CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • AUGUST 7, 2023

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

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2023-667:** Approval of July 17, 2023, City Council meeting minutes.
July 17 2023 Council minutes.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2023-675** Ordinance Report
Ordinance Meeting Minutes 7_26_23.pdf

: **2023-677** Infrastructure Committee Report
Infrastructure Committee July 2023.pdf

: **2023-679** Parks and Recreation Report June 22, 2023
PR Report_ June 22 2023.pdf

: Parks and Recreation Report July 6, 2023
PR Report_ July 6 2022.pdf

: **2023-681** Parks and Recreation Report July 27, 2023
PR Report_ July 2023.pdf

7. CITY MANAGER REPORT

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2023-669** Martin Luther King Jr. Boulevard/Summit Point Intersection Discussion
Comments for the Draft Long Range Transportation Plan - Direction2050.pdf
WV Dept of Transportation - 7-6-2022 STIP.pdf

: **2023-670** CTUB ARPA Trail Resolution
CTUB ARPA Resolution.docx

: **2023-671** Amendment to Rouss Hall Lease Agreement
First Amendment to Agreement for the use of Rouss Hall Property.pdf
Rouss Hall - Jefferson County Arts Council and Washington Street Artists.pdf
Jefferson Arts Council Letter.pdf
CVB Letter.pdf

10. NEW BUSINESS

: **2023-660:** BR2023-03: Norborne Glebe Recreational Facilities - Bond Initiation
Approval of the bond as submitted.
1. Staff Report.pdf
2. Application.pdf
3. Bond Amount.pdf
4. Kimley-Horn Review.pdf
5. Plan - Select Pages.pdf

: **2023-661:** Open Container Waiver Request (Car Show) - Abolitionist Ale Works
ABC Letter re Abolitionist Ale Works' Car Show.pdf

: **2023-662:** Resolution Augustine Avenue Trail Construction Agreement
DOH Augustine Avenue TAP Resolution Construction Agreement.pdf

: **2023-664:** Discussion by Council outlining the City's position on the 340 Rock Project Road Closure and the potential of alternative detours.

: **2023-682** American Legion Parking Lot Lease Discussion
American Legion Signed Lease effective 8 1 2018 through 2023.pdf

: **2023-683** First Reading Article 745 (change to 745.16A)
Rikki 745 Article word doc (1).pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2023-665:** Referral to Planning Commission for clarification on the City's Ordinances for Open Space in mixed (SFH/TH) residential developments.
1. Report.pdf

: **2023-666:** Zoning Ordinance Update requiring residential developments that have a required commercial component to have the pad sites graded and utilities made available by a designated percentage of the project completion.
1. Report.pdf

12. APPROVAL OF BILLS

: **2023-684:** Payment of Bills - August 7, 2023
CAPITAL RESERVE COUNCIL REPORT 2023 8 07.pdf
GENERAL FUND COUNCIL REPORT 2023 8 07.pdf
PARKS & REC COUNCIL REPORT 2023 08 07.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING, MONDAY, AUGUST 21, 2023

: **2023-668:** Historic Landmarks Commission - 2022-2023 Annual Report
No action required.

2022-23 Historic Landmarks Commission Annual Report.pdf

: **2023-672:** CTUB July 12, 2023, Regular Meeting Minutes
CTUB July 12 2023 Minutes.pdf

: **2023-674:** Executed Letter for HEPMPO Nomination
Executed Letter for HEPMPO Nomination.pdf

: **2023-678** VFW Outdoor Dining Letter
Letter to WV Alcohol Beverage Control for VFW Post 3522.pdf

: **2023-692** Mayor's Selection Committee CVB Extension Letter
Mayors Select Committee Extension CVB.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: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-667: Approval of July 17, 2023, City Council meeting minutes.

ATTACHMENTS:

- July 17 2023 Council minutes.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • July 17, 2023

Regular Meeting **Council Chambers** **7:00 PM**

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

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

Ms. Alissa Meeks, Community Development Director/Interim City Clerk; Ms. Elizabeth Cook, Business Development/Downtown Coordinator; Mr. James Newman, City Planner; Ms. Kristin Stolipher, Charles Town Utility Board Manger; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2023-619: Approval of Minutes - Special Council Meeting Minutes June 29, 2023

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

2023-620: City Council Minutes July 5, 2023

The following change was made to the July 5, 2023, City Council Meeting minutes:

Packet page 8, Police Chief Report: Second bullet point - change the word "**personnel**" to "**personal**" to read, "...resulting in severe personal injuries and...".

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

2023-621: Special City Council Meeting Minutes - July 10, 2023

The following change was made to the July 10, 2023, City Council Special Meeting:

Agenda Item 2023-607: City Manager Candidate Interviews - Executive Session - remove the "**.**" after John Nissel's name.

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

3. PUBLIC COMMENT

No one signed up for public comment.

4. WARD REPORTS

Ward #1

Ms. Ricketts offered her condolences on the passing of Jefferson County resident and long-time summer tennis coach Glen Edwards. She also reported that she attended the Eastern Panhandle Transit Authority meeting where it was announced that the transit authority did not receive any federal funding this year. The Infrastructure Committee will meet, Monday, July 23, 2023, at 4:30PM and expect the City's maintenance supervisor to attend.

Mr. Kratovil reported that he enjoyed attending the Charles Town Farmer's Market.

Ward #2

Mr. Hynes had nothing to report.

Mr. Tester had nothing to report.

Ward #3

Ms. Rodd reported that she observed neighbors helping each other cleaning up after the Friday, July 14, 2023, storm that caused damage throughout Charles Town, especially Wards 1 and 3.

Ms. Philabaum thanked the maintenance staff for their cleanup efforts and Ms. Meeks' leadership after the July 14th storm.

Ward #4

Mr. George had nothing to report.

Ms. Twyford reported that the July 14th storm caused damage to the flagpole at Edge Hill Cemetery.

5. MAYOR'S REPORT

2023-622: City Manager Update - Possible Executive Session

Mr. Hynes moved to enter into Executive Session. Mr. Tester seconded the motion.

Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

Mr. George moved to authorize the Mayor to sign the City Manager employment agreement with John Nissel. Mr. Tester seconded the motion, and it passed unanimously.

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

2023-623: Opioid Meeting Update

Mayor Trainor reported that Mr. Tim Czaja was selected as the Region 2 representative to the committee overseeing the West Virginia Opioid litigation settlement distributions. Mr. Czaja was selected at a July 12th meeting held in Martinsburg. Jefferson County is included in Region 2.

6. COMMITTEE REPORTS

2023-624: Personnel Committee Report Update

The report was discussed in executive session.

2023-625: Finance Committee Report

Mayor Trainor reported that the Finance Committee met on July 12, 2023, and discussed the following:

- Parks and Recreation Board Budget for FY2024 request
- Travel Policy proposed revision recommendation
- Business and Occupation Tax, revision to City Code Article 745 recommendation
- FY2023 budgets final preliminary balances
- FY2024 General Fund Revision 1 and Coal Severance Revision 1 recommendations

2023-626: Parks and Recreation Report

Ms. Ricketts reported that Kimley Horn was hired to develop the City's Master Park Plan.

7. CITY MANAGER REPORT

2023-627: Seminary Street - Potter's Field Update

Ms. Meeks reviewed with Council the recent history and the City's efforts regarding Seminary Street Potter's Field. The City plans to conduct some research into this issue and will provide an update at the next regular Council meeting.

2023-628: Vacant Structures/Building Code Revisions

Ms. Meeks reported that the Mayor's Select Committee to Reconcile City of Charles Town Codified Codes Articles 1759 and 1705 met with legal counsel to begin the process of reconciling the two articles.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the June monthly statistics report. He reported that two new police officer hires will begin their employment at the Charles Town Police Department (CTPD) on July 31, 2023. One of the hires is currently a West Virginia municipal police officer.

He also reported that the West Virginia State Legislature passed into law a bill providing police officers currently enrolled in the State's Public Employee Retirement System II (PERS-II) an opportunity to enroll into the Municipal Police and Firefighters Retirement System (MPFRS). Those PERS-II police officers will be required to buy into MPFRS if they decide to enroll. A draft resolution and fiscal implications will be reviewed by the Finance Committee and be presented to the Council. Upon Council approval, all new CTPD police officer hires will be automatically enrolled in the MPFRS.

9. UNFINISHED BUSINESS

2023-629: Sheetz Signal Agreement Resolution

Mr. Kratovil moved to authorize the Mayor to sign the Sheetz Signal Agreement Resolution. Mr. Hynes seconded the motion, and it passed unanimously.

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

2023-630: ARPA Updates: CTUB

Ms. Kristin Stolipher, General Manager of the Charles Town Utility Board, reviewed with Council their $150,000 American Rescue Plan Act (ARPA) fund request to include a trail connector into their 2022 Collection System Project. The connector would run from Augustine Avenue to Washington Street and tie into the City's trail and sidewalk system.

Staff was directed to draft a resolution describing the request and funding options and have it ready for Council consideration at the next regular Council meeting – August 7, 2023.

2023-631: ARPA Updates: Community Markets

Mr. Mark Peiffer, of Community Markets, Inc., presented his application for $50,000 in ARPA funding – $40,000 for a refrigerated trailer and $10,000 for website redesign.

Mr. George moved to award $10,000 for the website redesign. Mr. Tester seconded the motion. After discussion Mr. George moved to amend his motion to allocate the $10,000 to be used towards the purchase of a refrigerated trailer. Mr. Tester seconded the amended motion.

Ms. Philabaum moved to amend the motion to require that the trailer must be purchased by July 1, 2024; and that an extension may be requested if

the trailer has not been purchased by July 1, 2024 or the funds would be returned to the City. The motion passed by a 5-3 vote.

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

10. NEW BUSINESS

2023-608: Public Hearing - Stone Spring Bond Initiation

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

No one had signed up for the public hearing.

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

Mr. George moved to initiate a master bond in the amount of $12,633,605.45 for the Stone Spring Development. Mr. Tester seconded the motion, and it passed by a 7-1 vote.

Only the final vote is reflected in the box below.

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

2023-632: Candidate Selection for Jefferson County's Municipal Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Representative

Ms. Philabaum moved to nominate Ms. Ricketts as the Jefferson County Municipal Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) representative. Mr. Kratovil seconded the motion, and there were no objections.

2023-633: Charles Town Now Award - Michael Gioulis Downtown Preservation Award

Ms. Danielle Parker, director of the Preservation Alliance of West Virginia, presented Charles Town Now with the Micheal Gioulis Downtown Preservation Award.

2023-634: Special Activities Permit - VFW Outdoor Dining Event

Mr. Kratovil moved to authorize the Mayor to sign the consent letter for outdoor dining space for 116 E. Liberty Street to the WV Alcohol Beverage Control Administration. Mr. Tester seconded the motion, and it passed unanimously.

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

2023-635: FY2024 - General Fund Revision #1

Ms. Ricketts moved to approve the FY2024 General Fund Revision #1. Mr. Hynes seconded the motion, and it passed unanimously.

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

2023-636: FY2024 - Coal Severance Revision #1

Mr. Tester moved to approve the FY2024 Coal Severance Revision #1. Mr. George seconded the motion, and it passed unanimously.

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

2023-638: Happy Retreat Presentation by SGA

Landmarks SGA presented the engineering plan for the parking lot, driveways, and pathways at Happy Retreat. The Friends of Happy Retreat plan to apply for grants to fund the project.

2023-639: CT Now Remaining Funds Allocated to Charles Street Mural Balance

Mr. Hynes moved to request Charles Town Now return the unused funds used for the North Charles Street mural to the City to be allocated for future art projects in the City. Ms. Philabaum seconded the motion, and it passed unanimously.

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

11. REFERRALS TO COMMITTEES/COMMISSIONS

2023-637: Travel Policy Revisions - Refer to Personnel Committee

Mr. Hynes moved to refer the Travel Policy to the Personnel Committee. Mr. Kratovil seconded the motion, and it passed unanimously.

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

2023-644 Article 111 and Article 745 Referred to Ordinance Committee

Article 111 – It was agreed that Article 111 would not be referred to the Ordinance Committee. The Council also agreed that future Ward Reports would be more concise and pertinent to the Councilmember's ward.

Article 745 – Mr. Hynes moved to refer Article 745 Business and Occupation Tax to the Ordinance Committee to review section 745.16A(a) Optional Exempt Activities and provide recommendations to Council. Mr. Tester seconded the motion, and it passed unanimously.

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

Mr. George moved to form a special committee, consisting of Mayor Trainor, Councilmembers, Hynes, Tester and Twyford, Ms. Liz Cook, and Ms. Alissa Meeks, to review Article 745.16A(b) Optional Exempt Activities section and report recommendations to the Council. Mr. Hynes seconded the motion, and it passed unanimously.

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

12. APPROVAL OF BILLS

2023-645: Payment of Bills - July 17, 2023

Mr. Kratovil moved to approve the payment of the bills. Mr. Tester seconded the motion, and there were no objections.

13. ADJOURNMENT

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

14. INFORMATION ONLY - NEXT MEETING, MONDAY, AUGUST 7, 2023

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-675 Ordinance Report

Ordinance Report

ATTACHMENTS:

- Ordinance Meeting Minutes 7_26_23.pdf

City of Charles Town Ordinance Committee Report - July 26, 2023

Call to Order:
18:02

In Attendance: Rikki Twyford, Julie Philabaum, Kevin Tester, Priscilla Rodd

Agenda / Discussions:

Article 171 - Municipal Court
We finished the review of section 171.08 in an attempt to complete the suggested revisions to this Article.
Post-meeting follow-up: Phone calls to Jeni Sales and an email to Neil Zahradnik regarding legal issues and feasibility of implementation. The Ordinance Committee is meeting again on 8/9 to review the findings from these follow-ups.

- ***Recommendation to City Council:***
  - *None at this time*

Article 745.16A - Business and Occupation Tax
We reviewed the work done by the Finance Committee regarding proposed changes to Article 745 and made suggested amendments.

- ***Recommendation to City Council:***
  - *Approve first reading*

Article 545 - Fireworks
This was originally referred to consider changes requiring businesses with a license to sell fireworks in Charles Town to display a map and provide written materials showing where fireworks are legal to discharge in Jefferson County. The committee agrees with this proposal if needed, but was unaware of any businesses with a license to sell fireworks in Charles Town.
Post-meeting follow-up: Phone call to James Newman.

- ***Recommendation to City Council:***
  - *None at this time*

Miscellaneous:
Councilwoman Rikki Twyford will remain chair of the Ordinance Committee.

Adjournment:
19:52

Next Meeting:
Wednesday, August 9, 2023, at 1 pm, via Zoom (Special meeting to review follow-up calls and emails regarding Article 171).

2023-677 Infrastructure Committee Report

Infrastructure Committee Report

ATTACHMENTS:

- Infrastructure Committee July 2023.pdf

City of Charles Town
Infrastructure Committee
Report from July 24, 2023

I. CALL TO ORDER: Monday, July 24 at 4:36PM - City Hall

Persons Present: Elizabeth Ricketts, James Kratovil, Priscilla Rodd
Staff: Jim Wysong, Alissa Meeks
Public: Nicola Bastian

II. MINUTES *there were no minutes to approve*

III. UNFINISHED BUSINESS

IV. NEW BUSINESS

4.1 2023-651: Selection of New Chairperson

Elizabeth Ricketts was selected as Infrastructure Committee Chair. A new meeting date/time was also selected for the **fourth Mondays of the month at 4:30PM**.

Recommendation to Council: *Information only*

4.2 2023-652: Connect CT Request Updates

Committee received a report from Jim Wysong, Maintenance Director, on requests received through the *Connect CT* app. It was reported that over the past three months, around 10 requests were submitted. Of those, most were anonymous code compliance issues which are directed to Code Enforcement or the Police Department (parking). Some were pertaining to yard waste. Street lighting complaints are directed to Potomac Edison. Most of the requests come from members of the City Council.

Recommendation to Council: *Information only*

4.2 2023-653: Friday, July 14th storm damage cleanup efforts

Jim Wysong provided an update on storm cleanup efforts and damage assessments.

Recommendation to Council: *Information only*

4.2 2023-654: Review of all in-progress / planned infrastructure projects

SEE ATTACHED LIST

Recommendation to Council: *Review the list and make any suggestions for additions. The goal is to have a complete list for status update at the next Infrastructure meeting when onboarding Mr. Nissel.*

OTHER BUSINESS: Councilmember Rodd discussed an upcoming meeting on Friday, 7/28 with members of the USGS (Than Hitt) to assess Evitts Run as a community resource. Councilmember Ricketts notes that on Saturday, 8/12 in Largo, MD there will be a "Placemaking" event with *Better Block* and on Saturday, 9/7 at the Martinsburg Police Department there will be a *Statewide Vulnerable Road User Safety Assessment* meeting (time is TBD).

PUBLIC COMMENT: The Committee allowed for public comment from Nicola Bastian with the Jefferson County NAACP Environmental Justice Committee who continues to research and offer information on lead pipes and remediation efforts.

V. ADJOURNMENT at 5:38PM

VI. INFORMATION ONLY: Next Meeting at City Hall on *Monday, August 28th at 4:30PM*

VII. ATTACHMENT:

INFRASTRUCTURE PROJECTS

- Paving / re-paving RFPs
    - Pavement condition study

- Connect CT app requests: quantity, type, and areas of town
    - Work that can be done in-house versus needing outside contractor

- Augustine Ave Trail
    - Phase 1 and 2 updates
    - Eminent domain issues with grant funds
    - phase 3 options
        - combine public outreach with Parks and Rec or separate public input initiatives?

- Sidewalks
    - Sidewalk study (previously completed)
    - George Street sidewalk update - resolution needed?
    - Mordington Ave sidewalk
    - Sidewalk/trail/midblock crossing to Charles Town Middle School
    - Eagle Avenue

- Lawrence and Congress Street intersection damage- engineering update from Kimle Horne

- Pavement Art - assess conditions, future project standards
    - Use in heat mitigation

- West End Y- intersection / State DOH
    - roundabout versus new roadway (3 options previously presented)
    - public concerns

- Other DOH projects
    - Rt 115 Hilldale roundabout
    - ?

- Lead and copper pipe inventory- CTUB

- CTUB trail project proposal

- Charles Street redesign

- Cross walks
    - Library / E. Washington St
    - Jefferson Ave /CTM
    - West St. /Wright Denny

- City signage
    - Signage audit and new way-finding

- Complaints about light pollution
    - Jefferson Memorial Park
    - Police Station
    - Baptist Church on Mildred

- City Hall updates/renovations - *has own special committee*

- Street traffic pattern issues:
    - Park Street & Potato Hill – traffic flow problems – should it be one way? *Mrs. Taylor*
    - Liberty Street & Seminary - new stop sign
    - Liberty Street & Lawrence - new stop sign

- Storm water / Drainage issues:
    - Citywide study by Greenway Engineering (video?)
    - Liberty Street
        - Grant updates, funding total, draft letter to suggest council send to county
    - Shutter Street – *Ann Baily and Edna Downey*
    - Perry Pond
    - Ability to fix ponding issues downtown

- Happy Retreat/Evitts Run walking bridges

- Seating downtown and in parks – benches?

- Designated fishing access points on Evitts Run

- Carbon Neutrality

Overall questions for each topic:

What is the status of these projects?
What documents exist pertaining to each project?
What funding has been received (grants)?
What funding has been allocated in this FY budget?
What are the next steps?

2023-679 Parks and Recreation Report June 22, 2023

Parks and Recreation Report June 22, 2023

ATTACHMENTS:

- PR Report_ June 22 2023.pdf

City of Charles Town
Parks and Recreation Commission
Report from June 22, 2023

I. CALL TO ORDER: Thursday June 22, 2022 at 6:01PM City Hall

Persons Present: *Commissioners:* James Kratovil, Elizabeth Ricketts, Nick Zaglifa, Nathan Hartmen
Staff*:* Alissa Meeks
Guests: representatives from *SGA, Thrasher, and Kimley Horn*

II. MINUTES approved minutes from May 2023 with edits.

III. UNFINISHED BUSINESS

Master Parks Planning Firm Presentation

- SGA
- Thrasher
- Kimley Horn

IV. NEW BUSINESS

:Day of Caring Service Project Request

- *Tabled*

2023-567 Swim and Tennis Season Update
Pieces of the JMP pool are actually breaking off. Pool manager has been collecting...
Recommendation to Council: *Information only*

2023-568 Skate Park Revitalization Project

- *Tabled*

2023-569 Park Updates
Alissa Meeks has reached out to Metropolitan Tennis again about the reappearance of cracks on the JMP tennis courts.
Recommendation to Council: *Information only*

V. ADJOURNMENT at 7:39PM

VI. INFORMATION ONLY: Next Meeting July 6th, 2023 at 6PM - Special Meeting to select firm.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Parks and Recreation Report July 6, 2023

Parks and Recreation Report July 6, 2023

ATTACHMENTS:

- PR Report_ July 6 2022.pdf

City of Charles Town
Parks and Recreation Commission
Special Meeting
Report from July 6, 2023

I. CALL TO ORDER: Thursday July 6, 2023 at 6 PM - City Hall

Persons Present: *Commissioners:* Nick Zaglifa, James Kratovil, Elizabeth Ricketts, Mike Slover, Nathan Hartman;
Staff: Alissa Meeks

II. OLD BUSINESS

2023-582: Selection of Engineering Firm for Master Parks Plan

The Commissioners entered an Executive Session to discuss the proposals by the firms. The Commissioners selected **Kimley Horn** as the firm to conduct the City of Charles Town Master Parks Plan.

Recommendation to Council: *Information only.*

III. ADJOURNMENT at 6:25PM

2023-681 Parks and Recreation Report July 27, 2023

Parks and Recreation Report July 27, 2023

ATTACHMENTS:

- PR Report_ July 2023.pdf

City of Charles Town
Parks and Recreation Commission
Report from July 27, 2023

I. CALL TO ORDER: Thursday July 27, 2022 at 6PM - City Hall

Persons Present: *Commissioners:* James Kratovil, Elizabeth Ricketts, Trudy Roth, Larry Vogler;
Staff*:* Alissa Meeks
Guests: representatives from *Sixmo, Thrasher*, and *Kimmel Bogrette*

II. MINUTES approved minutes from June 2023 and July 2023

III. UNFINISHED BUSINESS

IV. NEW BUSINESS

2023-658 Engineering Firm presentations re:Pool/Pool House RFPs (Possible Executive Session)
The commissioners heard from three firms who submitted RFPs.
Recommendation to Council: *Information only*

V. ADJOURNMENT at 7:53PM

VI. INFORMATION ONLY: Next Meeting Thursday, August 10th at 6:00PM at City Hall*
*Meeting date moved for special meeting to select engineering firm. This will be the only Parks and Recreation Commission meeting in August.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-669 Martin Luther King Jr. Boulevard/Summit Point Intersection Discussion

Martin Luther King Jr. Boulevard/W. Washington Street Intersection - Council to discuss possible action and/or Resolution in support of one of the project options proposed by the State to include public input session.

ATTACHMENTS:

- Comments for the Draft Long Range Transportation Plan - Direction2050.pdf
- WV Dept of Transportation - 7-6-2022 STIP.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

VIA E-MAIL AND FIRST-CLASS MAIL

May 17, 2022

MAYOR
Robert M. Trainor

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

City Clerk
Todd Wilt

HEPMPO Office
33 W. Washington St., Suite 402,
Hagerstown, MD 21740
mmullenax@hepmpo.net

Re: Comments for the Draft Long Range Transportation Plan – Direction 2050

Dear Mr. Mullinax, Interstate Council, and Technical Advisory Committee,

The City of Charles Town (City) submits the following for your consideration:

Project ID J308.0 – The intersection of Augustine Ave, Huyett Rd, and US-340/Berryville Pike is a high priority for the City. Several deadly accidents and many more minor accidents have occurred at this busy intersection over the past several years. The rapid expansion of the Huntfield neighborhood, proximity of Washington High School, as well as additional housing developments on Augustine Ave and the planned opening of a convenience store/gas station has exacerbated an already dangerous intersection that requires positive action sooner rather than later. We recommend/request that correcting this intersection and its associated safety issues be given your highest priority.

Project J312.0 – The intersection Martin Luther King Jr. Blvd and W. Washington St. The *WV-51 Feasibility Study* final report produced by Carpenter-Marty Transportation, presented 3 alternatives for improving this intersection, which is made more complicated by two very active Norfolk Southern railroad crossings approximately 1700 and 1100 feet to the west of the "Y" intersection of Martin Luther King Jr. Blvd and W. Washington St. with about only 1050 feet between the crossings. One alternative stated in the report included the creation of a roundabout at the "Y" intersection, which based on feedback from downtown businesses, residents along Martin Luther King Jr. Blvd, Washington St, and Summit Point Rd, is not in the best interest of the City or the residents. Primarily because the alternative does not address the heavy volume of daily truck traffic that passes through the downtown corridor of Washington St. An alternative project, although not currently funded, could be the proposed creation of a two-lane roadway – Projects J306.0 and J307.0 – which would likely change the current needs at the existing Martin Luther King Jr. Blvd and W. Washington St intersection.

Another concern with the J312.0 project is the proposed creation of a bike lane as part of *"pedestrian mobility improvements."* While the City is in favor of this general initiative, studies referenced by the Metropolitan Planning Organization state that many accidents and resulting injuries occur where signs encourage bicycling but where the roadway offers no buffer or protection. Since there is no designated bike lane beyond the "Y" intersection

on either Washington St/Rt51 or Summit Point Rd, the City, for safety reasons, is not in favor of creating bike lanes in this area.

The City of Charles Town looks forward to more closely partnering the Hagerstown/Eastern Panhandle Metropolitan Planning Organization for a more coordinated approach to our regions many transportation challenges.

Thank you for your time and consideration of these comments and for your dedication to planning a safe, secure and efficient transportation system in our region.

Sincerely,

Robert M. Trainor
Mayor

cc: Jefferson County Commission, WV
City of Ranson, WV

City of Charles Town

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

VIA EMAIL AND FIRST-CLASS MAIL

July 6, 2022

MAYOR
Robert M. Trainor

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

CITY CLERK
Todd Wilt

The Honorable Jimmy Wriston
Secretary of Transportation
DOT.Secretary@wv.gov

Director Kenneth Given
Highways Programmatic Division
Kenneth.T.Given@wv.gov

Cheri Moffat
State STIP Supervisor
Cheri.A.Moffatt@wv.gov

West Virginia Department of Transportation
Building 5, 1900 Kanawha Blvd E
Charleston, WV 25305

J. Lee Thorne
District Five Engineer
P.O. Box 99 (Route 50)
Burlington, WV 26710-0099
lee.j.thorne@wv.gov

RE: City of Charles Town, WV Input on Statewide Transportation Improvement Plan (STIP) Development & Key Projects

Dear Secretary Wriston, Director Given, Supervisor Moffat, and District Engineer Thorne:

I write on behalf of the City of Charles Town to offer comments on important transportation priorities in our city and to request that the projects listed below be included in the West Virginia, Department of Transportation's (WVDOT) 2023-2028 State Transportation Improvement Program (STIP). Charles Town appreciates the resources and dedication provided by WVDOT, and the Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEPMPO), to improve Historic Charles Town's transportation systems, promoting safety, mobility, and vibrancy.

Jefferson County is growing rapidly, resulting in the County and municipalities such as Charles Town, handling significant increases in commuter and tourism traffic as part of the Baltimore-Washington Metropolitan Statistical Area. Charles Town seeks to provide input and support WVDOT and HEPMPO's efforts to address and mitigate unsafe transportation situations, sustain and in some cases improve levels of roadway service, maintain a vibrant and strong "main street" downtown, and expand the City's Complete Streets initiative, improving walkable and bikeable connections among key hubs in the community including population centers, educational facilities, jobs and economic centers, and tourism destinations. To reach these goals, we respectfully request that the following projects listed below be included as high priorities in the 2023-2028 STIP, noting that all of these (except one project noted) have also been included in HEPMPO's 2021-2024 TIP Revision and its Long Range Transportation Plan 2045. We look forward to continuing our productive partnership, particularly on these keeping these key projects moving forward.

1.) Augustine Trail (TIP ID J2019-05.03): As WVDOT knows from two rounds of TAP grants provided for this project and other supportive WVDOT action, the design and construction of a multi-use pedestrian/cycling trail facility between downtown Charles Town and Huyett Road, with two schools and thousands of homes in between, is among the community's highest priorities. Charles Town is hopeful that WV's U.S. Senators will secure $1.4 million in FY2023 FHWA congressionally-directed grant funding, matched with $350,000 in local resources, to complete the full funding needed to complete construction of this Augustine Trail. To the extent this is not federally funded, we request funding be allocated in the STIP.

2.) Route 51/West Washington/Summit Point Road Upgrade (TIP ID J2021-05): WVDOT is underway with a preliminary design, and next steps will undertake NEPA/Section 106 and selection of a preferred alternative, for the upgrade of the inadequate three-way stop intersection of West Washington Street, Route 51/MLK Jr. Avenue/Summit Point Road. Included in the preliminary design is a complete street upgrade to address pedestrian, and vehicle safety concerns in those corridors, which currently have inadequate sidewalks, streetlights, stormwater management, and bicycle accommodations. While the City of Charles Town has not yet identified a preferred alternative for this transportation upgrade, we expect to participate very closely in the design process to identify and mitigate negative impacts while optimizing positive impacts from this project and have consensus that investment is needed in that corridor. As such, we recommend that approximately $600,000 be reserved in the 2023-2028 WVDOT STIP for design/engineering and other pre-construction costs, and that approximately $6 million should be reserved in the WVDOT STIP for construction of the preferred alternative.

3.) South George Street / Route 115 Pedestrian/Cycling Facilities (not yet in TIP): The area southeast of downtown Charles Town is growing quickly, with large residential and commercial growth. The lack of adequate sidewalks, walking paths, or bike trails renders walkability between the Charles Town's historic districts and the existing neighborhoods of County Green, Green Meadows, Hillside, Greenfield, Crosswinds, Tate Manor, and Norbourne Glebe (still building out), future neighborhoods of Kings Crossing and Dailey Farm, one of the area's largest church complexes, and several businesses along S. George Street/Route 115 extremely unsafe and impractical. Route 115, which becomes South George Street as it enters Charles Town to the center of downtown, has no sidewalk or biking facilities on this heavily-traveled (and walked) corridor, from Mason Street near downtown, over the bridge crossing the Route 340 Bypass, out to Crosswinds Drive and the high residential growth areas. Charles Town requests that TAP Grant funding, applied for in June 2022, be granted to the South George Street sidewalk construction project, and that a design study and engineering costs be allocated in the 2023-2028 STIP for design of a multi-use walking/cycling connection between these nodes on portions with no such facilities.

4.) Safety Improvements to Route 340 Bypass / Huyett Road / Augustine Avenue Intersection (TIP ID J2022-02): As WVDOT and the entire Jefferson County community knows, the signalized intersection of the high-speed Route 340 Bypass with Augustine Avenue and Huyett Road, just outside of Washington High School and the large Huntfield subdivision among other traffic-generating developments, has been beset by accidents including fatalities. The City of Charles Town strongly supports the development of safety upgrades at this dangerous intersection, and requests that the design and construction of such improvements be included in the STIP.

5.) Support for HEPMPO LRTP/TIP EPTA Bus Transit Projects: EPTA public bus transit services are a valuable asset to the community and critical means for several of our residents and commuters to connect between downtown Charles Town and the broader region including Ranson, Martinsburg, Harpers Ferry, the MARC Train Station in Harpers Ferry, and key points in between. We support the projects and programming of funds laid out in the HEPMPO's 2021-2024 TIP, and request that they be supported in the WV DOT STIP and funding decision-making as well.

6.) MARC Strategic Partnership (TIP ID J2019-07.01): The West Virginia, eastern panhandle connection to the Nation's capital and the many high-impact employment centers in the region, remains a critical route for WV commuters and the vibrancy of Jefferson and Berkely Counties. Our counties and cities have raised resources to keep MARC trains serving the WV stations of Harpers Ferry, Duffields, and Martinsburg, and we call on WVDOT and state leaders to renew their commitments to keeping MARC service on track, and to work with other states and regional officials who are considering expansions of MARC service to serve western Maryland, and/or to serve the regional tourism trade, a critical sector to the eastern panhandle and all of West Virginia.

Sincerely,

Robert M. Trainor
Mayor

cc: Jefferson County Commission, WV
Matt Mullenax, HEPMPO Executive Director

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-670 CTUB ARPA Trail Resolution

CTUB ARPA Trail Resolution

ATTACHMENTS:

- CTUB ARPA Resolution.docx

City of Charles Town

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

RESOLUTION

Charles Town Utility Board American Rescue Plan Act Funding Request

WHEREAS, the Charles Town Utility Board (CTUB) requested American Rescue Plan Act (ARPA) funding from the City of Charles Town, in the amount not to exceed $150,000 for the purpose of including a pedestrian trail into their 2023 Collection System Project; and

WHEREAS, as part of the CTUB 2023 Collection System is a linear gravity sewer line between Augustine Avenue and Washington Street running generally along Evitts Run, CTUB proposes the inclusion of a pedestrian trail, approximately 1,400 linear feet long and no less than 6 feet wide; and

WHEREAS, the City of Charles Town will benefit both economically and strategically by the inclusion of the pedestrian trail within CTUB's 2023 Collection System Project, contributing to the Mobility, Accessibility, and Connectivity goals as outlined in both the City's Strategic Plan and Walkability & Connectivity Study; and

WHEREAS, CTUB has committed to engage appropriate stakeholders in the design and permitting process to ensure there is cohesiveness with other existing and planned pedestrian trails in the vicinity of Augustine Avenue and Washington Street; and

WHEREAS, CTUB has applied for, and has the potential to receive a Federal Congressional Directed Spending (CDS) grant for the project, which if awarded would likely supplement and reduce traditional loans and other current funding mechanisms for the Collection System Project; and

WHEREAS, in the event that the aforementioned CDS grant is awarded to CTUB and the construction of a pedestrian trail is a permitted activity within the CDS grant, then CTUB and the City will jointly coordinate the amount of the $150,000 ARPA funding request to determine if any of the awarded funds are required to complete pedestrian trail.

NOW, THEREFORE LET IT BE RESOLVED, the City of Charles Town hereby commits to awarding the Charles Town Utility Board, a portion of its American Rescue Plan Act funds, not to exceed $150,000, for the construction of a pedestrian trail as defined herein; and

NOW, THEREFORE LET IT BE FURTHER RESOLVED, the City's ARPA award will only be used when all other grants associated with the 2023 Collection System Project, for the purpose of the pedestrian trail, have been exhausted.

Adopted the _____ day of _____, 2023.

Attest:

_____
Robert M. Trainor
Mayor

_____
Alissa Meeks
City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Contract
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-671 Amendment to Rouss Hall Lease Agreement

First Amendment to Agreement for the use of Rouss Hall Property.

ATTACHMENTS:

- First Amendment to Agreement for the use of Rouss Hall Property.pdf
- Rouss Hall - Jefferson County Arts Council and Washington Street Artists.pdf
- Jefferson Arts Council Letter.pdf
- CVB Letter.pdf

FIRST AMENDMENT
TO
AGREEMENT FOR THE USE OF ROUSS HALL PROPERTY

This FIRST AMENDMENT TO AGREEMENT FOR THE USE OF ROUSS HALL PROPERTY (this "First Amendment") is dated effective as of the ____ day of August, 2023, by and among the **City of Charles Town**, a political subdivision of the State of West Virginia (the "City"), the **Jefferson Arts Council**, a West Virginia non-profit corporation (the "JAC"), **Firehouse Gallery Ltd**, a West Virginia non-profit corporation formerly known as the Washington Street Artists' Cooperative ("Firehouse"), and the **Jefferson County Convention & Visitors Bureau**, a West Virginia non-profit corporation (the "CVB"). The City, the JAC, Firehouse, and the CVB are sometimes referred to herein collectively as the "Parties" and each individually as a "Party".

RECITALS

WHEREAS, the City, the JAC, and Firehouse are parties to that certain Agreement for the Use of Rouss Hall Property for the Mutual Benefit of the Jefferson County Arts Council, and the Washington Street Artists' Cooperative (WSAC) dated the 20th day of April, 2021 (the "Original Agreement");

WHEREAS, the CVB desires to use space within the Premises used by the JAC and Firehouse pursuant to the Original Agreement, and the JAC and Firehouse desire that such use be permitted; and

WHEREAS, the Parties now desire to amend the Original Agreement to expressly provide for such use as more particularly provided in this First Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, the Parties hereto hereby agree as follows:

1. **Amendments**. The Parties agree the Original Agreement shall be, and hereby is, amended as follows, effective immediately:

a. The preamble of the Original Agreement is deleted in its entirety and the following text is substituted in lieu of the deleted text:

> This Agreement for the use of the city-owned Rouss Hall property is entered into this 20th day of April 2021 between and among the **City of Charles Town**, a political subdivision of the State of West Virginia (the "City"), the **Jefferson Arts Council**, a West Virginia non-profit corporation (the "JAC"), **Firehouse Gallery Ltd**, a West Virginia non-profit corporation formerly known as the Washington Street Artists' Cooperative ("Firehouse"), and the **Jefferson County Convention & Visitors Bureau**, a West Virginia non-profit corporation (the "CVB"). The JAC, Firehouse, and the CVB are sometimes referred to herein collectively as the "users" and each individually as a "user".

b. The fourth (4th) paragraph of the Original Agreement is deleted in its entirety and the following text is substituted in lieu of the deleted text:

WHEREAS, the users have expressed a willingness to collectively use the premises located on the first floor of 108 N. George Street ("Rouss Hall"), for nurturing arts and culture in the City and Jefferson County, and for promoting visitation and tourism to such areas, and as a venue for their group's governance activities.

c. The fifth (5th) paragraph of the Original Agreement is deleted in its entirety and the following text is substituted in lieu of the deleted text:

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein, the City, the JAC, Firehouse, and the CVB agree as follows:

d. The first (1st) sentence of Section Three – Rental Rate of the Original Agreement is deleted in its entirety and the following text is substituted in lieu of the deleted text:

The total monthly rent for the space shall be $300 per month, with each of the JAC and Firehouse paying at least $150 per month.

The remainder of Section Three of the Original Agreement remains intact.

e. The first (1st) sentence of the first (1st) paragraph of Section Four – Use of Premises and Management Agreement of the Original Agreement is deleted in its entirety and the following text is substituted in lieu of the deleted text:

The premises are to be used for the purposes of promoting arts and humanities in the City and Jefferson County and promoting visitation and tourism to such areas.

The remainder of Section Four of the Original Agreement remains intact.

f. The second (2nd) sentence of Section Seven – Utilities of the Original Agreement is deleted in its entirety and the following text is substituted in lieu of the deleted text:

Users shall contribute a total of $150 per month toward the payment of utilities with each of the JAC, Firehouse, and the CVB contributing at least $50 per month.

The remainder of Section Seven of the Original Agreement remains intact.

g. The second indented item in Section Seventeen – Notices of the Original Agreement (being the name and address for Washington Street Artists' Cooperative) is deleted in its entirety and the following text is substituted in lieu of the deleted text:

Firehouse Gallery Ltd: President, Firehouse Gallery Ltd, P.O. Box 576, Charles Town, WV 25414;

Jefferson County Convention & Visitors Bureau: 37 Washington Court, Harpers Ferry, WV 25425; and

The remainder of Section Seventeen of the Original Agreement remains intact.

2. **Management Agreement**. Within sixty (60) days of execution of this First Amendment by all of the Parties, the JAC, Firehouse, and the CVB shall prepare, execute, and deliver to the City a revised management agreement, as contemplated in the second (2nd) paragraph of Section Four – Use of Premises and Management Agreement of the Original Agreement, updated to reflect the addition of the

CVB as a user of the premises.

3. **Conflict of Terms**. In the event of a conflict or inconsistency between the terms, covenants, conditions, and provisions of the Original Agreement and those of this First Amendment, the terms, covenants, conditions, and provisions of this First Amendment shall control and govern the rights and obligations of the parties.

4. **Ratification**. Except to the extent amended hereby or inconsistent herewith, all of the terms, covenants, conditions, and provisions of the Original Agreement shall remain in full force and effect, and the Parties hereby acknowledge and confirm that the same are in full force and effect.

5. **Execution**. This First Amendment may be executed in one or more counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. Facsimile or other electronic signatures shall be accepted by the Parties as originals.

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed by their respective officers thereunto duly authorized, intending it effective as of the date first written above.

THE CITY OF CHARLES TOWN

Date: _____ By: _____

Its: _____

JEFFERSON ARTS COUNCIL

Date: _____ By: _____

Its: _____

FIREHOUSE GALLERY LTD

Date: _____ By: _____

Its: _____

JEFFERSON COUNTY CONVENTION & VISITORS BUREAU

Date: _____ By: _____

Its: _____

AGREEMENT FOR THE USE OF ROUSS HALL PROPERTY FOR THE MUTUAL BENEFIT OF THE JEFFERSON ARTS COUNCIL, AND THE WASHINGTON STREET ARTISTS COOPERATIVE (WSAC)

This Agreement for the use of the city-owned Rouss Hall property is entered into this 20th day April 2021 between and among the **City of Charles Town,** a political subdivision ofthe State of West Virginia (the "City"), the **Jefferson Arts Council,** a West Virginia non-profit corporation, and the **Washington Street Artists' Cooperative,** a West Virginia non-profit corporation.

WHEREAS, the Jefferson Arts Council is a non-profit 501(c)(3) organized in 1975, that exists to preserve, promote and focus opportunities in the Arts through exhibits, concerts, workshops, events, festivals and public art projects. It depends on membership dues, donations, grants and fund-raising events to support the cultural life in Jefferson County. We collaborate with other organizations to form cultural alliances to maximize effectiveness. The Jefferson Arts Council provides the "Teaching Arts Creatively" matching grant program to the Jefferson County Public School teachers and local artists to enrich and enhance the Arts experience with creative hands-on opportunities across the curriculum.

WHEREAS, the Washington Street Artists' Cooperative is a mutual benefit, non-profit corporation established in August 2011 and whose mission is to provide a space where regional artists and artisans can create, show, share, sell, and teach, thereby expanding interest in art in the community, and

WHEREAS, the parties named above have expressed a willingness to collectively use the premises located on the first floor of 108 N. George Street ("Rouss Hall"), for nurturing arts andculture in the City and Jefferson County and as a venue for their groups' governance activities.

NOW, THEREFORE, in consideration of the recitals and the mutual promises contained herein, the City of Charles Town, the Jefferson Arts Council, the Washington Street Artists' Cooperative.

SECTION ONE - DESCRIPTION OF PREMISES

This agreement applies to the use of the first floor only space located at 108 N. George Street(Rouss Hall) in the City of Charles Town, Jefferson County, West Virginia.

SECTION TWO - TERM

The initial term of this agreement is for three years beginning on the date listed above and expiring on the three-year anniversary of said date, contingent upon the approval of the Charles Town City Council. The City may, upon giving ninety (90) days written notice prior to the end of the initial termand each year thereafter for a maximum of two additional years, if applicable, terminate or extend this agreement.

Each of the user parties may, upon giving ninety (90) days written notice prior to the end of theinitial term and each year thereafter, if applicable, terminate or extend this lease agreement as it applies to that party only.

SECTION THREE- RENTAL RATE

The total monthly rent for the space shall be $300 per month, with each participating user paying at least $150 per month. Rent is due on the first day of each month and a late fee of $25shall be assessed after the tenth (10) day of the month that the rent is still due and payable.

SECTION FOUR - USE OF PREMISES AND MANAGEMENT AGREEMENT

The premises are to be used for the purpose of promoting arts and humanities in the City and Jefferson County. All uses shall be restricted to such purposes and shall not be used for any otherpurpose without the prior, express, and written consent of the City.

The premises will be used cooperatively between all parties and users agree to develop a management agreement, signed by all users, that outlines the management responsibilities and expectations of each user. A management agreement signed by all users must be provided to theCity within sixty (60) days of a fully executed lease. The City may terminate this lease if a signed management agreement is not submitted within the allotted sixty (60) days. The management agreement must require that the space be staffed and open to public visitors/consumers at least 24 hours per week, which must include Friday and Saturday, require the regular submission of aggregated, economic development data to the city, and users agree to actively participate in all major, City-sponsored events located in the downtown area.

Each user will be responsible for their own displays, artwork, exhibits or other wares that areplaced within the premises.

SECTION FIVE - RESTRICTIONS ON USE

Notwithstanding the use of the premises as set forth above, users shall not use the premises in any manner that will increase risks covered by insurance on the premises and result in an increase in the rate of insurance or a cancellation of any insurance policy, even if such use maybe in furtherance of user's business purposes.

Users shall not keep, use or sell anything prohibited by any policy of fire insurance covering the premises, and shall comply with all requirements of the insurers applicable to the premises necessary to keep in force the fire and liability insurance.

Users shall comply with all ordinances of the City of Charles Town, Jefferson County and theState of West Virginia including Health Department ordinances and regulations if applicable.

SECTION SIX - WASTE, NUISANCE, OR UNLAWFUL ACTIVITY

User shall not allow any waste or nuisance on the premises or use or allow the premises to be used for any unlawful purpose. Users shall arrange for the cleaning of the first-floor space and the proper disposal of all debris no less than once a week.

SECTION SEVEN - UTILITIES

The City shall arrange and pay for utilities furnished to the premises for the term of this agreement as follows: electricity, gas, water, and sewer. Users shall contribute a total of $150 per month toward the payment of utilities with each user contributing at least $75 per month. Payment shallbe due and payable at the same time as the rent noted above in Section Three.

SECTION EIGHT - REPAIRS AND MAINTENANCE

The City shall remain responsible for all major repairs to the premises and their appurtenances and shall perform said repairs in a reasonable time after being given notice by the users of the need for repair.The users shall be responsible for all minor repairs to said premises and shall during the term of this agreement keep the premises in a good, safe, and sanitary condition and shall use all reasonable precautions to prevent waste, damage or injury to the premises. The users may paint the interior of the premises a neutral color that must be approved by the City in advance. A major repair is defined as any repair, which, including parts and labor at the prevailing rates, exceeds the sum of Two Hundred and Fifty Dollars ($250.00). The City shall be responsible for shoveling the sidewalk and leaving the same free and clear of ice and snow.

SECTION NINE - ENTRY OF PREMISES BY CITY

The City reserves the right to enter on the demised premises at reasonable times to inspectthem, perform required maintenance and repairs, or to make additions, alterations, or modifications to any part of the building in which the premises are located. Except for emergencies, the city will provide notice of 24 hours before entering.

SECTION TEN - SIGNS, AWNINGS, AND MARQUEES

Users shall not construct or place signs, awnings, marquees, or other structures projecting from the exterior of the premises without the prior, express, and written consent of the City.

Users shall remove signs, displays, advertisements, or decorations it has placed on the premises that, in the opinion of the City, are offensive or otherwise objectionable. If user fails to remove such signs, displays, advertisements, or decorations within ten (10) days after receiving noticefrom the City to remove them, the City reserves the right to enter the premises and remove them.

SECTION ELEVEN- NONLIABILITY OF THE CITY FOR DAMAGES

The City shall not be liable for liability or damage claims for injury to persons or property from any cause relating to the occupancy of the premises by the users, including those arising out of damages or losses occurring on sidewalks and other areas adjacent to the premises during the term of this agreement or any extension of such term. All users shall indemnify the City from any and all liability, loss, or other damage claims or obligations resulting from any injuries or losses of this nature. Causes relating to the occupancy of the premises shall not include conditions known by the City to require major repairs, whether within the premises or the adjacent areas, including sidewalks.

SECTION TWELVE - LIABILITY INSURANCE

All users shall procure and maintain in force at its expense during the term of this agreement and any extension of such term, public liability insurance with insurers and through brokers approved by the City. Such coverage shall be adequate to protect against liability for damage claims through public use of or arising out of accidents occurring in or around the premises, in a minimum amount of $1,000,000.00 for each person injured, $1,000,000.00 for any one accident and $1,000,000.00 for property damage. The insurance policies shall provide insurance coverage for contingent liability of the City on any claims or losses. Each user must submit a certificate of insurance with the City named as an additional insured at the coverage levels noted above. Users shall obtain a written objection from the user's insurers and shall notify the City in writing at least ten (10) business days prior to cancellation or refusal to renew any policy.

SECTION THIRTEEN - FIXTURES

All fixtures installed and paid for by the users in the premises shall be and remain the properties of the user and may be removed by the user at any time during the term of the agreement or at the expiration thereof. However, users shall remove those fixtures in such a manner as to limit the damage to the premises and shall repair any damage as a result of the removal.

SECTION FOURTEEN- PARKING

All users must adhere to the City of Charles Town parking ordinance, ARTICLE 365. Users may purchase a City ofCharles Town parking permit to use in designated lots or utilize street metered parking. Users mustpark in designated parking spaces and shall not park directly behind Rouss Hall, in the ally, or the United Bank parking lot.

SECTION FIFTEEN - ENTIRE AGREEMENT

This agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated into this lease agreement.

SECTION SIXTEEN - MODIFICATION OF AGREEMENT

This agreement may be modified by written amendment after the date of the agreement. Any amendments to this agreement or additional obligations assumed by any party in connection with this agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

SECTION SEVENTEEN - NOTICES

All notices, demands, or other writings in this agreement provided to be given or made or sent, orwhich may be given or made or sent, by any party to the other, except as otherwise set forth herein, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, registered and postage prepaid, and addressed as follows:

Jefferson Arts Council: President, Jefferson Arts Council, P.O. Box 2051,Shepherdstown WV 25443;

Washington Street Artists' Cooperative: President, Washington Street Artists' Cooperative, P.O. Box 576, Charles Town, WV 25414;

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

The address to which any notice, demand or other writing may be given or made or sent to anyparty as above provided may be changed by written notice given by such party as above provided.

In Witness Whereof, each party to this agreement has caused it to be executed:

The City of Charles Town

Robert M Traum Date 3 May 2021

Jefferson Arts Council

Lynn J Smith Date March 11, 2021

Washington Street Artists Co-Op

Date March 23, 2021

JEFFERSON ARTS COUNCIL
BRINGING THE ARTS TO EVERYONE
P.O. Box 2051
Shepherdstown, WV 25443

June 19, 2023

City of Charles Town
102 E. Washington Street
Charles Town, WV 25414

Dear Mayor and City Council,

The Jefferson Arts Council and Firehouse Gallery realizes how important a visitor center is to the City of Charles Town, the merchants , the arts and the community. That being said, on June 12 and June 18 the Jefferson Arts Council Board and the Firehouse Gallery board approved sharing JAC's front desk space in Rouss Hall with Jefferson County CVB. This will not delete any artist space and will fill a void since they lost their space in Charles Washington Hall.

The only condition being that Jefferson County CVB pay one third of the monthly utility cost. They will also share in the internet expense which is not included in the lease agreement.

We sincerely hope you will approve this request and prepare an addendum to the lease allowing this arrangement.

Yours truly,

Peggy A. Smith
President, Jefferson Arts Council

Guy Breseia

President, Firehouse Gallery

Jefferson County
CONVENTION AND VISITORS BUREAU

304-535-2627
WhereAlmostHeavenBegins.com

37 Washington Court
Harpers Ferry, WV 25425

Harpers Ferry Bolivar Charles Town Shepherdstown

June 28, 2023

To: Mayor Trainor
Charles Town Council
Re: JCCVB & Rouss Hall

Dear Mayor Trainor and City Council,

The Jefferson Arts Council (JAC) and the Firehouse Gallery notified the Jefferson County Convention & Visitors Bureau (JCCVB), they are supportive of sharing space at Rouss Hall if the city approves amending the lease. The JCCVB is committed to sharing a third of the cost of utilities with the other two partners during our time we occupy the building.

We understand this is a decision that must be approved by the city and look forward to hearing from you and your team soon. In the meantime, we appreciate continuing the partnership and collaboration.

Sincerely,

Annette Gavin Bates
Chief Executive Officer
304-535-2627 office
304-279-3637 cell
Annette.Gavin@jccvb.com

WVHTA WVACVB President
@visitjeffersoncountywv
@jeffersoncountywv

Jefferson County
WHERE ALMOST HEAVEN BEGINS
Harpers Ferry · Bolivar · Shepherdstown · Charles Town

37 Washington Court
Harpers Ferry, WV 25425
WhereAlmostHeavenBegins.com

2023-660: BR2023-03: Norborne Glebe Recreational Facilities - Bond Initiation

Bond Request for $65,460.25 for a pool and recreational amenities.

Proposed Motion:
Approval of the bond as submitted.

ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Bond Amount.pdf
- 4. Kimley-Horn Review.pdf
- 5. Plan - Select Pages.pdf

Bond Initiation Request

Date: For the August 7, 2023 City Council meeting
Applicant: Arcadia Land Inc.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: A bond initiation in the amount of $65,460.25.

Norborne Glebe Pool



The parcel with the pool location is outlined in cyan.

BACKGROUND

The applicant, Arcadia Land Inc., has submitted a bond initiation request for the construction of a pool, recreational amenities, and a parking lot. The applicant is requesting a bond initiation in the amount of $65,460.25. This amount will cover land disturbance requirements (such as silt fencing).

Upon review of the request the City Engineer, Kimley-Horn, has determined that the bond initiation amount is a reasonable request, and consistent with the scope of work and approved project documents.

Performance bonds shall be required for public and other physical Improvements to be constructed under an approved Final Subdivision/Land Development Application. Such Improvements shall include, without limitation, Road, curb, gutter, sidewalk, trails, storm Drainage, traffic signalization and control, water and sanitary sewer infrastructure, and any other site-related Improvements required by the City of Charles Town for vehicular and pedestrian ingress and egress, for public access roadways, for Structures necessary to insure stability of critical slopes, for necessary utilities, and for Stormwater Management Facilities.

BOND COMMITTEE

The Bond Committee was unable to convene to review the request.

PLANNING COMMISSION

The Planning Commission held a public hearing for this item on July 24th, 2023. Two members of the public spoke in favor of the bond request. The Commission asked if a performance bond was necessary in addition to the land disturbance bond; based on the nature of the work (no public infrastructure improvements, such as roads and sidewalks, are being made), only the erosion and sediment control bond is necessary.

The Commission voted unanimously to recommend **approval** of the bond.

RECOMMENDATION

The City Engineer and Planning Commission have reviewed the bond reduction request and recommend the bond initiation request be **approved**.

Bond Request No._____

Norborne Glebe - Pool
Land Disturbance Bond

BOND REQUEST AND REDUCTION

To assist the Subdivision Administrator in the review of a Bond Request Application, the Applicant must utilize this form to supply the City with the information prescribed under Article 1335 and Section 1332 of the Subdivision and Land Development Ordinance. The submission of this form, along with the prescribed information and required fees, shall serve as the Applicant's Bond Request Application as required by Ordinance Article 1335.

1. DATE May 31, 2023

2. APPLICATION TYPE ☒ Bond | Initiation ☐ Bond | Reduction

☐ Bond | Reallocation ☐ Bond | Release**

3. PROJECT NAME Norborne Glebe Subdivision - Pool

Address N/A

4. APPLICANT'S NAME* Arcadia Land, Inc. Attn: Gary Endler

Address 108 N. George Street - 2nd Floor Charles Town, WV 25414

Telephone Number (703-771-8000 Fax Number (___)

Email Address gendler@arcadiacompanies.com

5. PROPERTY OWNER'S NAME Arcadia Land, Inc, Attn: Gary Endler

Address 108 N George Street - 2nd Floor Charles Town, WV 25414

Telephone Number (703-771-8000 Fax Number (___)

Email Address gendler@arcadiacompanies.com

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

**Requires a Public Hearing and landscaping surety for one year after release

Bond Request No._____

10. BOND RELEASE ATTACHMENTS.

The following shall be included with this request:

A. To the extent not previously submitted pursuant to bond reduction request, copies of inspection and test reports if work was inspected and tested by a third-party inspector.

B. Certification that all bonded Improvements, other than Improvements accepted by West Virginia Department of Highways (WVDOH), have been completed in accordance with the approved plans, profiles, and specifications and the requirements of any applicable manual. For Improvements to be accepted for maintenance by WVDOH, such Certification shall state that the Improvements have been installed and inspected in accordance with WVDOH's requirements.

C. A copy of the City-approved As-Built Drawings as required for facilities within public rights-of-way or Easements submitted pursuant to Section 1332.10 of this Ordinance.

Date of As-Builts _____ Prepared By _____

D. A letter from a Professional Engineer or Professional Land Surveyor certifying that property corners and Monuments have been set as required under this Ordinance.

E. Documentation of acceptance by WVDOH for public roadways and rights-of-way, or a maintenance and indemnification agreement and bond approved by the Planning Commission for public roadways that have been completed in accordance with WVDOH standards but which, due to factors other than their quality of construction, are not eligible for acceptance by WVDOH.

F. For private roadways, a letter of acceptance by the entity responsible for maintenance and a Latent Defects Indemnification Agreement and Bond in accordance with this Section.

G. Private Roadway Maintenance Bonds. Before a Performance Agreement and surety for private roadway construction shall be released, a Latent Defects Indemnification Agreement and Bond shall be provided by the applicant/Developer and approved by the Planning Commission. The guarantee provided by such Agreement and Bond must be for a period of two (2) years following the date of performance bond release, and must be in an amount equal to no less than 5% of the original performance bond estimate in accordance with Section 1335.07 (F) of the Subdivision Ordinance.

H. Landscaping Surety. Surety is required to ensure the landscaping shown on the Major S/LD plans is maintained for one (1) year. The one (1) year shall start from the date at which the surety for the site has been released, with the exception of this landscaping surety. The landscaping surety amount shall not be less than $5,000.00 or 10% of the total landscaping cost for the project, which every is greater.

Bond Request No._____

APPLICANT 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 Article 1335 of the S/LD Ordinance.

Signature of Applicant _____ Date 5/31/2023

Signature of Property Owner (If different than Applicant)

_____ Date _____

Please submit an original completed Application, 1 digital copy and 1 paper copy of the As-Built Plans (if applicable) to the following:

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

Please also send a copy of the completed Application as well as the As-Builts to the following:

Hatch/Chester Engineers
Attn: Elizabeth Adamowicz
705 Quince Orchard Road, Suite 310
Gaithersburg, MD 20878

FOR CITY USE ONLY

Application Number:_____ Date Application Received:_____

Fee: $_____ Check No._____

Receipt No._____

Site Inspection Date:_____ Inspector:_____

Subdivision Administrator Approval:_____ Date:_____

Engineer Approval:_____ Date:_____

Planning Commission Approval:_____ Date:_____

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

CITY OF CHARLES TOWN

LAND DISTURBANCE BOND UNIT COST LIST AND BOND REDUCTION FORM

This form shall be used to calculate the amount of the bond required to guarantee public improvements to be constructed under the approved Final S/LD Application. This form shall also be used in calculating the amount of bond reductions to be approved by the Planning Commission. **Note:** No bond shall be reduced until completion of at least thirty (30) percent of the physical Improvements secured by the bond.

PROJECT NAME:	Norborne Glebe - Pool
PREPARED BY:	Greenway Engineering
DATE OF SUBMISSION	26-May-23

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
MOBILIZATION GENERAL								
Mobilization	LS	$6,250.00	1	$6,250.00	0.0	$0.00		
Field Office	EA	$3,000.00		$0.00	0.0	$0.00		
Job Sign	EA	$1,150.00		$0.00	0.0	$0.00		
EROSION & SEDIMENT CONTROL								
Curb Inlet Protection	EA	$176.80	7	$1,237.60	0.0	$0.00		
Grate Inlet Protection	EA	$200.00	0	$0.00	0.0	$0.00		
Rock Check Dam	SY	$47.87	0	$0.00	0.0	$0.00		
Outlet Protection	SY	$78.00	0	$0.00	0.0	$0.00		
Temporary Seeding	SY	$0.77	0	$0.00	0.0	$0.00		
Permanent Seeding	SY	$3.64	4,750	$17,290.00	0.0	$0.00		
Clearing and Grubbing	Acre	$6675.00	3	$16,687.50	0.0	$0.00		
Silt Fence	LF	$3.25	2,399	$7,796.75	0.0	$0.00		
Super Silt Fence	LF	$5.40	0	$0.00	0.0	$0.00		
Level Spreader	SY	$0.00	0	$0.00	0.0	$0.00		
Stabilized Construction Entrance	EA	$2990.00	1	$2,990.00	0.0	$0.00		
TOPSOIL REPLACEMENT								
Fine Grading	SY	$1.09	1,759	$1,919.07	0.0	$0.00		
Respread Topsoil	SY	$0.92	4,750	$4,370.00	0.0	$0.00		
SPECIAL ITEMS								
Sediment Trap	LS			$0.00	0.0	$0.00		
Sediment Basin	LS			$0.00	0.0	$0.00		
Subtotal				$56,621.85				

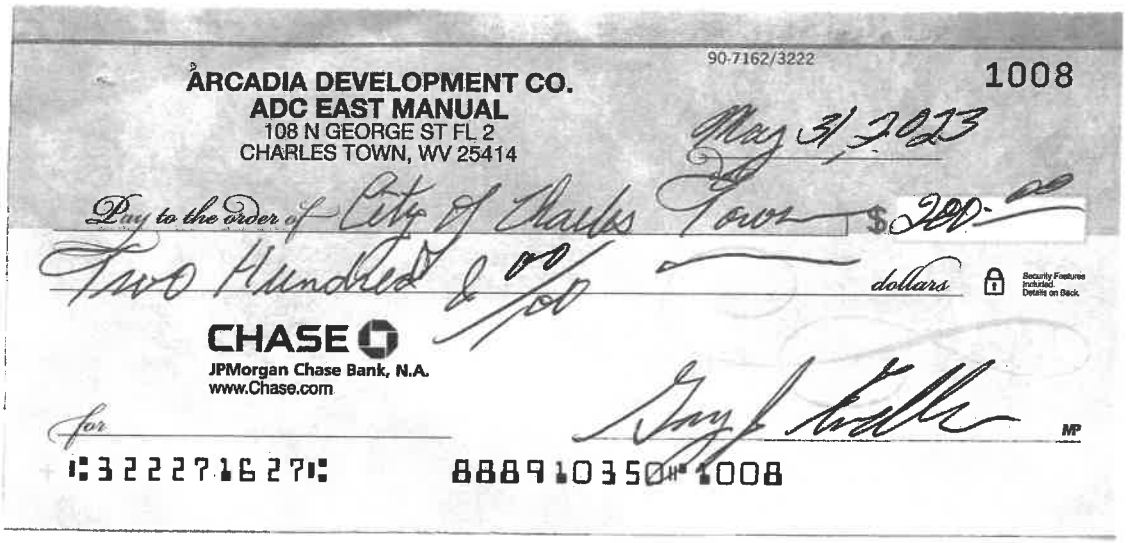
TOTAL ESTIMATE OF COMPLETED WORK:

SubTOTAL:		$56,621.85
CONTINGENCIES:	10.0%	$5,662.19
TOTAL W/ CONTINGENCY:		$62,284.04
BOND PERIOD:	5	Years
ANNUAL INFLATION FACTOR:	1.02%	$3,176.49

TOTAL ESTIMATE OF REDUCTION:

SubTOTAL:	$0.00
CONTINGENCIES:	$0.00
TOTAL:	$0.00
INFLATION :	$0.00
Grand Total:	$0.00

Grand Total:	$65,460.52	Bond Remaining:	**$65,460.52**



ARCADIA DEVELOPMENT CO.
ADC EAST MANUAL
108 N GEORGE ST FL 2
CHARLES TOWN, WV 25414

90-7162/3222

1008

May 31, 2023

Pay to the order of City of Charles Town $ 200.00

Two Hundred & 00/100 dollars

Security Features Included. Details on Back.

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

for

MP

⑆322271627⑆ 888910350⑈1008

CITY OF CHARLES TOWN

LAND DISTURBANCE BOND UNIT COST LIST AND BOND REDUCTION FORM

This form shall be used to calculate the amount of the bond required to guarantee public improvements to be constructed under the approved Final S/LD Application. This form shall also be used in calculating the amount of bond reductions to be approved by the Planning Commission. **Note**: No bond shall be reduced until completion of at least thirty (30) percent of the physical Improvements secured by the bond.

PROJECT NAME:	Norborne Glebe - Pool
PREPARED BY:	Greenway Engineering
DATE OF SUBMISSION	26-May-23

BOND ESTIMATE					BOND REDUCTION			City Use Only
ITEM	UNIT	UNIT COST	QUANTITY	EXTENSION	QUANTITY	EXTENSION	%COMPLETE	% Approved
MOBILIZATION GENERAL								
Mobilization	LS	$6,250.00	1	$6,250.00	0.0	$0.00		
Field Office	EA	$3,000.00		$0.00	0.0	$0.00		
Job Sign	EA	$1,150.00		$0.00	0.0	$0.00		
EROSION & SEDIMENT CONTROL								
Curb Inlet Protection	EA	$176.80	7	$1,237.60	0.0	$0.00		
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Rock Check Dam	SY	$47.87	0	$0.00	0.0	$0.00		
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Subtotal				$56,621.85				

TOTAL ESTIMATE OF COMPLETED WORK:

SubTOTAL:		$56,621.85
CONTINGENCIES:	10.0%	$5,662.19
TOTAL W/ CONTINGENCY:		$62,284.04
BOND PERIOD:	5	Years
ANNUAL INFLATION FACTOR:	1.02%	$3,176.49

TOTAL ESTIMATE OF REDUCTION:

SubTOTAL:	$0.00
CONTINGENCIES:	$0.00
TOTAL:	$0.00
INFLATION :	$0.00
Grand Total:	$0.00

Grand Total:	$65,460.52	Bond Remaining:	**$65,460.52**

Kimley»Horn

Memorandum

To: Daniel Murphy
Project Manager
Greenway Engineering
151 Windy Hill Lane
Winchester, VA 22602

From: Mark Phillips, P.E.
Alex Bachy

Through: James Newman
City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Date: June 1, 2023

Subject: Norborne Glebe Subdivision - Pool Bond Initiation Review

This memorandum summarizes our review of the Bond Initiation request for the Norborne Glebe Subdivision Pool (dated May 31, 2023, prepared by Greenway Engineering) for a proposed pool within the existing residential community. The site is currently zoned Neighborhood Residential. The Bond is for $65,460.52 using the Final Subdivision/Land Development Plat for the Norborne Glebe Subdivision Pool. Kimley-Horn's review of this application is limited to the Bond Initiation Application provided by the Applicant. Based upon our review we have no comments and believe the bond initiation request is consistent with the scope of work for the project and approved project documents.

Thank you for the opportunity to review this Bond Initiation request. In the meantime, please feel free to contact us at 703-870-3631 should you have any questions.

KIMLEY-HORN & ASSOCIATES, INC.

Mark Phillips, P.E.
Project Manager
Associate

NORBORNE GLEBE

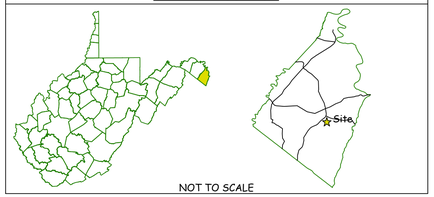
POOL

PRELIMINARY SUBDIVISION/LAND DEVELOPMENT PLAT

MAJOR SLD 2022-06-SP

CHARLES TOWN CORP. DISTRICT (3) - MAP 12 - PARCEL 215
DEED BOOK 1173 - PAGE 85
CITY OF CHARLES TOWN
JEFFERSON COUNTY, WEST VIRGINIA
ZONED NEIGHBORHOOD RESIDENTIAL (NR)

GENERAL LOCATION



Plan Revisions

Revision	Date	Comment
1	05/26/2023	PER CITY, CTUB, & CLIENT COMMENTS**
2	06/01/2023	PER NPDES PERMIT
3	06/14/2023	PER CTUB COMMENTS
4	06/15/2023	PER CITY COMMENTS

STATE & LOCAL PERMITS

AGENCY	PERMIT #/APPROVAL DATE
WVDEP	WVR1101047 / 03/28/2022
WVDOH	05-02-0050 /01-23-2021

CALL "MISS UTILITY"

MISS UTILITY OF WEST VIRGINIA (MUWV) AT 811 OR 1-800-245-4848, 48 HOURS PRIOR TO THE START OF WORK. EXCAVATORS MUST NOTIFY ALL PUBLIC UTILITY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATING OR BLASTING AND HAVE THOSE FACILITIES LOCATED BY THE UTILITY COMPANIES PRIOR TO COMMENCING EXCAVATION. THE EXCAVATOR IS RESPONSIBLE FOR COMPLIANCE WITH ALL COUNTY REQUIREMENTS, WEST VIRGINIA CODE AND REGULATIONS.

UTILITY NOTICE (AS NEEDED)

Contractors shall notify all public utility operators who maintain underground utility lines in the area of proposed excavating or blasting at least two (2) working days, but not more than ten (10) working days, prior to commencement of excavation or demolition. Names and telephone numbers of the operators of underground utility lines appear below. These numbers shall also be used to serve in an emergency condition.

Water: Charles Town Utility Board
832 S. George Street
Charles Town, WV 25414
(304) 725-2316

Sewer: Charles Town Utility Board
832 S. George Street
Charles Town, WV 25414
(304) 725-2316

Power: Potomac Edison
P.O.Box 3615
Akron, OH 44309
(800) 686-0011

Phone: Frontier Communications
1108 N. Mildred Street
Ranson, WV 25438
(304) 728-8500

Soil Conservation: Eastern Panhandle Conservation District
151 Aikens Center, Suite 2
Martinsburg, WV 25404
(304) 263-4376



VICINITY MAP

SCALE: 1" = 400'

Sheet List Table

Sheet Number	Sheet Title
1	COVER SHEET
2	GENERAL NOTES
3	ADJOING OWNER INFORMATION & PHASING KEY
3A	EXISTING CONDITIONS
4	E&S PHASE I
5	TRAIL E&S PHASE I
6	E&S PHASE II
7	TRAIL E&S PHASE II
8	E&S NARRATIVE
9	E&S DETAILS
10	LAYOUT & UTILITY PLAN
11	GRADING PLAN
12	TRAIL LAYOUT PLAN
13	PRELIMINARY PLAN
14	UTILITY PROFILES
15	LANDSCAPE PLAN
16	CITY OF CHARLES TOWN AND CURB RAMP DETAILS
17	CTUB DETAILS
18	LIGHTING PLAN
19	SITE DETAILS
20	SWM PLAN
21	SWM DETAILS
22	SWM COMPS

****REVISION NARRATIVE 05/26/2023**

1. ADDED PICKLEBALL COURT.
2. ADDED HALF COURT BASKETBALL.
3. REVISED TRAILS AND SIDEWALKS FOR CONNECTIVITY WITH NEW RECREATIONAL AMENITIES AND TO TIE INTO EXISTING SIDEWALK AND ACCESSIBLE ROUTE.
4. REVISED WATERLINE SERVICE AND SANITARY LATERAL CONNECTION INTO BUILDING.
5. UPDATED LIMITS OF DISTURBANCE AND E&S CONTROLS.

Charles Town - Complete List of Waivers/Variances

Ordinance	Section of Ordinance	Description of Waiver or Variance	Date Granted

"This property is in an area designated as a special flood area, as shown on Community Map/panel Number 54037C0138E, Effective date 12/18/2009."

OWNER/DEVELOPER
ARCADIA LAND, INC
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WEST VIRGINIA 25414
(443) 286-2786

STATEMENT OF ACCURACY

"The Engineer and/or Surveyor, in signing this plat/plan, attests to the best of his or her knowledge, is plan is complete and accurate."

RANDY L. KEPLER, P.E. Date
GREENWAY ENGINEERING INC.

STATEMENT OF ACCEPTANCE

"The developer, in signing this plat/plan, agrees to abide by all conditions, terms and specifications provided heron; and to complete all the improvements required by the Preliminary Plat and Plan or site plan."

ARCADIA LAND, INC. Date
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WEST VIRGINIA 25414

ENGINEER/SURVEYOR'S CERTIFICATION

"The plat represents a survey made by him/her; all Monuments and improvements indicated thereon actually exist, and that their location, size and material are correctly shown; he/she is familiar with all requirements of this Ordinance; and, to his/her best knowledge and belief, all requirements of this Ordinance have been fully complied therewith."

CHRIS BLAIR, PLS Date
GREENWAY ENGINEERING, INC.

PRELIMINARY PLAN AND PLAT APPROVAL

"This Preliminary Plan was approved by the City of Charles Town, on the _____ day of _____, 20_____, subject to any conditions specified hereon.

All expenses incurred with respect to improvements for all utility services, paving, grading, landscaping, curbs, gutters, sidewalks, road lighting, road signs, flood protection devices, drainage structures and all other improvements that may be required shall be the responsibility of the subdivider and not the City.

Secretary of the Planning Commision Date

APPROVALS

PRELIMINARY PLAT APPROVAL DATE

PLANNING COMMISSION DATE

ZONING ADMINISTRATOR DATE

THESE PLANS ARE IN CONFORMANCE WITH CITY OF CHARLES TOWN STANDARDS AND ORDINANCES. ANY DEVIATION OR CHANGE IN THESE PLANS SHALL BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO CONSTRUCTION

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 433-3511
Fax: (540) 722-8528
www.greenwayeng.com

GREENWAY ENGINEERING
PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

COVER SHEET
NORBORNE GLEBE
POOL
PRELIMINARY SUBDIVISION/LAND DEVELOPMENT PLAT
CITY OF CHARLES TOWN-JEFFERSON COUNTY, WV

RANDY L. KEPLER REGISTERED 17223 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

DATE: 04/26/2023
SCALE: AS NOTED
DESIGNED BY: AM/CW
FILE NO. 4542A
SHEET 1 OF 22
22-06-SP

LIST OF SERVICES: CIVIL ENGINEERING I GIS I LAND SURVEYING I ENVIRONMENTAL I ANALYTICAL LABORATORY I QUALITY CONTROL TESTING & INSPECTIONS

CAMPBELL DRIVE

SEATON LANE

SANTMYER WAY

CANDLEWOOD DRIVE

TD: 3/MAP: 12/PCL: 99
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
CORP DOUGLAS J
295 CAMPBELL DR
CHARLES TOWN, WV 25414

TD: 3/MAP: 12/PCL: 142
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
FRANCO IDALIA & LUIS M
325 CAMPBELL DR
CHARLES TOWN, WV 25414

TD: 3/MAP: 12/PCL: 143
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
WELSH ALBERT E & SEON SHIN
339 CAMPBELL DR
CHARLES TOWN, WV 25414

TD: 3/MAP: 12/PCL: 153
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
PAYAMPS MANUEL D & CAROLYN E
22 SEATON LN
CHARLES TOWN, WV 25414

TD: 3/MAP: 12/PCL: 209
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
NORBORNE GLEBE HOMEOWNERS ASSOCIATION INC
340 EDMOND RD STE E
KEARNEYSVILLE, WV 25430

TD: 3/MAP: 12/PCL: 209
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
ARCADIA LAND INC.
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WV 25414
8.47 AC

TD: 3/MAP: 12/PCL: 209
ZONED: NR
LAND USE: RURAL/AGRICULTURAL
ARCADIA LAND INC.
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WV 25414
8.47 AC
(3.38 AC PORTION TO BE PLATTED WITH POOL)

TD: 3/MAP: 12/PCL: 209.3
ZONED: NR
LAND USE: COMMERCIAL VACANT
ARCADIA LAND INC.
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WV 25414
24 AC

TD: 3/MAP: 12/PCL: 209.9
ZONED: NR
LAND USE: LARGE LOT RESIDENTIAL VANCANT
ARCADIA LAND INC.
108 N. GEORGE STREET 2ND FLOOR
CHARLES TOWN, WV 25414
2.68 AC
(3.71 AC PORTION TO BE PLATTED WITH
BOUNDARY LINE ADJUSTMENT)

POOLHOUSE
1,977 SF
FF=530.50

POOL
4,600 SF
ELEV=531.00

BASKETBALL COURT
1,245 SF
ELEV=529.50

PICKLE BALL COURT
1,963 SF
ELEV=528.50

TOT LOT
2,250 SF
ELEV=529.50

EMERGENCY ACCESS DRIVE
(6" CONC. 3500 PSI W/ #4 REBAR
12"x12" EACH WAY)

FENCE

6' DOUBLE GATE

3' GATE

GATE

DECK 4" CONC. W/ BROOM FINISH

6' FENCE

6' ASPHALT TRAIL

PROPOSED PROPERTY LINE

EX. BOUNDARY LINE TO BE VACATED

20' SIDE YARD

13' SIDE YARD

5' FRONT YARD

LOD

1" WATER METER

1-TAP EX MAIN

1" WAT SERV

6" SAN LAT

6" PVC WATERLINE

EX 8" PVC WATERLINE

EX F.H.

5' SIDEWALK

FLOWLINE

CG-6R

CG-6

C1

C2

C3

C4

C5

N 57°24'58" W
286.1806'

S 31°13'16" W
191.1431'

S 68°49'01" E
37.1900'

N 00°06'09" E
93.6500'

S 89°49'49" E
150.1000'

N 89°49'49" E
150.1000'

N 00°06'09" E
129.0900'

R=22.5'

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 263-8951
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING
PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

LAYOUT & UTILITY PLAN
NORBORNE GLEBE
POOL
PRELIMINARY SUBDIVISION/LAND DEVELOPMENT PLAT
CITY OF CHARLES TOWN-JEFFERSON COUNTY, WV

Rev. No.	Date
3	06/14/2023

ANDY L. KISSLER
REGISTERED
17223
STATE OF
WEST VIRGINIA
PROFESSIONAL ENGINEER

DATE: 04/26/2023

SCALE: 1" = 30'

DESIGNED BY: AM/CW

FILE NO. 4542A

SHEET 10 OF 22

22-06-SP

NOTE:
1. ALL PROPOSED UTILITIES SHALL BE LOCATED UNDERGROUND.

30 15 0 30 60
SCALE: 1" = 30'

GENERAL CONDITIONS - CODE COMPLIANT LANDSCAPE PLAN

SCOPE OF WORK
THE LANDSCAPE CONTRACTOR SHALL PROVIDE ALL MATERIALS, LABOR AND EQUIPMENT TO COMPLETE ALL LANDSCAPE WORK AS SHOWN ON THE PLANS AND SPECIFICATIONS.

NOTE: IF CONTRACTOR BIDS ACCORDING TO THE PLANT LIST, HE/SHE SHOULD THOROUGHLY CHECK THE PLANT LIST QUANTITIES WITH THE SYMBOLS DRAWN ON THE PLAN, TO BE SURE THERE ARE NO DISCREPANCIES. IF THERE IS A DISCREPANCY BETWEEN THE DRAWING AND THE LIST ON THE PLANS, THE DRAWING TAKES PRECEDENCE.

STANDARDS
ALL PLANT MATERIAL WILL CONFORM TO THE CURRENT ISSUE OF THE AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION (ANLA).PLANT MATERIAL MUST BE SELECTED FROM NURSERIES THAT HAVE BEEN INSPECTED AND CERTIFIED BY STATE PLANT INSPECTORS.COLLECTED MATERIAL MAY BE USED ONLY WHEN APPROVED BY OWNER'S REPRESENTATIVE.NOMENCLATURE WILL BE IN ACCORDANCE WITH HORTUS III BY L.H. BAILEY.

SUBSTITUTIONS: PRE-BID
IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO MAKE EVERY REASONABLE EFFORT TO FIND THE PLANTS SPECIFIED BY THE LANDSCAPE ARCHITECT. THE LANDSCAPE CONTRACTOR MAY OFFER SUBSTITUTIONS TO THE LANDSCAPE ARCHITECT FOR HIS/HER CONSIDERATION. THE LANDSCAPE CONTRACTOR WILL NOTIFY THE LANDSCAPE ARCHITECT IF THERE ARE KNOWN
DISEASES OR INSECT RESISTANT SPECIES THAT CAN BE SUBSTITUTED FOR A SELECTED PEST-PRONE PLANT. THE CONTRACTOR SHALL SUBMIT A BASE BID AS PER PLAN PLUS PRICE CLARIFICATIONS FOR ALL RECOMMENDED SUBSTITUTIONS.

SUBSTITUTIONS: POST-BID
IT IS THE INTENT TO ELIMINATE POST-BID SUBSTITUTIONS. HOWEVER, IN THE EVENT THAT THE CONTRACT MATERIAL HAS BECOME UNAVAILABLE, AN APPROPRIATE SUBSTITUTION MUST BE APPROVED BY THE OWNER'S REPRESENTATIVE.

UTILITIES AND UNDERGROUND FEATURES
THE LANDSCAPE CONTRACTOR SHALL NOTIFY UTILITY COMPANIES AND/OR THE GENERAL CONTRACTOR IN ADVANCE OF CONSTRUCTION TO LOCATE UTILITIES.

TREES AND/OR SHRUBS SHALL NOT BE PLACED WITHIN WATER AND SEWER EASEMENTS

IF THERE IS A CONFLICT WITH UTILITIES AND THE PLANTING, THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR RELOCATING PLANTS PRIOR TO THE PLANTING PROCESS. ANY COST DUE TO RELOCATING AFTER PLANTING SHALL BE BORNE BY THE OWNER. IF PLANTS ARE TO BE INSTALLED IN AREAS THAT SHOW OBVIOUS POOR DRAINAGE, AND THE PLANTS ARE INAPPROPRIATE FOR THAT CONDITION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND OWNER. IF THEY DEEM NECESSARY, THE PLANTS SHALL BE RELOCATED, THE CONTRACT SHALL BE ADJUSTED TO ALLOW FOR DRAINAGE CORRECTION AT A NEGOTIATED COST, OR THE PLANT SELECTION MODIFIED BY THE LANDSCAPE ARCHITECT TO ACCOMMODATE THE POOR DRAINAGE.

WARRANTY
THE STANDARD WARRANTY IS FOR ONE (1) YEAR PERIOD, EXCLUDING BULBS, SOD AND ANNUALS, COMMENCING ON THE DATE OF INITIAL ACCEPTANCE. ALL PLANTS SHALL BE ALIVE AND IN SATISFACTORY GROWTH AT THE END OF THE GUARANTEE PERIOD. ANY MATERIAL THAT IS 25% DEAD OR MORE SHALL BE CONSIDERED DEAD AND MUST BE REPLACED AT NO CHARGE. A TREE SHALL BE CONSIDERED DEAD WHEN THE MAIN LEADER HAS DIED BACK, OR 25% OF THE CROWN IS DEAD. REPLACEMENTS SHALL BE MADE DURING THE NEXT PLANTING PERIOD. REPLACEMENTS SHALL BE OF THE SAME TYPE, SIZE AND QUALITY AS ORIGINAL SPECIES UNLESS OTHERWISE NEGOTIATED.

CONTAINER - GROWN STOCK
1. THE SIZE OF CONTAINER-GROWN SHRUBS IS MEASURED BY HEIGHT AND WIDTH OF THE PLANT.
CONTAINER-GROWN TREES
ARE MEASURED BY THE SAME STANDARDS LISTED IN B.3. ABOVE. THE ROOT SYSTEM OF CONTAINER-GROWN PLANTS SHALL
BE WELL DEVELOPED AND WELL DISTRIBUTED THROUGH OUT THE CONTAINER.

2. ALL CONTAINER-GROWN TREES AND SHRUBS THAT HAVE CIRCLING (GIRDLING) AND MATTED ROOTS SHALL BE TREATED IN
THE FOLLOWING MANNER PRIOR TO PLANTING: SEPARATE THE ROOTS BY HAND, UNTANGLING SO CIRCLING ROOTS WILL NOT
DAMAGE FUTURE OF THE PLANT. SEE PLANTING PROCEDURES FOR ALL CONTAINER-GROWN TREES & SHRUBS IN THIS SECTION.

3. ALL CONTAINER-GROWN PLANTS SHOULD BE GROUPED AND WATERED DAILY UNTIL THEY ARE PLANTED IN THE

LANDSCAPE, THE SOIL SHALL BE KEPT MOIST WITH THE EQUIVALENT OF ONE-INCH OF RAINFALL PER WEEK.

4. PRUNING SHALL BE DONE BEFORE PLANTING OR DURING THE PLANTING OPERATION. PRUNING DETAIL FOR TREES IN THIS SECTION.

5. ALL PLANT MATERIAL IN TRANSIT SHALL BE COVERED TO KEEP MATERIAL FROM DRYING OUT. THE COVERING SHALL COMPLY WITH THE STATE AND LOCAL LAWS PERTAINING TO THE TRANSPORT OF MATERIALS.

6. TREES SHALL BE PLACED IN AN UPRIGHT POSITION WITH THE ROOTBALL COVERED BY MULCH AND KEPT MOIST. TREES AND SHRUBS SHOULD NOT BE LEFT ON SITE UNPLANTED FOR MORE THAN 24-HOURS WITHOUT ADEQUATE WATER TO INSURE ROOT SURVIVAL.

INSPECTION
A. PLANTS MAY BE SUBJECT TO INSPECTION AND APPROVAL BY THE OWNER OR OWNER'S REPRESENTATIVE AT THE PLACE OF GROWTH OR HOLDING YARD FOR CONFORMITY TO SPECIFICATION REQUIREMENTS AS TO QUALITY, SIZE AND VARIETY.

B. PLANTS DAMAGED IN HANDLING OR TRANSPORTATION CAN BE REJECTED BY THE OWNER OR OWNER'S REPRESENTATIVE.

C. STATE NURSERY INSPECTION CERTIFICATES SHALL BE FURNISHED TO THE LANDSCAPE ARCHITECT UPON REQUEST.

STANDARDS
A. PLANTS WILL BE IN ACCORDANCE WITH THE CURRENT ANLA'S STANDARDS AND CONFORM IN GENERAL TO REPRESENTATIVE SPECIES.

B. BALLED AND BURLAPPED (B&B)
1. BALLED AND BURLAPPED PLANTS SHALL BE DUG WITH FIRM ROOT BALLS FREE OF NOXIOUS WEEDS. THERE SHOULD BE NO EXCESS SOIL ON TOP OF THE ROOTBALL OR AROUND THE TRUNK
2. BALL SIZES SHALL BE IN ACCORDANCE WITH ANLA STANDARDS.
3. CALIPER AND HEIGHT MEASUREMENT: IN SIZE GRADING B&B SINGLE TRUNK TREES, CALIPER SHALL TAKE PRECEDENCE OVER HEIGHT. CALIPER OF THE TRUNK SHALL BE TAKEN 6" ABOVE GROUND LEVEL (UP TO AND INCLUDING 4" CALIPER SIZE) AND 12" ABOVE THE GROUND LEVEL FOR LARGER TREES. FOR MULTIPLE-TRUNK TREES, HEIGHT MEASUREMENT SHALL TAKE PRECEDENCE OVER CALIPER.

NOTES:

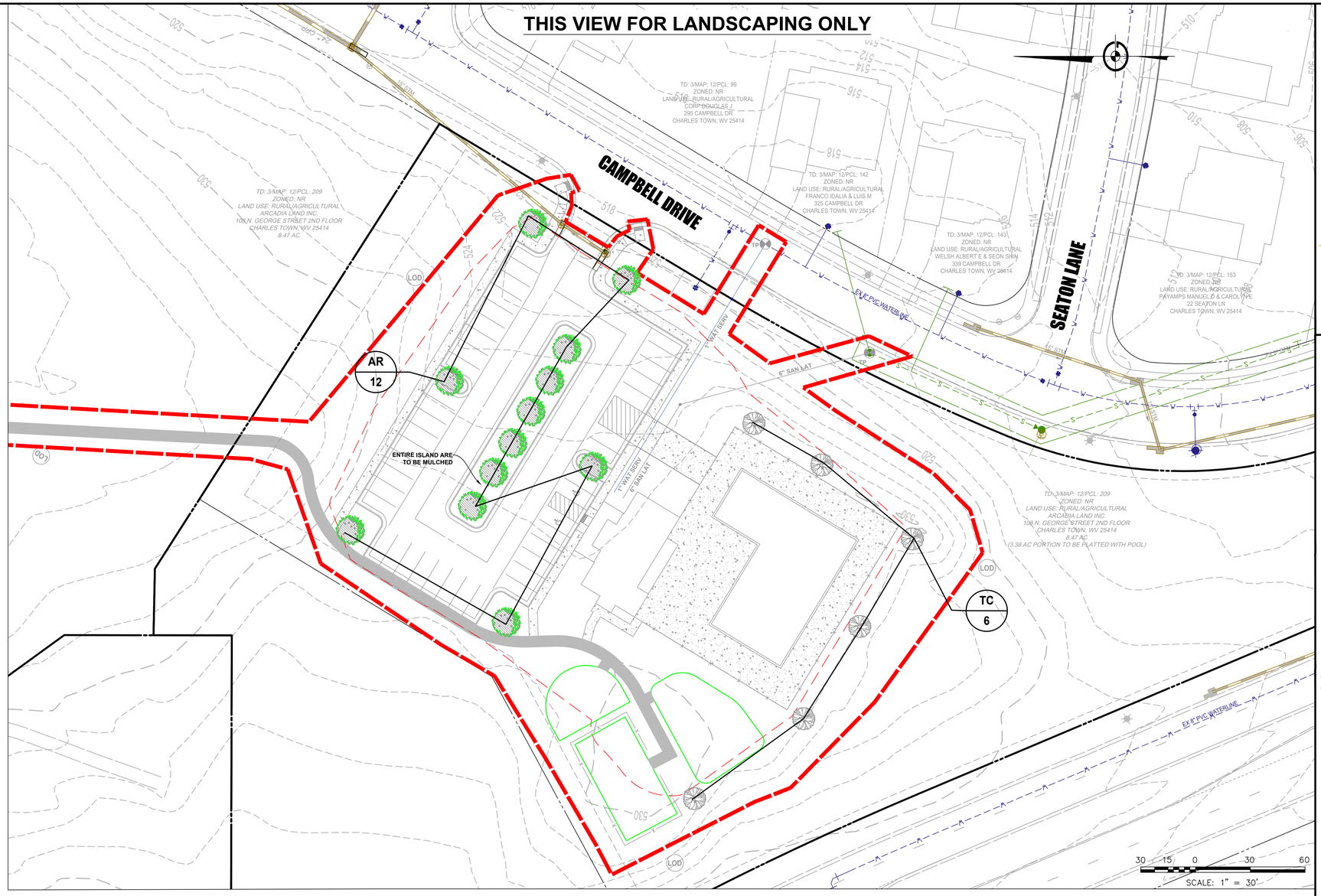
1) ALL PLANTING SHALL CONFORM WITH SECTION 1333.15, BUFFER AND SCREENING STANDARDS,AND/OR SECTION 1333.16, LANDSCAPING STANDARDS OF THE CHARLESTOWN SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

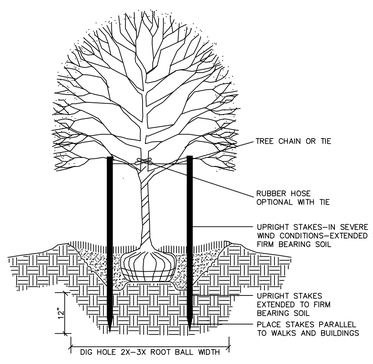
2) ANY PLANT SUBSTITUTIONS MUST BE APPROVED IN WRITING BY THE CHARLESTOWN DEPARTMENT OF COMMUNITY DEVELOPMENT ZONING AND PLANNING DIVISION.

3) ANY TREES LOCATED ON AN INDIVIDUAL LOT WILL BE INSTALLED PRIOR TO THE REQUEST FOR AN OCCUPANCY PERMIT FOR THAT SPECIFIC LOT. ALL OTHER LANDSCAPING SHOWN ON THIS PLAN WILL BE INSTALLED PRIOR TO BOND RELEASE.

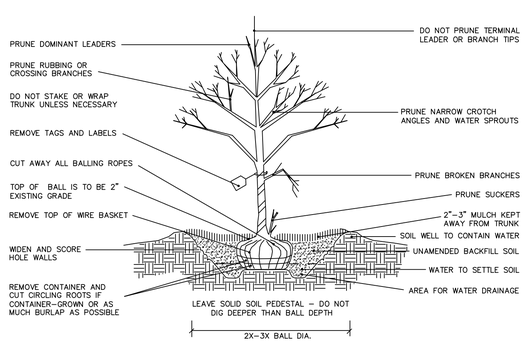
4.) ALL GRADED/DISTURBED AREAS WITHIN THE PROJECT LIMITS EXCEPT FOR BUT NOT LIMITED TO WALKS, ROADS, DRIVES, TEMPORARY EASEMENTS UNDER CULTIVATION, AND AREAS DESIGNATED AS PLANTING BEDS SHALL BE SODDED OR SEEDED

THIS VIEW FOR LANDSCAPING ONLY





TREE PLANTING – VERTICAL STAKES
TREES <4" CAL. SCALE: NOT TO SCALE



TREE PLANTING DETAIL
TREES <4" CAL. SCALE: NOT TO SCALE

PLANT SCHEDULE

ABB	BOTANIC NAME	COMMON NAME	QUANTITY	SIZE
PROPOSED TREE PLANTINGS				
Ar*	Acer Rubrum 'Franksred'	Red Sunset Red Maple	12	2" cal, B&B
Tc*	Tilia chordata 'Greenspire'	Greenspire Littleleaf Linden	6	2" cal, B&B

18 total trees

POOL PARKING LOT LANDSCAPING:
1 TREE SHALL BE PROVIDED FOR EVERY 2,000 SQUARE FEET OF IMPERVIOUS AREA FOR THE FIRST 100,000 SQUARE FEET OF THE TOTAL SITE.
24,252 SQFT PARKING LOT AREA: 24,252/2000 SQFT= 12 TREES REQ

POOL AREA:
1 TREE SHALL BE PROVIDED FOR EVERY 2,OOO SQUARE FEET OF IMPERVIOUS ARE FOR THE FIRST 100,000 SQUARE FEET OF THE TOTAL SITE.
12,694 SQFT POOL AREA: 12,694/2000 SQFT= 6 TREES REQ

LEGEND

Deciduous Trees (Street Trees/Parking Lot Landscaping)

Deciduous Trees (Street Trees/Parking Lot Landscaping)

704 Foxcroft Avenue
Martinsburg, West Virginia 25401
Telephone: (304) 267-5111
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING
PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

LANDSCAPE PLAN
NORBORNE GLEBE
POOL
PRELIMINARY SUBDIVISION/LAND DEVELOPMENT PLAT
CITY OF CHARLES TOWN-JEFFERSON COUNTY, WV

Rev. No.	Date
1	05/26/2023

RANDY L. KEPLER REGISTERED 17223 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER

DATE: 04/26/2023
SCALE: 1" = 30'
DESIGNED BY: AM/CWM
FILE NO. 4542A
SHEET 15 OF 22
22-06-SP

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-661: Open Container Waiver Request (Car Show) - Abolitionist Ale Works

Open Container Waiver Request (Car Show) - Abolitionist Ale Works

ATTACHMENTS:

- ABC Letter re Abolitionist Ale Works' Car Show.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

MAYOR
Robert M. Trainor

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

CITY CLERK
Alissa Meeks

August 3, 2023

WV Alcohol Beverage Control Administration
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

To Whom It May Concern,

I am writing on behalf of the City of Charles Town to ask that the WV Alcohol Beverage Control Administration approve the Abolitionist Ale Works' request for a one-day permit to host an outdoor beer garden at this year's Charles Town Car Show. The festival takes place in downtown Charles Town and is a major event in the region every year. This event is scheduled for September 2, 2023 and the city agrees to suspend all open container laws an related ordinances in the specified area of the beer garden.

If you have any questions regarding this event or our support for the application from Abolitionist Ale Works, please do not hesitate to contact our Downtown Coordinator, Liz Cook. She can be reached by phone at 304-270-0174, or ecook@charlestownwv.us.

Thank you for your assistance with this request.

Sincerely,

Robert M. Trainor
Mayor

c: Liz Cook, Business Development and Downtown Coordinator
Josh Vance, Abolitionist Ale Works

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Resolution
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-662: Resolution Augustine Avenue Trail Construction Agreement

Resolution, Augustine Avenue Construction Agreement

ATTACHMENTS:

- DOH Augustine Avenue TAP Resolution Construction Agreement.pdf

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

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

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

June 14, 2023

Ms. Alissa Meeks
Director of Community Development
City of Charles Town
101 East Washington Street
Charles Town, West Virginia 25414

Dear Ms. Meeks:

The enclosed proposed agreement is for the Charles Town Augustine Avenue Transportation Alternatives (TA) project (State Project: U319-CHA/RL-2. 00) in Jefferson County. Please review the proposed agreement carefully as it will indicate the manner in which your project will be funded. If Sections A and B do not fully reflect the scope of work envisioned by your request, please make any changes you feel are appropriate and return the revised document for our consideration.

If this proposed agreement is acceptable, please sign all three originals, and return them to Mr. Kyle Oliver, West Virginia Division of Highways, Planning Division, Building 5, Room 740, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305. *Do not date the front page, paragraph one*, as this date will be entered when the agreement is fully executed. Once the proposed agreement is fully executed, you will receive one original for your files.

In addition please submit a check payable to the West Virginia Division of Highways in the amount of $140,000.00 to cover the required sponsor's funding, along with your signed agreements. Should you have any questions, please contact Kyle Oliver, Project Manager with our Grant Administration Unit within the Planning Division, at (304) 205-6207 or by email at Kyle.J.Oliver@wv.gov.

Sincerely,

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

JW:Om

Enclosures

WEST VIRGINIA

DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

AGREEMENT

STATE PROJECT: U319-CHA/RL-2. 00

FEDERAL PROJECT: TAP-2017(210)D CONSTRUCTION

CHARLES TOWN AUGUSTINE AVE

TRANSPORTATION ALTERNATIVES

JEFFERSON COUNTY

THIS AGREEMENT, executed in triplicate, made and entered into this _____ day of _____, 20_____, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, hereinafter called **"DEPARTMENT"** and the **CITY OF CHARLES TOWN**, hereinafter called **"SPONSOR".**

WITNESSETH that,

WHEREAS, DEPARTMENT and **SPONSOR** have determined that a project for Charles Town Augustine Ave. is an eligible project for funding under the Transportation Alternatives as appropriated in the FAST Act; and

WHEREAS, DEPARTMENT desires to cooperate with **SPONSOR** in accomplishing the project; and

WHEREAS, by Resolution bearing the date of the _____ day of_____, 20_____, the **CITY OF CHARLES TOWN COUNCIL** directed the proper authorities to execute, acknowledge and deliver this Agreement, a copy of which Resolution is affixed hereto and made a part hereof; and

WHEREAS, **SPONSOR**, has received Transportation Alternatives Grant Award for Federal Fiscal Year (FFY) 2020; and

NOW, THEREFORE, it is mutually agreed as follows:

A. That **DEPARTMENT**, in coordination with the **SPONSOR,** and their consultant, shall develop a scope of work that may include the following elements:

1. **SPONSOR'S** consultant will develop design plans and provide them to **SPONSOR** and **DEPARTMENT** for review;
2. **SPONSOR'S** consultant will develop the entire design plans, specifications, and estimate (PS&E) package (and any other bid related documentation) and submit it to the **DEPARTMENT** for review and approval. **DEPARTMENT** will submit to Federal Highway Administration (FHWA) for review and approval;

3. **SPONSOR'S** consultant will prepare construction documents that will include construction cost opinion for the project area upon the completion of the design development stage. The construction documents shall include existing conditions, demolition layout, grading, site utilities (primarily storm drainage), details for construction;
4. **SPONSOR'S** consultant will provide responses to technical questions from **DEPARTMENT** during the bidding process.

B. That **SPONSOR'S** consultant will submit such designs to **DEPARTMENT** and **SPONSOR** for review and written approval prior to any construction. The **DEPARTMENT** will advertise and award the project and oversee the construction/inspection. The **DEPARTMENT** will then contract with a qualified contractor for the construction of those project elements approved with the Construction plan, which may include:

1. Construction and reconstruction of Americans with Disabilities Act (ADA)-compliant sidewalks along Augustine Avenue in the City of Charles Town;
2. Drainage improvements as necessitated by the project; and
3. Installing landscaping and other pedestrian amenities.

The above-described scope of work is to hereafter be referred to as **"PROJECT"**.

C. The project funding shall be divided between the project Design and Construction Phases and administered by the **DEPARTMENT** with separate state authorizations for each phase.

The total eligible project cost for the Construction Phase set forth in this agreement is hereby seven hundred thousand dollars ($700,000.00). Of this amount, five hundred sixty thousand dollars ($560,000.00) will come from federal funds at eighty percent (80%). The **SPONSOR** shall be responsible for the remaining twenty percent (20%) match of one hundred forty thousand dollars ($140,000.00).

That **SPONSOR** will submit to **DEPARTMENT**, as the minimum match, a check payable to the West Virginia Division of Highways for the sum of one hundred forty thousand dollars ($140,000.00). The check shall be submitted with the Agreement upon execution by the **SPONSOR.**

SPONSOR will also be responsible, at the one hundred percent (100%) level, for all costs in excess of the total eligible project costs as set by this Agreement.

Table 1.0 presents the project funding breakdown.

D. That **SPONSOR** shall provide for, or cause to be provided for, the future maintenance of **PROJECT** for a period of no less than ten (10) years once the work under this Agreement is completed. Further, it is acknowledged and agreed that all future maintenance of project elements constructed under this Agreement will be the sole responsibility of **SPONSOR.**

E. That using funds from the Transportation Alternatives (TA) or Recreational Trails Program (RTP) for the design of the project, **SPONSOR** must agree that the design plans will be utilized in the construction of a completed project within ten (10) years of the design funding authorization. The United States Code of Federal Regulations 23 CFR 630.112©(2) requires repayment of all federal funds used in the design and development of a project where construction has not been initiated with ten (10) years of authorization of funds used for design.

F. That the **DEPARTMENT** will be the lead agency and will charge the necessary labor, materials, and equipment necessary to complete the **PROJECT** directly to the federal authorization. It is also acknowledged and agreed that the funding for the **PROJECT** is limited, and that project costs may not exceed the amount agreed upon in Item C of this Agreement without a Supplemental Agreement outlining the amount of funding to be added and the source of that funding.

G. That to assure budgetary constraints are observed, prior to advertising the **PROJECT** for construction, a meeting between the **DEPARTMENT** and **SPONSOR** will be conducted to determine the amount of **PROJECT** funding remaining in the account and to determine the work elements to be performed. Both **DEPARTMENT** and **SPONSOR** must agree, in writing, to the construction work elements to be performed prior to the **PROJECT** being advertised.

H. That when using a contractor, **SPONSOR** will comply, and ensure compliance, with established provisions of the Federal Davis-Bacon Act Wage Codes.

I. That the following attachment(s) is incorporated herein and made a part hereof as though fully set out herein: Attachment A-1 – "Transportation Alternatives Grant Program General Clauses and Covenants (October 29, 2015)" and FHWA-1273 "Required Contract Provisions Federal-Aid Construction Contracts". **DEPARTMENT** and **FEDERAL HIGHWAY ADMINISTRATION** attachment guidelines shall apply if applicable.

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

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION,
DIVISION OF HIGHWAYS

(signature) *(title)*

CITY OF CHARLES TOWN

(signature) *(title)*

(To be executed in triplicate)

Distribution:
City of Charles Town
Planning Division
Legal Division

APPROVED AS TO FORM ON
6-5-23
ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION.
DIVISION OF HIGHWAYS

NUMBER: 2306014

TABLE 1.0 CHARLES TOWN AUGUSTINE AVE FUNDING BREAKDOWN FFY 2020 STATE PROJECT: U319-CHA/RL-2. 00 FEDERAL PROJECT: TAP-2017(210)D (CONSTRUCTION)			
FUNDING TYPE	**FEDERAL FUNDS**	**SPONSOR MATCHING FUNDS**	**TOTAL**
CONSTRUCTION PHASE TAP-2017(210)D			
FFY 2020 TA Grant Funds	**$560,000.00**	**$140,000.00**	**$700,000.00**
Total Construction Funds	**$560,000.00**	**$140,000.00**	**$700,000.00**
NOTES: Matching funds to be provided by Project Sponsor.			

RECEIVED

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-664: Discussion by Council outlining the City's position on the 340 Rock Project Road Closure and the potential of alternative detours.

Letter by Council outlining the City's position on the 340 Rock Project Road Closure and the potential of alternative detours.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-682 American Legion Parking Lot Lease Discussion

American Legion Parking Lot Lease Discussion

ATTACHMENTS:

- American Legion Signed Lease effective 8 1 2018 through 2023.pdf

AGREEMENT FOR THE USE OF THE LAWRENCE STREET PARKING AREA BETWEEN THE CITY OF CHARLES TOWN AND JACKSON-PERKS POST NO. 71, INC., THE AMERICAN LEGION

THIS AGREEMENT made this 1st day of August, 2018, by and between JACKSON-PERKS POST NO. 71, INC., THE AMERICAN LEGION, hereinafter designated LESSOR, AND THE CORPORATION OF CHARLES TOWN, a municipal corporation, hereinafter designated LESSEE.

WITNESSETH: That for and in consideration of the mutual covenants hereinafter contained, the LESSOR does hereby lease to the LESSEE that certain unimproved lot or parcel of land situate in Charles Town, Jefferson County, West Virginia, fronting on the east side of Lawrence Street 66.4 feet and extending back there from, within parallel lines, 105 feet, more or less, to the line of Piscitelli in the rear thereof, being PARCEL TWO which was conveyed to the Lessor from F. Dean Nichols, Executor, & c., by deed dated June 23, 1973, SUBJECT, HOWEVER, to that certain easement or right of way five (5) feet in width granted to Russell B. Roper, reserving unto the Lessor, its successors and assigns the right to use jointly and in common with Mr. Roper for purposes of making connection with the sanitary sewer running north and south on Lawrence Street as more particularly described in said deed.

TO HAVE AND TO HOLD the leased premises for a term of five (5) years beginning August 1, 2018 and ending July 31, 2023, at an annual rent of One Thousand Seven Hundred Dollars ($1700.00), payable on September 1, 2018, and the first day of August each year thereafter during the term of the lease, unless the Lessor shall sell the property, then upon ninety days written notice and proof of sale from the Lessor to the Lessee, the Lessee shall surrender the lease to the Lessor with any fees prorated for the time of that year's lease to the Lessor if and/or returned to Lessee by Lessor if after payment for that year.

The Lessee covenants and agrees that it shall maintain said leased premises as a public parking lot only and will keep the macadam, or blacktop, in a reasonable state of repair and shall keep the premises policed and free from trash, debris, weeds, snow and ice.

In the event the Lessee shall breach any of its obligations in the payment of the rent and other covenants and agreements herein contained, the Lessor, after ten day notice in writing to the Lessee of any such breach of any agreement or covenant, shall, if the Lessor so demands, surrender the lease to the said Lessor, and, at the option of the Lessor, the Lessor shall have the right to re-enter and repossess the premises or require the Lessee to fulfill the covenants and conditions herein expressed or resort to such other legal remedy as the Lessor may deem proper.

This lease is not assignable, in whole or in part, without the written consent of the Lessor.

WITNESS the signature and seal of JACKSON-PERKS POST NO. 71, INC. THE AMERICAN LEGION, by its Commander or Designee AND FURTHER WITNESS the signature and seal of CORPORATION OF CHARLES TOWN, a municipal corporation, by Scott Rogers, its Mayor.

JACKSON-PERKS POST NO 71, INC.
THE AMERICAN LEGION

BY: THOMAS H HANSEN JR
Commander

CORPORATION OF CHARLES TOWN, A
Municipal Corporation

Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-683 First Reading Article 745 (change to 745.16A)

First Reading Article 745 (change to 745.16A)

ATTACHMENTS:

- Rikki 745 Article word doc (1).pdf

ARTICLE 745
Business and Occupation Tax

745.01 Short title.

745.02 Purpose and intent.

745.03 Definitions.

745.04 Imposition of tax.

745.05 Natural resource production.

745.06 Manufacturing.

745.07 Selling tangible property.

745.08 Public service or utility business.

745.09 Contracting.

745.10 Amusements.

745.11 Service business or calling not otherwise classified.

745.12 Rentals and royalties.

745.13 Banking and other financial businesses.

745.14 Health maintenance organizations.

745.15 Person taxable on multiple activities; credits.

745.16 Exempt activities.

745.16A Optional Exempt Activities.

745.17 Tax cumulative.

745.18 Administration generally.

745.19 Returns; computation and payment of tax.

745.20 Taxpayer records.

745.21 Tax return information confidentiality.

745.22 Erroneous computation of tax.

745.23 Investigations.

745.24 Assessments.

745.25 Notice of assessment; petition for reassessment.

745.26 Hearing procedure; decision; review.

745.27 Injunction.

745.28 Unpaid tax a lien; delinquency notice filing and release.

745.29 Successor liability.

745.30 Revocation, nonrenewal of licenses and permits.

745.31 Settlement agreements and compromises.

745.32 Additional administrative provisions concerning contracting.

745.33 Claims for refunds or credit.

745.34 Interest and penalty; criminal liability.

745.35 Severability.

745.36 Repeal of the business franchise tax.

745.37 Effective date.

CROSS REFERENCES

Authority to tax - see W.Va. Code 8-13-5

Business and occupation tax - see W.Va. Code Art. 11-13

Collection of taxes - see W.Va. Code 8-13-15 et seq.

745.01 SHORT TITLE.

This article shall be known as the "City of Charles Town Municipal Business and Occupation Tax Ordinance."

(Passed 7-19-10.)

745.02 PURPOSE AND INTENT.

The purpose of this article is to impose a municipal business and occupation tax pursuant to West Virginia Code § 8-13-5 to the fullest extent allowable under the operative laws of the State of West Virginia and the United States unless a more restrictive application is required by an express limitation set forth in this article.

(Passed 7-19-10.)

745.03 DEFINITIONS.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section unless a different meaning is clearly required by the context in which the term is used:

(a) Banking business. The term "banking business or financial organization" means any bank, banking association, trust company, industrial loan company, small loan company, or licensee, building and loan association, savings and loan association, credit union, finance company, investment company, investment broker or dealer, and any other similar business organization at least ninety percent (90%) of the assets of which consists of intangible personal property and at least ninety percent (90%) of the gross receipts of which consists of dividends, interest and other charges derived from the use of money or credit.

(b) Business. The term "business" means all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. The production of raw materials or manufactured products which are used or consumed in the main business shall be deemed a business engaged in taxable in the class for which it falls.

(c) Contracting. The term "contracting" means the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property.

(d) Gross Income. The term "gross income" generally means the gross receipts of the taxpayer, other than a banking or financial business, received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property, real or personal, or service, or both, and all receipts by reason of the investment of the capital of the business engaged in, including interest, discount, rentals, royalties, fees, reimbursed costs or expenses or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest and discount paid, or sums paid to independent contractors, subcontractors or persons furnishing services or property used in the operation of any business to produce gross income, or any other expense whatsoever. "Gross income" of a banking or financial business is specified in Section 745.13 of this article.

(e) Gross proceeds of sales. The term "gross proceeds of sales" means the value actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind. The words "gross income" and "gross proceeds of sales" shall not be construed to include cash discounts allowed and taken on sales; the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or the sale price of any article accepted as part payment on any new article sold, if the full sale price of the new article is included in the" gross income" or "gross proceeds of sales"; excise taxes imposed by the State; money or other property received or held by a professional person for the sole use and benefit of a client or another person or money received by the taxpayer on behalf of a bank or other

financial institution for repayment of a debt of another; and excise taxes imposed by the federal government upon the consumer, not manufacturer, and which are held in trust by the vendor as agent for the federal government.

(f) Municipality. The term "municipality" means the City of Charles Town.

(g) Person. The terms "person" and "company" are used interchangeably in this article and mean and include any individual, firm, copartnership, joint adventure, association, corporation, limited liability company, trust, estate or any other group or combination acting as a unit, and the plural as well as the singular number. The word "it" shall also include the pronouns "he" and "she".

(h) Retail sales. The terms "retail sales" and "selling at retail" mean all sales other than wholesale sales, including but not limited to sales to persons for use in any activity not subject to the tax imposed by this article, all sales of real property, and sales to consumers.

(i) Sale. The terms "sale" and "sales" mean any transfer of the ownership of or title to property, whether for money or in exchange for other property.

(j) Services. The term "service business or calling" includes all activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the production or sale of tangible property, but shall not include the services rendered by an employee to his employer.

(k) Tax year. The terms "tax year" and "taxable year" mean as the period commencing July 1 and ending June 30. For the purpose of this article the taxable year shall be divided into two semi-annual periods. The first period shall be from July 1st through December 31st. The second period shall be from January 1st through June 30th.

(l) Taxpayer. The term "taxpayer" means any person liable for any tax hereunder.

(m) Treasurer. The term "treasurer" means the municipality's treasurer and his or her agents, delegates or representatives.

(n) Wholesale sales. The terms "selling at wholesale" and "wholesale sales" mean only:

(1) Sales of tangible personal property for the purpose of resale in the form of tangible personal property,

(2) Sales of machinery, supplies or materials which are to be directly consumed by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article, or

(3) Sales of tangible personal property to the United States of America, its agencies and instrumentalities, or to the State of West Virginia, its institutions and political subdivisions.

(Passed 7-19-10.)

745.04 IMPOSITION OF TAX.

(a) There are hereby levied and imposed and shall be collected annual privilege taxes, against the persons, on account of the business and other activities and in the amounts to be determined by the application of rates against values or gross income or gross proceeds as set forth in Sections 745.05 through 745.14 of this article, inclusive.

(b) If any person liable for any tax under Section 745.05 or 745.06 of this article shall ship or transport its products, or any part thereof, out of the municipality without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the municipality shall be the basis for the assessment of the tax imposed in those sections. Gross income included in the measure of the tax under Section 745.05 or 745.06 of this article, shall neither be added nor deducted in computing the tax levied under the other sections of this article. In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and the seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value upon which such privilege tax shall be levied shall correspond as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and the seller but where the circumstances or conditions are otherwise similar.

(c) The municipal business and occupation tax is imposed on each person engaged in privileges taxable under this article if such person is engaged in purposive revenue generating activities within the municipality's limits and such person has sufficient contacts to sustain the municipality's taxing jurisdiction. By way of example (but not limitation), if a person's activities within the municipality contributes to the establishment and maintenance of a market, such contacts are considered to be sufficient to sustain the municipality's taxing jurisdiction assuming federal constitutional nexus standards are satisfied.

(Passed 7-19-10.)

745.05 NATURAL RESOURCE PRODUCTION.

(a) Upon every person engaging or continuing within the municipality in the business of severing, extracting, mining, quarrying, reducing to possession and/or producing for sale, profit or commercial use any natural resource products, the amount of such tax shall be equal of the value of the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as hereinafter provided, multiplied by the respective rates as follows: Coal, one percent (1.00%); limestone or sandstone quarried or mined, one and one-half percent (1.50%); oil or blast furnace slag, three percent (3.00%); natural gas in excess of the value of five thousand dollars ($5,000.00), six percent (6.00%); sand, gravel or other mineral products, not quarried or mined, three percent (3.00%); timber one and one-half percent (1.50%), and other natural resource products, two percent (2.00%).

(b) The measure of this tax is the value of the entire production in the municipality, regardless of the place of sale or the fact that delivery may be made to points outside the municipality.

(c) A person exercising privileges taxable under this section and using or consuming the natural resources so produced in his business or transferring or delivering the natural resources as any royalty paid, in kind, or the like, shall be deemed to be engaged in the business of producing natural resources and shall be required to make returns on account of the production of the business, showing the gross proceeds or equivalent in accordance with uniform and equitable rules for determining the value upon which privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers.

(d) Persons who produce natural resources outside the municipality and who make sale of those products within the municipality shall not pay the tax imposed by this section but shall pay the tax imposed by Section 745.07 of this article for the privilege of selling such products within the municipality.

(e) A person exercising any privilege taxable under this section and engaging in the business of selling its natural resource products in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed in Section 745.07 of this article for the privilege of engaging in the business of selling such natural resource products in the municipality. (Passed 7-19-10.)

745.06 MANUFACTURING.

(a) Upon every person engaging or continuing within the municipality in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others, in whole or part, any article or articles, substance or substances, commodity or commodities, or newspaper publishing (including all gross income or proceeds of sale from circulation and advertising), the amount of the tax shall be equal to the value of the article, substance, commodity or newspaper manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of eighteen one-hundredths percent (0.18%).

(b) The measure of the tax in this section is the value of the entire product manufactured, compounded or prepared in the municipality for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the municipality. It is further provided, however, that in those instances in which the same person partially manufactures, compounds or prepares products within the municipality and partially manufactures, compounds or prepares such products outside the municipality, the measure of tax under this section shall be that proportion of the sales price of the product that the payroll costs of manufacturing within the municipality bears to the entire payroll costs of manufacturing the product.

(c) If any person shall ship or transport its products or any part thereof out of the State without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the State shall be the basis for the assessment of the tax imposed. The treasurer may prescribe equitable and uniform rules of ascertaining such value; provided that, in the absence of such rules, the person manufacturing the products within the municipality shall report the value in a consistent and reasonable manner.

(d) The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the municipality by such person, shall not be considered manufacturing or compounding or preparing for sale, but the sale of these products shall be reported under Section 745.07 of this article either as wholesale or retail sale, as the case may be.

(e) Persons who manufacture, compound or prepare products outside the municipality and who make sale of such product within the municipality shall not pay the tax imposed by this section but shall pay tax imposed by Section 745.07 of this article for the privilege of selling such product within the municipality.

(f) A person exercising any privilege taxable under this section and engaging in the business of selling its product in the municipality shall be required to make returns of the gross proceeds of such sales and pay the tax imposed by this section at the rate set forth in Section 745.07 of this article for the privilege of engaging in the business of selling such manufactured goods in the municipality. (Passed 7-19-10.)

745.07 SELLING TANGIBLE PROPERTY.

(a) Upon every person engaging or continuing within the municipality in the business of selling any tangible property whatsoever, real or personal, including the sale of food in hotels, restaurants, cafeterias, confectioneries and other public eating houses and wholesale sales from a rolling stockpile, except sales of any person engaging or continuing in the business of horticulture, agriculture or grazing, or selling stocks, bonds, or other evidence of indebtedness, there is hereby levied, and shall be collected, a tax equal to five one-hundredths percent (0.05%) of the gross income of the business; except, therein the case of selling at wholesale, the tax shall be equal to five one-hundredths percent (0.05%) of the gross income of the business.

(Passed 1-20-15.)

(b) Gross income or gross proceeds of sales derived from sales within West Virginia that is not taxed or taxable by any other municipality are included in the measure of municipal business and occupation tax if the sales are either directed from a location within the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when the taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in

West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(c) Persons domiciled outside the municipality who solicit sales within the municipality and sell tangible personal property within the municipality are doing business in the municipality, irrespective of the domicile of such persons and irrespective of whether or not such persons maintain a permanent place of business in the municipality and irrespective of how a sales order is transmitted or processed. If an order is placed in connection with solicitation by a representative (regardless whether there is an employment or agency relationship or whether acting as an independent contractor) who solicits orders within the municipality, and the tangible personal property is to be delivered in the municipality, then the gross proceeds of such sales are included in the measure of the tax imposed by this article.

(Passed 7-19-10.)

745.08 PUBLIC SERVICE OR UTILITY BUSINESS.

Upon every person engaging or continuing within the municipality in any public service or utility business, except railroad, railroad car, express, pipeline, telephone and telegraph companies, water carriers by steamboat or steamship and motor carriers, there is levied, and shall be collected, taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: electric light and power companies, four percent (4.00%) on sales and demand charges for domestic and commercial lighting and three percent (3.00%) on sales and demand charges for all other purposes; natural gas companies, three percent (3.00%); and upon all other public service or utility business, two percent (2.00%). The measure of this tax shall not include gross income derived from commerce between the State and other states of the United States. The measure of the tax under this section shall include only gross income received from the supplying of public service. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed upon such other activity by the appropriate section of this article.

(Passed 7-19-10.)

745.09 CONTRACTING.

Upon every person engaging or continuing within the Municipality in the business of contracting, the tax shall be equal to two percent (2.00%) of the gross income of the business.

(Passed 4-21-15.)

745.10 AMUSEMENTS.

Upon every person engaging or continuing within the municipality in the business of operating a theater, opera house, moving picture show, vaudeville, amusement park, carnival, circus, dance hall skating rink, racetrack, radio broadcasting station or any other place at which amusements are offered to the public, the tax shall be equal to fourteen one-hundredths percent (0.14%) of the gross income of the business.

(Passed 7-19-10.)

745.11 SERVICE BUSINESS OR CALLING NOT OTHERWISE CLASSIFIED.

(a) Upon every person engaging or continuing within the municipality in any service business or calling not otherwise specifically taxed under this article, there is hereby levied, and shall be collected, a tax equal to twenty-three one-hundredths percent (0.23%) of the gross income of any such business.

(b) Gross income or gross proceeds of sales derived from services within West Virginia that is not taxed or taxable by any other municipality are included in the measure of tax under this article if the services are either directed from a location in the municipality or the taxpayer's principal West Virginia office is located in the municipality. Without limiting the generality of the foregoing, when a taxpayer has only one (1) office location and this office is located within the municipality and its activities elsewhere in West Virginia are neither taxed nor taxable by another municipality, the gross income or gross proceeds from those activities are taxable by this municipality. (Passed 7-19-10.)

745.12 RENTALS AND ROYALTIES.

Upon every person engaging or continuing within the municipality in the business of furnishing any real or tangible personal property which has a tax situs in the municipality, or any interest therein, for hire, loan, lease or otherwise, whether the return is in the form of rentals, royalties, fees or otherwise, the tax shall be thirty one-hundredths percent (0.30%) of the gross income of any such activity. The term "tangible personal property", as used herein, shall not include money or public securities.

(Passed 7-19-10.)

745.13 BANKING AND OTHER FINANCIAL BUSINESSES.

Upon every person engaging or continuing within the municipality in the business of banking or financial business, the tax shall be equal to twenty-three one-hundredths percent (0.23%) of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties; charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property; provided, that gross income shall not include (a) interest received on the

obligations of the United States, its agencies and instrumentalities; (b) interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia; or (c) interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients; provided further, that all interest derived on activities exempt under (c) above shall be reported, as to amounts, on the return of a person taxable under the provision of this section.

(Passed 7-19-10.)

745.14 HEALTH MAINTENANCE ORGANIZATIONS.

The rate of tax on the activity of a health maintenance organization holding a certificate of authority under the provisions of West Virginia Code §§ 33-25A-1 et seq. shall not exceed one half of one percent (0.50%) to be applied solely to that portion of gross income received from the Medicaid program pursuant to Title XIX of the Social Security Act, the State employee programs administered by the public employee insurance agency pursuant to West Virginia Code §§ 5-16-1 et seq., and other federal programs, for health care items or services provided directly or indirectly by the health maintenance organization that is expended for administrative expenses; and shall not exceed one-half of one percent (0.50%) to be applied to the gross income received from enrollees, or from employers on behalf of enrollees, from sources other than Medicaid, State employee programs administered by the public employees insurance agency and other federal programs for health care items or services provided directly or indirectly by the health maintenance organization: Provided, That this tax rate limitation shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any such company maintains its office or offices in the municipality, whether such income is in the form of rentals or royalties.

(Passed 7-19-10.)

745.15 PERSONS TAXABLE ON MULTIPLE ACTIVITIES; CREDITS.

(a) A person taxable under Section 745.07 of this article with respect to selling products at wholesale in this municipality shall be allowed a non-refundable credit against the tax imposed on such wholesale sales pursuant to Section 745.07 for any (i) manufacturing taxes paid by such person with respect to the manufacturing of products so sold at wholesale in this municipality, and/or (ii) extracting taxes paid by such person with respect to the extracting of products so sold in this municipality or ingredients of products so sold at wholesale in this municipality.

(b) For purposes of this section:

(1) "Manufacturing tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a manufacturer

and includes (i) the tax imposed in Section 745.06 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units (other than State governments) within the United States.

(2) "Extracting tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a producer of natural resource products and includes (i) the tax imposed in Section 745.05 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units within the United States (other than State governments) within the United States.

(3) "Gross receipts tax" means a tax which (i) is imposed on or measured by the gross volume of business in terms of gross receipts or in other terms and in the determination of which deductions allowed would not constitute the tax an income tax or value added tax and (ii) which is not, pursuant to law or custom, separately stated from the sales price.

(c) If imposition of the municipality's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the tax under this article, and still apply the tax to as much of the taxpayer's activities as may be subject to the municipality's taxing authority.

(Passed 7-19-10.)

745.16 EXEMPT ACTIVITIES.

The provisions of this article shall not apply to:

(a) Insurance companies which pay the State of West Virginia a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the municipality, whether such income is in the form of rentals or royalties; ‘

(b) Nonprofit cemetery companies organized and operated for the exclusive benefit of their members;

(c) Fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; provided, that this exemption shall not extend to that part of gross income arising from the sale of alcoholic liquor, food and related services of such fraternal societies, organizations and associations which are licensed as private clubs under the provisions of West Virginia Code §§ 60-7-1 et seq.;

(d) Corporations, associations and societies organized and operated exclusively for religious or charitable purposes;

(e) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemption of this section shall not apply to

corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.;

(f) Any credit union organized under the West Virginia Code; provided, that the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.; and

(g) Gross income derived from advertising service rendered in the business of radio and television broadcasting.

(Passed 7-19-10.)

745.16A OPTIONAL EXEMPT ACTIVITIES.

The City Council, by super majority, reserves the right to apply, reduce, or eliminate for a specified time period and/or for a specific project, the Business and Occupation tax per the following provision(s): Any activity associated with a municipality-initiated/taxpayer-funded project that directly benefits Charles Town's residents, and in which the taxes rendered under this article could result in higher rates to those residents for existing services and/or higher project costs for the municipality.

745.17 TAX CUMULATIVE.

The tax, interest and penalty imposed by this article shall be in addition to all other licenses, taxes and other revenue measures levied or collected by the municipality as a condition precedent to the right of any person to engage or continue in any business, profession, trade, calling or other activity within this municipality. A person exercising a privilege taxable under this article, subject to the payment of all licenses and charges which are conditions precedent to exercising the privileges taxed, may exercise the privilege in this municipality for the tax year upon the condition that he shall pay the tax, interest and penalty imposed by this article.

(Passed 7-19-10.)

745.18 ADMINISTRATION GENERALLY.

The administration of this article is vested in and shall be exercised by the treasurer who shall prescribe forms and may promulgate from time to time reasonable rules, publications and instructions for the making of returns, and for ascertaining, assessment, collection and administration of tax, interest and penalty imposed hereunder.

(Passed 7-19-10.)

745.19 RETURNS; COMPUTATION AND PAYMENT OF TAX.

(a) The tax levied by this article shall be due and payable in semi-annual installments on or before the expiration of one month from the end of each semi-annual period in which

they accrue. The taxpayer shall, within one month from the expiration of each semi-annual period, make a return reporting the computation of tax for which it is liable for each semi-annual period; sign and mail the completed return, together with any remittance due, to the location specified by the treasurer. The treasurer may allow return and payment under this section for periods other than semi-annual periods.

(b) On or before thirty-one (31) days after the end of the tax year, each person liable for the payment of tax under this article shall make a second semi-annual return, showing the gross proceeds of sale or gross income of business, trade, calling or activity, computing the amount of tax, interest and penalty chargeable against the person in accordance with the provisions of this article and transmit with the return a remittance in the sum required by this article, covering the remainder of the tax, interest and penalty chargeable against the person for the tax year, to such location or locations specified by the treasurer. Such returns shall be verified by the oath of the taxpayer, if made by an individual, or by the individual designated by a taxpayer that is an entity to take the oath on behalf of the taxpayer.

(c) All remittances and payments of tax, interest and penalty imposed by this article shall be made to the treasurer, in lawful money of the United States or by bank draft, certified check, cashier's check, or other commercially acceptable means specified by the treasurer, to be kept, deposited and accounted for as provided by law.

(Passed 7-19-10.)

745.20 TAXPAYER RECORDS.

Each person subject to this article shall maintain sufficient records for review by the treasurer as long as the contents of such records may be material in the administration of tax imposed by this article.

(Passed 7-19-10.)

745.21 TAX RETURN INFORMATION CONFIDENTIALITY.

(a) Except when required in an investigation or proceeding to ascertain or collect amount of tax, interest, penalty, refund or credit due, or pursuant to an exemption in W. Va. Code § 11-10-5d, it shall be unlawful for any officer, employee or agent of the municipality to divulge or make known in any manner the tax return, or any part thereof, of any person, or disclose information concerning the personal affairs of any individual or the business of any person, or disclose the amount of income or any particulars set forth or disclosed in any report, declaration or return required to be filed with the treasurer or otherwise obtained by the municipality in an investigation undertaken by the treasurer concerning the tax imposed by this article. Any person protected by the provisions of this article may, in writing, waive the confidentiality provisions of this section for such purpose and such period as he shall therein state. This section shall not be construed to prohibit the

publication or release of statistics so classified as to prevent the identification of particular reports and the items thereof. Notwithstanding the foregoing, the treasurer may permit the proper officer, or his authorized representative or agent, of the United States or the State, or any political subdivision of the State, to inspect return information to or may furnish to such officer or representative a copy of any such return or any other tax return information, provided, that such other jurisdiction grants similar privileges to this municipality or if the other jurisdiction is a party of an intergovernmental agreement authorizing the exchange of such information.

(b) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall divulge facts or information obtained from returns or tax statements other than for the purpose of administering such tax shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(c) Any officer, employee or agent of the municipality or any former officer, employee or agent of the municipality who shall make unauthorized disclosure of information received from the State Tax Commissioner under authority of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than one year, or both, together with costs of prosecution.

(d) For purposes of this article, "unauthorized disclosure" means the release to any person of any tax information obtained by the municipality from the State Tax Commissioner unless the person receiving the information is the authorized counsel of the municipality and shall be using the information only for the purpose of administering the tax imposed by this article, Sales Tax from single location businesses, or Liquor Sales Tax; or the person who filed the return has authorized, in writing, its release, thereby waiving his right to secrecy.

(Passed 7-19-10.)

745.22 ERRONEOUS COMPUTATION OF TAX.

If any taxpayer shall make any error in computing the tax, interest and penalty under this article, the treasurer shall correct such error or reassess the proper amount of tax, interest and penalty, and notify the taxpayer of his or her action by mailing the taxpayer promptly a copy of the corrected assessment, and any additional tax, interest and penalty for which such taxpayer may be liable shall be paid within fifteen (15) days after the receipt of such statement. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be immediately refunded to the taxpayer upon the request of the treasurer and shall be payable out of any funds available for the purpose. The taxpayer may, at its election, apply an overpayment as credit upon tax subsequently accruing hereunder.

(Passed 7-19-10.)

745.23 INVESTIGATIONS.

(a) For the purpose of ascertaining the correctness of a tax return, claim or assessment or for the purpose of making an estimate of any taxpayer's liability for the tax administered under this article, the treasurer shall have the power to examine or cause to be examined any books, papers, records, memoranda and other documents or data bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or the attendance of any other person having knowledge of relevant matters. In connection therewith, the treasurer may take testimony and shall have the power to administer oaths.

(b) The treasurer has the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and production of documents for the purpose of ascertaining the correctness of a return or claim or for performing an assessment or for any hearing held by the treasurer. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the treasurer may invoke the aid of the circuit court of Jefferson County. Upon proper showing, the treasurer may apply for an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question.

(Passed 7-19-10.)

745.24 ASSESSMENTS.

(a) If any person who is required by this article to do so shall fail or refuse to make a return, either in whole or part, or if the treasurer believes the tax imposed by this article has been insufficiently returned by any taxpayer, the treasurer may proceed to assess the tax and shall notify the person assessed of the amount of the tax, additional tax, interest and penalties so assessed.

(b) The treasurer may, at any time before the assessment becomes final, amend, in whole or in part, any assessment whenever the treasurer ascertains that such assessment is improper or incomplete in any material respect. The treasurer may, at any time within the period prescribed for assessment, make a supplemental assessment whenever the treasurer ascertains that any assessment is incorrect in any material respect.

(c) The amount of tax, interest and penalties imposed by this article shall be assessed within three (3) years after the date the second semi-annual return for the year in which such tax arose is filed by the taxpayer; provided, that in the case of a false or fraudulent return filed with the intent to evade the tax or in case no return is filed, an assessment may be made at any time. (Passed 7-19-10.)

745.25 NOTICE OF ASSESSMENT; PETITION FOR REASSESSMENT.

The treasurer shall give the taxpayer written notice of any assessment made pursuant to this article. Unless the taxpayer to whom the notice of assessment is given shall within thirty (30) days after service thereof file with the treasurer a petition for reassessment, the assessment shall become final and not subject to administrative or judicial review. A petition for reassessment must be in writing verified under oath by the taxpayer or his duly authorized agent having knowledge of the facts, setting forth with particularity the items of the assessment objected to, together with the reasons for the objections. The total amount of an assessment shall be due and payable on the day following the date upon which the assessment becomes final.

(Passed 7-19-10.)

745.26 HEARING PROCEDURE; DECISION; REVIEW.

(a) When a petition for reassessment or a petition for refund or credit is properly filed pursuant to this article within the time prescribed for such filing, the treasurer shall assign a time and a place for a hearing thereon and shall notify the petitioner of such hearing by written notice at least twenty (20) days in advance thereof. Such hearing shall be held within ninety (90) days from the date of filing the petition, unless continued by agreement of the parties or by the treasurer for sufficient cause.

(b) The hearing shall be informal and shall be conducted in an impartial manner by the Finance Committee of the municipality. The burden of proof shall be upon the taxpayer to show that the assessment or denial refund or credit is incorrect and contrary to law, in whole or in part.

(c) After such hearing, the Finance Committee of the municipality shall, within a reasonable time, give notice in writing to the taxpayer of their decision. An appeal may be taken by the taxpayer of the Finance Committee's decision to the council of the municipality.

(d) An appeal may be taken by the taxpayer to the Circuit Court of Jefferson County within thirty (30) days after service of the council's administrative decision issued pursuant to this section.

(Passed 7-19-10.)

745.27 INJUNCTION.

After any delinquency shall have continued sixty (60) days, the treasurer may proceed in the Circuit Court of Jefferson County to obtain an injunction restraining the further exercise of the privilege until full payment shall have been made of all tax, interest and penalty due under this article. In any proceeding under this section, upon judgment or decree for the municipality, the municipality shall be awarded its costs.

(Passed 7-19-10.)

745.28 UNPAID TAX A LIEN; DELINQUENCY NOTICE FILING AND RELEASE.

Any tax, interest and penalties due and payable under this article shall be a debt due the municipality and shall constitute a lien on the real and personal property of the taxpayer. The treasurer, for the more effective collection of the tax, interest and penalty imposed by this article, may file with the Clerk of the Jefferson County Commission a certified notice of lien for delinquent taxes, interest and penalty under this article for recordation. If a lien has been recorded respecting a delinquency, upon full payment of all delinquent tax, interest and penalty, the treasurer shall attest to the fact and amount of payment, and shall forward a certificate of release to the taxpayer. Upon presentment and payment of the recording fee by the taxpayer, the Clerk of the Jefferson County Commission shall record such certificate in the book in which releases are recorded.

(Passed 7-19-10.)

745.29 SUCCESSOR LIABILITY.

The tax, interest and penalty imposed by this article shall be a continuing lien upon the property of any person subject to the provisions hereof who shall sell out its business or stock of goods, or shall quit business, and such person shall be required to make the return provided for in this article within thirty (30) days after the date it sold out its business or stock of goods, or quit business, and its successor in business shall be required to withhold a sufficient amount of the purchase money to cover the amount of such tax, interest and penalty due and unpaid until such time as the former owner shall produce a receipt from the treasurer showing that all tax, interest and penalty has been paid. If the purchaser of a business or stock of goods fails to withhold purchase money as hereby provided, and the tax, interest and penalty shall be due and unpaid after the thirty-day period allowed, the successor shall be personally liable for the payment of the tax, interest and penalty accrued and unpaid on account of the operation of the business by the former owner. (Passed 7-19-10.)

745.30 REVOCATION, NON-RENEWAL OF LICENSES AND PERMITS.

(a) The treasurer has the authority to revoke, deny and prevent any and all licenses and permits issued by the municipality in the event a licensee or permittee fails or refuses to file any return required hereby or fails or refuses to pay any delinquent tax, interest or penalty due and owing to the municipality.

(b) In the event of such a revocation or denial, the treasurer will provide written notice to the affected person at least five (5) days prior to the contemplated revocation or denial and such notice shall be served by certified mail. The notice shall indicate the time and the place of a revocation/denial review meeting, the general grounds of said contemplated

action, and shall advise the affected person of its rights to appear at said hearing in person and represented by legal counsel, and to be heard orally upon the merits of the person's defense. The treasurer may request legal advice from the City Attorney, and adopt such procedures for its decorum and the dispatch of business at such hearings as the treasurer may regard advisable. The revocation decision of the treasurer will be final.

(c) Each license or permit that has been revoked or denied pursuant to this section may be issued or re-issued upon payment of all delinquent tax, interest or penalty due and owing to the municipality and satisfaction of all relevant licensing conditions otherwise imposed by the municipality. (Passed 7-19-10.)

745.31 SETTLEMENT AGREEMENTS AND COMPROMISES.

The treasurer, with approval of the City Manager, is authorized to enter into an agreement in writing with any person relating to the liability of such person in respect of the tax, interest and penalty imposed by this article for any taxable period. If such a closing agreement is duly made and entered into, such agreement shall be final and conclusive for the periods covered except upon a showing of fraud, malfeasance or misrepresentation of a material fact. The treasurer, with approval of the City Manager, may compromise all or part of any administrative determination or civil case concerning tax, interest and penalty or otherwise arising under the provisions of this article. (Passed 7-19-10.)

745.32 ADDITIONAL ADMINISTRATIVE PROVISIONS CONCERNING CONTRACTING.

(a) Without limiting the generality of the administrative and collection powers granted to the treasurer in this article, the treasurer is also empowered to require any person engaging or continuing within the municipality in the business of contracting to furnish a list of the names, addresses and amounts paid by them to any subcontractors employed and suppliers of materials used upon any job or to do any work within the municipality. The treasurer may also require every person engaging or continuing within the municipality in the business of contracting who is a nonresident of the State to pay or guarantee the payment of the amount of the tax imposed by this article for the privilege of engaging in the business of contracting within the municipality, such payment of such tax to be based upon the amount of the building permit issued by the municipality for the work to be performed by such person, as a condition precedent to the issuance of such building permit. In lieu of such prior payment in cash of such tax any such nonresident may guarantee the payment of such privilege tax provided for herein by delivering to the municipality a bond, with good and adequate surety, payable to the municipality, and conditioned to pay such tax on or before the estimated date of the completion of the work to be performed by such person within the municipality.

(b) Any person engaging a contractor or subcontractor within this municipality shall withhold payment in sufficient amount to cover taxes assessed by this article in the final settlement of such contracts until the receipt of a certificate from the treasurer to the effect

that all taxes levied and accrued under this article against the contractor have been paid. If any person fails to withhold as provided herein and the contractor or subcontractor fails to timely pay such tax, such person shall be personally liable for the payment of such taxes, and the same shall be recoverable by the treasurer by appropriate legal proceedings.

(Passed 7-19-10.)

745.33 CLAIMS FOR REFUND OR CREDIT.

(a) Any taxpayer claiming to have overpaid any tax, interest or penalty imposed by this article shall file its claim with the treasurer within three (3) years after the due date of the return in respect of which the tax was imposed, and not thereafter.

(b) If, as a result of the claim, the treasurer shall be of the opinion that the tax, interest or penalty, or any part thereof, was overpaid, the treasurer shall refund the same to the taxpayer. If the treasurer denies the claim, the taxpayer may within thirty (30) days after notice of denial file with the treasurer a petition for refund or credit, which shall be heard in accordance with Section 745.27 of this article. A taxpayer's failure to abide by express procedures contained in this section precludes taxpayer's right to any refund or credit of tax, interest and penalties paid or collected under this article. (Passed 7-19-10.)

745.34 INTEREST AND PENALTY; CRIMINAL LIABILITY.

(a) If any person fails to make the return or any semi-annual installment required by this article, or makes its return but fails to remit, in whole or in part, the proper amount of tax, there shall be added to the amount of tax unpaid, from the date such tax should have been paid, a penalty in the amount of twenty-five (25.00%) percent of the tax due for the period of such failure or delinquency. Such tax and penalty shall bear interest at the rate of twelve percent (12.00%) per annum from the due date of the payment until paid. Additionally, whoever engages in any activity contrary to the provisions of this article shall, in addition to paying the tax imposed by this article, penalty and interest, be subject to an additional penalty of fifty dollars ($50.00) for each month or fraction thereof during which he has been in default of said tax. It shall be the duty of the treasurer to collect the full amount of the tax, penalty and interest imposed. Upon the recommendation of the municipality's Finance Committee, for good cause shown, and upon the request by the person, the municipality may abate and forgive the penalty and interest, or both, in whole or in part.

(b) Interest and penalties may be collected in the same manner as the tax imposed by this article.

(c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid

tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

(d) Whoever knowingly makes a false statement in any tax form or application shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000). Each false statement, whether made with or without other false statements on any one or more applications shall constitute a separate offense. And, whoever shall knowingly make a false statement in two separate "tax filings", whether or not said applications shall have been filed consecutively, and whether or not said person shall have been previously convicted thereof, shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) and imprisoned not more than six months, or both.

(Passed 7-19-10.)

745.35 SEVERABILITY.

If any provision of this article is held unconstitutional or invalid, on its face or as applied, the remaining provisions of this article shall remain in full force and effect; and to this end, the provisions of this article are declared to be severable.

(Passed 7-19-10.)

745.36 REPEAL OF THE BUSINESS FRANCHISE TAX.

The Business Franchise Tax heretofore enacted by the City of Charles Town in 1970 remains repealed. (Passed 7-19-10.)

745.37 EFFECTIVE DATE.

The effective date of this article shall be July, 2010.

(Passed 7-19-10.)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Referral
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-665: Referral to Planning Commission for clarification on the City's Ordinances for Open Space in mixed (SFH/TH) residential developments.

Referral to Planning Commission for clarification on the City's Ordinances for Open Space in mixed (SFH/TH) residential developments.

ATTACHMENTS:

- 1. Report.pdf

Open Space Comparison Report

Date: For the August 7, 2023 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

BACKGROUND

A request on the City Council August 7, 2023 agenda for a referral to Planning Commission for clarification on the City's Ordinances for Open Space in mixed (SFH/TH) residential developments.

ZONING DISTRICT COMPARISON TABLE

Zoning District	*Minimum Open Space Requirement*
Residential Low Density (R3)	No requirement. Maximum lot coverage is 40%
Residential Medium-High Density (R15)	30% Open Space is required for Mobile Home Parks. 10% Open Space is required for all other Uses in the R-15 District.
Neighborhood Residential (NR)	10%
Neighborhood Commercial (NC)	No requirement. Maximum lot coverage is 90%
General Commercial (GC)	No requirement. Maximum lot coverage is 90%
Old Town Residential (OT-R)	No requirement. Maximum lot coverage is 70%
Old Town Mixed-Use Commercial (OT-MUC)	No requirement. Maximum lot coverage is 90%

PLANNED UNIT DEVELOPMENT

The purpose of Planned Unit Development (PUD) regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal.

…

Required Common Open Space. A minimum of twenty percent (20%) of the total usable land in residential Use in each phase shall be set aside for permanent common Open Space as defined herein.

SINGLE FAMILY DETACHED REQUIREMENTS

There is no use standard for single-family detached housing that requires a certain percentage of open space when being built.

TOWNHOME REQUIREMENTS

Section 1333.20, Townhouse Development Standards

O. Required Open Space.

1. The difference between the Net Buildable Land Area of a townhouse Development and the total area of the dwelling unit Lots shall be allocated to open space common area as specified in Section 1333.20(B) above.

2. In the event that the Planning Commission, by waiver, permits dwelling unit Lots of less than the 2,000 square foot minimum specified in Section 1333.20(B), compensating open space must be established and provided within the project site equal to the aggregate area by which such Lots are under the 2,000 square foot minimum.

3. In a townhouse Development, open space for the Subdivision/Land Development must at least equal 30 percent of the Net Buildable Land Area of the Subdivision/Land Development.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Revision
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-666: Zoning Ordinance Update requiring residential developments that have a required commercial component to have the pad sites graded and utilities made available by a designated percentage of the project completion.

Zoning Ordinance Update - Discussion/Referral to Planning Commission to require all residential developments with a required commercial component shall have associated commercial pad sites graded and utilities made available by a designated percentage of the residential project completion.

ATTACHMENTS:

- 1. Report.pdf

Commercial requirements in Residential Zoning - Report

Date: For the August 7, 2023 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

BACKGROUND

A request on the City Council August 7, 2023 agenda for a referral to Planning Commission for clarification on the City's Ordinances requiring residential developments that have a required commercial component to have the pad sites graded and utilities made available by a designated percentage of the project completion.

ZONING DISTRICT COMPARISON TABLE

Zoning District	*Commercial Space Requirement*
Residential Low Density (R3)	No requirement
Residential Medium-High Density (R15)	No requirement
Neighborhood Residential (NR)	10% of total area must be Neighborhood Commercial uses. **Note:** *Does not specify that such uses must be commercial in nature.*
Neighborhood Commercial (NC)	No requirement
General Commercial (GC)	No requirement
Old Town Residential (OT-R)	No requirement
Old Town Mixed-Use Commercial (OT-MUC)	No requirement

There are no zoning or subdivision Ordinance requirements that a certain percentage of commercial units be built in relation to residential units.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-684: Payment of Bills - August 7, 2023

ATTACHMENTS:

- CAPITAL RESERVE COUNCIL REPORT 2023 8 07.pdf
- GENERAL FUND COUNCIL REPORT 2023 8 07.pdf
- PARKS & REC COUNCIL REPORT 2023 08 07.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ALPHA ASSOCIATES, INCORPORATED	8/04/23	AUGUSTINE AVE-TRAIL-DESIGN	CAPITAL RESERVE	CULTURE & RECREATION	4,224.41
				TOTAL:	4,224.41
KIMLEY-HORN AND ASSOCIATES, INC.	8/04/23	LAWRENCE&CONGRESS-STORM WA	CAPITAL RESERVE	STREETS & TRANSPORTATI	5,686.15
				TOTAL:	5,686.15

FUND TOTALS		
200	CAPITAL RESERVE	9,910.56
	GRAND TOTAL:	9,910.56

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:	8/04/2023 THRU 8/04/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS:	YES
INCLUDE OPEN ITEM:	NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	8/04/23	L SMITH- 3 PANTS/ HEM PANT	GENERAL FUND	PARKING	284.97
	8/04/23	L SMITH- 3 PANTS/ HEM PANT	GENERAL FUND	PARKING	24.00
	8/04/23	L SMITH- 3 PANTS/ HEM PANT	GENERAL FUND	PARKING	12.20
	8/04/23	CIAMPA-SS UNDER VEST,PANTS	GENERAL FUND	POLICE DEPARTMENT	54.99
	8/04/23	CIAMPA-SS UNDER VEST,PANTS	GENERAL FUND	POLICE DEPARTMENT	6.00
	8/04/23	CIAMPA-SS UNDER VEST,PANTS	GENERAL FUND	POLICE DEPARTMENT	20.00
	8/04/23	CIAMPA-SS UNDER VEST,PANTS	GENERAL FUND	POLICE DEPARTMENT	94.99
	8/04/23	CIAMPA-SS UNDER VEST,PANTS	GENERAL FUND	POLICE DEPARTMENT	8.00
	8/04/23	CIAMPA-SS UNDER VEST,PANTS	GENERAL FUND	POLICE DEPARTMENT	10.75
				TOTAL:	515.90
APPLE VALLEY WASTE SERVICE, INC.	8/04/23	TRASH SERVICE JULY 2023	GENERAL FUND	NON-DEPARTMENTAL	525.00
	8/04/23	TRASH SER AUG23 MALWARE AP	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	415.00
	8/04/23	TRASH SERVICE JULY 2023	GENERAL FUND	STREETS & HIGHWAYS	660.13
				TOTAL:	1,600.13
BLUE 360 MEDIA	8/04/23	8 WV LAW MANUAL	GENERAL FUND	POLICE DEPARTMENT	724.44
				TOTAL:	724.44
BOARD OF TRUSTEES OF THE POLICE PENSIO	8/04/23	AUG2023 POLICE PENSION CON	GENERAL FUND	POLICE DEPARTMENT	4,943.16
				TOTAL:	4,943.16
BOLAND TRANE SERVICES INC	8/04/23	AUG23 HVAC SER 661 GEORGE	GENERAL FUND	POLICE DEPARTMENT	457.00
				TOTAL:	457.00
CINTAS	8/04/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	194.33
	8/04/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	194.33
	8/04/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	194.33
				TOTAL:	582.99
CITY OF CHARLES TOWN -- CAPITAL RESERV	8/04/23	JUNE 2023 REPAVING	GENERAL FUND	TRANSFERS	11,532.58
				TOTAL:	11,532.58
COMCAST CORPORATION	8/04/23	661 XFINITY SER 7/7/23-8/6	GENERAL FUND	POLICE DEPARTMENT	10.47
	8/04/23	MAINT SHOP INTERNET 8/7-9/	GENERAL FUND	STREETS & HIGHWAYS	95.30
				TOTAL:	105.77
CREAMERS FAST LUBE 1	8/04/23	JEEP-OIL CHANGE	GENERAL FUND	POLICE DEPARTMENT	47.95
				TOTAL:	47.95
CHARLES TOWN BUILDING COMMISSION	8/04/23	AUGUST 2023 CITY RENTS	GENERAL FUND	CITY HALL	2,550.00
	8/04/23	AUGUST 2023 CITY RENTS	GENERAL FUND	CITY HALL	16,667.00
	8/04/23	AUGUST 2023 CITY RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
				TOTAL:	27,057.98
CHARLES TOWN UTILITY BOARD	8/04/23	661S GEORGE ST SERV 6/15-7	GENERAL FUND	NON-DEPARTMENTAL	83.92
	8/04/23	108N GEORGE ST 6/15-7/15/2	GENERAL FUND	CITY HALL	100.13
	8/04/23	105S GEORGE ST SERV 6/15-7	GENERAL FUND	CITY HALL	98.47
	8/04/23	661S GEORGE ST SERV 6/15-7	GENERAL FUND	POLICE DEPARTMENT	170.37
	8/04/23	661 WATER DELIVERY 6/23/23	GENERAL FUND	POLICE DEPARTMENT	119.49
	8/04/23	34 N WATER ST 6/15-7/15/23	GENERAL FUND	STREETS & HIGHWAYS	285.29
				TOTAL:	857.67
DELTA DENTAL OF PENNSYLVANIA	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	NON-DEPARTMENTAL	489.20
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	ECONOMIC DEVELOPMENT	22.18
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	110.90

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	CITY CLERK'S OFFICE	22.18
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	ENFORCEMENT AGENCY	22.18
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	BUILDING INSPECTION	22.18
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	PLANNING & ZONING	44.36
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	PARKING	22.18
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	332.70
	8/04/23	SEPT 2023 DENTAL PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	66.54
				TOTAL:	1,154.60
ENTERTAINMENT AVENUE	8/04/23	REMAINDER DUE2023WV FEST G	GENERAL FUND	FAIR ASSOC/FESTIVAL	1,062.50
				TOTAL:	1,062.50
FIRE SAFETY EQUIPMENT SUPPLY	8/04/23	FY23 SAFETY INSP,FIRE EXTT	GENERAL FUND	STREETS & HIGHWAYS	231.00
	8/04/23	FY23 SAFETY INSP,FIRE EXTT	GENERAL FUND	STREETS & HIGHWAYS	44.00
	8/04/23	FY23 SAFETY INSP,FIRE EXTT	GENERAL FUND	STREETS & HIGHWAYS	75.00
	8/04/23	FY23 SAFETY INSP,FIRE EXTT	GENERAL FUND	STREETS & HIGHWAYS	35.00
				TOTAL:	385.00
FRONTIER, INC.	8/04/23	RH-108N GEORGE 7/25-8/24	GENERAL FUND	CITY HALL	34.56
	8/04/23	PD FAXLINE 7/7/23-8/6/23	GENERAL FUND	POLICE DEPARTMENT	139.35
	8/04/23	661 304-725-2381 SER 7/24-	GENERAL FUND	POLICE DEPARTMENT	68.69
	8/04/23	PD RINGDOWN 7/22/23-8/21/2	GENERAL FUND	POLICE DEPARTMENT	51.20
				TOTAL:	293.80
GEORGE MANNING	8/04/23	7/27/23 PICK UP CRUISER-ME	GENERAL FUND	POLICE DEPARTMENT	44.25
				TOTAL:	44.25
GUARDIAN	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	NON-DEPARTMENTAL	111.57
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	ECONOMIC DEVELOPMENT	9.25
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	37.00
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	CITY CLERK'S OFFICE	9.25
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	ENFORCEMENT AGENCY	9.25
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	BUILDING INSPECTION	9.25
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	PLANNING & ZONING	18.50
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	PARKING	9.25
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	129.50
	8/04/23	AUG23 VISION PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	27.75
				TOTAL:	370.57
JEFFERSON PUBLISHING COMPANY, INC.	8/04/23	6/7 CODE ENFORCE/INSPECT J	GENERAL FUND	PLANNING & ZONING	173.60
	8/04/23	6/14 CODE ENFORCE/INSPECT	GENERAL FUND	PLANNING & ZONING	173.60
	8/04/23	7/5 NPH HILLSIDE INVESTMEN	GENERAL FUND	PLANNING & ZONING	47.06
				TOTAL:	394.26
JOHNSON CONTROLS SECURITY SOLUTIONS	8/04/23	108N GEORGE ALARM 8/1-10/3	GENERAL FUND	STREETS & HIGHWAYS	333.74
				TOTAL:	333.74
JONATHAN QUINNAM	8/04/23	7/27/23PICKUP CRUISER-MEAL	GENERAL FUND	POLICE DEPARTMENT	44.25
				TOTAL:	44.25
KENT PARSONS FORD, INC	8/04/23	CAR#18 REPL FRONT WHEEL TR	GENERAL FUND	POLICE DEPARTMENT	448.75
				TOTAL:	448.75
KIMLEY-HORN AND ASSOCIATES, INC.	8/04/23	SERVICES THROUGH JUNE 2023	GENERAL FUND	PLANNING & ZONING	3,526.07
				TOTAL:	3,526.07

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MARLIN BUSINESS BANK	8/04/23	PD & CITY COPIER RENTAL	GENERAL FUND	CITY HALL	515.98
	8/04/23	PD & CITY COPIER RENTAL	GENERAL FUND	POLICE DEPARTMENT	280.00
				TOTAL:	795.98
MCKINNEY'S AUTO REPAIR & TOWING	8/04/23	#19 OIL CHANGE, WASHER FLU	GENERAL FUND	POLICE DEPARTMENT	100.88
	8/04/23	#6 WV STATE INSPECTION STI	GENERAL FUND	POLICE DEPARTMENT	14.00
	8/04/23	#9 OIL CHANGE,TIRE ROTATE	GENERAL FUND	POLICE DEPARTMENT	236.56
	8/04/23	CAR#25 REPLACE WIPERS	GENERAL FUND	POLICE DEPARTMENT	72.80
				TOTAL:	424.24
NATIONAL ASSOCIATION OF CHIEFS OF POLI	8/04/23	NACOP12 MONTH MEMBERSHIP7/	GENERAL FUND	POLICE DEPARTMENT	60.00
				TOTAL:	60.00
ONE TIME VENDOR RICHARD BREEDEN	8/04/23	CASH REFUND:BUILD PERMIT F	GENERAL FUND	NON-DEPARTMENTAL	90.00
JACOB HILL	8/04/23	SPECIAL ACT PERMIT REFUND-	GENERAL FUND	NON-DEPARTMENTAL	25.00
PETE OLSON	8/04/23	CM INTERVIEW TRAVEL EXP 6/	GENERAL FUND	CITY MANAGER'S OFFICE	954.47
				TOTAL:	1,069.47
ORACLE ELEVATOR HOLDCO INC. DEPT# 9901	8/04/23	108N GEORGE MAINT SER 8/1-	GENERAL FUND	CITY HALL	903.82
				TOTAL:	903.82
PITNEY BOWES	8/04/23	1 RED INK FOR POSTAGE MACH	GENERAL FUND	CITY HALL	127.48
				TOTAL:	127.48
POTOMAC EDISON COMPANY, INC.	8/04/23	ELECTRIC SERV JUNE 2023	GENERAL FUND	CITY HALL	809.85
	8/04/23	ELECTRIC SERV JUNE 2023	GENERAL FUND	STREETS & HIGHWAYS	8,238.28
	8/04/23	ELECTRIC SERV JUNE 2023	GENERAL FUND	PARKS & REC	93.43
	8/04/23	ELECTRIC SERV JUNE 2023	GENERAL FUND	VISITORS CENTER	246.37
				TOTAL:	9,387.93
ROBERT TRAINOR	8/04/23	KEY TO CITY-NAACP PRESIDEN	GENERAL FUND	CITY MANAGER'S OFFICE	66.95
				TOTAL:	66.95
SIX DAISIES AND A ROSE	8/04/23	POLICE DEPT PHOTO SESSION	GENERAL FUND	POLICE DEPARTMENT	500.00
				TOTAL:	500.00
SOUTH CENTRAL PLANNING & DEVELOPMENT C	8/04/23	MYPERMITNOW FEES JUNE 2023	GENERAL FUND	CITY HALL	730.00
	8/04/23	MYPERMITNOW FEES JULY 2023	GENERAL FUND	CITY HALL	730.00
				TOTAL:	1,460.00
SPECIALTY BUSINESS SUPPLY, INC.	8/04/23	3 BOXES 500 CITY ENEVELOPE	GENERAL FUND	TREASURER'S OFFICE	79.00
	8/04/23	3 BOXES 500 CITY ENEVELOPE	GENERAL FUND	CITY HALL	79.00
				TOTAL:	158.00
STAPLES ADVANTAGE	8/04/23	FOLDER/LABLES/INK/BINDER	GENERAL FUND	TREASURER'S OFFICE	45.58
	8/04/23	FOLDER/LABLES/INK/BINDER	GENERAL FUND	CITY CLERK'S OFFICE	24.29
	8/04/23	LABELS,TAPE,BATTERIES	GENERAL FUND	PLANNING & ZONING	39.71
	8/04/23	URINAL FLOOR MAT/FRESHNER	GENERAL FUND	CITY HALL	68.02
	8/04/23	FOLDER/LABLES/INK/BINDER	GENERAL FUND	CITY HALL	83.77
	8/04/23	LABELS,TAPE,BATTERIES	GENERAL FUND	CITY HALL	50.56
				TOTAL:	311.93
STAR CHAPMAN GROUP INC.	8/04/23	ACCTING SERVICES 7/14-8/13	GENERAL FUND	TREASURER'S OFFICE	11,000.00
				TOTAL:	11,000.00
STEPTOE & JOHNSON PLLC	8/04/23	LEGAL SERVICES JUNE 2023	GENERAL FUND	CITY ATTORNEY	25,518.42

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
				TOTAL:	25,518.42
SUPERIOR AUTOBODY LLC	8/04/23	FINAL BILL-WRECK REPAIR CA	GENERAL FUND	POLICE DEPARTMENT	1,000.00
				TOTAL:	1,000.00
SVG COMMERCIAL CLEANING LLC	8/04/23	CITY&PD CLEANING JUNE&JULY	GENERAL FUND	CITY HALL	320.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT

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

001	GENERAL FUND	130,318.43
	GRAND TOTAL:	130,318.43

TOTAL PAGES: 5

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: AP1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 8/04/2023 THRU 8/04/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT		AMOUNT
CHARLES TOWN UTILITY BOARD	8/04/23	22 WATER ST SERV 6/15-7/15	PARKS & REC	PARKS & REC		55.41
	8/04/23	JMP WATER SER 6/15-7/15	PARKS & REC	PARKS & REC		921.29
					TOTAL:	976.70
HALLTOWN POOL & SPA	8/04/23	2023 JMP POOL- 2 REAGENTS	PARKS & REC	PARKS & REC		32.00
					TOTAL:	32.00
JACOB HILL	8/04/23	JMP PAV#3 REFUND 7/29/23	PARKS & REC	NON-DEPARTMENTAL		100.00
					TOTAL:	100.00
WV DHHR BUREAU FOR PUBLIC HEALTH	8/04/23	JMP POOL WATER TEST 7/5/23	PARKS & REC	PARKS & REC		40.00
					TOTAL:	40.00

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

207	PARKS & REC	1,148.70
	GRAND TOTAL:	1,148.70

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R
VENDOR: All
CLASSIFICATION: All
BANK CODE: Include: PARK1
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 8/04/2023 THRU 8/04/2023

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-668: Historic Landmarks Commission - 2022-2023 Annual Report

ATTACHMENTS:

- 2022-23 Historic Landmarks Commission Annual Report.pdf

CITY OF CHARLES TOWN HISTORIC LANDMARKS COMMISSION

CERTIFIED LOCAL GOVERNMENT ANNUAL REPORT FISCAL YEAR 2022-2023

City of Charles Town
Department of Community Development

REPORT CONTENTS OUTLINE

Date of Completion: 7/5/2023

A Certified Local Government is responsible for submitting an annual report to the West Virginia State Historic Preservation Office. The report is due within 60 days of the end of the local government's fiscal year, and must include the following information:

I. CONTACT INFORMATION

Commission Name: Historic Landmarks Commission
Mailing Address: 101 E. Washington Street, Charles Town, WV

Commission Members:

Chair:	Nick Zaglifa | nickforcharlestown@gmail.com
Vice Chair:	Amanda Updike | mandiux3@gmail.com
Member:	Diane Drake | dianemdrake@yahoo.com
Member:	Jeff Whitten | jkwhitten@gmail.com
Member:	Pam Hird | hirdpam@gmail.com

II. LOCAL LEGISLATION

1. Copies of any new ordinances, amendments, bylaws, or guidelines enacted during this period. **NONE**
2. Number and list of new historic districts or landmark designations. A map must also be submitted showing site locations. **NONE**
3. Number of cases reviewed under authority of local ordinance (see table below)

CASES REVIEWED:

July 1, 2022 - June 30, 2023

	Approved	Denied	Appealed	Total
Maintenance	3	1	0	4
Facade Improvement	4	0	0	4
Signage	12	0	0	12
Demolitions	0	0	0	0
New Construction*	3	1	0	4

*New Construction refers to deck replacement, ramps, new structures, etc.



Commission-approved sign and facade work at Caverns Ice Cream, 212 North George Street.



Construction continues at 515 West Washington Street.



Sign at Firehouse Gallery,
108 North George Street.



Commission-approved hanging sign at
119 East Liberty Street.

III. LOCAL HISTORIC PRESERVATION COMMISSION:

1. Any changes to the membership of the commission. For vacancies, please indicate length of vacancy, how an attempt was made to obtain qualified professionals to fill the vacancy, and how the new appointee(s) demonstrate an avocation, interest, competence, or knowledge of historic preservation. In addition, please submit a resume for any new commission members.
2. Summary of how the commission obtained qualified professional expertise in the review of nominations or other actions normally evaluated by a professional if such expertise is not available on the commission.
    - The HLC receives staff reports before each meeting detailing the requests of the applicant.
    - Commissioner Jeff Whitten actively works as a historic preservation contractor.
3. Number of commission meetings held during this period.
    - 10 commission meetings were held between July 2022 and June 2023.
4. Explanation of how commission meetings were advertised in advance.
    - All public hearings were advertised in the *Spirit of Jefferson*, posted at City Hall, and indicated with yard signs and placards at the address of the establishment. Hearings were also advertised on the City website.
5. Indication of the number of meetings which each commission member attended.
    - See next page.

COMMISSION MEMBER ATTENDANCE

Commissioner	Present	Absent	Cancelled
Chair Nick Zaglifa	10	0	1
Vice Chair Amanda Updike	10	0	1
Jeff Whitten	8	2	1
Diane Drake	10	0	1
Pam Hird	6	4	1

6. Indication of any historic preservation training sessions which each commission member attended during this period.
   - Commissioner Jeff Whitten attended a National Trust for Historic Preservation conference.

IV. NATIONAL REGISTER NOMINATIONS:

1. List of activities affecting any National Register sites in the commission's jurisdiction.
   - **NONE**
2. List of National Register nominations reviewed by the commission.
   - **NONE**
3. List of persons contacted during the review and comment period.
   - **NONE**

V. LOCAL SURVEY AND INVENTORY:

1. List and copies of new inventory forms completed for individual buildings, historic districts, and archaeological sites. A map must be included that indicates newly inventoried sites.
   - **NONE**
2. Summary of survey activities including future plans.
   - **NONE**

VI. PUBLIC PARTICIPATION:

1. Outline of public participation procedures which complied with West Virginia Open Law 6-9A-1 et seq.
    - All meetings are open to the public and held in City Hall. All public hearings are advertised at least 14 days in advance in the local newspaper, agenda is posted at City Hall, and a sign is placed on the property for which the application was made.

VII. TECHNICAL ASSISTANCE:

1. Technical assistance needs for the upcoming year.
    - **NONE**

HISTORICALLY HIP.

CHARLES TOWN, WV

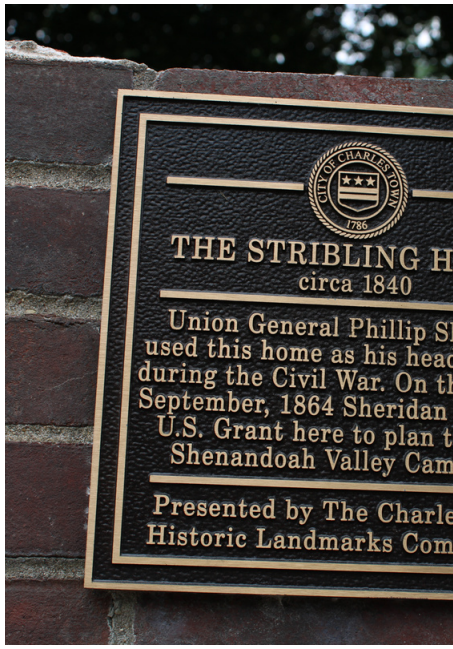












Historic Landmarks Commission
101 E. Washington St.
Charles Town, WV 25414
charlestownwv.us

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-672: CTUB July 12, 2023, Regular Meeting Minutes

CTUB July 12, 2023, Regular Meeting Minutes

ATTACHMENTS:

- CTUB July 12 2023 Minutes.pdf

Charles Town Utility Board
Regular Board Meeting
July 12, 2023

The Charles Town Utility Board held a regular meeting on July 12, 2023 at 4:00 P.M. Members of the Board present were Robert Trainor, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer, and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; and Robert Rodecker, Legal Counsel.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of June 28, 2023 Regular Meeting Minutes

The Chairman called for changes or corrections to the June 28, 2023 regular meeting minutes.

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

PUBLIC COMMENT

The Board received a public comment from Nicola Bastian.

OLD BUSINESS

Stonecrest and Aspen Greens – Draft Letter to Developer

Mrs. Stolipher provided the draft letter for the Boards review as discussed at the last meeting.

Action: **Motion made by Mr. Stocks, second by Mrs. Parker, the Board unanimously approved sending the letter as presented.**

NEW BUSINESS

Lead and Copper Presentation

Alan Marchun from the WV Bureau of Public Health gave a brief presentation on the Lead and Copper Rule set forth by the EPA. Also present were Chris Eckenrode from Gwin Dobson Foreman and Chris Hutzler, the Chief Operator of CTUB's water plant, to answer questions from the Board. Mr. Marchun stated CTUB is in compliance and no public or private lead service lines have been identified in the CTUB system to date. Mr. Eckenrode reviewed the details of Zinc Orthophosphate which is introduced at the water plant as a corrosion inhibitor to prevent leaching of lead into the system.

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

RK&K – Task Order No. 22 – Greenfield Forcemain Upgrade Plans

Rhiannon Dodge from RK&K provided a high-level overview to upgrade the existing force main that runs from the Greenfield subdivision to tie in on the west side of Rt. 340. At a previous board meeting, RK&K provided an assessment for several developments, including Kings Crossing and Hillside, to tie into this force main. Mrs. Stolipher mentioned the cost estimate of $447,000.00 would be funded by capacity improvement fees. With the Board's approval, she would like to move forward with putting this project out to bid.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved moving forward with Task Order No. 22 – Greenfield Forcemain Upgrade Plans.**

GDF - Renewal and Replacement Project Resolution No. 9 - Contractor Pay Application No. 9

Mrs. Stolipher included the contractor application for payment no. 9 in the amount of $432,539.77 for work completed. Mr. Eckenrode provided a brief update on the project's progress.

Action: **Motion made by Mr. Stocks, second by Mr. Pierson, the Board unanimously approved the Contractor Pay Application No. 9.**

Belt Press Belt Purchase

Mrs. Stolipher mentioned the existing belt on the belt press needs to be replaced as the new centrifuge to replace the belt press is at least 14 months from operation. She located a replacement for $11, 276.89 with an estimated delivery time of nine weeks.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the new belt press belt purchase.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher briefed the Board on this month's sewer and water efforts including the continuing efforts of hydrant painting and repairs. She also mentioned at the next meeting Gannett Fleming will present the Class Cost of Service Study and RK&K will provide an update on the Collections Project.

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

Chairman Report

The Chairman mentioned the City made an offer to a new City Manager and anticipates an August 14th start date.

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

APPROVAL OF BILLS

July 12, 2023

Action: **With no objections from the Board, the payment of the bills were approved.**

INFORMATION ONLY

The next regular meeting is scheduled for Wednesday, July 26, 2023 at 4:00 P.M. at 661 S. George Street.

There being no further business at this time, the Board adjourned the meeting at 4:53 P.M.

Robert M. Trainor
Chairman

Ashley Stottlemyer
Secretary

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-674: Executed Letter for HEPMPO Nomination

Executed Letter for HEPMPO Nomination

ATTACHMENTS:
- Executed Letter for HEPMPO Nomination.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

MAYOR
Robert M. Trainor

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

CITY CLERK
Alissa Meeks

July 19, 2023

Ms. Makayla Zonfrilli
County Administrator
Post Office Box 250
Charles Town, WV 25414
Via Email: mzonfrilli@jeffersoncountywv.org

Re: Notification of Nominations to serve on HEPMPO Municipal Appointment

Dear Ms. Zonfrilli,

During the July 17, 2023 meeting of the Charles Town City Council, the Council approved a motion to nominate Councilwoman **Ms. Elizabeth Ricketts** as the City's nomination for the HEPMPO Interstate Council which currently has a vacant position on its Board specifically to be filled by a representative from one of the five municipalities. As HEPMPO's Bylaws stipulate, it is understood the County Commission will futher appoint one candidate from one of the five municipalities to serve.

If you have any questions related to the City's nomination, please don't hesitate to contact me.

Sincerely,

Alissa J. Meeks
Director of Community Development
City Clerk, Interim

Enclosures

Cc: Charles Town City Council
Jessica James, Assistant Deputy County Administrator

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-678 VFW Outdoor Dining Letter

VFW Outdoor Dining Letter

ATTACHMENTS:

- Letter to WV Alcohol Beverage Control for VFW Post 3522.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

MAYOR
Robert M. Trainor

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

CITY CLERK
Alissa Meeks

July 18, 2023

WV Alcohol Beverage Control Administration
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

To Whom It May Concern,

I am writing on behalf of the City of Charles Town to provide consent for an outdoor dining space application at 116 E. Liberty Street, Charles Town, WV. This property is owned by the VFW Post 3522. The outdoor dining space and consumption of alcohol will be exclusively contained on private property and not in the city right-of-way. This consent is good from July 18, 2023- June 30, 2024.

If you have any questions regarding the city's support for the outdoor dining permit, please feel free to reach out to our Downtown Coordinator, Liz Cook. She can be reached by phone at 304-270-0174, or ecook@charlestownwv.us.

Thank you for your assistance with this request.

Sincerely,

Robert M. Trainor
Mayor

c: Liz Cook, Business Development and Downtown Coordinator
Randy Delawder VFW Post 3522 the

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 08/07/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-692 Mayor's Selection Committee CVB Extension Letter

Mayor's Selection Committee CVB Extension Letter

ATTACHMENTS:

- Mayors Select Committee Extension CVB.pdf

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