CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • MAY 20, 2024

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

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2024-541:** City Council Meeting Minutes - May 6, 2024
CityCouncilMeetingMinutes_6May2024_Draft_rmt.pdf

3. PUBLIC COMMENT

4. WARD REPORTS

: **2024-543:** Ward Report - Councilmember Micheal George
Ward Report 20240520.pdf

5. MAYOR'S REPORT

: **2024-517:** Update on the Mayor's Select Committee on the Potential of a Charles Town/Ranson Joint Convention and Visitors Bureau (CVB)
Letter to form Select Committee.pdf
Revision to Select Committee of March 6, 2023.pdf

6. COMMITTEE REPORTS

: **2024-522:** Finance Committee - May 8, 2024, Meeting
FinanceCommitteeReport_8May2024.pdf

: **2024-523:** Personnel Committee - May 13, 2024, Meeting
Personnel Committee Report - 5-13-24.pdf

7. CITY MANAGER REPORT

: **2024-538:** City Manager Report - May 20, 2024
City Manager Report - May 20 with pictures.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

10. NEW BUSINESS

: **2024-524:** TX2024-01: Public Hearing on the First Reading and Consideration of a Zoning Map Amendment to 9.4 Acres of Land at the Terminus of Southerly Lane.

: **2024-509:** TXA2024-01: First Reading and Consideration of a Zoning Map Amendment to 9.4 acres of land at the terminus of Southerly Lane.
1. Staff Report.pdf
2. Application.pdf
3. Subject Property.pdf
4. Sketch Plan.pdf

: **2024-518:** Article 1102 Animals and Fowls - Section 1102.07 Livestock - No changes
Articel 1102.07.pdf
City Council Meeting Minutes - October 18, 2021 - signed.pdf

: **2024-525:** Revive Commercial Grant Revision
2024ReviveRevisionsforPacketwithMinutes.pdf

: **2024-526:** Plan for Filing Ward 4 Council Vacancy

: **2024-527:** Board of Parks and Recreation Commission Membership Review
Article 138 - Board of Parks and Recreation -from website.pdf

: **2024-528:** Town Hall Discussion on Route 51 Traffic Feasibility Study

: **2024-529:** Possible Executive Session - Zoning Enforcement

: **2024-536:** Tree City USA Presentation

: **2024-537:** Police Civil Service Rules Update
hb5122 sub.pdf
Revised Police Civil Service Rules Regulations - 30 May 2024(20385181.1 SJDOCS)
Redline 1.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2024-542:** Payment of Bills - May 20, 2024
GENERAL FUND COUNCIL REPORT 2024 05 17.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 05 17.pdf
PARKS N REC COUNCIL REPORT 2024 05 17.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT REGULAR COUNCIL MEETING, June 3, 2024

: **2024-519:** Council Select Committee on PODA (Private Outdoor Designated Area) Letter
Council Select Committee on PODA.pdf

: **2024-520:** Heidi Parker - Charles Town Utility Board Signed Oath
2024 - Heidi Parker Oath.pdf

: **2024-530:** Public Comment Letters to Matt Mullenax - HEPMPO
Public Comment Letter to HEPMPO - SAP 2024.pdf
Public Comment Letter to HEPMPO - TIP Program.pdf
Public Comment Letter to HEPMPO - Unified Planning Work Program.pdf

: **2024-531:** Councilmember Micheal George's Ward Report

Ward Report 20240506.pdf

: **2024-532:** Jefferson Memorial Park Tennis Timeline
Tennis Timeline.pdf

: **2024-533:** Charles Town Police Department April Statistic Report
April 2024 CTPD Stats.pdf

: **2024-534:** Charles Town Utility Board Meeting Minutes - April 24, 2024
2024.04.24 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: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-541: City Council Meeting Minutes - May 6, 2024

ATTACHMENTS:
- CityCouncilMeetingMinutes_6May2024_Draft_rmt.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • May 6, 2024

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	
Jeff Hynes	Councilmember	Present	
Kevin Tester	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Priscilla Rodd	Councilmember	Present	
Micheal George	Councilmember	Present	
Rikki Twyford	Councilmember	Present	

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

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2024-473: City Council Meeting Minutes - April 16, 2024

The following changes were made to the April 16, 2024, meeting minutes:

Packet page 7, Agenda Item 2024-404: Approval of New Insurance Broker; add Rikki Twyford as "Absent" from the vote.

Packet page 9, in the first paragraph change [**Fee Parking**] to [**Free Parking**].

3. PUBLIC COMMENT

Six people spoke on behalf of Charles Town's Tennis Program and their disappointment with the changes enacted for this year's program.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts reported that several citizens have received certified letters from AMT Engineering – contracted by the West Virginia Department of Highways – alerting them

that AMT will be performing survey work in connection with the proposed Route 51 study/project. She recommended that Council discuss scheduling a Town Hall meeting at the May 20, 2024, Council Meeting.

Ward #2

Mr. Hynes reported that on May 6th, he attended the CASA [Court Appointed Special Advocates] of the Eastern Panhandle ribbon cutting event on Liberty Street [210 N. George Street].

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd reported that this past Saturday, May 6th, a person was outside her home shouting obscenities and filming her house. She thanked Chris Kutcher and the Charles Town police officers who responded to the complaint and remained on scene until the person departed the area.

Ward 4

Mr. George informed the Council that he provided a written ward report. He also reported receiving an e-mail from the DOT [WV Department of Transportation] indicating that the final design is in process for the proposed Hillside/S. George Street Circle; construction should begin in 2025.

Ms. Twyford had nothing to report.

5. MAYOR'S REPORT

2024-481: Mayor's Select Committee on Community Outreach

The mayor announced the Mayor's Select Committee on Community Outreach.

Mayor Trainor also praised the efforts of the Select Committee on Parking and the patience and professionalism of the City Council as they worked through the Committee’s parking program recommendations.

6. COMMITTEE REPORTS

2024-475: Ordinance Committee Meeting - Wednesday, April 17, 2024

Ms. Twyford reviewed the Ordinance Committee report with the Council.

2024-477: Board of Parks and Recreation Meeting - April 25, 2024

Ms. Ricketts reported that onboarding for summer staff will take place on May 15, 2024. A Request for Proposal (RFP) has been posted on the City's website for proposed artwork at the skate park. The next Board meeting will take place on May 29, 2024, 6:00PM at the skate park and later, at 7:00PM there will be a presentation by Thrasher Engineering at City Hall.

7. CITY MANAGER REPORT

2024-500: City Manager Report - May 6, 2024

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

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department April Statistics Report with the Council. He also reported that Officer Julian Bound is scheduled to graduate from the police academy on Friday, May 10, 2024. Chief Kutcher informed the Council that a police officer candidate reported for testing on April 20, 2024, passed all the preliminary testing and is moving through the next steps of the hiring process. Finally, per a recent change in West Virginia Code, beginning May 30, 2024, there will be no maximum age limit for police officer candidates.

9. UNFINISHED BUSINESS

2024-474: Initiative of Charles Town joining with Ranson's Convention and Visitor's Bureau

Mr. Todd Wilt, Ranson City Manager, informed the Council that the Ranson City Council is scheduled to discuss a proposed merger of the Ranson Convention and Visitor's Bureau (CVB) with the Jefferson County CVB at their May 7, 2024, Council meeting. Should the Ranson CVB elect to join with Jefferson County CVB, then the Ranson CVB would likely be dissolved in early 2025. As such, the possibility of Charles Town joining with the Ranson CVB would no longer exist. Therefore, Mayor Trainor will include this topic in the May 20, 2024 Charles Town Council meeting agenda to determine whether or not this initiative is still viable.

2024-425: TXA2024-02: Second Reading and Consideration of an Amendment to the Zoning Ordinance of the City of Charles Town, West Virginia with Regard to Section 1332.08 Neighborhood Residential District

Mr. George moved to approve the second reading of the proposed text amendment changes to the Zoning Ordinance Section 1322.08 Neighborhood Residential (NR) District. Mr. Hynes seconded the motion, and it passed by unanimous vote.

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

2024-427: Public Hearing for Article 1759 Vacant Properties and Vacant Structures

Ms. Philabaum moved to open the public hearing. Mr. George seconded the motion, and there were no objections.

Staff announced that no one had signed up for the public hearing.

Ms. Philabaum moved to close the public hearing. Mr. George seconded the motion, and there were no objections.

2024-428: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 17 Building and Housing Code Article 1759 Vacant Properties and Vacant Structures.

Ms. Philabaum moved to approve the second reading of Article 1759 Vacant Properties and Vacant Structures. Mr. George seconded the motion, and it passed by unanimous vote.

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

2024-429: Public Hearing on Article 101, Article 301, Article 361, Article 373, Article 521, and Article 545

Mr. George moved to open the public hearing on Article 101, Article 301, Article 361, Article 373, Article 521, and Article 545. Ms. Philabaum seconded the motion, and there were no objections.

Staff announced that no one had signed up for the public hearing.

Mr. George moved to close the public hearing. Ms. Philabaum seconded the motion, and there were no objections.

2024-430: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code Article 101 Codified Ordinances as a Result of Adopted State Code Changes

Ms. Philabaum moved to approve the second reading of Article 101 as a result of adopted state code changes. 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, Philabaum, Rodd, George, Twyford
NAY:	Hynes

2024-431 Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code Article 301 Definitions as a Result of Adopted State Code Changes

Mr. George moved to approve the second reading of Article 301 Definitions as a result of adopted state code changes. 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, Philabaum, Rodd, George, Twyford
NAYS:	Hynes

2024-432: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code Article 361 Parking Generally as a Result of Adopted State Code Changes

Ms. Philabaum moved to approve the second reading of Article 361 Parking Generally as a result of adopted state code changes. Mr. George seconded the motion, and it passed by a 6-2 vote.

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

2024-433: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 3 Traffic Code Article 373 Bicycles as a Result of Adopted State Code Changes

Mr. George moved to approve the second reading of Article 373 Bicycles as a result of adopted state code changes. 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, Philabaum, Rodd, George, Twyford
NAYS:	Hynes

2024-434: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 5 General Offenses Code Article 521 Liquor Control as a Result of Adopted State Code Changes

Ms. Philabaum moved to approve the second reading of Article 521 Liquor Control as a result of adopted state code changes. Mr. Tester seconded the motion, and it passed by a 7-1 vote.

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

2024-435: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 5 General Offenses Code Article 545 Weapons and Explosives as a Result of Adopted State Code Changes

Mr. George moved to approve the second reading of Article 545 Weapons and Explosives as a result of adopted state code changes. Mr. Tester seconded the motion, and it passed by a 7-1 vote.

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

2024-483: Ordinance to Approve the December 2023 Replacement Pages to the Codified Ordinances

Mr. George moved to approve the ordinance approving the December 2023 replacement pages to certain Charles Town codified ordinances [agenda Items 2024-430 through 2024-435]. Mr. Tester seconded the motion, and it passed by a 7-1 vote.

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

2024-437: Letter to the Members of the Council Select Committee to Further Research Private Outdoor Designated Area (PODA) in Downtown Charles Town

Mr. Nissel read into the record a letter to the Council Select Committee on Private Outside Designated Area (PODA).

2024-484: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code Article 745 Business and Occupation Tax

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

Ms. Philabaum moved to approve the first reading of Article 745 Business and Occupation Tax. Mr. George seconded the motion, and it passed by unanimous vote.

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

10. NEW BUSINESS

2024-471: TXA2024-01: Authorization to Update the City's Bond Unit Cost List

Mr. Hynes moved to accept the updated City's Bond Unit Cost List. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

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

2024-479: Charles Town Tennis Program

Ms. Philabaum moved to strongly recommend to the Board of Parks and Recreation that a townhall meeting and survey be conducted for next

year's tennis program. Ms. Twyford seconded the motion, and it failed by a 3-5 vote.

RESULT:	**FAILED [3-5]**
MOVER:	Julie Philabaum
SECONDER:	Rikki Twyford
AYES:	Kevin Tester, Philabaum, Twyford
NAYS:	Kratovil, Ricketts, Hynes, Rodd, George

2024-482: City Council Appointment to the Charles Town Utility Board (CTUB) for a term ending December 31, 2027

Mr. George moved to nominate Heidi Parker to the Charles Town Utility Board (CTUB) of Directors to a term ending December 31, 2027. Mr. Tester seconded the motion, and it passed by a 9-0 vote.

RESULT:	**APPROVED [9-0]**
MOVER:	Micheal George
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Hynes, Tester, Philabaum, Rodd, George, Twyford, Trainor

2024-488: Draft Public Comment Letters to the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) on their FY25 Unified Planning Work Program (UPWP), FY25-28 Transportation Improvements Plan (TIP), and Safety Action Plan (SAP)

Mayor Trainor asked if there were any objections for the Mayor, City Manager, and Ms. Ricketts to work on the draft HEPMPO public comment letters, ensuring that they are mailed before the May 15, 2024, due date. There were no objections.

11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees or commissions.

12. APPROVAL OF BILLS

2024-490: Payment of Bills - May 6, 2024

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

13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the Council. Hearing none, he adjourned the meeting at 9:29PM.

14. INFORMATION ONLY – NEXT REGULAR COUNCIL MEETING – May 20, 2024, at 7:00PM

2024-453: A Resolution Adopting the Jefferson County Multi-Jurisdictional Hazard Mitigation Plan

2024-476: Planning Commission Meeting Minutes - February 26, 2024

2024-478: Charles Town Police Department Statistic Report - March 2024

2024-480: Charles Town Utility Board (CTUB) Meeting Minutes - April 10, 2024

2024-485: Letter to the Charles Town City Council Supporting Josh Vance to Serve on the Council Select Committee on PODA

2024-486: Letter of Commendation - Patrolman Hinkle

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: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-543: Ward Report - Councilmember Micheal George

ATTACHMENTS:

- Ward Report 20240520.pdf

Ward Report – Micheal George – Ward 4 – May 20, 2024

- CTUB's Greenfield project is currently on hold as the company that was working on the project has gone bankrupt. It has left a trench across Baily Brooks Dr. that is getting deeper. There are also several test pits that are just filled with gravel. and there has not been any improvement in the road conditions since February.
- Attended
    - The ribbon cutting at Pour Choices
    - Ranson City Council Meeting
    - CTUB
    - Article 147 meeting
- Talked to WVDOH/DOT
    - Intersection of George and Liberty – Will be repaired on of before July 31, 2024
    - 115 and Hillside Circle
        - Final design is underway with modifications to accommodate Fairview Farms.
        - Construction is not expected to start until next year.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-517: Update on the Mayor's Select Committee on the Potential of a Charles Town/Ranson Joint Convention and Visitors Bureau (CVB)

ATTACHMENTS:

- Letter to form Select Committee.pdf
- Revision to Select Committee of March 6, 2023.pdf

OFFICE OF THE MAYOR

ROBERT M. TRAINOR

The Golden Rule City

March 6, 2023

Re: Mayor's Select Committee on the Potential of a Charles Town/Ranson Joint Convention and Visitors Bureau (CVB)

Dear Council members

Please be advised that I have commissioned a Select Committee to perform the following:

1. Review the existing governing documents of the Jefferson County and Ranson CVBs,
2. Meet with members of the Ranson CVB and explore options for Charles Town joining with the Ranson CVB,
3. Submit options for City Council consideration and approval not later than the first regular City Council meeting in August 2023.

The following personnel are hereby appointed to the Select Committee:

- Mr. Micheal George, Ward 4 Council Representative
- Ms. Elizabeth Ricketts, Ward 1 Council Representative
- Ms. Elizabeth Cook, Downtown Coordinator/Business Development

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

This Select Committee will be dissolved upon by my declaration.

Robert M. Trainor
Mayor

Copy to: Mr. John Barkley, Charles Town City Manager
Mr. Micheal George, Charles Town Ward 4 Representative
Ms. Elizabeth Ricketts, Charles Town Ward 1 RepresentativeMr.
Ms. Elizabeth Cook, Charles Town Downtown Coordinator/Business Development
Mr. Keith (Duke) Pierson, Mayor, City of Ranson
Ms. Laura Storm, President Ranson CVB Executive Board
Ms. Debbie McClure, Director, Ranson CVB

August 4, 2023

Re: Revision to the Mayor's Select Committee letter of March 6, 2023 – on the Potential of a Charles Town/Ranson Joint Convention and Visitors Bureau (CVB)

Dear Council members

Please be advised that the reporting timeline requirement established in my March 6, 2023 memo, third task, is hereby extended to: ***not later than the last regular Council meeting in January 2024***. This extension is necessitated by the current Ranson CVB accreditation process, required per West Virginia Code §7-18-13A, which is expected to be completed in late 2023.

The other provisions including the membership and goals of the Select Committee remain unchanged.

Robert M. Trainor
Mayor

Copy to: Ms. Alissa Meeks, Charles Town City Clerk
Ms. Elizabeth Cook, Charles Town Downtown Coordinator/Business Development
Mr. Keith (Duke) Pierson, Mayor, City of Ranson
Ms. Laura Storm, President Ranson CVB Executive Board
Ms. Debbie McClure, Director, Ranson CVB

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-522: Finance Committee - May 8, 2024, Meeting

ATTACHMENTS:

- FinanceCommitteeReport_8May2024.pdf

City of Charles Town Finance Committee Report
8 May 2024 Meeting

Drafted by: Bob Trainor - Chairman

Call to Order ooa 2:01PM

1. **Persons present:** Finance Committee Members Ms. Julie Philabaum, Mr. Jeff Hynes, and Mr. Bob Trainor; City Manager, Mr. John Nissel; Operations Director, Ms. Cindy Rezmer; Accounting Clerk, Ms. Briana Ballou; and Financial Consultant, Mr. Chris Longerbeam, Star—Chapman Group.

2. Unfinished Business

2024-491: B&O Tax Waiver Requests

The following Waiver Requests were removed from the table:

1) Blue Mountain Farm (Farmers Market vendor)
2) Charles Town Pharmacy
3) More than a Carpenter, Inc

Per City of Charles Town Codified Ordinance 745, sections 745.26(b) and 745.34, the Committee considered the following Business and Occupation Tax (B&O) penalty waiver requests:

1) Blue Mountain Farm (Farmers Market vendor) – the Committee agreed to waive the assessed penalty and to refund the assessed penalties paid.
2) Charles Town Pharmacy – The committee tabled this request pending more information from Charles Town Pharmacy.
3) J A Prather – Since this vendor had no applicable taxable income in 2023, the Committee agreed to waive the assessed penalty and refund the assessed penalties paid.
4) More than a Carpenter – Since this vendor had no applicable taxable income in 2023, the Committee agreed to waive the assessed penalty and refund the assessed penalties paid.
5) Guy Chicchirichi Car Wash – the Committee agreed to waive the assessed penalty and to refund the assessed penalties paid.
6) Norse Hall – the Committee agreed to waive the assessed penalty and to refund the assessed penalties paid.
7) Holly By Golly Seeding – Since this vendor had no applicable taxable income in 2023, the Committee agreed to waive the assessed penalty and refund the assessed penalties paid.
8) Fiber Divas – the Committee agreed to waive the assessed penalty and to refund the assessed penalties paid.

The following waiver requests were tabled by the Committee:

1) Charles Town Pharmacy – The committee tabled this request pending more information from Charles Town Pharmacy.
2) Deez Donutz WV LLC (FN Flatbreads) – Tabled until such time as their B&O tax return is filed.
3) Carly Smith (Farmers Market Vendor – Tabled until such time as their B&O tax return is filed.
4) Stonebridge Outdoor Living – Tabled until such time as their B&O tax return is filed.

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

Mr. Hynes requested that a review of the B&O tax waiver request policy be included in the 5 June 2024 Finance Committee agenda.

3. New Business

2024-405: Dave Stacy, USI Insurance Services Update – Current and Future Initiatives

The Committee tabled this item per staff request

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

2024-436: Approval for Funding for the Millenium Insurance Group from FY2024 Budget -- $1,800

The Committee determined that the requested amount is available in the approved budget.

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

2024-492: New B&O Tax Waiver Requests

This item was addressed in Unfinished Business agenda item 2024-491

Recommendations to the City Council: See agenda item 2024-491.

2024-493: Operating Budget Balance

Staff reviewed the City's Operating Budget balance updated through January 2024.

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

2024-496: Capital Budget Balance

Staff informed the Committee that the City's FY2024 Capital Budget has not yet been updated but anticipates presented an updated Capital Budget balance at the next scheduled Committee meeting – 5 June 2024.

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

2024-497: Bank Account Balances

Staff presented the Committee with the City's updated bank and investment accounts balances (Attachment (1).

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

4. Finance Director Report

2024-498: Audit Status

Staff informed the Committee that the required paperwork for the City's FY2023 audit has been submitted to J C Kunkle & Associates (the City's accounting contractor) and anticipates that the audit report will be submitted to the WV State Auditor by the 31 May 2024 deadline.

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

5. Chairman Report

2024-499: Possible Pool Funding Update

The Chairman updated the Committee on possible grants and funding options for the planned pool refurbishment.

The Chairman also advised the Committee that the Region 9 fees will likely increase from .94 per capita to $1.51 per capita beginning in FY2026.

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

6. Tabled Items

B&O Tax Waiver Requests

Charles Town Pharmacy
Deez Donutz WV LLC (FN Flatbreads)
Carly Smith (Farmers Market Vendor
Stonebridge Outdoor Living

7. Pending Items

8. The meeting was adjourned ooa 3:54PM

9. Next Scheduled Finance Committee meeting is scheduled for 10:00AM, 5 June 2024.

City of Charles Town
Bank and Investment Accounts
Balances as of April 30, 2024

Account	Last 4 of Acccount No.	Fund	Account Balance	Near-Term Expenditures	UNRESTRICTED FUNDS Unencumbered Balance	RESTRICTED FUNDS Unencumbered Balance	Comments
General Fund-BCT	2792	General	$ 7,878,896	$ 7,967,907	$ -	-	General fund for operations; assumes complete draw down in near-term. $1.5 million ARPA funding held in General Fund for grant matching.
Coal Severance Tax Revenue Fund-BCT	2946	Coal Severance	155,597	-	-	155,597	Special revenue fund used for select projects; saving for longer-term park project.
Opioid Funds - Summit	0926	Opioid Funds	199,388	-	-	199,388	
Charles Town Building Commission-Truist	4862	Bldg Commission	193,653		-	193,653	Near-term expenditures (i.e. debt service) are paid from the BC fund and directly reimbursed through monthly lease payments from General Fund. Other funds restricted to BC purposes. (BALANCE AS OF 3/31/24)
Residual Fund-Summit	7591	Residual	712,620	-	-	712,620	Savings account/emergency fund for the city. No planned expenditures.
Sales Tax-BCT	3012	Sales Tax	3,431,130		-	3,431,130	$1 million committed to debt service (CWH and Annex reimb) and general operating costs for FY 2024.
Federal Equitable Fund-CTPD-BCT - 0.55%	2873	Police Dept. Federal Equitable Sharing Fund	85,226		-	85,226	Funds restricted for limited police activities per DOJ guidelines.
CWH Landlord, LLC-BCT	3365	CWH Landlord	634,853	-	-	634,853	Unrestricted revenues from the sale of federal historic tax credits; near-term expenditures are to begin design of city hall renovations. $25K allocated for possible option buy out.
American Rescue Plan Account-BCT	4174	ARPA Fund	8,936		-	8,936	2nd tranche transferred on 1/6/2023 - $1.332 million to General Fund.
Housing Rehab Program-United	1233	Housing Rehab	65,013		-	65,013	Funds restricted to housing rehab services.
Investigation Account - CTPD-BCT	2814	Enforcement Investigative Fund	40,599		-	40,599	Funds for police use-Federal Equitable recorded under separate bank account.
Employees Fund CTPD-BCT	3357	Employees Fund	968		-	968	Funds for police use (BALANCE AS OF 3/31/24)
Capital Reserve Fund-BCT	2822	Capital Reserve	2,411,497		-	2,411,497	Near term funding for capital projects approved in FY24 Capital budget (minus capital expenses already paid, and repaving expenses paid from other account).
Summit Broker Buster - Repaving	7796	Capital Reserve	1,343,429		-	1,343,429	Savings account for future road resurfacing projects; near term expenses includes street improvements budgeted for FY2024.
EPA/RLF Fund-BCT	2911	Capital Reserve	222,678		-	222,678	EPA project completed but account remains open because it is a depository for federal overtime funds for drug task force (those funds later transferred to GRF) and is used to manage cash flow for reimbursable grants.
Board of Park & Recreation-BCT	2881	Parks & Rec	48,870	48,870	-	0	Operating account for the city's parks programs
Board of Park & Recreation - Capital -BCT	7203	Parks & Rec	6,960		-	6,960	Account dedicated to Parks & Rec Donations/Contributions for future Parks CIP (tennis courts, pool, etc.)
Debt Service Reserve -Truist - Interest Rate: 0.05%	2561	Bldg Commission	-		-	-	Established in 2010 at the same time the Building Commission established the Sinking Fund for a 1999 bond issuance. Bond has been repaid, funds to be consolidated with Repaving fund. Account Closed on 4/12/24 and funds moved to Repaving Account ending in 7796.
1999 Series Revenue Bond Interest & Sinking Fund -Truist- Interest Rate: 0.05%	2553	Bldg Commission	-		-	-	Account includes original deposit of $52k to establish fund and additional deposits from street fees and interest earnings. Now that bond is paid, funds are "unrestricted" and can be combined with the Repaving fund. Account Closed on 4/12/24 and funds moved to Repaving Account ending in 7796.
Board of Trustees Police Pension Relief Fund-United	3822	Police Pension	(3,936)		-	(3,936)	Funds used to support pension beneficiaries. Includes regular contributions from the general fund to the PP fund based on the amount in the Bolton Actuarial Valuation report, employer obligation amount.
Bond Escrow Fund-BCT	3004	Bond Escrow	184,213		-	184,213	Account is used to deposit funds from developers and held until projects are completed. Current funds are for the Samuel Street Station and Tate Manor projects.
Total Bank Accounts			***$ 17,620,588***	**$ 8,016,777**			
Fidelity Police Pension Fund	6846	Police Pension	*515,573*	-	-	-	Investment fund for restricted use; future pension payments (BALANCE UPDATED AS OF 3/31/24)
Fidelity City Residual Fund	9959	Residual	*754,537*	-	-	-	Investment fund for budget stabilization. Managed by Hoxton Planning & Mgmt. (BALANCE UPDATED AS OF 3/31/24)
Total Bank Accounts plus two Investment Accounts			***$ 18,890,699***	**$ 8,016,777**	$ -	$ -	

Attachment (1)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-523: Personnel Committee - May 13, 2024, Meeting

ATTACHMENTS:

- Personnel Committee Report - 5-13-24.pdf

City of Charles Town Personnel Committee Report

May 13, 2024 Meeting

Call to Order at 5:00PM

1. **Persons present**: Personnel Committee Members Micheal George, Kevin Tester and City Operations Director Cindy Rezmer.

2. **Unfinished Business**

   2024-511: Status of Millenium Insurance Group Start Date

   Finance Committee met on May 8, 2024 and agreed with beginning Millenium Insurance Group Services in FY24. Staff will get agreement signed and implement services.

3. **New Business**

4. **2024-510: Employee Handbook Rewrite Discussion with Autumn Hathy**

   Autumn Hathy joined the meeting via zoom and discussed new organization of the handbook Table of Contents and her plan for improving the flow and readability of new handbook. She also asked Committee to provide input for what they see as the culture for city employees. Personnel Committee will work on drafting.

5. **2024-512: Personnel Update from Staff**

   Staff advised that Accounting Clerk I position was filled by Danesia Chicchirichi who will start May 20, 2024 and Finance Director position was filled by Lori Nice who will start May 27, 2024.

6. **Meeting adjourned at 5:30PM**

7. **Next Personnel Committee meeting is scheduled for 5:00pm, June 10, 2024.**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-538: City Manager Report - May 20, 2024

ATTACHMENTS:

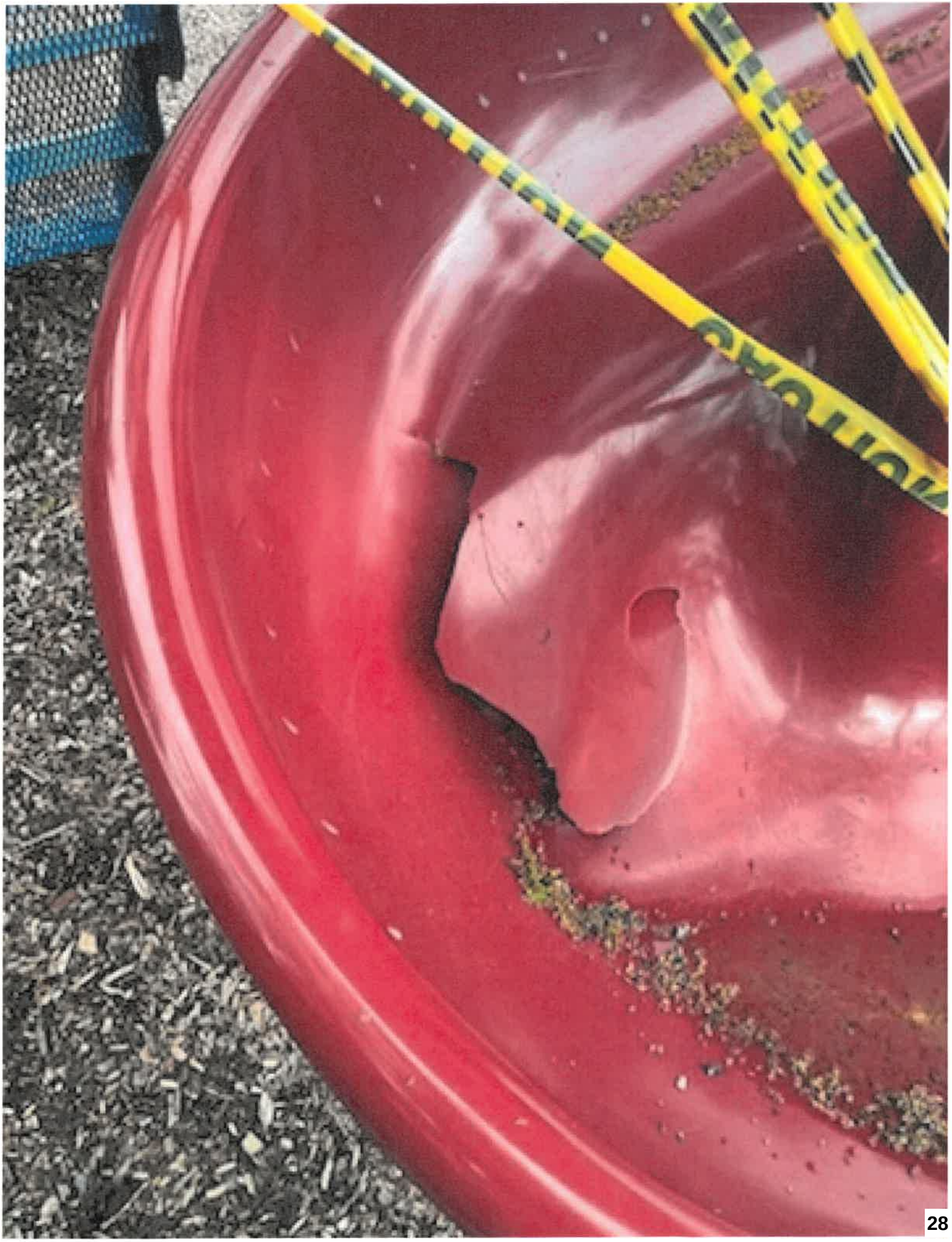
- City Manager Report - May 20 with pictures.pdf

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

City Manager's Report
May 20, 2024

- We began on-boarding our Lifeguards last week in preparation of the 2024 pool season. We will be doing some power washing, painting, and cleaning for opening day. If you get an opportunity, please stop by the pool, and say hello to our team of guards.
- We will be bringing on our new Finance Director, Lori Nice May 27. Lori Nice. Lori comes to us by way of Catholic University and before that from the City of Ranson where she served as the Finance Director.
- We are also excited about bringing on board Danesia Chicchirichi for the Accounting Clerk position. Danesia started with us today.
- We just learned that our current cleaning contractor is terminating his contract. We are in the process of packaging up An RFP for a replacement.
- One of the slides at the War Memorial Park has broken and the replacement cost is upwards of $14,000 if we can locate the part. I have directed the Maintenance staff to remove the apparatus. We are working with a local playground vendor on a cost to replace this piece which will have to be funded out of capital. We will place a notice on the website and social media informing the public. The other playground apparatus also has a broken slide which will be removed and fashioned with a barricade. I have included some pictures for your reference.
- We have a number of events coming up and I would like to bring Liz Cook forward to give you an update.











City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-524: TX2024-01: Public Hearing on the First Reading and Consideration of a Zoning Map Amendment to 9.4 Acres of Land at the Terminus of Southerly Lane.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

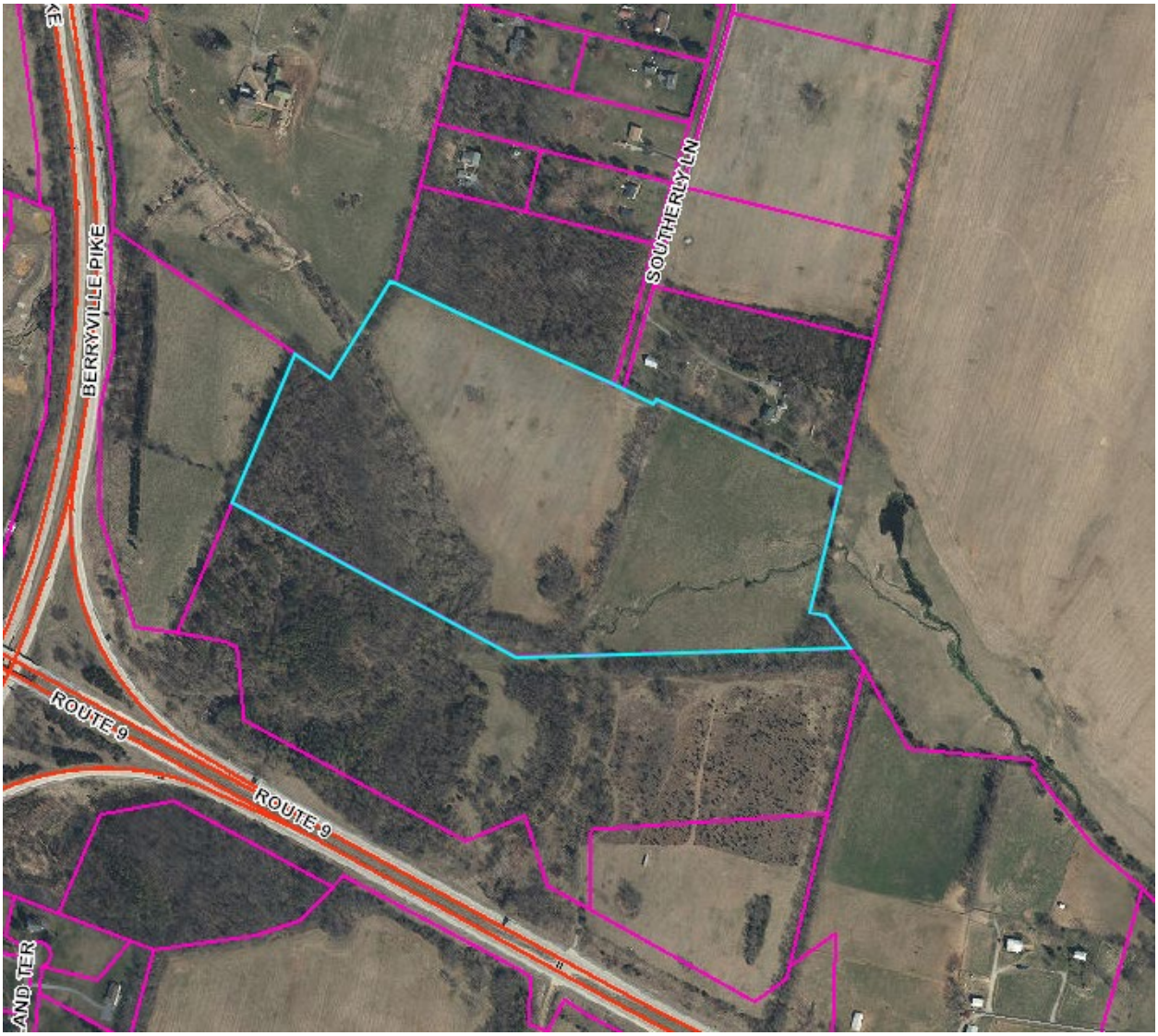
2024-509: TXA2024-01: First Reading and Consideration of a Zoning Map Amendment to 9.4 acres of land at the terminus of Southerly Lane.

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Subject Property.pdf
- 4. Sketch Plan.pdf

Zoning Map Amendment
ZMA2024-01

Date: For the May 20, 2024 City Council meeting
Applicant: Gresham Smith on behalf of University Healthcare Foundation Inc
Property Owner: University Healthcare Foundation Inc.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Rezoning from Neighborhood Residential to General Commercial
Property Location: End of Southerly Lane, TD: 3/ Map: 15/Pcl: 7.4
Current Zoning: Neighborhood Residential



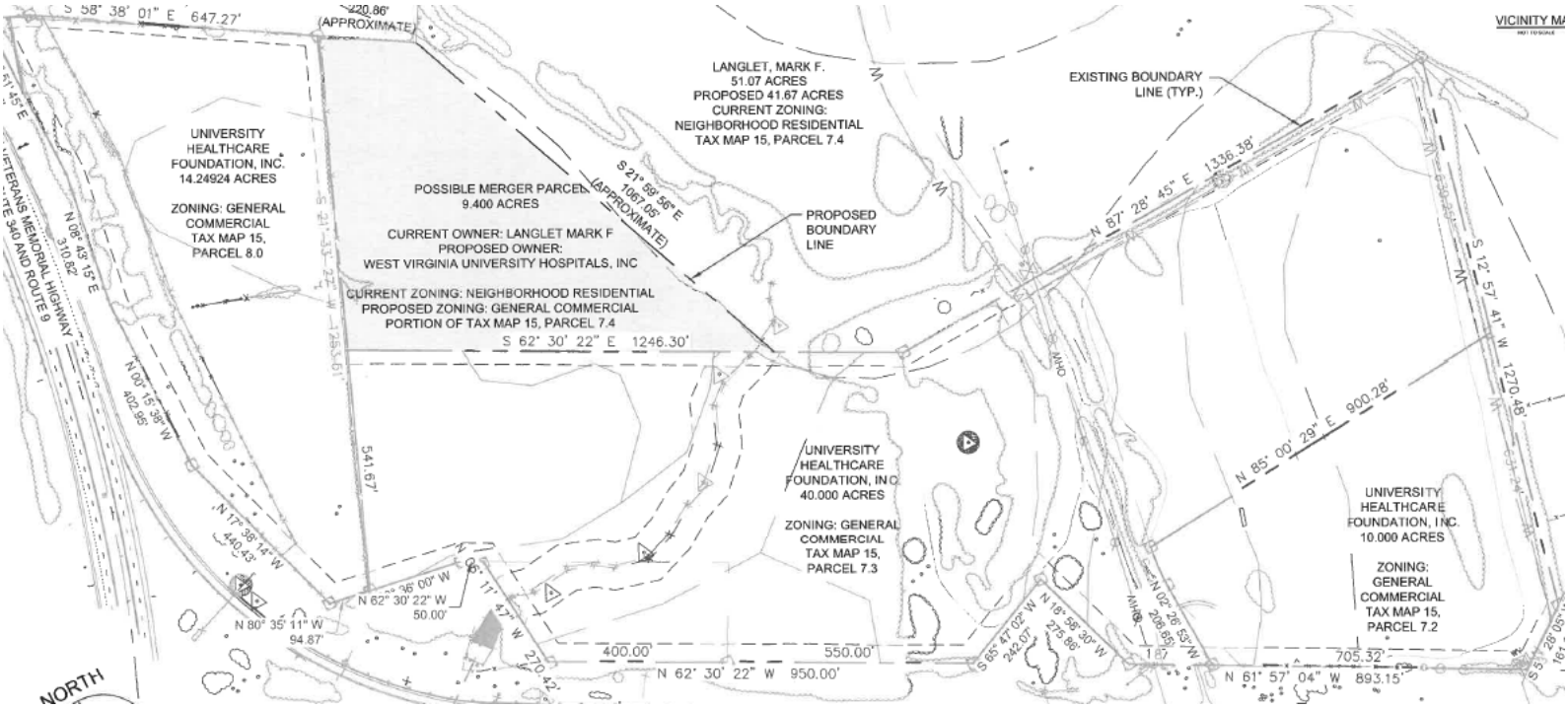
PROJECT OVERVIEW

A request to rezone approximately 9.4 acres of land from Neighborhood Residential to General Commercial

ZONING MAP



PROPOSED MERGER



PURPOSE

The proposed rezoning area is 9.4 acres. The applicant has also applied to merge this acreage with the larger southern parcel already zoned General Commercial. The applicant desires to build a medical office with parking and roadway improvements on the enlarged property.

CRITERIA

For a rezoning to be approved, two criteria must be met. City Council must find either that:

1. *The amendment is consistent with the City's Comprehensive Plan,*

   The Comprehensive Plan describes this area as being for Professional Office and Institutional District. The applicant is rezoning this property as Neighborhood Reconditely does not allow for Medical Office/Medical Use buildings, while General Commercial does. The intent of General Commercial is:

   *"The purpose of the GC District is to provide **locations for businesses** of a more **general nature** that may not be found in a neighborhood and **can be served with adequate water and sewer service**. The businesses proposed include retail, wholesale, and some light processing operations*."

   The purpose of the Professional Office and Institutional District in the 2040 Comprehensive Plan is:

   *"To enhance the work place environment by **providing for the establishment of offices**, **medical** and other **institutional uses**, limited accessory services for workers' convenience and public space. It is intended to **promote attractive office development** projects which are compatible with one another, as well as with adjoining residential areas. A medium to high density residential option is available when such can be achieved through innovative design and include significant natural resource protection. This future land use district is specifically designated to incentivize economic development opportunities and diversify the City's economy and strengthen its tax base to **support** its critical infrastructure and **public service needs**."*

   The proposed use of the property and the proposed rezoning are in conformance with the Comprehensive Plan, which calls for medical and office uses in that area.

2. *Or that the amendment is not consistent with the Comprehensive Plan but that there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comprehensive Plan was adopted and that such major changes have substantially altered the basic characteristics of the area*

   The proposed rezoning amendment is in conformance with the Comprehensive Plan.

PLANNING COMMISSION

The Planning Commission discussed this item during a public hearing on March 25, 2024. There were no comments from the public. Following discussion by the Commission, they unanimously voted to recommend **approval**.

At the same meeting, the applicant also request a merger of the 9.4 acres with the southern parcel. The Commission, following a public hearing and discussion, unanimously approved the merger subject to the condition that the 9.4 acres first be rezoned.

CONCLUSION

Applicant proposes to rezone 9.4 acres of Neighborhood Residential Zoned land to General Commercial. The application is in conformance with the 2040 Comprehensive Plan. This rezoning, combined with the applicant's proposed boundary line adjustment, will result in a larger single-zoned property to support a medical office use and infrastructure. The applicant has submitted a sketch plan will go to the Planning Commission for a public hearing on May 28th.

RECOMMENDATION

Approval.

JACKSONKELLY PLLC

E-mail: thomas.motes@jacksonkelly.com
Direct Dial No.: (304) 284-4135

December 12, 2023

VIA MAIL

City of Charles Town
C/O Zoning Administrator
101 E. Washington Street
Charles Town, WV 25414

RE: Petition for Zoning Amendment

Mr. Newman:

Enclosed please find the following documents:

- Petition for Zoning Amendment;
- Plat of Subject Property; and
- City of Charles Town Zoning Map with Subject Property Highlighted.

Please let us know if you have any questions upon receipt of this petition. We have also mailed a Sketch Plan Application for subdivision of the parent tract of the property that is the subject of this Petition to the City of Charles Town. Please send all correspondence regarding this Petition to the below addresses.

Thomas Motes, Esq.
3000 Swiss Pine Way, Suite 200
Morgantown, WV 26501

Email: thomas.motes@jacksonkelly.com
Cc: andy.schlimmer@jacksonkelly.com

If you have any questions, please do not hesitate to call.

Very truly yours,

Thomas Motes, Esq.

Enclosures

TM/AS

Petition No._____

PETITION FOR ZONING AMENDMENT

Fee: $400

Zoning amendment petitions shall provide the following information:

1. Date December 12, 2023

2. APPLICANT'S NAME* University Healthcare Foundation, Inc., D/B/A WVU Hospitals Foundation East

   Address: 121 Administrative Dr., Suite 200, Martinsburg, WV 25404

   Telephone Number ( )_____

   Email Address _____

3. PROPERTY OWNER'S NAME Mark F. Langlet, Trustee of the Jules F. Langlet and Mary Lou Langlet Irrevocable Trust

   Address: 544 Lego Drive, Charlottesville, VA 22911

   Telephone Number ( )_____

   Email Address _____

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (list all parcels that apply)

   Property Address: N/A

   Tax Map # and Parcel(s): Part of Tax Map 15, Parcel 7.4

   Deed Book and Page: Deed Book 393, Page 280 (incorrectly identified as Deed Book 1030, Page 343 - said deed is the annexation order)

   Property Area in Square Feet or Acres: 9.40 acres

*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

5. PROVIDE SCALED MAP, TO BE ATTACHED, OF THE PROPERTY CLEARLY SHOWING THE PROPERTY'S LOCATION AND PROPERTY AREA IN SQUARE FEET AND/OR ACRES:

Included in Attachments. Parcel Identified as "POSSIBLE MERGER PARCEL."

6. DESCRIPTION OF APPLICANT'S INTEREST IN THE PROPERTY:

The Applicant proposes to use the 9.40 acres and parcels that it currently owns, being Tax Map 10, Parcel 8, and Tax Map 15, Parcel 7.3, to construct a medical office building.

7. DESCRIPTION OF THE EXISTING (OR FORMER) USE(S) OF THE PROPERTY AND CURRENT ZONING:

The Property is currently vacant land and zoned as "Neighborhood Residential."

8. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY AND REQUESTED ZONING DISTRICT:

The Property will be used to build a medical office building. We are requesting that the Property be zoned "General Commercial."

9. DESCRIBE HOW THE ZONING MAP AMENDMENT WILL BE CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN:

See Exhibit A, attached.

10. TIME SCHEDULE FOR DEVELOPMENT: (AS APPLICABLE)

Calendar Year 2024.

11. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

Application No.	Project Name and Phase	Status	Approval Date
Subdivision Application to be submitted at or near the same time as this Petition.			

NOTES

Additional exhibits may be required by the Zoning Administrator such as a lot location survey or site plan showing existing and if applicable, proposed structures, easements, watercourses, curb cuts and description of the uses of adjacent property that are necessary to describe existing or proposed conditions.

Any desire to amend or withdraw this petition must be submitted in writing to the Zoning Administrator. Also, if ownership of any part of or all of the real property subject to the petition shall change during the pendency of the petition, the Petitioner shall be required to immediately advise the Zoning Administrator in writing.

APPLICANT'S CERTIFICATION

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read Section 1321.12 and relevant provisions of the Charles Town Zoning Ordinance outlining the Zoning Amendment procedures.

Signature of Applicant

Mark F. Langlet, as Trustee of the Jules F. Langlet and Mary Lou Langlet Irrev

Date 12/8/2023

42D58865E6F34A2...

Signature of Owner(s) (If different than Applicant)

Date 12/8/23

Please submit an original completed petition to the following:

Zoning Administrator
City of Charles Town
101 E. Washington Street
Charles Town, WV 25414

FOR CITY USE ONLY

Application Number:_____ Date Petition Received:_____

Fee: $_____ Check No._____ Receipt No._____

City Council Approval:_____ Date:_____

Comments:_____

DocuSign Envelope ID: 0B9529FB-D989-41CA-BE4A-F2C889AC52F6

EXHIBIT A

The Zoning Map Amendment will be consistent with the Historically Hip Charles Town 2040 Comprehensive Plan (the "Plan") by supporting the desired development land use classifications as indicated by the 10-Year Growth Scenario Map (the "Map"). Further, the granting of this Petition for Zoning Amendment will help the City of Charles Town (the "City") accomplish its objectives by fostering new growth on the edge of the City and expanding its tax base.

According to the Map, the desired Future Land Use Classification for the property that is the subject of this Petition for Zoning Amendment (the "Property") is Professional Office & Institutional District. The Plan defines the goal of the Professional Office & Institutional District as to "enhance the workplace environment by providing for the establishment of offices, medical and other institutional uses" and to "promote attractive development projects." The development of a medical office building directly aligns with the City's long-term vision for land use in the part of the City where the Property is located.

Additionally, the Zoning Amendment supports the objective of the Plan by encouraging growth on the edges of the City. The property targeted by this Zoning Amendment Petition provides for new development on the outer edge of the eastern part of the City, serving as a catalyst for growth to the area within the vicinity of the intersection of Routes 340 and 9.

Finally, the development of a medical office building accomplishes the Plan's objective of expanding the City's tax base. The medical office will employ a vast array of professionals – from administrative support staff to medical professionals. Medical service centers offer unique benefits to the locations they are located. Not only do the employees commute to work consistently, but patients also travel to the area for treatment. This increases consumer traffic within the area, prompting more opportunities for other businesses within the area to attract consumers. Also, medical treatment is an in-person service, which is especially appealing for development in a remote work world.

MIDDLEWAY PIKE
51
13
SUMMIT POINT RD
AUGUSTINE AVE
26
KEYES FERRY RD
9
CATTAIL RUN RD
CHARLES TOWN RD
115
CAVE RD
340
HUYETT RD
KABLETOWN RD
WHEATLAND RD
BERRYVILLE PIKE
ROPER NORTH FORK RD

Legend

- Charles Town Urban Growth Boundary
- Charles Town City Limits
- Historic Overlay District
- Jefferson County Jurisdiction

Zoning Districts

- Residential Low Density
- Residential Medium-High Density
- Neighborhood Residential
- Old Town Residential
- Old Town Mixed Use Commercial
- Neighborhood Commercial
- General Commercial

RK&K ENGINEERS

0 0.25 0.5 1 Miles

1: 16,000

Project No. 16051	Revisions
January 15, 2018	
Designed:	
Drawn: KMB	
Checked: JWC	

Charles Town Zoning Map

City of Charles Town, West Virginia

Document Path: U:\Projects\2016\16051_City_Charles_Town\2018\GIS\Charles_Town_Zoning_Map_24x36.mxd

OWNER
MARK F. LANGLET
544 LEGO DRIVE
CHARLOTTESVILLE, VA 22911

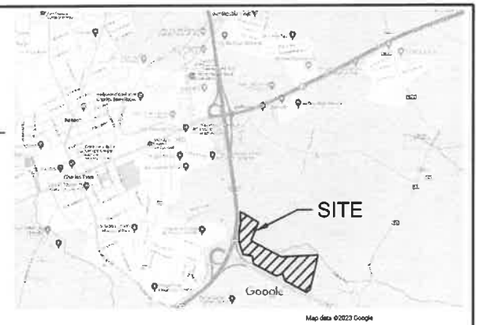
APPLICANT
WVUMedicine
121 Administrative Drive
Suite 200
Martinsburg, WV 25040
Contact: Scott Mathis
Phone: (304) 260-1453
Email: scott.mathis1@wvumedicine.org

CIVIL ENGINEER
Gresham Smith
222 Second Avenue South
Suite 1400
Nashville, TN 37201
Civil Contact: Rob Whitson, PE
Phone: (615) 770-8312
Email: rob.whitson@greshamsmith.com

ARCHITECT
Gresham Smith
222 Second Avenue South
Suite 1400
Nashville, TN 37201
Architect Contact: Laurel Nee, AIA, NCARB, EDAC
Phone: (704) 944-7989
Email: laurel.nee@greshamsmith.com

LANDSCAPE ARCHITECT
Gresham Smith
222 Second Avenue South
Suite 1400
Nashville, TN 37201
Landscape Contact: Trey Rudolph
Phone: (615) 770-8148
Email: trey.rudolph@greshamsmith.com

SURVEYOR
TRIAD ENGINEERING, INC.
1075-D Sherman Avenue
Hagerstown, MD 21740
Survey Contact: Ron Bidle, PLS
Phone: (301) 797-6400
Email: rbidle@triadeng.com



VICINITY MAP
NOT TO SCALE

S 68° 25' 50" E 96.88'
S 58° 38' 01" E 647.27'
S 58° 37' 51" E 220.86' (APPROXIMATE)
N 00° 51' 45" E 185.57'
VETERANS MEMORIAL HIGHWAY ROUTE 340 AND ROUTE 9
N 08° 43' 15" E 310.82'
N 00° 15' 38" W 402.95'
N 17° 38' 14" W 440.43'
N 80° 35' 11" W 94.87'
N 62° 30' 22" W 50.00'
N 26° 11' 47" W 270.42'
S 21° 33' 22" W 1253.51'
541.67'
S 21° 59' 56" E 1067.05' (APPROXIMATE)
S 62° 30' 22" E 1246.30'
400.00'
550.00'
N 62° 30' 22" W 950.00'

UNIVERSITY HEALTHCARE FOUNDATION, INC.
14.24924 ACRES
ZONING: GENERAL COMMERCIAL
TAX MAP 15, PARCEL 8.0

POSSIBLE MERGER PARCEL
9.400 ACRES
CURRENT OWNER: LANGLET MARK F
PROPOSED OWNER:
WEST VIRGINIA UNIVERSITY HOSPITALS, INC
CURRENT ZONING: NEIGHBORHOOD RESIDENTIAL
PROPOSED ZONING: GENERAL COMMERCIAL
PORTION OF TAX MAP 15, PARCEL 7.4

LANGLET, MARK F.
51.07 ACRES
PROPOSED 41.67 ACRES
CURRENT ZONING:
NEIGHBORHOOD RESIDENTIAL
TAX MAP 15, PARCEL 7.4

PROPOSED BOUNDARY LINE

UNIVERSITY HEALTHCARE FOUNDATION, INC.
40.000 ACRES
ZONING: GENERAL COMMERCIAL
TAX MAP 15, PARCEL 7.3

EXISTING BOUNDARY LINE (TYP.)
N 87° 28' 45" E 1336.38'
S 12° 57' 41" W 1270.48'
N 85° 00' 29" E 900.28'
S 65° 47' 02" W 242.07'
N 18° 58' 30" W 275.86'
N 02° 26' 53" W 206.65'
S 51° 28' 05" W 161.17'
705.32'
N 61° 57' 04" W 893.15'

UNIVERSITY HEALTHCARE FOUNDATION, INC.
10.000 ACRES
ZONING: GENERAL COMMERCIAL
TAX MAP 15, PARCEL 7.2

WEST VIRGINIA ROUTE 9

EXISTING PROPERTY ACCESS DRIVE

NORTH

250 0 250 500
GRAPHIC SCALE

Gresham Smith

FIGURE NO.: SP1 - SKETCH PLAN
PROJECT NO.: 45550
DATE: 11/28/2023

\\global.gsp\data\nfch_nf02\455502\01Work\01CAD\06LP\Exhibits\2023.11.22 - Langlet Property Sketch Plan\45550-Langlet Property-Sketch Plan.dwg

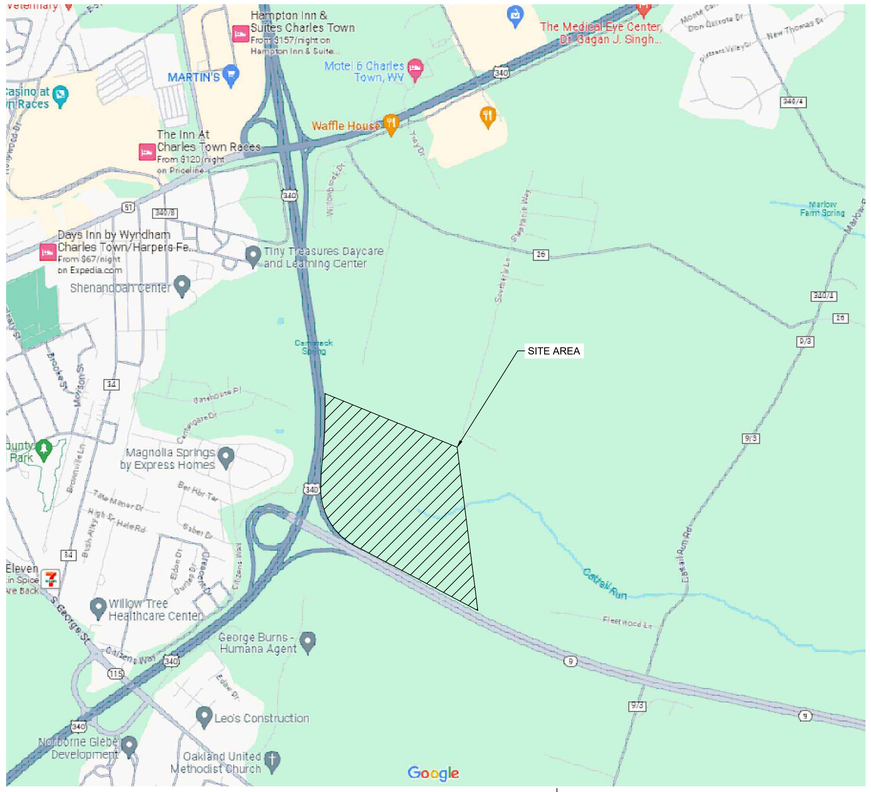
Drawn By: KL
Checked By: RW
Approved By: RW

SKETCH PLAN FOR

WVU - BLUE RIDGE CROSSING

INTERSECTION OF ROUTE 9 AND 340
JEFFERSON COUNTY
CHARLES TOWN, WV

GRESHAM SMITH PROJECT NO. 45550.02



VICINITY MAP
NOT TO SCALE

Sheet List Table	
Sheet Number	Sheet Title
C000	COVER SHEET
C100	EXISTING CONDITIONS
C101	PROPERTY INFORMATION
C200	OVERALL SITE PLAN
C201	DETAILED SITE PLAN
L200	OVERALL LANDSCAPE PLAN
L201	DETAILED LANDSCAPE PLAN

OWNER / DEVELOPER
WVU Medicine
2500 Hospital Drive
Martinsburg, WV 25401
Owner Contact: Brad Freeman
Phone: (304) 596-2847

ENGINEER/ARCHITECT/LANDSCAPE ARCHITECT
Gresham Smith
222 Second Avenue South
Suite 1400
Nashville, TN 37201
Architect Contact: Laurel Nee, AIA, NCARB, EDAC
Phone: (704) 944-7989
Email: laurel.nee@greshamsmith.com
Civil Contact: Rob Whitson
Phone: (615) 770-8312
Email: rob.whitson@greshamsmith.com
Landscape Architect Contact: Trey Rudolph
Phone: (615) 770-8148
Email: trey.rudolph@greshamsmith.com

SURVEYOR
TRIAD ENGINEERING, INC.
1075-D Sherman Avenue
Hagerstown, MD 21740
Survey Contact: Ron Bidle, PLS
Phone: (301) 797-6400
Email: rbidle@triaeng.com

ISSUE DATE:
JANUARY 2, 2024

Gresham Smith
201 South College Street
Suite 1950
Charlotte, NC 28244
704.944.7970
Firm Certification
Nos. 51100 / C-416 / C-2056
GreshamSmith.com

WVU Medicine

BLUE RIDGE CROSSING -
MEDICAL OFFICE BUILDING

WVU MEDICINE
CHARLES TOWN, WEST VIRGINIA

PRELIMINARY
NOT FOR
CONSTRUCTION

Revision		
No.	Date	Description

COVER SHEET

C000

45550.02
1/2/2024

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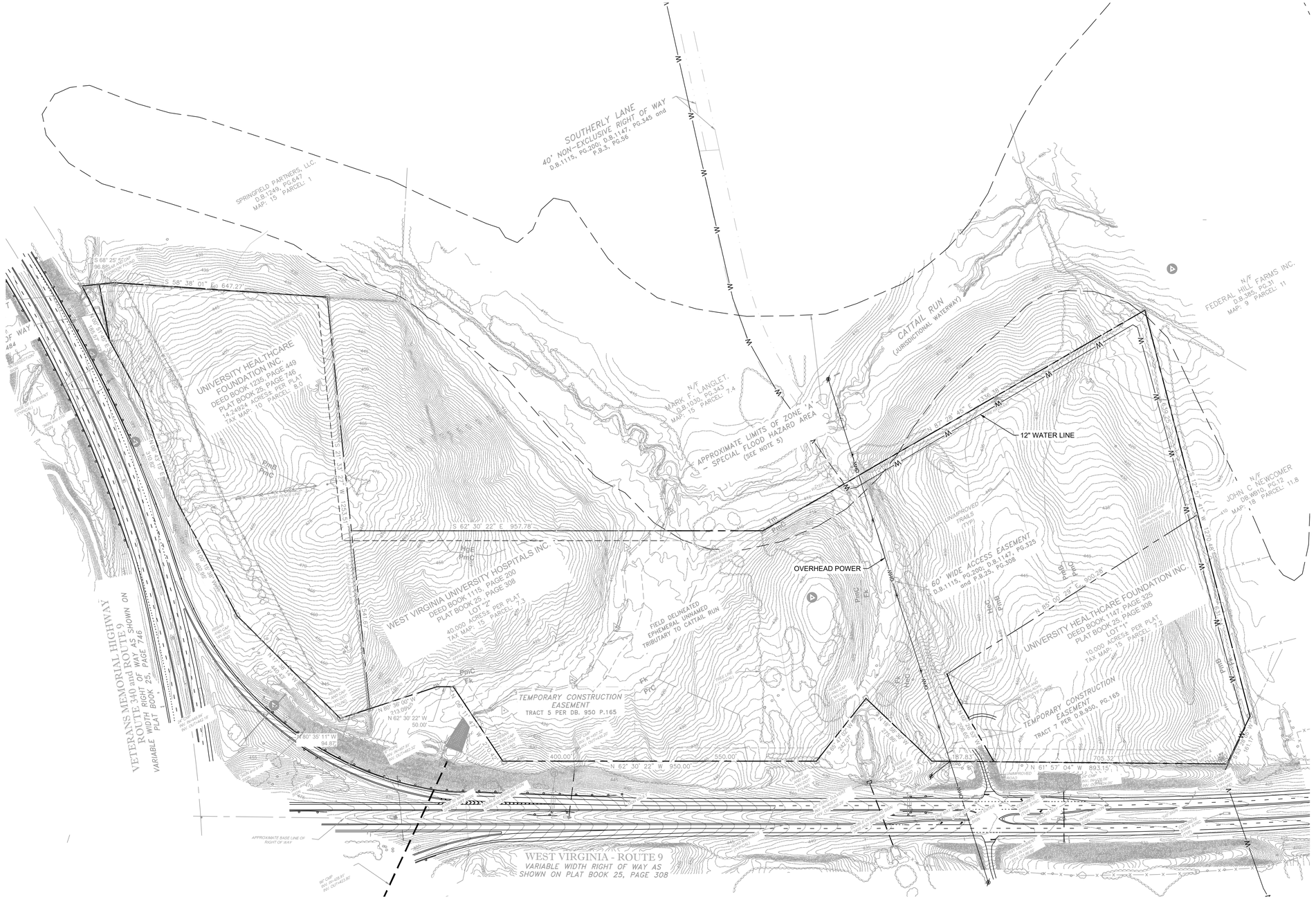
Drawn By: KL
Checked By: RW
Approved By: RW



NORTH

150' 0 150' 300'
GRAPHIC SCALE
SCALE:
1" = 150'

Gresham Smith

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Suite 1950
Charlotte, NC 28244
704.944.7970

Firm Certification
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WVU Medicine

BLUE RIDGE CROSSING - MEDICAL OFFICE BUILDING

WVU MEDICINE

CHARLES TOWN, WEST VIRGINIA

PRELIMINARY NOT FOR CONSTRUCTION

Revision		
No.	Date	Description

EXISTING CONDITIONS

C100

45550.02
1/2/2024

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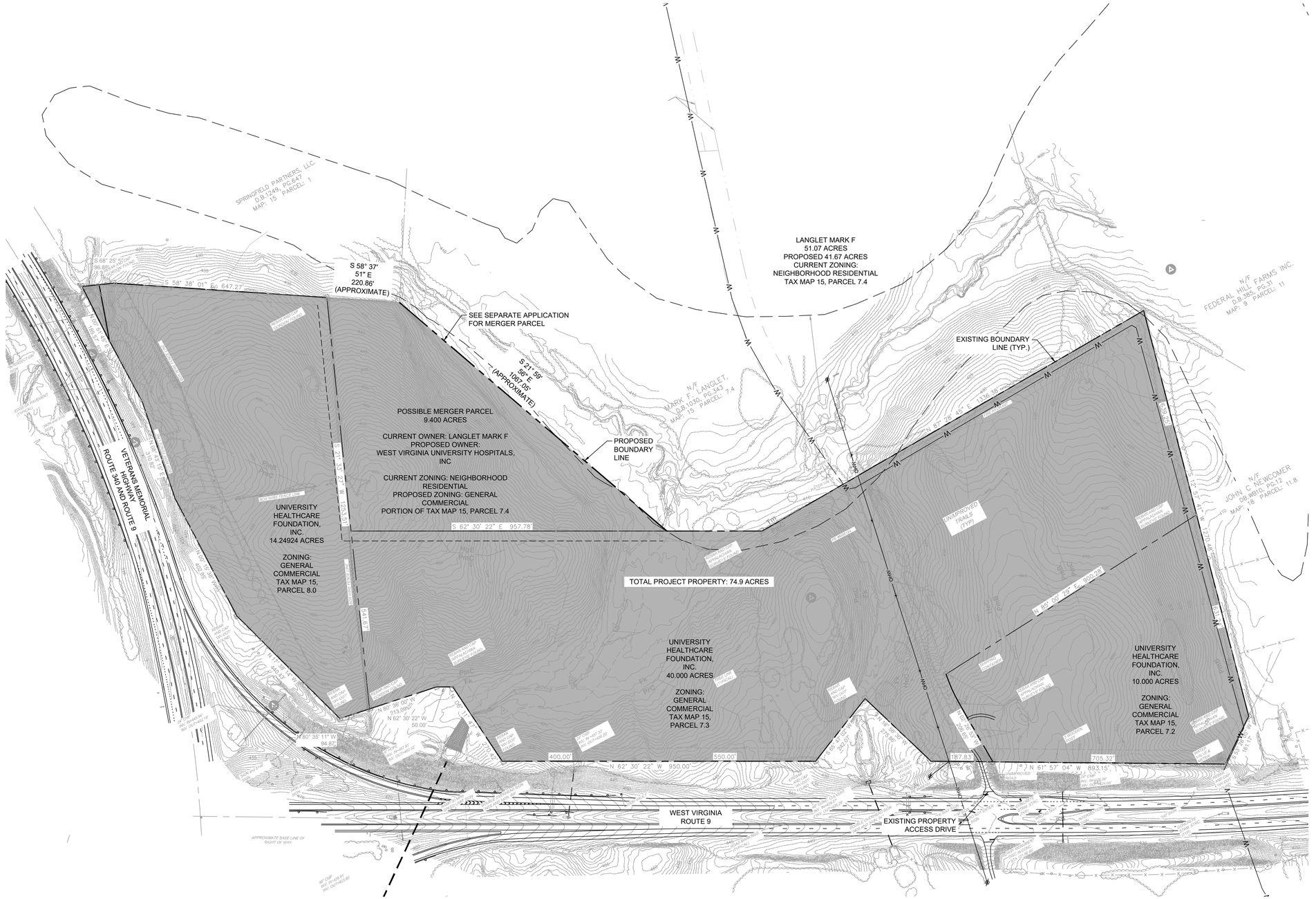
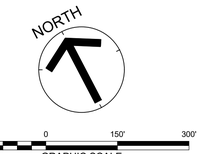
Approved By: RW





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GRAPHIC SCALE
SCALE:
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Revision

No.	Date	Description

PROPERTY INFORMATION

C101

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Drawn By: KL
Checked By: RW
Approved By: RW

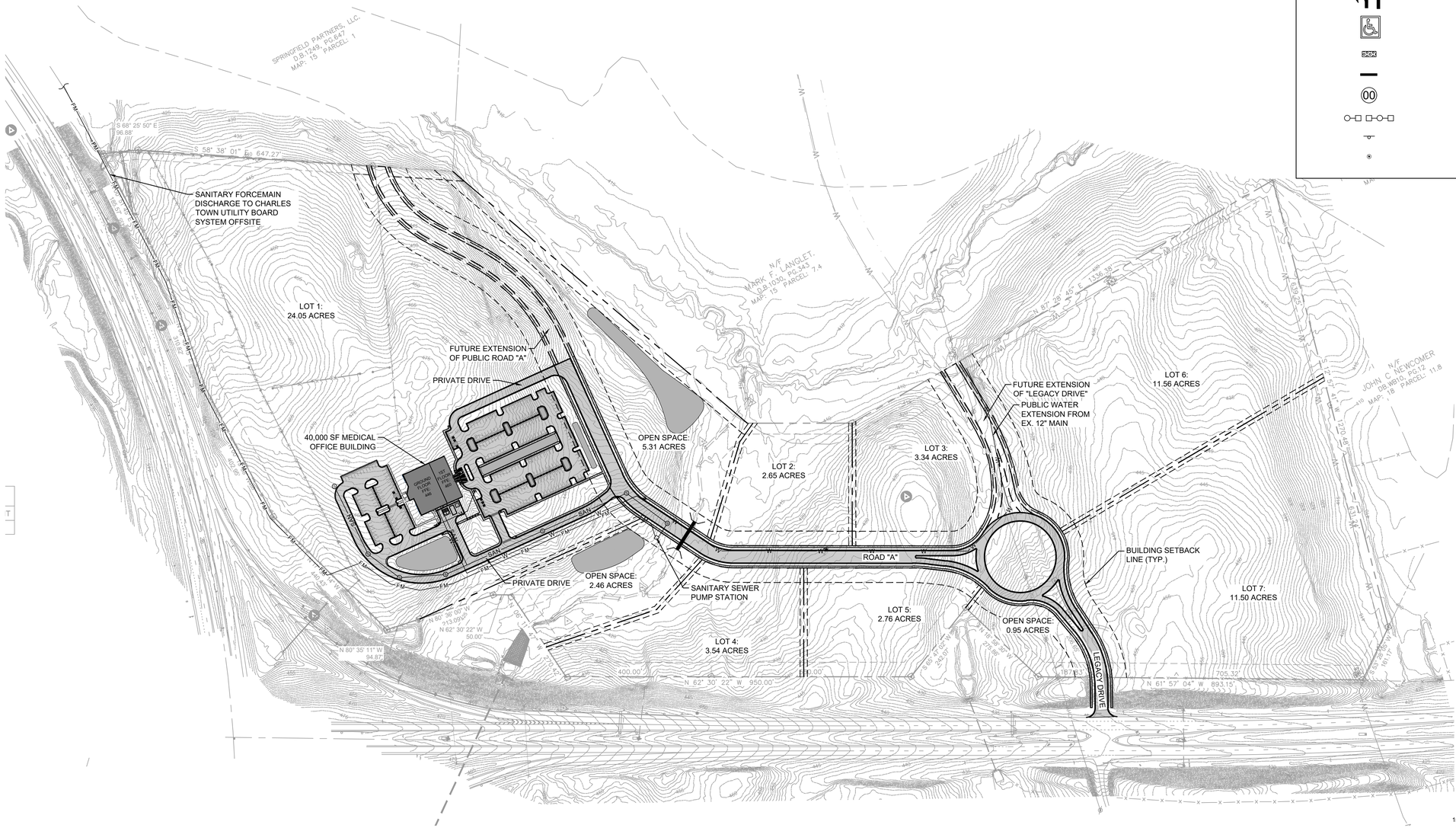
ZONING CRITERIA FOR GENERAL COMMERCIAL (GC):

PROPOSED USE: MEDICAL OFFICE, ITE CODE: 720 (PERMITTED USE)

MAX. DENSITY: NO REQUIREMENT
MIN. LOT SIZE: NO REQUIREMENT
MIN. SETBACKS:

FRONT YARD: 40 FT
SIDE YARD: 10 FT (25 FT ADJACENT TO RESIDENTIAL)
REAR YARD: 30 FT

MAX. LOT COVERAGE: 90 PERCENT
MIN. REQUIRED OPEN SPACE: NO REQUIREMENT
MAX. BUILDING HEIGHT: 55 FT
MAX. STORIES HEIGHT: 5



LEGEND

- EXISTING PROPERTY LINE
- PROPOSED LOT LINE
- PROPERTY SETBACK LINE
- BUILDING LINE
- BUILDING CANOPY
- FENCE
- CURB
- CURB & GUTTER
- RETAINING WALL
- LIGHT DUTY CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- GRAVEL
- CONCRETE SIDEWALK
- CROSS-WALK
- TRANSFORMER PAD
- TURN ARROW
- ACCESSIBLE PARKING SPACE SYMBOL
- DETECTABLE WARNING SURFACE
- WHEEL STOP
- PARKING COUNT
- LIGHT POLE
- SIGN
- BOLLARD

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OVERALL SITE PLAN

C200

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Drawn By: KL
Checked By: RW
Approved By: RW

SANITARY FORCEMAIN DISCHARGE TO CHARLES TOWN UTILITY BOARD SYSTEM OFFSITE

FUTURE ROAD EXTENSION TO STONE SPRING SUBDIVISION

BUILDING SETBACK LINE (TYP.)

40'

UPPER PARKING: 201 SPACES

SANITARY MANHOLE STUB FOR FUTURE BUILDOUT

LOWER PARKING: 75 SPACES

ADA PARKING (TYP.)

GROUND FLOOR FFE: 446

1ST FLOOR FFE: 460

STORMWATER

DUMPSTER

TRANSFORMER

GENERATOR PAD

SCREEN WALL

FIRE HYDRANT (TYP.)

SANITARY SERVICE

WATER SERVICE

STORMWATER (TYP.)

GRAVITY SANITARY SEWER (TYP.)

SANITARY MANHOLE (TYP.)

8" WATER LINE (TYP.)

FORCE MAIN (TYP.)

SANITARY PUMP STATION

BOX CULVERT FOR STORMWATER CONVEYANCE

5' CONCRETE SIDEWALK (TYP.)

PROPOSED BOUNDARY LINE (TYP.)

EPHEMERAL STREAM TOP OF BANK

50' BUFFER FROM TOP OF BANK

100-YR FLOODPLAIN

N 80° 36' 00" W 213.09'

N 80° 35' 11" W 94.87'

N 62° 30' 22" W 50.00'

N 06° 11' 47" W

LEGEND

- EXISTING PROPERTY LINE
- PROPOSED LOT LINE
- PROPERTY SETBACK LINE
- BUILDING LINE
- BUILDING CANOPY
- FENCE
- CURB
- CURB & GUTTER
- RETAINING WALL
- LIGHT DUTY CONCRETE PAVEMENT
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- TURN ARROW
- ACCESSIBLE PARKING SPACE SYMBOL
- DETECTABLE WARNING SURFACE
- WHEEL STOP
- PARKING COUNT
- LIGHT POLE
- SIGN
- BOLLARD

NORTH

50' 0 50' 100'
GRAPHIC SCALE
SCALE: 1" = 50'

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BLUE RIDGE CROSSING - MEDICAL OFFICE BUILDING

WVU MEDICINE
CHARLES TOWN, WEST VIRGINIA

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Revision

No.	Date	Description

DETAILED SITE PLAN

C201

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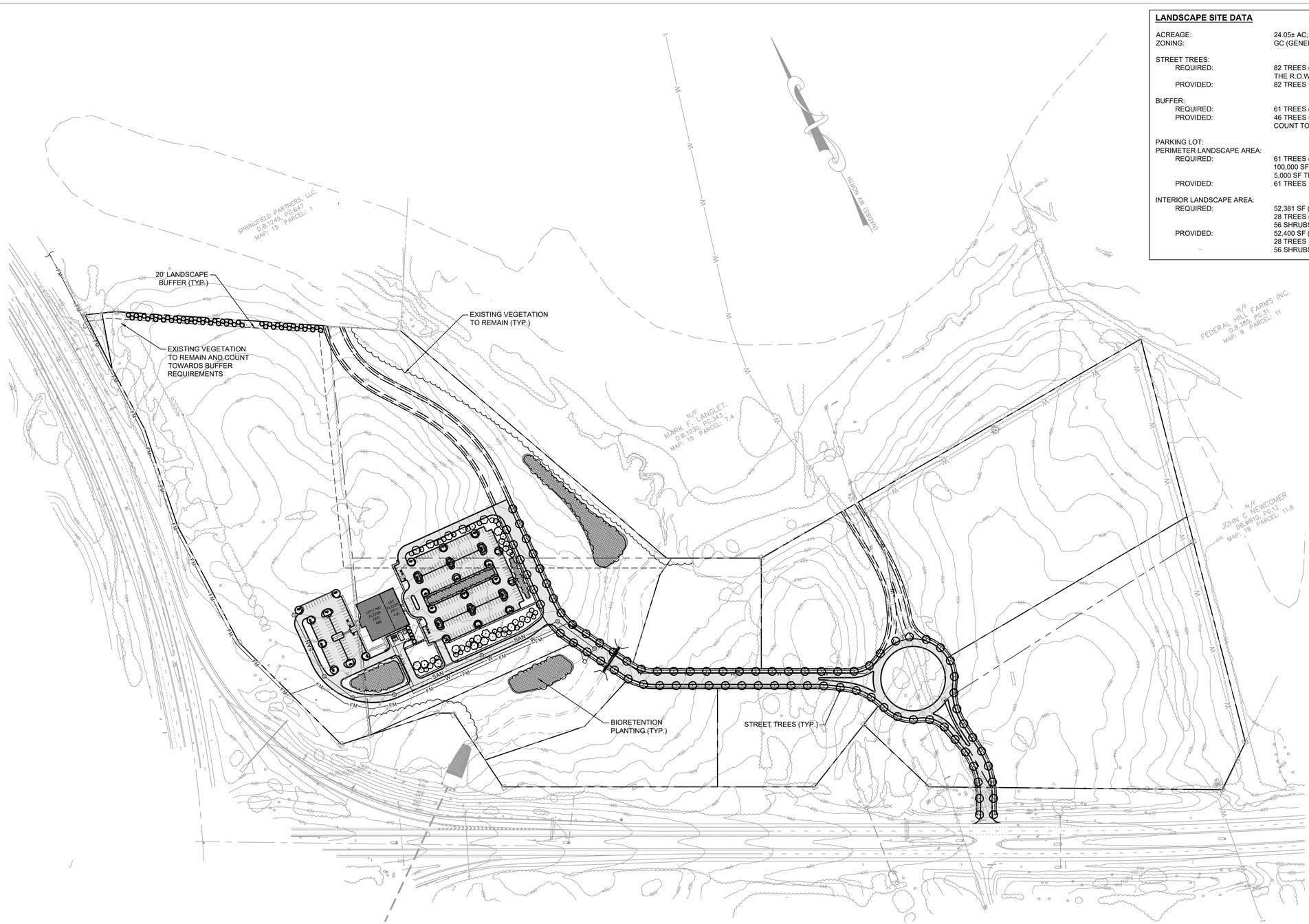

LANDSCAPE SITE DATA

ACREAGE:	24.05± AC; 1,047,618± SF (MOB SITE ONLY)
ZONING:	GC (GENERAL COMMERCIAL)
STREET TREES:	
REQUIRED:	82 TREES (1 PER 50 LF ON BOTH SIDES OF THE R.O.W.- 2,040± LF)
PROVIDED:	82 TREES
BUFFER:	
REQUIRED:	61 TREES (1 PER 12 LF- 730± LF)
PROVIDED:	46 TREES (EXISTING VEGETATION TO COUNT TOWARDS BUFFER REQUIREMENTS)
PARKING LOT:	
PERIMETER LANDSCAPE AREA:	
REQUIRED:	61 TREES (1 PER 2,000 SF FOR FIRST 100,000 SF OF IMPERVIOUS AREA, 1 PER 5,000 SF THEREAFTER - 155,835± SF)
PROVIDED:	61 TREES
INTERIOR LANDSCAPE AREA:	
REQUIRED:	52,381 SF (5% OF TOTAL LOT AREA) 28 TREES (1 PER 10 SPACES- 276 SPACES) 56 SHRUBS (2 PER 10 SPACES)
PROVIDED:	52,400 SF (5%) 28 TREES 56 SHRUBS

NORTH

150' 0 150' 300'
GRAPHIC SCALE
SCALE:
1" = 150'

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CHARLES TOWN, WEST VIRGINIA

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Revision		
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OVERALL LANDSCAPE PLAN

L200

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Drawn By: KL
Checked By: RW
Approved By: RW

GROUND FLOOR FFE: 446

1ST FLOOR FFE: 460

EXISTING VEGETATION TO REMAIN (TYP.)

STREET TREES (TYP.)

BIORETENTION PLANTING (TYP.)

NORTH

40' 0 40' 80'

GRAPHIC SCALE
SCALE:
1" = 40'

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WVU MEDICINE

CHARLES TOWN, WEST VIRGINIA

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DETAILED LANDSCAPE PLAN

L201

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City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-518: Article 1102 Animals and Fowls - Section 1102.07 Livestock - No changes

The Ordinance Committee reviewed Article 1102 Animals and Fowls Section 1102.07 Livestock at their April 18, 2024, meeting and have come to the conclusion that no action should be taken on this section.

ATTACHMENTS:

- Articel 1102.07.pdf
- City Council Meeting Minutes - October 18, 2021 - signed.pdf

1102.07 LIVESTOCK.

(a) Livestock as used in this section shall be defined as cattle, horses, ponies, swine (including pot bellied pigs), sheep, goats, llamas, alpacas, and any other animals used or to be used in the production of food, fiber or other commercial products.

(b) No person shall raise, maintain or keep hogs, swine or shoats within the City.

(c) Poultry shall comply with Section 1102.10 .

(d) Livestock Restricted Within the City Limits. No person shall keep or maintain livestock within the City limits unless the subject property is large enough to board such an animal with a minimum of one acre per animal. Housing of such animals shall comply with Section 1102.12 .

(e) Rabbits shall be excluded from the requirements of this section but only if said animals are kept indoors and not permitted to run at large. There shall be a maximum of five rabbits kept in any single household.

(f) Compliance with this section is not abrogated by the designation of any animal or poultry as a pet and not livestock.

(Passed 10-20-08.)

1102.08 DISPOSITION OF DEAD ANIMALS.

(a) When any animal shall die within the City so as to become a nuisance therein, the person owning the same and knowing of its death, whether it shall have died on his premises or otherwise, shall dispose of such dead animal as required by the health officer. Failure to comply with the provisions of this section shall constitute a misdemeanor.

(b) In all cases of dead animals of any kind being found upon the premises of any person within the City, the owner or occupier thereof shall forthwith remove or bury same; and after notice has been duly given such person, upon his failure to do so, he shall be guilty of a misdemeanor, and in addition he shall be liable for the expense incurred by the health officer in having same buried or removed.

(c) No person shall throw any dead animal, or the fleshings, of animal hides, or any other substance likely to pollute the water or obstruct the channel, into Evitt's Run within the City, or north or west of the City within one mile of the corporate limits.

1102.09 ANIMALS RUNNING AT LARGE.

(a) It shall be deemed a nuisance for any hog, pig, goat, pony, horse, mule, colt, cow or any other livestock to wander or stray unattended on any street or alley within the City. Any person owning or keeping any such animal and permitting it to so run at large, or to wander or stray unattended, shall be guilty of a misdemeanor.

(b) It shall be the duty of the police to take up and impound in some secure place any animal running at large, and if the fine imposed upon such owner or keeper shall not be paid within five days after notice given, the police shall sell such animal at public auction for payment of such fine, costs and expenses of keeping such animal prior to day of sale.

(c) It shall be unlawful for the owner of any chickens, guineas, ducks, geese, turkeys or other fowl to permit the same to run at large in any of the streets of the City or on any lot or premises not in the possession or under the control of the owner of such chickens, guineas, ducks, geese, turkeys or other fowl.

1102.10 KEEPING DOMESTIC FOWL OR PIGEONS.

(a) No person shall keep or cause to be kept on premises owned by him or under or subject to his control, any kind of domestic fowl or pigeons, within thirty feet of any street, sidewalk or structure owned by another and used for human habitation, occupation or assemblage, whether such structure be in the same or an adjacent block or square, and no domestic fowl or pigeons shall be kept within the City by any person otherwise than in compliance with the following conditions: The house in which such fowl or pigeons are kept shall be dry, well ventilated, and with windows so placed, if possible, to admit sunlight; it shall be kept well whitewashed within and shall be cleaned at least once a week between November 1 and May 1, and at least twice a week between May 1 and November 1 of each year, and oftener if necessary or so ordered by the City Inspector. All perches shall be movable and kept clean. All chicken nests shall be movable and clean, and aired and sunned at frequent intervals. Drinking fountains shall be clean and supplied at all proper times with clean water. The surface of the yard shall be kept clean and free from all decaying animal or vegetable matter or odors; provided, however, that nothing herein shall apply to such fowl or pigeons confined in coops in provision stores or stores regularly established for the sale of fowl or pigeons or to fowl or pigeons brought upon the premises and kept for a brief period for dressing and consumption.

(b) The number of domestic fowl kept of any premises in the City shall not exceed twenty.

(c) The keeping of domestic poultry shall be limited to one-half acre of net buildable site area defined in the Zoning Ordinance of the City of Charles Town.

(Passed 10-20-08.)

1102.11 DOGS GENERALLY.

(a) Annual License Tax. Every person owning or keeping any dog within the City, either male or female, shall pay a tax of three dollars ($3.00) on every dog so kept or owned. This tax shall be payable at the time of assessment annually.

(b) Tags. Upon payment of the dog tax required by subsection (a), a tag shall be issued, identifying the dog and the tax year. The tag shall be attached and kept attached to a substantial collar worn by the dog.

(c) Running at Large.

(1) No owner or person having the possession of any dog shall allow such dog to run at large, at any time, within the City, even though the dog is both lawfully licensed and vaccinated. Any person violating this article and/or section, regardless of whether or not such dog is impounded or not, upon conviction, shall be fined a minimum of two dollars ($2.00) for the first offense in any one year, and for each successive violation in any one year, shall be fined a minimum of five dollars ($5.00), with a maximum fine of not more than one hundred dollars ($100.00) for any offense, whether in any one year or subsequent.

(2) In addition, all owners or person having the possession of any dog that is considered a dangerous or vicious dog as outlined in Section 1102.13(c)(6) and having attained the proper permit through the City of Charles Town, as described in Section 1102.13(e), to own such dog shall construct a fence on the property, built to the appropriate specifications as outlined in the City Building Codes and Ordinances, to provide adequate space for exercise on a dimension of at least one hundred square feet, to allow for a healthy free roaming area for the dog as described by the Humane Society of the United States.

(d) Tethering. No person shall, at any time, fasten, chain or tie any dog or cause such dog to be fastened, chained or tied in an

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • OCTOBER 18, 2021

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	
Kevin Tester	Councilmember	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Present	
Jeffery Hynes	Councilmember	Present	
Jean Petti	Councilmember	Remote	
Julie Philabaum	Councilmember	Present	
Rikki Twyford	Councilmember	Remote	
Micheal George	Councilmember	Present	

Mr. Daryl Hennessy, City Manager and Chris Kutcher, Chief of Police were also in attendance.

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

1. 5153: City Council Meeting Minutes - October 4, 2021 – draft

The following changes will be made to the October 4, 2021, City Council Meeting minutes.

Packet page 7, Ward Reports, Ward #3 - Ms. Philabaum: Add "October 2nd" to the third bullet point - "Attended the ribbon cutting of the Blue Heron Tattoo on September 25th and Studio M on **October 2nd**." In the last bullet point add "Jefferson County" - "Attended the **Jefferson County** Planning Commission meetings."

Packet page 8, City Manager's Report for October 4, 21, in the last bullet point fix the spelling of "**pallets**".

Packet page 8, Police Chief's Report: Add "Northwinds Drive" to the 1st paragraph to read, "...there was a shooting at Norborne Glebe and Crosswinds on **Northwinds Drive** that they are actively working on."

Packet page 11, In the second paragraph capitalize "**Police Department**".

III. PUBLIC COMMENT: THIS PORTION OF THE AGENDA IS DESIGNED FOR THE PUBLIC TO SHARE THOUGHTS ON ITEMS OF INTEREST IN THE COMMUNITY. UNTIL SUCH TIME AS HEALTH RESTRICTIONS TO SLOW THE SPREAD OF COVID-19 ARE REVOKED, PUBLIC ACCESS TO THE MEETING ROOM MAY BE LIMITED. A LIMITED NUMBER OF MEMBERS OF THE PUBLIC MAY BE ADMITTED TO THE ROOM TO OBSERVE THE MEETING/PROVIDE COMMENTS OR ANY NUMBER OF INDIVIDUALS MAY SUBMIT WRITTEN COMMENTS TO THE CITY CLERK THAT WILL BE READ ALOUD.

Mr. Tolbert addressed the Council about the Route 51 feasibility study. He informed the Council that the study did not adequately consider the two railway crossings that have over 28,000 crossings a year in Charles Town. He asked the Council to bring together the County and State to work with the City on a major study of these areas that the feasibility study did not do.

IV. REPORTS

A. Ward Reports

Ward #1 - Ms. Ricketts reported that she walked Ward 1 with Mr. Kratovil and took pictures of the Augustine Avenue crosswalk that is not currently working. She had citizens contact her about the fireworks at St. James Catholic Church on October

13th. She thanked Mr. Tolbert for his offer to take her on a walking tour of the Route 51 area. She attended the ribbon cutting ceremony for the Jefferson County Welcome Center. Finally, the WV Office of Minority Affairs will hold its "ARPA Listening Tour" on November 4th at Shepherds University.

Ward #1 - Mr. Kratovil attended the Charles Town Farmer's Market and walked Ward 1 with Ms. Ricketts.

Ward #2 - Mr. Tester reported the Old Opera House fall auction fundraiser was a success. He has had a few citizens reach out to him about the Route 340/Augustine Avenue intersection study for an update. The state is currently conducting a study on the intersection and looking at possibly adding a cloverleaf design to improve traffic flow and safety.

Ward #2 - Mr. Hynes reported he attended the agriculture day session for the Leadership Jefferson program and toured many of the local farms.

Ward #3 - Ms. Petti reported that the American Legion will be holding a haunted house October 23rd, 24th, and October 30th and 31st. The Ranson Community Gardens will be holding their Family Fall Festival in the Gardens on October 24th.

Ward #3 - Ms. Philabaum reported she attended the Street Committee meeting and the ribbon cutting ceremony for the Jefferson County Welcome Center. She encouraged anyone who hasn't yet seen A Murder is Announced at the Old Opera House to attend the final weekend, October 22nd-24th. She announced that Joan and Joe Coffee will have a ribbon cutting ceremony on Friday, October 29th and the downtown market study survey is open for only one more day. Finally, she wished Councilor Hynes a Happy Birthday.

Ward #4 - Mr. George reported that he also received complaints from citizens about the fireworks at St. James Catholic Church, mainly that they did not know they were going to happen. He thanked city staff for the work that went into having the strategic planning meeting.

Ward #4 - Ms. Twyford reported she also attended the Leadership Jefferson agriculture day session. She is looking forward to the ribbon cutting ceremony for Joan and Joe Coffee and reminded citizens that there will be no Trick or Treat on Main Street event this year. The City will observe general trick or treating October 31 from 6-8PM.

B. Mayor's Report

Mayor Trainor reported he attended the following:

- Finance Committee meeting;
- Strategic Planning meeting;
- Charles Town Utility Board meeting;
- Natural Disaster Table Top meeting with the Charles Town Police Department;
- Jefferson County Development Authority Round Table; and
- The ribbon cutting ceremony for the Jefferson County Welcome Center.

1. 5139: Larry Crofford Recognition - Retiring City Prosecutor

   Mayor Trainor recognized Larry Crofford, with a certificate and mayoral coin, for his years of service as the city prosecutor and wished him a wonderful retirement.

C. Committee Reports

1. 5129: Finance Committee Report for October 5, 2021 Meeting

   Mayor Trainor reported that the Finance Committee authorized a contract extension for Blueline Advantage to complete the final onsite preparations for CALEA accreditation using existing funds in the police budget. The Financial State of Funds for FY21 will be voted on later in the meeting.

2. 5130: Street Committee Report for October 14, 2021 Meeting

   Ms. Philabaum reported to the Council that the Street Committee is working on fixing the Augustine Avenue Crosswalk Beacon and researching requests from residents for handicapped signs in the downtown area. The November meeting is cancelled due to Veterans Day and the December 9th meeting will be held at the maintenance facility.

D. City Manager's Report

Mr. Hennessy reported that a representative from St. James Catholic Church is expected at the next meeting to brief Council on their recent fireworks display.

E. Police Chief's Report

Chief Kutcher reported that both police officer candidates have accepted the City's offer for employment and will begin work on November 1, 2021.

1. 5155: City of Charles Town Police Department Statistics

Chief Kutcher reviewed with the Council the Charles Town Police Department Annual Crime Report for the FY 2020-2021.

V. UNFINISHED BUSINESS

1. 5134: Public Hearing Regarding a Proposed Bond Ordinance to Refund Combined Waterworks and Sewerage System Revenue Bonds Series 2015 A and 2015 B. Mr. George moved to open the public hearing on a bond ordinance to refund utility revenue bonds Series 2015A and 2015B. Mr. Tester seconded the motion, and there were no objections.

Mr. Hennessy informed the Council that no one had signed up for the public hearing.

Mr. George moved to close the public hearing. Ms. Philabaum seconded the motion. Mayor Trainor took a roll call vote and it passed unanimously.

Only the final vote is reflected in the table below.

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

2. 5133: Consider on Third Reading and Act Upon a Proposed Bond Ordinance Authorizing the Refunding of the Issuer's outstanding Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2015A (bank qualified) and Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2015B (bank qualified) and the financing of the cost thereof, not otherwise provided, and paying costs of issuance and related costs, through the issuance of Combined Waterworks and Sewerage System Refunding Revenue Bonds, Series 2021A (bank qualified) or the Issuer in the aggregate principal amount of not more than $6,000,000; providing for the rights and remedies of, and the security for, the registered owners of such bonds; authorizing the preparation and distribution of a preliminary official statement; authorizing the execution and delivery of a tax certificate, an official statement, a bond purchase agreement, a continuing disclosure agreement and other documents; authorizing the sale and providing for the terms and provisions of such bonds and adopting other provisions related thereto.

Mr. George moved to approve the third reading of an ordinance to authorize the refunding of the Series 2015A and 2015B combined waterworks and sewerage system revenue bonds and perform such other duties as needed to issue a new bond in the aggregate principal amount of not more than $6 million. Ms. Philabaum seconded the motion. Mayor Trainor took a roll call vote and the motion passed unanimously.

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

VI. NEW BUSINESS

1. 5136: Charles Town Tree Board Research Grant Update - Tanner Haid and Dr. Courtney Company

   Charles Town's Tree Board Chair Tanner Haid and Dr. Courtney Campany from Shepherd University updated the Council on the status and proposed schedule for the research project in Charles Town to study tree growth in urban areas. The research project is planned for 2022.

2. 5151: Planning Commission Recommendation Regarding Limited Video Lottery in the Old Town Mixed Use Commercial District

   Mr. Hennessy briefed the Council on a recommendation from the Charles Town Planning commission to deny the request to expanded use of Limited Video Lottery machines in the City's Old Town Mixed Use District. After considerable discussion and numerous questions, Mr. Hynes moved to table the agenda item until further information can be gathered to answer questions asked by Council. Mr. George seconded the motion. Mayor Trainor took a roll call vote and it passed unanimously.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Jeffery Hynes, Councilmember
SECONDER:	Micheal George, Councilmember
AYES:	Tester, Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

3. 5138: Financial Statement of Funds for FY21 - Newspaper Advertisement

   Mr. George moved to authorize the publication of the City's financial statement of funds for FY21 in the local newspaper as required by state law. Mr. Hynes seconded the motion. Mayor Trainor took a roll call vote and it passed unanimously.

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

4. 5131: City Council Strategic Planning Session Recap - Tentative Priorities

   Mr. Hennessy reviewed with the Council the tentative scoring results for short and mid-term priorities generated at the October 9, 2021, strategic planning session.

   After receiving feedback, Mr. Hennessy agreed to work on updating the scoring matrix and bringing it back to Council for additional review and consideration.

5. 5132: Corrected Minutes - Class IV Property Tax Rate - FY22

   Ms. Philabaum moved to amend the minutes of April 20, 2021, to reflect the correct rate of 49.200/$100 for Class IV property as previously approved by Council. Mr. George seconded the motion. Mayor Trainor took a roll call vote and it passed unanimously.

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

VII. REFERRALS TO COMMITTEES/COMMISSIONS

1. 5148: Referral to Finance - Request to Amend the Current Charles Washington Hall Lease

   Mr. George moved to refer the existing lease agreement for Charles Washington Hall to the finance committee for review and consideration with any final amendments requiring Council approval. Mr. Tester seconded the motion. Mayor Trainor took a roll call vote and it passed 7-1.

RESULT:	**REFER TO THE FINANCE COMMITTEE [7 TO 1]**
MOVER:	Micheal George, Councilmember
SECONDER:	Kevin Tester, Councilmember
AYES:	Tester, Kratovil, Ricketts, Petti, Philabaum, Twyford, George
NAYS:	Hynes

2. 5140: Referral to Ordinance - Pot Belly Pigs

   Mr. Kratovil moved to refer Section 1102.07 Livestock to the Ordinance Committee for further review and consideration. Mr. Tester seconded the motion. Mayor Trainor took a roll call vote and it passed unanimously.

RESULT:	**REFER TO THE ORDINANCE COMMITTEE [UNANIMOUS]**
MOVER:	James Kratovil, Councilmember
SECONDER:	Kevin Tester, Councilmember
AYES:	Tester, Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

VIII. APPROVAL OF BILLS

1. 5154: Payment of Bills - October 18, 2021

   Mayor Trainor asked if there was any objection to the payment of the bills. Hearing none, he declared the bills approved for payment.

IX. ADJOURNMENT

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

X. INFORMATION ONLY - NEXT MEETING - NOVEMBER 1, 2021 AT 7:00 PM

1. 5141: City Audit Report for FY20
2. 5142: COVID-19 Vaccine Resolution
3. 5143: Trick or Treat in Charles Town Resolution
4. 5144: Ten Minute Take Away Parking - Article 365
5. 5145: Ten Minute Take Away Parking Violation - Article 361
6. 5146: Urban Deer - Section 1102.05(a)

XI. NOTICE: THE PUBLIC MAY VIEW THE MEETING VIA WEBCAST BY VISITING THE CITY'S WEBPAGE AT (WWW.CHARLESTOWNWV.US – GOVERNMENT – AGENDAS AND MINUTES).

XII. NOTICE: THE PUBLIC MAY VIEW OR PARTICIPATE IN THIS MEETING BY ACCESSING THE FOLLOWING ZOOM LINK: (HTTPS://US02WEB.ZOOM.US/J/85738156650?PWD=UTDKM1QXNHIVDNLCAXHQQLDBRZJZDZ09) AND ENTERING THE PASSCODE (588045).

XIII. NOTICE: THE PUBLIC MAY LISTEN TO THIS MEETING BY CALLING (301) 715-8592 AND ENTERING THE MEETING ID (857 3815 6650) AND PASSCODE (588045).

Mayor: Robert M Travis Date: 15 NOV 2021

City Clerk: Date: Nov. 15, 2021

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-525: Revive Commercial Grant Revision

ATTACHMENTS:

- 2024ReviveRevisionsforPacketwithMinutes.pdf

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • AUGUST 16, 2021

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	Remote	
Jeffery Hynes	Councilmember	Present	
Jean Petti	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Rikki Twyford	Councilmember	Present	
Michael George	Councilmember	Remote	

Mr. Daryl Hennessy, City Manager and Chris Kutcher, Chief of Police were also in attendance.

I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

II. APPROVAL OF MINUTES

1. 5012: City Council Special Meeting Minutes
   There being no objections, corrections or changes to the minutes, Mayor Trainor declared the minutes approved.

2. 4994: City Council Meeting Minutes - August 2, 2021
   The following changes will be made to the August 2, 2021, City Council Meeting minutes:

   Packet page 8, Ward Reports, Ward #4 - Ms. Twyford: Insert a comma after the word "Ortegas" in the last bullet point to read "...specifically in the alley next to **Ortegas,** to the..."

   Packet page 11, second paragraph: replace "...Mr. Hines, Ms. Philabaum..." with "...**Mr. Hynes**, Ms. Philabaum...".

   Packet page 12, 4947: Amended Rules and Regulations of the Police Civil Service Commission: In the last paragraph remove the "s" on Towns to read "...with current **Charles Town** code.".

III. PUBLIC COMMENT - THIS PORTION OF THE AGENDA IS DESIGNED FOR MEMBERS OF THE GENERAL PUBLIC TO SHARE THOUGHTS ON ITEMS OF INTEREST IN THE COMMUNITY. COUNCIL MEMBERS MAY ASK CLARIFYING QUESTIONS OR DISCUSS PROCEDURAL MATTERS BUT ARE NOT PERMITTED TO DISCUSS THE POLICY MERITS OF ANY ISSUE UNLESS IT IS SCHEDULED FOR DISCUSSION.

Ms. Natalie Green, on behalf of all the downtown businesses, spoke about the challenges the businesses are having with mentally ill people on the streets of Charles Town. Three main concerns are the safety of her customers, panhandling/loitering, and fecal matter being left on sidewalks and alleyways. She would like to have an open dialogue with the Council to come up with solutions to these issues.

1. 5010: City of Charles Town: County Seat
   Mr. Mike Tolbert requested the Council petition the Jefferson County Commissioners to keep the county seat in Charles Town and to use the city block that the Jefferson County Court House is located on for their new government county complex.

2. 5011: National Association of Pet Pigs
   Mr. and Mrs. Russell and Rebecca Lilly, who live in the Crosswinds community, reported that they were cited for breaking Ordinance 1102.07 Livestock, for their two pet mini pigs. Mr. Lilly reported that the United States Department of Agriculture (USDA) classifies mini pigs as companion animals not livestock. Crosswinds Home Owners Association has allowed the pigs in the development. Mr. Lilly asked the Council to allow for an exemption to the Ordinance for mini pigs.

IV. REPORTS

A. Ward Reports

Mr. Kratovil reported the following:
- Attended the Charles Town Farmers Market.
- Visited the skate park and met with a golf turf expert who will look at the park's green space.
- Attended the West Virginia Ethics Commission virtual training session on the Ethics Act and the Open Meetings Act.

Ms. Ricketts reported the following:
- Attended the Personnel Committee meeting.
- Attended the Street Committee meeting where Charles Town streets needing to be re-paved based on the Street Assessment Report was discussed.
- Reported a citizen contacted her about the limited funding the City gives to the Jefferson County Museum.
- She has experienced a breakthrough case of COVID-19 after being fully vaccinated. She thanked Daryl Hennessy for the ability to have a hybrid meeting and is recovering at home.

Mr. Hynes reported the following:
- Toured the Charles Town Police Department and participated in a ride-along with Chief Kutcher.
- Attended the West Virginia Municipal League Annual Conference in Wheeling, WV and urged the council to attend next year.

Ms. Petti reported the following:
- Attended the Finance Committee Meeting.
- Her children attended the Old Opera House production of "The Lion, The Witch and The Wardrobe"

- Was sorry that Kevin Tester was not able to be sworn in as the new council member at this meeting but was also thankful that a hybrid meeting was able to be held.
- School starts on August 23rd and reminded everyone to be aware of school buses on the road.
- She was thankful that the downtown merchants were dedicated to the safety of their customers and thanked them for sharing their concerns with the Council.

Ms. Philabaum reported the following:
- Attended the Personnel and Street Committee meetings.
- Attended the Potomac Audubon Society's nature camp at Evitts Run Park and looks forward more camps at the park in the future.
- Attended the Charles Town Now merchant meeting.
- Enjoyed a meal at Cocina Plantosaurus.
- Attended the Main Street America Tiktok for Business virtual block party.
- Friday Night Live in downtown Charles Town is on August 20th.
- The Appalachian Music Chamber will perform at Charles Washington Hall on August 21st at 7:00 PM and at Happy Retreat on August 22nd at 2:00 PM and tickets can be purchased online.

Mr. George reported the following:
- Attended a meeting with the Michael Baker Group and Region 9 pertaining to police staffing.
- Attended the West Virginia Ethics Commission virtual training session on the Ethics Act and the Open Meetings Act.
- Toured City Hall with the City Hall Renovation Committee.
- Watched remotely the Street and Finance Committee meetings; unfortunately the sound was not working for the Charles Town Tree Board Committee meeting.
- Attended multiple farmer markets and had a delicious breakfast at Inkwell Tavern in downtown Charles Town.

Ms. Twyford reported the following:
- Attended the soft opening and ribbon cutting ceremony at Cocina Plantosaurus.
- Met with business owners about the problems they are encountering in downtown Charles Town.
- Enjoyed the Charles Town Library with her family.
- The Jefferson County Fair will run from August 22nd through to August 28th.
- The Charles Town Car Show will be held on September 4th.
- The Charles Town Middle School held an outstanding orientation program for new families.

B. Mayor's Report

Mayor Trainor reported the following:
- Attended the Municipal Court Operations meeting at City Hall.
- Attended the Finance Committee meeting.
- Attended two meetings with the Crosswind Community Homeowners Association about parking and curb markings inside the development.
- Attended a Charles Town Earmarks virtual meeting with WV Senator Capito's staff.
- Attended the Charles Town Utility Board meeting.

1. 4991: Oath of Office - Kevin Tester - Ward 2 Councilmember

Mayor Trainor reported that Kevin Tester could not attend the meeting and will be sworn in at the next regular council meeting on September 7, 2021.

C. Committee Reports

1. 4974: Finance Committee Report for August 3, 2021

Mayor Trainor reported that two items from the committee's report will be discussed later in the meeting.

2. 4980: Personnel Committee Report for August 9, 2021

Mr. George reported that the Personnel Committee discussed at their meeting the Police Department's grooming and appearance policy, the police staffing level analysis, the city's insurance coverage, the leave payout policy and the employment retirement benefit 457 program. The retirement program will be discussed later in the meeting.

3. 4981: Street Committee Report for August 12, 2021

Ms. Philabaum reported the following:
- The Street Committee has reviewed the Pavement Condition Assessment Report and will make a recommendation to the Finance Committee for a budget revision to proceed with repairs to the most impacted roads.
- A crosswalk has been created across E. Forrest Avenue at S. Church Street and minor work will need to be done to make it ADA compliant.
- Traffic data was collected on N. Mildred Street, E. Forrest Avenue, and E. Academy Street and showed that these streets rated as low priority for enforcement.
- A public meeting will be held at 2:00PM on August 30th with the property owners that will be impacted by the sidewalk project on S. George Street.
- City Staff is working on fixing the lights at the crosswalk on Augustine Avenue.

D. City Manager's Report

1. 4998: City Manager's Report for August 16, 2021

Mr. Hennessy reported the following:
- The Charles Town Car Show will be held on September 4, 2021 from 10:00AM-4:00PM.
- The Jefferson County Community Ministries (JCCM) will be hosting an open house on August 16th-18th from 9:00AM-12:00PM at their facility on 238 W. Washington Street.
- The Jefferson County Development Authority (JCDA) will conduct a zoom meeting with their Government and Legislative Affairs Committee on October 14, 2021 and is inviting local jurisdictions to participate.
- The skate park will be re-seeded in September.

E. Police Chief's Report

Chief Kutcher reported that 19 applicants took the test over the weekend for the two open positions in the police department and 8 of them passed.

1. 5009: Charles Town Police Department July Statistic Report

Chief Kutcher reviewed the July Statistic Report with the Council.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

1. 4988: Finance Committee - Revive Grant Program Funding
   Mr. Hynes moved to approve the creation of the Revive Grant Program as proposed and allow capital funds from the Facade Improvement line item to be used to fund eligible projects. Mr. George seconded the motion.

   Mr. Kratovil and Ms. Philabaum suggested increasing the amount of the Revive Program to $40,000 per year.

   Ms. Philabaum moved to amend the previous motion to also include referring the program back to the Finance Committee to increase it to $40,000.00 per year. Mr. George seconded the motion, and it passed unanimously.

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

2. 4987: Finance Committee - Fritts Farm Subdivision Conditions of Annexation - Negotiating Committee
   Mr. George moved to establish a negotiating team consisting of Mayor Trainor, representing the Finance Committee, Councilor Hynes, representing the Planning Commission, and Councilors Twyford
   and George representing Ward 4 to review proposed changes to the Fritts Farm conditions of annexation and recommend new terms for Council consideration. Ms. Petti seconded the motion, and it passed unanimously.

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

1. 4984: City Council Strategic Planning - Downtown Development Briefing - Liz Cook

   Downtown Coordinator Liz Cook updated the Council on the businesses downtown, the Revive Commercial Grant Program, and vacant structures in the downtown.

3. 4986: Finance Committee - Huntfield Subdivision Conditions of Annexation - Negotiating Committee
   Mr. Hynes moved to establish a negotiating team consisting of Mayor Trainor, representing the Finance Committee, Councilor Hynes, representing the Planning Commission, and Councilor Tester
   representing Ward 2 to review proposed changes to the Huntfield Subdivision conditions of annexation and recommend new terms for Council consideration. Ms. Twyford seconded the motion, and it passed unanimously.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Jeffery Hynes, Councilmember
SECONDER:	Rikki Twyford, Councilmember
AYES:	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

4. 4982: Personnel Committee - Employee Retirement Benefit - WV Retirement Plus Contributions
Mr. Kratovil moved to add the WV Retirement Plus Program benefit to the Charles Town Employee Handbook contingent upon the finance committee's determination that funds are available and Council's approval of a budget revision. Ms. Philabaum seconded the motion, and it passed unanimously.

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

5. 4989: 114 W. Liberty Street Building Sale - Merger of Parcel B and Deed of Conveyance
Mr. Kratovil moved to approve the resolution as proposed and authorize Mayor Trainor to execute a deed of conveyance to the Building Commission for 2,776 square feet. Mr. Hynes seconded the motion, and it passed unanimously.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil, Councilmember
SECONDER:	Jeffery Hynes, Councilmember
AYES:	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

6. 4985: WV Alcohol Beverage Control Administration Letter - Car Show Beer Garden - Abolitionist Ale Works
Ms. Twyford moved to authorize the city manager to sign the proposed letter to the WV Alcohol Beverage Control Administration (WVABCA). Ms. Petti seconded the motion, and it passed unanimously.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Rikki Twyford, Councilmember
SECONDER:	Jean Petti, Councilmember
AYES:	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

7. 4983: City Council Committee Assignments
Mayor Trainor asked if there was any objection to tabling this agenda item until the September 7, 2021 meeting. Hearing none the agenda item was tabled.

8. 4990: Appointment - Board of Parks and Recreation
Mr. George moved to nominate and approve Mr. Nick Zaglifa for a full term on the Board of Parks and Recreation. Mr. Kratovil seconded the motion, and it

passed without objection.

Mr. Kratovil moved to close the nominations. Ms. Philabaum seconded the motion, and it passed without objection.

Mr. Kratovil moved to appoint Mr. Zaglifa to the Board of Parks and Recreation for the term ending December 31, 2027. Ms. Twyford seconded the motion, and it passed unanimously.

Only the final vote is reflected in the table below.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	James Kratovil, Councilmember
SECONDER:	Rikki Twyford, Councilmember
AYES:	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

VII. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees/commissions.

VIII. APPROVAL OF BILLS

1. 4975: Approval of Bills - August 16, 2021
   Mayor Trainor asked if there was any objection to the payment of the bills. Hearing none, he declared the bills paid.

IX. ADJOURNMENT

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

X. INFORMATION ONLY - NEXT MEETING - TUESDAY, SEPTEMBER 7, 2021 AT 7:00 PM

XI. NOTICE: THE PUBLIC IS INVITED TO VIEW THIS MEETING VIA WEBCAST BY VISITING THE CITY'S WEBPAGE AT (WWW.CHARLESTOWNWV.US – GOVERNMENT – AGENDAS AND MINUTES).

XII. NOTICE: THE PUBLIC MAY VIEW OR PARTICIPATE IN THIS MEETING BY ACCESSING THE FOLLOWING ZOOM LINK: (HTTPS://US02WEB.ZOOM.US/J/85738156650?PWD=UTDKM1QXNHIVDNLCAXHQQLDBRZJZDZ09) AND ENTERING THE PASSCODE (588045).

XIII. NOTICE: THE PUBLIC MAY LISTEN TO THIS MEETING BY CALLING (301) 715-8592 AND ENTERING THE MEETING ID (857 3815 6650) AND PASSCODE (588045).

Revive!
Commercial Grant Program
The City of Charles Town

The Purpose:

The City of Charles Town Revive! commercial grant program encourages the redevelopment of older commercial buildings as vibrant commercial spaces within the historic overlay district. It is inspired by the objectives identified in the Historically Hip Charles Town 2040 Comprehensive Plan which states that "Charles Town will be the heart of the Jefferson county region and will serve as the center for community and economic development. The Downtown will be a strong center for business and serve as a regional destination for arts, culture, entertainment, and learning." The objectives are as follows:

1. Increase economic vitality through Downtown and neighborhood revitalization.
2. Promote adaptive reuse of and investment into Downtown properties that strengthens the mix of uses within multistory structures.
3. Provide attractive storefronts occupied with a variety of appealing retail and service businesses.
4. Help new and existing Downtown business be successful through increased visitation and technical assistance.

These objectives are the foundation to achieve a sustainable, vibrant community. This grant has been created to obtain the goals set forth in the Historically Hip Charles Town 2040 Comprehensive Plan.

The Details:

This program will provide reimbursable grant funds up to $10,000 per building. This grant may be paired with the Façade improvement Grant or the Sidewalk Improvement Grant.

Natural Capital Investment Fund will offer (for a 1 year pilot) up to $1,500 in soft costs, per project up to $15,000 total, pending approval from Liz Cook. This will include a walkthrough of the property and offer a physical report highlighting recommendations. This cost of this consultation will be included as part of the applicants 50% matching requirement.

The total reimbursement shall not exceed 50% of the total project costs. Construction may only begin after grant approval. Project must be completed within 12 months of approval.

Eligibility Requirements:

1. All grant funds must be for a commercial space on a property in the Historic Overlay District or zoned Old Town Mixed Use Commercial. Preference will be given to vacant buildings. Mixed-use buildings may include residential but grant funds cannot be used to improve residences.
2. Grant funds cannot be used to correct existing code violations created or caused by existing property owner or tenant, for property damage by collision, acts of nature, or occurrences covered by insurance.
3. Work must be approved by the Zoning Administrator/Historic Landmarks Commission, as appropriate based on scope of work. Work paid for with grant funds must begin after grant has been approved.

4. All work must comply with the City of Charles Town Building Code and all relevant permits and inspections are required.
5. Only one (1) Revive! Grant will be awarded per business entity per year.
6. Grants for retail and restaurant commercial space will be prioritized over office uses if there is competition for funding.

Ineligible Properties:

1. New Construction, government properties, and national franchises
2. Tax Exempt Properties
3. Work begun or materials purchased before grant approval
4. Properties in litigation, condemnation, or receivership
5. Properties that have outstanding taxes, fees, penalties, or delinquencies with Federal, State, or local governments
6. If applicable, properties not current with their business license
7. Improvement to residential spaces

Eligible Expenses:

1. Interior plumbing, electrical or HVAC improvements that results in compliance with current building code
2. Repairing or replacing drywall, plaster, walls, floors, ceilings, or roof
3. Repairing or construction of bathrooms, or bathroom expansion
4. Repairs or construction required under the Americans with Disabilities Act
5. Repairs to achieve compliance with the Fire Code
6. Asbestos Remediation
7. Structural Installation of commercial kitchen (construction, venting, electrical)
8. Hood installation
9. Possible other uses by request

Ineligible Costs:

1. Personal Property
2. Security Systems
3. Kitchen equipment, other than the equipment detailed above
4. Soft Cost, such as architect, engineer, designer, or other consultant fees, permit fees, license fees, taxes, and insurance
5. Signs or decorative items
6. Costs that would otherwise be covered by the façade improvement grant or the sidewalk improvement program grant

Application and Review Process:

1. Pre-Application Meeting: We recommend that potential applicant contact the Downtown Coordinator (Liz Cook) to express interest in this grant. Once it is determined that applicant is eligible, there will be an

opportunity to communicate with the building inspector to evaluate the site plans. Any work affecting the front of the building will need to be approved by the Historic Landmarks Commission.

2. Application Review: Building inspector will review the application package to determine if all work meets code requirements. If scope of project impacts the façade or requires a zoning approval, application will be sent to the appropriate committee for approval.
3. Revive! Review Committee: The application will be reviewed by the Revive! Review committee to determine approval. The committee will consider the following criteria:
    a. Is the building vacant?
    b. Does the project contribute to the establishment of a new retail business or restaurant located in the Historic Overlay District or zoned Old Town Mixed Use Commercial?
    c. Will the project positively contribute to the city's redevelopment efforts?
    d. Does this project align with the Historically Hip 2040 Comprehensive Plan?
    e. Will the grant result in an improvement, that without the grant, would not be made?

*All decisions made by the committee are final.

Required Documents for Applications:

Applications must include documentation to demonstrate the cost and visual impact of the project. Failure to include all information will delay the review process. Please include the following:

1. Completed application form.
2. Specific details of proposed improvements.
3. Current photos of existing conditions.
4. Scaled floor plan.
5. Building permit applications if required.
6. If applicant is not the property owner, written consent of the property owner.
7. Two competitive proposals from licensed and bonded contractors are required.

Project Management

All property owners or tenants accepted into the Revive! Grant Program will be fully responsible for managing construction of projects, including, but not limited to, obtaining bids, selecting contractors, obtaining approvals, permits, and insurance, overseeing construction work, and paying all invoices for work, materials, and supplies.

The City of Charles Town encourages employment and business opportunities for local residents and businesses. Participants shall seek to solicit bids and proposals, materials, and labor from qualified local residents and businesses whenever possible.

Property owners or tenants may not discriminate on the basis of race, gender, religion, national origin, ethnicity, ancestry, origin, sexual orientation, marital status, creed, age, or disability in the solicitation of contractors, subcontractors, workers, and suppliers.

The City makes no guarantees on quality and soundness of construction or other repairs, additions, or removals. Any contractor or subcontractor working on the project must be licensed and insured. In addition, any contractor or subcontractor must have a valid business license issued by the City of Charles Town. The property owner or tenant is responsible for ensuring that all contractors and subcontractors meet these requirements.

Revive!
Commercial Grant Program
The City of Charles Town

Application

Applicant's Name: _____ Date: _____

Company Name: _____ Phone: _____

Mailing Address: _____ Email: _____

Project Address: _____

If you are not the property owner, please provide the property owner information:

_____

_____

Proposed project:

_____

_____

_____

_____

_____

_____

Estimated Total Project Budget: _____

Grant Amount Requested: _____

Estimated project start date: _____

Estimated project end date: _____

The following items are included with this application:

_____ Before Photographs

_____ After sketches or illustrations

_____ Estimates from contractors

_____ Building permit and other necessary approvals

I have reviewed the following documents, as they pertain to my application:

____ Codified Ordinances of the City of Charles Town

____ Charles Town Historic Landmarks Commission Design Review Standards

I agree that the information provided above and within is accurate and correct to the best of my knowledge.

Property Owner's Printed Name: _____

Property Owner's Signature: _____

Date of Application: _____

Tenant's Signature If applicable: _____

Revive!
Commercial Grant Program
The City of Charles Town

Grant Approval Agreement

1. I understand that grant monies shall not be distributed until all proposed work is completed and inspected.

2. I understand that I have to provide receipts related to the project. If a contractor was used, a written invoice must be provided to the City before funds will be granted. For projects that involve a contractor, receipts and invoices must be accompanied by proof of payment (i.e. cancelled checks). If a contractor was not used, receipts must be provided to the City Staff before a reimbursement will be issued. Only materials may be reimbursed for projects that do not use a contractor. Receipts and invoices must be accompanied by proof of payment (i.e. cancelled checks).

3. I understand that an inspection of the project must be performed by City staff upon completion of the project.

4. I agree to follow the plan submitted with the application and I understand that failure to do so may disqualify the project for grant funding.

5. I agree to all of the attached "Conditions of Approval", if any, as developed by the Historic Landmarks Commission.

6. I agree to complete all improvements within one year of approval from the Historic Landmarks Commission. Any time extension must be filed and approved by the Historic Landmarks Commission.

Property Owners Signature:_____ Date: _____

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1. Increase economic vitality through Downtown and neighborhood revitalization.
2. Promote adaptive reuse of and investment into Downtown properties that strengthens the mix of uses within multistory structures.
3. Provide attractive storefronts occupied with a variety of appealing retail and service businesses.
4. Help new and existing Downtown businesses be successful through increased visitation and technical assistance.

These objectives are the foundation to achieve a sustainable, vibrant community. This grant has been created to obtain the goals set forth in the Historically Hip Charles Town 2040 Comprehensive Plan.

The Details:

This competitive grant program will provide reimbursable grant funds up to $25,000 per building. If there is a strong case for additional funding the max may be increased to $50,000. This round of funding is $125,000. This will be at the discretion of the Revive! Grant Committee and involve an interview process. This grant may be paired with the Façade improvement Grant or the Sidewalk Improvement Grant.

Partner Community Capital will offer up to $1,500 in soft costs, per project up to $15,000 total, pending approval from the grant administrator and PCAP. This will include a walkthrough of the property and offer a physical report highlighting recommendations.

The total reimbursement shall not exceed 60% of the total project costs up to $25,000. Construction may only begin after grant approval. Project must be completed within 12 months of approval. Project must begin within 90 days of confirmation of award. Project space must be utilized as intended for 3 years following completion. If property sits vacant for six months, is sold, or, changes use, the city reserves the right to request a repayment of the grant awarded.

Eligibility Requirements:

1. All grant funds must be for a commercial space on a property in the Historic Overlay District or zoned Old Town Mixed Use Commercial. Preference will be given to vacant buildings. Mixed-use buildings may include residential but grant funds cannot be used to improve residences.
2. Grant funds cannot be used to correct existing code violations created or caused by existing property owner or tenant, for property damage by collision, acts of nature, or occurrences covered by insurance.

3. Work must be approved by the Zoning Administrator/Historic Landmarks Commission, as appropriate based on scope of work.
4. Work paid for with grant funds must begin after grant has been approved. *See exception
5. All work must comply with the City of Charles Town Building Code and all relevant permits and inspections are required.
6. Only one (1) Revive! Grant will be awarded per business entity per year.

Grants for full-service restaurant commercial space are prioritized. Experience based and retail space is a secondary priority.

*Work MAY begin after the below work release is received and reviewed by the Zoning Administrator/Building Inspector. Due to the extended deadline, it is not the intention to delay work. Please complete form attached to begin work. Work can begin once signed form is returned to the applicant.

Ineligible Properties:

1. New Construction, unless funding is for a full commercial kitchen
2. Government properties
3. National franchises
4. Tax Exempt Properties/No Profit Organizations
5. Work begun or materials purchased before grant approval
6. Properties in litigation, condemnation, or receivership
7. Properties that have outstanding taxes, fees, penalties, or delinquencies with Federal, State, or local governments
8. If applicable, properties not current with their business license
9. Residential spaces

Eligible Expenses:

1. Interior plumbing, electrical or HVAC improvements that results in compliance with current building code
2. Repairing or replacing drywall, plaster, walls, floors, ceilings, or roof
3. Repairing or construction of bathrooms, or bathroom expansion
4. Repairs or construction required under the Americans with Disabilities Act
5. Repairs to achieve compliance with the Fire Code
6. Asbestos Remediation
7. Structural Installation of commercial kitchen (construction, venting, electrical)
8. Hood installation
9. Possible other uses by request

Ineligible Costs:

1. Personal Property
2. Security Systems
3. Kitchen equipment, other than the equipment detailed above
4. Soft Cost, such as architect, engineer, designer, or other consultant fees, permit fees, license fees, taxes, and insurance
5. Signs or decorative items

6. Costs that would otherwise be covered by the façade improvement grant or the sidewalk improvement program grant

Application and Review Process:

1. Pre-Application Meeting: We recommend that potential applicant contact the Business Development & Downtown Coordinator to express interest in this grant.
2. Inquiry Release: Applicant will need to complete an inquiry release for the walk-through assessment.
3. Application Review: Building inspector will review the application package to determine if all work meets code requirements. If scope of project impacts the façade or requires a zoning approval, application will be sent to the appropriate committee for approval.
4. Revive! Review Committee: The application will be reviewed by the Revive! Review committee to determine approval. The committee will consider the following criteria:
    a. Is the building vacant?
    b. Does the project contribute to the establishment of a new retail business or new restaurant located in the Historic Overlay District or zoned Old Town Mixed Use Commercial?
    c. Will the project positively contribute to the city's redevelopment efforts?
    d. Does this project align with the Historically Hip 2040 Comprehensive Plan?
    e. Will the grant result in an improvement, that without the grant, would not be made?

*All decisions made by the committee are final. The Committee reserves the right to not fund projects. Committee consists of City Manager, Community Development Director, Business Development Coordinator, Building Inspector, and Zoning Administrator.

Required Documents for Applications:

Applications must include documentation to demonstrate the cost and visual impact of the project. Failure to include all information will delay the review process. Please include the following:

1. Completed application form.
2. Specific details of proposed improvements.
3. Current photos of existing conditions.
4. Scaled floor plan.
5. Building permit applications.
6. If applicant is not the property owner, written consent of the property owner.
7. Two competitive proposals from licensed and bonded contractors are required.

Project Management

All property owners or tenants accepted into the Revive! Grant Program will be fully responsible for managing construction of projects, including, but not limited to, obtaining bids, selecting contractors, obtaining approvals, permits, and insurance, overseeing construction work, and paying all invoices for work, materials, and supplies.

The City of Charles Town encourages employment and business opportunities for local residents and businesses. Participants shall seek to solicit bids and proposals, materials, and labor from qualified local residents and businesses whenever possible.

Property owners or tenants may not discriminate on the basis of race, gender, religion, national origin, ethnicity, ancestry, origin, sexual orientation, marital status, creed, age, or disability in the solicitation of contractors, subcontractors, workers, and suppliers.

The City makes no guarantees on quality and soundness of construction or other repairs, additions, or removals. Any contractor or subcontractor working on the project must be licensed and insured. In addition, any contractor or subcontractor must have a valid business license issued by the City of Charles Town. The property owner or tenant is responsible for ensuring that all contractors and subcontractors meet these requirements.

DRAFT

Revive!
Commercial Grant Program
The City of Charles Town

Application

Applicant's Name: _____ Date: _____

Company Name: _____ Phone: _____

Mailing Address: _____ Email: _____

Project Address: _____

If you are not the property owner, please provide the property owner information:

_____

_____

Proposed project:

_____

_____

_____

_____

_____

_____

Estimated Total Project Budget: _____

Grant Amount Requested: _____

Estimated project start date: _____

Estimated project end date: _____

The following items are included with this application:

_____ Before Photographs

_____ After sketches or illustrations

_____ Estimates from contractors

_____ Building permit and other necessary approvals

I have reviewed the following documents, as they pertain to my application:

____ Codified Ordinances of the City of Charles Town

____ Charles Town Historic Landmarks Commission Design Review Standards

I agree that the information provided above and within is accurate and correct to the best of my knowledge.

Property Owner's Printed Name: _____

Property Owner's Signature: _____

Date of Application: _____

Tenant's Signature If applicable: _____

DRAFT

Revive!
Commercial Grant Program
The City of Charles Town

Grant Approval Agreement

1. I understand that grant monies shall not be distributed until all proposed work is completed and inspected.

2. I understand that I have to provide receipts related to the project. If a contractor was used, a written invoice must be provided to the City before funds will be granted. For projects that involve a contractor, receipts and invoices must be accompanied by proof of payment (i.e., cancelled checks). If a contractor was not used, receipts must be provided to the City Staff before a reimbursement will be issued. Only materials may be reimbursed for projects that do not use a contractor. Receipts and invoices must be accompanied by proof of payment (i.e., cancelled checks).

3. I understand that an inspection of the project must be performed by City staff upon completion of the project.

4. I agree to follow the plan submitted with the application and I understand that failure to do so may disqualify the project for grant funding.

5. I agree to all of the attached "Conditions of Approval", if any, as developed by the Historic Landmarks Commission.

6. I agree to complete all improvements within one year of approval from the Historic Landmarks Commission if necessary. Any time extension must be filed and approved by the Historic Landmarks Commission.

Property Owners Signature: _____ Date: _____

Revive!
Commercial Grant Program
The City of Charles Town

RELEASE TO BEGIN WORK

Name: _____

Property Address: _____

Description of Project: _____

_____

_____

Building Permit Submit Date: _____

By submitting this document, applicant understands that this does not guarantee grant award. This is a competitive grant process and not all applicants will receive funding. This release permits work to begin during Revive! Commercial Grant Application Period.

Applicant Signature: _____

Approval:

Building Inspector Signature: _____

Zoning Administrator Signature: _____

Business Development Coordinator Signature: _____

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-526: Plan for Filing Ward 4 Council Vacancy

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-527: Board of Parks and Recreation Commission Membership Review

Discussion on the possibility of holding a public hearing per Article 138.

ATTACHMENTS:

- Article 138 - Board of Parks and Recreation -from website.pdf

ARTICLE 138

Board of Park and Recreation Commissioners

138.01 Purpose.
138.02 Definitions.
138.03 Establishment of Board of Park and Recreation Commissioners.
138.04 Powers and duties.
138.05 **Severability.**

CROSS REFERENCES
Applicable West Virginia State Codes to this Article include: WV Code 8-21.

138.01 PURPOSE.

The purpose of this article is to establish a Parks and Recreation Ordinance together with a Board of Parks and Recreation Commissioners of Charles Town, West Virginia in accordance with West Virginia State Code §8-21-1 et seq. The Board of Parks and Recreation Commissioners is established for the purpose of constructing, improving, extending, developing, maintaining, and operating a City public parks and recreation system.
(Ord. 2020-012. Passed 8-3-20.)

138.02 DEFINITIONS.

(a) "City" is the City of Charles Town, West Virginia.
(b) "City Council" is the City of Charles Town City Council.
(c) "Director" is a person so designated and in charge of the Parks and Recreation Department.
(d) "Park" is a park, playground, natural area, recreation center, or any other area in the City owned by the City or the Board of Parks and Recreation Commissioners, or used by and through a contract or agreement, and devoted to active or passive recreation.
(e) "Board" is the seven-member public corporate body established to effectuate the purposes and provisions of this ordinance.
(f) "Commissioners" are appointed members of the Board by the City Council.
(Ord. 2020-012. Passed 8-3-20.)

138.03 ESTABLISHMENT OF BOARD OF PARK AND RECREATION COMMISSIONERS.

(a) The Board herein created will be a public corporate body, with perpetual existence and common seal. It will have the power to purchase, hold, sell and convey real or personal property; receive gift, grant, donation, bequest or devise; sue and be sued; contract and be contracted with; and do any and all things and acts which may be necessary, appropriate, convenient or incidental to carry out and effectuate the purposes and provisions of this Ordinance.
(b) The Board will consist of seven voting Commissioners. Commissioners will be residents of the City of Charles Town. Commissioners will be appointed by City Council.
(c) Appointment of membership will consist of seven Commissioners with not more than two Commissioners of the City Council. The term of any City Council member appointed to serve on the Board will run concurrent with the member's term on the council.
(d) No officer or employee of the City, other than an appointed Commissioner(s) of the City Council, whether holding a paid or unpaid office, is eligible for appointment to the Board.
(e) The terms of other appointed Commissioners will be for six years and until their successors have been duly appointed and qualified.
(f) The Commissioners of the Board will qualify by taking and filing with the City Clerk, the oath prescribed by law for public officials.
(g) At the first meeting of each calendar year, or as needed to accommodate vacancies, the Commissioners of the Board will organize by electing one of their number president, and another vice president, and by electing a secretary who need not be a Commissioner of the Board. The secretary will keep an accurate record of the fiscal affairs of the Board and will keep a certified or approved written record of the Board's proceedings which will be available for inspection as are other municipal records. The City Treasurer will be ex officio Treasurer of said Board and will take the oath prescribed by law and will furnish such bond as may be required by said Board.
(h) Commissioners will serve without compensation. Commissioners will be entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties as Commissioners. They will not be personally interested, directly or indirectly, in any contract entered into by said Board, or hold any remunerative position in connection with the establishment, construction, improvement, extension, development, maintenance or operation of any of the property under their control.
(i) The Charles Town City Manager, or designee as appointed by the City Council, will be the Director of the Parks and Recreation Department and will be an ex-officio Commissioner of the Board, with the responsibility to participate in discussions, but without the right to vote.
(j) Each Commissioner will be subject to removal by City Council by the recorded vote of a majority of City Council after a public hearing thereon. The decision of City Council as to such removal will be final and not subject to review by any court, arbitrator, or other body, and each Director accepting such appointment will acknowledge the finality of such decision.
(Ord. 2020-012. Passed 8-3-20.)

138.04 POWERS AND DUTIES.

The Board will have the following powers and perform the following duties:
(a) Act in an advisory capacity to the City Council in all matters pertaining to parks and recreation; will acquaint itself with and make a continuous study and review of the complete parks and recreation services of the City; and will advise with City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement, and use policies of the City's parks and recreation services; and
(b) Using the authority granted under West Virginia State Code §8-21-7, work in conjunction with the Director of Parks and Recreation as to the policy direction of the Parks and Recreation Department. The supervisory powers of the Board to manage and operate the City's parks system will be delegated to the Director of Parks and Recreation. The Board will review the proposed budget for the Parks and Recreation Department and make recommendations to the City Council through the Director as it deems necessary; and
(c) Study and encourage the development of park and recreation areas and study and encourage the development of wholesome

recreation for all residents of the City of Charles Town; and

(d) After concurrence by the City Council, acquire in its name by purchase, lease, parkland dedication, by exercise of the power of eminent domain, or otherwise, such land or lands as it will determine to be necessary, appropriate, convenient or incidental to the establishment, construction, improvement, extension, development, maintenance or operation of a system of public parks, parkways, playgrounds, athletic fields, stadiums, arenas, and other public parks and recreational facilities for the City; and

(e) Consult with the Parks and Recreation Department Director on problems of development of recreation areas, facilities, programs, and improved recreational services; and

(f) Recommend the adoption of standards, areas, facilities, program, and financial support; and

(g) Establish and periodically review a master planning guide for parks and recreation and become familiar with such plan and its relation to existing and proposed facilities and will become aware of any revision or updating thereof; and

(h) Advise and recommend to the City Council on the development of long-range capital improvement programs and, when in its opinion the need exists for additional parks and recreational facilities, grounds, premises, or equipment, it will make appropriate recommendations to the City Council; and

(i) Using the authority granted in West Virginia State Code §8-21-9 to take title to real and personal property and after concurrence by the City Council, convey real property to the Board by public bodies; sell and convey real property by the Board and execute deeds; and

(j) Using the authority granted in West Virginia Code §8-21-10 as to general powers, enactment and enforcement of rules and general counsel, provided however, develop for City Council review and adoption, rules and regulations as may be prescribed by the Board for use of parks and recreational facilities and enforcement therein; and

(k) From time to time recommend to the City Council amendments to or changes in this Ordinance; and

(l) Through its President, make both an oral and written report annually to the City Council concerning its activities during the past year and its proposals for the coming year; and

(m) Develop and recommend written policies and procedures for the Parks and Recreation Department Director to follow for the use of parks and recreational facilities and for the conduct of all recreational activities which policies and procedures will be subject to approval by the City Council; and

(n) Develop for City Council approval a set of by-laws and governing rules of procedure for their meetings and operation; and

(o) Have the power to charge for use of recreational facilities and use those funds accordingly on behalf of the City of Charles Town as prescribed in West Virginia State Code §8-21-11; and

(p) Receive and disburse for such purposes, any moneys appropriated to it by the City Council, together with any other funds which may come into its hands by gift, grant, donation, bequest, devise, or from its own operation, or otherwise. The City and the Board will comply with West Virginia State Code §8-21-13 for public parks and recreation bonds; and

(q) All powers and duties prescribed and delegated herein are delegated to the Board as a unit and all action hereunder will be of the Board acting as a whole. No action of an individual Commissioner is authorized except through the Board.

(Ord. 2020-012. Passed 8-3-20.)

138.05 SEVERABILITY.

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

(Ord. 2020-012. Passed 8-3-20.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-528: Town Hall Discussion on Route 51 Traffic Feasibility Study

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-529: Possible Executive Session - Zoning Enforcement

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-536: Tree City USA Presentation

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-537: Police Civil Service Rules Update

The Legislature of West Virginia unanimously passed changes to the Police Civil Service Rules and Regulations that will go into effect on May 30, 2024. The following is a list of those revisions:

1. Sections 4.07 and 4A.05 are revised to eliminate the maximum age requirement (HB5122). Pages 10 and 14
2. Section 6.06(a) is revised to make clear that an existing list of eligibles for promotion is used if everyone eligible for promotion (except for anyone who informs the Chief they won't seek promotion) either is (i) on the existing list or (ii) is not on the list because they failed to meet the required minimum score. Basically, everyone had a chance. Page 17
3. Section 6.08(a) is revised to specify that the Application for promotion must include the basic information from Section 4.06(b) (name, residence and post office address) and a statement that the applicant will either take the new examination or not take it and use their old score. Page 19
4. Section 6.08(c) was added to clarify that applications for promotion are required only when new testing is to be conducted and a new list of eligibles compiled. Page 19

Proposed Motion:

Move to approve the updated Rules and Regulations of the Police Civil Service Commission of The City of Charles Town, West Virginia effective May 30, 2024.

ATTACHMENTS:

- hb5122 sub.pdf
- Revised Police Civil Service Rules Regulations - 30 May 2024(20385181.1 SJDOCS) Redline 1.pdf

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5122

By Delegates Hillenbrand, Ward, Adkins, Petitto,

Brooks, Gearheart, Ridenour, Fast, Fehrenbacher,

Foggin, and Heckert

[Originating in the Committee on the Judiciary;

Reported on January 31, 2024]

A BILL to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as amended, relating to civil service for deputy sheriffs; renumbering certain sections; removing age restrictions for original appointments as a deputy sheriff; clarifying the requirements for return to work of a deputy sheriff; and removing the age restrictions for original appointment as a municipal police officer.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-8. Form of application; age requirements; exceptions.

(a) The civil service commission in each ~~such~~ county shall require persons applying for admission to any competitive examination provided for under this article or under the rules and regulations of the commission to file in its office, within a reasonable time prior to the proposed competitive examination, a formal application in which the applicant shall state under oath or affirmation:

(1) His or her full name, residence and post-office address;

(2) His or her United States citizenship, age and the place and date of his or her birth;

(3) His or her health and his or her physical capacity for the position of deputy sheriff;

(4) His or her business, employments and residences for at least three previous years; and

(5) Such other information as may reasonably be required, relative to the applicant's qualifications and fitness for the position of deputy sheriff.

(b) Blank forms for ~~such~~ the applications shall be furnished by the commission, without charge, to all persons requesting ~~the same~~ applications. The commission may require, in connection with the application, such certificates of citizens, physicians or others, having pertinent knowledge concerning the applicant, as the good of the service may require.

(c) No application for original appointment shall be received on and after the effective date of this article, if the person applying is less than eighteen years of age ~~or more than forty-five years of age~~ at the date of his or her application. There shall be no other age-based restrictions on applications for original appointments.: ~~*Provided,* That in the event any applicant formerly served as a deputy sheriff for a period of more than six months in the county to which he makes application, and resigned as a deputy sheriff at a time when there were no charges of misconduct or other misfeasance pending against him, within a period of two years next preceding the date of his application, and at the time of his application resides within the county in which he seeks appointment by reinstatement, then such applicant shall be eligible for appointment by reinstatement in the discretion of the civil service commission, even though such applicant shall be over the age of forty-five years, provided he is not sixty-five years of age or over, and such applicant, providing his former term of service as a deputy sheriff so justifies, may be reappointed by reinstatement without a competitive examination, but such applicant shall undergo a medical examination; and if such applicant shall be so appointed by reinstatement as aforesaid, he shall be the lowest in rank in the sheriff's office next above the probationers of the office~~.

(d) Any applicant who formerly served as a deputy sheriff for more than six months before resignation is eligible for reinstatement by appointment if:

(1) No charges of misconduct or other misfeasance are pending against the applicant;

(2) The applicant seeks reinstatement within two years of resignation as a deputy sheriff;

(3) The applicant resides in the same county as the original appointment; and

(4) The applicant completes a medical and psychological examination to certify the applicant can perform the duties of a deputy sheriff.

The commission may reinstate the applicant without a competitive examination in the commission’s discretion.

(e) If an applicant is successfully reinstated as a deputy sheriff pursuant to subsection (d), the applicant shall be the lowest in rank in the sheriff's office next above the probationers of the office.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

Part V. Civil Service for Certain Police Departments.

§8-14-12. Form of application; age and residency requirements; exceptions.

(a) The policemen's civil service commission in each Class I and Class II city shall require a person applying for admission to any competitive examination provided under the civil service provisions of this article or under the commission's rules to file in its office, within a reasonable time prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

(1) The applicant's full name, residence, and post-office address;

(2) The applicant's United States citizenship, age, and the place and date of the applicant's birth;

(3) The applicant's state of health and the applicant's physical capacity for the public service;

(4) The applicant's business and employments and residences for at least three previous years; and

(5) Other information as may reasonably be required, touching upon the applicant's qualifications and fitness for the public service.

(b) Applications shall be furnished by the commission, without charge. The commission may require, in connection with the application, the certificates of citizens, physicians, and others, having pertinent knowledge concerning the applicant, as the good of the service may require.

(c) Notwithstanding the provisions of §11-5-1 *et seq.* of this code, a person may not submit an application for original appointment if the person is less than 18 years of age ~~or more than 40 years of age~~ at the date of the individual's application. There shall be no other age-based restrictions on applications for original appointments.

(d) Notwithstanding the requirements established in this section, if an applicant: (1) Formerly served upon the paid police department of the city to which he or she makes application, for a period of more than his or her probationary period; (2) resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant; and (3) applies for appointment by reinstatement within a period of two years from the date of resignation from the paid police department to which the individual seeks appointment by reinstatement, then the individual is eligible for appointment by reinstatement in the discretion of the policemen's civil service commission. ~~The applicant may be over the age of 40 years.~~ Age will not be a factor in appointment consideration. The applicant, providing his or her former term of service so justifies, may be appointed by reinstatement to the paid police department without a competitive examination, but the applicant shall undergo a medical examination. The applicant shall be the lowest in rank in the department next above the probationers of the department.

RULES AND REGULATIONS OF THE POLICE CIVIL SERVICE COMMISSION OF THE CITY OF CHARLES TOWN, WEST VIRGINIA

PART I – GENERAL

1.01 AUTHORITY FOR PROMULGATION

The Rules and Regulations contained herein are promulgated pursuant to the authority vested in the Police Civil Service Commission of the City of Charles Town, West Virginia, by Section 10(1), Article 14, Chapter 8 of the Code.

1.02 EFFECTIVE DATE

The Rules and Regulations contained herein become effective when they have been approved by the Mayor and the City Council of Charles Town, West Virginia; *provided that,* if the Mayor and the City Council take no action on these Rules and Regulations within twenty (20) days from the date of submission of these Rules and Regulations to them, these Rules and Regulations shall then become effective as if approved by the Mayor and the City Council. [§8-14-10(1)]

1.03 DISTRIBUTION OF COPIES

Copies of these Rules and Regulations, as approved by the Mayor and the City Council or deemed effective as if approved, shall be available for distribution throughout the Police Department. A copy of these Rules and Regulations shall be posted in the Police Department Headquarters. Each new officer shall have the Rules and Regulations discussed during orientation by the Training Officer.

1.04 AMENDMENTS

Amendments to these Rules and Regulations may be adopted from time to time by the Commission and shall become effective on the date of their approval by the Mayor and the City Council or twenty (20) days after their submission to said Mayor and City Council if those parties fail to take action on the proposed amendments in that time, whichever date is sooner. Copies of amendments to these Rules and Regulations shall be posted in a conspicuous place at the Charles Town City Hall and at the Police Department Headquarters, for thirty (30) days from passage.

1.05 PURPOSES

The purpose of these Rules and Regulations are:

(a) To give security to the Members of the paid Police Department of the City of Charles Town against the vicissitudes that may attend political municipal elections in the absence of civil service statutes and regulations;

(b) To provide for a complete, all inclusive and non-discriminatory system for the appointment, promotion, reduction, removal and reinstatement of Members of the paid Police Department of the City of Charles Town; and

(c) To provide for an efficient, professional and competent police department to serve the City of Charles Town.

1.06 CONSTRUCTION; APPLICABILITY

(a) These Rules and Regulations shall be liberally construed to accomplish their objectives and purposes. Notwithstanding anything to the contrary herein, these Rules and Regulations shall be interpreted and applied in all cases in accordance with the requirements of Sections 6 through 24, Article 14, Chapter 8 of the Code.

(b) These Rules and Regulations apply only to positions of employment by the Police Department that clothe the holder of the position with police power of the State in being authorized to carry deadly weapons, make arrests, enforce traffic and other municipal ordinances, issue summonses for the violation of traffic and other municipal ordinances, and perform other duties which are within the scope of active, general law enforcement. These Rules and Regulations are not intended to apply to any other position of employment within said Police Department that is not clothed with such powers.

(c) Notwithstanding anything to the contrary herein, the provisions of Section 5, Article 29, Chapter 30 of the Code shall apply to Members of the paid Police Department. Each Member shall be responsible for timely providing to the Chief of Police certification of having met the minimum entry-level law enforcement qualification and training program requirements, and the Member's failure to do so shall subject the Member to automatic termination.

PART II – DEFINITIONS

2.01 DEFINED TERMS

As used in these Rules and Regulations, the term or phrase:

(a) "Appointing Officer" means the Mayor of the City of Charles Town, West Virginia, or such person to whom the Mayor may delegate the role, duties, and responsibilities of Appointing Officer from time to time.

(b) "Code of West Virginia" or "the Code" means the Code of West Virginia of 1931, as amended.

(c) "Commission" or "Police Civil Service Commission" means the Police Civil Service Commission of the City of Charles Town, West Virginia, duly constituted and

appointed under the provisions of Section 7, Article 14, Chapter 8 of the Code.

(d) "The Department" or "the Police Department" means the Police Department of the City of Charles Town.

(e) Except where reference is made to members of the Commission, "Member" or "Member of the paid Police Department" means and includes any individual employed by the Police Department of the City of Charles Town who is clothed with police power of the State in being authorized to carry deadly weapons, make arrests, enforce traffic and other municipal ordinances, issue summonses for the violation of traffic and other municipal ordinances, and perform other duties which are within the scope of active, general law enforcement. [§8-14-16(c)]

(f) "Original Appointment" means the process whereby vacancies not filled by Promotion, reinstatement, reduction or non-competitive examination (provisional appointment) are filled by persons making an original entry into the Department.

(g) "Promotion" means the process whereby persons advance from a given rank within the Department to a higher one. The term "Promotion", in the discretion of the Commission, may also mean a raise in the base pay not shared by other Members of the same rank. Incentive pay increases do not constitute a Promotion if shared by or available to all Members of the Department or available to all persons holding a given rank.

(h) "Removing Officer" means the Chief of Police of the City of Charles Town.

(i) "Removal, Discharge, Suspension, or Reduction in Rank or Pay" means any such removal, discharge, suspension, or reduction in rank or pay, regardless of the time period involved.

PART III – POLICE CIVIL SERVICE COMMISSION

3.01 ORGANIZATION OF THE COMMISSION

(a) Membership: The Commission shall consist of three (3) members, whose appointment and removal shall be in accordance with the terms of Section 7, Article 14, Chapter 8 of the Code. During the term of his or her appointment, each Commissioner must be a resident of West Virginia and a qualified voter of the City of Charles Town. A person shall not be appointed or reappointed as a Commissioner if the person: (i) has been convicted of a felony or any misdemeanor involving moral turpitude under the laws of any jurisdiction; (ii) is a relative (as defined in Section 3, Article 1, Chapter 6B of the Code) of the Mayor of the City of Charles Town or the president, chairman, or similarly situated executive official of the local fraternal order of police or the local chamber of commerce or local businessmen's organization, from which the appointment is made; (iii) holds any other office (other than the office of Notary Public) under the United States, the

State of West Virginia, or any municipality, county or other political subdivision thereof; or (iv) serves on any political committee or takes an active part in the management of any political campaign. For purposes of the foregoing clause (iii), the position of police officer, whether of the City of Charles Town or any other jurisdiction, shall be considered an office rendering the person holding such position ineligible for appointment as a Commissioner. [§8-14-7(b), (c), & (l)]

(b) President-Vice President

(1) At the first meeting of the Commission after the first day of July in each year, the three (3) members of the Commission shall elect one of their number to serve as President of the Commission and one of their number to serve as Vice President of the Commission. [§8-14-7(g)]

(2) It shall be the duty of the President of the Commission to preside over meetings of the Commission and to generally act as spokesman for the Commission. The President shall also cause a complete record of Commission actions and activities to be kept.

(3) It shall be the duty of the Vice President of the Commission to perform the duties of the President in the event of the President's absence from a meeting, or in the event of the President's death, resignation from the Commission or other permanent incapacity, until such time as a new member is appointed to the Commission and a new president is elected.

(4) In the event of the death, resignation or other incapacity of the President or Vice President of the Commission, a new President or Vice President, as the case may be, shall be elected in the manner provided for above immediately following the appointment of a new member to the Commission.

(c) Quorum: Except as hereinafter provided, two (2) members of the Commission shall constitute a quorum for the transaction of business.

(d) Meetings: The Commission shall meet at the call of any member or the Chief of Police as needed. The Commission may, in its discretion from time to time, schedule regular meetings for all or any portion of the then current fiscal year. At least three (3) business days prior to any meeting, the Commission shall post notice of the meeting in the lobby of the Charles Town Police Department and make available an agenda describing all matters requiring official action of the Commission; *provided that*, in the case of an emergency meeting called to address an unexpected event that requires immediate attention as permitted under Section 3(h), Article 9A, Chapter 6 of the Code, notice need not be posted three (3) business days prior and the Commission shall instead post notice of the emergency meeting as soon as practicable after it is called. Notice of a meeting shall state the date, time, and place of the meeting, and, in the case of notice of a special meeting, the purpose of the meeting, and, in the case of notice of an emergency meeting, the facts and circumstances of the emergency. Meetings shall be open to the

public, but the Commission may hold an executive session during any meeting consistent with the provisions of Section 4, Article 9A, Chapter 6 of the Code. Meetings may be held by telephone conference or other electronic means by which all persons participating may hear and communicate with each other.

(e) Records to be Kept; City Clerk or City Recorder to act as Clerk

(1) The Commission shall cause minutes of its own proceedings, records of its examinations, recommendations of applicants for office received by the Commission, the Chief of Police, or the Appointing Officer, and any other records of the Commission's official acts to be kept as official records of the Commission. All such records shall be kept and preserved by the Commission for a period not less than (10) years. With the exception of minutes of executive sessions, recommendations of former employers, psychiatric and psychological examinations, medical examinations and records, polygraph examinations, financial information and other information deemed by the Commission to be of a personal and confidential nature, all such records, including all written causes of removal filed therewith, shall, subject to reasonable regulation, be open to public inspection. [§8-14-10(2)]

(2) The City Clerk or City Recorder of the City of Charles Town shall be *ex officio* Clerk of the Commission and shall supply to the Commission without extra compensation, such clerical and stenographic services as may be required by the Commission. [§8-14-8]

3.02 POWERS AND DUTIES OF THE COMMISSION

The Commission shall implement and enforce these Rules and Regulations and, in connection therewith, the Commission shall:

(a) Make investigations, as a body or through a single Commissioner, concerning all matters touching the enforcement and effect of these Rules and Regulations and the civil service provisions of Article 14, Chapter 8 of the Code or concerning the action of any person in the public service with respect to the execution of such items, and in connection therewith administer oaths and affirmations and take testimony; [§8-14-10(3)]

(b) Hold such hearings as may be required by law or such hearings as it may, in its discretion, determine to be necessary, in accordance with these Rules and Regulations;

(c) Have the power to subpoena and require the attendance of witnesses, and the production by such witnesses of books and papers pertinent to investigations and inquiries within the scope of the Commission's authority, and examine them and such public records as it shall require, in relation to any matter within the Commission's investigatory authority, all in accordance with the provisions of Section 10(4), Article 14, Chapter 8 of the Code; [§8-14-10(4)]

(d) Make an annual report to the Mayor concerning its actions, these Rules and Regulations, and such other matters as specified in Section 10(5), Article 14, Chapter 8 of the Code; and [§8-14-10(5]

(e) Have all other powers expressed in the Code or these Rules and Regulations and such other powers as may be fairly implied therefrom.

PART IV – ORIGINAL APPOINTMENT

4.01 APPLICATION OF THIS PART

Vacancies not filled by Promotion, reinstatement, reduction or non-competitive examination (Provisional Appointment), shall be filled in accordance with the provisions of this Part IV. [§8-14-15]

4.02 COMMISSION TO BE NOTIFIED OF VACANCY BY APPOINTING OFFICER

The Appointing Officer shall notify the Commission of any vacancy which he or she desires to fill by Original Appointment of a probationary police officer. In conjunction with such notification, the Appointing Officer shall request that the names of persons eligible for Original Appointment be certified to him or her by the Commission pursuant to Section 4.03(a). [§8-14-15]

4.03 CERTIFICATION OF NAMES FOR APPOINTMENT

(a) Upon receipt of a request for such names from the Appointing Officer: (i) if there are then on the list of eligibles for Original Appointment three (3) or more names of persons who both submitted timely and complete applications for the vacant position and passed the physical fitness and agility examination required under Section 4.05(b), the Commission shall, subject to Section 4.03(a)(1), certify to the Appointing Officer in ranking order from such names the three (3) names ranking highest on the list of eligibles; or (ii) if there are then on the list of eligibles for Original Appointment only one (1) or two (2) names of persons who both submitted timely and complete applications for the vacant position and passed the physical fitness and agility examination required under Section 4.05(b), the Commission shall, subject to Section 4.03(a)(1), certify to the Appointing Officer such name or names, in ranking order. [§8-14-15]

(1) If a list of eligibles then exists in force and effect, the Commission may, in its discretion, either (A) certify names from the existing list of eligibles in accordance with Section 4.03(a), or (B) elect to instead establish a new list of eligibles in accordance with these Rules and Regulations and then certify names from such new list of eligibles in accordance with Section 4.03(a).

(2) If a list of eligibles then does not exist in force and effect, the Commission shall proceed to establish a new list of eligibles in accordance with these Rules

and Regulations and then certify names from such new list of eligibles to the Appointing Officer in accordance with Section 4.03(a).

(b) If the Appointing Officer objects to the Commission to inclusion of an individual's name on the list of certified names due to any reason specified in Section 4.10(a), the name of the next highest individual on the list of eligibles for Original Appointment of persons who both submitted a timely and complete application for the vacant position and passed the physical fitness and agility examination required under Section 4.05(b), if any, shall be substituted for the name objected to if the Commission sustains such objection after a public hearing, if one is requested. Such objection may be made at any time prior to the subject appointment. [§8-14-15]

4.04 APPOINTMENT; PROBATIONARY STATUS

(a) Following receipt by the Appointing Officer of the list of names certified by the Commission and before any individual is appointed from such list as a probationary police officer, the individual(s) named on such list shall undergo the following steps, the results of which shall be considered by the Appointing Officer in evaluating the merit and fitness of the candidate(s):

(1) A background investigation in accordance with the provisions of Section 10.03(b) below;

(2) A polygraph examination testing the candidate's truthfulness in accordance with the provisions of Section 10.03(c) below; and

(3) A personal interview conducted by the Appointing Officer examining the candidate's verbal communication skills, interpersonal skills, problem-solving abilities, teamwork skills, other cognitive abilities, and comprehension of the fundamental characteristics required of a police officer. The Appointing Officer may, in his or her discretion, include in such interview one or more of the following: the City Manager, the Chief of Police, members of the Commission, members of the City's Common Council, and members of the Police Department designated by the Chief of Police, and consider their respective evaluations of the candidate.

(b) Following completion of the steps specified in Section 4.04(a) above, and from the list of names certified by the Commission, the Appointing Officer shall, with sole reference to the relative merit and fitness of the candidates, determine the individual best suited to be appointed as a probationary police officer upon passing the medical examination (the "Prospective Appointee"). The Prospective Appointee shall be required to submit to a medical examination testing his or her general condition of health and fitness for the position, with drug testing conducted in accordance with SAMHSA guidelines, a physical fitness and agility examination, and a psychiatric or psychological examination, each testing his or her suitability for appointment. The medical examination shall be conducted in accordance with the provisions of Part X, below, and

the administering personnel shall be selected or approved by the Commission. [§8-14-15]

(c) If the Prospective Appointee satisfies all requirements of the medical examination specified in Section 10.03(a) below, the Appointing Officer shall appoint the Prospective Appointee as a probationary police officer. If the Prospective Appointee fails to satisfy all requirements of the medical examination, the Appointing Officer shall so inform the Commission, and the Commission shall certify a new list of names in accordance with Section 4.03(a), excluding said Prospective Appointee, and the process under this Section 4.04 shall be undertaken again, except that the steps under Section 4.04(a) need not be repeated for any individual subjected to such steps in the prior process. [§8-14-15]

(d) All Original Appointments as a police officer shall be for a probationary period of one year; *provided* that, a probationer may be discharged at any time during the probationary period for just cause in accordance with these Rules and Regulations and applicable law. If, at the end of the probationary period, the Appointing Officer is not satisfied with the conduct, performance, or abilities of the probationer, the probationer shall be notified in writing that he or she will not receive an absolute appointment and that his or her employment is terminated. [§§8-14-11 & 8-14-15]

4.05 ESTABLISHING LIST OF ELIGIBLES; CERTIFICATION; DURATION

(a) Except to the extent exempted by the Commission pursuant to the provisions of Part IVA (Reinstatement) or Part V (Provisional Appointments), below, every applicant for the position of probationary police officer shall be required to submit to a competitive written examination testing the applicant's merit and fitness to discharge the duties of the position. Such competitive written examination shall be conducted in accordance with the provisions of Part X, below, and the form and content of examination and the administering personnel shall be selected or approved by the Commission.

(b) Every applicant for the position of probationary police officer shall be required to submit to the physical fitness and agility examination required by Section 10.03(a)(2) below. [§8-14-11]

(1) In instances where names are to be certified from an existing list of eligibles pursuant to Section 4.03(a)(1)(A) above, the examination shall be conducted after the period for submitting applications has expired (unless the applicant previously passed such an examination conducted within ninety (90) days prior to the anticipated date of appointment).

(2) In instances where a new list of eligibles is to be established pursuant to Section 4.03(a)(1)(B) or 4.03(a)(2) above, the examination shall be conducted within two (2) weeks following the corresponding competitive written examination.

(c) Upon completion of the competitive written examination procedures, the

Commission shall compile a list of eligibles for Original Appointment consisting of the applicants for a position who passed the competitive written examination by achieving at least the minimum Average Examination Score required under Section 10.02(b) below, with such persons ranked on the list in the manner specified in Section 10.02(c) below.

(d) Such list of eligibles, when so ranked by the Commission, shall constitute the list of eligibles from which the Commission shall, in accordance with Section 4.03(a), certify to the Appointing Officer the names of individuals who both submitted a complete application for the vacant position and passed the physical fitness and agility examination, from which Original Appointment to the position shall be made as provided herein.

(e) The list of eligibles, as so constituted, shall continue in full force and effect until the occurrence of the earliest of the following:

(1) All names on the list are exhausted;

(2) Such list is superseded by a new list compiled after a subsequent competitive written examination. The new list shall include names and scores from competitive written examinations taken in the next preceding three (3) years, with averaging of scores in the event an applicant took multiple examinations during such three-year period; *provided that,* any score shall be stricken from the list and omitted from averaging when more than three (3) years has passed since the subject examination. The Commission may conduct examinations from time to time as it determines appropriate; or [§8-14-15]

(3) The passage of three (3) years' time from the date of the most recent competitive written examination with respect to which the list was compiled.

(f) Names shall be stricken from the eligibles list upon the Commission sustaining an objection of the Appointing Officer to inclusion of an individual on the list or upon a name having been rejected three (3) times for the same or another position in favor of a name or names below it on the list, both as provided in Section 15, Article 14, Chapter 8 of the Code, or upon the written request of the subject applicant. [§8-14-15]

4.06 APPLICATIONS

(a) An applicant for Original Appointment must timely submit a complete application to the Commission's office. Applications will be accepted only when a specific vacancy exists and is desired to be filled, as determined by the Appointing Officer. Applications may be submitted only for a specific vacancy then contemplated to be filled, and applications submitted for a prior vacancy, or when no vacancy exists, will not be considered or effective for a subsequent vacancy.

(b) Applications for Original Appointment shall be made on a form devised by the Commission. The form and content of the application may be varied from time to time

by the Commission, provided that the form must solicit the following information:

(1) Applicant's name, residence and post office address;

(2) Citizenship, age, place and date of birth of the applicant;

(3) State of health and physical capacity of the applicant for the position to be filled;

(4) Businesses, employments and residences of the applicant for the previous three (3) years; and

(5) Such other information relating to the applicant's qualifications and fitness for Original Appointment as the Commission may require. [§8-14-12(a)]

(c) The information solicited and given on the application shall be given under oath or affirmation. [§8-14-12(a)]

(d) The applicant shall also arrange for the submission to the Commission of such certificates of citizens, physicians, and other persons having pertinent knowledge concerning the applicant as shall be required by the application form or the instructions thereto. [§8-14-12(b)]

4.07 AGE REQUIREMENT

Applicants for Original Appointments as probationary police officers shall be not less than eighteen (18) ~~nor more than forty (40)~~ years of age on the date of his or her application. [§8-14-12(c)]

4.08 NOTICE OF VACANCIES & EXAMINATIONS - ORIGINAL APPOINTMENT

(a) If, after the Appointing Officer notifies the Commission of a vacancy to be filled by Original Appointment, the Commission intends to certify names from an existing list of eligibles pursuant to Section 4.03(a)(1)(A) above, the Commission shall use reasonable good-faith efforts to notify the individuals on that list of the following:

(1) That a vacancy in the position of probationary police officer exists and is to be filled by Original Appointment;

(2) That the individual must, by a designated deadline, submit to the Commission's office a complete application in order to be considered for the position;

(3) Locations at which applications for the position may be obtained;

(4) That passing a physical fitness and agility examination is a requirement

for appointment to the vacant position; and

(5) That a physical fitness and agility examination will be given on and at a date (at least one week following the notice), time, and place specified in the notice.

(b) If, after the Appointing Officer notifies the Commission of a vacancy to be filled by Original Appointment, a new list of eligibles is to be established pursuant to Section 4.03(a)(1)(B) or 4.03(a)(2) above, the Commission shall give public notice of the following items and further use reasonable good-faith efforts to notify the individuals on any existing list of eligibles of the following items:

(1) That a vacancy in the position of probationary police officer exists and is to be filled by Original Appointment;

(2) That interested persons must, by a deadline specified in the notice, submit to the Commission's office a complete application in order to be considered for the position;

(3) Locations at which applications for the position may be obtained;

(4) That passing both a competitive written examination and a physical fitness and agility examination is a requirement for appointment to the vacant position;

(5) That a competitive written examination for Original Appointment will be given on and at a date (at least one week following the latest publication of the notice), time, and place specified in the notice; and

(6) That a physical fitness and agility examination will be given on and at a date (at least one week following the latest publication of the notice), time, and place specified in the notice.

(c) In the event the Commission elects to conduct a written examination and establish a new list of eligibles at a time when no vacancy is to be filled, the Commission shall give public notice of the following:

(1) That a competitive written examination for Original Appointment to a position of probationary police officer in the Police Department will be given on and at a date (at least one week following the latest publication of the notice), time, and place specified in the notice; and

(2) That no vacancy currently exists in the Police Department, but that passing the competitive written examination will satisfy a requirement for eligibility for employment if and when a vacancy occurs.

(d) Each notice required under the above Sections 4.08(b) and 4.08(c) shall be:

(1) Published once a week for two (2) weeks in a newspaper of general circulation in the City of Charles Town, West Virginia;

(2) Posted in a conspicuous place at the City Hall and at the Police Department Headquarters;

(3) Distributed to such groups or organizations and in such manner as the Police Department or the Commission may direct; and

(4) Otherwise advertised, posted, or published in such media, sources, locations, and manner as the Police Department or the Commission may direct.

4.09 PROHIBITED INQUIRY

No question on the applications or the examinations mentioned in this Part, whether oral or written, shall be framed or designed so as to elicit from any applicant information relating to such applicant's political or religious opinions or affiliations, and no inquiry shall be made in any interview or otherwise concerning such opinions or affiliations, and any disclosure made by an applicant regarding any such opinions or affiliations shall be disregarded. [§8-14-18]

4.10 REFUSAL OF COMMISSION TO EXAMINE OR CERTIFY AS ELIGIBLE

(a) The Commission may refuse to examine an applicant, or after examination to certify as eligible an applicant, who:

(1) Does not meet the age requirement of Section 4.07 above or is found to lack any of the other established preliminary requirements for the examination or position for which he or she applied;

(2) Is physically so disabled as to be rendered unfit for the performance of the duties of the position desired;

(3) Is addicted to the habitual use of intoxicating liquors or drugs;

(4) Has been guilty of any crime or of infamous or notoriously disgraceful conduct;

(5) Has been dismissed from public service for delinquency or misconduct;

(6) Has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud, in his or her application, in any such examination, or in securing his or her eligibility; or

(7) Refuses to comply with the Rules and Regulations of the Commission. [§8-14-14]

(b) The Commission may refuse to examine or to certify as eligible an applicant, based upon credible information coming into its hands by way of the application, or any other source, prior to the date on which the applicant is appointed to fill a position by the Appointing Officer.

(c) The Commission may refuse to examine or to certify as eligible an applicant who fails to appear for an examination prior to the test seal being broken or the examination otherwise officially commencing, or who fails to abide by any announced rule, procedure, or instruction of the examination process.

PART IVA – APPOINTMENTS BY REINSTATEMENT [§8-14-12(d)]

4A.01 REQUIREMENTS FOR REINSTATEMENT

An applicant for appointment to a vacancy may, at the Commission's discretion, be appointed by reinstatement without a competitive examination if he or she meets the following preliminary requirements:

(a) The applicant previously served with the Police Department of the City of Charles Town for a period of time in excess of the required probationary period;

(b) The applicant resigned from the Police Department at a time when there were no charges of misconduct or other misfeasance pending against the applicant;

(c) The applicant's resignation occurred within two (2) years immediately preceding the date of his or her application;

(d) The applicant's performance and conduct during his or her prior term of service merit reappointment.

4A.02 RANK UPON REINSTATEMENT

All appointments by reinstatement shall be to only the lowest rank in the Department next above that of probationary police officer, and compensation upon reinstatement shall be at an amount determined by the Appointing Officer, within the range set for such lowest rank. Any officer appointed by reinstatement shall be treated as a new hire for all other purposes including, without limitation, vacation, leave time, sick time, and all other employee benefits, and shall not receive credit for prior years of service, or for benefits accrued and lost upon his or her prior resignation; *provided that*, the Appointing Officer may, in his or her discretion, provide additional vacation or leave time. Nothing in this Section shall affect any rights a reinstated officer may have under any pension plan.

4A.03 SENIORITY

Officers appointed by reinstatement under the provisions of this Section shall, for Promotion purposes, be considered newly appointed officers, except they shall retain all seniority points accrued under previous appointments. The Department may determine the seniority of officers reappointed under this Section for pay purposes.

4A.04 APPOINTMENT

If the Commission determines that an applicant may be reinstated in accordance with this Part IVA, the Commission shall, in response to the Appointing Officer's notice of a vacancy and request for certification of names, have discretion either to: (i) certify only the name of such applicant in lieu of the names otherwise required under Section 4.03, in which case the applicant will be the Prospective Appointee who the Appointing Officer shall appoint if such applicant (A) satisfies all requirements of the medical examination provided for in Section 4.04(b) and (B) undergoes with results satisfactory to the Commission the additional steps required of applicants under Section 4.04(a); or (ii) include such applicant's name on the certified list of names required under Section 4.03 in the place of the name of the lowest ranking applicant who otherwise would have been included on such list, in which case the Appointing Officer shall proceed in accordance with Section 4.04 except that Section 4A.02 shall apply if the Appointing Officer selects such applicant for reinstatement.

~~**4A.05 INAPPLICABILITY OF AGE RESTRICTION**~~

~~An applicant for appointment by reinstatement may be over the age of forty (40) at the time of application and at the time of appointment by reinstatement.~~

PART V – PROVISIONAL APPOINTMENTS BY NON-COMPETITIVE EXAMINATION [§8-14-16]

5.01 APPLICATION OF THIS PART

This Part shall apply to appointments made by the Commission after individuals are nominated by the Appointing Officer to fill a vacancy provisionally upon non-competitive examination.

5.02 NOMINATIONS FOR PROVISIONAL APPOINTMENT

(a) Whenever, in the judgment of the Appointing Officer, there are urgent reasons for filling a vacancy provisionally by non-competitive examination and there is no list of eligibles established pursuant to Section 4.05 then in effect, the Appointing Officer may nominate an individual to the Commission for provisional appointment under this Part V.

(b) Each such nomination shall contain:

(1) The urgent reasons for nominating such person rather than requesting establishment of a list of eligibles;

(2) The name of the person nominated;

(3) The expected duration of such person's tenure in the vacancy to be filled;

(4) The vacancy to be filled; and

(5) A completed application as an attachment.

5.03 NON-COMPETITIVE EXAMINATION; CERTIFICATION

(a) If the Commission, in its exclusive judgment, agrees that there are urgent reasons which justify deviation from the appointment procedures contained in Part IV of these Rules and Regulations by filling a vacancy provisionally by non-competitive examination and that no eligible list is then in effect, the Commission shall have the nominee for provisional appointment submit to evaluation and examination procedures of the type specified in Sections 4.04(b) and 4.05(a), except that the written examination shall be non-competitive and no public notice thereof need be given.

(b) If the nominee for provisional appointment (i) passes the non-competitive written examination by achieving the minimum passing score determined by the Commission, in its discretion, (ii) satisfies all requirements of the medical examination provided for in Section 4.04(b), and (iii) undergoes with results satisfactory to the Commission the additional steps required of applicants under Section 4.04(a), the Commission may certify the nominee to the Appointing Officer as qualified for provisional appointment.

5.04 PROVISIONAL APPOINTMENT

After the Commission has certified a nominee as qualified for provisional appointment, the Appointing Officer may provisionally appoint the nominee. The nominee may be appointed provisionally only until a selection and appointment after competitive written examination can be made, and in no event for a period in excess of three (3) months from the date the appointment is made by the Appointing Officer. Successive provisional appointments shall not be used to fill the same position.

PART VI – PROMOTIONS

6.01 APPLICATION OF THIS PART

Every vacancy in a position in the Police Department of the City of Charles Town shall be filled, so far as practicable, in accordance with the provisions of this Part by Promotion from among individuals holding positions in the next lower rank in the Department. The term "rank" as used in these Rules and Regulations shall have the same meaning as the term "grade" as used in Article 14, Chapter 8 of the Code. This Part VI applies only to Promotions from the rank of Patrolman to Corporal, the rank of Corporal to Sergeant, the rank of Sergeant to Lieutenant, and the rank of Lieutenant to Captain. [§8-14-17(a)]

(a) For purposes of these Rules and Regulations, the various ranks within the Department are as follow:

(1) Patrolman: Patrolman is the initial rank to which a probationary police officer is appointed following completion of his or her probationary period of one year if the Appointing Officer is satisfied with the conduct, performance, or abilities of the probationer during the probationary period. Within the single rank of patrolman, the Chief of Police may, in his or her discretion, from time to time, designate various classes (which, at the time of adoption of these Rules and Regulations, are, in ascending order: Patrolman, Patrolman First Class, and Master Patrol Officer) and assign such classes to officers holding the rank of Patrolman based on such polices and standards as the Chief of Police may determine from time to time in his or her discretion. Assignment of an officer to a higher class shall not be subject to any examination and shall not be considered a promotion for purposes of these Rules and Regulations.

(2) Corporal: Corporal is the next rank higher than Patrolman;

(3) Sergeant: Sergeant is the next rank higher than Corporal;

(4) Lieutenant: Lieutenant is the next rank higher than Sergeant; and

(5) Captain: Captain is the next rank higher than Lieutenant, and the highest rank within the Department subject to promotion.

6.02 PERSONS ELIGIBLE FOR PROMOTION

A person shall not be eligible for Promotion from a lower rank to the next higher rank until the person has completed at least two (2) years of continuous service in the lower rank immediately prior to the competitive written examination. An officer's probationary period shall be counted as service in the rank of Patrolman for purposes of calculating continuous service. Any period of service prior to an officer's appointment by reinstatement under Part IVA shall not be counted for purposes of calculating continuous service, regardless of the length of the officer's separation from the Department. [§8-14-17(b)]

6.03 COMMISSION TO BE NOTIFIED OF VACANCY BY APPOINTING OFFICER

The Appointing Officer shall notify the Commission of any vacancy which may be filled by Promotion of an individual then holding a position of the next lowest rank. In conjunction with such notification, the Appointing Officer shall request that the Commission certify to the Appointing Officer a name from the list of eligibles (or in the event of multiple positions of the same rank, as many names from the eligibles list for such position as there are positions to be filled) for Promotion to the vacant position.

6.04 CERTIFICATION OF NAME FOR PROMOTION

Upon receipt of a request from the Appointing Officer for certification of a name (or names) from the list of eligibles, the Commission shall determine whether a new list of eligibles for Promotion to the subject position is to be established under Section 6.06(a), establish such new list of eligible if so required, and certify to the Appointing Officer the highest ranking name (or as many of the highest ranking names as there are positions to be filled) on the list of eligibles for Promotion to the vacant position, whether existing or newly established, as the case may be (each person whose name is so certified being a "Prospective Promotee").

6.05 PROMOTIONS

Upon receipt of the Commission's certification of a Prospective Promotee's name, the Prospective Promotee shall be required to submit to a medical examination testing his or her general condition of health and fitness for the position. The medical examination shall be conducted in accordance with the provisions of Part X, below, and the administering personnel shall be selected or approved by the Commission. The medical examination will not include the additional components of drug testing, physical fitness and agility examination, and psychiatric or psychological examination. If the Prospective Promotee satisfies all requirements of the medical examination, the Appointing Officer shall promote the Prospective Promotee. If the Prospective Promotee fails to satisfy all requirements of the medical examination, that Prospective Promotee will not be promoted. The Appointing Officer shall so inform the Commission, and the Commission shall certify the next highest ranking name on the list of eligibles, and the process under this Section 6.05 shall be undertaken again with respect to the Prospective Promotee whose name is then certified.

6.06 DETERMINING/ESTABLISHING LIST OF ELIGIBLES; CERTIFICATION

(a) Upon receipt of a request from the Appointing Officer for certification of a name (or names) from the list of eligibles for Promotion to a vacant position, the Commission shall determine whether there then exists in force and effect a list of eligibles for Promotion to the vacant position. If so, that existing list of eligibles shall be used as the list of eligibles for Promotion to the vacant position if, and only if, ~~such list of eligibles contains the names of~~ all officers then with at least two (2) years of continuous service in the next lower rank from which the vacant position will be filled (excluding any officer who has notified the Commission in writing that the officer will not seek Promotion) either are included in the names on that existing list or were omitted from such list when it was compiled pursuant to Section 6.06(c) due to having failed to satisfy the Aggregate Promotion Score requirement set forth in Section 10.02(d) despite having submitted to a competitive written examination. Otherwise, the Commission shall establish a new list of eligibles for Promotion to the vacant position after soliciting applications and conducting a competitive written examination.

(b) Every applicant for Promotion to a position of a higher rank who meets the eligibility requirements therefor shall be required to submit to a competitive written examination testing the applicant's merit and fitness to discharge the duties of the vacant position. Such competitive written examination shall be conducted in accordance with

the provisions of Part X, below, and the form and content of examination and the administering personnel shall be selected or approved by the Commission.

(c) Upon completion of the competitive written examination procedures, the Commission shall compile a list of eligibles consisting of the applicants for Promotion to a position who have satisfied the Aggregate Promotion Score requirement set forth in Section 10.02(d) below, with those persons ranked on the list in the manner specified in Section 10.02(e) below.

(d) Such list of eligibles, when so ranked by the Commission, shall constitute the list of eligibles for Promotion to a position from which the Commission shall certify to the Appointing Officer the highest ranking name (or as many of the highest ranking names as there are positions to be filled) for Promotion to the vacant position.

(e) The list of eligibles, as so constituted, shall continue in full force and effect until the occurrence of the earliest of the following:

(1) All names on the list are exhausted;

(2) Such list is superseded by a new list compiled after a subsequent competitive written examination; or

(3) The passage of two (2) years' time from the date of the most recent competitive written examination with respect to which the list was compiled.

6.07 NOTICE OF EXAMINATIONS - PROMOTIONAL

(a) Upon the Commission determining under Section 6.06(a) that a new list of eligibles for Promotion to a position must be established, the Commission shall offer a competitive written examination to those Members who are then eligible for Promotion, and thereafter compile a new list of eligibles. When the Commission is so required to establish a new list of eligibles, the Commission shall give notice of the following:

(1) The fact that a written competitive examination will be given for Promotion to a position;

(2) The kind of position to be filled by such competitive written examination;

(3) The requirements that must be satisfied in order to take the competitive written examination and to be eligible for Promotion to the position;

(4) The date or dates, time, and place of the competitive written examination for the position. The competitive written examination shall be conducted no sooner than thirty (30) days, but no later than sixty (60) days, following the Commission's determinations that an actual vacant position exists and that a new list of eligibles for Promotion to that position must be established, and notification

to the Department of the same;

(5) The last date on which applications for the position will be accepted by the Commission; and

(6) Location(s) where applicants may sign-up for the examination and obtain an application.

(b) Each such notice shall be:

(1) Personally served via in-house mail, or in such a manner as the Commission may direct, on all persons who will be eligible for Promotion to the open position; and

(2) Posted in a conspicuous place at the City Hall and at the Police Department Headquarters.

6.08 FORMS OF APPLICATIONS

(a) Applications for Promotion shall be made on a form devised by the Commission. The form and content of the application may be varied from time to time by the Commission, provided that the form must solicit the information specified in Section 4.06(b)(1) above and, if the applicant then has an Aggregate Promotion Score calculated as provided in Section 10.02(d) that satisfies the minimum requirement set forth in said Section 10.02(d), the applicant shall state whether the applicant will either (i) take the competitive written examination for Promotion to be conducted with the score on such examination averaged with prior scores to determine the applicant's Average Promotion Score under Section 10.02(d) or (ii) forgo such examination and instead use the applicant's existing Average Promotion Score under Section 10.02(d).

(b) The information solicited and given on the application shall be given under oath or affirmation.

(c) Applications for Promotion are required only when the Commission will conduct a competitive written examination and establish a new list of eligibles for Promotion from which names will be certified. Applications for Promotion are not required, and will not be accepted, when the Commission will certify names from an existing list of eligibles for Promotion.

6.09 PROHIBITED INQUIRY

No question on the applications or the examinations mentioned in this Part, whether oral or written, shall be framed or designed so as to elicit from any applicant information relating to such applicant's political or religious opinions or affiliations, and no inquiry shall be made in any interview or otherwise concerning such opinions or affiliations, and any disclosure made by an applicant regarding any such opinions or affiliations shall be disregarded. [§8-14-18]

6.10 REFUSAL OF COMMISSION TO EXAMINE OR CERTIFY AS ELIGIBLE

The Commission may refuse to examine an applicant for Promotion, or after examination to certify as eligible an applicant for Promotion, for any of the reasons specified in Section 4.10 of these Rules and Regulations.

6.11 REVIEW OF PROMOTIONAL EXAMINATIONS. [§8-14-13a]

Any applicant for Promotion to any position in the Charles Town Police Department may personally review his or her examination questions, answers and scores to all parts of any competitive written examination within five (5) days after the posting of the results of the competitive written examination in accordance with the following procedures:

(a) The person seeking such review must schedule an appointment for review with the Chief of Police.

(b) The review will be conducted in private under the supervision of at least one member of the Commission or under the supervision of the Chief of Police, if the Commission so designates.

(c) The review will be conducted in the office of the Chief of Police, or at such other location in the City of Charles Town as the Commission may designate and provide.

(d) The review will be limited to the applicant's examination questions, answers and scores.

(e) All of the examination documents must be left in the custody of the person supervising the examination review after the review has been completed.

(f) The applicant will be entitled to make handwritten notes relating to any of the examination documents which are the subject of the review. Said handwritten notes must be signed by the applicant and left in the custody of the person supervising the review. Such person will file the notes with the City Clerk, who will retain said handwritten notes for a reasonable period of time or as otherwise ordered by the Police Commission of Charles Town.

(g) Following the promotional review, the applicant, if aggrieved by the answers and/or score received on a promotional competitive written examination, may request a public hearing with the Police Civil Service Commission. Such request for a public hearing must be made by the applicant in writing, addressed to the Police Civil Service Commission, and filed with the office of the Chief of Police. The applicant must make such written request within the five day period of time as set forth in Section 13a, Article 14, Chapter 8 of the Code, which time period is hereby made of the essence. Following receipt of said written request, the Commission will appoint a date, time and place for a public hearing, conduct said hearing, and render a decision in accordance with the

applicable provisions of Part VIII of these Regulations as well as the applicable provisions of Section 13a, Article 14, Chapter 8 of the Code.

(h) Following the Commission's issuance of its decision following public hearing, the Commission shall compile a list of eligibles for Promotion, taking into account any adjustment of scores resulting from the Commission's decision, in accordance with these Rules and Regulations.

(i) The Commission shall not compile a list of eligibles for Promotion to a position pursuant to Section 6.06(c), or certify to the Appointing Officer the name of any applicant for Promotion to a position, until all applicants for such position have exhausted the procedures before the Commission set forth in this Section 6.11.

PART VII – GENERAL ENTITLEMENT TO HEARING; GRIEVANCES; REMOVAL, DISCHARGE, SUSPENSION OR REDUCTION IN RANK; REDUCTION IN SIZE OF DEPARTMENT

7.01 APPLICATION OF THIS PART

(a) This Part shall govern and determine the right of an individual to a hearing before the Commission, and it shall operate to supplement the other provisions of law granting such a right.

(b) All hearings provided for in these Rules and Regulations shall be governed by the provisions relating to procedures found in Part VIII of these Rules and Regulations.

7.02 PERSONS ENTITLED TO HEARINGS

(a) Any Member or applicant aggrieved by: (i) answers and/or scores on a promotional competitive written examination; (ii) the Commission's refusal to accept said person's application for appointment or Promotion; (iii) the Commission's refusal to examine or otherwise evaluate said person; (iv) the Commission's refusal to certify said person as eligible after examination; (v) the Appointing Officer's objection to inclusion of said person's name on a certified list of eligible names; or (vi) any other act of the Commission during the appointment or promotion process operating to the detriment of such person, shall be entitled to a hearing before the Commission. Such person(s) shall file, in writing, a demand for public hearing within the time period specified in these Rules and Regulations or the Code with respect to the action which makes him/her feel aggrieved or, if no time period is so specified, within ten (10) days of such action. [§§8-14-13a(b), 8-14-14, & 8-14-15]

(b) Any Member or group of Members of the Police Department of the City of Charles Town or any other person who believes that any of the provisions of the Civil Service Act or of these Rules and Regulations have been violated by virtue of any order or instruction issued in the Police Department, or any action or act of the Commission,

may petition the Commission for a hearing. The Commission shall promptly consider any such petition, and may, in its discretion, grant such person or persons a hearing upon the issues raised in the petition.

(c) No Member of the Police Department shall be Removed, Discharged, Suspended, or Reduced in Rank or Pay, except for just cause and in accordance with these Rules and Regulations. Any Member aggrieved by an action of the Department in Removing, Discharging, Suspending, or Reducing in Rank or Pay such Member shall be entitled to a hearing. For purposes of this Part VII, the term "Discharge" shall include (i) discharge of a probationary police officer during his or her one-year probationary period, and (ii) dismissal (nonretention) of a probationary police officer at the end of his or her one-year probationary without absolute appointment. [§§8-14-11 & 8-14-20(a)]

(d) Any Member of the Police Department sought to be removed by a citizen's petition provided for in Section 19, Article 14, Chapter 8 of the Code, shall be entitled to a hearing. [§8-14-19(e)]

7.03 SPECIAL RULES APPLICABLE TO CASES OF REMOVAL, DISCHARGE, SUSPENSION, REDUCTION IN RANK OR REDUCTION IN PAY

(a) Statement of Reasons; Answer: In every case of a Member's Removal, Discharge, Suspension, or Reduction in Rank or Pay, the Removing Officer shall provide a written statement of the reasons for such action to the individual affected and provide a copy of such document to the Commission for filing. If the affected Member desires to file a written answer to the statement of reasons, he or she must submit the written answer to the Commission within ten (10) days of the receipt of the statement of reasons, and provide a copy of the answer to the Removing Officer. If the affected Member desires a public hearing, he or she must file with the Commission a written demand for public hearing which may be either a statement of demand in a written answer or a separate writing. The written demand for public hearing must be filed: (i) within five (5) days of the receipt of the statement of reasons if no answer is filed, and (ii) within five days of the filing of an answer if one is filed. [§8-14-20(a)]

(b) Hearing: If a Member demands a public hearing, a hearing shall be held in accordance with the provisions of Part VIII of these Rules and Regulations within ten (10) days of the filing of the written statement of reasons or the filing of the answer thereto, whichever shall last occur. At least five (5) days notice of the date, time and place of such hearing shall be given to the parties. The Member and the Removing Officer shall each have the right to be represented by legal counsel at the hearing. [§8-14-20(a) & (c)]

(c) Burden of Proof at Hearing: At such hearing, the burden of proof shall be upon the Removing Officer to show just cause for his or her actions. [§8-14-20(a)]

(d) Reinstatement or Other Relief: If the Removing Officer fails to show just cause for his/her action at said hearing, the Member Removed, Discharged, Suspended, or

Reduced in Rank or Pay shall be reinstated with full back pay, forthwith and without any additional order, for the entire period during which he or she may have been prevented from performing his/her usual appointment and no charges shall be officially recorded against his/her record. Further, if exonerated or reinstated, the Member, if represented by legal counsel, shall be awarded any reasonable attorney fees as determined by the Commission. [§8-14-20(a)]

(e) A written record of all testimony taken at such hearing shall be kept and preserved by the Commission, which record shall be sealed and not open to public inspection if no appeal is taken from the action of the Commission. [§8-14-20(a)]

7.04 SPECIAL RULES APPLICABLE TO HEARINGS CONDUCTED BY REASON OF PETITION FOR VACATING APPOINTMENTS [§8-14-19(e)]

(a) Any three residents of the City of Charles Town may file their written petition with the Commission setting out therein the grounds upon which they believe a Member of the paid Police Department should be removed for violation of Subsection (a) of Section 19, Article 14, Chapter 8 of the Code.

(b) Notice of the filing of such petition shall be given by said Commission to the affected Member, which notice shall require the affected Member to file a written answer to the charges set out in the petition within thirty (30) days of the date of said notice.

(1) If an answer is timely filed, the affected Member may demand a public hearing by either a statement of demand in the answer or by a separate writing filed within the time permitted for filing of the answer; or the Commission may, in its discretion and without demand therefor, set a time for a public hearing on such charges. Such hearing shall be held within thirty (30) days of the filing of said answer, subject however, to any continuances which may in the discretion of the Commission be granted.

(2) If no answer is timely filed, the Commission shall enter an order declaring the appointment of the affected Member vacated.

(3) The petition and any answer shall be entered upon the Commission's records.

(c) Except to the extent inconsistent with this Subsection (c), the conduct of such hearing shall be in accordance with the provisions of Part VIII of these Rules and Regulations. A written record of all testimony taken at the hearing shall be kept and preserved by the Commission, which record shall be sealed and not be open to public inspection if no appeal is taken to the Commission's action. At the conclusion of the hearing, or as soon thereafter as possible, the Commission shall enter an order sustaining, in whole or in part, the charges made or dismissing the charges as unfounded. If the Commission sustains the charges in whole or in part, the Commission's order shall also declare the appointment of the affected Member vacated, and he or she shall then

immediately be discharged from the Department and removed from the City's payroll.

7.05 REDUCTION IN SIZE OF DEPARTMENT [§8-14-20(d)]

If for reasons of economy or other reasons, the City of Charles Town shall deem it necessary to reduce the number of persons employed as Members of the paid Police Department, said reduction shall be effected by suspending the last person or persons, including probationers, appointed to the Department. Said removal shall be accomplished by suspending the number desired in inverse order of their appointment. In the event the Police Department shall subsequently be increased in authorized strength, Members suspended under the terms of this Part shall be offered reinstatement and, if accepted, reinstated in inverse order of their suspension before any new appointment is made.

7.06 INVESTIGATIONS AND PRE-DISCIPLINARY HEARINGS UNDER ARTICLE 14A, CHAPTER 8 OF THE WV CODE

No provision of this Part VII, or rights of a Member under such provisions, is intended to affect, limit or abrogate the provisions of Article 14A, Chapter 8 of the Code, its effect or rights thereunder. Said article specifies, among other things, procedures for investigation and interrogation of police officers and the right of a police officer to be afforded a hearing before a hearing board prior to being disciplined through discharge, suspension, or reduction in rank or pay, unless there exist exigent circumstances that require the disciplinary action to precede such hearing. The provisions of Sections 2 and 3, Article 14A, Chapter 8 of the Code concerning those matters are summarized below in this Section 7.06.

(a) Investigations and Interrogations: Under Section 2, Article 14A, Chapter 8 of the Code, when any Member is under investigation and subjected to interrogation which could lead to punitive action (whether conducted by the Chief of Police or any other member of the Department), such interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the Member is on duty, or during his or her normal working hours, unless the seriousness of the investigation requires otherwise. If the interrogation occurs during off-duty time of the Member at any place other than his or her residence, the Member shall be compensated for such off-duty time in accordance with regular Department procedure. If the interrogation occurs during a Member's regular duty hours, the Member shall not be released from employment for any work missed due to the interrogation.

(2) Any Member under investigation shall be informed of the nature of the investigation prior to any interrogation. Such Member shall also be informed of the name, rank, and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. No more than three (3) interrogators at one time shall question a Member under investigation.

(3) No Member under interrogation shall be subjected to offensive language or threatened with punitive action. No promise of reward shall be made as an inducement to answering questions.

(4) The complete interrogation of any Member shall be recorded, either written, taped, or transcribed. Upon request of the Member or his or her counsel, and upon advance payment of the reasonable cost thereof, a copy of the record shall be made available to him or her not less than ten days prior to any hearing.

(5) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any Member, then that Member shall have the right to be represented by counsel who may be present at all times during such interrogation.

Nothing herein shall prohibit the immediate temporary suspension, pending an investigation, from duty of any Member who reports for duty under the influence of alcohol or controlled substances which would prevent the Member from performing his or her duties, as defined in Chapter 60A of the Code, or under the influence of an apparent mental or emotional disorder.

(b) Hearing: Under Section 3, Article 14A, Chapter 8 of the Code:

(1) Before taking any punitive action against an accused Member, the Department shall give notice to the accused Member that he or she is entitled to a hearing on the issues by a hearing board. The notice shall state the time and place of the hearing and the issues involved and shall be delivered to the accused officer no later than ten days prior to the hearing. The hearing board shall be composed of three (3) hearing board members appointed pursuant to the provisions of Section 1(4)(a), Article 14A, Chapter 8 of the Code.

(2) When an accused Member faces a recommended punitive action of discharge, suspension or reduction in rank or pay, but before such punitive action is taken, a hearing board must be appointed and must afford the accused Member a hearing conducted in accordance with the provisions of Parts VII and VIII; *provided that,* the punitive action may be taken before the hearing board conducts the hearing if exigent circumstances exist which require it.

(3) When an accused Member faces a recommended punitive action of written reprimand or transfer for the purpose of punishment, a hearing board shall conduct a hearing pursuant to the following procedures:

(A) The hearing board shall keep an official record of the hearing. The official record shall include the testimony offered and exhibits introduced at the hearing;

(B) Both the Department and the accused Member shall be given ample opportunity to present evidence and argument with respect to any issue raised at the hearing;

(C) The hearing board may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, and may require and compel the production of records, books, papers, contracts, and other documents, in connection with any issue raised at the hearing; and

(D) The hearing board shall prepare a written order detailing any decision or action it takes as a result of the hearing. The written order shall include written findings of fact setting forth a concise statement of the hearing board's factual findings and conclusions on each issue raised at the hearing. The hearing board shall hand-deliver or promptly mail a copy of the written order to the accused Member or his or her attorney of record.

(4) A hearing board's order is binding on all parties involved unless it is overturned in the appeal process described in Section 7.06(b)(5) below.

(5) A hearing board's decision (whether resulting from a hearing under Section 7.06(b)(2) or Section 7.06(b)(3)) may be appealed to the Police Civil Service Commission by the Member adversely affected by the order or by the Chief of Police if he or she believes that the Department would be adversely affected by the hearing board's order.

PART VIII -- HEARINGS

8.01 APPLICATION OF THIS PART

Unless otherwise specified in these or other Rules and Regulations, the Rules and Regulations in this Section shall govern and apply to hearings conducted by the Commission pursuant to the authority vested in it under the laws of the State of West Virginia or regulations promulgated pursuant thereto, including without limitation these Rules and Regulations.

8.02 HEARINGS BY THE COMMISSION; PRESIDING OFFICER

Hearings shall be conducted before the Commission. The Presiding Officer at a hearing shall be designated by the Commission and may be the President of the Commission, one of the Commissioners, or such other person as the Commission may designate.

8.03 POWERS OF PRESIDING OFFICER

The Presiding Officer at every hearing may, subject to the rules set forth in this Section:

(a) Conduct generally the hearing, and in connection therewith:

(1) Administer oaths and affirmations;

(2) Issue subpoenas authorized by law, but such shall be the case only if the Presiding Officer is a member of the Commission, and otherwise the Commission shall issue all subpoenas;

(3) Rule on offers of proof and receive evidence;

(4) Permit evidentiary depositions to be taken and read as in civil actions in the Circuit Courts of this State. Discovery depositions may be taken and read only in such circumstances and for such purposes as determined permissible by opinion of the Commission's legal counsel;

(5) Regulate the course of the hearing;

(6) Dispose of procedural requests or other matters;

(7) Hold conferences for the settlement or simplification of the issues with the consent of the parties; and

(8) Take any other action in connection with such hearing authorized by law.

With regard to each of the duties and powers enumerated above, decisions by the Presiding Officer shall be subject to review by the Commission.

(b) In all cases, final orders and decisions, setting forth findings of fact and conclusions of law, shall be entered by the Commission. In no case shall a Presiding Officer enter a final order or decision.

8.04 NOTICE OF HEARING; CONTENTS OF NOTICE

(a) Unless otherwise specified in these Rules and Regulations, no hearing shall be conducted under these rules or otherwise unless the parties to the proceeding shall have been given written notice thereof at least ten (10) days prior to the hearing. Written notice shall be given by (i) personal delivery to the subject party, or (ii) deposit of the same in the United States Mail, postage paid, certified mail, addressed to the last know address of the subject party, and shall be considered delivered when so given.

(b) Each written notice of the hearing shall contain the date, time and place of the hearing and a short and plain statement of matters which are to be the subject of or asserted at the hearing.

8.05 PLACE OF HEARING

The date, time and place of each hearing shall be determined by the Commission or Presiding Officer.

8.06 REPRESENTATION AT HEARINGS

At hearings held pursuant to these Rules and Regulations, any party may represent himself/herself or be represented by an attorney at law admitted to practice in the State of West Virginia.

8.07 WAIVER OF EVIDENTIARY PRESENTATION

(a) Parties entitled to an evidentiary hearing may waive such right in writing, but unless all parties file timely waivers, a hearing will be conducted. Parties waiving such hearing need not appear.

(b) Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary presentation may submit such documents to the Presiding Officer for consideration by the Commission.

(c) Waivers must be unequivocal and request the Commission to decide the matter at issue on the pleadings and written record in the case, including any stipulations the parties might enter.

(d) When a hearing is waived under the provisions of this Section, the written record in the case shall be submitted to the Commission for decision.

8.08 PROPOSED FINDINGS, CONCLUSIONS AND ORDERS

The Presiding Officer may request the submission of proposed findings of fact, conclusions of law and orders, together with a supporting brief. Such proposals and briefs, if submitted, shall be served upon all parties and shall contain adequate references to the authorities relied upon.

8.09 HEARING

(a) All hearings conducted under these Rules shall be open to the public.

(b) The Commission shall have prepared and preserved a written record of all testimony and evidence given at a hearing.

8.10 DECISION BY THE COMMISSION

(a) Upon completion of the proceedings provided for in these Rules and Regulations, the Commission shall review and consider the case, render a decision, and enter, where appropriate, an order. Any decision and order of the Commission shall be in writing and set forth findings of fact and conclusions of law relied upon in reaching the decision.

(b) In cases where the members of the Commission are not present at a hearing, the Presiding Officer shall forward the record in the case to the Commission for decision, together with such written commentary and recommendations as the Presiding Officer deems appropriate. Such recommendations and commentary, if any, shall be made a part of the record of the case.

(c) The Commission shall see that each order is entered in the Commission's order book and dated by the City Recorder or City Clerk.

PART IX – CHIEF OF POLICE

Notwithstanding anything to the contrary herein, these Rules and Regulations shall not apply to the position of Chief of Police (or the position of Deputy Chief of Police in the event such a position is established by the City Council of Charles Town) except to the extent Sections 6 and 17, Article 14, Chapter 8 of the Code, expressly so provide, and said sections shall be deemed expressly incorporated herein. [§§8-14-6 & 8-14-17]

PART X – CONTENT, CONDUCT, GRADING, PASSING SCORE, POSTING OF RESULTS OF EXAMINATIONS AND APPOINTMENT TO A LIST OF ELIGIBLES

10.01 APPLICATION OF THIS PART

(a) This Part shall govern and apply to the design, content, conduct, and grading of, posting of results for, and passing scores on competitive written examinations used by the Commission in establishing lists of eligibles and ranking names thereon and on non-competitive written examinations used by the Commission for purposes of certifying nominees for provisional appointment. This Part shall further govern and apply to the design, content, conduct, and required results for other examinations and forms of evaluation used in evaluating the merit and fitness of individuals for appointment or Promotion.

(b) All competitive written examinations and other examinations and forms of evaluation for appointments or Promotions to all positions shall be practical in their character, and shall relate to such matters, and include such inquiries, as will fairly and fully test the comparative merit and fitness of the individual or individuals examined to discharge the duties of employment sought by him/her or them. Any examination or form of evaluation to be used under these Rules and Regulations may either be (i) designed and prepared by or under the supervision of the Commission so as to meet the above criteria, or (ii) procured or obtained from a commercial, governmental, or non-profit entity or organization when the Commission determines the subject examination or evaluation meets the above criteria. [§8-14-13]

(c) Competitive written examinations and other examinations and forms of evaluation used by the Commission shall be administered in an order determined by the

Commission. However, when a new list of eligibles for Original Appointment is to be established in order to fill a then existing vacancy (as contemplated by notice pursuant to Section 4.08(b) above), it shall be the ordinary practice of the Commission to administer the written examination first wherever practicable and, to conduct the physical fitness and agility examination on the same day or within the following two (2) weeks. Further, when a new list of eligibles is to be established at a time when no vacancy is to be filled (as contemplated by notice pursuant to Section 4.08(c) above), it shall be the ordinary practice of the Commission to initially administer only the written examination and to later conduct the physical fitness and agility examination after a determination to fill a vacancy has been made and applications for the vacancy have been received.

(d) At least seven (7) days notice of each competitive written examination or medical examination (or component thereof) shall be given to applicants for a position. [§8-14-13]

(e) To the extent required by law, the Commission shall permit representatives of the press to visit, observe and record the events surrounding the examinations herein referred to insofar as it is possible to allow them so to do without disturbing applicants who are taking such examination. Representatives of the press may observe and be present at competitive written examinations administered under the provisions of these regulations, subject to the following restrictions: [§8-14-13]

(1) Whenever the Commission determines that the number of press representatives seeking to attend an examination is so large that their attendance will disturb the applicants taking such examination or otherwise disrupt the conduct of such examination, the Commission may choose, in a fair and random method, five (5) representatives of the press to attend and observe such examination; and

(2) Representatives of the press attending such examination shall observe such examinations in a quiet and orderly fashion and shall not approach or interfere with any applicant while the applicant is taking the test;

(3) Representatives of the press shall under no circumstances interview or record by film, video-tape, or any other electronic means any conversations or images in the area where the examinations are being conducted without prior approval of the Commission; and

(4) Representatives of the press not complying with these Rules and Regulations may be asked to leave the area of the examinations.

(f) Whenever the Commission determines that an applicant is disqualified from appointment to the list of eligibles by reason of his or her failure to pass or qualify on one of the examinations or evaluations administered in a series, the Commission shall direct that the individual cease to participate further in the evaluation process outlined herein.

(g) All examinations and other forms of evaluation shall be administered under the supervision of the Commission.

10.02 GENERAL RULES RELATING TO COMPETITIVE WRITTEN EXAMINATIONS & RANKING OF LIST OF ELIGIBLES

(a) Grading of competitive written examinations shall be by or under the supervision of the Commission or by a third party from whom the examination was procured or obtained, if such third party offers grading. Regardless of the number of questions or the weight accorded questions, the maximum possible score on every competitive written examination shall be one hundred (100) points or, if an examination procured or obtained from a third party utilizes a different maximum possible score, scores on such examination shall be converted to a one hundred (100) point scale for purposes of these Rules and Regulations by dividing the applicant's score on such examination by the maximum possible score utilized for such examination, and multiplying that result by one hundred (100).

(b) In order for an applicant to be placed on the list of eligibles for Original Appointment, the applicant's Average Examination Score must be at least seventy (70) points, subject to Section 10.02(b)(1) below. An applicant's "Average Examination Score" shall be the average of the applicant's scores (based on a maximum possible score of 100 points on each examination) on competitive written examinations for Original Appointment held under these Rules and Regulations within a period of three (3) years next preceding the intended date of appointment; *provided that*, when such average has a fractional component so that it is not a whole number, the "Average Examination Score" shall be determined by rounding up the average to the next highest whole number when the fractional component is one-half (1/2) or greater and by rounding down the average to the next lowest whole number when the fractional component is less than one-half (1/2). [§8-14-15]

(1) Upon a determination of the Commission that (i) personnel vacancies in the Department actually do, or are likely to, negatively impact, frustrate, or jeopardize the Department's mission to serve the City, its citizens, and the public at large, (ii) the prompt hiring of additional Officers is necessary and essential to adequately serve the City, its citizens, and the public at large, (iii) a shortage of qualified applicants has frustrated or prevented the hiring of additional Officers, and (iv) lowering the minimum Average Examination Score to be placed on the list of eligible for Original Appointment will have little or no significant impact upon the quality, capabilities, skills, or performance of Officers hired, the Commission may, from time to time, order that, with respect only to applicants who shall have scored at least seventy (70) points on any competitive written examination conducted in the preceding three (3) years, the minimum Average Examination Score to be placed on the list of eligible for Original Appointment be temporarily lowered from seventy (70) points to such number of points as the Commission shall specify in its order, but in no event less than sixty (60) points.

Such order shall remain in effect for the period of time specified in the order, but in no event in excess of one hundred twenty (120) days.

(c) Applicants shall be ranked on the list of eligibles for Original Appointment by, first, determining each applicant's "Aggregate Appointment Score" by adding: (i) the applicant's Average Examination Score; and (ii) the applicant's veteran's preference factor determined in accordance with the provisions of Section 1, Article 13, Chapter 6 of the Code (for the elimination of any doubt, the Aggregate Appointment Score may exceed 100); and, second, ranking the applicants on the list of eligibles for Original Appointment in order of their respective Aggregate Appointment Scores, from highest to lowest, subject to Section 10.05. An applicant must file with the Commission a certificate of military service in order to receive the veteran's preference factor. [§8-14-15]

(d) In order for an applicant to be placed on the list of eligibles for Promotion to a position, the applicant's Aggregate Promotion Score must be at least seventy-five (75) points. An applicant's "Aggregate Promotion Score" shall be the sum of: (i) the applicant's "Average Promotion Score," being the average of the applicant's scores (based on a maximum possible score of 100 points on each examination) on competitive written examinations for Promotion to the vacant position held under these Rules and Regulations within a period of two (2) years next preceding the intended date of Promotion; *provided that*, when such average has a fractional component so that it is not a whole number, the "Average Promotion Score" shall be determined by rounding up the average to the next highest whole number when the fractional component is one-half (1/2) or greater and by rounding down the average to the next lowest whole number when the fractional component is less than one-half (1/2); and (ii) the applicant's experience/seniority factor, which shall equal one (1) point for each full year of service the applicant has as a Member of the Charles Town Police Department (for the elimination of any doubt, the Aggregate Promotion Score may exceed 100). Experience/seniority factor points will be awarded only for service as a Member of the Charles Town Police Department (service with other police departments will not be considered). [§8-14-17(b)]

(e) Applicants shall be ranked on the list of eligibles for Promotion to a position in order of their respective Aggregate Promotion Scores, from highest to lowest, subject to Section 10.05. [§8-14-17(b)]

(f) The eligibles lists, containing the names and scores of applicants passing competitive written examinations, shall be posted in the lobby of the Charles Town Police Department and in a public place at any separate office of the Commission. The Commission shall indicate on such list such appointments as may be made from the list. [§8-14-13]

(g) The Commission shall prepare and keep open to public inspection the eligible lists compiled in accordance with the terms of these Rules and Regulations. The persons on the list of eligibles shall be notified and be appointed or promoted from the list of

eligibles in accordance with these Rules and Regulations.

(h) An applicant for Original Appointment who then has an Average Examination Score, calculated using competitive written examinations for Original Appointment taken within a period of three (3) years next preceding the intended date of appointment, that satisfies the minimum requirement set forth in Section 10.02(b) above, shall have the option to either (i) take a competitive written examination conducted in order to establish a new list of eligibles, or (ii) forgo such examination and instead use the applicant's existing Average Examination Score for purposes of ranking under Section 10.02(c).

(i) An applicant for Promotion who then has an Aggregate Promotion Score, calculated using competitive written examinations for Promotion to the same position taken within a period of two (2) years next preceding the intended date of Promotion, that satisfies the minimum requirement set forth in Section 10.02(d) above, shall have the option to either (i) take a competitive written examination conducted in order to establish a new list of eligibles, or (ii) forgo such examination and instead use the applicant's existing Aggregate Promotion Score for purposes of ranking under Section 10.02(e).

10.03 GENERAL RULES RELATING TO OTHER EXAMINATIONS

(a) Medical Examinations: Before appointment or Promotion of any applicant for appointment (whether original, by reinstatement, or provisional) or Promotion to any position, the Commission or Appointing Officer shall cause each such applicant to undergo a medical examination. Such examination shall be conducted under the supervision of a board composed of two (2) doctors of medicine, appointed for such purpose by the Appointing Officer of the City. No applicant shall be appointed or promoted to any position unless such board certifies that the applicant (i) is free from any bodily or mental defect, deformity or disease which might incapacitate him or her from the performance of the duties of the position desired, and (ii) is physically fit to perform such duties, all with reference to a statement of standard duties presented to such board by the Appointing Officer. Without limitation of the foregoing, an applicant for appointment (but not an applicant for Promotion) must meet the medical requirements stated in Section 16, Article 22, Chapter 8 of the Code, being those of Chapter 2-2 of the National Fire Protection Association Standards Number 1001 – Firefighters Professional Qualifications '74, as updated from year to year. The medical examination, or any component thereof, may be given prior to the written examination or after it, at the discretion of the Commission. Notwithstanding anything to the contrary herein: (i) when the Commission elects to conduct the medical examination, or any component thereof, after the competitive written examination, the medical examination, or such component thereof (excepting the physical fitness and agility examination), will ordinarily be given only to the Prospective Appointee, the nominee for provisional appointment, or the Prospective Promotee, as applicable, and not to any other applicants; and (ii) when the Commission elects to conduct the medical examination or any part of it before the competitive written examination, the medical examination or such part of it will be given to all applicants but the competitive written examination will not be given to any applicant who fails to pass the medical examination or any part of it. Without limitation

of the foregoing, the medical examination for applicants for appointment shall include the following three (3) additional components: [§§8-14-11 & 8-14-13]

(1) Drug Testing: All applicants for Original Appointment, appointment by reinstatement, and provisional appointment shall also undergo screening for use of amphetamines, cannabinoids, cocaine, opiates, and phencyclidine in accordance with guidelines promulgated by the Substance Abuse and Mental Health Service Administration. No applicant shall be appointed or promoted to any position if the drug screening evidences the applicant's illegal use of any of such drugs.

(2) Physical Fitness and Agility Examination: All applicants for Original Appointment, appointment by reinstatement, and provisional appointment shall also undergo a physical fitness and agility examination testing the applicant's suitability for appointment to the vacant position. The minimum passing criteria for such examination shall be those of the West Virginia State Police Physical Ability Standards; *provided that*, the Commission may, from time to time in its discretion, specify additional minimum passing criteria. No applicant for appointment shall be certified as physically fit to perform the duties of the position desired, or be eligible for appointment, unless he or she meets such minimum passing criteria. The Appointing Officer shall provide the results of such examination to the board of doctors. A passing result on a physical fitness and agility examination conducted pursuant to Section 4.05(b) above shall satisfy the requirement of this paragraph if, and only if, said examination was conducted within ninety (90) days prior to the date of appointment. [§8-14-11]

(3) Psychiatric or Psychological Examination: The Commission or Appointing Officer shall require all applicants for Original Appointment, appointment by reinstatement, and provisional appointment to a position to undergo psychiatric or psychological testing designed to test an applicant's mental fitness for service in the Police Department of the City of Charles Town. Such examination shall be conducted by or under the supervision of one or more licensed psychiatrists or qualified psychologists selected and/or approved by the Commission. In order to be appointed to any position, the applicant must be deemed by the examining psychiatrist or psychologist to be fit for service on the Charles Town Police Department and the position to which the applicant aspires.

(b) Background Investigations: Background investigations shall be conducted by the Department of all applicants for Original Appointment, appointment by reinstatement, and provisional appointment. Such investigation shall have the following purposes:

(1) To verify information contained in applications;

(2) To inquire into matters relevant to the applicant's suitability for appointment; and

(3) To inquire into such other matters as the Commission may request.

(c) Polygraph Examination: A qualified operator selected and approved by the Commission will also administer a polygraph examination designed to test such applicants' truthfulness.

(d) Confidentiality to be Maintained: Results of all medical, psychiatric, psychological, polygraph, and background examinations conducted in connection with the evaluation processes shall be kept confidential and the information contained therein shall be released only in accordance with the provisions of these Rules and Regulations.

10.04 PERSONNEL RECORDS

It shall be the duty of the Chief of Police to establish and maintain a separate personnel file for every Member of the Police Department of the City of Charles Town. In this file there shall be placed the following items regarding the Member: memoranda of all discipline reports issued; all letters of commendation or criticism or complaint received by the Department from any person; any memoranda, citation or other notice, either favorable or unfavorable; all records of any leaves of absence which are applicable toward retirement; a personal history of the person, which history shall include, among other things, a photograph, full name, home address, telephone number, marital status, number of children or other dependents, and dates of any military service; date of 1ast employment in the Department; period of any previous employment; designation of current rank and assignment; departmental evaluations; the FBI fingerprint report; and all such other records or information as may be deemed pertinent to the Member's employment. Such files shall be kept under lock and key at all times when not in use and shall be opened for inspection to no one except the Commission, City Manager, and the Chief of Police, and to the Member upon his or her express written request.

10.05 TIE BREAKING PROCEDURES FOR PROBATIONARY AND PROMOTIONAL EXAMINATIONS.

(a) Probationary Examinations: In the event that any applicants for Original Appointment as probationary police officers have the same Aggregate Appointment Scores for purposes of ranking on the list of eligibles under Section 10.02(c), the tie shall be broken for purposes of ranking on the list of eligibles as follows:

(1) The person or persons achieving the highest Average Examination Score shall be ranked higher on the list of eligibles among those persons tied in Aggregate Appointment Scores;

(2) In the event any persons remain tied in Average Examination Scores following the application of the tie breaking procedure in subparagraph (1) above, the person or persons with the highest score on the most recent competitive written examination shall be ranked higher on the list of eligibles among those persons remaining tied in Average Examination Scores; and

(3) In the event any persons remain tied in most recent examination scores following the application of the tie breaking procedures in subparagraph (2) above, then in that event the tie in such scores shall be broken and determined by lot by the Police Civil Service Commission.

(b) Promotional Examinations: In the event that any applicants for Promotion have the same Aggregate Promotion Scores for purposes of ranking on the list of eligibles under Section 10.02(e), the tie shall be broken for purposes of ranking on the list of eligibles as follows:

(1) The person or persons with the highest score on the competitive written examination for Promotion shall be ranked higher on the list of eligibles among those persons tied in Aggregate Promotion Scores;

(2) In the event any persons remain tied in examination scores following the application of the tie breaking procedure in subparagraph (1) above, the person or persons with the longer total continuous duration of service in the Police Department shall be ranked higher on the list of eligibles among those persons tied in examination scores;

(3) In the event any persons remain tied in total continuous duration of service following the application of the tie breaking procedure in subparagraph (2) above, the person or persons with the greater departmental seniority shall be ranked higher on the list of eligibles among those persons tied in total continuous duration of service; and

(4) In the event any persons remain tied in departmental seniority following the application of the tie breaking procedure in subparagraph (3) above, then in that event the tie in departmental seniority shall be broken and determined by lot by the Police Civil Service Commission.

PART XI – ANTI-DISCRIMINATION PROVISIONS

No applicant or candidate for appointment or promotion or any other member of the Police Department shall be discriminated against on the basis of any class or characteristic protected by applicable law of the United States, the State of West Virginia, or the City of Charles Town, as such law may be amended from time to time, including, without limitation, *Article 154 – Equal Opportunity* of the Codified Ordinances of the City of Charles Town, which protected classes and characteristics include, without limitation, race, religion, color, national origin, ancestry, sex, age, blindness, disability, genetic information, familial status, veteran status, sexual orientation, gender identity, or religious or political opinions or affiliations. [§8-14-18]

* * *

The foregoing Rules and Regulations of the Police Civil Service Commission of the City of Charles Town, West Virginia were duly prescribed by the Police Civil Service Commission of the City of Charles Town, West Virginia by action of the Commissioners at a meeting duly called and legally held on the ____ day of _____, 2024.

_____ _____

President of the PCSC City Clerk

The undersigned Mayor of the City of Charles Town, West Virginia hereby approves the foregoing Rules and Regulations of the Police Civil Service Commission of the City of Charles Town, West Virginia this ____ day of _____, 2024.

_____

Robert Trainor
Mayor

The foregoing Rules and Regulations of the Police Civil Service Commission of the City of Charles Town, West Virginia were duly approved by the City Council of the City of Charles Town by resolution at a meeting duly called and legally held on the ____ day of _____, 2024.

_____

City Clerk

DELEGATION

The undersigned Mayor of the City of Charles Town, West Virginia, does hereby delegate to the Chief of Police of the City of Charles Town, on an *ex officio* basis, all the role, duties, and responsibilities of Appointing Officer under the Rules and Regulations of the Police Civil Service Commission of the City of Charles Town. Such delegation shall remain in effect until hereafter withdrawn or canceled, in whole or in part, by the undersigned or his successor as Mayor in writing delivered to the Chief of Police and the Police Civil Service Commission.

_____ Date: _____

Robert Trainor
Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-542: Payment of Bills - May 20, 2024

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2024 05 17.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 05 17.pdf
- PARKS N REC COUNCIL REPORT 2024 05 17.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	5/17/24	CUSTOM COLLAR BRASS	GENERAL FUND	POLICE DEPARTMENT	162.39
	5/17/24	PD UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	1,819.72
				TOTAL:	1,982.11
BOARD OF TRUSTEES OF THE POLICE PENSIO	5/17/24	MAY 24 POLICE PENSION	GENERAL FUND	POLICE DEPARTMENT	5,020.67
				TOTAL:	5,020.67
CINTAS	5/17/24	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	217.03
	5/17/24	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	209.45
				TOTAL:	426.48
COMCAST CORPORATION	5/17/24	CITY HALL INTERNET 5/9-6/8	GENERAL FUND	CITY HALL	250.39
	5/17/24	MAINT SHOP INTERNET	GENERAL FUND	STREETS & HIGHWAYS	188.00
				TOTAL:	438.39
DAVID ELLIOTT	5/17/24	B&O TAX PENALTY WAIVER	GENERAL FUND	NON-DEPARTMENTAL	1,228.40
				TOTAL:	1,228.40
DAVID LEE BUSSEY	5/17/24	PARKING TICKET OVERPAYMENT	GENERAL FUND	NON-DEPARTMENTAL	8.00
				TOTAL:	8.00
DELTA DENTAL OF PENNSYLVANIA	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	ECONOMIC DEVELOPMENT	22.18
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	TREASURER'S OFFICE	87.26
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	CITY CLERK'S OFFICE	62.61
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	BUILDING INSPECTION	42.90
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	PLANNING & ZONING	127.69
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	CITY HALL	42.90
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	PARKING	22.18
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	POLICE DEPARTMENT	576.29
	5/17/24	JUNE 2024 DELTA DENTAL	GENERAL FUND	STREETS & HIGHWAYS	66.54
				TOTAL:	1,050.55
EASTERN PANHANDLE USED TRUCKS AND TRAI	5/17/24	10/1/23-5/31/24 WITTIER ST	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	10,400.00
				TOTAL:	10,400.00
ELIZABETH COOK	5/17/24	BURMINGHAM ALABAMA MAIN ST	GENERAL FUND	PLANNING & ZONING	379.50
				TOTAL:	379.50
FRONTIER, INC.	5/17/24	CITY&PD PHONE SERV 4/4-5/3	GENERAL FUND	CITY HALL	1,567.90
	5/17/24	CITY&PD PHONE SERV 5/4-6/3	GENERAL FUND	CITY HALL	1,606.32
	5/17/24	RH-108N GEORGE 4/25/24-5/2	GENERAL FUND	CITY HALL	47.45
	5/17/24	CITY&PD PHONE SERV 4/4-5/3	GENERAL FUND	POLICE DEPARTMENT	1,567.89
	5/17/24	CITY&PD PHONE SERV 5/4-6/3	GENERAL FUND	POLICE DEPARTMENT	1,606.31
				TOTAL:	6,395.87

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	5/17/24	HAPPY RETREAT GAS REIMBURS	GENERAL FUND	STREETS & HIGHWAYS	11.99
	5/17/24	HAPPY RETREAT GAS REIMBURS	GENERAL FUND	STREETS & HIGHWAYS	18.99
				TOTAL:	96.35
HOLLY PERLICK	5/17/24	B&O TAX PENALTY WAIVER	GENERAL FUND	NON-DEPARTMENTAL	100.00
				TOTAL:	100.00
J A PRATHER INC	5/17/24	J A PRATHER INC	GENERAL FUND	NON-DEPARTMENTAL	700.00
				TOTAL:	700.00
JEFFERSON COUNTY COMMUNITY MINISTRIES	5/17/24	FY24 DONATION TO JCCM	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	50,000.00
				TOTAL:	50,000.00
JEFFERSON COUNTY EMERGENCY COMMUNICATI	5/17/24	MAINT 10TH YR 7/2/23-7/1/2	GENERAL FUND	POLICE DEPARTMENT	1,405.80
	5/17/24	CAD MOBILE DATA 1/6/24-2/5	GENERAL FUND	POLICE DEPARTMENT	408.22
				TOTAL:	1,814.02
JEFFERSON PUBLISHING COMPANY, INC.	5/17/24	4/3 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	5/17/24	4/10 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	5/17/24	4/17 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	5/17/24	4/24 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	5/17/24	4/24 NPH COA 2024-09 LEAH	GENERAL FUND	CITY HALL	40.62
	5/17/24	5/8 SKATE PARK PROPOSAL	GENERAL FUND	CITY HALL	37.02
	5/17/24	5/ NPH TXA2023-01 MBL FOOD	GENERAL FUND	FAIR ASSOC/FESTIVAL	40.62
				TOTAL:	396.26
JOHN NISSEL	5/17/24	GAS REINBURSMENT	GENERAL FUND	CITY MANAGER'S OFFICE	14.00
				TOTAL:	14.00
LAURI SISNEY	5/17/24	B&O PENALTY WAIVER	GENERAL FUND	NON-DEPARTMENTAL	601.83
				TOTAL:	601.83
LIBERTY GET N GO	5/17/24	TRAVIS- RANSON BUCKET TRUC	GENERAL FUND	STREETS & HIGHWAYS	93.25
	5/17/24	TRAVIS- 2017 CHEVY FUEL	GENERAL FUND	STREETS & HIGHWAYS	107.52
				TOTAL:	200.77
MCKINNEY'S AUTO REPAIR & TOWING	5/17/24	CAR#38 OIL CHANGE	GENERAL FUND	POLICE DEPARTMENT	130.05
				TOTAL:	130.05
MEEKS ALISSA F.	5/17/24	TRAVEL-TRAINING REINBURSME	GENERAL FUND	PLANNING & ZONING	230.63
	5/17/24	TRAVEL-EXPENSE REINBURSMEN	GENERAL FUND	PLANNING & ZONING	7.25
				TOTAL:	237.88
MORE THAN A CARPENTER INC	5/17/24	B&O TAX PENALTY WAIVER	GENERAL FUND	NON-DEPARTMENTAL	600.00
				TOTAL:	600.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
REVIZE LLC	5/17/24	PD ANNUAL FEE FOR WEBSITE	GENERAL FUND	POLICE DEPARTMENT	1,800.00
				TOTAL:	1,800.00
RYAN WILLINGHAM	5/17/24	B&O TAX WAIVER	GENERAL FUND	NON-DEPARTMENTAL	600.00
				TOTAL:	600.00
S & Y GENERAL CONTRACTORS INC	5/17/24	CITY BUILDING PAINTING	CAPITAL RESERVE	INVALID DEPARTMENT	49,689.00
				TOTAL:	49,689.00
JOHN DEERE FINANCIAL	5/17/24	LAWN WEED KILLER	GENERAL FUND	STREETS & HIGHWAYS	18.99
				TOTAL:	18.99
STAPLES ADVANTAGE	5/17/24	COFFEE ESSENTIALS	GENERAL FUND	CITY HALL	50.41
	5/17/24	COFFEE ESSENTIALS	GENERAL FUND	CITY HALL	33.35
	5/17/24	COFFEE ESSENTIALS	GENERAL FUND	CITY HALL	11.79
	5/17/24	COFFEE ESSENTIALS	GENERAL FUND	CITY HALL	4.61
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	203.82
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	38.09
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	58.31
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	62.30
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	72.22
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	57.58
	5/17/24	TISSUE/PAPER TOWELS/ LINER	GENERAL FUND	CITY HALL	121.26
	5/17/24	DOOR HANGERS	GENERAL FUND	CITY HALL	99.98
	5/17/24	FOLDERS & COFFEE CUPS	GENERAL FUND	CITY HALL	20.66
	5/17/24	FOLDERS & COFFEE CUPS	GENERAL FUND	CITY HALL	39.88
	5/17/24	FOLDERS & COFFEE CUPS	GENERAL FUND	CITY HALL	25.02
				TOTAL:	899.28
STAUBS, PERRY	5/17/24	CPRB 11/15/19-7/8/22 OVERP	GENERAL FUND	NON-DEPARTMENTAL	104.93
				TOTAL:	104.93
STEPTOE & JOHNSON PLLC	5/17/24	LEGAL SERVICES MAR 2024	GENERAL FUND	CITY ATTORNEY	12,294.75
				TOTAL:	12,294.75
STERICYCLE INC	5/17/24	CITY HALL SHREAD SERVICES	GENERAL FUND	CITY HALL	635.60
				TOTAL:	635.60
SUSTAINABLE STRATEGIES DC	5/17/24	APR24 BASE RETAINER	GENERAL FUND	CITY HALL	2,400.00
				TOTAL:	2,400.00
LYLE C TABB & SONS, INC.	5/17/24	BOX RENTAL FEES APRIL 2024	GENERAL FUND	STREETS & HIGHWAYS	1,750.00
	5/17/24	BOX RENTAL FEES APRIL 2024	GENERAL FUND	STREETS & HIGHWAYS	675.00
				TOTAL:	2,425.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	ECONOMIC DEVELOPMENT	296.11
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	ECONOMIC DEVELOPMENT	87.26
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	ECONOMIC DEVELOPMENT	177.86
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	MAYOR'S OFFICE	57.04
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	MAYOR'S OFFICE	59.22
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	MAYOR'S OFFICE	17.45
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	MAYOR'S OFFICE	35.57
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY COUNCIL	182.54
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY COUNCIL	189.51
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY COUNCIL	55.86
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY COUNCIL	113.83
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY MANAGER'S OFFICE	869.79
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY MANAGER'S OFFICE	903.03
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY MANAGER'S OFFICE	266.10
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY MANAGER'S OFFICE	542.40
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	TREASURER'S OFFICE	989.36
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	TREASURER'S OFFICE	1,027.16
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	TREASURER'S OFFICE	302.68
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	TREASURER'S OFFICE	616.95
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY CLERK'S OFFICE	263.65
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY CLERK'S OFFICE	273.73
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY CLERK'S OFFICE	80.66
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY CLERK'S OFFICE	164.41
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	POLICE JUDGE'S OFFICE	146.03
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	POLICE JUDGE'S OFFICE	151.61
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	POLICE JUDGE'S OFFICE	44.68
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	POLICE JUDGE'S OFFICE	91.06
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	ENFORCEMENT AGENCY	222.49
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	ENFORCEMENT AGENCY	230.99
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	ENFORCEMENT AGENCY	68.07
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	ENFORCEMENT AGENCY	138.74
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	BUILDING INSPECTION	336.78
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	BUILDING INSPECTION	349.65
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	BUILDING INSPECTION	103.03
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	BUILDING INSPECTION	210.01
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	PLANNING & ZONING	958.32
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	PLANNING & ZONING	994.94
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	PLANNING & ZONING	293.19
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	PLANNING & ZONING	597.60
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY HALL	439.92
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY HALL	456.72
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY HALL	134.59
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY HALL	274.33
	5/17/24	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	PARKING	164.74
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	PARKING	171.03

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	5/17/24	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	STREETS & HIGHWAYS	1,107.70
	5/17/24	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	STREETS & HIGHWAYS	326.42
	5/17/24	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	STREETS & HIGHWAYS	665.33
				TOTAL:	37,555.25
TYLER TECHNOLOGIES, INC	5/17/24	INCODE SUBSCRIPTION FEES	CAPITAL RESERVE	GENERAL GOVERNMENT	1,221.25
				TOTAL:	1,221.25
UNITED WAY OF THE EASTERN PANHANDLE, I	5/17/24	TEEN COURT FEES APRIL 2024	GENERAL FUND	NON-DEPARTMENTAL	432.05
				TOTAL:	432.05
VITAL SIGNS PLUS, INC.	5/17/24	SIGN-COROPLAST 18X24 W STA	GENERAL FUND	PLANNING & ZONING	195.00
				TOTAL:	195.00
WEST VIRGINIA DEPARTMENT OF MOTOR VEHI	5/17/24	REGISTRATION REPLACEMENT	GENERAL FUND	STREETS & HIGHWAYS	11.00
				TOTAL:	11.00
WIRELESS NETWORKS GROUP INC	5/17/24	APR24 SHENTEL PROJECT PLAN	GENERAL FUND	CITY HALL	100.00
				TOTAL:	100.00
WITMER PUBLIC SAFETY GROUP INC	5/17/24	18 TRAUMA KITS	CAPITAL RESERVE	PUBLIC SAFETY	151.50
	5/17/24	36 TRAUMA KITS	CAPITAL RESERVE	PUBLIC SAFETY	2,548.50
				TOTAL:	2,700.00
WORKFORCE WEST VIRGINIA	5/17/24	J BARKLEY Q12024 UNEMPLOYM	GENERAL FUND	CITY MANAGER'S OFFICE	1,316.48
				TOTAL:	1,316.48
WV STATE TREASURER'S OFFICE	5/17/24	MUNC COURT FEES APRIL 2024	GENERAL FUND	NON-DEPARTMENTAL	4,618.86
				TOTAL:	4,618.86
WEST VIRGINIA TRACTOR CO	5/17/24	24 WIRE - 5 GUTTER BROOM	GENERAL FUND	STREETS & HIGHWAYS	452.98
				TOTAL:	452.98
WVU SHARED SERVICES CENTER	5/17/24	WV FEST MOUNTAINEER APPERA	GENERAL FUND	FAIR ASSOC/FESTIVAL	200.00
				TOTAL:	200.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

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

001	GENERAL FUND	150,049.55
200	CAPITAL RESERVE	64,145.21
	GRAND TOTAL:	214,194.76

TOTAL PAGES: 6

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
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: 5/17/2024 THRU 5/17/2024

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
MOTOROLA SOLUTIONS, INC.	5/17/24	TAHOE VIDEO EQUIPMENT	CAPITAL RESERVE	PUBLIC SAFETY	7,942.46
				TOTAL:	7,942.46
S & Y GENERAL CONTRACTORS INC	5/17/24	CITY BUILDING PAINTING	CAPITAL RESERVE	INVALID DEPARTMENT	49,689.00
				TOTAL:	49,689.00
THE THRASHER GROUP INC	5/17/24	INITIAL REVIEW FOR POOL RE	CAPITAL RESERVE	LWCF GRANT	2,592.50
				TOTAL:	2,592.50
TYLER TECHNOLOGIES, INC	5/17/24	INCODE SUBSCRIPTION FEES	CAPITAL RESERVE	GENERAL GOVERNMENT	1,221.25
				TOTAL:	1,221.25
WITMER PUBLIC SAFETY GROUP INC	5/17/24	18 TRAUMA KITS	CAPITAL RESERVE	PUBLIC SAFETY	151.50
	5/17/24	36 TRAUMA KITS	CAPITAL RESERVE	PUBLIC SAFETY	2,548.50
				TOTAL:	2,700.00

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

200	CAPITAL RESERVE	64,145.21
	GRAND TOTAL:	64,145.21

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: 5/17/2024 THRU 5/17/2024

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	5/17/24	JMP PORTA POTTY SERVICE	PARKS & REC	PARKS & REC		289.00
					TOTAL:	289.00
CBP ENTERPRISES	5/17/24	APR24 MOWING EVITTS RUN	PARKS & REC	PARKS & REC		960.00
	5/17/24	APR24 MOWING HAPPY RETREAT	PARKS & REC	PARKS & REC		920.00
	5/17/24	APR24 MOWING GRAIG HILL	PARKS & REC	PARKS & REC		940.00
	5/17/24	APR24 MOWING JMP	PARKS & REC	PARKS & REC		1,580.00
	5/17/24	APR24 MOWING WILLINGHAM KN	PARKS & REC	PARKS & REC		1,180.00
					TOTAL:	5,580.00
HALLTOWN POOL & SPA	5/17/24	2024 JMP POOL- KEY,,ALGECI	PARKS & REC	PARKS & REC		120.00
	5/17/24	2024 JMP POOL- KEY,,ALGECI	PARKS & REC	PARKS & REC		140.00
	5/17/24	2024 JMP POOL- KEY,,ALGECI	PARKS & REC	PARKS & REC		15.60
	5/17/24	JMP PARK POO PURCHASE	PARKS & REC	PARKS & REC		4,200.00
					TOTAL:	4,475.60

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

207	PARKS & REC	10,344.60
	GRAND TOTAL:	10,344.60

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: All
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: 5/17/2024 THRU 5/17/2024

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: 05/20/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-519: Council Select Committee on PODA (Private Outdoor Designated Area) Letter

ATTACHMENTS:

- Council Select Committee on PODA.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 6, 2024

Re: Council Select Committee on PODA (Private Outdoor Designated Area)

Dear Council Members,

Please be advised that a Council Select Committee on PODA Private Outdoor Designated Area has been established to perform the following:

- Anticipated PODA impacts to the Charles Town operating budget, staff, and Police Department.
- Possible PODA impacts to the quality of life, safety and welfare of Charles Town Residents.
- Prospective PODA economic opportunities for Charles Town and city businesses.
- Recommendations PODA days and hours of operation as well as PODA boundaries.
- Experience from other cities who have adopted PODA or similar initiatives.
- Overall Pros and Cons to adopting PODA for Charles Town.
- The Council Select Committee on PODA will report back to the City Council at the October 7, 2024, Council Meeting.

The following personnel and business owners are hereby appointed to the Council Select Committee on PODA;

- Council Member Jeff Hynes
- Council Member Julie Philabaum
- Police Chief Chris Kutcher
- City Manager John Nissel
- City Staff Designee
- Mr. Josh Vance
- Ms. Leah Brooks

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

Sincerely,

John Nissel
City Manager

cc: Mr. Josh Vance
Ms. Leah Brooks
Police Chief Chris Kutcher

MAYOR
Robert M. Trainor

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
Jeff Hynes
Kevin Tester
Julie Philabaum
Priscilla Rodd
Micheal George
Rikki Twyford

CITY MANAGER
John Nissel

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-520: Heidi Parker - Charles Town Utility Board Signed Oath

ATTACHMENTS:

- 2024 - Heidi Parker Oath.pdf

State of West Virginia
City of Charles Town

COUNTY OF JEFFERSON

I, **Heidi Parker,** do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of West Virginia.

I, **Heidi Parker,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Board Member for the City of Charles Town Utility Board, to the best of my skill and judgment, and according to law.

Heidi Parker

Signature

The above oath was taken and subscribed before Robert M. Trainor, Charles Town Mayor, on this 6th day of May, 2024.

Robert M Trainor

Robert M. Trainor
Charles Town Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-530: Public Comment Letters to Matt Mullenax - HEPMPO

ATTACHMENTS:

- Public Comment Letter to HEPMPO - SAP 2024.pdf
- Public Comment Letter to HEPMPO - TIP Program.pdf
- Public Comment Letter to HEPMPO - Unified Planning Work 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

May 13, 2024

MAYOR
Robert M. Trainor

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
Jeff Hynes
Kevin Tester
Julie Philabaum
Priscilla Rodd
Micheal George
Rikki Turyford

CITY MANAGER
John Nissel

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

Dear Mr. Mullenax and the HEPMPO staff and council,

Thank you for allowing public comment on the Safety Action Plan. Charles Town is excited for the opportunity to be a part of this regional plan which is the first step in gaining access to Federal Safe Streets for All (SS4A) demonstration and implementation grants.

The number one factor in whether or not a crash results in a fatality is speed. Looking to reduce speeds county and region-wide to counterbalance the increase in vehicle size, prevalence of distracted drivers, and sheer volume of traffic would help ensure better outcomes in the unfortunate instance of an accident. The Killed or Severely Injured (KSI) statistics for Charles Town are sobering with a fatal crash rate of 23.4 per 100,000 and it is evident we must do more to protect our most Vulnerable Road Users.

East Washington Street in Charles Town is listed as the top corridor in the High-Injury Network. The City of Charles Town wants to see a focus on pedestrian level lighting, pedestrian islands, high visibility crosswalks, bump outs, lane separating bollards, leading pedestrian intervals, street trees and refreshed pavement markings to address this statistically dangerous stretch of roadway. There are quick-implementation items from that list that could save lives and those should be looked at for short to medium-term on the timeline rather than long-term. Charles Town looks forward to the opportunity to coordinate with the state to make these improvements which will have an important impact on the municipality's downtown corridor.

The Washington Street corridor improvements are a matter of not only public safety, but economic vitality as downtown Charles Town and the commercial areas to the east of town continue to be a destination for visitors and a gathering place for a growing community of residents. We have seen massive investment over the years in routes which carry people out of Jefferson County (Routes 340, 9, and 51) but not in the roadways that keep people in the area to work and spend their money. Providing infrastructure, such as safe routes to schools and multimodal trails to everyday destinations, is known to promote economic vitality, public health and safety.

The WVDOT and municipalities must take a stand to value the safety of all roadway users over the speed of vehicles in order to see change and improved outcomes. Charles Town strives to improve connectivity across the municipality and plans to continue working with the WVDOT and HEPMPO to plan, design, and construct multimodal trails.

The Safety Action Plan should consider a way of giving a weighted score to non-state roadways since the majority of the high priority roadways indicated in the study are state roads but DOTs are not an eligible entity for SS4A grant funding. The cities and towns in West Virginia could benefit greatly from having the plan showcase the municipal roadways that are dangerous and due for improvements by having access to the SS4A grants with the support of the Safety Action Plan. That being said, Charles Town appreciates the attention to Washington Street and Jefferson Avenue which this plan brings and the opportunity to incorporate life-saving improvements.

All major infrastructure improvements begin with a solid plan and Charles Town is proud to have contributed throughout the Safety Action Plan process. Zero is our goal. A Safe System is how we get there.

Sincerely,

John Nissel
City Manager

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 13, 2024

MAYOR
Robert M. Trainor

CITY COUNCIL
James Kratovil
Elizabeth Ricketts
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Julie Philabaum
Priscilla Rodd
Micheal George
Rikki Turyford

CITY MANAGER
John Nissel

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

Dear Mr. Mullenax and the HEPMPO staff and council,

Thank you for allowing public comment on the FY2025-2028 Transportation Improvement Program covering Washington County MD, Berkeley County, parts of Pennsylvania and Virginia, as well as Jefferson County in West Virginia.

It is unfortunate that no part of Jefferson County is considered an Urban Area under the 2020 census because the area continues to experience immense growth and seems inevitable to become urbanized within the next 20-years. This growth continues to dissolve the rural character of the area and the state and municipalities struggle to adapt and improve infrastructure at a rate that will keep pace with development. Without the designation as an Urban Area, it seems Charles Town is ineligible for certain federal funding which could be transformative for local infrastructure projects if made available.

It is also unfortunate that the STIP, which is informed by the TIP and approved by the Governor's office, was over-programmed by such a large dollar amount that it required the cancellation of nearly $10 Million in projects for the two West Virginia counties served by the HEPMPO. The City of Charles Town hopes that the new TIP projects will be approved and seen through to completion.

There seems to be an error of an incomplete sentence in the first sentence of the fourth paragraph of page 3. Additionally, there seems to be a word or phrase missing on page 10, paragraph two, sentence two.

The Project Selection Process for West Virginia references projects being considered "groupable" but does not provide a definition of this criteria or state whether or not this is a weighted factor in projects being programmed in the TIP. Charles Town would appreciate some clarity, preferably within the document, as to the significance of "groupable" projects. In addition, the chart on page 10 refers to "Program Group" numbers but it is unclear as a reader if this is the same number indication for "Performance Measure" on the charts on the following pages.

Charles Town understands that the WVDOT has the final responsibility for selecting, financing, and managing all projects and appreciates the role the MPO staff fills as a liaison to the state. Opportunities to meet and coordinate with WVDOT representatives are always appreciated.

With the Eastern Panhandle Transit Authority (EPTA) transitioning into a fully-funded direct recipient of FTA 5307 funding and requiring more local funding to meet match requirements, Charles Town is concerned with the instability for operating, capital, and planning expenses this dependence on local match could create. While Charles Town supports public transit, it has become increasingly difficult to secure funds for EPTA within the municipality's budget. At the same time, EPTA continues to project increased local contributions that may not be easily met by the municipalities facing their own budget constraints.

Charles Town appreciates that the Public Participation Process encourages more responsiveness to local needs. We are always willing to promote public engagement opportunities and work in collaboration with the MPO to host outreach events.

The chart on page 36 shows that the Non-federal State of WV funding is at $2 for 2025. Is this an error? And how is this chart different from the one on page 37 which shows state funding at $965,803?

Projects specific to Charles Town in the FY2025-2028 Transportation Improvement Program include:

J2023-05 is generally supported by the City of Charles Town as it includes signage and safety improvements to US 340. This route has created safety issues particularly where it intersects with Augustine Avenue and Old Cave Road. Looking into the future, Charles Town wishes to pursue projects that would create pedestrian overpass crossings or fully pedestrian bridges in order to keep the municipality connected between its downtown and the neighborhoods to the East.

J2024-04 is set to break down in the very near future and was funded by a TAP grant, for which the City of Charles Town is grateful. This much needed connection will allow safer pedestrian access to the water and sewer utility offices and the Charles Town Police Department. Future projects could tie into this sidewalk to allow for additional pedestrian safety along S. George Street/ Rt 115.

J2024-06 is a highly desired project for the City of Charles Town as Hillside Drive and areas of the county on Rt 115 rapidly become developed with housing. We urge the MPO to advocate with the state for this roundabout to include pedestrian features on all sides as it will connect neighborhoods to commercially zoned areas.

J2024-09 remains a contentious project as it looks to address the Y-intersection on W. Washington St. with construction potentially impacting local residents in the oldest part of Charles Town. The city remains committed to advocating for public involvement as the planning phase of this project advances. The City would like to see all alternative options presented and adequately vetted by the public before any construction commences. In addition, there is a strong desire to see East Washington Street studied for potential safety improvements as this is a high-traffic area for

multimodal transportation and an area indicated in the Safety Action Plan as a High Injury area and a statistically significant area for (Killed or Severely Injured) KSI metrics.

Thank you again for the opportunity to comment on the proposed Transportation Improvement Program. Charles Town looks forward to working with HEPMPO and WVDOT to better serve our residents and visitors with safe streets for all.

Sincerely,

John Nissel
City Manager

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 13, 2024

MAYOR
Robert M. Trainor

CITY COUNCIL

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Micheal George

Rikki Twyford

CITY MANAGER

John Nissel

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

Dear Mr. Mullenax and the HEPMPO staff and council,

Thank you for allowing public comment on the Unified Planning Work Program FY 2025.

Charles Town appreciates the MPO staff's commitment to continuing, comprehensive, and coordinated planning and their role as a liaison to WVDOT, the FHWA, and the FTA. Charles Town looks forward to supporting the HEPMPO in efforts to continue data collection, GIS database creation, and implementation of visualization techniques in planning activities. Charles Town also strongly supports public involvement throughout the planning process and is a willing partner when it comes to planning and promoting public engagement.

As HEPMPO works with the transportation planning consultants to assist with the Long Range Transportation Plan and other planning documents, we ask that you keep in mind the rapid level of growth in Charles Town and Jefferson County and impacts that it will have on infrastructure and public safety. It is also important to note that a great deal of growth has occurred since the 2020 census and will likely continue for the foreseeable future. Unfortunately, this data may not be captured until the next census so it is beneficial for planning purposes to coordinate with county and municipal planners to capture the most up to date information.

As a municipality, we understand the difficulty of balancing a budget and weighing priorities for funding. We appreciate the commitment by HEPMPO to ensure important studies and projects are promoted in a fiscally responsible way.

Of the nine Planning Emphasis Areas (PEAs) encouraged by the FHWA and FTA, Charles Town is especially interested in supporting the MPO in tackling the climate crisis, equity and Justice40, complete streets, and increasing meaningful public involvement as the Investment Infrastructure and Jobs Act (IIJA) continues to shape transportation planning.

Having no interstates, Charles Town is most focused on short range planning that addresses specific problem areas, not of a regional nature. Bicycle/pedestrian initiatives are of the utmost importance to Charles Town and we are interested in supporting multimodal transportation networks in collaboration with our fellow Jefferson County municipalities.

To support these efforts, Charles Town looks forward to hosting the ADA Transition Plan workshop on June 25th, 2024 in collaboration with MPO staff. A walk audit is one of the most beneficial methods to inform transportation planning and should be incorporated whenever feasible.

Charles Town was disappointed to learn that the current Statewide Transportation Improvement Program (STIP) was amended to remove a study of the Rt340/Rt9 interchange and would appreciate advocacy by the MPO to the state DOT to re-incorporate this study back into planning documents.

The Eastern Panhandle Transit Authority provides a vital service that will become increasingly important as the area grows. Charles Town desires to see increased service or re-evaluated routes within the municipality to better serve areas of growth. The completion of updating GTFS feeds in Google Maps by the MPO staff was a great step in improving the accessibility of mass transit.

Overall, the City of Charles Town is grateful for the representation and work the MPO provides and looks forward to another year of collaboration on vital transportation projects.

Sincerely,

John Nissel
City Manager

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-531: Councilmember Micheal George's Ward Report

ATTACHMENTS:

- Ward Report 20240506.pdf

Ward Report – Micheal George – Ward 4 – May 6, 2024

- During the last meeting I felt that the Parking Committee failed on its task to bring recommendations to the city council. There should not have been so many options for the City Council to consider. In hindsight, we should have sent it back to the Parking Committee to present recommendations.
- CTUB's Greenfield project is currently on hold as the company that was working on the project has gone bankrupt. It has left a trench across Baily Brooks Dr. that is getting deeper. There are also several test pits that are just filled with gravel. and there has not been any improvement in the road conditions since February.
- I attended the Jefferson County 2024 Tourism Summit on April 17.
    - Managing your social pressure
    - Promoting Jefferson County and statistics
    - West Virginia Hospitality Travel Association
    - State of Tourism in WV
    - Power of Video
    - Being the Best of WV
    - Invest in Your Team
- Attended
    - The ribbon cutting at Sustain
    - City Manager Day
    - CTUB
    - HEPMPO Regional Safety Action Plan Public Input Meeting
- Talked to WVDOH/DOT
    - Intersection of George and Liberty
    - 115 and Hillside Circle – No updates

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-532: Jefferson Memorial Park Tennis Timeline

ATTACHMENTS:

- Tennis Timeline.pdf

Jefferson Memorial Park Tennis Timeline

1951—***1st Court built*** in current location with chain link net and chicken wire fence

1961—***Lights installed on court 1***—Became a regional attraction with visitors from Winchester, Hagerstown, Frederick, and beyond

1968—***Court 2*** added AND ***Summer Tennis Program Starts*** (Thirty 11-15 yr olds)

1972—***Junior Tennis Program started*** as a club sport playing mostly private schools and is still in existence today and *Still* the ENVY of surrounding states as there are *No Other* such programs in PA, MD, VA nor the rest of WV. Also in 1972 Charles Town held the 1st USTA tournament at the park.

Mid 1970's—***Court 3 added*** AND ***lights installed on 2 and 3***. However lights were more parking lot lights instead of sports specific lighting.

1980's—By this time the park now hosted ***5 USTA tournaments a year*** with over 250 kids participating, many from out of town.

Mid 1990's—Courts resurfaced and ***Lighting upgraded on courts 2 & 3***. Paid for by local Community Businesses and private citizens. Those businesses have not been asked for tennis community support since then!

Mid-late 1990's—JHS ***wins State Tennis Championship*** and the following year 6 courts are installed at JHS to make a total of 8 courts—the most in any HS in WV. ***Also ... Summer Program now in its 30th year splits*** into a big league / little league format due to the large number of participants in the program. (now over 150)

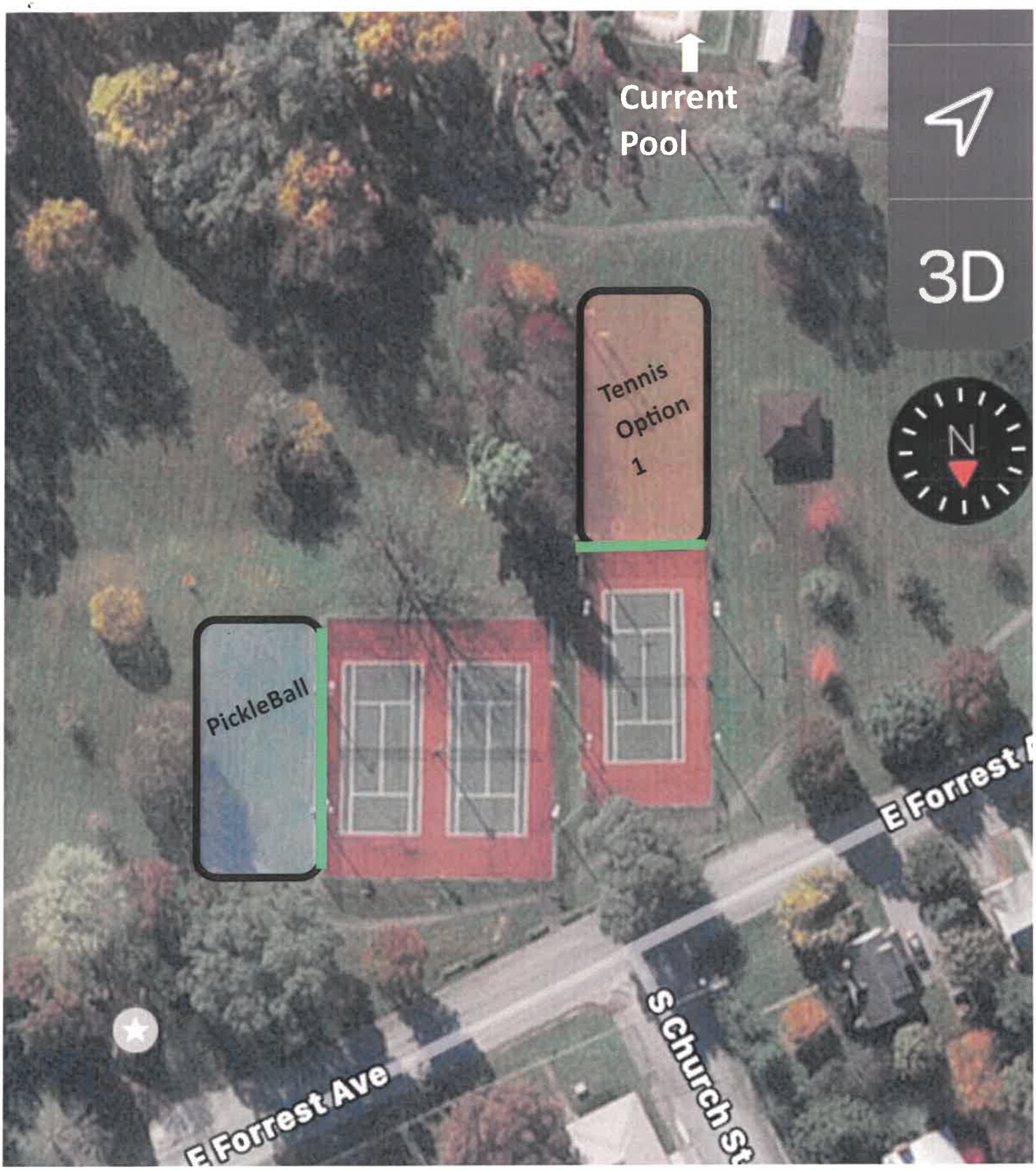
Early 2000's—***Washington High School*** built with 8 courts instead of the state planned 4 courts. ***These are still the ONLY high schools in WV with 8 courts***, showcasing the importance of tennis in this community.

Present DAY...

50 years after the start of the tennis summer program with Over 5,000 kids served in a fast growing community and we still have the same resources we had at the beginning... 3 tennis courts.

CT is a racquet Community and Jefferson Memorial Park is and always has been the epicenter of tennis in Jefferson County.

Jefferson Memorial Park Tennis Complex—*proposed changes 2021*



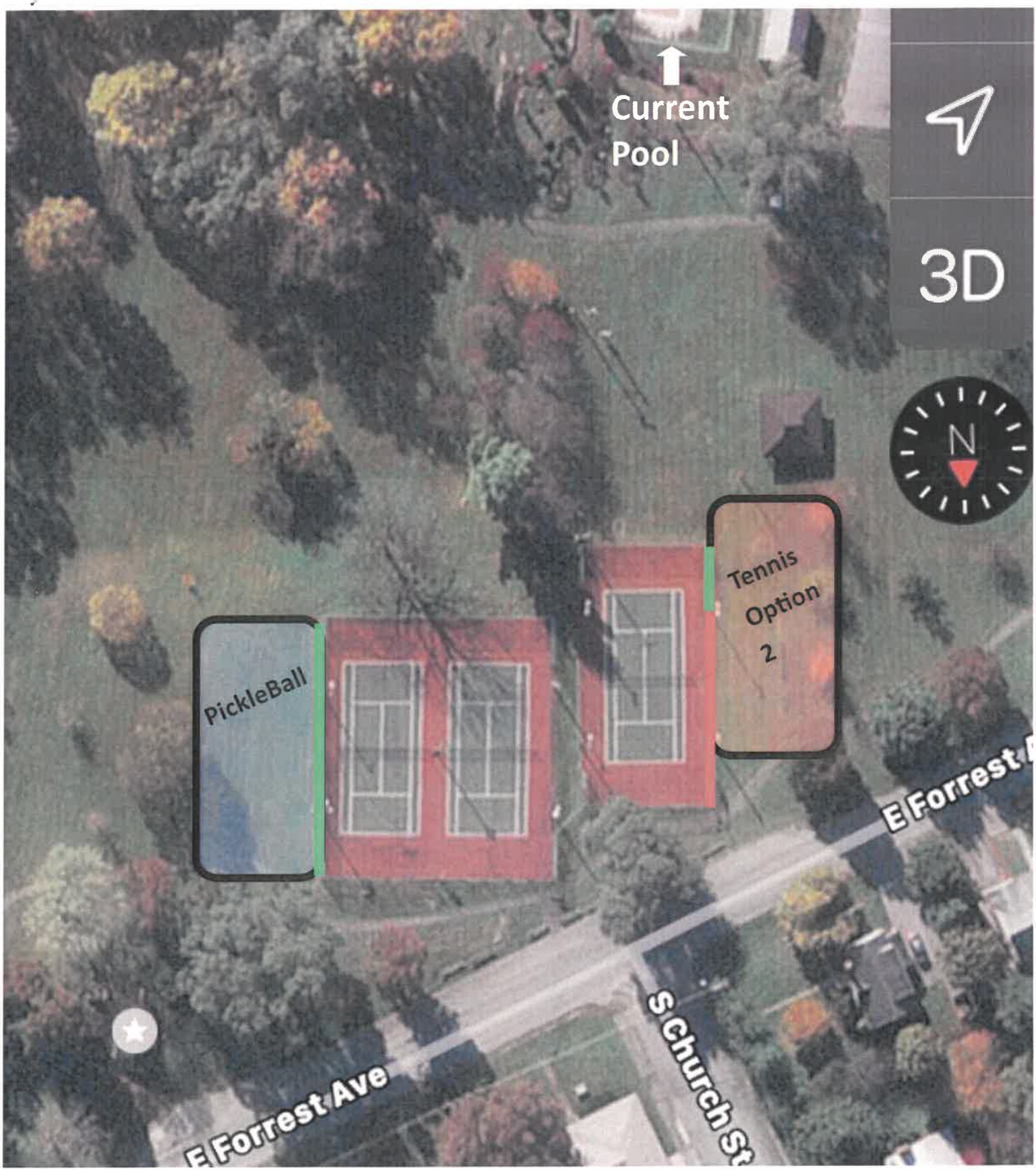
= Shared Existing Fence

= New Fence

Reminder: *USTA requires 4 courts for USTA Tournaments*

USTA

Jefferson Memorial Park Tennis Complex—*proposed changes 2021 opt 2*



= Shared Existing Fence

= New Fence

Reminder: *USTA requires 4 courts for USTA Tournaments*

USTA

Jefferson Memorial Park – *THE Racquet Community End GOAL !*









Example from Ida Lee Public Park
Leesburg, VA

Interior

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-533: Charles Town Police Department April Statistic Report

ATTACHMENTS:

- April 2024 CTPD Stats.pdf

Charles Town Police Department
Monthly Stat Report

April 2024

911 Hangup	1
Abandoned Vehicle	13
Abuse/Neglect	1
Alarm	12
Animal Complaint	1
Assault	1
ATV Complaint	2
BOLO	4
Breaking and Entering	
Breaking and Entering Veh	
Building Check	55
Burglary	
Capias Recall by Court	14
Capias Service	6
Civil Matter	1
Court/Bailiff Duty	2
Court Order Violation	1
Destruction of Property	2
Directed Patrol	255
Disabled Vehicle	6
Disturbance	36
Domestic Battery	3
Drug Activity	3
DUI	3
EMS Assist	8
Fingerprinting	13
Fire Assist	2
Follow Up	25
Foot Patrol	17
Found Property	2
Fraud	5
Gunshots Heard	2
Harassment	1
Hardcopy Check	2
Illegal Burn	
Injured Animal	1
Intoxicated Person	4
Juvenile Complaint	5

Missing Person	
Motorist Assist	5
MVA w/ Entrapment	
MVA Hit and Run	4
MVA No Injury	18
MVA Into Structure	
MVA w/ Injury	1
Nuisance	1
Open Door	1
Out of Car (Investigation/Mtg/Court)	8
Panhandling	
Overdose	3
Overdose-Death	
Parking Complaint	8
Public Assist (In Person Contact)	25
Public Service (Phone Contact)	81
Pursuit	
Reckless Driver	1
Road Patrol	5
Sexual Assault	1
Shoplifting	1
Special Event/Detail	2
Suspicious Activity	13
Suspicious Mail	
Suspicious Person	5
Suspicious Vehicle	11
Terrorist Threats	
Theft	2
Threats	
Traffic Hazzard	5
Trespassing	3
Unattended Death	
Vehicle Fire	1
VIN Verification	1
Warrant Service	4
Welfare Check	12
Wildlife Complaint	1
Total calls of service	**732**

Assists/Back-Ups:				
	Ranson	**11**	Sheriffs Dept.	**21**
	Harpers Ferry		State Police	**4**
	Shepherdstown		Other (not including CTPD)	**1**
			Total Assists	**37**

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	13	11	22	2	0	0	0	**24**
Total Charges	22	23	43	2	0	0	0	**45**
Citations:								**279**
- Moving								**132**
- Nonmoving								**132**
- Criminal								**10**
- S Ticket (Parking)								**5**
Stops	140	97	183	19	29	2	4	**237**
Warnings:								**120**
Stops	63	57	97	7	7	0	9	**120**
Total	**216**	165	**302**	**28**	**36**	**2**	**13**	
Incident Report								**52**
Parking								
- Citations								**247**
-Warnings								**16**

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

April 2024

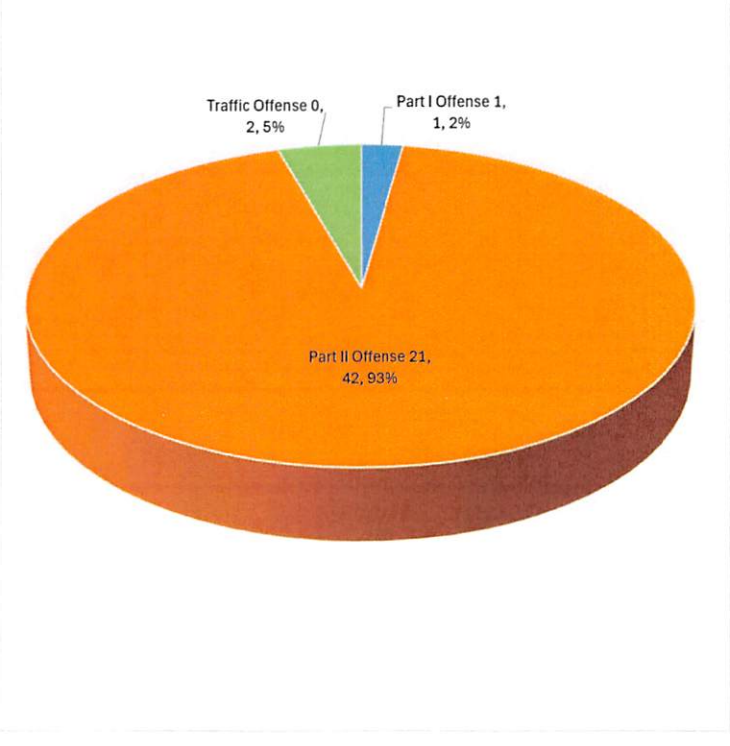
	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
PART I OFFENSE							
Burglary (Daytime)							
Burglary (Nighttime)							
Grand Larceny							
Malicious Assault							
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny							
Robbery - Attempted							
Robbery							
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting							
Shoplifting 2nd Offense							
Shoplifting 3rd Offense	1		1				
Strangulation							
TOTAL	1	0	1	0	0	0	0
PART II OFFENSE							
Assault							
Assault on an Officer							
Attempted to Defeat Drug/Alcohol Screening Test							
Bond Violation		1	1				
Brandishing a Firearm	1		1				
Breaking and Entering							
Capias Served	4	1	5				
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury							
Computer Fraud							
Conspiracy							
Conspiracy to Distribute MDMA							
Conspiracy to Breaking and Entering							
Conspiracy to Possess w/Intent to Deliver Cocaine	1	1	2				
Conspiracy to Possess w/Intent to Deliver Heroin	1	1	2				
Conspiracy to Possess w/Intent to Deliver Methamphetamine	1	1	2				
Conspiracy to Commit Petit Larceny		1	1				
Destruction of Property	1		1				
Disorderly Conduct	1		1				
Disruption of School							
Distribution of Crack Cocaine							
Disturbing the Peace							
Domestic Assault							
Domestic Battery	1	1	2				
Domestic Battery 2nd Offense	1		1				
Domestic Battery 3rd Offense							
Driving Revoked for DUI							
Driving Revoked for DUI 2nd							
Driving Revoked for DUI 3rd							
Driving Revoked Non DUI Admin							
DUI		1	1				
DUI 2nd							
DUI 3rd							
DUI Aggravated		1	1				
DUI Causing Bodily Injury							
DUI - Drugs							

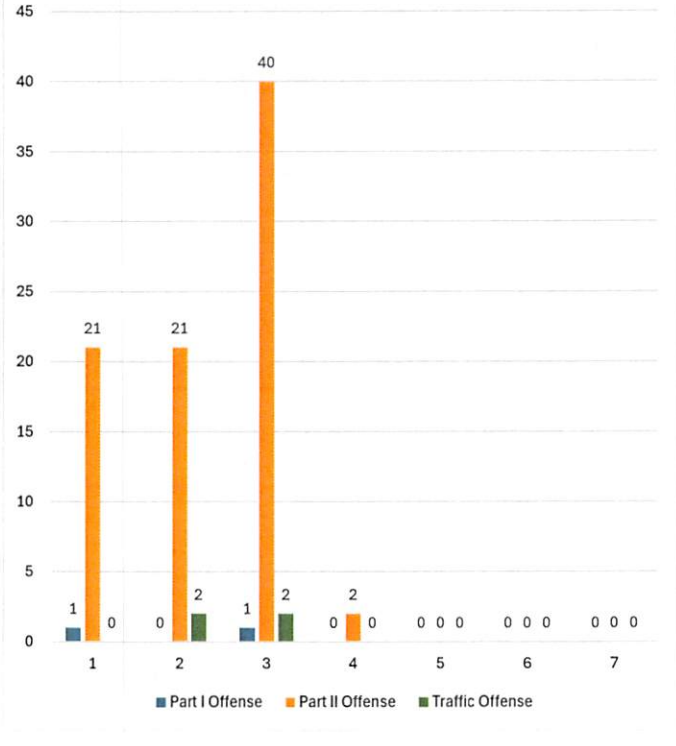
Charles Town Police Department
Monthly Stat Report
Charges by Offense/Gender/Race

DUI - Drugs 3rd Offense	1		1				
DUI w/ Minor							
Embezzlement							
Failure to Register for Child Abuse Registry							
False Alarm of Fire							
False Reporting of an Emergency							
Felon in Possession of Firearm							
Fingerprint Refusal		1	1				
Fleeing on Foot							
Fleeing in Vehicle							
Forgery		1	1				
Fraudulent Schemes							
Fugitive From Justice							
Incest							
Interfering with Emergency Communication							
Interlock Violation							
Littering							
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer	2		2				
Obtain Money, Property, Services by False Pretense							
Open Container							
Open Container in Vehicle		1	1				
Pedestrian in Roadway							
Pimping							
Possession Deadly Weapon by Minor							
Possession of Alcohol Under 21		1	1				
Possession of Controlled Substance (Schedule IV)		1	1				
Possession of Gabapentin							
Possession of Heroin							
Possession of Marijuana	1	3	2	2			
Possession of Methamphetamine							
Possession of Psilocybin Mushrooms (Schedule I CDS)							
Possession of Stolen Property							
Possession of Vape Product under 18							
Possession w/ Intent to Deliver Cocaine	1	1	2				
Possession w/ Intent to Deliver Heroin	1	1	2				
Possession w/ Intent to Deliver Methamphetamine	1	1	2				
Possession w/ Intent to Deliver MDMA (Molly)							
Probation Violation							
Prohibited Person in Poss of Firearm							
Prostitution							
Prostitution 2nd Offense							
Providing Alcohol to Under 21							
Public Intoxication	1	1	2				
Reckless Driving							
Resisting Arrest							
Sexual Abuse 1st Degree							
Sexual Assault 2nd Degree							
Threats of Terroristic Acts							
Transfer Receive Stolen Property							
Trespassing							
Unlawful Possession/Transport into WV Fentanyl							
Underage Possession of Firearm (Federal Warrant)							
Uttering							
Wanton Endangerment	1		1				
TOTAL	**21**	**21**	**40**	**2**	**0**	**0**	**0**

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

TRAFFIC OFFENSE							
Cell Phone Violation							
Child Safety Restraint Violation							
Defective Equipment							
Driving Suspended							
Driving Suspended 2nd Offense							
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI							
Expired/No Operators							
Expired/No Registration		1	1				
Fail to Keep Right							
Fail to Maintain Control							
Fail to Obey Traffic Control Device							
Fail to Obtain WV Operators							
Fail to Report Accident							
Failure to Update Address on License							
Following to Closely							
Improper Backing							
Improper Registration							
Leaving the Scene of Accident							
Left of Center							
No Insurance/No Proof of Insurance		1	1				
No Motorcycle Endorsement							
No Parking Violation							
No Seatbelt							
Passing on Right							
Red Light Violation							
Speeding							
Stopping on Highway							
TOTAL	0	2	2	0	0	0	0
TOTAL CHARGES	**22**	**23**	**43**	**2**	**0**	**0**	**0**





Charles Town Police Department

SRO Monthly Report

Washington High School / Charles Town Middle School / 2023-2024 / April 2024

INVOLVEMENTS:					
Alcohol Related	0	Fire/Shelter Drills	0	SRO Use of Force	0
Battery on School Employee	0	Found Property	2	Suspensions	8
Citizen Assist	0	Incident Reports	1	Threats	0
Directed Patrols	0	Juvenile Petitions	0	Tobacco Related	2
Disturbance	7	Marijuana Possession	0	Trespassing	0
Evacuations	1	Parental Contacts	4	Vandalism/Theft	0
Extra Curricular Activities	0	Parking Complaints	2	Vehicle Accident	0
Fights	2	Reckless Driver	2	Welfare Check	2
Fire Department Assist	0	Social Media Related	0	***Total Involvements***	***33***

Officer Notes/Misc. Information:

English Class participated in mock trial April 24-30

YOUTH SERVICES:	
Total Classes Taught:	1
Students in Class:	12
Topics Taught:	See Misc.
One on One Contacts:	6
Total Students Served:	18

Charles Town Police Department

Total Traffic Citation Report, by Violation

Violation	Description	Total
17A-3-1	Owner New Plates 10 Days	1
17A-3-16	Expired Registration	79
17A-9-2	No Or Expired Registration	5
17B-2-1	No Operators	7
17B-2-12	Expired Operators	2
17B-4-3(a)	Driving Suspended/2nd/3rd	1
17B-4-3a	Driving Suspended or Revoked	5
17C-12-5	Stop Sign Violation	2
17C-12-7	Fail To Stop For School Bus	3
17C-13-3	Parking Violation	4
17C-15-46	Child Safety Seats Required	1
17C-16-9	No Or Expired MVI	45
17C-3-4	Fail To Obey Traffic Control Device	3
17C-3-5	Fail To Obey Traffic Light	9
17C-3-5(c)	Right on Red	1
17C-5-2(e)	Basic DUI <.15	1
17C-5-2(f)	Aggravated DUI >.15	1
17C-5-2(m)	DUI 3rd Or Subsequent	1
17C-6-1(a)	Too Fast For Conditions	1
17C-6-1a	Failure To Maintain Control	2
17C-6-1b	Speeding	79
17C-7-4	Passing On Right-Off Road	1
17C-7-8	One Way And Traffic Island Violation	1
17C-9-1	Fail Yield At Intersection	3
17C-9-3	Fail To Yield-Thru Highway	1
17D-2A-3	No Insurance	4
17D-2A-4	No Proof Of Insurance	4
CTPD171.07	Failure To Appear For Trial (CAPIAS)	5
CTPD333.03	Hazardous Driving	1
CTPD361.08	Parking For Prohibited Purposes	1
CTPD531.03	Possession Of Marijuana <15gms	4
CTPD533.05(a)	Destruction Of Property	1
Report Totals		**279**

Report Includes:
All dates of issue between `00:00:00 04/01/24` and `23:59:59 04/30/24`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

Charles Town Police Department

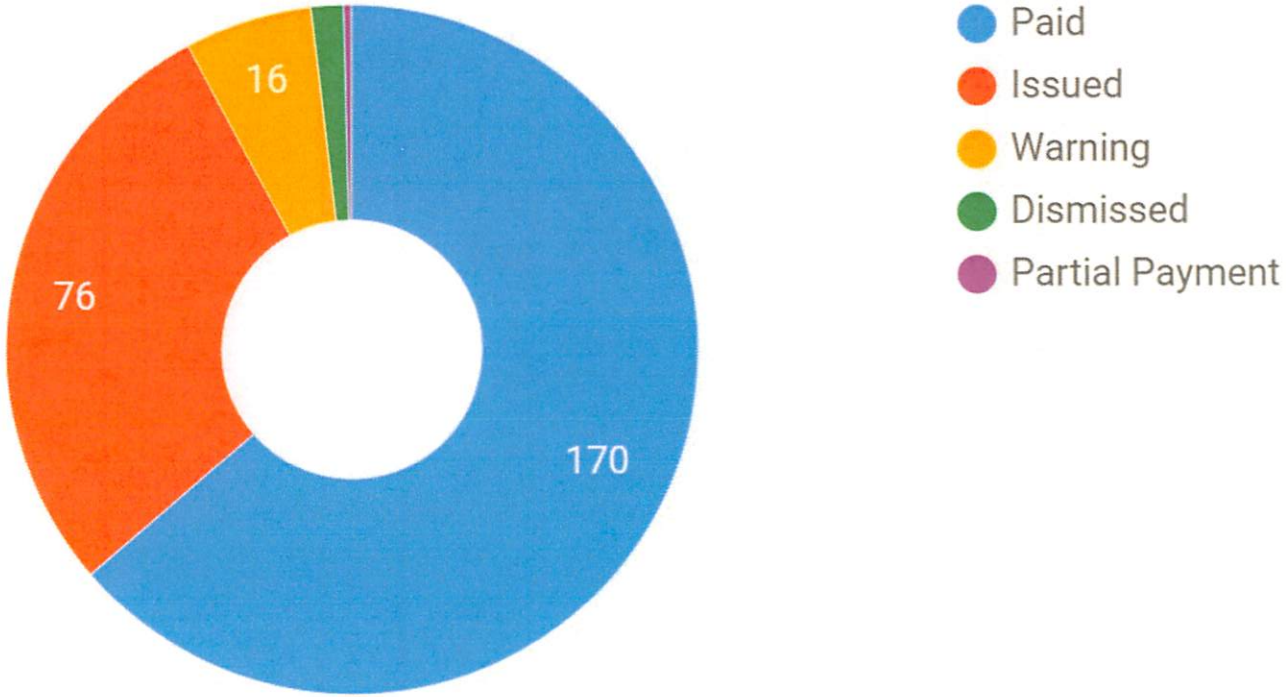
Total Traffic Warning Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	25
17A-3-16	Expired Registration	33
17C-13-3	Parking Violation	2
17C-14-15	Use Handheld Communication Device	2
17C-15-1	Unsafe-Improperly Equipped Vehicle	8
17C-2-3(c)	Fail To Obey Officer Directing Traffic	1
17C-3-4	Fail To Obey Traffic Control Device	8
17C-3-5	Fail To Obey Traffic Light	1
17C-3-5(c)	Right on Red	2
17C-6-1a	Failure To Maintain Control	3
17C-6-1b	Speeding	29
17C-7-10	Following Too Closely	1
17C-7-4	Passing On Right-Off Road	2
17C-8-2	Turning Right Improperly	1
CTPD333.03	Hazardous Driving	1
CTPD347.04(c)(3)	Uncovered Load	1

Report Totals: **120**

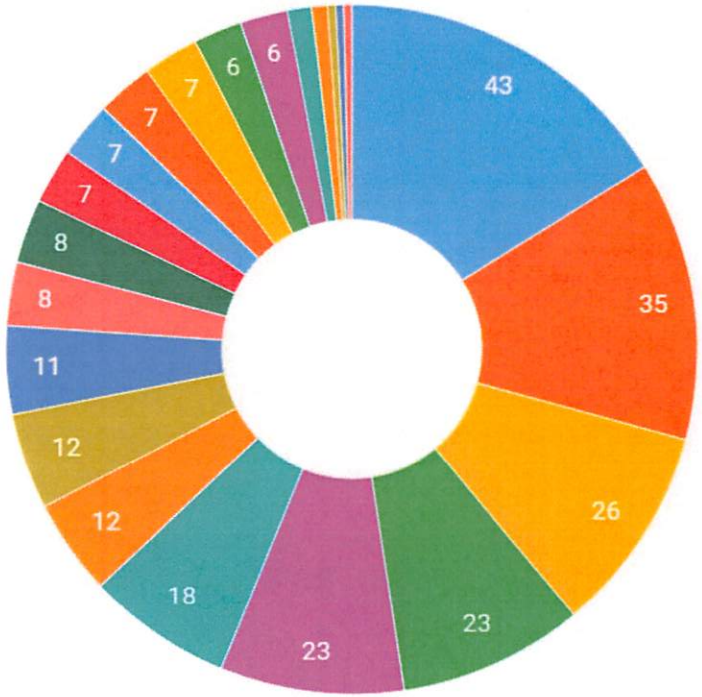
Report Includes:
All dates between `00:00:00 04/01/24` and `23:59:59 04/30/24`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

City of Charles Town - Tickets By Status (Apr. 2024)



Data as of 5/6/2024, 12:00:00 AM

City of Charles Town - Tickets By Location (Apr. 2024)

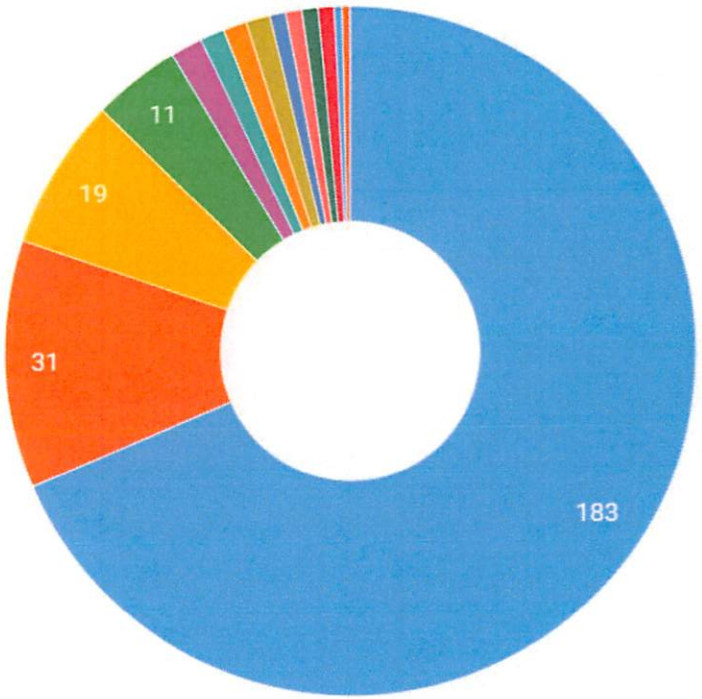


- 100 BLOCK SOUTH CHARLES STREET
- 100 BLOCK NORTH CHARLES STREET
- 100 BLOCK WEST WASHINGTON STREET
- 200 BLOCK WEST LIBERTY STREET
- 100 BLOCK EAST LIBERTY STREET
- 100 BLOCK WEST LIBERTY STREET
- 200 BLOCK WEST WASHINGTON STREET
- 200 BLOCK NORTH GEORGE STREET
- LIBERTY STREET PARKING LOT
- CHARLES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

▲ 1/2 ▼

Data as of 5/6/2024, 12:00:00 AM

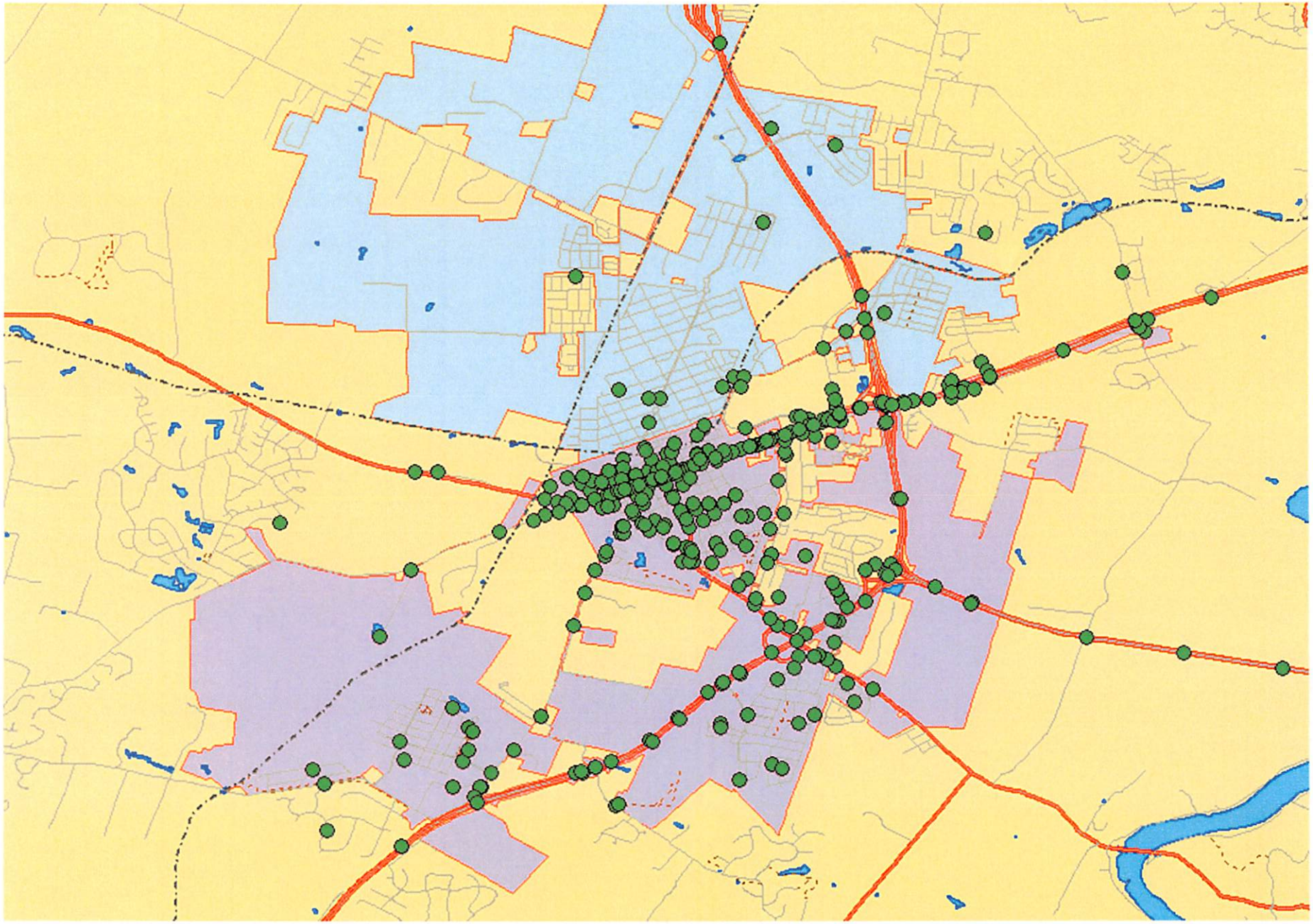
City of Charles Town - Tickets By Violation (Apr. 2024)



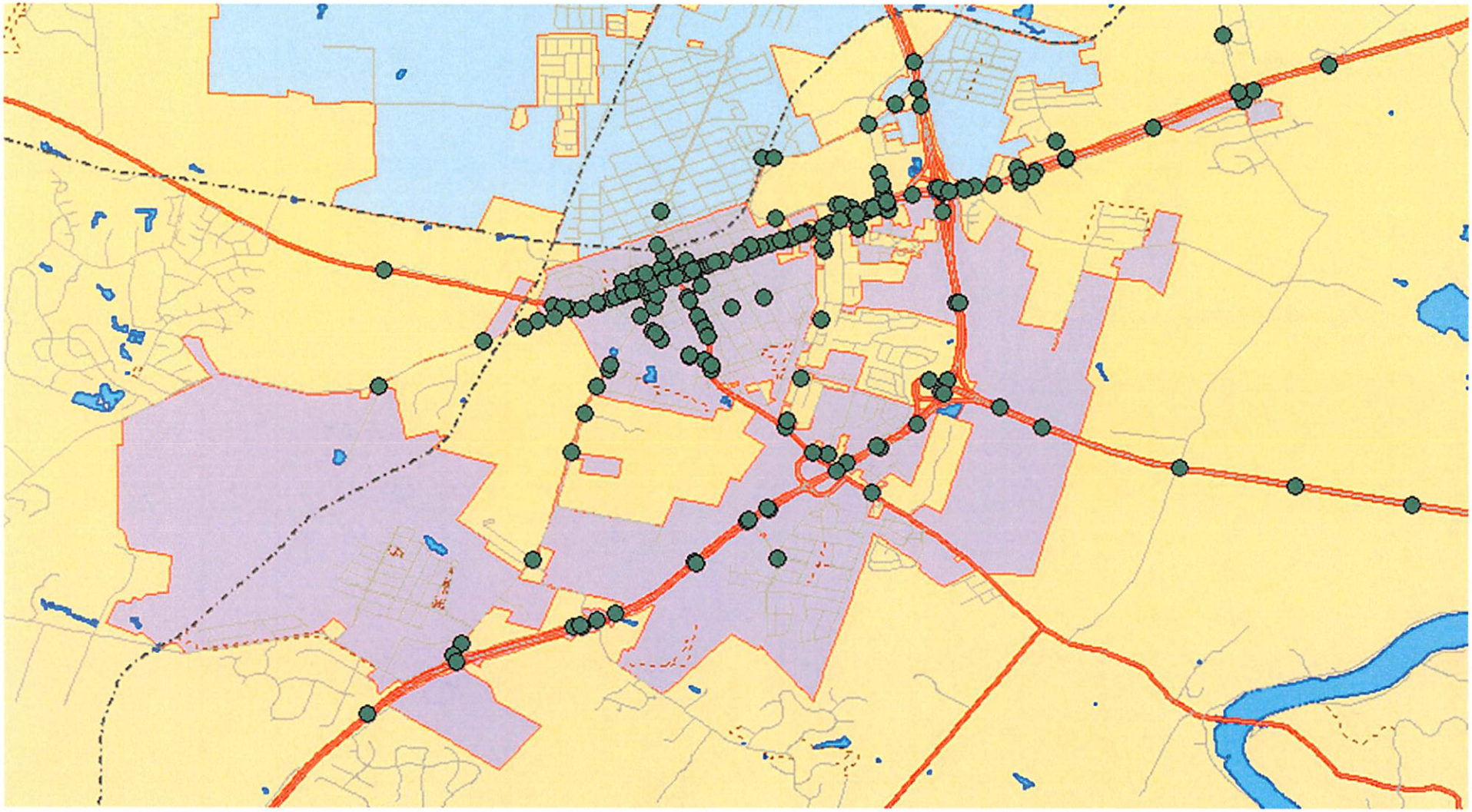
- Expired Meter
- Exceed 2 Hour Free Parking
- Accessible Parking Violation
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Parking Permit Violation
- Loading/Unloading Zone Violation
- Yellow/Red Painted Curbs or Streets Violation
- Fire Hydrant Violation
- Improper Manner of Parking
- Left wheel more than 18" from left (one-way) curb
- 2 Hour Maximum Parking Violation
- Right wheel more than 18" from right curb
- Blocking Public or Private Driveway
- Designated No Parking Zone Violation

Data as of 5/6/2024, 12:00:00 AM

April 2024 – All CTPD Calls



April 2024 – All CTPD Traffic Stops



City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 05/20/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-534: Charles Town Utility Board Meeting Minutes - April 24, 2024

ATTACHMENTS:
- 2024.04.24 UB MINUTES.pdf

Charles Town Utility Board
Regular Board Meeting
April 24, 2024

The Charles Town Utility Board held a regular meeting on April 24, 2024 at 4:00 P.M. Members of the Board present were John Nissel, 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 Tricia Jackson, County Commission Liaison.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of April 10, 2024 Regular Meeting Minutes

The Chairman called for changes or corrections to the April 10, 2024 regular meeting minutes.

Action: **Motion made by Mr. Whitten, second by Mr. Pierson, the Board unanimously approved the April 10, 2024 minutes.**

PUBLIC COMMENT

Public comment was received from Jacquelyn Milliron, Elizabeth Ricketts and Micheal George.

OLD BUSINESS

Public Hearing for Source Water Protection Plan – Draft

The Chairman opened the Public Hearing for comments on the draft Source Water Protection Plan. He mentioned the draft plan is due to the WV Bureau of Public Health by May 1st. Public comment was received by Maria Russo from the WV Rivers Coalition.

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

Sewer Strategic Plan – Draft

Mrs. Stolipher mentioned that written comments on the draft plan are being accepted until Friday, April 26th. She will bring the draft plan back to the May 8th meeting for adoption.

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

NEW BUSINESS

Spruce Hill North Pump Purchase

Mrs. Stolipher provided the quote for a replacement pump for the Spruce Hill North pump station in the amount of $11,850.00.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the quote for the Spruce Hill North pump station replacement pump for $11,850.00.**

Race Track Pump Purchase

Mrs. Stolipher provided the quote for a replacement pump for the Race Track (near Applebee's) pump station in the amount of $10,900.00.

Action: **Motion made by Mr. Whitten, second by Mr. Pierson, the Board unanimously approved the quote for the Race Track pump station replacement pump for $10,900.00.**

Resolution 2024-02 – FY 2025 Budget - Draft

Mrs. Shultz briefed the Board on the FY 2025 water and sewer operating budgets. She also included the water and sewer Capital Improvement Projects and Capital Expenditure Budgets. The Board provided discussions.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved Resolution 2024-02 – FY 2025 Budget.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided the contract for the Greenfield project was closed out and the invoice was paid for the test pitting work that was done. At the next meeting, Mrs. Stolipher will have a proposal from Gwin Dobson & Foreman for a redesign of the Greenfield Project to include a new boring.

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

Chairman Report

The Chairman provided the County Commission will forward one name to the Charles Town City Council for the appointment of the CTUB Board member vacancy.

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

APPROVAL OF BILLS

April 24, 2024

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

EXECUTIVE SESSION

Burns Farm Agreement Renewal - Possible Executive Session Under: WV 1 State Code Section §6-9A-4(b)(9) - To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision and involving contract matters.

Action: **Motion by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved convening into Executive Session at 4:43 P.M. to discuss the Burns Farm Agreement Renewal.**

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved returning to public session. Executive session was declared over at 4:53 P.M.**

Action: **Motion made by Mr. Stocks, second by Mr. Pierson, the Board unanimously approved the Burns Farm agreement renewal.**

Mrs. Parker mentioned she would like to see a discussion regarding CIFs in association with the Strategic Plan discussion at the next meeting. She also thanked Mrs. Shultz for her work in drafting the FY2025 budget and Mrs. Stolipher for adding an index to the subdivision map in the Strategic Plan.

ADJOURNMENT

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

Action: **Motion by Mr. Whitten, second by Mr. Pierson, the Board unanimously adjourned the meeting at 4:55 P.M.**

INFORMATION ONLY

The next meeting is scheduled for Wednesday, May 8, 2024 at 4:00 P.M. at 661 S. George Street.

John Nissel
Chairman

Ashley Stottlemyer
Secretary