CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • JANUARY 2, 2024

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

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2023-1218:** City Council Meeting Minutes - December 18, 2023
CouncilMinutes Dec. 18th.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

: **2023-1189:** Mayor's appointment to the Historic Landmark Commission - 2 terms ending December 31, 2026
Nick Zaglifa HLC appplication.pdf
Randy Hilton HLC Application.pdf

: **2023-1197:** Mayor's Select Committee on Charles Town Parking District
Mayor's Select Committee on Parking District.pdf

6. COMMITTEE REPORTS

7. CITY MANAGER REPORT

: **2023-1216:** City Manager Report
City Manager Report Jan. 1, 24.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2023-1193:** Public Hearing on 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

: **2023-1194:** Second 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
12-02-2023 WATER Public Notice of Proposed Ordinance -REDLINE.pdf
12-02-2023 WATER Public Notice of Proposed Ordinance.pdf
charlestown-wv-2.pdf

: **2023-1195:** Public Hearing on 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

: **2023-1196:** Second 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
12-02-2023 SEWER Public Notice of Proposed Ordinance REDLINE.pdf
12-02-2023 SEWER Public Notice of Proposed Ordinance.pdf
charlestown-wv-1.pdf

10. NEW BUSINESS

: **2023-1192:** Discussion on Opioid Settlement Funds - Possible Executive Session
MOU.pdf

: **2023-1198:** Mayor's Select Committee on Tourism
Tourism Development Committee.pdf

: **2023-1200:** City Council Appointment to the Charles Town Tree Board for a term ending December 31, 2027
Boards-and-Commissions-Application-January-2020.pdf

: **2023-1201:** Permit Application Conflict Discussion - Executive Session
Special Activity Permit Policy_signed_Jan2018.pdf
Pages from 2018-01-16 City Council - Full Agenda-1346.pdf
Letter from Christopher Stroech.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2023-1191:** Referral to the Infrastructure Committee - Possibly turning Park Street into a one-way street
110306.jpeg
110307.jpeg
110308.jpeg
110309.jpeg

12. APPROVAL OF BILLS

: Payment of Bills - January 2, 2024
GENERAL FUND COUNCIL REPORT 2023 01 02.pdf
BUILDING COMM COUNCIL REPORT 2024 01 02.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 01 02.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING

: **2023-1199:** Public Comments about Charles Town Parking
James Clay Public Comment.pdf
Melissa Grove Public Comment.pdf
Letter from Judith Cromwell.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: 01/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1218: City Council Meeting Minutes - December 18, 2023

ATTACHMENTS:

- CouncilMinutes Dec. 18th.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • DECEMBER 18, 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; Ms. Liz Cook, Business Development and Downtown Coordinator; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

2. APPROVAL OF MINUTES

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

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

3. PUBLIC COMMENT

Two people signed up for public comment.

Mr. James Clay commented on the challenges people with disabilities encounter when parking within the downtown district.

Ms. Melissa Grove, owner of Studio M, commented on her customers' difficulties finding adequately timed parking metered spaces near her business.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts had nothing to report.

Ward #2

Mr. Hynes had nothing to report.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum wished everyone happy holidays.

Ms. Rodd had nothing to report.

Ward #4

Mr. Geroge thanked City staff for all their hard work this year and wished everyone a Merry Christmas and a Happy New Year.

Ms. Twyford wished everyone a Merry Christmas and a Happy New Year.

5. MAYOR'S REPORT

Mayor Trainor shared a letter from Citizen's Fire Company requesting funding support; he stated that the request will be added to the City's FY2025 budget discussions. He also announced that Citizen Fire Company has invited the City Council to their annual awards banquet on January 20, 2024.

6. COMMITTEE REPORTS

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

There were no minutes available for this meeting.

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

Mayor Trainor advised that the Finance Committee report was included in the Council packet. There were not any questions or comments concerning the report.

7. CITY MANAGER REPORT

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

Mr. Nissel reviewed the City Manager's report with the Council.

8. POLICE CHIEF REPORT

Chief Kutcher wished everyone a joyous and safe holiday season.

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

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

Mr. Kratovil moved to appoint Mr. Aaron Amore to the Charles Town Tree Board for a term ending December 31, 2027. Mr. George seconded the motion, and it passed by unanimous vote.

Mr. Nissel administered the oath of office to Mr. Amore.

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

2023-1155: Article 365 - Charles Town Parking District

Mr. George moved to suspend the parking program for January and February and work on redoing the parking plan if it's still wanted. Mr. Hynes seconded the motion.

After discussion, Mr. George move to amend his motion by exempting the 2-hour free parking zones on Washington Street and the 100 blocks of North and South George Street, all current handicapped spots, and the 10-minute take away spots from the parking program suspension. Ms. Rodd seconded the amended motion, and it failed by a 4-5 vote.

Only the final vote is recorded in the below box.

RESULT:	**FAILED [4-5]**
MOVER:	Micheal George
SECONDER:	Priscilla Rodd
AYES:	Ricketts, Tester, Rodd, George
NAY:	Kratovil, Hynes, Philabaum, Twyford, Trainor

Mr. Kratovil moved to authorize the City Manager and Chief of Police to have full responsibility for the designation of the different parking areas in Charles Town and to maintain the status quo in the interim. Ms. Twyford seconded the motion. It failed by a 4-5 vote.

RESULT:	**FAILED [4-5]**
MOVER:	James Kratovil
SECONDER:	Rikki Twyford
AYES:	Kratovil, Philabaum, Twyford, Trainor
NAYS:	Ricketts, Hynes, Tester, Rodd, George

Mr. Kratovil moved to form a special select committee appointed by the Mayor to study the parking in downtown Charles Town and to report back to the Council at the first Council meeting in March 2024 and suggests that Committee hold town hall meeting(s) for residents and businesses. Ms. Ricketts seconded the motion, and it passed by a 6-2 vote.

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

2023-1158: MLK/Route 51 Intersection Improvements Update

Mr. Hynes moved to direct staff to draft a letter to the West Virginia Department of Highways supporting the MLK/Route 51 Intersection Improvement project and offering to facilitate public meetings concerning the project. The letter will be submitted to Council for approval at the scheduled January 16, 2024 Council meeting. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED**
MOVER:	Jeff Hynes
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Twyford

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.

Ms. Philabaum moved to approve the First Reading of Article 1705 West Virginia Building Code with the following amendment: Section 1705.06(b), second line – remove the word "***that***" after the word ***"provided"*** to read, "The Appeals Board shall adopt Rules of Procedure governing appeals before it; *provided*, such Rules of Procedure shall provide that:..." and also to remove the highlighted "(Ord. 2023-XXX. Passed XX-XX-XX.)" notations throughout the ordinance.

Mr. George seconded the motion, and it passed by unanimous vote.

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

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

Ms. Philabaum moved to approve the letter to the West Virginia Alcohol Beverage Control Administration for a one-day open container waiver permit for Friends of Happy Retreat. Mr. George seconded the motion, and it passed by unanimous vote.

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

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees/commissions.

12. APPROVAL OF BILLS

Payment of Bills - December 18, 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 he adjourned the meeting at 8:25PM.

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

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

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

2023-1159: Signed Traffic Control Services Agreement

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

2023-1050: 2024 City Council Meeting Schedule

2023-1051: 2024 City of Charles Town Holiday Calendar

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

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: 01/02/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1189: Mayor's appointment to the Historic Landmark Commission - 2 terms ending December 31, 2026

ATTACHMENTS:

- Nick Zaglifa HLC appplication.pdf
- Randy Hilton HLC Application.pdf

CHARLES TOWN BOARDS AND COMMISSIONS

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

Board or Commission Applying for:

Date of Application: 11/14/23

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

Name: Nicholas Zaglifa

Address: 59 Chadwick Drive, Charles Town, WV 25414

Email: nickforcharlestown@gmail.com

Phone: 301-514-3329

Length of time lived in the City of Charles Town: 14 years in July

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? I served on our City Council from 6/2015 to 6/2019, and over seven years experience on both the Historic Landmarks Commission and the Parks Board.

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

I have volunteered over the years for various events for the City, such as the Christmas Parade, the Car Show, and I did most of the "H" in "Charles Town" for the mosaic project on N. Charles Street.

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

I have been fortunate to have been able to leverage my knowledge and experience as an architectural supervisor for a regional home-building company. I am familiar with the Design Review Standards and have been able to provide solutions to issues we face. I have been very fortunate to have worked alongside many passionate people on the commission as well as support staff. I would like to continue serving this commission for our City.

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.



NICK ZAGLIFA

PROFILE

I am a sixteen-year resident of Jefferson County, residing in the City of Charles Town for the past fourteen. I would very much enjoy the opportunity to continue to serve our City at the capacity of Historic Landmarks Commissioner. I believe my experience in the residential the construction industry can benefit the Commission.

Thank you all in advance for your consideration.

CONTACT

PHONE:
301-514-3329

EMAIL:
NickForCharlesTown@gmail.com

WORK EXPERIENCE

Architectural Supervisor– Architectural Services Department, NVR, Inc.
2022-Present day
Responsible for developing policies and practices while leading architectural project teams.

Project Coordinator – Architectural Services Department, NVR, Inc.
2006-2022
Team lead for various architectural projects, from new projects to enhancements to existing products.

SKILLS AND OBJECTIVES

- I have over 30 years of experience in building practices and
- materials.
- I am familiar with our Design Review Standards and how to
- implement them.
- I am well-versed in Robert's Rules of Order

RECEIVED

NOV 0 2 2023

BY: VR

CHARLES TOWN BOARDS AND COMMISSIONS

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

Board or Commission Applying for: **Date of Application:** 11/2/23

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

Name: James Randolph (Randy) Hilton

Address: 316 S. Mildred St., Charles Town, WV

Email: jrhiltonwv@gmail.com

Phone: 304 676 2591

Length of time lived in the City of Charles Town: 47 yrs.

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? President of C.T. Planning Commission, Ordinance Comm., Historic Landmarks Comm (early 1980's), Bd. Member Jefferson Co. Dev. Authority Served 9 yrs. as mayor & 10 years on Council

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

Currently Vice President, Friends of Happy Retreat Board Members Charles Town Museum & Library; Vestry Member, Zion Episcopal Church

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

Life long interest in historic preservation. Worked on restoration of 4 historic properties in Charles Town. Interest in honoring excellence in preservation, expansion of signage for historic properties, expanding the overlay district

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: 01/02/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1197: Mayor's Select Committee on Charles Town Parking District

ATTACHMENTS:

- Mayor's Select Committee on Parking District.pdf

December 26, 2023

Re: Mayor's Select Committee on the Charles Town Parking District evaluation

Dear Council members

Please be advised that per Council direction at the December 18, 2023 City Council meeting, I have commissioned a Select Committee to evaluate the current parking district in downtown Charles Town. The Committee will provide Council with recommendations for possible improvements at the March 4, 2024 scheduled Council meeting. I anticipate holding at least one town hall meeting on this issue to gather public opinion and better understand challenges with the current parking district.

The following persons are hereby appointed to the Select Committee:

- Mr. Robert Trainor – Charles Town Mayor
- Mr. James Kratovil – Charles Town Council Representative & Downtown Business owner
- Ms. Julie Philabaum – Charles Town Council Representative & Downtown business employee
- Ms. Missy Grove – Downtown Business owner
- Mr. John Nissel – Charles Town City Manager

The following persons will provide support to the Select Committee

- Mr. Chris Kutcher – Chief of Police, City of Charles Town
- Mr. Corey Lewis – City of Charles Town Parking Official

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

Robert M. Trainor

Copy: Ms. Missy Grove
Chief Chris Kutcher
Mr. Corey Lewis

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1216: City Manager Report

ATTACHMENTS:

- City Manager Report Jan. 1, 24.pdf

City Manager Report

January 2, 2024

- Over the next few months will begin the process of assembling next year's fiscal budget with staff. Our Finance Director will lay out for the Mayor and City Council a timeline and a process for moving forward. We look forward to working with the Mayor and Council on this exercise moving forward.
- We will be interviewing applicants for the Accounting Clerk III position in the Finance Department this week and expect to decide in the next couple of weeks on a candidate.
- The City Attorney position has been readvertised and we will be vetting resumes as they come in. The candidate that we made the offer to declined the position.
- We will be reporting to the Finance Committee on how the awarded ARPA funds have been spent down since the money was awarded. A report to the Mayor and City Council will follow.
- With the onset of colder weather please stay tuned for any closures, delayed openings or early dismissals that will be posted on our website and social media outlets.
- We have posted the 2024 Boards and Commission meeting to the website.
- Our bulk leaf and Christmas tree collection will run through mid-January so please make sure you get your leaves and trees curbside for pick-up.
- Just a reminder to our citizens that if they come across any maintenance issues please go to our website and enter a ticket or phone the office.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1193: Public Hearing on 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

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1194: Second 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

ATTACHMENTS:

- 12-02-2023 WATER Public Notice of Proposed Ordinance -REDLINE.pdf
- 12-02-2023 WATER Public Notice of Proposed Ordinance.pdf
- charlestown-wv-2.pdf

PUBLIC NOTICE OF PROPOSED ORDINANCE
RELATING TO INCREASED RATES, FEES AND CHARGES
OF THE CITY OF CHARLES TOWN WATER SYSTEM

Notice is hereby given that on the 4th day of December, 2023, the City Council of the City of Charles Town caused to be read an Ordinance setting forth a proposed increase in its water rates, fees and charges for customers of its water system in lieu of its present water rates and charges. The proposed Ordinance reads as follows:

AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING WATER SERVICE AT CHARLES TOWN AND VICINITY, JEFFERSON COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE

WHEREAS, Chapter 8, Article 20, Section 10, and Chapter 24, Article 1, Section 1 (j) of the *West Virginia Code*, as amended, gives to municipally operated combined water and sewer public utilities the approval authority to set their own rates and charges; and,

WHEREAS, on June 26, 2018, the Public Service Commission of West Virginia issued an order in Case No. 17-0915-PSWD-PC granting its approval for Charles Town to acquire the Jefferson County Public Service District and encouraged Charles Town to adopt a unified tariff as soon as reasonably possible; and

WHEREAS, the Charles Town Utility Board hired Gannett Fleming, Valuation and Rate Consultants, LLC. to conduct water and wastewater rate studies which included the development of the projected revenue requirements based on CTUB's 2024 fiscal year budget, cost allocation studies by customer class (cost of service), and the rate design. Consistent with the PSC Order requiring the merger of utilities and consolidation of rates defined above, CTUB's goal was to unify rates and to ensure a fair and equitable rate structure; and

WHEREAS, Gannett Fleming presented its findings to CTUB and on October 2, 2023, CTUB presented the Charles Town City Council with its recommendations for rate adjustments selected from the various options presented by Gannett Fleming. The proposed water rate adjustment increases rates to match the Class Cost of Service Study, addresses a water deficit of $637,515, and provides sufficient funds to cover the costs of operation in the most equitable way among all customer classes. The water rate adjustments fully equalize rates between CTUB and the Jefferson County Public Service District rates consistent with the PSC order detailed above; and

WHEREAS, in order to provide revenues sufficient to pay the expenses of current and future operations, to provide working capital reserves and to provide sufficient funding for its ongoing debt service obligations, the Common Council of the City of Charles Town deems it necessary to increase the rates and charges for the furnishing of water services.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA HEREBY ORDAINS:

DRAFT

SECTION ONE – RATES, RULES AND REGULATIONS

For the payment of the proper and reasonable expense of operation, repair, replacements, improvements, additions, betterments, extension and maintenance of the water system and for the payment of the sums required to pay the principal and interest on all water revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates, charges and penalties for the use of and services rendered by the municipal water system and works of the City of Charles Town, West Virginia, which schedule, based upon the metered amount of water supplied to the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows:

RULES AND REGULATIONS

I. Rules and Regulations for the Government of Water Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission, are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

Applicable within the entire area served except the contract rate. ~~and areas defined in Schedule II.~~

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES

First	10,000 gallons used per month	$12.84~~10.33~~ per 1,000 gallons
Next	30,000 gallons used per month	$10.73~~8.79~~ per 1,000 gallons
Over	40,000 gallons used per month	$8.47~~6.94~~ per 1,000 gallons
PNGI Contract Rate		$6.08~~4.86~~ per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts, according to the size of the meter installed, to-wit:

5/8	inch or 5/8 inch x 3/4 inch meter	$25.68~~25.83~~ per month
3/4	inch meter	$38.52~~38.74~~ per month
1	inch meter	$64.20~~64.57~~ per month
1 -1/2	inch meter	$132.89~~129.14~~ per month
2	inch meter	$207.80~~206.62~~ per month
3	inch meter	$389.68~~387.42~~ per month
4	inch meter	$717.98~~645.70~~ per month

DRAFT

6 inch meter $1,348.401,291.40 per month

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $44.9436.16 per month.

METERED SALES-OTHER

For direct sales at the Water Treatment Plant $8.476.94 per 1,000 gallons.

MULTIPLE OCCUPANCY

In apartment buildings, shopping centers or other multiple occupancy buildings, each unit shall be required to pay not less than the minimum monthly charge provided herein. above.

DELAYED PAYMENT PENALTY

The above schedule tariff is net. On all accounts current usage billings not paid in full when due, 10% will within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. This e delayed payment penalty is not interest and is to be collected only only to be collected once for each bill where it is appropriate.

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

DISCONNECT-RECONNECT FEE FOR NON-PAYMENT

Whenever water service to a City of Charles Town Water customer has been disconnected for non-payment of a water bill, a disconnection fee of $20.00 shall be charged. Water service will not be restored until all past due bills, penalties and reconnection fees have been paid in full.

There shall be no disconnect charge for Charles Town Water and Sewer customers.

RECONNECTION SERVICE CHARGE

For Charles Town Water customers, water service will not be restored until all past due bills and penalties have been paid in full plus a reconnection fee of $25.00 has been paid.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

DRAFT

LEAK ADJUSTMENT

$0.89 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

~~In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate of $0.42 per thousand gallons and the customer's historic usage.~~

~~RETURNED CHECK CHARGE~~

~~A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.~~

SECURITY DEPOSIT

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Not to exceed two-twelfths (2/12) of the average usage of the applicant's specific customer class, or $50.00, whichever is greater. This fee may be changed by applicable statutory provisions. Each new customer shall make a security deposit which shall be refunded per the regulations of the Public Service Commission of West Virginia.

~~Each new customer shall make a security deposit of $50.00 which shall be refunded per West Virginia Regulation.~~

CITY OF CHARLES TOWN MUNICIPAL SERVICE FEES

STREET IMPROVEMENTS:
For the purpose of providing street improvements by the City of Charles Town there is hereby imposed upon the users thereof, that is to say, collectively upon the owners of each residential premise, each manufacturing plant and each business premise from and after July 1, 1999, an annual fee consistent with Article 770 of the City of Charles Town Codified Ordinances. The fee collected by CTUB will be paid directly to the City of Charles Town.

EMERGENCY SERVICE:
For the purposes of carrying out emergency services function as provided for in Article 107, Emergency Services of the City of Charles Town Codified Ordinances, there is hereby imposed upon the users thereof, that is to say each residential and each business premise from and after July 1st, 2006, a fee consistent with Article 774 of the City of Charles Town Codified Ordinances. The fee collected by CTUB will be paid directly to the City of Charles Town.

PARKS AND RECREATIONAL FACILITIES:
For the purpose of constructing, improving, extending, developing, maintaining, and operating a City public park and recreation system as provided for in Article 138 (of the City of Charles Town Codified Ordinances), there is hereby imposed upon the users thereof, that is to say each

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residential premise, and each business premise. The fee collected by CTUB will be paid directly to the City of Charles Town.

~~SCHEDULE II~~

~~APPLICABILITY~~

~~Applicable to the Glen Haven and Cavaland subdivisions formerly served by Jefferson County Public Service District.~~

~~AVAILABILITY~~

~~Available for general domestic, commercial, and industrial service.~~

~~RATES~~

~~First 5,000 gallons used per month $18.84 per 1,000 gallons used~~

~~All over 5,000 gallons used per month $17.64 per 1,000 gallons used~~

~~MINIMUM CHARGE~~

~~No bill will be rendered for less than the following amount, according to the size of the meter installed:~~

~~5/8 inch meter (based on 2,500 gallons usage) $47.10 per month~~

~~TAP FEE~~

~~A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.~~

~~SERVICE CHARGE~~

~~For Charles Town Water customers, water service will not be restored until all past due bills and penalties have been paid in full plus a reconnection fee of $25.00 has been paid.~~

~~DELAYED PAYMENT PENALTY~~

~~The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.~~

~~LEAK ADJUSTMENT~~

~~In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate of $0.42 per thousand gallons and the customer's historic usage.~~

~~RETURNED CHECK CHARGE~~

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~~A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.~~

~~SECURITY DEPOSIT~~

~~Each new customer shall make a security deposit of $50.00 which shall be refunded per West Virginia Regulation.~~

SCHEDULE ~~II~~III

CAPACITY IMPROVEMENT FEES

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APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection requiring new or additional flow from the water distribution system and treatment facility. Effective for service connection proposed on or after the date of enactment.

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CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $4,399.00 for each residential connection or non-residential connection requiring new or additional flow from the water distribution system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

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USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT FEES

Capacity Improvement Fees for multi-residential and non-residential structures requiring new or additional flow from the water distribution system and treatment facility shall be based upon the following:

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Single Family Unit	150	1.0
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift

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Institutions:

Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil

~~UNIT~~	~~WATER GALLONS/DAY~~	~~RESIDENTIAL USAGE EQUIVALENT~~
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.

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(Ord. 2022-012. Passed 12-5-22.)

SECTION TWO – EFFECTIVE DATE

The rates, fees and charges contained in this Ordinance are to become effective for all service rendered on and after February 16, 2024.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance

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are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in the *Spirit of Jefferson* as a Class I publication. The publication shall be made at least one week before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the **January 2, 2024 at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises. A copy of this ordinance is available for public inspection at the City Clerk's Office which is open to the public Monday through Friday during the hours of 9:00 a.m. to 5:00 p.m.

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PUBLIC NOTICE OF PROPOSED ORDINANCE
RELATING TO INCREASED RATES, FEES AND CHARGES
OF THE CITY OF CHARLES TOWN WATER SYSTEM

Notice is hereby given that on the 4th day of December, 2023, the City Council of the City of Charles Town caused to be read an Ordinance setting forth a proposed increase in its water rates, fees and charges for customers of its water system in lieu of its present water rates and charges. The proposed Ordinance reads as follows:

AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING WATER SERVICE AT CHARLES TOWN AND VICINITY, JEFFERSON COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE

WHEREAS, Chapter 8, Article 20, Section 10, and Chapter 24, Article 1, Section 1 (j) of the *West Virginia Code*, as amended, gives to municipally operated combined water and sewer public utilities the approval authority to set their own rates and charges; and,

WHEREAS, on June 26, 2018, the Public Service Commission of West Virginia issued an order in Case No. 17-0915-PSWD-PC granting its approval for Charles Town to acquire the Jefferson County Public Service District and encouraged Charles Town to adopt a unified tariff as soon as reasonably possible; and

WHEREAS, the Charles Town Utility Board hired Gannett Fleming, Valuation and Rate Consultants, LLC. to conduct water and wastewater rate studies which included the development of the projected revenue requirements based on CTUB's 2024 fiscal year budget, cost allocation studies by customer class (cost of service), and the rate design. Consistent with the PSC Order requiring the merger of utilities and consolidation of rates defined above, CTUB's goal was to unify rates and to ensure a fair and equitable rate structure; and

WHEREAS, Gannett Fleming presented its findings to CTUB and on October 2, 2023, CTUB presented the Charles Town City Council with its recommendations for rate adjustments selected from the various options presented by Gannett Fleming. The proposed water rate adjustment increases rates to match the Class Cost of Service Study, addresses a water deficit of $637,515, and provides sufficient funds to cover the costs of operation in the most equitable way among all customer classes. The water rate adjustments fully equalize rates between CTUB and the Jefferson County Public Service District rates consistent with the PSC order detailed above; and

WHEREAS, in order to provide revenues sufficient to pay the expenses of current and future operations, to provide working capital reserves and to provide sufficient funding for its ongoing debt service obligations, the Common Council of the City of Charles Town deems it necessary to increase the rates and charges for the furnishing of water services.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA HEREBY ORDAINS:

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925.01 WATER SERVICE RATES.

For the payment of the proper and reasonable expense of operation, repair, replacements, improvements, additions, betterments, extension and maintenance of the water system and for the payment of the sums required to pay the principal and interest on all water revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates, charges, and penalties for the use and services rendered by the municipal water system and works of the City of Charles Town, West Virginia, which schedule, based upon the metered amount of water supplied to the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows:

SECTION ONE – RATES, RULES AND REGULATIONS

RULES AND REGULATIONS

I. Rules and Regulations for the Government of Water Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereafter made by the Commission are hereby adopted by reference.

SCHEDULE I

APPLICABILITY
Applicable within the entire area served except the contract rate.

AVAILABILITY
Available for general domestic, commercial and industrial service.

RATES

First 10,000	gallons used per month	$12.84 per 1,000 gallons
Next 30,000	gallons used per month	$10.73 per 1,000 gallons
Over 40,000	gallons used per month	$ 8.47 per 1,000 gallons
PNGI Contract Rate		$ 6.08 per 1,000 gallons

MINIMUM CHARGE
No bill shall be rendered for less than the following amounts, according to the size of the meter installed, to-wit:

5/8-inch and 5/8 x 3/4-inch	$ 25.68 per month
3/4-inch	$ 38.52 per month
1-inch	$ 64.20 per month
1-1/2-inch	$ 132.89 per month
2-inch	$ 207.80 per month
3-inch	$ 389.68 per month
4-inch	$ 717.98 per month
6-inch	$1,348.40 per month

FLAT RATE CHARGE (Customers with non-metered water supply)
Equivalent of 3,500 gallons of water usage, $44.94 per month.

METERED SALES – OTHER
For direct sales at the Water Treatment Plant $8.47 per 1,000 gallons

MULTIPLE OCCUPANCY
In apartment buildings, shopping centers or other multiple occupancy buildings, each unit shall be required to pay not less than the minimum monthly charge provided herein.

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DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, 10% will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

DISCONNECT-RECONNECT FEE

Whenever water service to a City of Charles Town Water customer has been disconnected for non-payment of a water bill, a disconnection fee of $20.00 shall be charged. Water service will not be restored until all past due bills, penalties and reconnection fees have been paid in full.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

$0.89 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average usage of the applicant's specific customer class, or $50.00, whichever is greater. This fee may be changed by applicable statutory provisions. Each new customer shall make a security deposit which shall be refunded per the regulations of the Public Service Commission of West Virginia.

CITY OF CHARLES TOWN MUNICIPAL SERVICE FEES

STREET IMPROVEMENTS:

For the purpose of providing street improvements by the City of Charles Town there is hereby imposed upon the users thereof, that is to say, collectively upon the owners of each residential premise, each manufacturing plant and each business premise from and after July 1, 1999, an annual fee consistent with Article 770 of the City of Charles Town Codified Ordinances. The fee collected by CTUB will be paid directly to the City of Charles Town.

EMERGENCY SERVICE:

For the purposes of carrying out emergency services function as provided for in Article 107, Emergency Services of the City of Charles Town Codified Ordinances, there is hereby imposed upon the users thereof, that is to say each residential and each business premise from and after July 1st, 2006, a fee consistent with Article 774 of the City of Charles Town Codified Ordinances.

PARKS AND RECREATIONAL FACILITIES:

For the purpose of constructing, improving, extending, developing, maintaining, and operating a City public park and recreation system as provided for in Article 138 (of the City of Charles Town Codified Ordinances), there is hereby imposed upon the users thereof, that is to say each residential premise, and each business premise.

SCHEDULE II

CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection requiring new or additional flow from the water distribution system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $4,399.00 for each residential connection or non-residential connection requiring new or additional flow from the water distribution system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT FEES

Capacity Improvement Fees for multi-residential and non-residential structures requiring new or additional flow from the water distribution system and treatment facility shall be based upon the following:

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Single Family Unit	150	1.0
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

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If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.

SECTION TWO – EFFECTIVE DATE

The rates, fees and charges contained in this Ordinance are to become effective for all service rendered on and after February 16, 2024.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in the *Spirit of Jefferson* as a Class I publication. The publication shall be made at least one week before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on the **January 2, 2024 at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises. A copy of this ordinance is available for public inspection at the City Clerk's Office which is open to the public Monday through Friday during the hours of 9:00 a.m. to 5:00 p.m.

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ARTICLE 925

Water Rates

925.01 Water Service Rates.
925.02 Specifications for water lines.
925.03 Cross-connection control.

CROSS REFERENCES

Power to collect - see W. Va. Code 8-12-5(32); Art. 8-19
Discontinuance for nonpayment - see W. Va. Code 8-19-13
Review by Public Service Commission - see W. Va. Code 24-2-4(b)
Deposit limitations - see W. Va. Code 24-3-8

925.01 WATER SERVICE RATES.

USE OF WATER METERS; PROVISION FOR FLAT RATE

For the payment of the proper and reasonable expense of operation, repair, replacements, improvements, additions, betterments, extension and maintenance of the water system and for the payment of the sums required to pay the principal and interest on all water revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates, charges and penalties for the use of and services rendered by the municipal water system and works of the City of Charles Town, West Virginia, which schedule, based upon the metered amount of water supplied to the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows:

RULES AND REGULATIONS

I. Rules and Regulations for the Government of Water Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by said Commission, are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

Applicable within the entire area served except the contract rate and areas defined in Schedule II.

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES

First 10,000 gallons used per month $10.33 per 1,000 gallons
Next 30,000 gallons used per month $8.79 per 1,000 gallons
Over 40,000 gallons used per month $6.94 per 1,000 gallons
PNGI Contract Rate $4.86 per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than the following amounts, according to the size of the meter installed, to-wit:

5/8	inch or 5/8 inch x 3/4 inch meter	$25.83 per month
3/4	inch meter	$38.74 per month
1	inch meter	$64.57 per month
1 -1/2	inch meter	$129.14 per month
2	inch meter	$206.62 per month
3	inch meter	$387.42 per month
4	inch meter	$645.70 per month
6	inch meter	$1,291.40 per month

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $36.16 per month.

METERED SALES-OTHER

For direct sales at the Water Treatment Plant $6.94 per 1,000 gallons.

MULTIPLE OCCUPANCY

In apartment buildings, shopping centers or other multiple occupancy buildings, each unit shall be required to pay not less than the minimum monthly charge provided above.

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

DISCONNECT FOR NON-PAYMENT

There shall be no disconnect charge for Charles Town Water and Sewer customers.

RECONNECTION SERVICE CHARGE

For Charles Town Water customers, water service will not be restored until all past due bills and penalties have been paid in full plus a reconnection fee of $25.00 has been paid.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate of $0.42 per thousand gallons and the customer's historic usage.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $50.00 which shall be refunded per West Virginia Regulation.

SCHEDULE II

APPLICABILITY

Applicable to the Glen Haven and Cavaland subdivisions formerly served by Jefferson County Public Service District.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES

First 5,000 gallons used per month $18.84 per 1,000 gallons used
All over 5,000 gallons used per month $17.64 per 1,000 gallons used

MINIMUM CHARGE

No bill will be rendered for less than the following amount, according to the size of the meter installed:
5/8 inch meter (based on 2,500 gallons usage) $47.10 per month

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a water system improvement project for each new tap to the system.

SERVICE CHARGE

For Charles Town Water customers, water service will not be restored until all past due bills and penalties have been paid in full plus a reconnection fee of $25.00 has been paid.

DELAYED PAYMENT PENALTY

The above tariff is net. On all current usage billings not paid within twenty (20) days, a ten percent (10%) charge shall be added to the net current amount unpaid. The delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate of $0.42 per thousand gallons and the customer's historic usage.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the water utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $50.00 which shall be refunded per West Virginia Regulation.

SCHEDULE III

CAPACITY IMPROVEMENT FEE

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection requiring new or additional flow from the water distribution system and treatment facility. Effective for service connection proposed on or after the date of enactment.
For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $4,399.00 for each residential connection or non- residential connection requiring new or additional flow from the water distribution system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT FEE

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Single Family Unit	150	1.0
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room

Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.
(Ord. 2022-012. Passed 12-5-22.)

925.02 SPECIFICATIONS FOR WATER LINES.

The purpose of this section is to establish consistent and uniform guidelines for the installation of water lines and connections thereto in the Charles Town Water Department service area. The document shall be considered a reference manual dated, December 2001, and amended May 2002, and shall be considered a stand-alone document available to the public.
(Ord. 02-15. Passed 6-17-02.)

925.03 CROSS-CONNECTION CONTROL.

(a) The City of Charles Town Utility Board recognizes that Cross-Connections and Backflow conditions either existing or potential in a public water system and/or a customer's water distribution system pose a threat to the public health and the environment. Therefore, the following program and articles of policy apply to our public water system (Water Purveyor) and to our customer's water distribution system(s) (Owner).

(b) Purpose:

(1) To protect the public water system served by the City of Charles Town Utility Board from the possibility of contamination or pollution by isolating within its customer's internal distribution water system(s), such contaminants or pollutants that could backflow due to back-pressure or back-siphonage into the public water system.

(2) To promote the elimination and/or control of cross-connections and backflow conditions, actual or potential, within a customer's in-plant potable water system(s) and non-potable systems.

(3) To provide for the maintenance of a continuing program of cross- connection control which will effectively prevent the contamination or pollution of the public and/or customer's water system(s) from cross- connections.

(c) Authority:

(1) By the Federal Safe Drinking Water Act of 1974 and 1996 amendment, and the Code of West Virginia Chapter 16, Article 1 Public Health Laws, WV Bureau for Public Health Chapter 1, Article 5B, the Water Purveyor has the primary responsibility for preventing water from unapproved sources, or any other substances, from entering the public potable water system.

(2) City of Charles Town Utility Board, Rules and Regulations, adopted.

(d) Responsibility: The Water Purveyor shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow from back-pressure or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Water Purveyor, an approved backflow preventer assembly is required at the water service connection to any customer's premises, the Water Purveyor, or his delegated agent, shall give notice in writing to said customer to install an approved backflow preventer assembly at each service connection to his premises. The customer shall, within ninety (90) days, install such approved assembly, or assemblies, at his own expense, and failure or refusal, or inability on the part of the customer to install said assembly or assemblies within ninety (90) days, shall constitute grounds for discontinuing water service to the premises until such assembly or assemblies have been properly installed.

(e) Definitions:

(1) Approved shall mean, accepted by the Water Purveyor as meeting an applicable specification stated, or cited in the WV Department of Health and Human Resources regulation, or as suitable for the proposed purpose.

(2) Auxiliary Water Supply shall mean, any water supply or water source, on or available, to a customer's premises other than the Water Purveyor's approved public water system.

(3) Backflow shall mean, the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

(4) Backflow Preventer shall mean, a device or assembly, or means designed to prevent backflow in a potable water system. Most commonly categorized as air gap, atmospheric vacuum breaker, barometric loop, double check with intermediate atmospheric vent, double check valve assembly, hose bibb vacuum breaker, pressure vacuum breaker, reduced pressure principle assembly, and residential dual check.

A. Air Gap: A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one (1) inch.

B. Atmospheric Vacuum Breaker: A device which prevents backflow by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

C. Barometric Loop: A fabricated piping arrangement rising at least thirty- five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back-siphonage.

D. Double Check Valve Assembly: An assembly of two (2) independently operating spring loaded check valves with tightly closing shut-off valves on each side of the check valves, and properly located test cocks for the testing of each check valve.

E. Double Check Valve with Intermediate Atmospheric Vent: A device having two (2) spring loaded check valves separated by an atmospheric vacuum breaker.

F. Hose Bibb Vacuum Breaker: A device attached to a hose bibb and which acts as an atmospheric vacuum breaker.

G. Pressure Vacuum Breaker: An assembly containing an independently operated spring loaded check valve and an independently operated spring loaded air inlet valve located on the discharge side of the check valve. The assembly includes tightly closing shut-off valves on each side of the valves and properly located test cocks for the testing of the check and air valve.

H. Reduced Pressure Principle Backflow Preventer: An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the chick valves and the relief valve.

I. Residential Dual Check: A device consisting of two (2) spring loaded, independently operating check valves. Generally employed immediately downstream of the water meter to act as a fixture isolation device.

(5) Backpressure shall mean, a condition in which the customer's system pressure is greater than the water purveyor's system pressure.

(6) Back-Siphonage shall mean, the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than the primary source caused by the sudden reduction of pressure or negative pressure in the potable water system.

(7) Community Water System shall mean, a public water system that serves at least 25 residents year around or that has 15 service connections serving year around residents.

(8) Containment (external protection) shall mean, a method of backflow prevention which requires a backflow preventer assembly be installed after the meter and prior to any water service entrance.

(9) Contaminant shall mean, a substance that will impair the quality of potable water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

(10) Cross-Connection shall mean, any actual or potential, direct or indirect, connection between the public water system and an unapproved water supply or other source of contamination or pollution.

(11) Cross-Connection and Backflow Prevention Manual shall mean the manual provided by the Bureau for Public Health, dated March 2002, to be used as a reference document and training manual for public water supply personnel, health officials, plumbers and other s involved in water supply distribution systems.

(12) Customer shall mean, as a billing unit or service connection to which drinking water is delivered by a public water system. A customer may also be identified as an owner.

(13) Degree of Hazard shall mean, the potential risk to health and the potential adverse effects upon the public water system based on the probability of backflow occurring and the type or nature of the contaminant. A health hazard is any condition, device or practice which creates or may create a danger to health and well being of the water consumer. A severe health hazard is any health hazard (contaminant) that could be expected to result in significant morbidity or death. A non-health hazard (pollutant) is any condition that could degrade the quality or adversely affect the public water system.

(14) Device shall mean, a single body backflow preventer with one or two check valves that cannot be tested and does not have shut off valves or test cocks.

(15) Fixture Isolation (internal isolation) shall mean, a method of backflow prevention where a backflow preventer is located to control a cross- connection or potential source of contamination at an in-plant piece of equipment or process location other than at a water service entrance.

(16) Owner shall mean, any person who has legal title to, or license to operate, or resides in a property or facility which is supplied drinking water from a public water system; may also be referred to as a customer.

(17) Person shall mean, any individual, partnership, company, public or private corporation, political subdivision, agency of the State, agency or instrumentality of the United States, or any other legal entity.

(18) Pollutant shall mean, a foreign substance, if permitted to enter the public water system, will degrade potable water quality so as to constitute a moderate hazard, or impair the usefulness of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect (appearance or color, odor, taste, etc.) the water for domestic use.

(19) Potable Water shall mean, water that is safe for human consumption as described by the West Virginia Bureau for Public Health.

(20) Public Water System shall include the works, auxiliaries, for the collection, treatment, storage and distribution of drinking water from the source of supply to a customer's premises. May also be known as a water purveyor.

(21) Water Purveyor shall mean, the Municipal Water Department, Water Board, Public Service District or other administrative authority invested with the authority and responsibility for a public water system.

(22) Water Service Entrance shall mean, that point in the customer's water system beyond the sanitary control of the public water system (water purveyor), generally considered to by the outlet end of the water meter and always before any unprotected branch water line.

(23) West Virginia Bureau for Public Health (WVBPH) shall mean, the State of West Virginia Bureau for Public Health.

(f) Administration:

(1) The Water Purveyor will establish, operate and promote a Cross- Connection and Backflow Prevention Control Program, to include the keeping of necessary records, which fulfills the requirement of the WVBPH Cross-Connections and Backflow Prevention Regulations.

(2) The Owner shall allow his property to be inspected for possible cross- connections and backflow conditions, and shall follow the provisions of the Water Purveyor's program and the WVBPH Cross-Connections and Backflow Prevention Regulations where a cross-connection is permitted.

(3) If the Water Purveyor requires that the public water system be protected by containment, the Owner shall be responsible for the installation and maintenance of the required backflow preventer assembly(ies) and for water quality beyond the outlet end of the containment assembly(ies) and could utilize fixture isolation protection for that purpose. The Owner may also seek local public health officials, or personnel from the Water Purveyor, or their designated representatives, or certified/licensed private sector personnel to assist him/her in the survey of their facility(ies) and to assist him/her in the selection of proper containment assemblies and/or fixtures isolation devices, and the proper installation of these assemblies/devices.

(g) Requirements:

(1) Water Purveyor.

A. On new installations, the Water Purveyor will provide an on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer assembly(ies), if any, that will be required and will perform inspection and testing.

B. For premises existing prior to the start of this program, the Water Purveyor will perform evaluations and inspections of plans and/or premises for actual and potential cross-connections and backflow conditions and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, ninety (90) days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s)/assembly(ies) already in place.

C. The Water Purveyor will not allow any actual or potential cross- connection to remain unless it is protected by an approved air gap or backflow preventer assembly(ies) and which must be regularly tested or inspected to insure satisfactory operation.

D. The Water Purveyor shall inform the Owner by letter, of any failure to comply, prior to a re-inspection. The Water Purveyor will allow an additional fifteen (15) days for the correction~~s~~(s). In the event the Owner fails to comply with the necessary correction(s) by the time of a second re-inspection, the Water Purveyor will inform the Owner by letter, that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Water Purveyor of extenuating circumstances as to why the correction(s) has not been made, a time extension may be granted by the Water Purveyor, but in no case will exceed an additional thirty (30) days.

E. If the Water Purveyor determines at any time that a serious threat to the public health exists, water service will be terminated immediately.

F. The Water Purveyor will conduct initial and follow-up premise inspections to determine the nature of existing or potential hazards. The main focus will be on high hazard industries and commercial premises.

(2) Owner.

A. The Owner shall be responsible for the elimination or protection of all actual or potential cross-connections and/or backflow conditions on his/her premises.

B. The Owner, after having been informed by a letter from the Water Purveyor, shall at his expense, install, maintain, and test, or have tested, any and all backflow preventer assemblies on his premises.

C. The owner shall correct within thirty (30) days any malfunction or an air gap or backflow preventer assembly(ies) which is revealed by periodic inspection or testing. This may involve the removal and/or replacement of the backflow preventer assembly(ies)

D. The Owner shall inform the Water Purveyor of any proposed or modified cross-connections and also any existing cross-connections of which the Owner is aware, but have not been found by the Water Purveyor.

E. The Owner shall not install a by-pass around any backflow preventer assembly unless there is a backflow preventer assembly of the same type on the by-pass. Owners who cannot shut down operation for testing of the assembly(ies) must supply additional assemblies necessary to allow testing to take place.

F. The Owner shall install backflow preventer assemblies approved by the Water Purveyor or the WVBPH.

G. The Owner shall install backflow preventer assemblies in a manner approved by the Water Purveyor and general industry standards.

H. Any Owner having a private well or other auxiliary water source must have the approval of the Water Purveyor and the WVBPH if the well or source is cross-connected to the Water Purveyor's system. Permission to cross-connect may be denied. The Owner may be required to install a backflow preventer assembly at the service entrance if a private water source is maintained, even if it is not cross-connected to the Water Purveyor's system.

I. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Water Purveyor's side of a backflow preventer assembly, such plumbing must have its own backflow preventer assembly installed.

J. The Owner shall be responsible for the payment of all fees for service, permits, periodic assembly testing, retesting in the case that a backflow preventer assembly fails to operate correctly, and follow-up re-inspections for non-compliance with the Water Purveyor or WVBPH requirements.

(h) Degree of Hazard: The Water Purveyor recognizes the threat to the public water system arising from cross-connections and backflow conditions. All threats will be classified by degree of hazard which will determine the requirements for the installation of approved backflow preventer assemblies in accordance with the Cross-Connection and Backflow Prevention Manual dated March, 2002. The following list contains industries, commercial establishments and other facilities that have historically posed threats to the public water supply and includes, but is not limited to, automotive manufacturing plants, chemical, planting, processing plants, chemical tank car cleaning facilities, breweries, bottling plants, canneries, packing houses, meat processing operations, dairy processing operations, photographic developing laboratories, research laboratories, oil and gas production, storage or transmission operations, power plants, Hospitals, medical buildings, sanitariums, nursing or convalescent homes, clinics, dentist offices, mortuaries, morgues, funeral homes, refrigeration or cold storage plants, laundries, dry cleaning operations, car washes, grain elevators, restaurants, taverns, beauty salons, barber shops, greenhouses, marinas, schools, churches, parks, golf courses (lawn sprinkling systems), cemeteries (lawn sprinkling systems), sewage treatment plants, sewage lift stations, water treatment plants, private homes with wells, swimming pools, lawn sprinkling systems and apartment complexes.

(i) Existing In-Use Backflow Prevention Devices: Any existing backflow preventer assembly shall be allowed by the Water Purveyor to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer assembly, or there is an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment any existing backflow preventer assemblies must be upgraded to a reduced pressure principle assembly, or a reduced pressure principle assembly must be installed in the event that no backflow preventer assembly is present.

(j) Periodic Testing:

(1) Backflow preventer assemblies shall be tested and inspected at least annually.

(2) Periodic testing shall be performed by a WVBPH certified tester. This testing will be done at the Owner's expense.

(3) Any backflow preventer assembly which fails during a periodic test will be repaired or replaced. When repairs are necessary, upon completion of the repair, the assembly will be retested at the Owner's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer assembly fails the periodic test and cannot be repaired immediately. In other situations, a compliance date of not more than thirty (30) days after the test date may be established. The Owner is responsible for the costs of all testing, repair service, replacement parts, or a replacement assembly. Parallel installation of two (2) assemblies is an effective means of the owner insuring uninterrupted water service during testing or repair of one of the assemblies and is strongly recommended when the Owner desires such continuity.

(4) Backflow preventer assemblies will be tested more frequently than specified in #1. above in cases where there is a history of test failures and the Water Purveyor feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be born by the Owner.

(k) Records:

(1) The Water Purveyor will initiate and maintain (update) the following:

A. Master files on customer cross-connections.

B. Master files on customer backflow preventer tests, repairs and replacements.

C. Copies of any of the above and other records and/or reports supplied to the WVBPH.

(2) Upon request, the Water Purveyor will submit records of inspection and non-compliance, surveys, tests results and/or corrective actions, and backflow incident reports to the West Virginia Bureau for Public Health.

(Passed 9-4-07.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1195: Public Hearing on 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

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1196: Second 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

ATTACHMENTS:

- 12-02-2023 SEWER Public Notice of Proposed Ordinance REDLINE.pdf
- 12-02-2023 SEWER Public Notice of Proposed Ordinance.pdf
- charlestown-wv-1.pdf

PUBLIC NOTICE OF PROPOSED ORDINANCE
RELATING TO INCREASED RATES, FEES AND CHARGES
OF THE CITY OF CHARLES TOWN SEWER SYSTEM

Pursuant to *West Virginia Code* §8-20-10 notice is hereby given that on the 4th day of December, 2023, the City Council of the City of Charles Town caused to be read an Ordinance setting forth a proposed increase in its sewer rates, fees and charges for customers of its sewer system in lieu of its present sewer rates and charges. The proposed Ordinance reads as follows:

AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING SEWER SERVICE AT CHARLES TOWN AND VICINITY, JEFFERSON COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE

WHEREAS, Chapter 8, Article 20, Section 10, and Chapter 24, Article 1, Section 1 (j) of the *West Virginia Code*, as amended, gives to municipally operated combined water and sewer public utilities the approval authority to set their own rates and charges; and,

WHEREAS, on June 26, 2018, the Public Service Commission of West Virginia issued an order in Case No. 17-0915-PSWD-PC granting its approval for Charles Town to acquire the Jefferson County Public Service District and encouraged Charles Town to adopt a unified tariff as soon as reasonably possible; and,

WHEREAS, the Charles Town Utility Board hired Gannett Fleming, Valuation and Rate Consultants, LLC. to conduct water and wastewater rate studies which included the development of the projected revenue requirements based on CTUB's 2024 fiscal year budget, cost allocation studies by customer class (cost of service), and the rate design. Consistent with the PSC Order requiring the merger of utilities and consolidation of rates defined above, CTUB's goal was to unify rates and to ensure a fair and equitable rate structure; and

WHEREAS, Gannett Fleming presented its findings to CTUB and on October 2, 2023, CTUB presented the Charles Town City Council with its recommendations for rate adjustments selected from the various options presented by Gannett Fleming. The proposed sewer rate adjustment does not require a rate increase however the rate structure has been adjusted to more closely follow the Class Cost of Service Study. The sewer rate adjustments fully equalize rates between CTUB and the Jefferson County Public Service District rates consistent with the PSC order detailed above; and

WHEREAS, in order to provide revenues sufficient to pay the expenses of current and future operations, to provide working capital reserves and to provide sufficient funding for its ongoing debt service obligations, the Common Council of the City of Charles Town deems it necessary to increase the rates and charges for the furnishing of sewer services.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA HEREBY ORDAINS:

SECTION ONE – RATES, RULES AND REGULATIONS

921.16 SEWER SERVICE RATES.

~~(a) Establishment. For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extensions, and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates or charges for the use of and services rendered by the sanitary sewer system and works of the Charles Town Utility Board, a West Virginia public utility and a municipal corporation of the City of Charles Town, West Virginia, which schedule of rates or charges, based upon the metered amount of water supplied the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows.~~

I.~~(b)~~ Rules and Regulations for the Government of Sewerage Utilites, ~~Rules and Regulations for the government of sewerage utilities~~ adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by the Commission are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

~~Applicable within the entire territory formally~~ served. ~~by the Charles Town Utility Board or the City of Ranson, including the municipalities of Charles Town and Ranson. Effective for service rendered on or after the date of enactment.~~

AVAILABILITY

Available for general domestic, commercial and industrial service. ~~and sale for resale sewer service.~~

RATES (Customers with a metered water supply)

First 2,000 gallons used per month $15.24~~14.79~~ per 1,000 gallons

~~Next 8,000 gallons used per month $10.64 per 1,000 gallons~~

~~All o~~Over 2,000~~10,000~~ gallons used per month $11.53~~9.67~~ per 1,000 gallons

MINIMUM CHARGE

No bill shall be rendered for less than $30.48~~29.58~~ per month, which is the equivalent of 2,000 gallons. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

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FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $47.7845.54 per month.

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above scheduled is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $500.00400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

DISCONNECT-RECONNECT FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with West Virginia American Water Company, a disconnection fee of $20.00 shall be charged in addition to a reconnection fee of $20.00 if service is restored.

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RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

$1.01 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules") and Series 5 Rules for the Government of Sewer (the "Sewer Rules"), CTUB will make a leak adjustment only when the water usage being

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~~adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate (incremental cost of water and/or wastewater) and the customer's historic usage.~~

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average usage of the applicant's specific customer class, or $50.00, whichever is greater. This fee may be changed by applicable statutory provisions. Each new customer shall make a security deposit which shall be refunded per the regulations of the Public Service Commission of West Virginia.

~~Each new customer shall make a security deposit of $75.00 which shall be refunded per West Virginia regulation.~~

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average BOD in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

Cs = Be (B) + Sc (S) + Pc (P)Vu

B = Concentration of B.O.D. from a user above a base level (300 mg/1)

Be= 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)

S = Concentration of suspended solids from a user above a base level (300mg/l)

Sc = 0 & M costs for treatment of a unit of suspended solids

Pc = 0 & M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

Vu= Volume contribution from a user per unit of time.

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SCHEDULE II

~~APPLICABILITY~~

~~Applicable within the territory formerly served by Jefferson County Public Service District. Effective for service rendered on or after the date of enactment.~~

~~AVAILABILITY~~

~~Available for general domestic, commercial, and industrial service.~~

~~RATES (customers with a metered water supply)~~

~~First 2,000 gallons used per month $15.36 per 1,000 gallons~~

~~Next 8,000 gallons used per month $14.29 per 1,000 gallons~~

~~Over 10,000 gallons used per month $13.98 per 1,000 gallons~~

~~MINIMUM CHARGE~~

~~No bill will be rendered for less than $30.72 per month which is equivalent to 2,000 gallons per month. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.~~

~~FLAT RATE CHARGE (Customers with non-metered water supply)~~

~~Equivalent of 3,500 gallons of water usage, $52.16 per month~~

~~MULTIPLE OCCUPANCY~~

~~In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.~~

~~DELAYED PAYMENT PENALTY~~

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~~The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.~~

~~TAP FEE~~

~~A tap fee of $400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.~~

~~RETURNED CHECK CHARGE~~

~~A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.~~

~~LEAK ADJUSTMENT~~

~~In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules") and Series 5 Rules for the Government of Sewer (the "Sewer Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate (incremental cost of water and/or wastewater) and the customer's historic usage.~~

~~SECURITY DEPOSIT~~

~~Each new customer shall make a security deposit of $75.00 which shall be refunded per West Virginia regulation.~~

~~EXCESS POLLUTION SURCHARGE~~

~~A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average B.O.D. in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:~~

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~~Cs = Be (B) + Sc (S) + Pc (P)Vu~~

~~B = Concentration of B.O.D. from a user above a base level (300 mg/l)~~

~~Be= 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)~~

~~S = Concentration of suspended solids from a user above a base level (300mg/l)~~

~~Sc = 0 & M costs for treatment of a unit of suspended solids~~

~~Pc = 0 & M cost for treatment of a unit of any pollutant~~

~~P = Concentration of any pollutant from a user above a base level~~

~~Vu= Volume contribution from a user per unit of time.~~

~~SCHEDULE III~~ CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $2,930.00 for each residential connection or non-residential connection adding new flows into the sewer collection system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPROVEMENT FEE - FLOWING SPRINGS PUMP STATION

Pursuant to the Flowing Springs Pump Station Repayment Agreement, customers in the Flowing Springs Development District connecting to the Flowing Springs Pump Station shall be charged an additional Capacity Improvement Fee of $1,625.00 for each residential or non-residential connection. Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth hereinafter.

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USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPROVEMENT~~IMPACT~~ FEES

Capacity improvement ~~impact~~ fees for multi-residential and non-residential structures adding new flows into the sewer collection system and treatment facility shall be based upon the following:

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern - little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	25/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day, with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area

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Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.

~~If a unit does not appear on this schedule the sewer department shall determine its Residential Usage Equivalent in consultation with its consulting engineer.~~

EFFECTIVE DATE

The rates, fees and charges contained in this Ordinance are to become effective for all service rendered on and after February 16, 2024. ~~and penalties provided herein shall become effective immediately after enactment.~~

SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof ~~shall~~ be held void or unenforceable by ~~the West Virginia Public Service Commission or~~ any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth~~hereof~~, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the ~~extent of such conflicts, hereby repealed, and to the~~ extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.~~,~~ (Ord. 2022-003. Passed 4-4-22.)

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PUBLIC NOTICE OF PROPOSED ORDINANCE
RELATING TO INCREASED RATES, FEES AND CHARGES
OF THE CITY OF CHARLES TOWN SEWER SYSTEM

Pursuant to *West Virginia Code* §8-20-10 notice is hereby given that on the 4th day of December, 2023, the City Council of the City of Charles Town caused to be read an Ordinance setting forth a proposed increase in its sewer rates, fees and charges for customers of its sewer system in lieu of its present sewer rates and charges. The proposed Ordinance reads as follows:

AN ORDINANCE TO AMEND AND REENACT THE RATES, RULES AND REGULATIONS FOR FURNISHING SEWER SERVICE AT CHARLES TOWN AND VICINITY, JEFFERSON COUNTY, WEST VIRGINIA BY INCREASING THE RATES CHARGED THEREFORE

WHEREAS, Chapter 8, Article 20, Section 10, and Chapter 24, Article 1, Section 1 (j) of the *West Virginia Code*, as amended, gives to municipally operated combined water and sewer public utilities the approval authority to set their own rates and charges; and,

WHEREAS, on June 26, 2018, the Public Service Commission of West Virginia issued an order in Case No. 17-0915-PSWD-PC granting its approval for Charles Town to acquire the Jefferson County Public Service District and encouraged Charles Town to adopt a unified tariff as soon as reasonably possible; and,

WHEREAS, the Charles Town Utility Board hired Gannett Fleming, Valuation and Rate Consultants, LLC. to conduct water and wastewater rate studies which included the development of the projected revenue requirements based on CTUB's 2024 fiscal year budget, cost allocation studies by customer class (cost of service), and the rate design. Consistent with the PSC Order requiring the merger of utilities and consolidation of rates defined above, CTUB's goal was to unify rates and to ensure a fair and equitable rate structure; and

WHEREAS, Gannett Fleming presented its findings to CTUB and on October 2, 2023, CTUB presented the Charles Town City Council with its recommendations for rate adjustments selected from the various options presented by Gannett Fleming. The proposed sewer rate adjustment does not require a rate increase however the rate structure has been adjusted to more closely follow the Class Cost of Service Study. The sewer rate adjustments fully equalize rates between CTUB and the Jefferson County Public Service District rates consistent with the PSC order detailed above; and

WHEREAS, in order to provide revenues sufficient to pay the expenses of current and future operations, to provide working capital reserves and to provide sufficient funding for its ongoing debt service obligations, the Common Council of the City of Charles Town deems it necessary to increase the rates and charges for the furnishing of sewer services.

THEREFORE, THE COMMON COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA HEREBY ORDAINS:

921.16 SEWER SERVICE RATES.

SECTION ONE – RATES, RULES AND REGULATIONS

RULES AND REGULATIONS

(a) Rules and Regulations for the Government of Sewerage Utilities, adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereafter made by the Commission are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial and industrial service.

RATES (Customers with a metered water supply)

First	2,000 gallons used per month	$15.24 per 1,000 gallons
Over	2,000 gallons used per month	$11.53 per 1,000 gallons

MINIMUM CHARGE

No bill shall be rendered for less than $30.48 per month, which is the equivalent of 2,000 gallons. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $47.78 per month.

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, 10% will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $500.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

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DISCONNECT-RECONNECT FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with West Virginia American Water Company, a disconnection fee of $20.00 shall be charged in addition to a reconnection fee of $20.00 if service is restored.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

$1.01 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such unusual consumption above 200% of the customer's historical average usage.

SECURITY DEPOSIT

Not to exceed two-twelfths (2/12) of the average usage of the applicant's specific customer class, or $50.00, whichever is greater. This fee may be changed by applicable statutory provisions. Each new customer shall make a security deposit which shall be refunded per the regulations of the Public Service Commission of West Virginia.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average BOD in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Bc\,(B) + Sc\,(S) + Pc\,(P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/l)
Bc = O & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)
S = Concentration of suspended solids from a user above a base level (300mg/l)
Sc = O & M costs for treatment of a unit of suspended solids
Pc = O & M cost for treatment of a unit of any pollutant
P = Concentration of any pollutant from a user above a base level
Vu = Volume contribution from a user per unit of time.

SCHEDULE II
CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $2,930.00 for each residential connection or non-residential connection adding new flows into the sewer collection system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will be issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPROVEMENT FEE – FLOWING SPRINGS PUMP STATION

Pursuant to the Flowing Springs Pump Station Repayment Agreement, customers in the Flowing Springs Development District connecting to the Flowing Springs Pump Station shall be charged an additional Capacity Improvement Fee of $1,625.00 for each residential or nonresidential connection. Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth hereinafter.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMROVEMENT FEES

Capacity improvement fees for multi-residential and non-residential structures adding new flows into the sewer collection system and treatment facility shall be based upon the following:

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley
Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern-Little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	250/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person

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Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer capacity	0.067/swimmer capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule, the Charles Town Utility Board shall determine its Residential Usage Equivalent in consultation with its consulting engineer. Where actual consumption history can demonstrate a change in the Equivalent, the Charles Town Utility Board may consider an equivalent reduction.

SECTION TWO – EFFECTIVE DATE

The rates, fees and charges contained in this Ordinance are to become effective for all service rendered on and after February 16, 2024.

SECTION THREE – SEPARABILITY; REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof be held void or unenforceable by any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date of the charges herein set forth, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, resolutions, orders or parts thereof, the same shall remain in full force and effect.

SECTION FOUR – STATUTORY NOTICE AND PUBLIC HEARING

Upon introduction hereof, the City Clerk shall publish Notice of this Ordinance in the Spirit of Jefferson, as a Class I publication. The publication shall be made at least one week before the meeting of the City Council at which a final reading and vote on the ordinance will be held. Said notice shall state that this Ordinance has been introduced, and that any person interested may appear before Council on **January 2, 2024 at 7:00 p.m.** and present protests, if any. At such hearing all objections and suggestions shall be heard and the Council shall take such action as it shall deem proper on the premises. A copy of this ordinance is available for public inspection at the City Clerk's Office which is open to the public Monday through Friday during the hours of 9:00 a.m. to 5:00 p.m.

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ARTICLE 921

Sewers

921.01 Definitions.
921.02 General.
921.03 Use of public sewers required.
921.04 Customer relations.
921.05 Customer service pipes.
921.06 Sewer user charges.
921.07 Deposits from customers.
921.08 Billing information.
921.09 Adjustment of bills and complaints.
921.10 Discontinuance of service.
921.11 Access to properties.
921.12 Detrimental wastes.
921.13 Admission of industrial wastes.
921.14 Grease traps.
921.15 Validity.
921.16 Sewer service rates.
921.17 Specifications for sewer lines.
921.18 Severability.

CROSS REFERENCES

Power to collect charges - see W. Va. Code 8-12-5(32), 16-13-16
Review by Public Service Commission - see W. Va. Code 24-2-4(b)
Deposit limitations - see W. Va. Code 24-3-8
Sanitary Board - see ADM. Art. 139

921.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) "Applicant" means a person, firm, corporation, municipality, public service district or any other entity that applies for sewer service.

(b) “Available sewer service.” Sewer service will be deemed available to a customer when a main is installed and maintained by the utility in such location and at such distance from the user's premises as may be provided by city ordinance or by the rules of the utility: Provided, that service shall not be deemed to be available unless the sewage will flow by gravity or be transported by such other methods approved by the Bureau for Public Health including, but not limited to, vacuum and pressure systems, approved under W. Va. Code §16-1-9, from the customer's point of service into the utility service pipe.

(c) Billing Related Definition:

(1) “Bill due date” means the date when the utility mails the bill.

(2) “Latest pay date” means the last date, which shall be no sooner than the 20th day following the date the utility mails the bill, that the bill may be paid without incurring a late payment penalty. Such date must be stated on the face of the bill.

(3) “Delinquent bill” means any bill issued by a public service district that has not been paid within twenty (20) days of the bill due date; or any bill issued by a sewer utility that is not a public service district within thirty (30) days of the bill due date. Such date must be stated on the face of the bill.

(d) "B.O.D." or "Biochemical Oxygen Demand" means the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedures of five days at twenty degrees centigrade.

(e) "Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the customers service line, and/or to the lateral sewer.

(f) "City" means the City of Charles Town, West Virginia.

(g) "Council" means the City Council of the City of Charles Town, West Virginia.

(h) “Commercial Service” means service to each separate business enterprise, occupation or institution occupying for its exclusive use any units or units of space as an entire building, entire floor, suite of rooms or a single room, and using water for such incidental use as the schedule of rates applicable to the particular installation may permit. Commercial service shall apply to all stores, offices, hotels, wholesale houses, garages, display windows, signs, theaters, barber and beauty shops, churches, opera houses, auditoriums, lodge halls, school houses, banks, bakeries and any other space occupied for commercial purposes. Any rooming house, lodging house, resort, inn or tavern renting more than four (4) rooms to strangers or transients without any previous agreement for accommodation or as to the duration of stay shall be classed as a hotel and as such it comes under the commercial classification.

(i) “Commission" means whenever in this ordinance the words "Commission" or "Public Service Commission" appear, such word, or words, shall, unless a different intent clearly appears from the context, be taken to mean the Public Service Commission of West Virginia.

(j) "Customer" shall mean and include any such person, firm, corporation, municipality, public service district or any other entity who purchases a product or services of any utility and shall include any such person, firm, corporation, municipality, public service district or any other entity who purchases such services or product for resale.

(k) "Customer's Service Pipe" shall be that portion of the service pipe from the point of service to the structure or premises, installed at the cost and expense of the customer.

(l) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

(m) "Improved property" means any property located within the City upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes are or may be discharged.

(n) "Industrial waste" means any solid, liquid or gaseous substance or form of energy rejected or escaping in the course of any industrial manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

(o) "Lateral" means that part of the sewer system extending from a sewer located in the street to the curb line; or, if there shall be no curb line, to the property line; or, if no such lateral shall be provided, then "lateral" means that portion of, or place in, a sewer which is provided for connection of any customer service line.

(p) "Moratorium" means a condition imposed on a utility by the Commission prohibiting service connections and/or reactivation of service for an entire system, or a portion thereof.

(q) "Natural outlet" means any outlet, including storm sewers and combined sewers, which overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(r) "Owner" means any person vested with ownership, legal or equitable, sole or partial, in any real property.

(s) "Payment" means a payment made by cash, check, credit card, debit card, or voucher accepted by the utility.

(t) "Person" means any individual, firm, company, association, society, corporation, partnership or group.

(u) "pH" means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

(v) "Point of service" means the utility's pipe and appurtenances which connect any utility service pipe with the inlet connection of a customer's service pipe at the customer's property line or elsewhere on the customer's property if provided for in a user's agreement. The utility shall own and maintain all facilities located between the point of service and the main.

(w) "Public Utility" except where a different meaning clearly appears from the context, the word, or words, "Utility" or "Public Utility" when used in these rules shall mean and include any person or persons, or association of persons, however associated, whether incorporated or not, including municipalities, engaged in the business of collecting, transporting, and/or treating sewage.

(x) "Residential Service" means service to a householder or a tenant, living in a separate house or separate apartment in an apartment building, using water and sewer for general household service. Should the owner of a multiple apartment building undertake to furnish water to his tenants as a part of their monthly rent, then such service shall be classed as "Commercial." In cases where a householder or tenant devotes some portion of the occupied building to commercial use and uses the remainder as a residence then the predominate use of water shall constitute the basis for classification as either residential or commercial.

(y) "Right of way" or "easement" means an acquired legal right for the specific use of land owned by others.

(z) "Sanitary sewage" means normal water-carried household and toilet wastes from any improved property. The preferred term is wastewater.

(aa) "Sanitary sewer" means a sewer controlled by the City that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

(bb) "Sewer" means any pipe or conduit that carries wastewater, domestic drainage, sanitary wastes, or industrial wastes.

(cc) "Sewer Main" means sewer pipe owned, operated, or maintained by the utility located in a public right-of-way, street, alley, or private right-of-way, used for the purpose of collecting sewage and from which service connections for customers are taken. Any sewer pipe extending through a utility right-of-way across private property shall be a sewer main. Costs to install a sewer main across private property are subject to the cost-sharing provisions of Rule 5.5 of the Commission's "Rules for the Government of Sewer Utilities," 150CSR5.

(dd) "Sewer system" means all wastewater facilities, owned by the City, for collecting, pumping, treating and disposing of sanitary sewage or industrial wastes.

(ee) "Significant industrial user" means any industrial user that will contribute greater than ten percent (10%) of the design flow or design pollutant loading of the treatment works.

(ff) "Single-family dwelling" means any room, group of rooms, house trailer or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by persons living alone.

(gg) "Slug" means any discharge of wastewater which in concentration of any give constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes and is more than five times the average twenty-four hour concentration of flows during normal operation and shall adversely affect the sewer system and/or performance of the wastewater treatment works.

(hh) "Suspended solids" means those solids which are visible and in suspension in the water. Included are the larger floating particles consisting of sand, grit, clay, fecal solids, paper, sticks of wood, particles of food and garbage, and similar materials.

(ii) "Temporary Service Connection" means one which is installed for temporary use; provided that the customer's premises is located on a lot having a curb line abutting on that part of a street or public right-of-way in which there is located a utility sewer main extending along the total frontage of the lot on said street or right-of- way, unless otherwise agreed to by the utility.

(jj) "Utility Board" as used in this article shall mean the board created for the supervision, management, control and operation of the City Water and Sewerage system. Refer to Article 147 of the City of Charles Town Codified Ordinance.

(kk) "Utility Service Pipe" shall be that portion of the service pipe between the sewer main and the point of service, installed at the cost and expense of the utility.

(ll) "Wastewater facilities" means the structures, equipment, and processes required to collect, carry and treat domestic and industrial wastes and to dispose of the effluent. (Passed 3-5-07.)

921.02 GENERAL.

(a) This article has been enacted in compliance with requirements of the United States Environmental Protection Agency (EPA), ~~and~~ the West Virginia Department of Environmental Protection (DEP) and the West Virginia Public Service Commission (PSC).

(b) In accordance with EPA requirements this article shall be reviewed no less often than every two years. Particular items to be included in the review include the wastewater contribution of customers and customer classes and the total cost of operation and

maintenance of the wastewater facilities. As a result of the review Council shall revise the effective rates and charges to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among customers and customer classes;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the wastewater facilities; and

(3) Apply excess revenues collected from a class of customers to the costs of operation and maintenance attributable to that class for the next year and adjust rates accordingly.

(c) In general, sewer service charges shall be based upon the volume of water delivered to the customer's property. This volume is measured by the water meter serving the premises. In cases where a significant volume of the water delivered to the premises is not returned to the sanitary sewer system or water from another source is discharged to the sanitary sewer system the customer may request, or the utility may require, special flow measuring devices to properly measure the volume of waste water entering the sanitary sewer system. Such special flow measuring devices shall be furnished, installed, and maintained by and at the expense of the customer with the approval of the utility. In some situations suitable formulae may be used to determine waste water flow in lieu of special metering devices. Such formulae shall be approved by both the customer and the utility and are subject to the approval of the Commission. All flow meters used in serving bulk or resale customers shall be owned and operated by the utility providing service to the bulk or resale customer. (Passed 3-5-07.)

921.03 USE OF PUBLIC SEWERS REQUIRED.

(a) Being necessary and essential for the health and welfare of the inhabitants and residents of the City, all owners, tenants, or occupants of any houses, dwellings, and buildings located near sanitary sewers of the City, where sewage will flow by gravity, from such places into such sewers, are hereby required to connect with and use such sewers and other related works for the collection and disposal of all sewage and waste matter from such places.

(b) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or objectionable waste. It shall be unlawful to discharge to any natural outlet or stream within the City, or in any area under the jurisdiction of such City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article, as well as with applicable regulations of the U.S. Environmental Protection Agency, the West Virginia Department of Environmental Protection and the West Virginia Department of Health.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, sinkhole, septic tank, cesspool, or other facility intended for wastewater disposal or storage on any property that is presently served by a sanitary sewer of the City.

(d) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, right of way or easement in which there is now located or may hereafter be located a public sanitary sewer of the City, are hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this article. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be conducted into the sanitary sewer, subject to such limitations and restrictions as are established herein or otherwise shall be established by the Council from time to time.

(e) Every privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of City, shall be cleansed and filled at the expense of the owner, and any such receptacle not so abandoned and/or cleansed and filled, shall constitute a public nuisance and such nuisance may be abated as provided by law.

(f) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is owned or operated by City. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(g) Any person who shall violate this article concerning the sewer system shall be liable, upon conviction for a first offense and upon conviction for each subsequent offense, to a fine of not less than two hundred-fifty dollars ($250.00) nor more than five hundred dollars ($500.00), together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such. Fines and costs imposed under provisions of the article shall be enforceable and recoverable in the manner provided by applicable law.
(Passed 3-5-07.)

921.04 CUSTOMER RELATIONS.

(a) Information as to Service. Each utility shall, upon request, give its customers such information and assistance as is reasonable, in order that customers may enjoy safe and efficient service.

(b) Explanation of Computing Bills. Each utility shall adopt some means of informing its customers as to the method of computing bills, either by printed description on its bills, or by a notice to the effect that the method will be explained at the office of the utility upon request.

(c) Explanation of Rates. It shall be the duty of the utility to explain to the customer at the beginning of service, or whenever the customer shall request the utility to do so, the utility's rates applicable to the type of service furnished to the customer and all other classes of customers, and to assist him in obtaining the best rate for his service requirements. The responsibility for the selection, however, rests with the applicant. In the event the customer's use of service changes such that a rate schedule other than the one initially selected becomes favorable, the responsibility for requesting a change in rate schedule, consistent with the provisions of the service agreement, shall rest with the customer. The utility shall, on its periodic statements, annually inform its customers that, if they so request, it shall supply them with a copy of the utility's rate or rates applicable to the type of service to be furnished to all classes of customers with a concise written explanation of the rates, and an identification of any classes of customer for whom rates are not summarized.

(d) Posting of Law, Rates, Rules, and Collection Agents.

(1) Every utility shall maintain in its office for inspection by the public, the following:

A. A copy of the rates, rules and regulations of the utility, and of forms of contracts and applications applicable to the territory served from that office;

B. A copy of the Public Service Commission Law of this State; and

C. A copy of the Commission's "Rules for the Government of Sewer Utilities," 150CSR5.

(2) A suitable placard in large type shall be conspicuously posted in the utility's business office giving information to customers that

a copy of the law, the rules of the Commission, and the schedules of rates are available for their inspection.

(3) Once a year, or as often as a utility changes collection agents, each utility shall publicize by newspaper or bill insert to its customers its collection agents to whom customers may deliver payment of sewer bills.

(e) Application for Sewer Service.

(1) All applicants desiring sewer service may be required to make written application at the office of the utility on printed forms provided therefore setting forth in said application all purposes for which sewer will be used upon their premises. The utility may require the applicant to provide identification at the time of application for service. All applicants for service shall be required to designate on every application for service whether the applicant is a tenant or an owner of the premises to be served. If the applicant is a tenant, he shall state the name and address of the owner or owners of the premises to be served.

(2) Any change in the identity of the contracting customer at a premises will require a new application for sewer service, and the utility may, after reasonable notice, discontinue sewer service until such new application has been made and accepted, but the former customer shall remain liable for sewer service furnished to said premises until he has given notice in writing to the utility to discontinue sewer service. In the event the customer of record has died or has become incapable of being responsible for sewer service, that individual's spouse may become the customer of record without being required to complete a new application for sewer service, or paying a new deposit.

(3) In the event that a publicly or privately owned water utility, city, incorporated town, other municipal corporation or other public service district, owns and operates water facilities within the same service territory as the public service district providing sewer service to the area, then the sewer public service district shall provide the customer with a proper receipt and shall instruct the customer to present said receipt to the water utility when application for water service is made.

(Passed 3-5-07.)

921.05 CUSTOMER SERVICE PIPES.

(a) No customer, plumber, company owner or any agent shall connect to the utility's main or to any utility service pipe, or extend the pipes therefrom to any premises for the purpose of securing sewer service, until application has been made therefore to the utility as provided in these rules and permission for doing so has been granted by the utility in writing.

(b) Once an application for service has been granted, the customer shall install and maintain the customer service pipe.

(c) The utility's authorized employee shall inform the customer of the location of the point of service. The customer shall install the customer service pipe to the point of service after which the utility will install the utility service pipe from the main to the point of service.

(d) Where the utility's service pipe is already installed to the point of service, the customer shall connect with the utility service pipe as installed.

(e) The customer service pipe shall be installed in a workmanlike manner, shall conform to all reasonable rules and regulations of the utility, and shall be maintained by the customer at his own expense.

(f) The utility will specify the size, kind, quality and location of all materials used in the customer's service pipe and the customer shall comply with those specifications. Refer to the City of Charles Town Sewer Standards and Specifications.

(g) A customer must maintain his service pipe in good condition and free from all leaks and defects, at the customer's cost and expense. A customer's failure to comply with this rule may result in termination of water or sewer service pursuant to these rules.

(h) The customer's service pipe shall be laid below the frost line at all points and shall be placed on firm and continuous earth so as to give unyielding and permanent support; and be installed in a trench at least two feet in a horizontal direction from any other trench wherein gas pipe, water pipe, or other facilities, public or private, are or are to be installed.

(i) A customer's service pipe shall not pass through or across any premises or property other than that to be served nor across any portion of the property that could practicably be sold separately from the immediate premises served and no pipes or plumbing in any premises shall be extended therefrom to adjacent or other premises.

(j) The customer's service pipe and all connections and fixtures attached thereto shall be subject to the inspection of the utility before use, and all premises, including any and all fixtures within the said premises, shall at all reasonable hours be subject to inspection by a duly authorized employee of the utility.

(k) The utility shall make changes and bear the full costs of changes in the customer's service pipe required due to changes in grade, relocation of mains, and other causes not related to the customer. The customer shall bear the full costs of changes in service pipe or meter location desired by the customer for his or her convenience.

(l) The customer shall not attach any fixtures to, or make any branches in, the customer service pipe between the point of service and the premises served. Violation of this rule may result in termination of service pursuant to these rules.

(m) The connection of surface drains to the sanitary system is prohibited. As a means to deter prohibited connections where surface or ground water is introduced into the sanitary system, the utility may add a surcharge to the customer's sewer bill where evidence of a violation exists. The surcharge shall be authorized by separate schedule to the utility's sewer tariff filed pursuant to the Commission's Rules for the Construction and Filing of Tariffs, 150CSR2, but the utility need not file revenue, expense, or other financial data unless otherwise ordered by the Commission. The charge for roof drains, downspouts, storm sewers or similar facilities connected to the sanitary sewer system will be calculated by the formula or rate clearly stated in the tariff, and will not be cumulative to any metered rate for sewer service. The tariff should further provide that the surcharge will not be imposed unless and until the customer is notified by certified mail, return receipt requested, or by hand delivery, that it has been established by smoke testing, dye testing, or on-site inspection that rain or surface water is being introduced into the sanitary sewer, and that the customer has thirty (30) days to divert that water from the sanitary sewer.

(Passed 3-5-07.)

921.06 SEWER USER CHARGES.

(a) Rates. Sewer user charges, or rates, are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sanitary sewer system, for use of the sewer system, whether such use shall be direct or indirect. The sewer user charges shall commence and shall be effective as of the date of connection of each such improved property to the sewer system, and shall be payable as provided herein, in accordance with the rate ordinance as adopted by Council.

(b) Surcharge for High Strength Users. Users discharging any water or wastes with a thirty day average BOD in excess of 300 milligrams per liter or a thirty day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge as determined by the City of Town Utility Board.

(Passed 3-5-07.)

921.07 DEPOSITS FROM CUSTOMERS.

(a) Security Deposits for Utilities Other than Public Service Districts. A utility, other than a public service district, may require the applicant or customer to make a deposit with it initially, and from time to time, to secure payment of sewer service rates and charges. Such deposit shall not be more than one-twelfth (1/12) of the annual estimated charge for residential service and or one sixth (1/6) of the annual estimated charge for all other service. The utility shall not be bound to supply sewer service until this condition is fulfilled. After the customer has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) month period shall commence from the first regular payment or following the payment of a delinquent bill or bills. Interest at the rate as calculated in accordance with subsection (d) of this section, shall be paid from the date of deposit until the date of refund of the security deposit. The utility shall have a reasonable time, not to exceed thirty (30) days, to ascertain that the obligations of the customer have been fully performed before being required to

return any deposit in the case where there has not been an automatic refund.

(b) Return of Deposit to Customers Who Are Not Tenants. After a customer who is not a tenant has paid bills for service for twelve (12) consecutive months without a delinquency, the utility shall promptly and automatically refund the deposit plus accrued interest. Calculation of the above twelve (12) months' period shall commence from the first regular payment or following the payment of a delinquent bill or bills.

(c) Interest at the rate as determined in accordance with Rule 4.2.a.8. shall be paid from the date of deposit until the date of refund of the security deposit. All customer security deposits shall be placed in an interest bearing account at a local federally insured financial institution. The district shall have a reasonable time, not to exceed thirty (30) days, to read and remove meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit in the case where there has not been an automatic refund.

(d) The interest rate to be paid by all sewer utilities other than public service districts shall be determined as follows. The rate which utilities shall be required to pay shall be the average of the one-year United States Treasury Bill rates for October, November and December of the preceding calendar year. By January 15 of each year, Staff of the Commission shall make the necessary calculations and file with the Commission its calculations. The Commission will issue an order setting the rate to be paid by the utilities until the next annual Commission order. The simple interest shall be paid at the date of discontinuance of service or at the end of the deposit period.

(e) Record of Deposit. Each utility holding a cash deposit shall keep a record showing: (i) The name and current address of each depositor; (ii) the amount and date of the deposit; and (iii) each transaction concerning the deposit.

(f) The Receipt. Concurrently with receiving a cash deposit, the utility shall deliver to the applicant for service, or customer, a receipt showing: (i) The date thereof; (ii) the name of the applicant or customer and the address of the premises served or to be served; (iii) the service furnished or to be furnished; and (iv) the amount of the deposit and the fact that interest will be paid at a Commission determined rate. Each utility shall provide automatic means to refund the deposit of a customer, when so entitled, if the original receipt cannot be produced. A receipt or proof of payment will not be necessary under the provisions for an automatic refund.

(g) Unclaimed Deposits. Should a utility have retained, through no fault of its own, deposits made by customers whose service has been discontinued during any calendar year, it shall, on or before the first day of March, in each year, mail to the customer's last known address a check as refund of the deposit plus accrued interest, or at the utility's option, publish a list of such depositors in a newspaper published and of general circulation in each of the county(ies) in which it operates and in which the deposits were made, showing as of the thirty-first (31st) day of December immediately preceding, the amount of each such deposit, together with the interest due thereon, and notifying depositors listed therein that their deposits are being held to their credit and will be returned upon request. The utility will not be liable for any interest on such deposits after publication of such lists. Upon completion of the above procedure, the utility shall follow the provisions of the Uniform Unclaimed Property Act, codified in the W. Va. Code §36-8-1 et seq., with regard to the disposition of any unclaimed deposit.

(h) This rule shall not affect residential customer security deposits required by a utility prior to the passage of W. Va. Code §24-3-8 on March 12, 1983.

(i) All utilities that collect security deposits must do so in a non-discriminatory manner. (Passed 3-5-07.)

921.08 BILLING INFORMATION.

(a) All bills for sewer service shall state whether the charge is based upon quantities of water consumed at the premises, flat rate or other charge. Bills shall be rendered periodically, and if based upon metered water consumption they shall show the readings of the water meter at the beginning and end of the period for which the bill is rendered, the date of the water meter readings, the number of cubic feet or gallons of water supplied, and the authorized rate. If the utility must, for any reason, render an estimated bill, the bill shall be clearly marked as an estimated bill. All bills shall state "This utility is regulated by the Public Service Commission of West Virginia" and "Rates available upon request."

(b) First and last bills, monthly or quarterly, for sewer service rendered for periods of five (5) days more or five (5) days less than the normal billing period, will be computed in accordance with the rate applicable to that service, by the amount of sewer blocks, and the minimum charge as set forth in that rate will be prorated on the basis of the number of days in the period in question, to the total number of days in the normal period.

(c) Utilities desiring to adopt mechanical billing of such nature as to render compliance with all the terms of Rule 4.3.b., impractical, may make application to the Commission for relief from part of these terms. After consideration of the reasons given when asking for relief, the Commission may allow the omission of part of these requirements.

(d) On all bills which include charges for items other than authorized sewer charges, the other factors used in computing the bill shall be clearly stated so that the amount may be readily verified from the information appearing upon the bill.

(e) Each bill shall bear on its face the latest pay date and the date it shall be a delinquent bill if not paid. On all current usage billings not paid in full by the latest pay date, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

(f) When a utility receives a customer payment at a time when both a delinquent bill and a current bill are outstanding, the utility will apply the payment first to the current bill, and apply any leftover amounts to the delinquency. Provided, that this rule shall not apply to payments from customers whose delinquencies have been addressed in a deferred payment agreement. If a termination notice has been issued then the payment should first be applied to the delinquent amount that is the subject of the termination notice. (Passed 3-5-07.)

921.09 ADJUSTMENT OF BILLS AND COMPLAINTS.

(a) Adjustment of Bills.

(1) Fast meters. If the water utility makes a refund to the customer pursuant to Rule 4.4.a. of the Commission's "Rules for the Government of Water Utilities," 150CSR3, the sewer utility will make a corresponding adjustment to the sewer charges associated with the same period of time based on the corrected meter reading and the applicable sewer rates.

(2) Dead Meters. At any time that a water utility calculates water usage and bills for water service pursuant to the provisions in Rule 4.4.b. of the Commission's "Rules for the Government of Water Utilities," 150CSR3, the sewer utility will bill for sewer service for the corresponding time period based on the water usage calculated and billed by the water utility.

(3) Leaks on the customer's side of the meter.

A. Each utility shall develop and implement a written policy concerning the adjustment of customer bills where they are based upon metered water consumption or are actually metered sewer lines, and the bill reflects unusual water usage which can be attributed to leakage on the customer's side of the point of service. Leaking commodes, dripping faucets, malfunctioning appliances and similar situations shall not constitute leaks which entitle the customer to a recalculated bill. The policy shall be maintained in the utility's office for inspection by the public and shall be applied in a non-discriminatory manner to all customers. The reasonableness of the utility's policy or practice with respect to a policy shall be subject to Commission review in a formal complaint proceeding.

B. The policy shall provide for a recalculated bill to reflect the utility's incremental cost of treating or purchasing the treatment of the sewage, as contained in the utility's tariff, for all amounts above the customer's historic usage. Historic usage shall be defined as the average usage of the preceding twelve (12) months or actual period of service if less than twelve (12) months. If using the historic usage would result in an unreasonable calculation, adjustments may be made. If such adjustments are made, the utility should advise its customer that a dispute regarding such adjustments may be taken to the Commission in the form of an informal complaint. Any amounts which the customer can prove did not enter the sanitary sewer system shall be credited at full tariff rates.

C. As an alternative to using the incremental cost of treating or purchasing the treatment of the sewage, the utility may, at its option, use an adjustment which allows it to recover the Commission's estimate of "typical incremental cost" per thousand gallons of sewage on usage above the historic usage. The Commission shall from time to time establish its estimate of "typical incremental cost" by order.

D. However, in future rate cases the utility's incremental cost of treating or purchasing the treatment of the sewage shall be determined and the rate placed in an appropriate tariff as the leak adjustment rate. After a rate has been determined in a rate case, the utility shall not have the option to use the Commission's estimate of "typical incremental cost" found in Rule 4.4.c.3.

(b) Complaints.

(1) Investigation of complaints. Each utility shall make a full and prompt investigation of all complaints made to it by its customers, either directly or through the Commission. In the event that the complaint is not resolved, the utility shall, before service is discontinued, notify the customer that he may file an informal or formal complaint with the Commission.

(2) Record of complaints. The utility shall keep a record of all complaints received, which record shall show the name and address of the complainant, the date and character of the complaint, and the adjustment or disposal made thereof.

(3) Disposition of records. Records of complaints shall not be destroyed until a summary has been prepared for permanent record, showing the character of complaints made, the number of each type received in each month, and the disposition of the complaints.

(c) Disputed Bills. In the event of a dispute between the customer and the utility respecting any bill, the utility shall conduct an investigation and report the result thereof to the customer. In the event that the complaint is not resolved, the utility shall, before water or sewer service is discontinued, notify the customer that he may file an informal or formal complaint with the Commission.
(Passed 3-5-07.)

921.10 DISCONTINUANCE OF SERVICE.

(a) Any customer requesting service to be discontinued shall give notice thereof to the utility during regular business hours. Unless a different period shall be mutually agreed upon by written contract, service will be discontinued by the end of the next business day. Until the utility shall have such notice, the customer may be held responsible for all service rendered.

(b) Utility Discontinuance of Service.

(1) Consideration of health and sanitation require that sewer service should not be discontinued because of non-payment of service charges unless the utility has first acquired the approval of the Commission. The sewer utility shall make use of such legal remedies as may be available for the collection of delinquent accounts prior to application to the Commission for other relief.

(2) Notice of discontinuance.

A. In the case of a sewer utility requesting termination of water service for non-payment of sewer service, service shall actually be discontinued no sooner than ten (10) days following the date that a sewer utility has mailed to a customer a statement that sewer bills are delinquent.

B. Where conditions hazardous to life or property are found to exist on the customer's premises, or where the utility's regulating, measuring or collection equipment or facilities have been tampered with, the water may be shut off without notice in advance.

C. Where written notice is required it must be sent first class mail, address service requested. Written notice shall comply with Sewer Form No. 1, attached to these rules. The written notice shall become void if the utility service has not been discontinued within thirty (30) days of the date indicated on the notice for termination.

D. Prior to disconnecting water service for non-payment of a sewer bill, the water utility shall make at least two (2) attempts to notify the customer through personal contact. First, the water utility shall either telephone or visit the customer at least 24-hours prior to a scheduled disconnection. Second, the water utility shall knock on the customer's door immediately prior to a disconnection. The inability to make personal contact shall not prevent the water utility from terminating service.

E. Service shall not be discontinued on a Saturday, or Sunday, any day that is a federal or state holiday, a day on which either the water utility's or the sewer utility's business office is not open to accept payment, or on the day before such days, unless an emergency exists.

F. All disconnections shall be performed between the hours of 8:00 a.m. and 4:00 p.m.

G. The water utility shall accept payment at the customer's premises in lieu of discontinuing service for a delinquent sewer bill. The payment must be for the entire amount of the delinquency to prevent termination. However, a utility

may refuse payment by check if the customer has, during the previous twelve (12) months, attempted to make a payment by a check subsequently returned by the bank for insufficient funds.

H. If a customer has received notice of a scheduled termination, and, to avoid such termination, makes payment by check which is subsequently dishonored by the bank, the sewer utility may then request the water utility to terminate service only after it has mailed notice, by first class mail, to the customer at least five (5) calendar days, excluding state or federal holidays, prior to termination; provided that at the option of the utility, either personal contact or telephone contact may be substituted for contact by first class mail.

I. If a landlord of a single-unit dwelling or a master-metered mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling is responsible for payment of a utility bill, written notice of termination in the form of Sewer Form No. 2 shall be placed at a location readily available for public inspection on the premises at least five (5) days prior to the scheduled termination of service to that mobile home park, apartment building, motel, hotel or other multiple or single-unit dwelling in order to provide notice of the scheduled termination to the tenants of said mobile home park, apartment building, motel, hotel or other multiple or single- unit dwelling. If the billing address for any single-unit service is different than the service location, a written notice in the form of Sewer Form No. 2 shall be delivered or posted at a visible location on the premises where the service is to be terminated at least five (5) days prior to the scheduled termination. This notice shall inform the occupant(s) of the date on or after which termination of service will occur and shall state the steps the occupant(s) can take to avoid termination of service.

J. A sewer customer who has been notified that water service is to be terminated for non-payment of sewer bills shall be given the opportunity to enter into a deferred payment agreement: Provided, that such customer has demonstrated an ability to pay but only in installments. The customer shall be informed at the time a disconnect notice is issued of the availability of a reasonable payment plan.

1. The details of the deferred payment agreement are to be negotiated between the utility and the customer and may consider several factors, including, but not limited to the following: Amount of the delinquency; ability of the customer to pay; payment history; time the delinquency has been outstanding; reasons why the delinquency has been outstanding; and any other relevant factors.
2. The deferred payment agreement shall include language informing the customer of the right to challenge the reasonableness of the proposed payments to the Commission.
3. During the challenge, the utility may not terminate service; provided that the current bill must be paid by the customer on time and in full in order to protect his rights under this rule.
4. Once a deferred payment agreement has been established, the customer must pay the current bill on time and in full and make timely payments in accordance with the deferred payment agreement.
5. If the customer's financial condition significantly changes and the existing payment agreement results in hardship, the utility shall renegotiate the payment agreement, consistent with the provisions of Rule 4.8.b.10.A. The customer shall provide documentation in support of his claim that his financial condition has changed. During the renegotiation period the customer must continue to pay the current bill on time and in full and make some payment on the delinquency.
6. If the deferred payment is not received in accordance with the terms of the agreement, or the payment is made with a check subsequently dishonored by the bank, the utility may terminate service only after it has mailed written notice, by first class mail, to the customer at least five (5) calendar days, excluding state or federal holidays, prior to notifying the water utility to terminate service provided that at the option of the utility, either personal contact or telephone contact with the customer may be substituted for contact by first class mail. If the customer pays the delinquent payment within that notice period, service shall not be terminated. However, if the customer has, during the previous twelve (12) months, attempted to make payment by a check which was subsequently dishonored by the bank, the utility may refuse the customer's check and immediately terminate service without additional notice.

K. A sewer utility requesting termination of water service for non- payment of sewer bills shall provide the water utility with a copy of the notice provided to the customer as required by Rule 4.8.b.1.

L. A sewer utility will provide the water utility with a written request for termination of water service for non-payment at least twenty- four (24) hours before the end of the 10-day notice period to the customer.

(3) Once a disconnected customer has paid his delinquency in full, or the utility has agreed to enter into a deferred payment agreement with the customer, and all disconnect and or reconnect fees have been paid, the utility shall reconnect the customer's water service as soon as possible, but no later than twenty-four (24) hours from the time the customer pays all disconnect and reconnect fees.

(4) Charge for reconnection. Whenever the supply of water is turned off for non-payment of sewer bills, the water utility may make a charge as provided for in Rule 4.8.c. of the Commission's "Rules for the Government of Water Utilities," 150CSR7.

(5) The utility shall not refuse, deny or discontinue service to an applicant or present customer due to a delinquency in payment for service by a previous occupant of the premises to be served unless such applicant or present customer and such previous occupant are members of the same household and were members of the same household at the time the delinquent bill was incurred.

(6) Combined water and sewer public service districts. Any public service district providing water and sewer service to its customers shall have the right to terminate water service for delinquency in payment of either water or sewer bills; provided that proper notice is given and procedures followed as set out in these rules.

(c) Refusal to Serve Applicants.

(1) Non-compliance with rules. Any utility may decline to serve an applicant until he has complied with these rules and the utility's rules set forth in a Commission approved tariff governing sewer service.

(2) Applicant's facilities inadequate. The utility may refuse to serve an applicant if the applicant's installation of sewer piping is hazardous or of such character that satisfactory service cannot be provided.

(3) A bill which has been found to be contractually uncollectible by a court or could reasonably be found to be uncollectible by reason of an applicable statute of limitations shall not be used by a utility to deny or discontinue service.

(4) Applicant's recourse. In the event that the utility shall refuse to serve an applicant under the provisions of this rule, or any other rule incorporated herein, the utility shall inform the applicant of the basis of its refusal, and the applicant may apply to the Commission for a ruling thereon. The refusal must be in writing with a copy sent to the Commission.

(Passed 3-5-07.)

921.11 ACCESS TO PROPERTIES.

(a) The utility shall, at all reasonable times, have access to service connections and other property owned by it on a customer's premises for purpose of inspection, maintenance and operation.

(b) Identification for Employees. Every employee, whose duties regularly require him to enter a customer's premises, shall wear a distinguishing uniform or other insignia identifying him as an employee of the utility and shall carry on his person an identification card which will identify him as an employee of the utility, containing a photograph of said employee. The identification card shall contain the telephone number of the utility as well as other pertinent information necessary to identify the employee. All other employees, whose duties require occasional entry into the homes or premises of customers, shall carry an identification card containing information as herein required. (Passed 3-5-07.)

921.12 DETRIMENTAL WASTES.

(a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.

(b) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any gasoline, benzene, naphtha, fuel oil, motor oil or other flammable or explosive liquid, solid or gas.

(2) Any water or waste with a BOD in excess of 300 milligrams per liter, except as provided for herein.

(3) Any water or waste containing suspended solids in excess of 300 milligrams per liter, except as provided for herein.

(4) Any water containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant effluent.

(5) Any water or waste having a pH lower than 6.5 or higher than 8.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater works or the public sewers.

(6) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, gravel, ashes, bones, red dog, sand, mud, coal, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk, containers, etc., either whole or ground by garbage grinders.

(c) The following described substances, materials, waters or wastes shall be limited in discharges to the sewer system, to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sewer system which shall not be exceeded by any person without approval of the Manager are as follows:

(1) Wastewater having a temperature higher than 40° C.

(2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(3) Wastewater containing floatable oils, fat or grease in excess of 200 milligrams per liter.

(4) Any garbage that has not been properly shredded with no particle greater than one-half inch in any dimension. Garbage grinders may be connected to sanitary sewers only from homes, hotels, institutions, restaurants, hospitals, or similar places where garbage originates from the preparation of food in on-site kitchens for the purpose of consumption on the premises.

(5) Any water or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Manager for such materials.

(6) Any water or waste containing color-producing or odor-producing substances exceeding limits which may be established by the Manager.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State and Federal regulations.

(8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

(9) Water or waste containing substances such as synthetic detergents which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(d) No statement contained in this article shall be construed as preventing any special agreement or arrangement between Council and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by Council for treatment.
(Passed 3-5-07.)

921.13 ADMISSION OF INDUSTRIAL WASTES.

(a) No person shall discharge or cause to be discharged into the sewer system any industrial wastes except upon application to WVDEP and upon receipt of a written permit therefore. An industrial waste permit shall be in addition to any other permit required for connection to the sewer system.

(b) Any person desiring to make or use a connection to the sewer system through which industrial wastes will be discharged into the

sewer system shall file with WVDEP an Industrial Wastes Permit.

(c) Any person who shall discharge industrial wastes into the sewer system, when approved by City, shall construct and thereafter properly maintain at his own expense, a suitable and accessible control manhole and other devices as may be approved by the Manager to facilitate observation, accurate measurement and sampling by the Manager of industrial waste discharges.

(d) Any improved property discharging industrial wastes into the sewer system and contemplating a change in the method of operation which will alter the characteristics and/or volumes of wastes at the time being discharged into the sewer system shall notify WVDEP, in writing, prior to such change must have WV DEP approval. Council reserves the right to require improved properties having large variations in rates of waste discharge to install suitable regulating devices for equalizing waste flows to the sewer system.

(e) Council reserves the right to impose surcharges on sewer user charges and/or impose other requirements in connection with any high strength or industrial waste discharged into the sewer system by agreement with the owner of the improved property, in accordance with the methods described in this article or by modification or alterations to this article as may be acceptable to the West Virginia Department of Environmental Protection and the United States Environmental Protection Agency, and/or require the pretreatment of such industrial waste at the expense of such owner.

(Passed 3-5-07.)

921.14 GREASE TRAPS.

(a) The purpose of this section is to control discharges into the public sewerage collection system and wastewater treatment plant that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

(b) Control Plan for (Fog) and Food Waste:

(1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the City a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this ordinance. There will be no “Grandfathering.”

(c) General Criteria:

(1) Installation Requirements: All existing, proposed, or newly remodeled Food Service facilities inside the City of Charles Town wastewater service area shall be required to install, at the user’s expense an approved, properly operated and maintained grease trap.

(2) Sanitary sewer flows: Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

(3) Floor Drains: Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

(4) Garbage grinders/disposers: It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

(5) Dishwashers: Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

(6) Location: Grease trap shall be installed outside the building upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time. A grease trap may not be installed inside any part of a building without written approval by the City of Charles Town Utility Board.

(7) Pass Through Limits: No User shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 413.

(d) Design Criteria:

(1) Construction: Grease traps shall be constructed in accordance with The City of Charles Town’s standards and shall have a minimum of two compartments with fittings designed for grease retention. All grease removal devises or technologies shall be subject to the written approval of the Charles Town Utility Board. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(2) Access: Access to grease traps shall be available at all times, to allow for their maintenance and inspection. Access to trap shall be provided by two manholes (one on each compartment) terminating at finished grade with cast iron frame and cover.

(3) Load-Bearing Capacity: In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load- bearing capacity. (Example: vehicular traffic in driving or parking areas).

(4) Inlet and Outlet Piping: Wastewater discharging to a grease trap shall enter only through the inlet pipe of the trap. Each grease trap shall have only one inlet and one outlet pipe.

(5) Grease Trap Sizing: The required size of the grease trap shall be calculated using EPA-2 model. All grease traps shall have a capacity of not less than 1,000 gal. nor exceed a capacity of 3,000 gal. If the calculated capacity exceeds 3,000 gal., multiple units plumbed in series shall be installed.

(6) Central Business District: The Central Business District (CBD) shall be exempt to the sizing requirements of 921.14 and subject to the following requirements -

A. Compliance with the WV State Building Code

B. If sized by gallon capacity the tank shall have a liquid volume of not less than 150 gals. (ref: WVDHHR manual of Environmental Health Procedures - Procedure WW13)

C. If sized by standard PDI-G101 method the tank shall have a minimum of 50 lbs. of grease capacity.

D. All calculations shall be using maximum occupancy numbers established by the State Fire Marshall or the Code Official. All plans are subject to Fire Marshall and Health Department review as part of building plan review.

E. No building permit for food service in the CBD will be issued without Charles Town Utility Board review for maintenance requirements. (Passed 8-15-11)

(e) Grease Trap Maintenance:

(1) Cleaning/Pumping: The user at the user's expense shall maintain all grease traps to assure proper operation and efficiency and maintain compliance with the City's Pass Through Limits. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

(2) Cleaning/Pumping frequency: The grease trap must be pumped out completely a minimum of once every four months, or more frequently, as determined by the City of Charles Town Utility Board, as needed to prevent carry over of grease into the sanitary sewer system.

(3) Disposal: All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way shall the pumpage be returned to any private or public portion of the City's sanitary sewer collection system. All pumpage from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

(4) Maintenance Log: A grease trap cleaning/maintenance log indicating each pumping for the previous 24 months shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the City of Charles Town Utility Manager or their representative upon request.

(5) Submittal of Records: Each user shall submit all cleaning and maintenance records to the City of Charles Town Utility Manager. The maintenance records shall include the following information:

A. Facility name, address, contact person, and phone number
B. Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
C. Types of maintenance performed.
D. Dates maintenance was performed.
E. Date of next scheduled maintenance.
F. Copies of manifests.

The user shall be required to submit maintenance records to the City of Charles Town Utility Manager on a biannual basis (twice per year). Records shall be submitted by March 1st and September 1st of each year. The records shall be submitted to:

Attn. City of Charles Town Utility Manager
P.O. Box 14
Charles Town, WV 25414

The City of Charles Town Utility Manager will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the City of Charles Town Utility Manager, the user shall be required to perform the maintenance and records of said maintenance within 14 calendar days. Upon inspection by the City of Charles Town Utility Manager the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(f) Additives: Any biological additive(s) placed into the grease trap or building discharge line including but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the City of Charles Town Utility Board prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein,

(g) Chemical Treatment: Chemical treatments such as drain cleaners, acid, or other chemical solvents designed to dissolve or remove grease shall not be allowed to enter the grease trap.

(h) Sand, Soil, and Oil Interceptors: All car washes, truck washes, garages, service stations, car and truck maintenance facilities, fabricators, utility equipment shops, and other facilities (as determined by the City of Charles Town Utility Board) that have sources of sand, soil, and oil shall install effective sand, soil and oil traps, interceptors, and/or oil/water separators. These systems shall be sized to effectively remove sand, soil, and oil at the expected flow rates. These systems shall be, at the user's expense, cleaned or pumped on a regular basis to prevent impact upon the wastewater collection and treatment systems. Users whose systems are deemed to be ineffective by the Utility Board shall be asked to change the cleaning frequency or to increase the size of the system. Owners or operators of washing facilities will be required to prevent the inflow of detergents and rainwater into the wastewater collection system. Oil/water separator installations shall be required at facilities that accumulate petroleum oils and greases and at facilities deemed necessary by the Utility Board.

(i) Laundries: Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage (into the wastewater collection system) of solids ½" or larger in size such as rags, strings, buttons, or other solids detrimental to the system.

(j) Control Equipment: The equipment or facilities installed to control FOG, food waste, sand, soil, oil, and lint must be designed in accordance with the Southern Plumbing Code, the West Virginia Department of Environmental Protection and Conservation guidelines, most current engineering standards, or other applicable guidelines approved by the Utility Board. Underground equipment shall be tightly sealed to prevent inflow of rainwater and shall be easily accessible to allow regular maintenance and inspection. Control equipment shall be maintained by the owner and/or operator of the facility as to prevent a stoppage of the wastewater collection system, and the accumulation of FOG, food waste, sand, soil, and lint in the collection lines, pump stations, and wastewater treatment plant. If the City of Charles Town is required to clean out the wastewater collection lines, as a result of a stoppage resulting from poorly maintained

control equipment (or lack thereof) the owner or operator shall be required to refund the labor, equipment, materials, and any overhead costs to the City including any fines incurred due to any sanitary sewer overflow due directly to the stoppage. The City retains the right to inspect and approve any and all installations of control equipment.

(k) Alteration of Control Methods: The City of Charles Town, through the Utility Board, reserves the right to request additional control measures if existing control equipment is shown to be insufficient to protect the wastewater collection system and wastewater treatment plant from interference due to the discharge of FOG, sand, soil, lint, or any other undesirable materials.

(l) Enforcement and Penalties: Any person who violates this ordinance, in part or whole, shall be guilty of a civil violation punishable under and according to the general penalty provision of the City of Charles Town's Codified Ordinances. Each day's violation of this ordinance shall be considered a separate offense. (Passed 3-5-07.)

921.15 VALIDITY.

(a) All ordinances or parts of ordinances in conflict with this article are hereby repealed.

(b) The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

(Passed 3-5-07.)

921.16 SEWER SERVICE RATES.

(a) Establishment. For the payment of the proper and reasonable expense of operation, repair, replacement, improvements, additions, betterments, extensions, and maintenance of the sewer system and for the payment of the sums required to pay the principal and interest of all sewer revenue bonds as the same become due, there is hereby established a schedule of just and equitable rates or charges for the use of and services rendered by the sanitary sewer system and works of the Charles Town Utility Board, a West Virginia public utility and a municipal corporation of the City of Charles Town, West Virginia, which schedule of rates or charges, based upon the metered amount of water supplied the premises, where possible, but providing for a flat rate when no meter is available, shall be as follows.

(b) Rules and Regulations. Rules and Regulations for the government of sewerage utilities adopted by the Public Service Commission of West Virginia, and now in effect, and all amendments thereto and modifications thereof hereafter made by the Commission are hereby adopted by reference.

SCHEDULE I

APPLICABILITY

Applicable within the entire territory formally served by the Charles Town Utility Board or the City of Ranson, including the municipalities of Charles Town and Ranson. Effective for service rendered on or after the date of enactment.

AVAILABILITY

Available for general domestic, commercial and industrial service and sale for resale sewer service.

RATES (Customers with a metered water supply)

First	2,000 gallons used per month	$14.79 per 1,000 gallons
Next	8,000 gallons used per month	$10.64 per 1,000 gallons
All over	10,000 gallons used per month	$9.67 per 1,000 gallons

MINIMUM CHARGE

No bill shall be rendered for less than $29.58 per month, which is the equivalent of 2,000 gallons. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $45.54 per month.

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above scheduled is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules") and Series 5 Rules for the Government of Sewer (the "Sewer Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate (incremental cost of water and/or wastewater) and the customer's historic usage.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $75.00 which shall be refunded per West Virginia regulation.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average BOD in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Be\ (B) + Sc\ (S) + Pc\ (P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/1)

Be= 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)

S = Concentration of suspended solids from a user above a base level (300mg/l)

Sc = 0 & M costs for treatment of a unit of suspended solids

Pc = 0 & M cost for treatment of a unit of any pollutant

P = Concentration of any pollutant from a user above a base level

Vu= Volume contribution from a user per unit of time.

SCHEDULE II

APPLICABILITY

Applicable within the territory formerly served by Jefferson County Public Service District. Effective for service rendered on or after the date of enactment.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (customers with a metered water supply)

First	2,000 gallons used per month	$15.36	per 1,000 gallons
Next	8,000 gallons used per month	$14.29	per 1,000 gallons
Over	10,000 gallons used per month	$13.98	per 1,000 gallons

MINIMUM CHARGE

No bill will be rendered for less than $30.72 per month which is equivalent to 2,000 gallons per month. Where sewer service is available by gravity flow and the customer has not connected to public sewer, the customer shall pay this minimum charge.

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 3,500 gallons of water usage, $52.16 per month

MULTIPLE OCCUPANCY

In apartment buildings, trailer parks, shopping centers or other multiple occupancy buildings or properties served by a master water meter, each discrete dwelling or business unit shall be required to pay not less than the minimum monthly charge provided herein.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

A tap fee of $400.00 will be charged to customers applying for service outside of a sewerage system improvement project for each new tap to the system.

RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of $25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

LEAK ADJUSTMENT

In accordance with the approved CTUB Leak Adjustment Policy, as well as the Public Service Commission of West Virginia (the "PSC") Title 150 Legislative Rule Series 7 Rules for the Government of Water Utilities (the "Water Rules") and Series 5 Rules for the Government of Sewer (the "Sewer Rules"), CTUB will make a leak adjustment only when the water usage being adjusted is in excess of 200% of the customer's historical usage that can be attributed to leakage on the customer's side of the point of service. The leak adjustment will be computed pursuant to applicable rules of the Public Service Commission, the leak adjustment rate (incremental cost of water and/or wastewater) and the customer's historic usage.

SECURITY DEPOSIT

Each new customer shall make a security deposit of $75.00 which shall be refunded per West Virginia regulation.

EXCESS POLLUTION SURCHARGE

A surcharge to recover extraordinary costs is levied upon customer discharges placing extraordinary demand upon treatment facilities, as measured by waste stream parameters of biochemical oxygen demand (BOD) and/or suspended solids in the wastewater. Users discharging any water or wastes with a zero-day average B.O.D. in excess of 300 milligrams per liter or a 30-day average suspended solids content in excess of 300 milligrams per liter or containing suspended solids with a character or quantity of pollutant requiring unusual attention or expense to handle or treat, shall pay, in addition to the base monthly sewer user charges, an additional surcharge (Cs) as determined by the following formula:

$$Cs = Be\ (B) + Sc\ (S) + Pc\ (P)Vu$$

B = Concentration of B.O.D. from a user above a base level (300 mg/l)
Be= 0 & M cost of treatment of unit of biochemical oxygen demand (B.O.D.)
S = Concentration of suspended solids from a user above a base level (300mg/l)
Sc = 0 & M costs for treatment of a unit of suspended solids
Pc = 0 & M cost for treatment of a unit of any pollutant
P = Concentration of any pollutant from a user above a base level
Vu= Volume contribution from a user per unit of time.

SCHEDULE III CAPACITY IMPROVEMENT FEES

APPLICABILITY

Applicable to the entire service area and due and payable for each customer connection adding new flows into the sewer collection system and treatment facility. Effective for service connections proposed on or after the date of enactment.

CAPACITY IMPROVEMENT FEE

For all new service proposed to be connected to the Utility, there shall be paid to the Utility Board a Capacity Improvement Fee of $2,930 for each residential connection or non- residential connection adding new flows into the sewer collection system and treatment facility. The Capacity Improvement Fee will be paid at the time of building permit application and a receipt from CTUB will issued to the customer for the fees assessed. Connections shall be paid in accordance with the usage equivalent schedule set forth below.

ADDITIONAL CAPACITY IMPROVEMENT FEE - FLOWING SPRINGS PUMP STATION

Pursuant to the Flowing Springs Pump Station Repayment Agreement, customers in the Flowing Springs Development District connecting to the Flowing Springs Pump Station shall be charged an additional Capacity Improvement Fee of $1,625.00 for each residential or non-residential connection. Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth hereinafter.

USAGE EQUIVALENTS FOR MULTIPLE RESIDENTIAL OR NON-RESIDENTIAL CAPACITY IMPACT FEES

Capacity impact fees for multi-residential and non-residential structures adding new flows to the sewer collection system and treatment facility shall be based upon the following:

UNIT	WATER GALLONS/DAY	RESIDENTIAL USAGE EQUIVALENT
Apartments	150/unit	1.0/unit
Bowling Alleys	200/alley	1.33/alley

Churches with kitchen	8/member	0.05/member
Churches w/o kitchen	2/member	0.013/member
Food Service	32/seat	0.213/seat
Fast Food Restaurant	35/seat	0.23/seat
Bar & Cocktail Lounge (additive)	2/patron	0.013/patron
Tavern - little or no food	20/seat	0.132/per seat
Hotel	120/room	0.8/per room
Industry, sanitary	15/person/shift	0.1/person per shift
Institutions:		
Hospital	25/bed	1.67/bed
Nursing Homes	150/bed	1.0/bed
Others	75/person	0.5/person
Office Buildings	15/person	0.1/person
Laundry Self Service	250/washer	1.67/washer
Motels	120/room	0.8/room
Retail Stores	400/toilet room	2.67/toilet room
Residence	150/residence	1.0/residence
School:		
Day, no cafeteria/showers	15/pupil	0.1/pupil
Day with cafeteria	18/pupil	0.12/pupil
Day, with cafeteria/showers	20/pupil	0.133/pupil
Boarding	75/pupil	0.5/pupil
Service Station	500/set of pumps	3.33/set of pumps
Shopping Centers	16/100 ft. of sales area	0.12/100 ft. of sales area
Swimming Pools	10/swimmer design capacity	0.067/swimmer design capacity
Capacity Theaters	3/seat	0.02/seat
Warehouse	15/employee	0.1/employee

If a unit does not appear on this schedule the sewer department shall determine its Residential Usage Equivalent in consultation with its consulting engineer.

EFFECTIVE DATE

The rates, charges and penalties provided herein shall become effective immediately after enactment.

SEPARABILITY: REPEAL OF CONFLICTING ORDINANCES

The provisions of this Ordinance are separable, and if any clause, provision or section hereof shall be held void or unenforceable by the West Virginia Public Service Commission or any court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance. Upon the effective date hereof, all ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflicts, hereby repealed, and to the extent that the provisions of this Ordinance do not touch upon the provisions of prior ordinances, (Ord. 2022-003. Passed 4-4-22.)

921.17 SPECIFICATIONS FOR SEWER LINES.

The purpose of this section is to establish consistent and uniform guidelines for the installation of sewer lines and connections thereto in the Charles Town Sewer Department service area. The document shall be considered a reference manual dated May 2002 and shall be considered a stand-alone document available to the public.

(Passed 3-5-07.)

921.18 SEVERABILITY.

Each section, subsection, paragraph, sentence, and clause of this ordinance is declared to be separable and severable.

(Passed 3-5-07.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1192: Discussion on Opioid Settlement Funds - Possible Executive Session

ATTACHMENTS:
- MOU.pdf

WEST VIRGINIA FIRST
MEMORANDUM OF UNDERSTANDING

General Principles

Whereas, the people of the State of West Virginia, its Local Governments and communities, have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities within the Pharmaceutical Supply Chain; and,

Whereas, certain Local Governments, through their elected representatives and counsel, and the State, through its Attorney General, are separately engaged in litigation seeking to hold Pharmaceutical Supply Chain Participants accountable for the public harms caused by their misfeasance, nonfeasance, and malfeasance; and

Whereas, the State, through its Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance, and malfeasance throughout the State of West Virginia;

Terms

The State and its Local Governments and communities, subject to the completion of formal documents effectuating the Parties' agreements, enter into this Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of Settlements and Judgments described herein.

A. Definitions

As used in this Memorandum of Understanding:

1. "Approved Purpose(s)" shall mean evidence-based strategies, programming and/or services used to expand the availability of treatment for individuals affected by substance use disorders and/or addiction, to develop, promote and provide evidence-based substance use prevention strategies, to provide substance use avoidance and awareness education, to engage in enforcement to curtail the sale, distribution, promotion or use of opioids and other drugs, to decrease the oversupply of licit and illicit opioids and to support recovery from addiction to be performed by qualified providers as is further set forth in Exhibit A and Paragraph B(3) below.

2. "Court" is the West Virginia Mass Litigation Panel.

3. "Foundation Share" shall mean Opioid Funds allocated to the Foundation from any settlement or judgment.

4. "Judgment" shall mean a final judgment or verdict in favor of any of the Parties in a judicial proceeding pending in either state or federal court (including Bankruptcy Court) which resolves legal or equitable claims regarding opioids against a Pharmaceutical Supply Chain Participant. Judgment shall not include any judgment on the claims of Cabell County and the City of Huntington which were previously tried in the United States District Court for the Southern District of West Virginia, or any judgment on any claims asserted by the State against a Pharmaceutical Supply Chain Participant arising under federal or state antitrust laws, state criminal laws, or claims asserted pursuant to W. Va. Code § 9-7-6(c) or for Medicaid reimbursement.

5. "Local Government(s)" shall mean all counties, cities, villages, and towns located within the geographic boundaries of the State.

6. "Local Government Share" or "LG Share" shall mean Opioid Funds allocated directly to Local Governments from any settlement or judgment.

7. "Regional Share Calculation" shall mean each Region's share of Opioid Funds which shall be calculated by summing the individual percentage shares of the Local Governments set forth in Exhibit C for all of the subdivisions in the entire Region as defined in Exhibit B.

8. "Net Opioid Fund" is the Opioid Fund less the Opioid Seed Fund payment.

9. "Opioid Funds" shall mean monetary amounts obtained through a Settlement or Judgment as defined in this Memorandum of Understanding.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids are manufactured, marketed, promoted, distributed, or dispensed.

11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, including but not limited to those persons or entities identified as Defendants in the matter captioned In re: Opioid Litigation, MDL 2804 pending in the United States District Court for the Northern District of Ohio, the proceedings before the West Virginia Mass Litigation Panel, styled In Re: Opioid Litigation, Civil Action No. 19-C-9000, and relates to conduct occurring prior to the date of this agreement. For the avoidance of doubt, the term Pharmaceutical Supply Chain Participant includes any parent or subsidiary company of any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, and any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, that seeks or has sought protection under the United States Bankruptcy Code.

12. "Settlement" shall mean the negotiated resolution by any of the Parties, of legal or equitable claims regarding opioids against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Parties. It does not include the Settlements the State and/or the West Virginia Attorney General entered into with any Pharmaceutical Supply Chain Participant prior to December 1, 2021. For the avoidance of doubt McKinsey is included. Settlement shall not include the claims of Cabell County and the City of Huntington, which were previously tried in the United States District Court for the Southern District of West Virginia or settlement of any claims asserted by the State and/or the West Virginia Attorney General against a Pharmaceutical Supply Chain Participant arising under federal or state antitrust laws, state criminal laws, or claims asserted pursuant to W. Va. Code, § 9-7-6(c) or for Medicaid reimbursement.

13. "State Share" shall mean Opioid Funds allocated to the State from any settlement or judgment.

14. "The Parties" shall mean the State and the Local Governments.

15. "Regions" shall mean the division of the Local Governments into six (6) separate areas as set forth in Exhibit B.

16. "The State" shall mean the State of West Virginia acting through its Attorney General.

17. "West Virginia Seed Fund" shall be funded as set forth in Paragraph B(2)(a). The funds are available for use in proper creation and documentation of the West Virginia Opioid Foundation and to fund their start-up work, and subsequent operation.

B. Settlement and Judgment Proceeds

1. The Parties shall organize a private, nonstock, nonprofit corporation for the purposes of receiving and distributing West Virginia Opioid Funds as set forth in Section C. of this MOU ("Opioid Foundation").

2. The Parties shall allocate all Opioid Funds as follows:

   a. Subject to relevant approvals, the State shall pay into the West Virginia Seed Fund the $10,000,000 received from McKinsey & Company as a result of the February 3, 2021, consent judgment with the State.

   b. All other Opioid Funds covered by the agreement shall be allocated as set forth below:

i. 24.5% of the Net Opioid Funds shall be allocated as LG Shares. These LG Shares shall be allocated amongst the Local Governments using the default percentages set forth in Exhibit C. Each county and its inclusive municipalities must either: (a) ratify the default allocation; (b) reach an agreement altering the default allocation; or (c) submit to binding arbitration before Judge Christopher Wilkes (WVMLP Special Master) whose decision will be final and non-app ealabl e.

ii. The Foundation will receive 72.5% of the Net Opioid Funds ("Foundation Share").

iii. The State shall receive 3% of the Net Opioid Funds ("State Share"), by and through the Attorney General, to be held in escrow for expenses incurred related to opioid litigation. If the 3% is not spent by December 31, 2026, then 1% goes to Local Governments and 2% goes to the Opioid Foundation.

3. All Net Opioid Funds, regardless of allocation, shall be used in a manner consistent with the Approved Purposes definition. The LG Share may be used as restitution for past expenditures so long as the past expenditures were made for purposes that would have qualified or were consistent with the categories of Approved Purposes listed in Exhibit A. Prior to using any portion of the LG Share as restitution for past expenditures, a Local Government shall pass a resolution or take equivalent governmental action detailing and explaining its use of the funds for restitution. Moreover, up to one-half of the LG Share may be used to provide restitution for monies that were previously expended on opioid abatement activities, including law enforcement and regional jail fees.

4. In the event a Local Government merges, dissolves, or ceases to exist, the relevant shares for that Local Government shall be redistributed equitably based on the composition of the successor Local Government. If a Local Government for any reason is excluded from a specific Settlement or Judgment, the allocation percentage for that Local Government shall be redistributed among the participating Local Governments for that Settlement or Judgment.

5. If the LG Share is less than $500, then that amount will instead be distributed to the county in which the Local Government lies to allow practical application of the abatement remedy.

6. Funds obtained that are unrelated to any Settlement or Judgment with a Pharmaceutical Supply Chain Participant, including those received via grant, bequest, gift, or the like, may be directed to the Opioid Foundation and disbursed as set forth below.

7. The Foundation Share shall be used for the benefit of the people of West Virginia consistent with the by-laws of the Foundation documents and this MOU.

8. Nothing in this MOU alters or changes the Parties' rights to pursue their own claims in litigation, subject to Paragraph E. Rather, the intent of this MOU is to join the Parties together regarding the distribution of the proceeds of settlements with or judgements against Pharmaceutical Supply Chain Participants for the benefit of all West Virginians and ensure that settlement monies are spent consistent with the Approved Purposes set forth in Exhibit A.

9. Any settlement, judgment and/or other remedy arising out of *City of Huntington v. AmerisourceBergen Drug Corporation, et al.* (Civil Action No. 3:17-01362) and/or *Cabell County Commission v. AmerisourceBergen Drug Corporation, et al.* (Civil Action No. 3:17-01665) pending in the United States District Court for the Southern District of West Virginia (Faber, J.) ("CT2") is specifically excluded from this MOU.

C. The Opioid Foundation

1. The Parties shall create a private section 501(c)(3) Opioid Foundation ("Foundation") with a governing board ("Board"), a panel of experts ("Expert Panel"), and such other regional entities as may be necessary for the purpose of receiving and disbursing Opioid Funds and other purposes as set forth both herein and in the documents establishing the Foundation. The Foundation will allow Local Governments to take advantage of economies of scale and will partner with the State to increase revenue streams.

2. Each Region shall create their own governance structure, ensuring that all Local Governments have input and equitable representation regarding regional decisions including representation on the board and selection of projects to be funded from the Regional Share Calculation. The Expert Panel may consult with and may make recommendations to Regions on projects, services and/or expenses to be funded. Regions shall have the responsibility to make decisions that will allocate funds to projects, services and/or expenses that will equitably serve the needs of the entire Region.

3. Board Composition

The Board will consist of 11 members comprising representation as follows:

a. To represent the interests of the State, five appointees of the governor, subject to confirmation by the Senate. The five appointees are intended to be limited to one from any given Region. If special circumstances are shown, this provision may be waived by a vote of four of the six Local Government members.

b. To represent the interests of the Local Governments, six members, with one member selected from each Region. The Local Governments in each Region shall make the selection of the board member to represent their region.

4. Board terms will be staggered three-year terms. Board members may be reappointed.

5. Board members shall serve as fiduciaries of the Foundation separate and distinct from any representational capacity of the entity appointing the Board Member. Members of any regional governing structure shall likewise serve as fiduciaries of their Region separate and distinct from any representational capacity of the entity appointing the member.

6. Members of the board should have expertise in a variety of disciplines, such as substance abuse treatment, mental health, law enforcement, pharmacology, finance, and healthcare policy and management. Drawing Board members from these disciplines will help to ensure that the Board will make appropriate and prudent investments in order to meet short-term and long-term goals.

7. Six members of the Board shall constitute a quorum. Members of the Board may participate in meetings by telephone or video conference or may select a designee to attend and vote if the Board member is unavailable to attend a board meeting.

8. The Foundation shall have an Executive Director appointed by the Attorney General after consultation with the Board. The Board may reject the Attorney General's selection of the Executive Director only on the affirmative vote of eight members of the board. The Executive Director shall have at least six years' experience in healthcare, finance and management and will be responsible for the management, organization, and preservation of the public/private partnership's records. The Executive Director may be removed by the Board upon the concurrence of the votes of three-fourths of the members of the Board. The Executive Director shall have the right to attend all Board meetings unless otherwise excused but shall vote only in the event of a tie.

9. The Board shall appoint the Expert Panel. The Expert Panel should include experts in the fields of substance abuse treatment, mental health, law enforcement, pharmacology, finance, and healthcare policy and management. The purpose of the Expert Panel is to assist the Board in making decisions about strategies for abating the opioid epidemic in local communities around the state. The Executive Director and any member of the Board shall have the right to attend all meetings of the Expert Panel.

10. The governance of the Board and the criteria to be established for disbursement of funds shall be guided by the recognition that expenditures should insure the efficient and effective abatement of the opioid epidemic, the enforcement of laws to curb the use of opioids, and the prevention of future addiction and substance misuse based upon an intensity and needs basis. All expenditures must be consistent with the categories of Approved Purposes as set forth in Exhibit A hereto.

11. Disbursement of Foundation Share by the Board

a. The Foundation Board shall develop and approve procedures for the disbursement of Opioid Funds of the Foundation consistent with this Memorandum of Understanding.

b. Funds for statewide programs, innovation, research, and education may also be expended by the Foundation from the Foundation Share, from the State Share (as directed by the State), or from sources other than Opioid Funds as provided below.

c. The Foundation shall spend 20% of its annual budget in the six regions during the Foundation's first seven years of funding to be divided according to each Region's fixed Regional Share Calculation. After seven years, all regional spending will be as set forth in Section 11(d), below. Regions may, after consulting with the Expert Panel, expend the sums received under this Section 11(c) for any Approved Purposes.

d. After the Regional Shares are distributed as set forth in Section 11(c), the Disbursement of Funds from the Foundation Share approved for disbursement by the Board for Approved Purposes shall be disbursed based on an evidence-based evaluation of need after consultation with the Expert Panel. The Parties do not intend to require any specific regional allocation of the Foundation Share other than those distributed pursuant to Paragraph 11(c).

e. Regions may collaborate with other Regions to submit joint proposals.

f. The proposed procedures shall set forth the role of the Expert Panel in advising the Regions and the Board concerning disbursements of Opioid Funds of the Foundation as set forth in this MOU.

g. Within 90 days of the first receipt of any Opioid Funds and annually thereafter, the Board, after receiving counsel from its investment advisors and Expert Panel, shall determine the amount and timing of Foundation funds to be distributed annually. In making this determination, the Board shall consider: (a) Pending requests for Opioid Funds from communities, entities, or regions; (b) the total Opioid Funds available; (c) the timing of anticipated receipts of future Opioid Funds; (d) non-Opioid funds received by the Foundation; (e) investment income; and (f) long-term financial viability of the Foundation. The Foundation may disburse its principal and interest with the aim towards an efficient, expeditious abatement of the Opioid crisis considering long term and short-term strategies.

12. The Foundation, Expert Panel, and any other entities under the supervision of the Foundation, including the Regions, shall operate in a transparent manner. Meetings

should be open. All operations of the Foundation and all Foundation supervised entities, including the Regions, shall be subject to audit and review by the Attorney General and/or other appropriate State officials.

13. Each Local Government shall submit an annual financial report to the Foundation no later than April 30 of each year specifying the amounts spent on Approved Purposes within the Region during the previous fiscal year. A report for each Region shall be prepared no later than thirty days thereafter. Each Region's report shall incorporate the information disclosed in each Local Government's annual report generated pursuant to Section B(4), above. Each Region's report shall specify (i) the amount of Opioid Funds received, (ii) the amount of Opioid Funds disbursed or applied during the previous fiscal year, broken down by categories of Approved Uses (indicating the name of the recipient, the amount awarded, a description of the use of the award, and disbursement terms), and (iii) impact information measuring or describing the progress of the Approved Use strategies.

14. The Foundation shall publish a consolidated report detailing annual financial expenditures within 15 days of the last day of the state fiscal year covered by the report.

15. The Foundation shall consult with a professional investment advisor to adopt a Foundation investment policy that will seek to assure that the Foundation's investments are appropriate, prudent, and consistent with best practices for investments of public funds. The investment policy shall be designed to meet the Foundation's long and short-term goals.

16. The Foundation and any Foundation supervised entity may receive funds including stocks, bonds, real property, government grants, private-sector donations, and cash in addition to the proceeds of the Litigation. These Non-Opioid additional funds shall be subject only to the limitations, if any, contained in the individual award, grant, donation, gift, bequest, or deposit consistent with the mission of the Foundation.

D. Payment of Attorneys' Fees and Litigation Expenses

Payment of all Attorneys' Fees and Litigation Expenses shall be awarded consistent with the orders of the Court and upon recommendation of Judge Christopher Wilkes (WVMLP Special Master). Such award shall be final and non-appealable.

E. Authority to Negotiate and Announcing Resolution of Claims

1. The Court has established three case tracks.

    a. Manufacturers and Pharmacy claims are to be coordinated by the office of Attorney General Morrisey and his designated counsel. The Attorney General shall retain the authority over resolution of those claims after

consultation and coordination with Local Governments subject to Court approval.

b. The Distributor Claims are to be coordinated by Co-Lead Counsel Paul Farrell, Jr. and Robert Fitzsimmons. The Co-Leads shall retain the authority over resolution of those claims after consultation and coordination with Local Governments and their counsel and the Attorney General and his designated counsel.

2. If there is any resolution of any claim before the Court, it will be announced and presented to the Court jointly by the Attorney General and the Local Governments for Approval.

F. Amendments

The Parties agree to make such amendments as necessary to implement the general principles of this MOU.

EXHIBIT A

SCHEDULE A - CORE STRATEGIES

The Parties shall choose from among the abatement strategies listed in Schedule B. However, priority shall be given to the following core abatement strategies **("Core Strategies).**[1]

A. NALOXONE OR OTHER FDA-APPROVED DRUG TO REVERSE OPIOID OVERDOSES

1. Expand training for first responders, schools, community support groups and families; and

2. Increase distribution to individuals who are uninsured or whose insurance does not cover the needed services.

B. MEDICATION-ASSISTED TREATMENT ("MAT") DISTRIBUTION AND OTHER OPIOID-RELATED TREATMENT

1. Increase distribution of MAT to individuals who are uninsured or whose insurance does not cover the needed service;

2. Provide education to school-based and youth-focused programs that discourage or prevent misuse;

3. Provide MAT education and awareness training to healthcare providers, EMTs, law enforcement, and other first responders; and

4. Treatment and Recovery Support Services such as residential and inpatient treatment, intensive outpatient treatment, outpatient therapy or counseling, and recovery housing that allow or integrate medication and with other support services.

C. PREGNANT & POSTPARTUM WOMEN

1. Expand Screening, Brief Intervention, and Referral to Treatment ("SBIRT") services to non-Medicaid eligible or uninsured pregnant women;

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for women and co-occurring Opioid Use Disorder ("OUD") and other substance Use Disorder ("SUD")/Mental Health disorders for uninsured individuals for up to 12 months postpartum; and

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As used in this Schedule A, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs. Priorities will be established by the Opioid Abatement Foundation.

3. Provide comprehensive wrap-around services to individuals with Opioid Use Disorder (OUD) including housing, transportation, job placement/training, and childcare.

D. EXPANDING TREATMENT FOR NEONATAL ABSTINENCE SYNDROME

1. Expand comprehensive evidence-based treatment and recovery support for NAS babies;

2. Expand services for better continuation of care with infant-need dyad; and

3. Expand long-term treatment and services for medical monitoring of NAS babies and their families.

E. EXPANSION OF WARM HAND-OFF PROGRAMS AND RECOVERY SERVICES

1. Expand services such as on-call teams to begin MAT in hospital emergency departments;

2. Expand warm hand-off services to transition to recovery services;

3. Broaden scope of recovery services to include co-occurring SUD or mental health conditions;

4. Provide comprehensive wrap-around services to individuals in recovery including housing, transportation, job placement/training, and childcare; and

5. Hire additional social workers or other behavioral health workers to facilitate expansion above.

F. TREATMENT FOR INCARCERATED POPULATION

1. Provide evidence-based treatment and recovery support including MAT for persons with OUD and co-occurring SUD/MH disorders within and transitioning out of the criminal justice system; and

2. Increase funding for jails to provide treatment to inmates with OUD.

G. PREVENTION PROGRAMS

1. Funding for media campaigns to prevent opioid use (similar to the FDA's "Real Cost" campaign to prevent youth from misusing tobacco);

2. Funding for evidence-based prevention programs in schools;

3. Funding for medical provider education and outreach regarding best prescribing practices for opioids consistent with the 2016 CDC guidelines, including providers at hospitals (academic detailing);

4. Funding for community drug disposal programs; and

5. Funding and training for first responders to participate in pre-arrest diversion programs, post-overdose response teams, or similar strategies that connect at-risk individuals to behavioral health services and supports.

H. EVIDENCE-BASED DATA COLLECTION AND RESEARCH ANALYZING THE EFFECTIVENESS OF THE ABATEMENT STRATEGIES WITHIN THE STATE.

I. LAW ENFORCEMENT

1. Funding for law enforcement efforts to curtail the sale, distribution, promotion or use of opioids and other drugs to reduce the oversupply of licit and illicit opioids, including regional jail fees.

J. RESEARCH

Research to ameliorate the opioid epidemic and to identify new tools to reduce and address opioid addiction. Holistically seek to address the problem from a supply, demand, and educational perspective. Ensure tools exist to provide law enforcement with appropriate enforcement to address needs.

SCHEDULE B - APPROVED USES

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:[2]

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

1. Support treatment of Opioid Use Disorder (OUD) and any co-occurring SUD/MH conditions, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.

2. Support and reimburse evidence-based services that adhere to the American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUB/MH conditions.

3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.

4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based or evidence-informed practices such as adequate methadone dosing and low threshold approaches to treatment.

5. Support intervention, treatment, and recovery services, offered by qualified professionals and service providers, including but not limited to faith-based organizations or peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions and for persons who have experienced an opioid overdose.

6. Treatment of trauma for individuals with OUD (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support evidence-based withdrawal management services for people with OUD and any co-occurring mental health conditions.

8. Training on MAT for health care providers, first responders, students, or other supporting professionals, such as peer recovery coaches or recovery outreach

[2] As used in this Schedule B, words like "expand," "fund," "provide" or the like shall not indicate a preference for new or existing programs. Priorities will be established by the Opioid Abatement Foundation.

specialists, including telementoring to assist community-based providers in rural or underserved areas.

9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions.

10. Fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.

Scholarships and supports for behavioral health practitioners or workers involved in addressing OUD and any co-occurring SLTD or mental health conditions, including but not limited to training, scholarships, fellowships, loan repayment programs, or other incentives for providers to work in rural or underserved areas.

11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.

12. Dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.

13. Development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in recovery from OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Provide comprehensive wrap-around services to individuals with OUD and any co-occurring SUD/MH conditions, including housing, transportation, education, job placement, job training, or childcare.

2. Provide the full continuum of care of treatment and recovery services for OUD and any co-occurring SUD/MH conditions, including supportive housing, peer support services and counseling, case management, and connections to community-based services.

3. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions.

4. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, including supportive housing, recovery housing, housing assistance programs, training for housing providers, or recovery housing programs that allow or integrate FDA-approved mediation with other support services.

5. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions.

6. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions.

7. Provide or support transportation to treatment or recovery programs or services for persons with OUD and any co-occurring SUD/MH conditions.

8. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions.

9. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.

10. Engage and support non-profits, faith-based communities, and community coalitions to support, house, and train people in treatment and recovery and to support family members in their efforts to support the person with OUD in the family.

11. Training and development of procedures for government staff to appropriately interact with and provide social and other services to individuals with or in recovery from OUD, including reducing stigma.

12. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

13. Create or support culturally appropriate services and programs for persons with OUD and any co-occurring SUD/MH conditions.

14. Create and/or support recovery high schools.

15. Hire or train behavioral health workers to provide or expand any of the services or supports listed above.

C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED (CONNECTIONS TO CARE)

Provide connections to care for people who have - or are at risk of developing - OUD and any co-occurring SUD/MH conditions through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OLTI treatment.

2. Fund Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders, including SBIRT services to pregnant women who are uninsured or not eligible for Medicaid.

3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.

5. Expand services such as on-call teams to begin MAT in hospital emergency departments.

6. Training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.

7. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, or persons who have experienced an opioid overdose, into clinically appropriate follow-up care through a bridge clinic or similar approach.

8. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions or persons that have experienced an opioid overdose.

9. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.

10. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions or to persons who have experienced an opioid overdose.

11. Expand warm hand-off services to transition to recovery services.

12. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.

13. Develop and support best practices on addressing OUD in the workplace.

14. Support assistance programs for health care providers with OUD.

15. Engage and support non-profits and the faith-based community as a system to support outreach for treatment.

16. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions who are involved in, are at risk of becoming involved in, or are transitioning out of the criminal justice system through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or pre-arraignment diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, including established strategies such as:

    a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);

    b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;

    c. "Naloxone Plus" strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;

    d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;

    e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative; or

f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise.

2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions to evidence-informed treatment, including MAT, and related services.

3. Support treatment and recovery courts that provide evidence-based options for persons with OLTD and any co-occurring SUD/MH conditions.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are incarcerated in jail or prison.

5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions who are leaving jail or prison, have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.

6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.

7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, and the needs of their families, including babies with neonatal abstinence syndrome (NAS), through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based or evidence-informed treatment, including MAT, recovery services and supports, and prevention services for pregnant women — or women who could become pregnant — who have OUD and any co-occurring SUD/MH conditions, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.

2. Expand comprehensive evidence-based treatment and recovery services, including MAT, for uninsured women with OUD and any co-occurring SUD/MH conditions for up to 12 months postpartum.

3. Training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions.

4. Expand comprehensive evidence-based treatment and recovery support for NAS babies; expand services for better continuum of care with infant-need dyad; expand long-term treatment and services for medical monitoring of NAS babies and their families.

5. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.

6. Child and family supports for parenting women with OUD and any co-occurring SUD/MH conditions.

7. Enhanced family supports and childcare services for parents with OUD and any co-occurring SUD/MH conditions.

8. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

9. Offer home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, including but not limited to parent skills training.

10. Support for Children's Services — Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund medical provider education and outreach regarding best prescribing practices for opioids consistent with the Guidelines for Prescribing Opioids for Chronic Pain

from the U.S. Centers for Disease Control and Prevention, or other recognized Best Practice guidelines, including providers at hospitals (academic detailing).

2. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.

3. Continuing Medical Education (CME) on appropriate prescribing of opioids.

4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.

5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:

   a. Increase the number of prescribers using PDMPs;

   b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs, by improving the interface that prescribers use to access PDMP data, or both; or

   c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD in a manner that complies with all relevant privacy and security laws and rules.

6. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation's Emergency Medical Technician overdose database in a manner that complies with all relevant privacy and security laws and rules.

7. Increase electronic prescribing to prevent diversion or forgery.

8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Fund media campaigns to prevent opioid misuse.

2. Corrective advertising or affirmative public education campaigns based on evidence.

3. Public education relating to drug disposal.

4. Drug take-back disposal or destruction programs.

5. Fund community anti-drug coalitions that engage in drug prevention efforts.

6. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction — including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

7. Engage and support non-profits and faith-based communities as systems to support prevention.

8. Fund evidence-based prevention programs in schools or evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.

9. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.

10. Create or support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions.

11. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.

12. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses, behavioral health workers or other school staff, to address mental health needs in young people that (when not properly addressed) increase the risk of opioid or another drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER OPIOID-RELATED INJURIES

Support efforts to prevent or reduce overdose deaths or other opioid-related injuries through evidence-based or evidence-informed programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, individuals with OUD and their friends and family members, schools, and community outreach workers, persons being released from jail or prison, or other members of the general public.

2. Public health entities providing free naloxone to anyone in the community.

3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, community support groups, and other members of the general public.

4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.

5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.

6. Public education relating to emergency responses to overdoses.

7. Public education relating to immunity and Good Samaritan laws.

8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.

9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.

10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions.

11. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items in Section C, D and H relating to first responders, support the following:

1. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

2. Provision of wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, coordination, facilitations, training and technical assistance to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Statewide, regional, local or community regional planning to identify root causes of addiction and overdose, goals for reducing negative outcomes related to the opioid epidemic, and areas and populations with the greatest needs for treatment intervention services, and to support training and technical assistance and other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

2. A dashboard to (a) share reports, recommendations, or plans to spend opioid settlement funds; (b) to show how opioid settlement funds have been spent; (c) to report program or strategy outcomes; or (d) to track, share or visualize key opioid- or health-related indicators and supports as identified through collaborative statewide, regional, local or community processes.

3. Invest in infrastructure or staffing at government, law enforcement, or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of reducing the oversupply of opioids, preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.

4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to throughout this document, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, law enforcement, community, and not-for-profit entities to abate the opioid crisis.

2. Support infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, or implement other strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, data collection and evaluation of programs and strategies described in this opioid abatement strategy list.

2. Research non-opioid treatment of chronic pain.

3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.

4. Research on novel prevention efforts such as the provision of fentanyl test strips.

5. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.

6. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).

7. Epidemiological surveillance of OUD-related behaviors in critical populations including individuals entering the criminal justice system, including but not limited to approaches modeled on the Arrestee Drug Abuse Monitoring (ADAM) system.

8. Qualitative and quantitative research regarding public health risks within illicit drug markets, including surveys of market participants who sell or distribute illicit opioids.

9. Geospatial analysis of access barriers to MAT and their association with treatment engagement and treatment outcomes.

M. LAW ENFORCEMENT

Ensure appropriate resources for law enforcement to engage in enforcement and possess adequate equipment, tools, and manpower to address complexity of the opioid problem.

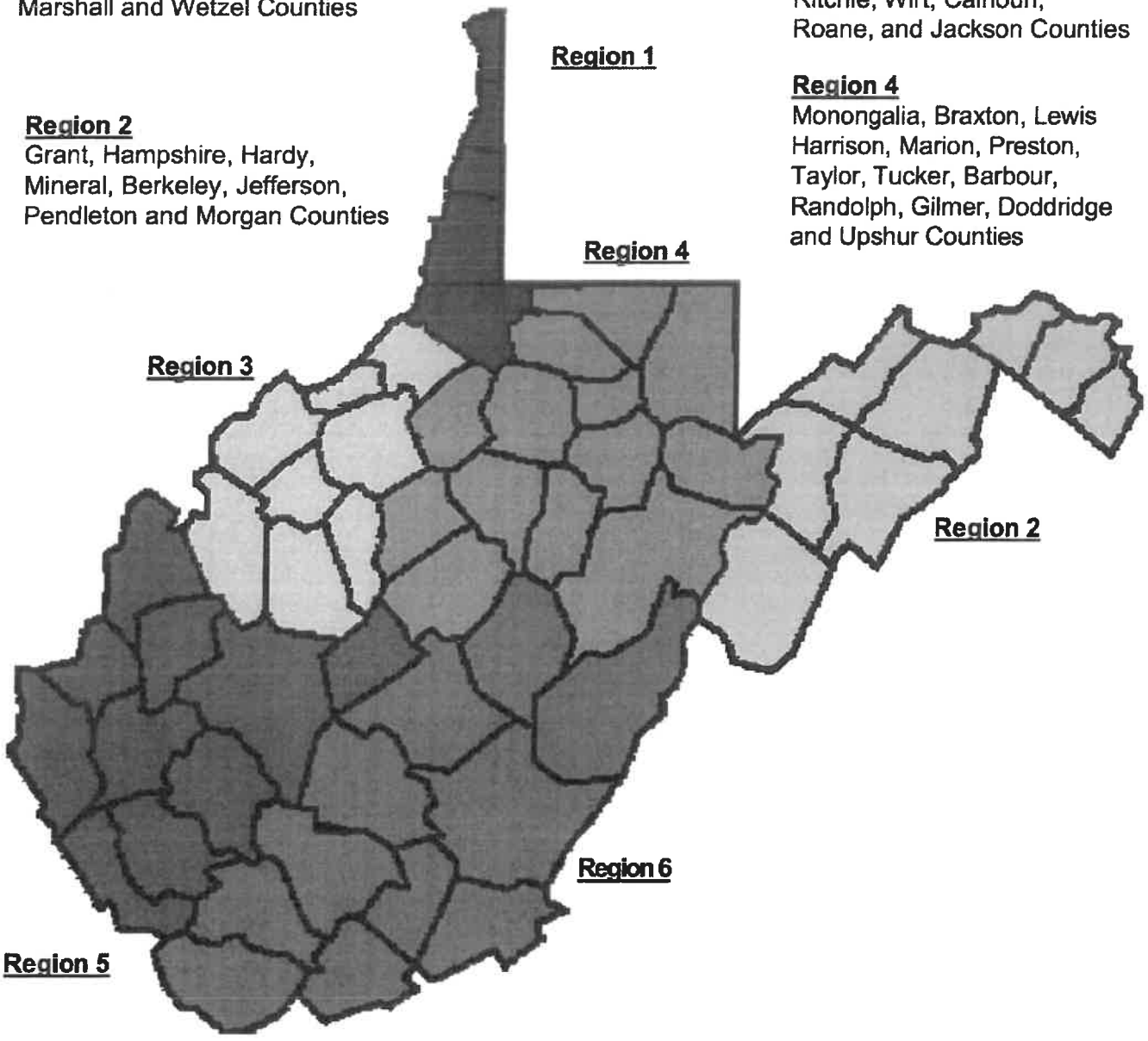
EXHIBIT B.
OPIOID REGIONAL MAP

Region 1
Brooke, Hancock, Ohio
Marshall and Wetzel Counties

Region 2
Grant, Hampshire, Hardy,
Mineral, Berkeley, Jefferson,
Pendleton and Morgan Counties

Region 3
Wood, Tyler, Pleasants,
Ritchie, Wirt, Calhoun,
Roane, and Jackson Counties

Region 4
Monongalia, Braxton, Lewis
Harrison, Marion, Preston,
Taylor, Tucker, Barbour,
Randolph, Gilmer, Doddridge
and Upshur Counties



Region 5
Cabell, Clay, Boone, Kanawha,
Lincoln, Logan, Putnam, Mason,
Mingo, and Wayne Counties

Region 6
Fayette, Monroe, Raleigh, Summers,
Nicholas, Webster, Greenbrier,
Pocahontas, Mercer, Wyoming, and
McDowell Counties

Exhibit C (Allocations to Subdivisions)

Allocation to West Virginia Counties and Municipalities (NOT Including Cabell County and Huntington)

Government Name	County	WV Share (%)
ADDISON TOWN	WEBSTER	0.0191%
ALBRIGHT TOWN	PRESTON	0.0001%
ALDERSON TOWN	GREENBRIER/MONROE	0.0037%
ANAWALT TOWN	MCDOWELL	0.0008%
ANMOORE TOWN	HARRISON	0.0083%
ANSTED TOWN	FAYETTE	0.0024%
ATHENS TOWN	MERCER	0.0003%
AUBURN TOWN	RITCHIE	0.0001%
BANCROFT TOWN	PUTNAM	0.0002%
BARBOUR COUNTY	BARBOUR	0.3900%
BARBOURSVILLE VILLAGE	CABELL	0.4372%
BARRACKVILLE TOWN	MARION	0.0016%
BATH (BERKELEY SPRINGS) TOWN	MORGAN	0.0068%
BAYARD TOWN	GRANT	0.0000%
BECKLEY CITY	RALEIGH	3.7259%
BEECH BOTTOM VILLAGE	BROOKE	0.0003%
BELINGTON TOWN	BARBOUR	0.0355%
BELLE TOWN	KANAWHA	0.0411%
BELMONT CITY	PLEASANTS	0.0002%
BENWOOD CITY	MARSHALL	0.0076%
BERKELEY COUNTY	BERKELEY	3.5839%
BETHANY TOWN	BROOKE	0.0005%
BETHLEHEM VILLAGE	OHIO	0.0020%
BEVERLY TOWN	RANDOLPH	0.0008%
BLACKSVI LLE TOWN	MONONGALIA	0.0003%
BLUEFIELD CITY	MERCER	0.1794%
BOLIVAR TOWN	JEFFERSON	0.0058%
BOONE COUNTY	BOONE	3.1744%
BRADSHAW TOWN	MCDOWELL	0.0012%
BRAMWELL TOWN	MERCER	0.0003%
BRANDONVILLE TOWN	PRESTON	0.0001%
BRAXTON COUNTY	BRAXTON	0.5244%
BRIDGEPORT CITY	HARRISON	0.0761%
BROOKE COUNTY	BROOKE	1.0924%
BRUCETON MILLS TOWN	PRESTON	0.0002%
BUCKHANNON CITY	UPSHUR	0.1667%
BUFFALO TOWN	PUTNAM	0.0009%
BURNSVILLE TOWN	BRAXTON	0.0029%
CABELL COUNTY	CABELL	0.0000%

Government Name	County	WV Share (%)
CAIRO TOWN	RITCHIE	0.0002%
CALHOUN COUNTY	CALHOUN	0.1767%
CAMDEN-ON-GAULEY TOWN	WEBSTER	0.0003%
CAMERON CITY	MARSHALL	0.0021%
CAPON BRIDGE TOWN	HAMPSHIRE	0.0024%
CARPENDALE TOWN	MINERAL	0.0002%
CEDAR GROVE TOWN	KANAWHA	0.0008%
CEREDO CITY	WAYNE	0.1678%
CHAPMANVI LLE TOWN	LOGAN	0.1592%
CHARLES TOWN CITY	JEFFERSON	0.2924%
CHARLESTON CITY	KANAWHA	6.7218%
CHESAPEAKE TOWN	KANAWHA	0.0180%
CHESTER CITY	HANCOCK	0.0077%
CLARKSBURG CITY	HARRISON	1.1365%
CLAY COUNTY	CLAY	0.3373%
CLAY TOWN	CLAY	0.0001%
CLEARVIEW VILLAGE	OHIO	0.0001%
CLENDENIN TOWN	KANAWHA	0.0257%
COWEN TOWN	WEBSTER	0.0012%
DANVILLE TOWN	BOONE	0.0012%
DAVIS TOWN	TUCKER	0.0002%
DAVY TOWN	MCDOWELL	0.0006%
DELBARTON TOWN	MINGO	0.0517%
DODDRIDGE COUNTY	DODDRIDGE	0.2312%
DUNBAR CITY	KANAWHA	0.2917%
DURBIN TOWN	POCAHONTAS	0.0001%
EAST BANK TOWN	KANAWHA	0.0008%
ELEANOR TOWN	PUTNAM	0.0144%
ELIZABETH TOWN	WIRT	0.0048%
ELK GARDEN TOWN	MINERAL	0.0007%
ELKINS CITY	RANDOLPH	0.0321%
ELLENBORO TOWN	RITCHIE	0.0003%
FAI RMONT CITY	MARION	0.6852%
FAIRVIEW TOWN	MARION	0.0007%
FALLING SPRING TOWN	GREENBRIER	0.0000%
FARMINGTON TOWN	MARION	0.0002%
FAYETTE COUNTY	FAYETTE	1.6411%
FAYETTEVILLE TOWN	FAYETTE	0.1828%
FLATWOODS TOWN	BRAXTON	0.0007%
FLEMINGTON TOWN	TAYLOR	0.0000%
FOLLANSBEE CITY	BROOKE	0.0123%
FORT GAY TOWN	WAYNE	0.0324%
FRANKLIN TOWN	PENDLETON	0.0014%
FRIENDLY TOWN	TYLER	0.0000%
GARY CITY	MCDOWELL	0.0012%

Government Name	County	WV Share (%)
GASSAWAY TOWN	BRAXTON	0.0024%
GAULEY BRIDGE TOWN	FAYETTE	0.0531%
GILBERT TOWN	MINGO	0.0728%
GILMER COUNTY	GILMER	0.1919%
GLASGOW TOWN	KANAWHA	0.0016%
GLEN DALE CITY	MARSHALL	0.0050%
GLENVILLE TOWN	GILMER	0.0169%
GRAFTON CITY	TAYLOR	0.4640%
GRANT COUNTY	GRANT	0.3394%
GRANT TOWN TOWN	MARION	0.0109%
GRANTSVILLE TOWN	CALHOUN	0.0012%
GRANVILLE TOWN	MONONGALIA	0.1649%
GREENBRIER COUNTY	GREENBRIER	1.4386%
HAMBLETON TOWN	TUCKER	0.0001%
HAMLIN TOWN	LINCOLN	0.0703%
HAMPSHIRE COUNTY	HAMPSHIRE	0.0869%
HANCOCK COUNTY	HANCOCK	1.6106%
HANDLEY TOWN	KANAWHA	0.0007%
HARDY COUNTY	HARDY	0.2815%
HARMAN TOWN	RANDOLPH	0.0002%
HARPERS FERRY TOWN	JEFFERSON	0.0095%
HARRISON COUNTY	HARRISON	1.3251%
HARRISVILLE TOWN	RITCHIE	0.0045%
HARTFORD CITY TOWN	MASON	0.0001%
HEDGESVILLE TOWN	BERKELEY	0.0001%
HENDERSON TOWN	MASON	0.0002%
HENDRICKS TOWN	TUCKER	0.0001%
HILLSBORO TOWN	POCAHONTAS	0.0001%
HINTON CITY	SUMMERS	0.4106%
HUNDRED TOWN	WETZEL	0.0001%
HUNTINGTON CITY	CABELL/WAYNE	0.0000%
HURRICANE CITY	PUTNAM	0.2140%
HUTTONSVILLE TOWN	RANDOLPH	0.0000%
IAEGER TOWN	MCDOWELL	0.0006%
JACKSON COUNTY	JACKSON	0.8319%
JANE LEW TOWN	LEWIS	0.0010%
JEFFERSON COUNTY	JEFFERSON	1.7496%
JUNIOR TOWN	BARBOUR	0.0036%
KANAWHA COUNTY	KANAWHA	3.6016%
KENOVA CITY	WAYNE	0.2064%
KERMIT TOWN	MINGO	0.0294%
KEYSER CITY	MINERAL	0.0078%
KEYSTONE CITY	MCDOWELL	0.0018%
KIMBALL TOWN	MCDOWELL	0.0020%
KINGWOOD CITY	PRESTON	0.0046%

Government Name	County	WV Share (%)
LEON TOWN	MASON	0.0000%
LESTER TOWN	RALEIGH	0.0310%
LEWIS COUNTY	LEWIS	0.4053%
LEWISBURG CITY	GREENBRIER	0.3917%
LINCOLN COUNTY	LINCOLN	1.3818%
LOGAN CITY	LOGAN	0.4429%
LOGAN COUNTY	LOGAN	3.7315%
LOST CREEK TOWN	HARRISON	0.0001%
LUMBERPORT TOWN	HARRISON	0.0027%
MABSCOTT TOWN	RALEIGH	0.0512%
MADISON CITY	BOONE	0.0578%
MAN TOWN	LOGAN	0.0025%
MANNINGTON CITY	MARION	0.0030%
MARION COUNTY	MARION	1.0540%
MARLINTON TOWN	POCAHONTAS	0.0009%
MARMET CITY	KANAWHA	0.0061%
MARSHALL COUNTY	MARSHALL	0.8648%
MARTINSBURG CITY	BERKELEY	3.5343%
MASON COUNTY	MASON	1.3496%
MASON TOWN	MASON	0.0028%
MASONTOWN TOWN	PRESTON	0.0008%
MATEWAN TOWN	MINGO	0.0718%
MATOAKA TOWN	MERCER	0.0002%
MCDOWELL COUNTY	MCDOWELL	3.2036%
MCMECHEN CITY	MARSHALL	0.0079%
MEADOW BRIDGE TOWN	FAYETTE	0.0005%
MERCER COUNTY	MERCER	0.3738%
MIDDLEBOURNE TOWN	TYLER	0.0003%
MILL CREEK TOWN	RANDOLPH	0.0000%
MILTON TOWN	CABELL	0.1485%
MINERAL COUNTY	MINERAL	0.8526%
MINGO COUNTY	MINGO	2.9452%
MITCHELL HEIGHTS TOWN	LOGAN	0.0010%
MONONGAH TOWN	MARION	0.0028%
MONONGALIA COUNTY	MONONGALIA	1.4987%
MONROE COUNTY	MONROE	0.5766%
MONTGOMERY CITY	FAYETTE/KANAWHA	0.1004%
MONTROSE TOWN	RANDOLPH	0.0001%
MOOREFIELD TOWN	HARDY	0.0092%
MORGAN COUNTY	MORGAN	0.7095%
MORGANTOWN CITY	MONONGALIA	0.1330%
MOUNDSVI LLE CITY	MARSHALL	0.3175%
MOUNT HOPE CITY	FAYETTE	0.0918%
MULLENS CITY	WYOMING	0.3675%
NEW CUMBERLAND CITY	HANCOCK	0.0034%

Government Name	County	WV Share (%)
NEW HAVEN TOWN	MASON	0.0057%
NEW MARTINSVILLE CITY	WETZEL	0.0019%
NEWBURG TOWN	PRESTON	0.0012%
NICHOLAS COUNTY	NICHOLAS	0.2115%
NITRO CITY	KANAWHA/PUTNAM	0.2710%
NORTH HILLS TOWN	WOOD	0.0016%
NORTHFORK TOWN	MCDOWELL	0.0006%
NUTTER FORT TOWN	HARRISON	0.1025%
OAK HILL CITY	FAYETTE	0.3993%
OAKVALE TOWN	MERCER	0.0001%
OCEANA TOWN	WYOMING	0.3269%
OHIO COUNTY	OHIO	0.5595%
PADEN CITY CITY	WETZEL/TYLER	0.0073%
PARKERSBURG CITY	WOOD	1.7126%
PARSONS CITY	TUCKER	0.0005%
PAW PAW TOWN	MORGAN	0.0019%
PAX TOWN	FAYETTE	0.0083%
PENDLETON COUNTY	PENDLETON	0.1789%
PENNSBORO CITY	RITCHIE	0.0004%
PETERSBURG CITY	GRANT	0.0012%
PETERSTOWN TOWN	MONROE	0.0014%
PHILIPPI CITY	BARBOUR	0.0919%
PIEDMONT TOWN	MINERAL	0.0007%
PINE GROVE TOWN	WETZEL	0.0002%
PINEVILLE TOWN	WYOMING	0.1284%
PLEASANT VALLEY CITY	MARION	0.0011%
PLEASANTS COUNTY	PLEASANTS	0.1406%
POCA TOWN	PUTNAM	0.0003%
POCAHONTAS COUNTY	POCAHONTAS	0.3759%
POINT PLEASANT CITY	MASON	0.1406%
PRATT TOWN	KANAWHA	0.0014%
PRESTON COUNTY	PRESTON	0.8811%
PRINCETON CITY	MERCER	4.6088%
PULLMAN TOWN	RITCHIE	0.0001%
PUTNAM COUNTY	PUTNAM	1.7741%
QUINWOOD TOWN	GREENBRIER	0.0182%
RAINELLE TOWN	GREENBRIER	0.0266%
RALEIGH COUNTY	RALEIGH	5.5343%
RANDOLPH COUNTY	RANDOLPH	0.7294%
RANSON CORPORATION	JEFFERSON	0.0234%
RAVENSWOOD CITY	JACKSON	0.0959%
REEDSVI LLE TOWN	PRESTON	0.0007%
REEDY TOWN	ROANE	0.0000%
RHODELL TOWN	RALEIGH	0.0014%
RICHWOOD CITY	NICHOLAS	0.0103%

Government Name	County	WV Share (%)
RIDGELEY TOWN	MINERAL	0.0027%
RIPLEY CITY	JACKSON	0.0921%
RITCHIE COUNTY	RITCHIE	0.2018%
RIVESVILLE TOWN	MARION	0.0010%
ROANE COUNTY	ROANE	0.5653%
ROMNEY CITY	HAMPSHIRE	0.0614%
RONCEVERTE CITY	GREENBRIER	0.0960%
ROWLESBURG TOWN	PRESTON	0.0024%
RUPERT TOWN	GREENBRIER	0.0073%
SALEM CITY	HARRISON	0.0042%
SAND FORK TOWN	GILMER	0.0003%
SHEPHERDSTOWN TOWN	JEFFERSON	0.0088%
SHINNSTON CITY	HARRISON	0.1066%
SISTERSVILLE CITY	TYLER	0.2085%
SMITHERS CITY	FAYETTE/KANAWHA	0.0383%
SMITHFIELD TOWN	WETZEL	0.0001%
SOPHIA TOWN	RALEIGH	0.0409%
SOUTH CHARLESTON CITY	KANAWHA	0.9750%
SPENCER CITY	ROANE	0.0646%
ST. ALBANS CITY	KANAWHA	0.4843%
ST. MARYS CITY	PLEASANTS	0.0623%
STAR CITY TOWN	MONONGALIA	0.0414%
STONEWOOD CITY	HARRISON	0.0478%
SUMMERS COUNTY	SUMMERS	0.3559%
SUMMERSVILLE CITY	NICHOLAS	1.6957%
SUTTON TOWN	BRAXTON	0.0210%
SYLVESTER TOWN	BOONE	0.0003%
TAYLOR COUNTY	TAYLOR	0.0431%
TERRA ALTA TOWN	PRESTON	0.0015%
THOMAS CITY	TUCKER	0.0002%
THURMOND TOWN	FAYETTE	0.0000%
TRIADELPHIA TOWN	OHIO	0.0003%
TUCKER COUNTY	TUCKER	0.1255%
TUNNELTON TOWN	PRESTON	0.0006%
TYLER COUNTY	TYLER	0.0204%
UNION TOWN	MONROE	0.0006%
UPSHUR COUNTY	UPSHUR	0.5108%
VALLEY GROVE VILLAGE	OHIO	0.0001%
VIENNA CITY	WOOD	0.2838%
WAR CITY	MCDOWELL	0.0020%
WARDENSVILLE TOWN	HARDY	0.0013%
WAYNE COUNTY	WAYNE	2.3586%
WAYNE TOWN	WAYNE	0.0356%
WEBSTER COUNTY	WEBSTER	0.3765%
WEIRTON CITY	HANCOCK/BROOKE	1.3728%

Government Name	County	WV Share (%)
WELCH CITY	MCDOWELL	0.1195%
WELLSBURG CITY	BROOKE	0.0069%
WEST HAMLIN TOWN	LINCOLN	0.0380%
WEST LIBERTY TOWN	OHIO	0.0025%
WEST LOGAN TOWN	LOGAN	0.0162%
WEST MILFORD TOWN	HARRISON	0.0015%
WEST UNION TOWN	DODDRIDGE	0.0007%
WESTON CITY	LEWIS	0.0096%
WESTOVER CITY	MONONGALIA	0.0094%
WETZEL COUNTY	WETZEL	0.4889%
WHEELING CITY	OHIO/MARSHALL	1.0692%
WHITE HALL TOWN	MARION	0.0028%
WHITE SULPHUR SPRINGS CITY	GREENBRIER	0.1585%
WHITESVILLE TOWN	BOONE	0.0148%
WILLIAMSON CITY	MINGO	0.3916%
WILLIAMSTOWN CITY	WOOD	0.0567%
WINDSOR HEIGHTS VILLAGE	BROOKE	0.0001%
WI NFIELD TOWN	PUTNAM	0.0307%
WIRT COUNTY	WIRT	0.1075%
WOMELSDORF (COALTON) TOWN	RANDOLPH	0.0010%
WOOD COUNTY	WOOD	1.0924%
WORTHINGTON TOWN	MARION	0.0003%
WYOMING COUNTY	WYOMING	4.0024%
Totals		**100.0000%**

Exhibit C (Allocations to Subdivisions)

Allocation to West Virginia Counties and Municipalities (Including Cabell County and Huntington)

Government Name	County	WV Share (%)
ADDISON TOWN	WEBSTER	0.0174%
ALBRIGHT TOWN	PRESTON	0.0001%
ALDERSON TOWN	GREENBRIER/MONROE	0.0034%
ANAWALT TOWN	MCDOWELL	0.0007%
ANMOORE TOWN	HARRISON	0.0076%
ANSTED TOWN	FAYETTE	0.0022%
ATHENS TOWN	MERCER	0.0003%
AUBURN TOWN	RITCHIE	0.0001%
BANCROFT TOWN	PUTNAM	0.0001%
BARBOUR COUNTY	BARBOUR	0.3541%
BARBOURSVI LLE VILLAGE	CABELL	0.3969%
BARRACKVILLE TOWN	MARION	0.0015%
BATH (BERKELEY SPRINGS) TOWN	MORGAN	0.0062%
BAYARD TOWN	GRANT	0.0000%
BECKLEY CITY	RALEIGH	3.3824%
BEECH BOTTOM VILLAGE	BROOKE	0.0003%
BELINGTON TOWN	BARBOUR	0.0322%
BELLE TOWN	KANAWHA	0.0373%
BELMONT CITY	PLEASANTS	0.0002%
BENWOOD CITY	MARSHALL	0.0070%
BERKELEY COUNTY	BERKELEY	3.2534%
BETHANY TOWN	BROOKE	0.0005%
BETHLEHEM VILLAGE	OHIO	0.0018%
BEVERLY TOWN	RANDOLPH	0.0008%
BLACKSVILLE TOWN	MONONGALIA	0.0002%
BLUEFIELD CITY	MERCER	0.1629%
BOLIVAR TOWN	JEFFERSON	0.0053%
BOONE COUNTY	BOONE	2.8817%
BRADSHAW TOWN	MCDOWELL	0.0011%
BRAMWELL TOWN	MERCER	0.0003%
BRANDONVILLE TOWN	PRESTON	0.0001%
BRAXTON COUNTY	BRAXTON	0.4761%
BRIDGEPORT CITY	HARRISON	0.0694%
BROOKE COUNTY	BROOKE	0.9916%
BRUCETON MILLS TOWN	PRESTON	0.0002%
BUCKHANNON CITY	UPSHUR	0.1513%
BUFFALO TOWN	PUTNAM	0.0008%
BURNSVI LLE TOWN	BRAXTON	0.0026%

Government Name	County	WV Share (%)
CABELL COUNTY	CABELL	3.2406%
CAIRO TOWN	RITCHIE	0.0002%
CALHOUN COUNTY	CALHOUN	0.1604%
CAMDEN-ON-GAULEY TOWN	WEBSTER	0.0002%
CAMERON CITY	MARSHALL	0.0019%
CAPON BRIDGE TOWN	HAMPSHIRE	0.0022%
CARPENDALE TOWN	MINERAL	0.0002%
CEDAR GROVE TOWN	KANAWHA	0.0007%
CEREDO CITY	WAYNE	0.1523%
CHAPMANVILLE TOWN	LOGAN	0.1445%
CHARLES TOWN CITY	JEFFERSON	0.2655%
CHARLESTON CITY	KANAWHA	6.1020%
CHESAPEAKE TOWN	KANAWHA	0.0163%
CHESTER CITY	HANCOCK	0.0070%
CLARKSBURG CITY	HARRISON	1.0317%
CLAY COUNTY	CLAY	0.3062%
CLAY TOWN	CLAY	0.0000%
CLEARVIEW VILLAGE	OHIO	0.0001%
CLENDENIN TOWN	KANAWHA	0.0233%
COWEN TOWN	WEBSTER	0.0011%
DANVILLE TOWN	BOONE	0.0011%
DAVIS TOWN	TUCKER	0.0002%
DAVY TOWN	MCDOWELL	0.0005%
DELBARTON TOWN	MINGO	0.0469%
DODDRIDGE COUNTY	DODDRIDGE	0.2099%
DUNBAR CITY	KANAWHA	0.2648%
DURBIN TOWN	POCAHONTAS	0.0001%
EAST BANK TOWN	KANAWHA	0.0008%
ELEANOR TOWN	PUTNAM	0.0131%
ELIZABETH TOWN	WIRT	0.0043%
ELK GARDEN TOWN	MINERAL	0.0006%
ELKINS CITY	RANDOLPH	0.0293%
ELLENBORO TOWN	RITCHIE	0.0003%
FAIRMONT CITY	MARION	0.6220%
FAIRVIEW TOWN	MARION	0.0007%
FALLING SPRING TOWN	GREENBRIER	0.0000%
FARMINGTON TOWN	MARION	0.0002%
FAYETTE COUNTY	FAYETTE	1.4898%
FAYETTEVILLE TOWN	FAYETTE	0.1659%
FLATWOODS TOWN	BRAXTON	0.0006%
FLEMINGTON TOWN	TAYLOR	0.0000%
FOLLANSBEE CITY	BROOKE	0.0112%
FORT GAY TOWN	WAYNE	0.0294%
FRANKLIN TOWN	PENDLETON	0.0013%

Government Name	County	WV Share (%)
FRIENDLY TOWN	TYLER	0.0000%
GARY CITY	MCDOWELL	0.0011%
GASSAWAY TOWN	BRAXTON	0.0022%
GAULEY BRIDGE TOWN	FAYETTE	0.0482%
GILBERT TOWN	MINGO	0.0661%
GILMER COUNTY	GILMER	0.1742%
GLASGOW TOWN	KANAWHA	0.0015%
GLEN DALE CITY	MARSHALL	0.0045%
GLENVILLE TOWN	GILMER	0.0153%
GRAFTON CITY	TAYLOR	0.4212%
GRANT COUNTY	GRANT	0.3081%
GRANT TOWN TOWN	MARION	0.0099%
GRANTSVILLE TOWN	CALHOUN	0.0011%
GRANVI LLE TOWN	MONONGALIA	0.1497%
GREENBRIER COUNTY	GREENBRIER	1.3059%
HAMBLETON TOWN	TUCKER	0.0001%
HAMLIN TOWN	LINCOLN	0.0638%
HAMPSHIRE COUNTY	HAMPSHIRE	0.0793%
HANCOCK COUNTY	HANCOCK	1.4621%
HANDLEY TOWN	KANAWHA	0.0006%
HARDY COUNTY	HARDY	0.2555%
HARMAN TOWN	RANDOLPH	0.0002%
HARPERS FERRY TOWN	JEFFERSON	0.0086%
HARRISON COUNTY	HARRISON	1.2029%
HARRISVI LLE TOWN	RITCHIE	0.0041%
HARTFORD CITY TOWN	MASON	0.0001%
HEDGESVILLE TOWN	BERKELEY	0.0001%
HENDERSON TOWN	MASON	0.0002%
HENDRICKS TOWN	TUCKER	0.0001%
HILLSBORO TOWN	POCAHONTAS	0.0001%
HINTON CITY	SUMMERS	0.3727%
HUNDRED TOWN	WETZEL	0.0001%
HUNTINGTON CITY	CABELL/WAYNE	5.9777%
HURRICANE CITY	PUTNAM	0.1943%
HUTTONSVILLE TOWN	RANDOLPH	0.0000%
IAEGER TOWN	MCDOWELL	0.0005%
JACKSON COUNTY	JACKSON	0.7552%
JANE LEW TOWN	LEWIS	0.0009%
JEFFERSON COUNTY	JEFFERSON	1.5882%
JUNIOR TOWN	BARBOUR	0.0032%
KANAWHA COUNTY	KANAWHA	3.2694%
KENOVA CITY	WAYNE	0.1874%
KERMIT TOWN	MINGO	0.0267%
KEYSER CITY	MINERAL	0.0072%

Government Name	County	WV Share (%)
KEYSTONE CITY	MCDOWELL	0.0016%
KIMBALL TOWN	MCDOWELL	0.0019%
KINGWOOD CITY	PRESTON	0.0042%
LEON TOWN	MASON	0.0000%
LESTER TOWN	RALEIGH	0.0281%
LEWIS COUNTY	LEWIS	0.3679%
LEWISBURG CITY	GREENBRIER	0.3556%
LINCOLN COUNTY	LINCOLN	1.2544%
LOGAN CITY	LOGAN	0.4020%
LOGAN COUNTY	LOGAN	3.3874%
LOST CREEK TOWN	HARRISON	0.0000%
LUMBERPORT TOWN	HARRISON	0.0025%
MABSCOTT TOWN	RALEIGH	0.0465%
MADISON CITY	BOONE	0.0525%
MAN TOWN	LOGAN	0.0023%
MANNINGTON CITY	MARION	0.0028%
MARION COUNTY	MARION	0.9568%
MARLINTON TOWN	POCAHONTAS	0.0008%
MARMET CITY	KANAWHA	0.0055%
MARSHALL COUNTY	MARSHALL	0.7851%
MARTINSBURG CITY	BERKELEY	3.2084%
MASON COUNTY	MASON	1.2251%
MASON TOWN	MASON	0.0026%
MASONTOWN TOWN	PRESTON	0.0007%
MATEWAN TOWN	MINGO	0.0652%
MATOAKA TOWN	MERCER	0.0002%
MCDOWELL COUNTY	MCDOWELL	2.9082%
MCMECHEN CITY	MARSHALL	0.0072%
MEADOW BRIDGE TOWN	FAYETTE	0.0004%
MERCER COUNTY	MERCER	0.3393%
MIDDLEBOURNE TOWN	TYLER	0.0002%
MILL CREEK TOWN	RANDOLPH	0.0000%
MILTON TOWN	CABELL	0.1348%
MINERAL COUNTY	MINERAL	0.7740%
MINGO COUNTY	MINGO	2.6736%
MITCHELL HEIGHTS TOWN	LOGAN	0.0010%
MONONGAH TOWN	MARION	0.0026%
MONONGALIA COUNTY	MONONGALIA	1.3605%
MONROE COUNTY	MONROE	0.5234%
MONTGOMERY CITY	FAYETTE/KANAWHA	0.0912%
MONTROSE TOWN	RANDOLPH	0.0001%
MOOREFIELD TOWN	HARDY	0.0084%
MORGAN COUNTY	MORGAN	0.6441%
MORGANTOWN CITY	MONONGALIA	0.1213%

Government Name	County	WV Share (%)
MOUNDSVILLE CITY	MARSHALL	0.2882%
MOUNT HOPE CITY	FAYETTE	0.0834%
MULLENS CITY	WYOMING	0.3336%
NEW CUMBERLAND CITY	HANCOCK	0.0031%
NEW HAVEN TOWN	MASON	0.0052%
NEW MARTINSVILLE CITY	WETZEL	0.0018%
NEWBURG TOWN	PRESTON	0.0011%
NICHOLAS COUNTY	NICHOLAS	0.1920%
NITRO CITY	KANAWHA/PUTNAM	0.2460%
NORTH HILLS TOWN	WOOD	0.0015%
NORTHFORK TOWN	MCDOWELL	0.0005%
NUTTER FORT TOWN	HARRISON	0.0930%
OAK HILL CITY	FAYETTE	0.3625%
OAKVALE TOWN	MERCER	0.0001%
OCEANA TOWN	WYOMING	0.2967%
OHIO COUNTY	OHIO	0.5079%
PADEN CITY CITY	WETZEL/TYLER	0.0067%
PARKERSBURG CITY	WOOD	1.5547%
PARSONS CITY	TUCKER	0.0005%
PAW PAW TOWN	MORGAN	0.0017%
PAX TOWN	FAYETTE	0.0076%
PENDLETON COUNTY	PENDLETON	0.1624%
PENNSBORO CITY	RITCHIE	0.0003%
PETERSBURG CITY	GRANT	0.0011%
PETERSTOWN TOWN	MONROE	0.0013%
PHILIPPI CITY	BARBOUR	0.0834%
PIEDMONT TOWN	MINERAL	0.0006%
PINE GROVE TOWN	WETZEL	0.0002%
PINEVILLE TOWN	WYOMING	0.1165%
PLEASANT VALLEY CITY	MARION	0.0010%
PLEASANTS COUNTY	PLEASANTS	0.1276%
POCA TOWN	PUTNAM	0.0002%
POCAHONTAS COUNTY	POCAHONTAS	0.3412%
POINT PLEASANT CITY	MASON	0.1276%
PRATT TOWN	KANAWHA	0.0013%
PRESTON COUNTY	PRESTON	0.7999%
PRINCETON CITY	MERCER	4.1839%
PULLMAN TOWN	RITCHIE	0.0001%
PUTNAM COUNTY	PUTNAM	1.6105%
QUI NWOOD TOWN	GREENBRIER	0.0165%
RAINELLE TOWN	GREENBRIER	0.0241%
RALEIGH COUNTY	RALEIGH	5.0240%
RANDOLPH COUNTY	RANDOLPH	0.6622%
RANSON CORPORATION	JEFFERSON	0.0214%

Government Name	County	WV Share (%)
RAVENSWOOD CITY	JACKSON	0.0870%
REEDSVI LLE TOWN	PRESTON	0.0006%
REEDY TOWN	ROANE	0.0000%
RHODELL TOWN	RALEIGH	0.0013%
RICHWOOD CITY	NICHOLAS	0.0093%
RIDGELEY TOWN	MINERAL	0.0024%
RIPLEY CITY	JACKSON	0.0836%
RITCHIE COUNTY	RITCHIE	0.1832%
RIVESVILLE TOWN	MARION	0.0009%
ROANE COUNTY	ROANE	0.5132%
ROMNEY CITY	HAMPSHIRE	0.0557%
RONCEVERTE CITY	GREENBRIER	0.0871%
ROWLESBURG TOWN	PRESTON	0.0022%
RUPERT TOWN	GREENBRIER	0.0066%
SALEM CITY	HARRISON	0.0038%
SAND FORK TOWN	GILMER	0.0002%
SHEPHERDSTOWN TOWN	JEFFERSON	0.0080%
SHINNSTON CITY	HARRISON	0.0968%
SISTERSVILLE CITY	TYLER	0.1893%
SMITHERS CITY	FAYETTE/KANAWHA	0.0348%
SMITHFIELD TOWN	WETZEL	0.0001%
SOPHIA TOWN	RALEIGH	0.0371%
SOUTH CHARLESTON CITY	KANAWHA	0.8851%
SPENCER CITY	ROANE	0.0586%
ST. ALBANS CITY	KANAWHA	0.4397%
ST. MARYS CITY	PLEASANTS	0.0565%
STAR CITY TOWN	MONONGALIA	0.0376%
STONEWOOD CITY	HARRISON	0.0434%
SUMMERS COUNTY	SUMMERS	0.3231%
SUMMERSVILLE CITY	NICHOLAS	1.5393%
SUTTON TOWN	BRAXTON	0.0191%
SYLVESTER TOWN	BOONE	0.0003%
TAYLOR COUNTY	TAYLOR	0.0391%
TERRA ALTA TOWN	PRESTON	0.0014%
THOMAS CITY	TUCKER	0.0002%
THURMOND TOWN	FAYETTE	0.0000%
TRIADELPHIA TOWN	OHIO	0.0003%
TUCKER COUNTY	TUCKER	0.1140%
TUNNELTON TOWN	PRESTON	0.0005%
TYLER COUNTY	TYLER	0.0185%
UNION TOWN	MONROE	0.0006%
UPSHUR COUNTY	UPSHUR	0.4637%
VALLEY GROVE VILLAGE	OHIO	0.0001%
VIENNA CITY	WOOD	0.2577%

Government Name	County	WV Share (%)
WAR CITY	MCDOWELL	0.0018%
WARDENSVILLE TOWN	HARDY	0.0012%
WAYNE COUNTY	WAYNE	2.1411%
WAYNE TOWN	WAYNE	0.0323%
WEBSTER COUNTY	WEBSTER	0.3418%
WEIRTON CITY	HANCOCK/BROOKE	1.2462%
WELCH CITY	MCDOWELL	0.1085%
WELLSBURG CITY	BROOKE	0.0063%
WEST HAMLIN TOWN	LINCOLN	0.0345%
WEST LIBERTY TOWN	OHIO	0.0023%
WEST LOGAN TOWN	LOGAN	0.0147%
WEST MILFORD TOWN	HARRISON	0.0014%
WEST UNION TOWN	DODDRIDGE	0.0006%
WESTON CITY	LEWIS	0.0088%
WESTOVER CITY	MONONGALIA	0.0086%
WETZEL COUNTY	WETZEL	0.4438%
WHEELING CITY	OHIO/MARSHALL	0.9706%
WHITE HALL TOWN	MARION	0.0025%
WHITE SULPHUR SPRINGS CITY	GREENBRIER	0.1439%
WHITESVILLE TOWN	BOONE	0.0134%
WILLIAMSON CITY	MINGO	0.3555%
WILLIAMSTOWN CITY	WOOD	0.0515%
WINDSOR HEIGHTS VILLAGE	BROOKE	0.0001%
WINFIELD TOWN	PUTNAM	0.0279%
WIRT COUNTY	WIRT	0.0976%
WOMELSDORF (COALTON) TOWN	RANDOLPH	0.0009%
WOOD COUNTY	WOOD	0.9917%
WORTHINGTON TOWN	MARION	0.0003%
WYOMING COUNTY	WYOMING	3.6334%
Totals		**100.0000%**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1198: Mayor's Select Committee on Tourism

ATTACHMENTS:

- Tourism Development Committee.pdf

Mayor Select Tourism Development Committee:

Goals -

- Facilitate the development of a formal "Tourism Assessment and Plan" for Charles Town, with the support of the JCCVB.
- Support existing tourism entities, activities, and/or businesses within or relevant to Charles Town AND facilitate the development of new tourism entities, activities, and/or businesses.
- Facilitate collaboration between stakeholders to support existing "destination" events, like West Virginia Fest, AND support the development of new such events.
- Maintain the vision put forth in the Charles Town 2040 Comprehensive to "Preserve, promote, and market the City's Heritage Tourism assets including its emerging C*Town Arts and Culture District."
- Facilitate the creation and maintenance of a Charles Town Events community calendar in an effort to attract "local" tourists, from Jefferson and Berkeley Counties.

Suggested Members - a representation from each entity:

- Charles Town Now
- Charles Town Park and Recreation
- Happy Retreat
- Fishermen Hall
- Jefferson County Convention and Visitors Bureau
- Jefferson County Museum
- Charles Town Race Track
- Harpers Ferry National Historical Park
- Old Opera Theater Company
- Jefferson Arts Council
- African American Heritage Festival
- Jefferson County Chamber of Commerce

Articles about tourism development:

- https://econsultsolutions.com/tourism-strategic-planning-the-tried-and-true/
- https://business.tourismsaskatchewan.com/Community-Tourism-Planning/Preparing-The-Tourism-Plan
- https://motpartners.com/wp-content/uploads/2018/07/Steps-in-Development-Process3.pdf
- https://scholarworks.bgsu.edu/cgi/viewcontent.cgi?article=1411&context=visions
- https://www.solimarinternational.com/what-is-a-destination-development-plan-and-why-is-it-needed/

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1200: City Council Appointment to the Charles Town Tree Board for a term ending December 31, 2027

ATTACHMENTS:

- Boards-and-Commissions-Application-January-2020.pdf

CHARLES TOWN BOARDS AND COMMISSIONS

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

Board or Commission Applying for:

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

Date of Application: 12/20/2023

Name: Katie Coon

Address: 309 W. Washington St. Apt 214 Charles Town, WV 25414

Email: katiefcoon98@yahoo.com

Phone: (304) 616-8733

Length of time lived in the City of Charles Town: 20 yrs

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? Currently Vice Chair Charles Town Tree Board

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

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

I've been a part of the tree board for almost two years and I enjoy the work we've been doing.

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: 01/02/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1201: Permit Application Conflict Discussion - Executive Session

ATTACHMENTS:

- Special Activity Permit Policy_signed_Jan2018.pdf
- Pages from 2018-01-16 City Council - Full Agenda-1346.pdf
- Letter from Christopher Stroech.pdf

City of Charles Town
Special Activity Permit/Special Event Permit Policy

Purpose

It is the purpose of this policy to provide for the issuance of special event permits; to regulate events on the public streets and public property of the City or events that impact the interest of public health, safety and welfare; and to provide for standardized fees, charges and procedures required to administer the permit process.

Policy

It is the policy of the City of Charles Town, as implemented through related adopted policies and procedures, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment, promote economic vitality, enhance community identity and pride, and provide opportunities for fundraising for the community's nonprofit organizations. To promote these objectives, at times it is appropriate within appropriated funds for the City to bear all, some portion, or no portion of the costs. Cost sharing must be done in a fair and reasonable manner. When setting fees and conditions for events, the City will be sensitive to their impacts on the event's costs while balancing the City's obligation to protect public health, safety and established laws. It is the City's goal to have successful special events that enrich and enliven the community.

Definitions

Applicant – The authorized agent of the sponsor who completes the application and acts as primary contact for the special event.

Annual Event – An event recurring each year at approximately the same date and which has previously complied with the permit requirements.

Boot Drive – is a fundraising technique in which members of an organization directly solicit donations from motorists on a public street or at an intersection.

City Funded Event – An event for which the City engages full financial responsibility.

City Co-Funded Event – An event for which the City provides a portion of financial support as determined by City Council.

Closed Route – A route along or across a public right-of-way on which nonemergency vehicle traffic is not permitted to proceed for the entire duration of a special event.

Event Participants – A person in attendance at an event, including spectators, vendors, event staff, City staff, and all others present for the purpose of the event.

Farmers Market – an organized group that utilizes a street or parking lot to sell merchandise, food items and various approved items.

Processional Event – Any event that is non-stationary and continues in a processional manner through town

(examples: parades, marches, races, etc.) and requires closure of multiple streets.

Rolling Closure Route – A street, sidewalk, trail, walkway, or other right-of-way closure to accommodate an event, whereas the event passes, the right-of-way is reopened for use by the general public.

Special Event – Any activity, such as a parade, entertainment or sporting event, major highway construction or maintenance activity, street closure, public demonstration, amusement, cultural recognition, festival, street fair or other situations in which there is need for control of traffic, crowds or crimes and which is usually scheduled in advance, allowing for planning or required police services prior to the event.

Procedure

Specific activities requiring a Special Event Permit include but are not limited to: Foot races, bike races, parades/marches, festivals, concert series, celebrations, tours, car shows, street dances, pageants, sidewalk sales and/or any event/activity that is advertised and open to the general public to attend.

City-sponsored events are defined as events/programs that are solely coordinated by City staff with city funds, and any revenues generated from the event/program are returned to the City of Charles Town general revenue fund. Specific City-sponsored events include but are not limited to:

- Charles Town/Ranson Christmas Parade
- Charles Town-Ranson Christmas Tree Lighting
- Heritage Day Festival
- Charles Town Car Show

Pre-Approved Events

1. The City of Charles Town designates four weekends per year for special events. Should a non-processional event fall within one of these designated weekends, City safety personnel and resources will be provided for an event at no additional costs. Designated event weekends would consist of Thursday – Sunday. These weekends are:

    - President's Day Weekend
    - Memorial Day Weekend
    - Labor Day Weekend
    - First Weekend in December

2. The City of Charles Town designates four event areas for use at no additional personnel and safety cost to the event planners:

    - Charles Street Event Area: Charles Street is permitted to be closed to vehicular traffic from Congress Street to Liberty Street, with Washington Street remaining open. This area is available for event use on any weekday from 5:30 p.m. – 11:00 p.m., and weekends* from 8:00 a.m. – 11 p.m.
    - George Street Event Area: George Street is permitted to be closed to vehicular traffic from Congress Street to Liberty Street, with Washington Street remaining open. This area is available for event use on any weekday from 5:30 p.m. – 11:00 p.m., and weekends* from 8:00 a.m. – 11:00 p.m.
    - Evitts Run Park and Jefferson Memorial Park Areas: These areas are available for rent, either in entirety or by amenity (pavilion, pool, court, etc.) for special events by reservation only for private events. City support provided for events in these locations is determined by the intensity of the event. The City reserves the right to place special conditions on events that would require City support outside of a normal level.

** Provided weekend falls on one of the four designated event weekends in the City of Charles Town (see Pre-Approved Events #1)*

3. All requests for events in pre-approved areas will be reviewed and approved by the Special Activities and Events Committee.

Processional Events and Events Falling Outside of the Pre-Approved Categories

Processional events are events that traverse several City streets or areas and require multiple street closures over a period of time. Examples include parades, marches, runs, demonstrations, or races. Annual processional events that are pre-approved include the Charles Town Christmas Parade and the NAACP African American Culture and Heritage Parade. Processional events and any event that does not meet the parameters of a Pre-Approved Event, outlined above, will be subjected to the below approval process.

1. An application for the processional event will be submitted to City Hall and assessed for completeness. The Special Activity Permit application will then be placed on the City Council agenda with an accompanying staff report that assesses the event and provides a recommendation on the need for a workshop. If staff and the Council agree that the event does not warrant a workshop, the event may be approved by a vote of the City Council with any special conditions being delineated on the Special Activity Permit.

2. If a workshop for a processional event application is warranted, the City Council will set the date, time and place and direct staff to contact the event planners and affected residents and business owners. Council will also determine if an additional co-pay is necessary from the event planner in order to facilitate the event safely. After the workshop, the City Council will vote on the finalized event application and the event will be noticed to the public via normal communication methods.

Special Event Permit Application and Submittal

1. Applicant(s) requesting a Special Event Permit are required to submit a completed Application for Special Event Permit, along with a twenty-five dollar (**$25.00**) non-refundable application fee payable to the City of Charles Town for review and processing at least sixty (60) days prior to the date of the proposed event to allow for adequate review time.

2. All Applications will be mailed, dropped off or emailed to City Hall at 101 East Washington Street, Charles Town, WV 25414 or emailed to events@charlestownwv.us

3. If applicant(s) are not in good standing with the City in regards to outstanding fees, taxes or other obligations, including but not limited to parking tickets, citations, personal or real property taxes, B&O taxes, the City reserves the right to deny the Application for Special Event Permit.

4. The application shall provide relevant event information specified in the permit application, included but not limited to: alternatives for location, route, date and time.

5. As a condition of the Special Event Application all applicant(s) are responsible for providing a specific and accurate representation of their event so that the City may identify the required level of services including but not limited to: Police, Maintenance and Parks and Recreation services.

6. **All Special Event Permit Applications will be reviewed by the Special Events Committee (including any pre-approved, processional, or other event requests).**

Approval

1. The Special Events Committee shall either pre-approve the application or forward it to the City Council for further review and set any conditions and fees, in accordance with policy with the understanding that all department-specific permit requirements shall be met by the applicant thirty (30) days prior to the event date.

2. Any changes to the approved plans, including but not limited to the event: dates, times, and location/route must be approved by all committee members. Request for changes shall be submitted to the City Clerk's Office for review and comments no less than thirty (30) days prior to the event.

3. The Special Events Committee may include in a special event permit, or in a recommendation to the City Council, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; compliance with ABC Administration, health and sanitary regulations, fire, emergency services, and security. Additional permits may be required to meet the conditions established by the special event permit, and/or other Federal, State, City codes.

4. Once the applicant meets all requirements and has shown proof of permits, and the application has been reviewed by all necessary City personnel, the Special Events Committee will issue a Special Event Permit.

Non-Permitted Events

A Boot Drive or similar event designed to raise funds directly from motorists on a public street or at an intersection is not eligible for a Special Activity or Special Event Permit.

Additional Permits

Upon issuance of a City Special Event Permit, it is the applicant's responsibility to obtain any further necessary licenses or permits, such as vendors' licenses, or permits from the WVABCA, Jefferson County Health Department, or other City or state department/agency. For the following permits please contact for information:

Department:	Address:	Phone Number:	Type of Permit:
ABC Administration	900 Pennsylvania Avenue, 4th Floor Charleston, WV 25302	(304) 356-5500	Alcohol License
WV State Fire Marshal	1207 Quarrier Street, 2nd Floor Charleston, WV 25301	(304) 558-2191	Fire works
Jefferson County Health Department	1948 Wiltshire Road, Suite 1 Kearneysville, WV 25430	(304) 728-8416	Food Permit
Independent Fire Company	200 West 2nd Avenue Ranson, WV 25438	(304) 725-2514	Burn Permit

Cancelation of Event/Amendments

1. If a permitted event is cancelled by the organizer and is rescheduled, a new application will be submitted thirty (30) calendar days prior to the new event date.

2. If a permitted event application needs to be amended due to expanding the scope of the event, additional use of City services, or other reasons, a written request will be submitted thirty (30) calendar days prior to the new event date.

3. If the special event is to be held on public property, the City may revoke the special event permit at any time if they determine that the conduct of the special event could cause damage to the public property due to inclement weather and/or if any conditions of the permit has not been met or is being violated. A decision to revoke a permit is final.

Fees

1. Applicant(s) and/or sponsor(s), of any events requiring the use of public services and/or defined as a special event, held in the City of Charles Town may be required to pay accordingly for services as deemed necessary by the City, such as Police Department, Maintenance Department and any other City services requiring additional fees noted below.

2. The non-refundable application fee shall be submitted with the application and any additional fees shall be paid upon receipt of an invoice. The additional fees shall be paid thirty (30) calendar days prior to the event.

    - Non-refundable application fee: twenty-five dollar ($25.00) per application (a concert series or other planned recurring event are considered one event)
    - Additional fees include, but are not limited to: electrical usage, water usage, park usage, and rental fees for equipment including but not limited to: vehicles, trailers, barricades, cones, stages, etc.

3. Fees above can be increased or decreased to reflect the approved fee compendium by City Council. Additional fees may include actual expenses for required services provided by affected departments.

4. City expenses include staff time outside of an employee's regular hours which include:

    - Overtime or part-time hours directly related to the event.
    - FICA/Social Security.
    - Equipment and supplies rented for the event to include; barricades, trash disposal fees; and contracted services directly related to event, security, road closures, and cleaning services, etc.
    - Fees associated with permits are in addition to the above fee schedule and are the sole responsibility of the applicant/sponsor.

Conditions for Approval

In deciding whether to approve, approve with conditions, or deny a permit, the Special Events Committee shall determine:

1. The event, as proposed, can be shown to function safely and must not present an unreasonable risk to public safety.

2. The diversion of police and fire resources to support the event will not deny reasonable police and fire protection to the City.

3. The event shall not conflict with any Federal, State and local (Ordinances) laws.

4. The special event will not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities including any sidewalks, street and parking spaces.

5. All costs for City services associated with the event shall be paid by the event sponsor(s) or if approved by City Council, the portion agreed upon will be covered by the City.

6. Events in areas of the City will be scheduled to not overly burden any one neighborhood on a consistent basis.

7. The event must not impose an unreasonable disturbance to adjacent property owners including, but not limited to: noise, light and traffic.

8. The event as proposed shall not severely impact the quality of life within the area it is being held.

Refunds

1. Fees/cost are refundable (excluding the twenty-five dollar ($25.00) special event permit application fee), if the special event is canceled after the permit is issued, and written notice is received by the City Manager ten (10) days prior to the date of the event.

2. The City of Charles Town reserves the right to alter or cancel an event at any time due to unforeseen circumstances. If the event is altered or canceled by the City of Charles Town due to unforeseen circumstances, event fees/costs are refundable and the fees will be prorated in order to pay for services rendered prior to notification of the cancellation.

3. The City Manager may authorize the refund of any fees if an applicant is unable to hold or conduct a special event due to inclement weather or some other cause not within the applicant's control. The applicant must submit a written request to the City Manager for a refund of fees within ten (10) days after the scheduled event date.

Late Applications

1. Any application received after the established 60-day deadline is a late application. The Special Events Committee shall not accept late applications unless:

    - The proposed special event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application.
    - The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.
    - The Special Events Committee agrees that little disruption to City residents, businesses, and services would exist if the event were approved.

2. If the Special Events Committee finds the above conditions to exist, they shall accept the application and process, unless it does not meet the criteria set forth in the application permit process section, or there is insufficient time for the City to make the necessary preparations for permit filing, staff availability or other public safety matters prior to the proposed date of the special event.

    - Provide a proposed budget showing the full event expense and any revenues generated and a letter requesting the funding with the original application.

Events Requesting City Sponsorship or Funding

Sponsorship shall be any businesses, non-profits groups, or individuals promote mutually beneficial relationships for the City of Charles Town. All potential sponsored properties (facilities, events or programs) should be reviewed with regard to benefit, community contributions, knowledge and political sensitivity. All sponsored properties should promote the mission and goal of the City of Charles Town. An event application

requesting City sponsorship or funding must include a proposed budget showing the full event expense and any revenues generated and a letter requesting the funding with the original application.

Indemnification

1. The applicant shall indemnify and hold harmless the City of Charles Town, its officers, agents, employees and volunteers from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damages to persons or property resulting from the special event which occurred by the omissions or authorized acts of the applicant.

2. If the City incurs any costs as a result of the applicant's failure to comply with any provisions, or if the City property is destroyed or damaged by reason of a special event, the applicant shall reimburse the City for it actual costs, including the actual repair or replacement cost of the such property. The City may retain any deposit or portion thereof as full or partial reimbursement for any such damage.

Insurance Requirements

1. General liability insurance coverage, in the amount of $1 million, may be required before an event and maintained throughout the duration of the event, including set-up and dismantle periods. Throughout the application process the City of Charles Town will determine if this general liability insurance is required.

2. The City reserves the right to recommend a higher amount of required insurance depending on the proposed activity. The Certificate of Insurance is required to ensure that the City of Charles Town is not held responsible for any incidents of lawsuits that are indirectly or directly related to the Special Event.

3. No applicant shall be required to comply with the insurance requirement of this section if the activity proposed for the special event is protected by the First Amendment to the United States Constitution and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed special event from occurring.

4. If insurance is required pursuant to this section and an applicant is unable to obtain insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost.

Post Event Evaluation

If a post event evaluation is required it shall be conducted by the Special Events Committee. The evaluation may include information from affected residents/businesses, complaints received by the City, and a meeting with the applicant/sponsor. The post evaluation includes, but is not limited to:

- If applicable, review of feedback surveys distributed at the event.
- Review of any complaints from members of the community/event participants.
- Determination if anything was damaged or stolen at the event site.
- Reconciliation of event expenses ensuring that the City has received payment/reimbursement for services provided. In the case of City events, ensuring that vendors have received payment.

EFFECTIVE: January 2, 2018

Daryl Hennessy, City Manager

Mr. Zaglifa reported that Freedom's Run awarded the Parks & Recreation Commission $4,000 to be applied to the trail system surrounding Happy Retreat. The Parks & Recreation Commission agreed to the terms of the grant last Thursday and will be meeting with staff and Mr. Hines to start planning the trail work.

D. City Manager's Report

1. 2627: City Manager's Report

A written report was provided.

E. Police Chief's Report

No report

V. UNFINISHED BUSINESS

1. 2601: First Reading, Public Hearing and Consideration: 521.06 Intoxication or Drinking in Public Places; Illegal Possession

Mr. Brittingham shared a description of an amendment to the City of Charles Town's Codified Ordinances, Part 5, General Offenses Code, Article 521 Liquor Control, Subsection 521.06, Intoxication or Drinking in Public Places, Illegal Possession which is being considered for a second reading. A motion was made by Mr. Brittingham to open the public hearing which was seconded by Mr. George and passed unanimously. There being no one present to speak at the hearing a motion was made by Mr. Brittingham and seconded by Mr. Trainor to close the public hearing and passed unanimously. Mr. Brittingham made a motion to approve the second reading of the amendment. The motion was seconded by Mr. Trainor and passed unanimously.

RESULT:	**SECOND READING [UNANIMOUS]**
MOVER:	Mike Brittingham, Councilmember
SECONDER:	Bob Trainor, Councilmember
AYES:	Rogers, Paonessa, Hines, Trainor, Zaglifa, George, Brittingham, Coyle
ABSENT:	Tolbert

VI. NEW BUSINESS

1. 2602: Recommendation to Council -- Special Activity/Event Permit Policy

Mr. Brittingham shared that this item is a recommendation to Council to amend the Special Activity/Event Permit Policy. Mr. Brittingham shared that as noted in the Ordinance Committee report the Committee was asked to consider the safety and status of boot drives in the City. After consultation with the Charles Town Police Department, the Committee asked staff to create a draft policy which defined the term boot drive and prohibited it. The Committee believes that boot drives create a dangerous environment to motorists and participants. Staff presented to the Committee an updated Special Events Policy which defined boot drives and added language to prohibit them. The Committee recommends Council review the changes in the draft policy and take any action needed to update the policy. Ms. Paonessa made a motion to accept the changes to the Special Activity/Event Policy as presented. The motion was seconded by Mr. Zaglifa and passed unanimously.

Minutes Acceptance: Minutes of Jan 2, 2018 7:00 PM (Approval of Minutes)

From: Christopher Stroech <CStroech@panhandle-legal.com>
Date: Thursday, December 28, 2023 at 11:10 AM
To: "jnissel@charlestownwv.us" <jnissel@charlestownwv.us>
Cc: Todd Coyle <tcoyle@jeffersongapcoalition.org>, Debbie Henshaw <dhenshaw@panhandle-legal.com>
Subject: Re: CHARLES TOWN FARMERS MARKET - TC MEETING JAN. 2, 2024

To the Charles Town City Council:

Please be advised that I represent Fiona Harrison and the Charles Town Farmers Market.

On July 7, 2023, a special activity permit was granted for the market to operate from April – October, 2024.

I understand that Ms. Bauserman has made a request to essentially revoke this permit.

Please be advised that the market vendors have relied upon the permit to schedule their 2024 vending season.

If this permit is revoked, this will have a significant financial impact, potentially affecting 25 or more vendors.

Notwithstanding, I am advised that Ms. Bauserman and her clients can still access her business on Saturday mornings.

The market has assured me that they will keep the sidewalk in front on her business clear and will continue to facilitate accessible access, if needed.

Thanks for your consideration and efforts.

PANHANDLE LEGAL
Christopher P. Stroech, Esq.
WVSB #9387
116 W. Washington St, Suite 2E, P.O. Box 550
Charles Town, WV 25414
P. 304-930-1945 **F.** 304-930-1387
E. cstroech@panhandle-legal.com
W. panhandle-legal.com

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Category: Referral
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1191: Referral to the Infrastructure Committee - Possibly turning Park Street into a one-way street

ATTACHMENTS:

- 110306.jpeg
- 110307.jpeg
- 110308.jpeg
- 110309.jpeg









City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/02/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Payment of Bills - January 2, 2024

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2023 01 02.pdf
- BUILDING COMM COUNCIL REPORT 2024 01 02.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 01 02.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	12/27/23	PD UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	343.00
	12/27/23	PD UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	98.00
	12/27/23	PD UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	29.98
				TOTAL:	470.98
APPLE VALLEY WASTE SERVICE, INC.	12/27/23	TRASH SER JAN24 MALWARE AP	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	415.00
				TOTAL:	415.00
CINTAS	12/27/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
				TOTAL:	207.54
COMCAST CORPORATION	12/27/23	CITY HALL INTERNET 12/9-1/	GENERAL FUND	CITY HALL	248.39
				TOTAL:	248.39
ASSURED PARTNERS	12/27/23	1/19/24-1/19/25 CITY MGR.	GENERAL FUND	CITY MANAGER'S OFFICE	375.00
				TOTAL:	375.00
CREAMERS AUTO SERVICE CENTER, LLC	12/27/23	CAR#26 OIL CHANGE	GENERAL FUND	POLICE DEPARTMENT	95.78
				TOTAL:	95.78
DELAINE ENGLEBERT	12/27/23	CITY GAS REINBURSEMENT	GENERAL FUND	BUILDING INSPECTION	171.82
				TOTAL:	171.82
DOCUMENT SOLUTIONS, INC.	12/27/23	12/7 SERVICE FLASH DRIVE	GENERAL FUND	CITY HALL	186.75
				TOTAL:	186.75
EVERBANK	12/27/23	2ND FLOOR PLAT PRINTER	GENERAL FUND	CITY HALL	225.50
				TOTAL:	225.50
FRONTIER, INC.	12/27/23	CITY&PD PHONE SERV 12/4-1/	GENERAL FUND	CITY HALL	1,515.33
	12/27/23	CITY&PD PHONE SERV 12/4-1/	GENERAL FUND	POLICE DEPARTMENT	1,515.34
				TOTAL:	3,030.67
GRIFFITH ENERGY SERVICES, INC	12/27/23	CITY HALL OIL 12/19	GENERAL FUND	CITY HALL	761.32
				TOTAL:	761.32
CHET HINES	12/27/23	STREETS AUTO SUPPLIES GAS	GENERAL FUND	STREETS & HIGHWAYS	18.24
				TOTAL:	18.24
JEFFERSON COUNTY CIRCUIT COURT	12/27/23	APPEAL#23002116SUSAN GOODN	GENERAL FUND	NON-DEPARTMENTAL	100.00
				TOTAL:	100.00
JEFFERSON URGENT CARE	12/27/23	DOR PHYSICIAL	GENERAL FUND	STREETS & HIGHWAYS	120.00
				TOTAL:	120.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
PITNEY BOWES	12/27/23	POSTAGE LEASE 9/30/23-12/2	GENERAL FUND	CITY HALL	371.49
				TOTAL:	371.49
PURCHASE POWER	12/27/23	POSTAGE REFILL 12/26/23	GENERAL FUND	CITY HALL	246.62
				TOTAL:	246.62
SOUTH CENTRAL PLANNING & DEVELOPMENT C	12/27/23	MYPERMITNOW FEES NOV 2023	GENERAL FUND	CITY HALL	730.00
				TOTAL:	730.00
STAPLES ADVANTAGE	12/27/23	NOTE PADS/ COFFEE	GENERAL FUND	PLANNING & ZONING	10.59
	12/27/23	USB FLASH DRIVE 10 PACK	GENERAL FUND	PLANNING & ZONING	46.92
	12/27/23	NOTE PADS/ COFFEE	GENERAL FUND	CITY HALL	25.02
	12/27/23	TISSUES X2	GENERAL FUND	CITY HALL	38.76
				TOTAL:	121.29
STEPTOE & JOHNSON PLLC	12/27/23	LEGAL SERVICES NOV 2023	GENERAL FUND	CITY ATTORNEY	20,980.75
				TOTAL:	20,980.75
SUSTAINABLE STRATEGIES DC	12/27/23	NOV2023 BASE RETAINER FEE	GENERAL FUND	CITY HALL	2,400.00
	12/27/23	NOV2023 BASE RETAINER FEE	GENERAL FUND	CITY HALL	62.24
				TOTAL:	2,462.24
SVG COMMERCIAL CLEANING LLC	12/27/23	CLEANING OCT,NOV,DEC 2023	GENERAL FUND	CITY HALL	7,680.00
	12/27/23	CLEANING OCT,NOV,DEC 2023	GENERAL FUND	CITY HALL	480.00
	12/27/23	CLEANING OCT,NOV,DEC 2023	GENERAL FUND	POLICE DEPARTMENT	4,480.08
				TOTAL:	12,640.08
WASTE MANAGEMENT	12/27/23	34N WATER ST TRASH SER	GENERAL FUND	STREETS & HIGHWAYS	302.87
				TOTAL:	302.87

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

001 GENERAL FUND	46,071.44
GRAND TOTAL:	46,071.44

TOTAL PAGES: 2

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: 12/27/2023 THRU 12/27/2023

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
BANK OF CHARLES TOWN	12/27/23	JAN 2024 BCT 661 LOAN PYMT	BUILDING COMMISSIO	661 MUNI ANNEX BLDG	6,268.45
	12/27/23	JAN 2024 BCT 661 LOAN PYMT	BUILDING COMMISSIO	LOAN INTRST-661 MUNI A	4,122.53
				TOTAL:	10,390.98

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

400	BUILDING COMMISSION	10,390.98
	GRAND TOTAL:	10,390.98

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 02-CT BUILDING COMMISSION
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: BC
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: 12/27/2023 THRU 12/27/2023

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
RCN COMMUNICATIONS, LLC	12/27/23	NETCLOUD FOR ROUTER	CAPITAL RESERVE	PUBLIC SAFETY	809.40
				TOTAL:	809.40

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

200	CAPITAL RESERVE	809.40
	GRAND TOTAL:	809.40

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: 12/27/2023 THRU 12/27/2023

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: 01/02/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1199: Public Comments about Charles Town Parking

ATTACHMENTS:

- James Clay Public Comment.pdf
- Melissa Grove Public Comment.pdf
- Letter from Judith Cromwell.pdf


STOP
STOP





12:25 LTE
harpersferrywv.us

320.05 Manner of angle and parallel parking.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb-side wheels of such vehicle parallel with and not more than eighteen inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State or Federal -aid route unless approved by the State Commissioner of Highways.

(c) Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or marks.

(d) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street. (Ord. 2013-01, passed 02-11-2013.) [320.05]

320.06 Handicapped parking.

(a) As used in this section:

(1) "Physically handicapped person" with limited mobility means any person who suffers from a permanent physical condition making it unduly difficult and burdensome for such person to walk.

(2) "Physically disabled person" means any person who has sustained a temporary disability rendering it unduly difficult and burdensome for him or her to walk.

(b) Free stopping, standing or parking places marked "reserved for disabled persons" shall be designated in close proximity to all State, County and Municipal buildings and other public facilities. Such places shall be reserved solely for physically disabled and handicapped persons during the hours that such buildings are open for business. Any person whose vehicle properly displays a valid special registration plate, mobile windshield placard or decal, may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted; provided, that this privilege does not mean that the vehicle may park in any zone where stopping,

FOOTNOTES:
320.04 This section was previously codified as 361.04
320.05 This section was previously codified as 361.05

standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of the Corporation of Harpers Ferry is contrary to the provisions of any ordinance of the Corporation is contrary to the provisions of this section, the provisions of this section shall take precedence and shall apply. The privileges provided for in this subsection shall apply only during those times when the vehicle is being used for the transportation of a physically handicapped or disabled person. No person shall knowingly exercise, or attempt to exercise, such privileges at a time when the vehicle is not being used for the transportation of a physically handicapped or disabled person.

(c) No person shall stop, stand or park a motor vehicle in an area designated, zoned or marked for the handicapped or physically disabled, when such person is not physically disabled or handicapped and does not have displayed upon his vehicle a distinguishing insignia for the handicapped issued by the Commissioner of Highways; provided, that any person in the act of transporting a handicapped or physically disabled person, as defined by this section, may stop or park a motor vehicle not displaying a distinguishing insignia for the handicapped in an area designated, zoned or marked for the handicapped or physically disabled for the limited purposes of loading or unloading his handicapped or physically disabled passenger; provided, however, that such vehicle shall be promptly moved after the completion of such limited purposes. (WV Code 17C-13-6. Ord. 2013-01, passed 02-11-2013.) [320.06]

320.07 Abandoned and junk vehicles.

(a) Definitions.

(1) "Abandoned motor vehicle" means any motor vehicle, or major part thereof, which is inoperative and which has been abandoned on public or private property for any period of time over five days, other than in an enclosed building or in a licensed salvage yard at the business establishment of a demolisher, or any motor vehicle, or major part thereof, which has remained illegally on public or private property for any period of time over five days, or any motor vehicle, or major part thereof, which has remained on private property without consent of the owner or person in control of the property for any period of time over three days, or any motor vehicle or major part thereof, which is unattended, discarded, deserted, does not have a valid registration and inspection sticker and is not in an enclosed building, a licensed salvage yard or the actual possession of demolisher.

(2) "Junked motor vehicle" means a motor vehicle on any part thereof, other than an on-premise farm utility vehicle, which:

A. Is discarded, inoperable, wrecked, ruined, scrapped or dismantled;

B. Cannot pass the State inspection required by the West Virginia Code 17C-16-1 *et seq.*; and

access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard or decal is mounted or displayed on the vehicle.

(e) Free stopping, standing or parking places marked with the international symbol of access shall be designated in close proximity to all public entities, including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment at all times.

(f) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: Provided, That this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard.

The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges at a

Mayor and City Council,

I'm the business owner of Studio M Salon and Boutique for the last 17 years.

We have operated from 3 different locations downtown. We have been on N. George since July 2021 where our parking is street parking only.

During the last two years and recent months including the Holiday parking we have had more than 75% of our clientele be beyond frustrated with parking to come enjoy their service. Our clients on average are in our salon for 2-4 hours. Due to the current situation, we are forced to chase down cars and look for parking meters in the middle of an appointment to prevent our client from receiving a ticket.

They are in no way trying to avoid paying for parking. It is extremely confusing. The meters surrounding our business have zero explanation for what space they choose and they have no way of knowing if they are selecting a space that allows 2 or 8 hours. They don't know what type of meter it is until they park. Once they do park, they attempt to access the app but due to the lack of service downtown, they cannot get connected. They enter the salon already frustrated and are unclear what they need to do to avoid a ticket. Our schedules do not allow for an extra 15 minutes to move a vehicle for a customer. Our staff will chase the meter to try and get more coins in to avoid a ticket which doesn't always work. We are doing our job and the client is getting a service that they are paying a significant amount to receive. Due to the fact that they are two hour meters and the clients service normally takes more than 2 hours, many of my clients are receiving tickets. The placement of the 8 hour meters do not seem consistent or logical to our local business needs.

Additionally, We do not allow staff next to the building in order to save spaces for the clients even though I do not feel blocks away is safe for them to get the their vehicle after dark.

I have complaint after complaint from clients who have attempted to pay their fines and it's just not user friendly to get to the page where this is possible. Which may then result in a fine of $30. All of this being said the parking is definitely a problem. I have tried to keep my business downtown for the simple fact I love it here. But the parking has gone beyond understandable or even explainable to our clients. I never saw my business at a strip center outside of town but at this point to avoid the daily hassle with clients and staff I can see why it might make sense.

I also want to address holiday parking.

2 hours free only for two hour meters is inconsistent and confusing. How do we explain this to our clients?

How in the world does one even pay for more or know the meter number. Are we supposed to now move cars for our clients who are processing and are here for longer than two hours. They have already been fined. How do we explain this?!?

The city of Charlestown population is over 6000 the Studio M Salon Client base is over 3000.

Please help us!!! Feel free to come in and observe and listen to the daily frustrations our clients are sharing.

Melissa Grove
Owner, Studio M

Dear Charles Town:

I have lived in Charles Town for over 20 years. During that time numerous downtown businesses have come and gone. I am disappointed so many have failed. But, I do not believe it is their fault. I believe it is the City's fault.

A couple of months ago a friend and I patronized a local restaurant. There was NO sign on the entrance indicating this was a paid lot. Only after getting ticketed did we discover a sign at the other side of the lot. We even went to the City Hall to discuss this to no avail. Thank you Charles Town.

IF it is Charles Town's "goal" to send would-be shoppers elsewhere, then you have definitely succeeded. Even now at Christmas time – "free parking" for only TWO hours!! Seriously? It takes almost that long just for a hair appointment. How can one do any Christmas shopping that way?

Charles Town is a GREAT place to live but not to shop. Customers prefer to shop to their heart's content without worrying about feeding a meter or risk paying a fine of $10 or more.

I ask you, Charles Town, please don't continue sending customers outside the city limits and elsewhere to shop and dine. Stop nickle-and-diming potential customers. It's time for parking meters to go!

JUDITH CROMWELL

foxiecinder@yahoo.com