CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • JUNE 2, 2023

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

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: City Council Meeting Minutes - May 15, 2023
May 15th Council meeting minutes.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2023-510:** Personnel Committee Report
personnel 05 15 2023.docx

: **2023-511:** Ordinance Committee Report

7. CITY MANAGER REPORT

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2023-498:** Sheetz Signal Agreement (Possible Executive Session)
Cover_letter_Traffic_Signal_Agreement.pdf
Resolution_for_DOT_DOH_Traffic_Signal.pdf

10. NEW BUSINESS

: **2023-513:** CTUB Proposed NPDES Permit Order (Possible Executive Session)

: **2023-515:** Letter to HEPMPO - Regional Bicycle/Pedestrian Plan Comments
HEMPO - Regional Bicycle - Pedestrian Plan Comments 6-2-23.docx

: **2023-516:** Letter to HEPMPO May 2023 Freight Plan Comments
HEMPO - Freight Plan Comments 6-2-23.docx

: **2023-517:** Resolution Supporting LGBTQ + Pride Month
A_Resolution_Supporting_LGBTQ_Pride_Month.docx

: **2023-526:** Unity in the Community Resolution
Unity in the Community Resolution.docx

: **2023-528**: City Manager Candidates' Travel Expense Authorization

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: Payment of Bills - June 2, 2023
CAPITAL RESERVE COUNCIL REPORT 2023 6 2.pdf
GENERAL FUND COUNCIL REPORT 2023 6 2.pdf
GENERAL FUND COUNCIL REPORT-PAID BY CREDIT CARD 2023 6 2.pdf
PARKS & REC COUNCIL REPORT 2023 06 2.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING, Wednesday, June 21 at 7:00PM

: **2023-518:** Letter to HEPMPO - FY2024 Unified Planning Work Program Comment
HEPMPO - FY2024 Unified Planning Work Program Comment - May 16, 2023.pdf

: **2023-519:** CW Lease Agreement - G.A.P. Coalition, Inc
CW Lease Agreement - OTS, LLC
CW Hall and G.A.P. 2023.pdf

: **2023-502:** Resolution Creating a Mobile Food Vending Pilot Program within the City of Charles Town
2023-006 - A Resolution Creating a Mobile Food Vending Pilot Program within the City of Charles Town.pdf

: **2023-521:** A Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program - 2023-007
2023-007 - A Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program.pdf

: **2023-522:** Revision #3 - FY2023 Operating Budget
Charles Town G3.pdf

: **2023-523:** FY2024 Capital Budget
FY24 Capital Budget Docs - RMT.pdf

: Charles Town Utility Board Meeting Minutes - May 10, 2023
2023.05.10 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: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

City Council Meeting Minutes - May 15, 2023

ATTACHMENTS:

- May 15th Council meeting minutes.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • May 15, 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	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Jeff Hynes	Councilmember	Present	
Jean Petti	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Micheal George	Councilmember	Present	
Rikki Twyford	Councilmember	Present	

Ms. Alissa Meeks, Community Development Director and Interim City Clerk, Ms. Liz Cook, Business Development and Downtown Coordinator, Ms. Breanna Andrews, Finance Director; and Chief Chris Kutcher were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2023-491: Approval of Minutes - May 1, 2023

The following change was made to the May 1, 2023, minutes:

> Packet page 7, Ward Reports – Ward #3, Ms. Philabaum, second line, insert the word "American" after “Asian” and the word "Islander" after “Pacific” to read: "...wished everyone a happy Asian-American and Pacific Islander Heritage Month."

Hearing no other changes or corrections Mayor Trainor declared the minutes approved.

3. PUBLIC COMMENT

Four people signed up for public comment:

Mr. Harry Wilkens, representing American Public University System (APUS), informed the Council that APUS and Chuck City, LLC have not yet reached an agreement on the sale of the land parcel adjacent to the Chuck City, LLC depot building.

Matt and Jesse Printz expressed their disappointment concerning negotiations with APUS for the sale of the land parcel adjacent to the Chuck City, LLC depot building.

Mr. Nick Zaglifa, a member of the City’s Board of Parks and Recreation, expressed that the Board of Parks and Recreation commitment to following the City Council’s fiscal

guidance regarding their budget needs.

Mr. Michael Tolbert stressed his opinion that the City Council seek assistance from a qualified attorney and possibly the West Virginia Attorney General before updating the City Charter. He also recommended that the Council revise the charter as a whole rather than amending the existing charter.

4. WARD REPORTS

Ward #1

Mr. Kratovil reported that he attended the Infrastructure Committee and Board of Parks and Recreation meetings and virtually watched the Finance Committee meeting.

Ms. Ricketts reported that Jefferson County is holding a transportation Summit on May 23, 2023, and virtually watched the Finance Committee.

Ward #2

Mr. Tester reported that he attended several Personnel Committee meetings. He unfortunately was not able to attend The Old Opera House 50th Anniversary Gala but announced that the summer production will be "The Sound of Music."

Mr. Hynes reported the following:

- That he attended the Finance Committee, Washington Hall Lease Renewal, and the DRB Huntfield Conditions of Annexation meetings.
- That he has placed a call to the West Virginia Soil Remediation Program manager and is awaiting a response.
- That Huntfield's entrance on Prospect Drive has some road deterioration and he is working with the Huntfield Homeowners Association to determine the appropriate corrective action.
- He congratulated the boys and girls Wilde Lacrosse teams on their seasons.

Ward #3

Ms. Philabaum reported that she attended the Infrastructure and Personnel Committee meetings. She watched the National Association of the Advancement of Colored People's (NAACP) Charles Town candidate's forum and visited the Jefferson County's Museum event on Prohibition in Charles Town. She reminded everyone that there will be a Memorial Day ceremony at Edgehill Cemetery on Monday, May 29, 2023.

Ms. Petti reported that 559 people visited Randy and Vicky Hilton's home during the Annual House and Garden Tour and raised $1,485.00 for beautification projects in the eastern panhandle. She thanked the participating homeowners, the volunteers, and the community who supported the tour by purchasing tickets.

Ward #4

Ms. Twyford reported the following:

- That she attended the Jefferson County Chamber of Commerce Mixer at the Bavarian Inn and met Mrs. Eddie Benites, the new Executive Director of the Jefferson County Development Authority (JCDA).
- That she attended the first session of Leadership WV 2023 in Huntington and will update the Council at a future date.
- That the Board of Education Parent Senate Meeting will be held on May 18, 2023 – all feedback is welcomed, and she congratulated all the graduates and

thanked the teachers as the last day of school is fast approaching.

- That the American Legion Hog and Brisket Dinner will be held on May 20, 2023, and the Ordinance Committee is scheduled to meet on May 24, 2023.

Mr. George reported that he attended several Personnel Committee meetings. He congratulated his youngest son for graduating high school and reported the upcoming season for the Old Opera House can be found on their website.

5. MAYOR'S REPORT

Mayor Trainor reported that he attended the Finance Committee, Personnel Committee, DRB Huntfield Conditions of Annexation, and the Charles Town Utility Board meetings.

The Jefferson County Mayor's Meeting was held May 9, 2023. Homeland security processes, the Department of Highway Summit, Jefferson County Community Ministries liaison position, and the 4th of July fireworks event at Sam Michael's Park were among the topics discussed.

6. COMMITTEE REPORTS

2023-465: Finance Committee Report - May 2023

Mayor Trainor reported the following:

- That Kimley-Horn Engineering has been contacted to present a survey and design proposal to repair the damaged W. Congress and S. Lawrence Streets intersection.
- That the Committee will present a draft proposal of the City's FY2024 Capital Budget for consideration and approval at this meeting. (Agenda Item 2023-464)
- That the committee will present General Fund Revision #3 for the FY2023 budget to the Council for approval at this meeting. (Agenda Item 2023-463)

2023-466: Personnel Committee Report

Mr. George reported the Personnel Committee has authorized the City's Department of Community Development to hire a student intern for the summer for up to 20 hours per week.

Mr. Tester moved to enter into Executive Session. Ms. Petti seconded the motion, and there were no objections.

Mayor Trainor declared the Council out of Executive Session.

Ms. Philabaum moved to authorize the Chairman of the Personnel Committee to schedule City Manager candidate interviews for the last week of June and/or the first week of July. Mr. Tester seconded the motion, and it passed unanimously.

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

2023-467: Infrastructure Committee Report

Ms. Philabaum reported the following:

- The possible incorporation of a mid-block crossing on Augustine Avenue adjacent to Perry Drive.
- An update on the Transportation Alternative Program (TAP) grant status for the Liberty Street stormwater abatement project.
- That the Charles Town Utility Board (CTUB) has contracted with 120Water to conduct an accurate lead pipe inventory in the CTUB water system – outside the homes of customers. The Committee recommends investigating the possibility of acquiring effective water testing kits for homeowners to facilitate waterpipe self-testing inside their homes in the older sections of Charles Town.

  Mayor Trainor committed to adding this item to the upcoming Charles Town Utility Board of Directors meeting agenda scheduled for May 24, 2023. Mayor Trainor also asked if there was any objection to tasking the City's contracted "grant-writer" to seek possible grant funding for water test kits. There was no objection.
- That CTUB presented an update on the proposed auxiliary trail behind the Save-A-Lot.
- An update on the Congress & Lawrence Street intersection stormwater system repair and whether or not an insurance claim for the damaged intersection has been filed.
- Presented a draft public comment letter for the City, responding to the Hagerstown/Eastern Panhandle Metropolitan Organization (HEPMPO) FY2024 Unified Planning Work Plan.

  Mr. George moved to authorize the Mayor to sign the presented letter and forward it to Mr. Mullinax of HEPMPO, Ms. Philabaum seconded the motion and it passed unanimously.

2023-468: Special Committee Report – Charles Washington Hall Lease Agreement Updates

Mayor Trainor informed the Council that results of the Special Committee report is scheduled for discussion and approval by Council later in the meeting as agenda item 2023-458.

7. CITY MANAGER REPORT

2023-461: APUS Meeting Update

The Mayor and members of City staff met with APUS/APEI representatives remotely on May 3, 2023 to discuss the status of several of their land parcels within the City. APUS/APEI informed the City that they're unable to share the results of their land assessment study until it has been presented to their Board of Directors later in May 2023. Also, it was agreed that all future negotiations regarding the sale of the land parcel adjacent to the Chuck City, LLC depot building would be conducted between APUS/APEI and Chuck City, LLC owners.

Other information related to this agenda item was discussed in Executive Session, with no resulting action required by the Council.

2023-481: Building Security Updates (Possible Executive Session)

This agenda item was discussed in Executive Session, with no resulting action required by the Council.

The City Clerk also updated the Council on the following:

- City election status;
- An incident at City Hall requiring law enforcement presence;
- City of Ranson Comprehensive Plan meeting; and
- Huntfield proffer/conditions of annexation update. The Special Committee's recommendations are undergoing legal review and staff anticipates forwarding a "red-lined" version of the proffer to Dan Ryan Builders (DRB) by the end of the week.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department's April 2023 Monthly Statistical Report with the Council. He informed the Council that he will be attending the following meetings: Civil Service, Chief of Police, and Regional Task Force.

9. UNFINISHED BUSINESS

2023-460: ARPA II Discussions

Mr. George moved to remove Citizen Fire Company from American Rescue Plan Act (ARPA) award consideration due to the late submission of their application. Ms. Ricketts seconded the motion, and it passed by 5-4 vote.

RESULT:	APPROVED [5-4]
MOVER:	Micheal George
SECONDER:	Elizabeth Ricketts
AYES:	Ricketts, Petti, Philabaum, George, Trainor
NAYS:	Kratovil, Tester, Hynes, Twyford

Mr. George moved to transfer $1,500,000 of ARPA funds, previously committed to grant matching, to the Capital Reserve Fund. Ms. Twyford seconded the motion, and it passed unanimously.

Note: The budget revision will be executed for the FY2024 general budget.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Micheal George
SECONDER:	Rikki Twyford
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford

Mr. George moved to transfer $842,544 of unencumbered ARPA Funds to Contribution/Transfers – Budget line item #444 – in the FY2024 general budget. Mr. Hynes seconded the motion, and it passed unanimously.

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

Mr. George moved to award $2,500.00 to the Jefferson County Historical Society to be awarded in FY2024. Ms. Petti seconded the motion, and it passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Micheal George
SECONDER:	Jean Petti
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford

Mr. Kratovil moved to award $69,500.00 to the African American Community Association of Jefferson County to be awarded in FY2024. Ms. Philabaum seconded the motion, and it passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Kratovil
SECONDER:	Julie Philabaum
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford

Mr. George moved to remove the Jefferson County Little League from ARPA award consideration. Ms. Philabaum seconded the motion, and it passed by a 7-1 vote.

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

Mr. George moved to remove Charles Town Now from ARPA award consideration. Ms. Petti seconded the motion, and it passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Micheal George
SECONDER:	Jean Petti
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford

Ms. Philabaum moved to award $100,000.00 to the Old Opera House in FY2024. Mr. George seconded the motion, and it passed unanimously.

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

Mr. George moved to table the Charles Town Utility Board ARPA application. Ms. Petti seconded the motion, and it passed by a 7-1 vote.

RESULT:	TABLED [7-1]
MOVER:	Micheal George
SECONDER:	Jean Petti
AYES:	Kratovil, Ricketts, Tester, Petti, Philabaum, George, Twyford
NAYS:	Hynes

Ms. Philabaum moved to remove Voices Against Domestic Violence from ARPA award consideration. Mr. George seconded the motion, and it passed unanimously.

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

Ms. Philabaum moved to table Community Markets, Inc. ARPA application until a presentation can be done by the applicant. Ms. Petti seconded the motion, and it passed by a 7-1 vote.

RESULT:	TABLED [7-1]
MOVER:	Julie Philabaum
SECONDER:	Jean Petti
AYES:	Kratovil, Tester, Hynes, Petti, Philabaum, George, Twyford
NAYS:	Ricketts

2023-462: But For Allocations Fiscal Year 2023

Ms. Ricketts moved to approve "But For" payments to the following organization for FY2023.

- Eastern Panhandle Transit Authority - $25,000.
- Jefferson County Community Ministries - $20,000.
- The Jefferson County Museum and Jefferson County Library - $15,000.

Mr. George seconded the motion, and it passed by a 5-2 vote.

RESULT:	APPROVED [5-2]
MOVER:	Elizabeth Ricketts
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Tester, Petti, George
NAYS:	Hynes, Twyford
RECUSED:	Philabaum

10. NEW BUSINESS

2023-441: Sheetz Signal Agreement

The agreement does not include the agreed upon crosswalk traversing Augustine Avenue at Patriot Drive. Ms. Meeks shared an e-mail from Sheetz representative, Mr. Robert Franks, stating that the crosswalk is not included in the signal agreement because the crosswalk was agreed upon after the agreement was drafted. However, representatives of the West Virginia Department of Transportation – Division of Highways (DOT-DOH), informed Mr. Franks that the crosswalk at the intersection is included in their “bid” plans, which cannot be released until the project is released for bid.

Ms. Ricketts moved that the agreement is not signed by the City until the crosswalk is included in the agreement. Mr. Hynes seconded the motion,

and it passed unanimously.

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

2023-459: A Resolution Creating a Mobile Food Vending Truck Pilot Program

Ms. Philabaum moved to approve the Resolution Creating a Mobile Food Vending Pilot Program Within the City of Charles Town with the following changes:

Section 2.a – remove: "…and in the parking lots of the City's park".

Section 2.b – remove: "Mobile food vendors may also locate in the parking lot of the Jefferson Memorial Park Pool (unmetered) and the parking lot of Evitts Run Park (unmetered)."

Section 5.d – add: "…by the mobile food vendor." to read: "Receptacles for the disposal of waste materials or other litter must be provided for customers by the mobile food vendor."

Change the date signed to "May 16, 2023".

Mr. George seconded the motion, and it passed by a 7-1 vote.

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

Ms. Twyford moved to approve the Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program with the date signed changed to May 16, 2023. Ms. Philabaum seconded the motion, and it passed by a 7-1 vote.

RESULT:	APPROVED [7-1]
MOVER:	Rikki Twyford
SECONDER:	Julie Philabaum
AYES:	Kratovil, Tester, Hynes, Petti, Philabaum, George, Twyford
NAYS:	Ricketts

2023-458: Charles Washington Hall - Lease Agreements 2023

Mr. Kratovil moved to approve both Charles Washington Hall 2023 lease agreements between CW Hall Manager, LLC, G.A.P. Coalition, Inc. and OTS, LLC.

Ms. Petti seconded the motion, and it passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Kratovil
SECONDER:	Jean Petti
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, George, Twyford
RECUSED:	Philabaum

2023-463: General Fund Revision #3

Ms. Philabaum moved to approve the proposed FY2023 General Fund Budget Revision #3 for submission to the West Virginia State Auditor. Mr. George seconded the motion, and it passed unanimously.

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

2023-464: Capital Budget Fiscal Year 2024

Mr. George moved to approve the Capital Budget for FY2024. Mr. Hynes seconded the motion.

Ms. Ricketts requested that $25,000 for walking bridges at Evitts Run Park and Happy Retreat and $40,000 for the skate park be added to the FY2024 Capital Budget.

Mr. George amended his motion to include the $25,000 for walking bridges and $40,000 for the skate park. Ms. Ricketts seconded the amended motion, and it passed unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Micheal George
SECONDER:	Elizabeth Ricketts
AYES:	Kratovil, Ricketts, Tester, Hynes, Petti, Philabaum, George, Twyford

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to Committees/Commissions

12. APPROVAL OF BILLS

2023-492: Payment of Bills - May 15, 2023

Mr. Kratovil moved to approve the bills for payment. Mayor Trainor asked if there were any objections. Ms. Ricketts inquired about the payment to the City of Charles Town Residual Fund. As there was not anyone available to answer Ms. Ricketts' inquiry, Mayor Trainor suggested declaring the bills approved for payment except for the bill in question until clarification was determined. There were no objections.

13. ADJOURNMENT

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

14. INFORMATION ONLY - NEXT MEETINGS:

SPECIAL - CANVAS - MAY 31, 2023, 7:00PM
COUNCIL MEETING - JUNE 2, 2023, 6:00PM
CERTIFY ELECTION RESULTS - JUNE 2, 2023, 7:00PM

Documents:

2023-469 CTUB Minutes April 26, 2023

2023-470 WV Fest Open Container Support Letters (2)

2023-471 A Resolution Recognizing the Old Opera House Theatre Company on Its Fiftieth Year Anniversary – 2023-004

2023-472 A Resolution Directing Charles Town City Staff to Pursue Options with Respect to Vacant Land, Easement Issues, and Untaxed Business in Charles Town – 2023-005

2023-473 A Resolution to Celebrate Arbor Day – 2023-003

2023-474 Health and Wellness Month Proclamation

2023-475 Building Safety Month Proclamation

2023-476 Councilmember Ricketts JCDA Appointment Letter

2023-047 Tree City USA Letter

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

2023-510: Personnel Committee Report

Personnel Committee Report

ATTACHMENTS:

- personnel 05 15 2023.docx

City of Charles Town Personnel Committee Report

15 May 2023 Meeting
Drafted by: Micheal George – Chairman

I. Call to Order ooa 5:30PM

Persons present : Personnel Committee Members Micheal George; Elizabeth Ricketts, Julie Philabaum, and Kevin Tester; Mayor, Bob Trainor.

II. Unfinished Business_

1. 2023-479: City Manager Search

The committee entered into executive season (5:30) to discuss city manager selection process. Exited executive session at 6:08

Recommendations to the City Council: None

2. 2023-480 Comp Leave for Salaried Employees on WV Day

The committee unanimously authorized the one-to-one hours of comp time for hours worked for salary employees working on WV Day Fest.

Recommendations to the City Council: None

III. New_Business_

1. Information_

2. The meeting was adjourned ooa 7:22PM

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-511: Ordinance Committee Report

Ordinance Committee Report

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-498: Sheetz Signal Agreement (Possible Executive Session)

Sheetz Signal Agreement - Update

ATTACHMENTS:

- Cover_letter_Traffic_Signal_Agreement.pdf
- Resolution_for_DOT_DOH_Traffic_Signal.pdf

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways
1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Gregory L. Bailey, P.E.
Interim
State Highway Engineer

Jimmy Wriston, P. E.
Secretary of Transportation
Commissioner of Highways

February 9, 2023

Mr. Robert Franks
Sheetz, Inc.
5700 6th Avenue
Altoona, Pennsylvania 16602

Dear Mr. Franks:

Enclosed is a proposed three-party agreement between the West Virginia Division of Highways (DOH), the City of Charles Town, and Sheetz, Inc. for the installation of a new traffic signal at the intersection of CR 340/18 (Augustine Avenue) with Washington Patriots Drive and the proposed Sheetz development approach and the modification of an existing traffic signal at the intersection of US 340 (Berryville Pike) with CR 340/18 (Augustine Avenue) in Charles Town, Jefferson County.

The agreement sets forth the joint responsibilities of Sheetz, Inc., the City of Charles Town, and the Division of Highways regarding traffic signals. All four copies of the agreement should be executed, forwarded to the City for their execution, and returned to this office for final execution by the Division of Highways. The date of the agreement will be the date the Division executes it; therefore, *the date space at the top of the agreement's first page is to be left blank.* After the appropriate officials of the Division have affixed the necessary signatures, we will return one fully executed agreement for your files.

If you have any questions, please contact me at (304) 558-3063.

Sincerely,

Ted J. Whitmore, P.E.
Director-
Traffic Engineering Division

TJW:DMp

Enclosures

2302034

RESOLUTION OF THE COUNCIL OF THE CITY OF CHARLES TOWN, WEST VIRGINIA, AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, WITH REGARD TO ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC SIGNAL SYSTEM WITHIN THE MUNICIPAL LIMITS OF THE CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA.

BE IT RESOLVED BY THE CITY OF CHARLES TOWN, JEFFERSON COUNTY, WEST VIRGINIA, AS FOLLOWS:

1. That the Mayor of the City of Charles Town, West Virginia, a Municipal Corporation, be and is hereby authorized to execute, to have acknowledged, and to have delivered on behalf of said City, an agreement, a copy of which is attached hereto and made a part hereof, with the West Virginia Department of Transportation, Division of Highways, with regard to the establishment and maintenance of a traffic signal system within the Corporate Limits of said City; and
2. That the City Clerk and Recorder do properly attest the signature of said officials and affix the seal of the City to said agreement.

On motion made by _____ and seconded by _____, the City Council of Charles Town, West Virginia, does hereby approve and authorize the adoption of said Resolution.

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON
CITY OF CHARLES TOWN

I, _____, City Clerk and Recording Officer of said Municipality, do hereby certify that the foregoing are true copies from the records of order made and entered into by the Council of said Municipality on the _____ day of _____, 20____.

_____
City Clerk and Recording Officer

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20___, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, a State Agency, hereinafter referred to as "Division;" **SHEETZ, INC.**, hereinafter referred to as "Developer;" and the **CITY OF CHARLES TOWN**, a Municipal Corporation, hereinafter referred to as "City."

WITNESSETH

THAT WHEREAS, Developer is constructing a new access to serve the Sheetz development at the intersection of CR 340/18 (Augustine Avenue) with Washington Patriots Drive and proposed Sheetz access in Charles Town, Jefferson County, West Virginia; and,

WHEREAS, Division, Developer, and City are mutually agreed with respect to the installation of a new traffic signal at the intersection of CR 340/18 (Augustine Avenue) with Washington Patriots Drive and proposed Sheetz access and the modification of an existing traffic signal at the intersection of US 340 (Berryville Pike) with CR 340/18 (Augustine Avenue) in Charles Town, Jefferson County, West Virginia; and

WHEREAS, due to the fact that the necessity for installing the new traffic signal and modifying the existing traffic signal at the above described locations arises from traffic flowing into and out of the Developer development and regulation of said traffic will benefit the patrons of said facilities, the Developer has indicated a desire to pay for the construction costs of installing and modifying such traffic signals, said contribution to be in the form of a donation to the State Road Fund to be conditioned upon use of the entire amount thus donated for purposes hereinafter set forth

WHEREAS, by Resolution bearing date of ___ day of _____, 20__, the Council of the City of Charles Town has authorized and directed proper authorities to execute, acknowledge, and deliver an agreement on behalf of said City, setting out terms and conditions thereof, a copy of which Resolution is affixed to this agreement and made part hereof, and

WHEREAS, Division, Developer, and City are desirous of cooperating in adoption of said rules, regulations, stipulations, and conditions in order to establish their mutual responsibilities and obligations with regard to the future maintenance and operation of said traffic signals.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH, that for and in consideration of the mutual covenants herein entered into and mutual benefits to be derived by parties hereto, said Division, Developer, and City do hereby agree that the following will be the duties and responsibilities of each party, respectively.

DUTIES AND RESPONSIBILITIES OF THE DIVISION

The Division agrees:

1. To prepare plans and specifications necessary for a project for the construction of the installation of a new traffic signal at the intersection of CR 340/18 (Augustine Avenue) with Washington Patriots Drive and proposed Sheetz access and modification of an existing traffic signal at the intersection of US 340 (Berryville Pike) with CR 340/18 (Augustine Avenue), and to let a contract for the erection thereof, and to supervise the installation of the same.
2. To pay for the installation of a communications connection and pay the continuing service cost.
3. To program all intersection controllers.
4. To perform all major maintenance of the traffic signal system and communications system, excluding cleaning and/or replacement of LED signal indications at Division's sole expense and without cost or expense of any nature whatsoever to Developer or City.

DUTIES AND RESPONSIBILITIES OF DEVELOPER

Developer agrees:

1. To contribute upon being advised by the Division of the actual cost, a donation to the State Road Fund a sum of money equal to one hundred percent (100%) of the construction costs of installing the new traffic signal at the intersection of CR 340/18 (Augustine Avenue) with Washington Patriots Drive and proposed Sheetz access and modification of the existing traffic signal at the intersection of US 340 (Berryville Pike) with CR 340/18 (Augustine

Avenue), currently estimated to be three hundred twenty-five thousand dollars ($325,000).

2. That the terms of this agreement shall be binding upon successors and assigns.

DUTIES AND RESPONSIBILITIES OF THE CITY

The City agrees:

1. To perform properly all minor maintenance of the traffic signal, including cleaning and/or replacement of LED signal indications at the City's sole cost and without cost or expense of any nature to Developer or Division.
2. To pay for the continuing power costs of the traffic signals.
3. Not to alter in any way and not to remove any part of the traffic signal without prior approval by the Division.
4. To permit construction and maintenance on City property of any pole, foundation, signal and support or any other appurtenance necessary for completion of the project.
5. To enact any appropriate ordinances, resolutions, or regulations necessary to accomplish the purposes of this agreement and to enforce such ordinances, resolutions, and/or regulations.

IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN DIVISION AND DEVELOPER:

1. That the work agreed to be done by the Division in connection with the overall installation and modification of the aforesaid traffic signals shall be done in three phases, to wit:
   a. The preparation of plans and specifications for a contract letting;
   b. The advertising and acceptance of competitive bids on the contract;
   c. The awarding of a contract for said traffic signals and the supervision of the construction thereof.
2. That the construction cost shall include contract bid amount, estimated contract administration and inspection cost of Division personnel assigned to the project, and the cost of materials supplied from the Division's inventory to expedite the completion of the contract. Division shall provide Developer with appropriate detail and/or back up information related to construction costs for which Developer is

responsible under this Agreement.

3. That upon completion of the installation and modification of the traffic signals, all equipment, poles, and all other appurtenances, are and shall remain the property of Division.

4. That Developer has not had, does not have now, and shall not have in the future, any responsibility in respect to the planning, design, construction or maintenance of the installation and modification of said traffic signals.

5. That the Developer grants the Division or City the right and privilege to enter upon such portions of the Developer's property located near the intersections for the purpose of constructing and maintaining the traffic signals and their appurtenances.

6. This agreement shall be governed by and interpreted in accordance with the substantive laws of the State of West Virginia. Any civil action pursuant to this contract must be commenced and head in the State of West Virginia.

IN WITNESS WHEREOF the parties, hereto have caused their respective names to be signed by their duly authorized officers:

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

By: _____
Jimmy Wriston, P.E.
Its: Secretary of Transportation / Commissioner of Highways

SHEETZ, INC.

By: _____
Steven P. Augustine

Its: _____

APPROVED AS TO FORM THIS
9TH DAY FEB. 2023
ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS
2302034

CITY OF CHARLES TOWN
A Municipal Corporation

By: _____
Its: Mayor

2023-513: CTUB Proposed NPDES Permit Order (Possible Executive Session)

CTUB Proposed NPDES Permit Order (Possible Executive Session)

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-515: Letter to HEPMPO - Regional Bicycle/Pedestrian Plan Comments

Letter to HEPMPO May 2023 Plan Comments

ATTACHMENTS:

- HEMPO - Regional Bicycle - Pedestrian Plan Comments 6-2-23.docx

City of Charles Town

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

June 2, 2023

MAYOR
Robert M. Trainor

CITY COUNCIL

James Kratovil

Elizabeth Ricketts

Kevin Tester

Jeff Hynes

Jean Petti

Julie Philabaum

Michael George

Rikki Twyford

Mr. Matt Mullenax
Hagerstown/Eastern Panhandle Metropolitan Planning Organization
33 W. Washington St., Suite 402,
Hagerstown, MD 21740

Dear Mr. Mullenax and members of the HEPMPO,

Thank you for allowing public comment on your **Regional Bicycle/Pedestrian Plan** covering Washington County MD, Berkeley County, and Jefferson County in West Virginia.

With 2021 being the deadliest year yet for pedestrians nationwide and the WVDOT goal of reducing bicycle and pedestrian injuries and fatalities by 66% by 2030, Charles Town is willing to do its part to promote safety and would welcome guidance from the MPO on development of a Safety Action Plan.

Charles Town is supportive of the MPO's plan focusing on connecting and filling gaps in the bicycle network and improving safety at key locations. Increasing the connectivity of our regional trails and sidewalks will allow for more multimodal transportation which has individual health, community equity, and congestion-mitigating benefits.

While Charles Town does not have an SS4A designated "underserved communities" census tract, there are certainly areas of our municipality which have long been underserved in their transportation infrastructure needs. Charles Town hopes to continue its internal efforts to provide more bicycle and pedestrian accommodations to residents and visitors and is grateful for the MPO's assistance and support in such projects.

Of the Jefferson County project recommendations (Table 13), Charles Town is enthusiastic about the inclusion of projects: (**J4**) Forrest Avenue ADA ramps, (**J5**) sidewalk connectivity to Charles Town Middle School, (**J9**) S. George St. sidewalk connectivity, (**J10**) E. Washington St. sidewalk connectivity, (**J12**) Augustine Avenue Trail to include midblock crossings and crosswalks, and (**J14**) extension of the Route 9 trail through Ranson into Charles Town. Charles Town is open to suggestions for the planning and funding of these worthwhile projects.

Thank you for the continued work to provide a cooperative forum for regional collaboration, planning, and public decision-making for solutions that support mobility needs, economic development, environmental sensitivities, and multimodal connectivity for a safe, secure, and efficient transportation system.

Sincerely,

Robert M. Trainor
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-516: Letter to HEPMPO May 2023 Freight Plan Comments

Letter to HEPMPO May 2023 Freight Plan Comments

ATTACHMENTS:

- HEMPO - Freight Plan Comments 6-2-23.docx

City of Charles Town

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

June 2, 2023

MAYOR
Robert M. Trainor

CITY COUNCIL

James Kratovil

Elizabeth Ricketts

Kevin Tester

Jeff Hynes

Jean Petti

Julie Philabaum

Michael George

Rikki Twyford

Mr. Matt Mullenax
Hagerstown/Eastern Panhandle Metropolitan Planning Organization
33 W. Washington St., Suite 402,
Hagerstown, MD 21740

Dear Mr. Mullenax and members of the HEPMPO,

Thank you for allowing public comment on your **Regional Freight Plan.**

Charles Town is aware of the federal government's increasing emphasis on freight planning at a regional level. The National Freight Strategic Plan, adopted by the US DOT in 2020, places emphasis on safety, efficiency, modernization of infrastructure, and innovation. With internal, inbound, and outbound freight projected to continue to grow through 2026, Charles Town hopes to be part of the planning and coordination for freight in a way that emphasizes safety.

With ports on the East Coast of the United States experiencing increased shipments and a critical terminal located in Greencastle, PA, the Hagerstown/Eastern Panhandle Metropolitan Planning Organization will see increased pressure on our rail systems and roadways. Charles Town, located in Jefferson County, WV, will continue to experience the impacts of increased freight movement in our region as well, despite having very few freight generating sites within the municipality. Charles Town freight employment locations are almost solely categorized as Commercial - Retail freight, while the city is bearing a burden for the regional flow of freight generated by Distribution and Manufacturing.

Charles Town's Washington Street, which runs through the heart of our downtown and commercial area, is at an observed freight density of >.2 on the East portion and feeds into US RT 340, which is identified as a Critical Urban Freight Corridor and provides area access to the Primary Highway Freight System (PHFS). Care needs to be taken to ensure that the character of and access to the historic and vibrant downtown district is prioritized in freight planning.

In addition, the municipality of Charles Town experiences a considerable number of freight truck accidents on our roadways, particularly at Berryville Pike/340/Augustine Avenue and on Route 340 going towards Harpers Ferry. This places an undeniable burden on our law enforcement.

Charles Town is interested in planning and coordinating with other stakeholders in the region at the proposed Freight Summits. An agenda item of these summits should be to regularly update plans for potential freight related accidents and disasters. Charles Town would be grateful for opportunities, perhaps facilitated by the MPO, to engage with railroad companies CSX and Norfolk Southern to address safety, particularly at crossings.

Thank you for the continued work to provide a cooperative forum for regional collaboration, planning, and public decision-making for solutions that support mobility needs, economic development, environmental sensitivities, and multimodal connectivity for a safe, secure, and efficient transportation system.

Sincerely,

Robert M. Trainor
Mayor

2023-517: Resolution Supporting LGBTQ + Pride Month

Resolution Supporting LGBTQ + Pride Month

ATTACHMENTS:

- A_Resolution_Supporting_LGBTQ_Pride_Month.docx

City of Charles Town

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

Resolution Supporting LGBTQ+ Pride Month

WHEREAS, the City of Charles Town, West Virginia is an inclusive community whose residents believe in safety, prosperity, equality, and hope for all; and

WHEREAS, the City of Charles Town recognizes the human rights of all citizens and actively supports an end to all forms of prejudice and discrimination; and

WHEREAS, June 28, 2023, marks the anniversary of the Stonewall uprising in New York City and June is the nationwide month to recognize the Lesbian, Gay, Bisexual, Transgender and Queer/Questioning, and Plus (LGBTQ+) community; and

WHEREAS, throughout much of the history of the United States, same-sex relationships were criminalized in many States, and many LGBTQ+ individuals in the United States were forced to hide their identities while living in secrecy and fear; and

WHEREAS, LGBTQ+ individuals in the United States face disparities in employment, healthcare, education, housing, and many other areas central to the pursuit of happiness; and

WHEREAS, celebrating Pride Month raises awareness and provides support and advocacy for the LGBTQ+ community, and is an opportunity to become educated, engage in dialogue, strengthen alliances and build understanding; and

WHEREAS, the City of Charles Town is committed to promoting equality and fostering welcoming and affirming spaces as we recognize the resilience and determination of the many individuals who are fighting to live freely and authentically; and

WHEREAS, by protecting the rights of every individual, we enhance and strengthen the value of everyone throughout our entire society and we affirm our obligation to uphold the dignity of all people; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charles Town on this 2nd day of June, 2023, that the Council recognizes and supports the month of June 2023 as Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning, and Plus (LGBTQ+) "Pride Month;" and we urge all residents to celebrate and build a culture of inclusiveness and acceptance – during this month and every month.

Adopted this 2nd day of June 2023.

Attest:

Robert M. Trainor	Alissa Meeks
Mayor	City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-526: Unity in the Community Resolution

ATTACHMENTS:

- Unity in the Community Resolution.docx

City of Charles Town

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

Unity in the Community Resolution

WHEREAS, the Charles Town City Council recognizes that positive relationships and trust between each person, regardless of race, color, religion, sex, national origin, age, disability, marital status, or political affiliation are critical to promote public safety, as is trust between City of Charles Town staff and elected leaders, public safety officers, and all Charles Town residents; and

WHEREAS, in the past, inclusivity-geared resolutions have unfortunately created unnecessary dissention, strife, and conflict; and

WHEREAS, we want to create unity in our community; and

WHEREAS, all residents and visitors should go about their daily lives in our community confident that both their human dignity and their Constitutional rights will be protected and respected; and

WHEREAS, Charles Town can help lead the Nation in a movement towards meaningful unity; and

WHEREAS, the members of the Charles Town City Council acknowledge and appreciate the diverse City population, while maintaining peace and harmony; and

WHEREAS, in Charles Town, “Kindness Wins”;

NOW, THEREFORE, BE IT RESOLVED, the Charles Town City Council pledges nondiscrimination and support for equality under the law within our city; and be it further resolved that City Council adds its voice and commitment to fostering and upholding an atmosphere of unity in the community in the City of Charles Town.

Signed this day, the 2nd of June 2023.

_____
Robert M. Trainor
Mayor

_____
Alissa Meeks
City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-528: City Manager Candidates' Travel Expense Authorization

Requesting authorization to allocate up to $10,000 of FY2023/FY2024 budget to travel expense reimbursements for City Manager candidate interviews.

Proposed Motion:
Authorize up to $10,000 of the City Manager's current and next fiscal year budget be used for city manager candidate travel expense reimbursements.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Payment of Bills - June 2, 2023

ATTACHMENTS:

- CAPITAL RESERVE COUNCIL REPORT 2023 6 2.pdf
- GENERAL FUND COUNCIL REPORT 2023 6 2.pdf
- GENERAL FUND COUNCIL REPORT-PAID BY CREDIT CARD 2023 6 2.pdf
- PARKS & REC COUNCIL REPORT 2023 06 2.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANTAGE TECHNOLOGY LLC	5/31/23	CH-LOBBY CAMERA/CARD READE	CAPITAL RESERVE	GENERAL GOVERNMENT	1,332.00
	5/31/23	CH-LOBBY CAMERA/CARD READE	CAPITAL RESERVE	GENERAL GOVERNMENT	66.00
	5/31/23	CH-LOBBY CAMERA/CARD READE	CAPITAL RESERVE	GENERAL GOVERNMENT	100.00
	5/31/23	CH-LOBBY CAMERA/CARD READE	CAPITAL RESERVE	GENERAL GOVERNMENT	1,078.68
	5/31/23	CH-LOBBY CAMERA/CARD READE	CAPITAL RESERVE	GENERAL GOVERNMENT	1,332.00
	5/31/23	CH-LOBBY CAMERA/CARD READE	CAPITAL RESERVE	GENERAL GOVERNMENT	133.00
				TOTAL:	4,041.68
POM INCORPORATED	5/31/23	25 COIN PARKING METERS	CAPITAL RESERVE	PUBLIC SAFETY	4,800.00
	5/31/23	25 COIN PARKING METERS	CAPITAL RESERVE	PUBLIC SAFETY	31.90
	5/31/23	25 COIN PARKING METERS	CAPITAL RESERVE	PUBLIC SAFETY	160.00
				TOTAL:	4,991.90

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

200	CAPITAL RESERVE	9,033.58
	GRAND TOTAL:	9,033.58

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	01-City of Charles Town
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: CAP1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	5/31/2023 THRU 5/31/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
BOARD OF TRUSTEES OF THE POLICE PENSIO	5/31/23	JUNE2023 POLICE PENSION CO	GENERAL FUND	POLICE DEPARTMENT	4,943.16
				TOTAL:	4,943.16
BRETT PICKENS	5/31/23	6/12/2023 TRAINING-CLARKSB	GENERAL FUND	POLICE DEPARTMENT	50.00
	5/31/23	6/12/2023 TRAINING-CLARKSB	GENERAL FUND	POLICE DEPARTMENT	50.00
	5/31/23	6/12/2023 TRAINING-CLARKSB	GENERAL FUND	POLICE DEPARTMENT	50.00
				TOTAL:	150.00
CINTAS	5/31/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	188.53
	5/31/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	188.53
				TOTAL:	377.06
CHARLES TOWN BUILDING COMMISSION	5/31/23	JUNE 2023 CITY RENTS	GENERAL FUND	CITY HALL	2,550.00
	5/31/23	JUNE 2023 CITY RENTS	GENERAL FUND	CITY HALL	16,667.00
	5/31/23	JUNE 2023 CITY RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
				TOTAL:	27,057.98
DOCUMENT SOLUTIONS, INC.	5/31/23	6 PRINTER INK CARTRIDGES	GENERAL FUND	CITY HALL	103.99
	5/31/23	6 PRINTER INK CARTRIDGES	GENERAL FUND	CITY HALL	103.99
	5/31/23	6 PRINTER INK CARTRIDGES	GENERAL FUND	CITY HALL	103.99
	5/31/23	6 PRINTER INK CARTRIDGES	GENERAL FUND	CITY HALL	103.99
	5/31/23	6 PRINTER INK CARTRIDGES	GENERAL FUND	CITY HALL	103.99
	5/31/23	6 PRINTER INK CARTRIDGES	GENERAL FUND	CITY HALL	103.99
				TOTAL:	623.94
FRONTIER, INC.	5/31/23	CITY&PD PHONE SERV 5/4-6/3	GENERAL FUND	CITY HALL	1,492.47
	5/31/23	PD FAXLINE 5/7/23-6/6/23	GENERAL FUND	POLICE DEPARTMENT	139.10
	5/31/23	CITY&PD PHONE SERV 5/4-6/3	GENERAL FUND	POLICE DEPARTMENT	1,492.46
				TOTAL:	3,124.03
FRONTIER COMMUNICATIONS CORP	5/31/23	661 PD PHONE SER 5/10-6/9	GENERAL FUND	POLICE DEPARTMENT	1,158.42
				TOTAL:	1,158.42
JOHNSON CONTROLS SECURITY SOLUTIONS	5/31/23	CITY ALARM SERV 6/1/23-5/3	GENERAL FUND	CITY HALL	2,682.26
				TOTAL:	2,682.26
KIMLEY-HORN AND ASSOCIATES, INC.	5/31/23	SERVICES THROUGH APRIL 202	GENERAL FUND	PLANNING & ZONING	973.83
				TOTAL:	973.83
MCKINNEY'S AUTO REPAIR & TOWING	5/31/23	CAR#3 WV INSPECT	GENERAL FUND	POLICE DEPARTMENT	23.00
	5/31/23	CAR#25 PLUG DRIVER FRONT T	GENERAL FUND	POLICE DEPARTMENT	69.00
				TOTAL:	92.00
POSTMASTER- CHARLES TOWN	5/31/23	3 ROLLS 100 SELF STICK STA	GENERAL FUND	PARKING	126.00
	5/31/23	3 ROLLS 100 SELF STICK STA	GENERAL FUND	POLICE DEPARTMENT	63.00
				TOTAL:	189.00
POTOMAC EDISON COMPANY, INC.	5/31/23	ELECTRIC SERV APRIL 2023	GENERAL FUND	CITY HALL	676.16
	5/31/23	ELECTRIC SERV APRIL 2023	GENERAL FUND	PARKING	93.43
	5/31/23	ELECTRIC SERV APRIL 2023	GENERAL FUND	STREETS & HIGHWAYS	8,312.61
	5/31/23	ELECTRIC SERV APRIL 2023	GENERAL FUND	VISITORS CENTER	419.18
				TOTAL:	9,501.38
SHENANDOAH SALES AND SERVICE INC.	5/31/23	SWEEPER-FUEL LEAK	GENERAL FUND	STREETS & HIGHWAYS	209.00
	5/31/23	SWEEPER-FUEL LEAK	GENERAL FUND	STREETS & HIGHWAYS	51.92
	5/31/23	SWEEPER-FUEL LEAK	GENERAL FUND	STREETS & HIGHWAYS	15.68

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	5/31/23	SWEEPER-FUEL LEAK	GENERAL FUND	STREETS & HIGHWAYS	10.30
				TOTAL:	286.90
STEPTOE & JOHNSON PLLC	5/31/23	LEGAL SERVICES APRIL 2023	GENERAL FUND	CITY ATTORNEY	21,442.88
				TOTAL:	21,442.88
SVG COMMERCIAL CLEANING LLC	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	CITY HALL	320.00
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
	5/31/23	CITY&PD CLEANING APRIL 202	GENERAL FUND	POLICE DEPARTMENT	186.67
				TOTAL:	4,053.36

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

001	GENERAL FUND	76,656.20
	GRAND TOTAL:	76,656.20

TOTAL PAGES: 2

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	01-City of Charles Town
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: AP1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	5/31/2023 THRU 5/31/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	5/31/23	C LEWIS-3 PANTS, HEM, 1 BE	GENERAL FUND	PARKING	189.98
	5/31/23	C LEWIS-3 PANTS, HEM, 1 BE	GENERAL FUND	PARKING	94.99
	5/31/23	C LEWIS-3 PANTS, HEM, 1 BE	GENERAL FUND	PARKING	16.00
	5/31/23	C LEWIS-3 PANTS, HEM, 1 BE	GENERAL FUND	PARKING	26.00
	5/31/23	C LEWIS-3 PANTS, HEM, 1 BE	GENERAL FUND	PARKING	12.60
				TOTAL:	339.57
APPLE VALLEY WASTE SERVICE, INC.	5/31/23	TRASH SER JUNE23 MALWARE A	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	415.00
				TOTAL:	415.00
COMCAST CORPORATION	5/31/23	CITY HALL INTERNET 5/9-6/8	GENERAL FUND	CITY HALL	198.39
				TOTAL:	198.39
JEFFERSON PUBLISHING COMPANY, INC.	5/31/23	5/3 NPH STANLEY MARTIN HOM	GENERAL FUND	PLANNING & ZONING	52.58
	5/31/23	5/3 NPH DOROTHY MATTHEWS	GENERAL FUND	PLANNING & ZONING	33.26
	5/31/23	5/3 SAMPLE BALLOT-5/25ELEC	GENERAL FUND	ELECTIONS	55.34
	5/31/23	5/10&5/17 CIVIL ACTION#202	GENERAL FUND	POLICE DEPARTMENT	76.38
				TOTAL:	217.56
MARLIN BUSINESS BANK	5/31/23	PD & CITY COPIER RENTAL	GENERAL FUND	CITY HALL	515.98
	5/31/23	PD & CITY COPIER RENTAL	GENERAL FUND	POLICE DEPARTMENT	280.00
				TOTAL:	795.98
SPECIALTY BUSINESS SUPPLY, INC.	5/31/23	2 BOXES 500 CITY ENEVELOPE	GENERAL FUND	CITY HALL	243.78
				TOTAL:	243.78
STAPLES ADVANTAGE	5/31/23	P&Z 2 PACKS CARD STOCK	GENERAL FUND	PLANNING & ZONING	17.14
	5/31/23	4PKS CLASP ENVELOPES	GENERAL FUND	CITY HALL	97.24
				TOTAL:	114.38
TIAA, FSB	5/31/23	2ND FLOOR PLAT PRINTER	GENERAL FUND	CITY HALL	153.50
	5/31/23	2ND FLOOR PLAT PRINTER	GENERAL FUND	CITY HALL	300.00
				TOTAL:	453.50

========== FUND TOTALS ==========	
001 GENERAL FUND	2,778.16
GRAND TOTAL:	2,778.16

TOTAL PAGES: 1

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	01-City of Charles Town
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: AP-PC
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	5/31/2023 THRU 5/31/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT		AMOUNT
AC & T CO., INC	5/31/23	JMP PORTA POTTY SERV	PARKS & REC	PARKS & REC		265.00
					TOTAL:	265.00
HALLTOWN POOL & SPA	5/31/23	2023JMP POOL CHEMICALS	PARKS & REC	PARKS & REC		4,910.00
	5/31/23	2023JMP POOL CHEMICALS	PARKS & REC	PARKS & REC		96.00
	5/31/23	2023JMP POOL CHEMICALS	PARKS & REC	PARKS & REC		13.00
	5/31/23	2023JMP POOL CHEMICALS	PARKS & REC	PARKS & REC		80.00
	5/31/23	2023JMP POOL CHEMICALS	PARKS & REC	PARKS & REC		222.00
	5/31/23	2023 JMP POOL-6LADDER/BOLT	PARKS & REC	PARKS & REC		216.00
	5/31/23	2023 JMP POOL-6LADDER/BOLT	PARKS & REC	PARKS & REC		125.00
	5/31/23	2023 JMP POOL-6LADDER/BOLT	PARKS & REC	PARKS & REC		480.00
	5/31/23	2023 JMP POOL-6LADDER/BOLT	PARKS & REC	PARKS & REC		72.00
					TOTAL:	6,214.00

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

207	PARKS & REC	6,479.00
	GRAND TOTAL:	6,479.00

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	03-CT BOARD OF P&R
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: PARK1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	5/31/2023 THRU 5/31/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-518: Letter to HEPMPO - FY2024 Unified Planning Work Program Comment

Letter to Matt Mullenax (HEPMPO) as of May 16, 2023

ATTACHMENTS:

- HEPMPO - FY2024 Unified Planning Work Program Comment - May 16, 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

May 16, 2023

Matt Mullenax
33 W. Washington Street,
Suite 402,
Hagerstown MD 21740
mmullenax@hepmpo.net

MAYOR
Robert M. Trainor

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
Kevin Tester
Jeff Hynes
Jean Petti
Julie Philabaum
Michael George
Rikki Tuyford

CITY MANAGER
John Barkley

Dear Mr. Mullenax and HEPMPO Staff,

Thank you for allowing public comment on your FY2024 Unified Planning Work Program document. The Charles Town Infrastructure Committee reviewed the plan and with the support of City Council, recommends the following comments:

The City of Charles Town looks forward to working with the MPO and WVDOT on opportunities to plan and carry-out projects which encompass the Planning Emphasis Areas (PEAs) encouraged by the FHWA and FTA. Particularly, Charles Town looks to create Complete Streets which impact safety for all road users.

The City is grateful for the Transportation Alternatives Program (TAP) grants that have previously been awarded for projects such as the Augustine Avenue Trail and South George Street sidewalk, and hope to pursue more opportunities for projects such as the Liberty Street Stormwater Mitigation plan. Further, we anticipate applying for a Recreational Trail Program (RTP) and Safe Routes to School (SRTS) plans and grants and would appreciate any technical assistance and letters of support HEPMPO may be able to offer.

The City is interested in partnering with the MPO on special study projects particularly as they relate to Complete Streets projects in accordance with the Infrastructure Investment and Jobs Act (IIJA). The City looks forward to participating in the Regional Comprehensive Safety Action Plan process set to begin July 1, 2023 and seeks advice from the MPO on how to best present the needs of Charles Town for consideration on construction funding for identified plan projects. The City anticipates pursuing the development of a Safe Streets for All Action Plan in the coming years and would welcome additional guidance from the MPO in this process.

The City agrees with HEPMPO that public participation in the planning process and easy access to timely notice of events and decision-making meetings is vital and we expect to help facilitate this through public outreach and coordination with the MPO.

Thank you for your continued work to provide a cooperative forum for regional collaboration, planning and public decision-making for short and long-term solutions that support mobility needs, economic development, environmental sensitivities, and multimodal connectivity for a safe, secure, and efficient transportation system.

Sincerely,

Robert M. Trainor
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-519: CW Lease Agreement - G.A.P. Coalition, Inc
CW Lease Agreement - OTS, LLC

CW Lease Agreement - G.A.P. Coalition, Inc
CW Lease Agreement - OTS, LLC

ATTACHMENTS:
- CW Hall and G.A.P. 2023.pdf

Charles Washington Hall – G.A.P. Coalition, Inc.
Lease Agreement - 2023

This Lease Agreement is made between CW Hall Manager, LLC, a West Virginia Limited Liability Company (hereinafter referred to as "Lessor"), that is managed by the City of Charles Town, a Municipal Corporation, whose mailing address is PO Box 14, Charles Town, WV 25414; and Jefferson G.A.P. Coalition, Inc. (hereinafter referred to as "Lessee"), a West Virginia non-profit Corporation whose mailing address is 100 W. Washington St. Suite 101 Charles Town WV 25414

Lessee offers to lease the following commercial space, known as the center/east bay, from Lessor:

1) The first-floor retail space, located in the center/east bay of the building known as Charles Washington Hall, 100 W. Washington Street, Charles Town, WV 25414.
2) The basement of the building known as Charles Washington Hall, 100 W. Washington Street, Charles Town, WV 25414. The basement will be shared between center/east bay tenant and west bay tenant, provided, however, that no operations of the Lessee, nor any items that the Lessee, may store therein, shall interfere with the fixtures and systems contained therein.
3) All that/those certain trade equipment, systems, fixtures, furniture, and miscellaneous items, which are a part of, or contained in, the area to be leased by the Lessee, at the time of the execution of this Lease Agreement. See Appendix A for a list of trade equipment so leased as part of this agreement.

Term and Rent. Lessor leases to Lessee the premises identified above for an initial term of twenty-five (25) months commencing June 1, 2023, and terminating June 30, 2025. For year one, the rent shall be Five Hundred Dollars ($500) per month, and one percent (1%) of sales originating in the center/east bay per month. After twelve months, the rent shall be five hundred dollars plus one point five (1.5%) percent of sales originating in the center/east bay per month.

Security Deposit. Security Deposit will be equal to one month's rent, due on the signing of the renewal option of this lease in year 2025.

Renewal Option. Provided the Lessee is not in default under the terms and conditions of this lease, Lessee shall have the right to renew this lease for an additional period of twelve (12) months under the same terms and conditions as stated herein, except that the rent shall increase to six hundred dollars ($600) per month, plus two percent (2%) of sales originating in the center/east bay per month. Lessee shall give Lessor notice in writing of Lessee's intention to exercise this option at least One Hundred and Eighty (180) calendar days prior to the expiration of this lease.

Rent Due. Rent is due and payable in advance on the first day of each month. A late fee of Fifty Dollars ($50) shall be assessed after the tenth (10) day of the month. Failure to pay rent on time may be cause for termination of this Lease Agreement.

Use. Lessee shall use and occupy the premises identified above for the operation and management of a retail store with a local-foods focus. The premises shall be used by Lessee for no other purpose without the prior, written consent of the Lessor.

Assignment, Subletting. Lessee shall not further assign this lease or sublet any portion of the premises without prior, written consent of Lessor. Any such assignment or subletting without consent shall be void and, at the option of Lessor, may terminate this lease.

Second Floor Access. Lessee agrees to allow access to the second floor of the building to Lessor and/or any of its agents, assignees, designees or sub-lessors via the first-floor entrance on N. George Street. Lessor, its agents, assignees, designees or sub- lessors shall have the right to use the entrance on N. George Street, the alcove immediately inside the entrance and the staircase and *elevator* inside said *alcove,* for access to the second floor.

Care and Maintenance of Premises. Lessee acknowledges that the premises are in good order and repair to the extent reasonably known by a visual inspection of the premises. Lessee shall maintain the premises in good and safe condition and at the conclusion of this lease return premises in the same condition, ordinary wear and tear excepted.

The Lessor shall remain responsible for all major repairs to the premises and appurtenances and shall perform said repairs in a reasonable time after being given notice by the Lessee of the need for repair. The Lessee shall be responsible for all minor repairs to the premises and shall, during the term of this lease, use all reasonable precautions to prevent waste, damage, or injury to the premises. A major repair is defined as any repair, which, including parts and labor at the prevailing rates, exceeds the sum of five hundred dollars ($500) Lessee shall immediately notify Lessor of damage or concerns of damage, needed repairs, or the potential need for repair.

The Lessor shall be responsible for shoveling the sidewalks and leaving the same free and clear of ice and snow.

Lessee shall be responsible for the cost of leasing a dumpster and/or providing a system for the regular removal of all trash and debris originating in or on the premises leased by the Lessee herein. Lessee shall regularly clean interior and exterior spaces, including interior and exterior windows on that portion of the premises leased to the Lessee herein. The fenced area in rear will be shared with west bay tenant.

Alterations. Lessee shall not make any material alterations, additions, or improvements, in, to or about the premises without first obtaining the prior, written consent of the Lessor.

Ordinances and Statutes. Lessee shall comply with all statutes, ordinances and requirements of all Jefferson County, West Virginia and Charles Town, West Virginia municipal, West Virginia state, and federal authorities now in force, or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by the Lessee. Provided, however, that if compliance requires any structural alteration to the premises, Lessee shall have the right to terminate this lease.

Utilities: All applications and connections for necessary utility services that support the operations of the first floor of the building shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for water and sewer, electricity, trash removal, telephone, internet, and pest control. The meters associated with the first floor are numbered S310324315 and S310326458. The center/east bay tenant will be responsible for S310324315.

Lessor represents that connections for electricity for the second floor of said premises are separate and shall be made in the name of Lessor and/or its agents, assignees or designees and the same shall be solely liable as they come due. These meters are numbered S18826689 and S310324474.

**This will remain in effect until such time that the electricity is evaluated and separated by Lessor.

Water will be in the name of the center/east bay tenant, with the agreement that the center/east bay tenant will be responsible for seventy dollars ($70) of the charges, and west bay tenant will be responsible for the remainder of the charges less the seventy dollars.

The Lessor shall be responsible for maintaining an active fire alarm for the premises.

Entry and Inspection. Lessee shall permit Lessor and/or its agents or assignees to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same.

Indemnification. Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the premises or any part thereof, leased herein by the Lessee, and Lessee agrees to hold Lessor harmless from any claims for such damages to the extent occurring on the

premises leased by the Lessee herein. The Lessor shall not be held liable for any loss of income by Lessee, unless caused by willful or malicious conduct of the Lessor.

Notices. All notices from Lessor to Lessee under this Lease and applicable law shall be delivers to the following address: 100 W. Washington St. Charles Town WV 25414.

Insurance. Lessee, at its expense and at all times, shall maintain plate glass and public liability insurance including bodily injury and property damage insuring Lessee and Lessor with a minimum of one million dollars ($1,000,000.00) in coverage. Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a thirty (30) day written notice to Lessor in the event of cancellation or material change of coverage. Lessee shall provide said documentation to Lessor within ten (10) calendar days of the commencement of this lease. To the maximum extent permitted by insurance policies, which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation, which might otherwise exist. Failure of Lessee to provide said documentation within the time frame stated above, or failure of Lessees to maintain public liability insurance during the term of this lease as described above may result in immediate termination of this lease at the sole discretion of the Lessor. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessees or other occupants and their effects in accordance with applicable law.

Destruction of Premises. In the event of a partial destruction of the premises during the term hereof, from any cause, Lessor shall forthwith repair the same, provided that such repairs can be made within sixty (60) days under existing governmental laws and regulations, but such partial destruction shall not terminate this lease. If such repairs cannot be made within said sixty (60) days, this lease may be terminated at the option of either party. In the event that the building in which the demised premises may be situated to an extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this lease whether the demised premises be insured or not. A total destruction of the building in which the premises may be situated shall terminate this lease.

Lessor's Remedies on Default of Covenants and Conditions. If Lessee defaults in the performance of any of the covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within ten (10) calendar days after the giving of such notice (or if such other default is of such a nature that it cannot be completely cured within such period, if Lessee does not commence such curing within ten (10) calendar days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this lease on not less than five (5) calendar days' notice to Lessee. On the date specified in such notice the term of this lease shall terminate, and Lessee shall then quit and surrender the premises to Lessor, without extinguishing Lessee's liability. If this lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects in accordance with applicable law.

Waiver. No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.

Heirs, Assigns, Successors. This lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties hereto.

Subordination. This lease is and shall be subordinated to all existing liens and encumbrances against the property.

Signs. Lessee is entitled to erect no more than two (2) signs outside the front street-level entrance to the premises, upon approval of the City of Charles Town Historic Landmarks Commission. It is anticipated in this Lease Agreement that no more than two (2) signs shall front on Washington Street. Prior, written

consent of the Lessor shall be required before any additional signs beyond the number anticipated herein shall be permitted.

Title. Lessor represents and warrants to Lessee that it has good and marketable fee simple title to the leased premises.

Lessee's Right to Terminate. Lessee shall have the right to terminate this lease with ninety (90) calendar days' notice to the Lessor. Provided, however, that the Lessee's termination of this Lease Agreement shall not otherwise extinguish the Lessee's liability for any of its obligations becoming due prior to the termination of this Lease Agreement.

Entire Agreement. The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties.

Lessor Owned and Provided Equipment: Lessee shall be responsible for proper use and maintenance of equipment.

Open Produce Display Case (2) – SC-0P35E-6S-B-LED – 1742294-05 Used/2018

Produce Misting System – Used/2018

Refrigerated Merchandiser – GF22BM-LED – 1742296-05 – Used/2018

Freezer Merchandiser (2)- Used/2018

Refrigerated Deli Display Case Used/2018

Signatures

CW Hall Manager, LLC: Robert M Trainor

By: ROBERT M TRAINOR

Date: 26 MAY 2023

G.A.P. Coalition Inc: Richard T Coyle

By: Richard T Coyle

Date: 5/26/23

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-502: Resolution Creating a Mobile Food Vending Pilot Program within the City of Charles Town

Resolution Creating a Mobile Food Vending Pilot Program within the City of Charles Town

Proposed Motion:

ATTACHMENTS:

- 2023-006 - A Resolution Creating a Mobile Food Vending Pilot Program within the City of Charles Town.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

A Resolution creating a Mobile Food Vending Pilot Program within the City of Charles Town

WHEREAS, the City received public input regarding mobile food vendors including holding an open workshop on March 23, 2023; and

WHEREAS, a well-regulated mobile food vending program may activate the streetscape and increase vibrancy; and,

WHEREAS, mobile food vending has a relatively low barrier to entry and encourages entrepreneurship; and,

WHEREAS, increasing economic opportunities for people to support themselves and their families is a priority for the City; and,

WHEREAS, regulating the sale of food and non-alcoholic beverages in the public right of way and in city parks is needed to protect public health, safety, and welfare; and,

WHEREAS, a Mobile Food Vending Pilot Program will allow the City to assess feasibility over five months to ascertain value and reveal any potential deficiencies of allowing mobile food vendors via City Ordinance.

NOW, THEREFORE, the City of Charles Town resolves to create the Mobile Food Vending Pilot Program as follows:

1. General Guidelines
    a. Mobile food vendors shall only operate during specified hours of 7am to 8pm, and only on the following specified days:

Tuesday, June 6, 2023
Wednesday, June 7, 2023
Monday, July 3, 2023
Wednesday, July 5, 2023
Thursday, August 3, 2023
Friday, August 4, 2023
Friday, September 15, 2023
Saturday, September 16, 2023*
Sunday, October 1, 2023
Monday, October 2, 2023

Mobile Food Vendors are permitted to operate at different hours and days, subject to approval of a Special Activity Permit. *No Mobile Food Vendors will be allowed on the 100 Block of S. Samuel St from 7:00am-12:00pm on Saturday, September 16, 2023, due to the regularly scheduled Charles Town Farmers Market.

b. Only food and non-alcoholic drinks may be sold by the Mobile Food Vendor.

c. In order to operate in the City of Charles Town, Mobile Food Vendors:

(1) Shall obtain all applicable health department and State Fire Marshal permit(s) before applying for a City Business License and a Temporary Mobile Food Vendor Pilot Program License.

(2) May not operate until all approvals are obtained through the City of Charles Town.

(3) Shall keep their Health Permit and Business License in plain sight.

d. Mobile Food Vendors are not permitted to set up seating, tents, or other items in such a manner as to negatively impact public safety. Sidewalks, handicap parking spaces, access ramps and stairs, and building entrances and exits, may not be blocked or have access impaired by a mobile food vendor.

e. Any electricity generators required for mobile food vendors located in the public right-of-way or in a parking lot of the city's parks shall be self-contained and self-provided. Vendors shall not draw on public utilities from a public source. No utility cable shall be extended on or across any City street or sidewalk.

2. Location

a. Parking spaces within the public right-of-way not be reserved for specific vendors. Placement is first come, first served.

b. Within the public right-of-way, mobile food vendors may only locate in metered parking spaces along the 100 block of N. Charles Street (2 hour meters), the 100 block of N. Lawrence Street (8 hour meters), the 100 block of S. Samuel Street (8 hour meters) and 200 block W. Congress Street (2 hour and 8 hour meters). However, no more than 1 mobile food vendor may set up at a time at any of these separate locations listed above.

c. Parking a mobile food vending unit on private commercially zoned property is permitted if notarized written permission is given from the property owner, and such authorization is included with the Mobile Food Vending Pilot Program application. Mobile food vendors on private commercially zoned property are subject to the specified times and days listed in section 1(a) above, and only one food truck is permitted at any private commercially zoned property at a time unless a Special Activity Permit has been obtained.

d. Mobile food vendors are permitted to operate at other locations beyond those specified in subsections b and c above, subject to approval of a Special Activity Permit.

e. A mobile food vending unit is not permitted to park:

(1) Within 50 feet of the entrance of any restaurant,

(2) Within 15 feet of any bus stop zone,

(3) Within 15 feet of a pedestrian crosswalk or intersection,

(4) Within 15 feet of a handicapped parking space,

(5) Within any loading zone or other area where vehicles are prohibited to park.

(6) Within the public right-of-way in any residential zoning district in the City of Charles Town when not in use.

(7) In a manner that would force customers to stand in a city street or an additional parking spot to conduct business with the mobile food vendor.

(8) Additionally, it is not permitted to be parked on any street of Charles Town when not in use in accordance with these regulations.

f. Mobile food vending units shall be subject to Ordinance 361 Parking Generally and Ordinance 365 Charles Town Parking District.

3. Advertisement and Signage

a. Signage may be imprinted on the exterior body of a licensed mobile food vending unit and include the use of an attached or detached menu board. This is the only signage permitted.

b. No banners or balloons may be attached to a mobile food vending unit or otherwise located on the mobile food site. No flashing or blinking or strobe lights are allowed.

4. Noise

a. Mobile food vendors shall be subject to Ordinance 527 Noise Control.

5. Waste Material Disposal

a. All waste shall be removed and disposed of daily by the mobile food vendor.

b. No liquid or solid waste may be discharged from the mobile food vending unit.

c. Public trash receptacles shall not be used for disposal of waste that is directly generated by the mobile food vending unit, such as grease, food scraps, food packaging material, and other waste products.

d. Receptacles for the disposal of waste materials or other litter must be provided for customers by the Mobile Food Vendor.

6. Approval Process:

a. The Zoning Administrator shall approve the issuance of a Temporary Mobile Food Vending Pilot Program License only if the application is complete, complies with the requirements of this Resolution, including applicable Health Department approvals, City Business License and provided the application is accompanied by the required fee.

b. The Zoning Administrator shall have the authority to revoke any Temporary Mobile Food Vending Pilot Program License at any time.

c. All Temporary Mobile Food Vending Pilot Program Licenses shall expire on October 3, 2023.

7. Fees:

a. A fee of $50 shall accompany each Temporary Mobile Food Vending Pilot Program License application.

b. Application fees shall not be refunded in part or in full if the application is denied or a Temporary Mobile Food Vending Pilot Program License is revoked.

Signed this day, the 16th of May, 2023.

Robert M. Trainor, Mayor

Alissa Meeks, Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-521: A Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program - 2023-007

A Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program 2023-007

ATTACHMENTS:

- 2023-007 - A Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program.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

A Resolution Celebrating the Creation of the Mobile Food Vending Pilot Program

WHEREAS, the City has launched the Mobile Food Vending Pilot Program based on feedback from the public; and,

WHEREAS, the City is excited to provide a variety of dining options for visitors and residents by allowing mobile food vending in downtown and at two of our city parks; and,

WHEREAS, mobile food vendors being present in downtown is believed to increase visitor and resident presence in downtown to create more sales opportunities for our businesses; and,

WHEREAS, the Mobile Food Vending Pilot Program will begin allowing mobile food vendors within the city limits without a Special Activities Permit beginning in June 2023; and,

WHEREAS, mobile food vendors are more commonly referred to as food trucks; and,

NOW, THEREFORE, LET IT BE RESOLVED the City of Charles Town will host the Food Truck Friday Fest on Friday, June 2, 2023 from 4:30pm-8:00pm on the 100 block of North Charles Street, inviting all mobile food vendors who have received their Temporary Mobile Food Vending Pilot Program License from the City of Charles Town to participate on a first come, first served basis beginning at 4:00pm.

Signed this day, the 16th of May, 2023.

Robert M. Trainor, Mayor

Alissa Meeks, Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-522: Revision #3 - FY2023 Operating Budget

Revision #3 - FY2023 Operating Budget

ATTACHMENTS:

- Charles Town G3.pdf

LGSD BR (Ver. 2020)

Ora Ash, Deputy State Auditor
West Virginia State Auditor's Office
200 West Main Street
Clarksburg, WV 26301
Phone: 627-2415 ext. 5114
Fax: 304-340-5090
Email: lgs@wvsao.gov

Person To Contact Regarding Request:
Name: Breanna Andrews
Phone: 304-724-3257
Fax:
Email: bandrews@charlestownwv.us

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

City of Charles Town
GOVERNMENT ENTITY

101 East Washington Street
STREET OR PO BOX

Charles Town — CITY
25414 — ZIP CODE

CONTROL NUMBER
Fiscal Year Ending: FY23
Fund: 1
Revision Number: 3
Pages: 1 of 1

RECEIVED
MAY 16
WV STATE AUDITOR

Municipality
Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
301-06	Supplemental Taxes	25,000	3,000		28,000
304	Excise Tax on Utilities	250,000		50,000	200,000
306	Wine & Liquor Tax	10,000	5,000		15,000
308	Hotel Occupancy Tax	125,000	30,000		155,000
326	Building Permit Fees	150,000	300,000		450,000
345	Rents/Royalties and Concessions	60,000		10,000	50,000
NET INCREASE/(DECREASE) Revenues (ALL PAGES)			422,100		

Explanation for Account # 378, Municipal Specific:
Explanation for Account # 369, Contributions from Other Funds:

EXPENDITURES: (net each account category) (WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
412	City Manager's Office	260,780	42,470		303,250
436	Building Inspection	54,640		23,580	31,060
437	Planning & Zoning	439,575	37,500		477,075
440	City Hall	587,925	25,875		613,800
699	Contingencies*	644,361	287,535		931,896
704	Police-Special Duty	26,750	2,800		29,550
901	Visitors Bureau	66,500	23,000		89,500
900	Parks & Recreation	100,000	26,500		126,500
	#N/A				
	#N/A				
NET INCREASE/(DECREASE) Expenditures			422,100		

APPROVED BY THE STATE AUDITOR
BY: Ora Ash | Rebecca Cli 05/22/23
Deputy State Auditor, Local Government Services Division — Date

Ann D. Myers, City Clerk 5-16-23
AUTHORIZED SIGNATURE OF ENTITY — APPROVAL DATE

REVENUES (CONT) City of Charles Town

LGSD: BR City of Charles Town CONTROL NUMBER: FY23 (FY) 1 (FUND) 3 (REV #)

BUDGET REVISION REQUEST-SUPPLEMENT

ACCOUNT NUMBER	ACCOUNT CATEGORY	PREVIOUSLY APPROVED AMOUNT	INCREASE	DECREASE	REVISED AMOUNT
399	Miscellaneous Revenues	42,500	25,000		67,500
380	Interest Earned on Investments	10,000	20,000		30,000
386	Insurance Claims		24,000		24,000
397	Video Lottery	625,000	75,000		700,000
382	Refunds and Rebates		100		100
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
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	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (THIS PAGE) 144,100

Explanation for Account # 378, Municipal Specific:

Explanation for Account #369, Contributions from Other Funds:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-523: FY2024 Capital Budget

FY2024 Capital Budget

ATTACHMENTS:

- FY24 Capital Budget Docs - RMT.pdf

the city of Charles Town, WV

Attachment (1) - Part I - Page 1 of 1

FY2024 Capital Reserve Approved Budget Summary

Total Projected Revenues Less Pending	$ 2,622,608	**$**	**2,522,608**	Less Dev Fees
Total Recommended Expenditures	$ 2,400,081			
Balance	$ 222,527	$	122,527	

Revenues	**Projected**	**Pending**	**Grants**
Carryover	$ 299,928	$ -	$ -
Restricted	$ 230,000	$ -	$ -
Lottery	$ 557,680	$ -	$ -
Interest	$ 35,000	$ -	$ -
ARPA	$ 1,500,000	$ -	$ -
Grant	$ -	$ -	$ 3,496,229
Totals	**$ 2,622,608**	**$ -**	**$ 3,496,229**

Expenditures	**Requested**	**Approved**	
PRIORITY 1			
Grant Match	$ 1,202,581	$ 852,581	
City Hall	$ 185,000	$ 185,000	
CTPD	$ 67,500	$ 67,500	
Infrastructure	$ 55,000	$ 50,000	
Maintenance	$ 380,000	$ 380,000	
Parks & Rec	$ 2,700,000	$ 100,000	
Totals	**$ 4,590,081**	**$ 1,635,081**	
PRIORITY 2			
Grant Match	$ -	$ -	
City Hall	$ 45,000	$ 45,000	
CTPD	$ -	$ -	
Infrastructure	$ 300,000	$ 130,000	$ 170,000
Maintenance	$ -	$ -	
Parks & Rec	$ 100,000	$ 100,000	
Totals	**$ 445,000**	**$ 275,000**	
PRIORITY 3			
Grant Match	$ -	$ -	
City Hall	$ -	$ -	
CTPD	$ 5,000	$ 5,000	
Infrastructure	$ 160,000	$ 50,000	
Maintenance	$ 250,000	$ -	
Parks & Rec	$ 540,000	$ 500,000	
Totals	**$ 955,000**	**$ 555,000**	

the city of Charles Town, WV

Attachment (1) - Part II - Page 1 of 3

FY 2024 Capital Reserve Approved Budget

Updated: 31 May 2023

		PROJECTED	PENDING	GRANT FUNDING	
Carryover		$ 299,928	$ -	$ -	Carryover balances implemented for FY2023 Capital Reserve - Improvement Budget.
Developer Fees		$ 100,000	$ -	$ -	Estimated based on FY2023 receipts - **Restricted**
Repaving Fees (Transferred from General Fund)		$ 130,000	$ -	$ -	Street Fees source = $4.10 fee, collected by the Charles Town Utility Board and remitted to the City of Charles Town for Capital Reserve Fund - Street Paving
Lottery / Gaming Revenue (Transferred from General Fund)		$ 557,680	$ -	$ -	All lottery/gaming revenue remitted to Charles Town gets XFRD to Capital Reserve from GenFund (less expenses previously funded by Capital Fund but moved to GenFund for FY23)
Interest on Bank Accounts & Other Sources		$ 35,000	$ -	$ -	Reveue from 3 diferent interest bearing accounts FY2023- PD Vehicle Disposal Revenues & Insurance Claim -$18,750 + $23,750 = $42,500
ARPA Revenue designated for Grant Matching		*$ 1,500,000*	*$ -*	*$ -*	*Per Council, $1.5 million of ARPA award has been designated as grant match funding source; ARPA funds budgeted in General Fund, so will XFR funds to Capital Reserve account as grants are completed via interfund reimbursement process.*
Grant Revenue - WVDOH TAP-II grant Augustine Avenue Trail Construction		*$ -*	*$ -*	*$ 560,000*	*Design grant expected to be complete by close of FY23; will include FY24 TAP grant on construction once award details concrete and City commits to project in FY24 ($560K grant with $140K match)*
Grant Revenue - CDS _ Senator Capito Grant Augustine Avenue Trail Construction		*$ -*	*$ -*	*$ 1,400,000*	*Trail Completion*
Grant Revenue - COPS Grant		*$ -*	*$ -*	*$ 400,000*	*PD Equipment Grant of $400K; will update number once award details provided (stretching $400K over X amount of award years)*
Grant Revenue - EARMARK - Liberty Street Flooding		*$ -*	*$ -*	*$ 375,000*	*Senator Earmark to mediate Liberty Street Flooding; requires $75Kmatch; will include the grant in revenues once award details concrete and City commits to project in FY24*
Grant Revenue - TAP George St Sidewalk			*$ -*	*$ 511,229*	*TAP Grant for the construction of George St Sidewalk; requires $127Kmatch; will include the grant in revenues once award details concrete and City commits to project in FY24*
Grant Revenue - LWCF JMP Pool		*$ -*	*$ -*	*$ 250,000*	*LWCF Grant for the renovation of JMP Pool; requires $250K match; will include the grant in revenues once award details concrete and City commits to renovations in FY24*
Receivables					
Total Revenues		**$ 2,622,608**	**$ -**	**$ 3,496,229**	

EXPENDITURES	Priority	FY 2024 REQUESTED	FY 2024 APPROVED	FY 2024 GRANT FUNDING	NOTES
Liberty Street Flooding Mitigation - Grant Match	1	$ 305,774	$ 305,774		$680,774 Est Construction Cost - Grant = $375K; Match = $93,750; Balance = $212,024 Match + Balance = $304,774
Sidewalk Improvements - George Street - Grant Match	1	$ 127,807	$ 127,807		$639,036 Est Construction Cost - Grant = $511,229; Match = $127,807
Augustine Avenue Trail Design & Construction	1	$ 29,000	$ 29,000		Phase II design (Total = $145,000; Grant = $116,000 - Funded through WVDOT; City Match = $29,000). Anticipate design completion FY23/FY24.
Augustine Avenue Trail Construction - TAP II Grant	1	$ 140,000	$ 140,000		Construction - 1 (Total = $700,000; Grant = $560,000 - Funded through WVDOT; City Match = $140,000). Anticipate construction begin FY24. An additional $1,700,000 estimated for project completion - CDS Grant = $1,400,000; City Match = $350,000, likely in FY 2025
Augustine Avenue Trail Construction - CDS Grant	1	$ 350,000	$ -		CDS Grant = $1,400,000; City Match = $350,000, likely in FY 2025
Pool Renovation - Land & Water Conservation Fund (LWCF)	1	$ 250,000	$ 250,000		Land & Water Conservation Grant for Pool House renovation = $250,00; City Match = $250,000 Total Pool renovation estimated at $2,500,000.
Technology Upgrades	1	$ 105,000	$ 105,000	$ -	Staff to develop a more detailed equipment replacement plan; FY24 Requests are $100K for general upgrades, $5K for vacant structure software
Vehicles & Outfitting's	1	$ 67,500	$ 67,500	$ -	FY24 CTPD Vehicles purchased in FY23; funding requested: $54,500 for equipment covered under DOJ COPS EQUIP grant, $13,000 for Vehicle Labor and Graphics Cost not covered by DOJ grant
Basic Stormwater Improvements	1	$ 25,000	$ 25,000	$ -	ACKNOWLEDGED IMPROVEMENT LOCATIONS - Install new sidewalk drain in 200 block of W. Washington (design completed - JW project); fix Paradise Alley storm drain; design improvements for 100 block of Shutter St; 400 block of S. Samuel, and culvert at 4th and Hunter
Security Fence / Shop Improvements	1	$ 45,000	$ 45,000	$ -	Install perimeter fence along Evitts Run to improve lack of security of City Asset
City Hall Renovations	1	$ 50,000	$ 50,000	$ -	Planning and design fees for City Hall renovations (none of FY23 appropriation spent on design services yet); FY24 proposed amount to fund space and feasability study for current and future needs of all City buildings
City Hall Renovations - Facade repairs	1	$ 50,000	$ 50,000	$ -	Assessment and repairs to the City Hall building façade
General Infrastructure Improvements	1	$ 30,000	$ 25,000	$ -	FY22 expense - Brooke Street Sinkhole remediation; FY24 includes City Hall security upgrades ($25K) and minor City Hall renovation for additional office spaces to accommodate CDD staff ($5K)
Finance Software Upgrades	1	$ 80,000	$ 80,000	$ -	Current Finance Software (Incode 9) will become incompatible with continually updated windows platforms in near term future; requesting funding to upgrade to Incode 10 or pursue new software.
Maintenance Department Equipment Purchases	1	$ 235,000	$ 235,000	$ -	Leaf Vacuum & Box - $85,000; Tractor/Backhoe - $100,000; and: Maintenance Truck - $50,000;
Pool Renovation	1	$ 2,700,000	$ 100,000	$ -	In support of identified LWCF grant funding expected to be required for FY2024. A FY2024 Congressional Directed Funding request for $1,500,000 pends

EXPENDITURES	Priority	FY 2024 REQUESTED	FY 2024 APPROVED	FY 2024 GRANT FUNDING	NOTES
Street Paving / Improvements	2	$ 300,000	$ 130,000	$ -	12 Jan 2023 Infrastructure Comm report identified 23 streets for repaving/repairs. Due to large scope and delays in the Request for Bid process, Finance Committee recommends caping FY2024 paving/repairs expenses at $300K.; $130K FY24 income; **$170K from paving reserves**
Public Arts District - Wayfinding signage - 3-year program	2	$ 100,000	$ 100,000	$ -	CDD REQUEST $100K for wayfinding signage implementation phase 1 cost (3 years of phases) (request related to 2023 CTNOW ARPA Request)
City Hall Vehicles	2	$ 45,000	$ 45,000	$ -	City vehicle for code enforcement/building inspection staff. Currently Building Inspector is using private vehicle
Mordington Avenue Sidewalk Design	3	$ 110,000	$ -	$ -	CDD REQUEST Design and fund construction documents of Mordington Ave sidewalk from S George St to S West St. Currently included in FY2024 Congressional Directed Funding Request
Parking Meters	3	$ 5,000	$ 5,000	$ -	Routine replacement of a portion of the parking meters (25) in the downtown parking district
Charles Street Flooding	3	$ 50,000	$ 50,000	$ -	Engineering costs to determine Charles Street flooding mitigation
Maintenance Department Street Sweeper replaacement	3	$ 250,000	$ -	$ -	Finance Committee recommends rescheduling in FY2025
Amenities & Replacements / Park Upgrades	3	$ 40,000	$ -	$ -	Finance Committee recommends reevaluation after the Master Parks Plan is completed and approved
Master Park Planning	3	$ 75,000	$ 75,000	$ -	Development of the City's Master Parks Plan
Walking Bridges at Happy Retreat and Evitts Run Park	3	$ 25,000	$ 25,000	$ -	Finance Committee recommends reevaluation after the Master Parks Plan is completed and approved
Skate Park	3	$ 40,000	$ 40,000	$ -	Finance Committee recommends reevaluation after the Master Parks Plan is completed and approved
Depot Park Land Acquisition	3	$ 360,000	$ 360,000	$ -	Place holder for possible land acquisition from APUS for the Depot Park initiative
Charles Town Police Department Equipment (COPS Grant)	2	$ 108,112	$ -	$ 108,112	Funding requested: $81,600 for equipment covered under DOJ COPS EQUIP grant ($13.6K for pursuit stop stick, $34K for trauma kits, $34K for ballistic shields), $5,512 for taser not covered by DOJ grant, $21,000 in reserve funding for future FY equipment purchases
TOTALS		**$ 5,990,081**	**$ 2,465,081**	**$ -**	
BALANCE		**$ (3,367,473)**	**$ 157,527**	**$ (3,496,229)**	

the city of Charles Town, WV

Attachment (1) - Part III - Page1 of 2

Capital Fund Balances - Estimates

2-May-23

Sales Tax Fund

	FY23 Balance Thru 31 Mar 2023	Projected Thru 30 June 2023	FY24 Projected	Total
Revenues				
	$ 3,208,307	$ 600,000	$ 1,600,000	
Unencombered Balance	$ 2,688,812			$ 4,288,812
Expenditures				
CW Hall		$ 200,004	$ 200,004	
Municipal Annex		$ 124,692	$ 124,692	
		$ 324,696	$ 324,696	
Transfer to Operating Budget		$ 675,304	$ 1,275,304	
Total		$ 1,000,000	$ 1,600,000	
Estimated FY 2024 Avaliable Balance				$ 2,688,812

Street Improvement Fund

	FY23 Balance Thru 31 Mar 2023	Projected Thru 30 June 2023	FY24 Projected	Total
Revenues				
	$ 1,533,624	$ 77,564	$ 130,000	
Unencombered Balance	$ 1,281,060			$ 1,411,060
Expenditures				
Street Improvements			$ 50,000	
Paving			$ 300,000	
		$ -	$ 350,000	$ 1,061,060
Estimated FY 2024 Avaliable Balance				$ 1,061,060

the city of Charles Town, WV

Attachment (1) - Part III - Page 2 of 2

Capital Fund Balances - Estimates

2-May-23

Capital Reserve Fund

	FY23 Balance Thru 31 Mar 2023	Projected Thru 30 June 2023	FY24 Projected	Total
Revenues				
	$ 2,053,812	$ -		
Gaming & Interest			$ 592,680	$ 2,646,492
Expenditures				
Carry over, Lottery, & Interest			$ 892,608	
Developer Fees			$ 100,000	
			$ 992,608	
Estimated FY 2024 Avaliable Balance				$ 1,653,884

APRA Fund

	FY23 Balance Thru 31 Mar 2023			Total
Revenues	$ 2,342,000			
Expenditures		**Grant Match**	**$ 1,500,000**	
AA Trail	$ 490,000	Grant Match		
George Street Sidewalk	$ 127,807	Grant Match		
Liberty Street Flooding	$ 305,774	Grant Match		
Jefferson Memorial Pool	$ 250,000	Grant Match		
	$ 1,173,581			
Balance	$ 1,168,419		$ 326,419	

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/02/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Charles Town Utility Board Meeting Minutes - May 10, 2023

ATTACHMENTS:

- 2023.05.10 UB MINUTES.pdf

Charles Town Utility Board
Regular Board Meeting
May 10, 2023

The Charles Town Utility Board held a regular meeting on May 10, 2023 at 4:00 P.M. Members of the Board present were Robert Trainor, Chairman; Duke Pierson, Vice 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 Stottlemyer, Secretary; Robert Rodecker, Legal Counsel; and Clare Ath, County Commission Liaison.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of April 26, 2023 Regular Meeting Minutes

The Chairman called for changes or corrections to the April 26, 2023 regular meeting minutes.

Action: **With no objections from the Board, the minutes were approved as presented.**

PUBLIC COMMENT

The Board received a public comment from Jacqueline Milliron.

NEW BUSINESS

Renewal and Replacement Project Resolution No. 7 – Contractor Pay Application No. 7

Mrs. Stolipher included the contractor application for payment no. 7 in the amount of $1,068,229.84 for work completed. The Schedule B was been revised due to a calculation error in the draft provided in the packet. The Board provided discussions.

Action: **Motion made by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the Contractor Pay Application No. 7.**

Exempt Meter Policy Revision

Mrs. Stolipher provided the recent approved policy required a separate service for an irrigation meter from the main which could disturb asphalt, curbs, sidewalks, etc. After receiving a request from a customer recently, staff revisited the policy for mandating this separate service. Mrs. Stolipher proposed changes to the policy which would give more flexibility and allow for a single service line or a dedicated service line to eliminate tearing up infrastructure unnecessarily. She reviewed the policy changes. The Board provided discussions. Mrs. Stolipher will revise the draft policy based on the Board's suggestions and bring back for approval next meeting.

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

June Board Meeting Schedule

Mrs. Stolipher informed the Board of her absence at the June 14th board meeting, as well as Ms. Stottlemyer. She suggested canceling that meeting and only having the June 28th meeting next month.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved having one meeting in June (June 28th), unless a special meeting is needed prior.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher briefed the Board on this month's sewer and water efforts including an update on the lead and copper inventory, hydrant flushing and painting, progress on the Renewal and Replacement project, and

making the Congressional Delegation support lists for the federal earmark funding through Senator Manchin and Senator Capito's offices for $6.1 million. This funding would be used toward the collection project if awarded. Mr. Rodecker mentioned there have been no updates regarding PSC cases.

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

Chairman Report

The Chairman had no updates to report.

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

APPROVAL OF BILLS

May 10, 2023

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

INFORMATION ONLY

The next regular meeting is scheduled for Wednesday, May 24, 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 4:37 P.M.

Robert M. Trainor
Chairman

Ashley Stottlemyer
Secretary