CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • JUNE 1, 2026

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

: **2026-1540:** City Council Workshop Minutes - May 18, 2026
City Council Workshop Minutes - May 18, 2026.pdf

: **2026-1524:** City Council Meeting Minutes - May 18, 2026
City Council Meeting Minutes - May 18, 2026.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

: **2026-1525:** Mayor's Report - June 1, 2026

6. COMMITTEE REPORTS

: **2026-1526:** Personnel Committee Report - May 19, 2026
Personnel Committee Report May 2026.pdf

: **2026-1527:** Ordinance Committee Report - May 28, 2026

7. CITY MANAGER REPORT

: **2026-1528:** City Manager's Report - June 1, 2026
CMR 01 June 2026.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2026-1529:** Public Hearing for Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seventeen Building and Housing Code, Chapter Three Local Provisions, Article 1759 Vacant Buildings

: **2026-1530:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seventeen Building and Housing Code, Chapter Three Local Provisions, Article 1759 Vacant Buildings
1759 Final Redline Council.pdf
1759 Final Clean Council.pdf

1759 Council Revisions After First Reading.pdf

: **2026-1531:** Introduction of New Charles Town Utility Board (CTUB) Manager Paul Mantello

10. NEW BUSINESS

: **2026-1532:** A Resolution Supporting the Bridges and Safety Infrastructure for Community Success (BASICS) Act, H.R. 7437
Transportation Bill - NLC-Template-Letter-in-Support-of-BASICS-Act-2.25.26-.pdf
Transportation Bill article.pdf
Bill-Text-BASICS-Act Transporation.pdf

: **2026-1533:** Public Safety Concern/Public Demonstration Discussion

: **2026-1537:** FY2027 Capital Budget
FY2027 Capital Budget.pdf

: **2026-1542:** Schedule TIF Workshop

: **2026-1545:** FY26 Capital Budget Revision #10
Capital Budget 10th Revision.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2026-1519:** TXA2026-01: Text Amendment to Amend Permitted Uses in the Old Town Mixed-Use Commercial Zoning District - For Referral to the Planning Commission
1. Staff Report.pdf

: **2026-1543:** Article 136 Rental Dwelling Units - Referral to Ordinance Committee
2025-005 - Article 136 Rental Dwelling Units.pdf
Article_136_Rental_Dwelling_Units_2026_edit_CE2 (1).pdf

12. APPROVAL OF BILLS

: **2026-1541:** Payment of Bills - June 1, 2026
GEN FUND COUNCIL REPORT 2026-06-01.pdf
PARKS N REC COUNCIL REPORT 2026-06-01.pdf
CAPITAL RESERVE COUNCIL REPORT 2026-06-01.pdf
COAL SEVERANCE COUNCIL REPORT 2026-06-01.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING, Monday, June 15, 2026, at 7:00PM

: **2026-1534:** Public Comment Letters and Emails
master_community_testimony_complete.pdf
Additional testimony.pdf
Public Comment Email.pdf
Email Comment.pdf
Email Comment 2.pdf
Email Comment 3.pdf
Email Comment 4.pdf
Letter to Charles Town Council_May 18 2026.pdf

: **2026-1535:** Charles Town Utility Board Meeting Minutes - April 29, 2026
2026.04.29 UB MINUTES.pdf

: **2026-1536:** Council Select Committee on the Revised Conditions of Annexation for Langlet Property
Committee - Langlet.pdf

: **2026-1539:** Public Comment Letters to the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) on the Unified Work Plan and the Transportation Improvement Plan (TIP)
City of Charles Town comments to HEPMPO on UPWP.pdf
City of Charles Town - comments to HEPMPO on TIP.pdf

: **2026-1550:** Board of Parks and Recreation Meeting Minutes - April 9, 2026, and April 16, 2026
Minutes Report 4-9-26.pdf
Special meeting minutes report.pdf

15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas_minutes.php

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1540: City Council Workshop Minutes - May 18, 2026

ATTACHMENTS:

- City Council Workshop Minutes - May 18, 2026.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • May 18, 2026

Workshop **Council Chambers** **5:30 PM**

101 East Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Micheal George	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Nate Hartman	Councilmember	Present	
Alden Roth	Councilmember	Present	
Julie Smith	Councilmember	Present	
Andie Sugrue	Councilmember	Present	

Mr. Brent Manuel, City Manager; Ms. Alissa Meeks, Assistant City Manager; Ms. Lori Nice, Finance Director; Ms. Liz Cook, Business Development/Downtown Coordinator; Mr. Jim Wysong, Maintenance Director; and Chief Chris Kutcher, Charles Town Police Department (CTPD) were also in attendance.

2. WORK SESSION

2026-1493: Capital Improvement Plan (CIP) Discussion

The council reviewed the CIP plan. A Strategic Retreat was scheduled for August 1, 2026, from 10:00AM-1:00PM.

3. ADJOURNMENT

Mayor George asked if there was any other business to come before the council. Hearing none he adjourned the meeting.

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DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1524: City Council Meeting Minutes - May 18, 2026

ATTACHMENTS:

- City Council Meeting Minutes - May 18, 2026.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • May 18, 2026

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

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Title	Status	Arrived
Micheal George	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Nate Hartman	Councilmember	Present	
Alden Roth	Councilmember	Present	
Julie Smith	Councilmember	Present	
Andie Sugrue	Councilmember	Present	

Mr. Brent Manuel, City Manager; Ms. Alissa Meeks, Assistant City Manager; Ms. Stephanie Grove, City Attorney (Executive Session); Ms. Lori Nice, Finance Director; Ms. Liz Cook, Business Development/Downtown Coordinator; 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

2026-1495: City Council Meeting Minutes - May 4, 2026

The following change was made to the May 4, 2026, council meeting minutes:

Packet page 6, Agenda Item 2026-1436: Charles Town Tree Board Budget: "**and to establish a single point of contact within city hall**" was added to the paragraph after the vote to read "**It was agreed that a policy will be developed by city staff to streamline the process for the Tree Board to request money and to establish a single point of contact within city hall.**"

3. PUBLIC COMMENT

Twelve people signed up for public comment. All comments were concerning the "street preacher" that stands on the corners of Washington and George Street and how he aggressively interacts with people walking by.

4. WARD REPORTS

Ward 1

Mr. Kratovil stated that the city attorney should look into how other cities in WV deal with the issues that Charles Town is having with the street preacher.

DRAFT

Ms. Ricketts reported that there were two accidents in Charles Town; one at the railway crossing on N. Lawrence Street and one on the Adam Link Bridge. The Zoning Rewrite Committee is meeting on Tuesday, May 19, 2026, and the Parks and Recreation Committee will be holding a special meeting on Thursday, May 21, 2026, to develop a formal statement about the Charles Town Memorial pool. On June 1, 2026, there will be a pride parade in Shepherdstown at 6:00PM that she will be attending.

Ward 2

Mr. Hynes stated that the ordinances need to be used to stop the harassment from the street preacher, but he also sees a lot of good people moving to Charles Town.

Mr. Tester stated that he has had unpleasant interactions with the street preacher. He encouraged the public to file reports with the police department if they are harassed by him.

Ward 3

Mr. Hartman stated that his family and neighbor had an unpleasant interaction with the "street preacher" as they were walking to HomeSpun and hopefully they can come up with a solution before it turns violent.

Mr. Roth stated that he would like to see the City use the ordinances that are on the books to fix the situation with the street preacher.

Ward 4

Ms. Smith agreed with all the public comment speakers and feels that something needs to be done because it is now affecting the downtown area.

Ms. Sugrue thanked everyone who came to the meeting and gave public comment. She stated she would like to see the council come up with a solution as soon as possible.

5. MAYOR'S REPORT

2026-1496: Mayor's Report - May 18, 2026

Mayor George reported the following:

- He attended the special "Walks About Nothing" on Tuesday, May 12, 2026.
- He met with the WV Department of Transportation about grants for the WV 9 bike path.
- He attended the Farmer's Market, Earth Grounds Festival, and Succulent Garden's Plant Bingo on Saturday, May 16, 2026.
- He will not have phone or internet access from May 21st to May 29, 2026.
- He has met with Chief Kutcher and Ms. Grove on the issues with Brother Henry.

6. COMMITTEE REPORTS

2026-1497: Finance Committee Report - May 13, 2026

Mr. Hynes gave an oral Finance Committee report.

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2026-1498: Charles Town Board of Parks and Recreation Commission Report - May 14, 2026

Ms. Ricketts gave an oral Parks and Recreation Commission report.

7. CITY MANAGER REPORT

2026-1499: City Manager's Report - May 18, 2026

Mr. Manuel reviewed the City Manager's report.

8. POLICE CHIEF REPORT

Chief Kutcher reported the following:

- There was a direct traffic enforcement on Route 340, William L. Wilson Freeway between Marlowe Road and the John Adam Link Bridge on May 11, 2026, with over 60 traffic stops.
- There were four crashes within the city on May 18, 2026, including a vehicle and train.
- The departments 2007 Jeep Cherokee, which is used in the parking division, needs $9,000 in repairs to get it back on the road. Chief Kutcher recommended disposing of it by sending it to auction and the council agreed.

9. UNFINISHED BUSINESS

2026-1500: A Letter Expressing Challenges with the Current WV School Funding Formula and the Impacts to the Eastern Panhandle

Ms. Sugrue moved to approve the letter with the suggested edits. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Andie Sugrue
SECONDER:	Jeff Hynes
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

2026-1501: Draft Public Comment Letters to the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) on the Unified Work Plan and the Transportation Improvement Plan (TIP)

Mr. Tester moved to approve the public comment letters with the suggested edits. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kevin Tester
SECONDER:	Jeff Hynes
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

10. NEW BUSINESS

2026-1504: Depot Land Committee Appointment

No action was taken on this agenda item.

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2026-1505: Continuation of Capital Improvement Project (CIP) Discussion

No action was taken on this agenda item.

2026-1507: Discussion of Moving/Canceling August 3rd Meeting

Ms. Ricketts moved to cancel the August 3, 2026, council meeting. Mr. Hynes seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Elizabeth Ricketts
SECONDER:	Jeff Hynes
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

2026-1506: Ward Washington Law Firm Retainer/Request Waiver of Potential Conflict in Annexation Matter - Possible Executive Session

Mr. Hynes moved to enter into Executive Session. Hearing no objections Mayor George declared the council in Executive Session to discuss client attorney privilege.

Mayor George declared the council out of Executive Session.

Ms. Ricketts moved to direct staff to negotiate a retainer and approve the Ward Washington Law Firm waiver with discussed edits for their conflict of interest between the Perry family and the City of Charles Town. Mr. Hartman seconded the motion. It passed by a 7-2 vote.

RESULT:	**APPROVED [7-2]**
MOVER:	Elizabeth Ricketts
SECONDER:	Nathanael Hartman
AYES:	George, Kratovil, Ricketts, Hartman, Roth, Smith, Sugrue
NAYS:	Hynes, Tester

2026-1510: Introduction of New Charles Town Utility Board (CTUB) Manager Paul Mantello

Mr. Mantello was not able to attend the meeting and will be placed on the next council meeting agenda.

2026-1512: Creation of Committee for Langlet Properties Conditions of Annexation Revision

Mr. Hynes moved to create a committee for Langlet Properties Conditions of Annexation Revision to include Mayor George, Mr. Hynes as the Planning Commission representative, and Ms. Smith and Ms. Sugrue as representatives of Ward 4. Ms. Ricketts seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jeff Hynes
SECONDER:	Elizabeth Ricketts
AYES:	George, Kratovil, Ricketts, Hynes, Tester, Hartman, Roth, Smith, Sugrue

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11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees/commissions.

12. APPROVAL OF BILLS

2026-1502: Payment of Bills - May 18, 2026

Mr. Kratovil moved to approve the bills. Hearing no objections Mayor George approved the bills for payment.

13. ADJOURNMENT

Mayor George asked if there was any other business to come before the council. Hearing none, he adjourned the meeting.

14. INFORMATION ONLY - NEXT MEETING, Monday, June 1, 2026, at 7:00PM

2026-1503: HEPMPO Public Comment Letter - Long Range Plan

2026-1511: HEPMPO Comment Letter - WV 9 Bike Path Connectivity Plan

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DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1525: Mayor's Report - June 1, 2026

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1526: Personnel Committee Report - May 19, 2026

ATTACHMENTS:

- Personnel Committee Report May 2026.pdf

City of Charles Town
Personnel Committee Report

May 19, 2026, Meeting

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1. **CALL TO ORDER**

   Meeting was called to order at 5:01 pm. Persons present: Councilmember Andie Sugrue, Councilmember Kevin Tester, Councilmember Jim Kratovil and City Manager Brent Manuel

2. **UNFINISHED BUSINESS**

   2026-1508: Total Compensation Study Update – 90% Health Benefit Increase

   Personnel Committee voted unanimously to approve the increase to 90% coverage and to refer this to Finance Committee for further evaluation

3. **NEW BUSINESS**

   2026-1509: City Manager's Annual Performance Evaluation Plan

   The Personnel Committee agreed to collaborate on developing self-evaluation questions for Mr. Manuel. Once Mr. Manuel has completed his portion of the evaluation, the Personnel Committee will review his responses and provide both the completed evaluation and their feedback to Council. Council will then conduct its review and provide additional feedback by the end of June.

4. **ADJOURNMENT**

5. **Next regularly scheduled Personnel Committee meeting is June 8, 2026, at 5:00pm.**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1527: Ordinance Committee Report - May 28, 2026

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1528: City Manager's Report - June 1, 2026

ATTACHMENTS:

- CMR 01 June 2026.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

Memorandum to Mayor and City Council

From: Brent T. Manuel, City Manager
Subject: City Manager's Report
Date: 01 June 2026

Administration:

- Meeting with attorney on Rouss Hall lease.
- Participation Personnel Committee meeting.
- Attendance at HIP After Six on George Street.
- Participation in Bond Committee meeting.
- Progress and walkthrough for Liberty Street SWM project, with milling and paving work on Friday and planting and street striping this week.
- Participation in CTUB regular meeting
    - Request for water and sewer service for Hite Road Park
    - Class and Compensation Study
    - Various pay applications, lease amendments, and review of inspection services
    - Various legal updates
- Finalizing review of responses to the Operations Director advertisement with the scheduling of interviews to follow.
- Various other human resource functions, permissions, etc.
- Communications with PayPoint HR on classification and compensation study
- Communication with Rachel Miller at Region 9 on the city's proxy request.
- Review of various documents relating to a potential future annexation into the city limits.
- In receipt of two FOIA requests.
- Communications with PEIA and certified as benefit coordinator for the city.
- Registration for HUD meeting on local growth and housing affordability.
- City Hall lobby hosted a 1st Amendment Auditor on 22 May 2026.
- Review of documents for Opportunity Zone 2.0.
- Communications with county administration on various matters.

Community Development:

- Firehouse Grand Reopening Saturday June 6th at 10am

- Prismatic Art Studio Ribbon Cutting June 20th 10am
- **WV Fest June 13th 10-5. Opening of Festival at 10am. Todd Coyle Dedication at 1pm**
- Based on the design committee's scoring results, Kimley-Horn was selected as the firm to design and engineer Charles Street.
- The long-range planner position will be readvertised.
- Community Development Division staff meeting was held 5/21.
- Alpha Engineers has Phase 3 of the Augustine Avenue Trail at 30% completion. Staff continues to work with property owners with RoW impacts.
- Staff will be coordinating with HEPMO, AMT, and DOT to host a formal City Council presentation on the final recommendations for the Martin Luther King Boulevard/West Washington Street corridor intersection/streetscape selection. Council date TBD.

Finance:

- Attended the Pension Board Meeting. Hoxton Planning & Management presented their annual report. The Board approved the FY 2027 COLA increase.
- Finance sent out FY2027 Business License Renewals.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1529: Public Hearing for Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seventeen Building and Housing Code, Chapter Three Local Provisions, Article 1759 Vacant Buildings

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1530: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part Seventeen Building and Housing Code, Chapter Three Local Provisions, Article 1759 Vacant Buildings

ATTACHMENTS:

- 1759 Final Redline Council.pdf
- 1759 Final Clean Council.pdf
- 1759 Council Revisions After First Reading.pdf

ARTICLE 1759
Vacant Buildings

1759.01 Purpose and scope.

(1) 1759.02 Definitions.

1759.03 Registration of vacant buildings; enforcement.

1759.04 Maintenance of vacant buildings.

1759.05 Appeals.

1759.06 Schedule of registry fees.

1759.07 Severability.

1759.08 Transition provisions.

1759.01 PURPOSE AND SCOPE.

(a) This Article is enacted pursuant to W. V. Code Chapter 8, Article 12, Section 16c for the purpose of ensuring that each Vacant Building in the City is properly monitored and maintained so as to provide for public health, safety, and welfare, ~~including being safe for entry by police officers, fire fighters, and other emergency personnel in times of emergency.~~ This article provides for registration and inspection of Vacant Buildings.

~~(a)~~(b) The City finds and determines that vacant structures within the City can create dangerous conditions when left unmonitored and contribute to additional expenditures of public funds due to responses to complaints occurring at such properties, inspection of such properties in response to service calls and to ensure safety of entrants including building officials; fire protection officers; and law enforcement officers; and that a regular program of registration, inspection, and monitoring of vacant structures is essential to limit harm and expense to the public from such vacant structures.

(c) The City estimates its annual costs of administering a registration program for vacant structures, excluding inspections, at $100.00 per structure due to staff time involved in processing and reviewing applications and addressing property owner questions

(d) The City estimates that its annual cost of monitoring property that is not well-maintained exceeds the cost associated with well-maintained or occupied structures due to increased dangers to entrants, increased need to issue notices of violation or citations to address issues at the property, increased likelihood of the need to obtain entry and inspection of the property, increased likelihood of the need to take direct action at the expense of public funds to correct dangerous conditions at the property or to demolish the structure if it cannot be rehabilitated, and that such costs increase each year the structure remains vacant and unmaintained or poorly maintained.

(e) It is the intent of this article that, through a registration, inspection, and monitoring process, and other improved public safety efforts, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding properties, and will not otherwise present a public hazard.

(f) It is the city's further intent for the provisions of this article to streamline and consolidate the existing procedure (that is, complaint, research, notification, inspection, orders, fines, liens, appeals and lien enforcement) by placing the responsibility to register and maintain a vacant structure on the owner of a building before a condition of the building falls into disrepair or otherwise necessarily warrants a complaint.

~~(Ord. 2024-004. Passed 5-6-24.)~~

1759.02 DEFINITIONS.

When used in this article, the following capitalized words and phrases shall have the meanings indicated:

(a) "Alternative Means of Service" means, when service of notice or process under this Article is required to be made by Certified Mail but cannot be obtained, service of the notice or process by all of the following: (i) regular U.S. mail addressed as specified in subsections (i) or (ii) of the definition of Certified Mail; (ii) publication as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2); and (iii) posting on the front door or other conspicuous location on the subject Building. Service of notice or process by Alternative Means of Service shall be deemed made on the third (3rd) day following the earliest date on which such mailing, publishing, and posting have all occurred.

(b) "Building" means a structure having a roof supported by walls or columns that stands more or less permanently in one place and is utilized or intended for the shelter, housing, or enclosure of persons, animals, or personal property.

(c) "Building Code" means, collectively, the West Virginia State Fire Code, as adopted by the City under Article 1511 of the Codified Ordinances, and the West Virginia State Building Code, as adopted and amended by the City under Article 1705 of the Codified Ordinances.

(d) "Certified Mail" means U.S. certified mail, return receipt requested, addressed to: (i) in all cases except where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and last known address of the Owner according to the records of the Jefferson County Tax Office; and (ii) in the case where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and address of the designated Local Agent. Service of notice or process by Certified Mail shall be deemed made upon delivery, as evidenced by the return receipt.

(e) "Commercial Building" means Any structure used or intended to be used in whole or in part for purposes other than residential purposes on which the property user or employees are engaged in work for which it is intended that compensation be received for goods or services. Examples include, but are not limited to, offices, retail shops, restaurants, service establishments, wholesales, warehousing, and production of goods. In order to be a commercial building for the purposes of this ordinance, the business use or activity must be at a scale greater than a home occupation. In the event of any discrepancy concerning a building's particular use, the zoning classification and zoning certificate shall determine the building's classification.

(f) "Non-resident Owner" means an Owner of a Vacant Building whose legal residence is outside the State of West Virginia.

(g) "Occupied" means any building or structure in which one or more persons conduct business in compliance with all applicable laws and regulations, or using the building as their residence on a permanent, non-transient basis, or a combination of these. For purposes of this article, evidence evaluated For purposes of this article, evidence evaluated to prove that a building is occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid City business license, and/or the most recent, federal, state or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bona fide pre-rental inspection, pursuant to Article 136 of the City of Charles Town's Codified Ordinances. No portion of this definition shall exempt a building from the registration, fee, or other requirements of this article when it meets the definition of a *Vacant building.*

(h) "Owner" means a person who individually or jointly with others:

(1) Has legal title to the property, with or without actual possession of the property;

(2) Has charge, care or control of the property as owner or agent of the owner;

(3) Is an executor, administrator, trustee, or guardian of the estate of the owner;

(4) Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or

(5) Is entitled to control or direct the management or disposition of the property.

(i) "Staff" means the ~~Vacant Buildings Official~~ City's Code Official and any of his or her staff or other City employees to which the ~~Vacant~~ Code ~~Buildings~~ Official delegates duties.

(j) "Vacant Building" means any ~~residential Building that has not been occupied lawfully as a residence, or any non-residential Building that has not been occupied lawfully for its ordinary expected use, during the immediately preceding six (6) consecutive months or, in the case of seasonal Buildings, such as vacation homes, one (1) year.~~ Any building on a parcel of real property that:

(1) Is unoccupied

(2) Is unsecured and occupied by one or more unauthorized persons; or

(3) Any unoccupied first floor commercial space in a mixed use building

~~(1)~~(4) Is without continuous utility service evidencing actual use of water, sewer, electric, and/or gas service to the building for a period exceeding 30 days for commercial buildings and exceeding 90 days for residential structures;

(5) Is a commercial building at which substantially all lawful business operations have ceased for at least 90 days. ~~(1) Occupancy will be determined by the status and use of the utilities, property condition, and similar factors, including, but not limited to, the following:~~

(5)

~~A. A Building shall not be considered occupied merely due to entry for purposes not consistent with its ordinary expected use.~~

~~B. A Building that is unsecured and occupied by one or more unauthorized persons shall not be considered occupied lawfully for purposes of the above definition.~~

~~(2)~~ (6) Notwithstanding anything to the contrary above, ~~the following shall not be considered a Vacant Building:~~ the term vacant building does not include any new building under construction with a valid building permit in which the work is proceeding on schedule with the appropriate inspection requests, and prior to the issuance of a certificate of occupancy for that building.

~~A. A new Building under construction while a building permit for the construction is issued, the work is proceeding on schedule with appropriate inspection requests, and the permit is unexpired.~~

~~(3)~~ When this Article refers to a Vacant Building with respect to filing a lien thereon, or registering the same in the Vacant Buildings Registry, or otherwise as the context requires, such reference shall include the real property upon which the Vacant Building is located.

(k) "Vacant Buildings Official" means the City Building Official designated under Article 1705 of the Codified Ordinances.

1759.03 REGISTRATION OF VACANT BUILDINGS~~; ENFORCEMENT.~~

(a) Registry. There shall be established and maintained a Vacant Buildings Registry, in which all Vacant Buildings in the City shall be registered.

(b) All owners of realty within the City that contains a vacant building shall register each vacant building with the City's Building Official or designee within 30 days after the building meets the definition of a vacant building and on each subsequent July 1 when a vacant building is present on the owner(s)' property.

(c) Registration is required no less than annually, and at the time the vacant building is registered, the registration form must meet all requirements of this article in order to be processed. The registration form shall require information from the registrant deemed necessary by the Building Official, Fire ~~Chief,~~ and City Police Chief ~~of the City~~, to ensure that the purpose of this article is met. The contents of the form shall enable City officers to determine the structural integrity of the building, any repairs necessary to ensure its structural integrity, that it will be safe for entry, and that the building and its contents do not present a hazard to the public. The above-named officers, or their designees, shall have the authority to issue orders to the owner or owner's local agent for corrective action deemed necessary. The Building Official ~~and Fire Chief~~ shall rely upon the West Virginia State Building Code and Fire Codes, as adopted by the City, as well as other applicable law, for guidance during any structural review. A building will remain on the vacant registry until it meets the definition of occupied.

(d) Registration statement and fees; local agent.

(1) A registration statement in the form prescribed by the City must be filed by the owner or owner's local agent for all vacant buildings. Registration and payment of fees does not exonerate the owner, agent or responsible party from penalties for failure to comply with any building, housing, or fire code requirement. One registration statement may be filed to include all vacant buildings of an owner, but a separate fee is assessed for each vacant building.

(2) The owner(s) of the property on which a vacant building exists at the time registration is required shall be responsible, jointly and severally, for payment of the non-refundable registration fee; provided, that the City may not collect any amount exceeding the total prescribed fee. The fee shall be due upon delivery of an invoice by the City, in the following amount for each vacant building:

(A) No fee for properties that are vacant for less than one year;

(B) One hundred dollars ~~per~~ for each year ~~for properties~~the property ~~that are~~ is vacant more than one year and ~~that~~ has~~ve~~ been inspected by the Building Official and determined to be in compliance with all applicable safety and property maintenance codes and to not to constitute a hazard to entrants or the surrounding area. The determination by the Building Official will consider exterior maintenance and major systems along with the vacant building and be made in their discretion and pursuant to applicable law, will be issued to a property owner in writing stating the date or dates for which the determination is valid, and is referred to in this article as a "compliance determination."

(C) After the first year, ~~F~~five hundred dollars per each year for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least one year but less than two years; and

~~(D) One thousand dollars for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least two years but less than three years;~~

~~(E) Two thousand dollars for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least three years but less than four years;~~

~~(F) Three thousand five hundred dollars for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least four years but less than five years; and~~

(D~~G~~) Four thousand dollars for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least five years, plus an additional $1,000.00 for each year in excess of five years.

(E~~H~~) For all vacant~~te~~ properties located in the business district as defined in the City of Charles Town Zoning Ordinance codified at Article 1321 of the City Code~~herein~~, the above fees shall be doubled.

(F) For purposes of this section, a year shall be measured from the date that Staff determines that the property is vacant and requires registration.

(3) If the owner of property on which a vacant building exists does not certify on the registration form that the owner is a resident of the state and capable of accepting service of process related to the vacant building, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the property owners and who shall be designated as a responsible local agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements related to the vacant building.

(e) Change In Ownership. A change in ownership of a vacant structure shall not remove the vacant structure from the vacant properties registry or from the requirements of this article. Fees arising under this article shall continue to accrue at the applicable rate until the structure either no longer constitutes a vacant structure or qualifies for an exemption, all transfers of ownership notwithstanding. All fees arising under this article shall run with the property and failure to pay such fees may result in the city filing a lien that attaches upon the property.

(f) Removal from Registry. In the event a Building in the Vacant Buildings Registry becomes lawfully occupied or is removed from the subject real property, the Owner of the Building is required to provide to the Vacant Buildings Official a written notice explaining the situation, together with evidence thereof (such as a copy of a lease of the property, photographs of demolition, etc.), and requesting removal of the Building from the Vacant Buildings Registry. Upon Staff's verification of lawful occupation or removal of the Building, the Building shall be removed from the Vacant Buildings Registry. In the event Staff is unable to verify lawful occupation or removal of the Building, the Vacant Buildings Official shall notify the Owner of the Building in writing by Certified Mail or Alternative Means that Staff has determined that it is unable to verify lawful occupation or removal of the Building and that the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry.

1709.04 ENFORCEMENT –

~~(b) Notice of Requirement to Register. Prior to the last day of April in each year, the Vacant Buildings Official shall cause a Notice of Requirement to Register to be published as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2) and mailed by regular U.S. mail to: the name and address of the Owner, as appearing in the Vacant Buildings Registry, of each Vacant Building then registered in such registry; and the name and last known address of the Owner, according to the records of the Jefferson County Tax Office, of each Building that Staff has determined to be, or reasonably suspects to be, a Vacant Building. The Notice of Requirement to Register shall provide notice that: (i) the Owner of any Vacant Building within the City is required to register that Vacant Building in the Vacant Buildings Registry by submission of a completed Vacant Building Registration no later than the first day of July in the subject year; (ii) upon the initial registration of a Vacant Building in such registry, or in the event of re-registration of a Vacant Building that previously was registered but later removed from the registry, payment of a registry fee in the specified applicable amount must accompany submission of the Vacant Building Registration; (iii) in the event that a Vacant Building Registration is not timely submitted with respect to a Building then or subsequently determined to be a Vacant Building pursuant to Section 1759.03(e), such Vacant Building shall be involuntary registered pursuant to Section 1759.03(e) and the Owner of the Vacant Building shall be charged a registry fee in the specified applicable amount whether or not the subject Vacant Building~~

~~is then registered in the Vacant Buildings Registry pursuant to registration in a prior year; (iv) if any applicable registry fee is not timely paid, the City may bring a civil action against the Owner to collect such registry fee and/or file a lien against the subject real property for the amount of such registry fee; and (v) a Non-resident Owner of a Vacant Building is required to designate a Local Agent to accept service of process and certain notices on behalf of the Non-Resident Owner. Publication of the Notice of Requirement to Register shall state where a person may obtain a blank Vacant Building Registration, and a blank Vacant Building Registration shall be sent with any mailed Notice of Requirement to Register.~~

~~(1) Neither the failure of the Vacant Buildings Official to mail a Notice of Requirement to Register to any Owner of a Vacant Building nor the non-receipt of a Notice of Requirement to Register by any Owner of a Vacant Building will relieve the Owner of the requirements under this Article.~~

~~(c) Non-resident Owners. Each Non-resident Owner is required to provide to the Vacant Buildings Official signed and notarized document designating the name and address of a person who resides within the State of West Virginia and who the Non-resident Owner authorizes to accept service of process and notices of fees due under this section on behalf of the Non-resident Owner and who is designated as the Non-resident Owner's responsible agent for the purposes of receipt of notification in the event of an emergency affecting the public health, safety, or welfare (a "Local Agent"). Once provided, such document shall remain in effect until cancelled in writing by the Owner; provided that, the Owner shall be responsible for notifying the Vacant Buildings Official of any changes in the name or address of a Local Agent. Failure to provide such document by July 1 of the first year following enactment of this Article in which a Non-resident Owner owns a Vacant Building is a violation of this Ordinance subject to the General Penalty fine specified in Section 101.99 of the Codified Ordinances. Any provision herein requiring notice to or service upon an Owner shall be satisfied by notice to or service upon the Owner's designated Local Agent.~~

~~(d) Voluntary Registration. By July 1 of each year, the Owner of any Vacant Building within the City is required to register the Vacant Building in the Vacant Building Registry by submitting a completed Vacant Building Registration to the Vacant Buildings Official. A Vacant Building Registration will not be considered effective unless and until any registry fees required under Section 1759.03(g) are received by the Vacant Buildings Official.~~

~~(e) Involuntary Registration. Staff shall investigate any Building that is suspected to be a Vacant Building and determine whether it shall be considered a Vacant Building. Upon Staff's determination that a Building is a Vacant Building, Staff shall: (i) set forth in a written statement its findings supporting the determination; (ii) place the Owner of such Vacant Building on the list of persons to receive Notice of Requirement to Register pursuant to Section 1759.03(b); (iii) notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of Staff's determination that the Building is a Vacant Building that the Owner must register in the City's Vacant Buildings Registry by submission of a completed Vacant Building Registration by the following July 1, after which the City will involuntarily register the Vacant Building, with all applicable fees due; and (iv)~~

in the event the Owner fails to register the Vacant Building by timely submitting a completed Vacant Building Registration, involuntarily register the Vacant Building in the Vacant Building Registry and assess against the Owner any registry fees required under Section 1759.03(g) whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to voluntary or involuntary registration in a prior year.

(e) Exemption from Registration. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from registration of such Vacant Building in the Vacant Buildings Registry due to inability to occupy the Building for a period stated determinate period of time and for reasons stated in the request.,stating the reasons and time period for which the building cannot be occupied. Upon a finding of good cause shown, City Council may exempt the Building from registration for a time specified in City Council's decision. Examples of circumstances when good cause for an exemption may exist include when the Vacant Building is being actively marketed for sale following the Owner's move to other property, or when the Vacant Building is being offered for lease following a prior tenant's vacation of the property, or when the property is actively moving through the probate process. Any request for exemption must be submitted within 30 days of the date the Owner is notified that a Vacant Building must be registered or the date annual registration fee is due to be paid pursuant to the provisions of this Article. An owner may only seek an exemption a maximum of

(g) Registry Fees.

(1) The voluntary registry fee set forth in Section 1759.06(a) for the applicable type of Building shall be assessed to the Owner of a Vacant Building upon its initial voluntary registration by the Owner and also in the instance that the Vacant Building is voluntarily re-registered in the Vacant Buildings Registry after previously having been registered and later removed from such registry. Thereafter, the voluntary registry fee shall not be further assessed for so long as the Owner continues to voluntarily register the Vacant Building annually. The voluntary registry fee shall be submitted with the Owner's submission of the Vacant Building Registration by which the Vacant Building is first registered (or first re-registered in the case of a prior registration and removal from the registry) and due at that time.

(2) The involuntary registry fee set forth in Section 1759.06(b) for the applicable type of Building shall be assessed to the Owner of a Vacant Building in each year that it is involuntarily registered pursuant to Section 1759.03(e). In addition to the involuntary registry fee, the Owner shall reimburse the City for all its costs incurred in notifying the Owner of Staff's determination of Vacant Building status and of the registry fee due. The Owner shall be notified in writing of the involuntary registry fee due, together with all costs reimbursable to the City hereunder, by Certified Mail or Alternative Means of Service, which amounts are due when service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(a3) The City may take the following actions in order to collect any registry fees and costs reimbursable to the City that are not paid in full within thirty (30) days of when due:

~~(1) A.~~ After providing the Owner the notice specified below, file in the Office of the Clerk of the County Commission of Jefferson County a lien against the Vacant Building for the full amount of the delinquent registry fees and reimbursable costs, plus filing fees. Prior to filing such lien, the Vacant Buildings Official shall notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service that the City may file said lien unless all delinquent amounts are paid by a date stated in the notice, which stated date shall be no less than thirty (30) days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(1)

~~(2) B.~~ Institute a civil action in the Circuit Court of Jefferson County against the Owner for the delinquent registry fees, reimbursable costs, and reasonable attorney fees and court costs incurred relative to the civil action.

(2)

~~(b) (4)~~ A registry fee paid shall be refunded if, on timely appeal, Staff's determination requiring registration as a Vacant Building is reversed.

~~(c)f)~~ Publication. The city may, from time to time and in its reasonable discretion, publish or disclose certain information contained in the vacant property registry, including, but not limited to:

(1) General demographic information about vacant structures registered on the vacant property registry;

(2) The address of vacant structures on the vacant property registry;

(3) The owners of each vacant structure;

(4) The amount of time any vacant structure has been on the vacant property registry; and

(5) The amount of any delinquent fees due under this article, or otherwise due city (e.g. refuse or fire fees) for any vacant structure.

~~(g) A change in ownership of a vacant structure shall not remove the vacant structure from the vacant properties registry or from the requirements of this article. Fees arising under this article shall continue to accrue at the applicable rate until the structure either no longer constitutes a vacant structure or qualifies for an exemption, all transfers of ownership notwithstanding. All fees arising under this article shall run with the property and failure to pay such fees may result in the city filing a lien that attaches upon the property.~~

~~(h) Removal from Registry. In the event a Building in the Vacant Buildings Registry becomes lawfully occupied or is removed from the subject real property, the Owner of the Building is required to provide to the Vacant Buildings Official a written notice explaining the situation, together with evidence thereof (such as a copy of a lease of the property, photographs of demolition, etc.), and requesting removal of the Building from the Vacant Buildings Registry. Upon Staff's verification of lawful occupation or removal of the Building, the Building shall be removed from the Vacant Buildings Registry. In the event Staff is unable to verify lawful occupation or removal of the Building, the Vacant Buildings Official shall notify the Owner of the Building in writing by Certified Mail or Alternative Means that Staff has determined that it is unable to verify lawful occupation or removal of the Building and that the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry.~~

~~(Ord. 2024-004. Passed 5-6-24.)~~

1759.05~~4~~ MAINTENANCE OF VACANT BUILDINGS.

(a) Required Maintenance. The Owner of a Vacant Building is required to maintain the Vacant Building in accordance with all applicable provisions of the Building Code and so as not to constitute a public nuisance prohibited by Article 1101 of the Codified Ordinances.

(b) Enforcement. In the event an Owner fails to maintain a Vacant Building as required by Section 1759.04(a) as determined by the Vacant Buildings Official, the Vacant Buildings Official may notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of such determination and the specifics of the identified failure and that the City may elect to take specified actions, which may include repairs, maintenance, and/or demolition, at the Owner's cost to bring the Vacant Building into compliance with the Building Code and/or eliminate the public nuisance, as the case may be, if the Owner does not take and complete the specified actions within a specified number of days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, which number of days shall be determined by the Vacant Buildings Official considering the urgency for the action in light of the potential harm to public health, safety, and welfare due to the condition of the Vacant Building. If the Owner fails to take and complete the specified actions within the number of days specified in such notice, the City may, in its discretion and notwithstanding any provision of Article 1101 or Article 1705 of the Codified Ordinances to the contrary, thereafter take such actions and the Owner shall be responsible for the costs of such actions, as well as all related legal and administrative costs incurred by the City. The City may bring a civil action against the Owner to collect all such costs.

(c) Alternative Enforcement. Nothing in this Section 1759.05~~4~~ shall be considered to affect or limit the City's authority or actions to enforce any other provisions of the Codified Ordinances pertaining to a Vacant Building or its condition, including without limitation provisions of Articles 1101 and 1705.

1759.06~~5~~ RIGHT OF APPEAL; WAIVERS~~APPEALS~~.

(a) Appeal. A property owner may challenge any determination made as to the property owner's vacant building or vacant property pursuant to this article by filing an administrative appeal with the City Council on forms to be prescribed by the City.

The appeal must be filed within ten days of delivery of notice of the determination challenged and shall describe with particularity all objections thereto. The burden of proof shall be on the property owner to show objective proof of occupancy as defined in this article specifically~~.~~ that the determination was incorrect and contrary to law, in whole or in part. The City Council or its designee shall review the appeal and provide for any necessary hearing, which will be conducted in conformance with the Section 7 of the Waiver Procedures adopted pursuant to this ordinance. The Council shall~~,~~ render a decision on the appeal and notify the property owner within 30 days of the hearing of such decision in writing. During the pendency of the administrative appeal, any time period given to the property owner to take corrective action shall be tolled, and the City shall not take any action to enforce the determination subject of the appeal except to address an emergency condition presenting an imminent danger to the life, health, or safety of the public. The City Manager may prescribe regulations and forms as necessary to implement the provisions of this section. Any property owner whose appeal is denied, in whole or in part, may file an appeal to the Jefferson County Circuit Court within 30 days of the date the decision on the appeal is issued.

(b) Waiver of Fees. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from payment of fees of such Vacant Building on the Vacant Buildings Registry due to inability to occupy the Building for a determinate period of time ,stating the reasons and time period for which the building cannot be occupied. City Council shall consider the request in accordance with the rules and regulations adopted pursuant to this Ordinance. After being granted such a waiver pursuant to the provisions of this section, a property may not seek another exemption until the passage of three (3) years.

~~An Owner adversely affected by a determination made pursuant to this Article (excepting a determination regarding a request for exemption from registration made pursuant to Section 1759.03(f)) may appeal such determination to City Council by filing with the City Clerk a written notice of appeal within thirty (30) days of the date on which service of the notice of the subject determination is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, after which 30 day period the right to an appeal shall expire. The decision of City Council on any such appeal, as well as a determination by City Council regarding a request for exemption from registration made pursuant to Section 1759.03(f), may be appealed by an Owner to the Circuit Court of Jefferson County within thirty (30) days of the Owner's receipt of the subject decision or determination, after which thirty (30)-day period the right to an appeal shall expire.~~

~~(Ord. 2024-004. Passed 5-6-24.)~~

1759.076 ~~SCHEDULE OF REGISTRY FEES~~EXPENDITURE OF FEES.

~~(a) Voluntary Registry Fee. The following voluntary registry fee, as specified for the type of Building at issue based upon its use when last occupied, shall be charged upon the voluntary registration of a Vacant Building pursuant to Section 1759.03(d) as provided in Section 1759.03(g)(1):~~

~~(1) Less than one year: $250~~

~~(2) At least one year but less than two years: $500~~

~~(3) At least two years but less than three years: $1,000~~

~~(4) Plus an additional $1,000 per year for each year thereafter.~~

~~(b) Involuntary Registry Fee. Any vacant property existing upon the registry, and not voluntarily registered pursuant to Section 1759.03(b), will be subject to registration fees each year in accordance with the schedule above, with the exception of the initial fee, which shall be assessed at twice the rate."~~

~~(c)~~ ~~Use of Registry Fees.~~ All registry fees assessed under this Article shall, when collected, be deposited in a separate account and be used for only the following purposes, as City Council shall determine from time to time:

(a~~1~~) To improve public safety efforts, especially for police and fire personnel, who most often contend with dangerous situations manifested in Vacant Buildings; ~~and~~

(b~~2~~) To monitor and administer this Article; and.

(c~~3~~) To repair, close, or demolish a vacant structure as authorized by 1759.054 of this Article.

~~(Ord. 2024-004. Passed 5-6-24.)~~

1759.087 PENALTY

(a) Any person who fails to comply with the provisions of this article, or fails to take the corrective action required by this article, shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(b) Any person who interferes with or fails to allow inspection of a property subject to inspection under this article shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(c) Any person who fails to comply with an order issued by an official having authority to make such order under this article shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(d) Any person found guilty of a second violation of this article within any 12-month period shall be subject to a fine of no less than $250.00 nor more than $500.00 for such offense.

(e) Any person found guilty of a third violation of this article within any 12-month period shall be subject to a fine of $500.00 for such offense.

1759.09 -SEVERABILITY.

—If any provision of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable. (Ord. 2024-004. Passed 5-6-24.)

1759.10~~08~~ RELATION TO CODES AND OTHER LAWS

It is understood that the intent and purpose of this Article are separate and distinct from other parts and sections of the Codified Ordinances of the City of Charles Town and the general laws of the State of West Virginia which may be applicable. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in additional to and not in lieu of any and all other applicable provisions of this chapter, health and sanitation code, and any other applicable provisions to the City of Charles Town Municipal Code.

1759.11~~09~~ TRANSITION PROVISIONS.

—All registry fees, fines, penalties, liens, notices, letters, communications, orders, remedies, or other enforcement actions assessed, charged, imposed, placed, filed, issued, or otherwise instituted or taken under any prior version of this Article shall remain fully effective and enforceable notwithstanding the revision of this Article and nothing herein shall be deemed to modify, negate, limit, or otherwise affect such items.

~~(Ord. 2024-004. Passed 5-6-24.)~~

ARTICLE 1759
Vacant Buildings

1759.01 PURPOSE AND SCOPE.

(a) This Article is enacted pursuant to W. V. Code Chapter 8, Article 12, Section 16c for the purpose of ensuring that each Vacant Building in the City is properly monitored and maintained so as to provide for public health, safety, and welfare, This article provides for registration and inspection of Vacant Buildings.

(b) The City finds and determines that vacant structures within the City can create dangerous conditions when left unmonitored and contribute to additional expenditures of public funds due to responses to complaints occurring at such properties, inspection of such properties in response to service calls and to ensure safety of entrants including building officials; fire protection officers; and law enforcement officers; and that a regular program of registration, inspection, and monitoring of vacant structures is essential to limit harm and expense to the public from such vacant structures.

(c) The City estimates its annual costs of administering a registration program for vacant structures, excluding inspections, at $100.00 per structure due to staff time involved in processing and reviewing applications and addressing property owner questions

(d) The City estimates that its annual cost of monitoring property that is not well-maintained exceeds the cost associated with well-maintained or occupied structures due to increased dangers to entrants, increased need to issue notices of violation or citations to address issues at the property, increased likelihood of the need to obtain entry and inspection of the property, increased likelihood of the need to take direct action at the expense of public funds to correct dangerous conditions at the property or to demolish the structure if it cannot be rehabilitated, and that such costs increase each year the structure remains vacant and unmaintained or poorly maintained.

(e) It is the intent of this article that, through a registration, inspection, and monitoring process, and other improved public safety efforts, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding properties, and will not otherwise present a public hazard.

(f) It is the city's further intent for the provisions of this article to streamline and consolidate the existing procedure (that is, complaint, research, notification, inspection, orders, fines, liens, appeals and lien enforcement) by placing the responsibility to register and maintain a vacant structure on the owner of a building

before a condition of the building falls into disrepair or otherwise necessarily warrants a complaint.

1759.02 DEFINITIONS.

When used in this article, the following capitalized words and phrases shall have the meanings indicated:

(a) "Alternative Means of Service" means, when service of notice or process under this Article is required to be made by Certified Mail but cannot be obtained, service of the notice or process by all of the following: (i) regular U.S. mail addressed as specified in subsections (i) or (ii) of the definition of Certified Mail; (ii) publication as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2); and (iii) posting on the front door or other conspicuous location on the subject Building. Service of notice or process by Alternative Means of Service shall be deemed made on the third (3rd) day following the earliest date on which such mailing, publishing, and posting have all occurred.

(b) "Building" means a structure having a roof supported by walls or columns that stands more or less permanently in one place and is utilized or intended for the shelter, housing, or enclosure of persons, animals, or personal property.

(c) "Building Code" means, collectively, the West Virginia State Fire Code, as adopted by the City under Article 1511 of the Codified Ordinances, and the West Virginia State Building Code, as adopted and amended by the City under Article 1705 of the Codified Ordinances.

(d) "Certified Mail" means U.S. certified mail, return receipt requested, addressed to: (i) in all cases except where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and last known address of the Owner according to the records of the Jefferson County Tax Office; and (ii) in the case where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and address of the designated Local Agent. Service of notice or process by Certified Mail shall be deemed made upon delivery, as evidenced by the return receipt.

(e) “Commercial Building” means Any structure used or intended to be used in whole or in part for purposes other than residential purposes on which the property user or employees are engaged in work for which it is intended that compensation be received for goods or services. Examples include, but are not limited to, offices, retail shops, restaurants, service establishments, wholesales, warehousing, and production of goods. In order to be a commercial building for the purposes of this ordinance, the business use or activity must be at a scale greater than a home occupation. In the event of any discrepancy concerning a building’s particular use, the zoning classification and zoning certificate shall determine the building’s classification.

(f) "Non-resident Owner" means an Owner of a Vacant Building whose legal residence is outside the State of West Virginia.

(g) “Occupied” means any building or structure in which one or more persons conduct business in compliance with all applicable laws and regulations, or using the building as their residence on a permanent, non-transient basis, or a combination of these. For

purposes of this article, evidence evaluated For purposes of this article, evidence evaluated to prove that a building is occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid City business license, and/or the most recent, federal, state or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bona fide pre-rental inspection, pursuant to Article 136 of the City of Charles Town's Codified Ordinances. No portion of this definition shall exempt a building from the registration, fee, or other requirements of this article when it meets the definition of a *Vacant building.*

(h) "Owner" means a person who individually or jointly with others:

(1) Has legal title to the property, with or without actual possession of the property;

(2) Has charge, care or control of the property as owner or agent of the owner;

(3) Is an executor, administrator, trustee, or guardian of the estate of the owner;

(4) Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or

(5) Is entitled to control or direct the management or disposition of the property.

(i) "Staff" means the City's Code Official and any of his or her staff or other City employees to which the Code Official delegates duties.

(j) "Vacant Building" means any building on a parcel of real property that:

(1) Is unoccupied

(2) Is unsecured and occupied by one or more unauthorized persons; or

(3) Any unoccupied first floor commercial space in a mixed use building

(4) Is without continuous utility service evidencing actual use of water, sewer, electric, and/or gas service to the building for a period exceeding 30 days for commercial buildings and exceeding 90 days for residential structures;

(5) (5) Is a commercial building at which substantially all lawful business operations have ceased for at least 90 days.

(6) Notwithstanding anything to the contrary above, the term vacant building does not include any new building under construction with a valid building permit in which the work is proceeding on schedule with the appropriate inspection requests, and prior to the issuance of a certificate of occupancy for that building. When this Article refers to a Vacant Building with respect to filing a lien thereon, or registering the same in the Vacant Buildings Registry, or otherwise as the context requires, such reference shall include the real property upon which the Vacant Building is located.

(k) "Vacant Buildings Official" means the City Building Official designated under Article 1705 of the Codified Ordinances.

1759.03 REGISTRATION OF VACANT BUILDINGS

(a) Registry. There shall be established and maintained a Vacant Buildings Registry, in which all Vacant Buildings in the City shall be registered.

(b) All owners of realty within the City that contains a vacant building shall register each vacant building with the City's Building Official or designee within 30 days after the building meets the definition of a vacant building and on each subsequent July 1 when a vacant building is present on the owner(s)' property.

(c) Registration is required no less than annually, and at the time the vacant building is registered, the registration form must meet all requirements of this article in order to be processed. The registration form shall require information from the registrant deemed necessary by the Building Official, Fire and City Police Chief, to ensure that the purpose of this article is met. The contents of the form shall enable City officers to determine the structural integrity of the building, any repairs necessary to ensure its structural integrity, that it will be safe for entry, and that the building and its contents do not present a hazard to the public. The above-named officers, or their designees, shall have the authority to issue orders to the owner or owner's local agent for corrective action deemed necessary. The Building Official shall rely upon the West Virginia State Building Code and Fire Codes, as adopted by the City, as well as other applicable law, for guidance during any structural review. A building will remain on the vacant registry until it meets the definition of occupied.

(d) Registration statement. A registration statement in the form prescribed by the City must be filed by the owner or owner's local agent for all vacant buildings. Registration and payment of fees does not exonerate the owner, agent or responsible party from penalties for failure to comply with any building, housing, or fire code requirement. One registration statement may be filed to include all vacant buildings of an owner, but a separate fee is assessed for each vacant building. The owner(s) of the property on which a vacant building exists at the time registration is required shall be responsible, jointly and severally, for payment of the non-refundable registration fee; provided, that the City may not collect any amount exceeding the total prescribed fee.

(e) Fees. The fee shall be due upon delivery of an invoice by the City, in the following amount for each vacant building:

(1) No fee for properties that are vacant for less than one year;

(2) One hundred dollars for each year the property is vacant more than one year and has been inspected by the Building Official and determined to be in compliance with all applicable safety and property maintenance codes and to not to constitute a hazard to entrants or the surrounding area. The determination by the Building Official will consider exterior maintenance and major systems along with the vacant building and be made in their discretion and pursuant to applicable law,

will be issued to a property owner in writing stating the date or dates for which the determination is valid, and is referred to in this article as a "compliance determination."

(3) After the first year, five hundred dollars per each year for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least one year but less than two years; and

(4) Four thousand dollars for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least five years, plus an additional $1,000.00 for each year in excess of five years.

(5) For all vacant properties located in the business district as defined in the City of Charles Town Zoning Ordinance codified at Article 1321 of the City Code, the above fees shall be doubled.

(6)) For purposes of this section, a year shall be measured from the date that Staff determines that the property is vacant and requires registration.

(f) Local Agent. If the owner of property on which a vacant building exists does not certify on the registration form that the owner is a resident of the state and capable of accepting service of process related to the vacant building, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the property owners and who shall be designated as a responsible local agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements related to the vacant building.

(g) Change In Ownership. A change in ownership of a vacant structure shall not remove the vacant structure from the vacant properties registry or from the requirements of this article. Fees arising under this article shall continue to accrue at the applicable rate until the structure either no longer constitutes a vacant structure or qualifies for an exemption, all transfers of ownership notwithstanding. All fees arising under this article shall run with the property and failure to pay such fees may result in the city filing a lien that attaches upon the property

(h) Removal from Registry. In the event a Building in the Vacant Buildings Registry becomes lawfully occupied or is removed from the subject real property, the Owner of the Building is required to provide to the Vacant Buildings Official a written notice explaining the situation, together with evidence thereof (such as a copy of a lease of the property, photographs of demolition, etc.), and requesting removal of the Building from the Vacant Buildings Registry. Upon Staff's verification of lawful occupation or removal of the Building, the Building shall be removed from the Vacant Buildings Registry. In the event Staff is unable to verify lawful occupation or removal of the Building, the Vacant Buildings Official shall notify the Owner of the Building in writing by Certified Mail or Alternative Means that Staff has determined that it is unable to verify lawful occupation or removal of the Building and that the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry.

1709.04 ENFORCEMENT

(a) The City may take the following actions in order to collect any registry fees and costs reimbursable to the City that are not paid in full within thirty (30) days of when due

(1) After providing the Owner the notice specified below, file in the Office of the Clerk of the County Commission of Jefferson County a lien against the Vacant Building for the full amount of the delinquent registry fees and reimbursable costs, plus filing fees. Prior to filing such lien, the Vacant Buildings Official shall notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service that the City may file said lien unless all delinquent amounts are paid by a date stated in the notice, which stated date shall be no less than thirty (30) days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(2) Institute a civil action in the Circuit Court of Jefferson County against the Owner for the delinquent registry fees, reimbursable costs, and reasonable attorney fees and court costs incurred relative to the civil action.

(b) A registry fee paid shall be refunded if, on timely appeal, Staff's determination requiring registration as a Vacant Building is reversed.

(c) Publication. The city may, from time to time and in its reasonable discretion, publish or disclose certain information contained in the vacant property registry, including, but not limited to:

(1) General demographic information about vacant structures registered on the vacant property registry;

(2) The address of vacant structures on the vacant property registry;

(3) The owners of each vacant structure;

(4) The amount of time any vacant structure has been on the vacant property registry; and

(5) The amount of any delinquent fees due under this article, or otherwise due city (e.g. refuse or fire fees) for any vacant structure.

1759.05 MAINTENANCE OF VACANT BUILDINGS.

(a) Required Maintenance. The Owner of a Vacant Building is required to maintain the Vacant Building in accordance with all applicable provisions of the Building Code and so as not to constitute a public nuisance prohibited by Article 1101 of the Codified Ordinances.

(b) Enforcement. In the event an Owner fails to maintain a Vacant Building as required by Section 1759.04(a) as determined by the Vacant Buildings Official, the Vacant Buildings Official may notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of such determination and the specifics of the identified failure and that the City may elect to take specified actions, which may include repairs,

maintenance, and/or demolition, at the Owner's cost to bring the Vacant Building into compliance with the Building Code and/or eliminate the public nuisance, as the case may be, if the Owner does not take and complete the specified actions within a specified number of days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, which number of days shall be determined by the Vacant Buildings Official considering the urgency for the action in light of the potential harm to public health, safety, and welfare due to the condition of the Vacant Building. If the Owner fails to take and complete the specified actions within the number of days specified in such notice, the City may, in its discretion and notwithstanding any provision of Article 1101 or Article 1705 of the Codified Ordinances to the contrary, thereafter take such actions and the Owner shall be responsible for the costs of such actions, as well as all related legal and administrative costs incurred by the City. The City may bring a civil action against the Owner to collect all such costs.

(c) Alternative Enforcement. Nothing in this Section 1759.05 shall be considered to affect or limit the City's authority or actions to enforce any other provisions of the Codified Ordinances pertaining to a Vacant Building or its condition, including without limitation provisions of Articles 1101 and 1705.

1759.06 RIGHT OF APPEAL; WAIVERS.

(a) Appeal. A property owner may challenge any determination made as to the property owner's vacant building or vacant property pursuant to this article by filing an administrative appeal with the City Council on forms to be prescribed by the City.

The appeal must be filed within ten days of delivery of notice of the determination challenged and shall describe with particularity all objections thereto. The burden of proof shall be on the property owner to show objective proof of occupancy as defined in this article specifically that the determination was incorrect and contrary to law, in whole or in part. The City Council or its designee shall review the appeal and provide for any necessary hearing, which will be conducted in conformance with the Section 7 of the Waiver Procedures adopted pursuant to this ordinance. The Council shall render a decision on the appeal and notify the property owner within 30 days of the hearing of such decision in writing. During the pendency of the administrative appeal, any time period given to the property owner to take corrective action shall be tolled, and the City shall not take any action to enforce the determination subject of the appeal except to address an emergency condition presenting an imminent danger to the life, health, or safety of the public. The City Manager may prescribe regulations and forms as necessary to implement the provisions of this section. Any property owner whose appeal is denied, in whole or in part, may file an appeal to the Jefferson County Circuit Court within 30 days of the date the decision on the appeal is issued.

(b) Waiver of Fees. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from payment of fees of such Vacant Building on the Vacant Buildings Registry due to inability to occupy the Building for a determinate period of time ,stating the reasons and time period for which the building cannot be occupied. City Council shall consider the

request in accordance with the rules and regulations adopted pursuant to this Ordinance. After being granted such a waiver pursuant to the provisions of this section, a property may not seek another exemption until the passage of three (3) years.

1759.07 EXPENDITURE OF FEES.

All registry fees assessed under this Article shall, when collected, be deposited in a separate account and be used for only the following purposes, as City Council shall determine from time to time:

(a) To improve public safety efforts, especially for police and fire personnel, who most often contend with dangerous situations manifested in Vacant Buildings;

(b) To monitor and administer this Article; and

(c) To repair, close, or demolish a vacant structure as authorized by 1759.05 of this Article.

1759.08 PENALTY

(a) Any person who fails to comply with the provisions of this article, or fails to take the corrective action required by this article, shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(b) Any person who interferes with or fails to allow inspection of a property subject to inspection under this article shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(c) Any person who fails to comply with an order issued by an official having authority to make such order under this article shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(d) Any person found guilty of a second violation of this article within any 12-month period shall be subject to a fine of no less than $250.00 nor more than $500.00 for such offense.

(e) Any person found guilty of a third violation of this article within any 12-month period shall be subject to a fine of $500.00 for such offense.

1759.09 SEVERABILITY.

If any provision of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or

invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable. (Ord. 2024-004. Passed 5-6-24.)

1759.10 RELATION TO CODES AND OTHER LAWS

It is understood that the intent and purpose of this Article are separate and distinct from other parts and sections of the Codified Ordinances of the City of Charles Town and the general laws of the State of West Virginia which may be applicable. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in additional to and not in lieu of any and all other applicable provisions of this chapter, health and sanitation code, and any other applicable provisions to the City of Charles Town Municipal Code.

1759.11 TRANSITION PROVISIONS.

All registry fees, fines, penalties, liens, notices, letters, communications, orders, remedies, or other enforcement actions assessed, charged, imposed, placed, filed, issued, or otherwise instituted or taken under any prior version of this Article shall remain fully effective and enforceable notwithstanding the revision of this Article and nothing herein shall be deemed to modify, negate, limit, or otherwise affect such items.

ARTICLE 1759
Vacant Buildings

1759.01 PURPOSE AND SCOPE.

(a) This Article is enacted pursuant to W. V. Code Chapter 8, Article 12, Section 16c for the purpose of ensuring that each Vacant Building in the City is properly monitored and maintained so as to provide for public health, safety, and welfare, This article provides for registration and inspection of Vacant Buildings.

(b) The City finds and determines that vacant structures within the City can create dangerous conditions when left unmonitored and contribute to additional expenditures of public funds due to responses to complaints occurring at such properties, inspection of such properties in response to service calls and to ensure safety of entrants including building officials; fire protection officers; and law enforcement officers; and that a regular program of registration, inspection, and monitoring of vacant structures is essential to limit harm and expense to the public from such vacant structures.

(c) The City estimates its annual costs of administering a registration program for vacant structures, excluding inspections, at $100.00 per structure due to staff time involved in processing and reviewing applications and addressing property owner questions

(d) The City estimates that its annual cost of monitoring property that is not well-maintained exceeds the cost associated with well-maintained or occupied structures due to increased dangers to entrants, increased need to issue notices of violation or citations to address issues at the property, increased likelihood of the need to obtain entry and inspection of the property, increased likelihood of the need to take direct action at the expense of public funds to correct dangerous conditions at the property or to demolish the structure if it cannot be rehabilitated, and that such costs increase each year the structure remains vacant and unmaintained or poorly maintained.

(e) It is the intent of this article that, through a registration, inspection, and monitoring process, and other improved public safety efforts, vacant buildings will be kept weather tight and secure from trespassers, will provide safe entry to police officers and firefighters in times of emergency, will not impede private and/or public efforts to rehabilitate or maintain surrounding properties, and will not otherwise present a public hazard.

(f) It is the city's further intent for the provisions of this article to streamline and consolidate the existing procedure (that is, complaint, research, notification, inspection, orders, fines, liens, appeals and lien enforcement) by placing the responsibility to register and maintain a vacant structure on the owner of a building

before a condition of the building falls into disrepair or otherwise necessarily warrants a complaint.

1759.02 DEFINITIONS.

When used in this article, the following capitalized words and phrases shall have the meanings indicated:

(a) "Alternative Means of Service" means, when service of notice or process under this Article is required to be made by Certified Mail but cannot be obtained, service of the notice or process by all of the following: (i) regular U.S. mail addressed as specified in subsections (i) or (ii) of the definition of Certified Mail; (ii) publication as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2); and (iii) posting on the front door or other conspicuous location on the subject Building. Service of notice or process by Alternative Means of Service shall be deemed made on the third (3rd) day following the earliest date on which such mailing, publishing, and posting have all occurred.

(b) "Building" means a structure having a roof supported by walls or columns that stands more or less permanently in one place and is utilized or intended for the shelter, housing, or enclosure of persons, animals, or personal property.

(c) "Building Code" means, collectively, the West Virginia State Fire Code, as adopted by the City under Article 1511 of the Codified Ordinances, and the West Virginia State Building Code, as adopted and amended by the City under Article 1705 of the Codified Ordinances.

(d) "Certified Mail" means U.S. certified mail, return receipt requested, addressed to: (i) in all cases except where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and last known address of the Owner according to the records of the Jefferson County Tax Office; and (ii) in the case where a Non-resident Owner has designated a Local Agent pursuant to Section 1759.03(c) of this Article, the name and address of the designated Local Agent. Service of notice or process by Certified Mail shall be deemed made upon delivery, as evidenced by the return receipt.

(e) “Commercial Building” means Any structure used or intended to be used in whole or in part for purposes other than residential purposes on which the property user or employees are engaged in work for which it is intended that compensation be received for goods or services. Examples include, but are not limited to, offices, retail shops, restaurants, service establishments, wholesales, warehousing, and production of goods. In order to be a commercial building for the purposes of this ordinance, the business use or activity must be at a scale greater than a home occupation. In the event of any discrepancy concerning a building’s particular use, the Code Official shall determine the use. ~~the zoning classification and zoning certificate shall determine the building’s classification.~~

(f) "Non-resident Owner" means an Owner of a Vacant Building whose legal residence is outside the State of West Virginia.

(g) “Occupied” means any building or structure in which one or more persons conduct business in compliance with all applicable laws and regulations, or using the building as their residence on a permanent, non-transient basis, or a combination of these. For

purposes of this article, evidence evaluated For purposes of this article, evidence evaluated to prove that a building is occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid City business license, and/or the most recent, federal, state or City income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of bona fide pre-rental inspection, pursuant to Article 136 of the City of Charles Town's Codified Ordinances. No portion of this definition shall exempt a building from the registration, fee, or other requirements of this article when it meets the definition of a *Vacant building.*

(h) "Owner" means a person who individually or jointly with others:

(1) Has legal title to the property, with or without actual possession of the property;

(2) Has charge, care or control of the property as owner or agent of the owner;

(3) Is an executor, administrator, trustee, or guardian of the estate of the owner;

(4) Is the agent of the owner for the purpose of managing, controlling, or collecting rents; or

(5) Is entitled to control or direct the management or disposition of the property.

(i) "Staff" means the City's Code Official and any of his or her staff or other City employees to which the Code Official delegates duties.

(j) "Vacant Building" means any building on a parcel of real property that:

(1) Is unoccupied

(2) Is unsecured and occupied by one or more unauthorized persons; or

(3) Any unoccupied first floor commercial space in a mixed use building

(4) Is without continuous utility service evidencing actual use of water, sewer, electric, and/or gas service to the building for a period exceeding 30 days for commercial buildings and exceeding 90 days for residential structures;

~~(5)~~ (5) Is a commercial building at which substantially all lawful business operations have ceased for at least 90 days.

(6) Notwithstanding anything to the contrary above, the term vacant building does not include any new building under construction with a valid building permit in which the work is proceeding on schedule with the appropriate inspection requests, and prior to the issuance of a certificate of occupancy for that building. When this Article refers to a Vacant Building with respect to filing a lien thereon, or registering the same in the Vacant Buildings Registry, or otherwise as the context requires, such reference shall include the real property upon which the Vacant Building is located.

(k) "~~Vacant Buildings Official~~Code Official" means the City ~~Building~~ Code Official designated under Article 1705 of the Codified Ordinances or his or her designee.

1759.03 REGISTRATION OF VACANT BUILDINGS

(a) Registry. There shall be established and maintained a Vacant Buildings Registry, in which all Vacant Buildings in the City shall be registered.

(b) All owners of realty within the City that contains a vacant building shall register each vacant building with the City's ~~Building~~ Code Official or designee within 30 days after the building meets the definition of a vacant building and on each subsequent July 1 when a vacant building is present on the owner(s)' property.

(c) Registration is required no less than annually, and at the time the vacant building is registered, the registration form must meet all requirements of this article in order to be processed. The registration form shall require information from the registrant deemed necessary by the ~~Building Official~~Code Official~~, Fire~~ and City Police Chief, to ensure that the purpose of this article is met. The contents of the form shall enable City officers to determine the structural integrity of the building, any repairs necessary to ensure its structural integrity, that it will be safe for entry, and that the building and its contents do not present a hazard to the public. The above-named officers, or their designees, shall have the authority to issue orders to the owner or owner's local agent for corrective action deemed necessary. The Code~~Building~~ Official shall rely upon the West Virginia State Building Code and Fire Codes, as adopted by the City, as well as other applicable law, for guidance during any structural review. A building will remain on the vacant registry until it meets the definition of occupied.

(d) Registration statement. A registration statement in the form prescribed by the City must be filed by the owner or owner's local agent for all vacant buildings. Registration and payment of fees does not exonerate the owner, agent or responsible party from penalties for failure to comply with any building, housing, or fire code requirement. One registration statement may be filed to include all vacant buildings of an owner, but a separate fee is assessed for each vacant building. The owner(s) of the property on which a vacant building exists at the time registration is required shall be responsible, jointly and severally, for payment of the non-refundable registration fee; provided, that the City may not collect any amount exceeding the total prescribed fee.

(e) Fees. The fee shall be due upon delivery of an invoice by the City, in the following amount for each vacant building:

(1) No fee for properties that are vacant for less than one year;

(2) One hundred dollars for each year the property is vacant more than one year and has been inspected by the ~~Building Official~~Code Official and determined to be in compliance with all applicable safety and property maintenance codes and to not to constitute a hazard to entrants or the surrounding area. The determination by the ~~Building Official~~Code Official will consider exterior maintenance and major systems along with the vacant building and be made in their discretion and

pursuant to applicable law, will be issued to a property owner in writing stating the date or dates for which the determination is valid, and is referred to in this article as a "compliance determination." In order to qualify for this fee schedule, the compliance determination must be obtained within the first year on the registry.

(3) After the first year, five hundred dollars per year for each year ~~for~~ that a property ~~properties that are~~is (i) vacant and (ii) do~~es~~ not have a valid compliance determination for a time period of at least one year but less than ~~two~~ five (5) years; and

(4) Four thousand dollars for properties that are (i) vacant and (ii) do not have a valid compliance determination for a time period of at least five years, plus an additional $1,000.00 for each year in excess of five years.

(5) For all vacant properties located ~~in the business district~~ within the Historic Overlay District as defined in the City of Charles Town Zoning Ordinance codified at Article 1321 of the City Code, the above fees shall be doubled.

(6)) For purposes of this section, a year shall be measured from the date that Staff determines that the property is vacant and requires registration.

(f) Local Agent. If the owner of property on which a vacant building exists does not certify on the registration form that the owner is a resident of the state and capable of accepting service of process related to the vacant building, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the property owners and who shall be designated as a responsible local agent for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements related to the vacant building.

(g) Change In Ownership. A change in ownership of a vacant structure shall not remove the vacant structure from the vacant properties registry or from the requirements of this article. Fees arising under this article shall continue to accrue at the applicable rate until the structure either no longer constitutes a vacant structure or qualifies for an exemption, all transfers of ownership notwithstanding. All fees arising under this article shall run with the property and failure to pay such fees may result in the city filing a lien that attaches upon the property. No vacant property may be sold, mortgaged, or otherwise transferred until the owner of such vacant property provides to the Code Official a signed and notarized statement from the prospective grantee, transferee, or mortgagee acknowledging the vacant status of the property and fully accepting the responsibility to comply with the provisions of this Ordinance.

(h) Removal from Registry. In the event a Building in the Vacant Buildings Registry becomes lawfully occupied or is removed from the subject real property, the Owner of the Building is required to provide to the Vacant Buildings Official a written notice explaining the situation, together with evidence thereof (such as a copy of a lease of the property, photographs of demolition, etc.), and requesting removal of the Building from the Vacant Buildings Registry. Upon Staff's verification of lawful occupation or removal of the Building,

the Building shall be removed from the Vacant Buildings Registry. In the event Staff is unable to verify lawful occupation or removal of the Building, the Vacant Buildings Official shall notify the Owner of the Building in writing by Certified Mail or Alternative Means that Staff has determined that it is unable to verify lawful occupation or removal of the Building and that the Building shall continue to be considered a Vacant Building and remain registered in the Vacant Buildings Registry.

1709.04 ENFORCEMENT

(a) The City may take the following actions in order to collect any registry fees and costs reimbursable to the City that are not paid in full within thirty (30) days of when due

(1) After providing the Owner the notice specified below, file in the Office of the Clerk of the County Commission of Jefferson County a lien against the Vacant Building for the full amount of the delinquent registry fees and reimbursable costs, plus filing fees. Prior to filing such lien, the Vacant Buildings Official shall notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service that the City may file said lien unless all delinquent amounts are paid by a date stated in the notice, which stated date shall be no less than thirty (30) days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be.

(2) Institute a civil action in the Circuit Court of Jefferson County against the Owner for the delinquent registry fees, reimbursable costs, and reasonable attorney fees and court costs incurred relative to the civil action.

(b) A registry fee paid shall be refunded if, on timely appeal, Staff's determination requiring registration as a Vacant Building is reversed.

(c) Publication. The city may, from time to time and in its reasonable discretion, publish or disclose certain information contained in the vacant property registry, including, but not limited to:

(1) General demographic information about vacant structures registered on the vacant property registry;

(2) The address of vacant structures on the vacant property registry;

(3) The owners of each vacant structure;

(4) The amount of time any vacant structure has been on the vacant property registry; and

(5) The amount of any delinquent fees due under this article, or otherwise due city (e.g. refuse or fire fees) for any vacant structure.

1759.05 MAINTENANCE OF VACANT BUILDINGS.

(a) Required Maintenance. The Owner of a Vacant Building is required to maintain the Vacant Building in accordance with all applicable provisions of the Building Code and so as not to constitute a public nuisance prohibited by Article 1101 of the Codified Ordinances.

(b) Enforcement. In the event an Owner fails to maintain a Vacant Building as required by Section 1759.04(a) as determined by the Vacant Buildings Official, the Vacant Buildings Official may notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of such determination and the specifics of the identified failure and that the City may elect to take specified actions, which may include repairs, maintenance, and/or demolition, at the Owner's cost to bring the Vacant Building into compliance with the Building Code and/or eliminate the public nuisance, as the case may be, if the Owner does not take and complete the specified actions within a specified number of days following the date on which service of the notice is deemed made under Section 1759.02(a) or Section 1759.02(d), as the case may be, which number of days shall be determined by the Vacant Buildings Official considering the urgency for the action in light of the potential harm to public health, safety, and welfare due to the condition of the Vacant Building. If the Owner fails to take and complete the specified actions within the number of days specified in such notice, the City may, in its discretion and notwithstanding any provision of Article 1101 or Article 1705 of the Codified Ordinances to the contrary, thereafter take such actions and the Owner shall be responsible for the costs of such actions, as well as all related legal and administrative costs incurred by the City. The City may bring a civil action against the Owner to collect all such costs.

(c) Alternative Enforcement. Nothing in this Section 1759.05 shall be considered to affect or limit the City's authority or actions to enforce any other provisions of the Codified Ordinances pertaining to a Vacant Building or its condition, including without limitation provisions of Articles 1101 and 1705.

1759.06 RIGHT OF APPEAL; WAIVERS.

(a) Appeal. A property owner may challenge any determination made as to the property owner's vacant building or vacant property pursuant to this article by filing an administrative appeal with the City Council on forms to be prescribed by the City.

The appeal must be filed within ten days of delivery of notice of the determination challenged and shall describe with particularity all objections thereto. The burden of proof shall be on the property owner to show objective proof of occupancy as defined in this article specifically that the determination was incorrect and contrary to law, in whole or in part. The City Council or its designee shall review the appeal and provide for any necessary hearing, which will be conducted in conformance with the Section 7 of the Waiver Procedures adopted pursuant to this ordinance. The Council shall render a decision on the appeal and notify the property owner within 30 days of the hearing of such decision in writing. During the pendency of the administrative appeal, any time period given to the property owner to take corrective action shall be tolled, and the City shall not take any action to enforce the determination subject of the appeal except to address an emergency condition presenting an imminent danger to the life, health, or safety of the public. The City Manager may prescribe regulations and forms as necessary to implement the provisions of

this section. Any property owner whose appeal is denied, in whole or in part, may file an appeal to the Jefferson County Circuit Court within 30 days of the date the decision on the appeal is issued.

(b) Waiver of Fees. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from payment of fees of such Vacant Building on the Vacant Buildings Registry due to inability to occupy the Building for a determinate period of time ,stating the reasons and time period for which the building cannot be occupied. City Council shall consider the request in accordance with the rules and regulations adopted pursuant to this Ordinance. After being granted such a waiver pursuant to the provisions of this section, a property may not seek another exemption until the passage of three (3) years.

1759.07 EXPENDITURE OF FEES.

All registry fees assessed under this Article shall, when collected, be deposited in a separate account and be used for only the following purposes, as City Council shall determine from time to time:

(a) To improve public safety efforts, especially for police and fire personnel, who most often contend with dangerous situations manifested in Vacant Buildings;

(b) To monitor and administer this Article; and

(c) To repair, close, or demolish a vacant structure as authorized by 1759.05 of this Article.

1759.08 PENALTY

(a) Any person who fails to comply with the provisions of this article, or fails to take the corrective action required by this article, shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(b) Any person who interferes with or fails to allow inspection of a property subject to inspection under this article shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(c) Any person who fails to comply with an order issued by an official having authority to make such order under this article shall be guilty of a misdemeanor, punishable by a fine of no more than $500.00. Each day that a violation continues shall be deemed a separate offense.

(d) Any person found guilty of a second violation of this article within any 12-month period shall be subject to a fine of no less than $250.00 nor more than $500.00 for such offense.

(e) Any person found guilty of a third violation of this article within any 12-month period shall be subject to a fine of $500.00 for such offense.

1759.09 SEVERABILITY.

If any provision of this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable. (Ord. 2024-004. Passed 5-6-24.)

1759.10 RELATION TO CODES AND OTHER LAWS

It is understood that the intent and purpose of this Article are separate and distinct from other parts and sections of the Codified Ordinances of the City of Charles Town and the general laws of the State of West Virginia which may be applicable. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in additional to and not in lieu of any and all other applicable provisions of this chapter, health and sanitation code, and any other applicable provisions to the City of Charles Town Municipal Code.

1759.11 TRANSITION PROVISIONS.

All registry fees, fines, penalties, liens, notices, letters, communications, orders, remedies, or other enforcement actions assessed, charged, imposed, placed, filed, issued, or otherwise instituted or taken under any prior version of this Article shall remain fully effective and enforceable notwithstanding the revision of this Article and nothing herein shall be deemed to modify, negate, limit, or otherwise affect such items.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1531: Introduction of New Charles Town Utility Board (CTUB) Manager Paul Mantello

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1532: A Resolution Supporting the Bridges and Safety Infrastructure for Community Success (BASICS) Act, H.R. 7437

ATTACHMENTS:

- Transportation Bill - NLC-Template-Letter-in-Support-of-BASICS-Act-2.25.26-.pdf
- Transportation Bill article.pdf
- Bill-Text-BASICS-Act Transporation.pdf

[INSERT YOUR LETTERHEAD]

[DATE], 2026

The Honorable [FIRST NAME, LAST NAME]
U.S. House of Representatives/U.S. Senate
[ADDRESS LINE 1]
[ADDRESS LINE 2]

Dear [MEMBER OF CONGRESS NAME]:

On behalf of [LOCAL GOVERNMENT NAME], [I/we] write in support of the *Bridges And Safety Infrastructure for Community Success (BASICS) Act* (H.R. 7437). This bipartisan bill would make significant improvements to federal transportation programs to help more local governments like [LOCAL GOVERNMENT NAME] access reliable funding for crucial regional priority transportation projects as well as bridge and safety funding.

As owners and operators of 75% of the country's public road miles and nearly half of U.S. bridges, local governments like [LOCAL GOVERNMENT NAME] are responsible for maintaining almost half of the nation's transportation assets for the safety of our traveling public, yet recent analysis shows that **while local governments own 43% of the Federal-Aid road network less than 15 percent of federal formula funding makes it down to local priority projects**. We urge you to address the discrepancy between our current responsibility and lack of access to funding to better advance national and regional priorities, foster economic development, and improve safety by supporting the formula program changes outline in BASICS Act (H.R. 7437)

Congress now has an opportunity to work directly with cities like ours to reauthorize and realign transportation policy with ownership realities, empowering local leaders to deliver safer, faster, and more accountable projects. The bipartisan BASICS Act provides a strong framework for how to do that. This bill, which is endorsed by organizations representing more than 25,000 individual counties, cities, towns, planning agencies and regional economic development organizations across the United States would increase the share of federal formula funding that is available to local governments while also making necessary process improvements to ensure formula funds reach locally selected projects.

Specifically, this bill would:

- Grow the versatile Surface Transportation Block Grant (STBG) program, which provides flexible funding that benefits both states and locals.
- Provide our community and other local governments with access to federal formula funding for bridges and safety infrastructure.
- Support metropolitan planning organizations and fortify project selection authority to ensure locally selected projects properly advance with federal funding.

- Fund rural and regional transportation planning organizations to boost the capacity of rural areas and improve their access to formula funding.
- Strengthen the intergovernmental partnership by promoting increased coordination between states, cities and other units of local government.

We strongly support the continuation of critical grant program opportunities like BUILD, Railroad Crossing Elimination, Safe Streets and more, but the provisions in the BASICS Act are important for ensuring that local governments have a reliable baseline level of access to federal formula funding in the next reauthorization bill, especially if there will be an emphasis on consolidating discretionary opportunities and prioritizing formula funding.

As Congress continues to develop the next surface transportation reauthorization bill, local governments urge you to cosponsor H.R. 7437 and to ask Committee leadership to include provisions from the BASICS Act in its base legislation coming soon.

Sincerely,

[YOUR NAME]

NATIONAL LEAGUE OF CITIES

What Congress Needs to Advance on Transportation for America's Communities

It's time to debate the next transportation bill in Congress. House Transportation Chairman Sam Graves reportedly wants to mark up his last big surface transportation reauthorization bill this May — but he's racing the Congressional clock to get a bill through his Committee, get the funding and House leadership approvals and move to the House floor before Sept. 30, 2026, when the Infrastructure Investment and Jobs Act (IIJA) expires.

For a Congress that is still wrapping up last year's budget work and discussing a large partisan reconciliation bill, transportation may not be at the top of the news cycle, but it is an incredibly important bill to local governments. With tight negotiation timelines and a slim majority, a single text from a local official or a large outcry from local governments to Congress could shift the tide on this transportation bill, NLC invites all local leaders to join us for this ride.

Cities Beware – Federal Infrastructure Grants May Disappear

For thousands of local governments, the IIJA was a momentously productive infrastructure partnership between the federal government and local governments. From small cities in the Rust Belt to Western megacities or a growing city in the South, IIJA had a new opportunity for new local governments to apply for a federal grant that could meet a need in their community. Local governments own 43 percent of the nation's federal-aid highway system and 50 percent of bridges, yet until the IIJA's grants, there were no direct federal partnership routes to improve the locally owned portion of the national transportation network. IIJA's grants were a lifeline to fix most of America's infrastructure.

Rebuilding America Dashboard

View NLC's **Rebuilding America dashboard** to see which cities, towns and villages successfully received direct federal grants from the IIJA.

However, some grants may disappear in the next transportation bill. Bill writers Chairman Graves (House) and Chairman Capito (Senate) have raised substantial questions abou

administrative burden grants put on both the local government as an applicant but also on the U.S. Department of Transportation.

Local governments understand how difficult the process has been, but federal grants were a lifeline to transformational projects that are showing both early signs of success. Once built, local infrastructure projects will show their full potential as economic drivers and enhance the quality of life for residents. According to research by Brookings, states share relatively small amounts of funding with local partners, suballocating only 14 percent of total transportation funding to localities. Looking at the overall distribution, 26 states suballocate less than 10 percent of total transportation funding, with 15 failing to break even 5 percent. The data is clear — there is no state that helps their local governments with their infrastructure enough that would allow the nation to meet our commerce and connectivity goals.

If Congress wants a full national transportation system that connects factories, farms and families to economic centers in every Congressional district, their next transportation bill will need to support the 43 percent of the locally-owned national road network as well as the state portion.

Preparing to Leverage the Basic Transportation Formula Programs

The good news is that grants aren't the only way to deliver federal transportation resources to local governments. Congress has a blueprint for how to deliver funding to locally-owned infrastructure through existing large transportation formula funds – H.R. 7437 – *Bridges And Safety Infrastructure for Community Success Act (BASICS Act)* by Rep. Kristen McDonald Rivet (MI-08) and Rep. Rob Bresnahan (PA-08).

The BASICS Act modestly changes three major formula programs:

- **Surface Transportation Block Grant (STBG)** which invests in regional priority projects; STBG is the most flexible formula program distributed by population areas across every state and to all areas of the state
- **Bridge Investment Program** that invest in bridges in poor condition, with a new focus on local bridges as well as state-owned bridges
- **Highway Safety Improvement Program (HSIP)** adds additional safety funding to close the gap between local Safe Streets Safety Plans and State Safety Plans

It also supports transportation planning at both the urban and rural levels through Metropolitan Planning Organizations and Rural Transportation Planning Organizations better deliver both today's projects and future projects. By working through existing formula funds that already deliver federal funding through long-standing regional processes, the BASICS Act

is leveraging the existing consensus on the State Transportation Improvement Program process to move federal funding and prioritize it for regional and national results.

All the details about the BASICS Act are available for review.

What Cities Should Ask Congress for in the Next Transportation Bill

In the next two weeks, every local government should make sure to reach out to their Member of Congress about local priorities to ensure community needs are on the record before the bill drops. Here's what to share:

1. **Ask Them to Maintain Local Access in the Next Transportation Bill:** Remind them that almost half (43 percent) of the nation's federal-aid road network is owned and maintained by local governments like yours, and local governments have been able to start thousands of great transportation projects from IIJA. Ask them to make sure some funding is guaranteed to come back to the District and meet your needs.
2. **Share Your Transportation Needs:** Tell them about the projects and needs in your area — especially significant projects, bridges or safety projects.
3. **Mention Federal Transportation Programs Your Community Needs:** Share which IIJA transportation programs your community wants to use or emphasize some of the ones that every community can leverage:
    - Safe Streets and Roads for All (SS4A)
    - Surface Transportation Block Grant (STBG)
    - BUILD Discretionary Grants (previously called RAISE)
    - Highway Safety Improvement Program (HSIP)
    - Bridge Investment Program (BIP)
4. **Ask Them to Cosponsor H.R. 7437 BASICS Act:** BASICS Acts supports regional priorities, bridges and safety projects. Tell them that cities, counties, regional organizations, public works officials and county engineers have all endorsed the BASICS Act as a bipartisan proposal to deliver streamlined funding to every region.

NLC will be updating members in upcoming federal transportation newsletters and communications.

All the details about the BASICS Act are available for review.

.....

(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To improve Federal transportation programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MCDONALD RIVET introduced the following bill; which was referred to the Committee on _____

A BILL

To improve Federal transportation programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bridges And Safety Infrastructure for Community Success Act'' or the ''BASICS Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(2) METROPOLITAN PLANNING ORGANIZATION.—The term ''Metropolitan planning organization'' has the meaning given such term in section 134 of title 23, United States Code;

(3) URBANIZED AREA.—The term ''urbanized area'' has the meaning given such term in section 134 of title 23, United States Code.

(4) OFF-SYSTEM BRIDGE.—The term ''off-system bridge'' means a highway bridge or low water crossing (as defined by the Secretary) located on a public road, other than a bridge or low water crossing (as defined by the Secretary) on a Federal-aid highway.

(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term ''regional transportation planning organization'' means the policy board of an organization established as the result of a designation under section 135(m) of title 23, United States Code.

SEC. 3. APPORTIONMENT.

Section 104 of title 23, United States Code is amended—

(1) in subsection (b)(1) by—

(A) striking ''paragraphs (4), (5), and (6)'' and inserting ''(paragraphs (4), (5), (9), and (10))''; and

(B) striking ''59.0771195921461'' and inserting ''53.71'';

(2) in subsection (b)(2) by—

(A) striking ''paragraphs (4), (5), and (6)'' and inserting ''(paragraphs (4), (5), (9), and (10)''; and

(B) striking ''28.7402203421251'' and inserting ''31.07'';

(3) in subsection (b)(3) by—

(A) striking ''paragraphs (4), (5), and (6)'' and inserting ''(paragraphs (4), (5), (9), and (10)''; and

(B) striking ''6.706051413162 53'' and inserting ''7.61'';

(4) in subsection (b)(7) by—

(A) striking ''paragraphs (4), (5), and (6)'' and inserting ''(paragraphs (4), (5), (9), and (10)''; and

(B) striking ''2.56266964565637'' and inserting ''2.39'';

(5) in subsection (b)(8) by—

(A) striking ''paragraphs (4), (5), and (6)'' and inserting ''(paragraphs (4), (5), (9), and (10)''; and

(B) striking ''2.91393900690991'' and inserting ''2.72'';

(6) striking subsection (b)(6)(B) and inserting the following:

''(B) The total amount for metropolitan planning for all States each fiscal year shall be 2.5 percent of the amount remaining after distributing amounts under paragraphs (4), (5), (9) and (10).''; and

(7) by adding the following at the end—

''(9) STRENGTHENING BRIDGES FORMULA PROGRAM.—

''(A) IN GENERAL.—For the strengthening bridges formula program under section 180, the Secretary shall set aside from the base apportionment determined for a State under subsection (c) an amount determined for the State under subparagraphs (B) and (C).

''(B) TOTAL AMOUNT.—The total amount set aside for the strengthening bridges formula program for all States shall be $5,500,000,000 for each fiscal year between 2027 and 2031.

''(C) STATE SHARE.—Notwithstanding subparagraph (D), for each fiscal year, after the setting aside funds as required by section 180(e), the Secretary shall distribute among the States the remaining amount for the strengthening bridges formula program under subparagraph (B) so that each State receives the amount equal to the proportion that—

''(i) the total cost of replacing or rehabilitating all bridges classified in poor condition in such State; bears to

''(ii) the total cost of replacing or rehabilitating all bridges classified in poor condition in all States.

''(D) DETERMINATION OF COSTS.—For purposes of subparagraph (C), the Secretary shall determine replacement and rehabilitation costs based on the average unit costs of bridges from 2021 through 2024, as submitted by States to the Federal Highway Administration as required by section 144(b)(5).

''(E) MINIMUM AMOUNT.—The minimum amount that the Secretary apportions to a State in a fiscal year under this program shall be $45,000,000.

''(10) REGIONAL TRANSPORTATION PLANNING.—

''(A) IN GENERAL.—To carry out section 135(n) of this title, an amount determined for the State under subparagraphs (C) of this subsection.

''(B) TOTAL AMOUNT.—The total amount to carry out section 135(n) of this title for all States shall be $150,000,000 for each fiscal year between 2027 and 2031.

''(C) DISTRIBUTION AMONG THE STATES.—For each fiscal year, the Secretary shall distribute the amounts authorized to carry out section 135(n) of this title among the States in the same proportion as the amount distributed to the State share under subsection (b) of this section.

''(D) ADMINISTRATION.—Up to 5 percent of the amounts provided to each State may be used by the State to administer this program.''.

SEC. 4. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

Section 133(d)(3) of title 23, United States Code is amended by inserting after paragraph (B) the following—

''(C) CONSULTATION WITH LOCAL GOVERNMENTS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population of less than 50,000 that is not represented by a regional transportation planning organization, a State shall consult with local governments in that area and may partner with nonpartisan, statewide organizations representing local governments and their elected leaders in order to facilitate such consultation.''.

SEC. 5. BRIDGE FORMULA PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''§ 180. Strengthening bridges formula program

''(a) ESTABLISHMENT.—The Secretary shall establish a program in accordance with this section to provide funding for bridge projects.

''(b) ELIGIBLE USES.—Funds apportioned to a State under this section may be obligated for the construction, replacement, rehabilitation, preservation, and protection of highway bridges on public roads.

''(c) SUBALLOCATION OF APPORTIONED FUNDS.—

''(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(9) (after the set aside of funds under subsection (e)), the State shall obligate—

''(A) 25 percent in the following areas in proportion to their relative shares of the population of the State—

''(i) in urbanized areas of the State with an urbanized population of over 200,000;

''(ii) in urbanized areas of the State with an urbanized population of not less than 50,000 and not more than 200,000;

''(iii) in urban areas of the State with a population of not less than 5,000 and not more than 49,999; and

''(iv) in other areas of the State with a population less than 5,000; and

''(B) the remainder may be obligated in any area of the State.

''(2) TREATMENT OF FUNDS.—Funds made available to carry out this section shall be administered as if apportioned under Section 104(e) and Section 104(i) of Title 23, United States Code (as amended).

''(3) PROJECT SELECTION.—A State shall only obligate funding under this section for—

''(A) in areas of more than 50,000, projects that have been included on the Transportation Improvement Program for the metropolitan planning organization representing that area;

''(B) in areas under 50,000 that are covered by a regional transportation planning organization, projects that are identified in cooperation with said regional transportation planning organization; and

''(C) in areas under 50,000 that are not covered by a regional transportation planning organization, projects that are selected in consultation with local governments in that area.

''(4) In order to facilitate better consultation with local governments to identify eligible projects, the State may work with nonpartisan, statewide organizations representing units of local government and their elected officials.

''(d) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135 of title 23, United States Code.

''(e) SET ASIDES.—The Secretary shall set aside—

''(1) 3 percent of the funds available for this program in each fiscal year to carry out section 202(d) of title 23, United States Code; and

''(2) up to one-half of 1 percent of the amounts made available for this program for the administration and operations of the Federal Highway Administration.

''(f) COST SHARE.—

''(1) IN GENERAL.—For funds made available from this program, the Federal share shall be determined in accordance with section 120 of title 23, United States Code.

''(2) LOCAL, OFF-SYSTEM BRIDGE.—For funding for a project used on an off-system bridge that is owned by a local government or Tribe, the Federal share shall be 100 percent.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

''180. Strengthening bridges formula program.''.

SEC. 6. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) LOCAL SAFETY SET-ASIDE.—Section 148 of title 23, United States Code is amended by—

(1) by redesignating subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l) as subsections (e), (f), (g), (h), (i), (j), (k), (l), and (m), respectively;

(2) inserting after subsection (c) the following:

''(d) ALLOCATIONS OF APPORTIONED FUNDS BASED ON POPULATION.—

''(1) CALCULATION.—Of the funds apportioned to a State under section 104(b)(3)—

''(A) 25 percent for each of fiscal years 2027 through 2031 shall be obligated under this section, in proportion to their relative shares of the population of the State—

''(i) in urbanized areas of the State with an urbanized area population of over 200,000;

''(ii) in urbanized areas of the State with an urbanized area population of not less than 50,000 and not more than 200,000;

''(iii) in urban areas of the State with a population not less than 5,000 and not more than 49,999; and

''(iv) in other areas of the State with a population less than 5,000; and

''(B) the remainder may be obligated in any area of the State.

''(2) PROJECT SELECTION.—A State shall only obligate funding under this section for—

''(A) in areas of more than 50,000, projects that have been included on the Transportation Improvement Program for the metropolitan planning organization representing that area;

''(B) in areas under 50,000 that are covered by a regional transportation planning organization, projects that are identified in cooperation with said regional transportation planning organization; and

''(C) in areas under 50,000 that are not covered by a regional transportation planning organization, projects that are selected in consultation with local governments in that area.

''(3) CONSULTATION.—In order to facilitate better consultation with local governments to identify eligible projects, the State may work with nonpartisan, statewide organizations representing units of local government and their elected officials.

''(4) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for

projects under this section shall be consistent with sections 134 and 135 of title 23, United States Code.''; and

(3) in subsection (f)(1)(B), as so redesignated, by striking ''subsection (g)'' and inserting ''subsection (h)'';

(4) in subsection (h)(1), as so redesignated, by striking ''subsection (f)'' and inserting ''subsection (g)''.

(b) INCLUDED PROJECT.—Section 148(a)(4) of title 23, United States Code is amended by inserting after subparagraph (xxix) the following—

''(xxx) Any project that was eligible for funding under section 24112 of the Infrastructure Investment and Jobs Act (23 U.S.C. 402 note).''.

SEC. 7. TRANSFERABILITY.

Section 126 of title 23, United States Code is amended—

(1) in paragraph (a) by replacing ''subject to subsection (b)'' with ″subject to subsections (b) and (c);

(2) in paragraph (b)(1) by replacing ''104(d) and 133(d)(1)(A)'' with ''104(d), 133(d)(1)(A),

135(n), 148(d)(1)(A), 175(e)(1)(A), and 180(c)(1)(A)''; and

(3) by inserting after paragraph (b) the following—

''(c) SAFETY FUNDING.—Before transferring any funding apportioned under section 104(b)(3), a State shall make those funds available to local governments and regional planning organizations through a competitive process.

''(1) IN GENERAL.—Projects funded through this process must meet the requirements for funding under Section 104(b)(3) as outlined in section 148 of title 23, United States Code.

''(2) OPEN AND FAIR COMPETITION.—Only after the Secretary has certified that the State has held an open and fair competition for the funds under 104(b)(3) shall a State be able to transfer them under subsection (a) of this section.''.

SEC. 8. PROJECT SELECTION.

It is the sense of Congress that—

(1) States should obligate all funds appropriated under section 133(d)(1)(A), section 148(d)(1)(A), section 175() and section 180(c)(1)(A) of title 23, United States Code of this Act to locally selected projects; and

(2) the Secretary, in partnership with the Administrator of the Federal Highway Administration, should work with States to ensure that the local consultation and coordination processes established under title 23, United States Code are followed.

SEC. 9. METROPOLITAN PLANNING.

(a) ELIMINATING LOCAL MATCH.—Section 120(c) of title 23, United States Code is amended by adding at the end the following:

''(5) METROPOLITAN PLANNING FUNDS.—The Federal share payable for activities authorized by section 134 of title 23 and apportioned under section 104(b)(6) of title 23 shall be 100 percent.''.

(b) ENHANCED PLANNING FOR FASTER PROJECT DELIVERY.—Section 134 of title 23, United States Code is amended by—

(1) inserting at the end—

''(s) ADDITIONAL USES OF METROPOLITAN PLANNING FUNDING.—In addition to carrying out the purposes of this section, funds provided to States and metropolitan planning organizations as apportioned under section 104 may be used for—

''(1) fiscal administration of local projects;

''(2) preliminary design;

''(3) administrative and overhead costs, general operating expenses, facilities and infrastructure costs;

''(4) local technical assistance;

''(5) housing studies directly linked to transportation;

''(6) economic development studies directly linked to transportation; and

''(7) critical data procurement.'';

(2) striking subsection (p) and inserting the following—

''(p) FUNDING.—

''(1) IN GENERAL.—Funds apportioned under section 104(b)(6) or section 5305(g) of title 49 shall be available to carry out this section.

''(2) DIRECT RECIPIENT STATUS.—Not less than 180 after the passage of this Act, the Secretary shall establish a process whereby a metropolitan planning agency may qualify to become direct recipient of Federal funding, such process shall—

''(A) be restricted to determining the technical and financial capabilities for an metropolitan planning organization to receive and be able to appropriately manage Federal funding and funding requirements; and

''(B) occur concurrently to the recertification process through which metropolitan planning organizations have their abilities reconfirmed under this section.

''(3) SUBALLOCATION OF FEDERAL PLANNING FUNDS.—When the Secretary annually apportions funds to States under section 104(b)(6), the Secretary shall directly sub-allocate obligation authority and all associated responsibilities to metropolitan planning organizations that have become direct recipients for funding allocated under 104(b)(6) of this title or section 5305(g) of title 49, United States Code.''.

(c) FEDERAL TRANSPARENCY.—The Secretary shall give the same access to Federal-aid financial management systems to metropolitan planning organizations that it provides to State Departments of Transportation.

SEC. 10. RURAL TRANSPORTATION PLANNING.

Section 135 of title 23, United States Code by adding at the end the following:

''(n) REGIONAL TRANSPORTATION PLANNING FUNDING.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to provide assist-

ance to States to support Regional Transportation Planning Organizations and regional entities responsible for transportation planning or economic development planning in nonmetropolitan areas of the State in carrying out the duties contained in subsection (m) of this section.

''(2) USE OF FUNDS.—Funds made available to States under section 104(b)(9) of this title shall be utilized to—

''(A) provide direct funding to federally designated Regional Transportation Planning Organizations to enable them to carry out the duties contained in paragraph (m)(4) of this section; and

''(B) undertake activities, including the establishment of State-based pilot programs, to provide assistance to regional entities responsible for transportation planning or economic development planning in nonmetropolitan areas of the State to—

''(i) increase the organizations understanding statewide transportation planning requirements;

''(ii) provide technical assistance in building organizational capacity and devel-

oping transportation planning expertise necessary to develop multimodal long-range transportation plans;

''(iii) strengthening rural partnerships and collaboration;

''(iv) enhance project prioritization and delivery;

''(v) improve the overall statewide transportation planning process and respond to nonmetropolitan needs; and

''(vi) secure Federal designation of regional transportation planning organizations.

''(3) ELIGIBLE RECIPIENTS.—Funding made available to States under section 104(b)(9) of this title shall be made available to—

''(A) regional transportation planning organization organizations as defined under section 134 (b)(5); and

''(B) regional entities responsible for transportation planning or economic development planning in nonmetropolitan areas of the State.

''(4) DISTRIBUTION OF FUNDS WITHIN STATES.—

"(A) IN GENERAL.—The amounts made available to States to carry out this program under section 104(b)(9) of this title shall be distributed within the State—

"(i) among all Federally Designated Regional Transportation Planning Organization through a formula developed by the State; and

"(ii) to non-Federally designated regional entities responsible for transportation planning or economic development planning in nonmetropolitan areas of the State through a grant process allowing regional entities to submit proposals for funding that achieve the objectives of this subsection.

"(B) SECRETARIAL APPROVAL.—Both the formula distribution developed by a State under clause (i) of this paragraph and the grant process undertaken by a State under clause (ii) of this paragraph shall be approved by the Secretary.

"(C) MINIMUM ALLOCATION.—States receiving funding under this paragraph shall provide each federally designated regional trans-

portation planning organization not less than $300,000 in fiscal years 2027 through 2031 to carry out this subsection.

''(5) FEDERAL SHARE.—The Federal share payable on activities carried out with funds provided under this program shall be 100 percent.''.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1533: Public Safety Concern/Public Demonstration Discussion

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1537: FY2027 Capital Budget

ATTACHMENTS:

- FY2027 Capital Budget.pdf

the city of Charles Town, WV

FY 2027 Capital Reserve Budget

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
CAPITAL BUDGET REVENUES						
Capital Reserve Carryover	$ 299,928	$ 4,881,215	$ 8,575,259	$ 8,567,259	4,130,854	$2,063,655 carryover balance from FY2026 Capital Reserve. This is carryover for unfinished projects noted in red. $2,067,199 additional grant carryover transferred to the grant projects worksheet. (Carryover will be adjusted in the 1st Revision in July 2026.)
36800 Contributions from GF		$ 3,723,408	$ 427,386	$ 427,386		Contributions from GF (Determined in July 2025 1st Revision)
36800 Contributions from GF - Lottery / Gaming Revenue	$ 1,463,977	$ 949,317	$ 810,000	$ 932,082	950,000	All lottery/gaming revenue remitted to Charles Town gets transferred to Capital Reserve from General Fund.
33000 Developer Fees	$ 191,822	$ 568,196	$ 150,000	$ 302,424	255,000	Developer Proffer fees.
38000 Interest on Bank Accounts & Other Sources	$ 69,767	$ 109,436	$ 80,000	$ 102,124	100,000	
TOTAL REVENUES	**$ 2,025,494**	**$ 10,231,572**	**$ 10,042,645**	**$ 10,331,276**	**$ 5,435,854**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
CAPITAL BUDGET EXPENSES						
975 GENERAL GOVERNMENT						
Information Technology						
Computer Replacement - 975-59 General Government Capital Outlay Technology		$ 37,324	$ 15,000	$ 11,182	25,000	Computer replacement program for all General Government departments. (5 replacements are planned.)
Tyler Tech Version 10 Software - 975-59 General Government Capital Outlay Technology		$ 29,141	$ 71,000	$ 15,872	55,130	Centralized Finance/Permitting/Zoning/Grants/Bond Tracking Software. This software will replace GoGov, MyGov, PSI, and enhance Incode. Having a centralized software will improve efficiency and reduce duplication of work. This software takes a year to implement. ($55,130 carried over from FY26.)
TOTAL INFORMATION TECHNOLOGY		**$ 66,465**	**$ 86,000**	**$ 27,054**	**$ 80,130**	
Other - General Government						
Rouss Hall Landlord buy back - 975-58 General Government Capital Outlay			$ 140,000	$ -	140,000	$140,000 carried over from FY26.
Zoning & Subdivision Ordinance Overhaul - 975-23 General Government Professional Services		$ 3,940	$ 246,000	$ 73,148	172,850	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. ($172,850 carried over from FY26.)
Front Office Desks - 975-59 General Government Equipment			$ 6,500	$ 3,205	3,300	$3300 carried over from FY26.
TOTAL OTHER - GENERAL GOVERNMENT			**$ 392,500**	**$ 76,353**	**$ 316,150**	
TOTAL GENERAL GOVERNMENT	**$ -**	**$ 136,870**	**$ 478,500**	**$ 103,407**	**$ 396,280**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
976 PUBLIC SAFETY						
Equipment						
Officer Equipment - 976-60 Public Safety Capital Outlay Equipment	$ 75,201	$ 57,170	$ 19,660	$ 19,657	17,500	Equipment for new officer. (Taser, ballistic shield, baton, spike system, trauma aid kit, trauma pac kit, defibrillator, body worn camera, and desktop computer)
TOTAL EQUIPMENT		**$ 57,170**	**$ 19,660**	**$ 19,657**	**$ 17,500**	
Information Technology						
Computer Replacement - 975-60 General Government Capital Outlay Technology Police Department		$ 65,022	$ 50,840	$ 47,886	33,000	6 In-car Panasonic Tough Tablets (To replace generation 3 reaching end of life.)
TOTAL INFORMATION TECHNOLOGY		**$ 65,022**	**$ 50,840**	**$ 47,886**	**$ 33,000**	
Vehicles						
Police Cars - 976-59 Public Safety Capital Outlay Vehicles		$ 110,788	$ 118,000	$ 116,854	144,000	PD requests 2 vehicles per rotation schedule based on vehicle lifespan of 7 years. A third vehicle is requested this year for the new officer position.
Police Vehicle Upfit Costs - 976-59 Public Safety Capital Outlay Vehicles		$ 221,522	$ 12,000	$ 9,732	48,000	Approximately $5000 per car is estimated for the 2 vehicles in the rotation schedule. This amount is for equipment installation labor. Equipment was purchased in FY25 through the COPS Grant. Cost for 3rd car is $38,000.
TOTAL VEHICLES		**$ 332,310**	**$ 130,000**	**$ 126,586**	**$ 192,000**	
Other - Public Safety						
Policy Revision & CALEA Compliance - 976-23 Public Safety Professional Services					$ 20,000	Outsourcing costs with a specialized law firm to review and update all operating policies for CTPD to ensure compliance with federal & state laws as well as CALEA standards.
TOTAL OTHER - PUBLIC SAFETY					**$ 20,000**	
Parking						
Parking Meters - 976-62 Public Safety	$ 5,011	$ 10,508	$ 16,000	$ 4,923	5,000	23 Parking meter mechanisms the replace the outdated Duncan meters as part of the replacement system implemented over the last 2 years.
TOTAL PARKING		**$ 10,508**	**$ 16,000**	**$ 4,923**	**$ 5,000**	
TOTAL PUBLIC SAFETY	**$ 5,011**	**$ 805,172**	**$ 216,500**	**$ 199,052**	**$ 267,500**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
977 STREETS & TRANSPORTATION						
Buildings						
Charles Washington Hall - Roof Replacement - 977-57 Streets & Transportation Capital Outlay Buildings			$ 50,000	$ -	50,000	This is a small section of the rooftop that contains 4 rooftop AC units. This area has failed sealant and degraded membranes. It will be replaced with a 2 Ply-Cold System which has a useful life of 30 years. ($50,000 carried over from FY26.)
City Hall - replace rooftop AC units - 977-57 Streets & Transportation Capital Outlay Buildings			$ 55,000	$ 9,270	45,730	Replacement of 2 City Hall rooftop AC units. ($45,730 carried over from FY26.)
City Hall - interior repair/maintenance - 977-57 Streets & Transportation Capital Outlay Buildings		$ 4,624	$ 129,600	$ 127,609	2,000	Kitchen countertop and sink replacement and installation. ($2000 carried over from FY26.)
Maintenance Equipment Building - 977-57 Streets & Transportation Capital Outlay Buildings			$ 150,000	$ -	500,000	Current building is maxed out on space. ($150,000 carried over from FY26.)
Maintenance Yard Study & Engineering - 977-57 Streets & Transportation Capital Outlay Buildings			$ 250,000	$ 29,323	220,700	Maintenance yard study. Current maintenance yard is in poor condition and needs replaced or renovated. In FY26 Council requested that a study be conducted for the best location of the Maintenance Yard along with associated engineering. The engineering remains to be completed. ($220,700 carried over from FY26.)
Rouss Hall - Paint Exterior/Repair Rotted Sills - 977-57 Streets & Transportation Capital Outlay Buildings			$ 290,000	$ 80,024	209,975	All window sills at Rouss Hall have peeling paint and rotted wood. ($209,975 carried over from FY26.)
Rouss Hall - Apply roof coating - 977-57 Streets & Transportation Capital Outlay Buildings			$ 42,500	$ 11,247	31,250	The roof is rusting and has degraded metal panels. It will be replaced with a Cool Sil System which has a useful life of 10 years. ($31,250 carried over from FY26.)
TOTAL BUILDINGS		**$ 4,624**	**$ 967,100**	**$ 257,473**	**$ 1,059,655**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
Streets/Infrastructure						
Charles Street Engineering Study - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements			$ 80,000	$ 24	79,975	Concept Plan for the shared street and event space shovel ready design for Charles Street. This document will assist with grant applications. ($79,975 carried over from FY26.)
Depot Square Design - 977-58 Streets & Transportation Capital Outlay Other Improvements			$ 50,000	$ -	50,000	Design for potential uses and amenities of the City's new town square. ($50,000 carried over from FY26.)
Sidewalks (ADA) & stormwater drain for Lawrence/Congress - 977-58 Streets & Transportation Capital Outlay Other Improvements			$ 60,000	$ 54,757	100,000	Stormwater repair and ADA sidewalks for the Lawrence & Congress intersection. Grant match was paid in FY26. This is an allowance for overages. Reduction Funding. ($5240 carried over from FY26.)
Stormwater Assessment Study - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements			$ 204,000	$ 78,044	125,955	This funding is a 2 year plan to cover 6 study areas and 3 area reviews each year. ($125,955 carried over from FY26.)
TOTAL STREETS/INFRASTRUCTURE		**$ -**	**$ 394,000**	**$ 132,825**	**$ 355,930**	
Vehicles						
Bucket Truck - 977-59 Streets & Transportation Capital Outlay Equipment		$ 15,000	$ 175,000	$ -	175,000	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 July of FY27. ($175,000 carried over from FY26.)
Street Sweeper - 977-59 Streets & Transportation Capital Outlay Equipment					350,000	The current sweeper is unreliable and constantly being repaired.
Pick-up Truck - 977-59 Streets & Transportation Capital Outlay Equipment			$ 65,000	$ 59,057	$ 70,000	Replacement of 2016 truck to include emergency lighting and utility bed.
TOTAL VEHICLES		**$ 15,000**	**$ 240,000**	**$ 59,057**	**$ 595,000**	
TOTAL STREETS & TRANSPORTATION	**$ -**	**$ 39,248**	**$ 1,601,100**	**$ 449,355**	**$ 2,010,585**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
979 CULTURE & RECREATION						
Parks & Recreation						
TOTAL PARKS & RECREATION		$ -	$ -	$ -	$ -	
Culture						
Christmas lights replacement along Washington & George Streets - 979-58 Culture & Recreation Other					25,000	Current lights are failing and need to be replaced.
Historical Signs - 979-58 Culture & Recreation Other Improvements		$ 2,694	$ 17,000	$ 1,621	10,000	
Wayfinding signage - 979-58 Culture & Recreation Other Improvements	$ 2,600		$ 197,400	$ -	297,400	CDD REQUEST $100K for Wayfinding Signage implementation (3 years of phases at $100,000 per year ending in FY27.) (Request related to 2023 CTNOW ARPA Request) ($197,400 carried over from FY26.)
TOTAL CULTURE			**$ 214,400**	**$ 1,621**	**$ 332,400**	
TOTAL CULTURE AND RECREATION	**$ 2,600**	**$ 2,694**	**$ 214,400**	**$ 1,621**	**$ 332,400**	
Building Improvements Contingency					349,160	Developer fees transferred from Building Commission in FY 2026 to the Capital Fund. This is the remaining balance as of 6/30/26. ($349,160 carried over from FY26.)
Contingencies			$ 2,240,641	$ -	12,730	This amount will be adjusted in the 1st Revision in July 2026.
Encumbrances for Subsequent Years			$ 350,000	$ -		
Transfer to Grant Projects			$ 4,196,904	$ -	2,067,199	$76,444 to Augustine Avenue Project. $1,990,755 to JMP Pool Project.
TOTAL EXPENSES	**$ 7,611**	**$ 983,984**	**$ 9,298,045**	**$ 753,435**	**$ 5,435,854**	
REVENUES OVER EXPENSES	**$ 2,017,883**	**$ 9,247,588**	**$ 744,600**	**$ 9,577,841**	**$ -**	

GRANT PROJECTS BUDGET

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
AUGUSTINE AVENUE GRANT PROJECT						
REVENUES						
Capital Reserve Carryover		$ 74,000	$ 86,044	$ -	76,444	This is a State project with 4 Federal grants that require upfront matches. The State will administer the project, therefore the City will only need to pay the matches. We will not receive any revenue or pay expenses that need to be reimbursed. All matches have been paid in previous years except a 76,444 match that is allocated for construction overages. The $76,444 is carried over from FY26.
Augustine Avenue Trail Design Phase III DOH Reimbursement			$ 133,000	$ 21,887	111,115	DOH reimbursement for the design of Phase III. ($111,115 carried over from FY26.)
TOTAL REVENUES	**$ -**	**$ 74,000**	**$ 219,044**	**$ 21,887**	**$ 187,559**	
EXPENSES						
Augustine Avenue Trail Construction - Construction Phase II & III Encumbrance for FY27 - 979-58 Culture & Recreation Other Improvements		$ 350,000	$ 76,444	$ -	76,444	This allowance is for a grant match potential overages on the project in which the City may be responsible. ($76,444 carried over from FY26.)
Augustine Avenue Trail Design Phase III - 979-58 Culture & Recreation Other Improvements			$ 133,000	$ 21,887	111,115	Phase III design expenses. ($111,115 carried over from FY26.)
TOTAL EXPENSES	**$ -**	**$ 350,000**	**$ 209,444**	**$ 21,887**	**$ 187,559**	
AUGUSTINE AVENUE REVENUES OVER EXPENSES	**$ -**	**$ (276,000)**	**$ 9,600**	**$ (0)**	**$ -**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
LIBERTY STREET FLOODING MITIGATION GRANT PROJECT						
REVENUES						
Capital Reserve Carryover		$ 705,774	$ 1,061,555	$ -		
36500 Federal Grants - Chesapeake Bay Foundation			$ 94,845	$ -	70,253	Total award is $172,445. This grant does not require a match. $77,600 was received in FY24, which leaves a remaining balance of $94,845 to be received. This is a reimbursable grant so we must budget all expenses and administer the project. ($70,253 carried over from FY26.)
36500 Federal Grants - FEMA			$ 375,000	$ -	375,000	Total award is $680,774. FEMA will pay the City $375,000 and the City is required to match $305,774. This is a reimbursable grant so we must budget all expenses and administer the project. ($375,000 carried over from FY26.)
TOTAL REVENUES	**$ -**	**$ 705,774**	**$ 1,531,400**	**$ -**	**$ 445,253**	
EXPENSES						
Liberty Street Flooding Mitigation - Phase I - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements	$ 25,319	$ 10,741	$ 1,531,400	$ 1,086,147	445,253	Total construction cost is $1,420,000. We have received two grants to support this project, both of which are reimbursable, therefore we must budget the entire cost of the project. $88,600 was paid in prior years, leaving the remaining cost at $1,331,400. ($445,253 carried over from FY26.)
TOTAL EXPENSES	**$ 25,319**	**$ 10,741**	**$ 1,531,400**	**$ 1,086,147**	**$ 445,253**	
LIBERTY STREET FLOODING REVENUES OVER EXPENSES	**$ (25,319)**	**$ 695,033**	**$ -**	**$ (1,086,147)**	**$ -**	

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YTD ACTUAL AS OF 5/31/26	FY 2027 BUDGET	NOTES
JEFFERSON MEMORIAL POOL GRANT PROJECT						
REVENUES						
Capital Reserve Carryover		$ 650,174	$ 3,049,305	$ -	1,990,755	This is the City's portion of the cost of this project after receiving the Pool House LWCF and Pool LWCF Grants listed below totaling $1,850,692. The $1,990,755 includes the remaining City's $22,103 Pool House LWCF Grant match and $1,600,695 Pool LWCF Grant match and the remaining $1,198,610 is the City's out of pocket expenses not supported by grants.
Pool House LWCF Grant			$ 250,000	$ 227,897	22,103	Total award is $499,994. National Park Service LWCF will pay the City $249,997 and the City is required to match $249,997. This is a reimbursable grant so we must budget all expenses and administer the project. ($22,103 carried over from FYU26.)
Pool LWCF Grant			$ 1,600,695	$ 706,787	893,908	Total award is $3,201,390. National Park Service LWCF will pay the City $1,600,695 and the City is required to match $1,600,695. This is a reimbursable grant so we must budget all expenses and administer the project. ($893,908 carried over from FY26.)
TOTAL REVENUES	**$ -**	**$ 650,174**	**$ 4,900,000**	**$ 934,684**	**$ 2,906,766**	
EXPENSES						
JMP Pool House Renovation - 979-58 Culture & Recreation Other Improvements **Pool 1**			$ 1,400,000	$ 568,364	831,636	Total construction cost is $1,400,000. We have received a $499,994 grant to support this project, $249,997 will be received from National Park Service and the City must match $249,997. This grant is reimbursable, therefore we must budget the entire cost of the project. ($831,636 carried over from FY26.)
JMP Pool Upgrade - 979-58 Culture & Recreation Other Improvements **- Pool 2**	$ 2,593		$ 3,500,000	$ 1,424,870	2,075,130	Total construction cost is $3,500,000. We have received a $3,201,390 grant to support this project, $1,600,695 will be received from National Park Service and the City must match $1,600,695. This grant is reimbursable, therefore we must budget the entire cost of the project. ($2.075.130 carried over from FY26.)
TOTAL EXPENSES	**$ 2,593**	**$ -**	**$ 4,900,000**	**$ 1,993,235**	**$ 2,906,766**	
JEFFERSON MEMORIAL POOL REVENUES OVER EXPENSES	**$ (2,593)**	**$ 650,174**	**$ -**	**$ (1,058,551)**	**$ -**	

REPAVING BUDGET

ACCOUNT	FY 2024 ACTUAL	FY 2025 ACTUAL	FY 2026 BUDGET	FY 2026 YEAR TO DATE ACTUAL	FY 2027 BUDGET	NOTES
REVENUES						
Repaving Carryover		$ 1,472,865	$ 1,681,704	$ 1,681,704	1,551,700	Carryover balance from FY 2026 Repaving Funds. This is the amount of contingency left over from FY26. This amount will be adjusted in the first revision in July 2026.
36877 Contributions from GF - Repaving Fees	$ 120,367	$ 179,552	$ 150,000	$ 169,249	175,000	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
38000 Interest on Bank Accounts & Other Sources			$ 50,000	$ 19,723	20,000	
TOTAL REVENUES	**$ 120,367**	**$ 1,652,417**	**$ 1,881,704**	**$ 1,870,676**	**$ 1,746,700**	
EXPENDITURES						
977-60 Streets & Transportation Capital Outlay Street Paving		$ 9,260	$ 330,000	$ 303,952	350,000	Jan 2023 Infrastructure Committee report identified 23 streets for repaving/repairs. This is an allowance for continuation of the repaving project.
Paving Contingency - 977-60 Streets & Transportation Capital Outlay Street Paving			$ 1,551,704	$ -	1,396,700	
TOTAL EXPENSES	**$ -**	**$ 9,260**	**$ 1,881,704**	**$ 303,952**	**$ 1,746,700**	
REVENUES OVER EXPENSES	**$ 120,367**	**$ 1,643,157**	**$ -**	**$ 1,566,724**	**$ -**	

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1542: Schedule TIF Workshop

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1545: FY26 Capital Budget Revision #10

ATTACHMENTS:

- Capital Budget 10th Revision.pdf

GRANT PROJECTS BUDGET

ACCOUNT	FY 2026 ENCUMBERED	FY 2026 BUDGET	REVISION #6 PROPOSAL	REVISION #8 PROPOSAL	REVISION #10 PROPOSAL	FY 2026 CURRENT BUDGET	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #6 NOTES	REVISION #10 NOTES
AUGUSTINE AVENUE GRANT PROJECT												
REVENUES												
Capital Reserve Carryover	$ 250,000	$ 76,444	$ 9,600			$ 86,044	$ -	$ 86,044	0%	This is a State project with 4 Federal grants that require upfront matches. The State will administer the project, therefore the City will only need to pay the matches. We will not receive any revenue or pay expenses that need to be reimbursed. All matches have been paid in previous years except a 76,444 match that is allocated for Phase I Construction. The $76,444 is budgeted for FY 2026 and carried over from FY25. There is a $250,000 encumberance set aside for estimated potential overages that the City may have to pay.	Allowance for Phase 1 overages.	
Augustine Avenue Trail Design Phase III DOH Reimbursment					$ 133,000	$ 133,000	$ -	$ 133,000	0%			DOH reimbursement for the design of Phase III.
TOTAL REVENUES	**$ 250,000**	**$ 76,444**	**$ 9,600**	**$ -**	**$ 133,000**	**$ 219,044**	**$ -**	**$ 219,044**	0%			
EXPENSES												
Augustine Avenue Trail Construction - Construction Phase I - 979-58 Culture & Recreation Other Improvements			$ 9,600			$ 9,600	$ -	$ 9,600	0%	Construction - Phase 1 Funded through WVDOT Grant with a City match of $76,444. This is the only match left to pay for this project. All other matches have been paid in prior years.	Allowance for Phase 1 overages.	
Augustine Avenue Trail Construction - Construction Phase II & III Encumberance for FY27 - 979-58 Culture & Recreation Other Improvements	$ 250,000	$ 76,444				$ 76,444	$ -	$ 76,444	0%	This encumbrance is for potential overages on the project in which the City may be responsible.		
Augustine Avenue Trail Design Phase III - 979-58 Culture & Recreatin Other Improvements					$ 133,000	$ 133,000	$ -	$ 133,000	0%			Phase III design expenses.
TOTAL EXPENSES	**$ 250,000**	**$ 76,444**	**$ 9,600**	**$ -**	**$ 133,000**	**$ 219,044**	**$ -**	**$ 219,044**	0%			
AUGUSTINE AVENUE REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**				

LIBERTY STREET FLOODING MITIGATION GRANT PROJECT												
REVENUES												
Capital Reserve Carryover		$ 861,555		$ 200,000		$ 1,061,555	$ -	$ 1,061,555	0%	This is the City's portion of the cost of this project after receiving the Chesapeake Bay and FEMA Grants listed below totaling $469,845. The $861,555 includes the City's $305,774 FEMA Grant match and the remaining $555,811 is the City's out of pocket expenses not supported by grants.		
36500 Federal Grants - Chesapeake Bay Foundation		$ 94,845				$ 94,845	$ -	$ 94,845	0%	Total award is $172,445. This grant does not require a match. $77,600 was received in FY24, which leaves a remaining balance of $94,845 to be received. This is a reimbursable grant so we must budget all expenses and administer the project.		
36500 Federal Grants - FEMA		$ 375,000				$ 375,000	$ -	$ 375,000	0%	Total award is $680,774. FEMA will pay the City $375,000 and the City is required to match $305,774. This is a reimbursable grant so we must budget all expenses and administer the project.		
TOTAL REVENUES	**$ -**	**$ 1,331,400**	**$ -**	**$ 200,000**		**$ 1,531,400**	**$ -**	**$ 1,531,400**	0%			
EXPENSES												
Liberty Street Flooding Mitigation - Phase I - 977-61 Streets & Transportation Capital Outlay Stormwater Improvements		$ 1,331,400		$ 200,000		$ 1,531,400	$ 901,796	$ 629,604	68%	Total construction cost is $1,420,000. We have received two grants to support this project, both of which are reimbursable, therefore we must budget the entire cost of the project. $88,600 was paid in prior years, leaving the remaining cost at $1,331,400.		
TOTAL EXPENSES	**$ -**	**$ 1,331,400**	**$ -**	**$ 200,000**		**$ 1,531,400**	**$ 901,796**	**$ 629,604**	68%			
LIBERTY STREET FLOODING REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**	**$ -**		**$ -**	**$ (901,796)**	**$ 901,796**				

ACCOUNT	FY 2026 ENCUMBERED	FY 2026 BUDGET	REVISION #6 PROPOSAL	REVISION #8 PROPOSAL	REVISION #10 PROPOSAL	FY 2026 CURRENT BUDGET	FY 2026 YEAR TO DATE ACTUAL	FY 2026 BUDGET BALANCE	% OVER/UNDER BUDGET	NOTES	REVISION #6 NOTES	REVISION #10 NOTES
JEFFERSON MEMORIAL POOL GRANT PROJECT												
REVENUES												
Capital Reserve Carryover		$ 3,049,305				$ 3,049,305	$ -	$ 3,049,305	0%	This is the City's portion of the cost of this project after receiving the Pool House LWCF and Pool LWCF Grants listed below totaling $1,850,695. The $3,049,305 includes the City's $250,000 Pool House LWCF Grant match and $1,600,695 Pool LWCF Grant match and the remaining $1,198,610 is the City's out of pocket expenses not supported by grants.		
Pool House LWCF Grant		$ 250,000				$ 250,000	$ 113,106	$ 136,894	45%	Total award is $500,000. National Park Service LWCF will pay the City $250,000 and the City is required to match $250,000. This is a reimbursable grant so we must budget all expenses and administer the project.		
Pool LWCF Grant		$ 1,600,695				$ 1,600,695	$ 434,114	$ 1,166,581	27%	Total award is $3,201,390. National Park Service LWCF will pay the City $1,600,695 and the City is required to match $1,600,695. This is a reimbursable grant so we must budget all expenses and administer the project.		
TOTAL REVENUES	**$ -**	**$ 4,900,000**	**$ -**			**$ 4,900,000**	**$ 547,220**	**$ 4,352,780**	11%			
EXPENSES												
JMP Pool House Renovation - 979-58 Culture & Recreation Other Improvements **Pool 1**		$ 1,400,000				$ 1,400,000	$ 568,214	$ 831,786	41%	Total construction cost is $1,400,000. We have received a $500,000 grant to support this project, $250,000 will be received from National Park Service and the City must match $250,000. This grant is reimbursable, therefore we must budget the entire cost of the project.		
JMP Pool Upgrade - 979-58 Culture & Recreation Other Improvements **- Pool 2**		$ 3,500,000				$ 3,500,000	$ 1,424,870	$ 2,075,130	41%	Total construction cost is $3,500,000. We have received a $3,201,390 grant to support this project, $1,600,695 will be received from National Park Service and the City must match $1,600,695. This grant is reimbursable, therefore we must budget the entire cost of the project.		
TOTAL EXPENSES	**$ -**	**$ 4,900,000**	**$ -**			**$ 4,900,000**	**$ 1,993,085**	**$ 2,906,915**	41%			
JEFFERSON MEMORIAL POOL REVENUES OVER EXPENSES	**$ -**	**$ -**	**$ -**			**$ -**	**$ (1,445,865)**	**$ 1,445,865**				

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1519: TXA2026-01: Text Amendment to Amend Permitted Uses in the Old Town Mixed-Use Commercial Zoning District - For Referral to the Planning Commission

ATTACHMENTS:

- 1. Staff Report.pdf

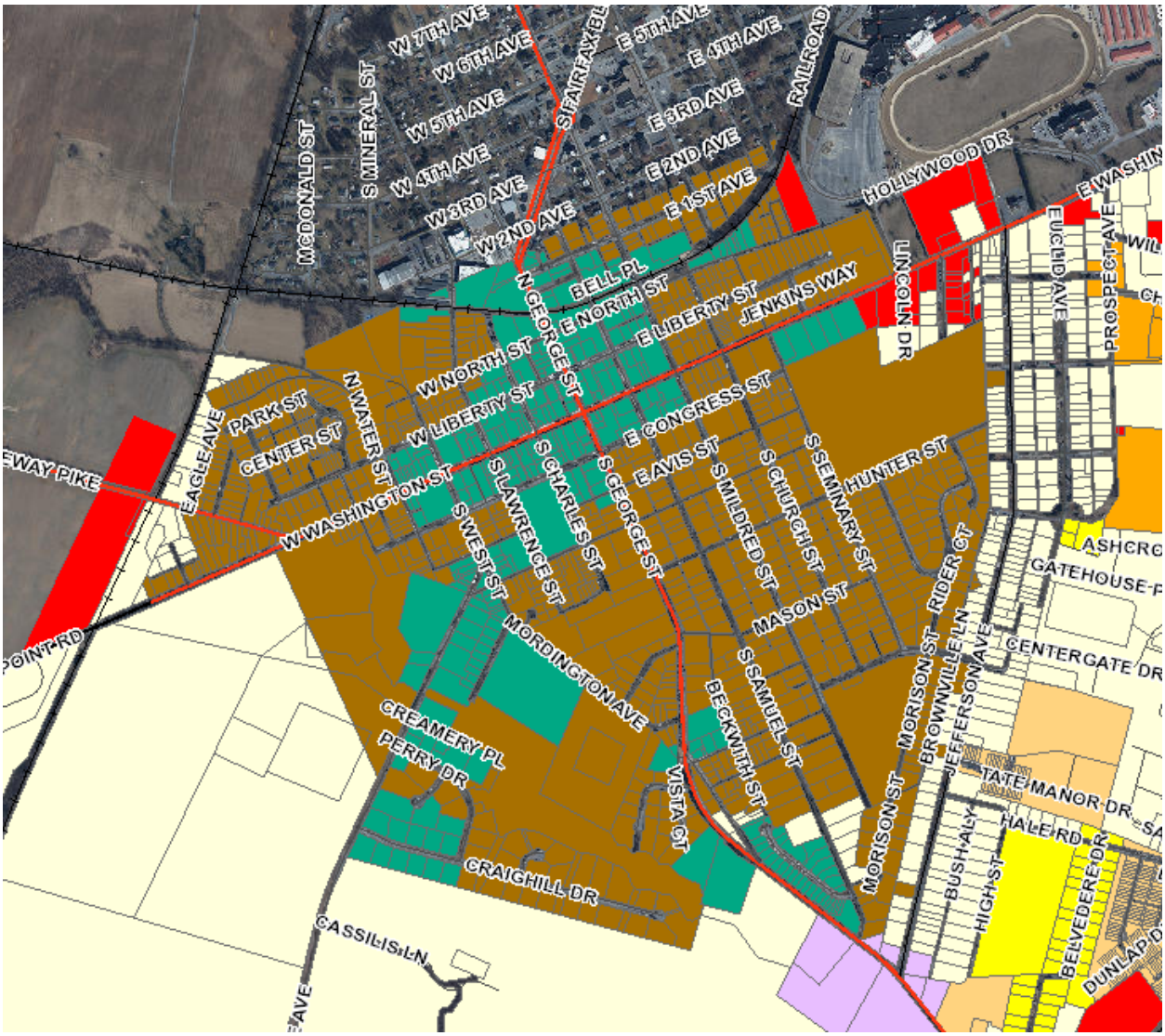
TXA2026-01

OT-MUC Permitted Uses

Date: For the June 1, 2026 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

OLD TOWN MIXED-USE COMMERCIAL ZONING OVERVIEW

The City's Old Town Mixed-Use Commercial (OT-MUC) Zoning District covers a large portion of downtown and its key access points. The Zoning Map below shows the OT-MUC District **in green:**



The purpose of the District is to:

Recognize the diversity of existing Uses and **provide for a wide range of Uses** in a manner that **strengthens** Charles Town's **urban core**, **contributes** to its **historic character**, **minimizes impacts** on adjacent land Uses, and provides connections to annexed properties. The OT-MUC District shall include the areas formerly consisting of NC, OR, GC, CBD, and I Districts. The OT-MUC District will accommodate the Uses previously allowed in the individual districts because the OT-MUC District is designed to provide the flexibility and variety in one Zoning District that was previously provided by five districts.

The OT-MUC District furthermore fosters a greater opportunity for creative Infill Development and Redevelopment by encouraging **a mix of Uses compatible with existing** and **neighboring properties** and providing housing and business Uses in locations where City services are available. The intent is also to encourage interaction among activities located within the OT-MUC District, to enhance business vitality, **reduce vehicular traffic**, **increase access to** and **the use of transit** services, provide employment opportunities for residents close to home, **ensure the compatibility with each of the Commercial and residential Uses**, ensure that the **appearance** and **effects** of Buildings and **Uses are harmonious with the character of the area** in which they are located by:

1. Allowing a diversity of Uses in close proximity in the OT-MUC District within a limited area, including residential, retail, office, and industrial;

2. Preserving and restoring the overall character of the OT-MUC District;

3. Promoting a balance of land Uses;

4. Promoting the opportunity for people to work, interact, shop, dine, and utilize business and public services in the vicinity of their residences;

5. Providing opportunities for the development of affordable housing;

6. Providing opportunities for a mixture of Uses in the same Building;

7. Promoting a positive pedestrian environment in the OT-MUC District;

8. Facilitating integrated physical design;

9. Promoting a high level of design quality;

10. Encouraging the development of flexible space for small and emerging businesses;

11. Facilitating development proposals responsive to current and future market conditions; and

12. Encouraging the development of Open Spaces and Parks within the OT-MUC District to accommodate workers, residents, pedestrians and shoppers;

ISSUE

In the past few months the Community Development Department has received inquiries from automobile related business looking to set up in the OT-MUC District. These automotive related uses are not compatible with the purpose of the District as such uses:

1. Do not strengthen the historic urban core. The founding of the City predates the invention of the automobile;

2. Have a negative impact on neighboring land uses due to vehicle volume, traffic, visual blight, noise, and fumes;

3. By their very nature they increase, rather than reduce, vehicular traffic.

4. Are not harmonious with the desired live/work retail character of the District as a whole.

EXISTING USE TABLE

Table 1322.04, Zoning District Use Table

CHARLES TOWN ZONING ORDINANCE DISTRICT USE TABLE Key: P – Permitted Use S – Special Exception Use PA – Permitted Accessory Use SA – Special Exception Accessory Use		ZONING DISTRICTS						
		Residential Low Density	Residential Medium-High Density	Neighborhood Residential	Neighborhood Commercial	General Commercial	Old Town Mixed Use Commercials	Old Town Residential
ITE Code	Land Use	R-3	R-15	NR	NC	GC	OT-MUC	OT-R
841	Automobile Sales					P	P	
941	Quick Lube Vehicle Shop					P	P	
942	Automobile Care Center					P	P	
943	Automobile Parts and Service Center					P	P	
944	Gasoline/Service Station				P	P	P	
945	Gasoline/Service Station with Convenience Market			P	P	P	P	
946	Gasoline/Service Station with Convenience Market and Car Wash				P	P	P	
947	Self-Service Car Wash					P	P	
948	Automated Car Wash					P	P	

PROPOSED USE TABLE

Table 1322.04, Zoning District Use Table

CHARLES TOWN ZONING ORDINANCE DISTRICT USE TABLE Key: P – Permitted Use S – Special Exception Use PA – Permitted Accessory Use SA – Special Exception Accessory Use		ZONING DISTRICTS						
		Residential Low Density	Residential Medium-High Density	Neighborhood Residential	Neighborhood Commercial	General Commercial	Old Town Mixed Use Commercials	Old Town Residential
ITE Code	Land Use	R-3	R-15	NR	NC	GC	OT-MUC	OT-R
841	Automobile Sales					P		
941	Quick Lube Vehicle Shop					P		
942	Automobile Care Center					P		
943	Automobile Parts and Service Center					P		
944	Gasoline/Service Station				P	P		
945	Gasoline/Service Station with Convenience Market			P	P	P		
946	Gasoline/Service Station with Convenience Market and Car Wash				P	P		
947	Self-Service Car Wash					P		
948	Automated Car Wash					P		

DEFINITIONS

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.

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.

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.

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

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.

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.

EXISITNG AUTOMOBILE RELATED USES IN DISTRICT

The Citgo Gas Station at 222 N. George St. is defined as a *Gasoline/Service Station.*

The Liberty at 321 S. West St is a *Gasoline/Service Station with Convenience Market.*

An *Automobile Sales* business is at 130 Augustine Avenue.

All three of these uses would become legally non-conforming if the amendment is adopted as proposed.

ZONING UPDATE

The Zoning and Subdivision Ordinance Committee is in the process of overhauling both Ordinances. While not yet ready for public review and comment (as both Ordinances are still in the draft phase), the changes proposed by this text amendment are in accordance with the changes proposed under the re-write.

RECOMMENDATION

Initiate the text amendment and send it to the Planning Commission to commence the public hearing process.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1543: Article 136 Rental Dwelling Units - Referral to Ordinance Committee

ATTACHMENTS:

- 2025-005 - Article 136 Rental Dwelling Units.pdf
- Article_136_Rental_Dwelling_Units_2026_edit_CE2 (1).pdf

ARTICLE 136

Rental Dwelling Units

136.01 Purpose.
136.02 Scope.
136.03 Definitions.
136.04 Prohibited activity.
136.05 Application for certificate of rental use and occupancy.
136.06 Certificate of rental use and occupancy; display; transfer; expiration.
136.07 Fees and conditions.
136.08 Annual renewal application.
136.09 Access to rental units.
136.10 Notice of violation.
136.11 Right of appeal.
136.12 Applicability of other laws.
136.13 Penalty.
136.14 Civil remedies.
136.15 Public information.

136.01 PURPOSE.

The purpose of this article is to promote health and safety standards for rental housing and to secure and preserve the integrity and character of residential districts within the City by implementing a system for the registration of Residential Dwelling Units to establish greater accountability of both landlords and tenants so that rental housing is safe, sanitary and suitable in accordance with applicable provisions of the State Building Code and other regulations as adopted by the City.

136.02 SCOPE.

This article applies to all rental dwelling units within the City saving and excepting that it shall not apply to owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances, nor shall it apply to hotels, and motels, nor shall it apply to owners of single family dwellings who, during their ownership, have occupied the dwelling for at least two (2) years immediately prior to rental and for which neither the lease term nor the actual period of rental occupancy shall exceed two (2) years, provided, however, that in any case in which the provisions of this section shall impose a hardship upon any owner of a single family dwelling by reason of extended military service or similar circumstances, such Owner shall have the right to apply to the Code Official for extension or reduction of the time periods set forth herein under the procedures set forth in Section 136.11. In reviewing such application for extension or reduction this article, consideration shall be given to whether or not any claimed hardship is self-imposed, provided, however, that hardship resulting from voluntary service in the United States Armed Forces shall not be deemed to have been self-imposed.

136.03 DEFINITIONS.

As used in this article:

(a) "Certificate of Rental Use and Occupancy" means the certificate issued by the Code Official which permits the use of a building for the rental unit or units set forth in same.

(b) "Code Official" means the officer or other designated authority charged with the administration and enforcement of the Building Code of this City, or his/her duly authorized agent.

(c) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) "Owner" means the owner or owners of a Rental Dwelling Unit.

(e) "Owner Occupied" means occupied by one or more of the individuals with whom title is vested by deed, will or intestate succession and shall also include one who is vested with the beneficial interest and possessory rights to the property by virtue of a trust instrument.

(f) "Lease" shall refer to an agreement, oral or written, wherein one grants to another use and possession of a rental unit for a period of more than seven days in exchange for some form of consideration, whether money, goods, services, or otherwise, and the verb form of "lease" shall mean the same as

"rent" and "to rent" shall mean "to lease".

(g) "Property Manager" and the word "Manager" shall mean any natural person designated as an agent by the owner(s) for the purpose of managing a Rental Dwelling Unit.

(h) "Rental Dwelling Unit" and "Rental Unit" means any dwelling unit which is offered in whole or part for residential purposes and for which remuneration is received, but shall not be construed so as to include owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances, nor shall it include hotels and motels, nor single family dwellings that have been occupied by their owners for at least two (2) years immediately prior to rental and for which neither the lease term nor the actual period of rental occupancy shall exceed two (2) years.

(i) "State Building Code" shall mean the State Building Code as defined by Part Seventeen of the Codified Ordinances of Charles Town and shall include the National Electrical Code.

(j) "Tenant" means an individual occupant of a Rental Dwelling Unit who has entered a lease agreement for occupancy of said unit for a period of more than seven (7) days or who has occupied such Unit for a period of more than seven (7) days in exchange for the giving of something of value to the owner.

136.04 PROHIBITED ACTIVITY.

No owner or property manager shall lease or offer for rent any Rental Dwelling Unit for use in whole or in part for human habitation without a valid Certificate of Rental Use and Occupancy. It shall be unlawful for any owner, property manager or tenant to violate any of the provisions of this article.

136.05 APPLICATION FOR CERTIFICATE OF RENTAL USE AND OCCUPANCY.

Applications for a Certificate of Rental Use and Occupancy shall be made in writing, on forms provided by the Code Official containing the following information in addition to such supplemental information as may be reasonably required by the Code Official:

(a) For the building or complex in which Rental Units are located:

(1) The address(es) of the dwelling units;

(2) B&O account ID;

(3) The number of units in the building;

(4) The names, addresses and telephone numbers of all owners, and any property manager; and

(5) Any other uses existing or intended within the building;

(6) In the case of an out of state non-resident owner, the name and residence address of the natural person who is a resident of the State of West Virginia and who the owner designates as an agent to receive notice and legal service of process on his or her behalf.

(b) For each Rental Unit:

(1) The floor on which the unit is located;

(2) The total habitable square feet;

(3) The number of off-street or on location parking spaces available; and

(4) The rental unit identification number (i.e., house #, apartment #).

136.06 CERTIFICATE OF RENTAL USE AND OCCUPANCY; DISPLAY; TRANSFER; EXPIRATION.

(a) Unless the rental unit is found, upon inspection, not to conform to the requirements of this article, the Code Official shall issue a Certificate of Rental Use and Occupancy within forty-five (45) days of receipt of a completed application. The Certificate, and all renewals thereof, shall be issued for a period of one (1) year.

(b) The Certificate of Rental Use and Occupancy shall be transferable to subsequent owners of the respective dwelling unit(s), provided, however, that such subsequent owner shall first register and provide the information as herein required under Section 136.05 and shall pay a transfer fee of thirty dollars ($30.00).

(c) An example of the Certificate of Rental Use and Occupancy shall be available for inspection at City Hall during regular business hours.

(d) The Owner/Agent shall post a copy of the Certificate of Rental Use and Occupancy in a conspicuous location in the interior of the premises or near the interior electrical fuse or circuit box of each dwelling unit.

136.07 FEES AND CONDITIONS.

(a) Each Owner shall be charged an inspection fee of twenty dollars ($20.00) per Rental Unit for each inspection made in the usual course of the implementation of this article. There shall be no additional inspection fee when a re-inspection fee is required for compliance and compliance is accomplished. However, in the event that two (2) or more re-inspections are required in order to achieve compliance with this article, an additional re-inspection fee of twenty dollars ($20.00) shall be assessed for the second re-inspection and for each subsequent re-inspection. These fees are exclusive of and in addition to any associated building permit fees, as necessary.

(b) Owners missing scheduled inspections without prior notice and good cause shall be assessed twenty dollars ($20.00) in addition to the inspection fee.

(c) In the event that the Code Official is required to attend Court or Deposition as a witness pertaining to the administration of this Article, the party requiring his/her appearance will be assessed an appearance fee equal to ($100) per hour or portion thereof for which the Code Official is required to attend Court or Deposition. Where less than twenty-four (24) hours advance notice is given of such required appearance, the fee shall be ($125) per hour or portion thereof.

(d) An Owner or Manager may request an inspection of his/her Rental Unit(s) at any time for the purpose of establishing compliance with this article and the State Building Code, either incident to a dispute with a tenant or other cause, provided, however, that a fee of one hundred ($100) per hour shall be assessed to such owner/manager per man-hour with a one-hour minimum charge for such inspection.

(e) Duplicate Certificate of Rental Use and Occupancy shall be provided to any owner/manager for a fee of one dollar

(f) A tenant may request an inspection for specific conditions by filing a request for same on a form provided by the Code Official at no cost.

136.08 ANNUAL RENEWAL APPLICATION.

(a) For the purpose of this article, the registration/inspection year shall be defined as one year from date of issuance of Certificate of Rental U&O. The $20.00 annual registration fee shall be designated as the application and inspection fee for the registered unit.

(b) Annual inspections shall be scheduled by the Code Official during the year with at least fourteen (14) days' advance notice to the property owner or designated agent. Property owners not registered at the time of the scheduled inspection will be in violation of this article. Where deemed appropriate by the Code Official, follow-up inspections may be made at any reasonable time.

136.09 ACCESS TO RENTAL UNITS.

The Owner/Manager shall provide the Code Official access to all areas of any building containing rental dwelling units at all reasonable times and shall make himself/herself available to accompany the Code Official during inspection. In the absence of the Owner/Manager, the Code Official shall have the right to inspect the interior of rental properties, including individual dwelling units, in order to carry out the provisions of this article under the following circumstances.

(a) After providing due notice to the occupants of unit or upon scheduling an inspection with one or more of the tenants in possession of a unit;

(b) Upon probable cause that a Code violation exists and the issuance of an administrative search warrant by a City Judge.

136.10 NOTICE OF VIOLATION.

(a) When in the course of the inspection violations are discovered on the premises that do not affect the habitability or safety of a rental dwelling unit, such violations shall be cited in accordance with the administrative provisions of the applicable code or ordinance. Such violations shall not be construed as grounds to withhold or revoke the Certificate of Rental Use and Occupancy.

(b) Where conditions exist which affect the habitability of the dwelling, but do not pose an imminent hazard to the occupants, a Certificate of Rental Use and Occupancy may be issued along with a notice of violation. The notice of violation shall be in writing, must be served to the Owner or Agent containing a description of the property sufficient for identification and shall include:

(1) A statement of the deficient conditions for which the notice of violation it was issued;

(2) A reasonable time in which the violations are required to be eradicated; and

(3) A statement of the Owner's right of appeal.

The Owner shall, within the time period specified in the notice of violation, correct all deficiencies cited in violation of the State Building Code and City codes. The Certificate of Rental Use and Occupancy may be revoked if the dwelling unit is not in compliance within the time specified in the notice of violation. However, the Code Official may, upon written request, extend the period for compliance where the work has been delayed despite good-faith efforts to comply and where such extension presents no immediate threat to the health and safety of the occupants of the dwelling unit or other units or properties.

(c) Nothing in this article shall be construed to prevent the Code Official from ordering the immediate vacation of any dwelling or dwelling unit where violations are discovered which pose an immediate threat to the health or safety of the occupants.

136.11 RIGHT OF APPEAL.

Any property Owner shall have the right to appeal to the Building Code Board of Appeals from a decision of the Code Official where it is alleged that the Code Official has made erroneous factual findings or has misinterpreted the application of this article to such facts, provided, however, that and challenge to the Code Official's findings in regard to the State Building Code will be governed by the limited scope of appeal as set forth therein. Such appeal shall be in writing on forms provided stating the reasons therefore and shall be submitted to the Code Official within thirty (30) days of receipt of notice the action taken from which the appeal is taken and shall be accompanied with the appropriate appeal fee as established by the City Council for the taking of appeals to said Board. Upon receipt of the written appeal along with the appeal fee, the Code Official shall cause the appeal to be scheduled for hearing before the Building Code Board of Appeals. Except where conditions warrant immediate vacating of the dwelling, such appeal shall stay all action on the part of the Code Official in furtherance of the notice of violation from which the appeal was taken. Any appeal from a decision of the Building Code Board of Appeals shall be by writ of certiorari to the Circuit Court of Jefferson County and shall not automatically stay the enforcement of such decision.

(Passed 9-19-16.)

136.12 APPLICABILITY OF OTHER LAWS.

The provisions of this article shall not be construed so as to abrogate any common law or statutory rights and responsibilities of landlords and tenants. Neither the requirements of this article nor the requirements of any other ordinance of the City of Charles Town nor the requirements of State or federal law may be waived by any party to any lease.

136.13 PENALTY.

Any person violating any provision of this Article is guilty of a misdemeanor. Each day for which a violation of any provision of this article exists shall constitute a separate offense subject to a fine for each first offense of $100.00, for each second offense, $200.00 and for each third and subsequent repeat offense $500.00. Any penalty imposed for a violation of this Article shall constitute a lien against all real estate owned by the person(s) fined in favor of the City of Charles Town, together with a lien for all costs and attorney fees incurred in the enforcement of such lien. The imposition of penalties prescribed herein shall not relieve the violator from responsibility for full compliance with all other applicable codes and ordinances, including any and all separate fines and penalties imposed thereunder. By virtue of the designation of an Agent under the provisions of this Article, the Owner or Owners and each of them will be jointly and severally accountable and liable for all actions and inactions of such Agent.

136.14 CIVIL REMEDIES.

In addition to the penalties imposed by Section 136.13, above, the Code Official may bring, before any court of competent jurisdiction, an action seeking injunctive relief against any person in violation of any provision of this article. In any order granting such injunctive relief, the City of Charles Town shall be entitled to recovery of its attorney fees and expenses reasonably incurred in such action. By virtue of the designation of an Agent under the provisions of this Article, the Owner or Owners and each of them will be jointly and severally accountable and liable for all actions and inactions of such Agent.

136.15 PUBLIC INFORMATION.

The official written results of inspections undertaken by virtue of this article shall be deemed public information.

First Reading: June 16, 2025

Second Reading: July 21, 2025

Micheal George
Mayor

Carolyn Vezzosi
Deputy City Clerk

ARTICLE 136

Rental Dwelling Units

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136.01 PURPOSE.

The purpose of this article is to promote health and safety standards for rental housing and to secure and preserve the integrity and character of residential districts within the City by implementing a system for the registration of Residential Dwelling Units to establish greater accountability of both landlords and tenants so that rental housing is safe, sanitary and suitable in accordance with applicable provisions of the State Building Code and other regulations as adopted by the City. (Ord. 2025-005. Passed 7-21-25.)

136.02 SCOPE.

This article applies to all rental dwelling units within the City saving and excepting that it shall not apply to owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances, nor shall it apply to hotels, and motels, nor shall it apply to owners of single family dwellings who, during their ownership, have occupied the dwelling for at least two (2) years immediately prior to rental and for which neither the lease term nor the actual period of rental occupancy shall exceed two (2) years, provided, however, that in any case in which the provisions of this section shall impose a hardship upon any owner of a single family dwelling by reason of extended military service or similar circumstances, such Owner shall have the right to apply to the Code Official for extension or reduction of the time periods set forth herein under the procedures set forth in Section 136.11. In reviewing such application for extension or reduction this article, consideration shall be given to whether or not any claimed hardship is self-imposed, provided, however, that hardship resulting from voluntary service in the United States Armed Forces shall not be deemed to have been self-imposed. (Ord. 2025-005. Passed 7-21-25.)

136.03 DEFINITIONS.

As used in this article:

(a) "Certificate of Rental Use and Occupancy" means the certificate issued by the Code Official which permits the use of a building for the rental unit or units set forth in same.

(b) "Code Official" means the officer or other designated authority charged with the administration and enforcement of the Building Code of this City, or his/her duly authorized agent.

(c) "Dwelling Unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(d) "Owner" means the owner or owners of a Rental Dwelling Unit.

(e) "Owner Occupied" means occupied by one or more of the individuals with whom title is vested by deed, will or intestate succession and shall also include one who is vested with the beneficial interest and possessory rights to the property by virtue of a trust instrument.

(f) "Lease" shall refer to an agreement, oral or written, wherein one grants to another use and possession of a rental unit for a period of more than seven days in exchange for some form of consideration, whether money, goods, services, or otherwise, and the verb form of "lease" shall mean the same as "rent" and "to rent" shall mean "to lease".

(g) "Property Manager" and the word "Manager" shall mean any natural person designated as an agent by the owner(s) for the purpose of managing a Rental Dwelling Unit.

(h) "Rental Dwelling Unit" and "Rental Unit" means any dwelling unit which is offered in whole or part for residential purposes and for which remuneration is received, but shall not be construed so as to include owner occupied dwellings wherein roomers or boarders are maintained in common living areas in accordance with other applicable codes and ordinances, nor shall it include hotels and motels, nor single family dwellings that have been occupied by their owners for at least two (2) years immediately prior to rental and for which neither the lease term nor the actual period of rental occupancy shall exceed two (2) years.

(i) "State Building Code" shall mean the State Building Code as defined by Part Seventeen of the Codified Ordinances of Charles Town and shall include the National Electrical Code.

(j) "Tenant" means an individual occupant of a Rental Dwelling Unit who has entered a lease agreement for occupancy of said unit for a period of more than seven (7) days or who has occupied such Unit for a period of more than seven (7) days in exchange for the giving of something of value to the owner.

~~(j)~~(k) "Major violation" means any combination of 3 or more IPMC violations or any single life safety code violation as determined by the Code Official.

(Ord. 2025-005. Passed 7-21-25.)

136.04 PROHIBITED ACTIVITY.

No owner or property manager shall lease or offer for rent any Rental Dwelling Unit for use in whole or in part for human habitation without a valid Certificate of Rental Use and Occupancy. It shall be unlawful for any owner, property manager or tenant to violate any of the provisions of this article.
(Ord. 2025-005. Passed 7-21-25.)

136.05 APPLICATION FOR CERTIFICATE OF RENTAL USE AND OCCUPANCY.

Applications for a Certificate of Rental Use and Occupancy shall be made in writing or online, on forms or the website provided by the Code Official containing the following information in addition to such supplemental information as may be reasonably required by the Code Official:

(a) For the building or complex in which Rental Units are located:
(1) The address(es) of the dwelling units;
(2) B&O account ID;
(3) The number of units in the building;
(4) The names, addresses and telephone numbers of all owners, and any property manager; and
(5) Any other uses existing or intended within the building;
(6) In the case of an out of state non-resident owner, the name and residence address of the natural person who is a resident of the State of West Virginia and who the owner designates as an agent to receive notice and legal service of process on his or her behalf.

(b) For each Rental Unit:
(1) The floor on which the unit is located;
(2) The total habitable square feet;
(3) The number of off-street or on location parking spaces available; and
(4) The rental unit identification number (i.e., house #, apartment #).

(Ord. 2025-005. Passed 7-21-25.)

136.06 CERTIFICATE OF RENTAL USE AND OCCUPANCY; DISPLAY; TRANSFER; EXPIRATION.

(a) Unless the rental unit is found, upon inspection, not to conform to the requirements of this article, the Code Official shall issue a Certificate of Rental Use and Occupancy within forty-five (45) days of receipt of a completed application. The Certificate, and all renewals thereof, shall be issued for a period of one (1) or three (3) years.

(1) One (1) year if a major violation is found

(2) Three (3) years if no *major violations* are found

~~(1)~~(3)

(b) The Certificate of Rental Use and Occupancy shall be transferable to subsequent owners of the respective dwelling unit(s), provided, however, that such subsequent owner shall first register and provide the information as herein required under Section 136.05 and shall pay a transfer fee of ~~thirty~~ twenty dollars ($~~30~~20.00).

(c) An example of the Certificate of Rental Use and Occupancy shall be available for inspection at City Hall during regular business hours.

~~(d) The Owner/Agent shall post a copy of the Certificate of Rental Use and Occupancy in a conspicuous location in the interior of the premises or near the interior electrical fuse or circuit box of each dwelling unit.~~

(d) Structures with a U&O issued within two (2) years are not subject to the initial rental inspections. They are still required to register to receive the Certificate of Rental Use and Occupancy and will be required to have a renewal inspection within year three (3).

(Ord. 2025-005. Passed 7-21-25.)

136.07 FEES AND CONDITIONS.

(a) Each Owner shall be charged an inspection fee of twenty dollars ($20.00) per Rental Unit for each inspection made in the usual course of the implementation of this article. There shall be no additional inspection fee when a re-inspection fee is required for compliance and compliance is accomplished. However, in the event that two (2) or more re-inspections are required in order to achieve compliance with this article, an additional re-inspection fee of twenty dollars ($20.00) shall be assessed for the second re-inspection and for each subsequent re-inspection. These fees are exclusive of and in addition to any associated building permit fees, as necessary.

(b) Owners missing scheduled inspections without prior notice and good cause shall be assessed twenty dollars ($20.00) in addition to the inspection fee.

(c) In the event that the Code Official is required to attend Court or Deposition as a witness pertaining to the administration of this Article, the party requiring his/her appearance will be assessed an appearance fee equal to one hundred dollars ($100.00) per hour or portion thereof for which the Code Official is required to attend Court or Deposition. Where less than twenty-four (24) hours advance notice is given of such required appearance, the fee shall be one hundred twenty-five dollars ($125.00) per hour or portion thereof.

(d) An Owner or Manager may request an inspection of his/her Rental Unit(s) at any time for the purpose of establishing compliance with this article and the State Building Code, either incident to a dispute with a tenant or other cause, provided, however, that a fee of one hundred dollars ($100.00) per hour shall be assessed to such owner/manager per man-hour with a one-hour minimum charge for such inspection.

(e) Duplicate Certificate of Rental Use and Occupancy shall be provided to any owner/manager for a fee of one dollar ($1.00).

(f) A tenant may request an inspection for specific conditions by filing a request for same on a form provided by the Code Official at no cost.

(Ord. 2025-005. Passed 7-21-25.)

136.08 ~~ANNUAL~~ RENEWAL APPLICATION.

(a) For the purpose of this article, the registration/inspection year shall be defined as one or three years from date of issuance of Certificate of Rental U&O. The twenty dollars ($20.00) ~~annual~~ registration fee shall be designated as the application and inspection fee for the registered unit.

(b) ~~Annual~~ inspections shall be scheduled by the ~~Code Official~~property owner or designated agent during the year with at least fourteen (14) days' advance notice from the Code Official to the property owner or designated agent. Property owners not registered at the time of the scheduled inspection will be in violation of this article. Where deemed appropriate by the Code Official, follow-up inspections may be made at any reasonable time. (Ord. 2025-005. Passed 7-21-25.)

136.09 ACCESS TO RENTAL UNITS.

The Owner/Manager shall provide the Code Official access to all areas of any building containing rental dwelling units at all reasonable times and shall make himself/herself available to accompany the Code Official during inspection. In the absence of the Owner/Manager, the Code Official shall have the right to inspect the interior of rental properties, including individual dwelling units, in order to carry out the provisions of this article under the following circumstances.

(a) After providing due notice to the occupants of unit or upon scheduling an inspection with one or more of the tenants in possession of a unit;

(b) Upon probable cause that a Code violation exists and the issuance of an administrative search warrant by a City Judge.

(Ord. 2025-005. Passed 7-21-25.)

136.10 NOTICE OF VIOLATION.

(a) When in the course of the inspection violations are discovered on the premises that do not affect the habitability or safety of a rental dwelling unit, such violations shall be cited in accordance with the administrative provisions of the applicable code or ordinance. Such violations shall not be construed as grounds to withhold or revoke the Certificate of Rental Use and Occupancy.

(b) Where conditions exist which affect the habitability of the dwelling, but do not pose an imminent hazard to the occupants, a Certificate of Rental Use and Occupancy may be issued along with a notice of violation. The notice of violation shall be in writing, must

be served to the Owner or Agent containing a description of the property sufficient for identification and shall include:

(1) A statement of the deficient conditions for which the notice of violation it was issued;

(2) A reasonable time in which the violations are required to be eradicated; and

(3) A statement of the Owner's right of appeal.

The Owner shall, within the time period specified in the notice of violation, correct all deficiencies cited in violation of the State Building Code and City codes. The Certificate of Rental Use and Occupancy may be revoked if the dwelling unit is not in compliance within the time specified in the notice of violation. However, the Code Official may, upon written request, extend the period for compliance where the work has been delayed despite good-faith efforts to comply and where such extension presents no immediate threat to the health and safety of the occupants of the dwelling unit or other units or properties.

(c) Nothing in this article shall be construed to prevent the Code Official from ordering the immediate vacation of any dwelling or dwelling unit where violations are discovered which pose an immediate threat to the health or safety of the occupants.
(Ord. 2025-005. Passed 7-21-25.)

136.11 RIGHT OF APPEAL.

Any property Owner shall have the right to appeal to the Building Code Board of Appeals from a decision of the Code Official where it is alleged that the Code Official has made erroneous factual findings or has misinterpreted the application of this article to such facts, provided, however, that and challenge to the Code Official's findings in regard to the State Building Code will be governed by the limited scope of appeal as set forth therein. Such appeal shall be in writing on forms provided stating the reasons therefore and shall be submitted to the Code Official within thirty (30) days of receipt of notice the action taken from which the appeal is taken and shall be accompanied with the appropriate appeal fee as established by the City Council for the taking of appeals to said Board. Upon receipt of the written appeal along with the appeal fee, the Code Official shall cause the appeal to be scheduled for hearing before the Building Code Board of Appeals. Except where conditions warrant immediate vacating of the dwelling, such appeal shall stay all action on the part of the Code Official in furtherance of the notice of violation from which the appeal was taken. Any appeal from a decision of the Building Code Board of Appeals shall be by writ of certiorari to the Circuit Court of Jefferson County and shall not automatically stay the enforcement of such decision.
(Ord. 2025-005. Passed 7-21-25.)

136.12 APPLICABILITY OF OTHER LAWS.

The provisions of this article shall not be construed so as to abrogate any common law or statutory rights and responsibilities of landlords and tenants. Neither the requirements of this article nor the requirements of any other ordinance of the City of Charles Town nor the requirements of State or federal law may be waived by any party to any lease.
(Ord. 2025-005. Passed 7-21-25.)

136.13 PENALTY.

Any person violating any provision of this Article is guilty of a misdemeanor. Each day for which a violation of any provision of this article exists shall constitute a separate offense subject to a fine for each first offense of one hundred dollars ($100.00), for each second offense, two hundred dollars ($200.00) and for each third and subsequent repeat offense five hundred dollars ($500.00). Any penalty imposed for a violation of this Article shall constitute a lien against all real estate owned by the person(s) fined in favor of the City of Charles Town, together with a lien for all costs and attorney fees incurred in the enforcement of such lien. The imposition of penalties prescribed herein shall not relieve the violator from responsibility for full compliance with all other applicable codes and ordinances, including any and all separate fines and penalties imposed thereunder. By virtue of the designation of an Agent under the provisions of this Article, the Owner or Owners and each of them will be jointly and severally accountable and liable for all actions and inactions of such Agent.
(Ord. 2025-005. Passed 7-21-25.)

136.14 CIVIL REMEDIES.

In addition to the penalties imposed by Section 136.13, above, the Code Official may bring, before any court of competent jurisdiction, an action seeking injunctive relief against any person in violation of any provision of this article. In any order granting such injunctive relief, the City of Charles Town shall be entitled to recovery of its attorney fees and expenses reasonably incurred in such action. By virtue of the designation of an Agent under the provisions of this Article, the Owner or Owners and each of them will be jointly and severally accountable and liable for all actions and inactions of such Agent.
(Ord. 2025-005. Passed 7-21-25.)

136.15 PUBLIC INFORMATION.

The official written results of inspections undertaken by virtue of this article shall be deemed public information.
(Ord. 2025-005. Passed 7-21-25.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1541: Payment of Bills - June 1, 2026

ATTACHMENTS:

- GEN FUND COUNCIL REPORT 2026-06-01.pdf
- PARKS N REC COUNCIL REPORT 2026-06-01.pdf
- CAPITAL RESERVE COUNCIL REPORT 2026-06-01.pdf
- COAL SEVERANCE COUNCIL REPORT 2026-06-01.pdf

Expense Approval Report

Charles Town, WV

By Fund

Payment Dates 5/19/2026 - 5/29/2026

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number		Amount
Fund: 001 - GENERAL FUND						
EMPOWER RETIREMENT	INV0001246	05/08/2026	5-8-26 ROTH IRA	001-227-000		1687.95
EMPOWER RETIREMENT	INV0001246	05/08/2026	5-8-26 ER DFCMP	001-227-000		3304
EMPOWER RETIREMENT	INV0001246	05/08/2026	5-8-26 Employee DFCMP	001-227-000		4060.35
WV PERS (CPRB)	INV0001227	05/14/2026	April 26 PERS Payment	001-224-000		26638.81
WV PERS (CPRB)	INV0001228	05/14/2026	March 26 PERS Payment	001-224-000		27884.08
NVA	4480534	05/22/2026	June 26 Employee Vision Insurance Contributic	001-225-010		158.41
EMPOWER RETIREMENT	INV0001247	05/22/2026	5-22-26 ROTH IRA	001-227-000		1748.72
EMPOWER RETIREMENT	INV0001247	05/22/2026	5-22-26 Employer DFCMP	001-227-000		3343.59
EMPOWER RETIREMENT	INV0001247	05/22/2026	5-22-26 Employee DFCMP	001-227-000		4438.47
						73264.38
Department: 402 - ECONOMIC DEVELOPMENT						
NVA	4480534	05/22/2026	June 26 ED Vision Insurance Contribution	001-402-105		7.97
					Department 402 - ECONOMIC DEVELOPMENT Total:	**7.97**
Department: 412 - CITY MANAGER'S OFFICE						
NVA	4480534	05/22/2026	June 26CMO Vision Insurance Contributions	001-412-105		7.97
					Department 412 - CITY MANAGER'S OFFICE Total:	**7.97**
Department: 413 - TREASURER'S OFFICE						
NVA	4480534	05/22/2026	June 26TR Vision Insurance Contributions	001-413-105		31.88
					Department 413 - TREASURER'S OFFICE Total:	**31.88**
Department: 415 - CITY CLERK'S OFFICE						
NVA	4480534	05/22/2026	June 26CK Vision Insurance Contributions	001-415-105		7.97
					Department 415 - CITY CLERK'S OFFICE Total:	**7.97**
Department: 417 - CITY ATTORNEY						
NVA	4480534	05/22/2026	June 26 CA Vision Insurance Contributions	001-417-105		7.97
					Department 417 - CITY ATTORNEY Total:	**7.97**
Department: 425 - ENFORCEMENT AGENCY						
NVA	4480534	05/22/2026	June 26 CE Vision Insurance Contributions	001-425-105		7.97
					Department 425 - ENFORCEMENT AGENCY Total:	**7.97**
Department: 436 - BUILDING INSPECTION						
NVA	4480534	05/22/2026	June 26 BI Vision Insurance Contributions	001-436-105		7.97
					Department 436 - BUILDING INSPECTION Total:	**7.97**
Department: 437 - PLANNING & ZONING						
KIMLEY-HORN AND ASSOCIAT	35543954	05/22/2026	April 26 Planning & Site Review	001-437-230		4023.96

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number		Amount
NVA	4480534	05/22/2026	June 26 PZ Vision Insurance Contributions	001-437-105		31.88
					Department 437 - PLANNING & ZONING Total:	**4055.84**
Department: 440 - CITY HALL						
HIRE LEVEL HCM INC	INV0001214	05/08/2026	5-8-26 CH Payroll Services	001-440-230		284.88
HIRE LEVEL HCM INC	INV0001216	05/15/2026	5-26 Council Payroll Services	001-440-230		147.04
NVA	4480534	05/22/2026	June 26 CH Vision Insurance Contributions	001-440-105		-7.97
FIRST-CITIZENS BANK & TRUS	149174911	05/22/2026	May26 CH 2nd Floor Plotter Lease	001-440-219		506.12
FIRST-CITIZENS BANK & TRUS	149179111	05/22/2026	June26 CH 1st Floor Copier Lease	001-440-219		239.68
AMERICAN LEGAL PUBLISHIN	51122	05/22/2026	May26 Ordinance 741 Municipal License Upda	001-440-230		881.18
MILLENIUM INSURANCE GRO	COC 6 2026	05/22/2026	June 26 Insurance Broker Retainer	001-440-223		1800
FRONTIER, INC.	INV0001207	05/22/2026	May 26 CH Elevator Alarm Service	001-440-211		96.39
HIRE LEVEL HCM INC	INV0001215	05/22/2026	5-20-26 CH Payroll Services	001-440-230		442.52
					Department 440 - CITY HALL Total:	**4389.84**
Department: 571 - PARKING						
NVA	4480534	05/22/2026	June 26 PK Vision Insurance Contributions	001-571-105		7.97
					Department 571 - PARKING Total:	**7.97**
Department: 700 - POLICE DEPARTMENT						
NVA	4480534	05/22/2026	June 26 PD Vision Insurance Contributions	001-700-105		119.55
Julian Bound	INV0001204	05/22/2026	Bound Per Diem for Training 5/19-20	001-700-214		120
CHARLES TOWN UTILITY BOAF	5192026	05/28/2026	May26 PD Water Delivery	001-700-341		158.02
JEFFERSON COUNTY EMERGEI	652	05/28/2026	FY26 Netmotion Licensing Cost	001-700-211		1385.5
FRONTIER, INC.	INV0001253	05/28/2026	June26 PD Alarm Service	001-700-211		157.37
					Department 700 - POLICE DEPARTMENT Total:	**1940.44**
Department: 750 - STREETS & HIGHWAYS						
JAMAR TECHNOLOGIES, INC	0069885	05/22/2026	Speed Tube Accessories	001-750-341		302.52
All State Tool	094814	05/22/2026	MD Drill set, Tire Repair Kit; Pliers; Burr Bits	001-750-341		190
NVA	4480534	05/22/2026	June 26 MD Vision Insurance Contributions	001-750-105		23.91
					Department 750 - STREETS & HIGHWAYS Total:	**516.43**
Department: 903 - FAIR ASSOC/FESTIVAL						
SME Music LLC	INV0001174	05/19/2026	WVFest 26 Band Deposit	001-903-230		350
					Department 903 - FAIR ASSOC/FESTIVAL Total:	**350**
					Fund 001 - GENERAL FUND Total:	**84604.6**
					Grand Total:	**84604.6**

Report Summary

Fund Summary

Fund		yment Amount
001 - GENERAL FUND		84604.6
	Grand Total:	**84604.6**

Account Summary

Account Numb	Account Name	yment Amount
001-224-000	Retirement Contributions Payab	54522.89
001-225-010	Dental & Vision Payable	158.41
001-227-000	Misc Payroll Withheld	18583.08
001-402-105	ECONOMIC DEV - GROUP INSURANCE	7.97
001-412-105	CMO Group Insurance	7.97
001-413-105	TREAS Group Insurance	31.88
001-415-105	CLERK Group Insurance	7.97
001-417-105	ATTORNEY INSURANCE	7.97
001-425-105	ENFORCEMENT AG - GROUP INSURAN	7.97
001-436-105	BI Group Insurance	7.97
001-437-105	P&Z Group Insurance	31.88
001-437-230	P&Z Contracted Services	4023.96
001-440-105	CH Group Insurance	-7.97
001-440-211	CH Telephone	96.39
001-440-219	CH Buildings & Equipment Rents	745.8
001-440-223	CH Professional Services	1800
001-440-230	CH Contracted Services	1755.62
001-571-105	PARKING Group Insurance	7.97
001-700-105	PD GROUP INSURANCE	119.55
001-700-211	PD TELEPHONE	1542.87
001-700-214	PD TRAVEL EXPENSE	120
001-700-341	PD DEPARTMENTAL SUPPLIES	158.02
001-750-105	STREETS GROUP INSURANCE	23.91
001-750-341	STREETS DEPARTMENT SUPPLIES	492.52
001-903-230	FAIR/FESTIVAL Contracted Svcs	350
	Grand Total:	**84604.6**

Project Account Summary

Project Account Key		yment Amount
None		84604.6
	Grand Total:	**84604.6**

Authorization Signatures

. COUNCIL MEMBER

. COUNCIL MEMBER

Expense Approval Report

Charles Town, WV

By Fund

Payment Dates 5/27/2026 - 5/29/2026

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number		Amount
Fund: 207 - PARKS & REC						
Department: 900 - PARKS & REC						
POTOMAC EDISON COMPANY	INV0001251	05/28/2026	Apr26 JMP Lights&Pool &Rest	207-900-213		10.31
POTOMAC EDISON COMPANY	INV0001251	05/28/2026	Apr26 JMP Lights&Pool &Rest	207-900-213		10.42
POTOMAC EDISON COMPANY	INV0001251	05/28/2026	Apr26 JMP Lights&Pool &Rest	207-900-213		15.32
POTOMAC EDISON COMPANY	INV0001251	05/28/2026	Apr26 JMP Lights&Pool &Rest	207-900-213		31.53
POTOMAC EDISON COMPANY	INV0001251	05/28/2026	Apr26 JMP Lights&Pool &Rest	207-900-213		137.58
KIEFER AQUATICS	001608479B	05/29/2026	JMP Pool Lifeguard Supplies	207-900-341		327.31
					Department 900 - PARKS & REC Total:	**532.47**
					Fund 207 - PARKS & REC Total:	**532.47**
					Grand Total:	**532.47**

Report Summary

Fund Summary

Fund	Payment Amount
207 - PARKS & REC	532.47
Grand Total:	**532.47**

Account Summary

Account	Account Name	Payment Amount
207-900-213	UTILITIES	205.16
207-900-341	DEPARTMENTAL SUPPLIE	327.31
	Grand Total:	**532.47**

Project Account Summary

Project Account K	Payment Amount
None	532.47
Grand Total:	**532.47**

Authorization Signatures

. COUNCIL MEMBER

. COUNCIL MEMBER

Expense Approval Report

Charles Town, WV

By Fund

Payment Dates 5/29/2026 - 5/29/2026

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number		Amount
Fund: 200 - CAPITAL RESERVE						
Department: 975 - GENERAL GOVERNMENT						
MICHAEL BAKER INTERNATIO	1287331	05/28/2026	April 26 Zoning Ordinance Update	200-975-223		6184.5
					Department 975 - GENERAL GOVERNMENT Total:	**6184.5**
Department: 977 - STREETS & TRANSPORTATION						
GREENWAY ENGINEERING, IN	62862	05/22/2026	5-3 Liberty Drain Constr Admin/Monitorg/Tstg/Insp	200-977-461		2300.5
CONSTRUCTIVE SOLUTIONS LL	123	05/28/2026	1st Draw Rouss Hall Exterior Window Renovation	200-977-457		80000
GREENWAY ENGINEERING, IN	62808	05/28/2026	April 26 Dowtwn Strmwatr stdy Data&analysis	200-977-461		27026.25
					Department 977 - STREETS & TRANSPORTATION Total:	**109326.75**
Department: 979 - CULTURE & RECREATION						
ALPHA ASSOCIATES, INCORPO	26-130	05/29/2026	Augustine Trail Phase 3 Surveying/Enginrg&Cnst Doc	200-979-458		21887.25
					Department 979 - CULTURE & RECREATION Total:	**21887.25**
					Fund 200 - CAPITAL RESERVE Total:	**137398.5**
					Grand Total:	**137398.5**

Report Summary

Fund Summary

Fund		Payment Amount
200 - CAPITAL RESERVE		137398.5
	Grand Total:	**137398.5**

Account Summary

Account	Account Name		Payment Amount
200-975-223	General Government Professiona		6184.5
200-977-457	Streets Cap Outlay Buildings		80000
200-977-461	STREETS & TRANS. - SW PROJECT		29326.75
200-979-458	Culture & Rec Cap Outlay Impro		21887.25
		Grand Total:	**137398.5**

Project Account Summary

Project Account Key		Payment Amount
None		137398.5
	Grand Total:	**137398.5**

Authorization Signatures

. COUNCIL MEMBER

. COUNCIL MEMBER

Charles Town, WV

Expense Approval Report
By Fund

Vendor Name	Payable Number	Post Date	Description (Item)	Account Number	Amount
Fund: 002 - COAL SEVERANCE					
Kiefer Aquatics	001608479A	05/29/2026	JMP Pool Safety Equipment	002-979-458	2123.77
					2123.77
				Fund 002 - COAL SEVERANCE Total:	**2123.77**
				Grand Total:	**2123.77**

Report Summary

Fund Summary

Fund	Expense Amount	Payment Amount
002 - COAL SEVERANCE	2123.77	2123.77
Grand Total:	**2123.77**	**2123.77**

Account Summary

Account Number	Account Name	Expense Amount	Payment Amount
002-979-458	Culture & Recreation Oth	2123.77	2123.77
	Grand Total:	**2123.77**	**2123.77**

Project Account Summary

Project Account Key	Expense Amount	Payment Amount
None	2123.77	2123.77
Grand Total:	**2123.77**	**2123.77**

Authorization Signatures

. COUNCIL MEMBER

. COUNCIL MEMBER

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1534: Public Comment Letters and Emails

ATTACHMENTS:

- master_community_testimony_complete.pdf
- Additional testimony.pdf
- Public Comment Email.pdf
- Email Comment.pdf
- Email Comment 2.pdf
- Email Comment 3.pdf
- Email Comment 4.pdf
- Letter to Charles Town Council_May 18 2026.pdf

Master Community Testimony Sheet

Compiled from screenshots and submitted statements provided by Rachel Grogan - Lakeside Mama Healing Services

Note: These are summarized community statements and social media comments. They are organized for review and are not independent findings by the preparer.

Total entries included: 59

Recurring themes identified: women and children targeted; vehicle and traffic-related encounters; business and tourism impact; workplace disruption; avoidance behavior; public safety and escalation concerns; comments distinguishing protected speech from harassment or threatening conduct.

#	Name	Category	Summary
1	Eric Smith	Original public post / public safety concern	Asked whether two men shouting angrily at cars and pedestrians at Washington and George were okay; described the behavior as confrontational and potentially escalating; referenced disturbing the peace/disorderly conduct concerns.
2	Abigail Beavin	Business impact / women and children	Described ongoing detriment to downtown businesses; derogatory comments routinely directed at women and children; slurs; yelling at people in cars at the stoplight; multiple yelling matches daily; concern over escalation.
3	Janice Scott	Women and children targeted	Stated that calling women whores while crossing the street and screaming insults at children is not preaching.
4	Holly Pittman	Personal family report	Reported her husband was told he was going to hell for having tattoos.
5	Austin Peacemaker	Community concern	Expressed concern that people should be left alone and should not have religious insults shouted at them while walking down the street.
6	Angie Knight Manuel	Personal encounter	Reported he was in her face a couple of times and once said she was going to hell. Also reported asking him to wait while she led a walk/tour, but the pause lasted only briefly.
7	Mark McDonald	Family impact	Reported that 'Preacher Henry' with the beard yelled at his wife while she was trying to ignore him; expressed concern about possible escalation.
8	Cheyenne Christine	Vehicle encounter	Reported being yelled at for listening to music with car windows down; said she has seen him get nasty with people.
9	Brandi Sturdivant	Vehicle/music interaction	Commented that he is not fond of her angry metal music and that she turns it up at red lights when he is present.
10	James Sager, former law enforcement	Vehicle encounter / children exposed	Reported being at a red light minding his own business while he and another man pointed and screamed at him on a motorcycle. Also reported the bald man using a megaphone and yelling graphic bathroom-related language while his son was in the car.
11	Cee EB	Witness account / woman and child	Reported witnessing him harassing a woman and child at a light about four weeks prior. Said the woman and child looked terrified and that she regularly sees him berating people while driving in town.
12	Gypsy Paige	Pedestrian encounter / avoidance	Reported being yelled at while crossing downtown to photograph the courthouse at Christmas; said he waved a Bible, shouted close to her, told her the Bible was the only picture she should be taking, and continued yelling until she was almost two blocks away. Reported avoiding downtown walking when she sees him.
13	Julia Davisson	Additional testimony	Listed as having personal testimony available in person when necessary.
14	Rachel Whelan	Additional testimony / serious allegation	Listed as having personal testimony available in person regarding alleged sexual harassment and an officer on the case committing suicide.
15	Lacey Hathaway	Additional testimony	Listed as having personal testimony available.
16	Becky Flynn	Additional testimony	Listed as having personal testimony available.
17	Dana Burns Danner	Vehicle encounter / accomplice concern	Reported sitting at a light singing with her daughter and friends when the other man walked into the street pointing and yelling at her. Described it as threatening and scary and stated that the accomplice should not be left out of complaints.
18	Kristie Mills	Pedestrian encounter	Reported being told she was going to hell while walking by him to go to the courthouse.
19	Preston Deener	Possible encounter	Stated that he and a friend had been apprehended/acosted, with clarification requested in the thread.
20	Eric Morrison	Vehicle encounter / response concern	Stated he supports freedom of speech but would respond if someone screamed in his vehicle window.
21	Helen L. Carbonneau	Witness account / avoidance	Reported seeing him yell at people all the time; avoids eye contact; reported gestures, yelling, and swearing. Later stated she looks straight ahead at red lights to avoid antagonizing him.
22	Beatriz T. Bronsun	Witness account / traffic avoidance	Reported also witnessing the behavior and praying not to get the red light when passing through.
23	Clarisa Vanderveldt	Women and children targeted	Reported that he targets women and does not seem to mind if children are present or frightened. Later reported being called an evil name while sitting in her car and ignoring him, and described concern over a perceived vendetta against women.
24	Brenda Miller	Witness account / women targeted	Reported seeing him preaching on the back of his truck on the square and hearing him cuss at women.
25	Brenda Sandoval-	Additional testimony	Reported she would send a message about a terrible experience with him at the

	Montoya		Christmas parade.
26	Neida Sofia Arvizu	Clothing-based harassment	Reported he harassed her by telling her she was going to hell for wearing a tank top.
27	Jenna Cide	Workplace impact	Reported he stands outside her job regularly yelling in their direction.
28	Richard Hadden	Workplace/window concern	Reported that his little sister works at Bushel and Peck and that the man sometimes stares into the windows.
29	Debbie Stitt Cognetti	Community image	Commented that the situation is not a good vibe for Charles Town and asked that it be fixed.
30	Liz Brigham Wilson	Women/clothing harassment	Reported that last spring or summer he yelled at her and her daughter while crossing the street because they were wearing sundresses that exposed their shoulders.
31	Ron Willis	Noise / public standards concern	Questioned why someone can receive a noise ticket for music at a lower volume than the man's yelling of vulgarity, hate, and opinion.
32	Libby Powell	Daughter and customer harassment	Reported he yelled at her daughter and called her homosexual, and that he harasses her customers daily.
33	Carrie Wesley	Child/disabled teen impact	Reported that he screamed at her autistic teen last summer, called her a Jezebel, and told her she was going to hell. Reported her daughter refused to go downtown for two weeks afterward.
34	April Marshall	Child targeted / vehicle	Reported he pointed at her daughter and told her she was going to hell while they were sitting at a red light after leaving the dentist.
35	Julia Andrews	Sledgehammer allegation / police response	Reported she complained to police after he swung a sledgehammer at her car. Later clarified he did not hit the car but tried while she was moving, and stated she was told multiple people had complained and nothing would be done until someone was hurt.
36	Kelly Anderson Stillions	Daughter targeted	Reported her daughter walked past him and was told to repent and that she was going to hell.
37	Juli Anne	Path blocking / pedestrian encounter	Reported he walked directly toward her on the way to the post office, blocking her path and screaming.
38	Julie Molloy Ford	Avoidance behavior / families	Reported he disturbs the peace and scares people, and that people avoid the corner when he is there. Later reported seeing women with baby carriages and young children cross the street to avoid him.
39	Dave MacDonald	Speech vs. conduct distinction	Commented that the First Amendment protects content of speech, not necessarily the manner of delivery, and that the problem is how the speech is delivered.
40	Allison Gunn	Business/event impact / vehicle / tourism	Reported being shrieked at while in her car setting up for the downtown book festival with windows down; turned up alternative metal music and ignored him; reported he later moved toward the book festival area. Expressed concern that the conduct harms Charles Town's reputation, tourism, businesses, and city events. Also reported being called a whore while waiting to turn by the courthouse to participate in a city festival.
41	Stephanie Young	Avoidance behavior / downtown impact	Reported she does not frequent downtown for this reason. Stated she supports freedom of speech but feels the behavior is harassment that makes people uncomfortable.
42	Brett Dispanett	Vehicle encounter / child in car	Reported the man walked directly up to the vehicle at a red light, pointed into the window and screamed while a child slept in the back seat. Reported asking him to step back after he stepped off the sidewalk into the road, and described him as a public safety risk.
43	Robin Disney	Pedestrian harassment / teenage girl	Reported that, as a Christian, she was harassed last summer while crossing the street and that she and a teenage girl walking with her were called whores. Described the encounter as unsettling and scary and as disrupting the peace.
44	Jessie Nichols	Workplace impact	Reported her daughter works in downtown Charles Town and is harassed and called names every single day.
45	Angela Kable Johnson	Targeted harassment / women and families	Reported being called a whore at least five times while downtown after parking on George Street and going to CW Hall. Reported witnessing him call random women lesbians, yell sexual/graphic insults, and target a woman walking with her husband and little girls, causing the husband to start to react. Described the conduct as harassment, hate speech, intimidation, and bullying.
46	Christy Edwards	Families/children / public recreation	Reported watching him with a megaphone at the river/river area yelling at families and children as they swam and fished. Reported hearing statements including that God does not love someone and comments about lesbians, and described the behavior as aggressive and scary.
47	Michelle Rapisarda	Witness account / family targeted	Reported watching him yell at a family walking across the street and stated no one should be harassed while trying to enjoy their day.
48	Pat Cronin Miller	Witness account / name-calling	Reported that he harasses, shouts, and calls people names, and that she sees it all the time.
49	Pat Clark	Traffic safety / avoidance	Reported he is menacing, points and shouts that people are going to hell, and may cause a traffic incident by scaring and distracting drivers with children in cars. Reported seeing people walk in a different direction to avoid the corner.
50	Stephanie Whetzel	Elderly targeted	Reported witnessing him harass an elderly couple walking across the street with canes; said they ignored him for their own safety.
51	Erin Kelly-Rush	Women targeted	Reported seeing him actively yell at women and call them whores, stating it is not peaceful protest.
52	Sydney Babyak	Witness account / older woman	Reported that when she moved to the area in 2022, she heard him harassing an older woman in a Dairy Queen parking lot and stated the conduct has continued to get worse.
53	Brent Knotts	Community concern / petition suggestion	Suggested starting a petition to have him removed from city streets; stated freedom of speech is okay but harassment is not.
54	Bretta Buchanan	Location observation	Reported he had been hanging out at Sheetz for the last couple of days.
55	Susan Miller	Observation / additional	Reported that he has a new guy walking around with him.

		individual	
56	Kimberly Sue Kianna Caylor	Mixed observation / proof concern	Reported she has seen him but has not personally seen harassment; suggested recording incidents for proof and commented he may need mental health intervention.
57	Orlando Blake Rodriguez	Long-term nuisance concern	Described him as an annoying, invasive, loud nuisance for years.
58	Justin Parrish	Escalation concern	Expressed concern that someone may eventually become fed up and physically confront him.
59	Kim Taylor	Community concern	Questioned why the town tolerates the behavior.

Master Community Testimony Packet – Supplemental Additions (Updated)

Additional testimonies submitted for inclusion in the existing master packet.

Lisa Jackson Pindell

Local photographer and former downtown storefront owner reported girls taking homecoming photos were screamed at and called derogatory names. Reported emotional distress and now avoids downtown photography locations due to concern for clients.

Jessica Armstrong

Reported walking with her then 11-year-old son when they were followed home. Stated yelling continued and an attempt was made to enter the home.

Narah Elizabeth Rose Yowell

Reported walking with her then 10-year-old daughter when they were yelled at, called derogatory names, and told they were going to hell. Reported escalation by approaching while yelling and expressed concern about increasing targeting of young people.

Outlook

Contact Us

From noreply@revize.com <noreply@revize.com>
Date Mon 5/18/2026 12:46 PM
To Carolyn Vezzosi <CVezzosi@charlestownwv.us>
Cc noreply@revize.com <noreply@revize.com>

cvezzosicharlestownwvus = cvezzosi@charlestownwv.us
first_name = Deane
last_name = Kern
email = deanekern@hotmail.com
phone = (304) 707-2458
issue = Hi - I would like to write in support of doing something about Henry, the so-called preacher. When my daughter was 10 or 11 years old, Henry would yell at her and call her a whore and a slut. A 10 year old girl! He has been abusive and disrespectful many times toward me. One time he extended his arm, as if holding a pistol, sited, and pulled the imaginary trigger. Sounds lime a threat to me. F that guy! Do something, council, please!
preferred_contact = email
Client IP = 73.39.252.227
Beware - This email comes from outside the City of Charles Town.

From: Samuel Matich <samuel@libertyhillfarmva.com>
Sent: Monday, May 18, 2026 5:49 PM
To: Micheal George <mgeorge@charlestownwv.us>
Subject: Street Preacher Henry

Hello Mike,

It has come to my attention that the county council will discuss the street preacher / man of God tonight. If violence is discussed, it seems quite clear that Henry is the only man in danger of it. I would hope that you and the police chief provide Henry with the proper police protection that he and all citizens need and deserve.

If the council moves to pass any restrictions on free speech on public property, then the council will open itself up for a free speech lawsuit. We have lawyers prepared to defend his rights. Please share this email before tonight's council meeting.

Sincerely,
Samuel Matich

Beware - This email comes from outside the City of Charles Town.

From: Laura Levesque <unextinguished@gmail.com>
Sent: Monday, May 18, 2026 4:08 PM
To: Micheal George <mgeorge@charlestownwv.us>; James Kratovil <jkratovil@charlestownwv.us>; Jeff Hynes <jhynes@charlestownwv.us>; Julie Smith <jsmith@charlestownwv.us>; Elizabeth Ricketts <ericketts@charlestownwv.us>; Kevin Tester <ktester@charlestownwv.us>; Alden Roth <aroth@charlestownwv.us>; Andie Sugrue <asugrue@charlestownwv.us>
Cc: Russ Fry <tailofdogmas33@hotmail.com>
Subject: Please enter into the public comments 5/18/26

Hello members of the Charles Town council-
I am a resident of Charles Town. My husband and I live with our son on High Street, directly across from Charles Town middle school. I recently retired from a 25 year career in local government, and am currently helping with caregiving for my elderly mother, who is undergoing chemotherapy. They live nearby.
I have lived here since 2011. This "street preacher" has been a presence in town at least since 2019, if not earlier, but for the last 2 years he has been a very persistent presence and an increasingly frequent and menacing one, in downtown Charles Town whenever there is a crowd (audience) and nice weather, and for the past two summers, in the traffic circle on 115 just past the intersection of Jefferson and Washington, towards 340/9.
I am an artist and poet. I wrote this poem about experiences with him, transposed with the experience of the No Kings protest in March 2026. I have made my personal site "private" after receiving sketchy hits from dubious websites.
Please enter this into the comments.

"Testimony "
- by Laura Levesque

Charles Town, West Virginia. Population: 8,869
Downtown consists of three blocks of "main street",
Farmer's market set up in April, live music and locals
with their peaches, little pies, herbs & green beans, the lady with
homemade soaps, spice packets and honey,
old hippies and young families with buggies and dogs on their leash
stroll behind the shaded used book store. Across the street,
a man with a sandwich board and megaphone stands, alone
in the fierce spring heat, scolding each person who comes into view
about every which way he imagines they'll be
tortured in hell, women especially,
for their shorts and skirts, unspooling his screed rising
like poison in the mild air above people who quickly
finish their business, and scurry out of earshot. Last summer,
this crazy town prophet was exiled just outside city limits, into a
traffic circle, I can hear him echo up the hill from the interchange

working in my garden, watching the neighbor kids race go karts around
our school bus loop, but not quite make out what he's saying.

950 people were counted on the four corners
of this tiny town center, the courthouse yard overflowing
as we jostled to find a spot in the cold March sunshine.
All homemade signs- ours was cut up cardboard,
printed in my simple bold block letters, plenty more
were carefully crafted, some works of art I had seen before-
a banner quilted by hand, children's faces of every tone rendered in cloth,
with the declaration:
"We the People Will Not Be Governed By Hate" it took ten souls
to hold it aloft. As the permit expired, protest marshals
announced it time to disperse, we mounted the hill toward the
cemetery; I could almost make out the marks of gallows, ghosts
stood where they hanged John Brown, only two lifetimes ago.

© Laura Levesque 2026/03/28
Beware - This email comes from outside the City of Charles Town.

From: Leigh Koonce <h.s.leigh.koonce.wvdems@gmail.com>
Sent: Monday, May 18, 2026 2:24 PM
To: Micheal George <mgeorge@charlestownwv.us>; jktratovil@charlestownwv.us <jktratovil@charlestownwv.us>; Jeff Hynes <jhynes@charlestownwv.us>; Nathaneal Hartman <nhartman@charlestownwv.us>; Julie Smith <jsmith@charlestownwv.us>; Elizabeth Ricketts <ericketts@charlestownwv.us>; Kevin Tester <ktester@charlestownwv.us>; Alden Roth <aroth@charlestownwv.us>; Andie Sugrue <asugrue@charlestownwv.us>
Subject: "Street minister"

Dear Mayor and Council,

A quick note regarding the man downtown who "preaches" from the street. I have a conflicting meeting this evening and serve as chair, so I, unfortunately, cannot attend the Council meeting. As someone who works in town, please accept this commentary from me, solely as an individual.

I've lived in Jefferson County my entire life and while I didn't grow up in Charles Town, my family came to town, at times, on a daily basis. The atmosphere has nearly always been pleasant and safe. The constant presence of this man shouting on the street has definitely changed that atmosphere. I will stress that while I strongly disagree with his views (as the son of Sunday School teacher and a proud graduate of a Catholic high school, his view of Christianity is VERY different than my interpretation), it isn't what he's saying, so much, as how he is saying it and the aggressive stance he takes toward all.

I will cross the street rather than walk by him, as I know many others do.

I appreciate his right to freedom of speech, but when that infringes upon the rights of others to feel physically safe, I think he's crossed a line. (However, I of course yield to Mr. Kratovil in all matters involving the interpretation of the law!)

A last note, while my workspace is not typically one of his preferred spots, we do regularly have individuals who make negative comments about his presence downtown.

I hope the Council can find some way to mitigate this ongoing issue.

Many thanks,

Leigh Koonce
Beware - This email comes from outside the City of Charles Town.

From: Barbara Durant <bdurant@live.com>
Sent: Monday, May 18, 2026 7:29 AM
To: Micheal George <mgeorge@charlestownwv.us>; James Kratovil <jkratovil@charlestownwv.us>; Jeff Hynes <jhynes@charlestownwv.us>; Nathaneal Hartman <nhartman@charlestownwv.us>; Julie Smith <jsmith@charlestownwv.us>; Elizabeth Ricketts <ericketts@charlestownwv.us>; Kevin Tester <ktester@charlestownwv.us>; Alden Roth <aroth@charlestownwv.us>; Andie Sugrue <asugrue@charlestownwv.us>
Subject: The religious men in town

Greetings City Counsel

I'm writing to address the two men who hang outside city hall giving biblical advice. I live in Harpers Ferry and do all of my business in Charles Town. I completely avoid the area that they both plant themselves in. This shouldn't be permitted as it is not free speech in a "village crier" way because it's not common news. I am particularly addressing the angry looking man who screams. It's absolutely intimidating and frightening to many citizens. Being screamed at by a stranger is not inviting to Charles Town and this unattractive behavior should be banned. I have friends in Winchester VA who won't come to town directly due to him. Please vote to have him banned.

Thank you for your attention and understanding in this important issue.

Barbara Durant

Sent from my iPhone
Beware - This email comes from outside the City of Charles Town.

May 18, 2026

Greetings City Council,

I am requesting the following to be put on public record:

I am a children's librarian and businesswoman/author in Charles Town. As such, I routinely operate within the downtown area, including at our local library and at festivals and book events. I am also the mother of two young women at Jefferson High School, one of whom works in the downtown Charles Town area.

The reason I am writing today is to address the inappropriate behavior of the male individual who is frequently occupying Charles Town street corners and actively harassing passersby. While I celebrate free speech, his actions have far exceeded reasonable expression and are now detrimental to our town. Additionally, I am concerned regarding the wellbeing of my family, friends, neighbors, and visitors to Charles Town as this person exhibits erratic behavior which should be addressed.

The individual in question often carries a full size cross along Charles Town sidewalks and loudly screams both insults and expletives at passersby, including families. I have witnessed him actively target individuals based on their appearance, specifically women or those dressed in a manner which he apparently finds offensive, though he does not offer explanations as to why he has selected these individuals. Many times, his outbursts are unprovoked and incorporate obscene language, which is outright inappropriate for the general public, especially for the children whom I serve as a Jefferson County librarian.

My experience with this individual has stretched across several years. In that time, this person has screamed at me both while driving a vehicle and while walking along the street. At times, this has also included my daughters. He has called me a whore, a harlot, a sinner, and has condemned me to "burn in hell." Once, while walking between the intersection of George and Washington Street, this individual approached my daughters and me to shout various insults and threats regarding our future doom. My children were eight years old at the time and did not understand what this person was saying. While I tried to ignore him, he proceeded to follow us into the crosswalk. He did not relent his verbal assault until we were near the next intersection (Charles and Washington streets).

This kind of interaction ceased for a brief period. However, when the other hostile individual who previously positioned himself on the opposite side of Washington Street and often engaged in confrontations with this current "street pastor" vacated the area, the behavior returned in full force. Within the past year alone, I have been told I am not only the "whore of Babylon," a "slut," and a "sinner," but that I am also doomed to "burn." These insults and threats have been levied without any provocation. I have never confronted or even spoken to this man. When I am

driving and stuck at a traffic light, I turn up my music to ignore him. He yells louder and, at times, wanders into the road to get closer to my car so that I can hear him over my radio. If I am walking down the street and see him, I cross Washington to avoid him. Yet, he will still scream across the road, hurling obscenities that no reasonable person would find acceptable in public discourse.

As a result, I now take proactive measures to avoid Washington Street. For example, this past weekend, I chose to navigate Liberty Street (which is presently under construction where portions of the sidewalks are closed) with a supply cart to attend a festival on Charles Street rather than walking the far more navigable Washington Street. This was specifically because I did not wish to be harassed by this person nor did I wish for my colleague to be subjected to his beratement.

As a local businesswoman, this is troubling. Whilst participating in various festivals and at the Charles Town Farmers Market, I've had customers inquire as to why he is allowed to behave in such a manner. I am unclear as to how the city wishes me to respond. Is this the behavior we wish to condone? Is this how we plan to present our community to the public? Is this something the Charles Town City Council is prepared to defend to tourists? If so, I am deeply concerned about participating in future city events. I do not wish to subject clients to such harassment. As an author who represents Simon & Schuster, I am not willing to jeopardize national attention to our area thanks to one troubled person shouting hate speech such as, "fags burn," as festival attendees make their way to an event. I do not wish to advertise that version of Charles Town, Jefferson County, or West Virginia. This kind of publicity reinforces stereotypes of our region that are insulting, misrepresenting, and repulsive. This is not who we are. One man with an oversized cross, a flatbed, and blinding rage should not be permitted to define our city, but he absolutely must be prevented from accosting cars and pedestrians alike in order to wield hate speech and foul language.

Further, I am deeply concerned about my teenage daughters' exposure to such intimidation and obscene rhetoric. My sixteen-year-old daughter is an exemplary student at Jefferson High School. She is a member of the National Honor Society, holds one of the highest GPAs in her class, operates as an officer in a Rotary Club-sponsored community service club at the school, and will be a dual-enrolled student at Shepherd University this upcoming year. She also works in downtown Charles Town. Yet, she too has experienced this individual shouting obscenities and insults concerning her morality as she simply tries to commute to said business.

She wishes the council to know that it is distracting as a teenage driver to be screamed at while at a stop light, making turns, and focus on the traffic around her. This young woman should not feel intimidated driving and walking our community's streets. I have taught my daughters to avoid him and his erratic behavior at all costs, especially given the national rates of assault towards women which I believe is well known to the council. It is unreasonable for me to suggest my daughter should feel safe in an area where a man can follow my child across the

street screaming that she is a whore. Is this the Charles Town you expect to retain thriving young people who are giving back to the community? I do not.

Indeed, I would never recommend any parent take their child past this individual unless they are fully prepared to explain the meaning of his chosen expletives and that of eternal damnation. Thus, I cannot encourage families to walk Charles Town's downtown area without a strong warning regarding this human who has decided that his personal beliefs are more important than the peace of any other community member or visitor walking by.

So, I present the following questions: how is this acceptable? Free speech is a right. Harassment and intentional intimidation are not. What should I tell the parents of the children whose lives I seek to enrich? Ignore the repulsive slurs which I have heard, such as "fucking faggots?" Should I have my daughter record the ridiculous shrieking she and customers hear even within her workplace when this disturbed individual takes to the streets? Should I have her keep pepper spray in hand when she exits her job just in case this is the day when his verbal rage at last spills over into physical action?

We would not accept such behavior from teenagers gathered on our street corners nor would we permit extremist groups to harass passersby shouting threatening messages about Charles Town burning to the ground. Why are we allowing a religious zealot to routinely disturb the public peace? The individual clearly needs mental health care. In lieu of providing such treatment, the city must take action to remove this individual from that location and protect the community's peace, safety, and dignity.

Thank you for your time.

Sincerely,

Allison Gunn

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1535: Charles Town Utility Board Meeting Minutes - April 29, 2026

ATTACHMENTS:
- 2026.04.29 UB MINUTES.pdf

Charles Town Utility Board
Regular Board Meeting
April 29, 2026

The Charles Town Utility Board held a regular meeting on April 29, 2026 at 4:00 P.M. Members of the Board present were Brent Manuel, Chairman; John Maxey, Vice Chairman (Zoom); Duke Pierson, Treasurer; and Heidi Parker. Also present were Paul Mantello, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; Cindy Wilson, Legal Counsel (Zoom) and Commissioner Mike Mood, County Commission Liaison.

Patrick Kratovil 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 April 15, 2026 Regular Meeting Minutes

The Chairman called for changes or corrections to the April 15, 2026 regular meeting minutes. The Chairman recommended an amendment relating to a letter to Summit Point under the Manager's Report item.

Action: **Motion made by the Chairman, second by Mr. Pierson, the Board unanimously approved amending the minutes to clarify the attorney drafted a letter to Summit Point and the Chairman would sign and send.**

Action: **Motion made by Mr. Maxey, second by Mrs. Parker, the Board unanimously approved the April 15, 2026 regular meeting minutes as amended.**

PUBLIC COMMENT

Public comment was received from Elizabth Ricketts, Jacquelyn Milliron and Christine Wimer.

UNFINISHED BUSINESS

Update on WV PSC Case 25-1000-LRR-WS-C - Possible Executive Session under the provision of W. VA Code §6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

This item was moved to the end of the meeting.

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

Request for Proposals for a Preliminary Engineering Report for Summit Point Motorsports Park - Possible Executive Session under the provision of WV Code §6-9a-4(b)(9) To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Provided, That 1 information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: Provided, however,

That information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session; (12) To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.

This item was moved to the end of the meeting.

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

Update on Jefferson County Parks and Recreation - Request for Sewer Service for Hite Road Park

Mr. Maxey provided that with the approval last meeting to support extending service out Route 9, there may be a more comprehensive cost-saving solution to serving the Cochran Properties, Hite Road Park and North Jefferson Elementary School. He requested staff send a letter to the Board of Education to see if they are interested in service and sharing the costs. The Board provided discussions.

Action: **Motion made the Mr. Maxey, second by Mrs. Parker, to direct staff to draft a letter to the Jefferson County Board of Education. Mr. Maxey amended the motion, with discussions from the Board, to include both water and sewer service to that area if possible. The Board unanimously approved.**

Mr. Mantello provided that staff echoes the Board's recommendations to have all four interested parties (Hite Road Park, Cochran Properties, North Jefferson School, and Fox Glen) in this area share the costs to extend service. He mentioned there could be grant opportunities for the interested parties.

NEW BUSINESS

Inquiry for Data Center Development in Summit Point

Mr. Kenny Boddye from Ryan Stuart Development briefed the Board on a potential data center project in the Summit Point area and for a potential connection through the Summit Point Motorparks Park project. As a first step, he mentioned they are gathering data for water and sewer service options for a future user for that location. The Board provide discussions. Mr. Maxey suggested a possible manifold system like the Rockwool Plant and the possibility of running a purple line for data center cooling use. The Chairman suggested Mr. Boddye continue to work through staff as more information becomes available.

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

Collection System Project - Resolution No. 29 - CWSRF No. 10, Pay App No. 13

Mrs. Shultz included the pay application for Resolution No. 29 in the amount of $536,791.83 for work completed.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved Resolution No. 29 – CWSRF No. 10, Pay App No. 13.**

Collection System Project – Resolution No. 30 – CIF No. 22

Mrs. Shultz included the pay application for Resolution No. 30 in the amount of $30,626.94 for work completed.

Action: **Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved Resolution No. 30 – CIF No. 22.**

Chlorine Room Modification Project - Resolution No. 4 - Pay App No. 04

Mrs. Shultz included the pay application for Resolution No. 4 in the amount of $126,106.77 for work completed. She mentioned this is the final pay application for the project as it is now complete and under budget.

Action: **Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved Resolution No. 4 – Pay App No. 4.**

Quote for Topsoil Building

Collin Cole, CTUB Collections Manager, was in the audience and mentioned this building would protect topsoil from getting ruined by weather.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved the topsoil building quote for $33,044.45.**

APPROVAL OF BILLS

April 29, 2026

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

MANAGER REPORTS

Utility Manager Report

Mr. Mantello thanked staff with the orientation process and has been spending a lot of time meeting with staff and learning all the processes and work flows. He also praised the maintenance staff for replacing 730 residential meters in a less than six months. Mr. Mantello briefed the Board on an issue at a residence in Ranson where the contractor got their snake stuck in the sewer main and staff had to retrieve which he is working to get CTUB's costs reimbursed. He also mentioned he plans to meet with the PR firm soon to work on the Board priorities and any forward-facing public advocacy initiatives.

Mrs. Parker requested an update on the Burns Farm Contract. Mrs. Shultz mentioned Mr. Burns signed the contract, but mentioned staff will work on getting a back up farm and landfill options as a backup plan. Mr. Maxey mentioned Mr. Burns should be made aware of the reasoning for the PFAS policy and be provided a copy of those testing results.

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

Chairman Report

The Chairman mentioned the City is continuing to work with PayPoint HR on the compensation study and should have a draft for the Board's review in the near future. He also mentioned the City's Infrastructure Committee would like to better coordinate with CTUB on future paving projects.

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

EXECUTIVE SESSION

Update on WV PSC Case 25-1000-LRR-WS-C - Possible Executive Session under the provision of W. VA Code 6-9a-4(b)(12) - To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of the code.

Request for Proposals for a Preliminary Engineering Report for Summit Point Motorsports Park - Possible Executive Session under the provision of WV Code §6-9a-4(b)(9) To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Provided, That 1 information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: Provided, however, That information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session; (12) To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.

Action: **Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved convening into Executive Session at 4:54 P.M. for an update on WV PSC Case 25-1000-LRR-WS-C and the Request for Proposals for a PER for Summit Point Motorsports Park.**

The Board invited Stephanie Grove, City of Charles Town Counsel, to join executive session.

The Board convened back into public session at 5:51 P.M.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved readvertising the Request for Proposals for the PER for the Summit Point Motorsports Park with all additions made to the advertisement.**

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved to adjourn the meeting at 5:53 P.M.**

INFORMATION ONLY

The next regular meeting is scheduled for Wednesday, May 13, 2026 at 4:00 P.M. at 661 S. George Street.

Brent Manuel
Chairman

Ashley Stottlemyer
Secretary

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1536: Council Select Committee on the Revised Conditions of Annexation for Langlet Property

ATTACHMENTS:

- Committee - Langlet.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
Micheal George

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
Jeff Hynes
Kevin Tester
Nate Hartman
Alden Roth
Julie Smith
Andie Sugrue

CITY MANAGER
Brent Manuel

May 18, 2026

Re: Council Select Committee on the Revised Conditions of Annexation for Langlet Property

Dear Council Members,

A newly established Council Select Committee has been created to perform the following:

1. Review the current Conditions of Annexation via Resolution 2006-15 that was previously created and accepted for all Langlet Property, further known as Washington Place.
2. Provide support and recommendations to City staff regarding potential revisions and/or negotiating terms for the revised conditions between the City and the Langlet Trust.

The following electeds are hereby appointed to the Select Committee:

Mayor Mike George
Mr. Hynes -Representative of the Planning Commission
Ms. Andie Sugrue – Ward 4
Ms. Julie Smith – Ward 4

Staff providing support to the Select Committee include:

Alissa Meeks, Assistant City Manager/Director of Community Development
James Newman, City Planner
Stephanie Grove, City Attorney
Brent Manuel, City Manager

All Committee meetings will conform with applicable City ordinances, rules and regulations.

Alissa Meeks
Assistant City Manager

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1539: Public Comment Letters to the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) on the Unified Work Plan and the Transportation Improvement Plan (TIP)

ATTACHMENTS:

- City of Charles Town comments to HEPMPO on UPWP.pdf
- City of Charles Town - comments to HEPMPO on TIP.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
Micheal George

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
Jeff Hynes
Kevin Tester
Nate Hartman
Alden Roth
Julie Smith
Andie Sugrue

CITY MANAGER
Brent Manuel

HEPMPO office
33 W. Washington Street – Suite 402
Hagerstown, MD 21740

April 28, 2026

City of Charles Town
101 E. Washington St.
Charles Town, WV 25414

RE: Unified Planning Work Program public comment

Dear Mr. Matt Mullenax and HEPMPO Staff,

The Charles Town City Council on May 4, 2026, authorized Mayor Mike George and Councilmember Elizabeth Ricketts to work with City staff to prepare this document of comments on behalf of the City regarding the Unified Planning Work Program.

Section I

As we all continue to work to implement Infrastructure Investment and Jobs Act (IIJA) planning factors and funding, Charles Town eagerly awaits the re-authorization of the transportation bill or the passage of a new bill by the Sept. 30, 2026, deadline when the IIJA expires. The IIJA has been a productive infrastructure partnership between the federal government and local governments and the City of Charles Town is willing to provide data, letters, or other means of support should the HEPMPO desire to advocate to Congress for the re-authorization of this lifeline for American infrastructure.

The next transportation bill must maintain local access and support Metropolitan Planning Organizations. Charles Town will be considering a resolution supporting the *Bridges and Safety Infrastructure for Community Success (BASICS) Act, H.R. 7437* and would encourage the MPO Interstate Council to consider the same.

Section II

We understand from the document that support will continue to come from various staff in Washington County. Support costs are estimated as part of the work program including clerical support, planning and data collection support. Charles

Town is interested in understanding better why this type of support is only from staff in Washington County and if there is a need for more direct support from Jefferson County or City staff.

Section III

Task 6010 Short Range Planning

Charles Town has a need for short-range low cost improvements and traffic analysis of specific problems that are not of a regional nature and looks to the HEPMPO for guidance on how best to approach things like demonstration projects for more immediate, low cost improvements to infrastructure and safety issues.

The City eagerly awaits the U.S Congress decision on a continuing resolution for IIJA or a new surface transportation legislation and will work with HEPMPO and WVDOT on how to best implement any new requirements.

Charles Town is very supportive of increasing and improving bicycle/pedestrian initiatives within the region.

The City would be interested in hosting walking-audits of different areas of Charles Town to enhance planning efforts for safety improvements.

Charles Town is also interested in any planning efforts that involve the railroads (CSX and Norfolk Southern) as there are various railroad crossings within the City of concern. To date, this has been a relationship that is difficult to foster.

Charles Town has been a recipient of several TAP grants and we appreciate the MPO's willingness to assist in developing and reviewing future project applications.

Charles Town is currently utilizing data from the *Washington Street Safety Corridor Assessment (2025)* and the regional *Safety Action Plan* to make specific improvement requests to the WVDOT. We appreciate the MPO for providing such studies and data which strengthen requests and grant applications.

Task 6020 Transportation Improvement Program

The City of Charles Town appreciates the MPO's work on preparing the TIP and coordinating public participation in the process. The City is happy to assist with future public outreach and can provide meeting space as needed. City staff can also provide updated GIS data as needed to help keep information in the EcoInteractive software program up to date.

Task 6050 Traffic Data

With the amount of growth that Charles Town and Jefferson County are experiencing, maintaining transportation data for use in the planning process is paramount. Additionally, environmental data needs to be better incorporated into planning efforts. The City of Charles Town recently completed phase 1 of a comprehensive stormwater analysis in the city limits. This report shows where the karst environment is acting as re-absorption points for stormwater runoff and protecting these areas will become part of the planning efforts for the City. The City is happy to provide this type of data to the MPO for incorporation into future plans and growth management.

Additionally, Charles Town Police Department can provide data on accidents and traffic volumes as needed. The CTPD currently utilizes a transportable radar trailer to collect speed and

traffic volume data. The City Maintenance Department also has the ability to place pneumatic tubes for traffic data collection and would be happy to share this data.

Task 6051 GIS & Traffic Modeling

Currently the City's Planning Department is looking to hire a Long Range Planner. Once this person is onboarded, it is our hope they can work closely with the MPO to provide additional GIS data for ongoing mapping and visualization techniques. Our current Planner is able to provide GIS information as needed as well.

The web maps that the MPO provides are very useful and we appreciate this ongoing resource.

The incorporation of EPTA transit routes into Google and Apple Maps is also much appreciated as a service that residents and visitors can utilize to plan trips in the region.

Task 6100 Long Range Transportation Plan

The City of Charles Town is a proud partner in the application for the WV 9 Path Extension BUILD grant and looks forward to moving this project forward.

Charles Town is especially interested in ways to support the MPO and the Appalachian Regional
Commission's "Network Appalachia" Initiative to strengthen multimodal transportation and support economic growth by connecting the region's businesses, communities, and people

Task 6250 Service

We appreciate the service of the MPO and its staff!

Task 6300 Air Quality/Conformity

Charles Town is interested in supporting and maintaining air quality for the health, safety, and welfare of the general public. Please let the City know if there is more to be done in supporting these efforts.

Task 6500 Mass Transit Planning

The City of Charles Town is a proud partner and supporter of the Eastern Panhandle Transit Authority (EPTA). The City looks forward to the implementation of the new 2025-2030 Transit Development Plan which will provide Saturday service in the area as well as improved routes within the city-limits.

Task 6650 Special Studies

Charles Town is very grateful for the efforts of the MPO in completing special studies on corridor safety on WV51/Washington Street, the *Regional Safety Action Plan,* and the *WV9 Bicycle Path Connection Feasibility Study.*

The City is a proponent of Complete Streets projects and would be willing partners in demonstration projects.

Task 6990 Program Administration

The City of Charles Town appreciates the MPO staff's ongoing work as liaison to WVDOT, FWHA, FTA and believes relationships between these agencies and the City have greatly improved in recent years thanks in large part to the MPO staff.

Section IV Cost Allocation Plan

Please let us know if situations arise that would benefit from drawing on the expertise of our staff.

SECTION V Budget

Charles Town is aware that the budget reflects a *Funding Source Allocation for WV Local* of $46,335. Charles Town officials are wondering if any additional local match contribution is expected at this time, beyond what was budgeted as a contribution to Region 9?

SECTION VI Public Participation Process

Thank you to the MPO for advocating for public participation in all areas of the process and for allowing the City of Charles Town to formally submit the above comments on the Unified Planning Work Program.

City of Charles Town

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33 W. Washington Street – Suite 402
Hagerstown, MD 21740

April 28, 2026

City of Charles Town
101 E. Washington St.
Charles Town, WV 25414

RE: FY 2027-2030 Transportation Improvement Program (TIP) public comment

Dear Matt Mullenax and HEPMPO Staff,

The Charles Town City Council authorized Mayor Mike George and Councilmember Elizabeth Ricketts to work with City staff to prepare this document of comments on behalf of the City regarding the update to the **FY 2027-2030 TIP**.

Charles Town understands that the Transportation Improvement Program (TIP) is a requirement, under 49 U.S. Code 5303(j), and a prerequisite to receive federal funding to
implement transportation projects in a metropolitan planning area and that the TIP is then considered for approval and inclusion into the respective State Transportation Improvement Program (STIP).

In the next four-year period, Charles Town and Jefferson County at large expect to experience continued rapid growth of both commercial and residential development. These factors will more than likely increase traffic congestion, lead to more traffic accidents, see increased freight passing through the area, put pressure on the environment/air quality, and result in rising costs for transportation related improvements.

The City of Charles Town understands that the TIP Financial Plan is required to be fiscally balanced and show fiscal restraint. The City has a proven track record for securing and successfully managing state and federal grant funding to implement a variety of projects including roadway and streetscape improvements. We stand ready to prioritize Charles Town in discussions around infrastructure improvements and are committed to working through and overcoming financial constraints in order to achieve the best quality of life for our residents and visitors.

The City of Charles Town has become aware that the Eastern Panhandle Transit Authority (EPTA) has transitioned from a rural transit provider to a fully-funded

direct recipient of FTA 5307 funding and will now require more local funding to meet its match requirements for operating, capital, and planning expenses. The City of Charles Town is a proud partner of the EPTA and supports maintaining and expanding public transit.

Charles Town understands that WVDOT has the authority to obligate federal transportation funding for eligible projects and hopes to collaborate with our state and federal partners to ensure adequate funding is obligated to projects in the city in a comprehensive, cooperative, and continuous planning process.

Charles Town is aware of the projects that are specific to or directly impact the city and provide the following comments:

J2023-01 Ranson & Charles Town - Pavement Program

This project as shown on the map inset on page 79 is confusing with the project title as this roadway seems to be outside of the boundaries of either Charles Town or Ranson.

When it comes to repaving projects generally, the City appreciates the time, effort, and cost that goes into maintaining our state roadway system. However, the City urges WVDOT, District 5 DOH, and to any extent possible, the MPO to better communicate with municipalities on planned pavement work. Often the City is not informed until just before work begins, if at all. This leads to frustration in the community and negative economic impact to businesses because short notice limits the ability of the City to communicate to the public that road closures or traffic issues will occur. When repaving was done to George Street/Route 115 in recent years, damage occurred to historic buildings, sidewalks, and city benches when asphalt/sealant was accidentally sprayed after equipment was not properly secured by contractors hired by the DOT. The City maintains that frequent communications and collaboration are the key to avoiding issues in the future.

J2023-05 US 340 Signing - Traffic Program

While unsure if this project refers to intersection signalization or general signage, the entirety of US 340 through West Virginia continues to need assessment and improvement. Particularly of concern is the US 340 and Augustine Avenue intersection which continues to see a high number of accidents. Additionally, development along US 340 will soon necessitate improvements to additional intersections such as the areas of Old Cave Road, Candlewood Drive, and Cascade Road.

J2024-06 Hillside Dr. Roundabout - Localized Mobility

The City hopes to see this roundabout project moving forward imminently as it has been planned in the TIP for a while. The City maintains that pedestrian/bicycle amenities need to be incorporated as the area along Route 115 will become increasingly developed and residents will have interest in walkability to commercial areas and the city’s downtown.

J2025-01 Congress-Lawrence I/S - Community Development

The City has continued to work through many frustrating hurdles with this project but hopes to see this project moving forward imminently as it directly impacts a school (Wright Denny Intermediate). We are concerned about the project cost estimates remaining accurate as the original plans were drafted several years ago, but are determined to see the project completed.

J2025-02 Charles Town Augustine Ave Phase II - Community Development

The Augustine Avenue Trail Phase I is completed and Phase II contract has been awarded. The City believes that **Phase III** should be added into the TIP since there is a time constraint on the already secured funding sources. The WVDOT should be aware of this as there are weekly meetings between them and City staff.

J2025-03 VRU Eastern Panhandle - Community Development

Based on the map provided on page 85, the City is hopeful that this project pertains to vulnerable road users (VRU) along the Adam Link Bridge portion of US 340. We would be interested in understanding more about this project.

J2026-01 US 340 & Patrick Henry Way Intersection - Traffic Program

The City of Charles Towns believes lowering the speed limit for the stretch of US 340 from Old Country Club Rd to Hollywood Dr could have a major impact on roadway safety for this and other intersections in the corridor. With the number of intersections in this area and the expected increase in congestion due to new housing and commercial developments, there is no reason motorists should expect to get up to the currently posted speed limit of 60 MPH between full stops at traffic signals. The overall speed limits for this stretch of roadway should be reduced to allow for safe stopping due to the frequency of traffic signals and traffic backups.

As far as additional projects that should be included in the TIP, the City of Charles Town recommends

- **Augustine Ave Trail Phase III** (see previous comments)
- **Route 51/Washington Street** - Charles Town is eager to see the signage and roadway marking elements identified in the *2025 Washington Street Safety Corridor Assessment* implemented by the WVDOT and DOH.

Please advise on how best to go about bringing these requests to the WVDOT for inclusion in the TIP/STIP.

There is reference to an "Appendix H" that states, "*a list of West Virginia Highway and Transit projects outlined in previous TIP years can be found in Appendix H*," however the pages and tables found on page 82 are blank.

As always, The City of Charles Town appreciates the work of the HEPMPO staff to solicit public participation in the planning process. We are happy to provide these comments and hope they reflect the needs of our growing City. If you have any follow up questions, please do not hesitate to contact us.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/01/26
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2026-1550: Board of Parks and Recreation Meeting Minutes - April 9, 2026, and April 16, 2026

ATTACHMENTS:

- Minutes Report 4-9-26.pdf
- Special meeting minutes report.pdf

City of Charles Town

Parks and Recreation Commission Report

April 2026

9 April, 2026 / 6:00 PM / City Hall

I. CALL TO ORDER: 6:03 PM

Persons Present: Commissioners Present: Alden Roth, Elizabeth Ricketts, Nick Zaglifa, Trudy Roth, Kevin Derr, Steven Galleher

Absent: Mike Slover

Staff: Gavin Bailey, Brent Manuel

Guests: Sam Rich

II. APPROVAL OF MINUTES:

March 2026 Minutes - Approved with corrections

Corrections noted:

- Spelling correction: Kevin Derr (agenda item 2026-1258)
- Edit to agenda item 2026-1255: Correct motion verbiage is, "*Move to authorize Parks Manager to meet with R&L, to establish a designated path that connects the grounds behind Happy Retreat to the footbridge over Evitts run, and then loops back around to the rear grounds of Happy retreat, and to Authorize Gavin with pre-approval for up to $330 specifically for Happy Retreat, and the other mowing quotes for the other parks as provided to this board by the Parks Manager.*"
- Edit to agenda item 2026-1251: Include specific pay rates on motion, namely $30hr for the head instructor and $12.75hr for supporting staff.
- Edits to agenda item 2026-1257: Correct motion verbiage is, "*Move to have the Parks Manager draw up a mulch maintenance plan for the mulch at the playgrounds, and to pre-authorize up to $3500 for immediate mulch needs, to be paid out of the maintenance portion of the budget.*"

- Edits to agenda item 2026-1258: Clarification, the motion was for staff to prepare requests for the Charles Town FY 2027 capital budget to include funding for parks master planning and pavilion roof replacement.

- Edit to agenda item 2026-1260: Arbor Day Tree Planting Site Discussion. Specify, only the 2 trees at Evitts Run Park were approved.

Motioned: T. Roth; 2nd: K. Derr

Unanimous

III. UNFINISHED BUSINESS

2026-1249: Jefferson Memorial Park Pool Update

Extension request letter was sent by Palmer Construction with a substantial completion date of July 21st, 2026. Discussion was held about approving the extension request letter.

No Action.

2026-1252: Pool Operations Discussion

Board discussed items to be purchased for the concession stand and the pool deck. Naming of the pool, and possible incentive structures for worker retention was also discussed.

Motion: to name the new pool at Jefferson Memorial Park the "Charles Town Public Pool"

Motioned: E. Ricketts; 2nd: S. Galleher

Unanimous

2026-1251: Tennis Program Update

Concern about getting in contact with the tennis coach was voiced. Board discussed possible alternatives if tennis coach could not be reached in time for the start of tennis programming.

Motion: If the coach from last year does not contact the Parks Manager by April 17th, the Parks Manager is authorized to create a job posting

Motioned: E. Ricketts; 2nd: S. Galleher

Unanimous

2026-1256: Happy Retreat MOU Review

The MOU between the Friends of Happy Retreat and the City of Charles Town Parks and Recreation Department was distributed for review and several items were discussed as main topics for further discussion at the special meeting between the two parties on April 16th.

Motion: to direct the Parks Manager to draft a proposed agenda and advertise a special meeting for next Thursday, April 16th, 2026

Motioned: E. Ricketts; 2nd: K. Derr

Unanimous

2026-1380: Parks Financial Policy Discussion

Board requests more information regarding the City procurement policy. Updates to be given at next month's meeting.

No Action.

IV. NEW BUSINESS

2026-1263: Tree Board Planting Site Proposal

Board discussed the Tree Board's request to plant trees at both the Craighill Estates trail, and a section of Willingham Knolls Park.

Motion: to approve the Tree Board request to plant at Craighill Estates trail, but to hold off on the fall Willingham Knolls planting

Motioned: K. Derr; 2nd: T. Roth

Unanimous

2026-1264: Public-Private Partnership Between Charles Town and Ranson Community Garden Discussion

Board discussed the possibility of working with the Ranson Community Gardens through the creation of a Private-Public Partnership.

Motion: to direct staff to draft a Memorandum of Understanding between Parks and Recreation and Ranson Community Gardens for board review

Motioned: K. Derr; 2nd: N. Zaglifa

Unanimous

2026-1265: Manager's Request for Training - Certified Playground Safety Inspector Certification

Park Manager requested funds to receive certification as a Certified Playground Safety Inspector from the National Recreation and Parks Association

Motion: to table the training request indefinitely.

Motioned: E. Ricketts; 2nd: K. Derr

Unanimous

2026-1266: Augustine Ave. Trail Ribbon Cutting

Board was informed about the Augustine Ave. trail ribbon cutting ceremony that will occur on Monday April 13th.

No Action.

2026-1267: National Fitness Campaign Briefing

Motion: to table

Motioned: E. Ricketts; 2nd: S. Galleher

Unanimous

2026-1268: Manager's Update

Manager gave updates on several items including the Happy Retreat Bridge Staining and Jefferson Memorial Park pickleball court project.

No Action.

2026-1262: Park Updates: Happy Retreat, Evitts Run Park, Willingham Knolls, Skate Park, Jefferson Memorial Park, Craighill Estates, Other Parkland. Public Comment

A request to call for volunteers for the Craighill estates and Evitts run tree plantings happening on April 25th was voiced.

No Action.

V. ADJOURNMENT: 8:41 PM

VI. NEXT MEETING: 14 May 2026

SPECIAL MEETING SCHEDULED: 7pm, 16 April 2026 at Happy Retreat

City of Charles Town

Parks and Recreation Commission Report Special Meeting

April 2026

16 April, 2026 / 7:00 PM / Happy Retreat

I. CALL TO ORDER: 7:01PM

Persons Present: Commissioners Present: Alden Roth, Elizabeth Ricketts, Nick Zaglifa, Trudy Roth, Kevin Derr, Steven Galleher

Absent: Mike Slover

Staff: Gavin Bailey

Guests: Friends of Happy Retreat Board

II. UNFINISHED BUSINESS

2026-1394: Pool Operations Discussion

Discussion was held concerning whether the request for extension request sent by Palmer Construction should be approved.

Motion: approve the request from Palmer Construction for a 61 day extension on the Charles Town Public Pool (formerly known as the Jefferson Memorial Pool), allowing them until July 21st, 2026 to achieve temporary occupancy.

Motioned: K. Derr; 2nd: N. Zaglifa

Unanimous

2026-1396: Pool Update

Discussion was had surrounding the possibility of coordinating with the Washington Landing Apartments to allow Charles Town Parks and Rec to use their facilities in some capacity during the summer until the pool construction was completed.

Motion: authorize the Parks Manager to explore Charles Town Parks and Rec usage of the Washington Landing Apartments Pool.

Motioned: K. Derr; 2nd: N. Zaglifa

Unanimous

III. NEW BUSINESS

2026-1388: Comprehensive Site Plan for the 12.3 Acre Property

Discussion was held regarding the potential for cooperation in a potential city parks master plan. Also discussed was the coordination of payment for mowing and thoughts about the trail system connecting the Charles Washington House to the Evitts Run.

No action.

2026-1389: Happy Retreat Event Calendar

Discussion opening avenues for communication between the Friends of Happy Retreat and the City Parks and Rec Department to help with public outreach of Happy Retreat events was conducted. The potential for joint events was also discussed.

No action.

2026-1391: Joint Property Maintenance Plan

Discussion held concerning the mowing of the property, joint coordination of tree maintenance, snow removal and brush hogging of trails.

No action.

2026-1392: Coordinated insurance for Jointly Sponsored Events

The particulars of insurance requirements were discussed. Parks manager tasked with clearing up perceived ambiguities with the city's insurance policy.

No Action.

IV. ADJOURNMENT: 8:39 PM

V. NEXT MEETING: 14 May 2026