts Sales Not defined in our Code. AUTOMOBILE PARTS SALES – Facility focused on the sale of automobile parts for maintenance and repair. Material sold may include oil and batteries, and a wide array of automobile parts.	
848	Tire Store Not defined in our Code. TIRE STORE – A business focused on the sale of automobile tires. May offer services such as tire installation and repair. May offer automotive maintenance and repair services. Generally does not have large storage or warehouse areas.	
849	Tire Superstore Not defined in our Code. TIRE SUPERSTORE – Warehouse-style facility focused on selling and installing automobile tires. May offer automotive maintenance and repair services, such as wheel alignment and shock and brake service. Generally has a significant storage area. General bodywork and mechanical repairs are not performed.	
850	Supermarket Not defined in our Code. SUPERMARKET – Free-standing retail store selling an assortment of food, food preparation and wrapping materials, and household goods. They may contain a deli, a bakery, a pharmacy, and other customary services. May be open 24 hours.	S
851	Convenience Market (Open 24 Hours) Not defined in our Code. CONVENIENCE MARKET (24 HOURS) – A market which sells convivence goods, magazines, and often prepared food. May sell alcohol. Does not sell or dispense gasoline. Open 24 hours.	
852	Convenience Market (Open 15 – 16 Hours) Not defined in our Code. CONVENIENCE MARKET (15-16 HOURS) – A market which sells convivence goods, magazines, and often prepared food. May sell alcohol. Does not sell or dispense gasoline. Generally open no more than 16 hours a day.	P
853	Convenience Market with Gasoline Pumps Not defined in our Code. CONVENIENCE MARKET (WITH GASOLINE SALES) – A market which sells convivence goods, magazines, and often prepared food. May sell alcohol. May be open 24 hours. Has gasoline and other automotive fuel dispensers.	
854	Discount Supermarket Not defined in our Code. SUPERMARKET, DISCOUNT – A free-standing retail store selling an assortment of food (often in bulk), food preparation and wrapping materials, and household goods, at discounted prices.	P
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857	Discount Club Not defined in our Code. DISCOUNT CLUB - A discount store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires and appliances; many items are sold in large quantities or bulk. Some site include on-site fueling pumps.	
859	Liquor Store (including Beer Distributor) Not defined in our Code. Definition taken from Martinsburg: LIQUOR STORE (Including Beer Distributor): Any established licensed and permitted under the West Virginia Alcohol and Beverage Control Administration to sell alcoholic beverages, including beer, wine, and liquor	S
860	Wholesale Market Not defined in our Code. WHOLESALE MARKET –Use with large storage and distribution areas for receiving goods and shipping these goods to places such as grocery stores and restaurants. Generally, these markets are characterized by little drive-in business; truck deliveries and pick-up take place at all hours of the day	
861	Sporting Goods Superstore Not defined in our Code. SUPERSTORE, SPORTING GOODS – Free-standing facility which generally offer a variety of customer services and centralized cashiering, and which specialize in the sale of athletic and out-door oriented merchandise. These stores typically maintain long store hours, and are generally open every day of the week	
862	Home Improvement Superstore Not defined in our Code. SUPERSTORE, HOME IMPROVEMENT – Free-standing facility that specializes in the sale of home improvement merchandise. Generally offer a variety of customer services and centralized cashiering. These stores typically maintain long store hours, and are generally open every day of the week. May have a garden center	
863	Electronics Superstore Not defined in our Code. SUPERSTORE, ELECTRONICS - Free-standing facility that specializes in the sale of electronics merchandise, and may also offer major home appliances. Generally offer a variety of customer services and centralized cashiering. These stores typically maintain long store hours, and are generally open every day of the week.	
864	Toy/Children's Superstore Not defined in our Code. SUPERSTORE, CHILDRENS GOODS/TOYS - Free-standing facility that specializes in the sale of toys and other child-oriented merchandise. Generally offer a variety of customer services and centralized cashiering. These stores typically maintain long store hours, and are generally open every day of the week.	
865	Baby Superstore Not defined in our Code. SUPERSTORE, BABY GOODS - Free-standing facility that specializes in the sale of toys and other baby-oriented merchandise. Generally offer a variety of customer services and centralized cashiering. These stores typically maintain long store hours, and are generally open every day of the week.	

866	Pet Supply Superstore Not defined in our Code. SUPERSTORE, PET SUPPLY – Free-standing facility which generally offer a variety of customer services and centralized cashiering, and which specialize in the sale of pets and pet oriented merchandise. These stores typically maintain long store hours, and are generally open every day of the week. May have a shelter, and may offer training classes.	
867	Office Supply Superstore Not defined in our Code. SUPERSTORE, OFFICE SUPPLY – Free-standing facility which generally offer a variety of customer services and centralized cashiering, and which specialize in the sale of office merchandise, such as desks, paper, ink, and printers. These stores typically maintain long store hours, and are generally open every day of the week. They may offer services such as labeling, shipping, administrative support, and internet based services.	
868	Book Superstore Not defined in our Code. SUPERSTORE, BOOK – Free-standing facility which generally offer a variety of customer services and centralized cashiering, and which specialize in the sale of books, magazines, periodicals, and other printed goods. These stores typically maintain long store hours, and are generally open every day of the week. They may also have sale of audio/visual goods and toys. They may also have a café.	
869	Discount Home Furnishings Superstore Not defined in our Code. SUPERSTORE, DISCOUNT HOME FURNISHING – Free-standing facility which generally offer a variety of customer services and centralized cashiering. These stores typically maintain long store hours, and are generally open every day of the week. They typically exceed 100,000 sq. ft. in area, and offer an extensive variety of home furnishings and accessories. They may offer ancillary services such as dining facilities or children play area.	
870	Apparel Store Not defined in our Code or in ITE. Definition crafted by staff. APPAREL STORE – A facility specializing in textile sales. May offer a wide range of clothing, or specialize in certain items, such as outdoor apparel.	P
879	Arts and Crafts Store Not defined in our Code. ARTS AND CRAFTS STORE – A facility that sells art, art supplies, hobby supplies, framing, décor, and seasonal merchandise. May also offer art and craft classes.	P
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880	Pharmacy/Drugstore without Drive-Through Window Not defined in our Code. PHARMACY/DRUGSTORE – Retail facility that primarily sells prescription and non-prescription drugs. They may also sell cosmetics, stationary, personal care products, a limited food selection, and general merchandise. They may offer some medical services.	P
881	Pharmacy/Drugstore with Drive- Through Window Not defined in our Code. PHARMACY/DRUGSTORE – Retail facility that primarily sells prescription and non-prescription drugs. They may also sell cosmetics, stationary, personal care products, a limited food selection, and general merchandise. They may offer some medical services.	S
890	Furniture Store Not defined in our Code. FURNITURE STORE – A full-service retail store that specializes in the sale of furniture, and often also carpeting. May include a large storage facility.	
892	Carpet Store Not defined in our Code or in ITE. Definition crafted by staff. CARPET STORE – A retail store specializing in the sale of carpeting, rugs, and other flooring material. May have a large storage	
896	Video Rental Store Not defined in our Code. VIDEO RENTAL STORE – A retail store specializing in the sale or rental of motion-picture goods (such as DVD, Blu-ray, and other home video goods). May also offer video games for rental or sale.	
*	Art Gallery ART GALLERY – A Structure, or part thereof, devoted to the exhibition of visual works of fine art. Art galleries generally include accessory services, such as sale or purchase of displayed works, custom framing or encasement of art works and services related to art appraisal, display, preservation or restoration.	P
*	Gift shops and Boutiques Not defined in our Code or in ITE. Definition crafted by staff. BOUTIQUE/GIFT SHOP – A retail shop specializing in a limited and specialized line of goods. Has a small building footprint. May be a free-standing use or located within a larger commercial use/structure.	P
*	Farmers Market Not defined in our Code. FARMERS MARKET – A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items.	
*	Florist Not defined in our Code or in ITE. Definition crafted by staff. FLORIST – A facility that specializes in selling flowers, and may create arrangements of flowers. May also sell gardening supplies.	P
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*	Photo / Camera Store Not defined in our Code or in ITE. Definition crafted by staff. PHOTO/CAMERA STORE – A facility specializing in the sale of cameras and camera equipment. May offer picture and portraiture services, and offer classes.	P
911	Walk-in Bank Not defined in our Code. BANK, WALK-IN – Generally a free-standing structure that provides financial services and products. These facilities generally have a parking lot, and do not have drive-through teller services, though they may contain a non-drive-through automatic teller machine.	P
912	Drive-in Bank Not defined in our Code. BANK, DRIVE-IN – Generally a free-standing structure that provides financial services and products. These facilities generally have a parking lot, and do offer drive-through teller services, including automated teller machines.	S
918	Hair Salon Not defined in our Code. HAIR SALON – Facility offering cosmetic and beauty services, such as hair cutting and styling, skin and nail care, and massage therapy. May also contain spa facilities.	P
931	Quality Restaurant Not defined in our Code. RESTAURANT, QUALITY – Full-service eating establishment, with typical customer duration stay of an hour or more. Generally does not offer breakfast service, and may not offer lunch service. Does offer dinner service. Reservations are generally required. May have lounge or bar facilities.	P
932	High-Turnover (Sit-Down) Restaurant Not defined in our Code. RESTAURANT, HIGH-TURNOVER/SIT DOWN – Full service eating establishments, with typical customer duration stay of an hour. Generally offers lunch and dinner service, may also offer breakfast service. May be open 24 hours a day. Typically reservations are not required.	
933	Fast-Food Restaurant w/o Drive-Through Window RESTAURANT, FAST-FOOD – An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to- consume state for consumption either within the Restaurant Building or off premises.	
934	Fast-Food Restaurant with Drive-Through Window RESTAURANT, FAST-FOOD – An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to- consume state for consumption either within the Restaurant Building or off premises.	

935	Fast-Food Restaurant with Drive-Through Window and No Indoor Seating RESTAURANT, FAST-FOOD – An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to- consume state for consumption either within the Restaurant Building or off premises.	
936	Coffee/Donut Shop w/o Drive- Through Window Not defined in our Code. COFFEE/DOUGHNUT SHOP – Restaurant that focuses on providing coffee and breakfast foods. May also sell newspapers, books, and music CDs. May offer indoor seating but no indoor table service.	P
937	Coffee/Donut Shop with Drive- Through Window Not defined in our Code. COFFEE/DOUGHNUT SHOP – Restaurant that focuses on providing coffee and breakfast foods. May also sell newspapers, books, and music CDs. May offer indoor seating but no indoor table service.	S
938	Coffee/Donut Shop with Drive- Through Window and No Indoor Seating Not defined in our Code. COFFEE/DOUGHNUT SHOP – Restaurant that focuses on providing coffee and breakfast foods. May also sell newspapers, books, and music CDs. May offer indoor seating but no indoor table service.	S
939	Bread/Donut/Bagel Shop w/o Drive-Through Window Not defined in our Code. BREAD/DOUGHNUT/BAGEL SHOP – Facility specialized in the sale of breads, doughnuts, and bagels as primary products. May offer beverages and limited sale of other foods. Indoor seating may be available, and table service may be provided.	P
940	Bread/Donut/Bagel Shop with Drive-Through Window Not defined in our Code. BREAD/DOUGHNUT/BAGEL SHOP – Facility specialized in the sale of breads, doughnuts, and bagels as primary products. May offer beverages and limited sale of other foods. Indoor seating may be available, and table service may be provided.	S
941	Quick Lube Vehicle Shop Not defined in our Code. QUICK LUBE VEHICLE SHOP – A business where the primary activity is to perform oil change services for vehicles. May also offer ancillary services such as preventative maintenance. Vehicle repair is generally not performed.	
942	Automobile Care Center Not defined in our Code. AUTOMOBILE CARE CENTER – A center which houses numerous businesses that provided automobile-related services. These service may include repair and servicing, upholstering, and stereo installation.	
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943	Automobile Parts and Service Center Not defined in our Code. AUTOMOBILE PARTS AND SERVICE CENTER - Facility focused on the sale of automobile parts for maintenance and repair, and also provide a full array of auto repair services. Material sold may include oil and batteries, and a wide array of automobile parts.	
944	Gasoline/Service Station Not defined in our Code. GASOLINE/SERVICE STATION – Business with a primary focus on fueling vehicles. May offer some ancillary repair services. Sale of goods is limited or non-existent. Does not have a car wash facility.	
945	Gasoline/Service Station with Convenience Market Not defined in our Code. GASOLINE/SERVICE STATION WITH CONVENIENCE MARKET – Business with a primary focus on fueling vehicles. May offer some ancillary repair services. May sell a limited selection of food, beverages, and consumer goods. Does not have a car wash facility.	P
946	Gasoline/Service Station with Convenience Market and Car Wash Not defined in our Code. GASOLINE/SERVICE STATION WITH CONVENIENCE MARKET AND CAR WASH – Business with a primary focus on fueling vehicles. May offer some ancillary repair services. May sell a limited selection of food, beverages, and consumer goods. Does have a car wash facility.	
947	Self-Service Car Wash CAR WASH – A Structure containing facilities for both hand and automatic washing of automobiles, which facilities may include the use of a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.	
948	Automated Car Wash CAR WASH – A Structure containing facilities for both hand and automatic washing of automobiles, which facilities may include the use of a chain conveyor or other method of moving the cars along, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.	
960	DRY CLEANERS Not defined in our Code or ITE. Definition from Fredericksburg VA: DRY CLEANERS– A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents	S
*	Funeral Home/Crematory FUNERAL HOME – A Building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.	
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*	Kennel KENNEL – Any Building or Structure and/or land used, designed, or arranged for housing, boarding, breeding, or care of more than three adult dogs or cats kept or bred for hunting, sale, exhibition, or domestic use or other domestic animals for profit, but not including those animals raised for agricultural purposes.	
*	Tattoo Parlor Not defined in our Code or ITE. Definition from Martinsburg TATTOO PARLOR- Establishments primarily in the business of applying lettering, art, and other images with permanent and semi-permanent inks, paints, pigments, or piercings to the body of patrons	P
*	Self-Storage Facility Not defined in our Code or ITE. Definition from Martinsburg SELF-STORAGE FACILITY - Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property	
*	Outdoor Café Not defined in our Code or ITE. Definition from NACTO: OUTDOOR CAFÉ - An open-air seating area on a public sidewalk provided by a restaurant located on the adjoining property, where restaurant patrons can eat or drink	
*	Parking Facility Not defined in our Code or in ITE. Definition crafted by staff. PARKING FACILITY – A facility where vehicles are kept for storage. Available for the public for free or for a fee	~~PA~~
*	Wireless Telecommunication Facilities Not defined in our Code or ITE. Definition from Fredericksburg VA: WIRELESS TELECOMMUNICATION FACILITIES - Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including but not limited to equipment associated with wireless services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration	S
*	Essential Utilities and Equipment ESSENTIAL UTILITIES AND EQUIPMENT – This term comprises underground or overhead electrical, gas, communications not regulated by the Federal Communications Commission, water and sewage systems, including poles, towers or pole structures, wires, lines, mains, drains, pumping stations, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connections therewith. It does not include Buildings, yards, stations used for storage, repair or processing of equipment or material, and does not include Buildings, yards, stations, or substations for transforming, boosting or switching purposes, where such facilities are constructed on the ground.	P

CRITERIA

Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find:

1. **That the amendment is consistent with the adopted comprehensive plan, or;**

   Meets the Vision Statement by:
   1. "*Promoting access to jobs and livelihoods*".
   2. "*Stimulating…business development and growth*".

   Key Themes and Goals met:
   -**Growth and Land Use**: The City of Charles Town will strategically plan for and promote sustainable and well-designed growth and development throughout its Urban Growth Boundary while maintaining a vibrant, walkable, and mixed-use Downtown that serves as the City's image center and core of civic life.

   -**Vibrancy, Sustainability, and Livability**: The City of Charles Town will promote and encourage economic development activities that capitalize on community assets, support the needs of present and future residents, and strive to ensure a sustainable and diverse economic base.

2. **If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.**

   Not applicable, first criterion is met.

RECOMMENDATION

Approval of the first read.

CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE AMENDING, CHANGING, AND MODIFYING THE ZONING ORDINANCE SO THAT ARTICLE 1322 SHALL BE MODIFIED REGARDING PERMITTED USES IN THE NEIGHBORHOOD RESIDENTIAL ZONING DISTRICT

WHEREAS, the purpose of the Neighborhood Residential Zoning District is to provide for a mix of housing types and related services and Uses, including Commercial Uses and office services. It is the intent of the zoning classification to allow mixed development on undeveloped land and the Redevelopment of specific parcels within the City. The intent is to create a cohesive pattern of primarily residential development that allows a mix of Uses, including neighborhood servicing Commercial and office Uses and/or Commercial and office Uses that complement the primarily residential character of the neighborhood;

WHEREAS, The Neighborhood Residential District must contain a mix of Uses compatible with surrounding Uses, particularly existing residential neighborhoods adjoining the proposed development or Redevelopment;

WHEREAS, the City's 2040 Comprehensive Plan Objective 4.1 Strategy 4.1.2 calls for the City to "*Continuously examine and where appropriate implement Best Management Practices for land use planning concepts*";

WHEREAS, pursuant to Sections 1321.12 of the City's Zoning Ordinance, the proposed amendment is being made pursuant to a public hearing;

WHEREAS, the City's Planning Commission also held a public hearing for this request on their meeting on July 22, 2024, and recommended approval of the proposed changes;

NOW, CITY COUNCIL FINDS AND DECLARES, that notice required under the City's Zoning Ordinance regarding the proposed amendment was duly given;

FURTHER FINDS AND DECLARES, that notice required under the City's Zoning Ordinance regarding a public hearing before City Council on the proposed amendment was duly given and such public hearing was duly held at a regular meeting of City Council held on August 19, 2024;

FURTHER FINDS AND DECLARES, that the requested amendment is consistent with the City's Comprehensive Plan,

FURTHER FINDS AND DECLARES, that the proposed amendment will benefit and promote the general welfare of the public by allowing commercial development in specifically designated areas;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the Zoning Ordinance be amended, changed, and modified so that additional commercial uses are permitted in the Neighborhood Residential Zoning District.

This Ordinance shall take effect upon enactment.

First Reading: _____, 2024

Public Hearing: _____, 2024

Passed on Second Reading: _____, 2024

Enacted this _____ day of _____, 2024

CITY OF CHARLES TOWN

_____
Robert M. Trainor
Mayor

Attest:

_____
John Nissel
City Clerk

DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-836: *TXA2023-09* - First Reading and Consideration of an Ordinance to Amend the Zoning Ordinance, Article 1322 Zoning District Provisions, Section 1322.04 Rules for Interpretation of Uses, Table 1322.04 Zoning District Use Table in Regard to Permitted Uses in the Neighborhood Residential Zoning District

This agenda item needs to be removed from the Table.

Proposed Motion:

Approve the First Reading and Consideration of an Ordinance to Amend the Zoning Ordinance, Article 1322 Zoning District Provisions, Section 1322.04 Rules for Interpretation of Uses, Table 1322.04 Zoning District Use Table in Regard to Permitted Uses in the Neighborhood Residential Zoning District

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-842: First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District.

This agenda item needs to be removed from the Table.

Proposed Motion:
Approve the First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District.

ATTACHMENTS:
- Article 365 Parking Ordinance SFG Comments.pdf
- New parking zones.pdf

ARTICLE 365
Charles Town Parking District

365.01 Parking District established.

365.02 Parking district zones.

365.03 Parking fee rates and parking permits.

365.04 Days and hours of operation.

365.045 December exceptions.

365.05 Manner of parking.

365.055 Ten minute take away parking.

365.06 Parking and permit violations.

365.07 Tampering/slugs.

365.08 Commercial vehicles.

365.09 Purpose and use of revenue.

365.10 Disposition of parking meter revenue.

365.11 Authority of law enforcement and parking enforcement officers; parking citations.

365.12 Immobilization device (booting).

365.13 Other violations.

365.14 Accessible parking.

365.15 Severability.

365.99 Penalty.

CROSS REFERENCES

Registered owner prima-facie liable for unlawful parking - see TRAF. 361.12

365.01 PARKING DISTRICT ESTABLISHED.

The Charles Town parking district is bounded by the outside corners of:

(a) N West Street and W North Street

(b) E North Street and N Mildred Street

(c) S Mildred Street and E Congress Street

(d) W Congress Street and S West Street (Ord. 2022-013. Passed 12-5-22.)

365.02 PARKING DISTRICT ZONES.

The following zones are established within the Charles Town parking district:

(a) On-Street Metered Parking Zone. The parking meter zone is established on both sides of the following streets:

(1) Liberty Street - 200 block W Liberty Street through 100 block E Liberty Street

(2) Congress Street - 200 block W Congress Street through 100 block E Congress Street

(3) Lawrence Street-100 block S Lawrence Street through 100 block N Lawrence Street

(4) Charles Street -100 block S Charles Street through 200 block N Charles Street

(5) George Street - 200 block N George Street

(6) Samuel Street -100 block S Samuel Street through ~~200~~ 100 block N Samuel Street

(b) Off-Street Permit/Metered Parking Lot Zones.

(1) Charles Street Lot - metered, applicable mobile pay app, or City parking permit - corner of W Congress and S Charles Streets

(2) Lawrence Street (American Legion) Lot 1 - metered, applicable mobile pay app, or City parking permit - corner of W Congress and S Lawrence Streets.

(3) Lawrence Street (American Legion) Lot 2 - metered, applicable mobile pay app, or City parking permit - Lawrence Street, North of Lawrence Street Lot 1. Note: This lot is leased to the City of Charles Town and as such may not always be administered by the City.

(4) Liberty Street Lot - applicable mobile pay app or City parking permit- adjacent to North 100 block of W Liberty Street

(c) On-Street Two (2) Hour Free Parking Zone.

(1) Washington Street - 300 block W Washington Street through the 100 block E Washington Street.

(2) George Street - 100 block S George Street through 100 block of N George Street

(d) On-Street Non-Meter Parking Zone.

(1) North Street

(2) Liberty Street - 300 block W Liberty & 200 block E Liberty

(3) Congress Street - 300 block W Congress

(4) West Street

(5) Lawrence Street - 200 block N Lawrence

(6) Mildred Street

365.03 PARKING FEE RATES AND PARKING PERMITS.

(a) The parking fee rate during days and times specified in Section 365.04(a) shall be twenty-five cents ($.25) per sixty (60) minutes or any fraction thereof for a vehicle parked in the zones specified in Section 365.02(a) and (b).

(b) Annual parking permits, available through the City Treasurer, are valid for the duration of the Fiscal Year (July 1 through June 30) in which they were issued.

(1) Annual parking permit fee shall be $180.00

(2) The fee for annual parking permits issued after July shall be prorated as follows:

A. August - $164.00

B. September - $149.00

C. October - $134.00

D. November - $119.00

E. December - $104.00

F. January - $89.00

G. February - $73.00

H. March - $60.00

I. April through June - $44.00

(3) The number of annual parking permits issued each year, including those parking permits issued to residents as cited in this Section, shall not exceed 180.

(4) Parking permits are only valid in the following locations: (1) on street metered spaces as cited in Section 365.02(a) that are designated as twelve hour spaces. ~~at on-street metered parking spaces cited in Section 365.02(a), except at meters with a parking time limit of less than eight (8) hours that are not Daily Twelve (12) hour parking;~~ and (2)~~at~~ all ~~all~~ off-street parking spaces cited in Section 365.02(b) that are operated by the City.

(5) Parking permits ~~do not negate the two~~are not valid in the two (2) or four (4) designated ~~hour limit in the~~ parking zone cited in section 365.02(c).

(c) The City may issue residential annual parking permits for homeowner-occupants and residents whose confirmed address is within the parking zones cited in Section 365.02(a), (b), or (c) and where an alternate parking space, of which the City does not charge a parking fee, is not reasonable available or accessible. The aforementioned parking permits will be available through the City Treasurer and are valid for the duration of the Fiscal Year (July 1 through June 30) in which they were issued.

(1) Persons who reside in the parking zone, but who do not own the property in which they reside and where an alternate parking space, of which the City does not charge a parking fee, is not reasonably available or accessible, as verified by City staff, are eligible to purchase a maximum of one (1) residential annual parking permit per residence, for a fee of ninety dollars ($90.00).

(2) Owner-occupied properties located within the parking zone in which at least one resident is the property owner and where an alternate parking space, of which the City does not charge a parking fee, is not reasonably available or accessible, as verified by City, are eligible for:

A. Maximum of one (1) no-cost residential annual parking permit; and

B. Maximum of one (1) residential annual parking permit per residence, for a fee of ninety dollars ($90.00).

C. Since there is a maximum number of available parking passes per paragraph (f) of this Section, no-cost residential annual parking permits will be reserved yearly until the first Monday in August, at such time, if not claimed, will be released into the pool of available parking permits.

(3) The fee for residential annual parking permits issued after July 31 shall be prorated as follows:

A. August - $82.00

B. September - $74.00

C. October - $67.00

D. November - $59.00

E. December - $52.00

F. January - $44.00

G. February - $37.00

H. March - $30.00

I. April through June - $22.00

(4) Additional parking permits, beyond those referenced in subsections 365.03(c)(1) and (2) may be available for purchase at the rates specified in subsection 365.03(b).

(d) Juror parking permits, issued by the Jefferson County Circuit Court, are only valid at eight (8) hour meters or designated City parking lots (Section 365.02(b)) and only for the dates of active jury duty service, as noted on the permit.

(e) Parking permits are valid only when they are conspicuously displayed at the front windshield of the parked vehicle, so as to be viewed from outside the aforementioned vehicle.

(f) The total number of Annual Parking Permits cited in Section 365.03, issued each year shall not exceed 180. All permits, other than those specified in Section 365.03(c)(2)A. and (c)(2)C., are issued on a first come-first served basis.

365.04 DAYS AND HOURS OF OPERATION.

(a) Parking rates in Section 365.03 apply to parking zones specified in Sections 365.02(a) through (c) are in effect on all weekdays between the hours of ~~8~~6:00 a.m. to ~~5~~6:00 p.m., excluding legal holidays cited in West Virginia State Code §2-2-1, City-wide election or voting day(s), or as amended or modified from time to time by the City Council.

(b) Parking lots designated in Section 365.02(b) are open twenty-four (24)-hours a day; rates apply as cited in Section 365.04(a).

365.045 ~~DECEMBER~~ HOLIDAY EXCEPTIONS.

To encourage visitors and promote economic opportunity for our small businesses, from ~~December 1~~Thanksgiving ~~through December 31~~to New Years Day each year, the City will waive the paid portion of the parking program at all ~~two~~four-hour and daily (12) hour street-metered parking spaces as described herein.

(a) All ~~two~~ four (~~2~~4)-hour street-metered parking spaces will retain their ~~two~~four(~~2~~4)-hour parking time limit, with the paid portion waived. The ~~two~~four-hour ~~l~~imits will be noted on the meter covers; and will be monitored and enforced.

(b) All spaces in the municipal lots on Charles, Lawrence, and Liberty Streets~~, as well as all eight (8)-hour street-metered parking spaces,~~, will retain their full functionality as paid parking and/or permit parking spaces.

(c) All free two (2)-hour and four (4)-hour with Handicapp placard parking spaces along Washington and George Streets, all painted curb restrictions, all handicap parking spaces, all loading zones, and any other restricted parking zones will continue to be monitored and enforced pursuant to this article.

365.05 MANNER OF PARKING.

(a) Whenever a parking meter space is designated, any vehicle parked in such space shall be parked so that the foremost part of such vehicle shall be nearest the parking meter; or in the case of a double meter on a single pole the rearmost part of the vehicle as appropriate.

(b) When any vehicle is parked in a metered parking space, the operator thereof shall be responsible for:

(1) Depositing the appropriate United States coin(s) in the parking meter associated with that space or;

(2) Paying the appropriate parking fee using an applicable mobile pay app, or;

(3) Displaying in the front window a valid parking permit pursuant to Sections 365.03.

(c) Adhering to the time limit of the designated space. All vehicles must be moved prior to the expiration of parking time established for any parking meter or free parking zone as designated by Section 365.02. ~~Vehicle operators who have parked a vehicle in either one of the four (4) or two (2) hour only parking space, whether paid or free, are required to completely move the aforementioned vehicle from that parking space before four (2) or two (2) hours have elapsed.~~

365.055 TEN MINUTE TAKE AWAY PARKING

(a) Within the parking district established in Section 365.01, the City may establish designated parking spaces for ten (10) minute take away parking. Ten (10) minute take away parking is defined as a dedicated space for short-term customer parking to pick up goods or services that have been pre- ordered from a downtown commercial business.

(b) The City may designate up to fifteen (15) spaces for ten (10) minute take away parking.

(c) The City Manager will designate the location of the ten (10) minute take away parking spaces with special attention given to geographic distribution, which will be reviewed annually. Designated spaces will be identified with City-approved signage and other markings.

(d) The designated parking spaces will be used exclusively for ten (10) minute take away parking between the hours of 8:00 a.m. and 8:00 p.m. daily and available for general parking at all other times.

(e) Any vehicle parked in a designated ten (10) minute take away parking space is limited to using the space for no more than ten (10) minutes. Any violation of this time restriction shall constitute a violation of Section 361.99 (a)(1)F. and the vehicle owner will be subject to the fines therein.

365.06 PARKING AND PERMIT VIOLATIONS.

(a) A vehicle parked in a space within parking zones cited in Section 365.02(a), (b)(l), (b)(2), and (b)(3) for longer than the time allotted at the parking meter within the time period cited in Section 365.04 shall constitute a violation of this article; except those vehicles parked in metered spaces with ~~an~~ a ~~eight~~ Daily (~~8~~12) hours or greater time limit displaying a valid parking permit.

(b) A vehicle parked in a space within a parking zone cited in Section 365.02(c) - two (2)-hour free parking - for longer than two (2) hours ~~(four 4 hours with a handicap placard)~~ within the time period cited in Section 365.04 shall constitute a violation of this article.

(c) A vehicle with a handicap placard parked in two (2) free hour parking zone as designated in Section 365.02(c) for longer than four (4) hours.

(d~~e~~) A vehicle parked in any space in the Liberty Street parking lot (Section 365.02(b)(4)) within the time period cited in Section 365.04 that fails to display a valid parking permit or pay for parking via a mobile pay app shall constitute a violation of this article.

(e~~d~~) ~~A parking permit is not a valid payment option at any metered spaces with a meter time limit of less than not marked as "Daily" eight~~ twelve (~~8~~12) ~~hours within the time period cited in Section 365.04. Any vehicle parked in a metered space, with a meter time limit of less than eight~~ twelve (~~8~~12) ~~hours within the time period cited in Section 365.04 and has not paid the meter as specified in section 365.05(a) or (b) shall constitute a violation of this~~ article.Any vehicle displaying a parking permit that is 1) parked at an expired meter in a four (4) hour designated parking space or 2) parked in excess of two (2) hours at designated free two(2) hour parking space shall constitute a violation of this article.

(f~~e~~) A vehicle otherwise failing to follow the provisions of Section 365.05 of this article shall constitute a violation of this article.

365.07 TAMPERING/SLUGS.

No person shall deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter; or deposit or cause to be deposited in any parking meter, any slug, device or metallic substance, or any other substitute, for a coin of the United States.

365.08 COMMERCIAL VEHICLES.

(a) Commercial/delivery trucks or vehicles parking during the hours pursuant to Section 365.04 may park, for a period of time not to exceed fifteen (15) minutes, in any vacant metered parking space within the parking district cited in Section 365.01, for onloading

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and offloading only, without paying the appropriate parking fee cited in Section 365.03. Any vehicle under this section parked in a metered parking space in excess of fifteen (15) minutes without paying the appropriate parking fee cited in Section 365.03 shall constitute a violation of this article.

(b) Loading/unloading zone violations within the designated parking district are subject to the rules and procedures as cited in Article 361 - Parking Generally - of the Charles Town Codified Code.

(c) Commercial vehicle as used in this section shall mean any motor vehicle, truck, bus, tractor- trailer, or other tandem vehicle licensed or used for the transportation of property and/or people, delivery of goods, wares, merchandise, or any other commercial-related service.

365.09 PURPOSE AND USE OF REVENUE.

Revenue and penalties received from parking meters, permits, and violations are hereby levied and assessed as fees to provide for the proper operation, enforcement, and maintenance of the parking program within the Charles Town parking district, described in Section 365.01.

365.10 DISPOSITION OF PARKING METER REVENUE.

All parking meter revenue and penalties will be deposited in such bank, and to the credit of such account, as prescribed by ordinance or resolution of the City of Charles Town City Council.

365.11 AUTHORITY OF LAW ENFORCEMENT AND PARKING ENFORCEMENT OFFICERS; PARKING CITATIONS.

(a) It shall be the duty of law enforcement and parking enforcement officers acting in accordance with West Virginia Codes §8-14-3, §8-14-5a to report:

(1) The state registration number of vehicles parked in violation of the provisions of this article.

(2) Any other facts, a knowledge of which is necessary for a thorough understanding of the circumstances surrounding a violation.

(b) Law enforcement and parking enforcement officers shall attach the citation to the vehicle in violation of this article, which shall serve as a notice to the vehicle's owner/operator of the violation.

(c) The owner/operator shall, within five (5) days of the date noted on the citation, pay the fine in the amount of ten dollars ($10.00) by:

(1) Paying it directly to the City of Charles Town cashier during regular office hours;

(2) Depositing a check, cash, or money order in the designated drop box located at the entrance of the City Municipal Building, or;

(3) Paying on-line through the City's website address, or;

(4) Paying via the U.S. Postal Service (U.S. Mail) or other delivery service directly to the City of Charles Town. The City will recognize the post date of a valid payment to determine late payment penalties.

(d) Failure of such owner/operator to submit payment within five (5) days of the date and time noted on the citation shall render the owner/operator liable for a late fee penalty of an additional twenty dollars ($20.00), for a total fine and penalty amount of thirty dollars ($30.00) for satisfaction of such violation. If such violation(s) continues to remain unpaid for thirty (30) days, a Notice of Delinquent Parking Citation will be mailed to the owner of such vehicle in violation requiring the owner/operator to pay an additional penalty of thirty dollars ($30.00) for a total fine amount of sixty dollars ($60.00), which includes the fine amount of the original citation, for the satisfaction of such violation.

365.12 IMMOBILIZATION DEVICE (BOOTING).

(a) The owner/operator of any vehicle that has accumulated three (3) or more unpaid parking violations will receive written notice advising them that they will have twenty days (20) to settle all outstanding tickets and applicable fines and penalties. Failure to comply will result in an immobilization device (boot), which is a wheel restraint that immobilizes the vehicle, being affixed to the aforementioned vehicle.

(b) Whenever a vehicle is immobilized by this method, a written notice will be conspicuously affixed to the vehicle notifying the owner/operator that the vehicle has been immobilized for the violation of unpaid parking citations and that the vehicle is subject to impoundment at the owner's expense per Section 361.04 of the Charles Town Codified Code.

(c) In addition to the payment in full of all unpaid parking citations, fines and penalties, the owner/operator of any vehicle, which has been immobilized shall pay an additional fee of fifty dollars ($50.00) for the removal of the boot from the vehicle.

(d) It shall be unlawful for any unauthorized person to attempt to remove the booting device or move any vehicle immobilized prior to obtaining such release.

365.13 OTHER VIOLATIONS.

Other parking violations within the designated parking district are subject to the rules and procedures as cited in Article 361- Parking Generally - of the Charles Town Codified Code.

365.14 ACCESSIBLE PARKING.

(a) Accessible parking within the Parking District shall conform with Article 361 - Parking Generally- of the Charles Town Codified Code.

(b) Parking rates cited in Section 365.03 apply in parking zones cited in Section 365.02.

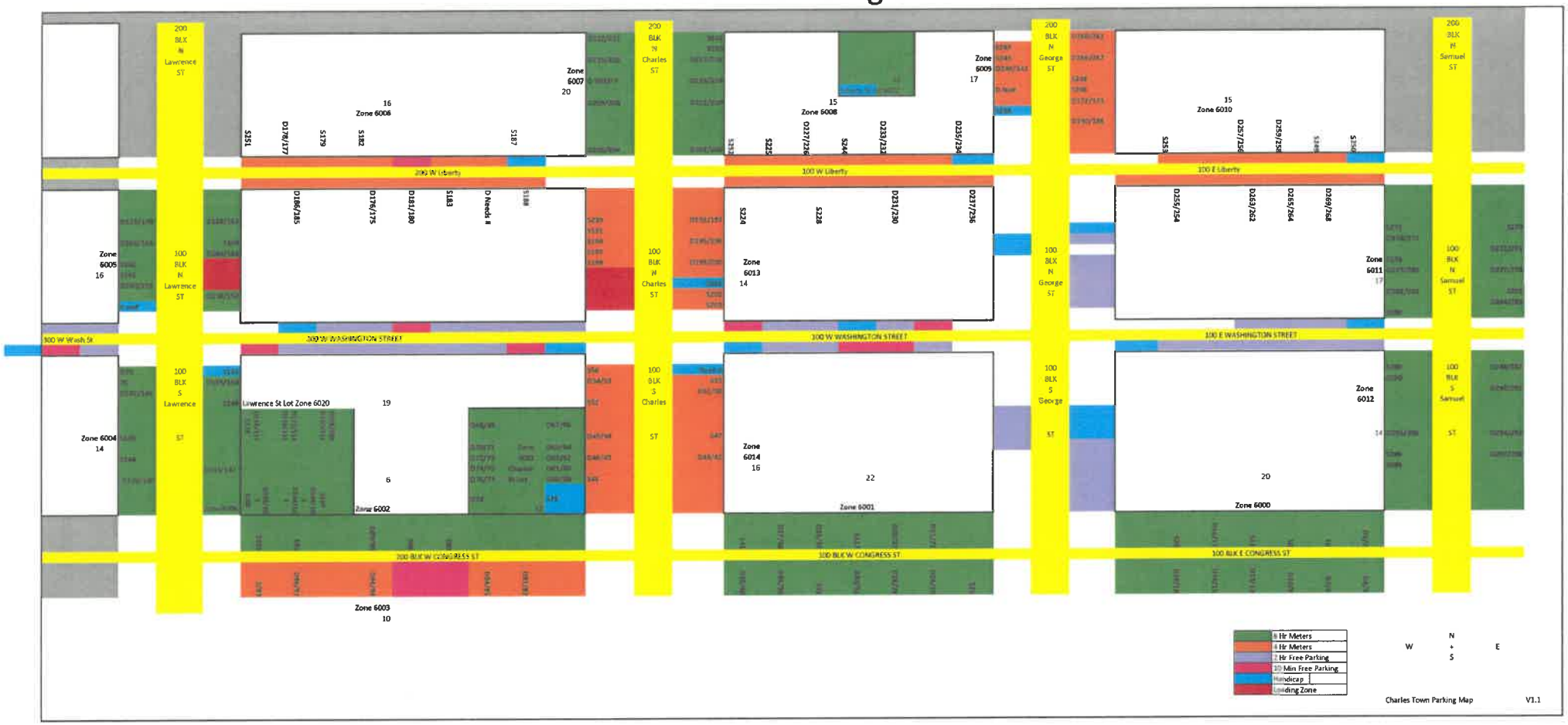
365.15 SEVERABILITY.

The provisions of this article shall be liberally construed.to accomplish its objective and purposes. If any provision of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

365.99 PENALTY.

Refer to Article 361- Parking Generally- of the Charles Town Codified Code for any violation penalties not specifically cited in this Article.

Charles Town Parking District



Meters (not including parking lots Charles & Lawrence)		
8hr	139	133
4Hr	88	94
2hr free parking spots	90	
Parking lots		
Liberty	55	App\Permit
Charles	22	8Hr
Lawrence	19	8Hr
Total city parking spaces	413	

Permits given out so far this year	180		
Max allowed permits	180		
Available permit spots	235	229	
Spots available after permits	55	49	
Handicap spots	19	21	
10 Min pickup spots	13		(4 at Wright Denny)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-844: Historic Overlay District Discussion

This agenda item needs to be removed from the Table.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-849: Public Hearing: *TXA2024-04* - Second Reading and Consideration of an Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to Permit Public Participation for Preliminary Plans

ATTACHMENTS:

- 1. Report.pdf
- 2. Draft Ordinance.pdf

TXA2024-04

Preliminary Plan Public Participation

Date: For the August 19, 2024 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

ISSUE

There are three phases a major subdivision/land development must go through. The first is a sketch plan, which is open to public comment at the Planning Commission. The second phase, a preliminary plan, is much more detailed, but not subject to public comment at the Planning Commission. The final phase is the final plan, which is reviewed and approved/denied administratively.

As the City continues to see large scale development, especially residential, it is imperative that the public be able to provide participate in the planning process. The purpose of this text amendment is to open the preliminary plan phase of development to public comment. Generally the level of detail the public is interested in is not available at the sketch plan phase; once provided at the preliminary plan phase the public has no means to provide comment in an open forum.

PRELIMINARY PLAN

Per Subdivision Ordinance Section 1332.03.C.3.A, "*The Preliminary Plan and Plat is a site plan, including supporting data, indicating a proposed site layout design or subdivision design, prepared by, as necessary, a West Virginia registered civil engineer, land surveyor, landscape architect, architect, or land planner.*"

Per Subdivision Ordinance Section 1332.03.C.3.E.2. "*The Preliminary Plan and Plat Application shall be scheduled before the Planning Commission for a workshop approval. No notice requirements shall apply, other than standard agenda notice period. Approval by the Planning Commission is not a Public Hearing and is for the benefit of the Planning Commission to ensure the Preliminary Plat and Plan is in substantial compliance with the Sketch Plan.*"

STATE CODE REQUIREMENTS

State Code Section 8A-5-8 governs the procedures for a hearing on a major subdivisions/land development. It lays out the requirements for a determination of completeness followed by a public hearing, which the City does through the sketch plan public hearing process. It makes no reference to preliminary plans.

EXISTING LANGUAGE

Table 1332.03 – Application and Review Procedures

Stage	Minor Subdivisions/ Land Developments	Major Subdivisions/ Land Developments	Party Authorized To Approve	Public Hearing?
Pre-submission Consultation Meeting	Required	Required	Not Applicable	No
Sketch Plan Submission	Not Applicable	Required	Planning Commission	Yes
Preliminary Plan & Plat Approval	Not Applicable	Required[1]	Planning Commission	NO. PC Workshop
Final Plan & Plat Approval	Required	Required	Staff	No
Guarantee of Surety	Not Applicable	Required	Planning Commission	Yes

[1] Preliminary Plan & Plat approval may be combined with Final Plan & Plat approval as specified in Section 1332.01(A)(3)(a) and (3)(c).

…

Section 1332.03.C.3.E.2. "At the next available Planning Commission agenda for the Planning Commission, the Preliminary Plan and Plat Application shall be scheduled before the Planning Commission for a workshop approval. No notice requirements shall apply, other than standard agenda notice period. Approval by the Planning Commission is not a Public Hearing and is for the benefit of the Planning Commission to ensure the Preliminary Plat and Plan is in substantial compliance with the Sketch Plan."

PLANNING COMMISSION

The Commission discussed this item at their April 22, 2024 meeting and recommend staff proceed with a public hearing with the proposed changes.

The Commission held a public hearing on June 24, 2024. There were no public comments. The Commission voted unanimously to recommend **approval**.

CITY COUNCIL

Council approved a first read of the Ordinance at their August 5, 2024 meeting.

PROPOSED LANGUAGE

The proposed text amendment is in red below:

Table 1332.03 – Application and Review Procedures

Stage	Minor Subdivisions/ Land Developments	Major Subdivisions/ Land Developments	Party Authorized To Approve	Public Hearing?
Pre-submission Consultation Meeting	Required	Required	Not Applicable	No
Sketch Plan Submission	Not Applicable	Required	Planning Commission	Yes
Preliminary Plan & Plat Approval	Not Applicable	Required[1]	Planning Commission	Yes
Final Plan & Plat Approval	Required	Required	Staff	No
Guarantee of Surety	Not Applicable	Required	Planning Commission	Yes

[1] Preliminary Plan & Plat approval may be combined with Final Plan & Plat approval as specified in Section 1332.01(A)(3)(a) and (3)(c).

…
(Proposed Redlined text)

Section 1332.03.C.3.E.2. "At the next available Planning Commission agenda for the Planning Commission, the Preliminary Plan and Plat Application shall be scheduled before the Planning Commission ~~for a workshop~~ to vote on the subject application. ~~No notice requirements shall apply, other than standard agenda notice period~~. Approval by the Planning Commission is ~~not a Public Hearing and is for the benefit of the Planning Commission~~ to ensure the Preliminary Plat and Plan is in substantial compliance with the Sketch Plan."

(a) The Planning Commission must publish a public notice of the public hearing and meeting in a local newspaper of general circulation in the City of Charles Town at least 14 calendar days prior to the scheduled public hearing, a notice posted on the property (by the applicant), and letters sent to the adjacent property owners. Adjacent Property owners are identified as properties within 100 feet of the proposed development. Adjacent Property owners include properties across a right-of-way or easement.

Proposed Clean text version, with additions in red only

Section 1332.03.C.3.E.2. "At the next available Planning Commission agenda for the Planning Commission, the Preliminary Plan and Plat Application shall be scheduled before the Planning Commission to vote on the subject application. Approval by the Planning Commission is to ensure the Preliminary Plat and Plan is in substantial compliance with the Sketch Plan."

(a) The Planning Commission must publish a public notice of the public hearing and meeting in a local newspaper of general circulation in the City of Charles Town at least 14 calendar days prior to the scheduled public hearing, a notice posted on the property (by the applicant), and letters sent to the adjacent property owners. Adjacent Property owners are identified as properties within 100 feet of the proposed development. Adjacent Property owners include properties across a right-of-way or easement.

CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE AMENDING, CHANGING, AND MODIFYING THE SUBDVISION AND LAND DEVLEOPMENT ORDINANCE SO THAT ARTICLE 1332 SHALL BE MODIFIED TO PERMIT PUBLIC COMMENT FOR PRELIMINARY PLANS.

WHEREAS, the City desires to permit additional public review and comment on proposed development,

WHEREAS, the City's 2040 Comprehensive Plan Objective 4.1 Strategy 4.1.2 calls for the City to "*Continuously examine and where appropriate implement Best Management Practices for land use planning concepts*";

WHEREAS, City is better served by allowing additional public input on potential development plans;

WHEREAS, pursuant to Sections 1331.12(C) City's Subdivision and Land Development Ordinance, the proposed amendment is being made pursuant to a public hearing;

WHEREAS, the City's Planning Commission also held a public hearing for this request on their meeting on June 24, 2024, and recommended approval of the proposed changes;

NOW, CITY COUNCIL FINDS AND DECLARES, that notice required under the City's Subdivision and Land Development Ordinance regarding the proposed amendment was duly given;

FURTHER FINDS AND DECLARES, that notice required under the City's Subdivision Ordinance regarding a public hearing before City Council on the proposed amendment was duly given and such public hearing was duly held at a regular meeting of City Council held on August 19, 2024;

FURTHER FINDS AND DECLARES, that the requested amendment is consistent with the City's Comprehensive Plan,

FURTHER FINDS AND DECLARES, that the proposed amendment will benefit and promote the general welfare of the public by allowing additional comment on proposed development plans

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the Subdivision and Land Development Ordinance be amended, changed, and modified so that preliminary plans be subject to public hearing notice requirements for public comment and shall provide for public comment.

This Ordinance shall take effect upon enactment.

DRAFT

First Reading: _____, 2024

Public Hearing: _____, 2024

Passed on Second Reading: _____, 2024

Enacted this _____ day of _____, 2024

CITY OF CHARLES TOWN

_____
Robert M. Trainor
Mayor

Attest:

_____
John Nissel
City Clerk

DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-854: *TXA2024-04* - Second Reading and Consideration of an Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to Permit Public Participation for Preliminary Plans

Proposed Motion: Approve the Second Reading and Consideration of an Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332 Subdivision and Land Development Application and Approval Requirements, Section 1332.03, Subdivision and Land Development Application Submission and Review Procedures to Permit Public Participation for Preliminary Plans

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-850: Public Hearing: *BR2024-11* - Tate Manor Bond Release request

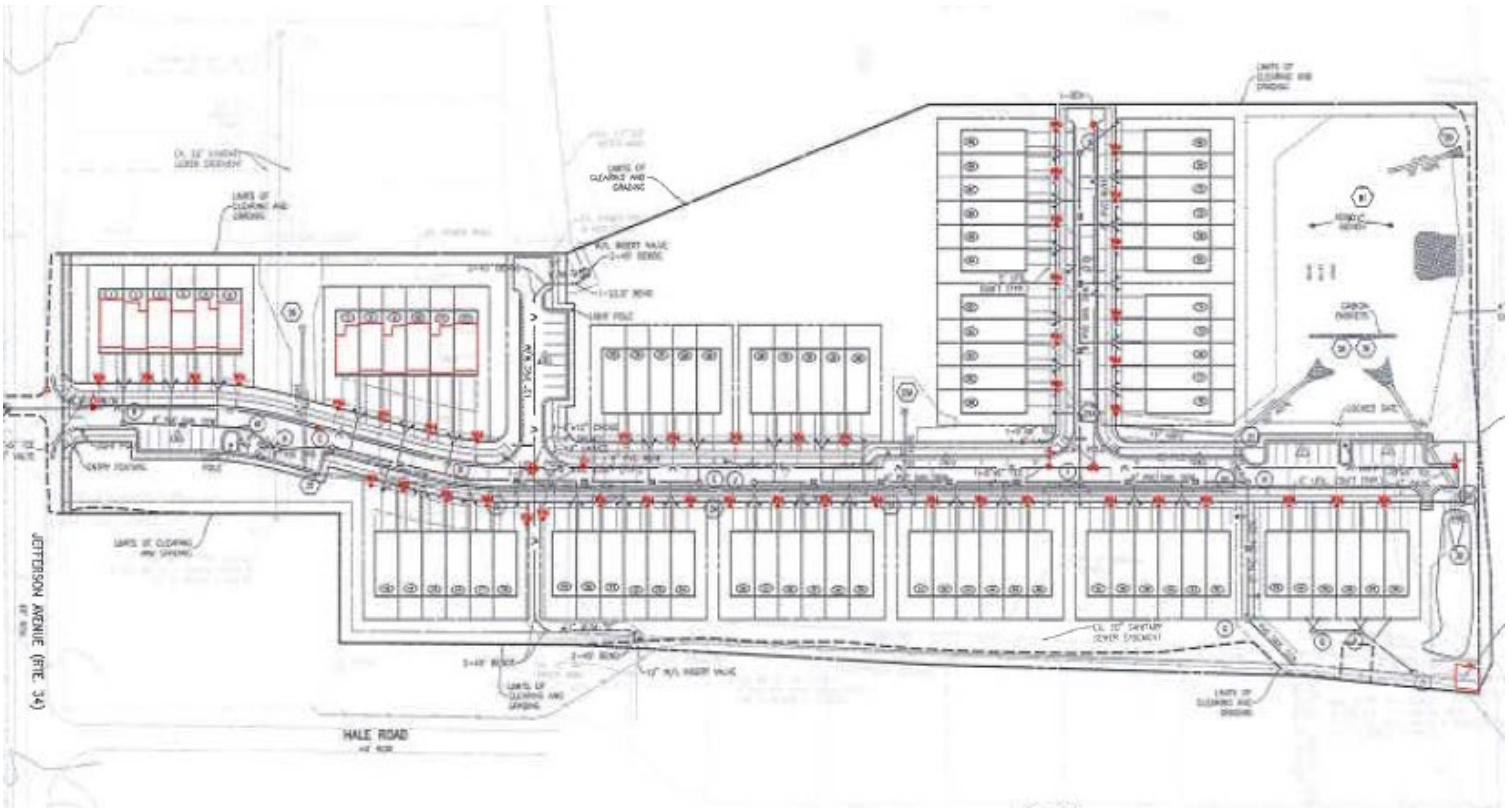
ATTACHMENTS:

- 1. Staff Report.pdf
- 2._Land_Disturbance_Bond_Release_Application.pdf
- 3._Performance_Bond_Release_Application.pdf
- 4._As-Builts.pdf
- 5._Property_Corner_Certification.pdf
- 6._KH_Review_-_Performance_Bond.pdf
- 7._KH_Review_ESC_Cash_Bond.pdf
- 8. Public Comment.pdf

Bond Release Request
BR2024-11

Date: For the August 19, 2024 City Council meeting
Applicant: DR Acquisitions LLC
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Bond release for performance and land disturbance bond

Tate Manor



BACKGROUND
The applicant has submitted a bond release request for the performance and land disturbance bond for the Tate Manor subdivision.

Upon review of the request the City Engineer, Kimley-Horn, has determined that the bond amount is a reasonable assessment of the work completed thus far.

Existing Performance Amount: $261,680.11
Existing Land disturbance Amount: $63,100.00

BOND COMMITTEE
The Bond Committee reviewed this item at their June 11, 2024 meeting. The Committee recommended approval of the bond release request.

PLANNING COMMISSION
The Planning Commission held a public hearing on this request at their July 22, 2024 meeting. There were no public comments.

The Commission voted unanimously to recommend approval of the bond release request subject to provision of a checklist by Kimley-Horn showing the bonded items were installed. Kimley-Horn provided staff with a report on how they manage their bond release reviews, which involves multiple checks, an on-site visit, and is not simply broken down into a spreadsheet or checklist. A copy of that document is included as an attachment.

RECOMMENDATION
Approval.

Bond Request No._____

BOND REQUEST AND REDUCTION

To assist the Subdivision Administrator in the review of a Bond Request Application, the Applicant must utilize this form to supply the City with the information prescribed under Article 1335 and Section 1332 of the Subdivision and Land Development Ordinance. The submission of this form, along with the prescribed information and required fees, shall serve as the Applicant's Bond Request Application as required by Ordinance Article 1335.

1. DATE June 11, 2024

2. APPLICATION TYPE ☐ Bond | Initiation ☐ Bond | Reduction

☐ Bond | Reallocation ☑ Bond | Release**

3. PROJECT NAME Tate Manor.

Address City of Charles Town

4. APPLICANT'S NAME* DR Acquisitions, LLC.

Address 7945 Wormans Mill Rd. Frederick MD 21701

Telephone Number 304) 433. 1718. Fax Number ( )

Email Address awolf@dmrder.com.

5. PROPERTY OWNER'S NAME DR Acquisitions, LLC

Address 7945 Wormans Mill Rd. Frederick MD 21701

Telephone Number 304) 433. 1718 Fax Number ( )

Email Address awolf@dmrder.com.

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

**Requires a Public Hearing and landscaping surety for one year after release

Bond Request No._____

6. DESCRIPTION OF REQUETED INITIATION, REDUCTION, OR RELEASE:

Full release of cash bond.
E+S Bond.

7. A) CURRENT BOND AMOUNT $63,100.00

B) PROPOSED BOND AMOUNT_____

8. PARCEL INVENTORY: (List all parcels that are part of this application):

Tax Map No.	Parcel No.	Deed Book	Page No.	Zoning District

9. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous plat applications if this application is an amendment)

Application No.	Project Name and Phase	Status	Approval Date

10. BOND RELEASE ATTACHMENTS.

The following shall be included with this request:

A. To the extent not previously submitted pursuant to bond reduction request, copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, other than Improvements accepted by West Virginia Department of Highways (WVDOH), have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual. For Improvements to be accepted for maintenance by WVDOH, such Certification shall state that the Improvements have been installed and inspected in accordance with WVDOH's requirements.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements submitted pursuant to Section 1332.10 of this Ordinance.

Date of As-Builts 1/29/2000 Prepared By Gordon.

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

F. For private roadways, a letter of acceptance by the entity responsible for maintenance and a Latent Defects Indemnification Agreement and Bond in accordance with this Section.

G. Private Roadway Maintenance Bonds. Before a Performance Agreement and surety for private roadway construction shall be released, a Latent Defects Indemnification Agreement and Bond shall be provided by the applicant/Developer and approved by the Planning Commission. The guarantee provided by such Agreement and Bond must be for a period of two (2) years following the date of performance bond release, and must be in an amount equal to no less than 5% of the original performance bond estimate in accordance with Section 1335.07 (F) of the Subdivision Ordinance.

H. Landscaping Surety. Surety is required to ensure the landscaping shown on the Major S/LD plans is maintained for one (1) year. The one (1) year shall start from the date at which the surety for the site has been released, with the exception of this landscaping surety. The landscaping surety amount shall not be less than $5,000.00 or 10% of the total landscaping cost for the project, which every is greater.

Bond Request No._____

APPLICANT CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Article 1335 of the S/LD Ordinance.

Signature of Applicant

_____ Date 6/11/24

Signature of Property Owner (If different than Applicant)

_____ Date 6/11/24.

Please submit an original completed Application, 1 digital copy and 1 paper copy of the As-Built Plans (if applicable) to the following:

Subdivision Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

Please also send a copy of the completed Application as well as the As-Builts to the following:

Hatch/Chester Engineers
Attn: Elizabeth Adamowicz
705 Quince Orchard Road, Suite 310
Gaithersburg, MD 20878

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____

Receipt No._____

Site Inspection Date:_____ Inspector:_____

Subdivision Administrator Approval:_____ Date:_____

Engineer Approval:_____ Date:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

Bond Request No._____

BOND REQUEST AND REDUCTION

To assist the Subdivision Administrator in the review of a Bond Request Application, the Applicant must utilize this form to supply the City with the information prescribed under Article 1335 and Section 1332 of the Subdivision and Land Development Ordinance. The submission of this form, along with the prescribed information and required fees, shall serve as the Applicant's Bond Request Application as required by Ordinance Article 1335.

1. DATE April 30, 2024

2. APPLICATION TYPE ☐ Bond | Initiation ☐ Bond | Reduction

☐ Bond | Reallocation ☑ Bond | Release**

3. PROJECT NAME Tate Manor

Address City of Charles Town, WV

4. APPLICANT'S NAME* DR Acquisitions, LLC

Address 7945 Wormans Mill Rd. Frederick MD 21701

Telephone Number 304 443 1718 Fax Number ( )

Email Address awolf@dmrdev.com

5. PROPERTY OWNER'S NAME DR Acquisitions, LLC

Address 7945 Wormans Mill Rd. Frederick MD 21701

Telephone Number 304 443 1718 Fax Number ( )

Email Address awolf@dmrdev.com

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

**Requires a Public Hearing and landscaping surety for one year after release

Bond Request No._____

6. DESCRIPTION OF REQUETED INITIATION, REDUCTION, OR RELEASE:

Development Complete.
As builts attached.

7. A) CURRENT BOND AMOUNT $261,680.11.

B) PROPOSED BOND AMOUNT (full release)

8. PARCEL INVENTORY: (List all parcels that are part of this application):

Tax Map No.	Parcel No.	Deed Book	Page No.	Zoning District

9. PARCEL HISTORY: (List all pending or previously approved applications on the subject parcels inventoried above, including previous plat applications if this application is an amendment)

Application No.	Project Name and Phase	Status	Approval Date

Bond Request No._____

10. BOND RELEASE ATTACHMENTS.

The following shall be included with this request:

A. To the extent not previously submitted pursuant to bond reduction request, copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, other than Improvements accepted by West Virginia Department of Highways (WVDOH), have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual. For Improvements to be accepted for maintenance by WVDOH, such Certification shall state that the Improvements have been installed and inspected in accordance with WVDOH's requirements.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements submitted pursuant to Section 1332.10 of this Ordinance.

Date of As-Builts 1/29/2020 Prepared By Gordon

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

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_____ Date 5/31/24

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_____ Date 5/31/24

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Engineer Approval:_____ Date:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

SITE PLAN SHOWING
TATE MANOR

CITY OF CHARLES TOWN FILE NUMBER: SLD-2020-02

CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

TAX MAP 13 - PARCELS 1,3 & 4 - D.B. 1191 PG. 549 & 553

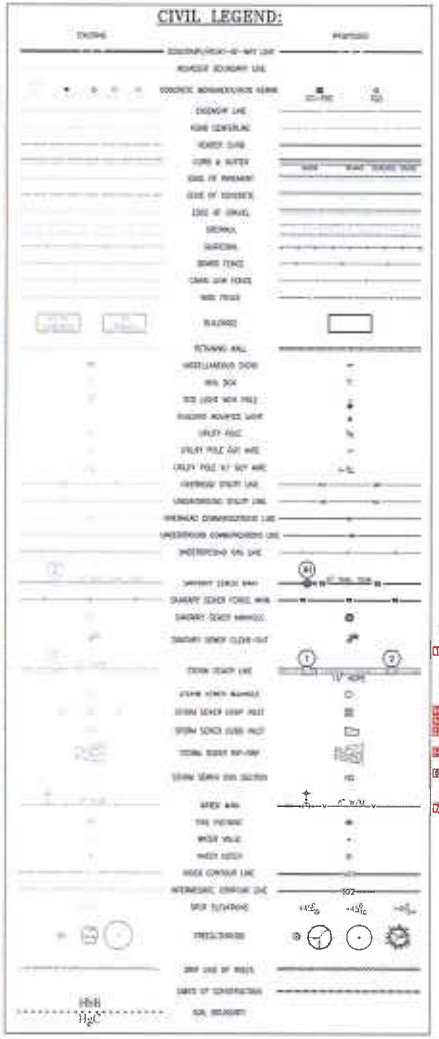
APPLICANT
DAN RYAN BUILDERS WEST VIRGINIA, LLC
10201 GOVERNOR LANE BLVD, SUITE 1006
WILLIAMSPORT, MD 21795
240-420-6046

OWNER
MVB BANK INC.
1000 JOHNSON AVENUE
BRIDGEPORT, WV 26330
304-848-5386

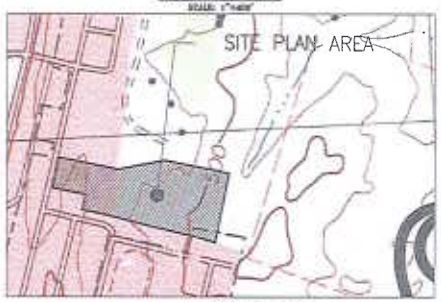
Gordon
148 S. Queen Street, Suite 201
Martinsburg, WV 25401
Phone: 304-725-8456
www.gordon.us.com

PROGRAMMING AND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING

CIVIL LEGEND:



LOCATION MAP



WVDOH VICINITY MAP



Sheet List Table

1 COVER SHEET
2 GENERAL NOTES
3 GENERAL DETAILS
4 OVERALL DIMENSIONS AND DEMOLITION PLAN
5 RECORDED PLAT
6 PRELIMINARY PLAT
7 SITE LAYOUT AND UTILITY PLAN
8 GRADING AND DRAINAGE PLAN
9 GRADING AND DRAINAGE PLAN
10 GRADING AND DRAINAGE PLAN - SOUTH
11 TATE MANOR DRIVE PLAN AND PROFILE
12 TATE MANOR DRIVE PROFILE AND DETAILS
13 ROAD B & ORCHARD GREEN DRIVE PLANS AND PROFILES
14 EROSION AND SEDIMENT CONTROL PLAN
15 WATERLINE AND SANITARY SEWER PROFILES
16 STORMWATER MANAGEMENT DETAILS
17 STORMWATER MANAGEMENT DETAILS
18 EROSION AND SEDIMENT CONTROL PLAN - PHASE 1
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20 EROSION AND SEDIMENT CONTROL DETAILS
21 EROSION AND SEDIMENT CONTROL DETAILS
22 LANDSCAPE PLAN
23 LANDSCAPE DETAILS

CITY OF CHARLES TOWN – COMPLETE LIST OF WAIVER/VARIANCES

ORDINANCE	SECTION OF ORDINANCE	WAIVER APPLICATION NUMBER	DESCRIPTION OF WAIVER OR VARIANCE	STATUS	DATE APPROVED
SALD	Appendix A	WAIVER 2019-03	TYPICAL SECTION NEIGHBORHOOD STREET (0-500 VPD), HEAD-IN PARKING (90 DEGREE).	Approved with the condition that the POA maintains the parking options	25-MAR-2019
SALD	1333.09	WAIVER 2019-04	ON-STREET PARKING REQUIREMENT, PARALLEL PARKING.	Approved as requested	25-MAR-2019
SALD	1333.03(F)(3)a	WAIVER 2019-05	RECREATION VEHICLE (RV) PARKING IN THE R-15 ZONING DISTRICT.	Approved as requested	25-MAR-2019
SALD	1333.17(C)2.b. & c and 1333.17(E))	WAIVER 2019-06	PARK RECREATION STANDARD FOR DEVELOPMENTS OVER 75 HOMES.	Approved with the condition of a payment of $25,000 in lieu of public dedication space and that the central open space area could be dedicated at a future point in time to the city of the town.	11-APR-2019
SALD	1333.09(B)	WAIVER 2019-07	OPEN SPACE COMMON AREA FOR TOWNHOUSE DEVELOPMENTS.	No Action was required	25-MAR-2019
SALD		WAIVER 2019-08	PROVIDE ONLY ONE ROW OF BUFFERING OF TREES IN A HEIGHT OF 6'.	Approved with the condition that two rows of buffering will be provided with the proposed trees at 8' height	25-MAR-2019

STATEMENT OF ACCEPTANCE

THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON; AND TO COMPLETE ALL THE IMPROVEMENTS REQUIRED BY THE PRELIMINARY PLAT AND PLAN OR SITE PLAN.

MVB Bank, LLC
1000 JOHNSON AVENUE
BRIDGEPORT, WV 26330

DATE

Know what's below. Call before you dig. 811

STATEMENT OF ACCURACY

THE ENGINEER AND/OR SURVEYOR, IN SIGNING THIS PLAT/PLAN, ATTESTS TO THE BEST OF HIS/HER KNOWLEDGE, THAT THIS PLAN IS COMPLETE AND ACCURATE.

ENGINEER — DATE

APPROVAL BLOCK

THIS PRELIMINARY PLAN AND PLAT WAS APPROVED BY THE CITY OF CHARLES TOWN, ON THE ____ DAY OF _____, 20____, SUBJECT TO ANY CONDITIONS SPECIFIED HEREON.

ALL EXPENSES INCURRED WITH REGARDS TO IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, ROAD SIGNS, FLOOD PROTECTION WORKS, DRAINAGE STRUCTURES AND ALL OTHER IMPROVEMENTS THAT MAY BE REQUIRED SHALL BE IN THE RESPONSIBILITY OF THE SUBDIVIDER AND NO THE CITY.

SECRETARY OF THE PLANNING COMMISSION — DATE

CERTIFICATE OF LAND SURVEYOR

THE PLAT REPRESENTS A SURVEY BY GORDON ALL MONUMENTS AND IMPROVEMENTS INDICATED HEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE, AND MATERIAL ARE CORRECTLY SHOWN, GORDON IS FAMILIAR WITH ALL REQUIREMENTS OF THIS ORDINANCE, AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THIS ORDINANCE HAVE BEEN FULLY COMPLIED HEREIN.

LIST OF APPROVALS:

CHARLES TOWN UTILITY BOARD WATER AVAILABILITY LETTER — DATED: _____

CHARLES TOWN UTILITY BOARD SEWER AVAILABILITY LETTER — DATED: _____

WV DEPARTMENT OF HIGHWAYS — ADDRESS # _____ DATE: _____

CITY HEALTH PERMITS — PERMIT #: _____ DATE: _____ PERMIT #: _____ DATE: _____

JEFFERSON COUNTY ASSESSING — APPROVED: 20-JUN-2020 PERMIT #: 06-0113-0230

WV DEPT. PUBLIC SERVICE — APPROVED: 20-JUN-2020 PERMIT #: 4641-10230

NO.	SHEET NUMBER AND REVISION DESCRIPTION	DATE
1.	ALL SHEETS – REVISED PER CITY AND CPDA COMMENTS	06-APR-2020
2.	ALL SHEETS – REVISED PER CITY COMMENTS	04-MAY-2020
3.	ALL SHEETS – REVISED PER WVDOH COMMENTS	05-MAY-2020
4.	ALL SHEETS – REVISED PER WVDOH AND CITY COMMENTS	03-JUN-2020
5.	SHEETS 1, 10 AND 13 – REVISED PER WVDOH COMMENTS	19-JUN-2020

AS-BUILT SHEET 1 OF 10

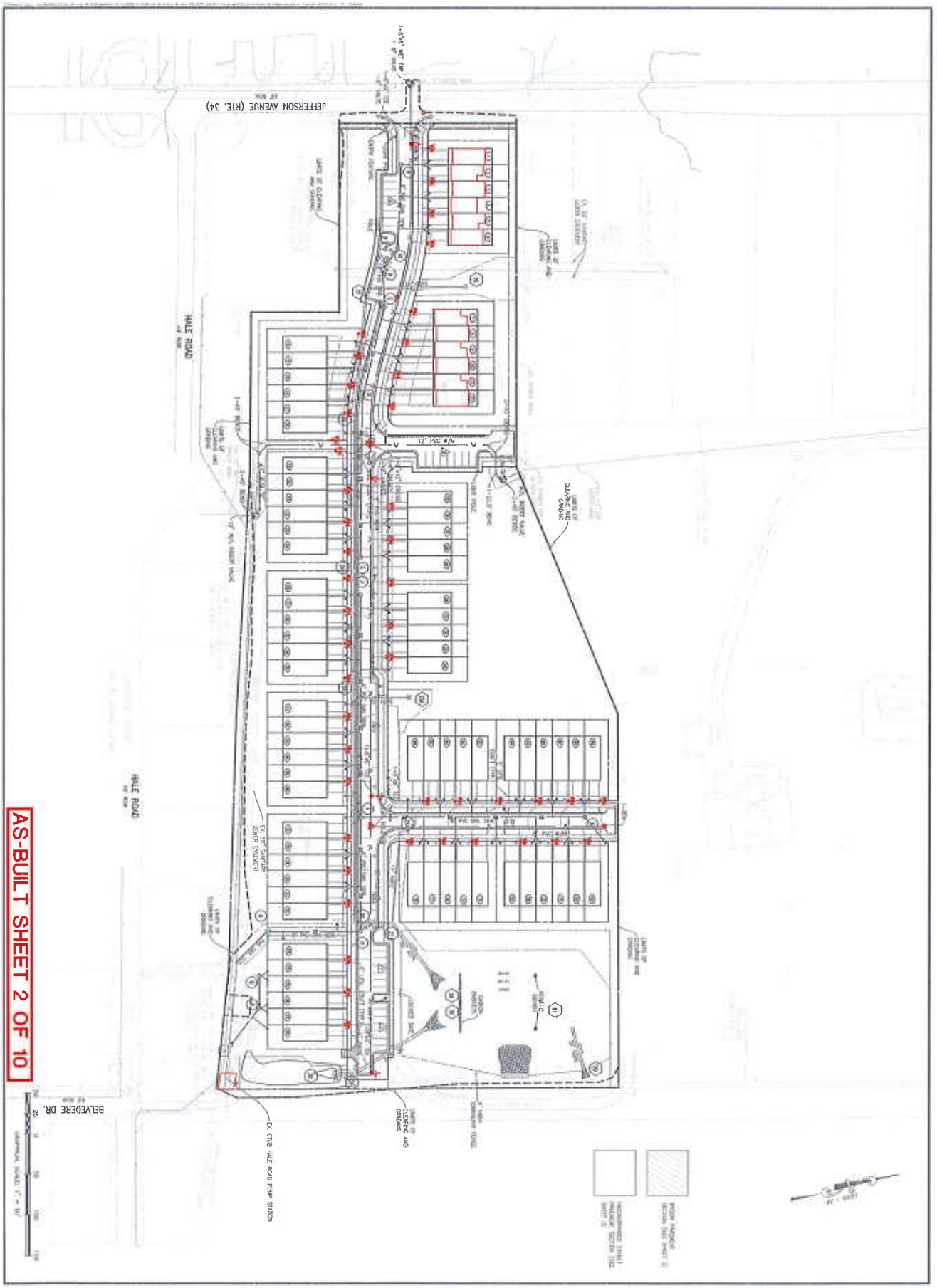
COVER SHEET

TATE MANOR

CHARLES TOWN DISTRICT, MAP 13 PARCELS 1,3 & 4
D.B. 1191 PG. 549 & 553
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

SCALE: NONE, AS NOTED
DATE: 29-JAN-2020
JOB: 2020-0001
DRAWN: JE | CHKD: JPC
CHKD: C:\2020\01.DWG

1 OF 33



SITE LAYOUT AND UTILITY PLAN

TATE MANOR

CHARLES TOWN DISTRICT, MAP 18 PARCELS 13 & 4
DEED BOOK 1191 PAGES 649 & 653
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

7 OF 33

Gordon
145 S. Queen Street, Suite 201
Martinsburg, WV 25401
Phone: 304-725-8456
www.gordonco.com



GRADING AND DRAINAGE PLAN

TATE MANOR

CHARLES TOWN DISTRICT, MAP 12 PARCELS 13 & 4
DEED BOOK 1191 PAGES 549 & 553
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

8 OF 33

Gordon
148 S. Queen Street, Suite 201
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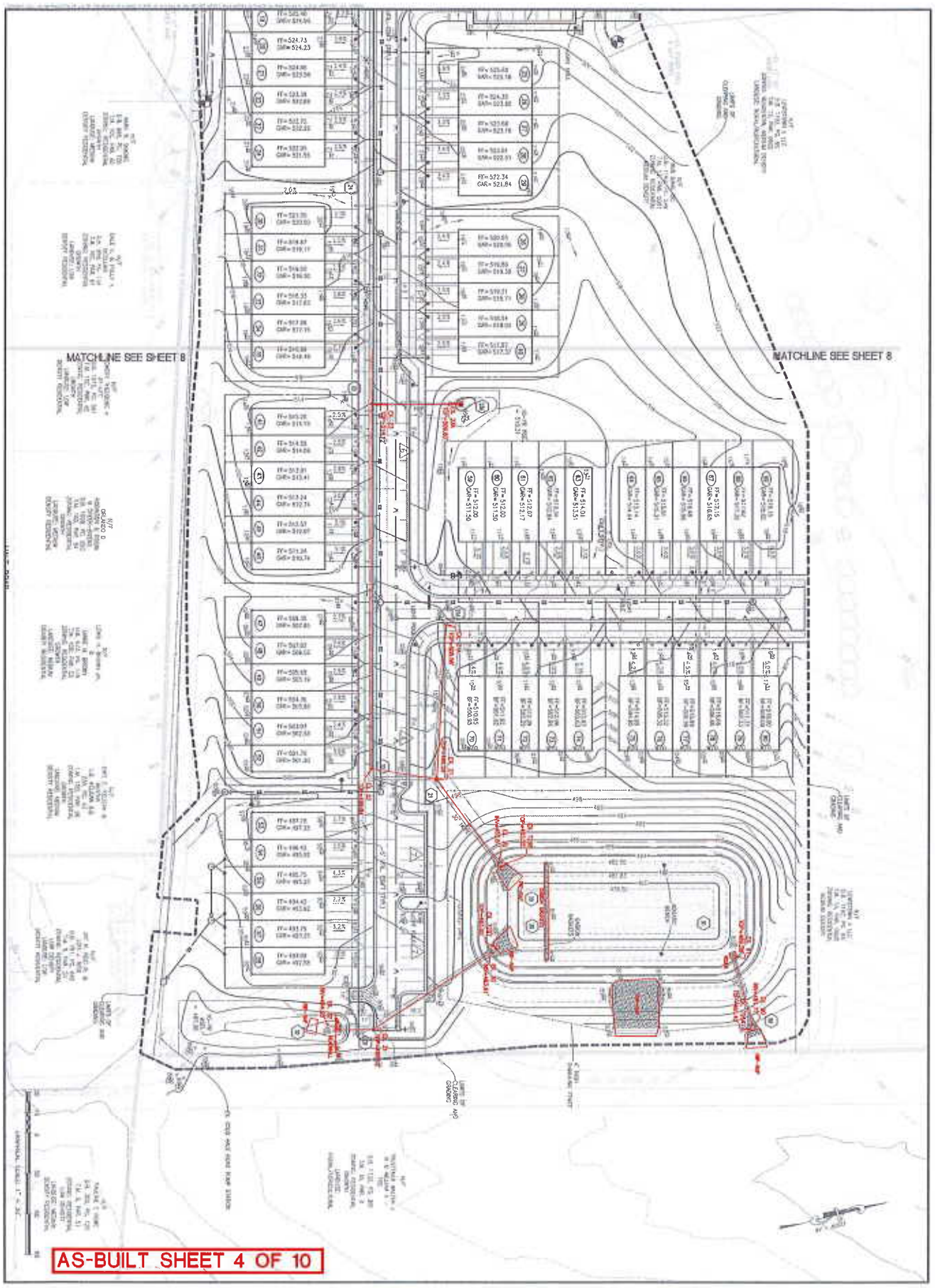


AS-BUILT SHEET 4 OF 10

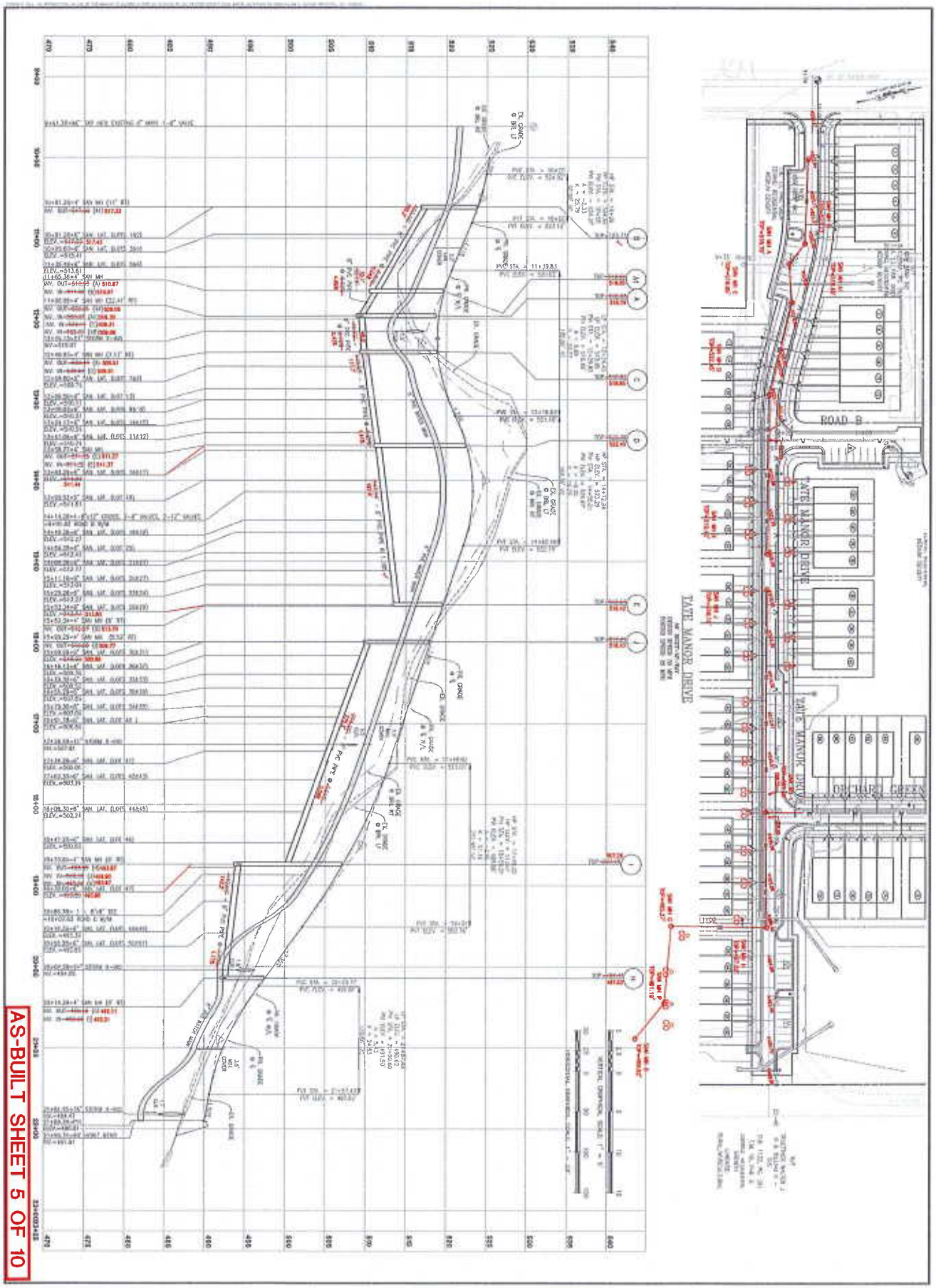
8 OF 33

GRADING AND DRAINAGE PLAN

TATE MANOR

CHARLES TOWN DISTRICT, MAP 13 PARCELS 1,3 & 4
DEED BOOK 1191 PAGES 549 & 553
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

Gordon



AS-BUILT SHEET 5 OF 10

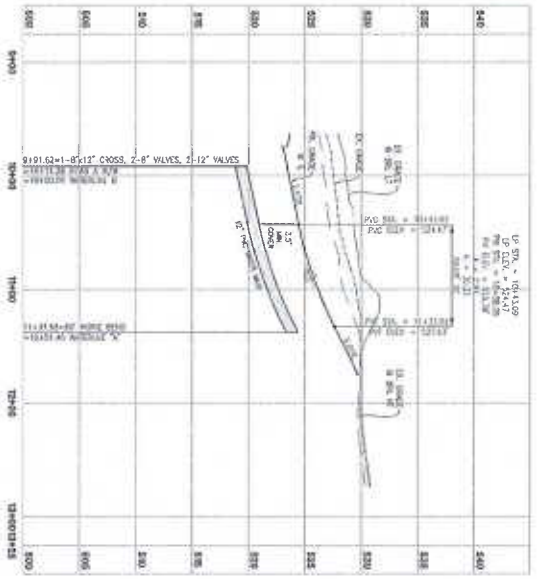
11 OF 33

TATE MANOR DRIVE PLAN AND PROFILE

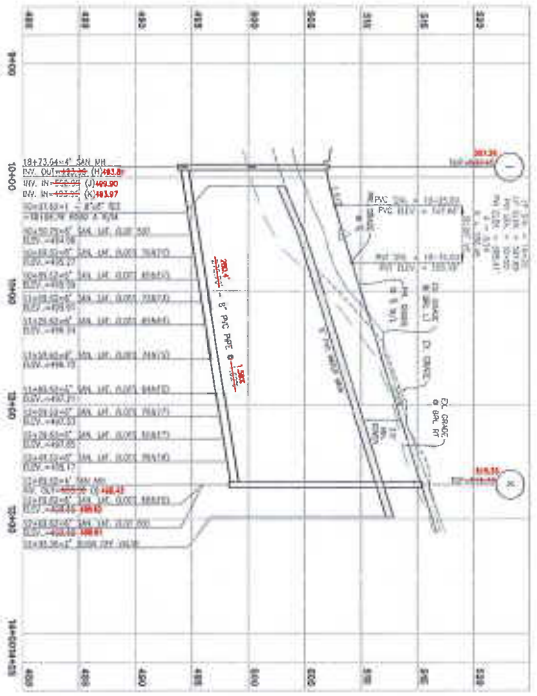
TATE MANOR

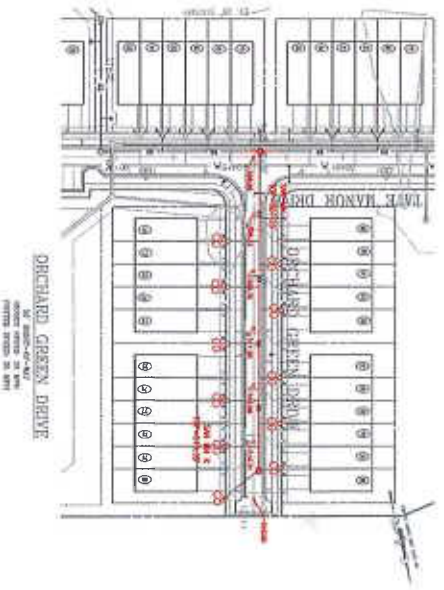
CHARLES TOWN DISTRICT, MAP 13 PARCELS 1,3 & 4
DEED BOOK 1191 PAGES 549 & 553
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

Gordon









AS-BUILT SHEET 6 OF 10

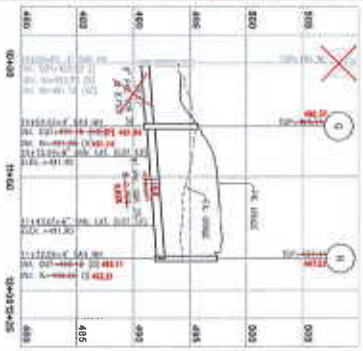
ROAD B & ORCHARD GREEN DRIVE PLANS AND PROFILES

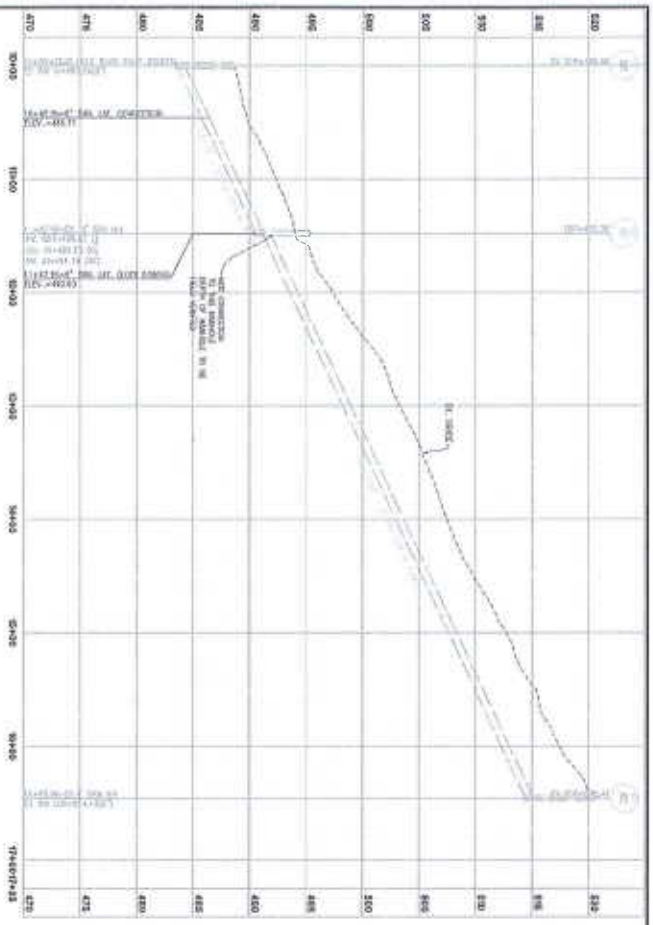
TATE MANOR

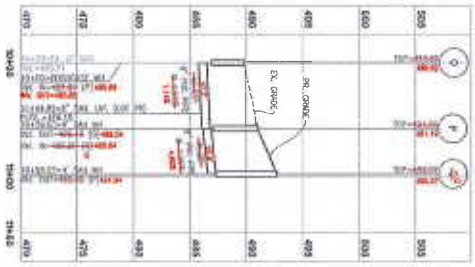
CHARLES TOWN DISTRICT, MAP 13 PARCELS 1,3 & 4
DEED BOOK 1191 PAGES 549 & 553
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

SHEET 13 OF 33

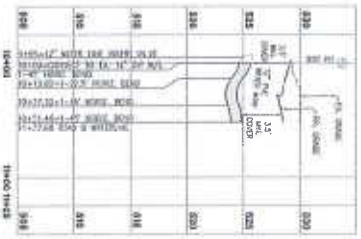
Gordon

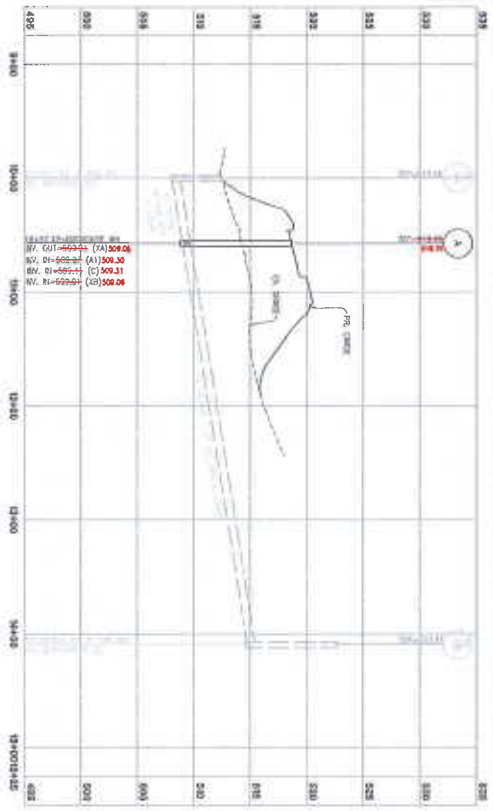






WATERLINE A PROFILE





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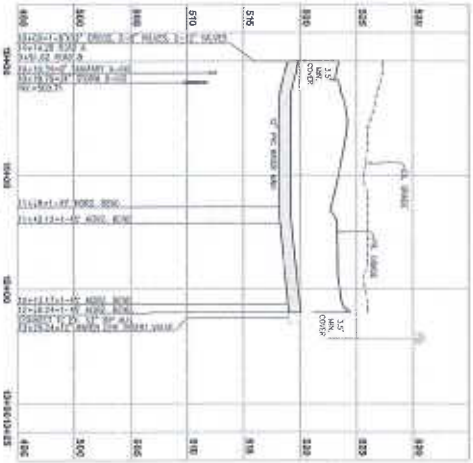


AS-BUILT SHEET 7 OF 10

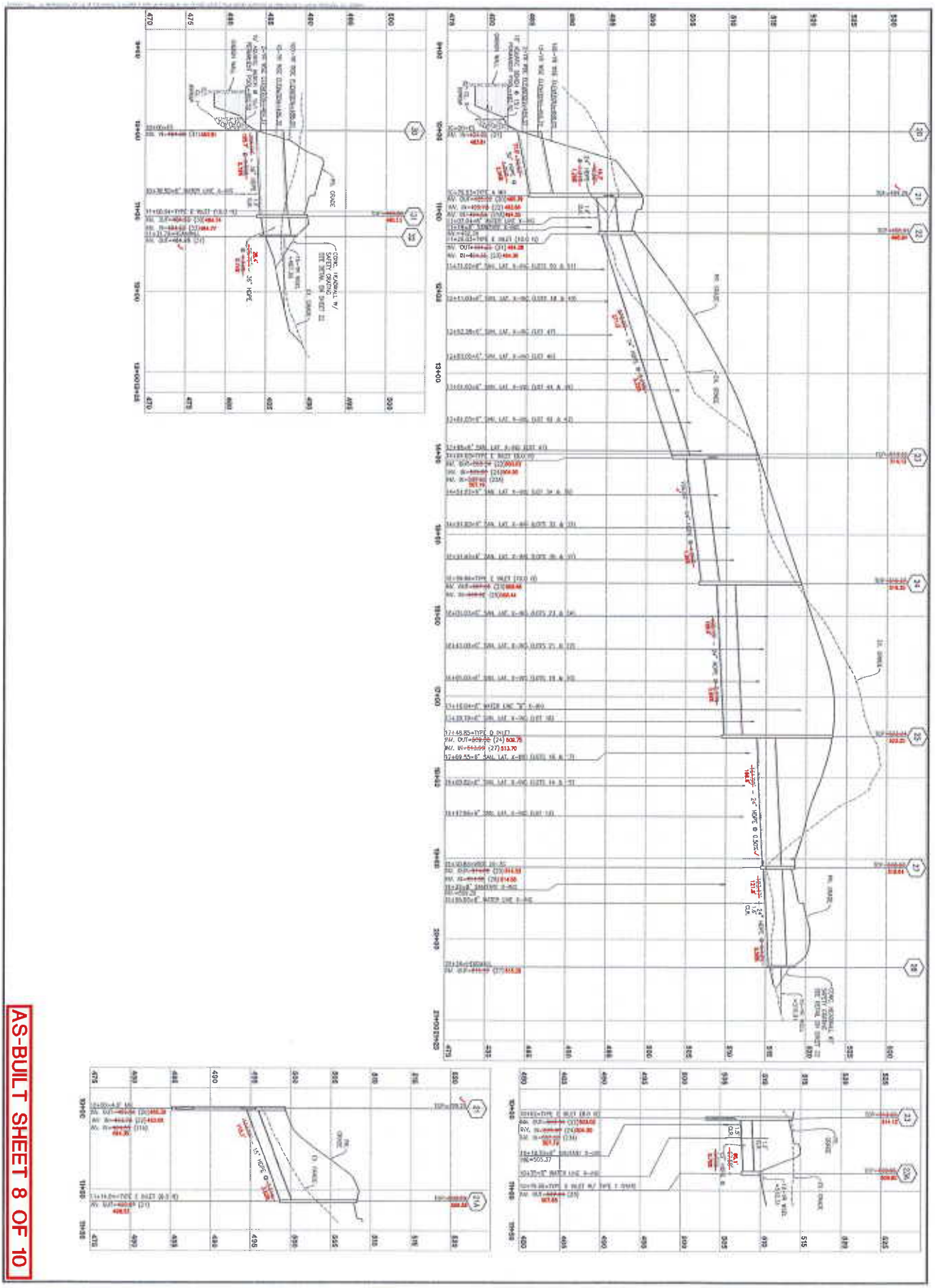
15 OF 33

WATERLINE AND SANITARY SEWER PROFILES

TATE MANOR

CHARLES TOWN DISTRICT, MAP 13 PARCELS 1,3 & 4
DEED BOOK 1191 PAGES 649 & 653
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

Gordon



AS-BUILT SHEET 8 OF 10

19 OF 33

STORM SEWER PROFILES

TATE MANOR

CHARLES TOWN DISTRICT, MAP 13 PARCELS 1.3 & 4
DEED BOOK 1101 PAGES 649 & 653
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

Gordon
1401 S. Queen Street, Suite 201
Martinsburg, WV 25401
Phone: 304-725-8455
www.gordonco.com

STORMWATER MANAGEMENT NARRATIVE:

1. ALL STORMWATER MANAGEMENT POND CONSTRUCTION SHALL BE IN STRICT COMPLIANCE WITH ALL APPLICABLE CITY OF CHARLES TOWN REQUIREMENTS, THE U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE STANDARDS AND SPECIFICATIONS, AND AS PUBLISHED IN THE "WEST VIRGINIA STORMWATER MANAGEMENT AND DESIGN GUIDANCE MANUAL"

2. EMBANKMENTS:

(A) DESIGN AND CONSTRUCTION OF THE PROPOSED DAM IS SUBJECT TO RECOMMENDATIONS AND INSPECTION OF A QUALIFIED GEOTECHNICAL ENGINEER.

(B) AREAS UNDER THE EMBANKMENT AND ANY STRUCTURAL WORK SHALL BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL, ROOTS BY HEAVY VEGETATION(S) MATERIAL.

(C) THE SUITABILITY AND ACCEPTABILITY OF ALL FILL MATERIAL WILL BE DETERMINED BY REGULAR PERIODIC SOIL ANALYSIS AND COMPACTION TESTS, WHICH SHALL BE MADE BY A QUALIFIED GEOTECHNICAL ENGINEER.

(D) TESTS FOR SOIL ANALYSIS, MOISTURE CONTROL, AND COMPACTION ARE TO BE CONDUCTED IN ACCORDANCE WITH THE LATEST APPLICABLE ASTM STANDARDS AND SPECIFICATIONS.

(E) MATERIALS USED FOR THE IMPERVIOUS CORE AND CUT-OFF TRENCH, IF REQUIRED BY THE GEOTECHNICAL ENGINEER, SHALL BE COMPRISED OF ONE OF THE FOLLOWING SOILS AS DESIGNATED BY THE UNIFIED SOIL SYSTEM: SC, CL, OR ML HAVING A UNIFORM PLASTICITY INDEX OF 8 WITH A MINIMUM OF 45% PASSING THE NO. 200 SIEVE AND A MAX. OF 5% RETAINED ON THE NO. 4 SIEVE. THE CUT-OFF TRENCH IF REQUIRED SHALL EXTEND A MINIMUM OF 4 FEET BELOW SUBGRADE OR TO REFUSAL.

(F) THE CUT-OFF TRENCH SHALL BE EXCAVATED INTO IMPERVIOUS MATERIAL ALONG OR PARALLEL TO THE CENTERLINE OF THE EMBANKMENT AS SHOWN ON THE PLANS. THE BOTTOM WIDTH OF THE TRENCH SHALL BE A MINIMUM WIDTH OF 4 FEET. THE DEPTH SHALL BE AT LEAST 4 FEET BELOW EXISTING GRADE OR AS SHOWN ON THE PLANS. THE SIDE SLOPES OF THE TRENCH SHALL BE 1 TO 1 OR FLATTER. THE BACKFILL SHALL BE COMPACTED WITH CONSTRUCTION EQUIPMENT, ROLLERS, OR HAND TAMPERS TO ASSURE MAXIMUM DENSITY AND MINIMUM PERMEABILITY.

(G) THE EMBANKMENT MAY BE CONSTRUCTED AS A HOMOGENOUS EMBANKMENT DAM USING ACCEPTABLE MATERIAL CLASSIFIED ML, CL, SC, OR GC SOILS PER ASTM D-2487. IN TO THESE MATERIALS, SOILS CLASSIFIED CH AND MH MAY BE USED AS COMPACTED ADDITION EMBANKMENT FILL BELOW THE UPPER 5 FEET OF THE SLOPES. SOILS CLASSIFIED AS SM OR SM PER ASTM D-2487 OR SUITABLE FILL MAY BE USED FOR EMBANKMENT IN THE DOWNSTREAM HALF OF THE EMBANKMENT SUBJECT TO APPROVAL BY A QUALIFIED GEOTECHNICAL ENGINEER.

(H) COMPACTION SHALL BE NOT LESS THAN 95% OF THE MAXIMUM DRY DENSITY FOR THE GIVEN EMBANKMENT MATERIAL AS DETERMINED BY USE OF THE STANDARD PROCTOR METHOD PER ASTM T-99 OR ASTM D-698.

(I) EMBANKMENT FILL SHALL BE CONSTRUCTED IN 6-INCH LOOSE LIFTS AND SHALL BE CONTINUOUS OVER THE ENTIRE LENGTH OF THE FILL SO THAT SMOOTH HORIZONTAL PLANES ARE NOT BUILT INTO THE FILL STRUCTURE. SCARIFYING OR USE OF SHEEPS-FOOT ROLLERS CAN BE USED TO AVOID SMOOTH HORIZONTAL PLANES.

(J) THE EMBANKMENT SHALL BE CONSTRUCTED TO A MINIMUM ELEVATION 5% HIGHER THAN THE DESIGNED HEIGHT TO ALLOW FOR SETTLEMENT WHEN MECHANICAL COMPACTORS ARE USED FOR CONSTRUCTION.

(K) THE CONTRACTOR IS RESPONSIBLE FOR ACQUIRING ACCEPTABLE BORROW MATERIAL EITHER FROM ON-SITE OR OFF-SITE SOURCES AS REQUIRED. ALL OFF-SITE WASTE OR BORROW SOURCES SHALL BE INCLUDED IN THE NPDES PERMIT.

(L) THE CONTRACTOR SHALL MAINTAIN ALL MATERIAL TICKETS, SOIL TEST RESULTS AND PHOTOGRAPHIC RECORDS OF COVERED EMBANKMENT CONSTRUCTION ELEMENTS (CUT-OFF TRENCH, ANTI-SEEP MEASURES, PIPE INSTALLATION) FOR INCLUSION INTO AS-BUILT PLANS RECORDS.

3. OUTLET CONTROL STRUCTURE NOTES:

(A) THE PURPOSE OF THIS PLAN IS TO PROVIDE THE BASIC DIMENSIONS REQUIRED TO CONTROL THE CONSTRUCTION OF THE COMBINATION PRINCIPAL/EMERGENCY SPILLWAY. THE BASIC DIMENSIONS OF ALL DRAINAGE STRUCTURES AND DEVICES SHOWN FOR EROSION CONTROL STRUCTURE SHALL BE MAINTAINED.

(B) ALL RISER SHELL, SPILLWAY, AND FOOTING DIMENSIONS AND/OR THICKNESS, AS SPECIFIED ON APPROVED PLANS, SUBMITTED CALCULATIONS AND THE METHOD OF ANCHORING ARE VARIED, STRUCTURAL ELEMENTS SHALL BE VERIFIED BY A PROFESSIONAL STRUCTURAL ENGINEER AND SUBMITTED TO THE ENGINEER OF RECORD FOR ACCEPTANCE PRIOR TO CONSTRUCTION.

(C) CONCRETE PREPARATION AND REQUIRED REQUIREMENTS FOR ALL STRUCTURAL ELEMENTS ARE SUBJECT TO REVIEW BY A PROFESSIONAL GEOTECHNICAL ENGINEER.

(D) PRECAST CONCRETE SHALL BE EITHER A MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI. CAST-IN-PLACE CONCRETE SHALL BE MINIMUM CLASS B. ALL CONCRETE SHALL MEET THE REQUIREMENTS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS.

(E) ALL EXPOSED EDGES SHALL BE CHAMFERED 3/4".

(F) JOINT SEPARATIONS ARE TO BE SUBMITTED TO AND APPROVED BY THE ENGINEER OF RECORD PRIOR TO FABRICATION.

(G) BACKFILL ADJACENT TO THE OUTLET STRUCTURES SHALL BE OF THE TYPE AND QUALITY CONFORMING TO THAT SPECIFIED FOR THE ADJOINING FILL MATERIAL. THE FILL SHALL BE PLACED IN HORIZONTAL LAYERS NOT TO EXCEED FOUR INCHES IN THICKNESS AND COMPACTED BY HAND TAMPERS OR OTHER MANUALLY DIRECTED COMPACTION EQUIPMENT. THE MATERIAL NEEDS TO FILL COMPLETELY ALL SPACES UNDER AND ADJACENT TO THE PIPE. AT NO TIME DURING THE BACKFILLING OPERATION SHALL DRIVEN EQUIPMENT BE ALLOWED TO OPERATE CLOSER THAN FOUR FEET, MEASURED HORIZONTALLY, TO ANY PART OF A STRUCTURE. UNDER NO CIRCUMSTANCES SHALL EQUIPMENT BE DRIVEN OVER ANY PART OF A CONCRETE STRUCTURE.

(H) ROCK RIP-RAP SHALL MEET THE REQUIREMENTS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS. THE RIP-RAP SHALL BE PLACED TO THE REQUIRED THICKNESS IN ONE OPERATION. THE ROCK SHALL BE DELIVERED AND PLACED IN A MANNER THAT WILL ENSURE THE RIP-RAP IS REASONABLY HOMOGENOUS WITH LARGER ROCKS UNIFORMLY DISTRIBUTED AND FINELY IN CONTACT WITH SMALLER ROCKS FILLING THE VOIDS BETWEEN THE LARGER ROCKS. FILTER CLOTH SHALL BE PLACED UNDER ALL RIP-RAP AND SHALL MEET THE REQUIREMENTS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS.

4. MAINTENANCE:

(A) ROUTINE, NON-STORMWATER, MAINTENANCE, AND CLEANING OF STORMWATER MANAGEMENT FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OR LOT OWNERS ASSOCIATION AND/OR PROPERTY OWNER OR OTHER RESPONSIBLE ENTITY. ALL STORMWATER MANAGEMENT FACILITIES SHALL BE CONSTRUCTED WITH ACCESS TO THE RESPONSIBLE PARTY AT THE START AND TERMINUS OF ALL OTHER COMMON AREAS AS REQUIRED UNDER THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.

(B) THE HOMEOWNERS ASSOCIATION OR LOT OWNERS ASSOCIATION AND/OR PROPERTY OWNER OR OTHER ENTITY RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITIES CONSTRUCTED PURSUANT TO THE CITY OF CHARLES TOWN SHALL MAINTAIN IN GOOD CONDITION AND PROMPTLY REPAIR AND RESTORE ALL GRADE SURFACES, WALLS, DRAINS, DAMS AND STRUCTURES, DISCHARGE STRUCTURES, TRASH RACKS, VEGETATION, EROSION AND SEDIMENT CONTROL MEASURES, AND OTHER PROTECTIVE DEVICES. SUCH REPAIRS OR RESTORATION AND MAINTENANCE SHALL BE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

(C) THE PARTY RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER MANAGEMENT SYSTEM SHALL MAINTAIN AND PROVIDE WRITTEN RECORDS OF ALL MAINTENANCE AND REPAIRS WITHIN 30 DAYS OF WORK COMPLETION TO THE WVDEP. A COPY OF THESE RECORDS SHALL BE SUBMITTED TO THE CITY OF CHARLES TOWN ENGINEERING DEPARTMENT AS NOTIFICATION THAT MAINTENANCE WORK WAS PERFORMED.

(D) A PERIODIC MAINTENANCE SCHEDULE SHALL BE DEVELOPED FOR THE LIFE OF ANY STORMWATER MANAGEMENT FACILITY. ALL MAINTENANCE AND REPAIR, PERIODIC INSPECTIONS, AND CLEANING OF STORMWATER MANAGEMENT FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OR LOT OWNERS ASSOCIATION AND/OR PROPERTY OWNER OR OTHER RESPONSIBLE ENTITY, AND SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF CHARLES TOWN UNDER WHICH THE PROJECT WAS APPROVED.

(E) INSPECTION OF THE PRIMARY SPILLWAY ORIFICE MAY REQUIRE GREATER FREQUENCY DEPENDING UPON THE AMOUNT OF DEBRIS WHICH ACCUMULATES WITHIN THE STORMWATER MANAGEMENT FACILITY. ANY TRASH AND/OR DEBRIS WITHIN THE STORMWATER MANAGEMENT FACILITY SHALL BE REMOVED AND PROPERLY DISPOSED OF.

(F) THE HOMEOWNERS ASSOCIATION OR LOT OWNERS ASSOCIATION AND/OR PROPERTY OWNER OR OTHER RESPONSIBLE ENTITY SHALL BE RESPONSIBLE FOR CONDUCTING A MANAGEMENT PROGRAM OF PERIODIC MONITORING AND INSPECTION OF STORMWATER MANAGEMENT FACILITIES. IT SHALL BE THE RESPONSIBILITY OF SAID PARTY TO MAINTAIN ALL REQUIRED RECORDS AND REPORT THOSE FINDINGS TO THE WVDEP TO ENSURE PROTECTION OF THE GROUND WATER. THE PARAMETERS AND THE FREQUENCY OF THIS MONITORING SHALL BE DETERMINED BY WVDEP.

CUT-OFF TRENCH & IMPERVIOUS CORE NOTES:

1. A CUT-OFF TRENCH OF ADEQUATELY IMPERVIOUS MATERIAL SHALL BE PROVIDED UNDER THE ENTIRE LENGTH OF THE EMBANKMENT AND SHALL BE LOCATED AT OR UPSTREAM FROM THE CENTERLINE OF THE EMBANKMENT. THE CUT-OFF TRENCH SHALL HAVE A BOTTOM WIDTH ADEQUATE TO ACCOMMODATE THE EQUIPMENT USED FOR EXCAVATION, BACKFILL AND COMPACTION OPERATIONS, AND A MINIMUM WIDTH BEING 4 FEET, AND SHALL HAVE SIDE SLOPES NO STEEPER THAN ONE HORIZONTAL TO ONE VERTICAL. THE CUT-OFF TRENCH SHALL HAVE A MINIMUM DEPTH OF 4 FEET.

2. ANY IMPERVIOUS CORE WITHIN THE EMBANKMENT SHALL BE LOCATED AT OR UPSTREAM FROM THE CENTERLINE OF THE EMBANKMENT AND SHALL EXTEND UP FROM THE ABUTMENTS TO THE 10-YEAR WATER SURFACE ELEVATION. THE IMPERVIOUS CORE SHALL EXTEND VERTICALLY FROM THE CUT-OFF TRENCH UP TO THE 10-YEAR WATER SURFACE ELEVATION THROUGHOUT THE EMBANKMENT.

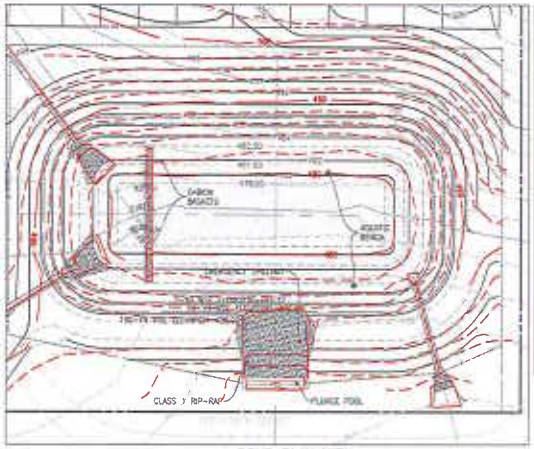
POND LANDSCAPING NOTE:

1. THE DAM BERM SHALL BE ESTABLISHED WITH GRASS TO PREVENT WATER EROSION. ADDITIONAL PLANTINGS MAY BE PROVIDED AT THE OWNERS DISCRETION, HOWEVER, NO LANDSCAPING SHALL BE PERMITTED ALONG ANY PORTION OF THE POND EMBANKMENT.

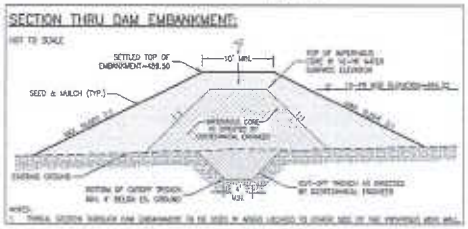
SEDIMENT FOREBAY COMPUTATIONS:

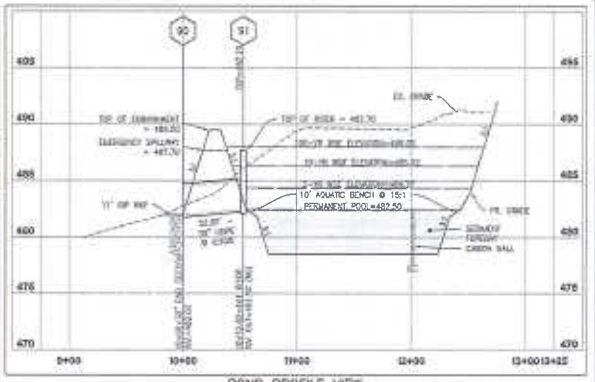
FOREBAY STAGE STORAGE (POND 1)

Elevation (ft)	Area (sq ft)	Incremental Vol (cu ft)	Cumulative Vol (cu ft)
479.50	0	0	0
480.00	2082	1041	1041
481.00	4164	3041	3041
482.00	5241.00	4702	7743
483.00	6318.00	5779	13522

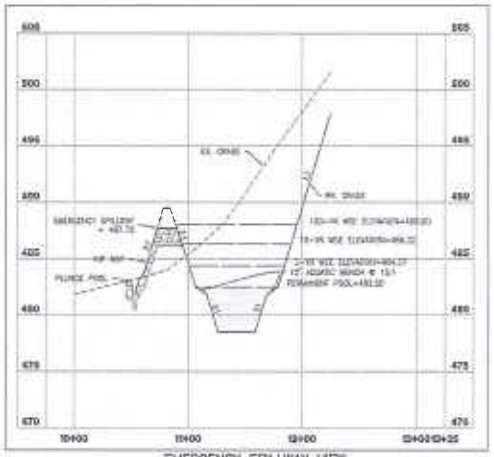


POND PLAN VIEW





POND PROFILE VIEW



EMERGENCY SPILLWAY VIEW

AS-BUILT SHEET 9 OF 10

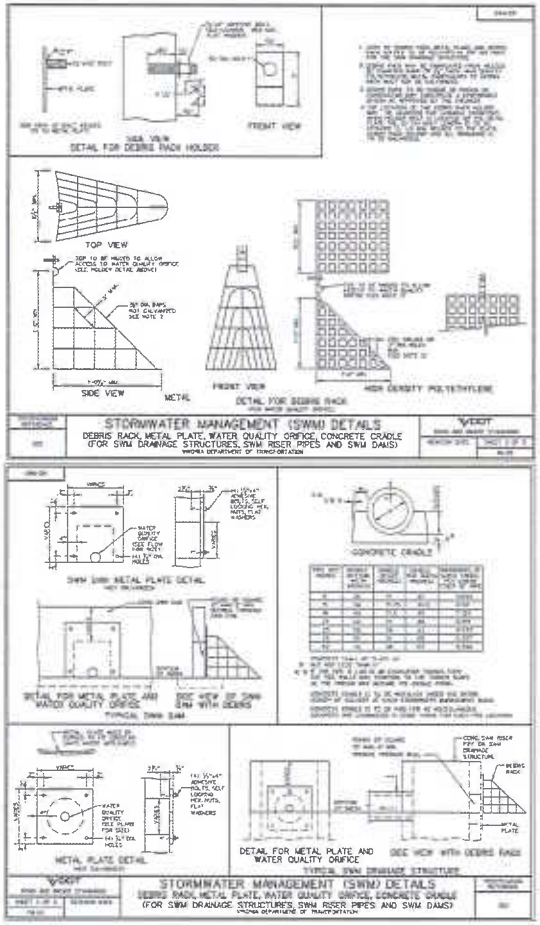
Gordon

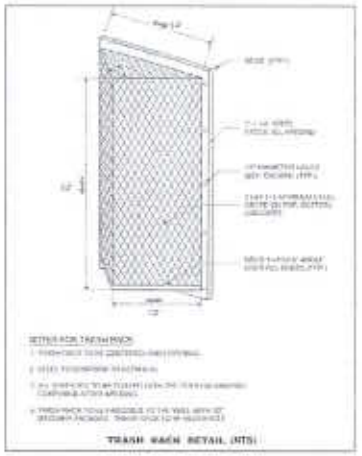
STORMWATER MANAGEMENT NARRATIVE & DETAILS

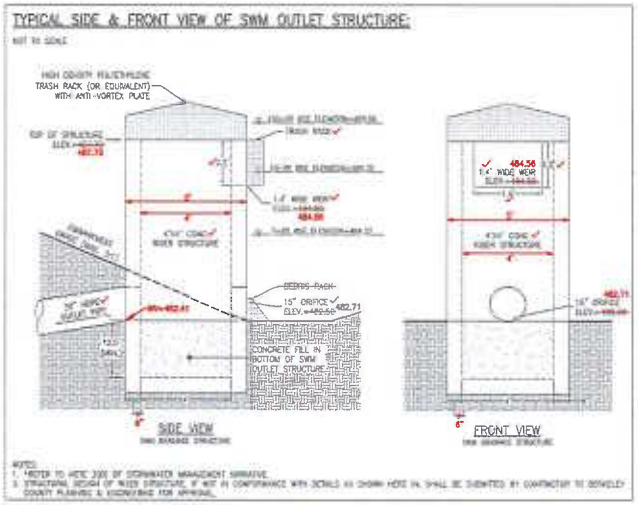
TATE MANOR

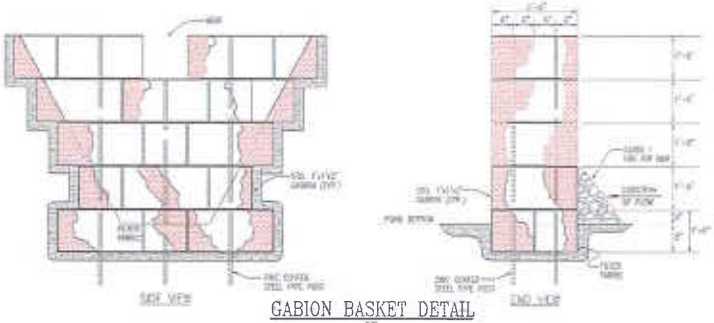
CHARLES TOWN DISTRICT, MAP 13 PARCELS 13 & 4
DEED BOOK 1191 PAGES 649 & 653
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

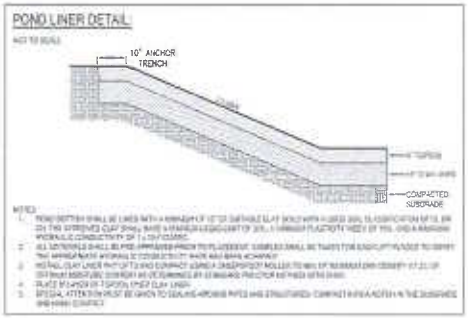
SHEET 25 OF 33

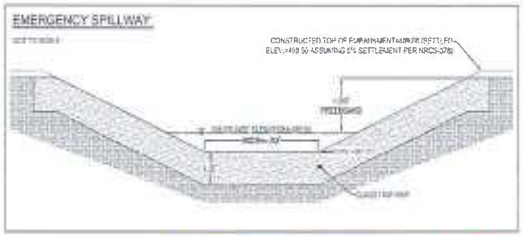












AS-BUILT SHEET 10 OF 10

Gordon

STORMWATER MANAGEMENT DETAILS

TATE MANOR

CHARLES TOWN DISTRICT, MAP 13 PARCELS 1,3 & 4
DEED BOOK 1101 PAGES 540 & 553
CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA

26 OF 33

DL Consulting, PLLC
Land Surveyors
281 Candlewood Lane
Great Cacapon, WV. 25422
Phone: 304-947-5999 Fax: 304-947-7092
Email – donlambert2119@yahoo.com

To Whom It May Concern:

I hereby certify that all property corner markers for Lots 1 thru 80, Phase 1 and 2 – TATE MANOR Subdivision recorded in Plat Book 26 Page 196 and 296 respectively are in place in accordance with Jefferson County Subdivision Regulations and the laws of the State of West Virginia as of May 13, 2024.

E. Donald Lambert, Jr.
WV. Professional Surveyor 2119



Kimley»Horn

Memorandum

To: Anne Wolf
DR Acquisitions, LLC
7945 Wormans Mill Rd
Frederick MD 21701

From: Mark Phillips, P.E.

Through: Mr. James Newman, AICP
City Planner, Zoning/Subdivision Administrator
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: June 14, 2024

Subject: Tate Manor Bond Release Review

This memorandum summarizes our review of the Bond Release Application (dated April 30, 2024, prepared by DR Acguisitions, LLC) for the Tate Manor Development for the bond release of $261,680.11. Using the As-Built Plan dated 01/29/2020, Deed of Dedication dated April 16, 2024, Property Corner Certification dated May 13, 2024, and Integrity Federal Services dated May 30, 2024, we believe the application represents a reasonable representation of the work done to construct the project.

Thank you for the opportunity to review this Bond Release Application. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.



Mark Phillips, P.E.
Project Manager
Associate

Kimley»Horn

Memorandum

To: Anne Wolf
DR Acquisitions, LLC
7945 Wormans Mill Rd
Frederick MD 21701

From: Mark Phillips, P.E.

Through: Mr. James Newman, AICP
City Planner, Zoning/Subdivision Administrator
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: June 19, 2024

Subject: Tate Manor E&S Bond Release Review

This memorandum summarizes our review of the Erosion and Sediment Control Bond Release Application (dated June 11, 2024, prepared by DR Acguisitions, LLC) for the Tate Manor Development for the bond release of $63,100.00. Using the Deed of Dedication dated April 16, 2024, Property Corner Certification dated May 13, 2024, and Integrity Federal Services Report dated May 30, 2024, we believe the application represents a reasonable representation of the work done to construct the project.

Thank you for the opportunity to review this E&S Bond Release Application. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.

Mark Phillips, P.E.
Project Manager
Associate

City Staff,

What are you doing pursuing this destructive course of action? Are you trying to make this town a clone of Manassas or Centreville? If so, you are well on your way. One has to wonder if this unrestrained construction is naieve or obtuse. Perhaps both?

Seriously, knock it off.

Erich

RECEIVED
AUG 08 2024
BY: JB

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-855: *BR2024-11* - Tate Manor Bond Release request

Proposed Motion: Approve the bond release request for Tate Manor Performance Bond in the amount of $261,680.11 and the Land Disturbance Bond in the amount of $63,200.00.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

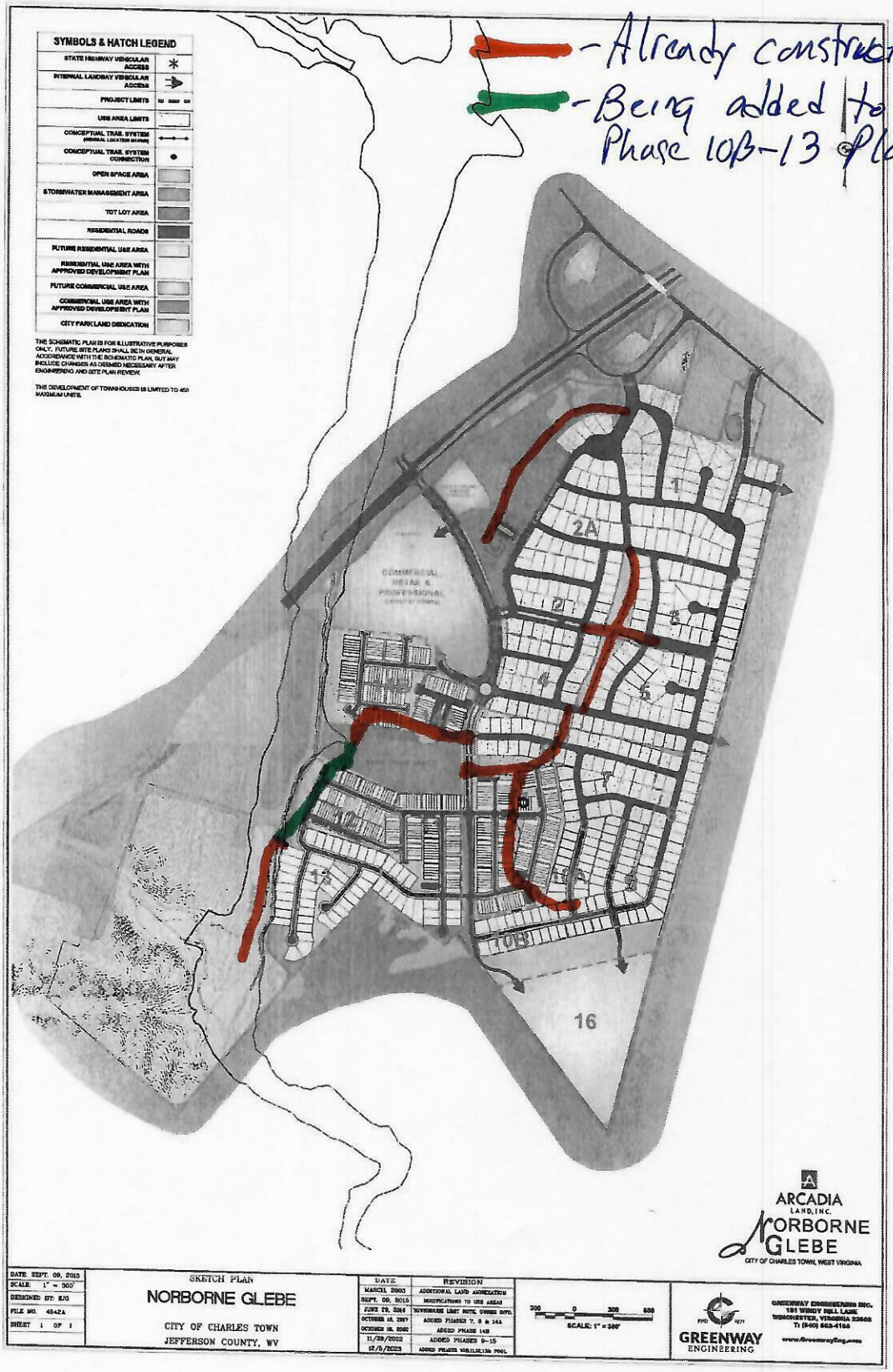
SCHEDULED

AGENDA ITEM (ID #)

2024-835: Discussion of a Walking Trail from Norborne-Glebe to the Willingham Knolls Park

ATTACHMENTS:

- 1. Overall Trail DevelopmentPlans.pdf
- 2. Trail details in Phases 10B-13.pdf


SYMBOLS & HATCH LEGEND
STATE HIGHWAY VEHICULAR ACCESS
INTERNAL LANDBAY VEHICULAR ACCESS
PROJECT LIMITS
USE AREA LIMITS
CONCEPTUAL TRAIL SYSTEM
CONCEPTUAL TRAIL SYSTEM CONNECTION
OPEN SPACE AREA
STORMWATER MANAGEMENT AREA
TOT LOT AREA
RESIDENTIAL ROADS
FUTURE RESIDENTIAL USE AREA
RESIDENTIAL USE AREA WITH APPROVED DEVELOPMENT PLAN
FUTURE COMMERCIAL USE AREA
COMMERCIAL USE AREA WITH APPROVED DEVELOPMENT PLAN
CITY PARK LAND DEDICATION
THE SCHEMATIC PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY. FUTURE SITE PLANS SHALL BE IN GENERAL ACCORDANCE WITH THE SCHEMATIC PLAN, BUT MAY INCLUDE CHANGES AS DEEMED NECESSARY AFTER ENGINEERING AND SITE PLAN REVIEW.
THE DEVELOPMENT OF TOWNHOUSES IS LIMITED TO 450 MAXIMUM UNITS.
- Already constructed
- Being added to Phase 10B-13 Plan
2A
2B
16
ARCADIA LAND, INC.
NORBORNE GLEBE
CITY OF CHARLES TOWN, WEST VIRGINIA
DATE: SEPT. 09, 2015
SCALE: 1" = 300'
DESIGNED BY: MJG
FILE NO. 454-2A
SHEET 1 OF 1
SKETCH PLAN
NORBORNE GLEBE
CITY OF CHARLES TOWN
JEFFERSON COUNTY, WV
DATE
REVISION
MARCH 2003
ADDITIONAL LAND ASSOCIATION
SEPT. 09, 2015
MODIFICATIONS TO USE AREAS
JUNE 29, 2016
TOWNHOUSE LIMIT NOTE, OWNER INFO.
OCTOBER 18, 2017
ADDED PHASES 7, 8 & 14A
OCTOBER 18, 2022
ADDED PHASE 14B
11/28/2022
ADDED PHASES 9-15
12/5/2023
ADDED PHASES 10A,10B,10C POOL
300 0 300 600
SCALE: 1" = 300'
GREENWAY ENGINEERING
GREENWAY ENGINEERING INC.
191 WINDY HILL LANE
WINCHESTER, VIRGINIA 22602
T: (540) 662-4185
www.greenwayeng.com


CONNECTS TO PHASE 14B TRAIL
PROPOSED TRAIL
CONNECTS TO EX. BRIDGE & TRAIL IN PARK
SEEBACK DRIVE
GRUNTER WAY
MATCHLINE
SEE SHEET 25
MATCHLINE
SEE SHEET 27
SCALE: 1" = 30'
GRADING PLAN
NORBORNE GLEBE
PHASE 10B, 11, 12, & 13
CHARLES TOWN CORP. DISTRICT (3)
CITY OF CHARLES TOWN-JEFFERSON COUNTY, WV
GREENWAY ENGINEERING
Rev. No.
Date
DATE: 11/06/2023
SCALE: 1" = 30'
DESIGNED BY: CC/CW
FILE NO. 4542A
SHEET 26 OF 97
SLD2022-06

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-856: Article 509 Disorderly Conduct Discussion

ATTACHMENTS:

- Article 509 - Disorderly Conduct and Peace Disturbance.pdf

ARTICLE 509

Disorderly Conduct and Peace Disturbance

509.01 Disorderly conduct.
509.02 Loitering on school property.
509.03 Wearing masks, hoods or face coverings.
509.04 Disturbing the peace.
509.05 Curfew.
509.06 Emergency curfew.
509.99 Penalty.

CROSS REFERENCES

Authority to maintain order - see W. Va. Code 8-12-5 (19), (44)
Crimes against the peace - see W. Va. Code Art. 61-6
Intoxication or drinking in public places - see GEN. OFF. 521.06
Breach of peace with weapon - see GEN. OFF. 545.02

509.01 DISORDERLY CONDUCT.

(a) No person shall, in a public place, any State or Municipal office or office building or any other property owned, leased, occupied or controlled by the State or Municipality, a mobile home park, a public parking area, a common area of an apartment building or dormitory, or a common area of a privately owned commercial shopping center, mall or other group of commercial retail establishments, disturb the peace of others by violent, profane, indecent or boisterous conduct or language or by the making of unreasonably loud noise that is intended to cause annoyance or alarm to another person, and who persists in such conduct after being requested to desist by a law-enforcement officer acting in his lawful capacity: provided, that nothing in this subsection should be construed as a deterrence to the lawful and orderly public right to demonstrate in support or protest of public policy issues.

(b) For purposes of this section:

(1) "Mobile home park" means a privately-owned residential housing area or subdivision wherein the dwelling units are comprised mainly of mobile homes and wherein the occupants of such dwelling units share common elements for purposes of ingress and egress, parking, recreation and other like residential purposes.

(2) "Mobile home" means a moveable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:

A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity, and

B. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

(3) "Public parking area" means an area, whether publicly or privately owned or maintained, open to the use of the public for parking motor vehicles. (WVaC 61-6-1b)

509.02 LOITERING ON SCHOOL PROPERTY.

No person, not a student in regular attendance, shall loiter in or about any school, school building or school grounds in violation of any posted rules or regulations governing the use of any such school without written permission from the principal. (WVaC 61-6-14a)

509.03 WEARING MASKS, HOODS OR FACE COVERINGS.

(a) Except as otherwise provided in this section, no person, whether in a motor vehicle or otherwise, while wearing any mask, hood or device whereby any portion of the face is so covered as to conceal the identity of the wearer, shall:

(1) Come into or appear upon any walk, alley, street, road, highway or other thoroughfare dedicated to public use;

(2) Come into or appear in any trading area, concourse, waiting room, lobby or foyer open to, used by or frequented by the general public;

(3) Come into or appear upon or within any of the grounds or buildings owned, leased, maintained or operated by the State or Municipality;

(4) Ask, request, or demand entrance or admission to the premises, enclosure, dwelling or place of business of any other person within this Municipality; or

(5) Attend or participate in any meeting upon private property of another unless written permission for such meeting has first been obtained from the owner or occupant thereof.

(b) The provisions of this section do not apply to any person:

(1) Under sixteen years of age;

(2) Wearing a traditional holiday costume;

(3) Engaged in a trade or employment where a mask, hood or device is worn for the purpose of ensuring the physical safety of the wearer;

(4) Using a mask, hood or device in theatrical productions, including use in mardi gras celebrations or similar masquerade balls;

(5) Wearing a mask, hood or device prescribed for civil defense drills, exercises or emergencies; or

(6) Wearing a mask, hood or device for the sole purpose of protection from the elements or while participating in a winter sport. (WVaC 61-6-22)

509.04 DISTURBING THE PEACE.

No person shall:

(a) On any street, highway, public building, in or on a public or private conveyance, or public place, engage in conduct having a direct tendency to cause acts of violence by the person or persons at whom, individually, such conduct is directed.

(b) Willfully, or being intoxicated, whether willfully or not, disrupt any meeting of the governing body of any political subdivision of this State or a division or agency thereof, or of any school, literary society or place of religious worship, or any other meeting open to the public, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person or persons at whom, individually, such disruption is directed.

(c) Engage in fighting, or threaten to harm persons or property unlawfully.

(d) Make offensively coarse utterance, gesture or display, or communicate unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace.

(e) Insult, taunt or challenge another under circumstances in which such conduct is likely to provoke a violent response.

(f) Hinder or prevent the movement of persons or vehicles on a public street, road, highway right of way or to, from, within or upon public or private property, so as to interfere with the rights of others, by any act which serves no lawful and reasonable purpose.

(g) Create a condition which presents a risk of physical harm to persons or property.

(h) Urinate or defecate in any public place or upon the property of any other person, except this section shall not apply to the use of restrooms and/or bathrooms.

Nothing described herein shall be interpreted or construed to prevent any constitutionally protected activity including but not necessarily limited to exercise of one's constitutionally guaranteed rights of freedom of speech or assembly. No person may be convicted under this section when his sole intent for engaging in the activities for which he was arrested was to exercise one or more of the rights guaranteed to him under the Constitution of the United States or the State Constitution or to exercise any other rights guaranteed to that person by law.

509.05 CURFEW.

(a) No minor under the age of eighteen years of age, such person being defined for the purpose of this and the following sections as a child, shall loiter in or upon the streets, highways, or other public places within the City at night, after 11:00 p.m. For the purpose of this section, loiter is defined as to stand idly about or to proceed slowly or with many stops.

(b) No parent, guardian or other person having the legal custody of any child designated in subsection (a) hereof shall allow or permit any such child, ward or other person under the age of eighteen years of age, who is in such legal custody, to loiter in or on the streets, highways, or other public places, within the City at night, after the hour of 11:00 p.m.

(c) Any child under eighteen years of age found loitering in or upon any streets, highways, or other public places, within the City in violation of subsection (a) shall be taken into custody by the City police and transported to the police department. The parents, guardians, or persons having legal custody of such child shall be contacted to come to the police station to retrieve the child. For a first offense violation a written citation or written warning shall be issued to the parents, guardians, or persons having the legal custody of such child so offending. For a second, and all subsequent offenses, a written citation shall be issued to the parents, guardians, or persons having legal custody of the child so offending. The parents, guardians, or persons having legal custody, or persons so offending shall, upon conviction thereof, be punished as provided in Section 509.99.

(d) Any police officer of the City, in taking a child into custody under the provisions of the preceding section shall use discretion in determining age, and in doubtful cases, may require positive proof, and until such proof is furnished, the police officer’s judgment shall prevail.

(Passed 8-7-06.)

509.06 EMERGENCY CURFEW.

Effective upon passage of this section, no individual shall loiter, park, stop or stand in or upon the streets, highways or other public places, or a public parking lot, a common area of an apartment building, or a common area of a privately-owned commercial shopping center or other commercial retail establishment, as defined in Section 509.01, or in or about any school, school building or school grounds, within the City at night between the hours of 11:00 p.m. and 5:00 a.m.

(Passed 11-15-93.)

509.99 PENALTY.

(a) Whoever violates any provision of 509.01 to 509.05, shall be fined not more than five hundred dollars ($500.00). Each day such violation continues shall constitute a separate offense.

(Ord. 91-0-3-4. Passed 3-4-91.)

(b) Whoever violates Section 509.06 shall be fined not more than one hundred dollars ($100.00) for the first offense. For a second, such person shall be fined not more than five hundred dollars ($500.00). For a third and subsequent offense, such person shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than thirty days, or both.

(Passed 11-15-93.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-857: Augustine Avenue Phase I Supplemental Agreement

ATTACHMENTS:

- DOH Supplemental Agreement 1 for Phase 1.pdf
- DOT DOH Supplemental Agreement 1 Change in Funding.pdf

Docusign Envelope ID: 8C2DD81E-A94F-422C-AD8A-8800082697E1

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

Alanna J. Keller, P.E.
Deputy Secretary of Transportation
Deputy Commissioner of Highways

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

August 2, 2024

Mr. John Nissel
City Manager
City of Charles Town
101 East Washington Street
Charles Town, West Virginia 25414

Dear Mr. Nissel:

The enclosed proposed Supplemental Agreement 1 is for the Charles Town Augustine Avenue Transportation Alternatives (TA) project (State Project: U319-CHA/RL-2. 00) in Jefferson County. Please review the proposed Supplemental Agreement 1 carefully as it will indicate the manner in which your project will be funded. If Sections A and B do not fully reflect the scope of work envisioned by your request, please make any changes you feel are appropriate and return the revised document for our consideration.

If this proposed Supplemental Agreement 1 is acceptable, please sign all three originals, and return them to Mr. Kyle Oliver, West Virginia Division of Highways, Planning Division, Building 6, Room 220, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305, along with your Resolution and the required Sponsor's match in the amount of $14,719.13. *Do not date the front page, paragraph one*, as this date will be entered when the Supplemental Agreement 1 is fully executed. Once the proposed Supplemental Agreement 1 is fully executed, you will receive one original for your files.

Should you have any questions, please contact Kyle Oliver, Project Manager with our Grant Administration Unit within the Planning Division, at (304) 205-6207 or by email at Kyle.J.Oliver@wv.gov.

Sincerely,

Jimmy Wriston, P.E.

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

JW:Om

Enclosures

WEST VIRGINIA

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

SUPPLEMENTAL AGREEMENT 1

FOR

CHANGE IN FUNDING

STATE PROJECT: U319-CHA/RL-2. 00

FEDERAL PROJECT: TAP-2017(210)D

CHARLES TOWN AUGUSTINE AVE

TRANSPORTATION ALTERNATIVES

JEFFERSON COUNTY

THIS SUPPLEMENTAL AGREEMENT 1, executed in triplicate, made and entered into this _____ day of _____, 20_____, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, hereinafter called **"DEPARTMENT"** and the **CITY OF CHARLES TOWN**, hereinafter called **"SPONSOR"** supplementing Original Agreement between the aforementioned parties, dated January 3, 2022. This Supplemental Agreement 1 rescinds and replaces the funding of the Original Agreement, dated January 3, 2022;

WITNESSETH that,

WHEREAS, the Original Agreement provided for the participation of **DEPARTMENT** and **SPONSOR** in a project for design and construction of Charles Town Augustine Ave; and

WHEREAS, the **DEPARTMENT** has bid the project and the lowest qualified bidder exceeded available project funds. **SPONSOR** has requested supplemental funds to be awarded to project as to award the construction of the project to the lowest qualified bidder; and

WHEREAS, DEPARTMENT has approved the **SPONSOR'S** request relating to this project and desires to cooperate with **SPONSOR** to bring this project to construction; and

WHEREAS, by Resolution bearing the date of the _____ day of _____, 20____, the **CHARLES TOWN CITY COUNCIL** directed the proper authorities to execute, acknowledge and deliver this Supplemental Agreement 1, a copy of which Resolution is affixed hereto and made a part hereof;

NOW, THEREFORE, it is mutually agreed as follows:

I. REVISED MAXIMUM AMOUNT PAYABLE

A. The total funding for the Construction Phase including construction inspection, will be seven hundred seventy-seven thousand five hundred ninety-five dollars and sixty-three cents ($773,595.63). This reflects an overall increase of seventy-three thousand five hundred ninety-five dollars and sixty-three cents ($73,595.63), of which fifty-eight thousand eight hundred seventy-six dollars and fifty cents ($58,876.50) is the federal aid amount at eighty percent (80%) and fourteen thousand seven hundred nineteen dollars and thirteen cents ($14,719.13) will be the twenty percent (20%) match provided by the **SPONSOR**.

See **Table 1.0** for a breakdown of current project funding.

B. **SPONSOR** will be responsible, at the one hundred percent (100%) level, for any and all cost in excess of the total eligible project cost as set by this Supplemental Agreement 1.

C. That **SPONSOR** will submit to **DEPARTMENT** a check payable to the West Virginia Division of Highways for the sum of fourteen thousand seven hundred nineteen dollars and thirteen cents ($14,719.13) for the required twenty percent (20%) match amount. The check shall be submitted with this Supplemental Agreement 1 upon execution by **SPONSOR**.

II. INCORPORATED BY REFERENCE

It is understood and agreed upon by the parties hereto that all the terms and provisions contained in the hereto referenced Agreement between the **DEPARTMENT** and the **SPONSOR**, dated January 3, 2022, shall continue in full force and effect except as modified and/or altered by this Supplemental Agreement 1.

IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS

(signature) *(title)*

SIGN HERE

CITY OF CHARLES TOWN

(signature) *(title)*

(To be executed in triplicate)

Distribution:
City of Charles Town
Planning Division
Legal Division

APPROVED AS TO FORM ON
8/2/24
ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS
David A Forsh

NUMBER: 2408008

Table 1.0 CHARLES TOWN AUGUSTINE AVE FUNDING BREAKDOWN
FFY 2020
State Project: U319-CHA/RL-2. 00
Federal Project: TAP-2017(210)D (CONSTRUCTION)

FUNDING TYPE	FEDERAL FUNDS	MATCHING FUNDS	TOTAL
CONSTRUCTION PHASE TAP-2017(210)D 80% Federal Funds and 20% Sponsor Funds			
FFY 2020 TA Grant Funds	$560,000.00	$140,000.00	$700,000.00
Supplemental TA Funds	$58,876.50	$14,719.13	$73,595.63
Total Project Construction Funds	$618,876.50	$154,719.13	$773,595.63

NOTES:

Supplemental funding requested by Sponsor to award project to lowest bidder.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-858: Huntfield COA Modification

ATTACHMENTS:

- 4. Huntfield Zones REVISED July 2024.pdf
- 2003 Huntfield Original Proffers.pdf
- 2005 Huntfield Proffer Amendment 2.pdf
- 07.19.2024 DRA Proffer Amend 3 - staff final redline - (002).docx

EXHIBIT 1

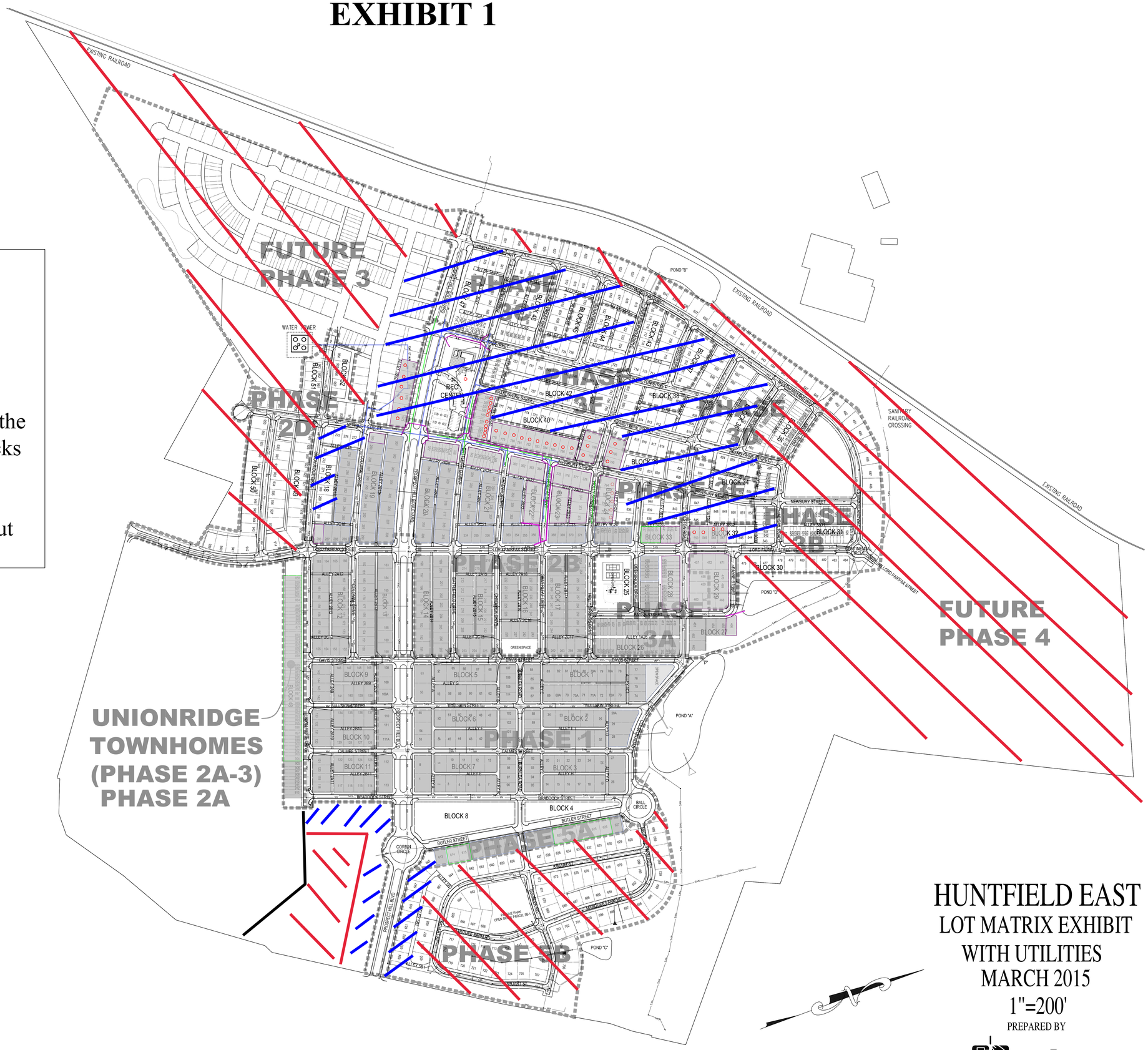
Legend

Zone 1 =

Zone 2 =

Zone 3 = Remaining 481.25 acres to the Northwestern side of the railroad tracks

Gray shaded
*previously developed and/or built out prior to the date of this amendment



HUNTFIELD EAST
LOT MATRIX EXHIBIT
WITH UTILITIES
MARCH 2015
1"=200'

PREPARED BY

urban
Planners Engineers Landscape Architects Land Surveyors

Modified July 19, 2024 by DRB

EXHIBIT 1
LIST OF PROFFERS

EDUCATION - Huntfield, L.C., proffers to dedicate up to 75 acres of improved land to the Jefferson County Board of Education. Such improvements to include paved access road, utilities (water and sewer), rough grading and storm water management facilities (as part of a central storm water management facility). The value of the land so dedicated shall offset or be credited against any per unit impact fee, charge or exaction, which may be hereafter imposed.

TRANSPORTATION - Huntfield, L.C., will maintain its commitment to participate with the West Virginia Division of Highways and other developments to pay for Huntfield's pro rata share of required road improvements directly attributable in part to Huntfield.

HISTORY - Huntfield, L.C., proffers to provide any historic or archeologic reports and studies, as required by the State Historic Preservation Office, Division of Culture and History.

SOILS - Huntfield, L.C., proffers to maintain its commitment to participate in any Voluntary Remediation Program under the Department of Environmental Protection.

OVERALL PLANNING -

1) Huntfield, L.C., proffers to actively participate with the City and adjacent landowners in the comprehensive planning and development of the Old Route 340 corridor between Huntfield's boundaries and Evitt's Run.

2) Huntfield, L.C., proffers to construct an 8' hiker/biker trail along Old Route 340 between Huntfield's boundaries and Evitt's Run.

3) Huntfield, L.C., proffers to approach Pan Tran to provide bus service between Huntfield and downtown Charles Town.

OTHER CONTRIBUTIONS - To offset its proportionate share of capital improvements and operating costs brought about by the development of Huntfield, Huntfield, L.C., proffers to pay the City the sum of $700 per dwelling unit (and $700 for every 5,000 square feet of finished commercial space). For each such $700 (or adjusted figure) per dwelling unit payment, 15% thereof shall be attributable to municipal facilities, 15% thereof shall be attributable to parks and recreation, and 70% thereof shall be attributable to education. This payment shall be due and payable upon the issuance of a building permit(s) for such dwelling unit or commercial space. This amount(s) may be offset or credited by in kind contributions made by Huntfield, L.C., as herein provided, including, but not limited to, the value of the improved land mentioned under **EDUCATION** herein. The per unit proffer made herein shall be subject to adjustment every three years and shall be consistent with the findings and conclusions reached in a fiscal impact study to be performed every three years for this purpose, the cost of which study to be equally borne by Huntfield, L.C., and the City.

Huntfield, L.C. proffers to dedicate to the City up to 10 acres of improved (utilities and hard surface road frontage) but vacant land, for the use and benefit of the City for the purpose of constructing, operating and maintaining municipal facilities. At any time after the first 10 years of the continuing development of Huntfield, in the event the City chooses to construct municipal facilities upon said 10 acre parcel, Huntfield,

L.C., proffers to accelerate the payment of the balance of the portion of the payments due from Huntfield, L.C., to the City under **OTHER CONTRIBUTIONS**, hereof, and attributable to municipal facilities. The proceeds from such accelerated payment of the balance as hereinabove described may only be used to construct the municipal facilities upon the 10 acre parcel dedicated by Huntfield, L.C., for that purpose.

CONDITIONS OF DEVELOPMENT OF PHASE I - The foregoing proffers are conditioned upon the following:

Current plans being processed in the County will be administered under the NR Zoning Ordinance, and accepted as currently designed, by the City with the following conditions:

1) Minimum lot width shall be reduced to 50 feet at the street.

2) Minimum lot area shall be reduced to 5,000 square feet.

3) Front yard setback shall be 25 feet from the edge of pavement.

4) Encroachment within the front yard setback shall be no more than 30% or 8.34 feet.

5) Side yard setbacks shall be reduced to 5 feet minimum.

6) No setback from the property line for accessory structures shall be required.

7) Minimum paving width shall be 24 feet.

CONDITIONS OF OVERALL DEVELOPMENT

1) Minimum zoning yield - Approved under the zoning shall be 3,200 residential units of single family detached, single family attached, and multifamily, and 200,000 square feet of commercial, retail and office space.

2) Phasing of development or building permits - No phasing of development or building permits will be imposed. (Subject to the availability of adequate infrastructure facilities.

EXHIBIT 3
CREATION OF THE MIXED USE ZONE

The City of Charles Town agrees to participate in the creation and approval of a new zoning classification, to be known as the Mixed Use Zone, by amendment to the City of Charles Town Zoning Ordinance. The process will commence within 90 days of annexation. The purpose of creating the Mixed Use Zone is to provide zoning guidelines, which support and encourage neo-traditional and new urbanism planning concepts. The newly created zone will allow for reduced lot widths and lot areas, a mixture of housing types and opportunities for home ownership and will foster pedestrian friendly streets which are typical of the neighborhood streets in the "old town" areas of Charles Town. The zone will also encourage the mix of uses including, but not limited to, residential, retail, commercial, employment, civic and institutional uses, and schools.

Huntfield List of Proffers

(Current Approved Proffers as of 07/06/21)

Original Proffers: Jan 7, 2002

Resolution for Amendment of Proffers 1 - May 17, 2004

Proffer Amendment 2 - 08/01/2005

EDUCATION- Huntfield, L.C., proffers to dedicate up to 75 acres of improved land to Jefferson County Board of Education. Such improvements to include paved access road, utilities (water and sewer), rough grading and storm and water management facilities (as part of a central storm water management facility). The value of the land so dedicated shall offset or be credited against any per unit impact fee, charge or exaction, due from Huntfield, L.C., Cambridge at Huntfield L.C. or assigns." which may be hereafter imposed.

TRANSPORTATION- Huntfield, L.C., will maintain its commitment to participate with the West Virginia Division of Highways and other developments to pay for Huntfield's pro rata share of required road improvements directly attributable in part to Huntfield.

HISTORY- Huntfield, L.C., proffers to provide any historic or archeologic reports and studies, as required by the State Historic Preservation Office, Division of Culture and History.

SOILS – "Huntfield, L.C., proffers to its continued participation in the Voluntary Remediation Program under the oversight of the West Virginia Department of Environmental Protection." (pg. 12 of transcript)

OVERALL PLANNING

1) "Huntfield, L.C., proffers to actively participate with the City and adjacent landowners in the comprehensive planning, preservation, and development of the Old Route 340 corridor between Huntfield's boundaries and Evitt's Run.

2) Huntfield, L.C., proffers to construct an 8' hiker/biker trail in a location and within a timeframe in accordance with the mutual agreement of the city and Huntfield, L.C.

3) Huntfield, L.C., proffers to approach Pan Tran to provide bus service between Huntfield and downtown Charles Town, and any other major Charles Town developments. Huntfield, L.C., shall further present development sites plans which incorporate shuttle stops and other appropriate shuttle infrastructure in the Huntfield project." (pg 17-18 of transcript)

4) Huntfield, L.C., shall within 18 months of the recordation of annexation produce a transportation study plan, which indicates how the development of road improvements, a hiker/biker trail, shuttle routes, a potential commuter train station, and other transportation improvements could minimize the impacts of additional vehicle traffic attributable to the Huntfield project, in the Charles Town area. Huntfield, L.C., shall coordinate this transportation study/plan with any imposed or required transportation study/plans of Arcadia Development Corporation with respect to the Norborne Glebe project." (pg. 16-17 of transcript

5) "Huntfield agrees to a triennial independent review of the Fiscal Impact Study prepared by Dr.

Stephen Fuller and Dean Bellas, dated November, 2001. The cost of this independent review shall be borne equally by the City and Huntfield, L.C. The city may, as its option, choose to conduct a new fiscal impact study, that study shall clearly identify the methodology used, the specific facts relied upon, and the source of those facts. The cost of any such new study or studies, and any subsequent triennial review of such new study, shall be borne solely by the City. The per unit proffer shall be subject to adjustment at the conclusion of the review or study. In accordance with the triennial schedule, the first proffer adjustment shall not occur before January 7, 2005. Huntfield and its assigns shall have the right of third party review of any triennial review or study. Should the City and Huntfield not agree on the adjustment of the per unit proffer fee at the conclusion of the review or study, and any third party review thereof, then both parties agree to submit to binding arbitration by the American Arbitration Association to determine the amount of the adjustment, if any. The right of Huntfield and its assigns to seek arbitration of the amount of adjustment of the per unit proffer fee shall be exercised within 60 days of the presentation of the proposed fee adjustments by means of written notice to the City of it's intent to seek arbitration.

OTHER CONTRIBUTIONS- To offset its proportionate share of the costs of capital improvements and operating expenses brought about by the development of Huntfield, Huntfield L.C. proffers to pay the city the following per unit proffer fees:

$7,332.00 per single family detached dwelling unit, of which, $7,122.00 shall be attributed to education, $105.00 to non-educational public facilities and $ 105.00 to parks and recreation;

$5,772.00 per townhouse or duplex unit, of which $5,562.00 shall be attributed to education, $105.00 to non-educational public facilities and $105 to parks and recreation;

$2,347.00 per multi-family unit, of which, $2137.00 (or other reasonable per unit fee established through further negotiation with the parties prior to issuance of building permits) shall be attributed to education, plus $105.00 to non-education public facilities and $105.00 to parks and recreation;

$210.00 for every 5,000 square feet of finished commercial space, of which $105.00 shall be attributed to non-educational public facilities and $105.00 to parks and recreation.

The foregoing payment shall be due and payable upon the issuance of any building permit(s) for such dwelling unit or commercial space when the application for such building permit was submitted to the City on or after January 26, 2004. Payments of $700.00 per unit only, in accordance with the pre-amendment proffers, shall be due upon issuance of any building permit(s) for lots for which Huntfield, Cambridge at Huntfield, L.C., or Washington Homes of West Virginia had received a contract of sale before January 26, 2004.

The amounts due from Huntfield L.C., Cambridge at Huntfield L.C. or assigns in the form of per unit proffer fees shall be offset and credited by in kind contributions made by Huntfield, L.C., as herein provided, including, but not limited to, the value of the land mentioned under EDUCATION herein,

and the land dedicated the City for the purpose of constructing, operating and maintaining municipal facilities.

Huntfield, L.C., proffers to dedicate to the City up to 10 (ten) acres of improved (utilities and hard surface road frontage) but vacant land, for the use and benefit of the City for the purpose of constructing, operating and maintaining municipal facilities. The City agrees to a valuation of the property at the time of dedication and after all improvements are made by Huntfield , and the valuation shall be credited against any cash proffers that may be agreed to in the future for non-educational CIP items.

CONDITIONS OF DEVELOPMENT OF PHASE I – the foregoing proffers are conditioned upon the following:

Current plans being processed in the County will be administered under the NR Zoning Ordinance, and accepted as currently designed, by the City with the following conditions:

1. Minimum lot width shall be reduced to 50 feet at the street.
2. Minimum lot area shall be reduced to 5,000 square feet.
3. Front yard setback shall be 25 feet from the edge of pavement.
4. Encroachment within the front yard setback shall be no more that 30 % or 8.34 feet.
5. Side yard setbacks shall be reduced to 5 feet minimum.
6. No setback from the property line for accessory structures shall be required.
7. Minimum paving width shall be 24 feet.

All plans submitted to the City for development within Huntfield beyond Phase I shall continue to be administered and processed under the NR Zoning Ordinance with the above-listed conditions until such time as the City has created and adopted the new zoning classification pursuant to its Resolution and Annexation Agreement.

CONDITION OF OVERALL DEVELOPMENT –

The foregoing proffers are further conditioned upon the following:

To allow the development of not more than 3,200 homes with the Property according to neo-traditional and new urbanist planning concepts, all plans for the development of the Property now and in the future may be administered, at the option of Huntfield L.C., under the Neighborhood Residential zoning classification with the following conditions:

A) The minimum 200,000 square feet of commercial, retail or office space proffered by Huntfield shall satisfy all requirements for land are devoted to office and/or commercial. This agreement does not preclude Huntfield from developing commercial/retail/office space beyond the 200,000 square feet requirements;

B) Huntfield will dedicate 15% of the total land area to open and recreational space. All active and passive recreational facilities provided in Huntfield shall be credited towards the 15% open space requirements specified herein. In additional, Huntfield will provide a minimum 50-foot buffer on either side of Bullskin Run measured from the edge of the stream bank and a landscaped 50-foot buffer along major highways(i.e. US Route 340, 340 Bypass, WV

Route 9).

C) Maximum Building Heights shall be as follows:

Single Family Detached - 45’ (forty-five feet), but not more than (3) three stories

Townhouse - 45’ (forty-five feet), but no more than 4 (four) stories Multi-Family- 50’ (fifty-feet), but not more than 4 (four) stories

Office, Commercial, Civic and Mixed Use – 60’ (sixty feet), but not more than (5) five stories

D) Minimum Lot Widths shall be as follows:

Single Family Detached - 50’ (fifty-feet), however 45’ (forty-five feet) for Active Adult Community (development)

Townhouses – Mix of 16’ (sixteen feet) to 24’ (twenty-four feet);

E) Minimum Lot Sizes shall be as follows:

Single Family Detached – 5,000 (five thousand feet), however 4,500 (forty-five hundred feet) for Active Adult Community (development)

Townhouses – 1,600 square feet;

F) Townhouse portions of development shall be permitted to have an area less than five acres;

G) Townhouse units shall be permitted at a maximum density of 16 units per acres;

H) The minimum rear yard setback for units with attached rear-load garages shall be 10’ (ten feet);

I) Alleys may be dead-end streets when intersection would cause a curb cut on a collector street;

J) Alleys may provide lot access and satisfy road frontage requirements when the lots served by those alleys front on open space;

K) Cul-de-sac streets shall be permitted in limited instances and require approval by the Planning Commission. When allowed, the cul-de-sac terminus shall include a landscaped circle.

L) The designated Village Center shall be permitted for Central Business District, General Commercial and Neighborhood Residential uses as defined in the present City of Charles Town Zoning Ordinance. The designed Neighborhood Centers shall be permitted for Office

Residential, Neighborhood Residential and Neighborhood Commercial uses as defined in the present City of Charles Town Zoning Ordinance. Future changes in the existing Zoning Ordinances shall be made Applicable to this paragraph.

M) In order to allow townhouses to be constructed with both decks and two-car garages, accessory buildings may occupy up to 40% of the rear yard of any townhouse lot.

In addition to the aforementioned modifications to the Neighborhood Residential zoning regulations, the City and Huntfield agree to the following performance and design standards:

A. The development of gated communities (i.e. restricted access to specific neighborhoods) is not permitted, other than Active Adult Development.

B. To enable Huntfield to perform its obligations under the Annexation Agreement, the City shall work cooperatively with Huntfield to ensure that Huntfield may obtain the amount of sewage treatment plant capacity needed to serve the Property at each stage of its development until built out.

C. In addition to the proffered commitment to approach Pan Tran to provide bus services between Huntfield and downtown Charles Town, Huntfield shall cooperate with any efforts initiated by the City to provide transit services to Huntfield.

D. Huntfield will submit a "Master Schematic Plan", to City Planning Commission prior to applicable approvals for Phase 4 of the development that incorporates the neo-traditional and new urbanist concepts described in this proffer agreement and an exhibit illustrating the location, total land area and public accessibility of proposed recreational and open space. Subsequent site plans submitted to support this Master Schematic Plan will provide the detailed design principals of the neo-traditional and new urbanist design concepts as they relate to street and block networks; an interconnected pedestrian sidewalk and trail system; landscape screening, buffers and design consideration to mitigate the visual impacts of parking lots; street and parking lot landscaping using the West Virginia Division of Forestry's Recommended Trees for City and Communities publication as the species guide; and design and pedestrian attributes as related to the Village Center, major civic and public use buildings should be located in or adjacent to the village and neighborhood centers or adjacent to the civic green, square or park in the village center. Public space components and civic buildings should terminate vistas whenever possible. Public and civic use buildings may front on open paces such as parks and greens.

E. The use of rear-loading detached or attached garages for residential garage parking is encouraged. On residential streets with non-age-restricted, single family detached units, front-loading garages shall be recessed from the front plane of the house a minimum of ten (ten) feet. This is not required for side-loading garages on any units, nor for front-loading garages on townhouses or age- restricted units. Front-loading garages may be used for no more than forty percent (40%) of the total number of garages proposed in the development.

F. Huntfield's pro rata share of the cost of transportation improvements necessary to accommodate and directly attributable to the vehicle traffic generated by the Huntfield

Community shall be determined in the comprehensive traffic study presently being prepared by the West Virginia Department of Highways.

1) Minimum zoning yield – Approved under the zoning shall be 3,200 residential units of single family detached, single family attached, multi-family, and 200,000 to 1,000,000 square feet commercial, retail, and office development. Within five (5) years of the recordation of annexation, Huntfield L.C., shall produce a market study identifying the potential to increase the total square footage of commercial, retail and office space beyond the required minimum of 200,000 square feet. In order to achieve the desired maximum commercial development of 1,000,000 square feet, the City acknowledged that Floor Area Ratios (FAR's) of greater than 1 or building heights of 75 feet. (Page 18-21 of transcript)

2) Phasing of development or building permits – No phasing of development or building permits will be imposed. (Subject to availability of adequate infrastructure facilities).

CREATION OF THE MIXED USE ZONE

The City of Charles Town agrees to participate in the creation and approval of a new zoning classification, to be known as the Mixed Use Zone, by amendment to the City of Charles Town Zoning Ordinance. The Process will commence within 90 days of annexation. The purpose of creating the Mixed Use Zone is to provide zoning guidelines, which support and encourage neo-traditional and new urbanism planning concepts. The newly created zone will allow for reduced lot widths and lot areas, a mixture of housing types and opportunities for home ownership and will foster pedestrian friendly streets which are typical of the neighborhood streets in the "old town" areas of Charles Town.

The zone will also encourage the mix uses including, but not limited to, residential, retail, commercial, employment, civic and instructional uses, and schools.

Huntfield List of Proffers

Proposed Proffer Amendment 3

Revision Date 07/31/24

Original Proffers: Jan 7, 2002

Resolution for Amendment of Proffers 1 - May 17, 2004

Proffer Amendment 2 - 08/01/2005

Proposed Proffer Amendment 3: DRAFT 7/31/24

1) EDUCATION- Huntfield, proffers to dedicate up to 17 acres of land to Jefferson County Board of Education. The land proposed to be donated to the Jefferson County Board of Education shall be identified via conceptual plan within one (1) year of the effective date of this document.

2) TRANSPORTATION- Huntfield, will maintain its commitment to participate with the West Virginia Division of Highways and other developments to pay for Huntfield's pro rata share of required road improvements directly attributable in part to Huntfield.

3) HISTORY- Huntfield proffers to provide any historic or archeologic reports and studies, as required by the State Historic Preservation Office, Division of Culture and History.

4) SOILS – Huntfield proffers to identify and remediate any known environmental conditions in any manner, method or process that meets or exceeds West Virginia Department of Environmental Protection (WVDEP) de minimus soils standards and provide the report/documentation to the purchaser indicating proper soil remediation no later than at each home settlement.

5) OVERALL PLANNING

   a) Huntfield, proffers to actively participate with the City and adjacent landowners in the comprehensive planning, preservation, and development of the Old Route 340 corridor between Huntfield's boundaries and Evitt's Run.

   b) Huntfield, proffers to construct a 8' hiker/biker trail in a location in accordance with the Master Plan and within a timeframe in accordance with the mutual agreement of the city and Huntfield.

      i) A contiguous sidewalk system from Huntfield to the Augustine Avenue Trail shall be constructed.

   c) Huntfield, proffers continued participation and coordination with the Eastern Panhandle Transportation Authority (EPTA) to provide bus service between Huntfield and downtown Charles Town, and any other major Charles Town developments. Huntfield, shall further present development sites plans which incorporate shuttle stops and other appropriate shuttle infrastructure in the Huntfield project."

   d) Within 12 months of the full execution of this proffer amendment, Huntfield shall collect and distribute community information and future traffic volume projections and relevant data to the City, to incorporate into other/future traffic studies conducted by others.

i) Additionally, Huntfield shall cooperate with the City to provide all necessary construction easements or Right of Ways for current and future planned trails, walkways, and pedestrian crossings.

e) Lord Fairfax Street shall be developed as an alternative access point pursuant to the Huntfield Overall Composite Schematic plan with City of Charles Town Planning Commission approval date of April 12, 2005 (PREL-20107).

6) OTHER CONTRIBUTIONS- To offset its proportionate share of the costs of capital improvements and operating expenses brought about by the development of Huntfield, Huntfield proffers to pay the city the following per unit proffer fees:

a) The City shall collect $2,448 per single family, townhome or attached villa style dwelling unit, or any other style residence approved for permit, to be used for public facilities, infrastructure, and other improvements within the City. This monetary proffered fee shall be separate and exclusive of any County imposed Impact Fee. The City Fee shall be paid at Building Permit application for each dwelling unit.

b) Huntfield, proffers to dedicate to the City up to 10 (ten) acres of improved (utilities and hard surface road frontage) but vacant land, for the use and benefit of the City for the purpose of constructing, operating, and maintaining municipal facilities.

7) CONDITIONS OF DEVELOPMENT OF PHASE I – the foregoing proffers are conditioned upon the following:

a) Current plans being processed in the County will be administered under the NR Zoning Ordinance, and accepted as currently designed, by the City with the following conditions:

i) Minimum lot width shall be reduced to 50 feet at the street.
ii) Minimum lot area shall be reduced to 5,000 square feet.
iii) Front yard setback shall be 25 feet from the edge of pavement.
iv) Encroachment within the front yard setback shall be no more than 30 % or 8.34 feet.
v) Side yard setbacks shall be reduced to 5 feet minimum.
vi) No setback from the property line for accessory structures shall be required.
vii) Minimum paving width shall be 24 feet.

b) All plans submitted to the City for development within Huntfield beyond Phase I shall continue to be administered and processed under the NR Zoning Ordinance with the above-listed conditions until such time as the City has created and adopted the new zoning classification pursuant to its Resolution and Annexation Agreement.

8) CONDITIONS OF OVERALL DEVELOPMENT

City and Huntfield agree to the following performance, design standards, and modifications to the Neighborhood Residential zoning regulations:

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The foregoing proffers are further conditioned upon the following:

a) To allow the development of not more than 3,200 homes with the Property, according to "Neo Traditional and New Urbanist Planning Concepts" , all plans for the development of the Property now and in the future may be administered, at the option of Huntfield, under the Neighborhood Residential zoning classification with the following conditions:

b) The minimum 200,000 square feet of commercial, retail or office space proffered by Huntfield shall satisfy all requirements for land are devoted to office and/or commercial. This agreement does not preclude Huntfield from developing commercial/retail/office space beyond the 200,000 square feet requirements;

c) Huntfield will dedicate 15% of the total land area to open and recreational space. All active and passive recreational facilities provided in Huntfield shall be credited towards the 15% open space requirements specified herein. In addition, Huntfield will provide a minimum 50-foot buffer on either side of Bullskin Run measured from the edge of the stream bank and a landscaped 50-foot buffer along major highways (i.e. US Route 340, 340 Bypass, WV Route 9).

d) Maximum Building Heights shall be as follows:

   i) Single Family Detached - 45' (forty-five feet), but not more than (3) three stories

   ii) Townhouse - 45' (forty-five feet), but no more than 4 (four) stories Multi-Family- 55' (fifty-five feet), but not more than 4 (four) stories

   iii) Office, Commercial, Civic and Mixed Use – 60' (sixty feet), but not more than (5) five stories

e) Minimum Lot Widths shall be as follows:

   i) Single Family Detached - 50' (fifty-feet), however 45' (forty-five feet) for Active Adult Community (development)

   ii) Townhouses – Mix of 16' (sixteen feet) to 24' (twenty-four feet);

f) Minimum Lot Sizes shall be as follows:

   i) Single Family Detached – 5,000 (five thousand square feet), however 4,500 (forty-five hundred square feet) for Active Adult Community (development)

   ii) Townhouses – 1,600 square feet;

g) Townhouse portions of development shall be permitted to have an area less than five acres;

h) Townhouse units shall be permitted at a maximum density of 16 units per net acre;

i) Multi-family units, as defined in the City's zoning ordinances, shall be permitted within Huntfield consistent with the City of Charles Town Zoning and Subdivision Ordinance requirements.

j) The minimum rear yard setback for units with attached rear-load garages shall be 10' (ten feet);

k) Alleys may be dead-end streets when intersection would cause a curb cut on a collector street;

l) Alleys may provide lot access and satisfy road frontage requirements when the lots served by those alleys front on open space;

m) Cul-de-sac streets shall be permitted in limited instances and require approval by the Planning Commission. When allowed, the cul-de-sac terminus shall include a landscaped circle.

n) The designated Village Center shall be permitted for Central Business District, General Commercial and Neighborhood Residential uses as defined in the present City of Charles Town Zoning Ordinance. The designed Neighborhood Centers shall be permitted for Office Residential, Neighborhood Residential and Neighborhood Commercial uses as defined in the present City of Charles Town Zoning Ordinance. Future changes in the existing Zoning Ordinances shall be made Applicable to this paragraph.

o) In order to allow townhouses to be constructed with both decks and two-car garages, accessory buildings may occupy up to 40% of the rear yard of any townhouse lot.

p) The development of gated communities (i.e. restricted access to specific neighborhoods) is not permitted, other than Active Adult Development.

q) To enable Huntfield to perform its obligations under the Annexation Agreement, the City shall work cooperatively with Huntfield to ensure that Huntfield may obtain the amount of sewage treatment plant capacity needed to serve the Property at each stage of its development until built out.

r) In addition to the proffered commitment to approach Pan Tran to provide bus services between Huntfield and downtown Charles Town, Huntfield shall cooperate with any efforts initiated by the City to provide transit services to Huntfield.

s) Huntfield will submit a "Master Schematic Plan", to City Planning Commission prior to applicable approvals for Phase 4 of the development that incorporate the "Neo Traditional and New Urbanist Concepts" and an exhibit illustrating the location, total land area and

public accessibility of proposed recreational and open space. Subsequent site plans submitted to support this Master Schematic Plan will provide the detailed design and concepts as they relate to street and block networks; an interconnected pedestrian sidewalk and trail system; landscape screening, buffers and design consideration to mitigate the visual impacts of parking lots; street and parking lot landscaping using the West Virginia Division of Forestry's Recommended Trees for City and Communities publication as the species guide; and design and pedestrian attributes as related to the Village Center, major civic and public use buildings should be located in or adjacent to the village and neighborhood centers or adjacent to the civic green, square or park in the village center. Public space components and civic buildings should terminate vistas whenever possible. Public and civic use buildings may front on open spaces such as parks and greens.

t) Garage Configuration:

The areas shaded and/or hatched and noted in Exhibit A as Zone 1, Zone 2, and Zone 3 are subject to specific garage configuration conditions as follows:

i) Zone 1: The use of rear entry, alley access parking or rear-loading detached or attached garages for residential garage parking is required. The homes in Zone 1 must provide parking to the rear of the home as indicated in Exhibit A.

ii) Zone 2: Single family attached or detached residential units with front loading garages or parking (defined as access from street facing front of the home) are permitted without a recessed garage requirement so long as a minimum 25' length minimum driveway is provided extending from back of sidewalk to the front of the garage. Zone 2 includes all land shown/illustrated within Exhibit A.

iii) Zone 3: Single family attached or detached residential units with front loading garages or parking (defined as access from the street facing front of the home) are permitted without a recessed garage requirement so long as a minimum 25' length minimum driveway is provided extending from back of sidewalk to the front of the garage. Zone 3 includes all the land as noted (and not illustrated) within Exhibit A to include the remaining 481.25 deeded acres to the northwestern side of railroad tracks.

iv) Single family attached or detached residential units with front loading garages or parking (defined as access from the street facing front of the home) shall not be permitted to front Prospect Hill Boulevard or Braddock Street.

v. Community Pool and Associated Facilities:

v) Huntfield proffers the design, permitting, and construction of a community swimming pool, pool club house with bathroom facilities and associated parking lot in similar layout and conformance with the Huntfield Recreation Center preliminary plans (PP-20125).

(1) Community Pool shall be a minimum of 4,500+ /sf, inclusive of access steps, 3' shallow end and up to 8' deep end, and a 800+ /sf Children's pool.

(2) Single Story Pool clubhouse (min 2,100/sf) with men's and women's restroom, locker room, and changing room facilities.

(3) Parking area consistent with approved preliminary plans.

(4) Pool and associated land and facilities shall be dedicated to HOA upon completion (defined as issuance of Use & Occupancy Permit) and before use by any residents. HOA shall furnish, supply, operate, and manage facilities from acceptance of facility without financial assistance or contribution from Developer or City.

(5) The Pool, Clubhouse and all associated site work shall be complete, dedicated to the HOA, and able to be used by all residents within two (2) years of the effective date of this signed Proffer Amendment.

(6) All basketball courts, recreational equipment and green space shall be built out consistent with the Huntfield Recreation Center preliminary plans (PP-20125). The construction of the basketball courts and recreational equipment shall commence no later than the time the pool dedication occurs to the HOA and completed and ready for usage within one (1) year.

9) ZONING YIELD

a) Approved under the zoning shall be 3,200 residential units of single family detached, single family attached, multi-family, and 200,000 to 1,000,000 square feet commercial, retail, and office development. If desired, Huntfield may produce a market study identifying the potential to increase the total square footage of commercial, retail and office space beyond the required minimum of 200,000 square feet. In order to achieve the desired maximum commercial development of 1,000,000 square feet, the City acknowledges that Floor Area Ratios (FAR's) of greater than 1 or building heights of 75 feet may be considered by the City of Charles Town.

b) Phasing of development or building permits – No phasing of development or building permits will be imposed with the exception of Article 10.a as outlined herein. (Subject to availability of adequate infrastructure facilities).

10) SEQUENCE OF DEVELOPMENT

a) All lots in Zone 1 as defined herein, shall have homes/residences constructed and fully built out prior to any residential construction is permitted to commence in Zone 3 (as defined herein). All land within Zone 2 is specifically excluded from this restriction.

Huntfield List of Proffers

Proposed Proffer Amendment 3

Revision Date 07/31/24

DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-863: First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code, Chapter 3 Taxes and Service Charges, Article 745 Business and Occupation Tax

Proposed Motion: Approve the First Reading and Consideration of an Amendment to the Codified Ordinance of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code, Chapter 3 Taxes and Service Charges, Article 745 Business and Occupation Tax

ATTACHMENTS:

- Art745_Redline_8Aug2024_rmt.pdf

ARTICLE 745 Business and Occupation Tax

745.01 Short title.

745.02 Purpose and intent.

745.03 Definitions.

745.04 Imposition of tax.

745.05 Natural resource production.

745.06 Manufacturing.

745.07 Selling tangible property.

745.08 Public service or utility business.

745.09 Contracting.

745.10 Amusements.

745.11 Service business or calling not otherwise classified.

745.12 Rentals and royalties.

745.13 Banking and other financial businesses.

745.14 Health maintenance organizations.

745.15 Person taxable on multiple activities; credits.

745.16 Exempt activities.

745.16A B&O Optional Exempt Activities

745.16B B&O Tax Credit Incentives

745.17 Tax cumulative.

745.18 Administration generally.

745.19 Returns; computation and payment of tax.

745.20 Taxpayer records.

745.21 Tax return information confidentiality.

745.22 Erroneous computation of tax.

745.23 Investigations.

745.24 Assessments.

745.25 Notice of assessment; petition for reassessment.

745.26 Hearing procedure; decision; review.

745.27 Injunction.

745.28 Unpaid tax a lien; delinquency notice filing and release.

745.29 Successor liability.

745.30 Revocation, nonrenewal of licenses and permits.

745.31 Settlement agreements and compromises.

745.32 Additional administrative provisions concerning contracting.

745.33 Claims for refunds or credit.

745.34 Interest and penalty; criminal liability.

745.35 Severability.

745.36 Repeal of the business franchise tax.

745.37 Effective date.

CROSS REFERENCES

Authority to tax - see W.Va. Code 8-13-5

Business and occupation tax - see W.Va. Code Art. 11-13

Collection of taxes - see W.Va. Code 8-13-15 et seq.

745.01 SHORT TITLE.

This article shall be known as the "City of Charles Town Municipal Business and Occupation Tax Ordinance."

(Passed 7-19-10.)

745.02 PURPOSE AND INTENT.

The purpose of this article is to impose a municipal business and occupation tax pursuant to West Virginia Code § 8-13-5 to the fullest extent allowable under the operative laws of the State of West Virginia and the United States unless a more restrictive application is required by an express limitation set forth in this article.

(Passed 7-19-10.)

745.03 DEFINITIONS.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used:

(a) Banking business. The term "banking business or financial organization" means any bank, banking association, trust company, industrial loan company, small loan company, or licensee, building and loan association, savings and loan association, credit union, finance company, investment company, investment broker or dealer, and any other similar business organization at least ninety percent (90%) of the assets of which consists of intangible personal property and at least ninety percent (90%) of the gross receipts of which consists of dividends, interest and other charges derived from the use of money or credit.

(b) Business. The term "business" means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. The production of raw materials or manufactured products which are used or consumed in the main business shall be deemed a business engaged in taxable in the class for which it falls.

(c) Contracting. The term "contracting" means the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property.

(d) Gross Income. The term "gross income" generally means the gross receipts of the taxpayer, other than a banking or financial business, received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property, real or personal, or service, or both, and all receipts by reason of the investment of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, reimbursed costs or expenses or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest and discount paid, or sums paid to independent contractors, subcontractors or persons furnishing services or property used in the operation of any business to produce gross income, or any other expense whatsoever. "Gross income" of a banking or financial business is specified in Section 745.13 of this article.

(e) Gross proceeds of sales. The term "gross proceeds of sales" means the value actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind. The words "gross income" and "gross proceeds of sales" shall not be construed to include cash discounts allowed and taken on sales; the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article accepted as part payment on any new article sold, if the full sale price of the new article is included in the" gross income" or "gross proceeds of sales"; excise taxes imposed by the State; money or other property received or held by a professional person for the sole use and benefit of a client or another person or money received by the taxpayer on behalf of a bank or other financial institution for repayment of a debt of another; and excise taxes imposed by the federal government upon the consumer, not manufacturer, and which are held in trust by the vendor as agent for the federal government.

(f) Municipality. The term "municipality" means the City of Charles Town.

(g) Person. The terms "person" and "company" are used interchangeably in this article and mean and include any individual, firm, copartnership, joint adventure, association, corporation, limited liability company, trust, estate or any other group or combination acting as a unit, and the plural as well as the singular number. The word "it" shall also include the pronouns "he" and "she".

(h) Retail sales. The terms "retail sales" and "selling at retail" mean all sales other than wholesale sales, including but not limited to sales to persons for use in any activity not subject to the tax imposed by this article, all sales of real property, and sales to consumers.

(i) Sale. The terms "sale" and "sales" mean any transfer of the ownership of or title to property, whether for money or in exchange for other property.

(j) Services. The term "service business or calling" includes all activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished

from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(k) Tax year. The terms "tax year" and "taxable year" mean as the period commencing July 1 and ending June 30. For the purpose of this article the taxable year shall be divided into two semi-annual periods. The first period shall be from July 1st through December 31st. The second period shall be from January 1st through June 30th.

(l) Taxpayer. The term "taxpayer" means any person liable for any tax hereunder.

(m) Treasurer. The term "treasurer" means the municipality's treasurer and his or her agents, delegates or representatives.

(n) Wholesale sales. The terms "selling at wholesale" and "wholesale sales" mean only:

(1) Sales of tangible personal property for the purpose of resale in the form of tangible personal property,

(2) Sales of machinery, supplies or materials which are to be directly consumed by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article, or

(3) Sales of tangible personal property to the United States of America, its agencies and instrumentalities, or to the State of West Virginia, its institutions and political subdivisions.

(Passed 7-19-10.)

745.04 IMPOSITION OF TAX.

(a) There are hereby levied and imposed and shall be collected annual privilege taxes, against the persons, on account of the business and other activities and in the amounts to be determined by the application of rates against values or gross income or gross proceeds as set forth in Sections 745.05 through 745.14 of this article, inclusive.

(b) If any person liable for any tax under Section 745.05 or 745.06 of this article shall ship or transport its products, or any part thereof, out of the municipality without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the municipality shall be the basis for the assessment of the tax imposed in those sections. Gross income included in the measure of the tax under Section 745.05 or 745.06 of this article, shall neither be added nor deducted in computing the tax levied under the other sections of this article. In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and the seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value upon which such privilege tax shall be levied shall correspond as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and the seller but where the circumstances or conditions are otherwise similar.

(c) The municipal business and occupation tax is imposed on each person engaged in privileges taxable under this article if such person is engaged in purposive revenue generating activities within the municipality's limits and such person has sufficient contacts

to sustain the municipality's taxing jurisdiction. By way of example (but not limitation), if a person's activities within the municipality contributes to the establishment and maintenance of a market, such contacts are considered to be sufficient to sustain the municipality's taxing jurisdiction assuming federal constitutional nexus standards are satisfied.

(Passed 7-19-10.)

745.05 NATURAL RESOURCE PRODUCTION.

(a) Upon every person engaging or continuing within the municipality in the business of severing, extracting, mining, quarrying, reducing to possession and/or producing for sale, profit or commercial use any natural resource products, the amount of such tax shall be equal of the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, one percent (1.00%); limestone or sandstone quarried or mined, one and one-half percent (1.50%); oil or blast furnace slag, three percent (3.00%); natural gas in excess of the value of five thousand dollars ($5,000.00), six percent (6.00%); sand, gravel or other mineral products, not quarried or mined, three percent (3.00%); timber one and one-half percent (1.50%), and other natural resource products, two percent (2.00%).

(b) The measure of this tax is the value of the entire production in the municipality, regardless of the place of sale or the fact that delivery may be made to points outside the municipality.

(c) A person exercising privileges taxable under this section and using or consuming the natural resources so produced in his business or transferring or delivering the natural resources as any royalty paid, in kind, or the like, shall be deemed to be engaged in the business of producing natural resources and shall be required to make returns on account of the production of the business, showing the gross proceeds or equivalent in accordance with uniform and equitable rules for determining the value upon which privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers.

(d) Persons who produce natural resources outside the municipality and who make sale of those products within the municipality shall not pay the tax imposed by this section but shall pay the tax imposed by Section 745.07 of this article for the privilege of selling such products within the municipality.

(e) A person exercising any privilege taxable under this section and engaging in the business of selling its natural resource products in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed in Section 745.07 of this article for the privilege of engaging in the business of selling such natural resource products in the municipality.

(Passed 7-19-10.)

745.06 MANUFACTURING.

(a) Upon every person engaging or continuing within the municipality in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly

or through the activity of others, in whole or part, any article or articles, substance or substances, commodity or commodities, or newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), the amount of the tax shall be equal to the value of the article, substance, commodity or newspaper manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of eighteen one-hundredths percent (0.18%).

(b) The measure of the tax in this section is the value of the entire product manufactured, compounded or prepared in the municipality for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the municipality. It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within the municipality and partially manufactures, compounds or prepares such products outside the municipality, the measure of tax under this section shall be that proportion of the sales price of the product that the payroll costs of manufacturing within the municipality bears to the entire payroll costs of manufacturing the product.

(c) If any person shall ship or transport its products or any part thereof out of the State without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the State shall be the basis for the assessment of the tax imposed. The treasurer may prescribe equitable and uniform rules of ascertaining such value; provided that, in the absence of such rules, the person manufacturing the products within the municipality shall report the value in a consistent and reasonable manner.

(d) The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the municipality by such person, shall not be considered manufacturing or compounding or preparing for sale, but the sale of these products shall be reported under Section 745.07 of this article either as wholesale or retail sale, as the case may be.

(e) Persons who manufacture, compound or prepare products outside the municipality and who make sale of such product within the municipality shall not pay the tax imposed by this section but shall pay tax imposed by Section 745.07 of this article for the privilege of selling such product within the municipality.

(f) A person exercising any privilege taxable under this section and engaging in the business of selling its product in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed by this section at the rate set forth in Section 745.07 of this article for the privilege of engaging in the business of selling such manufactured goods in the municipality.

(Passed 7-19-10.)

745.07 SELLING TANGIBLE PROPERTY.

(a) Upon every person engaging or continuing within the municipality in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale

sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to five one-hundredths percent (0.05%) of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to five one-hundredths percent (0.05%) of the gross income of the business.

(Passed 1-20-15.)

(b) Gross income or gross proceeds of sales derived from sales within West Virginia that is not taxed or taxable by any other municipality are included in the measure of municipal business and occupation tax if the sales are either directed from a location within the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when the taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(c) Persons domiciled outside the municipality who solicit sales within the municipality and sell tangible personal property within the municipality are doing business in the municipality, irrespective of the domicile of such persons and irrespective of whether or not such persons maintain a permanent place of business in the municipality and irrespective of how a sales order is transmitted or processed. If an order is placed in connection with solicitation by a representative (regardless whether there is an employment or agency relationship or whether acting as an independent contractor) who solicits orders within the municipality, and the tangible personal property is to be delivered in the municipality, then the gross proceeds of such sales are included in the measure of the tax imposed by this article.

(Passed 7-19-10.)

745.08 PUBLIC SERVICE OR UTILITY BUSINESS.

Upon every person engaging or continuing within the municipality in any public service or utility business, except railroad, railroad car, express, pipeline, telephone and telegraph companies, water carriers by steamboat or steamship and motor carriers, there is levied, and shall be collected, taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: electric light and power companies, four percent (4.00%) on sales and demand charges for domestic and commercial lighting and three percent (3.00%) on sales and demand charges for all other purposes; natural gas companies, three percent (3.00%); and upon all other public service or utility business, two percent (2.00%). The measure of this tax shall not include gross income derived from commerce between the State and other states of the United States. The measure of the tax under this section shall include only gross income received from the supplying of public service. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed upon such other activity by the appropriate section of this article.

(Passed 7-19-10.)

745.09 CONTRACTING.

Upon every person engaging or continuing within the Municipality in the business of contracting, the tax shall be equal to two percent (2.00%) of the gross income of the business.

(Passed 4-21-15.)

745.10 AMUSEMENTS.

Upon every person engaging or continuing within the municipality in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, carnival, circus, dance hall skating rink, racetrack, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to fourteen one-hundredths percent (0.14%) of the gross income of the business.

(Passed 7-19-10.)

745.11 SERVICE BUSINESS OR CALLING NOT OTHERWISE CLASSIFIED.

(a) Upon every person engaging or continuing within the municipality in any service business or calling not otherwise specifically taxed under this article, there is hereby levied, and shall be collected, a tax equal to twenty-three one-hundredths percent (0.23%) of the gross income of any such business.

(b) Gross income or gross proceeds of sales derived from services within West Virginia that is not taxed or taxable by any other municipality are included in the measure of tax under this article if the services are either directed from a location in the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when a taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(Passed 7-19-10.)

745.12 RENTALS AND ROYALTIES.

Upon every person engaging or continuing within the municipality in the business of furnishing any real or tangible personal property which has a tax situs in the municipality, or any interest therein, for hire, loan, lease or otherwise, whether the return is in the form of rentals, royalties, fees or otherwise, the tax shall be thirty one-hundredths percent (0.30%) of the gross income of any such activity. The term "tangible personal property", as used herein, shall not include money or public securities.

(Passed 7-19-10.)

745.13 BANKING AND OTHER FINANCIAL BUSINESSES.

Upon every person engaging or continuing within the municipality in the business of banking or financial business, the tax shall be equal to twenty-three one-hundredths percent (0.23%) of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties; charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property; provided, that

gross income shall not include (a) interest received on the obligations of the United States, its agencies and instrumentalities; (b) interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia; or (c) interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients; provided further, that all interest derived on activities exempt under (c) above shall be reported, as to amounts, on the return of a person taxable under the provision of this section.

(Passed 7-19-10.)

745.14 HEALTH MAINTENANCE ORGANIZATIONS.

The rate of tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of West Virginia Code §§ 33-25A-1 et seq. shall not exceed one half of one percent (0.50%) to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the State employee programs administered by the public employee insurance agency pursuant to West Virginia Code §§ 5-16-1 et seq., and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization that is expended for administrative expenses; and shall not exceed one-half of one percent (0.50%) to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, State employee programs administered by the public employees insurance agency and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: Provided, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any such company maintains its office or offices in the municipality, whether such income is in the form of rentals or royalties.

(Passed 7-19-10.)

745.15 PERSONS TAXABLE ON MULTIPLE ACTIVITIES; CREDITS.

(a) A person taxable under Section 745.07 of this article with respect to selling products at wholesale in this municipality shall be allowed a non-refundable credit against the tax imposed on such wholesale sales pursuant to Section 745.07 for any (i) manufacturing taxes paid by such person with respect to the manufacturing of products so sold at wholesale in this municipality, and/or (ii) extracting taxes paid by such person with respect to the extracting of products so sold in this municipality or ingredients of products so sold at wholesale in this municipality.

(b) For purposes of this section:

(1) Manufacturing tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a manufacturer and includes (i) the tax imposed in Section 745.06 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units (other than State governments) within the United States.

(2) Extracting tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a producer of natural resource products and includes (i) the tax imposed in Section 745.05 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units within the United States (other than State governments) within the United States.

(3) Gross receipts tax" means a tax which (i) is imposed on or measured by the gross volume of business in terms of gross receipts or in other terms and in the determination of which deductions allowed would not constitute the tax an income tax or value added tax and (ii) which is not, pursuant to law or custom, separately stated from the sales price.

(c) If imposition of the municipality's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the tax under this article, and still apply the tax to as much of the taxpayer's activities as may be subject to the municipality's taxing authority.

(Passed 7-19-10.)

745.16 EXEMPT ACTIVITIES.

The provisions of this article shall not apply to:

(a) Insurance companies which pay the State of West Virginia a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the municipality, whether such income is in the form of rentals or royalties; ‘

(b) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(c) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of West Virginia Code §§ 60-7-1 et seq.;

(d) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes;

(e) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemption of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.;

(f) Any credit union organized under the West Virginia Code; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.; and

(g) Gross income derived from advertising service rendered in the business of radio and television broadcasting.

(h) Licensed new and existing childcare and/or facilities operating in the City.

(Passed 7-19-10.)

745.16A OPTIONAL EXEMPT ACTIVITIES

The City Council, by vote of 2/3 majority of the Council, reserves the right to apply, reduce, or eliminate for a specified time period and/or for a specific project, the Business and Occupation tax per the following provision(s): Any activity associated with a municipality-initiated/tax payer-funded project that directly benefits Charles Town's residents, and in which the taxes rendered under this article could result in higher rates to those residents for existing services and/or higher project costs for the municipality.

(Passed 9-5-2023)

745.16B B&0 TAX CREDIT INCENTIVES

In addition to any other tax incentive otherwise available, any business that meets the following qualifying requirements shall be entitled to a tax credit computed under the provisions of this article for:

(a) Old Town Mixed Use - Commercial (OTMU-C) District Retail, Dining, & Entertainment Tax Credit

(1) For any new retan dining, and entertainment business that locates within the Old Town Mixed Use - Commercial (OTMU-C), as defined by the City's Zoning Ordinances, the business entity may be allowed:

A. One hundred (100%) percent credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Fifty (50%) percent credit against the business and occupation tax liability annually for the second year from the date the entity qualifies for the tax credit

C. Twenty-five (25%) percent credit against the business and occupation tax liability annually for the third year from the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside the OTMU-C District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retail, Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(b) New Retail, Dining, & Entertainment Tax Credit inside a City Commercially Zoned District.

(1) For any new retail, dining, and entertainment businesses that locates beyond the boundaries of the OTMU-C, but still within the corporate limits of the City's zoned commercial area(s), the business entity may be allowed:

A. Fifty percent (50%) credit against the business and occupation tax liability annuallyfor the first year from the date the entity qualifies for the tax credit

B. Twenty-five (25%) credit against the business and occupation tax liability annuallyfor the second year the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside a City Commercially Zoned District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) New business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for Retan Dining, or Entertainment, the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(Passed 6-03-2024)

745.17 TAX CUMULATIVE.

The tax, interest and penalty imposed by this article shall be in addition to all other licenses, taxes and other revenue measures levied or collected by the municipality as a condition precedent to the right of any person to engage or continue in any business, profession, trade, calling or other activity within this municipality. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are conditions precedent to exercising the privileges taxed, may exercise the privilege in this municipality for the tax year upon the condition that he shall pay the tax, interest and penalty imposed by this article.

(Passed 7-19-10.)

745.18 ADMINISTRATION GENERALLY.

The administration of this article is vested in and shall be exercised by the treasurer who shall prescribe forms and may promulgate from time to time reasonable rules, publications and instructions for the making of returns, and for ascertaining, assessment, collection and administration of tax, interest and penalty imposed hereunder.

(Passed 7-19-10.)

745.19 RETURNS; COMPUTATION AND PAYMENT OF TAX.

(a) The tax levied by this article shall be due and payable in semi-annual installments on or before the expiration of one month from the end of each semi-annual period in which they accrue. The taxpayer shall, within one month from the expiration of each semi-annual period, make a return reporting the computation of tax for which it is liable for each semi-annual period; sign and mail the completed return, together with any remittance due, to the location specified by the treasurer. The treasurer may allow return and payment under this section for periods other than semi-annual periods.

(b) On or before thirty-one (31) days after the end of the tax year, each person liable for the payment of tax under this article shall make a second semi-annual return, showing the gross proceeds of sale or gross income of business, trade, calling or activity, computing the amount of tax, interest and penalty chargeable against the person in accordance with the provisions of this article and transmit with the return a remittance in the sum required by this article, covering the remainder of the tax, interest and penalty chargeable against the person for the tax year, to such location or locations specified by the treasurer. Such returns shall be verified by the oath of the taxpayer, if made by an individual, or by the individual designated by a taxpayer that is an entity to take the oath on behalf of the taxpayer.

(c) All remittances and payments of tax, interest and penalty imposed by this article shall be made to the treasurer, in lawful money of the United States or by bank draft, certified check, cashier's check, or other commercially acceptable means specified by the treasurer, to be kept, deposited and accounted for as provided by law.

(Passed 7-19-10.)

745.20 TAXPAYER RECORDS.

Each person subject to this article shall maintain sufficient records for review by the treasurer as long as the contents of such records may be material in the administration of tax imposed by this article.

(Passed 7-19-10.)

745.21 TAX RETURN INFORMATION CONFIDENTIALITY.

(a) Except when required in an investigation or proceeding to ascertain or collect amount of tax, interest, penalty, refund or credit due, or pursuant to an exemption in W. Va. Code § 11-10-5d, it shall be unlawful for any officer, employee or agent of the municipality to divulge or make known in any manner the tax return, or any part thereof, of any person, or disclose information concerning the personal affairs of any individual or the business of any person, or disclose the amount of income or any particulars set forth or disclosed in any report,

declaration or return required to be filed with the treasurer or otherwise obtained by the municipality in an investigation undertaken by the treasurer concerning the tax imposed by this article. Any person protected by the provisions of this article may, in writing, waive the confidentiality provisions of this section for such purpose and such period as he shall therein state. This section shall not be construed to prohibit the publication or release of statistics so classified as to prevent the identification of particular reports and the items thereof. Notwithstanding the foregoing, the treasurer may permit the proper officer, or his authorized representative or agent, of the United States or the State, or any political subdivision of the State, to inspect return information to or may furnish to such officer or representative a copy of any such return or any other tax return information, provided, that such other jurisdiction grants similar privileges to this municipality or if the other jurisdiction is a party of an intergovernmental agreement authorizing the exchange of such information.

(b) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall divulge facts or information obtained from returns or tax statements other than for the purpose of administering such tax shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(c) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall make unauthorized disclosure of information received from the State Tax Commissioner under authority of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(d) For purposes of this article, "unauthorized disclosure" means the release to any person of any tax information obtained by the municipality from the State Tax Commissioner unless the person receiving the information is the authorized counsel of the municipality and shall be using the information only for the purpose of administering the tax imposed by this article, Sales Tax from single location businesses, or Liquor Sales Tax; or the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

(Passed 7-19-10.)

745.22 ERRONEOUS COMPUTATION OF TAX.

If any taxpayer shall make any error in computing the tax, interest and penalty under this article, the treasurer shall correct such error or reassess the proper amount of tax, interest and penalty, and notify the taxpayer of his or her action by mailing the taxpayer promptly a copy of the corrected assessment, and any additional tax, interest and penalty for which such taxpayer may be liable shall be paid within fifteen (15) days after the receipt of such statement. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer upon the request of the treasurer and shall be payable out of any funds available for the purpose. The taxpayer may, at its election, apply an overpayment as credit upon tax subsequently accruing hereunder.

(Passed 7-19-10.)

745.23 INVESTIGATIONS.

(a) For the purpose of ascertaining the correctness of a tax return, claim or assessment or for the purpose of making an estimate of any taxpayer's liability for the tax administered under this article, the treasurer shall have the power to examine or cause to be examined any books, papers, records, memoranda and other documents or data bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or the attendance of any other person having knowledge of relevant matters. In connection therewith, the treasurer may take testimony and shall have the power to administer oaths.

(b) The treasurer has the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and production of documents for the purpose of ascertaining the correctness of a return or claim or for performing an assessment or for any hearing held by the treasurer. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the treasurer may invoke the aid of the circuit court of Jefferson County. Upon proper showing, the treasurer may apply for an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question.

(Passed 7-19-10.)

745.24 ASSESSMENTS.

(a) If any person who is required by this article to do so shall fail or refuse to make a return, either in whole or part, or if the treasurer believes the tax imposed by this article has been insufficiently returned by any taxpayer, the treasurer may proceed to assess the tax and shall notify the person assessed of the amount of the tax, additional tax, interest and penalties so assessed.

(b) The treasurer may, at any time before the assessment becomes final, amend, in whole or in part, any assessment whenever the treasurer ascertains that such assessment is improper or incomplete in any material respect. The treasurer may, at any time within the period prescribed for assessment, make a supplemental assessment whenever the treasurer ascertains that any assessment is incorrect in any material respect.

(c) The amount of tax, interest and penalties imposed by this article shall be assessed within three (3) years after the date the second semi-annual return for the year in which such tax arose is filed by the taxpayer; provided, that in the case of a false or fraudulent return filed with the intent to evade the tax or in case no return is filed, an assessment may be made at any time. (Passed 7-19-10.)

745.25 NOTICE OF ASSESSMENT; PETITION FOR REASSESSMENT.

The treasurer shall give the taxpayer written notice of any assessment made pursuant to this article. Unless the taxpayer to whom the notice of assessment is given shall within thirty (30) days after service thereof file with the treasurer a petition for reassessment, the assessment shall become final and not subject to administrative or judicial review. A petition for reassessment must be in writing verified under oath by the taxpayer or his duly authorized agent having knowledge of the facts, setting forth with particularity the items of the

assessment objected to, together with the reasons for the objections. The total amount of an assessment shall be due and payable on the day following the date upon which the assessment becomes final.

(Passed 7-19-10.)

745.26 HEARING PROCEDURE; DECISION; REVIEW.

(a) When a petition for reassessment or a petition for refund or credit is properly filed pursuant to this article within the time prescribed for such filing, the treasurer shall assign a time and a place for a hearing thereon and shall notify the petitioner of such hearing by written notice at least twenty (20) days in advance thereof. Such hearing shall be held within ninety (90) days from the date of filing the petition, unless continued by agreement of the parties or by the treasurer for sufficient cause.

(b) The hearing shall be informal and shall be conducted in an impartial manner by the Finance Committee of the municipality. The burden of proof shall be upon the taxpayer to show that the assessment or denial refund or credit is incorrect and contrary to law, in whole or in part.

(c) After such hearing, the Finance Committee of the municipality shall, within a reasonable time, give notice in writing to the taxpayer of their decision. An appeal may be taken by the taxpayer of the Finance Committee's decision to the council of the municipality.

(d) An appeal may be taken by the taxpayer to the Circuit Court of Jefferson County within thirty (30) days after service of the council's administrative decision issued pursuant to this section.

(Passed 7-19-10.)

745.27 INJUNCTION.

After any delinquency shall have continued sixty (60) days, the treasurer may proceed in the Circuit Court of Jefferson County to obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all tax, interest and penalty due under this article. In any proceeding under this section, upon judgment or decree for the municipality, the municipality shall be awarded its costs.

(Passed 7-19-10.)

745.28 UNPAID TAX A LIEN; DELINQUENCY NOTICE FILING AND RELEASE.

Any tax, interest and penalties due and payable under this article shall be a debt due the municipality and shall constitute a lien on the real and personal property of the taxpayer. The treasurer, for the more effective collection of the tax, interest and penalty imposed by this article, may file with the Clerk of the Jefferson County Commission a certified notice of lien for delinquent taxes, interest and penalty under this article for recordation. If a lien has been recorded respecting a delinquency, upon full payment of all delinquent tax, interest and penalty, the treasurer shall attest to the fact and amount of payment, and shall forward a certificate of release to the taxpayer. Upon presentment and payment of the recording fee by the taxpayer, the Clerk of the Jefferson County Commission shall record such certificate in the book in which releases are recorded.

(Passed 7-19-10.)

745.29 SUCCESSOR LIABILITY.

The tax, interest and penalty imposed by this article shall be a continuing lien upon the property of any person subject to the provisions hereof who shall sell out its business or stock of goods, or shall quit business, and such person shall be required to make the return provided for in this article within thirty (30) days after the date it sold out its business or stock of goods, or quit business, and its successor in business shall be required to withhold a sufficient amount of the purchase money to cover the amount of such tax, interest and penalty due and unpaid until such time as the former owner shall produce a receipt from the treasurer showing that all tax, interest and penalty has been paid. If the purchaser of a business or stock of goods fails to withhold purchase money as hereby provided, and the tax, interest and penalty shall be due and unpaid after the thirty-day period allowed, the successor shall be personally liable for the payment of the tax, interest and penalty accrued and unpaid on account of the operation of the business by the former owner. (Passed 7-19-10.)

745.30 REVOCATION, NON-RENEWAL OF LICENSES AND PERMITS.

(a) The treasurer has the authority to revoke, deny and prevent any and all licenses and permits issued by the municipality in the event a licensee or permittee fails or refuses to file any return required hereby or fails or refuses to pay any delinquent tax, interest or penalty due and owing to the municipality.

(b) In the event of such a revocation or denial, the treasurer will provide written notice to the affected person at least five (5) days prior to the contemplated revocation or denial and such notice shall be served by certified mail. The notice shall indicate the time and the place of a revocation/denial review meeting, the general grounds of said contemplated action, and shall advise the affected person of its rights to appear at said hearing in person and represented by legal counsel, and to be heard orally upon the merits of the person's defense. The treasurer may request legal advice from the City Attorney, and adopt such procedures for its decorum and the dispatch of business at such hearings as the treasurer may regard advisable. The revocation decision of the treasurer will be final.

(c) Each license or permit that has been revoked or denied pursuant to this section may be issued or re-issued upon payment of all delinquent tax, interest or penalty due and owing to the municipality and satisfaction of all relevant licensing conditions otherwise imposed by the municipality.

(Passed 7-19-10.)

745.31 SETTLEMENT AGREEMENTS AND COMPROMISES.

The treasurer, with approval of the City Manager, is authorized to enter into an agreement in writing with any person relating to the liability of such person in respect of the tax, interest and penalty imposed by this article for any taxable period. If such a closing agreement is duly made and entered into, such agreement shall be final and conclusive for the periods covered except upon a showing of fraud, malfeasance or misrepresentation of a material fact. The treasurer, with approval of the City Manager, may compromise all or part of any

administrative determination or civil case concerning tax, interest and penalty or otherwise arising under the provisions of this article. (Passed 7-19-10.)

745.32 ADDITIONAL ADMINISTRATIVE PROVISIONS CONCERNING CONTRACTING.

(a) Without limiting the generality of the administrative and collection powers granted to the treasurer in this article, the treasurer is also empowered to require any person engaging or continuing within the municipality in the business of contracting to furnish a list of the names, addresses and amounts paid by them to any subcontractors employed and suppliers of materials used upon any job or to do any work within the municipality. The treasurer may also require every person engaging or continuing within the municipality in the business of contracting who is a nonresident of the State to pay or guarantee the payment of the amount of the tax imposed by this article for the privilege of engaging in the business of contracting within the municipality, such payment of such tax to be based upon the amount of the building permit issued by the municipality for the work to be performed by such person, as a condition precedent to the issuance of such building permit. In lieu of such prior payment in cash of such tax any such nonresident may guarantee the payment of such privilege tax provided for herein by delivering to the municipality a bond, with good and adequate surety, payable to the municipality, and conditioned to pay such tax on or before the estimated date of the completion of the work to be performed by such person within the municipality.

(b) Any person engaging a contractor or subcontractor within this municipality shall withhold payment in sufficient amount to cover taxes assessed by this article in the final settlement of such contracts until the receipt of a certificate from the treasurer to the effect that all taxes levied and accrued under this article against the contractor have been paid. If any person fails to withhold as provided herein and the contractor or subcontractor fails to timely pay such tax, such person shall be personally liable for the payment of such taxes, and the same shall be recoverable by the treasurer by appropriate legal proceedings.

(Passed 7-19-10.)

745.33 CLAIMS FOR REFUND OR CREDIT.

(a) Any taxpayer claiming to have overpaid any tax, interest or penalty imposed by this article shall file its claim with the treasurer within three (3) years after the due date of the return in respect of which the tax was imposed, and not thereafter.

(b) If, as a result of the claim, the treasurer shall be of the opinion that the tax, interest or penalty, or any part thereof, was overpaid, the treasurer shall refund the same to the taxpayer. If the treasurer denies the claim, the taxpayer may within thirty (30) days after notice of denial file with the treasurer a petition for refund or credit, which shall be heard in accordance with Section 745.27 of this article. A taxpayer's failure to abide by express procedures contained in this section precludes taxpayer's right to any refund or credit of tax, interest and penalties paid or collected under this article.

(Passed 7-19-10.)

745.34 INTEREST AND PENALTY; CRIMINAL LIABILITY.

(a) If any person, as required by this article, fails to complete and submit their semi-annual ~~make the~~ tax return ~~or any semi-annual installment required by this article~~, or submits their

tax return after the due date, or submits their tax return ~~makes its return~~ but fails to remit~~,~~ in whole ~~or in part,~~ the proper amount of tax owed~~,~~ to the appropriate municipal authorities, then there shall be added to the amount of tax owed and unpaid, from the date such tax should have been paid, a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. ~~.~~ In addition, s~~S~~uch tax and penalty shall bear an interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. ~~Additionally, w~~Whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax, penalty, and interest imposed by this article, ~~penalty and interest,~~ be subject to a~~n additional~~ ~~penalty~~ fee of fifty dollars ($50.00) for each month or fraction thereof during in which that person ~~he~~ has been in default of filing and/or remitting to the municipality ~~said~~ taxes due including penalties and interest. This fee will not be less than $50.00 nor exceed $250.00 for any semi-annual tax reporting period. It shall be the duty of the treasurer to collect the full amount of the tax, penalty, ~~and~~ interest, and fee(s) imposed. The person(s) responsible for remitting the tax, after all required taxes, penalties, and interest, less the accrued fees, have been paid in full, may for good cause shown, request that the municipality waive the penalty, interest, and fees owed in whole or in part. The municipality may waive the penalty, interest, and fees owed in whole or in part upon the recommendation of the municipality's Finance Committee. The City Manager may grant a fifteen (15) day grace period for delinquent zero return filings. After the grace period has expired the City Manager may waive all but $50 of the fees for returns with zero balances. Repeat waiver requests within a three year period will not be considered.

(Passed x-xx-xx)

~~Upon the recommendation of the municipality's Finance Committee, for good cause shown, and upon the request by the person, the municipality may abate and forgive the penalty and interest, or both, in whole or in part.~~

(b) Interest and penalties may be collected in the same manner as the tax imposed by this article.

(c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such

tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both.

(Passed 7-19-10.)

745.35 SEVERABILITY.

If any provision of this article is held unconstitutional or invalid, on its face or as applied, the remaining provisions of this article shall remain in full force and effect; and to this end, the provisions of this article are declared to be severable.

(Passed 7-19-10.)

745.36 REPEAL OF THE BUSINESS FRANCHISE TAX.

The Business Franchise Tax heretofore enacted by the City of Charles Town in 1970 remains repealed.

(Passed 7-19-10.)

745.37 EFFECTIVE DATE.

The effective date of this article shall be July, 2010.

(Passed 7-19-10.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-865: Payment of Bills - August 19, 2024

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2024 08 16.pdf
- BOND ESCROW 2024 08 16.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 08 16.pdf
- PARKS N REC COUNCIL REPORT 2024 08 16.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
AMBER MCHARGUE	8/16/24	8/5&6/24 MCHARGUE ACADEMY	GENERAL FUND	POLICE DEPARTMENT	96.00
	8/16/24	8/11/24 MCHARGUE ACADEMY M	GENERAL FUND	POLICE DEPARTMENT	48.00
				TOTAL:	144.00
APPLE VALLEY WASTE SERVICE, INC.	8/16/24	7/24 CITY HALL & PARK TRAS	GENERAL FUND	NON-DEPARTMENTAL	525.00
	8/16/24	7/24 CITY HALL & PARK TRAS	GENERAL FUND	STREETS & HIGHWAYS	660.13
				TOTAL:	1,185.13
AUTUMN HATHY	8/16/24	RE-WORKING EMPLOYEE HANDBO	GENERAL FUND	CITY HALL	1,650.00
				TOTAL:	1,650.00
BOLAND TRANE SERVICES INC	8/16/24	AUG 24 HVAC SERV PD	GENERAL FUND	POLICE DEPARTMENT	457.00
				TOTAL:	457.00
CINTAS	8/16/24	7/12 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	219.44
	8/16/24	7/5 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	219.44
	8/16/24	7/19 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	219.44
	8/16/24	7/26 LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	219.44
				TOTAL:	877.76
COMCAST CORPORATION	8/16/24	CITY HALL INTERNET 8/9-9/8	GENERAL FUND	CITY HALL	310.35
	8/16/24	PD XFINITY SERV 8/7/24-9/6	GENERAL FUND	POLICE DEPARTMENT	10.49
				TOTAL:	320.84
CREAMERS AUTO SERVICE CENTER, LLC	8/16/24	CAR#27 SEAT BELT REPLACE&C	GENERAL FUND	POLICE DEPARTMENT	468.53
	8/16/24	CAR#12 OIL CHANGE & INSPEC	GENERAL FUND	POLICE DEPARTMENT	121.09
	8/16/24	CAR#25 TIRE REPAIR	GENERAL FUND	POLICE DEPARTMENT	26.25
	8/16/24	CAR#20 ROTATE 4 TIRE/OIL C	GENERAL FUND	POLICE DEPARTMENT	154.77
				TOTAL:	770.64
DELTA DENTAL OF PENNSYLVANIA	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	NON-DEPARTMENTAL	468.48
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	ECONOMIC DEVELOPMENT	22.18
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	TREASURER'S OFFICE	88.72
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	CITY CLERK'S OFFICE	22.18
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	ENFORCEMENT AGENCY	22.18
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	BUILDING INSPECTION	22.18
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	PLANNING & ZONING	66.54
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	CITY HALL	22.18
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	POLICE DEPARTMENT	354.88
	8/16/24	SEPT 2024 DELTA DENTAL PRE	GENERAL FUND	STREETS & HIGHWAYS	66.54
				TOTAL:	1,156.06
ENVIRO-TECH PEST SERVICES	8/16/24	PD PEST SERVICE 8/6/24	GENERAL FUND	POLICE DEPARTMENT	80.75
				TOTAL:	80.75

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
				TOTAL:	3,117.17
GEOMODEL INC	8/16/24	POTTER FLD CEMETERY GRAVE	CAPITAL RESERVE	STREETS & TRANSPORTATI	3,900.00
				TOTAL:	3,900.00
GRANICUS	8/16/24	FY25 AGENDA SOFTWARE	GENERAL FUND	CITY HALL	9,542.61
				TOTAL:	9,542.61
GREENWAY ENGINEERING, INC.	8/16/24	LIBERTY ST BID SERVICES JU	CAPITAL RESERVE	STREETS & TRANSPORTATI	617.50
				TOTAL:	617.50
GUARDIAN	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	NON-DEPARTMENTAL	127.08
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	ECONOMIC DEVELOPMENT	9.25
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	TREASURER'S OFFICE	46.25
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	CITY CLERK'S OFFICE	9.25
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	ENFORCEMENT AGENCY	9.25
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	BUILDING INSPECTION	9.25
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	PLANNING & ZONING	18.50
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	CITY HALL	9.25
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	POLICE DEPARTMENT	138.75
	8/16/24	AUGUST 24 VISION PREMIUM	GENERAL FUND	STREETS & HIGHWAYS	27.75
				TOTAL:	404.58
JEFFERSON COUNTY CIRCUIT COURT	8/16/24	WHITTERIED PROP LIEN FILIN	GENERAL FUND	ENFORCEMENT AGENCY	25.00
				TOTAL:	25.00
JEFFERSON PUBLISHING COMPANY, INC.	8/16/24	7/31NPH BR2024-11 ACQUISIT	GENERAL FUND	PLANNING & ZONING	36.02
	8/16/24	7/3 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	8/16/24	7/10 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	8/16/24	7/17 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	8/16/24	7/24 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	8/16/24	7/31 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
				TOTAL:	383.52
KONICA MINOLTA BUSINESS SOLUTIONS	8/16/24	WEBEX SERVICES 8/1/24-8/30	GENERAL FUND	CITY HALL	392.45
	8/16/24	WEBEX SERVICES 8/1/24-8/30	GENERAL FUND	POLICE DEPARTMENT	461.34
				TOTAL:	853.79
LAW ENFORCEMENT PROFESSIONAL STANDARDS	8/16/24	N DANIEL ACADEMY TRAINING	GENERAL FUND	POLICE DEPARTMENT	1,500.00
				TOTAL:	1,500.00
LIBERTY GET N GO	8/16/24	REZMER FUEL 4/10 FOR EXPLO	GENERAL FUND	CITY HALL	41.86
				TOTAL:	41.86
LINCOLN NATIONAL LIFE INSURANCE COMPAN	8/16/24	JULY 2024 LIFE INSUR PREMI	GENERAL FUND	ECONOMIC DEVELOPMENT	45.04

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	8/16/24	SEPT 24 INSURANCE PREMIUM	GENERAL FUND	BUILDING INSPECTION	70.08
	8/16/24	JULY 2024 LIFE INSUR PREMI	GENERAL FUND	PLANNING & ZONING	170.91
	8/16/24	SEPT 24 INSURANCE PREMIUM	GENERAL FUND	PLANNING & ZONING	170.91
	8/16/24	JULY 2024 LIFE INSUR PREMI	GENERAL FUND	CITY HALL	80.59
	8/16/24	SEPT 24 INSURANCE PREMIUM	GENERAL FUND	CITY HALL	80.59
	8/16/24	JULY 2024 LIFE INSUR PREMI	GENERAL FUND	POLICE DEPARTMENT	839.83
	8/16/24	SEPT 24 INSURANCE PREMIUM	GENERAL FUND	POLICE DEPARTMENT	918.61
	8/16/24	JULY 2024 LIFE INSUR PREMI	GENERAL FUND	STREETS & HIGHWAYS	161.56
	8/16/24	SEPT 24 INSURANCE PREMIUM	GENERAL FUND	STREETS & HIGHWAYS	161.56
				TOTAL:	3,503.62
MARLIN BUSINESS BANK	8/16/24	8/24PD&CITY HALL COPIER RE	GENERAL FUND	CITY HALL	515.98
	8/16/24	8/24PD&CITY HALL COPIER RE	GENERAL FUND	POLICE DEPARTMENT	280.00
				TOTAL:	795.98
MCKINNEY'S AUTO REPAIR & TOWING	8/16/24	CAR#19 OIL CHANGE&WASH FLU	GENERAL FUND	POLICE DEPARTMENT	133.55
				TOTAL:	133.55
MEADOWS FARMS, INC	8/16/24	FLOWERS FOR HANGING BASKET	GENERAL FUND	STREETS & HIGHWAYS	127.16
				TOTAL:	127.16
MELISSA SEGURA	8/16/24	COURT TRANSLATOR 7/16/2024	GENERAL FUND	POLICE DEPARTMENT	75.00
	8/16/24	COURT TRANSLATOR 8/13/2024	GENERAL FUND	POLICE DEPARTMENT	75.00
				TOTAL:	150.00
MOTOROLA SOLUTIONS, INC.	8/16/24	FLEX HUB MAINT 9/1/24-8/31	GENERAL FUND	POLICE DEPARTMENT	11,400.48
				TOTAL:	11,400.48
NAPA	8/16/24	T KABLE (1) CABLE TIE	GENERAL FUND	STREETS & HIGHWAYS	5.05
				TOTAL:	5.05
JASON NEWLIN	8/16/24	NEWLIN TRAVEL MEALS	GENERAL FUND	POLICE DEPARTMENT	96.00
				TOTAL:	96.00
PATTON BUILDING SERVICES INC	8/16/24	JULY 2024 CLEANING SERVICE	GENERAL FUND	CITY HALL	933.50
	8/16/24	JULY 2024 CLEANING SERVICE	GENERAL FUND	POLICE DEPARTMENT	933.50
				TOTAL:	1,867.00
PEIA	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	NON-DEPARTMENTAL	3,888.50
	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	ECONOMIC DEVELOPMENT	533.23
	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	CITY MANAGER'S OFFICE	3.96
	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	TREASURER'S OFFICE	2,304.32
	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	CITY CLERK'S OFFICE	1,135.88
	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	ENFORCEMENT AGENCY	533.23
	8/16/24	JUNE 2024 PEIA BILLING	GENERAL FUND	BUILDING INSPECTION	1.98

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SAINT JAMES CATHOLIC CHURCH	8/16/24	ANA BONE	BOND ESCROW	NON-DEPARTMENTAL	7,500.00
				TOTAL:	7,500.00
SHENANDOAH SALES AND SERVICE INC.	8/16/24	SWEEPER MAINTNANCE	GENERAL FUND	STREETS & HIGHWAYS	810.29
	8/16/24	SWEEPER MAINTNANCE	GENERAL FUND	STREETS & HIGHWAYS	57.00
	8/16/24	SWEEPER MAINTNANCE	GENERAL FUND	STREETS & HIGHWAYS	266.00
	8/16/24	SWEEPER MAINTNANCE	GENERAL FUND	STREETS & HIGHWAYS	199.50
				TOTAL:	1,332.79
STAPLES ADVANTAGE	8/16/24	(4) PRINTING TABLE TOP CAL	GENERAL FUND	TREASURER'S OFFICE	276.56
	8/16/24	FOLDERS/PAPER ROLL/TAPE	GENERAL FUND	TREASURER'S OFFICE	57.96
	8/16/24	FOLDERS/PAPER ROLL/TAPE	GENERAL FUND	TREASURER'S OFFICE	6.04
	8/16/24	12 LYSOL DISINFECTANT SPRA	GENERAL FUND	ENFORCEMENT AGENCY	32.94
	8/16/24	12 LYSOL DISINFECTANT SPRA	GENERAL FUND	BUILDING INSPECTION	32.94
	8/16/24	FOLDERS/PAPER ROLL/TAPE	GENERAL FUND	PLANNING & ZONING	19.74
	8/16/24	PENS/TISSUE/COFFEE CUPS	GENERAL FUND	CITY HALL	43.31
	8/16/24	BUSINESS CARD HOLDERS	GENERAL FUND	CITY HALL	24.41
	8/16/24	COPY PAPER/CARD STOCK/CARD	GENERAL FUND	CITY HALL	224.72
	8/16/24	FOLDERS/PAPER ROLL/TAPE	GENERAL FUND	CITY HALL	12.35
	8/16/24	FOLDERS/PAPER ROLL/TAPE	GENERAL FUND	PARKING	35.02
				TOTAL:	765.99
T-MOBILE	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	ECONOMIC DEVELOPMENT	31.99
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	CITY MANAGER'S OFFICE	42.09
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	TREASURER'S OFFICE	31.99
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	ENFORCEMENT AGENCY	17.85
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	ENFORCEMENT AGENCY	1,818.98
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	BUILDING INSPECTION	84.18
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	PLANNING & ZONING	19.54
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	CITY HALL	31.99
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	CITY HALL	105.60
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	CITY HALL	204.18
	8/16/24	ADJUSTMENTS & GOV CREDIT	GENERAL FUND	CITY HALL	451.49-
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	POLICE DEPARTMENT	35.70
	8/16/24	CELL SERV 6/21/24-7/20/24	GENERAL FUND	STREETS & HIGHWAYS	58.85
				TOTAL:	2,031.45
TEK ADVISORS	8/16/24	JULY 2024 TECH SERVICES	GENERAL FUND	CITY HALL	19,925.37
	8/16/24	PD NEW COMPUTERS(15) & SET	CAPITAL RESERVE	GENERAL GOVERNMENT	57,548.89
				TOTAL:	77,474.26
TRAVELERS	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	NON-DEPARTMENTAL	184.51
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	NON-DEPARTMENTAL	333.78
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	NON-DEPARTMENTAL	320.81
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	NON-DEPARTMENTAL	86.76

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	CITY COUNCIL	57.84
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	CITY MANAGER'S OFFICE	586.13
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	CITY MANAGER'S OFFICE	1,060.34
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	CITY MANAGER'S OFFICE	1,019.13
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	CITY MANAGER'S OFFICE	275.59
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	TREASURER'S OFFICE	666.70
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	TREASURER'S OFFICE	1,206.10
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	TREASURER'S OFFICE	1,159.23
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	TREASURER'S OFFICE	313.47
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	CITY CLERK'S OFFICE	177.67
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	CITY CLERK'S OFFICE	321.41
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	CITY CLERK'S OFFICE	308.92
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	CITY CLERK'S OFFICE	83.54
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	POLICE JUDGE'S OFFICE	98.41
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	POLICE JUDGE'S OFFICE	178.02
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	POLICE JUDGE'S OFFICE	171.10
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	POLICE JUDGE'S OFFICE	46.27
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	ENFORCEMENT AGENCY	149.93
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	ENFORCEMENT AGENCY	271.23
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	ENFORCEMENT AGENCY	260.69
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	ENFORCEMENT AGENCY	70.49
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	BUILDING INSPECTION	226.95
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	BUILDING INSPECTION	410.56
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	BUILDING INSPECTION	394.61
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	BUILDING INSPECTION	106.71
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	PLANNING & ZONING	645.79
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	PLANNING & ZONING	1,168.27
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	PLANNING & ZONING	1,122.87
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	PLANNING & ZONING	303.64
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	CITY HALL	296.45
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	CITY HALL	536.29
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	CITY HALL	515.45
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	CITY HALL	139.38
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	PARKING	111.01
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	PARKING	200.83
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	PARKING	193.03
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	PARKING	52.20
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	POLICE DEPARTMENT	4,236.00
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	POLICE DEPARTMENT	7,663.18
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	POLICE DEPARTMENT	7,365.38
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	POLICE DEPARTMENT	1,991.70
	8/16/24	COMMERCIAL AUTO 8/1/24-8/1	GENERAL FUND	POLICE-SPECIAL DUTY	75.34
	8/16/24	PROF LIABILITY 8/1/24-8/1/	GENERAL FUND	POLICE-SPECIAL DUTY	136.30
	8/16/24	AUTOMOBILE 8/1/24-8/1/25	GENERAL FUND	POLICE-SPECIAL DUTY	131.00
	8/16/24	UMBRELLA 8/1/24-8/1/25	GENERAL FUND	POLICE-SPECIAL DUTY	35.42

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
VITAL SIGNS PLUS, INC.	8/16/24	NAME PLATE&DECALS	GENERAL FUND	CITY COUNCIL	68.00
	8/16/24	NAME PLATE&DECALS	GENERAL FUND	ENFORCEMENT AGENCY	285.00
				TOTAL:	353.00
WEST VIRGINIA DIVISION OF HIGHWAYS	8/16/24	AUGUSTINE AVE SUPP AGREE M	CAPITAL RESERVE	CULTURE & RECREATION	14,719.13
				TOTAL:	14,719.13
WV STATE TREASURER'S OFFICE	8/16/24	MUNC COURT FEES AUG 24	GENERAL FUND	NON-DEPARTMENTAL	3,564.55
				TOTAL:	3,564.55

========== FUND TOTALS ==========		
001	GENERAL FUND	140,607.91
200	CAPITAL RESERVE	123,610.02
900	BOND ESCROW	7,500.00
	GRAND TOTAL:	271,717.93

TOTAL PAGES: 6

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
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: 8/16/2024 THRU 8/16/2024

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
SAINT JAMES CATHOLIC CHURCH	8/16/24	ANA BONE	BOND ESCROW	NON-DEPARTMENTAL	7,500.00
				TOTAL:	7,500.00

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

900	BOND ESCROW	7,500.00
	GRAND TOTAL:	7,500.00

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: ESCR1
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: 8/16/2024 THRU 8/16/2024

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
EXECUTIVE EMERGENCY LIGHTING LLC	8/16/24	2025 PD TAHOES UPFIT	CAPITAL RESERVE	PUBLIC SAFETY	46,824.50
				TOTAL:	46,824.50
GEOMODEL INC	8/16/24	POTTER FLD CEMETERY GRAVE	CAPITAL RESERVE	STREETS & TRANSPORTATI	3,900.00
				TOTAL:	3,900.00
GREENWAY ENGINEERING, INC.	8/16/24	LIBERTY ST BID SERVICES JU	CAPITAL RESERVE	STREETS & TRANSPORTATI	617.50
				TOTAL:	617.50
TEK ADVISORS	8/16/24	PD NEW COMPUTERS(15) & SET	CAPITAL RESERVE	GENERAL GOVERNMENT	57,548.89
				TOTAL:	57,548.89
WEST VIRGINIA DIVISION OF HIGHWAYS	8/16/24	AUGUSTINE AVE SUPP AGREE M	CAPITAL RESERVE	CULTURE & RECREATION	14,719.13
				TOTAL:	14,719.13

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

200	CAPITAL RESERVE	123,610.02
	GRAND TOTAL:	123,610.02

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: 8/16/2024 THRU 8/16/2024

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
HALLTOWN POOL & SPA	8/16/24	SODA ASH FOR JMP POOL	PARKS & REC	PARKS & REC		110.60
	8/16/24	SKIMMER NET& SODA ASH JMP	PARKS & REC	PARKS & REC		79.00
	8/16/24	50LB TABS FOR JMP POOL	PARKS & REC	PARKS & REC		450.00
					TOTAL:	639.60
POTOMAC EDISON COMPANY, INC	8/16/24	JMP ELEC SERV 6/15-7/16/24	PARKS & REC	PARKS & REC		701.86
	8/16/24	JMP-FOREST AVE ELEC 7/2-8/	PARKS & REC	PARKS & REC		11.41
					TOTAL:	713.27
STACEY HOUGH	8/16/24	2024 TENNIS BANQUET REINBU	PARKS & REC	PARKS & REC		96.48
	8/16/24	2024 TENNIS BANQUET REINBU	PARKS & REC	PARKS & REC		49.66
	8/16/24	2024 TENNIS BANQUET REINBU	PARKS & REC	PARKS & REC		103.09
					TOTAL:	249.23

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

207	PARKS & REC	1,602.10
	GRAND TOTAL:	1,602.10

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: All
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: 8/16/2024 THRU 8/16/2024

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: 08/19/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-846: Board of Parks and Recreation Meeting - July 25, 2024

ATTACHMENTS:

- P&R Report_ July 2024.pdf

City of Charles Town
Parks and Recreation Commission
Report from July 25, 2024

I. CALL TO ORDER: Thursday, July 25th at 6:00PM - City Hall

Persons Present: *Commissioners:* Elizabeth Ricketts, Nathanael Hartman, Mike Slover, James Kratovil (6:05 PM) on Zoom: Nick Zaglifa, Trudy Roth, Alden Roth
Staff: John Nissel and Alissa Meeks (Zoom)
Guests: Councilmember Jeff Hynes, Tree Board President Aaron Amore and Happy Retreat Board member Walter Washington

II. UNFINISHED BUSINESS

Thrasher Engineering Pool Contract Update

Thrasher Engineering - Sam Rich has been in touch with staff and continues to work on 3D renderings
No action.

Skate Park Artist RFP

Staff continues to work with the selected artist on the skate park project. A date will soon be scheduled for a planning meeting.
No action.

WVU Healthcare and Stone Spring Open Space

Councilmember Hynes provided an update from the Planning Commission. The open space/parkland will need to be discussed between the two developers and the City moving forward. .
No action.

Parks Updates: Willingham Knolls, Jefferson Memorial Park, Skate Park, Evitts Run, Happy Retreat

Jefferson Memorial Park: cracks on tennis courts have reappeared - consider a study of the foundation issues of that area; several lights are out at the tennis courts and being priced for replacement; poles currently exist in a grassy area which could be set up for a net for volleyball; water fountains not functional; dead tree branches could use a pruning project; stairs on Morrison street side have railing bars that are unsafe; benches have peeled paint and rust; utility poles needing maintenance or removal; areas available for native plantings; basketball courts need resurfacing; need for more wood fiber mulch on playgrounds; The Charles Town Rotary has been a great partner for park projects and we should consider making suggestions for their next service project; the Pool hosted two Dolphins swim team meets this season; there is some superfluous signage in the park that could be removed; operations at The Pool will likely be impacted by the start of school as many of the lifeguards are students – pool may close or have interrupted operations but exact closure date is undecided at this time; a date needs to be scheduled for publicity photo with Council and Commissioners to announce Land Water Conservation Grant Funding for the JMP Pool project

Happy Retreat*:* commissioners continue to have concerns about the design of the proposed Happy Retreat parking lot and insist their board re-consider the use of asphalt and instead look into the use of pavers

Recommendation to Council: *choose a date for a publicity photo prior to closure of JMP Pool*

III. NEW BUSINESS

: Request and Presentation by Happy Retreat Member - Sculpture Garden

Walter Washington, Board Member of Friends of Happy Retreat, presented on a proposed rotating sculpture garden on city parkland surrounding Happy Retreat. The Parks and Rec commissioners will meet in August at the site to continue the discussion.

No action.

: City's Summer Tennis and Swim Program Updates from Staff

Staff updated the commission on the summer camp programs. 276 were registered for swim with a lengthy waiting list. 117 attended tennis camps. The instructor is interested in continuing camps into the fall season with another 8-week session.

No action.

: Quotes on equipment replacement

Staff updated the commission on quotes for replacement slides at JMP.

No action.

: Location for Next Parks and Recreation Meeting

The commission will meet **Wednesday, August 14 at 6PM at Happy Retreat** and reconvene at 7PM at City Hall.

: Tree Board Tree Project Proposal: Riparian Buffer with Potomac Conservancy

Aaron Amore, President of the Tree Board, presented a proposed partnership with Trout Unlimited/ Potomac Conservancy to plant a tree buffer along Evitts Run in both the Skate Park and Willingham Knolls. In addition, Cacapon Institute will cover the replacement of dead trees on the path at Willingham Knolls park. Plantings would have to occur this current year to receive the grant funding. The commissioners unanimously approved these partnerships and planting projects.

MOU with staff and the Potomac Conservancy – Motioned: Kratovil/ 2nd: Hartman

Planting on Willingham Knolls path by Cacapon Institute – Motioned: Kratovil / 2nd: Slover

Recommendation to Council: *none at this time - information only*

IV. ADJOURNMENT: 7:20 PM

V. NEXT MEETING: **Wednesday, August 14 at 6PM at Happy Retreat** and reconvene at 7PM at City Hall.

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