



**CITY OF CHARLES TOWN**  
**CITY COUNCIL**  
**AGENDA • OCTOBER 2, 2023**

**Regular Session**

**COUNCIL CHAMBERS**

**7:00 PM**

**101 E Washington Street, Charles Town, WV 25414**

**CALL TO ORDER**

**1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**

: **2023-893:** City Council Meeting Minutes - September 18, 2023  
[Sept 18th City Council Meeting Minutes.docx](#)

**3. PUBLIC COMMENT**

**4. WARD REPORTS**

**5. MAYOR'S REPORT**

**6. COMMITTEE REPORTS**

: **2023-876:** Infrastructure Committee Report  
[City\\_ Infrastructure Committee Report\\_ September 2023 - Google Docs.pdf](#)

: **2023-877:** Board of Parks and Recreation Commission Report

**7. CITY MANAGER REPORT**

**8. POLICE CHIEF REPORT**

**9. UNFINISHED BUSINESS**

: **2023-881:** Article 1759 - Vacant Buildings  
[Committee to Reconcile City of Charles Town Codified Code Articles 1759 and 1705.pdf](#)  
[Article 1759 red-lined\(17463035.2 SJDOCS\).docx](#)

**10. NEW BUSINESS**

: **2023-853:** First Reading of Article 171 - Municipal Court  
[171 For First Reading.pdf](#)  
[Article 171 - original.pdf](#)

: **2023-854:** Discussion of "light pollution"  
[WV State Code - Lighting.pdf](#)

: **2023-870:** Class Cost of Service Study and Rate Adjustment Recommendation from the Charles Town Utility Board (CTUB)  
[Council presentation 10-2-23 Rates.pdf](#)  
[New Rates and Project Pro Forma.pdf](#)

: **2023-871:** Alcohol permit request/event - Alcohol Beverage Control  
[WV Alcohol Beverage Control Administration - Pints and Pickleball.pdf](#)

: **2023-872:** HEPMPO Grant - Request Letter of Support from Jefferson County BOE and Grants Overview Discussion  
[HEPMPO FY2024 Project Selection Process Announcement.pdf](#)  
[GIS Project Selection Criteria - HEPMPO Federal Sub-Allocated Funds.png](#)

: **2023-874:** Municipal Service Fee for Street Improvements  
[Article 770.pdf](#)

: **2023-875:** Contractor Appeals Board Applications  
[2023-009 - Building Code Board of Appeals Resolution.pdf](#)

: **2023-888:** Grants Overview Presentation - Mr. Matt Ward, Sustainable Strategies DC

**11. REFERRALS TO COMMITTEES/COMMISSIONS**

**12. APPROVAL OF BILLS**

: **2023-899:** Payment of Bills - October 2, 2023  
[CAPITAL RESERVE COUNCIL REPORT 2023 10 02.pdf](#)  
[GENERAL FUND COUNCIL REPORT 2023 10 2.pdf](#)  
[PARKS & REC COUNCIL REPORT 2023 10 02.pdf](#)

**13. ADJOURNMENT**

**14. INFORMATION ONLY - NEXT MEETING October 16, 2023, 7:00PM**

: **2023-878:** Article 1705 West Virginia Building Code  
[Article 1705 - West Virginia State Building Code 2023.pdf](#)

: **2023-889:** City Manager Report - September 18, 2023  
[City Manager Report - September 18, 2023.pdf](#)

: **2023-890:** Charles Town Police Department August Monthly Statistical Report  
[August 2023.pdf](#)

: **2023-891:** Charles Town Utility Board Meeting Minutes - September 13, 2023  
[2023.09.13 UB MINUTES.pdf](#)

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



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-893: City Council Meeting Minutes - September 18, 2023**

**ATTACHMENTS:**

- [Sept 18th City Council Meeting Minutes.docx](#)



# CITY OF CHARLES TOWN

## CITY COUNCIL

MINUTES • September 18, 2023

Regular Meeting

Council Chambers

7:00 PM

101 East Washington Street, Charles Town, WV 25414

### CALL TO ORDER

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

Mr. John Nissel, City Manager; Ms. Alissa Meeks, Community Development Director; Ms. Elizabeth Cook, Business Development & Downtown Coordinator; Ms. Laura Cunningham, Finance Director; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

### 1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

### 2. APPROVAL OF MINUTES

2023-850: City Council Meeting Minutes - September 5, 2023

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

### 3. PUBLIC COMMENT

Four people signed up for public comment.

Ms. Ann Fern spoke about the historical importance of Potter's Field and the need for it to be preserved for future generations.

Ms. Andrea Demasi expressed support in honoring the people buried in Potter's Field.

Ms. Nicola Bastian expressed her desire for the City to schedule a town hall meeting to ensure transparency concerning the Charles Town Utility Board's lead pipe remediation project.

Ms. Maura Bauserman, Corner Connections owner, expressed her disappointment and frustration regarding the City's unwillingness to intervene in her complaint against the Charles Town Farmer's Market's blocking of her business' driveway and ADA entrance every Saturday morning that the Farmer's Market operates.



**4. WARD REPORTS**

## Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that the West Virginia Department of Transportation currently has a virtual survey on their Vulnerable Road Users project. She also reported that according to the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) that the Lawrence and Congress Street Intersection project might be eligible for grant funding and committed to working with the Infrastructure Committee and the City's grant writer to pursue that option.

## Ward #2

Mr. Tester reported that the Sheetz gas station construction is progressing and that The Old Opera House will hold its Autumn Auction on October 7, 2023, at 6:00PM.

Mr. Hynes reported that the Washington Landing Apartments are nearing completion and that floorplans and rental prices are available online.

## Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd reported that a group of citizens along with herself and Ms. Ricketts picked up trash on West Washington Street between the "Y" and the train tracks going towards Summit Point on Saturday, September 16, 2023. She hopes to schedule more trash pick-up dates in the coming months for areas around Charles Town.

## Ward #4

Ms. Twyford congratulated Mr. George on his performance in The Old Opera House's production of "The Odd Couple". She also reported that Marigold Healing Center, at 301 West Washington Street, will hold its ribbon cutting ceremony this Saturday, September 23, 2023, at 10:00AM.

Mr. George had nothing to report.

**5. MAYOR'S REPORT**

Mayor Trainor reported that he attended the Region 9 and Finance Committee meetings.

**6. COMMITTEE REPORTS**

## 2023-837: Charles Town Tree Board

Ms. Ricketts reported that the Tree Board requests authorization to apply for a West Virginia Division of Forestry grant, which will require the City's commitment for the grant match. Further details and Council action will be addressed later in this meeting.

Ms. Ricketts also informed the Council that there is a vacancy on the Tree Board and that the "Overdose Memorial Tree Planting" event is scheduled for Monday, September 25, 2023, 5:30PM at Evitts Run Park.

## 2023-840: Finance Committee

Mayor Trainor reported the following:

- Bank signature cards have been updated for the City's accounts at Summit Bank and the Bank of Charles Town.
- The Committee discussed the Municipal Police and Firefighter Retirement System (MPFRS), the Cops Grant, and the Social Security/MPFRS Retirement Transition. No action is required by the Council at this time.
- The Committee considered Charles Town Police Department's (CTPD) request to purchase road safety equipment from Chief Kutcher. Further details and Council action will be addressed later in this meeting.

2023-841: Personnel Committee

Mr. George reported that the Personnel Committee postponed their meeting until Monday, September 25, 2023 to better coincide with the hiring of the new City Operations Manager. The Committee will continue their review the Employee Handbook.

2023-842: Ordinance Committee

Ms. Twyford reported that the Ordinance Committee completed their recommended revisions to Article 171- Municipal Court. The Committee plans to submit the draft article for first reading at the October 2, 2023, Council meeting.

## **7. CITY MANAGER REPORT**

Mr. Nissel introduced Ms. Laura Cunningham, the City's new Finance Director, and reported that the City is soliciting bids for the exterior painting of City Hall.

2023-846: Potter's Field Update

Mayor Trainor and Ms. Rodd met with staff to discuss the next steps in memorializing Potter's Field.

2023-831: Update - Congress Street and Lawrence Street Intersection Damage

City staff have determined that the curb extensions on the Congress and Lawrence Street intersection project are designed to accommodate school buses and the Jefferson County Department of Education has been consulted and have no objections to the project.

## **8. POLICE CHIEF REPORT**

Chief Kutcher introduced the CTPD's newest patrolman, Mr. Julian Bound. Officer Bound is scheduled to attend the police academy in January 2024. Chief Kutcher also reviewed the statistical report for August.

## **9. UNFINISHED BUSINESS**

2023-821: Public Hearing for Article 1705 West Virginia State Building Code

Ms. Twyford moved to open the public hearing on Article 1705 West Virginia State Building Code. Mr. Tester seconded the motion. Hearing no objections, Mayor Trainor opened the public hearing.

No one had signed up for the public hearing.

Ms. Twyford moved to close the public hearing. Mr. Tester seconded the motion. Hearing no objections, Mayor Trainor closed the public hearing.

2023-822: Second Reading on Article 1705 West Virginia Building Code

Mr. George moved to approve the second reading of Article 1705 West Virginia Building Code. Mr. Hynes seconded the motion, and it passed by unanimous vote.

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

2023-830: Public Hearing for Article 1759 Vacant Buildings

Ms. Twyford moved to open the public hearing on Article 1759 Vacant Buildings. Mr. Tester seconded the motion. Hearing no objections, Mayor Trainor opened the public hearing.

No one had signed up for the public hearing.

Ms. Twyford moved to close the public hearing. Mr. Tester seconded the motion. Hearing no objections, Mayor Trainor closed the public hearing.

2023-823: Second Reading on Article 1759 Vacant Buildings

Mr. George moved to approve the second reading of Article 1759 Vacant Buildings. Mr. Tester seconded the motion.

After lengthy discussion primarily regarding Section 1759.06 – Schedule of Registry Fees, Mr. Kratovil moved to table Article 1759 and refer it to the Ordinance Committee to clarify West Virginia code regulations regarding graduated fee scales for vacant buildings. Mr. Hynes seconded the motion, and it passed by a 5-3 vote.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	James Kratovil
<b>SECONDER:</b>	Jeff Hynes
<b>AYES:</b>	Ricketts, Kratovil, Hynes, Tester, Twyford
<b>NAYS:</b>	Philabaum, Rodd, George

2023-829: City Legal Service Requirements - Possible Executive Session

Mr. Tester moved to enter into Executive Session to discuss this agenda item and agenda item 2023-851 — CTUB Proposed NPDES Permit Order. Mr. George seconded the motion, and Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

Mr. George moved to authorize the City Manager to post a job solicitation for a City Attorney position. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

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

2023-851: CTUB Proposed NPDES Permit Order - Possible Executive Session

This agenda item was discussed in Executive Session as reported in item 2023-829.

No further action on this agenda item was taken by the Council.

## 10. NEW BUSINESS

2023-827: Grant Match - Tree Board Request

This grant request, if approved by the West Virginia Division of Forestry, will require a \$15,000 match from the City, which may be met by including the City's in-kind expenses.

Mr. George moved to approve the Tree Boards request to apply for a West Virginia Division of Forestry grant in the amount of \$15,000. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2023-843: Conditions of Annexation - Fairview Development

Mr. Hynes moved to approve the Resolution to Repeal and Replace the Conditions of Annexation for Fairview Property with the following changes:

- The first "Resolution" in the Resolution title will be removed and a Charles Town resolution number will be added.
- Exhibit 1 will be more definitely connected to the Resolution.
- Exhibit 1, page 1, Top of page – Remove: "Draft 4: 9-11-23".  
Exhibit 1, Page 2, Paragraph 11 – Replace (2 - times): "Pan Tran" with "Eastern Panhandle Transit Authority".
- Exhibit 1, page 2, Paragraph 12, last sentence – Remove: "30 feet of the 80-foot right of way shall be appraised at its cash value by Land Owner at the time it is donated to the City".
- Exhibit 1, page 3, Paragraph 15, second line – Replace: "...WV Route 9..." with: "...WV Route 115...".

Ms. Rodd seconded the motion, and it passed by a 7-1 vote.

<b>RESULT:</b>	<b>APPROVED</b>
<b>MOVER:</b>	Jeff Hynes
<b>SECONDER:</b>	Priscilla Rodd
<b>AYES:</b>	Kratovil, Hynes, Tester, Philabaum, Rodd, Twyford, George
<b>NAYS:</b>	Ricketts

2023:844: Wayfinding Reveal

Mr. George moved to implement, in phases, the new wayfinding sign initiative and design. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

Note: \$100,000 has been included in the City's FY2024 approved Capital Budget for this initiative.

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

2023-848: CTPD Public Safety Equipment Purchase

Ms. Twyford moved to include the CTPD safety equipment purchase request in the City's FY2025 Capital Budget discussions. Mr. Hynes seconded the motion, and it passed by unanimous vote.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rikki Twyford
<b>SECONDER:</b>	Jeff Hynes
<b>AYES:</b>	Ricketts, Kratovil, Hynes, Tester, Philabaum, Rodd, Twyford, George

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees/commissions.

## 12. APPROVAL OF BILLS

2023-852: Payment of Bills - September 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. Councilmember Rodd requested that a discussion on light pollution in Charles Town be included in the October 2, 2023 Council meeting agenda.

Hearing no other meeting business, Mayor Trainor then adjourned the meeting.

## 14. INFORMATION ONLY - NEXT MEETING - October 2, 2023, 7:00PM

2023-824: YMCA Resolution

2023-825: Green Streets, Green Jobs, Green Towns Award Program Chesapeake Funding Award Agreement

2023-826: Police Pension Fund Annual Report Signed Certification

2023-828: Infrastructure Committee Report

2023-845: Rouss Hall Lease

2023-847: Charles Town Utility Board Meeting Minutes - August 23, 2023

2023-849: Sheetz Agreement - Signed

**15. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at:**

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**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-876: Infrastructure Committee Report**

**ATTACHMENTS:**

- [City\\_ Infrastructure Committee Report\\_ September 2023 - Google Docs.pdf](#)

## City of Charles Town Infrastructure Committee

### I. CALL TO ORDER: Monday, September 25, 2023 at 4:30PM- City Hall

**Persons Present:** *Councilmembers:* Elizabeth Ricketts (Chair) and Priscilla Rodd

*Staff:* Jim Wyson, Alissa Meeks, *City Manager:* John Nissel

*Public:* Nicola Bastian

**Public Comment:** Nicola Bastian was allowed public comment and discussed ongoing concerns with led and copper pipe abatement, calling for a town hall event to be hosted by the city.

### II. NEW BUSINESS

#### **2023-864 HEPMPO Grants Available**

The committee discussed Federal sub-allocated funds available through the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and putting in an application for the Congress/Lawrence Street intersection project. Councilmember Ricketts would like to take the lead on this with the city's grant writer Matt Ward of Sustainable Strategies. **Due November 1.**

**Recommendation to Council:** Request a letter of support from the School Board and authorize the pursuit of the grant through HEPMPO.

#### **2023-865 Paving Fund Account**

The committee discussed the municipal service fee for street improvements as established in City Ordinance 770. It seems the fee has been the same since 1999 and the committee would like Council to discuss a possible increase to coincide with the rate increase/equalization by CTUB.

**Recommendation to Council:** Discuss a change in Street Improvement fee.

#### **2023-866 Creation of Master List of Storm Water Issues**

Staff is working with the county, internally, and with Greenway Engineers (who performed the 2020 stormwater analysis) to get more usable data on the stormwater situation city-wide. The Committee discussed the possibility of utilizing rain gardens and native plants to help abate the issue at surface level.

***Recommendation to Council: none at this time***

#### **2023-867 Referrals by City Council - Liberty Street traffic study/stop sign**

The City Maintenance team is dealing with IT issues relating to the software that interprets traffic data from the road tubes. Currently there is a slight backlog of locations that have been requested for this study. Councilmember Rodd is taking the lead on visiting residents at the Liberty/Seminary intersection to help determine what traffic calming measures could work best in this situation.

***Recommendation to Council: none at this time***

#### **2023-868 Staff Updates**

Maintenance Director Jim Wyson provided the committee with an update of ongoing city-wide maintenance. Of note is the fact that the light fixtures used downtown are no longer available.

### III. INFORMATION ONLY: Next Meeting Monday October 23, 2022 at 4:30 PM at City Hall.





**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-877: Board of Parks and Recreation Commission Report**

**ATTACHMENTS:**



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Ordinance  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-881: Article 1759 - Vacant Buildings**

**ATTACHMENTS:**

- [Committee to Reconcile City of Charles Town Codified Code Articles 1759 and 1705.pdf](#)
- [Article 1759 red-lined\(17463035.2 SJDOCS\).docx](#)



# OFFICE OF THE MAYOR

ROBERT M. TRAINOR

*The  
Golden Rule  
City*

April 20, 2023

Re: Mayor's Select Committee to Reconcile City of Charles Town Codified Code,  
Articles 1759 and 1705

Dear Council members

Please be advised that per Council's request, I have commissioned a Select Committee to perform the following:

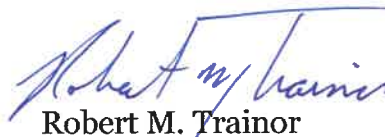
1. Review Charles Town Codified Code, Articles 1759 and 1705
2. Determine inconsistencies and redundancies between the two Articles
3. Provide recommendations for both articles to reconcile those inconsistencies and redundancies
4. Submit "red-line" versions to the City Council for consideration and approval by, on or about the second regular City Council meeting in September 2023.

The following personnel are hereby appointed to the Select Committee:

- Mr. Robert Trainor, Mayor
- Mr. James Kratovil, Ward 1 Council Representative
- Ms. Alissa Meeks, Charles Town Director of Community Development
- Ms. Delaine Englebert, Charles Town Building Official

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

This Select Committee is intended to be dissolved upon Council approval of the revised articles 1759 and 1705.



Robert M. Trainor  
Mayor

Attachment: Charles Town Codified Code Ordinance 1759  
Charles Town Codified Code Ordinance 1705  
International Property Maintenance Code – 2018

Copy to: Ms. Alissa Meeks, Charles Town Director of Community Development  
Ms. Delaine Englebert, Charles Town Building Official

## 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 (3<sup>rd</sup>) 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.

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

(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) Residential Building: \$250
- (2) Non-Residential Building: \$500

(b) Involuntary Registry Fee. The following involuntary registry fee, as specified for the type of Building at issue based upon its use when last occupied, shall be charged upon the involuntary registration of a Vacant Building pursuant to Section 1759.03(e) as provided in Section 1759.03(g) (2):

- (1) Residential Building: \$500
- (2) Non-Residential Building: \$1,000

(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.



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Ordinance  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-853: First Reading of Article 171 - Municipal Court**

**ATTACHMENTS:**

- [171 For First Reading.pdf](#)
- [Article 171 - original.pdf](#)

## ARTICLE 171

### Municipal Court

171.01	Jurisdiction, powers and duties
171.02	Docket; Chief of Police
171.03	Search Warrants
171.04	Arrest Warrants
171.05	Failure of accused person to appear for trial
171.06	Continuances
171.07	Judgment of guilty includes judgment for costs
171.08	Enforcement of penalties and costs
171.09	Payment of court costs
171.10	Suspension of execution of judgments
171.11	Appeals
171.12	Contempt of Court
171.13	Jury trials
171.14	Community service in default of fine payment
171.15	Severability

### CROSS REFERENCES

General rights of appeal - see W. Va. Code §8-24-1

Jury trials - see ~~ADM. Art. 177~~ W. Va. Code §8-10-2

Suspension of licenses for failure to appear in court; payment plan; failure to pay fines will result in late fee and judgment lien - see W. Va. Code §62-4-17

#### 171.01 JURISDICTION, POWERS, AND DUTIES

The Municipal Court Judge has criminal jurisdiction over violations of the ordinances of the City and exercises all of the powers and duties set forth in the Charles Town City Charter and the West Virginia Code.

#### 171.02 DOCKET; CHIEF OF POLICE

The Chief of Police is directed to maintain an orderly docket containing a record of each case brought before the Municipal Court Judge and the resulting judgment. Unless the City Manager, with the approval of Council, appoints some other person, the Chief of Police shall be ex officio Clerk of the Municipal Court.

#### 171.03 SEARCH WARRANTS

- (a) Any member of the Police Department ~~without an affidavit, or any citizen upon a sworn affidavit,~~ may make a complaint that an offense has been committed. It will then be the function of the Judge of the Municipal Court to issue a warrant, if proper under the law.
- (b) If, upon proper complaint, the Municipal Court Judge issues a search warrant(s), they shall be in connection with the violation of any provision of the Codified Ordinances or other City ordinance.

#### 171.04 ARREST WARRANTS

- (a) Any member of the Police Department ~~without an affidavit, or any citizen upon a sworn affidavit,~~ may make a complaint that an offense has been committed. It will then be the function of the Judge of the Municipal Court to issue a warrant, if proper under the law.
- (b) Proceedings before the Municipal Court Judge are conducted by warrant of arrest in the name of the City or by summons, except in the event of contempt of court, or when an offense for which the Municipal Court Judge has jurisdiction is

committed in the presence of said judge or a City police officer. In this event, either the judge or the officer may apprehend or cause the offender to be apprehended.

- (c) When a person arrested without a warrant is brought before the Municipal Court Judge, a complaint shall be filed or sworn, a warrant issued and executed, and the same warrant shall be returned to the Municipal Court Judge no later than the commencement of hearing.

#### **171.05 FAILURE OF ACCUSED PERSON TO APPEAR FOR TRIAL**

- (a) If a warrant or summons is executed and returned, and the accused person fails to appear within one hour after the time designated for the trial, the case may proceed to be heard and determined as if the accused were present.
- (b) After hearing the evidence, and at their sole discretion, the Municipal Court Judge may issue an order for an officer to arrest the accused person and bring that individual to the court at a designated time to hear judgment in the case.

#### **171.06 CONTINUANCES**

Continuances may be granted as justice requires.

- (a) If a continuance is granted at the request of the accused, they may be required to enter into a recognizance, payable to the City, with approved security, in a sum determined by the Municipal Court Judge. This continuance is conditional upon the individual appearing at the time and place named in the order of continuance to answer further as to the alleged offense. Failing compliance, the accused may be committed to jail until a hearing may be resumed, but such imprisonment shall not continue longer than five days.
- (b) If the continuance is requested by a person other than the accused, the accused may be allowed to depart until the time appointed for the trial upon entering into recognizance, payable and conditioned as in Section 171.06(a). The requirement for entering into recognizance may be waived at the discretion of Municipal Court Judge.
- (c) In the case of default in any provision of recognizance, such default will be noted on the docket. Additionally, in the event that full payment of security is not made, an action in the name of the City may be made in any court of competent jurisdiction to recover the amount of the penalty against the accused and any additional surety.

#### **171.07 JUDGMENT OF GUILTY INCLUDES JUDGMENT FOR COSTS**

If judgment is given against the accused in a final hearing, such judgment will include:

- (a) Fine(s) as directed by City Charter and West Virginia Code,
- (b) Any costs incurred by the City, including the police department
- (c) Hearing costs of \$50
- (d) Fees as required by State or local statute

#### **171.08 ENFORCEMENT OF PENALTIES AND COSTS**

The Municipal Court Judge shall have power to require immediate payment or issue executions for all fines, penalties, and costs imposed. Upon request and subject to the following requirements, the court clerk shall establish a payment plan for a person owing costs, fines, forfeitures, restitution, or penalties imposed by the court, so long as the person signs and files with the clerk an affidavit stating that he or she is financially unable to pay the amount owed.

- (a) A \$25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments.
- (b) The payment plan shall specify: (A) The number of payments to be made; (B) the dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against them, or have the debt sent to collections for nonpayment.
- (c) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the person's annual income divided by 12, or \$10, whichever is greater: Provided, That if this calculation results in a payment plan lasting more than three years, the monthly payments shall be set by dividing the total amount owed by 36.
- (d) The clerk may assess a \$10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:
  - (i) Is not incarcerated;

- (ii) Has not brought the account current;
  - (iii) Has not made alternative payment arrangements with the court; or
  - (iv) Has not entered into a revised payment plan with the clerk before the due date.
- (e) If, after 90 days, a payment has not been received, the clerk may consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to § 14-1-18c of W. Va State code. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.
- (f) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a \$10 late fee and shall notify the person of the following:
- (i) That he or she is 180 days past due in the payment of costs, fines, forfeitures, restitution, or penalties imposed pursuant to a judgment of the court;
  - (ii) That he or she has failed to enroll in a payment plan;
  - (iii) Whether a \$10 late fee has been assessed; and
  - (iv) That he or she may have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.
- (g) If after 30 days from the issuance of a notice pursuant to subdivision (f) of this subsection, a payment has not been received, the clerk may consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to § 14-1-18c of W. Va. State code.
- (h) If a person charged with a criminal offense fails to appear or otherwise respond in court after having received notice to do so, the court shall notify the Division of Motor Vehicles thereof within 15 days of the scheduled date to appear unless such person sooner appears or otherwise responds in court to the satisfaction of the court. Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required.

#### **171.09 PAYMENT OF COURT COSTS**

- (a) If the Municipal Court Judge rules in favor of the person accused, the accused may recover their related costs. In this event, the Judge will direct the City to remit payment to the acquitted party. The judge may also require the City to reimburse the court for any witness fees and any other applicable fees as may be required by state or local statute.
- (b) If the Municipal Court Judge rules against the person accused and the costs incurred by the City cannot be collected from them, they shall also be reported by the Municipal Court Judge to the City Manager for payment. The Judge may also require the City to reimburse the court for any witness fees and any other applicable fees as may be required by state or local statute.

#### **171.10 SUSPENSION OF EXECUTION OF JUDGMENT**

Execution of judgment may be suspended by the Municipal Court Judge upon such terms as may be imposed by Judge and agreed to by the party convicted.

#### **171.11 APPEALS**

- (a) Every person sentenced under this article by the Municipal Court Judge to imprisonment or to the payment of a fine of ten dollars (\$10.00) or more shall be allowed an appeal de novo to the County Circuit Court, with the condition that the person appealing will enter into an appeal bond with surety equal to all ordered fines, fees, and costs and abide by any judgment rendered by County Circuit Court.
- (b) Any such appeal must be perfected no later than twenty business days from the date after which the sentence is imposed.
- (c) If such appeal is taken, the appeal bond and supporting documentation in the case shall be promptly delivered by the City to the Clerk of the Court to which such appeal is taken. If the judgment be against the accused, it shall include the costs incurred in the proceedings before the Municipal Court Judge as well as in the appellate Court.



### 171.12 CONTEMPT OF COURT

Contempt of Court may be charged against an individual for any of the following:

- (a) Contemptuous or insolent behavior toward the Judge while engaged in a trial or judicial proceeding;
- (b) Any breach of the peace or willful disturbance in the presence of the Judge or so near as to obstruct or interrupt a trial or judicial proceeding;
- (c) Violence or threats of violence to the Judge or any party traveling to, attending, or returning from any judicial proceeding before the Court which is intended to obstruct, interrupt, or influence such a proceeding;
- (d) Flagrant misbehavior of any officer of the City acting in their official capacity with respect to any action, judicial proceeding, or order of the Court;
- (e) Willful resistance by any party to any lawful process or order of the Court. The Judge may, if necessary, issue a warrant of arrest for such person, who shall be given an opportunity to be heard.

In the event such person is found guilty of contempt, the person shall be fined not more than fifty dollars (\$50.00) for the first offense. For a second offense pertaining to the same matter the person shall be fined not more than one hundred dollars (\$100.00). For the third or any subsequent offense pertaining to the same matter the person shall be fined not more than one hundred dollars (\$100.00), or imprisoned not more than ten days, or both. An appeal to the Circuit Court of such conviction shall conform to section 171.11.

### 171.13 JURY TRIALS

Only a defendant who has been charged with an offense for which a period of confinement in jail may be imposed is entitled to a trial by jury. If a municipal court judge determines, upon demand of a defendant, to conduct a trial by jury in a criminal matter, it shall follow the procedures set forth in the rules of criminal procedure for magistrate courts promulgated by the Supreme Court of Appeals, except that the jury in municipal court shall consist of twelve members. ~~In all cases where required by the Charter or Statutes of the State of WV, the Municipal Court Judge shall empanel a jury to hear the evidence and decide the case. The Court shall establish and present rules for the selection and empaneling of jurors in such cases. All costs incurred in connection with jury trials shall be payable by the party against whom judgment is rendered.~~

### 171.14 COMMUNITY SERVICE IN LIEU OF FINE PAYMENT

The court may review the reasonableness of immediate payment or a payment plan, and may on its own motion or by petition, waive, modify, or convert the outstanding fines, forfeitures, or restitution to community service in an amount commensurate with the total imposed.

- (a) The minimum wage established by the prevailing federal minimum wage in effect at the time sentencing is imposed shall be used to compute the amount of community service work necessary to extinguish the fine.
- (b) The time period for completion of community service shall be set at the discretion of the municipal judge.
- (c) At the discretion of the court, the sentence credits may run concurrently or consecutively.
- (d) Any community service ordered under this section shall be performed for government entities or charitable or nonprofit entities.
- (e) It is the responsibility of the convicted party to arrange the community service with a government entity or an approved 501c3 organization in Charles Town. A list of approved entities is available from City Hall.
- (f) Such arrangements must be made, in writing, ~~with the Court Clerk, at City Hall,~~ within 30 days of the conviction. ~~The convicted party must abide by all of the responsibilities and requirements laid out on the Community Service Agreement.~~
- (g) The individual so sentenced will be supervised by the Chief of Police or their designee. The hours worked will be reported in writing to the Court Clerk.
- (h) If safe and practicable, it is preferred that the scope of community service activities serve to recompense the community and offset the damage to property and well-being caused by the convicted party.
- (i) Fees and court costs will still be assessed against the convicted party and must be paid at the time of conviction. Only the fine can be commuted via community service.
- (j) Failure to complete the full amount of community service in the allotted time will result in the remaining balance still owed by the convicted party to the City of Charles Town and must be paid upon the expiration of the community service term.



**171.15 SEVERABILITY**

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

## ARTICLE 171

### Municipal Court

- 171.01 Jurisdiction, powers and duties.**
- 171.02 Search warrants.**
- 171.03 Docket; Chief of Police.**
- 171.04 Warrant required; exception.**
- 171.05 Procedure upon arrests without warrant.**
- 171.06 Issuance of warrants at request.**
- 171.07 Failure of accused person to appear for trial.**
- 171.08 Continuances on motion of accused.**
- 171.09 Continuances on motion of other than accused.**
- 171.10 Continuances, default in recognizance.**
- 171.11 Judgment of guilty includes judgment for costs.**
- 171.12 Enforcement of penalties and costs.**
- 171.13 Payment of court costs by City.**
- 171.14 Suspension of execution of judgments.**
- 171.15 Appeals.**
- 171.16 Contempt.**
- 171.17 Jury trials.**
- 171.18 Contempt; entry of convictions on docket.**
- 171.19 Street labor in default of fine payment.**

#### CROSS REFERENCES

Powers and duties; records - see CHTR. Sec. 32  
General rights of appeal - see W. Va. Code 8-24-1  
Costs for crime victims reparation fund - see W. Va. Code 14-2A-4  
Costs for funding law enforcement training academies - see W. Va. Code 30-29-4  
Juries - see ADM. Art. 177

#### **171.01 JURISDICTION, POWERS AND DUTIES.**

The Municipal Court Judge shall exercise all of the powers and duties set forth in the City Charter and the West Virginia Code. The Municipal Court shall have criminal jurisdiction over violations of the Codified Ordinances and all other ordinances of the City.

#### **171.02 SEARCH WARRANTS.**

Upon proper complaint, the Municipal Court Judge shall issue search warrants in connection with the violation of any provision of the Codified Ordinances or other City ordinance.

#### **171.03 DOCKET; CHIEF OF POLICE.**

The Chief of Police shall keep a wellbound book in his office, which book shall be called the "docket." Such docket shall contain a record of each case brought before the Municipal Court Judge and the disposition thereof. The Chief of Police shall index the docket in such a manner as to provide a ready reference to each case and to keep such index current. Unless the City Manager, with the approval of Council shall appoint some other person, the Chief of Police shall be ex officio Clerk of the Municipal Court.

#### **171.04 WARRANT REQUIRED; EXCEPTION.**

Proceedings before the Municipal Court judge shall be by warrant of arrest in the name of the City, except that when an offense of which the Municipal Court Judge has jurisdiction is committed in his presence, or in that of a City police officer, either of them may forthwith apprehend the offender or cause him to be apprehended, and in such case the offender may be tried before the Municipal Court Judge and dealt with according to law.

#### **171.05 PROCEDURE UPON ARREST WITHOUT WARRANT.**

When a person arrested without a warrant is brought before the Municipal Court Judge, a complaint shall be filed and a warrant issued forthwith. The officer executing the warrant shall make return thereof to the Municipal Court Judge.

#### **171.06 ISSUANCE OF WARRANTS AT REQUEST.**

Any member of the Police Department without affidavit, or any citizen upon a sworn affidavit may make a complaint that an offense has been committed. It shall then be the function of the Judge of the Municipal Court to issue a warrant if proper under the law.

#### **171.07 FAILURE OF ACCUSED PERSON TO APPEAR FOR TRIAL.**

If a warrant or summons is returned executed and the accused person fails to appear within the space of one hour after the time designated for the trial, the case may be proceeded into, heard and determined as if there were an appearance by the accused. Or the Municipal Court Judge may, in his discretion, after hearing the evidence, issue his process requiring the officer to whom it shall be directed to arrest the accused and bring him, either forthwith or at some designated time, before him to hear judgment in the case.

#### **171.08 CONTINUANCES ON MOTION OF ACCUSED.**

Continuances may be granted as justice may require. If one is granted at the instance of the accused, he may be required to enter into a recognizance, payable to the City, with approved security, in a sum determined by the Municipal Court Judge conditioned for his appearance at the time and place named in the order of continuance, to answer further as to the alleged offense, and failing compliance, may be committed to jail until that time, but such imprisonment shall not continue longer than five days.

#### **171.09 CONTINUANCES ON MOTION OF OTHER THAN ACCUSED.**

If the continuance is not at the instance of the accused, he may be allowed to depart until the time appointed for the trial upon entering into his own recognizance, payable and conditioned as in Section 171.08, or without recognizance, as may be deemed right and proper.

#### **171.10 CONTINUANCES, DEFAULT IN RECOGNIZANCE.**

In case default is made in the condition of any recognizance entered into by virtue of this article, it shall be noted on the docket; and in the event that payment is not made of the sum named as the penalty thereof, an action may be maintained thereon in the name of the City in any court of competent jurisdiction to recover the amount of the penalty against the accused and his sureties. In such action the court may give judgment for the whole of the penalty, or remit it, in whole or in part, and render judgment upon such terms and conditions as may be deemed reasonable.

#### **171.11 JUDGMENT OF GUILTY INCLUDES JUDGMENT FOR COSTS.**

Upon the final hearing of any proceeding to punish for an offense, if judgment is given against the accused, such judgment shall include costs incurred by the City, or due to any officer in that behalf, in addition to court costs of fifty dollars (\$50.00), and any fees required by law. In addition, a five dollar (\$5.00) fee for sustaining the Jefferson County Teen Court Program will be added to aforementioned court costs on the condition that the extra five dollar (\$5.00) fee remains in place only during the time period that the Jefferson County Teen Court Program is actively operating. (Passed 1-7-13.)

#### **171.12 ENFORCEMENT OF PENALTIES AND COSTS.**

The Municipal Court Judge shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof in default of such payment and he may commit the party in default to jail for not to exceed ten days.

#### **171.13 PAYMENT OF COURT COSTS BY CITY.**

If the judgment be in favor of the person accused, he shall recover his costs, and the Municipal Court Judge shall certify such costs to the City Manager for payment, as well as those incurred by the City. And if the judgment be against such person and the costs incurred by the City cannot be collected from him, they also shall be reported by the Municipal Court Judge to the City Manager for payment. Costs shall be held to include the fees of witnesses, as in cases before magistrates.

#### **171.14 SUSPENSION OF EXECUTION OF JUDGMENT.**

After judgment, execution may be suspended by the Municipal Court Judge upon such terms as may be imposed by him and agreed to by the party convicted.

#### **171.15 APPEALS.**

Every person sentenced under this article by the Municipal Court Judge to imprisonment or to the payment of a fine of ten dollars (\$10.00) or more (and in no case shall a fine of less than ten dollars (\$10.00) be given if the defendant, his agent or attorney object thereto) shall be allowed an appeal de novo to the County Circuit Court, upon entering into an appeal bond with surety deemed sufficient in a penalty equal to the amount of the fine and costs, but in no event less than the costs of appeal, with condition that the person appealing will perform and satisfy any judgment which may be rendered against him by the Circuit Court on such appeal. Any such appeal must be perfected within twenty days from and after the date upon which the sentence is imposed. If such appeal is taken, the appeal bond and other papers in the case shall be forthwith delivered by the Clerk to the Clerk of the Court to which such appeal is taken, and such Court shall proceed to try the case as upon indictment of presentment, and render such judgment, without remanding the case, as the law and the evidence may require. If the judgment be against the accused, it shall include the costs incurred in the proceedings before the Municipal Court Judge, as well as in the Court. (Passed 12-10-07.)

#### **171.16 CONTEMPT.**

The Municipal Court Judge may punish for contempt of court a person guilty of any of the following acts and in no other case:

- (a) Contemptuous or insolent behavior toward the Judge while engaged in the trial of a case or in any other judicial proceeding;
- (b) Any breach of the peace, willful disturbance or indecent conduct in the presence of the Judge while so engaged, or so near as to obstruct or interrupt the proceedings;
- (c) Violence or threats of violence to the Judge or any officer, juror, witness or party going to, attending or returning from, any judicial proceeding before the Court with respect to any thing done or to be done in the course of such proceeding;
- (d) Flagrant misbehavior of any officer of the City acting in his official capacity with respect to any action or judicial proceeding had or pending before the Court, or any process, judgment, order or notice herein; or
- (e) Willful resistance by an officer of the Court, juror, witness, party or other person to any lawful process or order of the Court. The Judge may, if necessary, issue a warrant of arrest for such person, who shall be given an opportunity to be heard. In the event such person is adjudged guilty of contempt, the person shall be fined not more than fifty dollars (\$50.00) for the first offense. For a second offense pertaining to the same matter the person shall be fined not more than one hundred dollars (\$100.00). For the third or any subsequent offense pertaining to the same matter the person shall be fined not more than one hundred dollars (\$100.00), or imprisoned in the County jail not more than ten days or both.

An appeal to the Circuit Court of such conviction shall lie as in criminal cases.

#### **171.17 JURY TRIALS.**

In all cases where required by the Constitution or Statutes of the State, the Municipal Court Judge shall empanel a jury to hear the evidence and decide the case. The Court shall promulgate rules for the selection and empaneling of jurors in such cases. All costs incurred in connection with jury trials shall be awarded against, and be payable by the party against whom judgment is rendered.

#### **171.18 CONTEMPT; ENTRY OF CONVICTIONS ON DOCKET.**

The conviction for contempt, specifying the particular circumstances of the offense and judgment thereon, shall be entered by the Municipal Court Judge in his docket. A warrant of commitment for the term of imprisonment may be issued by the Judge commanding an officer to take the offender to the jail and the jailer to imprison him therein for the term. The judgment may include, in addition to the fine, all costs in the case, including costs of arrest and keeping in prison the offender. An appeal may be taken from such judgment of the Judge, as in other cases, to any court of competent jurisdiction in the County.

#### **171.19 STREET LABOR IN DEFAULT OF FINE PAYMENT.**

In case the fine imposed by any judgment of the Municipal Court costs are not promptly paid, the Judge may sentence the party in

default to work out the amount of the fine and costs under the direction, control and the custody of the City Manager on the public streets or other work of the City, at a rate not below the minimum wage of the City existing at that time. In case the party in default shall fail or refuse to do the work so required of him, the party shall be imprisoned until the amount of the fine and the costs shall be paid or the party in default shall signify his willingness to do the work required of him, but the term of imprisonment in such case shall not exceed thirty days. During the time that any party fined as aforesaid shall be engaged in so working out the amount of the fine and costs imposed upon him, he shall be deemed in the custody of the officer and shall be boarded at the expense of the City.



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-854: Discussion of "light pollution"**

**ATTACHMENTS:**

- [WV State Code - Lighting.pdf](#)

Key: Green = existing Code. Red = new code to be enacted

## H. B. 2995

(By Delegate Overington)  
[Introduced February 26, 1999; referred to the  
Committee on Industry and Labor then Government Organization.]

A BILL to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article thirty-three-a, relating to the development of outdoor lighting regulations.

*Be it enacted by the Legislature of West Virginia:*

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article thirty-three-a, to read as follows:

### **ARTICLE 33A. DEVELOPMENT OF OUTDOOR LIGHTING REGULATIONS.**

#### **§8-33A-1. Intent and purpose.**

It is the intent of this article to encourage lighting practices and systems which will: Minimize light pollution glare, light trespass; conserve energy and resources while maintaining night-time safety, utility, security and productivity; and curtail the degradation of the night-time visual environment. It is recognized that since topographic and atmospheric conditions surrounding Green Bank in Pocahontas County are uniquely suited for astronomical observation and since the national astronomy observatory has been established in Green Bank, Pocahontas County, through the provisions contained in this article, promote the reduction of light pollution which interferes with the successful operation of such observatories. The effects of outdoor lighting on the light pollution over the observatory is strongly dependent on the distance of those lights from the observatory. Therefore, an astronomical zone is hereby established, allowing increased flexibility in the uses of outdoor lighting farther from the observatory.

#### **§8-33A-2. Applicability.**

- (a) Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a municipality's or county's conditional use permit, subdivision approval, or development plan approval by the city or county, including all city or county projects, or whenever a person requests annexation or rezoning, the applicant shall, as a part of said application, submit sufficient information to enable the planning director to determine whether the proposed lighting will comply with this article.
- (b) The application shall include the following:
- (1) A site plan indicating the proposed location of all outdoor lighting fixtures and signs;
  - (2) A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs;
  - (3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut-off of light emissions for the proposed luminaire(s);
  - (4) Such other information as the planning director may determine is necessary to ensure compliance with this article.

#### **§8-33A-3. Approved materials and methods of construction or installation or operation.**

- (a) Preferred source - Low-pressure sodium (LPS) lamps are the preferred illumination source throughout a municipality or county; their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.
- (b) Uses that can turn off their outdoor lighting during night hours are to be encouraged in astronomical zone I; those which require all night illumination are to be discouraged.
- (c) The provisions of this article are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved by the planning director. The planning director may approve any such proposed alternate provided the planning director finds that it:
- (1) Provides at least approximate equivalence to the applicable specific requirements of this article; and
  - (2) Is otherwise satisfactory and complies with the intent of this article.

#### **§8-33A-4. Establishment of astronomical zone.**

An astronomical zone is hereby established at the national radio astronomy observatory at Green Bank in Pocahontas County and extends from the outer boundary of the observatory to approximately seven miles from the observatory.

#### **§8-33A-5. General requirements.**

- (a) Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.
- (b) All light fixtures that are required to be shielded shall be installed in such a manner that the shielding is effective as described in chapter ten through fourteen, definitions, for fully or partially shielded fixtures.

- (c) All light fixtures, except street lights, shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries.
- (d) Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction; or for meteorological data gathering purposes.
- (e) Class I lighting may continue only until 9:00 p.m. or for as long as the area is in active use.
- (f) Any lamp type that has been determined to emit substantial nonvisible radiation, as determined from manufacturer's specifications or photometric test, requires a filter that blocks this nonvisible radiation. Examples of such lamps include, but are not limited to, Quartz-Halogen and fluorescent.
- (g) Illumination for outdoor recreation facilities must conform to the shielding requirements of the table below, except when the shielding would interfere with the intended activity. For such facilities, partially-shielded luminaries are permitted. Examples of activities where partially-shielded luminaries are permitted including, but are not limited to, baseball, softball and football. Specifically, tennis, volleyball, racquetball and handball courts and swimming pools must utilize fully-shielded luminaries. Where fully-shielded luminaries are required, the light fixtures must also conform to the requirements of subsection (c) of this section regarding light trespass.
- (h) Multiclass lighting must either conform to the lamp-type and shielding requirements of the most strict class, as shown in the table below, or conform to the time limitations of the least strict class.
- (i) External illumination for signs shall conform to the provisions of this article.
- (j) On projects where an engineer or architect is required, the developer shall verify in writing to the city or county that all outdoor lighting was installed in accordance with the appropriate office plan building official.

Table

## TABLE OF LAMP SOURCE AND SHIELDING STANDARDS

### LAMP TYPEZONE IZONE IIZONE III

Class 1 lighting (color rendition):

Low-pressure sodium aboveFFF

4050 lumens

Others above 4050 lumensXFF

All types below 4050 lumensF\*FP

Class 2 lighting

(general illumination):

Low-pressure sodium aboveFFF

4050 lumens

Others above 4050 lumensXXX

All types below 4050 lumensF\*/\*F\*\*F\*\*

Class 3 lighting (decorative):

Low-pressure sodium aboveFFF

4050 lumens

Others above 4050 lumensXXF

All types below 4050 lumensF\*AA

Use code:

A - Unshielded light allowed; shielding not required but highly recommended. (Unshielded or partially shielded lights limited to a maximum of 5,500 lumens per net acre).

P - Partially shielded lights allowed. (partially or unshielded lights limited to a maximum of 5,500 lumens per net acre).

F - Allowed, fully shielded

X - Prohibited

\* - Non-LPS lights in Zone I are limited to a maximum of 5,500 lumens per net acre.

\*\* Exception: Lamps emitting no more than 4,720 lumens used for each single-family dwelling or duplex dwelling unit for residential outdoor lighting purposes are exempt from the shielding requirement.

Examples of lamp types of 4050 lumens and below are (the acceptability of a particular light is decided by its lumen output, not wattage; check manufacturer's specification):

1. 200 watt standard incandescent
2. 150 watt tungsten-halogen (quartz)
3. 50 watt high pressure sodium
4. 50 watt cool white fluorescent
5. 30 watt low pressure sodium

### **§8-33A-6. Airport lighting.**

Airport lighting which is required for the safe and efficient movement of aircraft during flight, takeoff, landing and taxiing is exempt from the provisions of this article. Lighting uses for illumination of air craft loading, unloading and servicing areas is exempt from the lumens per acre limits of this article, although it must conform to all other requirements of this article. All other outdoor lighting at airport facilities must comply with the provisions of this article.

### **§8-33A-7. Infrared security lighting.**

Lights emitting infrared radiation used for remote security surveillance systems are exempt from the filtration requirements of section five of this article. Such lighting is permitted in all zones with the following restrictions:

(a) Fixed lights must be fully-shielded; and

(b) Moveable lights, such as spot lights attached to infrared-sensitive cameras, must be mounted such that the lights cannot



be directed higher than twenty degrees below the horizontal, measured from the center of the light beam.

**§8-33A-8. Temporary lighting permits.**

(a) The planning director may grant a permit for temporary lighting, as defined herein, if the planning director finds the following:

- (1) The purpose for which the lighting is proposed is not intended to extend beyond thirty days;
- (2) The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as is feasible;
- (3) The proposed lighting will comply with the general intent of this article; and
- (4) The permit will be in the public interest.

(b) The application for the temporary lighting permit shall include the following information:

- (1) Name and address of applicant and property owner;
- (2) Location of proposed fixtures;
- (3) Type, wattage and lumen output of lamp(s);
- (4) Type and shielding of proposed fixtures;
- (5) Intended use of the lighting;
- (6) Duration of time for requested exemption;
- (7) The nature of the exemption; and
- (8) Such other information as the planning director may request.

(c) The planning director shall endeavor to rule on the application within five business days from the date of submission of the request and notify the applicant in writing of the decision. The planning director may grant one renewal of the permit for an additional thirty days if the planning director finds that, because of anticipated change in circumstances, a renewal would be in the public interest. The planning director is not authorized to grant more than one temporary permit and one renewal for a thirty-day period for the same property within one calendar year.

**§8-33A-9. Nonconforming uses.**

(a) Mercury vapor lamps in use for outdoor lighting in zones I, II and III on the effective date of this ordinance shall not be so used after the first day of May, two thousand five.

(b) Any construction permit which invokes certificate of occupancy requirements shall specify and require that any nonconforming sign, as to lighting, located within the boundaries of the development site authorized by the permit must be brought into conformance with the provisions of this article.

(c) No outdoor lighting fixture which was lawfully installed prior to the enactment of this ordinance may be required to be removed or modified except as expressly provided herein; however, no modification or replacement may be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this article.

(d) In the event that any nonconforming sign, as to lighting, is abandoned or is damaged and the damage exceeds fifty percent of the reproduction value, exclusive of foundations, to replace it, the sign must be brought into conformance with the provisions of this article.

**§8-33A-10. Variances.**

Any person desiring to install an outdoor lighting fixture in violation of this article may apply to the municipal or county planning board for a variance from the regulation in question.

**§8-33A-11. Conflicting regulations.**

In the event of conflict between the regulations set forth in this article and any other regulations applicable to the same area, the more stringent limitation or requirement governs.

**§8-33A-12. Violations and enforcement.**

It is unlawful to install or operate an outdoor light fixture in violation of this article. Any person violating any provisions of this article is guilty of a misdemeanor.

**§8-33A-13. Definitions.**

(a) "Abandonment" means the discontinuation of use for a period of six months.

(b) "Acreage, Net" means the remaining ground area after deleting all portions for proposed and existing streets within a development or subdivision.

(c) "Class I Lighting" means all outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

(d) "Class II Lighting" means all outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

(e) "Class III Lighting" means any outdoor lighting used for Decorative effects including, but not limited to, architectural illumination, flag and monument lighting and illumination of trees, bushes, etc.

(f) "Development project" means any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the municipality or county for approval.

(g) "Direct illumination" means illumination resulting from light emitted directly from a lamp or luminary, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

(h) "Filtered light" means light from a light source that is covered by a glass, acrylic or other cover that restricts the amount of nonvisible radiation (infrared, ultraviolet) emitted by the luminary (quartz glass does not meet this definition).

(i) "Fully shielded fixture" means an outdoor light fixture shielded in such a manner that all light emitted by the fixture either directly from the lamp or indirectly from the fixture, is projected below the horizontal as determined by photometric test or certified by the manufacturer. A luminary mounted under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance.

(j) "Installed lighting" means attached, or fixed in place, whether or not connected to a power source.



- (k) "Lumen" means the unit used to measure the actual amount of light which is produced by a lamp.
- (l) "Luminary" means the complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminary, lighting assemblies which include multiple unshielded or partially shielded lamps on single pole or standard are considered as a single unit.
- (m) "Multiclass lighting" means any outdoor lighting used for more than one purpose, such as security and decoration such that its use falls under the definition of two or more classes as defined for Class I, II and III Lighting.
- (n) "Opaque" means that material must not transmit light from an internal illumination source.
- (o) "Outdoor light fixtures" means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. These devices include, but are not limited to, search, spot and flood lights for:
- (1) Buildings and structures;
  - (2) Recreational areas;
  - (3) Parking lot lighting;
  - (4) Landscape and architectural lighting;
  - (5) Billboards and other signs (advertising or other);
  - (6) Street lighting;
  - (7) Product display area lighting.
- (p) "Outdoor Light Output, Total" means the maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with this article, the light emitted from outdoor light fixtures is to be included in the total output as follows:
- (1) Outdoor light fixtures installed on poles (such as parking lot luminaries) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself as defined in subdivisions (2) and (3) below, are to be included in the total outdoor light output by simply adding the lumen output of the lamps used;
  - (2) Outdoor light fixtures installed under canopies, buildings, overhangs or roof eaves where the center of the lamp or luminary is located at least three feet but less than fifteen feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one half of the lamp's rated lumen output;
  - (3) Outdoor light fixtures located under and fifteen or more feet from the nearest edge of a canopy, building overhang or eave are not to be included in the total outdoor light output.
- (q) "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.
- (r) "Partially shielded fixture" means an outdoor light fixture shielded in such a manner that more than zero, but less than ten percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal, as determined by photometric test or certified by the manufacturer.
- (s) "Person" means any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the aforementioned groups or the state of West Virginia or any agency or political subdivision.
- (t) "Planning director" means the director of the planning division for any municipality or county in the state.
- (u) "Sign" means any medium, including its structure and component parts, which is used or intended for advertising purposes other than the painting on the surface of a building.
- (v) "Sign, indirectly illuminated" means any sign the facing of which reflects light from a source intentionally directed upon it.
- (w) "Sign, internally illuminated" means any sign which has the source of light entirely enclosed within the sign and not directly visible to the eye.
- (x) "Temporary lighting" means lighting which does not conform to the provisions of this ordinance and which will not be used for more than one thirty-day period within a calendar year, with one thirty-day extension to temporary lighting is intended for uses which by their nature are of limited duration such as holiday decorations, civic events, or construction projects.
- (y) "Use, abandonment of" means the relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use is considered abandoned when the use is suspended as evidenced by the cessation of activities or conditions which constitute the principle use of the property.
- (z) "Watt" means the unit used to measure the electrical power consumption of a lamp.

NOTE: The purpose of this bill is to regulate outdoor lighting by encouraging energy conservation and minimizing light pollution.

Article 33A is new; therefore, strike-throughs and underscoring have been omitted.



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-870: Class Cost of Service Study and Rate Adjustment Recommendation from the Charles Town Utility Board (CTUB)**

**ATTACHMENTS:**

- [Council presentation 10-2-23 Rates.pdf](#)
- [New Rates and Project Pro Forma.pdf](#)



# Charles Town Utility Board

661 S. George Street, Suite 101 Charles Town, WV 25414  
Phone: (304) 725-2316 ♦ Fax: (304) 725-7150 ♦ Web: [www.ctubwv.com](http://www.ctubwv.com)

September 25, 2023

City Council  
City of Charles Town  
101 East Washington Street  
Charles Town, WV 25414

## UTILITY BOARD

Re: Charles Town City Council  
Class Cost of Service Study and Rate Adjustment Recommendation from the Charles  
Town Utility Board (CTUB)

Honorable Council Members:

The Charles Town Utility Board (CTUB) engaged Gannett Fleming, Valuation and Rate Consultants, LLC., in November of 2022 to perform a Class Cost of Service Study for Water and Wastewater services. The study was performed to determine the appropriate level of rates and charges for the water and wastewater systems based on the differing classes of customer, i.e., Residential, Commercial, Race Track and Other Revenues. The last time that the Board assessed the Class Cost of Service for water and wastewater rates was in 2007 and 2005 respectively. After extensive review and coordination with Gannett Fleming as well as CTUB's Accountant, the CTUB Board of Directors is submitting the attached documentation for consideration by City Council for enactment of new water and wastewater rates structures.

As detailed in the attached documentation there were various options reviewed by Gannett Fleming. CTUB reviewed the data and recommendations and ultimately selected the 2<sup>nd</sup> Choice detailed in Gannett Fleming's recommendation letter dated September 7, 2023. This option consists of **Water Option A1** and **Wastewater Option A** which are highlighted in yellow throughout the document for your consideration. The Board is recommending this option as the best option for CTUB and its ratepayers.

The recommended Water Option A1 and Wastewater Option A result in the following rate impacts:

### Water

**Overall Residential customer base** (including Charles Town, Ranson and Jefferson County Public Service District (JCPD)): **16.1% increase**

**Commercial/PNGI: 16.2%**

As shown on Page 16, the Water System requires a rate increase to adjust the rates to match the Class Cost of Service Study which shows a \$637,515 deficit between the Cost of Service and Present Revenues. Under the proposed rate recommendations, the Charles Town, Ranson and JCPD rates are consolidated into a single tariff rate structure.

### Sewer

**Overall Residential customer base for 3,300 gallons** (Charles Town and Ranson): **4.74% increase**

**Overall Residential customer base (JCPD) for 3,300 gallons: 7.77% decrease**

**Commercial/PNGI: 2.5% increase**

CHAIRMAN  
*City of Charles  
Town City Manager  
John  
Nissel*

VICE  
CHAIRMAN  
*City of Ranson  
Mayor  
Duke  
Pierson*

TREASURER  
*Thomas  
Stocks*

SECRETARY  
*Ashley  
Stottlemeyer*

Board Member  
*Jefferson  
Whitten*

Board Member  
*Heidi  
Parker*

UTILITY  
MANAGER  
*Kristen  
Stolpfer*



Charles Town Utility Board  
Class Cost of Service Study and Rate Recommendation  
September 25, 2023

As shown on Page 36, the Sewer system rates remain revenue neutral with the Class Cost of Service study, therefore an overall rate increase is not necessary. However, it should be noted that there are rate adjustments between the customer classes as noted in order to align the rate with the cost-of-service allocations by customer class. Under the proposed rate recommendations, the Charles Town, Ranson and JCPSD rates are consolidated into a single tariff rate structure.

CTUB's financial stability has afforded the opportunity to achieve rate equalization with these proposed adjustments to the water and sewer rates. Rate equalization was required by the Public Service Commission by 2029 with the Utility consolidation with the City of Ranson and the JCPSD.

Moving forward CTUB intends to evaluate rates more frequently to avoid drastic increases with the goal of assessing rates every 2 to 3 years.

On behalf of the Board of Directors, I look forward to reviewing the options and recommendation of the Board for the proposed rate adjustments on October 2, 2023.

Sincerely,

A handwritten signature in black ink that reads "Kristen Stolipher". The signature is fluid and cursive, with the first name "Kristen" and last name "Stolipher" clearly legible.

Kristen Stolipher  
Utility Manager

Attachments:

Gannett Fleming Letter of Recommendation  
Class Cost of Service Recommendations



**Gannett Fleming**  
**Valuation and Rate Consultants, LLC**

Corporate Headquarters  
207 Senate Avenue  
Camp Hill, PA 17011  
P 717.763.7211 | F 717.763.8150

[gannettfleming.com](http://gannettfleming.com)

September 7, 2023

Via email to [kstolipher@ctubwv.com](mailto:kstolipher@ctubwv.com)

Kristen M. Stolipher  
Utility General Manager  
Charles Town Utility Board  
661 S. George Steet, Ste. 101  
Charles Town, WV 25414

Dear CTUB Board Members and Council:

Gannett Fleming Valuation and Rate Consultants, LLC (Gannett Fleming) conducted water and wastewater rate studies for the Charles Town Utility Board (CTUB), which included the development of the projected revenue requirements based on CTUB's 2024 fiscal year (FY24) budget, cost allocation studies by customer class (cost of service), and the rate design including five proposed water rate options and three proposed wastewater rate options. The rate studies' results and proposed rate options were presented to the Board at the July 26<sup>th</sup> meeting. The results of the water rate study showed that water revenues required an overall increase of 16.1% or \$637,648 to recover the projected FY24 revenue requirements. The results of the wastewater rate study showed an increase in revenue was not required, though an adjustment to rates was recommended to align the proposed revenues for the residential and non-residential classes to their cost allocations presented in the cost of service study.

Based on the input of the CTUB staff, Board members and public, Gannett Fleming recommends the Board narrow down their rate options to the following two water and wastewater options

**1<sup>st</sup> Choice – (Water Option D with Wastewater Option C)**

**Water – Option D:** Under proposed rates, the Charles Town, City of Ranson and Jefferson County customer rates are consolidated to a single tariff rate structure. The current monthly minimum usage amount is reduced by 1,000 gallons from 2,500 gallons to 1,500 gallons per month under the proposed rate structure. Additionally, the second volumetric rate block is eliminated which

results in usage blocks set for the first 40,000 gallons of usage and over 40,000 gallons of usage. The contract usage rate for the Race Track was also increased by 20% under proposed rates from \$4.86 to \$5.83 per 1,000 gallons of usage.

**Wastewater – Option C:** Under proposed rates, Charles Town, City of Ranson and Jefferson County customer rates are consolidated to a single tariff rate structure. The current monthly minimum usage is reduced 500 gallons from 2,000 gallons to 1,500 gallons per month (to match the proposed water rate structure), and the current volumetric rate blocks are reduced from two to one under proposed rates.

We strongly recommend this set of water and wastewater rate options as it streamlines the minimum usage amounts across the water and wastewater rate structures, which will ease the customers' understanding of the proposed rate structure changes. The minimum usage amounts are reduced to 1,500 gallons, which allows CTUB to move closer to phasing out a minimum usage charge rate structure in the future if desired by the Board. The rate increases in Options D and C result in higher end of increases for average residential customers in the Charles Town and Ranson service territories as compared to the other water and wastewater rate options. However, this set of proposed rate design options provides the lowest decrease to the Jefferson County customer rates, which narrows the gap of increases and decreases of rates under a single tariff rate structure.

The following table provides a summary of increases or decreases of the present and proposed Option D water rates and Option C wastewater rates for a residential customer using 3,300 gallons per month:

Option D (Water) & C (Sewer) - Eliminate Water Second Usage Block; Water and Sewer Minimums Move to 1,500 Gallons						
Customer	Bill Type	Average Monthly Usage (gals.)	Monthly Bill, Under Present Rates	Monthly Bill, Under Proposed Rates	Dollar Increase	Percent Increase/ Decrease
Charles Town and Ranson Residential Customer	Water	3,300	\$ 34.09	\$ 43.96	\$ 9.87	28.9%
Charles Town and Ranson Residential Customer	Sewer	3,300	43.41	46.61	3.20	7.4%
<b>Total City and Ranson Monthly Bills:</b>			<b>\$ 77.50</b>	<b>\$ 90.56</b>	<b>\$ 13.06</b>	<b>16.9%</b>
Jefferson County Residential Customer	Water	3,300	62.17	43.96	(18.22)	-29.3%
Jefferson County Residential Customer	Sewer	3,300	49.30	46.61	(2.69)	-5.5%
<b>Total Jefferson County Monthly Bills:</b>			<b>111.47</b>	<b>90.56</b>	<b>(20.91)</b>	<b>-18.8%</b>

## 2<sup>nd</sup> Choice – (Water Option A1 with Wastewater Option A):

**Water – Option A1:** Under proposed rates, the Charles Town, City of Ranson and Jefferson County customer rates are consolidated to a single tariff rate structure. The proposed monthly minimum usage amount is reduced 500 gallons from 2,500 gallons to 2,000 gallons per month. The current usage block levels are maintained under the proposed rate structure. The contract usage rate for the Race Track was also increased by 20% under proposed rates from \$4.86 to \$5.83 per 1,000 gallons of usage.

**Wastewater – Option A:** Under proposed rates, Charles Town, City of Ranson and Jefferson County customer rates are consolidated to a single tariff rate structure. The monthly minimum usage is maintained at 2,000 gallons per month, and the volumetric rate blocks are reduced from two to one under these proposed rates.

We also recommend this set of rate options as it is a more conservative approach for changes to the current rate structures as the minimum usage is slightly decreased for the water customers and maintained for the wastewater customers at 2,000 gallons per month. This will ease the customers' understanding of the proposed rate structure changes. The rate increases in Options A1 and A will also be among the lowest for average residential customers in the Charles Town and Ranson service territories as compared to the other water and wastewater rate options.

The following table provides a summary of increases or decreases of the present and proposed Option A1 water rates and Option A wastewater rates for a residential customer using 3,300 gallons per month:

Customer	Bill Type	Average Monthly Usage (gals.)	Option A1 - Water Minimum at 2,000 Gallons and Option A - Maintain Sewer Minimum at 2,000 Gallons			
			Monthly Bill, Under Present Rates	Monthly Bill, Under Proposed Rates	Dollar Increase	Percent Increase/Decrease
Charles Town and Ranson Residential Customer	Water	3,300	\$ 34.09	\$ 42.44	\$ 8.35	24.5%
Charles Town and Ranson Residential Customer	Sewer	3,300	43.41	45.47	2.06	4.7%
<b>Total City and Ranson Monthly Bills:</b>			<b>\$ 77.50</b>	<b>\$ 87.91</b>	<b>\$ 10.41</b>	<b>13.4%</b>
Jefferson County Residential Customer	Water	3,300	62.17	42.44	(19.73)	-31.7%
Jefferson County Residential Customer	Sewer	3,300	49.30	45.47	(3.83)	-7.8%
<b>Total Jefferson County Monthly Bills:</b>			<b>111.47</b>	<b>87.91</b>	<b>(23.56)</b>	<b>-21.1%</b>



The recommended proposed rate options consolidate the Charles Town and City of Ranson customer rates and the Jefferson County customer rates into a single tariff rate structure, as rate consolidation for the multiple CTUB water and wastewater service areas is a goal for the Board. Additionally, Gannett Fleming proposed rate options that reduced the current minimum usage amounts baked into the monthly minimum charges, maintain the current monthly minimum usages, reduced the wastewater volumetric rate blocks into a single volumetric rate, reduced the number of volumetric rate blocks for water customers, and adjusted the water and wastewater rates so the proposed revenue produced by each customer class were commensurate to the cost allocations by customer class resulting from the cost of service studies. In addition, these rate options streamline the minimum usage amounts between the water and wastewater rate structures, which will ease the customer's understanding of their water and wastewater bill and provides a single tariff rate structure for the Board to implement. These recommended rate options will provide CTUB with revenue stability, recover the current debt service levels and coverage, recover the costs of planned capital projects in the near-term, and will mitigate the rate impacts to the CTUB customers.

Thank you for the selecting Gannett Fleming Valuation and Rate Consultants, LLC to perform the water and wastewater rate studies for CTUB. Please reach out to Greg Herbert either via email at [gherbert@gfnet.com](mailto:gherbert@gfnet.com) or by phone 610-783-3786 if you have questions or comments.

Respectfully submitted,

GANNETT FLEMING VALUATION  
AND RATE CONSULTANTS, LLC



GREGORY R. HERBERT  
Analyst



CONSTANCE E. HEPPENSTALL  
Senior Project Manager, Rate Studies



**CHARLES TOWN UTILITY BOARD**  
**SUMMARY OF RATE OPTIONS' AVERAGE RESIDENTIAL WATER AND WASTEWATER BILLS AT 3,300 GALLONS**

<b>CTUB Water and CTUB Sewer Customer *</b>									
Water: Option A - 2,500 Gal. Minimum; Option A1 - 2,000 Gal. Minimum; Option B - 1,000 Gal. Minimum; Option C - 1,500 Gal. Minimum; Option D - 1,500 Gal. Minimum and Eliminate Second Rate Block									
Sewer: Option A - 2,000 Gal. Minimum; Option B - 1,000 Gal. Minimum; Option C - 1,500 Gal. Minimum									
<b>Option A</b>						<b>Option A1 (W) &amp; Option A (\$)</b>			
	Current	Proposed	Dollar Increase	% Increase		Current	Proposed	Dollar Increase	% Increase
Water	\$ 34.09	\$ 40.26	\$ 6.17	18.1%	Water	\$ 34.09	\$ 42.44	\$ 8.35	24.5%
Sewer	43.41	45.47	2.06	4.7%	Sewer	43.41	45.47	2.06	4.7%
Total	\$ 77.50	\$ 85.73	\$ 8.23	10.6%	Total	\$ 77.50	\$ 87.91	\$ 10.41	13.4%
<b>Option B</b>						<b>Option C</b>			
	Current	Proposed	Dollar Increase	% Increase		Current	Proposed	Dollar Increase	% Increase
Water	34.09	45.34	11.25	33.0%	Water	\$ 34.09	\$ 44.22	\$ 10.13	29.7%
Sewer	43.41	47.58	4.17	9.6%	Sewer	43.41	46.61	3.20	7.4%
Total	\$ 77.50	\$ 92.92	\$ 15.42	19.9%	Total	\$ 77.50	\$ 90.83	\$ 13.33	17.2%
<b>Option D (W) &amp; Option C (\$)</b>									
	Current	Proposed	Dollar Increase	% Increase					
Water	\$ 34.09	\$ 43.96	\$ 9.87	28.9%					
Sewer	43.41	46.61	3.20	7.4%					
Total	\$ 77.50	\$ 90.56	\$ 13.06	16.9%					

<b>CTUB Water and JCPSD Sewer</b>									
Water: Option A - 2,500 Gal. Minimum; Option A1 - 2,000 Gal. Minimum; Option B - 1,000 Gal. Minimum; Option C - 1,500 Gal. Minimum; Option D - 1,500 Gal. Minimum and Eliminate Second Rate Block									
Sewer: Option A - 2,000 Gal. Minimum; Option B - 1,000 Gal. Minimum; Option C - 1,500 Gal. Minimum									
<b>Option A</b>						<b>Option A1 (W) &amp; Option A (\$)</b>			
	Current	Proposed	Dollar Increase	% Increase		Current	Proposed	Dollar Increase	% Increase
Water	\$ 34.09	\$ 40.26	\$ 6.17	18.1%	Water	\$ 34.09	\$ 42.44	\$ 8.35	24.5%
Sewer	49.30	45.47	(3.83)	-7.8%	Sewer	49.30	45.47	(3.83)	-7.8%
Total	\$ 83.39	\$ 85.73	\$ 2.34	2.8%	Total	\$ 83.39	\$ 87.91	\$ 4.52	5.4%
<b>Option B</b>						<b>Option C</b>			
	Current	Proposed	Dollar Increase	% Increase		Current	Proposed	Dollar Increase	% Increase
Water	34.09	45.34	11.25	33.0%	Water	\$ 34.09	\$ 44.22	\$ 10.13	29.7%
Sewer	49.30	47.58	(1.72)	-3.5%	Sewer	49.30	46.61	(2.69)	-5.5%
Total	\$ 83.39	\$ 92.92	\$ 9.54	11.4%	Total	\$ 83.39	\$ 90.83	\$ 7.44	8.9%
<b>Option D (W) &amp; Option C (\$)</b>									
	Current	Proposed	Dollar Increase	% Increase					
Water	\$ 34.09	\$ 43.96	\$ 9.87	28.9%					
Sewer	49.30	46.61	(2.69)	-5.5%					
Total	\$ 83.39	\$ 90.56	\$ 7.18	8.6%					

<b>City of Ranson Sewer and JUI Water</b>									
Sewer: Option A - 2,000 Gal. Minimum; Option B - 1,000 Gal. Minimum; Option C - 1,500 Gal. Minimum									
<b>Option A</b>					<b>Option B</b>				
	Current	Proposed	Dollar Increase	% Increase		Current	Proposed	Dollar Increase	% Increase
Water	Not included (see JUI rates)				Water	Not included (see JUI rates)			
Sewer	\$ 43.41	\$ 45.47	\$ 2.06	4.7%	Sewer	\$ 49.30	\$ 47.58	\$ (1.72)	-3.5%
<b>Option C</b>									
	Current	Proposed	Dollar Increase	% Increase					
Water	Not included (see JUI rates)								
Sewer	\$ 43.41	\$ 46.61	\$ 3.20	7.4%					

<b>JCPSD Sewer and JUI Water</b>									
Sewer: Option A - 2,000 Gal. Minimum; Option B - 1,000 Gal. Minimum; Option C - 1,500 Gal. Minimum									
<b>Option A</b>					<b>Option B</b>				
	Current	Proposed	Dollar Increase	% Increase		Current	Proposed	Dollar Increase	% Increase
Water	Not included (see JUI rates)				Water	Not included (see JUI rates)			
Sewer	\$ 49.30	\$ 45.47	\$ (3.83)	-7.8%	Sewer	\$ 49.30	\$ 47.58	\$ (1.72)	-3.5%
<b>Option C</b>									
	Current	Proposed	Dollar Increase	% Increase					
Water	Not included (see JUI rates)								
Sewer	\$ 49.30	\$ 46.61	\$ (2.69)	-5.5%					

\* CTUB Sewer customers include those customers within the entire territory formerly served by the Charles Town Utility Board or the City of Ranson, including the municipalities of Charles Town and Ranson.

**CHARLES TOWN UTILITY BOARD**  
**COMPARISON OF CTUB MONTHLY BILLS TO SURROUNDING WATER UTILITIES**

Municipality/Utility	Service Areas	Present/Proposed Rate	5/8-Inch Monthly Minimum (gals.)	Minimum Charge	Monthly Bill @ 3,300 Gallons	Monthly Bill @ 5,000 Gallons	Rank @ 3,300 Gallons	Rank @ 5,000 Gallons
CTUB	Charles Town (CT) and Ranson	Present	2,500	\$ 25.83	\$ 34.09	\$ 51.65	10	10
CTUB	Jefferson County	Present	2,500	47.10	\$ 62.17	\$ 94.20	3	2
CTUB - Option A	CT, Ranson and Jefferson County	Proposed	2,500	30.50	\$ 40.26	\$ 61.00	9	9
CTUB - Option A1	CT, Ranson and Jefferson County	Proposed	2,000	25.72	\$ 42.44	\$ 64.30	8	8
CTUB - Option B	CT, Ranson and Jefferson County	Proposed	1,000	13.74	\$ 45.34	\$ 68.70	5	5
CTUB - Option C	CT, Ranson and Jefferson County	Proposed	1,500	20.10	\$ 44.22	\$ 67.00	6	6
CTUB - Option D	CT, Ranson and Jefferson County	Proposed	1,500	19.98	\$ 43.96	\$ 66.60	7	7
Shepherdstown	Shepherdstown	Present	2,300	37.77	\$ 51.89	\$ 75.89	4	4
Martinsburg	Martinsburg	Present	2,000	21.56	\$ 33.87	\$ 49.97	11	11
WVAWC	Main Division	Present	1,500	36.41	\$ 65.47	\$ 92.93	2	3
WVAWC*	Main Division	Proposed	1,500	45.51	\$ 81.84	\$ 116.16	1	1

\*Assumes a 25% Increase to Present Rates.

		Present/Proposed Rate & Rate Block	Volumetric Rates			Rate Blocks Per Utility		
Volumetric Rates	Service Area		Min. or Block 1 (per Kgal)	Block 2 (per Kgal)	Block 3 (per Kgal)	Min. and First (gals.)	Next or Over (gals.)	Over (gals.)
CTUB	Charles Town (CT) and Ranson	Present	\$ 10.33	\$ 8.79	\$ 6.94	10,000	30,000	40,000
CTUB	Jefferson County	Present	\$ 18.84	\$ 17.64		5,000	5,000	
CTUB - Option A	CT, Ranson and Jefferson County	Proposed	\$ 12.20	\$ 9.87	\$ 7.79	10,000	30,000	40,000
CTUB - Option A1	CT, Ranson and Jefferson County	Proposed	\$ 12.86	\$ 10.77	\$ 8.50	10,000	30,000	40,000
CTUB - Option B	CT, Ranson and Jefferson County	Proposed	\$ 13.74	\$ 12.46	\$ 9.83	10,000	30,000	40,000
CTUB - Option C	CT, Ranson and Jefferson County	Proposed	\$ 13.40	\$ 11.41	\$ 9.01	10,000	30,000	40,000
CTUB - Option D	CT, Ranson and Jefferson County	Proposed	\$ 13.32	\$ 8.43		40,000	40,000	
Shepherdstown	Shepherdstown	Present	\$ 16.42	\$ 14.12	\$ 11.69	2,300	7,700	10,000
Martinsburg	Martinsburg	Present	\$ 10.78	\$ 9.47	\$ 7.36	2,000	31,333	33,333
WVAWC	Main Division	Present	\$ 24.27	\$ 16.15	\$ 10.62	1,500	28,500	870,000
WVAWC*	Main Division	Proposed	\$ 30.34	\$ 20.18	\$ 13.27	1,500	28,500	870,000

\*Assumes a 25% Increase to Present Rates.

CHARLES TOWN UTILITY BOARD  
COMPARISON OF CTUB MONTHLY BILLS TO SURROUNDING SEWER UTILITIES

Municipality/Utility	Service Areas	Present/Proposed Rate	5/8-Inch Monthly Minimum (gals.)	Minimum Charge	Monthly Bill @ 3,300 Gallons	Monthly Bill @ 5,000 Gallons	Rank @ 3,300 Gallons	Rank @ 5,000 Gallons
CTUB	Charles Town (CT) and Ranson	Present	2,000	\$ 29.58	\$ 43.41	\$ 61.50	5	6
CTUB	Jefferson County	Present	2,000	30.72	\$ 49.30	\$ 73.59	1	1
CTUB - Option A	CT, Ranson and Jefferson County	Proposed	2,000	30.48	\$ 45.47	\$ 65.07	4	4
CTUB - Option B	CT, Ranson and Jefferson County	Proposed	1,000	19.52	\$ 47.58	\$ 68.32	2	2
CTUB - Option C	CT, Ranson and Jefferson County	Proposed	1,500	25.17	\$ 46.61	\$ 66.86	3	3
Shepherdstown	Shepherdstown	Present	2,600	34.44	\$ 43.15	\$ 64.30	6	5
Martinsburg	Martinsburg	Present	2,000	21.56	\$ 33.87	\$ 49.97	7	7

Volumetric Rates	Service Area	Present/Proposed Rate & Rate Block	Volumetric Rates			Rate Blocks Per Utility		
			Min. or Block 1	Block 2	Block 3	Min. and First	Next or Over	Over
			(per Kgal)	(per Kgal)	(per Kgal)	(gals.)	(gals.)	(gals.)
CTUB	Charles Town (CT) and Ranson	Present	\$ 14.79	\$ 10.64	\$ 9.67	2,000	8,000	10,000
CTUB	Jefferson County	Present	\$ 15.36	\$ 14.29	\$ 13.98	2,000	8,000	10,000
CTUB - Option A	CT, Ranson and Jefferson County	Proposed	\$ 15.24	\$ 11.53		2,000	2,000	
CTUB - Option B	CT, Ranson and Jefferson County	Proposed	\$ 19.52	\$ 12.20		1,000	9,000	10,000
CTUB - Option C	CT, Ranson and Jefferson County	Proposed	\$ 16.78	\$ 11.91		1,500	8,500	10,000
Shepherdstown	Shepherdstown	Present	\$ 13.24	\$ 12.44	\$ 10.85	2,600	7,400	10,000
Martinsburg	Martinsburg	Present	\$ 10.78	\$ 9.47	\$ 7.36	2,000	31,333	33,333

CHARLES TOWN UTILITY BOARD  
WATER OPERATIONS  
COMPARISON OF COST OF SERVICE TO REVENUES UNDER PRESENT RATES AND REVENUES UNDER PROPOSED RATE OPTIONS A THROUGH D

Customer Classification (1)	COST OF SERVICE		CURRENT RATES		OPTION A - 2,500 GALLON MINIMUM				OPTION A1 - 2,000 GALLON MINIMUM				OPTION B - 1,000 GALLON MINIMUM			
	Amount (Schedule B) (2)	Percent (3)	Revenues, Present Rates		Revenues, Proposed Rates		Amount (8)	Percent Increase (9)	Revenues, Proposed Rates		Amount (6)	Percent Increase (7)	Amount (12)	Percent Increase (13)		
			Amount (4)	Percent (5)	Amount (6)	Percent (7)										
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,091,474	67.3%	428,036	16.1%	\$ 3,091,981	67.3%	428,543	16.1%	\$ 3,095,048	67.4%	431,611	16.2%
Commercial	1,280,466	27.9%	1,131,033	28.6%	1,308,721	28.5%	177,688	15.7%	1,306,186	28.5%	177,154	15.7%	1,304,955	28.4%	173,923	15.4%
Race Track	232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%	191,241	4.2%	31,818	20.0%	191,241	4.2%	31,818	20.0%
Total Sales	\$ 4,591,554	100.0%	\$ 3,953,893	100.0%	\$ 4,591,435	100.0%	\$ 637,542	16.1%	\$ 4,591,408	100.0%	\$ 637,515	16.1%	\$ 4,591,245	100.0%	\$ 637,351	16.1%
Other Revenues	143,000		143,000		143,000				143,000				143,000			
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,734,435				\$ 4,734,408				\$ 4,734,245			

Customer Classification (1)	COST OF SERVICE		CURRENT RATES		OPTION C - 1,500 GALLON MINIMUM				OPTION D - 1,500 GALLON MINIMUM, NO SECOND BLOCK					
	Amount (Schedule B) (2)	Percent (3)	Revenues, Present Rates		Revenues, Proposed Rates		Amount (16)	Percent Increase (17)	Revenues, Proposed Rates		Amount (14)	Percent Increase (15)	Amount (16)	Percent Increase (17)
			Amount (4)	Percent (5)	Amount (6)	Percent (7)								
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,095,455	67.4%	432,018	16.2%	\$ 3,087,856	67.3%	424,419	15.9%		
Commercial	1,280,466	27.9%	1,131,033	28.6%	1,303,790	28.4%	172,757	15.3%	1,312,444	28.6%	181,411	16.0%		
Race Track	232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%	191,241	4.2%	31,818	20.0%		
Total Sales	\$ 4,591,554	100.0%	\$ 3,953,893	100.0%	\$ 4,590,486	100.0%	\$ 636,593	16.1%	\$ 4,591,541	100.0%	\$ 637,648	16.1%		
Other Revenues	143,000		143,000		143,000				143,000					
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,733,486				\$ 4,734,541					

CHARLES TOWN UTILITY BOARD  
COMPARISON OF MONTHLY BILLS UNDER PRESENT RATES AND PROPOSED RATES OF OPTIONS A THROUGH D FOR THE AVERAGE AND MEDIAN RESIDENTIAL CUSTOMER AND THE TOP TEN COMMERCIAL CUSTOMERS

Rank	Account/Customer	Avg Monthly Usage (Gals.)	Meter Size	Present Minimum	Present Bill	Option A - 2,500 Gallon Minimum				Option B - 1,000 Gallon Minimum				Option C - 1,500 Minimum				Option D - 1,500 Min. Eliminate 2nd Block			
						Minimum*	Proposed Bill	Dollar Increase	Percent Increase	Minimum	Proposed Bill	Dollar Increase	Percent Increase	Minimum	Proposed Bill	Dollar Increase	Percent Increase	Minimum	Proposed Bill	Dollar Increase	Percent Increase
<b>Residential Customers</b>																					
1	Median Residential Usage	2,700	5/8"	2,500	\$ 27.89	2,000	34.72	6.83	24.48%	1,000	37.10	9.21	33.01%	1,500	36.18	8.29	29.77%	1,500	35.96	8.07	28.94%
2	Average Residential Usage	3,300	5/8"	2,500	\$ 34.09	2,000	42.44	8.35	24.48%	1,000	45.34	11.35	33.01%	1,500	44.22	10.13	29.77%	1,500	43.96	9.87	28.94%
<b>Top 10 Commercial Customers</b>																					
1	Baca Truck	940,000	N/A	N/A	\$ 4,548.40	N/A	\$ 5,480.20	\$ 911.80	19.9%	N/A	\$ 5,480.20	\$ 911.80	19.9%	N/A	\$ 5,480.20	\$ 911.80	19.9%	N/A	\$ 5,480.20	\$ 911.80	19.9%
2	103-001035-00	800,000	15"	12,540	5,553.40	10,350	8,912.43	1,358.03	24.47%	5,180	7,882.00	2,438.50	43.72%	1,760	7,333.80	1,770.40	31.88%	7,150	6,939.60	1,386.10	24.66%
3	205-000120-00	400,000	5/8"	2,500	2,852.40	2,000	3,511.70	666.30	22.55%	1,000	4,890.00	1,844.60	41.34%	1,500	3,719.80	854.50	28.82%	1,500	3,592.60	703.30	24.51%
4	103-001085-03	310,000	3"	21,354	2,152.90	17,400	2,746.70	593.80	27.58%	8,700	3,653.30	1,013.40	47.03%	13,050	2,093.00	754.10	35.17%	13,650	2,069.90	656.00	30.41%
5	105-001697-00	300,000	3"	43,942	2,171.40	34,350	2,648.88	477.47	21.98%	17,180	2,691.80	795.60	41.35%	25,770	2,818.90	647.50	28.81%	25,770	2,724.40	533.20	25.41%
6	202-001645-00	250,000	3"	43,942	1,893.80	34,350	2,355.05	465.25	24.57%	17,180	2,691.80	795.60	41.35%	25,770	2,818.90	647.50	28.81%	25,770	2,724.40	533.20	25.41%
7	202-001040-00	230,000	4"	80,158	1,893.80	64,130	2,129.41	443.61	25.33%	32,060	2,553.02	672.42	39.89%	48,100	2,108.20	502.60	28.82%	48,100	2,134.50	448.90	26.63%
8	302-009500-03	210,000	2"	21,354	1,458.60	17,400	1,896.70	443.60	30.41%	8,700	2,182.30	723.40	48.53%	13,050	2,088.00	549.10	27.84%	13,050	1,965.80	507.00	27.90%
9	105-001496-01	180,000	3"	43,942	1,338.60	34,350	1,683.68	390.28	21.68%	17,180	1,891.40	546.60	41.09%	25,770	1,131.70	398.10	29.84%	25,770	1,718.00	374.60	21.97%
10	104-001451-00	170,000	5/8"	2,500	\$ 1,339.20	2,000	1,596.70	287.50	21.65%	1,000	1,781.10	519.90	40.91%	1,500	1,641.60	378.40	28.81%	1,500	1,628.70	359.50	28.32%

\*Same minimum as current rate structure.

CHARLES TOWN UTILITY BOARD  
SUMMARY OF USAGE BLOCK ANALYSIS

	FOR ALL RATE OPTIONS					OPTION A			OPTION A1			OPTION B			OPTION C			OPTION D		
	Total No. of Bills (1)	No. of Bills (2)	Percent of Bills >10,000 (3)	No. of Bills (4)	Percent of Bills >40,000 (5)	No. of Bills (6)	Percent of Bills <Min. (7)	Proposed Minimum (8)	No. of Bills (9)	Percent of Bills <Min. (10)	Proposed Minimum (11)	No. of Bills (12)	Percent of Bills <Min. (13)	Proposed Minimum (14)	No. of Bills (15)	Percent of Bills <Min. (16)	Proposed Minimum (17)			
Blocking																				
Residential	66,617	65,443	1.76%	66,575	0.06%	30,324	45.52%	2,500	22,804	34.23%	2,000	15,550	23.34%	1,500	15,550	23.34%	1,500			
Commercial																				
All Commercial	18,567	17,571	5.36%	18,170	2.14%	12,706	68.43%		9,904	53.34%		6,091	32.81%		6,091	32.81%				
Meter Size																				
5/8"	16,921	16,699	1.31%	16,905	0.09%	11,817	69.84%	2,500	9,095	53.75%	2,000	5,397	31.90%	1,500	5,397	31.90%	1,500			
3/4"	72	69	4.17%	72	0.00%	50	69.44%	3,750	46	63.89%	3,000	42	58.33%	2,250	42	58.33%	2,250			
1"	652	441	32.36%	587	9.97%	363	55.67%	6,251	321	49.23%	5,000	265	40.64%	3,750	265	40.64%	3,750			
1 1/2"	316	171	45.89%	264	16.46%	185	58.54%	12,940	171	54.11%	10,350	158	50.00%	7,760	158	50.00%	7,760			
2"	516	179	65.31%	329	36.24%	266	51.55%	21,754	250	48.45%	17,400	215	41.67%	13,050	215	41.67%	13,050			
3"	60	12	80.00%	13	78.33%	13	21.67%	42,942	13	21.67%	34,350	13	21.67%	25,770	13	21.67%	25,770			
4"	30	-	100.00%	-	100.00%	12	40.00%	80,159	8	26.67%	64,130	1	3.33%	48,100	1	3.33%	48,100			

CHARLES TOWN UTILITY BOARD  
WATER OPERATIONS  
**OPTION A - RATE EQUALIZATION 2,500 GALLON MONTHLY MINIMUM**  
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES  
FOR THE TEST YEAR ENDED JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (Schedule B) (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,091,474	67.3%	\$ 428,036	16.1%
Commercial	\$ 1,280,466	27.9%	1,131,033	28.6%	1,308,721	28.5%	177,688	15.7%
Race Track	\$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,435	100.0%	637,542	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,734,435		\$ 637,542	15.6%

**CHARLES TOWN UTILITY BOARD**  
**OPTION A - RATE EQUALIZATION 2,500 GALLON MINIMUM**  
**COMPARISON OF PRESENT AND PROPOSED RATES**

Charles Town, City of Ranson and Race Track

	2022/2023 Rates	2023/2024 Rates	
Minimum Charges			
5/8-inch and 5/8 x 3/4-inch	\$ 25.83	\$ 30.50	2,500
3/4-inch	38.74	45.75	3,750
1-inch	64.57	76.26	6,251
1 1/2-inch	129.14	151.01	12,940
2-inch	206.62	238.01	21,754
3-inch	387.42	441.02	42,942
4-inch	645.70	730.93	80,159
6-inch	1,291.40	1,455.72	173,199

Consumption Charges (Per 1000 gallons)

First 10,000 gallons	\$ 10.330	\$ 12.200
Next 30,000 gallons	8.790	9.870
Over 40,000 gallons	6.940	7.790
PNGI Contract Rate (All Consumption)	\$ 4.860	\$ 5.830

Jefferson County

Minimum Charge - All Meter Sizes	\$ 47.10	\$ -
5/8-inch and 5/8 x 3/4-inch		30.50
3/4-inch		45.75
1-inch		76.26
1 1/2-inch		151.01
2-inch		238.01
3-inch		441.02
4-inch		730.93
6-inch		1,455.72

Consumption Charges (Per 1000 gallons)

First 5,000 gallons	\$ 18.840	\$ -
Over 5,000 gallons	17.640	-
First 10,000 gallons		\$ 12.200
Next 30,000 gallons		9.870
Over 40,000 gallons		7.790
Bulk Water Rate		7.790

<u>Average Bills</u>	Average Bill, <u>Present Rates</u>	Average Bill, <u>Proposed Rates</u>	Dollar <u>Increase/(Decrease)</u>	Percentage <u>Increase/(Decrease)</u>
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 34.09	\$ 40.26	\$ 6.17	18.10%
Non-Residential at 5,600 gallons	57.85	68.32	10.47	18.10%
Race Course at 940,000 Monthly	4,568.40	5,480.20	911.80	19.96%
Jefferson County:				
Residential at 3,300 gallons	\$ 62.17	\$ 40.26	(21.91)	-35.24%
Non-Residential at 5,600 gallons	104.78	68.32	(36.46)	-34.80%



CHARLES TOWN UTILITY BOARD  
 OPTION A - RATE EQUALIZATION 2,500 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A RESIDENTIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS*** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 30.50	\$ 4.68	18.10%	1.41%
1,000	25.83	30.50	4.68	18.10%	13.83%
2,000	25.83	30.50	4.68	18.10%	34.23%
2,700 *	27.89	32.94	5.05	18.10%	49.58%
3,000	30.99	36.60	5.61	18.10%	55.57%
3,300 **	34.09	40.26	6.17	18.10%	66.71%
4,000	41.32	48.80	7.48	18.10%	72.77%
5,000	51.65	61.00	9.35	18.10%	83.65%
6,000	61.98	73.20	11.22	18.10%	90.24%
7,000	72.31	85.40	13.09	18.10%	93.98%
8,000	82.64	97.60	14.96	18.10%	96.21%
9,000	92.97	109.80	16.83	18.10%	97.49%
10,000	103.30	122.00	18.70	18.10%	98.24%
11,000	112.09	131.87	19.78	17.65%	98.75%
12,000	120.88	141.74	20.86	17.26%	99.06%
13,000	129.67	151.61	21.94	16.92%	99.29%
14,000	138.46	161.48	23.02	16.63%	99.43%
15,000	147.25	171.35	24.10	16.37%	99.54%
20,000	191.20	220.70	29.50	15.43%	99.78%
30,000	279.10	319.40	40.30	14.44%	99.89%
40,000	367.00	418.10	51.10	13.92%	99.94%
50,000	436.40	496.00	59.60	13.66%	99.97%
60,000	505.80	573.90	68.10	13.46%	99.99%

\*Median Residential Usage

\*\*Average Residential Usage

\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION A - RATE EQUALIZATION 2,500 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A COMMERCIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS*** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 30.50	\$ 4.68	18.10%	3.60%
1,000	25.83	30.50	4.68	18.10%	21.33%
1,909 *	25.83	30.50	4.68	18.10%	50.20%
2,000	25.83	30.50	4.68	18.10%	53.75%
3,000	30.99	36.60	5.61	18.10%	78.96%
4,000	41.32	48.80	7.48	18.10%	86.17%
5,000	51.65	61.00	9.35	18.10%	95.09%
5,600 **	57.85	68.32	10.47	18.10%	96.11%
6,000	61.98	73.20	11.22	18.10%	96.51%
7,000	72.31	85.40	13.09	18.10%	97.52%
8,000	82.64	97.60	14.96	18.10%	98.00%
9,000	92.97	109.80	16.83	18.10%	98.44%
10,000	103.30	122.00	18.70	18.10%	98.69%
11,000	112.09	131.87	19.78	17.65%	98.91%
12,000	120.88	141.74	20.86	17.26%	99.06%
13,000	129.67	151.61	21.94	16.92%	99.18%
14,000	138.46	161.48	23.02	16.63%	99.30%
15,000	147.25	171.35	24.10	16.37%	99.47%
20,000	191.20	220.70	29.50	15.43%	99.72%
30,000	279.10	319.40	40.30	14.44%	99.86%
40,000	367.00	418.10	51.10	13.92%	99.91%
50,000	436.40	496.00	59.60	13.66%	99.95%
60,000	505.80	573.90	68.10	13.46%	99.96%
70,000	575.20	651.80	76.60	13.32%	99.98%
100,000	783.40	885.50	102.10	13.03%	99.99%
200,000	1,477.40	1,664.50	187.10	12.66%	100.00%

\*Median Commercial Usage

\*\*Average Commercial Usage

\*\*\*Reflects cumulative percentage of actual Commercial bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION A - RATE EQUALIZATION 2,500 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 COUNTY - MONTHLY  
 FOR ALL METER SIZES

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 47.10	\$ 30.50	\$ (16.60)	-35.24%	1.60%
1,000	47.10	30.50	(16.60)	-35.24%	15.56%
2,000	47.10	30.50	(16.60)	-35.24%	35.93%
3,000	56.52	36.60	(19.92)	-35.24%	59.64%
3,300 *	62.17	43.92	(18.25)	-29.36%	71.49%
4,000	75.36	48.80	(26.56)	-35.24%	76.22%
5,000	94.20	61.00	(33.20)	-35.24%	85.02%
6,000	111.84	73.20	(38.64)	-34.55%	88.87%
7,000	129.48	85.40	(44.08)	-34.04%	93.24%
8,000	147.12	97.60	(49.52)	-33.66%	95.78%
9,000	164.76	109.80	(54.96)	-33.36%	96.95%
10,000	182.40	122.00	(60.40)	-33.11%	97.96%
11,000	200.04	131.87	(68.17)	-34.08%	98.76%
12,000	217.68	141.74	(75.94)	-34.89%	99.05%
13,000	235.32	151.61	(83.71)	-35.57%	99.35%
14,000	252.96	161.48	(91.48)	-36.16%	99.49%
15,000	270.60	171.35	(99.25)	-36.68%	99.64%
20,000	358.80	220.70	(138.10)	-38.49%	99.93%
30,000	535.20	319.40	(215.80)	-40.32%	99.99%
40,000	711.60	418.10	(293.50)	-41.25%	99.99%
50,000	888.00	496.00	(392.00)	-44.14%	99.99%
60,000	1,064.40	573.90	(490.50)	-46.08%	99.99%

\*Average Residential Usage

\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
WATER OPERATIONS

**OPTION A1 - RATE EQUALIZATION WITH 2,000 GALLON MONTHLY MINIMUM**

COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES  
FOR THE TEST YEAR ENDED JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (Schedule B) (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,091,981	67.3%	\$ 428,543	16.1%
Commercial	\$ 1,280,466	27.9%	1,131,033	28.6%	1,308,186	28.5%	177,154	15.7%
Race Track	\$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,408	100.0%	637,515	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,734,408		\$ 637,515	15.6%

CHARLES TOWN UTILITY BOARD  
**OPTION A1 - RATE EQUALIZATION PROPOSED 2,000 GALLON MINIMUM**  
 COMPARISON OF PRESENT AND PROPOSED RATES

Charles Town, City of Ranson and Race Track

	2022/2023 Rates	2023/2024 Rates	Proposed Minimum By Meter Size (gallons)
Minimum Charges - 2,500 gals. ==> 2,000 gals.			
5/8-inch and 5/8 x 3/4-inch	\$ 25.83	\$ 25.72	2,000
3/4-inch	38.74	38.58	3,000
1-inch	64.57	64.30	5,000
1 1/2-inch	129.14	133.10	10,350
2-inch	206.62	208.30	17,400
3-inch	387.42	390.85	34,350
4-inch	645.70	719.51	64,130
6-inch	1,291.40	1,352.16	138,560

Consumption Charges (per 1000 gallons)

First 10,000 gallons	\$ 10.330	12.860
Next 30,000 gallons	8.790	10.770
Over 40,000 gallons	6.940	8.500
PNGI Contract Rate (All Consumption)	\$ 4.860	\$ 5.830

Jefferson County

Minimum Charges - 2,500 gals. ==> 2,000 gals.	\$ 47.10	\$ -	
5/8-inch and 5/8 x 3/4-inch		25.72	2,000
3/4-inch		38.58	3,000
1-inch		64.30	5,000
1 1/2-inch		133.10	10,350
2-inch		208.30	17,400
3-inch		390.85	34,350
4-inch		719.51	64,130
6-inch		1,352.16	138,560

Consumption Charges (per 1000 gallons)

First 5,000 gallons	\$ 18.840	\$ -
Over 5,000 gallons	17.640	-
First 10,000 gallons		\$ 12.860
Next 30,000 gallons		10.770
Over 40,000 gallons		8.500
Bulk Water Rate		8.500

**Average Bills**

	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 34.09	\$ 42.44	\$ 8.35	24.49%
Non-Residential at 5,600 gallons	57.85	72.02	14.17	24.49%
Race Course at 940,000 Monthly	4,568.40	5,480.20	911.80	19.96%
Jefferson County:				
Residential at 3,300 gallons	\$ 62.17	\$ 42.44	\$ (19.73)	-31.74%
Non-Residential at 5,600 gallons	104.78	72.02	(32.77)	-31.27%

CHARLES TOWN UTILITY BOARD  
 OPTION A1 - 2,000 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES CITY  
 AND RANSON - MONTHLY  
 FOR A RESIDENTIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 25.72	\$ (0.11)	-0.41%	1.41%
1,000	25.83	25.72	(0.11)	-0.41%	13.83%
2,000	25.83	25.72	(0.11)	-0.41%	34.23%
2,700 *	27.89	34.72	6.83	24.49%	49.58%
3,000	30.99	38.58	7.59	24.49%	55.57%
3,300 **	34.09	42.44	8.35	24.49%	66.71%
4,000	41.32	51.44	10.12	24.49%	72.77%
5,000	51.65	64.30	12.65	24.49%	83.65%
6,000	61.98	77.16	15.18	24.49%	90.24%
7,000	72.31	90.02	17.71	24.49%	93.98%
8,000	82.64	102.88	20.24	24.49%	96.21%
9,000	92.97	115.74	22.77	24.49%	97.49%
10,000	103.30	128.60	25.30	24.49%	98.24%
11,000	112.09	140.42	28.33	25.27%	98.75%
12,000	120.88	151.19	30.31	25.07%	99.06%
13,000	129.67	161.96	32.29	24.90%	99.29%
14,000	138.46	172.73	34.27	24.75%	99.43%
15,000	147.25	183.50	36.25	24.61%	99.54%
20,000	191.20	237.35	46.15	24.13%	99.78%
30,000	279.10	345.05	65.95	23.63%	99.89%
40,000	367.00	453.88	86.88	23.67%	99.94%
50,000	436.40	538.88	102.48	23.48%	99.97%
60,000	505.80	623.88	118.08	23.35%	99.99%

\*Median Residential Usage

\*\*Average Residential Usage

\*\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION A1 - 2,000 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A COMMERCIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS*** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 25.72	\$ (0.11)	-0.41%	3.60%
1,000	25.83	25.72	(0.11)	-0.41%	21.33%
1,909 *	25.83	25.72	(0.11)	-0.41%	50.20%
2,000	25.83	25.72	(0.11)	-0.41%	53.75%
3,000	30.99	38.58	7.59	24.49%	78.96%
4,000	41.32	51.44	10.12	24.49%	86.17%
5,000	51.65	64.30	12.65	24.49%	95.09%
5,600 **	57.85	72.02	14.17	24.49%	96.11%
6,000	61.98	77.16	15.18	24.49%	96.51%
7,000	72.31	90.02	17.71	24.49%	97.52%
8,000	82.64	102.88	20.24	24.49%	98.00%
9,000	92.97	115.74	22.77	24.49%	98.44%
10,000	103.30	128.60	25.30	24.49%	98.69%
11,000	112.09	141.46	29.37	26.20%	98.91%
12,000	120.88	152.23	31.35	25.93%	99.06%
13,000	129.67	163.00	33.33	25.70%	99.18%
14,000	138.46	173.77	35.31	25.50%	99.30%
15,000	147.25	184.54	37.29	25.32%	99.47%
20,000	191.20	238.39	47.19	24.68%	99.72%
30,000	279.10	346.09	66.99	24.00%	99.86%
40,000	367.00	456.06	89.06	24.27%	99.91%
50,000	436.40	541.06	104.66	23.98%	99.95%
60,000	505.80	626.06	120.26	23.78%	99.96%
70,000	575.20	711.06	135.86	23.62%	99.98%
100,000	783.40	966.06	182.66	23.32%	99.99%
200,000	1,477.40	1,816.06	338.66	22.92%	100.00%

\*Median Commercial Usage

\*\*Average Commercial Usage

\*\*\*Reflects cumulative percentage of actual Commercial bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION A1 - 2,000 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 COUNTY - MONTHLY  
 FOR ALL METER SIZES

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 47.10	\$ 25.72	\$ (21.38)	-45.39%	1.60%
1,000	47.10	25.72	(21.38)	-45.39%	15.56%
2,000	47.10	25.72	(21.38)	-45.39%	35.93%
3,000	56.52	38.58	(17.94)	-31.74%	59.64%
3,600 *	67.82	46.30	(21.53)	-31.74%	71.49%
4,000	75.36	51.44	(23.92)	-31.74%	76.22%
5,000	94.20	64.30	(29.90)	-31.74%	85.02%
6,000	111.84	77.16	(34.68)	-31.01%	88.87%
7,000	129.48	90.02	(39.46)	-30.48%	93.24%
8,000	147.12	102.88	(44.24)	-30.07%	95.78%
9,000	164.76	115.74	(49.02)	-29.75%	96.95%
10,000	182.40	128.60	(53.80)	-29.50%	97.96%
11,000	200.04	141.46	(58.58)	-29.28%	98.76%
12,000	217.68	152.23	(65.45)	-30.07%	99.05%
13,000	235.32	163.00	(72.32)	-30.73%	99.35%
14,000	252.96	173.77	(79.19)	-31.31%	99.49%
15,000	270.60	184.54	(86.06)	-31.80%	99.64%
20,000	358.80	238.39	(120.41)	-33.56%	99.93%
30,000	535.20	346.09	(189.11)	-35.33%	99.99%
40,000	711.60	456.06	(255.54)	-35.91%	99.99%
50,000	888.00	541.06	(346.94)	-39.07%	99.99%
60,000	1,064.40	626.06	(438.34)	-41.18%	99.99%

\*Average Residential Usage

\*\*Reflects cumulative percentage of actual Residential bills by usage level.



CHARLES TOWN UTILITY BOARD  
WATER OPERATIONS  
**OPTION B - RATE EQUALIZATION WITH 1,000 GALLON MONTHLY MINIMUM**  
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES  
FOR THE TEST YEAR ENDED JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (Schedule B) (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,095,048	67.4%	\$ 431,611	16.2%
Commercial	\$ 1,280,466	27.9%	1,131,033	28.6%	1,304,955	28.4%	173,923	15.4%
Race Track	\$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,245	100.0%	637,351	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,734,245		\$ 637,351	15.6%

CHARLES TOWN UTILITY BOARD  
**OPTION B - RATE EQUALIZATION PROPOSED 1,000 GALLON MINIMUM**  
 COMPARISON OF PRESENT AND PROPOSED RATES

Charles Town, City of Ranson and Race Track

	2022/2023 Rates	2023/2024 Rates	Proposed Minimum By Meter Size (gallons)
Minimum Charges - 2,500 gals. ==> 1,000 gals.			
5/8-inch and 5/8 x 3/4-inch	\$ 25.83	\$ 13.74	1,000
3/4-inch	38.74	20.61	1,500
1-inch	64.57	34.35	2,500
1 1/2-inch	129.14	71.17	5,180
2-inch	206.62	119.54	8,700
3-inch	387.42	226.86	17,180
4-inch	645.70	412.27	32,060
6-inch	1,291.40	799.02	69,280

Consumption Charges (per 1000 gallons)

First 10,000 gallons	\$ 10.330	\$ 13.740
Next 30,000 gallons	8.790	12.460
Over 40,000 gallons	6.940	9.830
PNGI Contract Rate (All Consumption)	\$ 4.860	\$ 5.830

Jefferson County

Minimum Charges - 2,500 gals. ==> 1,000 gals.	\$ 47.10	\$ -	
5/8-inch and 5/8 x 3/4-inch		13.74	1,000
3/4-inch		20.61	1,500
1-inch		34.35	2,500
1 1/2-inch		71.17	5,180
2-inch		119.54	8,700
3-inch		226.86	17,180
4-inch		412.27	32,060
6-inch		799.02	69,280

Consumption Charges (per 1000 gallons)

First 5,000 gallons	\$ 18.840	\$ -
Over 5,000 gallons	17.640	-
First 10,000 gallons		\$ 13.740
Next 30,000 gallons		12.460
Over 40,000 gallons		9.830
Bulk Water Rate		9.830

<u>Average Bills</u>	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 34.09	\$ 45.34	\$ 11.25	33.01%
Non-Residential at 5,600 gallons	57.85	76.94	19.10	33.01%
Race Course at 940,000 Monthly	4,568.40	5,480.20	911.80	19.96%
Jefferson County:				
Residential at 3,300 gallons	\$ 62.17	\$ 45.34	\$ (16.83)	-27.07%
Non-Residential at 5,600 gallons	104.78	76.94	(27.84)	-26.57%

CHARLES TOWN UTILITY BOARD  
 OPTION B - 1,000 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A RESIDENTIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS*** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 13.74	\$ (12.09)	-46.80%	1.41%
1,000	25.83	13.74	(12.09)	-46.80%	13.83%
2,000	25.83	27.48	1.66	6.41%	34.23%
2,700 *	27.89	37.10	9.21	33.01%	49.58%
3,000	30.99	41.22	10.23	33.01%	55.57%
3,300 **	34.09	49.46	15.38	45.10%	66.71%
4,000	41.32	54.96	13.64	33.01%	72.77%
5,000	51.65	68.70	17.05	33.01%	83.65%
6,000	61.98	82.44	20.46	33.01%	90.24%
7,000	72.31	96.18	23.87	33.01%	93.98%
8,000	82.64	109.92	27.28	33.01%	96.21%
9,000	92.97	123.66	30.69	33.01%	97.49%
10,000	103.30	137.40	34.10	33.01%	98.24%
11,000	112.09	149.86	37.77	33.70%	98.75%
12,000	120.88	162.32	41.44	34.28%	99.06%
13,000	129.67	174.78	45.11	34.79%	99.29%
14,000	138.46	187.24	48.78	35.23%	99.43%
15,000	147.25	199.70	52.45	35.62%	99.54%
20,000	191.20	262.00	70.80	37.03%	99.78%
30,000	279.10	386.60	107.50	38.52%	99.89%
40,000	367.00	511.20	144.20	39.29%	99.94%
50,000	436.40	609.50	173.10	39.67%	99.97%
60,000	505.80	707.80	202.00	39.94%	99.99%

\*Median Residential Usage

\*\*Average Residential Usage

\*\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION B - 1,000 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A COMMERCIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 13.74	\$ (12.09)	-46.80%	3.60%
1,000	25.83	13.74	(12.09)	-46.80%	21.33%
1,909 *	25.83	26.23	0.40	1.57%	50.20%
2,000	25.83	27.48	1.66	6.41%	53.75%
3,000	30.99	41.22	10.23	33.01%	78.96%
4,000	41.32	54.96	13.64	33.01%	86.17%
5,000	51.65	68.70	17.05	33.01%	95.09%
5,600 **	57.85	76.94	19.10	33.01%	96.11%
6,000	61.98	82.44	20.46	33.01%	96.51%
7,000	72.31	96.18	23.87	33.01%	97.52%
8,000	82.64	109.92	27.28	33.01%	98.00%
9,000	92.97	123.66	30.69	33.01%	98.44%
10,000	103.30	137.40	34.10	33.01%	98.69%
11,000	112.09	149.86	37.77	33.70%	98.91%
12,000	120.88	162.32	41.44	34.28%	99.06%
13,000	129.67	174.78	45.11	34.79%	99.18%
14,000	138.46	187.24	48.78	35.23%	99.30%
15,000	147.25	199.70	52.45	35.62%	99.47%
20,000	191.20	262.00	70.80	37.03%	99.72%
30,000	279.10	386.60	107.50	38.52%	99.86%
40,000	367.00	511.20	144.20	39.29%	99.91%
50,000	436.40	609.50	173.10	39.67%	99.95%
60,000	505.80	707.80	202.00	39.94%	99.96%
70,000	575.20	806.10	230.90	40.14%	99.98%
100,000	783.40	1,101.00	317.60	40.54%	99.99%
200,000	1,477.40	2,084.00	606.60	41.06%	100.00%

\*Median Commercial Usage

\*\*Average Commercial Usage

\*\*\*Reflects cumulative percentage of actual Commercial 5/8"-meter sized bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION B - 1,000 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 COUNTY - MONTHLY  
 FOR ALL METER SIZES

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 47.10	\$ 13.74	\$ (33.36)	-70.83%	1.60%
1,000	47.10	13.74	(33.36)	-70.83%	15.56%
2,000	47.10	27.48	(19.62)	-41.66%	35.93%
3,000	56.52	41.22	(15.30)	-27.07%	59.64%
3,600 *	67.82	49.46	(18.36)	-27.07%	71.49%
4,000	75.36	54.96	(20.40)	-27.07%	76.22%
5,000	94.20	68.70	(25.50)	-27.07%	85.02%
6,000	111.84	82.44	(29.40)	-26.29%	88.87%
7,000	129.48	96.18	(33.30)	-25.72%	93.24%
8,000	147.12	109.92	(37.20)	-25.29%	95.78%
9,000	164.76	123.66	(41.10)	-24.95%	96.95%
10,000	182.40	137.40	(45.00)	-24.67%	97.96%
11,000	200.04	149.86	(50.18)	-25.08%	98.76%
12,000	217.68	162.32	(55.36)	-25.43%	99.05%
13,000	235.32	174.78	(60.54)	-25.73%	99.35%
14,000	252.96	187.24	(65.72)	-25.98%	99.49%
15,000	270.60	199.70	(70.90)	-26.20%	99.64%
20,000	358.80	262.00	(96.80)	-26.98%	99.93%
30,000	535.20	386.60	(148.60)	-27.77%	99.99%
40,000	711.60	511.20	(200.40)	-28.16%	99.99%
50,000	888.00	609.50	(278.50)	-31.36%	99.99%
60,000	1,064.40	707.80	(356.60)	-33.50%	99.99%

\*Average Residential Usage

\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
WATER OPERATIONS

**OPTION C - RATE EQUALIZATION WITH 1,500 GALLON MONTHLY MINIMUM**  
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES  
FOR THE TEST YEAR ENDED JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (Schedule B) (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,095,455	67.4%	\$ 432,018	16.2%
Commercial	\$ 1,280,466	27.9%	1,131,033	28.6%	1,303,790	28.4%	172,757	15.3%
Race Track	\$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,590,486	100.0%	636,593	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,733,486		\$ 636,593	15.5%

**CHARLES TOWN UTILITY BOARD**  
**OPTION C - RATE EQUALIZATION PROPOSED 1,500 GALLON MINIMUM**  
**COMPARISON OF PRESENT AND PROPOSED RATES**

Charles Town, City of Ranson and Race Track

	2022/2023 Rates	2023/2024 Rates	Proposed Minimum By Meter Size (gallons)
Minimum Charges - 2,500 gals. ==> 1,500 gals.			
5/8-inch and 5/8 x 3/4-inch	\$ 25.83	\$ 20.10	1,500
3/4-inch	38.74	30.15	2,250
1-inch	64.57	50.25	3,750
1 1/2-inch	129.14	103.98	7,760
2-inch	206.62	168.80	13,050
3-inch	387.42	313.94	25,770
4-inch	645.70	549.28	48,100
6-inch	1,291.40	1,052.22	103,920

Consumption Charges (per 1000 gallons)

First 10,000 gallons	\$ 10.330	\$ 13.400
Next 30,000 gallons	8.790	11.410
Over 40,000 gallons	6.940	9.010
PNGI Contract Rate (All Consumption)	\$ 4.860	\$ 5.830

Jefferson County

Minimum Charges - 2,500 gals. ==> 1,500 gals.	\$ 47.10	\$ -	
5/8-inch and 5/8 x 3/4-inch		20.10	1,500
3/4-inch		30.15	2,250
1-inch		50.25	3,750
1 1/2-inch		103.98	7,760
2-inch		168.80	13,050
3-inch		313.94	25,770
4-inch		549.28	48,100
6-inch		1,052.22	103,920

Consumption Charges (per 1000 gallons)

First 5,000 gallons	\$ 18.840	\$ -
Over 5,000 gallons	17.640	-
First 10,000 gallons		\$ 13.400
Next 30,000 gallons		11.410
Over 40,000 gallons		9.010
Bulk Water Rate		9.010

<u>Average Bills</u>	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 34.09	\$ 44.22	\$ 10.13	29.72%
Non-Residential at 5,600 gallons	57.85	75.04	17.19	29.72%
Race Course at 940,000 Monthly	4,568.40	5,480.20	911.80	19.96%
Jefferson County:				
Residential at 3,300 gallons	\$ 62.17	\$ 44.22	\$ (17.95)	-28.87%
Non-Residential at 5,600 gallons	104.78	75.04	(29.74)	-28.39%

CHARLES TOWN UTILITY BOARD  
 OPTION C - 1,500 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A RESIDENTIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 20.10	\$ (5.73)	-22.17%	1.41%
1,000	25.83	20.10	(5.73)	-22.17%	13.83%
2,000	25.83	26.80	0.98	3.78%	34.23%
2,700 *	27.89	36.18	8.29	29.72%	49.58%
3,000	30.99	40.20	9.21	29.72%	55.57%
3,300 **	34.09	44.22	10.13	29.72%	66.71%
4,000	41.32	53.60	12.28	29.72%	72.77%
5,000	51.65	67.00	15.35	29.72%	83.65%
6,000	61.98	80.40	18.42	29.72%	90.24%
7,000	72.31	93.80	21.49	29.72%	93.98%
8,000	82.64	107.20	24.56	29.72%	96.21%
9,000	92.97	120.60	27.63	29.72%	97.49%
10,000	103.30	134.00	30.70	29.72%	98.24%
11,000	112.09	145.41	33.32	29.73%	98.75%
12,000	120.88	156.82	35.94	29.73%	99.06%
13,000	129.67	168.23	38.56	29.74%	99.29%
14,000	138.46	179.64	41.18	29.74%	99.43%
15,000	147.25	191.05	43.80	29.75%	99.54%
20,000	191.20	248.10	56.90	29.76%	99.78%
30,000	279.10	362.20	83.10	29.77%	99.89%
40,000	367.00	476.30	109.30	29.78%	99.94%
50,000	436.40	566.40	130.00	29.79%	99.97%
60,000	505.80	656.50	150.70	29.79%	99.99%

\*Median Residential Usage

\*\*Average Residential Usage

\*\*\*Reflects cumulative percentage of actual Residential bills by usage level.



CHARLES TOWN UTILITY BOARD  
 OPTION C - 1,500 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A COMMERCIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS*** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 20.10	\$ (5.73)	-22.17%	3.60%
1,000	25.83	20.10	(5.73)	-22.17%	21.33%
1,909 *	25.83	25.58	(0.24)	-0.95%	50.20%
2,000	25.83	26.80	0.98	3.78%	53.75%
3,000	30.99	40.20	9.21	29.72%	78.96%
4,000	41.32	53.60	12.28	29.72%	86.17%
5,000	51.65	67.00	15.35	29.72%	95.09%
5,600 **	57.85	75.04	17.19	29.72%	96.11%
6,000	61.98	80.40	18.42	29.72%	96.51%
7,000	72.31	93.80	21.49	29.72%	97.52%
8,000	82.64	107.20	24.56	29.72%	98.00%
9,000	92.97	120.60	27.63	29.72%	98.44%
10,000	103.30	134.00	30.70	29.72%	98.69%
11,000	112.09	145.41	33.32	29.73%	98.91%
12,000	120.88	156.82	35.94	29.73%	99.06%
13,000	129.67	168.23	38.56	29.74%	99.18%
14,000	138.46	179.64	41.18	29.74%	99.30%
15,000	147.25	191.05	43.80	29.75%	99.47%
20,000	191.20	248.10	56.90	29.76%	99.72%
30,000	279.10	362.20	83.10	29.77%	99.86%
40,000	367.00	476.30	109.30	29.78%	99.91%
50,000	436.40	566.40	130.00	29.79%	99.95%
60,000	505.80	656.50	150.70	29.79%	99.96%
70,000	575.20	746.60	171.40	29.80%	99.98%
100,000	783.40	1,016.90	233.50	29.81%	99.99%
200,000	1,477.40	1,917.90	440.50	29.82%	100.00%

\*Median Commercial Usage

\*\*Average Commercial Usage

\*\*\*Reflects cumulative percentage of actual Commercial bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION C - 1,500 GALLON MINIMUM  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 COUNTY - MONTHLY  
 FOR ALL METER SIZES

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 47.10	\$ 20.10	\$ (27.00)	-57.32%	1.60%
1,000	47.10	20.10	(27.00)	-57.32%	15.56%
2,000	47.10	26.80	(20.30)	-43.10%	35.93%
3,000	56.52	40.20	(16.32)	-28.87%	59.64%
3,600 *	67.82	48.24	(19.58)	-28.87%	71.49%
4,000	75.36	53.60	(21.76)	-28.87%	76.22%
5,000	94.20	67.00	(27.20)	-28.87%	85.02%
6,000	111.84	80.40	(31.44)	-28.11%	88.87%
7,000	129.48	93.80	(35.68)	-27.56%	93.24%
8,000	147.12	107.20	(39.92)	-27.13%	95.78%
9,000	164.76	120.60	(44.16)	-26.80%	96.95%
10,000	182.40	134.00	(48.40)	-26.54%	97.96%
11,000	200.04	145.41	(54.63)	-27.31%	98.76%
12,000	217.68	156.82	(60.86)	-27.96%	99.05%
13,000	235.32	168.23	(67.09)	-28.51%	99.35%
14,000	252.96	179.64	(73.32)	-28.98%	99.49%
15,000	270.60	191.05	(79.55)	-29.40%	99.64%
20,000	358.80	248.10	(110.70)	-30.85%	99.93%
30,000	535.20	362.20	(173.00)	-32.32%	99.99%
40,000	711.60	476.30	(235.30)	-33.07%	99.99%
50,000	888.00	566.40	(321.60)	-36.22%	99.99%
60,000	1,064.40	656.50	(407.90)	-38.32%	99.99%

\*Average Residential Usage

\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
WATER OPERATIONS

**OPTION D - RATE EQUALIZATION WITH 1,500 GALLON MONTHLY MINIMUM, ELIMINATE SECOND BLOCK**  
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES  
FOR THE TEST YEAR ENDED JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (Schedule B) (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 3,078,519	67.0%	\$ 2,663,438	67.4%	\$ 3,087,856	67.3%	\$ 424,419	15.9%
Commercial	\$ 1,280,466	27.9%	1,131,033	28.6%	1,312,444	28.6%	181,411	16.0%
Race Track	\$ 232,569	5.1%	159,423	4.0%	191,241	4.2%	31,818	20.0%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,541	100.0%	637,648	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	\$ 4,734,554		\$ 4,096,893		\$ 4,734,541		\$ 637,648	15.6%

**CHARLES TOWN UTILITY BOARD**  
**OPTION D - RATE EQUALIZATION PROPOSED 1,500 GALLON MINIMUM, ELIMINATE SECOND USAGE BLOCK**  
**COMPARISON OF PRESENT AND PROPOSED RATES**

Charles Town, City of Ranson and Race Track

	2022/2023 Rates	2023/2024 Rates	Proposed Minimum By Meter Size (gallons)
Minimum Charges - 2,500 gals. ==> 1,500 gals.			
5/8-inch and 5/8 x 3/4-inch	\$ 25.83	\$ 19.98	1,500
3/4-inch	38.74	29.97	2,250
1-inch	64.57	49.95	3,750
1 1/2-inch	129.14	103.36	7,760
2-inch	206.62	173.83	13,050
3-inch	387.42	343.26	25,770
4-inch	645.70	601.08	48,100
6-inch	1,291.40	1,071.65	103,920

Consumption Charges (per 1000 gallons)

First 10,000 gallons	\$ 10.330	\$ 13.320
Next 30,000 gallons	8.790	13.320
Over 40,000 gallons	6.940	8.430

PNGI Contract Rate (All Consumption)	\$ 4.860	\$ 5.830
--------------------------------------	----------	----------

Jefferson County

Minimum Charges - 2,500 gals. ==> 1,500 gals.	\$ 47.10	\$ -	
5/8-inch and 5/8 x 3/4-inch		19.98	1,500
3/4-inch		29.97	2,250
1-inch		49.95	3,750
1 1/2-inch		103.36	7,760
2-inch		173.83	13,050
3-inch		343.26	25,770
4-inch		601.08	48,100
6-inch		1,071.65	103,920

Consumption Charges (per 1000 gallons)

First 5,000 gallons	\$ 18.840	\$ -
Over 5,000 gallons	17.640	-

First 10,000 gallons	\$ 13.320
Next 30,000 gallons	13.320
Over 40,000 gallons	8.430

Bulk Water Rate	8.430
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<u>Average Bills</u>	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 34.09	\$ 43.96	\$ 9.87	28.94%
Non-Residential at 5,600 gallons	57.85	74.59	16.74	28.94%
Race Course at 940,000 Monthly	4,568.40	5,480.20	911.80	19.96%
Jefferson County:				
Residential at 3,300 gallons	\$ 62.17	\$ 43.96	\$ (18.22)	-29.30%
Non-Residential at 5,600 gallons	104.78	74.59	(30.19)	-28.81%

CHARLES TOWN UTILITY BOARD  
 OPTION D - 1,500 GALLON MINIMUM, ELIMINATE SECOND RATE BLOCK  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A RESIDENTIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 19.98	\$ (5.85)	-22.63%	1.41%
1,000	25.83	19.98	(5.85)	-22.63%	13.83%
2,000	25.83	26.64	0.82	3.16%	34.23%
2,700 *	27.89	35.96	8.07	28.94%	49.58%
3,000	30.99	39.96	8.97	28.94%	55.57%
3,300 **	34.09	43.96	9.87	28.94%	66.71%
4,000	41.32	53.28	11.96	28.94%	72.77%
5,000	51.65	66.60	14.95	28.94%	83.65%
6,000	61.98	79.92	17.94	28.94%	90.24%
7,000	72.31	93.24	20.93	28.94%	93.98%
8,000	82.64	106.56	23.92	28.94%	96.21%
9,000	92.97	119.88	26.91	28.94%	97.49%
10,000	103.30	133.20	29.90	28.94%	98.24%
11,000	112.09	146.52	34.43	30.72%	98.75%
12,000	120.88	159.84	38.96	32.23%	99.06%
13,000	129.67	173.16	43.49	33.54%	99.29%
14,000	138.46	186.48	48.02	34.68%	99.43%
15,000	147.25	199.80	52.55	35.69%	99.54%
20,000	191.20	266.40	75.20	39.33%	99.78%
30,000	279.10	399.60	120.50	43.17%	99.89%
40,000	367.00	532.80	165.80	45.18%	99.94%
50,000	436.40	617.10	180.70	41.41%	99.97%
60,000	505.80	701.40	195.60	38.67%	99.99%

\*Median Residential Usage

\*\*Average Residential Usage

\*\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION D - 1,500 GALLON MINIMUM, ELIMINATE SECOND RATE BLOCK  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY  
 FOR A COMMERCIAL 5/8-INCH METER

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS*** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 25.83	\$ 19.98	\$ (5.85)	-22.63%	3.60%
1,000	25.83	19.98	(5.85)	-22.63%	21.33%
1,909 *	25.83	25.43	(0.40)	-1.54%	50.20%
2,000	25.83	26.64	0.82	3.16%	53.75%
3,000	30.99	39.96	8.97	28.94%	78.96%
4,000	41.32	53.28	11.96	28.94%	86.17%
5,000	51.65	66.60	14.95	28.94%	95.09%
5,600 **	57.85	74.59	16.74	28.94%	96.11%
6,000	61.98	79.92	17.94	28.94%	96.51%
7,000	72.31	93.24	20.93	28.94%	97.52%
8,000	82.64	106.56	23.92	28.94%	98.00%
9,000	92.97	119.88	26.91	28.94%	98.44%
10,000	103.30	133.20	29.90	28.94%	98.69%
11,000	112.09	146.52	34.43	30.72%	98.91%
12,000	120.88	159.84	38.96	32.23%	99.06%
13,000	129.67	173.16	43.49	33.54%	99.18%
14,000	138.46	186.48	48.02	34.68%	99.30%
15,000	147.25	199.80	52.55	35.69%	99.47%
20,000	191.20	266.40	75.20	39.33%	99.72%
30,000	279.10	399.60	120.50	43.17%	99.86%
40,000	367.00	535.25	168.25	45.84%	99.91%
50,000	436.40	619.55	183.15	41.97%	99.95%
60,000	505.80	703.85	198.05	39.15%	99.96%
70,000	575.20	788.15	212.95	37.02%	99.98%
100,000	783.40	1,041.05	257.65	32.89%	99.99%
200,000	1,477.40	1,884.05	406.65	27.52%	100.00%

\*Median Commercial Usage

\*\*Average Commercial Usage

\*\*\*Reflects cumulative percentage of actual Commercial bills by usage level.

CHARLES TOWN UTILITY BOARD  
 OPTION D - 1,500 GALLON MINIMUM, ELIMINATE SECOND RATE BLOCK  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 COUNTY - MONTHLY  
 FOR ALL METER SIZES

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS** (6)
	2021/2022 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 47.10	\$ 19.98	\$ (27.12)	-57.58%	1.60%
1,000	47.10	19.98	(27.12)	-57.58%	15.56%
2,000	47.10	26.64	(20.46)	-43.44%	35.93%
3,000	56.52	39.96	(16.56)	-29.30%	59.64%
3,600 *	67.82	47.95	(19.87)	-29.30%	71.49%
4,000	75.36	53.28	(22.08)	-29.30%	76.22%
5,000	94.20	66.60	(27.60)	-29.30%	85.02%
6,000	111.84	79.92	(31.92)	-28.54%	88.87%
7,000	129.48	93.24	(36.24)	-27.99%	93.24%
8,000	147.12	106.56	(40.56)	-27.57%	95.78%
9,000	164.76	119.88	(44.88)	-27.24%	96.95%
10,000	182.40	133.20	(49.20)	-26.97%	97.96%
11,000	200.04	146.52	(53.52)	-26.75%	98.76%
12,000	217.68	159.84	(57.84)	-26.57%	99.05%
13,000	235.32	173.16	(62.16)	-26.42%	99.35%
14,000	252.96	186.48	(66.48)	-26.28%	99.49%
15,000	270.60	199.80	(70.80)	-26.16%	99.64%
20,000	358.80	266.40	(92.40)	-25.75%	99.93%
30,000	535.20	399.60	(135.60)	-25.34%	99.99%
40,000	711.60	535.25	(176.36)	-24.78%	99.99%
50,000	888.00	619.55	(268.46)	-30.23%	99.99%
60,000	1,064.40	703.85	(360.56)	-33.87%	99.99%

\*Average Residential Usage

\*\*Reflects cumulative percentage of actual Residential bills by usage level.

CHARLES TOWN UTILITY BOARD - WASTEWATER  
COMPARISON OF COST OF SERVICE TO REVENUES UNDER PRESENT RATES AND REVENUES UNDER PROPOSED RATE OPTIONS A THROUGH C

Customer Classification (1)	COST OF SERVICE		CURRENT RATES		OPTION A - 2,000 GALLON MINIMUM				OPTION B - 1,000 GALLON MINIMUM				OPTION C - 1,500 GALLON MINIMUM			
	Amount (Schedule D) (2)	Percent (3)	Revenues, Present Rates Amount (4)	Percent (5)	Revenues, Proposed Rates Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)	Revenues, Proposed Rates Amount (10)	Percent (11)	Amount (12)	Percent Increase (13)	Revenues, Proposed Rates Amount (14)	Percent (15)	Amount (16)	Percent Increase (17)
Residential	\$ 4,430,416	71.8%	\$ 4,469,478	72.4%	\$ 4,439,377	72.0%	\$ (30,101)	-0.7%	\$ 4,427,099	71.8%	\$ (42,379)	-0.9%	\$ 4,426,988	71.8%	\$ (42,490)	-1.0%
Non-Residential	1,739,392	28.2%	1,700,329	27.6%	1,729,938	28.0%	29,609	1.7%	1,742,210	28.2%	41,881	2.5%	1,742,325	28.2%	41,996	2.5%
Total Sales	6,169,808	100.0%	6,169,807	100.0%	6,169,315	100.0%	\$ (492)	0.0%	6,169,644	100.0%	\$ (498)	0.0%	6,169,313	100.0%	\$ (494)	0.0%
Other Revenues	124,000		124,000		124,000		-	0.0%	124,000		-	0.0%	124,000		-	0.0%
Total	\$ 6,293,808		\$ 6,293,807		\$ 6,293,315		\$ (492)	0.0%	\$ 6,293,309		\$ (498)	0.0%	\$ 6,293,313		\$ (494)	0.0%



CHARLES TOWN UTILITY BOARD - WASTEWATER

**OPTION A - RATE EQUALIZATION 2,000 GALLON MONTHLY MINIMUM**  
COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT RATES  
FOR THE YEAR ENDING JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 4,430,416	71.8%	\$ 4,469,478	72.4%	\$ 4,439,377	72.0%	\$ (30,101)	-0.7%
Non-Residential	1,739,392	28.2%	1,700,329	27.6%	1,729,938	28.0%	29,609	1.7%
Total Sales	6,169,808	100.0%	6,169,807	100.0%	6,169,315	100.0%	\$ (492)	0.0%
Other Revenues	124,000		124,000		124,000		-	0.0%
Total	\$ 6,293,808		\$ 6,293,807		\$ 6,293,315		\$ (492)	0.0%

**CHARLES TOWN UTILITY BOARD**  
**OPTION A - RATE EQUALIZATION 2,000 GALLON MINIMUM**  
**COMPARISON OF PRESENT AND PROPOSED RATES**

Charles Town and Ranson

	2022/2023 Rates	2023/2024 Rates
Minimum Charge - All Meter Sizes	\$ 29.58	\$ 30.48
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons	-	-
Next 8,000 gallons	\$ 10.640	\$ 11.530
Over 10,000 gallons	\$ 9.670	\$ 11.530

Ranson

Minimum Charge - All Meter Sizes	\$ 29.58	\$ 30.48
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons	-	-
Next 8,000 gallons	\$ 10.640	\$ 11.530
Over 10,000 gallons	\$ 9.670	\$ 11.530

Jefferson County

Minimum Charge - All Meter Sizes	\$ 30.72	\$ 30.48
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons	-	-
Next 8,000 gallons	\$ 14.290	\$ 11.530
Over 10,000 gallons	\$ 13.980	\$ 11.530
Flat Rate	\$ 52.16	\$ 45.47

<u>Average Bills</u>	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 43.41	\$ 45.47	\$ 2.06	4.74%
Non-Residential at 8,450 gallons	98.21	104.85	6.64	6.76%
Race Course at 1,159,000 Monthly	11,225.53	13,370.69	2,145.16	19.11%
Jefferson County:				
Residential at 3,300 gallons	\$ 49.30	\$ 45.47	\$ (3.83)	-7.77%
Non-Residential at 8,450 gallons	122.89	104.85	(18.04)	-14.68%

CHARLES TOWN UTILITY BOARD  
OPTION A  
COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
CITY AND RANSON - MONTHLY

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS (6)
	2022/2023 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 29.58	\$ 30.48	\$ 0.90	3.04%	2.43%
1,000	29.58	30.48	0.90	3.04%	16.31%
2,000	29.58	30.48	0.90	3.04%	38.71%
2,500 *	34.90	36.25	1.35	3.85%	50.05%
3,000	40.22	42.01	1.79	4.45%	59.47%
3,300 **	43.41	45.47	2.06	4.74%	64.46%
4,000	50.86	53.54	2.68	5.27%	74.08%
5,000	61.50	65.07	3.57	5.80%	84.54%
6,000	72.14	76.60	4.46	6.18%	89.97%
7,000	82.78	88.13	5.35	6.46%	93.21%
8,000	93.42	99.66	6.24	6.68%	95.23%
8,450 **	98.21	104.85	6.64	6.76%	95.81%
9,000	104.06	111.19	7.13	6.85%	96.45%
10,000	114.70	122.72	8.02	6.99%	97.20%
11,000	124.37	134.25	9.88	7.94%	97.69%
12,000	134.04	145.78	11.74	8.76%	98.05%
13,000	143.71	157.31	13.60	9.46%	98.31%
14,000	153.38	168.84	15.46	10.08%	98.51%
15,000	163.05	180.37	17.32	10.62%	98.68%
20,000	211.40	238.02	26.62	12.59%	99.04%
30,000	308.10	353.32	45.22	14.68%	99.32%
40,000	404.80	468.62	63.82	15.77%	99.49%
50,000	501.50	583.92	82.42	16.43%	99.65%
60,000	598.20	699.22	101.02	16.89%	99.73%
70,000	694.90	814.52	119.62	17.21%	99.77%
100,000	985.00	1,160.42	175.42	17.81%	99.86%
200,000	1,952.00	2,313.42	361.42	18.52%	99.96%
300,000	2,919.00	3,466.42	547.42	18.75%	99.99%
400,000	3,886.00	4,619.42	733.42	18.87%	100.00%

\*Median Usage Bill.

\*\*Average Residential Bill.

\*\*\* Average Non-Residential Bill.

CHARLES TOWN UTILITY BOARD  
OPTION A  
COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
COUNTY - MONTHLY

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT O BILLS (6)
	2022/2023 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 30.72	\$ 30.48	\$ (0.24)	-0.78%	0.87%
1,000	30.72	30.48	(0.24)	-0.78%	10.10%
2,000	30.72	30.48	(0.24)	-0.78%	29.20%
2,900 *	43.58	40.86	(2.72)	-6.25%	50.07%
3,000	45.01	42.01	(3.00)	-6.67%	52.03%
3,300 **	49.30	45.47	(3.83)	-7.77%	57.37%
4,000	59.30	53.54	(5.76)	-9.71%	68.62%
5,000	73.59	65.07	(8.52)	-11.58%	79.79%
6,000	87.88	76.60	(11.28)	-12.84%	87.19%
7,000	102.17	88.13	(14.04)	-13.74%	91.68%
8,000	116.46	99.66	(16.80)	-14.43%	94.25%
8,450 **	122.89	104.85	(18.04)	-14.68%	94.95%
9,000	130.75	111.19	(19.56)	-14.96%	95.79%
10,000	145.04	122.72	(22.32)	-15.39%	96.75%
11,000	159.02	134.25	(24.77)	-15.58%	97.40%
12,000	173.00	145.78	(27.22)	-15.73%	97.87%
13,000	186.98	157.31	(29.67)	-15.87%	98.19%
14,000	200.96	168.84	(32.12)	-15.98%	98.41%
15,000	214.94	180.37	(34.57)	-16.08%	98.58%
20,000	284.84	238.02	(46.82)	-16.44%	98.99%
30,000	424.64	353.32	(71.32)	-16.80%	99.18%
40,000	564.44	468.62	(95.82)	-16.98%	99.35%
50,000	704.24	583.92	(120.32)	-17.09%	99.46%
60,000	844.04	699.22	(144.82)	-17.16%	99.53%
100,000	1,403.24	1,160.42	(242.82)	-17.30%	99.71%

\*Median Usage Bill.

\*\*Average Residential Bill.

\*\*\* Average Non-Residential Bill.

CHARLES TOWN UTILITY BOARD - WASTEWATER

**OPTION B - RATE EQUALIZATION WITH 1,000 GALLON MONTHLY MINIMUM**

COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT RATES

FOR THE YEAR ENDING JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 4,430,416	71.8%	\$ 4,469,478	72.4%	\$ 4,427,099	71.8%	\$ (42,379)	-0.9%
Non-Residential	1,739,392	28.2%	1,700,329	27.6%	1,742,210	28.2%	41,881	2.5%
Total Sales	6,169,808	100.0%	6,169,807	100.0%	6,169,309	100.0%	\$ (498)	0.0%
Other Revenues	124,000		124,000		124,000		-	0.0%
Total	\$ 6,293,808		\$ 6,293,807		\$ 6,293,309		\$ (498)	0.0%

CHARLES TOWN UTILITY BOARD  
**OPTION B - RATE EQUALIZATION PROPOSED 1,000 GALLON MINIMUM**  
 COMPARISON OF PRESENT AND PROPOSED RATES

Charles Town and Ranson

	2022/2023 Rates	2023/2024 Rates
Minimum Charge - All Meter Sizes	\$ 29.58	\$ 19.52
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons/1000 gallons	\$ -	\$ -
Next 8,000 gallons/9,000 gallons	\$ 10.640	\$ 12.200
Over 10,000 gallons	\$ 9.670	\$ 12.200

Ranson

Minimum Charge - All Meter Sizes	\$ 29.58	\$ 19.52
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons/1000 gallons	\$ -	\$ -
Next 8,000 gallons/9,000 gallons	\$ 10.640	\$ 12.200
Over 10,000 gallons	\$ 9.670	\$ 12.200

Jefferson County

Minimum Charge - All Meter Sizes	\$ 30.72	\$ 19.52
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons/1000 gallons	\$ -	\$ -
Next 8,000 gallons/9,000 gallons	\$ 14.290	\$ 12.200
Over 10,000 gallons	\$ 13.980	\$ 12.200
Flat Rate	\$ 52.16	\$ 47.58

<u>Average Bills</u>	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 43.41	\$ 47.58	\$ 4.17	9.60%
Non-Residential at 8,450 gallons	98.21	110.41	12.20	12.42%
Race Course at 940,000 Monthly	9,107.80	11,475.32	2,367.52	25.99%
Jefferson County:				
Residential at 3,300 gallons	\$ 49.30	\$ 47.58	\$ (1.72)	-3.48%
Non-Residential at 8,450 gallons	122.89	110.41	(12.48)	-10.16%

CHARLES TOWN UTILITY BOARD  
 OPTION B  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 CITY AND RANSON - MONTHLY

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS (6)
	2022/2023 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 29.58	\$ 19.52	\$ (10.06)	-34.01%	2.43%
1,000	29.58	19.52	(10.06)	-34.01%	16.31%
2,000	29.58	31.72	2.14	7.23%	38.71%
2,500 *	34.90	37.82	2.92	8.37%	50.05%
3,000	40.22	43.92	3.70	9.20%	59.47%
3,300 **	43.41	47.58	4.17	9.60%	64.46%
4,000	50.86	56.12	5.26	10.34%	74.08%
5,000	61.50	68.32	6.82	11.09%	84.54%
6,000	72.14	80.52	8.38	11.62%	89.97%
7,000	82.78	92.72	9.94	12.01%	93.21%
8,000	93.42	104.92	11.50	12.31%	95.23%
8,450 **	98.21	110.41	12.20	12.42%	95.81%
9,000	104.06	117.12	13.06	12.55%	96.45%
10,000	114.70	129.32	14.62	12.75%	97.20%
11,000	124.37	141.52	17.15	13.79%	97.69%
12,000	134.04	153.72	19.68	14.68%	98.05%
13,000	143.71	165.92	22.21	15.45%	98.31%
14,000	153.38	178.12	24.74	16.13%	98.51%
15,000	163.05	190.32	27.27	16.72%	98.68%
20,000	211.40	251.32	39.92	18.88%	99.04%
30,000	308.10	373.32	65.22	21.17%	99.32%
40,000	404.80	495.32	90.52	22.36%	99.49%
50,000	501.50	617.32	115.82	23.09%	99.65%
60,000	598.20	739.32	141.12	23.59%	99.73%
70,000	694.90	861.32	166.42	23.95%	99.77%
100,000	985.00	1,227.32	242.32	24.60%	99.86%
200,000	1,952.00	2,447.32	495.32	25.38%	99.96%
300,000	2,919.00	3,667.32	748.32	25.64%	99.99%
400,000	3,886.00	4,887.32	1,001.32	25.77%	100.00%

\*Median Usage Bill.

\*\*Average Residential Bill.

\*\*\* Average Non-Residential Bill.

CHARLES TOWN UTILITY BOARD  
 OPTION B  
 COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
 COUNTY - MONTHLY

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS (6)
	2022/2023 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 30.72	\$ 19.52	\$ (11.20)	-36.46%	0.87%
1,000	30.72	19.52	(11.20)	-36.46%	10.10%
2,000	30.72	31.72	1.00	3.26%	29.20%
2,900 *	43.58	42.70	(0.88)	-2.02%	50.07%
3,000	45.01	43.92	(1.09)	-2.42%	52.03%
3,300 **	49.30	47.58	(1.72)	-3.48%	57.37%
4,000	59.30	56.12	(3.18)	-5.36%	68.62%
5,000	73.59	68.32	(5.27)	-7.16%	79.79%
6,000	87.88	80.52	(7.36)	-8.38%	87.19%
7,000	102.17	92.72	(9.45)	-9.25%	91.68%
8,000	116.46	104.92	(11.54)	-9.91%	94.25%
8,450 **	122.89	110.41	(12.48)	-10.16%	94.95%
9,000	130.75	117.12	(13.63)	-10.42%	95.79%
10,000	145.04	129.32	(15.72)	-10.84%	96.75%
11,000	159.02	141.52	(17.50)	-11.00%	97.40%
12,000	173.00	153.72	(19.28)	-11.14%	97.87%
13,000	186.98	165.92	(21.06)	-11.26%	98.19%
14,000	200.96	178.12	(22.84)	-11.37%	98.41%
15,000	214.94	190.32	(24.62)	-11.45%	98.58%
20,000	284.84	251.32	(33.52)	-11.77%	98.99%
30,000	424.64	373.32	(51.32)	-12.09%	99.18%
40,000	564.44	495.32	(69.12)	-12.25%	99.35%
50,000	704.24	617.32	(86.92)	-12.34%	99.46%
60,000	844.04	739.32	(104.72)	-12.41%	99.53%
100,000	1,403.24	1,227.32	(175.92)	-12.54%	99.71%

\*Median Usage Bill.

\*\*Average Residential Bill.

\*\*\* Average Non-Residential Bill.



CHARLES TOWN UTILITY BOARD - WASTEWATER

**OPTION C - RATE EQUALIZATION WITH 1,500 GALLON MONTHLY MINIMUM**

COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT RATES  
FOR THE YEAR ENDING JUNE 30, 2024

Customer Classification (1)	Cost of Service		Revenues, Present Rates		Revenues, Proposed Rates		Proposed Increase	
	Amount (2)	Percent (3)	Amount (4)	Percent (5)	Amount (6)	Percent (7)	Amount (8)	Percent Increase (9)
Residential	\$ 4,430,416	71.8%	\$ 4,469,478	72.4%	\$ 4,426,988	71.8%	\$ (42,490)	-1.0%
Non-Residential	1,739,392	28.2%	1,700,329	27.6%	1,742,325	28.2%	41,996	2.5%
Total Sales	6,169,808	100.0%	6,169,807	100.0%	6,169,313	100.0%	\$ (494)	0.0%
Other Revenues	124,000		124,000		124,000		-	0.0%
Total	\$ 6,293,808		\$ 6,293,807		\$ 6,293,313		\$ (494)	0.0%

CHARLES TOWN UTILITY BOARD  
**OPTION C - RATE EQUALIZATION PROPOSED 1,500 GALLON MINIMUM**  
 COMPARISON OF PRESENT AND PROPOSED RATES

Charles Town and Ranson

	2022/2023 Rates	2023/2024 Rates	
Minimum Charge - All Meter Sizes	\$ 29.58	\$ 25.17	\$ 16.78000000
<u>Consumption Charges (per 1000 gallons)</u>			
First 2,000 gallons/1,500 gallons	\$ -	\$ -	
Next 8,000 gallons/8,500 gallons	\$ 10.640	\$ 11.910	
Over 10,000 gallons	\$ 9.670	\$ 11.910	

Ranson

Minimum Charge - All Meter Sizes	\$ 29.58	\$ 25.17
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons/1,500 gallons	\$ -	\$ -
Next 8,000 gallons/8,500 gallons	\$ 10.640	\$ 11.910
Over 10,000 gallons	\$ 9.670	\$ 11.910

Jefferson County

Minimum Charge - All Meter Sizes	\$ 30.72	\$ 25.17
<u>Consumption Charges (per 1000 gallons)</u>		
First 2,000 gallons/1,500 gallons	\$ -	\$ -
Next 8,000 gallons/8,500 gallons	\$ 14.290	\$ 11.910
Over 10,000 gallons	\$ 13.980	\$ 11.910
Flat Rate	\$ 52.16	\$ 52.56

<b>Average Bills</b>	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Charles Town and Ranson:				
Residential at 3,300 gallons	\$ 43.41	\$ 46.61	\$ 3.20	7.36%
Non-Residential at 8,450 gallons	98.21	107.94	9.74	9.91%
Race Course at 940,000 Monthly	9,107.80	11,208.66	2,100.86	23.07%
Jefferson County:				
Residential at 3,300 gallons	\$ 49.30	\$ 46.61	\$ (2.69)	-5.45%
Non-Residential at 8,450 gallons	122.89	107.94	(14.95)	-12.16%

CHARLES TOWN UTILITY BOARD  
OPTION C  
COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
CITY AND RANSON - MONTHLY

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS (6)
	2022/2023 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 29.58	\$ 25.17	\$ (4.41)	-14.91%	2.43%
1,000	29.58	25.17	(4.41)	-14.91%	16.31%
2,000	29.58	31.13	1.55	5.22%	38.71%
2,500 *	34.90	37.08	2.18	6.25%	50.05%
3,000	40.22	43.04	2.82	7.00%	59.47%
3,300 **	43.41	46.61	3.20	7.36%	64.46%
4,000	50.86	54.95	4.09	8.03%	74.08%
5,000	61.50	66.86	5.36	8.71%	84.54%
6,000	72.14	78.77	6.63	9.18%	89.97%
7,000	82.78	90.68	7.90	9.54%	93.21%
8,000	93.42	102.59	9.17	9.81%	95.23%
8,450 **	98.21	107.94	9.74	9.91%	95.81%
9,000	104.06	114.50	10.44	10.03%	96.45%
10,000	114.70	126.41	11.71	10.20%	97.20%
11,000	124.37	138.32	13.95	11.21%	97.69%
12,000	134.04	150.23	16.19	12.07%	98.05%
13,000	143.71	162.14	18.43	12.82%	98.31%
14,000	153.38	174.05	20.67	13.47%	98.51%
15,000	163.05	185.96	22.91	14.05%	98.68%
20,000	211.40	245.51	34.11	16.13%	99.04%
30,000	308.10	364.61	56.51	18.34%	99.32%
40,000	404.80	483.71	78.91	19.49%	99.49%
50,000	501.50	602.81	101.31	20.20%	99.65%
60,000	598.20	721.91	123.71	20.68%	99.73%
70,000	694.90	841.01	146.11	21.03%	99.77%
100,000	985.00	1,198.31	213.31	21.66%	99.86%
200,000	1,952.00	2,389.31	437.31	22.40%	99.96%
300,000	2,919.00	3,580.31	661.31	22.66%	99.99%
400,000	3,886.00	4,771.31	885.31	22.78%	100.00%

\*Median Usage Bill.

\*\*Average Residential Bill.

\*\*\* Average Non-Residential Bill.

CHARLES TOWN UTILITY BOARD  
OPTION C  
COMPARISON OF BILLS UNDER PRESENT AND PROPOSED RATES  
COUNTY - MONTHLY

CONSUMPTION GALLONS (1)	BILLS UNDER		INCREASE		PERCENT OF BILLS (6)
	2022/2023 RATES (2)	2023/2024 RATES (3)	AMOUNT (4)	PERCENT (5)	
0	\$ 30.72	\$ 25.17	\$ (5.55)	-18.07%	0.87%
1,000	30.72	25.17	(5.55)	-18.07%	10.10%
2,000	30.72	31.13	0.41	1.32%	29.20%
2,900 *	43.58	41.84	(1.74)	-3.99%	50.07%
3,000	45.01	43.04	(1.97)	-4.39%	52.03%
3,300 **	49.30	46.61	(2.69)	-5.45%	57.37%
4,000	59.30	54.95	(4.36)	-7.34%	68.62%
5,000	73.59	66.86	(6.74)	-9.15%	79.79%
6,000	87.88	78.77	(9.11)	-10.37%	87.19%
7,000	102.17	90.68	(11.50)	-11.25%	91.68%
8,000	116.46	102.59	(13.88)	-11.91%	94.25%
8,450 **	122.89	107.94	(14.95)	-12.16%	94.95%
9,000	130.75	114.50	(16.26)	-12.43%	95.79%
10,000	145.04	126.41	(18.64)	-12.85%	96.75%
11,000	159.02	138.32	(20.71)	-13.02%	97.40%
12,000	173.00	150.23	(22.78)	-13.16%	97.87%
13,000	186.98	162.14	(24.85)	-13.29%	98.19%
14,000	200.96	174.05	(26.92)	-13.39%	98.41%
15,000	214.94	185.96	(28.99)	-13.49%	98.58%
20,000	284.84	245.51	(39.34)	-13.81%	98.99%
30,000	424.64	364.61	(60.04)	-14.14%	99.18%
40,000	564.44	483.71	(80.74)	-14.30%	99.35%
50,000	704.24	602.81	(101.44)	-14.40%	99.46%
60,000	844.04	721.91	(122.14)	-14.47%	99.53%
100,000	1,403.24	1,198.31	(204.94)	-14.60%	99.71%

\*Median Usage Bill.

\*\*Average Residential Bill.

\*\*\*Average Non-Residential Bill.

Charles Town Utility Board  
**Analysis of Debt Service Coverage - New Rates and Projects Pro Forma**  
For the year ended June 30, 2023

Preliminary

As of August 22, 2023

	Water Department	Sewer Department	Total
Revenues	\$ 6,749,624	\$ 7,884,872	\$ 14,634,496
Modification to Revenues:			
Interest	(43,030)	(193,657)	(236,687)
Grant Revenues	(11,080)	-	(11,080)
Gain on Sale of Assets	(14,005)	(37,159)	(51,164)
CIF & CAC Revenues	(1,295,971)	(1,208,563)	(2,504,534)
Operating Revenues	5,385,538	6,445,493	11,831,031
Expenses	4,648,592	6,706,703	11,355,295
Modifications to Expenses:			
Depreciation and amortization expense	(1,294,445)	(2,229,345)	(3,523,790)
Bond issuance costs	-	(192,863)	(192,863)
Loss on disposition of assets	-	(45,671)	(45,671)
Pension expense	-	-	-
Pension contractual payments	-	-	-
OPEB expense	-	-	-
OPEB contractual payments	-	-	-
Interest on Long Term Debt	(395,146)	(559,831)	(954,977)
Operating Expenses Net of Non-cash Items and Interest Expense	2,959,001	3,678,994	6,637,995
Operating Income Available for Debt Service	2,426,537	2,766,499	5,193,037
Debt Service Expenditures:			
Principal Payments on Bond Issues	1,045,978	1,336,726	2,382,704
Interest Payments on Bond Issues	500,482	622,353	1,122,835
Total Debt Service Expenditures	1,546,460	1,959,079	3,505,539
Operating Income Available After Bond Debt Service	\$ 880,077	\$ 807,420	\$ 1,687,498
Debt Service Coverage Ratio	156.91%	141.21%	148.14%
Required Debt Service Coverage Ratio	115.00%	115.00%	115.00%
Amount of Coverage in Excess of 130%	\$ 416,139	\$ 219,697	\$ 635,836

Water Projects:  
Wells/Springs  
Forcemain from WTP

Sewer Projects:  
Full funding of R&R Project  
Collection System Project

Prepared by J.C. Kunkle and Associates, A.C.

8/22/2023 4:55 PM

\\jck-dcf01\data\John\_Excel\Charles Town Utility Board - Analysis of Debt and Debt Service - 2023



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

---

**2023-871: Alcohol permit request/event - Alcohol Beverage Control**

**ATTACHMENTS:**

- [WV Alcohol Beverage Control Administration - Pints and Pickleball.pdf](#)



# City of Charles Town

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

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## MAYOR

*Robert M. Trainor*

September 25, 2023

WV Alcohol Beverage Control Administration  
900 Pennsylvania Avenue, 4<sup>th</sup> Floor  
Charleston, WV 25302

## CITY COUNCIL

*Elizabeth Ricketts*

*James Kratovil*

*Jeff Hynes*

*Kevin Tester*

*Julie Philabaum*

*Priscilla Rodd*

*Michael George*

*Rikki Tunford*

To Whom It May Concern,

I am writing on behalf of the City of Charles Town to ask that the WV Alcohol Beverage Control Administration approve the request from the Jefferson County Parks and Recreation Commission for a one-day permit to host an outdoor beer garden at their Pints and Pickleball Event. The beer garden will take place at Jefferson Memorial Park. This event is scheduled for October 14, 2023, and the city agrees to suspend all open container laws and related ordinances in the specified area of the beer garden.

If you have any questions regarding this event or our support for the application from the Jefferson County Parks and Recreation Commission, please do not hesitate to contact our Business Development & Downtown Coordinator, Liz Cook. She can be reached by phone at 304-270-0174, or [ecook@charlestownwv.us](mailto:ecook@charlestownwv.us).

## CITY MANAGER

*John Nissel*

Thank you for your assistance with this request.

Sincerely,

John Nissel  
City Manager



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

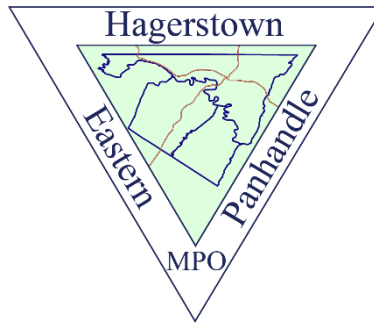
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**2023-872: HEPMPO Grant - Request Letter of Support from Jefferson County BOE and Grants Overview Discussion**

**ATTACHMENTS:**

- [HEPMPO FY2024 Project Selection Process Announcement.pdf](#)
- [GIS Project Selection Criteria - HEPMPO Federal Sub-Allocated Funds.png](#)





## Announcement

### **FY2024 Project Selection for Federal Sub-allocation Funds**

September 1, 2023

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The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is pleased to announce the beginning of the FY2024 project selection process for the suballocated federal funds. The pre-application consultation phase will start on September 4, 2023, followed by the acceptance of applications beginning on September 15, 2023. We request that all interested parties carefully review the attached project selection guidelines to determine their eligibility as applicants and their project's eligibility.

#### **Background**

The Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is dedicated to improving transportation infrastructure and services in the region. As part of this effort, the MPO is responsible for allocating federal funds sub-allocated to the HEPMPPO from the Surface Transportation Block Grant Program (STBG) and the Carbon Reduction Program (CRP). In addition to requesting project implementation through the MPO's suballocated CRP and STBG funds the MPO has the ability to request that the West Virginia Department of Transportation (WVDOT) implement major Long Range Transportation Plan (LRTP) projects, smaller operational and safety improvement projects and street corridors resurfacing projects through the State Transportation Improvement Program (STIP).

**Key Dates**

September 1, 2023	Announcement release
September 4, 2023	Pre-application consultation period begins
September 15, 2023	HEPMPO starts to accept applications
October 25, 2023	Pre-application consultation period ends
November 1, 2023	Application Deadline
December 1, 2024	Technical Advisory Committee Review
January 9-16, 2024	Interstate Council Project Review
January 17, 2024	Interstate Council Approval
January 25, 2024	Announcement of selected projects on HEMPO's website

**Contact**

Matt Mullenax  
Executive Director

Hagerstown/Eastern Panhandle MPO  
226 Pilot Way, Suite E  
Martinsburg, WV 25405

[mmullenax@hepmo.net](mailto:mmullenax@hepmo.net)

Phone: (304) 263-1743

[www.hepmo.net](http://www.hepmo.net)

**Attachment**

- HEPMPO Application for Project Funding
- Project Selection Guidelines & Process for Federal Sub-Allocation Funds and Projects

## HEPMPO Application for Project Funding

Agency/Organization Information
Name:
Type of the Agency/Organization (check one):
<input type="checkbox"/> A unit of local government. <input type="checkbox"/> An agency that maintains Federal aid eligible facilities or that has coordinated with WVDOT for improvements to a road eligible for federal funds prior to submission of an application. <input type="checkbox"/> A nonprofit entity that is responsible for the administration of federal fund eligible facilities. <input type="checkbox"/> A member of the public (approved by the HEPMPO Interstate Council).

Agency/Organization Representative	
First Name:	Last Name:
Email:	Phone Number:
Title:	

Required Project Information Checklist (Please attach narratives)																					
Project Name:																					
Project Location:																					
Narratives:																					
<table> <tr> <th><u>Yes</u></th> <th><u>No</u></th> <th><u>Document</u></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Purpose/Need Statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Summary of Project Benefit and Impact</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Scope of Work</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Project Map</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Additional Pertinent documentation</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Letters of Support (optional)</td> </tr> </table>	<u>Yes</u>	<u>No</u>	<u>Document</u>	<input type="checkbox"/>	<input type="checkbox"/>	Purpose/Need Statement	<input type="checkbox"/>	<input type="checkbox"/>	Summary of Project Benefit and Impact	<input type="checkbox"/>	<input type="checkbox"/>	Scope of Work	<input type="checkbox"/>	<input type="checkbox"/>	Project Map	<input type="checkbox"/>	<input type="checkbox"/>	Additional Pertinent documentation	<input type="checkbox"/>	<input type="checkbox"/>	Letters of Support (optional)
<u>Yes</u>	<u>No</u>	<u>Document</u>																			
<input type="checkbox"/>	<input type="checkbox"/>	Purpose/Need Statement																			
<input type="checkbox"/>	<input type="checkbox"/>	Summary of Project Benefit and Impact																			
<input type="checkbox"/>	<input type="checkbox"/>	Scope of Work																			
<input type="checkbox"/>	<input type="checkbox"/>	Project Map																			
<input type="checkbox"/>	<input type="checkbox"/>	Additional Pertinent documentation																			
<input type="checkbox"/>	<input type="checkbox"/>	Letters of Support (optional)																			

## Grant and Funding Information

Type of funding requested (check all that apply):

- ☐ Surface Transportation Block Grant (STBG). Grant amount requested: \_\_\_\_\_
- ☐ Carbon Reduction Program (CRP). Grant amount requested: \_\_\_\_\_

If awarded a grant, when will use of the funds begin? \_\_\_\_\_

Is the project eligible for 100% Federal fundings?

Yes \_\_\_\_\_; No \_\_\_\_\_; Not sure \_\_\_\_\_;

If the project has not been identified as being eligible for 100% Federal funding or as priority for the State by a representative of the WVDOT/WVDOH, is there a funding source for any required match (20%)?

Yes \_\_\_\_\_; No \_\_\_\_\_;

Total project cost (if different from the amount requested) \_\_\_\_\_.

Provide a budget that outlines the estimated cost of each project activity. Please attach any documentation available. (Use attachment if necessary)

If applicable, describe any additional resources or partnerships that will support the project's implementation. Please attach any documentation.

Supplemental Information (optional)

How the project addresses the goals and objectives outlined in HEPMPO's Long Range Transportation Plan and/or Performance measures? (Use attachment if necessary)

Verification

I hereby certify that all information provided in this grant application is true, accurate, and complete to the best of my knowledge. I understand that any misrepresentation or omission may result in the rejection of this application or the termination of any grant awarded based on this application.

Signature of the Authorized Representative:

Printed Name:

Title:

Date:



Hagerstown/Eastern Panhandle MPO

# Project Selection Guidelines for Federal Suballocated Funds in West Virginia

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Adopted: August 16, 2023

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# 1. General Overview

The *MPO Project Selection Guidelines for Federal Suballocated Funds* for the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) serves as a guide for project eligibility and the application process for the purpose of allocating federal suballocated funds for the HEPMPPO metropolitan planning area, comprising of Berkeley and Jefferson Counties in West Virginia (and Washington County in Maryland). HEPMPPO seeks to improve transportation infrastructure throughout the two-county region through the implementation of projects utilizing MPO-specific federal suballocated funds. Moreover, HEPMPPO is responsible for allocating federal suballocated funds from the Surface Transportation Block Grant Program (STBG) and the Carbon Reduction Program (CRP) for eligible projects.

This document was developed to support the West Virginia Department of Transportation (WVDOT) *2023-2028 STIP & TIP Operating Procedures*. HEPMPPO is responsible for requesting the WVDOT to initiate and implement regionally significant projects from the Long Range Transportation Plan (LRTP), in addition to operational and safety improvement projects, and street corridor resurfacing projects. As provided in the *WVDOT 2023-2028 STIP & TIP Operating Procedures*, projects are grouped in (3) tiers—Tier 1: MPO LRTP or Regionally Significant Projects, Tier 2: Operational & Safety Projects, Tier 3: Annual Pavement Program Projects-(Federal-Aid or State-Funded). To view the full description of projects for these programs, Section VI and Section VII of the *WVDOT 2023-2028 STIP & TIP Operating Procedures* are included in Appendix C.

To ensure a fair and transparent process for selecting projects for funding, a project selection process was developed and is described in this document. This process is designed to evaluate project proposals based on established criteria and applicable eligibility requirements.

## 1.1 Applicant Eligibility

Applicants seeking to utilize the federal suballocated funds for the Surface Transportation Block Grant Program (STBG) and the Carbon Reduction Program (CRP) must be able to provide any match required for the project *unless the project is eligible for 100% funding* and be:

- A unit of local government or HEPMPPO itself.
- An agency that maintains Federal-aid eligible facilities or that has coordinated with WVDOT for improvements to a Federal-aid eligible facility prior to submission of an application.
- A nonprofit entity that is responsible for the administration of federal funds for Federal-aid eligible facilities.

Applicants for Tier 1: MPO LRTP or Regionally Significant Projects, Tier 2: Operational & Safety Projects, or Tier 3: Annual Pavement Program Projects-(Federal-Aid or State-Funded) should be one of the following:

- A unit of local government or HEPMPPO itself.
- An agency that maintains Federal-aid eligible facilities or that has coordinated with WVDOT for improvements to a Federal-aid eligible facility prior to submission of an application.
- A nonprofit entity that is responsible for the administration of federal funds for Federal-aid eligible facilities.

--Eligible projects for Tier 3: Annual Pavement Program Projects-(Federal-Aid or State-Funded) can be recommended by a member of the public but must be approved by the Interstate Council.



## 1.2 Project Selection Criteria and Scoring

Criteria	Points
Contribute to one objective identified in HEPMPO's Long Range Transportation Plan	10
Contribute to more than one objective in HEPMPO's Long Range Transportation Plan	5 x the number of extra related objectives
Part of Fiscally Constrained project in HEPMPO's Long Range Transportation Plan	40
Part of Unfunded project in the HEPMPO's Long Range Transportation Plan	30
Part of a priority corridor or intersection identified in a Regional Safety Plan	20
Part of a project identified in a Regional Bicycle and Pedestrian Plan	20
Part of a critical freight corridor identified in a Regional Freight Plan	20
The project contributes to achieving a performance measure target identified in HEPMPO's Transportation Improvement Program	30
The project contributes to achieving more than one performance measure target identified in HEPMPO's Transportation Improvement Program	10
The project is directly related to improving safety	10
The project is eligible to receive increased federal share	5

When two or more projects received the same score, higher ranking will be given to projects with the following features, as ordered by priority for this ranking purpose: 1) benefitting traditionally underserved and disadvantaged populations; 2) promoting alternative transportation; and 3) preferred by the HEPMPO Interstate Council (ISC) and Technical Advisory Committee (TAC).

## 2. Project Selection Process

Near the beginning of each fiscal year, HEPMPO will announce the deadline for applications on its website. The information will also be shared with the Interstate Council and the Technical Advisory Committee.

### Step 1. Pre-Application

HEPMPO Staff will hold pre-application meetings as requested with potential applicants to discuss project qualification and selection criteria.

### Step 2. For Application Submittals

Applications should be submitted with the following documentation:

1. Demonstration of need for the project, e.g., evidence or data demonstrating the project warrants expeditious implementation. The applicant should be able to provide information such as a summary of crash data, identified congestion, network gaps (street or sidewalk), a traffic study, or similar information.
2. Location and Extent of Project, e.g., a map displaying the location and extent of the project should be provided.
3. Identified funding source for match if the project has not been identified as being eligible for 100% federal funding *or* a priority project for the State by a representative of the WVDOT.
4. Identified community support for the project, e.g., letter(s) of support.

### Step 3. Preliminary Review

After receiving an application, HEPMPO Staff conduct a preliminary review to determine project eligibility. HEPMPO Staff will inform the applicant of the outcome of the preliminary review.

### Step 4. Project Scoring

HEPMPO Staff will score projects based on the information presented in the application. HEPMPO Staff will compile all applications, scoring sheets, and any other relevant information.

### Step 5. Technical Advisory Committee Reviews

HEPMPO Staff will share the compiled document with the Technical Advisory Committee for review and comment. If necessary, HEPMPO staff will revise the project scoring and ranking based on the input from TAC.

### Step 6. Interstate Council Review

HEPMPO Staff will prepare a report summarizing the project selection outcome and the comments received from the TAC. HEPMPO staff will share the report with the Interstate Council for review and comment. If necessary, HEPMPO staff will revise the project score and ranking based on the input from the Policy Board.

### Step 7. Final Approval

HEPMPO Staff will submit the report to the Interstate Council for approval. Project selection will be considered final only after the report is approved by the Interstate Council.

## Appendix A - Project Eligibility

Proposed projects must be located within the metropolitan planning area comprising Berkeley County and Jefferson County and be a project or a portion of a project in the HEPMPO Long Range Transportation Plan (LRTP) or be found by the HEPMPO Staff and the Interstate Council to be consistent with the LRTP. Applications for projects seeking to utilize federal suballocated funds must meet the requirements specified in the following subsection.

### A.1 Project Eligibility for STBG funding

#### (1) Location Requirement

STBG projects may not be undertaken on a road functionally classified as a local road or a rural minor collector unless the road was on a Federal-aid highway system on January 1, 1991, except-

- A bridge or tunnel project (no new construction);
- A bridge replacement of a low water crossing;
- A project described in 23 USC 133(b)(5)-15 and (b)(23)
  - Highway and transit safety infrastructure improvements and programs;
  - Fringe and corridor parking facilities;
  - Carpool projects;
  - Recreational trails, including maintenance and restoration of existing trail;
  - the safe routes to school program;
  - Pedestrian and bicycle projects in accordance with 23 USC 217, including modifications to comply with ADA requirements;
  - Protection for bridges and tunnels on public roads;
  - Project to reduce the number of wildlife-vehicle collisions;
  - Installation of EV charging facilities;
  - Projects to support congestion pricing, electronic toll collection, travel demand management programs;
  - Planning programs, research, workforce development, training, and education.
- As approved by the Secretary.

#### (2) Eligible Activities

- Construction of
  - Highways, bridges, tunnels, ferry boats and terminal facilities;
  - Transit capital projects eligible under 49 USC 53 Public Transportation;
  - Capital improvements on infrastructure-based intelligent transportation systems;
  - Truck parking facilities; and
  - Wildlife crossing structure.
- Operational improvements (23 USC 101(a)(19)), including
  - Capital improvement for installation of traffic surveillance and control equipment;
  - Computerized signal systems;
  - Motorist information systems;
  - Integrated traffic control systems;
  - Incident management programs, and
  - Transportation demand management facilities, strategies, and programs.
- Capital and operating costs for traffic monitoring, management, and control facilities and programs (23 USC 101(a)(18)), includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

- Environmental measures eligible
  - under 23 USC 119(g)
    - Mitigation banking or other third-party mitigation arrangements, such as the purchase of credits from commercial mitigation banks;
    - Statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands; and
    - Development of statewide and regional environmental protection plans, including natural habitat and wetland conservation and restoration plans.
  - Under 23 USC 148(a)(4)(B)(xvii). The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.
  - Under 23 USC 328. Environmental restoration and pollution abatement to minimize or mitigate the impacts of any transportation project funded under this title (including retrofitting and construction of stormwater treatment systems to meet Federal and State requirements.
  - Under 23 USC 329. Establishment of plants to perform one or more of the following functions:
    - abatement of stormwater runoff;
    - stabilization of soil;
    - provision of habitat, forage, and migratory way stations for Monarch butterflies, other native pollinators, and honey bees, and aesthetic enhancement.
    - Management of plants which impair or impede the establishment, maintenance, or safe use of a transportation system.
- Transportation control measures listed under Clean Air Act (CAA) Section 108(f)(1)(A) / 42 U.S. Code §7408(f)(1)(A), except clause (xvi) of the section.
  - programs for improved public transit;
  - restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles (HOVs);
  - employer-based transportation management plans, including incentives;
  - trip-reduction ordinances;
  - traffic flow improvement programs that achieve emissions reductions;
  - fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service;
  - programs to limit or restrict vehicle use in downtown areas or other areas of emissions concentration, particularly during periods of peak use;
  - programs for the provision of all forms of high-occupancy, shared-ride services;
  - programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;
  - programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;
  - programs to control extended idling of vehicles;
  - reducing emissions from extreme cold-start conditions;
  - employer-sponsored programs to permit flexible work schedules;
  - programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;

- programs for new construction and major reconstruction of paths, tracks, or areas solely for use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior;
- Highway and transit safety infrastructure improvements and programs;
- Fringe and corridor parking facilities;
- Carpool projects;
- Recreational trails, including maintenance and restoration of existing trail;
- Safe routes to school program;
- Pedestrian and bicycle projects in accordance with 23 USC 217, including modifications to comply with ADA requirements;
- Protection for bridges and tunnels on public roads;
- Project to reduce the number of wildlife-vehicle collisions;
- Installation of EV charging facilities;
- Projects to support congestion pricing, electronic toll collection, travel demand management programs;
- Planning programs, research, workforce development, training, and education.
- Deployment of intelligent transportation technologies, including the ability of vehicle to communicate with infrastructure, buildings, and other road users.
- Planning and construction of projects that facilitate intermodal connection between emerging transportation technology, such as magnetic levitation and hyperloop.
- Protective features, including natural infrastructure, to enhance the resilience of a transportation facility. Natural infrastructure, as defined in (23 USC 101 (a)(17)) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, and for other related purposes.
- Projects to enhance travel and tourism.
- Any type of project eligible under 23 USC 133 as in effect on the day before the FAST Act was enacted - December 3, 2015.

## A.2 Project Eligibility for Carbon Reduction Program (CRP) funding

CRP funding may be used on a wide range of projects that support the reduction of transportation emissions. Projects must be in the STIP/TIP and be consistent with the MTP.

Eligible activities include:

- A project to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems.
- A public transportation project that is eligible for assistance under 23 U.S.C. 142. Those projects include:
  - Construction of exclusive or preferential high-occupancy vehicle lanes.
  - Construction of highway traffic control devices.
  - Construction of bus passenger loading areas and facilities, including shelters.
  - Fringe and corridor parking facilities, which may include electric vehicle charging stations and natural gas vehicle refueling stations (23 U.S. Code § 142 (a) (1)), as well as access roads, buildings, equipment improvements, and interests in lands. (23 U.S. Code § 137)
  - Construction of a bus rapid transit corridor or dedicated bus lanes, including (23 U.S. Code § 142 (3))
    - traffic signaling and prioritization systems;
    - redesigned intersection that are necessary for the establishment of a bus rapid transit corridor;
    - on-street stations;
    - Fare collection systems;
    - information and wayfinding systems; and
    - depots.
  - Capital improvement to improve access and coordination between intercity and rural bus services (23 U.S.C 142 (a)(2));
  - Construction of facilities to improve multimode connectivity (23 U.S.C 142 (a)(2));
  - Any capital transit project that is eligible for assistance under 49 U.S.C. 53;
- A transportation alternatives project, including the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation.  
This includes projects that maximize the existing right-of-way for accommodation of nonmotorized modes and transit, including
  - separation of motor vehicles from ped/bicycle
  - increasing visibility (lighting), and
  - promoting electric bike (charging facility) and micro-mobility.
- A project for advanced transportation and congestion management technologies (23 U.S.C 503 (c)(4)(E)) including advanced traveler information systems; advanced transportation management technologies; advanced transportation technologies to improve emergency evacuation; infrastructure maintenance, monitoring, and condition assessment, and advanced public transportation system.
- A project to replace street lighting and traffic control devices with energy-efficient alternatives.

- Development of a carbon reduction strategy.
- A transportation management project, such as congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing vehicle occupancy rates, and otherwise reducing demand for roads.
- A project to reduce the environmental and community impacts of freight movement.
- A project to support the deployment of alternative fuel vehicles, including publicly accessible electric vehicle charging facilities, alternative fueling infrastructure; zero-emission vehicles, and required supporting facilities.
- A project to improve traffic flow that 1) is eligible under the CMAQ program, and 2) does not involve the construction of new capacity.
- A project for the deployment of infrastructure-based intelligent transportation systems, such as vehicle-to-infrastructure communications and short-range communications.
- A project that contains sustainable pavements and construction materials. Lifecycle assessment (LCA) demonstrate substantial carbon reductions.

Any project that is eligible under the STBG if the Secretary certifies that the State has demonstrated a reduction in on-road highway CO<sub>2</sub> emissions: 1) per capita, and 2) per unit of economic output.

## Appendix B - Funding (Federal Share)

### B.1 Federal Share of STBG Funds

Federal share for STBG-funded project is governed by 23 U.S.C. 120. In general, the share is 80 percent federal funds and 20 percent local funds. An administration fee (approximately 10%) may be associated with the project. Certain safety projects may be funded at 100 percent of the cost by federal funds upon approval by the WVDOT.

The 23 U.S.C. provides that:

- Interstate system projects: **90%** of the total project cost, unless adding lanes that are not high- occupancy-vehicles or auxiliary lanes.
- Other projects: **80%** of the total project cost
- Increased federal share – up to **100%** of the cost of construction of the following safety related projects:
  - Traffic control signalization;
  - Traffic circles, including roundabouts;
  - Safety rest areas (no food, fuel, or lodging services);
  - Pavement marking;
  - Rumble strips;
  - Commuter carpooling and van pooling;
  - Rail-highway crossing closure;
  - Traffic lights, guardians, barrier;
  - Vehicle-to-infrastructure communication; and
  - Priority control systems for emergency vehicles or transit vehicles.

States are encouraged to consider the use of STBG funds for such safety improvements that would increase the Federal share to 100 percent.

- Workforce development, training and education activities and activities carried out with STBG funds under 23 USC 504(e)(1)(A) through (H): **100%**, including
  - Tuition and direct educational expenses in connection with the education and training of employees of State and local transportation agencies;
  - Employee professional development;
  - Student internships, apprenticeships, and
  - Education activities to develop interest and promote participation in surface transportation careers.



## B.2 Federal Share of CRP Funds

Federal share for CRP-funded project is governed by 23 U.S.C. 120:

- Interstate system projects: **90%** of the total project cost, unless adding lanes that are not high- occupancy-vehicles or auxiliary lanes.
- Other projects: **80%** of the total project cost
- Increased federal share – up to **100%** of the cost of construction of the following safety related projects:
  - Traffic control signalization;
  - Traffic circles, including roundabouts;
  - Safety rest areas (no food, fuel, or lodging services);
  - Pavement marking;
  - Rumble strips;
  - Commuter carpooling and van pooling;
  - Rail-highway crossing closure;
  - Traffic lights, guardians, barrier;
  - Vehicle-to-infrastructure communication; and
  - Priority control systems for emergency vehicles or transit vehicles.

## Appendix C – 2023-2028 WVDOT STIP & TIP Operating Procedures Excerpt

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
STIP & TIP Operating Procedures



### VI. MPO Suballocated Funds

The Infrastructure Investment and Jobs Act (IIJA) establishes new suballocation of funds associated with both Surface Transportation Block Grant (STBG) and Carbon Reduction Program funds. Specifically, these funds have been suballocated to urbanized population areas of 50,000 – 200,000. The methodology for obligating these funds is established below:

#### Carbon Reduction Program 50,000 – 200,000 Population

These funds have predetermined distributions established at the federal level. As such, each MPO area receives a specific apportioned amount each federal fiscal year. To obligate these funds, the MPO must submit a written request to program a project for the specific funds. If the project is a priority of the WVDOT then the WVDOT will consider providing matching funds. If it is not a WVDOT priority, then the MPO will be responsible for finding a local sponsor to provide the match.

#### Surface Transportation Block Grant (STBG) 50,000 – 200,000 Population

These funds are suballocated as a lump sum to the State and the distribution methodology of these funds have been delegated to the WVDOT.

FHWA Guidance states – “Urbanized areas with population of at least 50,000 but no more than 200,000: The State is to establish a process to consult with relevant metropolitan planning organizations and describe how funds will be allocated equitably. [23 U.S.C. 133(d)(1)(A)(ii) and (d)(3)(A)]”

- Annual Contingency Set Aside will be 10% of the apportionment.
- Base Annual Allocation will be 20% of the apportionment and will be distributed among the 7 MPOs noted below.
  - This provides the following MPO’s with a base set aside of STBG 50,000-200,000 funds:
    1. BELOMAR (Ohio and Marshall Counties)
    2. BHJ (Brooke and Hancock Counties)
    3. FRMPO (Fayette and Raleigh Counties)
    4. HEP (Berkeley and Jefferson Counties)
    5. MMMPO (Monongalia County)
    6. RIC (Kanawha and Putnam Counties)
    7. WWW (Wood County)
- The Remaining Annual Apportionment will be obligated competitively as outlined in the Tiered process noted in section VII.

*\*Since KYOVA receives suballocated 200,000+ population funds and can obligate the funds within the full planning area, KYOVA will not receive the base allocation but may request utilization of the 50,000-200,000 funds following the process below.*

The Remaining Annual Apportionment of STBG 50,000-200,000 funds will be obligated based on the Tiered processes established in section VII of this document. If the project is a priority for the WVDOT then the WVDOT will consider providing the local match. If the project is not a priority for the WVDOT then the MPO will be responsible for finding a local sponsor to provide the required matching funds. **Each MPO policy board must adopt an internal process for selection of the projects that will be proposed for each of the Tiers noted in section VII.** The WVDOT will reserve the right to obligate any necessary funds to prevent lapse of federal dollars.



## **VII. WVDOT – MPO Cooperative Project Initiation Process**

### **Tier 1 (MPO LRTP or Regionally Significant Projects)**

Tier 1 includes projects with conceptual planning and cost estimates prepared as part of an MPO LRTP or are regionally significant. These projects tend to have large capital costs, and require significant development for environmental, right of way and other engineering issues. The WVDOT can only realistically support a handful of such initiatives statewide at any one time and remain fiscally constrained, especially as these types of projects move from pre-engineering and engineering phases to the much more costly right of way and construction phases.

To make the process of determining which, if any, new initiatives should be moved into the development pipeline more transparent, a review will be conducted at a minimum every two years. MPO's will be provided the opportunity to present candidate projects from their MTP/LRTP's to the WVDOT for consideration. The analysis and evaluation during the development of the MPO MTP/LRTP establishes the need for the projects being proposed.

WVDOT will then evaluate the projects under consideration. This evaluation will include items such as: funding, performance measures, safety, prior commitments, geographic distribution, statewide needs, etc. The evaluation process would enable WVDOT Management to decide on which, if any, of the proposals should be programmed for further development.

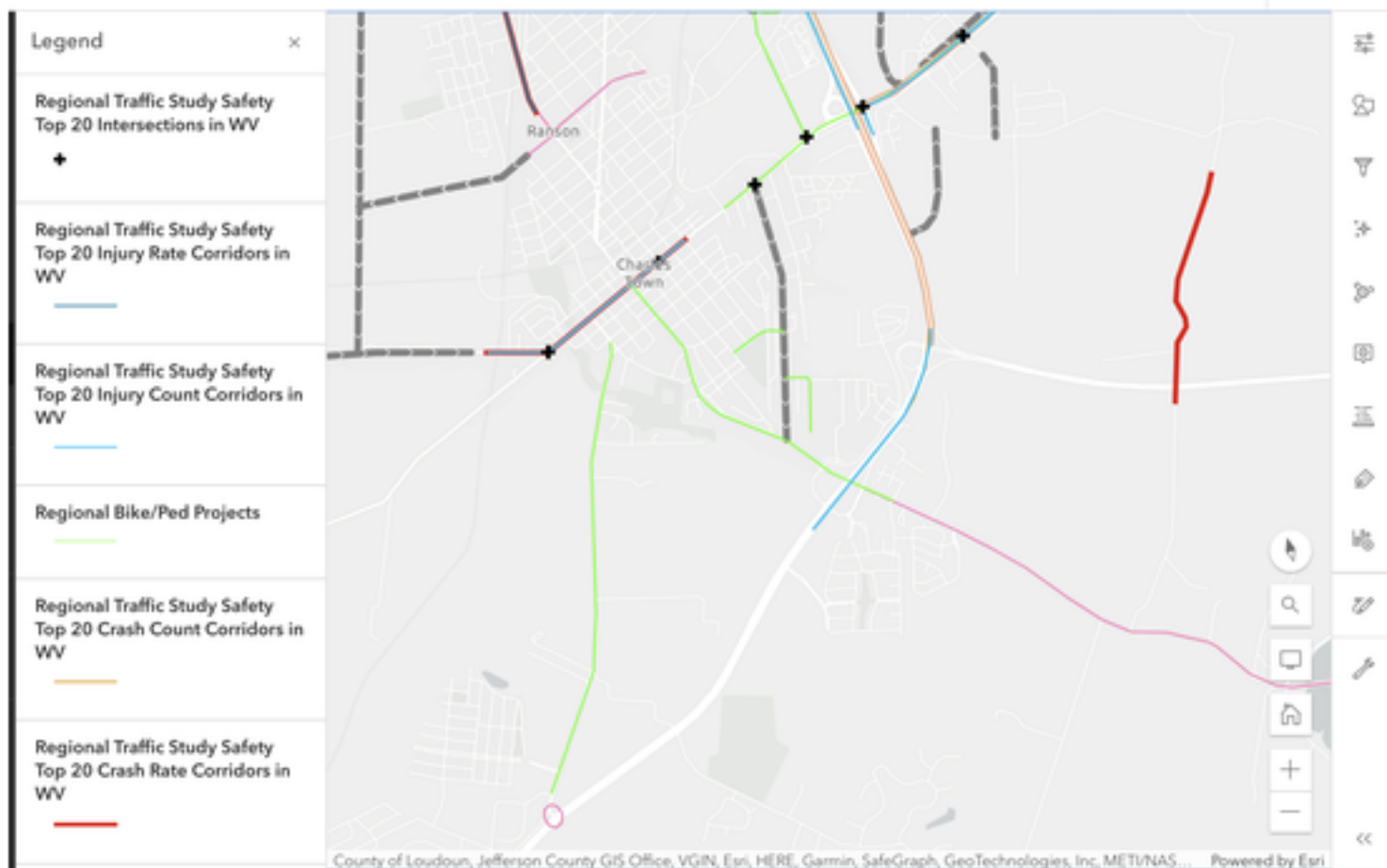
### **Tier 2 (Operational & Safety projects)**

MPOs frequently conduct detailed operational and safety studies for improvements typically for intersections throughout the metropolitan planning areas. Like their Tier 1 counterparts, the needs associated with modifying intersections far exceeds the funding available for projects of this nature. In urbanized areas, these projects can become highly complex and expensive due to right of way, access, and colocation of utilities. Furthermore, the WVDOT must consider and evaluate intersection needs and improvements from a statewide perspective. MPOs should identify and provide a list containing no more than 5 priority traffic operational and safety projects (typically intersections) for consideration annually to Planning Division by June 30<sup>th</sup>. As part of the project submission, it is requested that the MPOs attach any relevant supporting analysis, studies, or plans. Once all lists have been received and compiled by the Planning Division, the traffic operational and safety candidate project lists will be further evaluated for eligibility and prioritization in federal-aid programs and used as a reference document. As placeholder allocation projects in the STIP are replaced with actual programmed projects, WVDOT can reference/review the list in MPO areas for consistency. The results of the evaluation criteria for safety and operational projects will be provided to the MPO.

### **Tier 3 (Annual Pavement Program Projects-Federal-Aid or State Funded)**

The identification of which roads should be paved at the statewide or district level is of perennial interest to the citizens and elected officials of the State. As such, public perception and feedback are welcome components to the continual improvement of pavement management. The WVDOT recommends roadway surfacing concerns be compiled, evaluated, and submitted by each MPO with a reasonable documented methodology. If it is the MPO's desire to utilize roadway condition assessment data from the WVDOT Pavement Management System (PMS) to establish local priorities an export of that pavement data will be provided.

An annual list of proposed pavement projects generated by the Districts will be submitted to the MPOs through Planning Division by May 30<sup>th</sup> for the following year's pavement program. Any MPO recommendations must be returned to Planning Division by June 30<sup>th</sup>. The Planning Division will coordinate the evaluation process with the respective Districts. Furthermore, MPO's will be provided a copy of the annual federal aid resurfacing allocation memos.





**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-874: Municipal Service Fee for Street Improvements**

**ATTACHMENTS:**

- [Article 770.pdf](#)



## ARTICLE 770

### Municipal Service Fee For Street Improvements

- 770.01 Purpose.**
- 770.02 User defined.**
- 770.03 Fees.**
- 770.04 Appeal.**
- 770.05 Collection of fees and penalties.**
- 770.06 Use of funds.**

#### CROSS REFERENCES

Street - see S.U. & P.S. Art. 905, 906

#### **770.01 PURPOSE.**

There shall be established by and through this article, a municipal service fee for the purpose of providing street improvements.

(Ord. 99-006. Passed 3-19-99.)

#### **770.02 USER DEFINED.**

The users of said street improvements are hereby declared to be the occupants, whether tenants or owners of all residential premises (which term includes houses, townhomes, apartments and duplexes) manufacturing plants and all business premises, (which term includes all businesses involving the sale of tangible personal property or the rendering of a service with the object of economic benefit) within the City of Charles Town.

(Ord. 99-006. Passed 3-19-99.)

#### **770.03 FEES.**

(a) 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 occupants of each residential premise, each manufacturing plant and each business premise from and after July 1, 1999, an annual fee or charge of forty-eight dollars per year. This fee shall be payable in installments consistent with the charges for utility services provided by the City, and for each period thereafter so long as this article remains in effect.

(b) The owners of all businesses and the head of the house of each residence shall be responsible for the payment of the charges. Consistent with the charges for utility services provided by the City, monthly or bi-monthly bills shall be rendered to the persons, firms and corporations.

(c) The Treasurer shall be responsible for preparing and mailing the bills and may include the charges on the monthly or bi-monthly utility bills rendered by the City to all persons, firms and corporations who are defined as users of the municipal service.

(d) The record owner of the property upon which a single family residence is situated shall be presumed to be the user of the municipal service rendered for the benefit of said property and the record owner shall be liable to the City of Charles Town for said charges. However, where a tenant or occupant of a single family residence shall receive utility service, the tenant or occupant shall be presumed to be the user of said municipal service.

(e) The tenants or occupants of the residential unit of a multi-family dwelling or apartment house shall be presumed to be the users of such municipal service and shall be liable to the City of Charles Town for said charges. In the event the record owner of a multi-family dwelling is responsible for charges for utility services provided by the City, said owner shall be charged with the responsibility of collecting charges imposed by the Ordinance from tenants or occupants of such dwelling units or apartments and properly remitting same to the City and shall be liable to the City in the amount of said charges for failure to do so.

(f) In the event that a residential unit or of a multi-family dwelling or apartment house is temporarily unoccupied then and in that event the record owner of the property upon which said multi-family dwelling or apartment is situate shall be presumed to be the user of the municipal service provided to each such unoccupied unit and shall be liable to the City of Charles Town for said charges.

(g) The owner or owners of a business establishment or a corporation owning or occupying a business establishment within the City of Charles Town shall be presumed to be the users of such municipal service and

shall be liable to the City for said charges. Persons doing business as partners in a business establishment within the City of Charles Town shall be jointly and severally liable for said charges. (Ord. 99-006. Passed 3-19-99.)

#### **770.04 APPEAL.**

Any person feeling aggrieved by the imposition of a specific charge hereunder may protest the same in writing filed with the City Clerk, and has the right to be heard thereon in person or by agent or attorney before Council. If Council finds the charges to be erroneous or improper, Council shall correct or annul the same as the circumstances may require.

(Ord. 99-006. Passed 3-19-99.)

#### **770.05 COLLECTION OF FEES AND PENALTIES.**

(a) The fees or charges shall be paid or remitted to the City of Charles Town. The failure of any such user to receive a bill or statement of the fee or charge shall in no manner impact or affect validity of the charge or the City's right to collect the same.

(b) The City, acting by and through its proper officials, may proceed by action, suit, or attachment or any other appropriate remedy provided by law, to collect the charges and fees herein provided in the event of delinquency in the payment thereof by the user.

(Ord. 99-006. Passed 3-19-99.)

#### **770.06 USE OF FUNDS.**

All funds and income derived under and by virtue of this article shall be segregated and used exclusively for the purpose of street improvements within the City of Charles Town.

(Ord. 99-006. Passed 3-19-99.)

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**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Appointment  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-875: Contractor Appeals Board Applications**

**ATTACHMENTS:**

- [2023-009 - Building Code Board of Appeals Resolution.pdf](#)





# City of Charles Town

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

## RESOLUTION Building Code Board of Appeals

**WHEREAS**, The City of Charles Town previously adopted the West Virginia State Building Code in September of 2022;

**WHEREAS**, the West Virginia State Building Code requires the formation of a Building Code Board of Appeals in order to hear and decide appeals of orders, decisions or determinations made by the Code Official relative to the application and interpretation of this code;

**WHEREAS**, members of the Board of Appeals shall consist of the regulations and stipulations outlined in the West Virginia State Building Code; and who are not employees of the City, but the Code Official shall serve as an ex-officio member but have no vote on any matter before the Board, and;

**WHEREAS**, the Board shall be appointed by the City Council and shall serve staggering and overlapping terms and shall adopt Rules of Procedure governing appeals before it.

**NOW, THEREFORE, BE IT RESOLVED**, the Charles Town City Council adopts a Resolution to establish a Building Code Board of Appeals as required by West Virginia State Code and all administrative appeals from actions of the City Code Official will follow the procedures set forth and established in the respective International Codes adopted.

Adopted the 21<sup>ST</sup> day of JUNE, 2023.

Attest:

Robert M. Trainor  
Mayor

Alissa Meeks  
City Clerk



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-888: Grants Overview Presentation - Mr. Matt Ward, Sustainable Strategies DC**

**ATTACHMENTS:**



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-899: Payment of Bills - October 2, 2023**

**ATTACHMENTS:**

- [CAPITAL RESERVE COUNCIL REPORT 2023 10 02.pdf](#)
- [GENERAL FUND COUNCIL REPORT 2023 10 2.pdf](#)
- [PARKS & REC COUNCIL REPORT 2023 10 02.pdf](#)

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANTAGE TECHNOLOGY LLC	9/29/23	SEPT 2023 MONTHLY AGREEMEN	CAPITAL RESERVE	GENERAL GOVERNMENT	2,037.15
	9/29/23	SEPT 2023 MONTHLY AGREEMEN	CAPITAL RESERVE	GENERAL GOVERNMENT	1,510.40
	9/29/23	AUGUST 2023 TECH SERVICE-	CAPITAL RESERVE	GENERAL GOVERNMENT	3,258.75
	9/29/23	AUGUST 2023 TECH SERVICE-P	CAPITAL RESERVE	GENERAL GOVERNMENT	118.75
	9/29/23	AUGUST 2023 TECH SERVICE-P	CAPITAL RESERVE	GENERAL GOVERNMENT	97.49
				TOTAL:	7,022.54
ALPHA ASSOCIATES, INCORPORATED	9/29/23	AUGUSTINE AVE-TRAIL DESIGN	CAPITAL RESERVE	CULTURE & RECREATION	2,816.27
				TOTAL:	2,816.27
POM INCORPORATED	9/29/23	25APM MECH WHEEL/5 BATTERY	CAPITAL RESERVE	PUBLIC SAFETY	4,800.00
	9/29/23	25APM MECH WHEEL/5 BATTERY	CAPITAL RESERVE	PUBLIC SAFETY	31.90
	9/29/23	25APM MECH WHEEL/5 BATTERY	CAPITAL RESERVE	PUBLIC SAFETY	160.00
	9/29/23	24SPACE MECHANISM-PARKING	CAPITAL RESERVE	PUBLIC SAFETY	5,010.75
				TOTAL:	10,002.65

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===== FUND TOTALS =====
200 CAPITAL RESERVE          19,841.46
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GRAND TOTAL:                 19,841.46
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TOTAL PAGES: 1

APPROVED BY: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

## SELECTION CRITERIA

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SELECTION OPTIONS

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VENDOR: All  
CLASSIFICATION: All  
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ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00  
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CHECK DATE: 9/29/2023 THRU 9/29/2023  
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## PAYROLL SELECTION

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

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

INCLUDE REFUNDS: YES  
INCLUDE OPEN ITEM:NO  
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VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
AC & T CO., INC	9/29/23	2023 CAR SHOW PORTAPOTTS	GENERAL FUND	FAIR ASSOC/FESTIVAL	832.00
				TOTAL:	832.00
APPLE VALLEY WASTE SERVICE, INC.	9/29/23	TRASH SER OCT23 MALWARE AP	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	415.00
				TOTAL:	415.00
CHARLES TOWN LOCK AND KEY	9/29/23	PD-FRONT DOOR/INSTALL GATE	GENERAL FUND	POLICE DEPARTMENT	90.00
	9/29/23	PD-FRONT DOOR/INSTALL GATE	GENERAL FUND	POLICE DEPARTMENT	75.00
	9/29/23	PD-FRONT DOOR/INSTALL GATE	GENERAL FUND	POLICE DEPARTMENT	420.00
	9/29/23	PD-FRONT DOOR/INSTALL GATE	GENERAL FUND	POLICE DEPARTMENT	150.00
	9/29/23	PD-FRONT DOOR/INSTALL GATE	GENERAL FUND	POLICE DEPARTMENT	140.00
				TOTAL:	875.00
CINTAS	9/29/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
	9/29/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
				TOTAL:	415.08
CREAMERS AUTO SERVICE CENTER, LLC	9/29/23	CAR#21 OIL CHANGE	GENERAL FUND	POLICE DEPARTMENT	45.95
				TOTAL:	45.95
CHARLES TOWN BUILDING COMMISSION	9/29/23	OCTOBER 2023 CITY RENTS	GENERAL FUND	CITY HALL	2,550.00
	9/29/23	OCTOBER 2023 CITY RENTS	GENERAL FUND	CITY HALL	16,667.00
	9/29/23	OCTOBER 2023 CITY RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
				TOTAL:	27,057.98
CHARLES TOWN UTILITY BOARD	9/29/23	661 WATER DELIVERY 8/18/23	GENERAL FUND	POLICE DEPARTMENT	132.61
				TOTAL:	132.61
JONATHAN DESARNO	9/29/23	50% TUITION REIM-CJU545	GENERAL FUND	POLICE DEPARTMENT	975.00
	9/29/23	50% TUITION REIM-CJU520	GENERAL FUND	POLICE DEPARTMENT	975.00
				TOTAL:	1,950.00
EVERBANK	9/29/23	2ND FLR COPIER RENTAL	GENERAL FUND	CITY HALL	221.15
	9/29/23	2ND FLOOR PLAT PRINTER	GENERAL FUND	CITY HALL	931.90
				TOTAL:	1,153.05
FRONTIER, INC.	9/29/23	PD FAXLINE 9/7/23-10/6/23	GENERAL FUND	POLICE DEPARTMENT	145.77
				TOTAL:	145.77
FRONTIER COMMUNICATIONS CORP	9/29/23	661 PD PHONE SER 9/10-10/9	GENERAL FUND	POLICE DEPARTMENT	1,160.21
				TOTAL:	1,160.21
GUARDIAN	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	NON-DEPARTMENTAL	122.22
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	ECONOMIC DEVELOPMENT	9.25
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	27.75
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	CITY CLERK'S OFFICE	9.25
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	ENFORCEMENT AGENCY	9.25
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	BUILDING INSPECTION	9.25
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	PLANNING & ZONING	18.50
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	PARKING	9.25
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	138.75
	9/29/23	OCT23 VISION PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	27.75
				TOTAL:	381.22
INTERNATIONAL CODE COUNCIL	9/29/23	C PETERSON-FULL CONF MEMBE	GENERAL FUND	ENFORCEMENT AGENCY	650.00
				TOTAL:	650.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
JEFFERSON PUBLISHING COMPANY, INC.	9/29/23	9/13 NPH ELM STREET COMMUN	GENERAL FUND	PLANNING & ZONING	44.30
				TOTAL:	44.30
JOHNSON CONTROLS SECURITY SOLUTIONS	9/29/23	661FIRE ALARM 10/1/23-12/3	GENERAL FUND	POLICE DEPARTMENT	1,368.65
				TOTAL:	1,368.65
KASSIDY NOBLE	9/29/23	10/16-10/18 PARKERSBURG TR	GENERAL FUND	POLICE DEPARTMENT	149.50
				TOTAL:	149.50
KENT PARSONS FORD, INC	9/29/23	CAR#8 BATTERY REPLACEMENT	GENERAL FUND	POLICE DEPARTMENT	199.90
				TOTAL:	199.90
KIMLEY-HORN AND ASSOCIATES, INC.	9/29/23	SERVICES THROUGH AUGUST 20	GENERAL FUND	PLANNING & ZONING	3,912.04
				TOTAL:	3,912.04
MARKL SUPPLY COMPANY, INC.	9/29/23	BOUND- GLOCK HOLSTER	GENERAL FUND	POLICE DEPARTMENT	191.95
				TOTAL:	191.95
MCKINNEY'S AUTO REPAIR & TOWING	9/29/23	CAR#15 OIL CHANGE/ TIRE RO	GENERAL FUND	POLICE DEPARTMENT	126.38
	9/29/23	CAR#26 REMOVE HANGING SHIE	GENERAL FUND	POLICE DEPARTMENT	51.50
				TOTAL:	177.88
ONE TIME VENDOR DAWN DRAAYER	9/29/23	DAWN DRAAYER:	GENERAL FUND	NON-DEPARTMENTAL	350.00
				TOTAL:	350.00
POSTMASTER- CHARLES TOWN	9/29/23	2 ROLLS 100 SELF STICK STA	GENERAL FUND	POLICE DEPARTMENT	132.00
				TOTAL:	132.00
POTOMAC EDISON COMPANY, INC.	9/29/23	ELECTRIC SERV AUGUST 2023	GENERAL FUND	CITY HALL	1,062.10
	9/29/23	ELECTRIC SERV AUGUST 2023	GENERAL FUND	PARKING	93.42
	9/29/23	ELECTRIC SERV AUGUST 2023	GENERAL FUND	STREETS & HIGHWAYS	8,644.16
	9/29/23	ELECTRIC SERV AUGUST 2023	GENERAL FUND	VISITORS CENTER	263.52
				TOTAL:	10,063.20
SOUTH CENTRAL PLANNING & DEVELOPMENT C	9/29/23	MYPERMITNOW FEES SEPTEMBER	GENERAL FUND	CITY HALL	730.00
				TOTAL:	730.00
STAPLES ADVANTAGE	9/29/23	1 BLK TONER/ 3PK COLORED T	GENERAL FUND	CITY MANAGER'S OFFICE	391.89
	9/29/23	PAPERCLIPS/CUTLERY/CUPS/PL	GENERAL FUND	CITY HALL	85.76
	9/29/23	2 CASES COPY PAPER/1 BOX P	GENERAL FUND	CITY HALL	120.36
				TOTAL:	598.01
STAR CHAPMAN GROUP INC.	9/29/23	ACCTING SERVICES 9/15-10/1	GENERAL FUND	TREASURER'S OFFICE	11,000.00
				TOTAL:	11,000.00
SVG COMMERCIAL CLEANING LLC	9/29/23	CLEANING JULY,AUGUST,SEPT	GENERAL FUND	CITY HALL	5,760.00
	9/29/23	CLEANING JULY,AUGUST,SEPT	GENERAL FUND	CITY HALL	400.00
	9/29/23	CLEANING JULY,AUGUST,SEPT	GENERAL FUND	POLICE DEPARTMENT	3,360.06
				TOTAL:	9,520.06
UNITED PUBLIC SAFETY	9/29/23	50ROLLS PARKING TICKET PAP	GENERAL FUND	PARKING	189.00
				TOTAL:	189.00
WITMER PUBLIC SAFETY GROUP INC	9/29/23	2 BOXES 9MM ROUNDS/3BOXES	GENERAL FUND	POLICE DEPARTMENT	1,596.69
	9/29/23	1 BOX BRASS AMMO	GENERAL FUND	POLICE DEPARTMENT	288.93
	9/29/23	3 BOXES BRASS AMMO	GENERAL FUND	POLICE DEPARTMENT	866.79

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	9/29/23	9 BOXES 9MM AMMO	GENERAL FUND	POLICE DEPARTMENT	<u>2,115.00</u>
				TOTAL:	<u>4,867.41</u>

===== FUND TOTALS =====  
001 GENERAL FUND 78,707.77  
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GRAND TOTAL: 78,707.77  
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TOTAL PAGES: 3

APPROVED BY: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_



## SELECTION CRITERIA

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SELECTION OPTIONS

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VENDOR: All  
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CHECK DATE: 9/29/2023 THRU 9/29/2023

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PAYROLL SELECTION

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

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PRINT OPTIONS

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

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PACKET OPTIONS

INCLUDE REFUNDS: YES  
INCLUDE OPEN ITEM:NO

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VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
DODSON CONTRACTING & HOME IMPROVEMENTS	9/29/23	JMP-REPAIR ELECTRIC PANEL	PARKS & REC	PARKS & REC	3,543.44
TOTAL:					3,543.44

===== FUND TOTALS =====  
207 PARKS & REC 3,543.44  
-----  
GRAND TOTAL: 3,543.44  
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TOTAL PAGES: 1

APPROVED BY: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

## SELECTION CRITERIA

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SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R  
VENDOR: All  
CLASSIFICATION: All  
BANK CODE: Include: PARK1  
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ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00  
GL POST DATE: 0/00/0000 THRU 99/99/9999  
CHECK DATE: 9/29/2023 THRU 9/29/2023

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PAYROLL SELECTION

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

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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

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**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-878: Article 1705 West Virginia Building Code**

**ATTACHMENTS:**

- [Article 1705 - West Virginia State Building Code 2023.pdf](#)

## ARTICLE 1705

### West Virginia State Building Code

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

1705.01 Adoption.

1705.02 Amendments.

1705.03 Permits.

1705.04 Permit fees.

1705.05 City Code Official & Building Inspector.

1705.06 Appeals.

1705.07 Penalties.

1705.08 Injunctive relief.

1705.09 Severability.

## CROSS REFERENCES

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

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

State Building Code - see W. Va. Code 1SA-11-5

### 1705.01 ADOPTION.

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

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

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

## 1705.02 AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 1705.03 PERMITS.

No building permit or other permit required under any provision of the State Building Code shall be issued or renewed with respect to any property that is then subject to a notice of violation or order issued under the State Building Code unless the work authorized by the contemplated permit will timely rectify all violations set forth in such notice of violation or order. Notwithstanding the foregoing, the City Code Official may, in

his or her reasonable discretion and upon determination that such will further the City's objective of obtaining compliance with this Article, enter with the owner(s) of any property a written agreement providing for issuance of a permit on specified terms and conditions including, without limitation, benchmarks for work progress.

#### 1705.04 PERMIT FEES.

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

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

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

(d) For Demolition:

(1) Residential: a \$50.00 Building Permit Fee

(2) Commercial: a \$150.00 Building Permit Fee

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

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

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

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

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

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

(k) For Roofing and Siding:

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

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

(l) For Sidewalks and Driveways:

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



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

(m) Fences:

(1) Residential: A \$40.00 Building Permit Fee

(2) Commercial: A \$100.00 Building Permit Fee

(n) For Plumbing Permits:

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

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

(o) For Mechanical Permits:

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

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

(p) For Electrical Permits:

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

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

(3) Panel or Meter upgrade only: \$100.00

(q) Plan Review:

(1) Residential \$150.00

(A) Residential Renovations: \$75.00

(B) Residential Decks and Fences: \$50.00

(2) Commercial \$300.00

#### 1705.05 CITY CODE OFFICIAL & BUILDING INSPECTOR.

(a) The City of Charles Town shall comply with the requirements of the Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners set forth at Series 6 of Title 103 of the West Virginia Code of State Rule (the "Certification/Continuing Education Standards").

(b) The City Manager or designee shall designate a City Building Official, who shall also be known as the City Code Official, who meets the qualifications of a "Code Official" set

forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

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

#### 1705.06 APPEALS.

There is established one Appeals Board for all appeals arising under Article 1705, comprised of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. At least one member of the Appeals Board shall be a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work. In addition to such members, the City Code Official shall be an ex-officio member but shall have no vote on any matter before the Appeals Board. The members of the Appeals Board shall be appointed by the City Council and shall serve staggered and overlapping terms. The Appeals Board shall adopt Rules of Procedure governing appeals before it. All administrative appeals from actions of the City Code Official must be filed within twenty (20) days of service of the order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the Building Code where not inconsistent with this Section. Any appeals from decisions of the Appeals Board must be filed within thirty (30) days of the decision by Petition for Writ of Certiorari to the Circuit Court of Jefferson County. Appeals to the Appeals Board and appeals from the Appeals Board to the Circuit Court shall be based on, and limited to, a claim that the true intent of this Article and/or the State Building Code has been incorrectly interpreted, the provisions of this Article and/or the State Building Code do not fully apply, or the requirements of this Article and/or State Building Code are adequately satisfied by other means.

#### 1705.07 PENALTIES.

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

1705.08 INJUNCTIVE RELIEF.

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

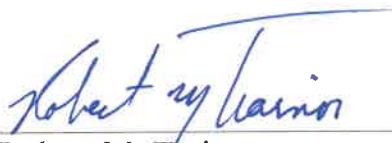
1705.09 SEVERABILITY.

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

Passed on First Reading: August 21, 2023

Passed on Second Reading:  
(following Public Hearing) September 18, 2023

Attest:

  
Robert M. Trainor  
Mayor

  
John Nissel  
City Manager/Clerk



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-889: City Manager Report - September 18, 2023**

**ATTACHMENTS:**

- [City Manager Report - September 18, 2023.pdf](#)



# City of Charles Town

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

Phone: (304) 725-2311 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

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## City Managers Report Sept 18<sup>th</sup>

- I would like to introduce you to Elsie Cunningham our new Finance Director. Elsie earned her BS in Accounting from the University of Colorado and is A Certified Public Accountant. Ms. Cunningham has held positions from Manager of Finance, to CFO to Controller over the past two decades. We are excited to have Elsie join our Senior Management Team. We will be onboarding her over the next 4 weeks to get her up to speed on our financial protocols.
- The Mayor along with Councilwoman Rodd met with staff last week to begin framing up the Mayors Select Committee on the Potters Field. I have included as a table drop the GEOMODEL report from the GPR that was conducted.
- Staff will be sending out an RFQ to look into the B&O tax implications. We expect to begin receiving responses within the next several weeks.
- Staff followed up on the Boards request to further clarify two questions that relate to the Congress and Lawrence Street intersection damage.
  1. The first point of clarification spoke to the bus turn radius in the design. Kimley Horn affirmed that the radi of the curb extensions has been designed to accommodate school buses.
  2. You had asked us to contact the Dept of Education and that correspondence has been done. Ms. Meeks also included the Dept of Ed's Transportation and Operations Division as well.
- We have solicited 3 bids for the exterior painting of City Hall. We anticipate the bids to come in this week when we will make a selection on a contractor. Please be mindful that if we discover the presence of lead the cost will escalate to cover the remediation. I also want the Council to understand that we may experience higher costs due to the amount of deferred maintenance on the building.



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-890: Charles Town Police Department August Monthly Statistical Report**

**ATTACHMENTS:**

- [August 2023.pdf](#)





# Charles Town Police Department Monthly Stat Report



August 2023

911 Hangup	2	Loose Dog	1
Abandoned Vehicle	4	Motorist Assist	2
Alarm	23	MVA w/ Entrapment	1
Animal Complaint	2	MVA Hit and Run	4
Assault	1	MVA No Injury	18
BOLO	2	MVA Into Structure	
Breaking and Entering		MVA w/ Injury	3
Breaking and Entering Veh		Noise Complaint	
Building Check	30	Out of Car (Investigation/Meeting/Court)	5
Capias Recall by Court	20	Panhandling	1
Capias Service	46	Overdose	2
Citizen Assist		Overdose-Death	
Civil Process		Parking Complaint	16
Court/Bailiff Duty	3	Protection Order Service	
Destruction of Property	1	Public Assist (In Person Contact)	22
Directed Patrol	183	Public Service (Phone Contact)	73
Disabled Vehicle	9	Road Patrol	6
Disturbance	31	Sexual Assault	1
Dog Locked in Vehicle		Shooting	
Domestic Battery	3	Special Event/Detail	12
Drug Activity	3	Stolen Tag	
DUI	2	Stolen Vehicle	
EMS Assist	19	Suspicious Activity	3
Fingerprinting	11	Suspicious Mail	
Fight		Suspicious Person	5
Fire Assist	1	Suspicious Vehicle	7
Fireworks Complaint		Theft	4
Follow Up	11	Traffic Hazard	4
Found Property	2	Transport	3
FPO Violation	1	Tree Down	
Fraud	4	Trespassing	1
Harassment	2	Unattended Death	2
Hardcopy Check	1	Vehicle Fire	
Illegal Burn		VIN Verification	2
Information		Warrant Service	10
Intoxicated Person	1	Welfare Check	24
Juvenile Complaint	1	Wires Down	
Livestock Complaint	1	<b>Total calls of service</b>	<b>652</b>

Assists/Back-Ups:	Ranson	24	Sheriffs Dept.	27
	Harpers Ferry		State Police	1
	Shepherdstown		Other (not including CTPD)	
			<b>Total Assists</b>	<b>52</b>

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	23	15	27	8	2	0	1	38
Total Charges	42	17	43	9	6	0	1	59
Citations:								295
- Moving								130
- Nonmoving								126
- Criminal								30
- S Ticket (Parking)								9
Stops	149	99	184	25	26	4	9	248
Warnings:								
Stops	55	58	91	7	5	2	8	113
<b>Total</b>	<b>227</b>	<b>172</b>	<b>302</b>	<b>40</b>	<b>33</b>	<b>6</b>	<b>18</b>	
Incident Report								77
Parking								
- Citations								371
-Warnings								40





**Charles Town Police Department  
Monthly Stat Report  
Charges by Offense/Gender/Race**



August 2023

	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
<b>PART I OFFENSE</b>							
Burglary (Daytime)							
Burglary (Nighttime)							
Grand Larceny							
Malicious Assault							
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny	1		1				
Robbery - Attempted							
Robbery							
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting							
Shoplifting 2nd Offense							
Shoplifting 3rd Offense							
Strangulation							
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PART II OFFENSE</b>							
Assault							
Attempted Disarm of Police Officer							
Attempted Escape from Custody							
Battery	3		3				
Battery on Law Enforcement/EMS							
Brandishing a Deadly Weapon							
Capias Served	15	8	15	7			1
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury							
Conspiracy							
Conspiracy to Distribute Fentanyl							
Conspiracy to Distribute MDMA							
Conspiracy to Breaking and Entering							
Conspiracy to Possess w/Intent to Deliver Acid/LSD							
Conspiracy to Commit Grand Larceny							
Criminal Invasion of Privacy							
Cultivation of Marijuana							
Deadly Weapon on School Property							
Delivery of Controlled Substance							
Destruction of Property		1	1				
Disorderly Conduct							
Disruption of School							
Distribution of Crack Cocaine							
Disturbing the Peace							
Domestic Assault		1		1			
Domestic Battery	1	2	2	1			
Domestic Battery 2nd Offense							
Domestic Battery 3rd Offense							
Driving Revoked for DUI	2		1		1		
Driving Revoked for DUI 2nd							
Driving Revoked for DUI 3rd							
Driving Revoked Non DUI Admin							
DUI	1				1		
DUI 2nd							
DUI 3rd	1		1				
DUI Aggravated							
DUI Causing Bodily Injury							
DUI - Drugs							





Charles Town Police Department  
Monthly Stat Report  
Charges by Offense/Gender/Race



DUI - Drugs 2nd Offense							
DUI w/ Minor							
Entering w/out Breaking-Auto							
Failure to Register for Child Abuse Registry							
False Alarm of Fire							
False Reporting of an Emergency							
Felon Concealing Firearm	1		1				
Felon in Possession of Firearm	1		1				
Fingerprint Refusal							
Fleeing with Reckless Indifference		1	1				
Fleeing in Vehicle							
FPO Violation							
Fraudulent Use of Credit Card	7		7				
Fugitive From Justice							
Incest							
Indecent Exposure							
Interlock Violation							
Littering							
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer							
Obtain Money, Property, Services by False Pretense							
Open Container							
Open Container in Vehicle							
Persuading Minor to Film Sexually Explicit Conduct	1		1				
Phone Harassment							
Pimping							
Possession Deadly Weapon by Minor							
Possession of Alcohol Under 21							
Possession of Child Pornography	1		1				
Possession of Controlled Substance							
Possession of Heroin							
Possession of Marijuana		2	2				
Possession of Morphine							
Possession of Oxycodone w/out Prescription							
Possession of Vape Product under 18							
Possession w/ Intent to Deliver Alprazolam							
Possession of Stolen Property							
Possession w/ Intent to Deliver Cocaine							
Possession w/ Intent to Deliver MDMA (Molly)							
Possession w/ Intent to Deliver Fentanyl							
Probation Violation							
Prohibited Person in Poss of Firearm							
Prostitution							
Prostitution 2nd Offense							
Providing Alcohol to Under 21							
Public Intoxication							
Reckless Driving							
Resisting Arrest							
Sexual Abuse 1st Degree							
Solicitation	1		1				
Threats of Terroristic Acts							
Transfer Receive Stolen Property							
Trespassing into Structure		1	1				
Unlawful Possession/Transport into WV Fentanyl							
Underage Possession of Firearm (Federal Warrant)							
Unlawful Taking of Vehicle		1	1				
Use of Obscene Matter to Seduce Minor	1		1				
TOTAL	36	17	41	9	2	0	1



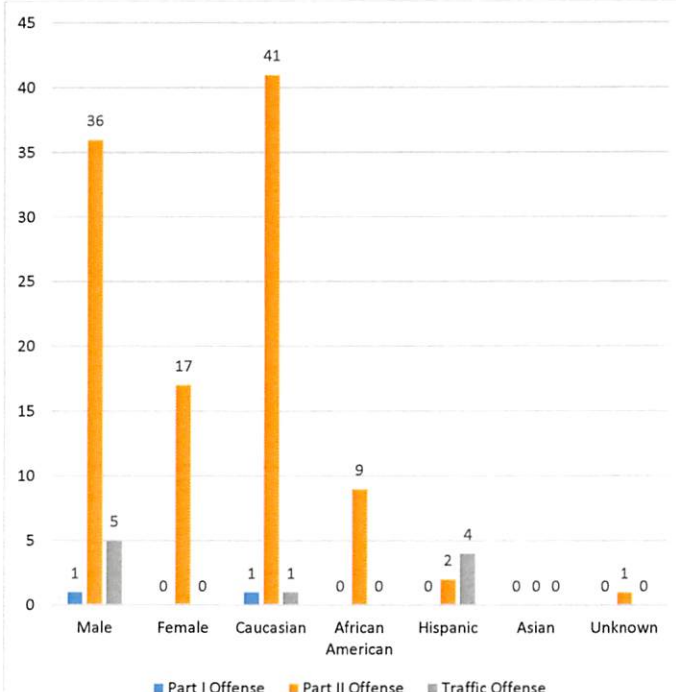
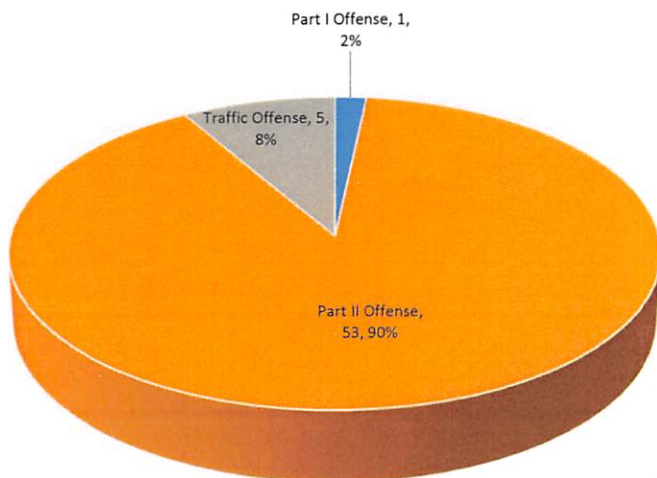
# Charles Town Police Department

## Monthly Stat Report

### Charges by Offense/Gender/Race



TRAFFIC OFFENSE							
Cell Phone Violation							
Child Safety Restraint Violation							
Defective Equipment							
Driving Suspended	1				1		
Driving Suspended 2nd Offense							
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI	1				1		
Expired/No Operators							
Expired/No Registration	1				1		
Fail to Keep Right							
Fail to Maintain Control							
Fail to Obey Traffic Signal							
Fail to Obtain WV Operators							
Fail to Report Accident							
Failure to Update Address on License							
Following to Closely							
Improper Backing							
Improper Registration							
Leaving the Scene of Accident							
Left of Center							
No Insurance/No Proof of Insurance							
No Motorcycle Endorsement							
No Operators							
No Seatbelt							
No White Bicycle Light							
Passing on Right							
Red Light Violation	1				1		
Speeding	1		1				
Striking Unattended Vehicle							
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>TOTAL CHARGES</b>	<b>42</b>	<b>17</b>	<b>43</b>	<b>9</b>	<b>6</b>	<b>0</b>	<b>1</b>





# Charles Town Police Department

## Total Traffic Citation Report, by Violation

<u>Violation</u>	<u>Description</u>	<u>Total</u>
17A-3-16	Expired Registration	59
17A-9-2	No Or Expired Registration	18
17A-9-3	Improper Registration	1
17B-2-1	No Operators	3
17B-2-12	Expired Operators	1
17B-2-1a(b)	Failure To Obtain WV Operator's	1
17B-4-3(b)	Driving Revoked For DUI/2nd/3rd	2
17B-4-3a	Driving Suspended or Revoked	12
17C-12-7	Fail To Stop For School Bus	1
17C-13-1	Parking In Roadway	1
17C-13-3	Parking Violation	8
17C-14-15	Use Handheld Communication Device	3
17C-15-49	Seatbelts Required	12
17C-16-9	No Or Expired MVI	35
17C-3-4	Fail To Obey Traffic Control Device	2
17C-3-5	Fail To Obey Traffic Light	19
17C-3-5(c)	Right on Red	2
17C-4-5	Duty Upon Striking Highway Fixture	1
17C-5-2(e)	Basic DUI <.15	1
17C-5-2(m)	DUI 3rd Or Subsequent	1
17C-6-1a	Failure To Maintain Control	8
17C-6-1b	Speeding	66
17C-7-4	Passing On Right-Off Road	4
17C-7-8	One Way And Traffic Island Violation	1
17C-9-5	Fail To Yield-Emergency Vehicle	1
17D-2A-3	No Insurance	2
17D-2A-4	No Proof Of Insurance	4
CTPD171.07	Failure To Appear For Trial (CAPIAS)	22
CTPD509.04(h)	Urinating In Public	1
CTPD521.06(a)	Public Intoxication	1
CTPD531.03	Possession Of Marijuana <15gms	2

**Report Totals**

**295**

### Report Includes:

All dates of issue between '00:00:00 08/01/23' and '23:59:59 08/31/23', All agencies matching 'CTPD', All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types





# Charles Town Police Department

## Total Traffic Warning Report, by Violation

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<u>Violation</u>	<u>Description</u>	<u>Total</u>
17A-3-15	Improper Display Of Registration	17
17A-3-16	Expired Registration	17
17A-9-2	No Or Expired Registration	4
17B-2-1a(b)	Failure To Obtain WV Operator's	1
17C-14-1	Unattended Motor Vehicle	1
17C-14-15	Use Handheld Communication Device	1
17C-15-1	Unsafe-Improperly Equipped Vehicle	1
17C-15-18	Signal Lamps And Devices	1
17C-15-36	Windshields Unobstructed & W/Wipers	1
17C-15-36a	Sun-Screening Devices-Window Tint	1
17C-15-4	Head Lamp Requirements	1
17C-15-49	Seatbelts Required	2
17C-16-9	No Or Expired MVI	14
17C-3-4	Fail To Obey Traffic Control Device	11
17C-3-5	Fail To Obey Traffic Light	5
17C-3-5(c)(2)	Right Turn On Red Where Prohibited	1
17C-5-3	Reckless Driving	1
17C-6-1a	Failure To Maintain Control	6
17C-6-1b	Speeding	18
17C-7-3	Improper Passing/Audible Signal	1
17C-7-4	Passing On Right-Off Road	2
17C-7-8	One Way And Traffic Island Violation	1
17C-7-9(3)	Improper Use Of Turn Lane	1
17C-9-2	Fail to yield while making a left turn	1
17C-9-3	Fail To Yield-Thru Highway	1
17D-2A-4	No Proof Of Insurance	1
CTPD349.14	Driving On Sidewalk Or Curb	1

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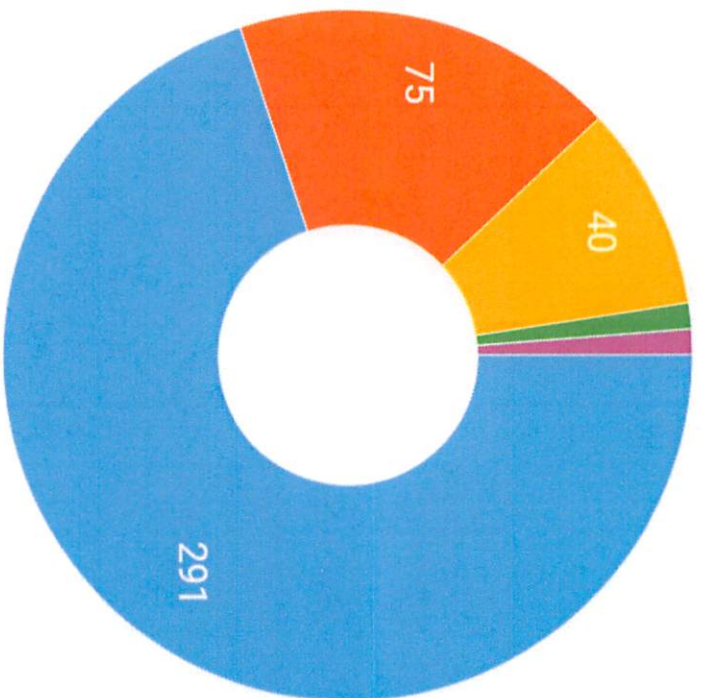
**Report Totals: 113**

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### Report Includes:

All dates between '00:00:00 08/01/23' and '23:59:59 08/31/23', All agencies matching 'CTPD', All issuing officers, All areas, All violations

### City of Charles Town - Tickets By Status (Aug. 2023)



- Paid
- Issued
- Warning
- Dismissed
- Partial Payment

Data as of 9/18/2023, 12:00:00 AM



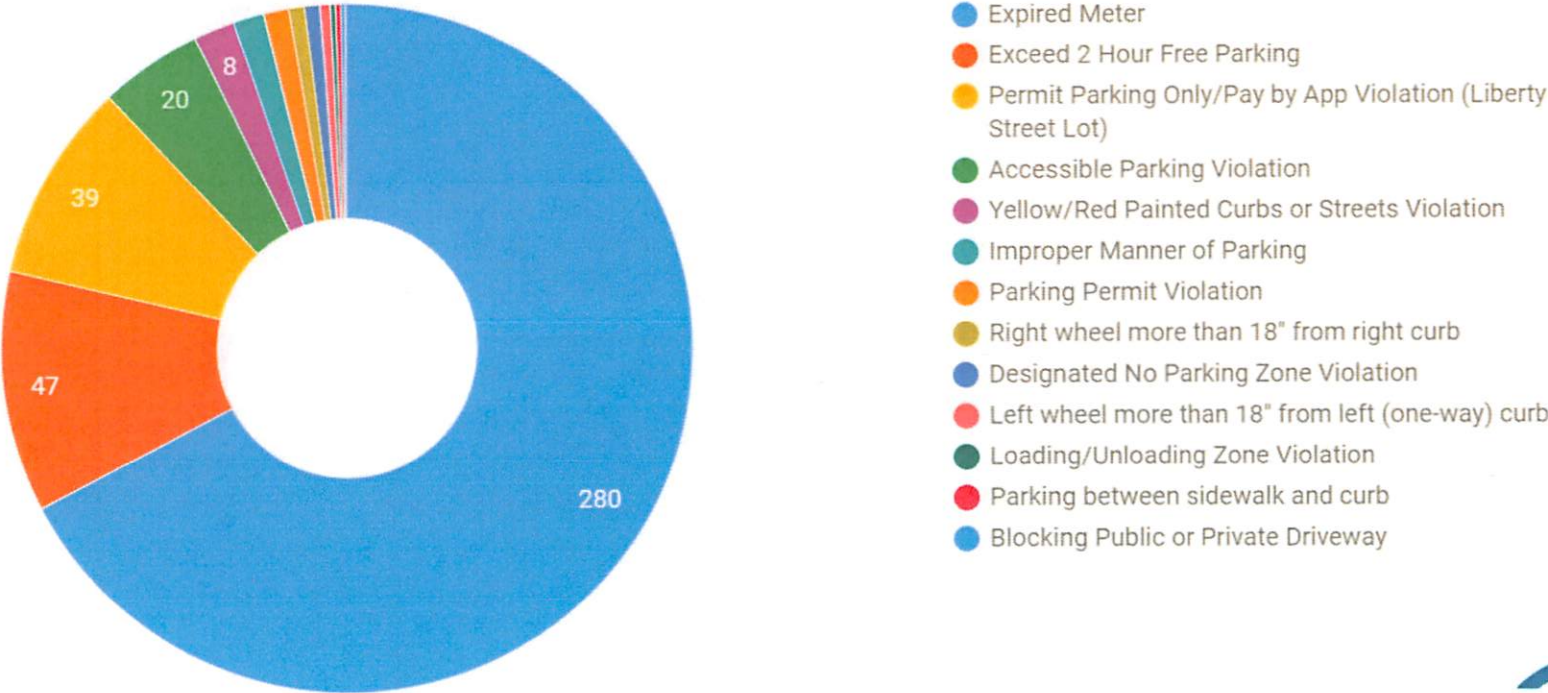
# City of Charles Town - Tickets By Location (Aug. 2023)



- 200 BLOCK NORTH GEORGE STREET
- 100 BLOCK NORTH CHARLES STREET
- 100 BLOCK WEST LIBERTY STREET
- LIBERTY STREET PARKING LOT
- 100 BLOCK EAST LIBERTY STREET
- 100 BLOCK SOUTH CHARLES STREET
- 200 BLOCK WEST LIBERTY STREET
- 200 BLOCK WEST WASHINGTON STREET
- 100 BLOCK WEST WASHINGTON STREET
- 100 BLOCK NORTH SAMUEL STREET
- 100 BLOCK EAST WASHINGTON STREET
- 100 BLOCK EAST CONGRESS STREET
- 200 BLOCK NORTH CHARLES STREET
- CHARLES STREET PARKING LOT
- 100 BLOCK NORTH LAWRENCE STREET
- 100 BLOCK SOUTH SAMUEL STREET
- 1/2



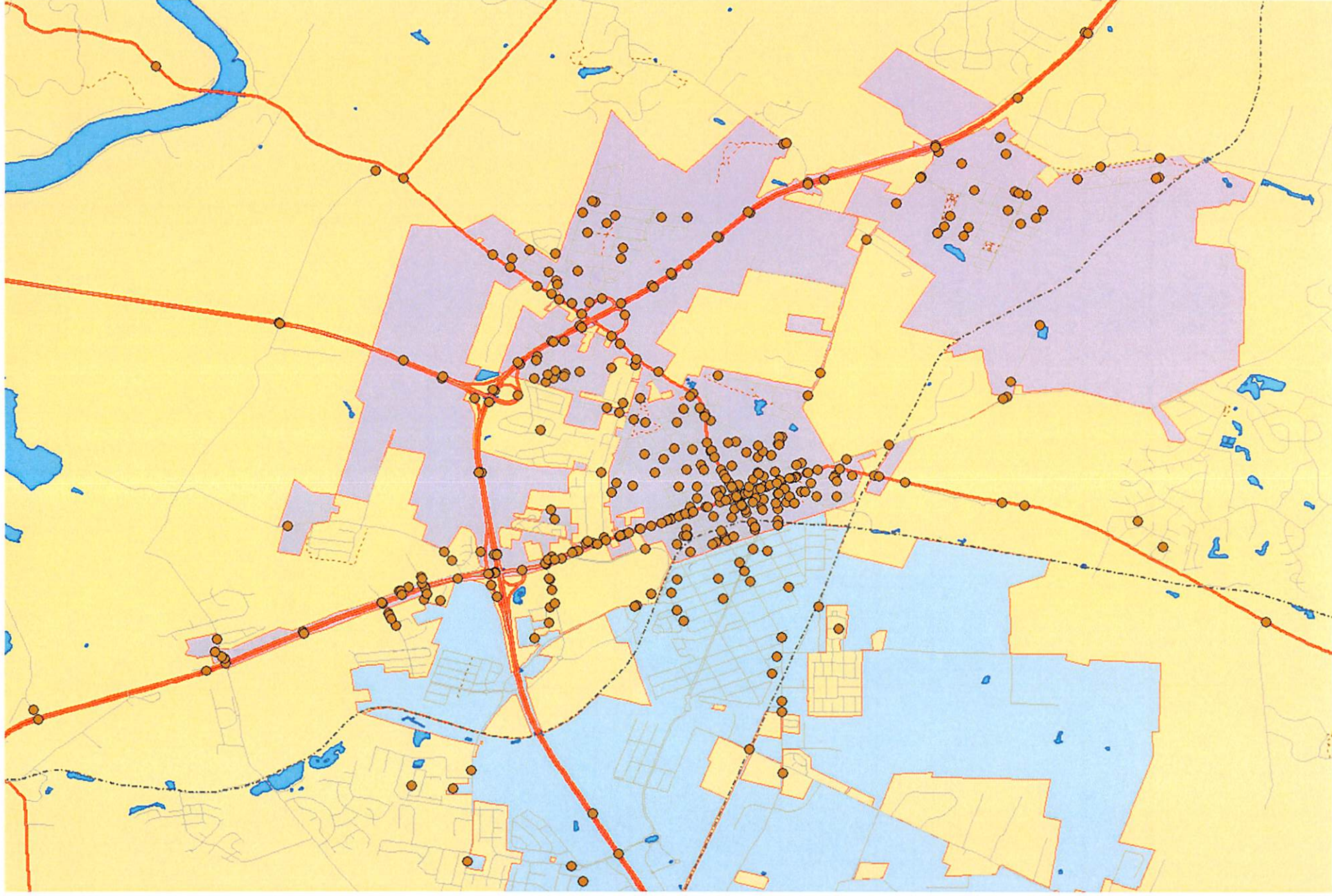
City of Charles Town - Tickets By Violation (Aug. 2023)



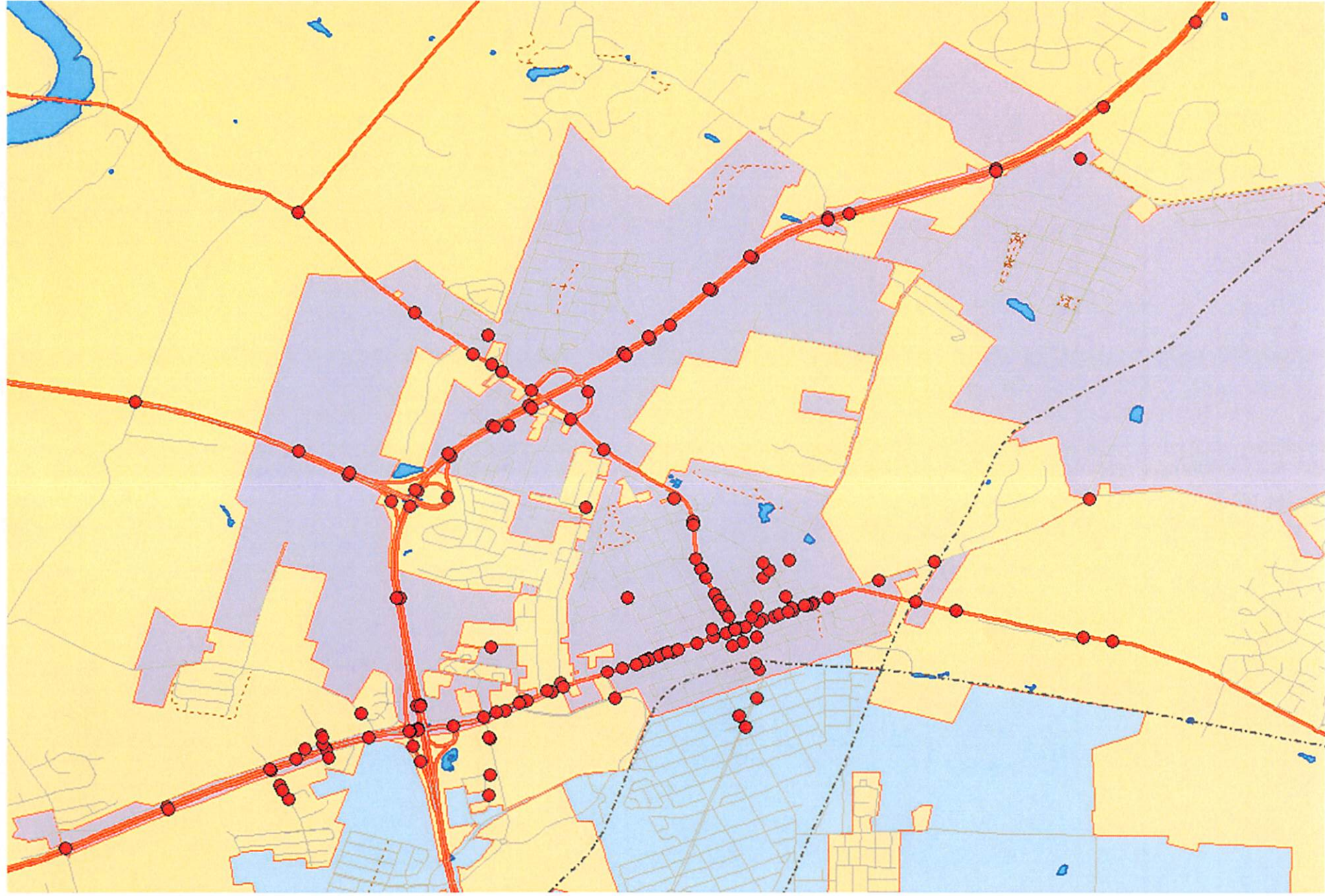
Data as of 9/18/2023, 12:00:00 AM











August 2023 - All CTPD Traffic Stops



**City Council**  
101 East Washington Street  
Charles Town, WV 25414

Meeting: 10/02/23  
Department: City Council  
Category: Information Only  
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

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**2023-891: Charles Town Utility Board Meeting Minutes - September 13, 2023**

**ATTACHMENTS:**

- [2023.09.13 UB MINUTES.pdf](#)

**Charles Town Utility Board  
Regular Board Meeting  
September 13, 2023**

The Charles Town Utility Board held a regular meeting on September 13, 2023 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Tommy Stocks, Treasurer, Jeff Whitten, Board Member; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemeyer, Secretary; Robert Rodecker, Legal Counsel; and Tricia Jackson; County Commission Liaison.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

**Approval of August 23, 2023 Regular Meeting Minutes**

The Chairman called for changes or corrections to the August 23, 2023 regular meeting minutes.

**Action: Motion made by Mr. Whitten, second by Mrs. Parker, the Board unanimously approved the minutes as presented.**

**PUBLIC COMMENT**

The Board received a public comment from Jacquelyn Milliron.

**UNFINISHED BUSINESS**

**Class Cost of Service - Additional Information, Recommendation and Implementation Schedule Discussion**

Mrs. Stolipher included the recommendation letter from Gannet Fleming which summarized two options. Staff and John Kunkle are in agreement with the two recommendations to present to City Council, the first being Water - Option D with the Wastewater - Option C and the second Water - Option A1 with Wastewater - Option A. Mr. Kunkle was in the audience to answer questions from the Board. The Board provided discussions and recommended providing Council with a letter summarizing the Board's recommendations.

**Action: Motion made by Mr. Whitten, second by Mrs. Parker, the Board unanimously approved directing staff to prepare a letter of recommendation for City Council to move forward with the 2<sup>nd</sup> choice, which the Board believed is the best option for CTUB and its rate payers.**

**Renewal and Replacement Project Change Order #3**

Mrs. Stolipher provided Change Order #3 for various items relating to the Renewal and Replacement project. This item was tabled last meeting. Chris Eckenrode from GDF briefed the Board on the various adjustments listed in the change order totaling \$90,351.00. Mr. Eckenrode mentioned the project is 65% complete, with 95% of the underground work completed. The Board provided discussions.

**Action: Motion made by Mr. Stocks, second by Mr. Whitten, the Board unanimously approved Change Order #3.**

**NEW BUSINESS**

**Renewal & Replacement Project Resolution No. 11 – Contractor Pay Application No. 11**

Mrs. Stolipher included the contractor application for payment no. 11 in the amount of \$299,834.06 for work completed.

**Action: Motion made by Mr. Whitten, second by Mrs. Parker, the Board unanimously approved the Contractor Pay Application No. 11.**

#### Cantor Hollow (formerly Miller Station) Design Proposal

Mrs. Stolipher presented a concept plan for the proposed Cantor Hollow subdivision located on Patrick Henry Way across from Walmart. This site had platted lots many years ago with infrastructure in the ground, however, the pump station was decommissioned and a gravity line was constructed years later by CTUB which caused an issue to serving this property. At a previous CTUB board meeting, it was determined it is the responsibility of CTUB to remedy this once the developer is ready to move forward. GDF has provided a task order totaling \$19,500.00 to design, permit and assist in construction of a pump station for the proposed 122 residential units in the Cantor Hollow development.

**Action: Motion made by Mr. Stocks, second by Mr. Whitten, with discussions from the Board, the Board unanimously approved the task order with GDF for the proposed Cantor Hollow and to include the concept plan in the board packet for the public.**

#### Greenfield Force Main

##### ▪ RK&K Bidding Documents

Mrs. Stolipher included RK&K Task No. 22, Change Order No. 01 for the preparation of the bidding and construction contract documents, along with participating in the bidding phase for awarding the construction project for the Greenfield Force Main Upgrade Project. She mentioned this project would upgrade the existing force main that runs from the Greenfield subdivision to tie in on the west side of Rt. 340 to be funded by capacity improvement fees. RK&K will provide the Board with a recommendation upon bid opening.

**Action: Motion made by Mr. Whitten, second by Mr. Stocks, the Board unanimously approved Task No. 22, Change Order No. 01.**

##### ▪ GDF Construction Administration

Mrs. Stolipher provided a task order from GDF for the construction administration through the bid phase and project management of the Greenfield Force Main Upgrade project.

**Action: Motion made by Mr. Whitten, second by Mr. Stocks, with discussions from the Board, the Board unanimously approved the GDF task order for Construction Administration.**

#### Potomac Farms Water System Request

Mrs. Stolipher provided back in June, the State Health Department reached out to CTUB regarding a water service request for the Potomac Farms water system, as this system has had a number of issues and deficiencies over the years. GDF assessed the system and evaluated CTUB's options to provide water service. After reviewing the findings from GDF, Potomac Farms would like to partner with CTUB to move forward with connecting and the possibility of grant funding. Mrs. Stolipher was in favor of pursuing grant opportunities if available, as Potomac Farms cannot be a grant applicant. The Board provided discussions.

**Action: Motion made by Mr. Whitten, second by Mr. Stocks, with discussions from the Board, the Board unanimously approved authorizing Mrs. Stolipher to pursue grant opportunities that may be available to assist the Potomac Farms community.**

#### West Virginia American Water Termination and Usage Draft Agreements

Mrs. Stolipher included the draft water termination and usage agreements with West Virginia American Water (WVAW) now that the Jefferson Utilities Inc. purchase is near completion. All parties have reviewed the agreements. The Board provided discussions. Mr. Rodecker mentioned these are standard agreements approved by the WV Public Service Commission used by WVAW for all their systems they provide these services for.



**Action:** Motion made by Mrs. Parker, second by Mr. Whitten, the Board unanimously approved the water termination and usage agreements with WVAV.

### **MANAGER REPORTS**

#### **Utility Manager Report**

Mrs. Stolipher commended staff on the cleaning of the final basin at the wastewater plant. She also mentioned the annual chlorine burn will occur the first week of October at the water plant.

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

#### **Chairman Report**

The Chairman provided no updates, but mentioned the Class Cost of Service discussion will occur at the October 2<sup>nd</sup> City Council meeting.

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

### **APPROVAL OF BILLS**

**September 13, 2023**


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

### **INFORMATION ONLY**

The next regular meeting is scheduled for Wednesday, September 27, 2023 at 4:00 P.M. at 661 S. George Street.

There being no further business at this time, the Board adjourned the meeting at 5:22 P.M.

  
\_\_\_\_\_  
John Nissel  
Chairman

  
\_\_\_\_\_  
Ashley Stottlemeyer  
Secretary