CITY OF CHARLES TOWN

ORDINANCE COMMITTEE
AGENDA • MARCH 26, 2026

Committee Meeting **COUNCIL CHAMBERS** **6:00 PM**
101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. UNFINISHED BUSINESS

: **2026-1307:** Article 1759 - Vacant Structures
Ord._2024-004_Article_1759_Vacant_Buildings_-_signed.pdf

: **2026-1308:** Article 111 - Council
Ord._2022-002_-_Article_111_Council.pdf

3. NEW BUSINESS

4. ADJOURNMENT

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

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 03/26/26
Department: Ordinance Committee
Category: Ordinance
Initiator:

2026-1307: Article 1759 - Vacant Structures

ATTACHMENTS:
- Ord._2024-004_Article_1759_Vacant_Buildings_-_signed.pdf

ARTICLE 1759
Vacant Buildings

1759.01 Purpose and scope.

1759.02 Definitions.

1759.03 Registration of vacant buildings; enforcement.

1759.04 Maintenance of vacant buildings.

1759.05 Appeals.

1759.06 Schedule of registry fees.

1759.07 Severability.

1759.08 Transition Provisions.

1759.01 PURPOSE AND SCOPE.

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

1759.02 DEFINITIONS.

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

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

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

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

Building Code, as adopted and amended by the City under Article 1705 of the Codified Ordinances.

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

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

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

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

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

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

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

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

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

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

(1) Occupancy will be determined by the status and use of the utilities, property condition, and similar factors, including, but not limited to, the following:

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

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

(2) Notwithstanding anything to the contrary above, the following shall not be considered a Vacant Building:

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

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

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

1759.03 REGISTRATION OF VACANT BUILDINGS; ENFORCEMENT.

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

(b) Notice of Requirement to Register. Prior to the last day of April in each year, the Vacant Buildings Official shall cause a Notice of Requirement to Register to be published as a Class II legal advertisement (as defined in W. Va. Code § 59-3-2) and mailed by regular U.S. mail to: the name and address of the Owner, as appearing in the Vacant Buildings Registry, of each Vacant Building then registered in such registry; and the name and last known address of the Owner, according to the records of the Jefferson County Tax Office, of each Building that Staff has determined to be, or reasonably suspects to be, a Vacant Building. The Notice of Requirement to Register shall provide notice that: (i) the Owner of any Vacant Building within the City is required to register that Vacant Building in the Vacant Buildings Registry by submission of a completed Vacant Building Registration no later than the first day of July in the subject year; (ii) upon the initial registration of a Vacant Building in such registry, or in the event of re-registration of a Vacant Building that previously was registered but later removed from the registry, payment of a registry fee in the specified applicable amount must accompany submission of the Vacant Building Registration; (iii) in the event that a Vacant Building Registration is not timely submitted with respect to a Building then or subsequently determined to be a Vacant Building pursuant to Section 1759.03(e), such Vacant Building shall be involuntary registered pursuant to Section 1759.03(e) and the Owner of the Vacant Building shall be charged a registry fee in the specified applicable amount whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to registration in a prior year; (iv) if any applicable registry fee is not timely paid, the City may bring a civil action against the Owner to collect such registry fee and/or file a lien against the subject real property for the amount of such registry fee; and (v) a Non-resident Owner of a Vacant Building is required to designate a Local Agent to accept service of process and certain notices on behalf of the Non-Resident Owner. Publication of the Notice of Requirement to Register shall state where a person may obtain a blank Vacant Building Registration, and a blank Vacant Building Registration shall be sent with any mailed Notice of Requirement to Register.

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

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

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

(e) Involuntary Registration. Staff shall investigate any Building that is suspected to be a Vacant Building and determine whether it shall be considered a Vacant Building. Upon Staff's determination that a Building is a Vacant Building, Staff shall: (i) set forth in a written statement its findings supporting the determination; (ii) place the Owner of such Vacant Building on the list of persons to receive Notice of Requirement to Register pursuant to Section 1759.03(b); (iii) notify the Owner of the Vacant Building in writing by Certified Mail or Alternative Means of Service of Staff's determination that the Building is a Vacant Building that the Owner must register in the City's Vacant Buildings Registry by submission of a completed Vacant Building Registration by the following July 1, after which the City will involuntarily register the Vacant Building, with all applicable fees due; and (iv) in the event the Owner fails to register the Vacant Building by timely submitting a completed Vacant Building Registration, involuntarily register the Vacant Building in the Vacant Building Registry and assess against the Owner any registry fees required under Section 1759.03(g) whether or not the subject Vacant Building is then registered in the Vacant Buildings Registry pursuant to voluntary or involuntary registration in a prior year.

(f) Exemption from Registration. The Owner of a Vacant Building may submit in writing to the Vacant Buildings Official, for presentation to and consideration by City Council, a request for exemption from registration of such Vacant Building in the Vacant Buildings Registry due to inability to occupy the Building for a period stated and for reasons stated in the request. Upon a finding of good cause shown, City Council may exempt the Building from registration for a time specified in City Council's decision. Examples of circumstances when good cause for an exemption may exist include when the Vacant Building is being actively marketed for sale following the Owner's move to other

property, or when the Vacant Building is being offered for lease following a prior tenant's vacation of the property.

(g) Registry Fees.

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

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

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

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

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

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

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

1759.04 MAINTENANCE OF VACANT BUILDINGS.

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

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

(c) Alternative Enforcement. Nothing in this Section 1759.04 shall be considered to affect or limit the City's authority or actions to enforce any other provisions of the Codified Ordinances pertaining to a Vacant Building or its condition, including without limitation provisions of Articles 1101 and 1705.

1759.05 APPEALS.

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

1759.06 SCHEDULE OF REGISTRY FEES.

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

(1) Less than one-year: $250

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

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

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

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

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

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

(2) To monitor and administer this Article.

1759.07 SEVERABILITY.

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

invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

1759.08 TRANSITION PROVISIONS.

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

Passed on First Reading : April 1, 2024

Passed on Second Reading : May 6, 2024
(following public hearing)

Robert M. Trainor
Mayor

Attest :
John Nissel
City Manager/Clerk

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 03/26/26
Department: Ordinance Committee
Category: Ordinance
Initiator:

2026-1308: Article 111 - Council

This ordinance was referred to the Ordinance Committee at the November 17, 2025, city council meeting.

ATTACHMENTS:
- Ord._2022-002_-_Article_111_Council.pdf

ARTICLE 111
Council

111.01 Rules of Council
111.02 Expenditure of public funds
111.03 Severability

CROSS REFERENCES
Open meeting law - see W. Va. Code Art. 6-9A
Composition - see W. Va. Code 8-5-7
Oath - see W. Va. Code 8-5-8
Term - see W. Va. Code 8-5-9
Vacancies - see W. Va. Code 8-5-10
Proceedings - see W. Va. Code Art. 8-9
General powers - see W. Va. Code Art. 8-12
Adoption of rules - see W. Va. Code 8-12-5(45)

111.01 RULES OF COUNCIL

(a) Time and place of meetings.

(1) Regular meetings. The regular meetings of Council shall generally be held at the Council Chambers located at 101 East Washington Street, on the first and third Mondays, unless otherwise scheduled, in each month at 7:00 p.m. A list of regular meeting dates will be available on the exterior City Hall bulletin board and website. If Council shall determine that the Council Chambers in City Hall are not or will not, for any reason, be an appropriate place for the holding of a meeting, the Council may, upon motion, second and majority vote, designate another place open to the public within the City for the holding of such meeting. Council may also hold remote meetings when special circumstances warrant such action but only after a motion, second, and majority vote. As with all public meetings, all Council members must be able to hear and be heard by other members and the proceedings must be accessible to the public so they can observe the Council in action.

(2) Special meetings. A special meeting is a separate Council session held at a different date and time than a regular meeting and may be called by the Mayor, the Presiding Officer of Council in the event of a mayoral vacancy, or any three members of Council. The purpose for holding a special meeting is to address matters that arise between regular meetings and require action by Council before the next regularly scheduled meeting. Notice of time, place, and purpose of the meeting, including a clear and specific description of any proposed action to be taken by Council, must be provided to all members at least three (3) days, excluding weekends and legal holidays, prior to the special meeting. A special meeting notice will be issued along with an agenda announcing any special meeting.

(b) Attendance. Members of Council are expected to be physically present for regular meetings but may attend up to four (4) regular meetings remotely during any fiscal year, provided appropriate technology is available that enables them to hear and be heard by other members of Council. Any member attending a meeting remotely after the four (4) approved regular meetings will only be able to observe the work of Council and may not participate as a member in discussion or any votes.

(c) Council may waive, via a resolution, the four (4) regular meeting limit on remote participation for all members when extenuating circumstances arise and more flexibility is needed to promote the orderly conduct of Council business.

(d) Agendas.
  (1) The City Clerk shall prepare a written agenda for all scheduled meetings which shall consist of items submitted by the Mayor, City Council members, and the City Manager.
  (2) The agenda shall be posted on the exterior bulletin board for City meetings located at 105 South George Street and on the City website three (3) days prior to the scheduled meeting. Revisions to the posted agenda can be made, however, the amended agenda must be made available at least two (2) days in advance of the scheduled meeting. For purposes of calculating the number of days in any notice period contained in these rules Saturdays, Sundays, and legal holidays are excluded.

(e) Presiding Officer.
  (1) The Presiding Officer must be physically present in the meeting room to take the chair unless all of Council is meeting remotely.
  (2) The Mayor shall take the chair at the hour appointed for Council to meet, and having called the members to order, shall preserve decorum and enforce a strict observance of these rules.
  (3) In the physical absence of the Mayor, unless all of Council is meeting remotely, the Mayor Pro-Tempore shall take the chair and assume all duties as appointed the Mayor. In the physical absence of both the Mayor and Mayor Pro-Tempore, unless all of Council is meeting remotely, and a quorum still being in attendance, the present members will elect the chair and that member will assume the duties appointed to the Mayor.
  (4) Upon the opening of an agenda item, the Presiding Officer shall introduce or cause to be introduced each item on the Council agenda prior to a motion, debate, and vote on the item.
  (5) The Presiding Officer can remove any member of the public attending a scheduled meeting of Council that is disruptive, to the extent that orderly conduct of the meeting is compromised, from the meeting with the assistance of a member of the Police Department upon proper direction.

(f) Filing of papers to be introduced at Council meetings and actions of the City Clerk.
In order to promote the orderly conduct of the business of Council and the timely preparation of an accurate agenda, the following rules are hereby established:
  (1) The Mayor, members of Council, and the City Manager must notify the City Clerk of any item for placement on an agenda at least four (4) days prior to the meeting for which action is intended.
  (2) Every effort should be made to submit all meeting materials that are actionable, including but not limited to ordinances, resolutions, petitions, reports, communications, and other documents, to the office of the City Clerk not later than 12:00 noon one (1) day, excluding holidays and weekends, immediately preceding the day of the meeting at which it is intended to be considered.
  (3) The written agenda and all related and supporting documentation for consideration at the intended meeting shall be distributed by the City Clerk to the Mayor and Council.
  (4) Nothing herein shall be construed to prohibit any member of Council, at the proper order of business, from introducing or submitting any ordinance, resolution, petition, committee report or communication during any regular meeting. Unless it is determined to be an emergency item, official action on any item presented to Council in this manner is prohibited until proper placement on the next Council agenda.

(g) Order of business at regular meetings.
  (1) The order of business for each regular meeting shall be:

(A) Call to Order
(B) Moment of Silence and Pledge of Allegiance
(C) Approval of the Minutes
(D) Public Comments
(E) Reports
(F) Unfinished Business
(G) New Business
(H) Appointments to Committees/Commissions
(I) Referrals to Committees/Commissions
(J) Approval of Bills
(K) Adjournment

(2) The Presiding Officer may order that any agenda item be repositioned as to provide for a more efficient meeting.

(h) Parliamentary rules of order.

These rules of Council, the Charles Town City Charter, state law and other rules duly adopted by Council shall govern Council. In all cases not provided for, the Presiding Officer shall decide, subject to an appeal by a member of Council which shall then be determined by the rules of parliamentary usage comprised in the most recent edition of "Robert's Rules of Order."

(i) Members of public speaking before Council.

(1) A member of Council may ask the floor for a member of the public to speak before Council, which said motion is non-debatable. Upon such request, the presiding officer shall inquire of the councilmember the subject matter of the inquiry. Council, by majority vote, shall determine whether or not the person shall be allowed to address Council. Any person addressing Council shall be allowed no more than five minutes to address their remarks, unless by majority vote, Council allows a longer period of time.

(2) A maximum of twenty minutes shall be set aside at the beginning of each meeting of the Council to permit members of the public, without leave of Council, to address the Council on any matter pertaining to the City's business with a maximum of five minutes per person. Any member of the public wishing to address the Council shall first register with the City Clerk, or designated representative for such purpose, not earlier than 15 minutes before the beginning of the meeting setting forth their name, the group, if any, on whose behalf they wish to speak, their address and the subject matter which they wish to speak. For those attending the Council meeting, a sign-up sheet will be available to those who wish to register to speak. Members of the public attending the meeting remotely, must still provide the same information to register to speak but may do so in an email or through the chat function available for remote attendees. Registration for remote attendees will follow the same schedule for those attending in person. Individuals present at the meeting will be invited to speak first. If members of the public are still waiting to speak after the twenty minute time period has expired Council may hold an additional public comment period for twenty minutes upon completion of business if so, decided by Council by majority vote. Nothing in this section shall affect the ability of a member of Council to request that a member of the public be allowed to speak pursuant to section 111.01(i).

(j) Making entries in the minute book.

No remarks, voting explanations or words spoken in debate by any member of Council shall be reproduced in the journal except by unanimous consent of the members of the Council present.

(k) Committees.

(1) Standing committees shall be appointed by Council, and Select Committees by the Mayor, unless otherwise ordered.

(2) Standing committees shall be as follows:

(A) Finance – the Committee's duties include but are not limited to proposing changes to the City's fiscal, budgetary, and investment policies; reviewing and recommending to Council operating, capital, and coal severance budgets and budget revisions; and authorizing the execution of contracts within approved budget levels.

(B) Infrastructure – the Committee's duties include but are not limited to reviewing and recommending policies to Council related to public streets, curbs, stormwater, sidewalks, broadband, and electric/gas utilities.

(C) Ordinance – the Committee's duties include but are not limited to reviewing and recommending to Council proposed additions and deletions to the City's codified ordinances and related policies.

(D) Personnel – the Committee's duties include but are not limited to reviewing and recommending proposed changes to the City's personnel policies and facilitating Council actions related to the hiring, evaluation, and termination of the City Manager.

(3) Select committees shall be created and dissolved at the discretion of the Mayor.

(4) Reports of committees shall be in writing and shall specify such action as the committee may recommend for adoption by Council.

(l) When a member abstains from voting.

No member shall vote on any question before the City Council if directly and immediately interested therein other than as a citizen of the City of Charles Town; however, no member may abstain from voting without, prior to discussion, having stated their reason for not participating and having obtained a ruling from the presiding officer excusing them from doing so.

(m) Recission, amendment, and suspension of rules.

No rule of the Council shall be suspended for a single item in any case except by unanimous consent of the Council members present remotely or in person provided, that no rule shall be suspended if compliance wherewith is made mandatory by state law, the City Charter, or another ordinance of the City of Charles Town.

111.02 EXPENDITURE OF PUBLIC FUNDS

(a) Council shall approve the fiscal policies and procedures of the City which will govern the expenditure of funds, which shall include provisions for the Mayor, or the Mayor Pro-Tempore in the absence of the Mayor, to authorize the expenditure of funds in the event of a declared emergency.

(b) The City Manager or designee shall present expenditures for payment and shall attest to their accuracy and budgetary compliance to Council.

(c) Failure to comply with this section by any employee may be sufficient cause for suspension without pay or termination of employment pursuant to the City's personnel policies

111.03 SEVERABILITY

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

Passed on First Reading: FEBRUARY 7, 2022

Passed on Second Reading: FEBRUARY 22, 2022
(following Public Hearing)

ATTEST:

Robert M. Trainor
Mayor

Daryl Hennessy
City Manager/Clerk