CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • DECEMBER 18, 2023

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

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2023-1170:** City Council Meeting Minutes - December 4, 2023
December 4 2023 meeting minutes.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2023-1156:** Tree Board Meeting - December 7, 2023

: **2023-1157:** Finance Committee Meeting - December 6, 2023
FinanceCommitteeReport_6Dec2023.pdf

7. CITY MANAGER REPORT

: **2023-1174:** City Manager Report - December 18, 2023
City Manager Report - December 18, 2023.docx

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

: **2023-1149:** Appointment to the Charles Town Tree Board - Term January 1, 2024 - December 31, 2027
Boards-and-Commissions-Application-January-2024 for CT Tree Brd as filled.pdf

: **2023-1155:** Article 365 - Charles Town Parking District
Letter from Paddy's.pdf
Parking Brochure.pdf
Ord. 2022-013 - Article 365 Charles Town Parking District.pdf

: **2023-1158:** MLK/Route 51 Intersection Improvements Update
August 21, 2023 meeting minutes signed.pdf

: **2023-1160:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 17 West Virginia State Building and Housing Code, Article 1705 West Virginia Building Code.

Amended Article 1705(17463256.4 SJDOCS).docx
SCity of Ch23121510240.pdf

: **2023-1169:** Open Container Waiver for Friends of Happy Retreat
2024FriendsOfHappyRetreat.docx

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: Payment of Bills - December 18, 2023
CAPITAL RESERVE COUNCIL REPORT 2023 12 18.pdf
GENERAL FUND COUNCIL REPORT 2023 12 18.pdf
PARKS & REC COUNCIL REPORT 2023 12 18.pdf
GENERAL FUND COUNCIL REPORT 2023 12 18 PT 2 EMERGENCY CHECK RUN.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT SCHEDULED COUNCIL MEETING January 2, 2024, 7:00PM

: **2023-1150:** Public Comment Letter - Ms. Ann Khiel Fern
Public Comment.pdf

: **2023-1152:** Private Outdoor Designated Area (PODA) Survey results
PODA Survey Results.pdf

: **2023-1159:** Signed Traffic Control Services Agreement
Traffic Control Services Agreement.pdf

: **2023-1168:** Planning Commission Report - August 28, 2023, meeting minutes
Planning Commision 8.28.23 Minutes.pdf

: **2023-1050:** 2024 City Council Meeting Schedule
2024 Council Meeting Schedule.docx

: **2023-1051:** 2024 City of Charles Town Holiday Calendar
2024 City of Charles Town Holiday Schedule.docx

: **2023-1173:** Charles Town Utility Board Meeting Minutes - November 15, 2023
2023.11.15 UB MINUTES.pdf

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1170: City Council Meeting Minutes - December 4, 2023

ATTACHMENTS:

- December 4 2023 meeting minutes.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • December 4, 2023

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

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Attendee Name	Title	Status	Arrived
Bob Trainor	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Priscilla Rodd	Councilmember	Present	
Micheal George	Councilmember	Present	
Rikki Twyford	Councilmember	Present	

Mr. John Nissel, City Manager; Ms. Alissa Meeks, Community Development Director; Ms. Cindy Rezmer, Operations Manager; Ms. Krista Davis, Finance Director; Mr. James Newman, City Planner; Ms. Kristen Stolipher, Charles Town Utility Board Manager; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

2. APPROVAL OF MINUTES

2023-1101: City Council Meeting Minutes - November 20, 2023

The following change was made to the November 20, 2023, City Council meeting minutes:

Packet page 5, Approval of Minutes: replace "**Fionna**" with "**Fiona**".

3. PUBLIC COMMENT

Two people signed up for public comment.

Ms. Mary Lois Gannon expressed her appreciation in being able to watch the Council meetings remotely and how she has concerns when it comes to Private Outdoor Designated Area (PODA) in Charles Town.

Mayor Trainor read a letter from Ms. Ann Khiel Fern on her concerns with the Private Outdoor Designated Area (PODA) in Charles Town.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that when the Council is prepared to address stormwater management, she will invite the MS4 Program Professional to speak with the Council. She reported that the new Sheetz gas station on Augustine Avenue will be opening this Thursday, December 7th. Finally, she requested that the Planning Commission meeting minutes be a standing agenda item on the Council agenda.

Ward #2

Mr. Hynes reported that he attended the Charles Town Christmas Parade and reminded everyone that Huntfield has several houses listed in the Charles Town and Ranson City Lights tour.

Mr. Tester reported that he attended the Charles Town Christmas Parade and the Old Opera House's production of "Miracle on 34th Street" will hold performances on December 8th, 9th, and 10th.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd reported that she table dropped results from a survey she posted on her Facebook page concerning the Private Designated Dining Area (PODA).

Ward #4

Mr. George had nothing to report.

Ms. Twyford requested that the City Manager Report be part of the council packet in the future.

5. MAYOR'S REPORT

Mayor Trainor thanked Councilmember George for filling in for him during the November 20, 2023, Council meeting.

6. COMMITTEE REPORTS

2023-1080: Infrastructure Committee Meeting - November 27, 2023

Ms. Ricketts reviewed the Infrastructure Committee meeting report.

2023-1081: Personnel Committee Meeting - November 20, 2023

Mr. George reported that the Personnel Committee is in the process of reviewing the employee handbook. The next Committee meeting will be held in January 2024.

2023-1082: Ordinance Committee Meeting - November 28, 2023

Ms. Twyford reviewed the Ordinance Committee meeting report.

2023-1083: Board of Parks and Recreation Meeting - November 30, 2023

Mr. Ricketts reviewed the Board of Parks and Recreation meeting report.

7. CITY MANAGER REPORT

Mr. Nissel reported the following:

- City staff participated in active shooter training.
- City Hall will be switching to a new phone system in January 2024
- Tek Advisor, the new IT provider, began on December 1, 2023
- He attended the Charles Town Christmas Tree Lighting and Parade. He thanked Liz Cook and Jim Wysong for making sure the events were successful.

8. POLICE CHIEF REPORT

Chief Kutcher reported that he has not yet received the signed Traffic Control Service Agreement with West Virginia Division of Highway (WVDOH) for the Sheetz, Augustine Avenue, Patriots Drive intersection. Chief Kutcher stated that he plans to deploy officers at the intersection regardless of whenever the new traffic pattern goes into effect – December 5, 2023. He was also happy to report that there were no issues during the Charles Town Christmas parade.

9. UNFINISHED BUSINESS

2023-1089: Placement of Interpretative Plaque for Charles Town Racetrack

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

Ms. Rodd moved to approve the conceptual plaque and direct staff to work with the designer, Charles Town Racetrack, and Sylvia Bishop's family to develop a final design. Mr. Kratovil seconded the motion, and it passed by a 5-3 vote.

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

Mr. Hynes moved to locate the Interpretative Plaque for Charles Town Racetrack on North Charles Street in front of the brick wall to the left of Harrison's Barber Shop. Mr. George seconded the motion, and it passed by a 7-1 vote.

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

10. NEW BUSINESS

2023-1050: 2024 Proposed City Council Meeting Schedule

Mr. Kratovil moved to approve the 2024 City Council Meeting schedule. Ms. Rodd seconded the motion, and it passed by unanimous vote.

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

2023-1051: 2024 City of Charles Town Holiday Calendar

Mr. Kratovil moved to approve the 2024 holiday calendar. Ms. Rodd seconded the motion, and it passed by unanimous vote.

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

2023-1068: A Resolution to Shop Small Business December 2023

Mr. Kratovil moved to approve the Resolution to Shop Small Business December 2023. Ms. Ricketts seconded the motion, and it passed by unanimous vote.

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

2023-1077: BR2023-04: Bond reduction request for Huntfield Phase 2B2

Mr. Hynes moved to table this agenda item until missing street signs and stop signs have been installed at Lord Fairfax and Silverleaf, and Lord Fairfax and Holly Springs. Ms. Ricketts seconded the motion, and it passed by unanimous vote.

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

2023-1078: BR2023-05: Bond reduction request for Huntfield Phase 3A

Mr. Hynes moved to table this agenda item until all missing street signs and stop signs have been installed at Lord Fairfax and Silverleaf, and Lord Fairfax and Deerbrook. Ms. Rodd seconded the motion, and it passed by unanimous vote.

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

2023-1079: BR2023-06: Bond establishment request for Alla Willa Dr. Casino

Mr. George moved to establish a bond in the amount of $148,436.11 for the Alla Will Drive Casino. Mr. Hynes seconded the motion, and it passed by unanimous vote.

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

2023-1091: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 925 Water Rates

Mr. George moved to approve the First Reading. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2023-1092: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 921 Sewers

Mr. George moved to approve the First Reading. Mr. Tester seconded the motion, and it passed by a 6-2 vote.

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

2023-1084: Charles Town Utility Board (CTUB) Trail Funding and Rescinding of Resolution #2023-010 Discussion

Mr. George moved to rescind Resolution #2023-010 Charles Town Utility Board American Rescue Plan Act Funding Request. Mr. Hynes seconded the motion, and it passed by unanimous vote.

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

2023-1086: Jefferson County Commissioner Update - Possible Executive Session

Mr. George moved to table this agenda item indefinitely. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2023-1087: Personnel Discussion - Possible Executive Session

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

Mayor Trainor declared the Council in executive session.

Mayor Trainor declared the Council out of executive session.

No action was taken by the Council on this issue.

2023-1099: Council Approval to Declare Friday, December 22, 2023, a Half-Day for City of Charles Town Employees.

Ms. Twyford moved to declare Friday, December 22, 2023, a half-day for all City employees. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees or commissions.

12. APPROVAL OF BILLS

2023-1124: Payment of Bills - December 4, 2023

Mr. Kratovil moved to approve paying the bills with a departmental reclassification of the payment to Mosca Design from Streets and Highways to City Hall, there were no objections, and Mayor Trainor declared the bills approved for payment.

13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none he adjourned the meeting at 8:53PM.

14. INFORMATION ONLY - NEXT SCHEDULED COUNCIL MEETING December 18, 2023, 7:00PM

2023-1069: Charles Town Police Department's October Statistical Report

2023-1090: Budget Revision #2 - COLA Distribution

2023-1100: B&O Tax - Letter from Alvarez Contractors, Inc.

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1156: Tree Board Meeting - December 7, 2023

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1157: Finance Committee Meeting - December 6, 2023

ATTACHMENTS:

- FinanceCommitteeReport_6Dec2023.pdf

City of Charles Town Finance Committee Report
6 December 2023 Meeting

Drafted by: Bob Trainor - Chairman

Call to Order ooa 10:02AM

1. **Persons present:** Finance Committee Members Ms. Julie Philabaum (Remote), Mr. Jeff Hynes, and Mr. Bob Trainor; City Manager, Mr. John Nissel; and City Finance Director, Ms. Krista Davis

2. **Unfinished Business**

2023-1147: Utility Fee – Tabled

This agenda item remained in a **tabled** status as the Committee and staff compile and review the City's street data.

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

2023-1148: Charles Washington Hall – Historic Tax Credit Investor Eligible for Exit – Tabled

The Committee, acknowledging that this item had been sufficiently addressed by Council, removed it from the table and agreed to tabled it indefinitely.

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

3. **New Business**

2023-1130: FY2024 General Fund Revision #3 – Holiday Supplement & City Attorney Hire

Holiday Supplement – Staff briefed the Committee on the Holiday Supplement for City staff. After discussion, the Committee agreed that since the supplement was included in the approved FY2024 Operating Budget the City Manager is impowered to determine its distribution method.

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

City Attorney Hire – Staff informed the Committee that they are currently negotiating salary and benefits with a candidate for an on-staff attorney, which, if hired, will require a budget amendment in early 2024.

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

2023-1131: Opioid Settlement Funding – Dispersing Options

Staff informed the Committee that a separate account has been set up for the City's share of the Opioid Settlement per State requirements. The estimated City share of the settlement is between $284K to $300K. The specific amount will be forthcoming.

The Committee tasked staff with providing a copy of the settlement's "West Virginia First Memorandum of Understanding" for information to the Council at the 18 Dec 2023 Council meeting, to facilitate disbursement discussions.

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

2023-1132: Historic Tax Credit Investor – Annual Return Payment Due from Charles Washinton Hall Landlord, LLC

Staff informed the Committee that the City has not made any of the five $8K annual return payments to the Charles Washinton Hall Historic Tax Credit investor, totaling $40K owed by the City. The Committee directed staff to include this item on the next Building Commission meeting agenda.

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

2023-1133: Finance Committee Meeting Schedule for 2024

The Committee agreed to move the 3 July meeting to 10 July and subsequently approved the meeting schedule for Calendar Year 2024 (attachment (1)).

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

4. Finance Director's Report

2023-1134: Tyler Credit Card Integration

Staff briefed the Committee of the need to upgrade the City's credit card integration terminals. The new equipment will be funded via the FY2024 Capital Budget – Technology Upgrades. The Committee agreed that credit card processing fees should be paid by those customers using credit cards to pay for City services, fees, and fines. The Committee also agreed to place the question of who should pay the credit card fees on the City Council's 18 Dec 2023 meeting agenda and tasked staff with providing the City's credit card processing fee expenses for FY2022 and FY2023 at that Council meeting.

Recommendations to the City Council: Decide how to handle credit card processing fees.

2023-1143: Charles Washington Hall Water Heater Replacement Funding – Update

The reimbursement question on the water heater replacement will be placed on the next Building Commission meeting agenda.

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

2023-1143: Revenue Replacement Fund Internal Tracking – Update

Staff provided the Committee with an updated accounting of the Revenue Replacement Fund (attachment (2)).

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

5. Tabled Items

2023-993: Utility Fee

6. Pending Items

There were no pending items

7. The meeting was adjourned ooa 11:49PM

8. Next Scheduled Finance Committee meeting is scheduled for 10:00AM, 10 January 2024.

City of Charles Town
Finance Committee

2024 – Meeting Dates

Wednesday, January 10, 2024

Wednesday, February 7, 2024

Wednesday, March 6, 2024

Wednesday, April 3, 2024

Wednesday, May 8, 2024

Wednesday, June 5, 2024

Wednesday, July 10, 2024

Wednesday, August 7, 2024

Thursday, September 5, 2024

Wednesday, October 9, 2024

Wednesday, November 6, 2024

Wednesday, December 4, 2024

ACCOUNT: 073 10101 - CASH AMERICAN RESCUE PLAN 4174

Date	Transaction Description	Amount	Balance
10/12/2021	DEPOSIT - ARPA FUNDING TRANCHE - 1ST HALF	$ 1,330,405.12	$ 1,330,405.12
10/31/2021	OCTOBER 2021 ARPA INTEREST	$ 364.49	$ 1,330,769.61
11/17/2021	ARPA ADDITIONAL FUNDING TRANSFER	$ 2,117.32	$ 1,332,886.93
11/30/2021	NOV 2021 BCT ARPA INTEREST	$ 547.30	$ 1,333,434.23
12/31/2021	DEC 2021 BCT ARPA INTEREST	$ 566.25	$ 1,334,000.48
1/31/2022	JAN 2022 BCT ARPA INTEREST	$ 566.49	$ 1,334,566.97
2/28/2022	FEB 2022 BCT ARPA INTEREST	$ 511.89	$ 1,335,078.86
3/31/2022	MAR 2022 BCT ARPA INTEREST	$ 566.95	$ 1,335,645.81
4/30/2022	APR 2022 BCT ARPA INTEREST	$ 548.90	$ 1,336,194.71
5/31/2022	MAY 2022 BCT ARPA INTEREST	$ 567.42	$ 1,336,762.13
6/21/2022	ARPA REVENUE LOSS TRANSFER	$ (1,332,522.00)	$ 4,240.13
6/30/2022	JUN 2022 BCT ARPA INTEREST	$ 366.82	$ 4,606.95
7/6/2022	DEPOSIT - ARPA FUNDING TRANCHE - 2ND HALF	$ 1,332,522.45	$ 1,337,129.40
7/31/2022	JULY 2022 BCT ARPA INTEREST	$ 458.34	$ 1,337,587.74
8/31/2022	AUG 2022 BCT ARPA INTEREST	$ 568.02	$ 1,338,155.76
9/30/2022	SEPT 2022 BCT ARPA INTEREST	$ 568.25	$ 1,338,724.01
10/31/2022	OCT 2022 BCT ARPA INTEREST	$ 852.75	$ 1,339,576.76
11/30/2022	NOV 2022 BCT ARPA INTEREST	$ 825.77	$ 1,340,402.53
12/31/2022	DEC 2022 BCT ARPA INTEREST	$ 853.82	$ 1,341,256.35
1/6/2023	PT2 ARPA REV LOSS XFER	$ (1,332,522.89)	$ 8,733.46
1/31/2023	JAN 2023 BCT ARPA INTEREST	$ 141.22	$ 8,874.68
2/28/2023	FEB 2023 BCT ARPA INTEREST	$ 3.74	$ 8,878.42
3/31/2023	MAR 2023 BCT ARPA INTEREST	$ 4.15	$ 8,882.57
4/30/2023	APR 2023 BCT ARPA INTEREST	$ 4.02	$ 8,886.59
5/31/2023	MAY 2023 BCT ARPA INTEREST	$ 4.15	$ 8,890.74
6/30/2023	JUNE 2023 BCT ARPA INTEREST	$ 4.02	$ 8,894.76
7/31/2023	JULY 2023 BCT ARPA INTEREST	$ 4.15	$ 8,898.91
8/31/2023	AUG 2023 BCT ARPA INTEREST	$ 4.16	$ 8,903.07
9/30/2023	SEPT 2023 BCT ARPA INTEREST	$ 4.02	$ 8,907.09

Transferred to General Fund:	$ 2,665,044.89
Cash account balance:	$ 8,907.09
Expenditures:	$ (514,500.00)
Revenue Loss/Grant Match Balance:	$ 2,159,451.98

ACCOUNT: 001 444-66 - CONTRIBUTIONS/XFERS TO OTHER FUNDS

Date	Transaction Description	Amount	Balance
6/1/2022	Jefferson County Community Ministries - Roof Repairs	$ 65,000.00	$ 65,000.00
6/1/2022	Jefferson GAP Coalition - Phase 2 Plan	$ 32,500.00	$ 97,500.00
6/6/2022	Friends of Happy Retreat - Property Improvements	$ 195,000.00	$ 292,500.00
6/6/2022	Independent Fire Co. - New PPE Equipment	$ 20,000.00	$ 312,500.00
6/29/2022	Voices Against Domestic Violence - Equipment & Supplies	$ 20,000.00	$ 332,500.00
8/18/2023	Old Opera House - Replace HVAC	$ 100,000.00	$ 432,500.00
8/18/2023	African American Community Assoc. - Amphitheater	$ 69,500.00	$ 502,000.00
8/18/2023	Jefferson County Historical Society - Wayfinding Signs	$ 2,500.00	$ 504,500.00
8/18/2023	Community Markets - Refridge Trailer	$ 10,000.00	$ 514,500.00
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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1174: City Manager Report - December 18, 2023

ATTACHMENTS:

- City Manager Report - December 18, 2023.docx

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414

Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

City Manager Report – December 18, 2023

- We held our first meeting of the Building Commission this week to discuss a number of building repair items along with settling the Charles Washington Hall Historic Tax Credit payments. We also moved monies from the 1999 revenue bond interest and sinking fund back into the re-pavement account. Lastly, we set the schedule for the upcoming year Building Commission meeting dates.

- We will begin the process of conducting our staff employee performance evaluations and setting work program goals for the upcoming calendar year.

- I want to thank everyone who attended the Strategic Planning Retreat last Saturday. We will be meeting with the Facilitator and collecting all the results of the day to present to you in the next couple of weeks.

- Staff is diligently working on the Charles Town Race Track wayside exhibit. Our goal is to have a final product to present to the HLC for their meeting on January 8th.

- We will be setting up a time for the Mayor and Council to tour the maintenance yard in January. Carolyn will be working out some dates that work best for everyone's schedule.

- As we manage through finalizing the language in Article 1759 I have reached out to 13 cities across the State to better understand their challenges around revitalization and vacant structures. I will be compiling a brief on their responses in the next few weeks. I have reached out to the following: Wheeling, Morgantown, Clarksburg, Elkins, Fairmont, Huntington, Keyser, New Martinsville, Parkersburg, Weirton, Beckley, Moundsville, and the City of St. Albans.

- From the staff we want to wish everyone a "Happy and Safe Holiday"

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1149: Appointment to the Charles Town Tree Board - Term January 1, 2024 - December 31, 2027

ATTACHMENTS:

- Boards-and-Commissions-Application-January-2024 for CT Tree Brd as filled.pdf

CHARLES TOWN BOARDS AND COMMISSIONS

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

Board or Commission Applying for: **Date of Application: 11/30/23**

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

Name: Aaron C. Amore

Address: 536 S. Mildred St, Charles Town, WV 25414

Email: aca2142@gmail.com

Phone: 304-582-8000

Length of time lived in the City of Charles Town: 29 years Have you ever been a member of a local government board or commission? Yes If yes, when, where, and in what capacity? Tree Board 2023 filling unexpired term.

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

Charles Town Tree Board and CASA of EP Board member.

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

Foster growth of tree inventory, education and community events.

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

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1155: Article 365 - Charles Town Parking District

ATTACHMENTS:

- Letter from Paddy's.pdf
- Parking Brochure.pdf
- Ord. 2022-013 - Article 365 Charles Town Parking District.pdf

-------- Original Message --------

Subject: Paddy's LLC
Date:2023-12-05 07:32 PM
From: Pat Riley <priley@jeffersonwelding.com>
To: Patrick Riley <priley@jeffersonwelding.com>
Cc: Susan Williams <Susanthebroker2@gmail.com>, paddysirishpub1@gmail.com

To the City of Charles Town WV:

I Patrick Riley, Owner of Paddy's LLC in Charles Town would like to address the Mayor and City Council concerning some issues that directly affect my business and the livelihood of my employees.

We are entering the holiday season and for the first 11 years we were granted meter free parking along with the rest of the downtown area for our patrons.

Last year wreaths were put on the meters but that didn't mean free parking which confused everyone so I contacted Chief Kutcher by way of a text and a picture of the meter/wreath combo. Soon someone came and removed the wreaths and the metered parking continued.

This year metered parking continues for Paddy's patrons, again while downtown mainstreet still enjoys 2 hour free parking year around and free parking during the Christmas season.

I believe that we are a staple in the downtown business group and participate in the downtown activities but feel we are not given the same support as the main street businesses'.

I would ask for your consideration to allow Paddy's the same parking privileges given to the other downtown restaurants/businesses in respect to meter free parking during the Christmas season like was always done in past years and for 2 hour free parking to allow our customers to enjoy a meal at Paddy's and I can stop hearing how "We've been going to Glory Days/Ruby's/Applebees etc so we don't have to worry with parking"

Parking is difficult enough in the 200 block of Liberty between the No Parking and the drive way entrances, this really limits the amount of spaces available.

I know it is easier to pull into a parking lot and go in and not worry about parking so we strive to do a better job at customer service to keep the customers we have and try to entice new ones.

I ask that you consider my request to allow free parking during the Christmas season as was always done in the past and allow 2 hour parking for our customers that the main street restaurants and other businesses enjoy.

Thank you for your time and consideration.

Sincerely

Patrick Riley

Paddy's Irish Pub
210 W Liberty St
Charles Town, WV 25414
304-725-4999
304-671-0631 cell

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

Charles Town **Parking District**



Changes to Charles Town **Paid Parking Program**

Effective July 1st, 2020 the paid parking rates at parking meters and City parking lots will be raised to $.25 per hour.

2-hour free parking will still be permitted on Washington Street and the 100 block (N & S) of George Street.

Parking fees can be paid either by U.S. coins - nickels, dimes, or quarters or by the Park Mobile Parking App.

The hours of enforcement remain 8:00AM to 5:00PM M-F.

Fines for parking meter or free parking time limit violations will be: $10.00 if paid within 5 days; $30.00 if paid after 5 days but before 30 days; and $60.00 if not paid within 30 days.

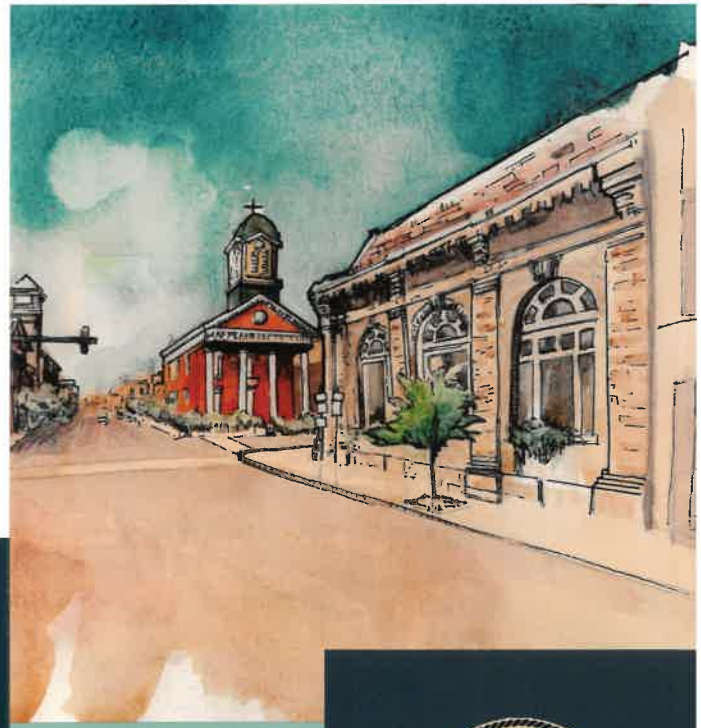
Get in Touch With Us

Parking Enforcement:
Charles Town Police Department
661 S George St. Ste 100
Charles Town, WV 25414
304-725-2714

Payments:
Charles Town City Hall
101 E Washington St.
Charles Town, WV 25414
304-725-2311

The City of Charles Town
West Virginia

Parking Downtown



We invite you to experience the scenic beauty, affordable living, unique architecture, historical sites, and recreational activities our community has to offer.

CITY OF CHARLES TOWN 1786

The Golden Rule City

www.charlestownwv.us

Parking District **Meters**

The parking fee is $0.25/hour.

You can pay your meter fee using US currency (dimes, nickels, quarters) or through the Park Mobile Parking™ phone application.

Meters and 2-hour free parking are enforced 8:00-5:00 Monday-Friday excluding holidays.

On street meters are located at:

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

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

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

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

(5) George Street – 200 block of N George St

(6) Samuel Street – 100 blocks of S Samuel Street and N Samuel Street

City Operated **Parking Lots**

Charles Street Lot – Permit and 8 hour meters

Lawrence Street Lot – Permit and 8 hour meters

Liberty Street Lot – Permit and Pay by Phone App Only

See map for more details.

1 Americans with Disability Act (ADA) Accessible Parking

Vehicles displaying a valid ADA placard or registration plate are authorized to park in any available space within the Parking District, subject to meter rates and time limitations.

Any vehicle parking in a designated ADA accessible parking space without clearly displaying the appropriate placard or registration plate will be subject to a $200 fine for the first offense, $300 for the second offense and $500 for sunsequent offenses.

2 Paying Parking Tickets

Parking tickets can be paid at City Hall, 101 E Washington St., in person or by US mail to PO Box 14, Charles Town, WV 25414. Pay by phone 304-396-0476. Tickets can be paid online at www.charlestownwv.us.

3 Parking Permits

Annual parking permits may be purchased at City Hall for $180 and are valid from July of the year purchased through June the following year.

Residential parking permits for those whose bone fide residence is within the parking district may be purchased at City Hall for $90 and are valid from July of the year purchased through June the following year.

The cost of annual and residential parking permits purchased after July will be prorated appropriately.

Parking and residential permits are valid at 8-hour meters and at City operated parking lots. All parking and residential permits holders must comply with the 2-hour free parking time limits and are not valid at 2-hour parking meter spaces.

4 Fines

Fines for parking meter or free parking time limit violations will be: $10.00 if paid within 5 days; $30.00 if paid after 5 days but before 30 days; and $60.00 if not paid within 30 days.

Other parking violation related fines are specified in Charles Town Codified Ordinance Articles 361 and 365.

5 Booting

Any vehicle with 3 or more unpaid parking citations (tickets), after a 20-day grace period and if the fines have not been paid in full, will be subject to application of a booting device and additional charges.

ARTICLE 365

Charles Town Parking District

365.01 Parking District established.

365.02 Parking district zones.

365.03 Parking fee rates and parking permits.

365.04 Days and hours of operation.

365.045 December Exceptions.

365.05 Manner of parking.

365.055 Ten minute take away parking.

365.06 Parking and permit violations.

365.07 Tampering/slugs.

365.08 Commercial vehicles.

365.09 Purpose and use of revenue.

365.10 Disposition of parking meter revenue.

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

365.12 Immobilization device (booting).

365.13 Other violations.

365.14 Accessible parking.

365.15 Severability.

365.99 Penalty.

CROSS REFERENCES

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

365.01 PARKING DISTRICT ESTABLISHED.

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

(a) N West Street and W North Street

(b) E North Street and N Mildred Street

(c) S Mildred Street and E Congress Street

(d) W Congress Street and S West Street

(Ord. 2021-006. Passed 10-12-21.)

365.02 PARKING DISTRICT ZONES.

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

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

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

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

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

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

(5) George Street - 200 block N George Street

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

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

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

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

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

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

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

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

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

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

(1) North Street

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

(3) Congress Street - 300 block W Congress

(4) West Street

(5) Lawrence Street - 200 block N Lawrence

(6) Mildred Street

(Ord. 2021-006. Passed 10-12-21.)

365.03 PARKING FEE RATES AND PARKING PERMITS.

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

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

(1) Annual parking permit fee shall be $180.00

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

A. August - $164.00

B. September - $149.00

C. October - $134.00

D. November - $119.00

E. December - $104.00

F. January - $89.00

G. February - $73.00

H. March - $60.00

I. April through June - $44.00

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

(4) Parking permits are valid at on-street metered parking spaces cited in Section 365.02(a), except at meters with a parking time limit of less than eight (8) hours; and at all off-street parking spaces cited in Section 365.02(b) that are operated by the City.

(5) Parking permits do not negate the two hour limit in the parking zone cited

in section 365.02(c).

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

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

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

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

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

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

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

A. August - $82.00

B. September - $74.00

C. October - $67.00

D. November - $59.00

E. December - $52.00

F. January - $44.00

G. February - $37.00

H. March - $30.00

I. April through June - $22.00

(4) Additional parking permits, beyond those referenced in subsections 365.03(c)(1)

and (2) may be available for purchase at the rates specified in subsection 365.03(b).

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

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.04 DAYS AND HOURS OF OPERATION.

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.045 DECEMBER EXCEPTIONS.

To encourage visitors and promote economic opportunity for our small businesses, from December 1 through December 31 each year, the City will waive the paid portion of the parking program at all two-hour street-metered parking spaces as described herein.

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

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

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

365.05 MANNER OF PARKING.

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

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

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

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

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

(c) Vehicle operators who have parked a vehicle in two (2)-hour only parking space, whether paid or free, are required to completely move the aforementioned vehicle from that parking space before two (2)-hours have elapsed.

(Ord. 2021-006. Passed 10-12-21.)

365.055 TEN MINUTE TAKE AWAY PARKING

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

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

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

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.06 PARKING AND PERMIT VIOLATIONS.

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

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

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

(d) A parking permit is not a valid payment option at metered spaces with a meter time limit of less than eight (8) hours within the time period cited in Section 365.04. Any vehicle parked in a metered space, with a meter time limit of less than eight (8) hours within the time period cited in Section 365.04 and has not paid the meter as specified in section 365.05(a) or (b) shall constitute a violation of this article.

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

(Ord. 2021-006. Passed 10-12-21.)

365.07 TAMPERING/SLUGS.

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

(Ord. 2021-006. Passed 10-12-21.)

365.08 COMMERCIAL VEHICLES.

(a) Commercial/delivery trucks or vehicles parking during the hours pursuant to Section 365.04 may park, for a period of time not to exceed fifteen (15) minutes, in any vacant metered parking space within the parking district cited in Section 365.01, for onloading and offloading only, without paying the appropriate parking fee cited in Section 365.03. Any vehicle under this section parked in a metered parking space in excess of fifteen (15) minutes without paying the appropriate parking fee cited in Section 365.03 shall constitute a violation of this article.

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.09 PURPOSE AND USE OF REVENUE.

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

(Ord. 2021-006. Passed 10-12-21.)

365.10 DISPOSITION OF PARKING METER REVENUE.

All parking meter revenue and penalties will be deposited in such bank, and to the credit of such account, as prescribed by ordinance or resolution of the City of Charles Town City Council. (Ord. 2021-006. Passed 10-12-21.)

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

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

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

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

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

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

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

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

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

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.12 IMMOBILIZATION DEVICE (BOOTING).

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

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

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.13 OTHER VIOLATIONS.

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

(Ord. 2021-006. Passed 10-12-21.)

365.14 ACCESSIBLE PARKING.

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

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

(Ord. 2021-006. Passed 10-12-21.)

365.15 SEVERABILITY.

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

(Ord. 2021-006. Passed 10-12-21.)

365.99 PENALTY.

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

(Ord. 2021-006. Passed 10-12-21.)

First Reading: November 7, 2022

Passed on Second Reading: December 5, 2022

Enacted: 5th the day of December, 2022

City of Charles Town

Robert M. Trainor
Mayor

Attest:

John Barkley
City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1158: MLK/Route 51 Intersection Improvements Update

ATTACHMENTS:

- August 21, 2023 meeting minutes signed.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • August 21, 2023

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

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

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

Mr. John Nissel, City Manager; Ms. Alissa Meeks, Community Development Director; Ms. Kristen Stolipher, Charles Town Utility Board Manager; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2023-749: Approval of City Council Meeting Minutes - August 8, 2023

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

SWEAR-IN NEW CITY CLERK/CTUB CHAIR

2023-716: Swear-In New City Clerk/Charles Town Board of Directors Chairman.

Mayor Trainor administered the City Clerk and Chair of the Charles Town Utility Board of Directors Oath of Office to Mr. John Nissel.

3. PUBLIC COMMENT

Mr. Donald White expressed his concerns over significant health and welfare issues with a rental property next to his residence. He requested to meet with the Mayor and Chief of Police about the issue.

4. WARD REPORTS

Ward #1

Ms. Ricketts had nothing to report.

Mr. Kratovil had nothing to report.

Ward #2

Mr. Hynes had nothing to report.

Mr. Tester had nothing to report.

Ward #3

Ms. Rodd reported that the City recognized Mr. George Rutherford and launched the African-American History Tour last week. She also enjoyed the African American Heritage Festival.

Ms. Philabaum had nothing to report.

Ward #4

Mr. George had nothing to report.

Ms. Twyford thanked the NAACP Jefferson County chapter for a wonderful African American Heritage Festival parade.

5. MAYOR'S REPORT

2023-727: Go Purple Proclamation

Mayor Trainor read into record the National Recovery Month Proclamation.

He also reported that the City has received responses from Senators Manchin and Capito to the railroad safety concerns letters signed by all the Jefferson County mayors.

6. COMMITTEE REPORTS

2023-724: Finance Committee Report

Mayor Trainor reported the Finance Committee met on August 9, 2023.

The Municipal Police Officer and Firefighters Retirement System (MPFRS) proposed Resolution will be discussed later in the meeting.

2023-738: Infrastructure Committee Report

Ms. Ricketts reported that the next Infrastructure Committee meeting is August 28, 2023, at 4:30 PM.

2023-739: Ordinance Committee Report

Ms. Twyford reported the Ordinance Committee met on August 9, 2023.

The Committee continues to review Article 171 - Municipal Court. The next meeting is scheduled for August 23, 2023, at 4:00PM.

2023-740: Parks and Recreation Board Report

Ms. Ricketts reported that the Parks and Recreation Board has not officially signed the contract with Kimley Horn for the Master Park Plan and is still researching engineering firms for the pool/pool house renovation.

2023-741: Personnel Committee Report

Mr. George reported that he was named Chair of the Personnel Committee and that meetings will be held the second Monday of every month at 5:00PM. The Committee plans to review the travel policy in the employee handbook.

7. CITY MANAGER REPORT

Mr. Nissel reported the following:

- The City has received 23 applications for the Finance Director position; interviews are planned to be conducted this week.
- The Operations Director's position has been advertised and interviews are scheduled to begin in two weeks.
- Cheryl Peterson, the City's Code Compliance Officer, received her provisional license from the Office of the West Virginia State Fire Marshall.
- A contract is anticipated to be signed with Geomodel for ground penetrating radar work at "Potters Field" at S. Seminary and E. Avis Streets.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department's (CTPD) Statistics Report for July and in addition, reported the following:

- CTPD candidate testing took place on August 19, 2023, and unfortunately none of the participants were able to pass the tests.
- Patrolman Bower resigned from the CTPD and departed from the WV Police Academy.
- The African American Festival had one medical emergency and a parking meter was damaged. To better manage traffic and pedestrian flow for these types of events, Chief Kutcher plans to submit a proposal to Council in the near future for electronic message boards and additional traffic cones.
- The Commission on Accreditation for Law Enforcement Agencies (CALEA) first year assessment for the CTPD was very successful.

9. UNFINISHED BUSINESS

2023-728: ARPA Check Presentations - Round II

Mayor Trainor presented the City's American Rescue Plan Act Round II financial awards to the following organizations:

- The African American Society - $69,500
- The Jefferson County Historical Society - $2,500
- Community Markets - $10,000
- The Old Opera House - $100,000

2023-730: CTUB ARPA Resolution (Remove from Table)

Mr. Tester moved to remove the Charles Town Utility Board (CTUB) American Rescue Plan Act Funding Request Resolution from the Table. Mr. Hynes seconded the motion. Mayor Trainor asked if there was any objection, hearing none he declared the item removed from the Table.

Mr. George moved to approve a resolution to award a portion of the City's American Rescue Plan Act funds, not to exceed $190,000, to fund a 10-foot by approximately 1,400-foot pedestrian trail, along Evitts Run as presented. Ms. Rodd seconded the motion.

Mr. Kratovil moved to amend the motion to include language that states CTUB will be reimbursed for the cost of the trail only after a certified engineering firm confirms that the monies was specifically and explicitly spent for the construction of the trail. There were no objections to this motion.

The motion passed by unanimous vote.

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

2023-731: Rouse Hall Lease Addendum (Remove from Table) - Executive Session

Mr. Hynes moved to remove the Rouse Hall Lease Addendum from the Table. Mr. Tester seconded the motion. Mayor Trainor asked if there were any objections, hearing none he declared the item removed from the Table.

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

Mayor Trainor declared the Council out of Executive Session.

Ms. Rodd moved the update the Rouse Hall Lease Addendum with the changes discussed in the Executive Session. Mr. Hynes seconded the motion, and it passed by a 6-2 vote.

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

2023-732: Martin Luther King JR Boulevard/Summit Point Intersection Discussion (Remove from Table)

Mr. Hynes moved to remove the Martin Luther King Jr. Blvd/Summit Point Intersection Discussion from the Table. Ms. Rodd seconded the motion. Mayor Trainor asked if there was any objection, hearing none he declared the item removed from the Table.

Ms. Ricketts reported that Mr. Matt Mullinax – Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEMPO) – reported that West Virginia Division of Highways (WVDOH) has not yet hired the project design consultant, assigned a project manager, or established a project timeline for the Martin Luther King JR Boulevard/Summit Point

Intersection project. As such Mr. Mullinax recommended to hold off on scheduling a public hearing for the project until it is further developed.

Mr. Hynes moved to Table this item until such time as Councilmember Ricketts, as the Jefferson County HEPMPO municipal representative, advises the Council of a more opportune time to discuss this item. Mr. George seconded the motion, and it passed by a 7-1 vote.

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

10. NEW BUSINESS

2023-710: Resolution - Agreement School Based Law Enforcement Officer

Ms. Philabaum moved to approve the School Based Law Enforcement Agreement between the Jefferson County Board of Education and the City of Charles Town. Ms. Twyford seconded the motion, and it passed by unanimous vote.

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

2023-713: Resolution - WV Department of Transportation/Division of Highways Agreement

Ms. Philabaum moved to approve the West Virginia Department of Transportation/Division of Highways Agreement for the Charles Town South George Street Pedestrian Improvement project. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2023-711: Revised Article 1705 - First Reading

Ms. Rodd moved to approve the First Reading of Article 1705 West Virginia State Building Code. Mr. Hynes seconded the motion, and it passed by a 7-1 vote.

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

2023-712: Revised Article 1759 - First Reading

Mr. George moved to approve the First Reading of Article 1759 Vacant Buildings amended as follows:

Remove paragraph 1759.02 (h)(2)(B) in its entirety.

"**A Building owned or then actively leased by an individual in active-duty service with the United States Armed Forces while stationed or deployed at a location in excess of one hundred (100) miles from the Building. The Vacant Buildings Official may require a copy of orders or other satisfactory evidence of such situation.**"

Mr. Kratovil seconded the motion.

Ms. Philabaum moved to amend the motion to include language in section 1759.03(g)(1) and (2) that eliminates the initial registry fee for voluntary registry and doubles the fees each year, for both the voluntary and

involuntary registry, the building remains on the vacant building registry. There was no second to the motion.

The original motion passed by a 6-2 vote.

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

2023-725: Resolution to Become a Participating Employer of the West Virginia Municipal Police Officers and Firefighters Retirement System.

Ms. Philabaum moved to approve the Resolution to Become a Participating Employer of the West Virginia Municipal Police Officers and Firefighters Retirement System for Municipal Police Officers. Mr. George seconded the motion, and it passed by unanimous vote.

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

2023-726: Locust Hill/CTUB Property Transfer

Mr. Kratovil moved to convey the 0.226-acre parcel near the intersection of Saint Andrews Drive and Sheridan Drive to the Locust Hill Unit Owner's Association and to complete the necessary deed requirements. Mr. George seconded the motion, and it passed by unanimous vote.

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

11. REFERRALS TO COMMITTEES/COMMISSIONS

2023-718: Request for two (2) Handicap Parking Spaces at the entrance of 110 N. George Street.

Ms. Philabaum moved to refer this request to the Infrastructure Committee. Mr. George seconded the motion, and it passed by unanimous vote.

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

12. APPROVAL OF BILLS

2023-750: Payment of Bills - August 21, 2023

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

13. ADJOURNMENT

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

14. INFORMATION ONLY - NEXT MEETING, TUESDAY, SEPTEMBER 5, 2023.

2023-715: BCT Letter Authorizing New Account Signatures.

2023-736: Signed Letter to WV Alcohol Beverage Control Administration re: Abolitionist Ale Works/Car Show

2023-737: CTUB Meeting Minutes, July 26, 2023

2023-748: Letter of Appreciation to Mr. George C. Rutherford

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

Mayor: Robert M Trainor Date: 6 September 2023

City Clerk: Date: SEPT. 6, 2023

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1160: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 17 West Virginia State Building and Housing Code, Article 1705 West Virginia Building Code.

ATTACHMENTS:

- Amended Article 1705(17463256.4 SJDOCS).docx
- SCity of Ch23121510240.pdf

ARTICLE 1705
West Virginia State Building Code

EDITOR'S NOTE: Pursuant to an ordinance passed July 15, 1991 all penalties of imprisonment presently contained in the Building and Housing Code are deleted and rescinded.

1705.01 Adoption.

1705.02 Amendments.

1705.03 Permits.

1705.04 Permit fees.

1705.05 City Code Official & Building Inspector.

1705.06 Appeals.

1705.07 Penalties.

1705.08 Injunctive relief.

1705.09 Severability.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

Building regulation - see W. Va. Code 8-12-13

State Building Code - see W. Va. Code 15A-11-5

1705.01 ADOPTION.

(a) Pursuant to the City's powers and authority contained in West Virginia Code Section 13, Article 12, Chapter 8, the City of Charles Town does hereby adopt the State Building Code set forth at Series 4 of Title 87 of the West Virginia Code of State Rules, as it may be amended from time to time, as the same has been promulgated pursuant to West Virginia Code Section 5, Article 11, Chapter 15A, as if the same were fully written out herein but subject to the additions, insertions and changes specified below (authority for the promulgation thereof pursuant to West Virginia Code Section 5b, Article 3, Chapter 29 having been repealed and such authority pursuant to said Section 5, Article 11, Chapter 15A having been enacted).

(b) Any version of Article 1705 entitled West Virginia State Building Code adopted prior to enactment of this version of Article 1705 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and are null and void, except that a

repealed version shall continue to control and be applicable to all building permits issued and in effect while such version was in force and effect.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.02 AMENDMENTS.

The following additions, insertions and changes are hereby made to the codes and standards incorporated in the State Building Code as specified below:

(a) With respect to each of the codes and standards specified in the following Sections 1705.02(b) through 1705.02(m), inclusive:

(1) All appendices to such codes and standards, if any, are hereby adopted.

(2) All appeals under such codes and standards and all appeals under this Article 1705 shall be made pursuant to Section 1705.06, and all language to the contrary in such codes and standards shall be of no effect.

(3) All penalties for violation(s) of such codes and standards shall be punishable under the specific provisions of Section 1705.07, and all language to the contrary in such codes and standards shall be of no effect.

(b) With respect to the International Building Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "July 1, 2013", where prompted to do so in Section 1612.3.

(c) With respect to the International Plumbing Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "See Section 1705.04" where prompted to insert the jurisdiction's schedule in Section 106.6.2.

(3) Insert "twenty-five (25%) percent" where prompted to do so in subparagraph 2 of 106.6.3, and "fifty (50%) percent" where prompted to do so in subparagraph 3 of 106.6.3.

(4) Insert "eighteen inches (18")" where first prompted to do so and insert "two feet and six inches (2'6")" where next prompted to do so in Section 305.4.1.

(d) With respect to the International Residential Code for One- and Two-Family Dwellings, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(e) With respect to the International Mechanical Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "See Section 1705.04" where prompted to do so in Section 106.5.2.

(3) Insert "twenty-five (25%) percent" where prompted to do so in subparagraph 2 of 106.5.3 and "fifty (50%) percent" where prompted to do so in subparagraph 3 of 106.5.3.

(f) With respect to the International Property Maintenance Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(g) With respect to the International Energy Conservation Code, 2015 Edition for Residential Buildings:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(h) With respect to the International Existing Building Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(i) With respect to the 2020 Edition of the National Electric Code, NFPA 70, no further additions, insertions or changes are made

(j) With respect to the International Fuel Gas Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(k) With respect to the 2017 ICC/ANSI A117.1 American National Standards for Accessibility and Usable Buildings and Facilities, no further additions, insertions or changes are made.

(l) With respect to the 2013 ANSI/ASHRAE/IESNA Standard 90.1 for Commercial Buildings, no further additions, insertions or changes are made.

(m) With respect to the International Swimming Pool and Spa Code, 2018 Edition, no further additions, insertions or changes are made.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.03 PERMITS.

No building permit or other permit required under any provision of the State Building

Code shall be issued or renewed with respect to any property that is then subject to a notice of violation or order issued under the State Building Code unless the work authorized by the contemplated permit will timely rectify all violations set forth in such notice of violation or order. Notwithstanding the foregoing, the City Code Official may, in his or her reasonable discretion and upon determination that such will further the City's objective of obtaining compliance with this Article, enter with the owner(s) of any property a written agreement providing for issuance of a permit on specified terms and conditions including, without limitation, benchmarks for work progress.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.04 PERMIT FEES.

(a) For New Home Construction and Additions: a $200.00 Building Permit Fee, plus a fee of $0.75 per square foot finished area and $0.20 per square foot unfinished area.

(b) For Residential Renovation, Restoration, or Remodeling of Existing Structure: a $75.00 Building Permit Fee, plus a fee of $0.20 per square foot.

(c) For Residential Porches, Decks, Garages, and other Accessory Structures: a $50.00 Building Permit Fee, plus a fee of $0.15 per square foot.

(d) For Demolition:

(1) Residential: a $50.00 Building Permit Fee

(2) Commercial: a $150.00 Building Permit Fee

(e) Re-inspection Fees: a $75.00 re-inspection fee if the Building Inspector is required to make more than one (1) visit for one inspection. Job not ready for inspection will also result in $50.00 re-inspection fee.

(f) For Commercial Construction, Additions and Accessory Structures: a $300.00 Building Permit Fee, plus $0.75 per square foot finished area.

(g) For Commercial Renovation, Restoration, Remodeling of Existing Structure: a $200.00 Permit Fee plus $0.50 per square foot.

(h) For Commercial Accessory Structures with no plumbing or electricity: a $100.00 Permit Fee.

(i) For All Temporary Structures: a $50.00 Building Permit Fee.

(j) For All Swimming Pools: a $250.00 Building Permit Fee, plus $0.10 per square foot.

(k) For Roofing and Siding:

(1) Residential: A $75.00 Building Permit Fee, plus $1.00 per 100 square feet

(2) Commercial: A $150.00 Building Permit Fee, plus $1.00 per 100 square feet

(l) For Sidewalks and Driveways:

(1) Residential: A $30.00 Building Permit Fee, plus $0.10 per square foot over 500 sq ft.

(2) Commercial: A $100.00 Building Permit Fee, plus $0.10 per square foot over 500 sq ft.

(m) Fences:

(1) Residential: A $40.00 Building Permit Fee

(2) Commercial: A $100.00 Building Permit Fee

(n) For Plumbing Permits:

(1) Residential: A $75.00 Permit Fee plus $2.50 per fixture

(2) Commercial: A $100.00 Permit Fee plus $5.00 per fixture

(o) For Mechanical Permits:

(1) Residential: A $75.00 Permit Fee plus: $0.10 per square foot of new conditioned space in new structures or $15.00 per unit replaced in existing structures

(2) Commercial: A $100.00 Permit Fee plus: $0.20 per square foot of new conditioned space in new structures or $25.00 per unit replaced in existing structures

(p) For Electrical Permits:

(1) Residential: A $100.00 Permit Fee plus: $0.15 per fixture or device

(2) Commercial: A $250.00 Permit Fee plus: $0.25 per fixture or device

(3) Panel or Meter upgrade only: $100.00

(q) Plan Review:

(1) Residential $150.00

(A) Residential Renovations: $75.00

(B) Residential Decks and Fences: $50.00

(2) Commercial $300.00

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.05 CITY CODE OFFICIAL & BUILDING INSPECTOR.

(a) The City of Charles Town shall comply with the requirements of the Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector

Building Code Officials, Building Code Inspectors and Plans Examiners set forth at Series 6 of Title 103 of the West Virginia Code of State Rule (the "Certification/Continuing Education Standards").

(b) The City Manager or designee shall designate a City Building Official, who shall also be known as the City Code Official, who meets the qualifications of a "Code Official" set forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

(c) All inspections required under the State Building Code shall be conducted on behalf of the City only by the City Code Official or any other individual who is authorized by the City Code Official to perform the relevant category of inspection on behalf of the City and who is duly certified (or otherwise permitted to act) as an "Inspector" in such category pursuant to the Certification/Continuing Education Standards. Any such other individual shall be under the authority of the City Code Official and shall issue a report regarding an inspection to the City Code Official for further action.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.06 APPEALS.

(a) There is established one Appeals Board for all appeals arising under Article 1705, comprised of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. At least one member of the Appeals Board shall be a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work. In addition to such members, the City Code Official shall be an ex-officio member but shall have no vote on any matter before the Appeals Board. The members of the Appeals Board shall be appointed by the City Council and shall serve staggered and overlapping terms.

(b) The Appeals Board shall adopt Rules of Procedure governing appeals before it; *provided that*, such Rules of Procedure shall provide that: (i) a majority of the five (5) voting members of the Appeals Board shall constitute a quorum and no meeting or hearing of the Appeals Board shall be conducted unless a quorum is present; (ii) notwithstanding that a quorum may be present to hear any appeal, the appellant or the appellant's representative may request postponement of the hearing at its commencement if five (5) voting members of the Appeals Board are not present; (iii) at any hearing, the appellant or the appellant's representative, the Code Official, and any other person whose interests are affected shall be given the opportunity to be heard and, for such purpose, the presiding officer of the Appeals Board shall administer oaths and affirmations; (iv) except as specified in the following item (v), any action of the Appeals Board at a meeting or hearing shall be taken and be official only upon the concurring vote of a majority vote of the voting members present; (v) the Appeals Board may modify or reverse a decision of the City Code

Official only by the concurring vote of a majority of its five (5) voting members; and (vi) meetings and hearings of the Appeals Board may be held by electronic means by which all persons participating may hear and communicate with each, including, without limitation, by telephonic conference or by video conference, and any member of the Appeals Board participating in a meeting or hearing by such means shall be deemed present in such meeting or hearing for all purposes.

(c) All administrative appeals from actions of the City Code Official must be filed within twenty (20) days of service of the order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the Building Code where not inconsistent with this Section. At the time of filing any appeal to the Appeals Board, the appellant shall be required to pay a filing fee in the same amount as specified in Section 59-1-11(a)(1) of the West Virginia Code for docketing of civil appeals from magistrate court; *provided that*, such fee shall be refunded to the appellant in the event the appellant prevails on all matters appealed.

(d) Any appeals from decisions of the Appeals Board must be filed within thirty (30) days of the decision by Petition for Writ of Certiorari to the Circuit Court of Jefferson County.

(e) Appeals to the Appeals Board and appeals from the Appeals Board to the Circuit Court shall be based on, and limited to, a claim that the true intent of this Article and/or the State Building Code has been incorrectly interpreted, the provisions of this Article and/or the State Building Code do not fully apply, or the requirements of this Article and/or State Building Code are adequately satisfied by other means.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.07 PENALTIES.

Any person violating any of the provisions of this Article, except as otherwise expressly provided herein, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Failure or refusal to comply with this Article shall constitute a separate offense for each and every day the violation continues. However, this penalty shall not be the exclusive remedy of the City, the City reserving all of the remedies provided by law.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.08 INJUNCTIVE RELIEF.

The City Code Official is authorized, with the consent of the Mayor, to institute judicial proceedings seeking injunctive relief to restrain any violation of this Article or compel compliance with this Article.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.09 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. 2023-XXX. Passed XX-XX-XX.)

ARTICLE 1705
West Virginia State Building Code

EDITOR'S NOTE: Pursuant to an ordinance passed July 15, 1991 all penalties of imprisonment presently contained in the Building and Housing Code are deleted and rescinded.

1705.01 Adoption.

1705.02 Amendments.

1705.03 Permits.

1705.04 Permit fees.

1705.05 City Code Official & Building Inspector.

1705.06 Appeals.

1705.07 Penalties.

1705.08 Injunctive relief.

1705.09 Severability.

CROSS REFERENCES

Adoption by reference - see W. Va. Code 8-11-4

Building regulation - see W. Va. Code 8-12-13

State Building Code - see W. Va. Code 15A-11-5

1705.01 ADOPTION.

(a) Pursuant to the City's powers and authority contained in West Virginia Code Section 13, Article 12, Chapter 8, the City of Charles Town does hereby adopt the State Building Code set forth at Series 4 of Title 87 of the West Virginia Code of State Rules, as it may be amended from time to time, as the same has been promulgated pursuant to West Virginia Code Section 5, Article 11, Chapter 15A, as if the same were fully written out herein but subject to the additions, insertions and changes specified below (authority for the promulgation thereof pursuant to West Virginia Code Section 5b, Article 3, Chapter 29 having been repealed and such authority pursuant to said Section 5, Article 11, Chapter 15A having been enacted).

(b) Any version of Article 1705 entitled West Virginia State Building Code adopted prior to enactment of this version of Article 1705 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and are null and void, except that a

repealed version shall continue to control and be applicable to all building permits issued and in effect while such version was in force and effect.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.02 AMENDMENTS.

The following additions, insertions and changes are hereby made to the codes and standards incorporated in the State Building Code as specified below:

(a) With respect to each of the codes and standards specified in the following Sections 1705.02(b) through 1705.02(m), inclusive:

(1) All appendices to such codes and standards, if any, are hereby adopted.

(2) All appeals under such codes and standards and all appeals under this Article 1705 shall be made pursuant to Section 1705.06, and all language to the contrary in such codes and standards shall be of no effect.

(3) All penalties for violation(s) of such codes and standards shall be punishable under the specific provisions of Section 1705.07, and all language to the contrary in such codes and standards shall be of no effect.

(b) With respect to the International Building Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "July 1, 2013", where prompted to do so in Section 1612.3.

(c) With respect to the International Plumbing Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "See Section 1705.04" where prompted to insert the jurisdiction's schedule in Section 106.6.2.

(3) Insert "twenty-five (25%) percent" where prompted to do so in subparagraph 2 of 106.6.3, and "fifty (50%) percent" where prompted to do so in subparagraph 3 of 106.6.3.

(4) Insert "eighteen inches (18")" where first prompted to do so and insert "two feet and six inches (2'6")" where next prompted to do so in Section 305.4.1.

(d) With respect to the International Residential Code for One- and Two-Family Dwellings, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(e) With respect to the International Mechanical Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(2) Insert "See Section 1705.04" where prompted to do so in Section 106.5.2.

(3) Insert "twenty-five (25%) percent" where prompted to do so in subparagraph 2 of 106.5.3 and "fifty (50%) percent" where prompted to do so in subparagraph 3 of 106.5.3.

(f) With respect to the International Property Maintenance Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(g) With respect to the International Energy Conservation Code, 2015 Edition for Residential Buildings:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(h) With respect to the International Existing Building Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(i) With respect to the 2020 Edition of the National Electric Code, NFPA 70, no further additions, insertions or changes are made

(j) With respect to the International Fuel Gas Code, 2018 Edition:

(1) Insert "City of Charles Town" as appropriate and where prompted to do so by said code.

(k) With respect to the 2017 ICC/ANSI A117.1 American National Standards for Accessibility and Usable Buildings and Facilities, no further additions, insertions or changes are made.

(l) With respect to the 2013 ANSI/ASHRAE/IESNA Standard 90.1 for Commercial Buildings, no further additions, insertions or changes are made.

(m) With respect to the International Swimming Pool and Spa Code, 2018 Edition, no further additions, insertions or changes are made.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.03 PERMITS.

No building permit or other permit required under any provision of the State Building

Code shall be issued or renewed with respect to any property that is then subject to a notice of violation or order issued under the State Building Code unless the work authorized by the contemplated permit will timely rectify all violations set forth in such notice of violation or order. Notwithstanding the foregoing, the City Code Official may, in his or her reasonable discretion and upon determination that such will further the City's objective of obtaining compliance with this Article, enter with the owner(s) of any property a written agreement providing for issuance of a permit on specified terms and conditions including, without limitation, benchmarks for work progress.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.04 PERMIT FEES.

(a) For New Home Construction and Additions: a $200.00 Building Permit Fee, plus a fee of $0.75 per square foot finished area and $0.20 per square foot unfinished area.

(b) For Residential Renovation, Restoration, or Remodeling of Existing Structure: a $75.00 Building Permit Fee, plus a fee of $0.20 per square foot.

(c) For Residential Porches, Decks, Garages, and other Accessory Structures: a $50.00 Building Permit Fee, plus a fee of $0.15 per square foot.

(d) For Demolition:

(1) Residential: a $50.00 Building Permit Fee

(2) Commercial: a $150.00 Building Permit Fee

(e) Re-inspection Fees: a $75.00 re-inspection fee if the Building Inspector is required to make more than one (1) visit for one inspection. Job not ready for inspection will also result in $50.00 re-inspection fee.

(f) For Commercial Construction, Additions and Accessory Structures: a $300.00 Building Permit Fee, plus $0.75 per square foot finished area.

(g) For Commercial Renovation, Restoration, Remodeling of Existing Structure: a $200.00 Permit Fee plus $0.50 per square foot.

(h) For Commercial Accessory Structures with no plumbing or electricity: a $100.00 Permit Fee.

(i) For All Temporary Structures: a $50.00 Building Permit Fee.

(j) For All Swimming Pools: a $250.00 Building Permit Fee, plus $0.10 per square foot.

(k) For Roofing and Siding:

(1) Residential: A $75.00 Building Permit Fee, plus $1.00 per 100 square feet

(2) Commercial: A $150.00 Building Permit Fee, plus $1.00 per 100 square feet

(l) For Sidewalks and Driveways:

(1) Residential: A $30.00 Building Permit Fee, plus $0.10 per square foot over 500 sq ft.

(2) Commercial: A $100.00 Building Permit Fee, plus $0.10 per square foot over 500 sq ft.

(m) Fences:

(1) Residential: A $40.00 Building Permit Fee

(2) Commercial: A $100.00 Building Permit Fee

(n) For Plumbing Permits:

(1) Residential: A $75.00 Permit Fee plus $2.50 per fixture

(2) Commercial: A $100.00 Permit Fee plus $5.00 per fixture

(o) For Mechanical Permits:

(1) Residential: A $75.00 Permit Fee plus: $0.10 per square foot of new conditioned space in new structures or $15.00 per unit replaced in existing structures

(2) Commercial: A $100.00 Permit Fee plus: $0.20 per square foot of new conditioned space in new structures or $25.00 per unit replaced in existing structures

(p) For Electrical Permits:

(1) Residential: A $100.00 Permit Fee plus: $0.15 per fixture or device

(2) Commercial: A $250.00 Permit Fee plus: $0.25 per fixture or device

(3) Panel or Meter upgrade only: $100.00

(q) Plan Review:

(1) Residential $150.00

(A) Residential Renovations: $75.00

(B) Residential Decks and Fences: $50.00

(2) Commercial $300.00

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.05 CITY CODE OFFICIAL & BUILDING INSPECTOR.

(a) The City of Charles Town shall comply with the requirements of the Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector

Building Code Officials, Building Code Inspectors and Plans Examiners set forth at Series 6 of Title 103 of the West Virginia Code of State Rule (the "Certification/Continuing Education Standards").

(b) The City Manager or designee shall designate a City Building Official, who shall also be known as the City Code Official, who meets the qualifications of a "Code Official" set forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

(c) All inspections required under the State Building Code shall be conducted on behalf of the City only by the City Code Official or any other individual who is authorized by the City Code Official to perform the relevant category of inspection on behalf of the City and who is duly certified (or otherwise permitted to act) as an "Inspector" in such category pursuant to the Certification/Continuing Education Standards. Any such other individual shall be under the authority of the City Code Official and shall issue a report regarding an inspection to the City Code Official for further action.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.06 APPEALS.

(a) There is established one Appeals Board for all appeals arising under Article 1705, comprised of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. At least one member of the Appeals Board shall be a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work. In addition to such members, the City Code Official shall be an ex-officio member but shall have no vote on any matter before the Appeals Board. The members of the Appeals Board shall be appointed by the City Council and shall serve staggered and overlapping terms.

(b) The Appeals Board shall adopt Rules of Procedure governing appeals before it; *provided that*, such Rules of Procedure shall provide that: (i) a majority of the five (5) voting members of the Appeals Board shall constitute a quorum and no meeting or hearing of the Appeals Board shall be conducted unless a quorum is present; (ii) notwithstanding that a quorum may be present to hear any appeal, the appellant or the appellant's representative may request postponement of the hearing at its commencement if five (5) voting members of the Appeals Board are not present; (iii) at any hearing, the appellant or the appellant's representative, the Code Official, and any other person whose interests are affected shall be given the opportunity to be heard and, for such purpose, the presiding officer of the Appeals Board shall administer oaths and affirmations; (iv) except as specified in the following item (v), any action of the Appeals Board at a meeting or hearing shall be taken and be official only upon the concurring vote of a majority vote of the voting members present; (v) the Appeals Board may modify or reverse a decision of the City Code

Official only by the concurring vote of a majority of its five (5) voting members; and (vi) meetings and hearings of the Appeals Board may be held by electronic means by which all persons participating may hear and communicate with each, including, without limitation, by telephonic conference or by video conference, and any member of the Appeals Board participating in a meeting or hearing by such means shall be deemed present in such meeting or hearing for all purposes.

(c) All administrative appeals from actions of the City Code Official must be filed within twenty (20) days of service of the order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the Building Code where not inconsistent with this Section. At the time of filing any appeal to the Appeals Board, the appellant shall be required to pay a filing fee in the same amount as specified in Section 59-1-11(a)(1) of the West Virginia Code for docketing of civil appeals from magistrate court; *provided that*, such fee shall be refunded to the appellant in the event the appellant prevails on all matters appealed.

(d) Any appeals from decisions of the Appeals Board must be filed within thirty (30) days of the decision by Petition for Writ of Certiorari to the Circuit Court of Jefferson County.

(e) Appeals to the Appeals Board and appeals from the Appeals Board to the Circuit Court shall be based on, and limited to, a claim that the true intent of this Article and/or the State Building Code has been incorrectly interpreted, the provisions of this Article and/or the State Building Code do not fully apply, or the requirements of this Article and/or State Building Code are adequately satisfied by other means.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.07 PENALTIES.

Any person violating any of the provisions of this Article, except as otherwise expressly provided herein, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Failure or refusal to comply with this Article shall constitute a separate offense for each and every day the violation continues. However, this penalty shall not be the exclusive remedy of the City, the City reserving all of the remedies provided by law.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.08 INJUNCTIVE RELIEF.

The City Code Official is authorized, with the consent of the Mayor, to institute judicial proceedings seeking injunctive relief to restrain any violation of this Article or compel compliance with this Article.

(Ord. 2023-XXX. Passed XX-XX-XX.)

1705.09 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. 2023-XXX. Passed XX-XX-XX.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Permit
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1169: Open Container Waiver for Friends of Happy Retreat

ATTACHMENTS:
- 2024FriendsOfHappyRetreat.docx

City of Charles Town

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

MAYOR
Robert M. Trainor

CITY COUNCIL

James Kratovil

Elizabeth Ricketts

Jeff Hynes

Kevin Tester

Julie Philabaum

Priscilla Rodd

Micheal George

Rikki Twyford

CITY MANAGER

John Nissel

December 15, 2023

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

To Whom It May Concern,

I am writing on behalf of the City of Charles Town to ask that the WV Alcohol Beverage Control Administration approve the request from the Friends of Happy Retreat for a Fairs and Festivals one-day permit. This event is scheduled for January 28, 2024, and the City agrees to suspend all open container laws and related ordinances at 600 Mordington Avenue, Charles Town, WV.

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

Thank you for your assistance with this request.

Sincerely,

Robert M. Trainor
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Payment of Bills - December 18, 2023

ATTACHMENTS:

- CAPITAL RESERVE COUNCIL REPORT 2023 12 18.pdf
- GENERAL FUND COUNCIL REPORT 2023 12 18.pdf
- PARKS & REC COUNCIL REPORT 2023 12 18.pdf
- GENERAL FUND COUNCIL REPORT 2023 12 18 PT 2 EMERGENCY CHECK RUN.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ALPHA ASSOCIATES, INCORPORATED	12/13/23	AUGUSTINE AVE-TRAIL DESIGN	CAPITAL RESERVE	CULTURE & RECREATION	2,816.27
				TOTAL:	2,816.27
KIMLEY-HORN AND ASSOCIATES, INC.	12/13/23	KIMLEY-HORN AND ASSOCIATES	CAPITAL RESERVE	CULTURE & RECREATION	500.00
				TOTAL:	500.00
TEK ADVISORS	12/13/23	TECH SERVICE 11/1/23-12/1/	CAPITAL RESERVE	GENERAL GOVERNMENT	7,625.11
				TOTAL:	7,625.11

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

200	CAPITAL RESERVE	10,941.38
	GRAND TOTAL:	10,941.38

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: CAP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 12/13/2023 THRU 12/13/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADAGIO ACADEMY OF PERFORMING ARTS	12/13/23	1ST PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
AMERICAN PUBLIC UNIVERSITY SYSTEM	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00
				TOTAL:	50.00
ANGIE PAULEY	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00
				TOTAL:	50.00
ANIMAL WELFARE SOCIETY OF JEFFERSON CO	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00
				TOTAL:	50.00
B.E.S. TECHNOLOGY, INC.	12/13/23	WEB HOST FEE 11/17/23-11/1	GENERAL FUND	CITY HALL	1,500.00
				TOTAL:	1,500.00
BOLAND TRANE SERVICES INC	12/13/23	DEC23 HVAC SER 661 GEORGE	GENERAL FUND	POLICE DEPARTMENT	457.00
				TOTAL:	457.00
CATHY FUNK	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00
				TOTAL:	50.00
CHARLES TOWN MIDDLE SCHOOL CHEER	12/13/23	3RD PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	25.00
				TOTAL:	25.00
CHERYL PETERSON	12/13/23	REIMB	GENERAL FUND	ENFORCEMENT AGENCY	165.85
	12/13/23	REIMB	GENERAL FUND	ENFORCEMENT AGENCY	109.13
	12/13/23	REIMB	GENERAL FUND	ENFORCEMENT AGENCY	127.32
				TOTAL:	402.30
CINTAS	12/13/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
	12/13/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
				TOTAL:	415.08
COMCAST CORPORATION	12/13/23	661 XFINITY SER12/7/23-1/6	GENERAL FUND	POLICE DEPARTMENT	10.47
	12/13/23	661 INTERNET SERV 12/3-1/2	GENERAL FUND	POLICE DEPARTMENT	305.35
	12/13/23	661 XFINITY SER 11/7/23-12	GENERAL FUND	POLICE DEPARTMENT	10.47
	12/13/23	MAINT SHOP INTERNET 12/7-1	GENERAL FUND	STREETS & HIGHWAYS	93.30
				TOTAL:	419.59
CREAMERS AUTO SERVICE CENTER, LLC	12/13/23	CAR#4 STATE INSPECTION	GENERAL FUND	POLICE DEPARTMENT	13.80
				TOTAL:	13.80
CHARLES TOWN UTILITY BOARD	12/13/23	661S GEORGE ST SER 10/15-1	GENERAL FUND	NON-DEPARTMENTAL	88.13
	12/13/23	105S GEORGE ST 10/15-11/15	GENERAL FUND	CITY HALL	96.38
	12/13/23	108N GEORGE ST 10/15-11/15	GENERAL FUND	CITY HALL	100.13

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
DELTA DENTAL OF PENNSYLVANIA	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	ECONOMIC DEVELOPMENT	22.18
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	107.98
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	62.61
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	PLANNING & ZONING	192.77
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	CITY HALL	42.90
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	PARKING	22.18
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	620.20
	12/13/23	JAN 2024 DENTAL PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	66.54
				TOTAL:	1,137.36
JONATHAN DESARNO	12/13/23	50% TUITION REIM-CJU550	GENERAL FUND	POLICE DEPARTMENT	975.00
				TOTAL:	975.00
FIRST-CITIZENS BANK & TRUST CO	12/13/23	3RD FLOOR COPIER RENTAL DE	GENERAL FUND	CITY HALL	110.00
				TOTAL:	110.00
FRONTIER, INC.	12/13/23	RH-108N GEORGE 11/25-12/24	GENERAL FUND	CITY HALL	47.54
	12/13/23	PD RINGDOWN 11/22/23-12/21	GENERAL FUND	POLICE DEPARTMENT	55.82
				TOTAL:	103.36
GALLS, LLC	12/13/23	LEWIS-WINTER CAP	GENERAL FUND	PARKING	39.24
				TOTAL:	39.24
GIRL SCOUT TROOP #40438	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00
				TOTAL:	50.00
GRIFFITH ENERGY SERVICES, INC	12/13/23	CITY HALL OIL 12/5	GENERAL FUND	CITY HALL	875.36
				TOTAL:	875.36
JAIME SCHWARTZBECK	12/13/23	3RD PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	25.00
				TOTAL:	25.00
JANELLE CORNELL	12/13/23	1ST PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
JEFFERSON COUNTY PARKS & REC	12/13/23	1ST PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
KAREN SCOTT	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00
				TOTAL:	50.00
KIMLEY-HORN AND ASSOCIATES, INC.	12/13/23	SERVICES THROUGH OCT 2023	GENERAL FUND	PLANNING & ZONING	3,127.54
				TOTAL:	3,127.54
LEETOWN BAPTIST CHURCH YOUTH GROUP	12/13/23	2ND PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	50.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
OPEN BIBLE TABERNACLE	12/13/23	3RD PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	25.00
				TOTAL:	25.00
SILVER GROVE 4-H CLUB	12/13/23	3RD PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	25.00
				TOTAL:	25.00
STAPLES ADVANTAGE	12/13/23	WALL FILE/PAPER/PLNR/HOOKS	GENERAL FUND	TREASURER'S OFFICE	66.98
	12/13/23	PLANNER	GENERAL FUND	CITY CLERK'S OFFICE	16.39-
	12/13/23	WALL FILE/PAPER/PLNR/HOOKS	GENERAL FUND	CITY CLERK'S OFFICE	15.92
	12/13/23	WALL FILE/PAPER/PLNR/HOOKS	GENERAL FUND	CITY HALL	84.36
	12/13/23	4 BXS CPY PAPER/CALENDAR	GENERAL FUND	CITY HALL	198.65
				TOTAL:	349.52
STEPTOE & JOHNSON PLLC	12/13/23	LEGAL SERVICES OCT 2023	GENERAL FUND	CITY ATTORNEY	21,725.00
				TOTAL:	21,725.00
SUMMIT POINT BUSY BEES 4-H CLUB	12/13/23	1ST PLACE 2023XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
SUPERIOR AUTOBODY LLC	12/13/23	3RD PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	25.00
				TOTAL:	25.00
LYLE C TABB & SONS, INC.	12/13/23	BOX RENTAL FEES NOVEMBER 2	GENERAL FUND	STREETS & HIGHWAYS	1,125.00
				TOTAL:	1,125.00
TRI STATE BAPTIST CHURCH	12/13/23	1ST PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
U.S. BANK	12/13/23	NOV2023 CORP P-CARD PURCHA	GENERAL FUND	NON-DEPARTMENTAL	6,499.89
	12/13/23	NOV2023 GAS P-CARD PURCHAS	GENERAL FUND	NON-DEPARTMENTAL	4,058.00
				TOTAL:	10,557.89
UNITED WAY OF THE EASTERN PANHANDLE, I	12/13/23	TEEN COURT FEES NOVEMBER 2	GENERAL FUND	NON-DEPARTMENTAL	486.49
				TOTAL:	486.49
WASHINGTON HIGH SCHOOL DECA	12/13/23	1ST PLACE 2023 XMAS WINNER	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
WASTE MANAGEMENT	12/13/23	34N WATER ST TRASH SER 12/	GENERAL FUND	STREETS & HIGHWAYS	302.87
				TOTAL:	302.87
WINCHESTER METALS INC	12/13/23	10 HOT ROLLED PIPE	GENERAL FUND	STREETS & HIGHWAYS	1,109.49
				TOTAL:	1,109.49

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

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

001 GENERAL FUND	48,148.46
GRAND TOTAL:	48,148.46

TOTAL PAGES: 4

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 12/13/2023 THRU 12/13/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
AC & T CO., INC	12/13/23	JMP SETUP/CLEAN PORTAPOTTY	PARKS & REC	PARKS & REC	49.00
				TOTAL:	49.00
CBP ENTERPRISES	12/13/23	NOV23 MOWING EVITTS RUN	PARKS & REC	PARKS & REC	480.00
	12/13/23	NOV23 MOWING HAPPY RETREAT	PARKS & REC	PARKS & REC	460.00
	12/13/23	NOV23 MOWING CRAIG HILL	PARKS & REC	PARKS & REC	235.00
	12/13/23	NOV2023 MOWING JEFF MEM PA	PARKS & REC	PARKS & REC	790.00
	12/13/23	NOV23 MOWING WILLINGHAM KN	PARKS & REC	PARKS & REC	590.00
				TOTAL:	2,555.00

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

207	PARKS & REC	2,604.00
	GRAND TOTAL:	2,604.00

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: PARK1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 12/13/2023 THRU 12/13/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CAPACITY PARTNERS, INC	12/15/23	LITE STRATEGIC PLAN	GENERAL FUND	CITY COUNCIL	1,500.00
				TOTAL:	1,500.00

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

001	GENERAL FUND	1,500.00
	GRAND TOTAL:	1,500.00

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 12/15/2023 THRU 12/15/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1150: Public Comment Letter - Ms. Ann Khiel Fern

ATTACHMENTS:

- Public Comment.pdf

Bob Trainor

From:	afernriver@aol.com
Sent:	Monday, December 4, 2023 1:03 PM
To:	Bob Trainor; John Nissel
Cc:	Elizabeth Ricketts; jkravotil@charlestownwv.us; Jeff Hynes; Kevin Tester; jphilbaum@charlestownwv.us; Priscilla Rodd; Rikki Twyford; Micheal George
Subject:	RE: Proposed PODA

Dear Mayor and Council,

As I cannot attend tonight's City Council Meeting due to illness I did want to address a few concerns regarding the consideration of a PODA.

1. When I think of Charles Town's brand I think of two things: Family friendly and History. Would this ordinance not rebrand us to some degree as a "Sip and stroll" destination?

2. Who would monitor the events that allow folks to carry alcoholic beverages from place to place in the designated area? Once a beverage has left a bar or restaurant whose responsibility does the drinker now become?

Just a few things that came up while I was reading about the launch of the PODA in Charleston. Thank you for taking the time to read this.

Sincerely,
Ann Khiel Fern

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1152: Private Outdoor Designated Area (PODA) Survey results

ATTACHMENTS:

- PODA Survey Results.pdf

With regards to the consideration of creating a PODA in Charles Town:

Because of the seeming confusion around PODA and the limited number of people who had yet to offer opinions, I posted a survey about PODA on my public Facebook page. Please note this was in no way scientific, but simply a way to gain more public input and raise more public awareness.

My goal was to keep it simple and to the point, so I asked two questions. One - Do you support allowing people to drink alcohol on the public streets and in select stores and restaurants in downtown Charles Town? Out of the 40 responses to that question, 43% were said they did not, and 57% said they did.

Question two was: Have you heard about the creation of a PODA (Public Outdoor Designated Area) that would encompass most of downtown Charles Town? Again, 43% said they had no, and 57% said they had.

In terms of those who offered feedback on why they were against drinking on the streets and in select store downtown, they expressed some of the following concerns:

- children walking downtown, from school and ballet classes, being exposed to inebriated people
- public drinking being triggering for those in recovery
- disagreeing with people being able to drink on public sidewalks
- underage drinking
- concern about the type of people this will attract to our town
- volume from intoxicated people - maybe only for special events
- alcohol being a drug that is addictive and damaging to families
- causing more fines and arrests
- increasing drunk driving
- decreasing the quality of the town
- not wanting tax payers to pay for enforcement of the initiative, when police staff is already low
- negative impact on or increase in homeless people already impacted by addiction
- will create new, unanticipated problems for town
- Would rather have vibrant shops; no need for alcohol outside of the restaurants
- downtown should be a family environment, and there should be more focus on children and less events focused on drinking

In terms of those who offered feedback on why they were supportive of allowing drinking on the streets and in select stores downtown, they expressed some of the following reasons:

- quick and easy way to make concerts or art galleries more appealing
- gives more options for businesses
- PODA would be easy to implement because of small downtown
- other PODAs have been positive
- would help increase attendance at events
- could try it and repeal if it doesn't work
- could make town more historically hip
- will jazz up downtown
- innovative idea that could attract people
- help with business and economic enhancement
- love the change

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1159: Signed Traffic Control Services Agreement

ATTACHMENTS:

- Traffic Control Services Agreement.pdf

TRAFFIC CONTROL SERVICES AGREEMENT

This AGREEMENT is between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION – DIVISION OF HIGHWAYS (WVDOT-DOH) and the CITY OF CHARLES TOWN (City) – the Traffic Control Service provider.

WHEREAS, Due to the delay in the installation of a permanent traffic signal at the intersection of Augustine Avenue, Washington Patriots Drive, and the soon to be opened Sheetz Augustine Avenue entrance/exit access (WPAS), which will include a signalized crosswalk; and

WHEREAS, additional vehicular and pedestrian traffic is expected at the aforementioned intersection, particularly during student arrival and departure times at Washington High School, which is accessed via Washington Patriots Drive; and

WHEREAS, the Charles Town Police Department (CTPD) is empowered to provide for the safety, security, and order in the City of Charles Town; and

WHEREAS, the WPAS intersection falls within the CTPD jurisdiction; and

WHEREAS, as a temporary solution, WVDOT-DOH intends to create a four-way stop at the WPAS intersection and has requested the CTPD provide traffic services there.

NOW THEREFORE, THE PARTIES HERETO AGREE TO THE FOLLOWING:

1. **Engagement**

1.1 CTPD shall provide a police presence to perform traffic control duties for a mutually agreed upon duration at the WPAS intersection.

1.2 CTPD police officers performing traffic control services are under the general supervision of the CTPD and shall abide by, all CTPD rules and regulations as well as complying with all local, state, and federal laws.

1.3 WVDOT-DOH agrees that all law enforcement decisions encountered by police officers of CTPD during the period covered by the AGREEMENT shall be made by CTPD personnel.

1.4 WVDOT-DOH agrees that a Charles Town police officer engaged in duties pertaining to this AGREEMENT may, in their sole discretion, interrupt their provision of services to discharge their public duties as law enforcement officers and attend to emergencies and other exigent circumstances outside the scope of this AGREEMENT. Such an interruption or termination of services shall not be considered a breach of this AGREEMENT. WVDOT-DOH will not be charged for activities performed after the CTPD officer interrupts or terminates the provision of services.

2. **Terms**

2.1 This AGREEMENT shall be effective on the opening date of the Sheetz store on Augustine Avenue and shall remain in force until 30 days after the Sheetz store opening. At the end of the AGREEMENT term, the necessity of the AGREEMENT will be reassessed by both parties to determine if the term will be extended. If the parties agree to extend term, the parties may elect to extend the services as appropriate.

3. **Hours of Operation**

3.1 CTPD will perform traffic control services on weekdays (Monday – Friday) for the duration of the AGREEMENT. Traffic control duties under this agreement will not be conducted on holidays or weekends unless otherwise agreed upon by the parties.

3.2 CTPD agrees to provide traffic control services within the following mutually agreed to time periods whenever Washington High School is in session:

- 6:30 AM. to 9:30 AM
- 2:00 PM. to 5:00 PM

3.4 The Chief of Police (CTPD) and appropriate WVDOT-DOH personnel may adjust or modify the aforementioned time periods if deemed appropriate to improve the effectiveness of the traffic control duties and safety of the WPAS intersection.

4. **Dress Code and Equipment**

4.1 CTPD police officers shall use their assigned police cruiser and wear their CTPD issued uniform while performing traffic control services.

5. **Compensation**

5.1 In consideration for traffic control services performed by the CTPD, WVDOT-DOH agrees to reimburse the City at a rate of $65.00 per hour, at a minimum of two hours for services rendered, not to exceed 6 hours per day during the terms of the AGREEMENT.

5.2 The WVDOT-DOH agrees to submit payment of undisputed fees to the City within 30 calendar days from the date of the billing statement. WVDOH is not obligated to pay disputed fees until such time as the parties resolve the dispute to their mutual satisfaction.

6. **Indemnification**

6.1 Neither party hereto shall be liable for any damages resulting from the negligent or wrongful acts or omissions of the other party or the other party's employees or agents in the performance of this AGREEMENT.

7. **Termination**

7.1 The CTPD Chief of Police has sole authority to terminate this AGREEMENT on behalf of City. The Commissioner of Highways, or his designee, has the authority to terminate this AGREEMENT on behalf of the WVDOT-DOH. In the event of a material breach by a party, the non-breaching party shall have the right to terminate this AGREEMENT immediately. In the event this AGREEMENT is terminated, compensation will be made to the City for all services performed to date of termination.

IN WITNESS WHEREOF, the parties hereto have caused this Traffic Control Services AGREEMENT to be executed the day and year first written above.

CITY OF CHARLES TOWN

Robert M. Trainor, Mayor — Date: 6 Dec 2023

Amanda J. Stotler
OFFICIAL NOTARY SEAL
STATE OF WEST VIRGINIA
AMANDA J. [illegible]
Charles Town Police Department
601 South George Street, Suite [illegible]
Charles Town WV 25414
My Commission Expires January 5, 2025

CHARLES TOWN POLICE DEPARTMENT

Christopher A. Kutcher, Chief of Police — Date: 12/6/23

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

Jimmy Wriston, P.E. — Date: 12/6/23
West Virginia Secretary of Transportation/
Commissioner of Highways

APPROVED AS TO FORM THIS
6TH DAY DEC. 2023
ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS

2312001

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1168: Planning Commission Report - August 28, 2023, meeting minutes

ATTACHMENTS:

- Planning Commision 8.28.23 Minutes.pdf

CITY OF CHARLES TOWN

PLANNING COMMISSION MEETING

MINUTES • August 28, 2023

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

101 East Washington Street, Charles Town, WV 25414

APPROVED

1. **CALL TO ORDER**

Present:
Ann Paonessa – Chair
Angie Cummings – Secretary
Jessica Derr
Kevin Long
Jeff Hynes – Attended Virtually

James Newman – City Staff: Zoning Administrator
Kimberly Crosson – Permit Tech

2. APPROVAL OF MINUTES

- 2.1: Minutes – Correction to date of minutes on July 24, 2023 are required

Motion to approve minutes.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jessica Derr
SECONDER:	Kevin Long
AYES:	**Ann Paonessa, Angie Cummings, Jessica Derr, Jeff Hynes, Kevin Long**

3. UNFINISHED BUSINESS

None

4. NEW BUSINESS

4.1: Public Hearing: Waiver 2023-06 - Request for a waiver to treat a boundary line adjustment as a minor site plan.

Staff gave presentation.

Applicant Mark Roper's representative, Seth Rivard, spoke.

Ann Paonessa asks if any questions for applicant. No questions are brought forth. Chair asks clarifying question regarding number of dwellings on each parcel. Applicant's representative clarifies that there will be one house per lot for a total of two houses.

Motion to open Public Hearing:

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kevin Long
SECONDER:	Jessica Derr
AYES:	**Ann Paonessa, Angie Cummings, Jessica Derr, Jeff Hynes, Kevin Long**

Ann Paonessa asks if anyone would like to speak regarding the matter. No one wishes to speak, no additional comments are made. Chair moves to motion to close.

Motion to close Public Hearing:

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jessica Derr
SECONDER:	Kevin Long
AYES:	**Ann Paonessa, Angie Cummings, Jessica Derr, Jeff Hynes, Kevin Long**

Ann Paonessa opens to floor for motion regarding matter.

Motion to approve Waiver 2023-06 as presented:

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kevin Long
SECONDER:	Jessica Derr
AYES:	**Ann Paonessa, Angie Cummings, Jessica Derr, Jeff Hynes, Kevin Long**

APPROVED

4.2: Public Hearing - SLD2023-08- Proposal for changes to Huntfield Phase 3B final plans.

Staff gave presentation.

Applicant Matt Powell, gave presentation.

Staff read letter of opposition from Ms. King onto record.

Ms. Price read own email and spoke in opposition.

Resident of Huntfield, Mr. Ray Heverline, appeared in person asking questions regarding the purposed changes.

Ann Paonessa asks if anyone would like to make a motion.

Jeff Hynes speaks and moves to table the proposal, to allow the applicant time to revise plan and to continue to meet with the City to works on revisions to the Conditions of Annexation.

Jessica Derr seconds motion to table proposal.

Ann Paonessa opens for discussion.

Commissioners converses regarding tabling the proposal, and sought clarification from staff regarding the specifics of tabling the motion. Staff provides details regarding options for tabling the proposal.

Motion to table proposal SLD2023-08 for 45 days:

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jessica Derr
SECONDER:	Kevin Long
AYES:	**Ann Paonessa, Angie Cummings, Jessica Derr, Jeff Hynes, Kevin Long**

5. ADJOURNMENT

Motion to adjourn meeting:

RESULT:	**APPROVED [UNANIMOUS]**

APPROVED

MOVER:	Ann Paonessa
SECONDER:	Kevin Long
AYES:	**Ann Paonessa, Angie Cummings, Jessica Derr, Jeff Hynes, Kevin Long**

Meeting adjourned at 8:01 pm.

APPROVED

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1050: 2024 City Council Meeting Schedule

ATTACHMENTS:

- 2024 Council Meeting Schedule.docx

CHARLES TOWN CITY COUNCIL
2024 MEETING SCHEDULE

All regular meetings are held in the Council Chambers located at
101 E. Washington Street, Charles Town, WV 25414.
All meetings begin at 7:00 p.m.

Tuesday, January 2*
Tuesday, January 16*
Monday, February 5
Tuesday, February 20*
Monday, March 4
Monday March 18
Monday, April 1
Tuesday, April 16**
Monday, May 6
Monday, May 20
Monday, June 3
Monday, June 17
Monday, July 1
Monday, July 15
Monday, August 5
Monday, August 19
Tuesday, September 3*
Monday, September 16
Monday, October 7
Monday, October 21
Monday, November 4
Monday, November 18
Monday, December 2
Monday, December 16

* When a regularly scheduled Monday meeting falls on a holiday or observed holiday, the meeting will be held the following day, on Tuesday, at 7:00 p.m.

**Per State Code, the City Council must lay the levy on the third Tuesday in April, Council normally elects to meet on Tuesday to conduct regular business and lay the levy at the same time.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1051: 2024 City of Charles Town Holiday Calendar

ATTACHMENTS:

- 2024 City of Charles Town Holiday Schedule.docx

2024 HOLIDAY CALENDAR – City of Charles Town

New Year's Day	Monday, January 1
Martin Luther King, Jr. Day	Monday, January 15
President's Day	Monday, February 19
West Virginia Primary Election Day	Tuesday, May 14
Memorial Day	Monday, May 27
Juneteenth	Wednesday, June 19
West Virginia Day	Thursday, June 20
Independence Day	Thursday, July 4
Labor Day	Monday, September 2
Columbus Day/Indigenous Peoples' Day	Monday, October 14
Election Day	Tuesday, November 5
Veteran's Day	Monday, November 11
Thanksgiving	Thursday, November 28
Lincoln's Day	Friday, November 29
Christmas	Wednesday, December 25

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 12/18/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1173: Charles Town Utility Board Meeting Minutes - November 15, 2023

ATTACHMENTS:

- 2023.11.15 UB MINUTES.pdf

Charles Town Utility Board
Special Board Meeting
November 15, 2023

The Charles Town Utility Board held a special meeting on November 15, 2023 at 4:00 P.M. Members of the Board present were Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer, Jeff Whitten, Board Member; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; and Ashley Stottlemyer, Secretary. John Nissel, Chairman, was absent from the meeting.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of October 26, 2023 Special Meeting Minutes

The Vice Chairman called for changes or corrections to the October 26, 2023 special meeting minutes. With no objections from the Board, the minutes were approved as part of the record.

PUBLIC COMMENT

No public comment was received.

UNFINISHED BUSINESS

Dupont and 3M Class Action Settlement Correspondence - Possible Executive Session Under: WV State Code Section §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.

Action: **Motion made by Mr. Whitten, second by Mrs. Parker, the Board unanimously approved going into executive session to discuss this item at the end of the meeting.**

NEW BUSINESS

Renewal & Replacement Project Resolution No. 13 – Contractor Pay Application No. 13

Mrs. Stolipher included the contractor application for payment no. 13 in the amount of $520,052.35 for work completed.

Action: **Motion made by Mr. Stocks, second by Mr. Whitten, the Board unanimously approved the Contractor Pay Application No. 13.**

Gwin, Dobson & Foreman – Amendment to Owner/Engineer Agreement #2

Mrs. Stolipher provided an amendment to the Owner/Engineer Agreement with GDF to increase the line item for the full-time project representative (on-site inspector) for the Renewal & Replacement project. The $100,000.00 increase is within the previously budgeted amount of $125,000.00, but could potentially be subject to reductions as the inspector could be used on another local project. The Board provided discussions.

Action: **Motion made by Mr. Whitten, second by Mrs. Parker, the Board unanimously approved the Amendment to Owner/Engineer Agreement #2 with GDF with the revision to the wording under the agreement summary as discussed.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided an update on the Greenfield Forcemain project delays due to DOH borings. She also mentioned the roadblock with DEP regarding the funding component for the trail included in the Collection System Project. Because of this, Mrs. Stolipher suggested not moving forward with the trail as it is no longer financially feasible. Mrs. Stolipher also discussed the billing issues relating to the West Virginia American Water transition.

Mr. Whitten informed the Board of a concern brought to his attention from a customer CTUB is obtaining an easement from for the Collections System Project.

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

Chairman Report

The Chairman was absent from the meeting.

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

APPROVAL OF BILLS

November 15, 2023

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

EXECUTIVE SESSION

Dupont and 3M Class Action Settlement Correspondence - Possible Executive Session Under: WV State Code Section §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.

The Board convened into Executive Session at 4:16 P.M. to discuss the Dupont and 3M Class Action Settlement Correspondence. Executive session was declared over at 4:22 P.M.

Action: **Motion made by Mr. Whitten, second by Mr. Stocks, the Board unanimously approved to opt out of the Dupont and 3M Class Action lawsuit.**

ADJOURNMENT

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

Action: **Motion by Mr. Stocks, second by Mr. Whitten, the Board unanimously adjourned the meeting at 4:23 P.M.**

INFORMATION ONLY

The next meeting is scheduled for Wednesday, December 13, 2023 at 4:00 P.M. at 661 S. George Street.

Duke Pierson
Vice Chairman

Ashley Stottlemyer
Secretary