CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • SEPTEMBER 3, 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

: **2024-907:** City Council Special Meeting Minutes - August 19, 2024
August 19th special council meeting minutes.pdf

: **2024-908:** City Council Meeting Minutes - August 19, 2024
CityCouncilMeetingMinutes_19Aug2024_Draft_rmt.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2024-893:** Infrastructure Committee - August 26, 2024

7. CITY MANAGER REPORT

: **2024-937:** City Manager's Report - September 3, 2024
City Manager Report - September 3, 2024.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2024-891:** TXA2023-09 - Second 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

10. NEW BUSINESS

: **2024-886:** Community Markets Presentation

: **2024-892:** FY2024 Policemen's and Firemen's Pension and Relief Funds Annual Report
Annual Report 2024 City of Charles Town Police.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2024-936:** Payment of Bills - September 3, 2024
GENERAL FUND COUNCIL REPORT 2024 08 30.pdf
PARKS N REC COUNCIL REPORT 2024 08 30.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 08 30.pdf
BUILDING COMM COUNCIL REPORT 2024 08 30.pdf
BOND ESCROW 2024 08 30.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING September 16, 2024, at 7:00PM

: **2024-887:** Public Comment - Ron and Lyn Widmyer
public comment - Widmyer.pdf

: **2024-888:** Charles Town Utility Board Meeting Minutes - July 24, 2024
2024.07.24 UB MINUTES.pdf

: **2024-889:** Charles Town Board of Parks and Recreation Meeting Report - August 14, 2024
Report_Minutes_ Charles Town Parks and Rec August 2024.pdf

: **2024-894:** Letters to the West Virginia Alcohol Control Administration for Abolitionist Ale Works and Happy Retreat
WV ABC Letter - Happy Retreat 8-6.pdf
WV ABC Letter - Abolitionist Ale Works' 8-6.pdf

: **2024-895:** FY25 Capital Budget
FY2025 Capital Budget Council Version.xlsx

: **2024-896:** Building Codes and Appeals Board Rules and Regulations of Procedures
Board Appeals Rules and Reg.pdf

: **2024-897:** Huntfield Proffer Amendment 3 - signed
Huntfield Proffer Amendment 3 - signed.pdf

: **2024-909:** Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332
2024-002 Ordinance Modifying the Subdivision and Land Developmen Aricle 1332 for Public Comment.pdf

: **2024-910:** Ordinance Changing Zoning District Boundaries
2024-001 Ordinance Amending zoing map by rezoning 1.3 acres on Willow Spring Drive.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: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-907: City Council Special Meeting Minutes - August 19, 2024

ATTACHMENTS:

- August 19th special council meeting minutes.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • August 19, 2024

Special Session **Council Chambers** **5:30 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. Stephanie Grove City Attorney were also in attendance.

1. NEW BUSINESS

2024-843: Interviews and Possible Selection for an Appointment to the Charles Town Utility Board with a Term Ending December 31, 2025

Mr. Hynes moved to enter into executive session for an update from the Charles Town Utility Board legal counsel. Mr. Tester seconded the motion, and Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

City Council conducted separate interviews with the four applicants for the open Charles Town Utility Board of Directors seat. Council thanked each applicant for their interest in serving and encouraged them to seek other opportunities for service if not selected for the open Charles Town Utility Board of Directors seat.

Ms. Philabaum moved to nominate Ms. Coly, Mr. Maxey, Mr. Tyrell, and Mr. Kubic for the open Charles Town Utility Board of Directors seat. Mr. Tester seconded the motion and there were no objections.

The Council voted as follows:

For Mr. Kubic: (1) – Mayor Trainor

For Mr. Tyrell: (1) – Mr. Tester

For Mr. Maxey (7) – Mr. Kratovil, Ms. Ricketts, Mr. Hynes, Ms. Philabaum, Ms. Rodd, Mr. George, Ms. Sugrue.

Mr. Maxey, having received the majority vote (7 of 9), was declared the appointee for the vacant Charles Town Utility Board of Directors seat.

2. ADJOURNMENT

Mayor Trainor asked if there was any objection to adjourning the meeting. Hearing none he adjourned the meeting at 6:50PM.

3. 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: 09/03/24
Department: City Council
Category: Report
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SCHEDULED

AGENDA ITEM (ID #)

2024-908: City Council Meeting Minutes - August 19, 2024

ATTACHMENTS:

- CityCouncilMeetingMinutes_19Aug2024_Draft_rmt.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • August 19, 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. Cindy Rezmer, Operations Director; Ms. Lori Nice, Finance Director; Ms. Stephanie Grove, City Attorney; Mr. James Newman, City Planner; Mr. Corey Lewis, Code Compliance Officer; 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

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

There being no additions, corrections, or changes to the Council meeting minutes of August 5, 2024, Mayor Trainor declared the minutes approved.

3. PUBLIC COMMENT

Five people signed up for public comment.

Ms. Milliron commented that Charles Town Utility Board (CTUB) Capacity Improvement Fees CIF should be used to offset expenses of sewer and water extensions necessitated by growth attributed to new housing and commercial projects.

Mr. Tolbert expressed his concerns regarding West Virginia American Water's interest in acquiring CTUB assets and he recommended Council revise Charles Town Codified Code, Article 147 – Utility Board.

Ms. Huyett Thomas and Mr. Hilton both voiced their support for expanding the City's historic overlay district to better preserve historic buildings.

Mr. Letenzi encouraged the City to continue placing the execution of code enforcement as a high priority.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that CTUB will flush the water system with chlorine during the week of August 19-23, 2024; CTUB will resume using chloramine upon completion of the flushing process. She also reported that the Jefferson County Development Authority (JCDA) will begin the process of hiring a new director and that the Eastern Panhandle Transportation Authority (EPTA) are working on new service routes throughout the Panhandle.

Ward #2

Mr. Hynes thanked representatives from Dan Ryan Builders for attending the townhall on the proposed revision to the Huntfield proffer and for answering questions from concerned citizens.

Mr. Tester thanked the residents who attended the townhall on the proposed revision to the Huntfield proffer. He also thanked City staff for their efforts organizing the successful townhall.

Ward #2

Ms. Philabaum had nothing to report.

Ms. Rodd thanked all the volunteers who participated in Weed and Waste Wednesdays during the summer. She presented Certificates of Appreciation to Bethany and Teddy Amidan for their volunteer commitment to the initiative by attending all of the Weed and Waste Wednesdays.

Ward #4

Mr. George reported that he and Mr. Hynes attended the West Virginia Municipal League's Annual Conference in Huntington, WV and believes that the City would benefit by becoming more involved with the Municipal League.

Ms. Sugrue had nothing to report.

5. MAYOR'S REPORT

Mayor Trainor reported that he attended the townhall on the proposed revision to the Huntfield proffer and participated in the African American Heritage Festival parade.

Ms. Rezmer presented a brief update on the activities of the Mayor’s Select Committee on the Memorialization of the Charles Town African American Cemetery.

6. COMMITTEE REPORTS

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

Mayor Trainor reported that the Finance Committee was cancelled due to a lack of quorum.

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

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

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

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

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

Mr. Tester moved to enter into executive session. Mr. Hynes 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.

Mr. Hynes moved to direct the Personnel Committee chairman to present the City Manager with his annual performance review. 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

7. CITY MANAGER REPORT

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

Mr. Nissel reviewed his City Manager Report with the Council.

2024-847: Overview of Code Enforcement

Ms. Meeks and Mr. Lewis gave a brief overview of the City's code enforcement efforts.

8. POLICE CHIEF REPORT

Chief Kutcher reported that there were no major incidents at the African American Heritage Festival. He also reported that the CTPD has two officers on medical leave, an officer attending the academy, and working to fill two police officer vacancies.

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

Ms. Philabaum 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.

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

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

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

Note: Item was removed from the Table prior to the Public Hearing, Agenda Item 2024-853.

Mr. Hynes moved to Table this agenda item until after agenda item 2024-844 discussion. Ms. Rodd seconded the motion, and it passed by unanimous vote.

Mr. George moved to remove this agenda item from the Table. Mr. Hynes seconded the motion and there were no objections.

Mr. George moved to 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. Ms. Philabaum seconded the motion, and it passed by a 7-1 vote.

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

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.

Mr. Tester moved to remove this agenda item from the Table. Mr. Hynes seconded the motion, and there were objections.

The Council approved the following changes to the draft version of Article 365:

Section 365.02(b) Parking District Zones (pp 55)

(2) "Lawrence Street (American Legion) Lot 1…": Delete "(American Legion) … 1" to read: "(2) Lawrence Street Lot…"

(3) "Lawrence Street (American Legion) Lot 2…": Delete entire subparagraph

(4) "Liberty Street Lot…" change from subparagraph (4) to subparagraph (3) to read "**(3)** Liberty Street Lot…"

Section 365.03(b) Parking Fee Rates and Parking Permits (pp 56)

(4) second line, replace: "…twelve-hour spaces." with: "…eight-hour spaces." to read: "…designated as **eight-hour spaces**."

(5) first line, add: "hour" after "two (2) or four (4)..." to read: "…two (2) or four (4) **hour**…"

Section 365.04 Days and Hours of Operation (pp 58)

(a) second and third lines, replace: "…6:00 a.m…." with "…8:00 a.m…." and "…6:00 p.m. with "…4:00 p.m…." to read: "…between the hours of **8:00 a.m. to 4:00 p.m**."

Section 365.06 Parking and Permit Violations (pp 60)

(a) fourth line, replace: "…a Daily (12) hours…" with "… an eight (8) hours…" to read: **"...**in metered spaces with **an eight (8) hour** or greater…"

Ms. Philabaum moved to approve the first reading and consideration of an amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code, Chapter 7 Parking, Article 365 Charles Town Parking District as amended. Mr. George seconded the motion, and it passed by a 6-2 vote.

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

2024-844: Historic Overlay District Discussion

Mr. George moved to remove this agenda item from the Table. Mr. Hynes seconded the motion, and there were no objections.

Mr. Kratovil moved to refer this agenda item to the Historic Landmarks Commission for their evaluation, input, and recommendations for expanding the City's Historic Overlay District. The motion did not receive a second.

Mr. Kratovil moved to review and amend the Zoning Ordinance Section 1322.13 and/or Article 141 – Historic Landmark Commission to conform with each other [address inconsistencies and contradictions]. Ms. Sugrue seconded the motion. After lengthy discussion, the motion passed by unanimous vote.

Note: The City Manager informed Council that staff will brief the Council on the process for making changes to the City's Historic Overlay District.

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

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

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

Mr. Newman read into the record a public comment from Ron and Lyn Widmyer he received via email.

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

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

Ms. Philabaum moved to 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. 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

10. NEW BUSINESS

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

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

Mr. Newman read into the record a letter he received for public comment that was also included in the agenda packet.

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

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

Ms. Philabaum moved to 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 $63,100. 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

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

Mr. Newman informed Council that a Norborne Glebe walking trail that connects to the Willingham Knolls Park walking trail is planned (Norborne-Glebe Phase 10B-13) for completion in the Summer of 2025.

2024-856: Article 509 Disorderly Conduct Discussion

Mr. Hynes moved to refer Article 509 Disorderly Conduct and Peace Disturbance to the Ordinance Committee for possible update. 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

2024-857: Augustine Avenue Phase I Supplemental Agreement

Mr. Hynes moved to approve the Agustine Avenue Phase I Supplemental Agreement. 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

2024-858: Huntfield COA Modification

Mr. Kratovil moved to approve Huntfield Proffer Amendment 3 dated July 31, 2024. Mr. George seconded the motion, and it passed by unanimous vote.

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

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

Mr. George moved to approve the first reading and consideration of an amendment to the codified ordinances 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. Mr. Hynes seconded the motion.

Ms. Philabaum moved to amend the motion as follows:

745.34, line 14 (pp 154), remove: "…be less than $50.00 nor…" to read "…will not exceed $250,00…"

745.34, line 22 (pp 154) remove "…all but $50 of…" to read: "…may waive the fees for…"

Ms. Sugrue seconded the motion, and it passed by a 5-3 vote.

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

The first reading as amended passed by a 7-1 vote.

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

11. REFERRALS TO COMMITTEES/COMMISSIONS

Article 509 – Disorderly Conduct and Peace Disturbance was referred to the Ordinance Committee – agenda item 2024-856.

12. APPROVAL OF BILLS

2024-865: Payment of Bills - August 19, 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 10:54PM.

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

2024-846: Board of Parks and Recreation Meeting - July 25, 2024

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

2024-893: Infrastructure Committee - August 26, 2024

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-937: City Manager's Report - September 3, 2024

ATTACHMENTS:

- City Manager Report - September 3, 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 Manager's Report
September 3, 2024

- Capital Project Update
    1. Top Gun Sealcoating, LLC was selected to perform the maintenance work at the City's 3 basketball courts: 2 at Jefferson Memorial Park and 1 at Evitts Run Park. The work at JMP will consist of court power washing, patch work, sealing, and a new City seal stencil placed in the center of the courts along with new hoops. The Evitts Run court work will consist of power washing, sealing, stenciling a city seal in the center of the court, and a new fence replacing the old one around the court. Work has already started with power washing, and fence demolition and all work should be completed within 2 weeks.
    2. The RFP for City Hall Interior Renovations has been awarded and work will commence in about two weeks once all permits have been pulled. Please be patient as we juggle staff around to complete the work.
    3. We had a pre-bid meeting last week with roof contractors prior to the bid being awarded. Work on that project will commence in about 3 to 4 weeks.
    4. The FRP for the brick repair work at CW Hall and Rousse Hall will close shortly and it is my hope to have that work completed before the colder weather sets in.
    5. RFP's are being assembled for the new ERP Management system, the Butler building at the maintenance yard and the storm water management study. I anticipate that they will be advertised within two weeks.
    6. The Skate Park is now closed for the month of September for the mural painting.
- Paving along Charles Street: the paving project along Charles Street has left quite a mess with regard to wet tar being splattered over several buildings and sidewalks. DOH has contacted us regarding the clean-up which was supposed to take place at the end of last week. They also informed us that the road would be striped within three weeks.
- I want to thank Liz and Virginie along with staff and volunteers including the PD for all of their hard work with the car show.
- Our Tennis Fall program is underway and registration is doing great. We have over 16 folks signed up.
- County Parks and Recreation MOU. We are working with County Parks and Recreation to expand our current MOU we have with them to include the CW Hall programming/ swim and tennis programs and their Recreational van use.
- Historic Overlay District process overview.
- Senator Capito Visit.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-891: TXA2023-09 - Second 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 September 3, 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. When reviewed again at a public hearing on August 19, there was no public comment received. Council voted to approve the first read.

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

*	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.	

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
	Go to next page	

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

*	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.	

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.	

*	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: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-886: Community Markets Presentation

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-892: FY2024 Policemen's and Firemen's Pension and Relief Funds Annual Report

ATTACHMENTS:

- Annual Report 2024 City of Charles Town Police.pdf

Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

Pension Fund	Board of Trustees of the Policemen's Pension and Relief Fund
Treasurer	John Nissel
Municipality	City of Charles Town
Fiscal Year (July 1 - June 30)	2024

Actuarial Funding Method

X	Standard Funding Method
	Optional Funding Method
	Alternative Funding Method (107%)
	% Necessary to Maintain Plan Solvency for 15 Years

PART I - Asset Reconciliation from Beginning of Fiscal Year to End of Fiscal Year				
Item				Amount
Beginning Fair Value of Pension Plan	**July 1 (cash value)**			**$ 530,319.43**
a. Prior year net receivable/payable				$ -
Beginning Fair Value of Pension Plan	**July 1 (accrued value)**			**$ 530,319.43**
I. Revenue During Fiscal Year				
1. Employee Contributions				
a. For Employees hired prior to Jan. 1, 2010		Percent of Gross Salary 0.00%	$ -	
b. For Employees hired on or after Jan. 1, 2010		Percent of Gross Salary 9.50%	$ -	
c. Total Employee Contributions				$ -
2. Government Contributions				
a. From Parent Local Government	Required employer contributions from your municipality		$ 60,248.00	
b. Overpayment Authorized by City Council Pursuant to §WV Code 8-22-27A(d)			$ -	
c. Additional Employer Contributions From Your Municipality			$ -	
d. From State Government	Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)			
e. Total Government Contributions				$ 60,248.00
3. Receivable Contributions				
a. Employee Contributions			$ -	
b. Local Government Contributions			$ -	
c. State Government Contributions			$ 13,167.88	
d. Other Contributions			$ -	
e. Total Receivable Contributions				$ 13,167.88
4. Earnings on Investments				
a. Net Appreciation/(Depreciation) of Fair Value of Investments			$ -	
b. Net Realized Gain/(Loss) on Sale/Exchange			$ 30,993.61	
c. Interest and Dividends			$ 13,525.22	
d. Other Income			$ -	
e. Investment Expenses **(enter as negative)**			$ (4,970.76)	
f. Receivable Investment Income			$ -	
g. Payable Investment Expenses **(enter as negative)**			$ -	
h. Total Earnings on Investments				$ 39,548.07
5. All Other Revenues				
Please Specify	Donation by the City of Charles Town (monies collected for copies of accident reports).			$ 4,480.00
Total Revenues	**The sum of items I.1. through I.7.**			**$ 117,443.95**

Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

Item			Amount
II Expenditures During Fiscal Year	Does not include Investment Expenses, see I.4.e. and I.4.g. on first page.		
1. Benefits Paid			
Retirement, disability, survivor and any other benefits.			$ 97,637.00
2. Withdrawals			
Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment			
3. Administration Expenses			
Administrative expenses and other costs or payments not representing benefit payments or withdrawals.			
a. Municipal Administration	Municipal administration fees.	$ 1,099.48	
b. Other Administration	Example: Pension Secretary expenses; Rent; etc.	$ -	
c. Total Administration Expenses			$ 1,099.48
4. Payables			
Monies payable after the end of the fiscal year			
a. Benefit Payments		$ -	
b. Withdrawals		$ -	
c. Administration Expenses		$ -	
d. Total Payables			$ -
Total Expenditures	**The sum of items II.1. through II.4**		**$ 98,736.48**
Net Income/(Loss)			**$ 18,707.47**
Ending Fair Value of Pension Plan	**June 30 (cash value)**		**$ 535,859.02**
a. Net receivable/payable			**$ 13,167.88**
Ending Fair Value of Pension Plan	**June 30 (accrued value)**		**$ 549,026.90**

Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

PART II - Asset Allocation at End of Fiscal Year

1. Cash and Cash Equivalents - Short Term	Percent of Total Assets	**8.91%**	
Financial Institution or Money Manager	Type of Account	Fair Value	
a. United Bank	Checking	$ 11,610.67	
b.	Treasury Bills	$ -	
c. Fidelity/Hoxton Financial Planning & Management	Savings or Money Market Account	$ 37,287.17	
d.	Short Term Investment Funds	$ -	
e.	Re-Purchase Agreements	$ -	
f.	Commercial Paper	$ -	
g.	CDs and Bankers' Acceptances	$ -	
			Fair Value
Total Cash and Cash Equivalents	The sum of items 1.a. through 1.g.		**$ 48,897.84**

2. Fixed Income - Long Term	Percent of Total Assets	**52.24%**	
Financial Institution or Money Manager	Type of Account	Fair Value	
a. Fidelity/Hoxton Financial Planning & Management	US Govt Agencies & Instruments	$ 179,289.75	
b.	Foreign Govt, Subdivisions,Agencies or Enterprise	$ -	
c.	International agencies or supranational entities	$ -	
d.	Mortgage-related or others asset back securities	$ -	
e. Fidelity/Hoxton Financial Planning & Management	Corporate Debt Securities	$ 107,523.90	
f.	Corporate Inflation-index bonds	$ -	
g.	Bank CD's, fixed time deposits, Bankers Acceptance	$ -	
h.	State & Local Govt Debt Securities	$ -	
i.	Mutual Funds (Bonds)	$ -	
j.	International Mutual Funds - Bonds	$ -	
k.	Exchange Traded Funds (ETF) - Bonds	$ -	
l.	International Exchange Traded Funds (ETF) - Bonds	$ -	
			Fair Value
Total Fixed Income (at fair value)	The sum of items 2.a. through 2.l.		**$ 286,813.65**

3. Equity Investments	Percent of Total Assets	**35.50%**	
Financial Institution or Money Manager	Type of Account	Fair Value	
a.	Individual Stocks Held	$ -	
b.	Mutual Fund Shares (Equities)	$ -	
c. Fidelity/Hoxton Financial Planning & Management	Exchange Traded Funds (ETF)	$ 160,115.85	
d. Fidelity/Hoxton Financial Planning & Management	International Stocks Held	$ 34,778.52	
e.	International Mutual Funds - Equities	$ -	
f.	International Exchange Traded Funds (ETF)	$ -	
			Fair Value
Total Equity Investments (at fair value)	The sum of items 3.a. through 3.f.		**$ 194,894.37**

4. Alternative Investments	Percent of Total Assets	**0.00%**	
Financial Institution or Money Manager	Type of Account	Fair Value	
a.	Real Estate Investment Trust	$ -	
b.	Private Equity Fund	$ -	
c.	Hedge Funds	$ -	
d.	Other Alternative Investments	$ -	
			Fair Value
Total Alternative Investments (at fair value)	The sum of items 4.a. through 4.d.		**$ -**

5. Receivables and Payables	Percent of Total Assets	**3.36%**	
	Type	Fair Value	
a. State Allocation Receivable & Due From City	Receivable Contributions	$ 18,421.04	
b.	Receivable Investment Income	$ -	
c.	Payable Investment Expense	$ -	
d.	Payable Benefits, Withdrawals, and Admin Expenses	$ -	
			Fair Value
Net Receivable/(Payable)	The sum of items 5.a. through 5.d.		**$ 18,421.04**

Total Assets	**Sum of 1. through 5.**	**$ 549,026.90**

6. Total return on investments for the period of July 1 thru June 30	(Obtain from financial institution or money manager)	8.29%

Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)

PART III - Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipents to the total number of active members of the fund. This requirement satisfies §8-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to August 1st of each year.

Item		Avg. Monthly #
I. Members of your Pension Fund	Exclude Beneficiaries	
1. Active Members	Current number of employees contributing to the pension fund	
2. Inactive Members	Non-active vested members and employees on extended leave without pay	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year		
1. Retirees		1.00
2. Disability Retirees	Includes the new applications approved during reporting period	
a. Number of Disability Applications received during the fiscal year		
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details		
(1.) Disability Applications Approved during Fiscal Year		
(2.) Disability Applications Denied during Fiscal Year		
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund		0.00%
4. Survivors (of Deceased Members) Drawing Benefits		3.00

PART IV - Legal Thresholds for Investments

	(1)	(2)	(3)
	%	**Maximum % and $**	**(Over) Under**
Equity Investments	35%	75%	40%
International Securities	6%	30%	24%
Alternative Investments	0%	25%	25%
Cash/Cash Equivalents and Fixed Income (Low 25%; High 75%)	61%	25% 75%	-36% 14%
Short Term Investment - (90 days of expenses)		$ 24,684.12	$ (24,213.72)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-936: Payment of Bills - September 3, 2024

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2024 08 30.pdf
- PARKS N REC COUNCIL REPORT 2024 08 30.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 08 30.pdf
- BUILDING COMM COUNCIL REPORT 2024 08 30.pdf
- BOND ESCROW 2024 08 30.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	8/30/24	NEWLIN UNIFORM	GENERAL FUND	POLICE DEPARTMENT	235.01
	8/30/24	MCHARGUE UNIFORM	GENERAL FUND	POLICE DEPARTMENT	451.85
				TOTAL:	686.86
AUTOZONE, INC.	8/30/24	6 PACK BATTERIES	GENERAL FUND	POLICE DEPARTMENT	14.54
				TOTAL:	14.54
BOARD OF TRUSTEES OF THE POLICE PENSIO	8/30/24	9/24 PD PENSION CONTRIBUT	GENERAL FUND	POLICE DEPARTMENT	5,020.60
				TOTAL:	5,020.60
CITY OF CHARLES TOWN BOARD OF PARKS AN	8/30/24	JULY24 HOTEL/MOTEL COLLEC	GENERAL FUND	TRANSFERS	5,509.43
				TOTAL:	5,509.43
CITY OF CHARLES TOWN PETTY CASH	8/30/24	'24 CAR SHOW PETTY CASH	GENERAL FUND	FAIR ASSOC/FESTIVAL	500.00
				TOTAL:	500.00
CITY OF CT CAPITAL RESERVE	8/30/24	BUDGET ALLOC & REMAIN REV	GENERAL FUND	TRANSFERS	3,055,000.00
	8/30/24	BUDGET ALLOC & REMAIN REV	GENERAL FUND	TRANSFERS	659,452.00
				TOTAL:	3,714,452.00
CITY OF CHARLES TOWN RESIDUAL FUND	8/30/24	TRANSF PER GF BUDGET	GENERAL FUND	TRANSFERS	263,319.00
				TOTAL:	263,319.00
COMCAST CORPORATION	8/30/24	8/7-9/6 PD TV SERVICE	GENERAL FUND	POLICE DEPARTMENT	10.49
				TOTAL:	10.49
CHARLES TOWN BUILDING COMMISSION	8/30/24	JULY24 RENTS	GENERAL FUND	CITY HALL	2,550.00
	8/30/24	JULY24 RENTS	GENERAL FUND	CITY HALL	16,667.00
	8/30/24	AUG24 RENTS	GENERAL FUND	CITY HALL	2,550.00
	8/30/24	AUG24 RENTS	GENERAL FUND	CITY HALL	16,667.00
	8/30/24	SEPT24 RENTS	GENERAL FUND	CITY HALL	2,550.00
	8/30/24	SEPT24 RENTS	GENERAL FUND	CITY HALL	16,667.00
	8/30/24	JULY24 RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
	8/30/24	AUG24 RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
	8/30/24	SEPT24 RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
				TOTAL:	81,173.94
CHARLES TOWN UTILITY BOARD	8/30/24	7/19/24 PD WATER DELIVERY	GENERAL FUND	POLICE DEPARTMENT	105.42
				TOTAL:	105.42
DARRYL WILSON	8/30/24	REFUND DBLE VENDOR FEE	GENERAL FUND	FAIR ASSOC/FESTIVAL	45.00
				TOTAL:	45.00
DR ACQUISITIONS LLC	8/30/24	BOND RELEASE TATE MANOR	BOND ESCROW	NON-DEPARTMENTAL	63,100.00
				TOTAL:	63,100.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
GALLS, LLC	8/30/24	PARKING ATTENDANT SHIRTS	GENERAL FUND	PARKING	229.26
	8/30/24	BADGE SHIELD NAME PLATE	GENERAL FUND	POLICE DEPARTMENT	27.28
	8/30/24	PD MCHARGUE UNIFORM	GENERAL FUND	POLICE DEPARTMENT	130.99
	8/30/24	PD RETURN SHIPPING COST	GENERAL FUND	POLICE DEPARTMENT	7.99
	8/30/24	FLASHLIGHTS	GENERAL FUND	POLICE DEPARTMENT	594.79
				TOTAL:	990.31
GREENWAY ENGINEERING, INC.	8/30/24	SERV THRU 7/28 LIBERTY ST	CAPITAL RESERVE	STREETS & TRANSPORTATI	1,441.25
				TOTAL:	1,441.25
HDL COMPANIES	8/30/24	JUNE&JULY24 HDL 50% COMM	GENERAL FUND	CITY HALL	13,484.93
	8/30/24	JUNE&JULY24 HDL 50% COMM	GENERAL FUND	CITY HALL	46,264.57
				TOTAL:	59,749.50
JEFFERSON COUNTY COMMISSION	8/30/24	SUPP SALARY FOR SS COORDI	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	13,902.31
				TOTAL:	13,902.31
JEFFERSON COUNTY CONVENTION & VISITOR'	8/30/24	JUL24 HOTEL/MOTEL COLLEC	GENERAL FUND	VISITORS CENTER	5,509.43
				TOTAL:	5,509.43
JEFFERSON PUBLISHING COMPANY, INC.	8/30/24	NPH CHRIS HILL/MARK ROPER	GENERAL FUND	PLANNING & ZONING	49.82
	8/30/24	NPH DEBORAH DUMONT	GENERAL FUND	PLANNING & ZONING	29.58
	8/30/24	RFP CH INTERIOR REN	GENERAL FUND	CITY HALL	21.30
	8/30/24	NPH TRAFFIC PATTERN CHNGE	GENERAL FUND	CITY HALL	46.86
				TOTAL:	147.56
KENT PARSONS FORD, INC	8/30/24	CAR#11 NEW BATTERY	GENERAL FUND	POLICE DEPARTMENT	49.95
				TOTAL:	49.95
KIMLEY-HORN AND ASSOCIATES, INC.	8/30/24	7/24LIMITED STRUCT ASMNT	GENERAL FUND	PLANNING & ZONING	890.00
				TOTAL:	890.00
MARKER & HEADSTONES LLC	8/30/24	POTTER FLD GRANITE MARKER	CAPITAL RESERVE	STREETS & TRANSPORTATI	9,028.32
				TOTAL:	9,028.32
MICHAEL DEMPSEY	8/30/24	REFUND PERMIT EXTENSION	GENERAL FUND	PLANNING & ZONING	50.00
				TOTAL:	50.00
MILLENIUM INSURANCE GROUP INC	8/30/24	SEPT24 INS BROKER FEE	GENERAL FUND	CITY HALL	1,800.00
				TOTAL:	1,800.00
MODEL T CLUB	8/30/24	MODEL T CLUB CAR SHW DEMO	GENERAL FUND	FAIR ASSOC/FESTIVAL	600.00
				TOTAL:	600.00
MOTOROLA SOLUTIONS, INC.	8/30/24	V300 WIFI DOCKS	CAPITAL RESERVE	PUBLIC SAFETY	12,686.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
STAPLES ADVANTAGE	8/30/24	FIN COLORED PAPER FOR POS	GENERAL FUND	TREASURER'S OFFICE	43.32
	8/30/24	GLOSSY PAPER/CARDSTOCK	GENERAL FUND	CITY CLERK'S OFFICE	27.00
	8/30/24	P&Z UTILITY KNIFES	GENERAL FUND	PLANNING & ZONING	148.74
	8/30/24	GLOSSY PAPER/CARDSTOCK	GENERAL FUND	PLANNING & ZONING	39.86
				TOTAL:	258.92
TINT WIZARD	8/30/24	CAR#5 REMOVE REPLA VINYL	GENERAL FUND	POLICE DEPARTMENT	1,250.00
				TOTAL:	1,250.00
VITAL SIGNS PLUS, INC.	8/30/24	CODE ENF POLO SHIRTS	GENERAL FUND	ENFORCEMENT AGENCY	275.00
	8/30/24	VIOLATION DOOR HANGERS	GENERAL FUND	ENFORCEMENT AGENCY	360.00
	8/30/24	CAR SHOW SIGN&FRAME	GENERAL FUND	FAIR ASSOC/FESTIVAL	48.00
				TOTAL:	683.00
WASTE MANAGEMENT	8/30/24	8/1-8/31&9/1-9/30CT TRASH	GENERAL FUND	STREETS & HIGHWAYS	239.81
	8/30/24	8/1-8/31&9/1-9/30CT TRASH	GENERAL FUND	STREETS & HIGHWAYS	323.89
				TOTAL:	563.70
WINCHESTER PSYCHOLOGICAL ASSESSMENT LL	8/30/24	HALL PSYCOLOGICAL EVAL	GENERAL FUND	POLICE DEPARTMENT	415.00
				TOTAL:	415.00
WITMER PUBLIC SAFETY GROUP INC	8/30/24	3 STREAMLIGHT	GENERAL FUND	POLICE DEPARTMENT	443.32
				TOTAL:	443.32
WV MUNICIPAL LEAGUE	8/30/24	GEORGE&PHILAB WVML CONF	GENERAL FUND	CITY COUNCIL	300.00
	8/30/24	GEORGE&PHILAB WVML CONF	GENERAL FUND	CITY COUNCIL	300.00
	8/30/24	GEORGE&PHILAB WVML CONF	GENERAL FUND	CITY COUNCIL	300.00
				TOTAL:	900.00

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

001	GENERAL FUND	4,163,003.86
200	CAPITAL RESERVE	23,155.57
900	BOND ESCROW	63,100.00
	GRAND TOTAL:	4,249,259.43

TOTAL PAGES: 3

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: 8/30/2024 THRU 8/30/2024

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
CBP ENTERPRISES	8/30/24	JULY24 MOWING EVITTS RUN	PARKS & REC	PARKS & REC		720.00
	8/30/24	JULY24 MOWING HAPPY RETRE	PARKS & REC	PARKS & REC		460.00
	8/30/24	7/24 MOWING WILLINGHAM KN	PARKS & REC	PARKS & REC		590.00
	8/30/24	JULY24 MOWING JMP	PARKS & REC	PARKS & REC		1,185.00
	8/30/24	JULY24 MOWING CRAIG HILL	PARKS & REC	PARKS & REC		470.00
					TOTAL:	3,425.00
CHET HINES	8/30/24	MOWER FUEL FILTER	PARKS & REC	PARKS & REC		25.03
	8/30/24	MOWER FUEL FILTER	PARKS & REC	PARKS & REC		12.14
	8/30/24	MOWER FUEL FILTER	PARKS & REC	PARKS & REC		9.01
	8/30/24	MOWER FUEL FILTER	PARKS & REC	PARKS & REC		3.88
	8/30/24	MOWER FUEL FILTER	PARKS & REC	PARKS & REC		6.78
	8/30/24	MOWER FUEL FILTER	PARKS & REC	PARKS & REC		6.41
					TOTAL:	63.25
FRONTIER, INC	8/30/24	8/1-8/31 JMP PHONE SERV	PARKS & REC	PARKS & REC		76.12
					TOTAL:	76.12
JEFFERSON PUBLISHING COMPANY, INC.	8/30/24	PROPOSAL REQ BBALL COURT	PARKS & REC	PARKS & REC		19.46
					TOTAL:	19.46

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

207	PARKS & REC	3,583.83
	GRAND TOTAL:	3,583.83

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: 8/30/2024 THRU 8/30/2024

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
GREENWAY ENGINEERING, INC.	8/30/24	SERV THRU 7/28 LIBERTY ST	CAPITAL RESERVE	STREETS & TRANSPORTATI	1,441.25
				TOTAL:	1,441.25
MARKER & HEADSTONES LLC	8/30/24	POTTER FLD GRANITE MARKER	CAPITAL RESERVE	STREETS & TRANSPORTATI	9,028.32
				TOTAL:	9,028.32
MOTOROLA SOLUTIONS, INC.	8/30/24	V300 WIFI DOCKS	CAPITAL RESERVE	PUBLIC SAFETY	12,686.00
				TOTAL:	12,686.00

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

200	CAPITAL RESERVE	23,155.57
	GRAND TOTAL:	23,155.57

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: 8/30/2024 THRU 8/30/2024

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
DEAD ROCK ELECTRICAL SERVICES	8/30/24	ELEC REPAIR BURRITO PRESS	BUILDING COMMISSIO	CITY HALL	3,800.00
				TOTAL:	3,800.00
JOHNSON CONTROLS SECURITY SOLUTIONS	8/30/24	CWH ALARM SERV 9/1-11/30	BUILDING COMMISSIO	CHARLES WASHINGTON HAL	344.55
				TOTAL:	344.55
M.S. JOHNSTON CO., INC.	8/30/24	BUSHEL&PECK COOLER REPAIR	BUILDING COMMISSIO	CHARLES WASHINGTON HAL	545.02
				TOTAL:	545.02

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

400	BUILDING COMMISSION	4,689.57
	GRAND TOTAL:	4,689.57

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 02-CT BUILDING COMMISSION
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: 8/30/2024 THRU 8/30/2024

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
DR ACQUISITIONS LLC	8/30/24	BOND RELEASE TATE MANOR	BOND ESCROW	NON-DEPARTMENTAL	63,100.00
				TOTAL:	63,100.00

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

900	BOND ESCROW	63,100.00
	GRAND TOTAL:	63,100.00

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: 8/30/2024 THRU 8/30/2024

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: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-887: Public Comment - Ron and Lyn Widmyer

ATTACHMENTS:
- public comment - Widmyer.pdf

Carolyn Vezzosi

From: James Newman
Sent: Monday, August 19, 2024 3:27 PM
To: Carolyn Vezzosi
Subject: FW: Public Hearing Testimony: Preliminary Plan Public Participation

Follow Up Flag: Follow up
Flag Status: Flagged

FYI, Public Comment for agenda item 2024-849 (TXA2024-04 Preliminary Plan Public Comment):

From: Lyn Widmyer <lynwidmyer@gmail.com>
Sent: Monday, August 19, 2024 3:25 PM
To: John Nissel <jnissel@charlestownwv.us>
Cc: James Newman <JNewman@charlestownwv.us>
Subject: Public Hearing Testimony: Preliminary Plan Public Participation

We would like to express our support for this change to require a public hearing and allow public comment at the preliminary plan phase of development.

Ron and Lyn Widmyer

--
Lyn Widmyer
1434 Cattail Run Road
Charles Town, WV 25414
304 279 3201
web page: lynwidmyer.net

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning. Beware - This email comes from outside the City of Charles Town.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-888: Charles Town Utility Board Meeting Minutes - July 24, 2024

ATTACHMENTS:
- 2024.07.24 UB MINUTES.pdf

Charles Town Utility Board
Regular Board Meeting
July 24, 2024

The Charles Town Utility Board held a regular meeting on July 24, 2024 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Tommy Stocks, Treasurer; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Robert Rodecker, Legal Counsel and Kelvin Upson, Jefferson County Commission Liaison.

Duke Pierson, Vice Chairman, was absent from the meeting.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of July 10, 2024 Regular Meeting Minutes

The Chairman called for changes or corrections to the July 10, 2024 regular meeting minutes.

Action: **Motion made by Mrs. Parker, second by Mr. Stocks, the Board unanimously approved the July 10, 2024 minutes as presented.**

PUBLIC COMMENT

Public comment was received from Jacquelyn Milliron, Elizabeth Ricketts, Renee Sanders and Charles Regle.

NEW BUSINESS

GDF Task Order Amendment No. 3 – Additional RPR Services

Mrs. Stolipher presented Amendment No. 3 to provide additional part-time RPR inspection services for the Renewal & Replacement project for approximately six additional months totaling an estimated $59,901.00. The Board provided discussions.

Action: **Motion made by Mr. Stocks, second by Mrs. Parker, the Board unanimously approved GDF Task Order Amendment No. 3.**

Edmunds and Utility Cloud Presentations

Mrs. Stolipher provided that after countless hours of evaluating software solutions and asset management programs, staff is finally ready to move forward with Edmunds GovTech (utility billing and accounting software) and AMCS (asset management software). Tom Reily from Tek Advisors assisted CTUB staff with evaluating the proposals from each company to ensure they met the needs of CTUB.

Mark Pryzbylkowski with Edmunds and Greg Cantor & Nick Sampson with AMCS gave brief presentations on the overview of their software programs. The Edmunds proposal was a total of $48,450.00 per year with a one-time fee of $63,990.00 and AMCS was a total of $32,500.00 per year with a one-time fee of $40,000.00. Mrs. Stolipher mentioned new software was included and approved in the budget. The Board provided discussions.

Action: **Motion made by Mrs. Parker, second by Mr. Stocks, the Board unanimously approved Edmunds and AMCS proposals as submitted.**

CTUB Collection System Project Update and Schedule

Mrs. Stolipher included an updated project schedule and costs in the packet for the Collection System project which is set to go out to bid next month with construction starting in December 2024. She also mentioned the Flowing Springs pump station upgrade will be bid as a bid alternate as discussed last meeting. The engineers total estimated project costs are $9,582,000 which includes the Flowing Springs pump station upgrade. John Cole with RK&K provided a brief update on the project. The Board and Mr. Upson provided discussions.

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

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher included an update on the Renewal and Replacement Project and the website/newspaper notification of the water plant Chlorine Conversion next month. The Board provided discussions on the notification process to customers including the option of phone calls, website, newspapers, bill messages and/or mailers. The Chairman mentioned he will post the chlorine conversion notification on the City Facebook page, but direct all questions to the CTUB staff.

Mrs. Stolipher also provided she will attend the August 5th City Council meeting to provide various project updates.

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

Chairman Report

The Chairman mentioned the applications for the vacant CTUB board position are due by July 31st.

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

APPROVAL OF BILLS

July 24, 2024

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

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting at 5:24 P.M.

INFORMATION ONLY

The next meeting is scheduled for Wednesday, August 14, 2024 at 4:00 P.M. at 661 S. George Street.

John Nissel
Chairman

Ashley Stottlemyer
Secretary

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-889: Charles Town Board of Parks and Recreation Meeting Report - August 14, 2024

ATTACHMENTS:

- Report_Minutes_ Charles Town Parks and Rec August 2024.pdf

CITY OF CHARLES TOWN
BOARD OF PARKS AND RECREATION
REPORT AUGUST 14, 2024

I. CALL TO ORDER: Wednesday, August 14th at 7:03PM - City Hall

Persons Present: Commissioners: Elizabeth Ricketts, James Kratovil, Nick Zaglifa, Trudy Roth
Staff: John Nissel and Alissa Meeks
Guests: Girl Scout Troop 15125**,** Sam Rich with Thrasher

APPROVAL OF MINUTES

July 2024 minutes approved unanimously.

UNFINISHED BUSINESS

: 2024-834 Thrasher Engineering Pool Design Concept Update

Commissioners received an update from Sam Rich with Thrasher on the conceptual designs of the JMP pool and poolhouse building and provided feedback on the designs. Commissioners voted unanimously to approve entering into the amended contract with Thrasher to move forward with the Design Development Phase, Construction Documents Phase, bidding of the project, and construction facilitation.
$365,000 for all Thrasher services - estimated total $3.7million pool project
Motion: J. Kratovil / 2nd: N. Zaglifa
Recommendation to Council: *none at this time*

NEW BUSINESS

: 2024-833 Girl Scouts Park Picnic Table(s) Presentation

Guests from Girl Scout Troop 15125 presented two hand built and painted picnic tables to be placed at Jefferson Memorial Park. This project was for their Bronze Award.

No action.

: 2024-837: Fall Tennis Program Update

Commissioners were briefed by staff on the plans to expand the tennis program into small group lessons with Coach Jorge on Wednesdays and Fridays starting August 28 through October 18. This is again in partnership with Jefferson County Parks and Recreation.

No action.

: 2024-838: Parks Account Financial Overview

Commissioners received a review of financials on the Parks and Rec department. The chair asked that this information be included in each month's agenda packet for a better understanding of the financials.

No action.

: 2024-840: Pool Closure End of Season Events

A Google Form is circulating to coordinate for a publicity photo date to announce the closure of JMP Pool for next year and the Land Water Conservation Fund grant(s) the City has received.

The commissioners unanimously approved a **Doggy Swim Day** event for the last day of pool operations on Sunday, August 25th from 3-5PM.

Motion: N. Zaglifa / 2nd: T. Roth

Note to Council: publicity photo op is scheduled for <u>Saturday, 8/25</u>
- please arrive by 10:30 AM

: 2024-845: Parks Updates

Commissioners and staff shared updates about the five city parks including:

Skate Park: Staff met with the mural artist and decided that the park will be closed beginning September 1st and through the end of the month to allow for installation of the mural.

Evitts Run Park: An RFP is out for resurfacing of both the ER and JMP basketball courts.

Jefferson Memorial Park: The pool's official last day will be Sunday, 8/25

Willingham Knolls Park: The Tree Board is interested in preserving some native species in the park and sought advice from Maintenance Director Wysong on best practices.

Happy Retreat: At 6PM, prior to this meeting, commissioners met at Happy Retreat to walk the parkland and discuss a proposal from the Friends of Happy Retreat, in partnership with Jefferson Arts Council, to install a rotational exhibit of art sculptures on City parkland surrounding the historic home. A formal proposal will be created and submitted for future consideration.

No action.

ADJOURNMENT: 8:14 PM

NEXT MEETING: *TBD*

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-894: Letters to the West Virginia Alcohol Control Administration for Abolitionist Ale Works and Happy Retreat

ATTACHMENTS:

- WV ABC Letter - Happy Retreat 8-6.pdf
- WV ABC Letter - Abolitionist Ale Works' 8-6.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

MAYOR
Robert M. Trainor

CITY COUNCIL
Elizabeth Ricketts
James Kratovil
Jeff Hynes
Kevin Tester
Julie Philabaum
Priscilla Rodd
Michael George
Andie Sugrue

CITY MANAGER
John Nissel

August 6, 2024

WV Alcohol Beverage Control Administration
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

To Whom It May Concern,

I am writing on behalf of the City of Charles Town to ask that the WV Alcohol Beverage Control Administration approve the request from the Friends of Happy Retreat for a Fairs and Festivals one-day permit. This event is scheduled for September 7, 2024 and the city agrees to suspend all open container laws an related ordinances at 600 Mordington Avenue, Charles Town, WV.

If you have any questions regarding this event or our support for the application from The Friends of Happy Retreat, please do not hesitate to contact our Downtown Coordinator, Liz Cook. She can be reached by phone at 304-270-0174, or ecook@charlestownwv.us.

Thank you for your assistance with this request.

Sincerely,

Robert M. Trainor
Mayor

City of Charles Town

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

MAYOR
Robert M. Trainor

CITY COUNCIL
Elizabeth Ricketts
James Kratovil
Jeff Hynes
Kevin Tester
Julie Philabaum
Priscilla Rodd
Michael George
Andi Sugrue

CITY MANAGER
John Nissel

August 6, 2024

WV Alcohol Beverage Control Administration
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

To Whom It May Concern,

I am writing on behalf of the City of Charles Town to ask that the WV Alcohol Beverage Control Administration approve the Abolitionist Ale Works' request for a one-day permit to host an outdoor beer garden at this year's Charles Town Car Show. The festival takes place in downtown Charles Town and is a major event in the region every year. This event is scheduled for August 31, 2024 and the city agrees to suspend all open container laws an related ordinances in the specified area of the beer garden.

If you have any questions regarding this event or our support for the application from Abolitionist Ale Works, please do not hesitate to contact our Downtown Coordinator, Liz Cook. She can be reached by phone at 304-270-0174, or ecook@charlestownwv.us.

Thank you for your assistance with this request.

Sincerely,

Robert M. Trainor
Mayor

c: Liz Cook, Business Development and Downtown Coordinator
Josh Vance, Abolitionist Ale Works

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-895: FY25 Capital Budget

ATTACHMENTS:

- FY2025 Capital Budget Council Version.xlsx

the city of Charles Town, WV

FY 2025 Capital Reserve Budget

Approved : XX XXX XX

CAPITAL BUDGET REVENUES

REVENUES	*ENCUMBERED*	*COUNCIL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
Capital Reserve Carryover		$ 4,881,215	$ 4,881,215	Carryover balance from FY2024 Capital Reserve - Improvement Budget.
36800 Contributions from GF ($659,452 Revenue/Loss & $3,055,000 Pool)		$ 3,714,452	$ 3,714,452	Contributions from GF - $659,452 from Revenue/Loss and $3,055.000 from FY24 Carryover disignated for JMP Pool.
33000 Developer Fees		$ 100,000	$ 100,000	Estimated based on FY2024 receipts
36800 Contributios from GF - Lottery / Gaming Revenue		$ 850,000	$ 850,000	All lottery/gaming revenue remitted to Charles Town gets XFRD to Capital Reserve from GenFund.
38000 Interest on Bank Accounts & Other Sources		$ 60,000	$ 60,000	Reveue from 3 diferent interest bearing checking accounts.
TOTAL REVENUES	$ -	$ 9,605,667	$ 9,605,667	

CAPITAL BUDGET EXPENSES

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
975 GENERAL GOVERNMENT				
975-23 General Government Professional Services - Capital Improvement Plan		$ 125,000	$ 125,000	Outsourcing costs to create a rigorous 5 year revolving capital improvement plan for all areas of the City.
975-23 General Government Professional Services - Zoning & Subdivision Ordinance Overhaul	$ 100,000	$ 150,000	$ 150,000	Outsourcing costs to update this ordinance. It has not been updated since 2012 - This is a 2 year plan for a total of $250,000.
975-58 General Government Capital Outlay - Chairs for Staff		$ 10,000	$ 10,000	20 chairs for staff.
975-58 General Government Capital Outlay - Rouss Hall Landlord buy back		$ 140,000	$ 140,000	
975-59 General Government Capital Outlay Technology - Computer Replacement		$ 25,000	$ 25,000	Computer replacement program for all General Government departments.

975-59 GG Capital Outlay Technology - GovTech Software		$ 100,000	$ 100,000	Centralized Finance/Permitting/Zoning/Grants/Bond Tracking Software. This software will replace GoGov, MyGov, PSI, and Incode (except for the court module). Having a centralized software will improve efficiency and reduce duplication of work. This software takes a year to implement.
975-59 General Government Capital Outlay Technology - Data Center Centralization		$ 120,000	$ 120,000	
975-59 General Governement Capital Outlay Technology - Payroll & Human Resource Onboarding Services Implementation Cost			$ -	
975-59 General Government Capital Outlay Technology - Zoom Room Equipment Upgrade		$ 5,790	$ 5,790	
TOTAL GENERAL GOVERNMENT	$ 100,000	$ 675,790	$ 675,790	
976 PUBLIC SAFETY				
975-60 General Government Capital Outlay Technology Police Department - Computer Replacement		$ 58,000	$ 58,000	20 computers with greater than 8gb of memory are needed to view body camera footage.
976-59 Public Safety Capital Outlay Vehicles - Police Cars		$ 113,300	$ 113,300	PD requests 2 vehicles per rotation schedule based on vehicle lifespan of 7 years.
976-60 Public Safety Capital Outlay Equipment - Officer Equipment		$ 57,000	$ 57,000	Funding requested: $3723 for 18 Monadnock batons and pouches and $53,107 for 18 tasers.
976-60 Public Safety Capital Outlay Equipment - Traffic Safety Equipment		$ 44,700	$ 44,700	Funding requested: $37,610 for 2 trailerable traffic signs; $1200 for 20 portable barricades; $2660 for 10 temporary signs and holders; $3230 for 100 traffic cones with lettering. This equipment will be jointly used with the maintancence department.
976-62 Public Safety - Parking Meters		$ 5,100	$ 5,100	Routine replacement of a portion of the parking meters (24) in the downtown parking district.
TOTAL PUBLIC SAFETY	$ -	$ 278,100	$ 278,100	

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
977 STREETS & TRANSPORTATION				
977-57- Streets & Transportation Capital Outlay Buildings - Charles Washington Hall masonary tuck point repair		$ 12,000	$ 12,000	Brick wall on George Street side is deteriorating.
977-57 Streets & Transportation Capital Outlay Buildings - Replace City Hall rooftop AC units		$ 25,000	$ 25,000	
977-57 Streets & Transportation Capital Outlay Buildings - City Hall interior repair/maintenance		$ 60,500	$ 60,500	Funds requested to paint interior of City Hall, replace flooring, and replace appliances in first floor kitchen. Includes a 10% contingency.
977-57 Streets & Transportation Capital Outlay Buildings - City Hall roof replacement		$ 128,000	$ 128,000	City Hall roof is over 20 years old and is failing.
977-57 Streets & Transportation Capital Outlay Buildings - City Hall masonary tuck point repair		$ 35,000	$ 35,000	Flues and chimneys on City Hall roof have not been addressed for many years.
977-57 Streets & Transportation Capital Outlay Buildings - Firehouse Gallery floor replacement			$ -	Entire floor needs replaced because replacing tiles with like style tiles is challenging.
977-57 Streets & Transportation Capital Outlay Buildings - Maintenance office air conditioner		$ 7,000	$ 7,000	The current window unit does not keep up with the heat.
977-57 Streets & Transportation Capital Outlay Buildings - New maintenance equipment building		$ 150,000	$ 150,000	Current building is maxed out on space.
977-57 Streets & Transportation Capital Outlay Buildings - New/repair maintenance yard		$ 80,000	$ 80,000	Maintenance yard study. Current maintence yard is in poor condition and needs replaced or renovated. This is a placeholder to get this project going.
977-57 Streets & Transportation Capital Outlay Buildings - Rouss Hall roof repair			$ -	Rouss Hall roof is rusted. A low odor roof coating will protect the roof for another 10 years.
977-58 Streets & Transportation Capital Outlay Other Improvements - Paving Path from bridge to road by the skate park		$ 5,000	$ 5,000	Connect the existing path on one side of the bridge to the other side.
977-58 Streets & Transportation Capital Outlay Other Improvements - Happy Retreat & Stake Park Bridge		$ 100,000	$ 100,000	
977-58 Streets & Transportation Capital Outlay Other Improvements - ADA sidewalks & stormwater drain for Lawrence/Congress		$ 60,000	$ 60,000	Stormwater repair and ADA sidewalks for the Lawrence & Congress intersection. Expected grant funding from State Carbon Reduction Funding.
977-58 Streets & Transportation Capital Outlay Other Improvements -West End connector			$ -	Design and fund construction documents of Mordington Ave sidewalk from S George St to S West St. - pending grant.
977-58 Streets & Transportation Capital Outlay Other Improvements - Flower planters	$ 5,000	$ 5,000	$ 5,000	2 year plan to install flower planters on Washington Street.
977-58 Streets & Transportation Capital Outlay Other Improvements - Potter's Field		$ 115,000	$ 115,000	Installation of Interpretative signs, fencing, monument and landscaping.

977-59 Streets & Transportation Capital Outlay Equipment - Bucket Truck	$ 153,000	$ 37,000	$ 37,000	Current bucket truck cannot safely reach the required heights for maintenance tasks. The cost of a new truck is approximately $170,000. The truck will be ordered in FY25 and received in FY26. This also includes a $20,000 allowance for purchase of Ranson's used truck to use in the interim. Epected expenditures in FY25 will be $20,000 used truck and $17,000 deposit for new truck. Leaving a FY26 encumberance of $153,000.
977-59 Streets & Transportation Capital Outlay Equipment - Street line striper		$ 5,000	$ 5,000	Current striper constantly needs repaired.
977-59 Streets & Transportation Capital Outlay Equipment - Utility Vehicle		$ 25,000	$ 25,000	Beneficial for events and watering flowers.
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Basic Stormwater Improvements			$ -	ACKNOWLEDGED IMPROVEMENT LOCATIONS - Install new sidewalk drain in 200 block of W. Washington (design completed - SW project); design improvements for 100 block of Shutter St; 400 block of S. Samuel, and culvert at 4th and Hunter
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Charles Street Flooding			$ -	Engineering costs to determine Charles Street flooding mitigation.
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Green Infrastructure Master Plan		$ 204,000	$ 204,000	This funding is a 2 year plan to cover 6 study areas and 3 area reviews each year.
TOTAL STREETS & TRANSPORTATION	$ 158,000	$ 1,053,500	$ 1,053,500	

EXPENDITURES	*ENCUMBERED*	*COUNCIL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
979 CULTURE & RECREATION				
979-56 Culture & Recreation Land - Depot Park Land Acquisition		$ 500,000	$ 500,000	Place holder for possible land acquisition from APUS for the Depot Park initiative.
979-58 Culture & Recreation Other Improvements - Evitts Run Park Security Boundary		$ 13,500	$ 13,500	Install perimeter fence along Evitts Run to improve lack of security of City asset and protect park users.
979-58 Culture & Recreation Other Improvements - Happy Retreat Ash Tree removal			$ -	These trees are a safety hazzard.
979-58 Culture & Recreation Other Improvements - JMP Basketball Courts & Evits Run Resurfacing, Evits Run basketball court fence replacement, & 4 basketball hoops		$ 60,000	$ 60,000	
979-58 Culture & Recreation Other Improvements - Safety Lighting		$ 10,000	$ 10,000	
979-58 Culture & Recreation Other Improvements - JMP Tennis Court ground penetrating radar		$ 20,000	$ 20,000	
979-58 Culture & Recreation Other Improvements - Skate Park			$ -	Purchase and installation of mobile pump track. Finance Committee recommends including in CIP plan.
979-58 Culture & Recreation Other Improvements - Skate Park Mural and benches		$ 40,000	$ 40,000	
979-58 Culture & Recreation Other Improvements - Arts & Culture - Historical Signs		$ 20,000	$ 20,000	Finance Committee recommends including in CIP plan.
979-58 Culture & Recreation Other Improvements - Wayfinding signage - 3-year program	$ 100,000	$ 97,400	$ 97,400	CDD REQUEST $100K for wayfinding signage implementation phase 1 cost (3 years of phases) (request related to 2023 CTNOW ARPA Request)
979-59 Culture & Recreation Equipment - JMP Slide		$ 14,200	$ 14,200	
TOTAL CULTURE AND RECREATION	$ 100,000	$ 775,100	$ 775,100	
Contingencies		$ 608,608	$ 608,608	
Encumberances for Subsequent Years		$ 4,777,277	$ 4,777,277	Grant related projects FY2026 estimated at $4,419,277 less expected grant funding + $358,000 multi-year non grant related capital projects.
Transfer to Grant Projects		$ 1,437,292	$ 1,437,292	
TOTAL EXPENSES	$ 358,000	$ 9,605,667	$ 9,605,667	
REVENUES OVER EXPENSES		$ -	$ -	

REPAVING BUDGET

REVENUES	*FY 2024 BUDGET*	*FY 2024 ACTUAL*	*COUNCL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
Repaving Carryover			$ 1,472,865	$ 1,472,865	Carryover balance from FY2024 Repaving Funds
36877 Contributions from GF - Repaving Fees	$ 130,000	$ 120,367	$ 130,000	$ 130,000	Street Fees source = $4.10 fee, collected by the Charles Town Utility Board and remitted to the City of Charles Town for Capital Reserve Fund - Street Paving
TOTAL REVENUES	$ 130,000	$ 120,367	$ 1,602,865	$ 1,602,865	
EXPENDITURES	*FY 2024 BUDGET*	*FY 2024 ACTUAL*	*COUNCL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
977-60 Streets & Transportation Capital Outlay Street Paving	$ 130,000		$ 300,000	$ 300,000	12 Jan 2023 Infrastructure Comm report identified 23 streets for repaving/repairs. Due to large scope and delays in the Request for Bid process, Finance Committee recommends caping FY2024 paving/repairs expenses at $300K.; $130K FY24 income; $170K from paving reserves
977-60 Streets & Transportation Capital Outlay Street Paving - Paving Contingency			$ 1,302,865	$ 1,302,865	This contingency represents past income collected by CTUB earmarked for street paving.
TOTAL EXPENSES	$ 130,000	$ -	$ 1,602,865	$ 1,602,865	
REVENUES OVER EXPENSES	$ -	$ 120,367	$ -	$ -	

GRANT PROJECTS BUDGET

	ENCUMBERED	*COUNCL APPROVED*	*FY 2025 CURRENT BUDGET*	*NOTES*
COPS GRANT				
Capital Reserve Carryover		$ 7,344	$ 7,344	City expense of equipment purchase after application of grant funds.
36501 Federal Grant Revenue - COPS Grant		$ 71,706	$ 71,706	PD Equipment Grant of $400K - $143,414 remaining balance for FY26 & FY27
TOTAL REVENUES	$ -	$ 79,050	$ 79,050	
976-59 Public Safety Capital Outlay Vehicles - Police Vehicle Upfit Costs		$ 79,050	$ 79,050	Funding requested: $79,050 for vehicle upfit equipment. $71,706 covered under DOJ COPS Equipment Grant. Note: $143,413 remaining balance for FY26 & FY27.
TOTAL EXPENSES	$ -	$ 79,050	$ 79,050	
COPS GRANT REVENUES OVER EXPENSES	$ -	$ -	$ -	
AUGUSTINE AVENUE				
Capital Reserve Carryover	$ 426,000	$ 74,000	$ 74,000	$350,000 Capito Earmark match & $76,443 Liberty reallocation match. $41,378 expense to the City after receiving grant funds.
36600 State Grant Revenue - 2023 WVDOH TAP-II grant Augustine Avenue Trail Construction - (Reallocation from Liberty)			$ -	76,443.50 Match Phase I Construction
36600 State Grant Grant Revenue - WVDOH TAP-II grant Augustine Avenue Trail Construction - Phase I			$ -	Design grant expected to be complete by close of FY25; will include FY24 TAP grant on construction once award details concrete and City commits to project in FY24 ($560K grant with $140K match)
36501 Federal Grant Revenue - CDS - Senator Capito Grant Augustine Avenue Trail Construction			$ -	Trail Completion
TOTAL REVENUES	$ 426,000	$ 74,000	$ 74,000	
979-58 Culture & Recreation Other Improvements - Augustine Avenue Trail Construction - Construction Phase I		$ 74,000	$ 74,000	Construction - Phase 1 (Total cost = $773,595 Grant = $560,000 - Funded through WVDOT; City Match = $140,000. Paid in FY24). Anticipate construction begin FY24. An additional $1,700,000 estimated for project completion - CDS Grant = $1,400,000; City Match = $350,000, likely in FY 2025
979-58 Culture & Recreation Other Improvements - Augustine Avenue Trail Construction - Construction Phase II & III Encumberance for FY26 & FY27.	$ 426,000		$ -	CDS Grant = $1,400,000; City Match = $350,000, likely in FY 2026.

TOTAL EXPENSES	$ 426,000	$ 74,000	$ 74,000	
AUGUSTINE AVENUE REVENUES OVER EXPENSES	$ -	$ -	$ -	

	ENCUMBERED	COUNCL APPROVED	FY 2025 CURRENT BUDGET	NOTES
LIBERTY STREET FLOODING MITIGATION				
Capital Reserve Carryover		$ 705,774	$ 705,774	FEMA match = $305,774
TOTAL REVENUES		$ 705,774	$ 705,774	
977-61 Streets & Transportation Capital Outlay Stormwater Improvements - Liberty Street Flooding Mitigation - Phase I		$ 705,774	$ 705,774	$750,000 Est Construction Cost - FEMA Match = $305,774; Chesapeake Match = 0.00
TOTAL EXPENSES	$ -	$ 705,774	$ 705,774	
LIBERTY STREET FLOODING REVENUES OVER EXPENSES	$ -	$ -	$ -	

	ENCUMBERED	COUNCL APPROVED	FY 2025 CURRENT BUDGET	NOTES
JEFFERSON MEMORIAL POOL				
Capital Reserve Carryover		$ 650,174	$ 650,174	
Transfer from Capital	$ 3,993,277		$ -	Transfer from Capital Carryover
TOTAL REVENUES	$ 3,993,277	$ 650,174	$ 650,174	
979-58 Culture & Recreation Other Improvements - JMP Pool House Renovation		$ 250,000	$ 250,000	Land & Water Conservation Grant for Pool House renovation = $250,00; City Match = $250,000 Total Pool renovation estimated at $4,893.451.
979-58 Culture & Recreation Other Improvements - JMP Pool Upgrade Encumbrance for FY26	$ 3,993,277	$ 400,174	$ 400,174	In support of identified LWCF grant funding expected to be required for FY2024. A FY2024 Congressional Directed Grant Funding request for $1,600,695 pends.
TOTAL EXPENSES	$ 3,993,277	$ 650,174	$ 650,174	
JEFFERSON MEMORIAL POOL REVENUES OVER EXPENSES	$ -	$ -	$ -	

Charles Town Grant Assisted Projects

Updated: 2-Aug-24

		Estimates
FY2025 Funding Requirements	$	1,437,292
FY2026 Funding Requirements	$	2,818,582

Actual Project Cost	$	519,889

George Street Sidewalk	$	769,391
Project Est	$	669,036
15% Project Manage & Contin	$	100,355

		Grant	Required Match	Total	Actual Cost	Additional City Cost	Total City Cost	Total Paid	Balance
Design	City	$ -	$ -	$ 30,000	$ 30,000	$ -	$ 30,000	$ 30,000	$ 489,889
Construction	TAP - Region 9	$ 511,229	$ 127,807	$ 639,036	$ 489,889	$ (25,561)	$ 102,246	$ 102,246	$ 387,643
	Grant Funding	$ -	$ -	$ -	$ -	$ -		$ 489,889	$ -
		$ 511,229	$ 127,807	$ 669,036	$ 519,889	$ (25,561)	$ 132,246	$ 519,889	

Augustine Ave Trail		$ 2,595,421										
Design		$ 145,421										
Phase I & II		$ 700,000										
Phase III		$ 1,750,000										
			Grant	Required Match	Total	Actual Cost	Additional City Cost	Total City Cost	Total Paid	Balance		
Design	TAP I		$ 116,337	$ 29,084	$ 145,421	$ 145,421	$ -	$ 29,084	$ 145,421	$ 2,450,000		
Phase I & II Construction	TAP II		$ 560,000	$ 140,000	$ 700,000	$ 774,000	$ 74,000	$ 214,000	$ 774,000	$ 1,676,000		
III Design & Construction	Sen Capito Earmark		$ 1,400,000	$ 350,000	$ 1,750,000	$ -			$ -	$ 1,676,000		
			$ 2,076,337	$ 519,084	$ 2,595,421	$ 919,421	$ 74,000	$ 243,084	$ 919,421			
								20.9%				

Charles Town Expenditures

Before FY2023	$ 145,421	
FY2023	$ 161,322	
FY2024	$ 140,000	
FY2025 (est)	$ 74,000	Cap Reserve
FY2026 (est)	$ 426,000	Cap Reserve
Total	$ 946,743	

Project Funding Status

Total Project Pending	$ 1,676,000
Est Charles Town Share	$ 500,000
	$ 1,176,000
Est Grant Funding	$ 1,400,000

Actual Project Cost		$ 1,419,178	as of 2 Aug 2024										
Liberty Street Flooding Mitigation		$ 973,743											
Project Est		$ 846,733											
15% Project Manage & Contin		$ 127,010											
				Grant	Required Match	Total	Actual Cost	Additional City Cost	Total City Cost	Total Paid	Balance		
Design	DEP Grant		$	102,559	$ 63,400	$ 165,959	$ 165,959	$ -	$ 63,400	$ 165,959	$ 1,253,219		
Construction	CDS _ Capito	FEMA	$	375,000	$ 705,774	$ 1,080,774	$ -	$ -	$ 705,774	$ -	$ 1,253,219		
Construction	Chesapeake Bay Foundation	Green Streets	$	172,445	$ -	$ 172,445	$ -	$ -	$ -	$ -	$ 1,253,219		
	Totals		$	650,004	$ 769,174	$ 1,419,178	$ 165,959	$ -	$ 769,174	$ 165,959			
									6.8%				
	Charles Town Expenditures					Project Funding Status							
	Before FY2023	$ 63,400				Total Project Pending		$ 1,253,219					
	FY2025 (est)	$ 705,774	Cap Reserve			Est Charles Town Share		$ 705,774					
								$ 547,445					
						Est Grant Funding		$ 547,455					

Memorial Pool		$ 4,893,451										
Design												
Pool House		$ 1,398,901										
Pool Construction		$ 3,494,550										
				Grant	Required Match	Total	Actual Cost	Additional City Cost	Total City Cost	Total Paid		Balance
Pool House												
Design (on Going)	City						$ 2,592					
Pool House	LWCF Grant			$ 250,000	$ 250,000	$ 500,000				$ -	$	4,893,451
Pool												
Pool	LWCF Grant		PENDING	$ 1,600,695	$ 1,600,695	$ 3,201,390				$ -	$	4,893,451
				$ 1,850,695	$ 1,850,695	$ 3,701,390	$ 2,592	$ -	$ -	$ -		

Charles Town Expenditures

FY2024	$	2,592	
FY2025 (est)	$	650,174	Cap Reserve
FY2026 (est)	$	2,392,582	Cap Reserve

Project Funding Status

Total Project Pending	$ 4,893,451
Est Charles Town Share	$ 1,600,695
Charles Town Share	$ 250,000
Est Grant Funding	$ 1,600,695
LWCF Grant Funding	$ 250,000
	$ 3,701,390
Est Additional Funding	$ 1,192,061

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-896: Building Codes and Appeals Board Rules and Regulations of Procedures

ATTACHMENTS:

- Board Appeals Rules and Reg.pdf

City of Charles Town
Building Code Appeals Board

Rules and Regulations of Procedure

Authority

This publication provides information and operating guidelines for the City of Charles Town "City" Building Code Appeals Board "BCAB."

The BCAB shall be subject to and governed by *Appendix B – Board of Appeals* to the International Building Code, 2018 Edition, which is incorporated in the State Building Code set forth at Series 4 of Title 87 of the West Virginia Code of State Rules and adopted by the City of Charles Town by Article 1705 of its Codified Ordinances ("Article 1705), except to the extent contrary to express provisions of these Rules and Regulations.

Effective Date

The Rules and Regulations contained herein become effective when they have been approved by the BCAB at its first regularly scheduled meeting.

Distribution of Copies

Copies of these Rules and Regulations shall be available for distribution to the public. A copy of these Rules and Regulations shall be posted on the City's website and available at the time an application for appeal is submitted. Each new member of the Board shall have the Rules and Regulations discussed during the time the BCAB appointment is made.

Amendments

Amendments to these Rules and Regulations may be adopted from time to time by the BCAB and shall become effective on the date of BCAB approval. Copies of amendments to these Rules and Regulations shall be posted and replaced in the prior version within thirty (30) days of passage.

Purpose of the Building Code Appeals Board

The purpose of these Rules and Regulations are:

1. To give security to the appointed members of the BCAB;

2. To provide for a complete, all-inclusive and non-discriminatory system for the public to appeal decisions of the Code Official the appellant deems are inaccurately interpreted based on the State Building Code;

3. To provide an efficient, professional and competent BCAB to serve the City of Charles Town;

4. To ensure when reviewing a code modification request or conducting an inspection, the Code Officials and their representatives ensure the spirit and intent of the applicable codes and laws are observed and that public health, safety and welfare are assured; and

5. When a plan review or inspection fails, a code modification request is denied, a notice of violation is issued or the Code Official applies a particular code section in a manner with which you do not agree, you can appeal to the BCAB.

Defined Terms

As used in these Rules and Regulations, the term or phrase:

1. "Appointment" means the date on which each Building Code Appeals Board Member is appointed by City Council to serve a specified Board term limit.

2. "BCAB" means the City of Charles Town Building Code Appeals Board.

3. "Code Official" shall mean City Code Official or City Building Official who is appointed by the City Manager, or designee, who meets the qualifications of a "Code Official" set forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

4. "Code of West Virginia" or "Code" means the West Virginia State Building Code.

5. "Council" means Charles Town City Council.

6. "Inspections" shall mean the visual and/or physical observation and examination by the Code Official of a required site or phase to determine compliance with State Building Code and International Code Compliance. All inspections required under the State Building Code shall be conducted on behalf of the City only by the City Code Official or any other individual who is authorized by the City Code Official to perform the relevant category of inspection on behalf of the City and who is duly certified (or otherwise permitted to act) as an "Inspector" in such category pursuant to the Certification/Continuing Education Standards.

7. Any such other individual shall be under the authority of the City Code Official and shall issue documentation regarding an inspection to the City Code Official for further action.

8. "Member" or "Board Member" means any person appointed by Charles Town City Council to serve a respective term limit on the Building Code Appeals Board.

9. "Presiding Officer" means any member of the BCAB designated to conduct and officiate the hearing.

Organization of the BCAB

The BCAB consists of five (5) members, with up to three alternates, appointed by the City of Charles Town City Council who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City.

The Board is comprised of West Virginia Registered Professional Architects, Engineers, and/or West Virginia Licensed General Building Contractors, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractors with superintendent level experience. The City Code Official shall be an ex-officio member but shall have no vote on any matter before the Board.

Any person directly affected by a decision of the Code Official or a notice or order issued under Article 1705 shall have the right to appeal to the BCAB, provided that a written application for appeal is timely filed. Any application for appeal shall be based on a claim that the true intent of Article 1705 has been incorrectly interpreted, the provisions of Article 1705 do not fully apply, or the requirements of Article 1705 are adequately satisfied by other means.

The Board shall annually select one of its members to serve as chairperson.

It shall be the duty of the Chairperson of the Board to preside over meetings of the Board and to generally act as a spokesman for the Board. The Chair shall also cause a complete record of Board actions and activities to be kept.

Vacancies: Vacancies within the Board shall be filled in the same manner as original appointments. All vacancies shall be posted for advertisement consistent with the publication and notification requirements of all City boards and committees.

Members of the Board may be removed by the Director of Community Development subject to the approval of the City Council or as otherwise provided by state law, for inefficiency, neglect of duty, or malfeasance in appointment.

Quorum/Postponed Hearing: In order to conduct a meeting or hearing, a quorum of the Board members must be present. A majority of the voting members of the Board shall constitute a quorum. No action of the Board shall be official unless authorized by a majority of the voting members present at the subject meeting or hearing.

Notwithstanding the foregoing, when five (5) members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing, but such request may only be made at the commencement of the hearing.

Meetings: The Board shall meet upon the notice from the chairperson within twenty (20) days of the filing of an appeal or at stated periodic meetings. At least three (3) business days prior to any meeting, the Board shall post notice of the meeting via the City's website and public notice of the meeting and make available an agenda describing all matters requiring official action of the Board; provided that, in the case of an emergency meeting called to address an unexpected event that requires immediate attention as permitted by Code, notice need not be posted three (3) business

days prior and the Board shall instead post notice of the emergency meeting as soon as practicable after it is called.

Notice of a meeting shall state the date, time, and place of the meeting, and, in the case of notice of a special meeting, the purpose of the meeting, and, in the case of notice of an emergency meeting, the facts and circumstances of the emergency.

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard. The Board may hold an executive session during any meeting consistent with the *Open Governmental Meetings Act*. Meetings may be held by telephone conference or other electronic means by which all person participating may hear and communicate with each other.

All Appeal withdrawals, continuances, or waiver requests must be submitted by application and submitted to the Building Official.

Records of the Board

The Board shall cause minutes of its own proceedings, records of its examinations, recommendations of applicants for the Board received by the Board, the Code Official, or City Council, and any other records of the Board's official acts to be kept as official records of the Board.

All such records, to include audio recordings, shall be kept and preserved by the Board for a period not less than three (3) years. With the exception of minutes of executive sessions, recommendations and renderings of the Board shall be open to public inspection.

The City Code Official, or his/her designee, shall be ex-officio Clerk of the Board and shall supply to the Board such clerical services as Minutes and stenographic services as may be required by the Board.

All hearings of the Board shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

All Board meetings shall be electronically recorded to help document and reflect the most accurate Minutes of the Board's official actions and decisions.

How to File an Appeal

1. Appeals can be filed by a building owner, the owner's agent or any person involved in the design, construction or maintenance of the building.

2. Submit a written application for appeal by mail or in person at:

Charles Town City Hall
101 E Washington Street Charles Town, WV 25414
Attention: Building Code Appeals Board
or mail:

3. All administrative appeals from actions of the City Code Official must be filed within **twenty (20) days** of service of notice, order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the State Building Code and Article 1705 where not inconsistent with this Section.

4. Submission of a $200 Appeal fee (refundable only if the BCAB rules in favor of appellant) is required at the time the application for appeal is submitted. Fee should be consistent with the Jefferson County Appeals Court fee.

Board Hearing Process

All appealed hearings shall be conducted before the BCAB. The Chair of the Board, at a hearing, shall be designated by the Board. In the absence of the Chair, the Chair may designate another member to conduct official meetings.

The date, time, and place of each hearing shall be determined by the BCAB or the Chair, and efforts to consider the schedules of those involved will be made. Regardless of circumstances, a Board hearing shall occur within twenty (20) days of receipt of the appeals application unless continuance to a later date is agreed by all parties concerned. The Board chairperson will coordinate the scheduling of all appeals within the parameters set forth in this document.

1. Unless otherwise specified in these Rules and Regulations, no Board hearing shall be conducted under these rules or otherwise unless the parties to the proceeding shall have been given written notice thereof at least five (5) days prior to the hearing. Written notice shall be given by (a) personal delivery to the subject party, or (b) deposit of the same in the United State Mail, postage paid, certified mail, addressed to the last known address of the subject party, and shall be considered when so given.

2. Each written notice of the hearing shall contain the date, time and place of the hearing and a short and plain statement of matters which are to be the subject of or asserted at the hearing.

3. The date, time and place of each Board hearing shall be determined by the Board or Chair.

4. Notice of the date, time, and place of the hearing shall be posted at City Hall.

5. All hearings of the Board are open to the public except as determined by means of Executive Action.

6. The Board will hear testimony and argument from the appellant, the Code Official, their representative(s) or any person whose interests may be affected by the matter on appeal.

7. At hearings held pursuant to these Rules and Regulations, any party may represent himself/herself or be represented by an attorney at law admitted to practice in the State of West Virginia.

8. The BCAB may continue a hearing at another time and/or date once such hearing has been started; however, the BCAB shall announce the date and hour of continuance of such hearing while in session. Furthermore, the Chair may call for a continuance if a quorum is not present for a hearing. The date and hour shall be agreed to by all parties and announced while in session.

9. The Board shall have prepared and preserved a written record of all testimony and evidence given at a hearing as contained within Board meeting minutes. The BCAB shall keep minutes of proceedings and have made and preserved for at least three (3) years an audio recording of all testimony and evidence given at a hearing.

10. The presiding officer at a hearing (the "Presiding Officer") shall be designated by the BCAB and may be the chairman of the BCAB, one of the members of the BCAB, or such other person as the BCAB may designate. The Presiding officer at every hearing may conduct generally the hearing, and in connection therewith:

    a. Administer oaths and affirmations;
    b. Rule on offers of proof and receive evidence;
    c. Dispose of procedural requests or other matters;
    d. Hold conferences for the settlement or simplification of the issues with the consent of the parties;
    e. Take any other action in connection with such hearing authorized by law; and
    f. Request the submission of proposed findings of fact, conclusions of law and orders and decisions. Such proposals, if submitted, shall be served upon all parties.

11. With regard to each of the duties and powers enumerated above, decisions by the Chair shall be subject to review by the Board.

12. The appellant and/or the appellant's representative should attend the meeting. Failure to show up at the hearing does not postpone or cancel the appeal.

13. Parties entitled to an evidentiary hearing may waive such right in writing, but unless all parties file timely waivers, a hearing will be conducted. Parties waiving such hearing need not appear. Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary presentation may submit such documents to the Presiding Officer for consideration by the BCAB. Waivers must be unequivocal and request the BCAB to decide the matter at issue on the pleadings and written record in the case, including any stipulations the parties might enter. When a hearing is waived, the written record in the case shall be submitted to the BCAB for decision.

14. Following completion of the proceedings provided for herein, the BCAB shall consider the testimony and arguments, deliberate, and render a written decision containing findings of fact and conclusions of law. No decision of the Code Official shall be reversed or modified except by concurring vote of a majority of the voting members of the BCAB.

15. In all cases, final orders and decisions, setting forth findings of fact and conclusions of law, shall be entered by the Board. In no case shall the Chair enter a final order or decision.

16. A certified copy of the decision of the BCAB will be furnished to the appellant and the Code Official. Once a decision has been made, unless further appealed, the appellant and Code Official must take immediate action in accordance with the BCAB's decision.

Appealing the Decision of the Board

1. The appellant may further appeal the decision of the BCAB by Writ of Certiorari to the Circuit Court of Jefferson County. All appeals to Circuit Court must be filed within thirty (30) days of the BCAB's decision.
2. Appeals from the Appeals Board to the Circuit Court shall be based on, and limited to, a claim that the true intent of Article 1705 and/or the State Building Code has been incorrectly interpreted, the provisions of Article 1705 and/or the State Building Code do not fully apply, or the requirements of Article 1705 and/or State Building Code are adequately satisfied by other means.
3. All requested Circuit Court appeals are held at the discretion of the Circuit Court of Jefferson County.

Jefferson County Circuit Court
119 North George Street
Charles Town, West Virginia 25414

4. The Code Official may appeal the Board's decision to the Circuit Court of Jefferson County.

Anti-Discrimination Provisions

No applicant for Board appointment or applicant filing an appeal shall be discriminated against on the basis of any class or characteristic protected by applicable law of the United States, the State of West Virginia, or the City of Charles Town, as such law may be amended from time to time, including, without limitation, *Article 154 – Equal Opportunity* of the Codified Ordinances of the City of Charles Town, which protected classes and characteristics include, without limitation, race, religion, color, national origin, ancestry, sex, age, blindness, disability, genetic information, familial status, veteran status, sexual orientation, gender identity, or religious or political opinions or affiliations. [§8-14-18]

The foregoing Rules and Regulations of the Building Code Appeals Board of the City of Charles Town, West Virginia were duly prescribed by the Building Code Appeals Board of the City of Charles Town, West Virginia by action of the Members at a meeting duly called and legally held on the 29 day of July 2024.

Chair of BCAB

Clerk, BCAB

The foregoing Rules and Regulations of the Building Code Appeals Board of the City of Charles Town, West Virginia were duly approved by the City Council of the City of Charles Town by resolution at a meeting duly called and legally held on the 5th day of August, 2024.

Charles Town City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-897: Huntfield Proffer Amendment 3 - signed

ATTACHMENTS:

- Huntfield Proffer Amendment 3 - signed.pdf

Huntfield List of Proffers

Proffer Amendment 3

Approval Date 8/19/24

Original Proffers: Jan 7, 2002

Resolution for Amendment of Proffers 1 - May 17, 2004

Proffer Amendment 2 - August 1, 2005

Proffer Amendment 3 – August 19, 2024

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 site 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

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

Huntfield List of Proffers

Proffer Amendment 3

Approval Date 8/19/24

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." (*While Neo-Traditional Development often features primarily rear loaded homes, the intent of this agreement is to allow front loaded homes in designated areas so long as the development, as a whole, is in keeping with Neo-Traditional design including, but not limited to, walkability, connectivity, mixed-houses, quality architecture and design, urban design, increased density, and open space.*) Note, this is not an all-inclusive or exhaustive list of the characteristics of neo-traditional style but is used to illustrate the larger development style. 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.

v. Community Pool and Associated Facilities:

iv) 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

Proffer Amendment 3

Approval Date 8/19/24

Proffer Amendment 3 Adopted by Council the 19th day of August, 2024

Robert M. Trainor
Mayor

John Nissel
City Manager/Clerk

Dan Ebersole
DR Acquisitions, LLC, Manager

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-909: Ordinance to Amend the Subdivision and Land Development Ordinance, Article 1332

ATTACHMENTS:

- 2024-002 Ordinance Modifying the Subdivision and Land Developmen Aricle 1332 for Public Comment.pdf

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.

First Reading: August 5, 2024

Public Hearing: August 19, 2024

Passed on Second Reading: August 19, 2024

Enacted this 19 day of August, 2024

CITY OF CHARLES TOWN

Robert M. Trainor
Mayor

Attest:

John Nissel
City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 09/03/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-910: Ordinance Changing Zoning District Boundaries

ATTACHMENTS:

- 2024-001 Ordinance Amending zoing map by rezoning 1.3 acres on Willow Spring Drive.pdf

CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE AMENDING, CHANGING, AND MODIFYING THE ZONING DISTRICT BOUNDARIES REFLECTED ON THE CITY'S ZONING MAP SO THAT A CERTAIN 1.306 ACRE, MORE OR LESS, TRACT OF LAND LOCATED ON MAPLE TREE DRIVE BE CLASSIFIED WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT, SUBJECT TO AND EFFECTIVE ONLY UPON THE OCCURRENCE OF BOTH: (i) THE IMPOSITION OF A CERTAIN RESTRICTIVE COVENANT UPON SUCH TRACT BY A DULY EXECUTED, ACKNOWLEDGED, AND RECORDED DEED; AND (ii) THE CITY PLANNING COMMISSION'S FINAL APPROVAL OF A LAND DEVELOPMENT PLAN AND/OR PLAT FOR DEVELOPMENT OF SUCH TRACT.

WHEREAS, First Charles Town Group, Inc. (the "Owner") is the owner of a certain tract of land containing 1.306 acres, more or less, located on Maple Tree Drive, in Charles Town Corporation District, Jefferson County, West Virginia, as shown and described by metes and bounds as Lot 2 on that Final Plat showing Lots 1-3 & 4 (Residue), Willow Spring Commercial Subdivision prepared by Dewberry/Appalachian Survey, dated February 2003, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 20, pages 92-92C (the "Subject Parcel");

WHEREAS, Tri-State Improvements, LLC (the "Applicant") intends to purchase the Subject Parcel from the Owner for the purposes of developing thereon a multi-use structure with commercial units on the ground floor and residential apartments on the second and third floors;

WHEREAS, the Subject Parcel is currently classified in the General Commercial (GC) District, in which residential uses are not permitted;

WHEREAS, the Applicant has requested amendment of the City's Zoning Map so that the Subject Parcel is instead classified in the Neighborhood Commercial (NC) District, in which residential uses are permitted by right;

WHEREAS, pursuant to Sections 1321.12(A) and 1321.12(D) of the City's Zoning Ordinance, the City Planning Commission, after conducting a public hearing on the matter, advised that the requested amendment is in conformance and consistent with the City's Comprehensive Plan and recommended amendment of the City's Zoning Map as requested, subject to City Council placing conditions on the amounts of commercial and residential space permitted upon the Subject Parcel;

WHEREAS, both the City Planning Commission and City Council expressed concerns that the requested amendment would (i) permit, by right, residential uses upon the Subject Parcel beyond the intended use for residential apartments and (ii) not require use of a portion of the Subject Parcel for commercial uses, which circumstances could result in outcomes inconsistent with the nature of neighboring parcels and otherwise inappropriate;

WHEREAS, to address such concerns, the Applicant proposed to place a restrictive covenant upon the Subject Parcel to limit any residential use of the Subject Parcel to residential apartments on floors above the ground floor of any structure and prohibit any other residential use of the Subject Parcel; and

WHEREAS, the Applicant presented to City Council at its regular meeting held on July 15, 2024, a draft deed from the Owner to the Applicant containing the proposed restrictive covenant (the "Sample Deed");

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 July 15, 2024;

FURTHER FINDS AND DECLARES, that the requested amendment is consistent with the City's Comprehensive Plan provided that use of the Subject Parcel is restricted by a duly recorded restrictive covenant as proposed by the Applicant;

FURTHER FINDS AND DECLARES, that the Sample Deed contains a restrictive covenant that restricts use of the Subject Parcel as necessary for the requested amendment to be consistent with the City's Comprehensive Plan; and

FURTHER FINDS AND DECLARES, that the proposed amendment will benefit and promote the general welfare of the public by adding to the stock of available apartments within the City, as well as providing commercial space;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the Zoning District boundaries reflected on the City's Zoning Map be amended, changed, and modified so that the Subject Parcel described above be classified within the Neighborhood Commercial (NC) district, and not within the General Commercial (GC) District, SUBJECT TO and EFFECTIVE ONLY UPON the occurrence of both: (i) the due execution, acknowledgment, and recordation of a deed in form and content identical to the Sample Deed, subject only to completion of dates therein and execution and acknowledgment thereof; and (ii) the City Planning Commission's final approval of a land development plan and/or plat for development of the Subject Parcel; and

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that, because the amendment, change, and modification of the City's Zoning Map provided for herein shall not be in force or effect unless and until both of items (i) and (ii) in the preceding paragraph have occurred, the Applicant shall be responsible for bringing to the attention of City Council that both of such items have occurred promptly after that is the case, and City Council shall, after

confirming the occurrence of both of such items to its satisfaction, then adopt a resolution acknowledging the occurrence of such items and that the amendment, change, and modification of the City's Zoning Map provided for herein is then in force and effect.

This Ordinance shall take effect upon enactment.

First Reading: July 15, 2024

Public Hearing: July 15, 2024

Passed on Second Reading: August 5, 2024

Enacted this 5 day of August, 2024

CITY OF CHARLES TOWN

Robert M. Trainor
Mayor

Attest:

John Nissel
City Clerk