CITY OF CHARLES TOWN
CITY COUNCIL
AGENDA • NOVEMBER 6, 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

: **2023-1011:** City Council Meeting Minutes - October 16, 2023
October 16 2023 city council minutes.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

: Historic Landmark Commission Appointment
Boards-and-Commissions-Application-January-2020.pdf

: Letter to Governor Jim Justice - Safety Concern/Traffic Light at Sheetz Gas Station
Letter to Governor Justice re Sheetz Intersection Augustine Avenue.pdf

: Letter to County Commission - lack of meetings being held
Letter to Jefferson County Commission.pdf

: Be Kind Proclamation
Be Kind November Proclamation.pdf

6. COMMITTEE REPORTS

: **2023-973:** Infrastructure Committee Report - October 23, 2023

: **2023-974:** Board of Parks and Recreation Report - October 26, 2023

: **2023-975:** Ordinance Committee Report - October 24, 2023
Ordinance Meeting Minutes 10_24_23.pdf

7. CITY MANAGER REPORT

: Building Code Appeals Board Rules and Regulations of Procedure
BCAB Rules and Regulations signed copy.pdf

: Letter to County Commission concerning new Sheetz gas station traffic light
Letter to the County Comission -Sheetz 10-27-23.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2023-972:** Placement of Interpretative Plaque for Charles Town Racetrack
SCity of Ch23110216302.pdf
SCity of Ch23110216300.pdf

: **2023-976:** Volunteer/Takeaway Parking at Wright Denny Elementary School
Volunteer-takeaway parking.pdf
Screenshot_20231017_211514_Maps.jpg

: **2023-984:** Class Cost of Service Study and Rate Adjustment Recommendations from the Charles Town Utility Board (CTUB)
3a-Water Option A1 Analysis (RT @ 25_).pdf

: **2023-985:** Private Outdoor Designated Area (PODA) Discussion
2023PodaTownHallRecap.docx

: **2023-1009:** Public Hearing on Second Reading and Final Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Article 171 Municipal Court.

: **2023-988:** Second Reading and Final Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Article 171 Municipal Court.
171 For First Reading.pdf
Article 171 For Second Reading - Clean Copy.pdf

: **2023-954:** Staff Update: Draft Mobile Food Truck Ordinance
1. Report.pdf

10. NEW BUSINESS

: **2023-953:** Rezoning Request: ZMA2023-01 Vinton-Hayes. Request to rezone property to Residential Medium-High Density (R15)
1. Staff Report.pdf
2. Application.pdf
3. Site.pdf
4. Original Conditions of Annexation.pdf
5. Original hayes concept-drawing.pdf
6. COA Revised.pdf

: **2023-981:** Commercial Pad Site Preparation Clarification
1. Report.pdf
SCity of Ch23110216290.pdf

: **2023-983:** Land Water Conservation Fund (LWCF) Resolution - 2nd
Charles Town City Council Resolution for WV LWCF 2023 for Jefferson Memorial Park.docx

: **2023-989:** Council Meeting Time Discussion

11. REFERRALS TO COMMITTEES/COMMISSIONS

: **2023-1010:** Light Pollution Mitigation Efforts refer to Planning Commission

12. APPROVAL OF BILLS

: Payment of Bills - November 6, 2023
GENERAL FUND COUNCIL REPORT 2023 11 06.pdf
CAPITAL RESERVE COUNCIL REPORT 2023 11 06.pdf
PARKS & REC COUNCIL REPORT 2023 11 06.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT MEETING November 20, 2023

: **2023-968:** Deputy Clerk Designation Letter
Deputy City Clerk Letter - signed.pdf

: **2023-969:** Charles Town Police Department Statistical Report for September 2023
September CTPD Stats.pdf

: **2023-970:** Charles Town Utility Board Meeting Minutes - September 27, 2023, and October 11, 2023
2023.09.27 UB MINUTES.pdf
2023.10.11 UB MINUTES.pdf

: **2023-967:** Board of Parks and Recreation September 26, 2023, Meeting Report
P&R Report_ September 26, 2023 (1).pdf

: **2023-977:** Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Matching Grant Letter
HEPMPO Grant Funding - W Congress and S. Lawrence St..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: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1011: City Council Meeting Minutes - October 16, 2023

ATTACHMENTS:

- October 16 2023 city council minutes.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • October 16, 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	Remote	
Rikki Twyford	Councilmember	Present	
Micheal George	Councilmember	Absent	10:50PM

Mr. John Nissel, City Manager; Ms. Alissa Meeks, Community Development Director; Ms. Cindy Rezmer, Operations Manager; Ms. Krista Davis, Finance Director; Mr. James Newman, City Planner; Ms. Liz Cook Business Development/Downtown Coordinator; Ms. Kristen Stolipher, Charles Town Utility Board Manager; and Chief Chris Kutcher, Charles Town Police Department, were also in attendance.

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

2023-933: City Council Meeting Minutes - October 2, 2023

The following changes were made to the October 2, 2023, City Council meeting minutes:

Packet page 5 - Public Comment: In the fourth paragraph "**Ms. Chrissy Wimer**" was changed to read: "**Dr. Chrissy Wimer**".

Packet page 7 - Infrastructure Committee Report: In the second bullet point replace the word "**latter**" with "**later**".

3. PUBLIC COMMENT

Ten people signed up for public comment.

Adam Eisenhauer, Jay Eisenhauer, Bethany Amidan, Hannah Amet, Toni Selby, and Melissa Hynes expressed their concerns regarding paid parking on Congress Street in front of Wright Denny Intermediate School.

David Grozinsky and Georgiana Pardo spoke on “light pollution” in Ward 3, particularly on Samuel Street.

Ms. Jacquelyn Milliron spoke on the Charles Town Utility Board water rate equalization agenda item and that she hopes the Council will set reasonable and justified rates.

Dr. Chrissy Wimer, on behalf of Jefferson County Foundation (Foundation), expressed support for the Charles Town Utility Board (CTUB) keeping the Charles Town Racetrack (Racetrack) as a water customer. A major concern for the Foundation is that if CTUB loses the Racetrack as a customer, then other ratepayers would likely see a much larger increase in their water rates. Also, if CTUB no longer supplied water service to the Racetrack, then the Racetrack might seek service from American Water, a private utility, which is much less transparent than CTUB, a public utility.

4. WARD REPORTS

Ward #1

Ms. Ricketts reported that she would like to see the Charles Town Utility Board give more notice to their customers when they perform their Annual Temporary Disinfectant Process. She also reported that she participated and enjoyed Priscilla Rodd's African American Tour.

Mr. Kratovil had nothing to report.

Ward #2

Mr. Tester reported that the Old Opera House's annual fundraiser was a success and that the production of the play "The Adams Family" is opening this Friday, October 20, 2023.

Mr. Hynes had nothing to report.

Ward #3

Ms. Rodd had nothing to report.

Ms. Philabaum congratulated Councilmember Tester on being cast as Santa Clause in the upcoming Old Opera House production of "Miracle on 34th Street".

Ward #4

Ms. Twyford reported that a townhall discussion will be held at City Hall regarding Private Outdoor Designated Area (PODA) this Wednesday, October 18, 2023, at 6:00PM.

5. MAYOR'S REPORT

Mayor Trainor reported that he attended the Finance Committee, Charles Town Utility Board, and the 340 Rock Slide Closure Update meetings.

2023-921: Mayor's Select Committee on Memorializing the "Coloured" Graveyard at the Intersection of South Seminary and East Avis Streets.

Mayor Trainor read into the record the Mayor's Select Committee on Memorializing the "Coloured" Grave Yard at the Intersection of South Seminary and East Avis Streets letter. The Select Committee’s first meeting is scheduled for Thursday, October 18, 2023, 5:00PM at City Hall.

6. COMMITTEE REPORTS

2023-887: Jefferson County Development Authority (JCDA) Update

Ms. Ricketts, as the Charles Town JCDA representative reported the following:

- That the JCDA is providing recommendations for the Jefferson County 2045 Comprehensive Plan.
- That there is a shortage of Childcare facilities in the County and that JCDA is taking steps to try to remedy the issue, including having a resolution to welcome a feasibility study by the YMCA in Jefferson County.
- That the JCDA Board meets monthly on the third Tuesday.

2023-886: Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Update

Ms. Ricketts, as the Jefferson County Municipal Representative to HEPMPO, reported the following:

- An Advisory Committee is working on a Regional Safety Action Plan that has an approval date of May 2024.
- Amendments to the 2023-2026 West Virginia Transportation Improvement Program (TIP) include several projects in Charles Town and Jefferson County.
- There is a proposed increase to the HEPMPO annual municipal fee assessment.
- The Route 51 project is still in the design study phase.

2023-902: Personnel Committee

The Personnel Committee met on October 10, 2023, and continues to review the Personnel Handbook.

2023-903: Finance Committee

Mayor Trainor reported on the Finance Committee meeting held on October 4, 2023 as follows:

- The Committee discussed the FY2024 Capital Reserve and Operating Budgets. The Council should expect a Operating Budget revision request at one of the scheduled Council meetings in November.
- That the Congress and Lawrence Street Intersection Damage agenda item was tabled due to Council action at the October 2, 2023 Council meeting.
- The City Account Balance report for September was not available, as such this agenda item was tabled until the next scheduled Finance Committee meeting – November 8, 2023.
- The Committee discussed whether or not the Utility Tax (fee) is adequate to maintain the City's streets, for which it was established in 1999 per Charles Town Codified ordinance Article 770 – Municipal Service Fee For Street Improvements. City staff will provide

additional information regarding this agenda item at the next scheduled Finance Committee meeting – November 8, 2023.

2023-922: Tree Board

Mr. Nissel reported that the Board met on October 12, 2023, and discussed the following:

- That the Board has one vacancy.
- The Capon Institute Tree Planting Replacement Program.
- That the Board considered compiling a Tree Canopy Inventory. The Board would also like to remove and replace damaged City trees through a Potomac Edison grant program.
- That the Board recommends applying for a Department of Forestry Grant for tree maintenance and repairs. The unmatched grant proposal could possibly be used for maintenance equipment and/or training.

7. CITY MANAGER REPORT

Mr. Nissel reported the following:

- That he met with Ms. Bauserman, the owner of Corner Connections, to better understand the issue of business parking and access on Saturdays. He sent a letter to Ms. Bauserman and representatives of the Farmer's Market Board to schedule a meeting in November to discuss possible solutions to the issue.
- He introduced Ms. Krista Davis as the City's new Finance Director.
- The Council Strategic Retreat is scheduled for December 9th.
- On Saturday, October 21st the City will be handing out candy at the Charles Town Now Downtown Halloween Trick or Treat Event between 5:00PM and 7:00PM. General trick or treat activities in Charles Town are scheduled for October 31, 2023, between 6:00PM and 8:00PM.
- He proposed an action to designate Ms. Carolyn Vezzosi as the Deputy City Clerk to assume the duties and signature authority as City Clerk during his absence. The Council voiced no objection to the proposal.
- Finally, he updated the Council on the general status of the City's Operating Budget.

2023-919: Placement of Interpretative Plaque for Charles Town Racetrack

Personnel from the Casino and Charles Town Races met with members of City staff and Council to discuss possible locations for the placement of an interpretive sign in downtown depicting the history of the racetrack in Charles Town. After discussion the Council agreed to include this item on the November 6, 2023 City Council meeting agenda. In the meantime, City staff will research Charles Town Historic Landmark requirements and report their findings to the Council at the November 6,2023 Council meeting.

2023-917: Light Pollution - Update

Mr. Nissel reported that there currently is not any State or City restrictive legislation pertaining to light pollution. The Mayor recommended including

this item in the November 6, 2023 Council meeting agenda for referral to the Planning Commission. The Council voiced no objection to the recommendation.

8. POLICE CHIEF REPORT

Chief Kutcher reviewed the Charles Town Police Department's (CTPD) Monthly Statistical Report for September. He also reported that the next police officer testing session is scheduled for October 21, 2023. Currently, there are three certified police officer vacancies in the CTPD. He also reported that the CTPD updated and renewed the School Crossing Guard agreement with the Jefferson County Board of Education.

9. UNFINISHED BUSINESS

2023-925: Class Cost of Service Study and Rate Adjustment Recommendations from the Charles Town Utility Board (CTUB)

Mr. Hynes proposed handling the Water and Sewer tariffs separately and moved to refer Sewer tariff Option A - Rate Equalization proposal – 2,000 Gallon Monthly Minimum to the Ordinance Committee to update Article 921 – Sewers accordingly. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

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

After brief discussion, Ms. Stolipher (CTUB General Manager) agreed to research the possibility of narrowing the percentage rate increase difference between residential customers and commercial bulk rate customers.

Ms. Philabaum moved to table the Water tariff Option A1- Rate Equalization proposal – 2,000 Gallon Monthly Minimum consideration until CTUB provides the Council with the results of their above stated research. Ms. Ricketts seconded the motion, and it passed by a 6-2 vote.

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

2023-926: Possible First Reading of Article 1759 Vacant Buildings

Ms. Ricketts moved to table Article 1759 - Vacant Buildings until staff provides the Council with some examples of vacant structure ordinances from other West Virginia municipalities. Mr. Tester seconded the motion,and it passed by unanimous vote.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Elizabeth Ricketts
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Tester, Hynes, Philabaum, Rodd, Twyford
ABSENT:	George

10. NEW BUSINESS

2023-915: Rockwool West Virginia Department of Environmental Protection Air Emission Permit Discussion

Ms. Philabaum moved to submit the presented letter, on City letterhead with minor edits, as public comment to the West Virginia Department of Environmental Protection. Ms. Ricketts seconded the motion, and it passed by unanimous vote.

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

2023-916: Volunteer Parking at Wright Denny Elementary School Discussion

Ms. Philabaum moved to direct staff to work with Wright Denny Intermediate School and Jefferson County Board of Education to develop an agreement that may include: two 10-minute take away spots located immediately adjacent to the school, a voucher program similar to the one that the City has with the County for jurors, and educational material informing parents of the new parking plan. Their findings will be brought back to Council for consideration. Ms. Twyford seconded the motion, and it passed by a 5-2 vote.

RESULT:	**APPROVED [5-2]**
MOVER:	**Julie Philabaum**
SECONDER:	**Rikki Twyford**
AYES:	**Kratovil, Ricketts, Tester, Philabaum, Twyford**
NAYS:	**Hynes, Rodd**
ABSENT:	**George**

Mr. Hynes moved to refer this agenda item to the Ordinance Committee, directing it to revise the City's parking ordinance by replacing the parking meters in front of Wright Denny School with a 2-hour free parking zone. Ms. Rodd seconded the motion, and the motion failed by a 2-5 vote.

RESULT:	**FAILED [2-5]**
MOVER:	Jeff Hynes
SECONDER:	Priscilla Rodd
AYES:	Hynes, Rodd
NAYS:	Kratovil, Ricketts, Tester, Philabaum, Twyford
ABSENT:	George

2023-918: S. George Street Sidewalk Resolution

Mayor Trainor informed the Council that a Resolution may not be necessary for the S. George Street Sidewalk project and recommended tabling this agenda item. Ms. Ricketts moved to table this agenda item until staff confirms whether or not a resolution is required. Mr. Tester seconded the motion, and it passed by unanimous vote.

RESULT:	**TABLED [UNANIMOUS]**
MOVER:	Elizabeth Ricketts
SECONDER:	Kevin Tester
AYES:	Kratovil, Ricketts, Tester, Hynes, Philabaum, Rodd, Twyford
ABSENT:	George

2023-920: Blue Ridge Watershed Coalition Report

Mr. John Maxey presented the final report on the Blue Ridge Watershed Coalition's water monitoring project. From July 2022 through July 2023, the Coalition has been monitoring various streams in the Jefferson County's Shenandoah River watershed for water quality. The study included Evitts Run, which runs through Charles Town.

No action was taken by the Council.

2023-923: Jefferson County Commission Discussion

Ms. Ricketts read into record the edited letter to the Jefferson County Commission.

Ms. Philabaum moved to submit the proposed letter, as edited and on City letterhead, to the County Commission as a whole body, each individual commissioner and the County Administrator by email and mail. Mr. Kratovil seconded the motion, and it passed by unanimous vote.

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

2023-927: Contractor Appeals Board Member Selection

Ms. Twyford moved to open the floor for nominations to the Contractor Appeals Board as established in Charles Town codified ordinance Article 1705.06. Ms. Philabaum seconded the motion, and there were no objections.

Ms. Twyford nominated the following individuals and initial terms:

For the Board of Appeals:

Mr. Mark Roper - 5-year term
Mr. Chris Livingston - 4-year term
Mr. Jonathan Sherman - 3-year term
Mr. Matt Prinz - 2-year term
Mr. Josh Foster – 1-year term

For the Board of Appeals Alternates:

Mr. Adam Kimpel - 3-year term
Mr. David Lutman - 1-year term

Mr. Hynes moved to close the nominations. Ms. Philabaum seconded the motion, and there were no objections.

The nominees and terms as presented passed by unanimous vote.

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

2023-929: Food Truck Resolution Extension Discussion

Ms. Liz Cook presented an update on the Mobile Food Vending Pilot Program.

Ms. Kratovil moved to approve the program and extend the resolution indefinitely. Mr. Hynes seconded the motion. The motion failed by a 1-6 vote.

RESULT:	**FAILED [1-6]**
MOVER:	James Kratovil
SECONDER:	Jeff Hynes
AYES:	Kratovil
NAYS:	Ricketts, Tester, Hynes, Philabaum, Rodd, Twyford
ABSENT:	George

Ms. Philabaum moved to send the Mobile Food Vending Pilot Program Resolution to the Planning Commission to remove specific dates and to include a seven day a week operation. Ms. Ricketts seconded the motion.

Ms. Philabaum moved to table the Resolution until staff can bring back to Council a sample Planning and Zoning Ordinance based off the pilot program. Ms. Twyford seconded the motion, and it passed by unanimous vote.

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

2023-900: Code Enforcement - Executive Session item

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

Mayor Trainor declared the Council in Executive Session.

Mayor Trainor declared the Council out of Executive Session.

Ms. Philabaum moved to direct and empower the Subdivision Administrator to take the appropriate [code enforcement related] action in magistrate court. Ms. Twyford seconded the motion, and it passed by unanimous vote.

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

2023-928: Private Outdoor Designated Area (PODA) – Possible Executive Session

Mr. Nissel informed that Council that the City will host a Town Hall Wednesday, October 18, 2023, 6:00PM at City Hall concerning recent State changes that established West Virginia Code §8-12-26 – Authorizing municipalities to create private outdoor designated areas.

11. REFERRALS TO COMMITTEES/COMMISSIONS

Charles Town Codified Ordinance Article 921 – Sewers to Ordinance Committee. (Agenda 2023-925: Sewer Rate Adjustment for Charles Town Utility Board (CTUB).)

12. APPROVAL OF BILLS

2023-934: Payment of Bills - October 16, 2023

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

13. ADJOURNMENT

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

14. INFORMATION ONLY - NEXT MEETING November 6, 2023

2023-904: Charles Town Utility Board Meeting Minutes - September 20, 2023

2023-930: Sustainable Strategies DC – Charles Town Funding Status & Recommendations Presentation

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: 11/06/23
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Historic Landmark Commission Appointment

ATTACHMENTS:

- Boards-and-Commissions-Application-January-2020.pdf

CHARLES TOWN BOARDS AND COMMISSIONS

Applications for consideration will be kept for two (2) years.

Board or Commission Applying for: **Date of Application:** _____

- ☐ Board of Park and Recreation
- ☐ Board of Zoning Appeals
- ☐ Building Commission
- ☒ Historic Landmarks Commission
- ☐ Planning Commission
- ☐ Tree Board
- ☐ Utility Board
- ☐ Vacant Properties
- ☐ Other: _____

Name: TROXEL, Anthony T.

Address: 94 Edaw Drive, CT, WV 25414

Email: wvtroxels@icloud.com

Phone: 304-671-9054

Length of time lived in the City of Charles Town: 13 yrs

Have you ever been a member of a local government board or commission? Yes

If yes, when, where, and in what capacity? 2016-2023, Jefferson Co.; JEFFCo. HLC and JCESA

List present memberships in any relevant community, service, or civic associations.

Explain your interest in the board/commission and how it would benefit from your participation.

I have a need to serve in my community, and a desire to protect the history that makes our town an interesting and enjoyable place to live.

Along with this application form, applicants may also submit a resume, letters of recommendation, and/or any other materials that support their application for appointment to the board/commission.

If you have any questions regarding the application process, please contact the city manager by phone at 304-725-2311 or by email at citymanager@charlestownwv.us.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Letter to Governor Jim Justice - Safety Concern/Traffic Light at Sheetz Gas Station

ATTACHMENTS:

- Letter to Governor Justice re Sheetz Intersection Augustine Avenue.pdf

OFFICE OF THE MAYOR

ROBERT M. TRAINOR

The Golden Rule City

October 23, 2023

The Honorable Jim Justice,
Governor of West Virginia
Office of the Governor
State Capitol, 1900 Kanawha Blvd. E
Charleston, WV 25305

Dear Governor Justice,

The intent of this letter is to alert you to a potentially serious highway safety concern at the intersection of Augustine Avenue, Washington Patriot's Drive, and the entrance to a nearly completed Sheetz gas station and convenience store in Jefferson County. The intersection is less than 600 feet from US Route 340.

Background: Beginning late 2022, the City of Charles Town (City), the Sheetz Corporation, the West Virginia Department of Transportation/Division of Highways (WV DOT/DOH), and the Jefferson County Board of Education, participated in numerous discussions concerning the signalization of the intersection at Augustine Avenue, Washington Patriot's Drive and an access to a new Sheetz gas station and convenience store. After several meetings, WV DOT/DOH and Sheetz agreed to a new traffic signal at the intersection that included a signalized crosswalk across Augustine Avenue to facilitate pedestrian traffic to and from the new Sheetz, as well as modifications to the existing traffic signal at the Augustine Avenue/US Route 340 intersection. However, the crosswalk language was omitted from the WV DOT/DOH Agreement when first presented to the City Council on May 15, 2023, as such the Council refused signature. Finally, on July 17, 2023, after several weeks and numerous phone calls and e-mails addressing the crosswalk, I signed the three-party agreement through a City Resolution (see attached) between the City, WV DOT/DOH and the Sheetz Corporation to install a new traffic signal at the aforementioned intersection, that included a signalized crosswalk across Augustine Avenue and the modification to the traffic signal at the Augustine Avenue/US Route 340 intersection.

As indicated in the Resolution, the necessity for installing the new traffic signal and modifying the existing traffic signal, is the anticipated increased traffic flowing into and out of the Sheetz site, as well as the intersection's proximity to Washington High School, with over 1,300 students, combined with the Augustine Avenue intersections at access roads to 650+ homes of three nearby communities, all within 1,000 feet of US Route 340.

WV DOH has just recently indicated to us that the traffic signal and signalized crosswalk at the Sheetz intersection will not be installed until four to six months after the Sheetz grand opening. The City does not agree with DOH's proposal to install a temporary four-way-stop to service the intersection as this is a life-safety issue for our entire community and especially the students attending Washington High School. Therefore, I respectfully request your assistance to remedy the complexity of this intersection and help DOH and the City navigate a path forward to ensure the safety and wellbeing of our community.

Thank you for your time and attention to this matter. Please contact me at btrainor@charlestownwv.us or 304.283.2946 if you have any questions or require any additional information.

Very Respectfully,

Robert M. Trainor

Cc: Mr. Jimmy Wriston, WV Secretary of Transportation/Commissioner of Highways

AGREEMENT

THIS AGREEMENT, made this 29th day of August, 2023, by and between the **WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS**, a State Agency, hereinafter referred to as "Division;" **SHEETZ, INC.**, hereinafter referred to as "Developer;" and the **CITY OF CHARLES TOWN**, a Municipal Corporation, hereinafter referred to as "City."

WITNESSETH

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

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

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

WHEREAS, by Resolution bearing date of 17th day of July, 2023, the Council of the City of Charles Town has authorized and directed proper authorities to execute, acknowledge, and deliver an agreement on behalf of said City, setting out terms and

conditions thereof, a copy of which Resolution is affixed to this agreement and made part hereof, and

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

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

DUTIES AND RESPONSIBILITIES OF THE DIVISION

The Division agrees:

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

DUTIES AND RESPONSIBILITIES OF DEVELOPER

Developer agrees:

1. To contribute upon being advised by the Division of the actual cost, a donation to the

State Road Fund a sum of money equal to one hundred percent (100%) of the construction costs of installing the new traffic signal at the intersection of CR 340/18 (Augustine Avenue) with Washington Patriots Drive and proposed Sheetz access and modification of the existing traffic signal at the intersection of US 340 (Berryville Pike) with CR 340/18 (Augustine Avenue), currently estimated to be three hundred twenty-five thousand dollars ($325,000).

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

DUTIES AND RESPONSIBILITIES OF THE CITY

The City agrees:

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

IT IS FURTHER UNDERSTOOD AND AGREED UPON BETWEEN DIVISION AND DEVELOPER:

1. That the work agreed to be done by the Division in connection with the overall installation and modification of the aforesaid traffic signals shall be done in three phases, to wit:

a. The preparation of plans and specifications for a contract letting;

b. The advertising and acceptance of competitive bids on the contract;

c. The awarding of a contract for said traffic signals and the supervision of the construction thereof.

2. That the construction cost shall include contract bid amount, estimated contract administration and inspection cost of Division personnel assigned to the project, and the cost of materials supplied from the Division's inventory to expedite the completion of the contract. Division shall provide Developer with appropriate detail and/or back up information related to construction costs for which Developer is responsible under this Agreement.

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

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

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

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

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

APPROVED AS TO FORM THIS
21 DAY Jun 2023
ATTORNEY LEGAL DIVISION
WEST VIRGINIA DEPARTMENT
OF TRANSPORTATION
DIVISION OF HIGHWAYS
2206084

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

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

SHEETZ, INC.

By:

Its: VP of Store Development

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

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

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

On motion made by Councilperson James Kratovil and seconded by Council Person Jeff Hynes, the City Council of Charles Town, West Virginia, does hereby approve and authorize the adoption of said Resolution.

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON
CITY OF CHARLES TOWN

I, C. J. Meeks, City Clerk and Recording Officer of said Municipality, do hereby certify that the foregoing are true copies from the records of order made and entered into by the Council of said Municipality on the 17th day of July, 2023.

C. J. Meeks
City Clerk and Recording Officer

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

Alanna J. Keller, P.E.
Deputy Secretary of Transportation
Deputy Commissioner of Highways

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

August 29, 2023

The Honorable Bob Trainor
Mayor, City of Charles Town
101 E Washington Street
Charles Town, WV 25414

Dear Mayor Trainor:

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

If we can be of further assistance, please do not hesitate to contact this office at telephone (304) 558-3063.

Very truly yours,

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

TJW:Mb

Enclosure

cc: HCC, CC, HO, CD, DE-5, DTE-5, OS (CW, DM)

E.E.O./AFFIRMATIVE ACTION EMPLOYER

CITY OF CHARLES TOWN
A Municipal Corporation

By: _____
Its: Mayor

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Letter to County Commission - lack of meetings being held

ATTACHMENTS:

- Letter to Jefferson County Commission.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 EMAIL AND FIRST-CLASS MAIL

October 19, 2023

MAYOR
Robert M. Trainor

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

CITY MANAGER
John Nissel

Steve Stolipher, President
Jefferson County Commission
stolipherjcc@gmail.com

Jane M. Tabb
Jefferson County Commission
Vinemont.farm@gmail.com

Tricia Jackson
Jefferson County Commission
commissioner.triciajackson@gmail.com

Jennifer Krouse
Jefferson County Commission
jcckrouse@gmail.com

Jefferson County Commission
124 E. Washington Street
P.O. Box 250
Charles Town, WV 25414

Dear Commissioners,

We, the Charles Town City Council, urge you to move forward with appointing a representative to the Charles Town district seat of the Jefferson County Commission.

The failure of the County Commission to hold regular meetings due to a lack of a quorum is jeopardizing official business, projects, and various joint efforts across Jefferson County.

State law has set forth that a vacancy of a seat on a county commission shall be appointed within 15 days of the Executive Committee providing a slate of nominees. "Shall" indicates that the action is mandatory, and not permissive.

Nominees were selected on August 5, 2023. Since then, the County Commission has either refused to follow the procedure for appointment or failed to hold a meeting due to lack of a quorum.

We disagree with the assertion by some commissioners that the Charles Town district commission seat should remain vacant until the November 2024 general election. The process for filling the vacancy is clearly set forth in West Virginia Code §3-10-7 and there is no valid avenue in state code to disallow representation of Charles Town district residents.

This failure to appoint a commissioner to fill the vacant seat is a clear violation of state law and a violation of the rights to representation of the people of the Charles Town district.

Thus we, the Charles Town City Council, urge you to move forward with an appointment through the process laid out in West Virginia Code §3-10-7 lest further action needs to be taken to compel you to fulfill your official duties.

Sincerely,

Robert M. Trainor

cc: Makayla Zonfrilli, County Administrator
mzonfrilli@jeffersoncountywv.org

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Proclamation
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Be Kind Proclamation

ATTACHMENTS:

- Be Kind November Proclamation.pdf

Be Kind November

Whereas, The City of Charles Town is dedicated to promoting the success of our community and recognize that simple kindness toward others helps foster that success; and

Whereas, it has been determined that there is undeniable value and importance in creating kinder and more peaceful societies for our children to inherit; and

Whereas, there are scientifically proven health and emotional benefits of practicing kindness to others; and

Whereas, the Charles Town Now organization works with citizens and businesses to actively promote kindness within our community and showcase local initiatives of individuals and organizations adding the value of kindness to the community; and

Whereas, Charles Town is committed to using its best endeavors to support and inspire entities of government, businesses, and individuals to choose kindness; and invite our entire community to join in these efforts.

Now, Therefore, be it resolved that by virtue of the authority vested in me as Mayor of our City, I do hereby proclaim the month of November 2023 as:

Be Kind November

in **Charles Town, West Virginia** and encourage our citizens, residents, and businesses to initiate, participate in, and promote acts of kindness.

In Witness Whereof, I have hereunto set my hand and caused the Seal of Charles Town, West Virginia to be affixed this third day of November, two thousand twenty-three.

SEAL

Robert M. Trainor

Robert M. Trainor

Carolyn Vezzosi

Carolyn Vezzosi
Deputy City Clerk

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-973: Infrastructure Committee Report - October 23, 2023

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-974: Board of Parks and Recreation Report - October 26, 2023

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-975: Ordinance Committee Report - October 24, 2023

ATTACHMENTS:

- Ordinance Meeting Minutes 10_24_23.pdf

City of Charles Town Ordinance Committee Report - October 24, 2023

Call to Order:
18:14

Committee Members In Attendance: Rikki Twyford, Julie Philabaum, Kevin Tester

Agenda / Discussions:

Charles Town City Charter - Section 22 Sidewalks
Topside discussion about the Charter's purview on sidewalk installation and repair. This included discussion surrounding the current street improvement fee, the need for an updated and more encompassing sidewalk assessment in the City, and potential structure of an ordinance that allows for installation and repair, before a Charter rewrite.

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

Adjournment:
18:51

Next meeting:
Tuesday, November 28, 2023 at 6 pm

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Building Code Appeals Board Rules and Regulations of Procedure

ATTACHMENTS:

- BCAB Rules and Regulations signed copy.pdf

City of Charles Town
Building Code Appeals Board

Rules and Regulations of Procedure

Authority

This publication provides information and operating guidelines for the City of Charles Town "City" Building Code Appeals Board "BCAB."

The BCAB shall be subject to and governed by *Appendix B – Board of Appeals* to the International Building Code, 2018 Edition, which is incorporated in the State Building Code set forth at Series 4 of Title 87 of the West Virginia Code of State Rules and adopted by the City of Charles Town by Article 1705 of its Codified Ordinances ("Article 1705), except to the extent contrary to express provisions of these Rules and Regulations.

Effective Date

The Rules and Regulations contained herein become effective when they have been approved by the BCAB at its first regularly scheduled meeting.

Distribution of Copies

Copies of these Rules and Regulations shall be available for distribution to the public. A copy of these Rules and Regulations shall be posted on the City's website and available at the time an application for appeal is submitted. Each new member of the Board shall have the Rules and Regulations discussed during the time the BCAB appointment is made.

Amendments

Amendments to these Rules and Regulations may be adopted from time to time by the BCAB and shall become effective on the date of BCAB approval. Copies of amendments to these Rules and Regulations shall be posted and replaced in the prior version within thirty (30) days of passage.

Purpose of the Building Code Appeals Board

The purpose of these Rules and Regulations are:

1. To give security to the appointed members of the BCAB;

2. To provide for a complete, all-inclusive and non-discriminatory system for the public to appeal decisions of the Code Official the appellant deems are inaccurately interpreted based on the State Building Code;

3. To provide an efficient, professional and competent BCAB to serve the City of Charles Town;

4. To ensure when reviewing a code modification request or conducting an inspection, the Code Officials and their representatives ensure the spirit and intent of the applicable codes and laws are observed and that public health, safety and welfare are assured; and

5. When a plan review or inspection fails, a code modification request is denied, a notice of violation is issued or the Code Official applies a particular code section in a manner with which you do not agree, you can appeal to the BCAB.

Defined Terms

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

1. "Appointment" means the date on which each Building Code Appeals Board Member is appointed by City Council to serve a specified Board term limit.

2. "BCAB" means the City of Charles Town Building Code Appeals Board.

3. "Code Official" shall mean City Code Official or City Building Official who is appointed by the City Manager, or designee, who meets the qualifications of a "Code Official" set forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

4. "Code of West Virginia" or "Code" means the West Virginia State Building Code.

5. "Council" means Charles Town City Council.

6. "Inspections" shall mean the visual and/or physical observation and examination by the Code Official of a required site or phase to determine compliance with State Building Code and International Code Compliance. All inspections required under the State Building Code shall be conducted on behalf of the City only by the City Code Official or any other individual who is authorized by the City Code Official to perform the relevant category of inspection on behalf of the City and who is duly certified (or otherwise permitted to act) as an "Inspector" in such category pursuant to the Certification/Continuing Education Standards.

7. Any such other individual shall be under the authority of the City Code Official and shall issue documentation regarding an inspection to the City Code Official for further action.

8. "Member" or "Board Member" means any person appointed by Charles Town City Council to serve a respective term limit on the Building Code Appeals Board.

9. "Presiding Officer" means any member of the BCAB designated to conduct and officiate the hearing.

Organization of the BCAB

The BCAB consists of five (5) members, with up to three alternates, appointed by the City of Charles Town City Council who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City.

The Board is comprised of West Virginia Registered Professional Architects, Engineers, and/or West Virginia Licensed General Building Contractors, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractors with superintendent level experience. The City Code Official shall be an ex-officio member but shall have no vote on any matter before the Board.

Any person directly affected by a decision of the Code Official or a notice or order issued under Article 1705 shall have the right to appeal to the BCAB, provided that a written application for appeal is timely filed. Any application for appeal shall be based on a claim that the true intent of Article 1705 has been incorrectly interpreted, the provisions of Article 1705 do not fully apply, or the requirements of Article 1705 are adequately satisfied by other means.

The Board shall annually select one of its members to serve as chairperson.

It shall be the duty of the Chairperson of the Board to preside over meetings of the Board and to generally act as a spokesman for the Board. The Chair shall also cause a complete record of Board actions and activities to be kept.

Vacancies: Vacancies within the Board shall be filled in the same manner as original appointments. All vacancies shall be posted for advertisement consistent with the publication and notification requirements of all City boards and committees.

Members of the Board may be removed by the Director of Community Development subject to the approval of the City Council or as otherwise provided by state law, for inefficiency, neglect of duty, or malfeasance in appointment.

Quorum/Postponed Hearing: In order to conduct a meeting or hearing, a quorum of the Board members must be present. A majority of the voting members of the Board shall constitute a quorum. No action of the Board shall be official unless authorized by a majority of the voting members present at the subject meeting or hearing.

Notwithstanding the foregoing, when five (5) members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing, but such request may only be made at the commencement of the hearing.

Meetings: The Board shall meet upon the notice from the chairperson within twenty (20) days of the filing of an appeal or at stated periodic meetings. At least three (3) business days prior to any meeting, the Board shall post notice of the meeting via the City's website and public notice of the meeting and make available an agenda describing all matters requiring official action of the Board; provided that, in the case of an emergency meeting called to address an unexpected event that requires immediate attention as permitted by Code, notice need not be posted three (3) business

days prior and the Board shall instead post notice of the emergency meeting as soon as practicable after it is called.

Notice of a meeting shall state the date, time, and place of the meeting, and, in the case of notice of a special meeting, the purpose of the meeting, and, in the case of notice of an emergency meeting, the facts and circumstances of the emergency.

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard. The Board may hold an executive session during any meeting consistent with the *Open Governmental Meetings Act*. Meetings may be held by telephone conference or other electronic means by which all person participating may hear and communicate with each other.

All Appeal withdrawals, continuances, or waiver requests must be submitted by application and submitted to the Building Official.

Records of the Board

The Board shall cause minutes of its own proceedings, records of its examinations, recommendations of applicants for the Board received by the Board, the Code Official, or City Council, and any other records of the Board's official acts to be kept as official records of the Board.

All such records, to include audio recordings, shall be kept and preserved by the Board for a period not less than three (3) years. With the exception of minutes of executive sessions, recommendations and renderings of the Board shall be open to public inspection.

The City Code Official, or his/her designee, shall be ex-officio Clerk of the Board and shall supply to the Board such clerical services as Minutes and stenographic services as may be required by the Board.

All hearings of the Board shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

All Board meetings shall be electronically recorded to help document and reflect the most accurate Minutes of the Board's official actions and decisions.

How to File an Appeal

1. Appeals can be filed by a building owner, the owner's agent or any person involved in the design, construction or maintenance of the building.

2. Submit a written application for appeal by mail or in person at:

Charles Town City Hall
101 E Washington Street Charles Town, WV 25414
Attention: Building Code Appeals Board
or mail:

3. All administrative appeals from actions of the City Code Official must be filed within **twenty (20) days** of service of notice, order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the State Building Code and Article 1705 where not inconsistent with this Section.

4. Submission of a $350 Appeal fee (refundable only if the BCAB rules in favor of appellant) is required at the time the application for appeal is submitted.

Board Hearing Process

All appealed hearings shall be conducted before the BCAB. The Chair of the Board, at a hearing, shall be designated by the Board. In the absence of the Chair, the Chair may designate another member to conduct official meetings.

The date, time, and place of each hearing shall be determined by the BCAB or the Chair, and efforts to consider the schedules of those involved will be made. Regardless of circumstances, a Board hearing shall occur within twenty (20) days of receipt of the appeals application unless continuance to a later date is agreed by all parties concerned. The Board chairperson will coordinate the scheduling of all appeals within the parameters set forth in this document.

1. Unless otherwise specified in these Rules and Regulations, no Board hearing shall be conducted under these rules or otherwise unless the parties to the proceeding shall have been given written notice thereof at least five (5) days prior to the hearing. Written notice shall be given by (a) personal delivery to the subject party, or (b) deposit of the same in the United State Mail, postage paid, certified mail, addressed to the last known address of the subject party, and shall be considered when so given.

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

3. The date, time and place of each Board hearing shall be determined by the Board or Chair.

4. Notice of the date, time, and place of the hearing shall be posted at City Hall.

5. All hearings of the Board are open to the public except as determined by means of Executive Action.

6. The Board will hear testimony and argument from the appellant, the Code Official, their representative(s) or any person whose interests may be affected by the matter on appeal.

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

8. The BCAB may continue a hearing at another time and/or date once such hearing has been started; however, the BCAB shall announce the date and hour of continuance of such hearing while in session. Furthermore, the Chair may call for a continuance if a quorum is not present for a hearing. The date and hour shall be agreed to by all parties and announced while in session.

9. The Board shall have prepared and preserved a written record of all testimony and evidence given at a hearing as contained within Board meeting minutes. The BCAB shall keep minutes of proceedings and have made and preserved for at least three (3) years an audio recording of all testimony and evidence given at a hearing.

10. The presiding officer at a hearing (the "Presiding Officer") shall be designated by the BCAB and may be the chairman of the BCAB, one of the members of the BCAB, or such other person as the BCAB may designate. The Presiding officer at every hearing may conduct generally the hearing, and in connection therewith:

    a. Administer oaths and affirmations;
    b. Rule on offers of proof and receive evidence;
    c. Dispose of procedural requests or other matters;
    d. Hold conferences for the settlement or simplification of the issues with the consent of the parties;
    e. Take any other action in connection with such hearing authorized by law; and
    f. Request the submission of proposed findings of fact, conclusions of law and orders and decisions. Such proposals, if submitted, shall be served upon all parties.

11. With regard to each of the duties and powers enumerated above, decisions by the Chair shall be subject to review by the Board.

12. The appellant and/or the appellant's representative should attend the meeting. Failure to show up at the hearing does not postpone or cancel the appeal.

13. Parties entitled to an evidentiary hearing may waive such right in writing, but unless all parties file timely waivers, a hearing will be conducted. Parties waiving such hearing need not appear. Any party who desires to submit written pleadings, comments or information in lieu of an evidentiary presentation may submit such documents to the Presiding Officer for consideration by the BCAB. Waivers must be unequivocal and request the BCAB to decide the matter at issue on the pleadings and written record in the case, including any stipulations the parties might enter. When a hearing is waived, the written record in the case shall be submitted to the BCAB for decision.

14. Following completion of the proceedings provided for herein, the BCAB shall consider the testimony and arguments, deliberate, and render a written decision containing findings of fact and conclusions of law. No decision of the Code Official shall be reversed or modified except by concurring vote of a majority of the voting members of the BCAB.

15. In all cases, final orders and decisions, setting forth findings of fact and conclusions of law, shall be entered by the Board. In no case shall the Chair enter a final order or decision.

16. A certified copy of the decision of the BCAB will be furnished to the appellant and the Code Official. Once a decision has been made, unless further appealed, the appellant and Code Official must take immediate action in accordance with the BCAB's decision.

Appealing the Decision of the Board

1. The appellant may further appeal the decision of the BCAB by Writ of Certiorari to the Circuit Court of Jefferson County. All appeals to Circuit Court must be filed within thirty (30) days of the BCAB's decision.

2. Appeals from the Appeals Board to the Circuit Court shall be based on, and limited to, a claim that the true intent of Article 1705 and/or the State Building Code has been incorrectly interpreted, the provisions of Article 1705 and/or the State Building Code do not fully apply, or the requirements of Article 1705 and/or State Building Code are adequately satisfied by other means.

3. All requested Circuit Court appeals are held at the discretion of the Circuit Court of Jefferson County.

Jefferson County Circuit Court
119 North George Street
Charles Town, West Virginia 25414

4. The Code Official may appeal the Board's decision to the Circuit Court of Jefferson County.

Anti-Discrimination Provisions

No applicant for Board appointment or applicant filing an appeal shall be discriminated against on the basis of any class or characteristic protected by applicable law of the United States, the State of West Virginia, or the City of Charles Town, as such law may be amended from time to time, including, without limitation, *Article 154 – Equal Opportunity* of the Codified Ordinances of the City of Charles Town, which protected classes and characteristics include, without limitation, race, religion, color, national origin, ancestry, sex, age, blindness, disability, genetic information, familial status, veteran status, sexual orientation, gender identity, or religious or political opinions or affiliations. [§8-14-18]

The foregoing Rules and Regulations of the Building Code Appeals Board of the City of Charles Town, West Virginia were duly prescribed by the Building Code Appeals Board of the City of Charles Town, West Virginia by action of the Members at a meeting duly called and legally held on the _____ day of October 2023.

Chair of BCAB

Clerk, BCAB

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Letter to County Commission concerning new Sheetz gas station traffic light

ATTACHMENTS:

- Letter to the County Comission -Sheetz 10-27-23.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
Rikki Twyford
Michael George

CITY MANAGER
John Nissel

October 27, 2023

Ms. Makayla Zonfrilli
Jefferson County Commission
124 W. Washington Street
Charles Town, WV 25414

Dear Commissioners,

This correspondence is in reference to the City's concerns over the delayed installation of the traffic signal and signalized crosswalk at the intersection of Augustine Avenue, Washington Patriots Drive, and the entrance/exit to the nearly completed Sheetz gas station and convenience store. I have included Mayor Trainor's letter that was sent to the Governor's office on October 23rd, which will provide you with some background information on the project. I have also provided to you a copy of the Resolution dated August 29th, 2023, which indicates the necessity for installing the new traffic signal along with modifying the existing traffic signal in anticipation of increased vehicular traffic flowing in and out of the Sheetz gas station and convenience store.

As you know the Sheetz gas station and convenience store lie outside the City of Charles Town's city boundaries. Sheetz intends to open their new gas station and convenience store on Augustine Avenue sometime in mid-November 2023. The City of Charles Town is very concerned about the life safety issue that may result in the lack of a traffic signal and signalized crosswalk at the intersection given the proximity to the Wahington High School coupled with the nearly 650 homes of the three nearby communities which are all within 1,000 feet of US Route 340.

WV DOH has indicated to us that despite several pleas to get the traffic signal and signalized crosswalk installed before Sheets gas station and convenience store opens, their interim solution is to install 4-way stop signs at the intersection until the permanent traffic lights installed. We anticipate that this interim solution will be in place until sometime in late Spring of 2024. Without the proper safety measures in place at the entrance to the Sheetz gas station and convenience store we feel that pedestrian/ vehicle encounters will be prevalent. Please understand that the high volume of traffic coming into conflict with the nearly 1,300 students from the High School is already problematic.

I spoke with Roger Goodwin, Director & Chief County Engineer with the Jefferson County Department of Engineering, Planning & Zoning about delaying the issuance of the occupancy permit for the Sheetz gas station and convenience store until the traffic signal and signalized crosswalk on Augustine Avenue and Washington Patriots Drive was installed and according to his office the intersection was outside of his prevue.

In light of the seriousness of this situation as it relates to life safety for both pedestrian and vehicular traffic, we request that you delay this issuance of the occupancy permit until the traffic light and signalized crosswalks are properly installed.

Respectfully,

John Nissel
Charles Town City Manager

cc: Commissioner Stolipher
Commissioner Tabb
Commissioner Jackson
Commissioner Krouse
Mayor Trainor
Councilmember Ricketts
Councilmember Kratovil
Councilmember Hynes
Councilmember Tester
Councilmember Rodd
Councilmember Philabaum
Councilmember Twyford
Councilmember George

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-972: Placement of Interpretative Plaque for Charles Town Racetrack

ATTACHMENTS:

- SCity of Ch23110216302.pdf
- SCity of Ch23110216300.pdf

In commercial districts, additions to the height shall take into account the setback for visibility from the ground.



Signs:

Signs are a very important characteristic of the Downtown District. They provide an announcement for business location and a design image for businesses. They also play a large role in the character of the streetscape. For this reason, it is important to follow the following regulations when considering a sign for your business in the Historic District.

General Guidelines



These basic guidelines help to define the materials, placement, lighting, and design of signage in the historic overlay district(s) and are in addition to the Zoning Ordinance. Approval and a Certificate of Appropriateness from the CTHLC is required for installation of all signs. CTHLC or staff approval is not required for the removal of signs, with the exception of historical signs and historic wall painted signs.

CTHLC or staff approval is not required for temporary yard signs or banners. Signs indicating a property is for sale or rent are considered temporary. Signs for "coming soon" shall be removed 30 days after installation. "Coming soon" signs shall only be for a single purpose or event and cannot be used for multiple different purposes or events to circumvent and make continuous use of the temporary sign. Any request beyond 30 days shall require an application to the CTHLC stating the purpose and reason why a longer time is necessary.

Sign Material

The most important concept to grasp when designing your sign is that signage material should be compatible with the materials of the façade. In general, painted wood or metal is the preferred background. In addition to this, the following should also be taken into consideration:

- Lettering may be painted, carved into the wood, or individually mounted.
- Plastic may be used if it is carefully designed and is fabricated with another finish.
- Signs should be made in a professional manner.
- Mass produced signs do not blend with the character of the historic district nor the overall streetscape, and as such, they are discouraged.
- National franchise signs should be compatible with the building and streetscape.
- Glossy backgrounds that reflect glare and reduce legibility should be avoided, unless the material is appropriate to the façade.

Sign Placement

When deciding on the placement of your sign it is important to remember that all signs for storefront tenants and single-occupant buildings be located below the second floor of the building, while multiple-tenant buildings should locate a shared directory beside the entrance doorway. In addition, the following guidelines should also be considered:



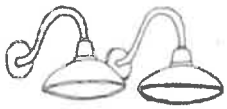
Signs that extend beyond the first floor overwhelm the façade as a whole and shall not be used.

If there is historic precedent (during the architectural period of the building) for upper floor signage on the building, upper floor tenants may place signs above the first floor. Pictorial documentation will be required for approval. These signs must meet these standards and follow those listed in the Zoning Ordinance.

- Signs should be suspended at a 90-degree angle or placed flat against the building in the signage area that is defined in the lines and panels detailed by the architecture.
- Signs should not obscure the existing architectural detail.
- Painted signs on storefront windows for which no COA was granted is not permitted for more than 30 days, and do not require review by the Historic Landmarks Commission.

- The placement of a new sign should take into consideration any existing sign line in the streetscape.
- Signs may not project above the parapet wall or cornice of the building.
- Signs may not be placed on the roof of a building.
- Signs should be in proportion to the building, such that it does not dominate the building.
- No Canopy/Awning Sign shall be permitted on a historic building unless documentation indicates that such a sign was used on the building when originally constructed and occupied. The design and coloration of such signs shall be compatible with the character of the building.

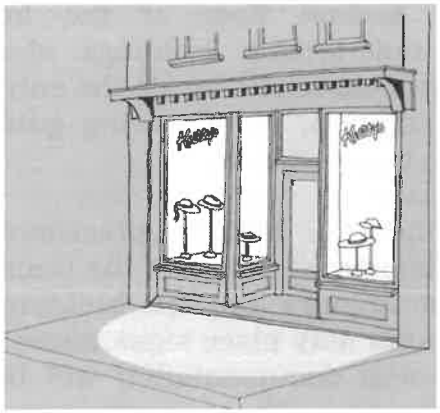
Sign Lighting





Lighting of signs is an excellent way to show the artisanship of the sign, as well as illuminate the place of business at night. Lighting also provides a very important effect along the streetscape. When considering the lighting of your sign, it is important to keep in mind the following guidelines:

- Indirect light should be used to illuminate signs.
- Gooseneck lamps are an appropriate and attractive lighting solution.
- Flashing or blinking lights are prohibited.
- Box signs, also known as a cabinet sign, either internally or externally illuminated are not permitted. This includes wall mounted signs and double sided ground mounted signs. All box signs installed prior to January 1, 2017 are non-conforming signs that are permitted to remain until a change is initiated by Zoning Ordinance requirements or if the sign is removed.



A well-lit window display provides attractive nighttime lighting.

Sign Design and Size

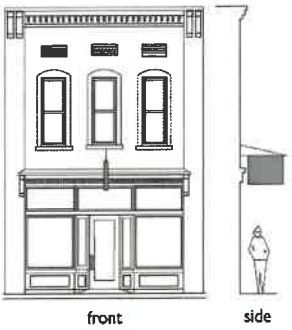
The overall design of your sign should reflect the architectural period of the building on which you are locating the sign. The Zoning Ordinance outlines the size of signs permitted.

In addition, the following should be considered:

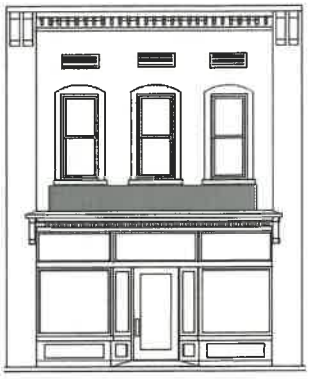
- CTHLC notes that trademarks and logos are signs and the CTHLC recommends that trademarks cover no more than 25% of the sign face.
- The number of colors used should be limited to colors that complement the colors on the façade.

Wall Signs

In addition to these general standards, wall signs on the front façade should be located directly above the storefront and not extended above the first floor. Wall signs shall be placed within the sign frieze, or distinct place within which a wall sign was intended to be located, if the building was designed for such. No wall sign shall extend beyond such space. If there is no sign frieze, the wall sign shall be placed below the typical second floor window area. The sign should fit within the lines and panels of the storefront as defined by the building frame and architectural detailing. Wall signs on side façades shall follow the above standards. For multi-tenant buildings, the preferred method of listing tenants is a single wallboard on the front of the building.



Projecting Wall Sign


Wall signs to be located above the first floor and below the second floor. The gray area depicts the location for wall signs.

Multi-Tenant Directory Sign

Multi-tenant directory signs require approval of the Historic Landmarks Commission. Approval of multi-tenant directory signs need not state specific text or tenants; however, the following is required for review and possible approval: size, color, proportion, material and placement. After approval of a multi-tenant directory sign design, no additional review is required provided all changes maintain the same design details as previously approved.



Historic Signs

Many older buildings still display the names of their original owners who were proud of their contributions to the community. These names are usually located on the upper part of buildings or above the doorways at the street level. Some are formed in sheet metal on fascias and cornices, but most are incised in stone

panels or molded in terra cotta relief. These should be preserved as part of the Downtown's history and character.

Banners

Due to the nature of the businesses, occasions may arise when property owners request banners for advertisement of events. Such events include but are not limited to grand openings, store closings, festivals, and recreational activities. The following standards should help lead banner design and location:

- Banners should be of a temporary nature, advertising events that would not require the banner to be in place for more than a span of 30 days, unless the CTHLC has approved an alternate time arrangement.
- Design should be simple so as not to detract from the historic features of the building it hangs on. Solid backgrounds and single or two color fonts are recommended.
- Architecturally significant features/details should not serve as the mounting points for banners to avoid deteriorating or destroying the feature.
- Ideally, banners should be located above the ground floor. If this cannot be done, they must be eight feet above the public walkway.

Interpretive Plaques



Plaques placed on historic buildings to identify their construction date and original use are encouraged. Interpretive historic panels detailing the historic nature of the building or area require a Certificate of Appropriateness.

Building Markers

A building marker sign may include only the building name, date of construction, or historical data on historic buildings or sites; and shall be cut or etched into masonry, bronze, or similar material, but shall not be imprinted upon the structure unless it is part of a new construction.



Applying for a Sign

When applying for a sign in the Downtown Historic District, the Historic Landmarks Commission will need the following information about the sign, in addition to what is required in the Zoning Ordinance:

- Design of sign: All dimensions, type of material, method of lighting, method of attachment.
- A scaled drawing showing the building façade to include the wall from the ground level to the roof line, storefront, doors, windows, and architectural detailing in the proposed signage location. The drawing should show the sign on the building. An actual-size mock up replica of the proposed sign may be submitted in place of the drawing.
- The Commission may request a sample of the finish material.
- If a business with an approved sign from the CTHLC moves from its existing location within the historic overlay district, a sign for the new location will require CTHLC approval, but the fee shall be waived.

Solar Panels

The CTHLC supports both solar energy and the historic character of the community. Care must be taken that one is not achieved at the expense of the other. Solar panels and associated apparatus should be installed in such a way to minimize impacts of the facades and shall be reviewed and approved or disapproved by the CTHLC. Solar panels should be located in unobtrusive places. If it is necessary to mount solar panels on a historic building, rather than elsewhere on the site, it is essential that the panels are installed such that they do not change the character of the building. If solar panels are placed on a roof they should be designed and positioned to have a minimal effect on the character of the structure. Placement on rear facing roof planes of the primary structure should be considered first. Before applying for a Certificate of Appropriateness for solar energy devises, applicants should be certain that enough sunlight is available to make the proposed system operative.

Prior to installation of solar technology on-site, try improving the energy efficiency of the structure through other passive methods, such as awnings and storm windows. When placing solar panels on-site, consider the impact that the technology will have on the historic character and the fabric of the site. Consider the following locations prior to installation of the solar technology on historic structures:

Signs – Additional Information

ESTIMATED COST OF SIGN(S) (Excluding Labor & Installation):

SIGN CONTRACTOR:

Contractor License #: WV & City of Charles Town:

TYPE OF SIGN

Type of Sign	Check One	Type of Sign	Check One
Free Standing		Suspended	
Building Mounted		Awning	
Window Lettering		Other (List)	

Where on the property or building will the sign(s) be located?

SIGN MATERIAL:

SIGN DIMENSIONS:

Height	Width	Depth

WILL SIGN(S) BE LIGHTED? If yes, list the type of lighting to be used:

PLEASE PROVIDE PROOF OF INSURANCE (In case of sign damage) Insurance Company:

PROVIDE AN ILLUSTRATION OR PHOTOGRAPH OF THE PROPOSED SIGN(S)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-976: Volunteer/Takeaway Parking at Wright Denny Elementary School

ATTACHMENTS:

- Volunteer-takeaway parking.pdf
- Screenshot_20231017_211514_Maps.jpg

From: Jeff Hynes
Sent: Tuesday, October 17, 2023 10:46 PM
To: John Nissel <jnissel@charlestownwv.us>
Cc: Chris Kutcher <ckutcher@charlestownwv.us>; Bob Trainor <btrainor@charlestownwv.us>
Subject: Wright Denny Parking Meeting - 10/17/2023

John,

As promised, below is my bulleted summary of the proposed actions from today's meeting at Wright Denny Elementary School.

When: Tuesday October 17th, 2023 11:30am

Where: Wright Denny Elementary School

Attendees: Mayor Bob Trainor, Councilman Jeff Hynes, City Manager John Nissel, Principal Chris Walter, Police Chief Chris Kutcher, City Operations Manager Cindy Rezmer, Parking Enforcement Officer Corey Lewis

Takeaways:

- Upon approval by City Council, the City agrees to designate four (4) parking spaces located nearest to the front steps of the Wright Denny Elementary School on the south side of W Congress St. as short-term pick-up/drop off parking spaces.

- To facilitate the designation of these parking spaces, the City will remove the meter heads on the parking meters that correspond with the designated short-term pick-up/drop off parking spaces and replace them with signage (possible curb paint) identifying the new use for those spaces.

- With approval of the City Council, and in an attempt to address the parking concerns raised by residents in a timely manner, the City will utilize the existing ten (10) minute takeaway parking identified in Article 365 - Charles Town Parking District, of the City of Charles Town Codified Ordinances (specifically 365.055).

- With approval of the City Council, Wright Denny Elementary School administrators will be granted the ability, free of charge, to produce, print, and distribute to school volunteers, a one-time volunteer parking voucher to be used on the day said

volunteers are providing service for the school. The vouchers must be dated with date of the volunteer service and will be disposable.

- All volunteer parking vouchers must be displayed in the front window of the vehicle with the date clearly visible for the City of Charles Town Parking Enforcement Officer.

- Volunteer parking vouchers are only valid for parking in the Municipal parking lot located at the corner of W. Congress/ S. Lawrence Streets. Any vehicle displaying a volunteer parking voucher in parking spaces outside of the designated Municipal parking lot will be subject to any and all parking meter fees and are subject to parking tickets for failing to pay those fees. Any vehicle parked in the designated Municipal parking lot with a volunteer parking voucher that is dated for any date but the current date is subject to all parking meter fees and parking tickets for failing to pay those fees. If there are no available parking spaces in the designated parking lot, the vouchers will not be provided to volunteers and they must utilize other existing City of Charles Town parking and will be subject to any associated parking fees.

- The school and City will produce educational materials to provide to parents/residents highlighting the new pick-up/ drop off parking spaces and new volunteer parking vouchers. Said material will provide a map highlighting the location of the new pick-up/drop off parking spaces and Municipal lot designated for the use of volunteer parking vouchers. Wright Denny Elementary School administration has agreed to disseminate these materials.

I believe that covered all of the points I heard agreed to today. Below are a few additions I believe may be of value but were not necessarily agreed to.

- A single design for the volunteer parking vouchers should be agreed upon by Wright Denny Elementary School and the City. This will ensure that the vouchers being used are authentic and should make it easier for Corey to identify them.

- If possible, A designated ink stamp should be applied to the volunteer voucher to provide more security that the voucher is authentic and not a copy somebody made after seeing one in a parked vehicle. Essentially the voucher would have to be clearly displayed in the front window of a vehicle parked in the designated lot, conform to the agreed upon design, be dated with the current date, AND have the designated ink stamp applied. This should be MORE than enough to ensure authenticity.

- It would be nice if the School could provide the City a list of expected high volume volunteer dates for the upcoming school year or term. That way Corey could be on the look-out for larger volumes of these vouchers. I am thinking primarily of the Scholastic Book Fair but it would not have to be limited to that.

I believe this email has captured all of the salient items discussed at this morning's meeting. Please let me know if you believe I missed anything. Thank you again for taking quick action to set this meeting up and get this moving, I know our residents will be as grateful as I am.

V/R

Jeffery C. Hynes, Jr.
City of Charles Town
Councilman Ward 2
101 E. Washington Street
Charles Town, WV 25414
Direct: 301.675.0015
Email: jhynes@charlestownwv.us


Charles Town Smil
Volunteer
W Congress St
S Lawrence St
Wright Denny
Intermediate School
Recently viewed
S Charles St

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-984: Class Cost of Service Study and Rate Adjustment Recommendations from the Charles Town Utility Board (CTUB)

ATTACHMENTS:

- 3a-Water Option A1 Analysis (RT @ 25_).pdf

WATER OPERATIONS

OPTION A1 - RATE EQUALIZATION WITH 2,000 GALLON MONTHLY MINIMUM - ANALYSIS FOR COUNCIL

COMPARISON OF COST OF SERVICE WITH REVENUES UNDER PRESENT AND PROPOSED RATES

FOR THE TEST YEAR ENDED JUNE 30,2024

Customer Classification	Cost of Service Amount (Schedule B)	Cost of Service Percent	Revenues, Present Rates Amount	Revenues, Present Rates Percent	Revenues, Proposed Rates Amount	Revenues, Proposed Rates Percent	Proposed Increase Amount	Proposed Increase Percent Increase
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Residential	$ 3,078,519	67.0%	$ 2,663,438	67.4%	$ 3,087,022	67.2%	$ 423,584	15.9%
Commercial	$ 1,280,466	27.9%	1,131,033	28.6%	1,305,073	28.4%	174,041	15.4%
Race Track	$ 232,569	5.1%	159,423	4.0%	199,442	4.3%	40,019	25.1%
Total Sales	4,591,554	100.0%	3,953,893	100.0%	4,591,537	100.0%	637,644	16.1%
Other Revenues	143,000		143,000		143,000		-	0.0%
Total	$ 4,734,554		$ 4,096,893		$ 4,734,537		$ 637,644	15.6%

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

Charles Town and Race Track

	2022/2023 Rates	2023/2024 Rates	Proposed Minimum By Meter Size (gallons)
Minimum Charges - 2,500 gals. ==> 2,000 gals.			
5/8-inch and 5/8 x 3/4-inch	$ 25.83	$ 25.68	2,000
3/4-inch	38.74	38.52	3,000
1-inch	64.57	64.20	5,000
1 1/2-inch	129.14	132.89	10,350
2-inch	206.62	207.80	17,400
3-inch	387.42	389.68	34,350
4-inch	645.70	717.98	64,130
6-inch	1,291.40	1,348.40	138,560
Consumption Charges (per 1000 gallons)			
First 10,000 gallons	$ 10.330	12.840	
Next 30,000 gallons	8.790	10.730	
Over 40,000 gallons	6.940	8.470	
PNGI Contract Rate (All Consumption)	$ 4.860	$ 6.080	

Jefferson County

Minimum Charges - 2,500 gals. ==> 2,000 gals.	$ 47.10	$ -	
5/8-inch and 5/8 x 3/4-inch		25.68	2,000
3/4-inch		38.52	3,000
1-inch		64.20	5,000
1 1/2-inch		132.89	10,350
2-inch		207.80	17,400
3-inch		389.68	34,350
4-inch		717.98	64,130
6-inch		1,348.40	138,560
Consumption Charges (per 1000 gallons)			
First 5,000 gallons	$ 18.840	$ -	
Over 5,000 gallons	17.640	-	
First 10,000 gallons		$ 12.840	
Next 30,000 gallons		10.730	
Over 40,000 gallons		8.470	
Bulk Water Rate		8.470	

Average Bills Charles Town and Ranson:	Average Bill, Present Rates	Average Bill, Proposed Rates	Dollar Increase/(Decrease)	Percentage Increase/(Decrease)
Residential at 3,300 gallons	$ 34.09	$ 42.37	$ 8.28	24.30%
Non-Residential at 5,600 gallons	57.85	71.90	14.06	24.30%
Race Course at 2,700,000 Monthly	13,122.00	16,416.00	3,294.00	25.10%
Jefferson County:				
Residential at 3,300 gallons	$ 62.17	$ 42.37	$ (19.80)	-31.85%
Non-Residential at 5,600 gallons	104.78	71.90	(32.88)	-31.38%

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

CONSUMPTION GALLONS	BILLS UNDER 2021/2022 RATES	BILLS UNDER 2023/2024 RATES	INCREASE AMOUNT	INCREASE PERCENT	PERCENT OF BILLS**
(1)	(2)	(3)	(4)	(5)	(6)
0	$ 25.83	$ 25.68	$ (0.15)	-0.56%	1.41%
1,000	25.83	25.68	(0.15)	-0.56%	13.83%
2,000	25.83	25.68	(0.15)	-0.56%	34.23%
2,700 *	27.89	34.67	6.78	24.30%	49.58%
3,000	30.99	38.52	7.53	24.30%	55.57%
3,300 **	34.09	42.37	8.28	24.30%	66.71%
4,000	41.32	51.36	10.04	24.30%	72.77%
5,000	51.65	64.20	12.55	24.30%	83.65%
6,000	61.98	77.04	15.06	24.30%	90.24%
7,000	72.31	89.88	17.57	24.30%	93.98%
8,000	82.64	102.72	20.08	24.30%	96.21%
9,000	92.97	115.56	22.59	24.30%	97.49%
10,000	103.30	128.40	25.10	24.30%	98.24%
11,000	112.09	140.19	28.10	25.06%	98.75%
12,000	120.88	150.92	30.04	24.85%	99.06%
13,000	129.67	161.65	31.98	24.66%	99.29%
14,000	138.46	172.38	33.92	24.49%	99.43%
15,000	147.25	183.11	35.86	24.35%	99.54%
20,000	191.20	236.76	45.56	23.83%	99.78%
30,000	279.10	344.06	64.96	23.27%	99.89%
40,000	367.00	452.49	85.49	23.29%	99.94%
50,000	436.40	537.19	100.79	23.09%	99.97%
60,000	505.80	621.89	116.09	22.95%	99.99%

*Median Residential Usage
**Average Residential Usage
***Reflects cumulative percentage of actual Residential bills by usage level.

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

CONSUMPTION GALLONS	BILLS UNDER 2021/2022 RATES	BILLS UNDER 2023/2024 RATES	INCREASE AMOUNT	INCREASE PERCENT	PERCENT OF BILLS***
(1)	(2)	(3)	(4)	(5)	(6)
0	$ 25.83	$ 25.68	$ (0.15)	-0.56%	3.60%
1,000	25.83	25.68	(0.15)	-0.56%	21.33%
1,909 *	25.83	25.68	(0.15)	-0.56%	50.20%
2,000	25.83	25.68	(0.15)	-0.56%	53.75%
3,000	30.99	38.52	7.53	24.30%	78.96%
4,000	41.32	51.36	10.04	24.30%	86.17%
5,000	51.65	64.20	12.55	24.30%	95.09%
5,600 **	57.85	71.90	14.06	24.30%	96.11%
6,000	61.98	77.04	15.06	24.30%	96.51%
7,000	72.31	89.88	17.57	24.30%	97.52%
8,000	82.64	102.72	20.08	24.30%	98.00%
9,000	92.97	115.56	22.59	24.30%	98.44%
10,000	103.30	128.40	25.10	24.30%	98.69%
11,000	112.09	141.24	29.15	26.01%	98.91%
12,000	120.88	151.97	31.09	25.72%	99.06%
13,000	129.67	162.70	33.03	25.47%	99.18%
14,000	138.46	173.43	34.97	25.26%	99.30%
15,000	147.25	184.16	36.91	25.07%	99.47%
20,000	191.20	237.81	46.61	24.38%	99.72%
30,000	279.10	345.11	66.01	23.65%	99.86%
40,000	367.00	454.67	87.67	23.89%	99.91%
50,000	436.40	539.37	102.97	23.60%	99.95%
60,000	505.80	624.07	118.27	23.38%	99.96%
70,000	575.20	708.77	133.57	23.22%	99.98%
100,000	783.40	962.87	179.47	22.91%	99.99%
200,000	1,477.40	1,809.87	332.47	22.50%	100.00%

*Median Commercial Usage
**Average Commercial Usage
***Reflects cumulative percentage of actual Commercial bills by usage level.

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

CONSUMPTION GALLONS	BILLS UNDER 2021/2022 RATES	BILLS UNDER 2023/2024 RATES	INCREASE AMOUNT	INCREASE PERCENT	PERCENT OF BILLS**
(1)	(2)	(3)	(4)	(5)	(6)
0	$ 47.10	$ 25.68	$ (21.42)	-45.48%	1.60%
1,000	47.10	25.68	(21.42)	-45.48%	15.56%
2,000	47.10	25.68	(21.42)	-45.48%	35.93%
3,000	56.52	38.52	(18.00)	-31.85%	59.64%
3,600 *	67.82	46.22	(21.60)	-31.85%	71.49%
4,000	75.36	51.36	(24.00)	-31.85%	76.22%
5,000	94.20	64.20	(30.00)	-31.85%	85.02%
6,000	111.84	77.04	(34.80)	-31.12%	88.87%
7,000	129.48	89.88	(39.60)	-30.58%	93.24%
8,000	147.12	102.72	(44.40)	-30.18%	95.78%
9,000	164.76	115.56	(49.20)	-29.86%	96.95%
10,000	182.40	128.40	(54.00)	-29.61%	97.96%
11,000	200.04	141.24	(58.80)	-29.39%	98.76%
12,000	217.68	151.97	(65.71)	-30.19%	99.05%
13,000	235.32	162.70	(72.62)	-30.86%	99.35%
14,000	252.96	173.43	(79.53)	-31.44%	99.49%
15,000	270.60	184.16	(86.44)	-31.94%	99.64%
20,000	358.80	237.81	(120.99)	-33.72%	99.93%
30,000	535.20	345.11	(190.09)	-35.52%	99.99%
40,000	711.60	454.67	(256.93)	-36.11%	99.99%
50,000	888.00	539.37	(348.63)	-39.26%	99.99%
60,000	1,064.40	624.07	(440.33)	-41.37%	99.99%

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

CHARLES TOWN UTILITY BOARD
OPTION A1 - 2,000 GALLON MINIMUM
COMPARISON OF ACTUAL BILLS UNDER PRESENT AND PROPOSED RATES
FOR RACE TRACK - MONTHLY

CONSUMPTION GALLONS	BILLS UNDER 2021/2022 RATES	BILLS UNDER 2023/2024 RATES	PROPOSED INCREASE AT 25% AMOUNT	PROPOSED INCREASE AT 25% PERCENT
(1)	(2)	(3)	(4)	(5)
3,301,800	$ 16,046.75	$ 20,074.94	$ 4,028.20	25.00%
3,849,700	18,709.54	23,406.18	4,696.63	25.00%
4,309,400	20,943.68	26,201.15	5,257.47	25.00%
3,316,500	16,118.19	20,164.32	4,046.13	25.00%
2,988,600	14,524.60	18,170.69	3,646.09	25.00%
2,568,800	12,484.37	15,618.30	3,133.94	25.00%
2,055,300	9,988.76	12,496.22	2,507.47	25.00%
2,109,800	10,253.63	12,827.58	2,573.96	25.00%
2,070,100	10,060.69	12,586.21	2,525.52	25.00%
1,562,100	7,591.81	9,497.57	1,905.76	25.00%
2,785,600	13,538.02	16,936.45	3,398.43	25.00%
1,885,300	9,162.56	11,462.62	2,300.07	25.00%
Total	**$ 159,422.58**	**$ 199,442.24**	**$ 40,019.66**	

CHARLES TOWN UTILITY BOARD
COMPARISON OF MONTHLY BILLS UNDER PRESENT RATES AND PROPOSED RATES OF OPTION A1 FOR THE AVERAGE AND MEDIAN RESIDENTIAL CUSTOMER AND THE TOP TEN COMMERCIAL CUSTOMERS

						Option A1 - 2,000 Gallon Minimum, Race Track 25% Increase			
Rank	Account/Customer	Avg. Monthly Usage (Gals.)	Meter Size	Present Minimum	Present Bill	Minimum	Proposed Bill	Dollar Increase	Percent Increase
Residential Customers									
1	Median Residential Usage	2,700	5/8"	2,500	$ 27.89	2,000	34.67	6.78	24.30%
2	Average Residential Usage	3,300	5/8"	2,500	34.09	2,000	42.37	8.28	24.30%
Top 10 Commercial Customers									
1	Race Track	2,700,000	N/A	N/A	$ 13,122.00	N/A	$ 16,416.00	$ 3,294.00	25.10%
2	103-001035-00	800,000	1.5"	12,940	5,553.50	10,350	6,888.23	1,334.73	24.03%
3	205-000120-00	400,000	5/8"	2,500	2,865.40	2,000	3,499.50	634.10	22.13%
4	103-001085-02	310,000	2"	21,754	2,152.90	17,400	2,737.20	584.30	27.14%
5	105-001497-00	300,000	3"	42,942	2,171.40	34,350	2,639.74	468.34	21.57%
6	202-001445-00	260,000	3"	42,942	1,893.80	34,350	2,300.94	407.14	21.50%
7	202-001040-00	230,000	4"	80,159	1,685.60	64,130	2,122.90	437.30	25.94%
8	302-000500-03	210,000	2"	21,754	1,458.90	17,400	1,890.20	431.30	29.56%
9	105-001496-01	180,000	3"	42,942	1,338.60	34,350	1,623.34	284.74	21.27%
10	104-001451-00	170,000	5/8"	2,500	1,269.20	2,000	1,551.40	282.20	22.23%

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-985: Private Outdoor Designated Area (PODA) Discussion

ATTACHMENTS:

- 2023PodaTownHallRecap.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

PODA TOWN HALL
RECAP

Attendance: 12 not including Councilmembers Philabaum, Rodd, Hynes, and Twyford

A survey was provided.

- 8 were business owners
- 9 live inside City limits, 3 in county, 1 in another county in WV
- Thursday/Friday/Saturday are most desired days
- Most interested in implementing on Washington & cross streets
- Only a few supported a PODA in the Parks

All participants indicated that they would like the city of Charles Town to implement a PODA District. One of the 12 indicated she only wanted it available during events.

Concerns:

- Cannot operate fairs and festivals permit with PODA
- Business owner liability
- Recycling/trash plan
- Enforcement

Business owners (both retail and restaurant) indicated this would be good for business.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1009: Public Hearing on Second Reading and Final Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Article 171 Municipal Court.

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-988: Second Reading and Final Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code, Article 171 Municipal Court.

ATTACHMENTS:

- 171 For First Reading.pdf
- Article 171 For Second Reading - Clean Copy.pdf

ARTICLE 171
Municipal Court

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

CROSS REFERENCES

General rights of appeal - see W. Va. Code §8-24-1
Jury trialsies - see ~~ADM. Art. 177~~ W. Va. Code §8-10-2
Suspension of licenses for failure to appear in court; payment plan; failure to pay fines will result in late fee and judgment lien - see W. Va. Code §62-4-17

171.01 JURISDICTION, POWERS, AND DUTIES

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

171.02 DOCKET; CHIEF OF POLICE

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

171.03 SEARCH WARRANTS

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

(b) If, upon proper complaint, the Municipal Court Judge issues a search warrant(s), they shall be in connection with the violation of any provision of the Codified Ordinances or other City ordinance.

171.04 ARREST WARRANTS

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

(b) Proceedings before the Municipal Court Judge are conducted by warrant of arrest in the name of the City or by summons, except in the event of contempt of court, or when an offense for which the Municipal Court Judge has jurisdiction is

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

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

171.05 FAILURE OF ACCUSED PERSON TO APPEAR FOR TRIAL

(a) If a warrant or summons is executed and returned, and the accused person fails to appear within one hour after the time designated for the trial, the case may proceed to be heard and determined as if the accused were present.

(b) After hearing the evidence, and at their sole discretion, the Municipal Court Judge may issue an order for an officer to arrest the accused person and bring that individual to the court at a designated time to hear judgment in the case.

171.06 CONTINUANCES

Continuances may be granted as justice requires.

(a) If a continuance is granted at the request of the accused, they may be required to enter into a recognizance, payable to the City, with approved security, in a sum determined by the Municipal Court Judge. This continuance is conditional upon the individual appearing at the time and place named in the order of continuance to answer further as to the alleged offense. Failing compliance, the accused may be committed to jail until a hearing may be resumed, but such imprisonment shall not continue longer than five days.

(b) If the continuance is requested by a person other than the accused, the accused may be allowed to depart until the time appointed for the trial upon entering into recognizance, payable and conditioned as in Section 171.06(a). The requirement for entering into recognizance may be waived at the discretion of Municipal Court Judge.

(c) In the case of default in any provision of recognizance, such default will be noted on the docket. Additionally, in the event that full payment of security is not made, an action in the name of the City may be made in any court of competent jurisdiction to recover the amount of the penalty against the accused and any additional surety.

171.07 JUDGMENT OF GUILTY INCLUDES JUDGMENT FOR COSTS

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

(a) Fine(s) as directed by City Charter and West Virginia Code,

(b) Any costs incurred by the City, including the police department

(c) Hearing costs of $50

(d) Fees as required by State or local statute

171.08 ENFORCEMENT OF PENALTIES AND COSTS

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

(a) A $25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments.

(b) The payment plan shall specify: (A) The number of payments to be made; (B) the dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against them, or have the debt sent to collections for nonpayment.

(c) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the person's annual income divided by 12, or $10, whichever is greater: Provided, That if this calculation results in a payment plan lasting more than three years, the monthly payments shall be set by dividing the total amount owed by 36.

(d) The clerk may assess a $10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:

(i) Is not incarcerated;

(ii) Has not brought the account current;
(iii) Has not made alternative payment arrangements with the court; or
(iv) Has not entered into a revised payment plan with the clerk before the due date.

(e) If, after 90 days, a payment has not been received, the clerk may consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to § 14-1-18c of W. Va State code. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(f) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a $10 late fee and shall notify the person of the following:
(i) That he or she is 180 days past due in the payment of costs, fines, forfeitures, restitution, or penalties imposed pursuant to a judgment of the court;
(ii) That he or she has failed to enroll in a payment plan;
(iii) Whether a $10 late fee has been assessed; and
(iv) That he or she may have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(g) If after 30 days from the issuance of a notice pursuant to subdivision (f) of this subsection, a payment has not been received, the clerk may consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to § 14-1-18c of W. Va. State code.

(h) If a person charged with a criminal offense fails to appear or otherwise respond in court after having received notice to do so, the court shall notify the Division of Motor Vehicles thereof within 15 days of the scheduled date to appear unless such person sooner appears or otherwise responds in court to the satisfaction of the court. Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required.

171.09 PAYMENT OF COURT COSTS

(a) If the Municipal Court Judge rules in favor of the person accused, the accused may recover their related costs. In this event, the Judge will direct the City to remit payment to the acquitted party. The judge may also require the City to reimburse the court for any witness fees and any other applicable fees as may be required by state or local statute.

(b) If the Municipal Court Judge rules against the person accused and the costs incurred by the City cannot be collected from them, they shall also be reported by the Municipal Court Judge to the City Manager for payment. The Judge may also require the City to reimburse the court for any witness fees and any other applicable fees as may be required by state or local statute.

171.10 SUSPENSION OF EXECUTION OF JUDGMENT

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

171.11 APPEALS

(a) Every person sentenced under this article by the Municipal Court Judge to imprisonment or to the payment of a fine of ten dollars ($10.00) or more shall be allowed an appeal de novo to the County Circuit Court, with the condition that the person appealing will enter into an appeal bond with surety equal to all ordered fines, fees, and costs and abide by any judgment rendered by County Circuit Court.

(b) Any such appeal must be perfected no later than twenty business days from the date after which the sentence is imposed.

(c) If such appeal is taken, the appeal bond and supporting documentation in the case shall be promptly delivered by the City to the Clerk of the Court to which such appeal is taken. If the judgment be against the accused, it shall include the costs incurred in the proceedings before the Municipal Court Judge as well as in the appellate Court.

171.12 CONTEMPT OF COURT

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

(a) Contemptuous or insolent behavior toward the Judge while engaged in a trial or judicial proceeding;

(b) Any breach of the peace or willful disturbance in the presence of the Judge or so near as to obstruct or interrupt a trial or judicial proceeding;

(c) Violence or threats of violence to the Judge or any party traveling to, attending, or returning from any judicial proceeding before the Court which is intended to obstruct, interrupt, or influence such a proceeding;

(d) Flagrant misbehavior of any officer of the City acting in their official capacity with respect to any action, judicial proceeding, or order of the Court;

(e) Willful resistance by any party to any lawful process or order of the Court. The Judge may, if necessary, issue a warrant of arrest for such person, who shall be given an opportunity to be heard.

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

171.13 JURY TRIALS

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

171.14 COMMUNITY SERVICE IN LIEU OF FINE PAYMENT

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

(a) The minimum wage established by the prevailing federal minimum wage in effect at the time sentencing is imposed shall be used to compute the amount of community service work necessary to extinguish the fine.

(b) The time period for completion of community service shall be set at the discretion of the municipal judge.

(c) At the discretion of the court, the sentence credits may run concurrently or consecutively.

(d) Any community service ordered under this section shall be performed for government entities or charitable or nonprofit entities.

(e) It is the responsibility of the convicted party to arrange the community service with a government entity or an approved 501c3 organization in Charles Town. A list of approved entities is available from City Hall.

(f) Such arrangements must be made, in writing, with the Court Clerk, ~~at City Hall~~, within 30 days of the conviction. The convicted party must abide by all of the responsibilities and requirements laid out on the Community Service Agreement.

(g) The individual so sentenced will be supervised by the Chief of Police or their designee. The hours worked will be reported in writing to the Court Clerk.

(h) If safe and practicable, it is preferred that the scope of community service activities serve to recompense the community and offset the damage to property and well-being caused by the convicted party.

(i) Fees and court costs will still be assessed against the convicted party and must be paid at the time of conviction. Only the fine can be commuted via community service.

(j) Failure to complete the full amount of community service in the allotted time will result in the remaining balance still owed by the convicted party to the City of Charles Town and must be paid upon the expiration of the community service term.

171.15 SEVERABILITY

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

ARTICLE 171
Municipal Court

171.01 Jurisdiction, powers and duties
171.02 Docket; Chief of Police
171.03 Search Warrants
171.04 Arrest Warrants
171.05 Failure of accused person to appear for trial
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171.07 Judgment of guilty includes judgment for costs
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CROSS REFERENCES

General rights of appeal - see W. Va. Code §8-24-
Jury trials - see W. Va. Code §8-10-2
Suspension of licenses for failure to appear in court; payment plan; failure to pay fines will result in late fee and judgment lien - see W. Va. Code §62-4-17

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

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171.03 SEARCH WARRANTS

(a) Any member of the Police Department may make a complaint that an offense has been committed. It will then be the function of the Judge of the Municipal Court to issue a warrant, if proper under the law.

(b) If, upon proper complaint, the Municipal Court Judge issues a search warrant(s), they shall be in connection with the violation of any provision of the Codified Ordinances or other City ordinance.

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(b) Proceedings before the Municipal Court Judge are conducted by warrant of arrest in the name of the City or by summons, except in the event of contempt of court, or when an offense for which the Municipal Court Judge has jurisdiction is committed in the presence of said judge or a City police officer. In this event, either the judge or the officer may apprehend or cause the offender to be apprehended.

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

171.05 FAILURE OF ACCUSED PERSON TO APPEAR FOR TRIAL

(a) If a warrant or summons is executed and returned, and the accused person fails to appear within one hour after the time designated for the trial, the case may proceed to be heard and determined as if the accused were present.

(b) After hearing the evidence, and at their sole discretion, the Municipal Court Judge may issue an order for an officer to arrest the accused person and bring that individual to the court at a designated time to hear judgment in the case.

171.06 CONTINUANCES

Continuances may be granted as justice requires.

(a) If a continuance is granted at the request of the accused, they may be required to enter into a recognizance, payable to the City, with approved security, in a sum determined by the Municipal Court Judge. This continuance is conditional upon the individual appearing at the time and place named in the order of continuance to answer further as to the alleged offense. Failing compliance, the accused may be committed to jail until a hearing may be resumed, but such imprisonment shall not continue longer than five days.

(b) If the continuance is requested by a person other than the accused, the accused may be allowed to depart until the time appointed for the trial upon entering into recognizance, payable and conditioned as in Section 171.0G(a). The requirement for entering into recognizance may be waived at the discretion of Municipal Court Judge.

(c) In the case of default in any provision of recognizance, such default will be noted on the docket. Additionally, in the event that full payment of security is not made, an action in the name of the City may be made in any court of competent jurisdiction to recover the amount of the penalty against the accused and any additional surety.

171.07 JUDGMENT OF GUILTY INCLUDES JUDGMENT FOR COSTS

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

(a) Fine(s) as directed by City Charter and West Virginia Code,

(b) Any costs incurred by the City, including the police department

(c) Hearing costs of $50

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

(a) A $25 administrative processing fee shall be paid at the time the payment form is filed or, in the alternative, the fee may be paid in no more than five equal monthly payments.

(b) The payment plan shall specify: (A) The number of payments to be made; (B) the dates on which such payments are due; (C) the amount due for each payment; (D) all acceptable payment methods; and (E) the circumstances under which the person may receive a late fee, have a judgment lien recorded against them, or have the debt sent to collections for nonpayment.

(c) The monthly payment under the payment plan shall be calculated based upon all costs, fines, forfeitures, restitution, or penalties owed within the court, and shall be two percent of the person's annual income divided by 12, or $10, whichever is greater: Provided, That if this calculation results in a payment plan lasting more than three years, the monthly payments shall be set by dividing the total amount owed by 36.

(d) The clerk may assess a $10 late fee each month if a person fails to comply with the terms of a payment plan, and if any payment due is not received within 30 days after the due date, and the person:

(i) Is not incarcerated;

(ii) Has not brought the account current;

(iii) Has not made alternative payment arrangements with the court; or

(iv) Has not entered into a revised payment plan with the clerk before the due date.

(e) If, after 90 days, a payment has not been received, the clerk may consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to§ 14-1-18c of W. Va State code. The clerk may send notices, electronically or by U.S. mail, to remind the person of an upcoming or missed payment.

(f) If after 180 days of a judgment a person fails to enroll in a payment plan and fails to pay his or her costs, fines, forfeitures, restitution, or penalties, the clerk may assess a $10 late fee and shall notify the person of the following:

(i) That he or she is 180 days past due in the payment of costs, fines, forfeitures, restitution, or penalties imposed pursuant to a judgment of the court;

(ii) That he or she has failed to enroll in a payment plan;

(iii) Whether a $10 late fee has been assessed; and

(iv) That he or she may have his or her debt sent to a collection agency if the overdue payment of costs, fines, forfeitures, restitution, or penalties is not resolved within 30 days of the date of the notice issued pursuant to this subsection.

(g) If after 30 days from the issuance of a notice pursuant to subdivision (f) of this subsection, a payment has not been received, the clerk may consign the delinquent costs, fines, forfeitures, restitution, or penalties to a debt collection agency contained on the Tax Commissioner's list of eligible debt collection agencies established and maintained pursuant to§ 14-1-18c of W. Va. State code.

(h) If a person charged with a criminal offense fails to appear or otherwise respond in court after having received notice to do so, the court shall notify the Division of Motor Vehicles thereof

within 15 days of the scheduled date to appear unless such person sooner appears or otherwise responds in court to the satisfaction of the court. Upon such notice, the Division of Motor Vehicles shall suspend the person's driver's license or privilege to operate a motor vehicle in this state until such time that the person appears as required.

171.09 PAYMENT OF COURT COSTS

(a) If the Municipal Court Judge rules in favor of the person accused, the accused may recover their related costs. In this event, the Judge will direct the City to remit payment to the acquitted party. The judge may also require the City to reimburse the court for any witness fees and any other applicable fees as may be required by state or local statute.

(b) If the Municipal Court Judge rules against the person accused and the costs incurred by the City cannot be collected from them, they shall also be reported by the Municipal Court Judge to the City Manager for payment. The Judge may also require the City to reimburse the court for any witness fees and any other applicable fees as may be required by state or local statute.

171.10 SUSPENSION OF EXECUTION OF JUDGMENT

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

171.11 APPEALS

(a) Every person sentenced under this article by the Municipal Court Judge to imprisonment or to the payment of a fine of ten dollars ($10.00) or more shall be allowed an appeal de novo to the County Circuit Court, with the condition that the person appealing will enter into an appeal bond with surety equal to all ordered fines, fees, and costs and abide by any judgment rendered by County Circuit Court.

(b) Any such appeal must be perfected no later than twenty business days from the date after which the sentence is imposed.

(c) If such appeal is taken, the appeal bond and supporting documentation in the case shall be promptly delivered by the City to the Clerk of the Court to which such appeal is taken. If the judgement be against the accused, it shall include the costs incurred in the proceedings before the Municipal Court Judge as well as in the appellate Court.

171.12 CONTEMPT OF COURT

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

(a) Contemptuous or insolent behavior toward the Judge while engaged in a trial or judicial proceeding;

(b) Any breach of the peace or willful disturbance in the presence of the Judge or so near as to obstruct or interrupt a trial or judicial proceeding;

(c) Violence or threats of violence to the Judge or any party traveling to, attending, or returning from any judicial proceeding

(d) before the Court which is intended to obstruct, interrupt, or influence such a proceeding;

(e) Flagrant misbehavior of any officer of the City acting in their official capacity with respect to any action, judicial proceeding, or order of the Court;

(f) Willful resistance by any party to any lawful process or order of the Court. The Judge may, if necessary, issue a warrant of arrest for such person, who shall be given an opportunity to be heard.

In the event such person is found guilty of contempt, the person shall be fined not more than fifty dollars ($50.00) for the first offense. For a second offense pertaining to the same matter the person shall be fined

not more than one hundred dollars ($100.00). For the third or any subsequent offense pertaining to the same matter the person shall be fined not more than one hundred dollars ($100.00), or imprisoned not more than ten days, or both. An appeal to the Circuit Court of such conviction shall conform to section 171.11.

171.13 JURY TRIALS

Only a defendant who has been charged with an offense for which a period of confinement in jail may be imposed is entitled to a trial by jury. If a municipal court judge determines, upon demand of a defendant, to conduct a trial by jury in a criminal matter, it shall follow the procedures set forth in the rules of criminal procedure for magistrate courts promulgated by the Supreme Court of Appeals, except that the jury in municipal court shall consist of twelve members.

171.14 COMMUNITY SERVICE IN LIEU OF FINE PAYMENT

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

(a) The minimum wage established by the prevailing federal minimum wage in effect at the time sentencing is imposed shall be used to compute the amount of community service work necessary to extinguish the fine.

(b) The time period for completion of community service shall be set at the discretion of the municipal judge.

(c) At the discretion of the court, the sentence credits may run concurrently or consecutively.

(d) Any community service ordered under this section shall be performed for government entities or charitable or nonprofit entities.

(e) It is the responsibility of the convicted party to arrange the community service with a government entity or an approved 501c3 organization in Charles Town. A list of approved entities is available from City Hall.

(f) Such arrangements must be made, in writing, with the Court Clerk, within 30 days of the conviction. The convicted party must abide by all of the responsibilities and requirements laid out on the Community Service Agreement.

(g) The individual so sentenced will be supervised by the Chief of Police or their designee. The hours worked will be reported in writing to the Court Clerk.

(h) If safe and practicable, it is preferred that the scope of community service activities serve to recompense the community and offset the damage to property and well-being caused by the convicted party.

(i) Fees and court costs will still be assessed against the convicted party and must be paid at the time of conviction. Only the fine can be commuted via community service.

(j) Failure to complete the full amount of community service in the allotted time will result in the remaining balance still owed by the convicted party to the City of Charles Town and must be paid upon the expiration of the community service term.

171.15 SEVERABILITV

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-954: Staff Update: Draft Mobile Food Truck Ordinance

ATTACHMENTS:
- 1. Report.pdf

Text Amendment Staff Report
Mobile Food Vendors
TXA2023-01

Date: For the November 6, 2023 City Council meeting
Applicant: City of Charles Town
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Subdivision and Land Development Ordinance Text Amendment

OVERVIEW

Mobile food vendors are not listed in Zoning Ordinance *Table 1322.04 Zoning District Use Table* as a permitted use, and are not currently allowed in the City except by Special Event permit. This text amendment will add conditions for mobile food trucks to the City's Zoning Ordinance. The proposed language will be inserted into the Zoning Ordinance Article 1323 *Supplemental Regulations* as entry (L).

PROPOSED TEXT

(L) Mobile Food Vendor

In addition to the other applicable requirements of the City of Charles Town, Mobile Food Vendors shall also be governed by the following provisions:

1. **General Guidelines**
   a. Mobile Food Vendors shall only operate during specified hours of 7am to 7pm, Monday-Sunday. Food trucks are permitted to operate at different hours from these, subject to approval of a Special Activity Permit.

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

   c. In order to operate in the City of Charles Town, Mobile Food Vendors:
      (1) Shall obtain all applicable health department and State Fire Marshal permit(s) before applying for a City Business License and Mobile Food Vendor Application.
      (2) May not operate until all approvals are obtained through the City of Charles Town.
      (3) Shall keep their Health Permit and Business License in plain sight for the public to view.

   d. Food trucks are not permitted to set up seating, tents, or other items in such a manner as to negatively impact public safety. Sidewalks, handicap parking spaces, access ramps and stairs, and building entrances and exits, may not be blocked or have access impaired by a mobile food vendor. Sidewalks shall be considered blocked if there are 4 feet or less of room for passage.

   e. Any electricity generators required for a Mobile Food Vendors located in the public right-of-way shall be self-contained and self-provided. Vendors shall not draw on

public utilities from a public source without written authorization from the City. No utility cable shall be extended on or across any City street or sidewalk.

2. Location

a. Mobile Food Vendors are only permitted to operate in the locations as designated by the Zoning Ordinance or City Council. Spaces are not reserved for specific vendors.

b. Within the public right-of-way, mobile food vendors may only locate in parking spaces along the 100 block of N. Charles Street, the 100 block of N. Samuel Street, and the 100 block of S. Samuel Street.

c. Parking a mobile vending unit on private commercially zoned property is permitted if notarized written permission is given from property owner, and such authorization is included with the application.

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

e. A Mobile Food Vendor is not permitted to park:
   (1) Within 15 feet of any bus stop zone,
   (2) Within 15 feet of a pedestrian crosswalk or intersection,
   (3) Within 15 feet of a handicapped parking space.,
   (4) Within any loading zone or other area where vehicles are prohibited to park.
   (5) Within the public right-of-way in any residential zoning district in the City of Charles Town when not in use.
   (6) Additionally, it is not permitted to be parked on any street of Charles Town when not in use in accordance with these regulations.

3. Advertisement and Signage

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

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

4. Noise

a. No Mobile Food Vendors shall make or cause to be made any unreasonable or excessive noise. No amplified music or announcements are permitted.

b. All generators must operate at a level of sixty-five (65) decibels or lower when measured from a distance of fifteen (15) feet.

5. Waste Material Disposal

a. All waste shall be removed and disposed of daily by the Mobile Food Vendor.

b. No liquid or solid waste may be discharged from the Mobile Food Unit.

c. Public trash receptacles shall not be used for disposal of waste that is directly generated by the Mobile Food Unit, such as grease, food scraps, food packaging material, and other waste products.
d. Receptacles for the disposal of waste materials or other litter must be provided for customers.

6. **Approval Process:**
   a. The Zoning Administrator shall approve the issuance of a Mobile Food Vending License only if the application is complete, complies with the requirements of this Ordinance, including applicable Health Department approvals, City Business License and provided the application is accompanied by the required fee.

7. **Fees**:
   a. An application fee shall accompany each application. See the City of Charles Town Fee Schedule for the amount.

DEFINITION

Proposed amendment to Zoning Ordinance Article 1325 *Definitions*, would define the use as:

MOBILE FOOD VENDOR – A food service establishment that is self-propelled or otherwise designated to be movable from place to place, including but not limited to a licensed, motorized vehicle, mobile kitchen, cart, stand, or tent, and which operates temporarily on a premise where food items are sold to the general public.

PROCESS

The Council should direct the Planning Commission to hold a new public hearing on this item, after which it would come to Council for another public hearing.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-953: Rezoning Request: ZMA2023-01 Vinton-Hayes. Request to rezone property to Residential Medium-High Density (R15)

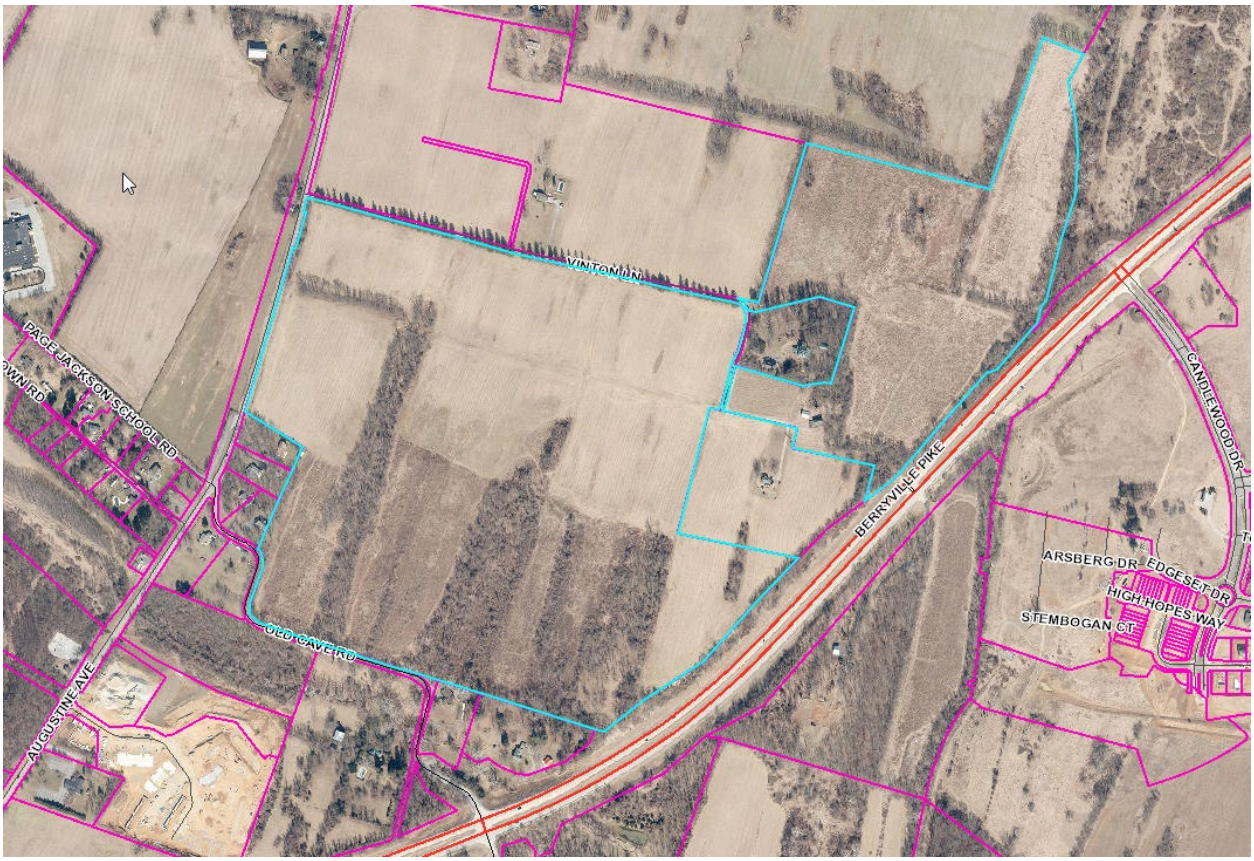
ATTACHMENTS:

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Site.pdf
- 4. Original Conditions of Annexation.pdf
- 5. Original hayes concept-drawing.pdf
- 6. COA Revised.pdf

Rezoning Review

ZMA2023-01

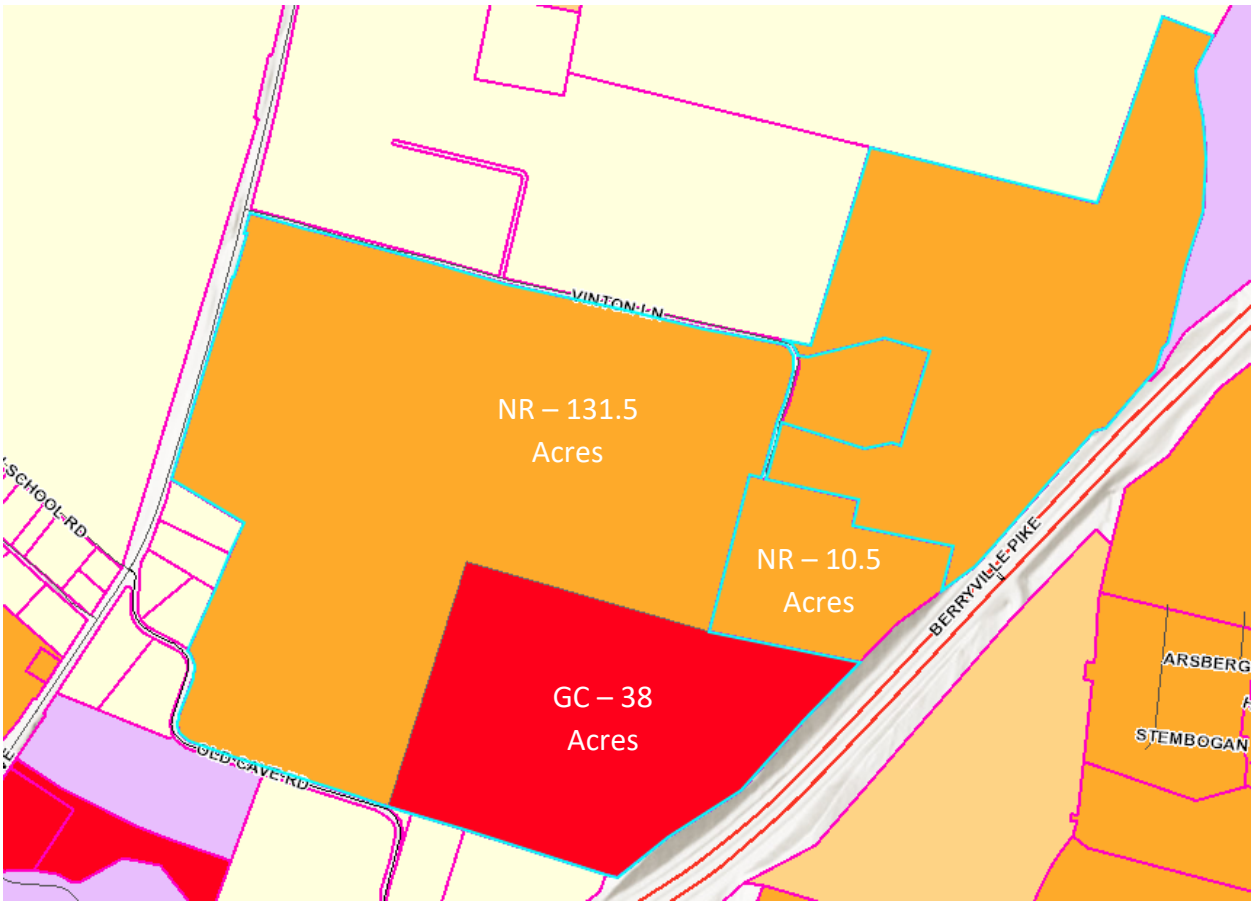
Date: For the November 6, 2023 City Council meeting
Applicant: Elm Street Communities LLC
Property Owner: HAYES ROSCOE A ET AL
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Rezoning to Residential Medium-High Density (R-15)
Property Location: TD 03 / Map: 12 / Pcls 217 & 218.
Current Zoning: Neighborhood Residential (NR) and General Commercial



PROJECT OVERVIEW

Request by Elm Street Communities LLC to rezone approximately 180 acres of land on two parcels from Neighborhood Residential and General Commercial to Residential Medium-High Density. The applicant seeks to build single-family and townhome dwelling units on the property.

CURRENT ZONING



The property is split into two zoning districts. The orange is Neighborhood Residential. And the red is General Commercial. The property is approximately 180 acres in size; General Commercial zoning covers approximately 38 acres of the site. There are no metes and bounds which accurately describe the borders of those districts on-site.

PLANNING COMMISSION

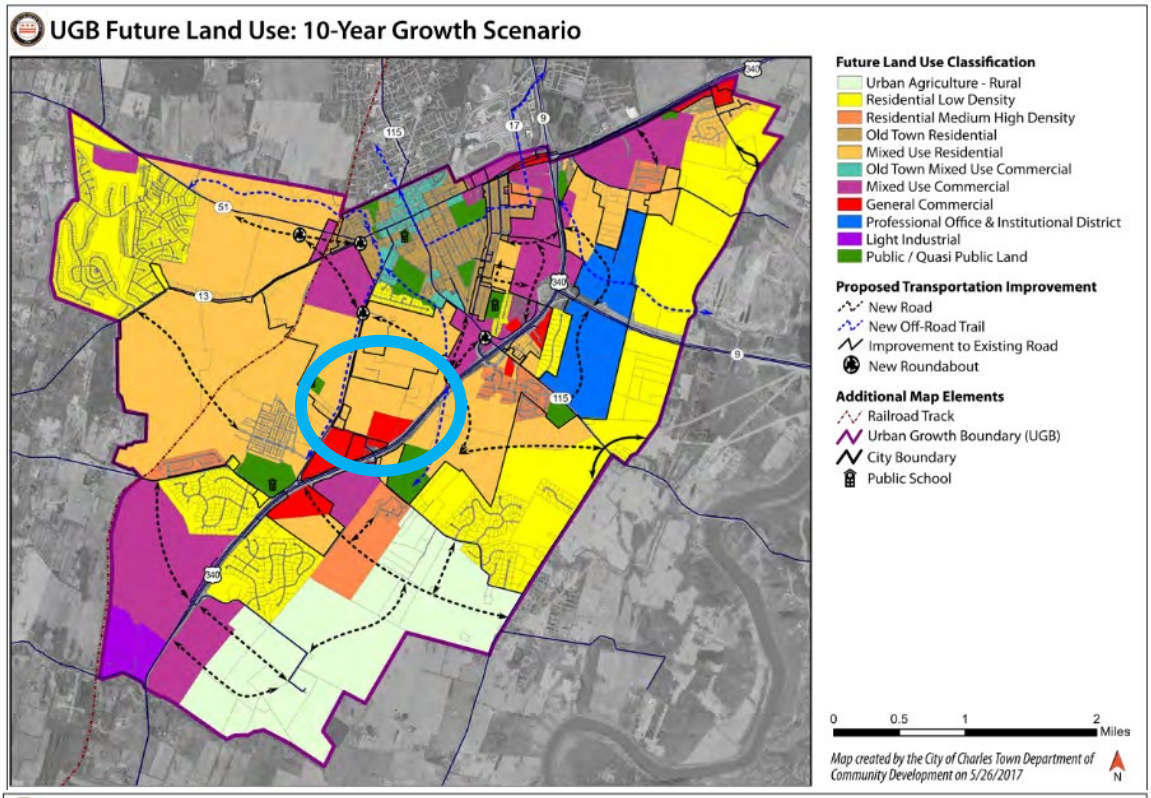
The Planning Commission reviewed this item at a public hearing during their September 25, 2023 meeting. The Commission discussed the requirements of the Conditions of Annexation approved by the City Council early 2023. Those Conditions required the property to first be rezoned the Urban Reserve, and after that another rezoning application could proceed. The applicant stated that they were aware of the requirement for Urban Reserve rezoning to come first but operated with the understanding that if a viable project came along then the Urban Reserve zoning would not be needed.

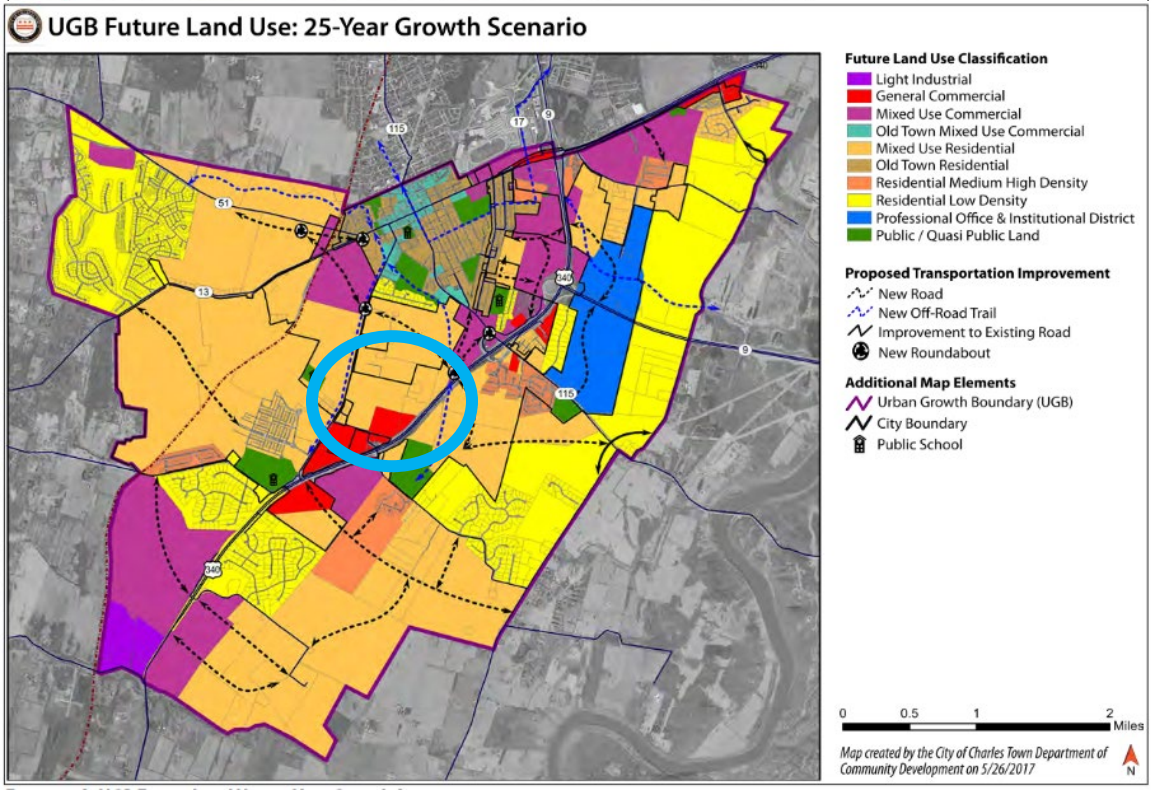
Two members of the public spoke against the rezoning, with concerns focused on traffic, impact on ground water, and storm water runoff.

The Commission voted unanimously to recommend Urban Reserve zoning for both parcels.

COMPREHENSIVE PLAN

The 2040 Comprehensive Plan designates this property as Mixed-Use Residential and General Commercial. The property is circled in blue below:





The Comprehensive Plan defines Mixed-Use Residential Future Land Use as:

> Categories are intended to **provide for a mix of housing types and sizes** (e.g. tiny houses), **as well as related services and uses**, **including** compatible and supporting **commercial** uses **and office** services. Regarding the mixing of uses, **residential uses are predominate and non-residential uses are secondary**, supporting the needs of the residential uses. Areas classified as Mixed Use Residential are a continuation of Charles Town's existing zoning category of Neighborhood Residential District and by extension, the non-residential uses would be similar to that of the Neighborhood Commercial zoning category. The Future Land Use Map envisions a higher intensity and density of uses oriented near Downtown to provide for greater walkability, accessibility, and mobility between Downtown commerce and surrounding neighborhoods.
>
> *-Comprehensive Plan page 72*

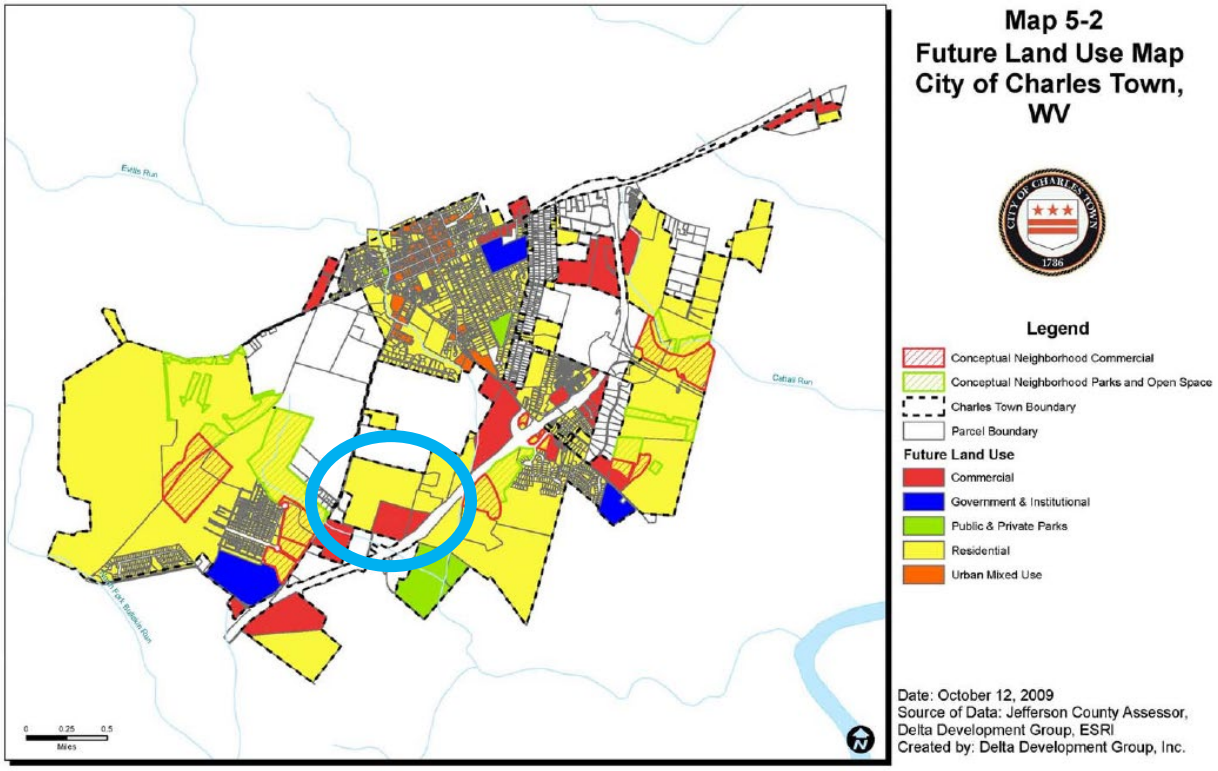
The Comprehensive Plan defines General Commercial as:

> The purpose of the General Commercial Future Land Use classification is to provide locations for **businesses of a more general nature** that may not be found in a neighborhood and can be served with adequate water, sewer, gas, and electric service. The businesses proposed in this Comprehensive Plan update include **retail, wholesale, and some light processing operations**. These uses tend to be very **auto centric**. It will be important for the Charles Town community (residents, visitors, and investors alike) to strongly consider the City's small town, historical significance of building and site design. New commercial development should strongly consider and be encouraged to deliver commercial products that uphold the City's small town and historical character and encourage walkable communities.
>
> *-Comprehensive Plan page 75*

The current Comprehensive Plan was adopted in 2018; the version prior to that was adopted in 2010. The 2010 future land use map for this area can be seen on the next page.

The 2010 Comprehensive Plan future land use map has the same general land use designations for these properties as the current Plan. This appears to be based on the prior Conditions of Annexation (COA) and its attendant land use sketch.

2010 Future Land Use Map



URBAN RESERVE

The Urban Reserve (UR) District is the zoning classification which is applied to annexed parcels upon approval and assignment into the City's jurisdiction. The UR District is a temporary holding district meant to accommodate existing Uses until the most appropriate zoning classification is enacted through the zoning amendment provisions.

ECONOMIC DEVELOPMENT

Council has expressed a desire to enhance economic development opportunities. This is espoused in the *Vision and Goals* of the Comprehensive Plan, text amendments to allow for additional commercial uses in the NR zoning district, tax incentives, and text amendments to commercial pad site development requirements. While the applicant's proposed plan of development shows a commercial area, there are no permitted commercial uses in R15.

CONDITIONS OF ANNEXATION

The property was subject to COA that anticipated a mixed-use development centered around a hospital complex. The original COA was signed off by then Mayor Smith in January 2007. In early 2023 that COA was dissolved by mutual agreement of the City and the property owners.

REZONING CRITERIA

Per Zoning Ordinance Section 1321.12, zoning amendments may be approved if:

City Council, with the advice of the Planning Commission, finds either that the amendment is consistent with the City's Comprehensive Plan, or that the amendment is not consistent with the Comprehensive Plan but that there have been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comprehensive Plan was adopted and that such major changes have substantially altered the basic characteristics of the area.

1. *Is the zoning amendment consistent with the Comprehensive Plan?*

   Partially. The rezoning of the properties to R15 is in keeping with the Comprehensive Plan for a mixture of housing types, but no commercial zoning is proposed. Commercial uses are not permitted in R15 zoning.

2. *Have been major changes of an economic, physical, or social nature within the area involved that were not anticipated when the Comprehensive Plan was adopted and that such major changes have substantially altered the basic characteristics of the area?*

   Yes. The development of this parcel as a residential periphery around a hospital/commercial subject to a set of specific conditions and development ideas was deemed unviable after 17 years of no development, and the COA was nullified.

ZONING REVIEW

The applicant is seeking R15 zoning, the purpose of which is "*to provide for locations for moderate and high density residential development through a variety of housing types*".

Density in this zoning district is set at 15 units an acre. Single-family homes must be on lots of at least 10,000 sq. ft., and townhomes must be on lots of at least 2,000 sq. ft.

DEVELOPMENT PROCESS

A major subdivision application will be required in order to develop this property. That application will entail additional staff review and public hearings separate from the rezoning process.

ZONING DISTRICT COMPARISON

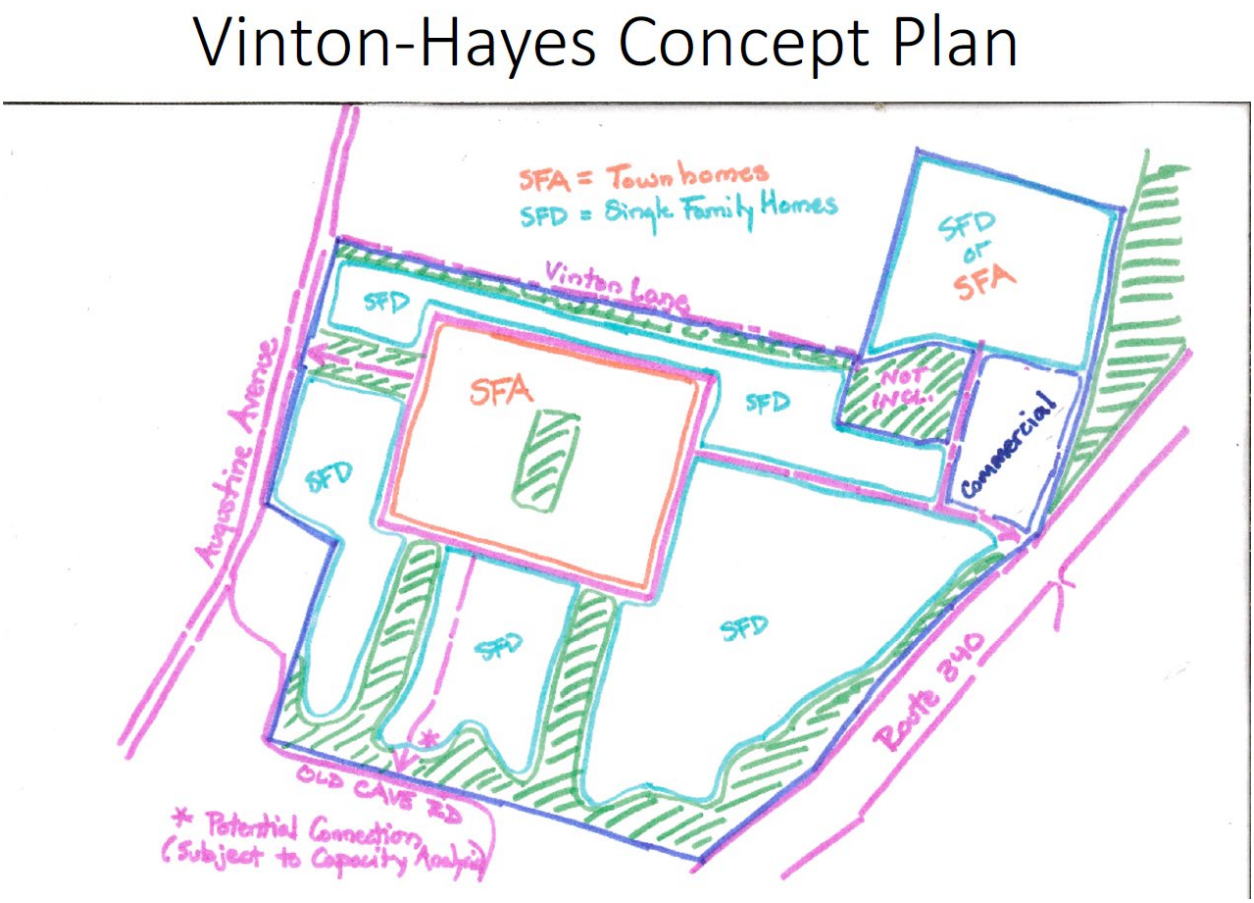
The applicant is seeking to rezone the entirety of the property to R15 to build a mixture of single-family detached and townhome units. Both of these dwelling types are permitted by-right in:

1. Residential Medium-High Density (R15)
2. Neighborhood Residential (NR)
3. Neighborhood Commercial (NC)
4. Old Town Mixed Use Commercial (OT-MUC)

The NC zoning district allows townhomes but has a minimum lot size of 6,000 sq. ft. compared to 2,000 sq. ft. in the R15 and NR zoning districts. OT-MUC is intended for the City's historic core, and not suitable for this undeveloped tract outside of downtown.

R15 is the applicant's proposed zoning district, but it does not allow for any commercial uses. The NR district allows for townhomes with a minimal lot size of 2,000 sq. ft., but requires that 50% of the property be used for residential, 10% be set aside as Open Space, and at least 10% be comprised of neighborhood commercial uses.

PROPOSED DEVELOPMENT CONCEPT PLAN



CONCLUSION

The applicant is proposing to rezone 180 acres of land to create a housing development with R15 zoning. The Comprehensive Plan calls for a mixture of residential and commercial zoning on the properties. City Council has expressed a desire to preserve existing commercially zoned land.

RECOMMENDATION

Denial. Due to the requirements of the Conditions of Annexation, the request for Residential Medium-High Density should be denied, and the applicant should seek to rezone the property to Urban Reserve.

Petition No._____

RECEIVED
AUG 1 2023
BY:_____

PETITION FOR ZONING AMENDMENT

ZONING ORDINANCE SECTION 1321.12, ZONING AMENDMENTS

Zoning amendment petitions shall provide the following information:

1. Date July 26, 2023

2. APPLICANT'S NAME* Elm Street Communities, Inc.

   Address: 1355 Beverly Road, Suite 240 McLean, VA 22101

   Telephone Number (703)734-9730 Fax Number (703)734-0322

   Email Address jperry@elmstreetdev.com

3. PROPERTY OWNER'S NAME Hayes Roscoe A. et al See attachment.

   Address: 245 Vinton Lane, Charles Town, WV 25414

   Telephone Number (304)671-1078 Fax Number ( )

   Email Address roscoeahayes@yahoo.com

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

   Property Address: 245 Vinton Lane

   Tax Map # and Parcel(s): Map 12, Parcels 0217 and 0218

   Deed Book and Page: 1250/338

   Property Area in Square Feet or Acres: 180.11 Acres

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

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

See Attached plan

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

Subdivision of the property and development into a residential subdivision under the R-15 zone.

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

The property is currently Zoned for Neighborhood Residential (NR) and General Commercial (GC).

The property currently has one residence, farm outbuildings, fallow fields, and wooded areas. Prior use is agricultural.

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

The property will be subdivided and developed into a residential subdivision under the Residential Medium-High Density (R-15) zone to provide a mix of single family detached and attached homes.

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

The Property is Bordered on the East by Route 340 and adjacent Neighborhood Residential. It is bordered on the North, South and West by residential land and an Elementary school. The property is within the Urban Growth Boundary of the Comprehensive Plan. The majority of the site is planned for Residential Medium High Density.

10. TIME SCHEDULE FOR DEVELOPMENT: (AS APPLICABLE)

Once the property is rezoned, a Sketch Plan will be submitted followed by a Preliminary Plat and Guarantee of Improvements, followed by land development. The first phase will begin in 2025. The project will be built in several phases and overall is expected to be a 5-10 year project.

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

Application No.	Project Name and Phase	Status	Approval Date
No pending applications			

12. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE: (including across street) (Interested parties are defined as adjacent properties within 100 feet).

Owner	# and Street	City, State, Zip
See Attached Spreadsheet		

NOTES

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

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

APPLICANT'S CERTIFICATION

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

Signature of Applicant

_____ Date 7/26/23

Signature of Owner(s) (If different than Applicant) (See attached for additional owner signatures)

R.A. Hayes Date 7/24/23

Please submit an original completed petition to the following:

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

FOR CITY USE ONLY

Application Number:_____ Date Petition Received:_____

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

City Council Approval:_____ Date:_____

Comments:_____

_____

_____

_____

_____

#3 Property Owners Continued

NAME:	Alice M. Spickler and Donald Spickler Co-Trustees of the Alice M. Spickler Living Trust
Address:	4041 Fairway Drive, Medina, OH 44256
Email Address:	omnirph@zoominternet.net and im4wvu@zoominternet.net
Phone:	_____
NAME:	Joseph R. Gallo
Address:	80 Ridgewood Road, Unit 205, Township of Washington, NJ 07676
Email Address:	joseph.r.gallo@gmail.com
Phone:	201-289-0387

#3 Property Owners Continued

NAME:	Alice M. Spickler and Donald Spickler Co-Trustees of the Alice M. Spickler Living Trust
Address:	4041 Fairway Drive, Medina, OH 44256
Email Address:	omnirph@zoominternet.net and im4wvu@zoominternet.net
Phone:	330-421-6476 330-421-6475
NAME:	Joseph R. Gallo
Address:	80 Ridgewood Road, Unit 205, Township of Washington, NJ 07676
Email Address:	joseph.r.gallo@gmail.com
Phone:	_____

APPLICANT'S CERTIFICATION Continued

Signature of Owners

Alice M. Spickler

Date _____

Donald Spickler

Date _____

Joseph R. Gallo 

Date July 22, 2023

APPLICANT'S CERTIFICATION Continued

Signature of Owners

Alice M. Spickler

Date 7/22/23

Donald Spickler

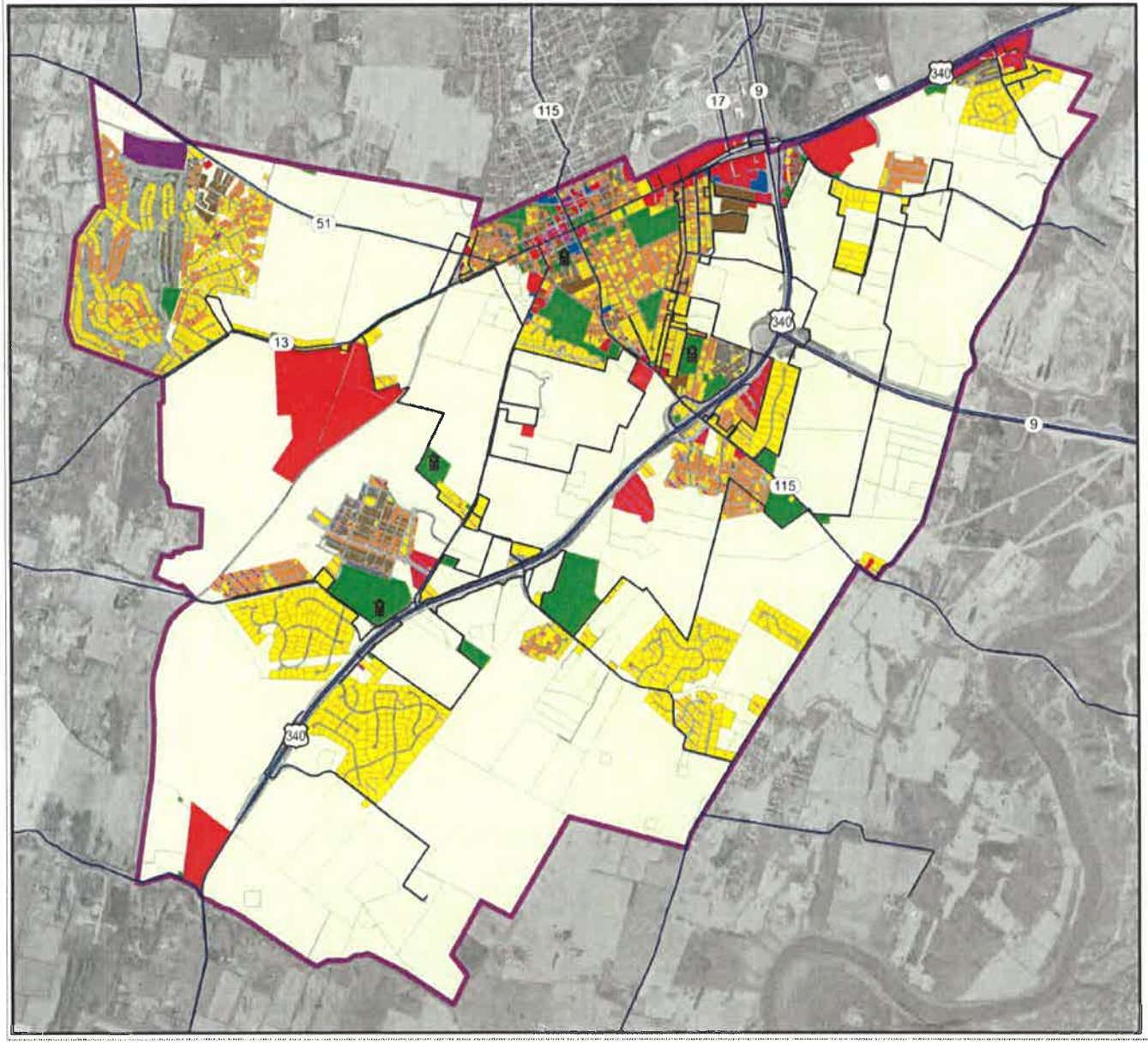
Date 7/22/23

Joseph R. Gallo

Date _____

Owner	Street	City State Zip	Owner Address	
PERRY ROGER J ET AL	1028 AUGUSTINE AVE	Charles Town WV 25414		
HAYES ROSCOE A & ROSEMARIE	245 VINTON LN	Charles Town WV 25414		
HAYES ROSCOE A ET AL	632 VINTON LN	Charles Town WV 25414		
SMITH RICHARD & ERIN	446 VINTON LN	Charles Town WV 25414		
PUSTER HARRY L ET AL	228 CASSILIS LN	Charles Town WV 25415		
ROMAN CATHOLIC DIOCESES OF WHEELING-CHARLESTON	BERRYVILLE PIKE	Charles Town WV 25416	1300 BYRON ST	WHEELING WV 26003
ARCADIA LAND INC	282 CANDLEWOOD DR.	Charles Town WV 25417		
BISHOP BRAD	BERRYVILLE PK	Charles Town WV 25418	55 FRASER CT	Charles Town WV 25414
CLINE ROBERT D JR & LISA E VIANDS-CLINE	1644 OLD CAVE RD	Charles Town WV 25419		
DAILEY ROGER H SR & EVELYN I	1854 OLD CAVE RD	Charles Town WV 25420		
FRAYSIER RICHARD H & CHARLENE A	1900 OLD CAVE RD	Charles Town WV 25421		
ATHEY GEORGE F & CATHERINE W	1865 OLD CAVE RD	Charles Town WV 25422		
WASHINGTON LANDING PARK LLC	OLD CAVE RD	Charles Town WV 25423	1821 AVON ST	CHARLOTTESVILLE VA 22902
KERNS ROBERT J JR & LISA D	2235 OLD CAVE RD	Charles Town WV 25424		
WYSONG KAREN L	2180 OLD CAVE RD	Charles Town WV 25425		
CRIM PATRICIA R & LOWELL KEITH	1445 AUGUSTINE AVE	Charles Town WV 25426		
BEAN VICTORIA & ETHAN SCHWARTZ	1441 AUGUSTINE AVE	Charles Town WV 25427		

UGB Existing Land Use



Existing Land Use Classifications

- Industrial
- Industrial Vacant
- Commercial
- Commercial Vacant
- Office Building
- Mixed Residential / Commercial
- High Density Residential
- High Density Residential Vacant
- Medium Density Residential
- Medium Density Residential Vacant
- Low Density Residential
- Low Density Residential Vacant
- Rural / Agriculture
- Golf Course
- Public / Quasi Public Land

Additional Map Elements

- Urban Growth Boundary (UGB)
- City Boundary
- Public School

0 0.5 1 2 Miles

Map created by the City of Charles Town Department of Community Development on 11/2/2016

N

Figure 18: UGB Existing Land Use

Sources: City of Charles Town, 2016 and Jefferson County GIS, 2016

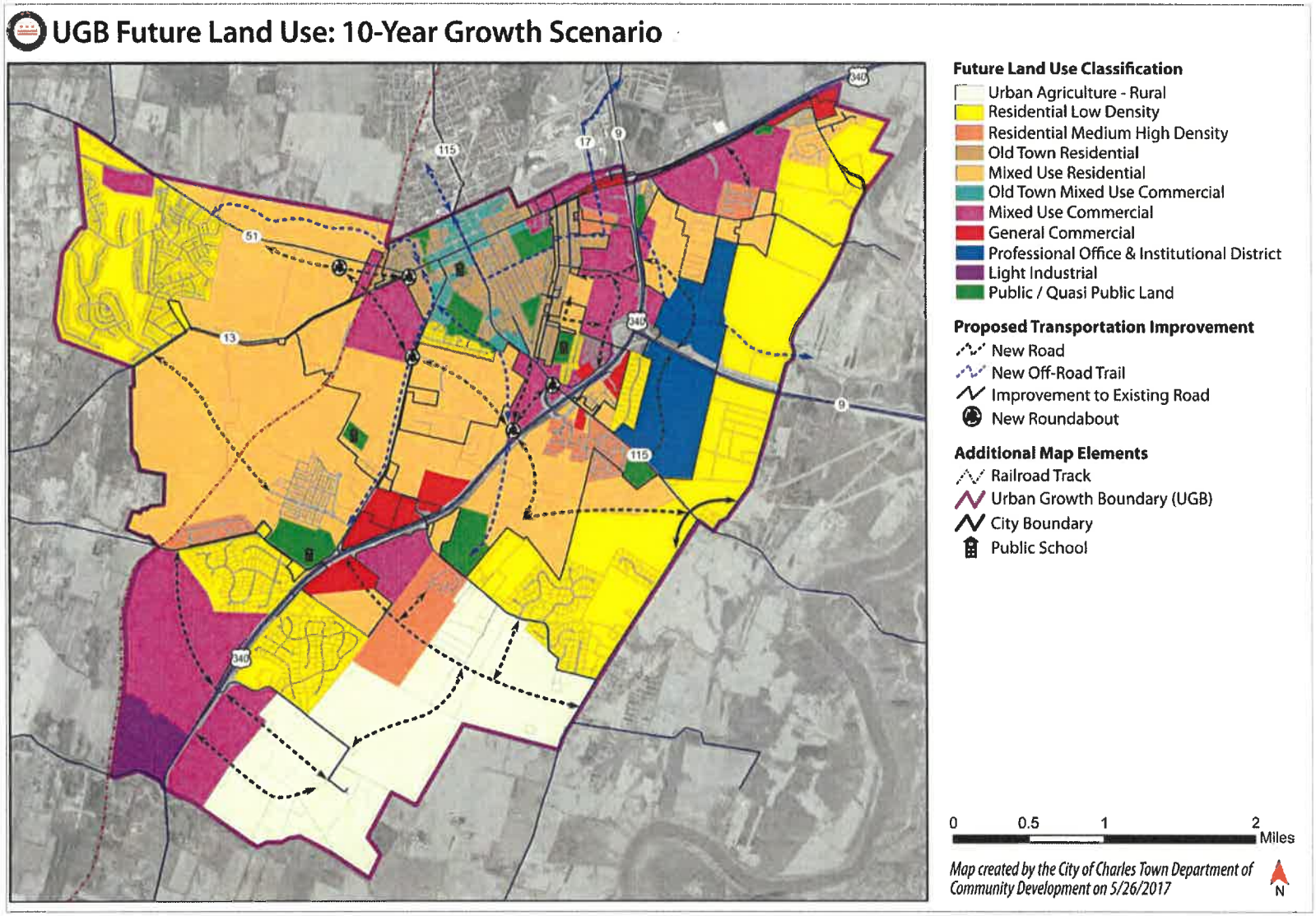
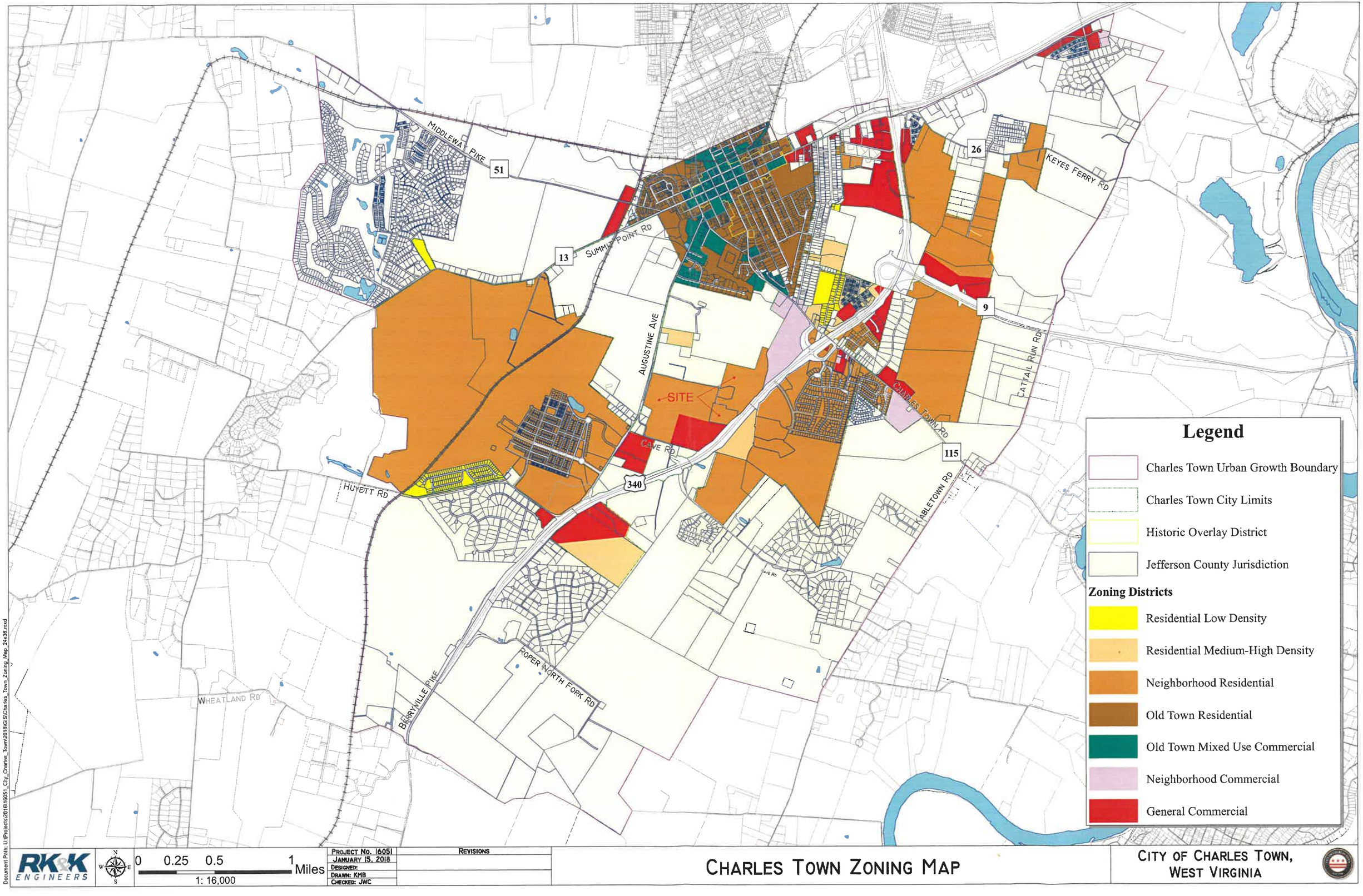


Figure 28A: UGB Future Land Use 10-Year Growth Scenario
Sources: City of Charles Town, 2016

RECEIVED
AUG 1 2023
BY:


CHARLES TOWN
DISTRICT
CORPORATION
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PROJECT No. 16051	REVISIONS
JANUARY 15, 2018	
DESIGNED:	
DRAWN: KMB	
CHECKED: JWC	

CHARLES TOWN ZONING MAP

CITY OF CHARLES TOWN, WEST VIRGINIA

HAYES PROPERTY
CONDITIONS OF ANNEXATION

Rolfe G. Hayes and Ahmad H. Abdul-Baki (collectively the "Owners"), owners of the land identified on the tax map of Jefferson County, West Virginia as Parcels 6, 6.2 and 6.3 in the Charles Town District (the "Property") hereby agree to the following conditions of annexation, contingent upon approval by the City of Charles Town (the "City") of the annexation of the Property into the municipal boundaries of the City of Charles Town. These conditions of annexation are contingent upon and shall not be binding unless and until the Property is annexed into the municipal boundaries of the City of Charles Town and the City of Charles Town approves the zoning classifications with clarifications and additions specified in paragraph I.B below.

I. PLANNING & ZONING COMPLIANCE

A. Comprehensive Plan

The final development design shall be in general conformance with Exhibit 1 - Hayes Property Annexation Concept Plan dated August 15, 2006 and prepared by EDSA (the "Annexation Concept Plan").

B. Urban Zoning

Upon annexation, the City shall zone the Property Neighborhood Residential (NR), General Commercial (GC), and Residential Multi-Family (RM), as generally depicted on Exhibit 1, in accordance with the City of Charles Town Zoning Ordinance with the clarifications and additions specified below.

To permit construction of a hospital and related uses in the General Commercial (GC) District and innovative residential units in the Residential Multi-Family (RM) and Neighborhood Residential (NR) districts, the City shall approve the following clarifications and additions to the zoning regulations as they apply to the Property:

1. **General Commercial (GC) District –**

   a. Hospital and related medical uses and professional offices shall be a permitted use.

   b. One or more hospital buildings of up to eight stories and up to one hundred twenty feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

c. Medical and professional office buildings of up to four stories and up to fifty-five feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

2. **Neighborhood Residential (NR) District –**

a. Residential units of four stories and up to fifty-five feet in height and residential units of three stories and up to forty-five feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

b. The minimum lot width for townhomes shall be sixteen feet.

c. The minimum lot area for townhomes shall be 1,000 square feet for rear load integral garage townhomes, provided that for each such 1,000 square foot lot there shall be 1,000 square feet of community open space provided within walking distance in excess of the minimum open space required under the zoning ordinance.

d. No more than twenty-five percent of the dwelling units constructed on the Property shall be rear load integral garage townhomes.

d. The minimum lot area for townhomes other than rear load integral garage townhomes shall be 1,600 square feet.

e. There shall be no minimum lot area for townhome blocks.

f. The minimum front yard setback shall be twenty-five feet from edge of pavement.

g. The minimum rear yard setback shall be five feet for rear load integral garage townhomes.

h. Encroachment within the front yard setback shall be permitted up to 30%.

i. The maximum impermeable site coverage per lot shall be 100% for rear load integral garage townhomes.

j. The minimum street pavement width for two travel lanes, excluding on-street parking, shall be twenty-two feet.

k. Townhome portions of the development shall be permitted to have an area of less than five acres.

l. Townhome portions of the development shall be permitted at a maximum density of sixteen dwelling units per acre.

m. Alleys may provide lot access and satisfy road frontage requirements when lots served by those alleys front on open space.

3. **Residential Multi-Family (RM) District** –

a. Residential units of four stories and up to fifty-five feet in height shall be permitted. Height shall be measured from the mid point along the main roof plane between the ridge and the gutter line (eave) to the average grade measured at the four corners of the building footprint.

b. The minimum lot width per dwelling unit shall be sixteen feet.

c. There shall be no minimum lot area for residential multi-family blocks.

d. The maximum impermeable site coverage shall be 100% for individual condominium units.

e. The minimum street pavement width for two travel lanes, excluding on-street parking, shall be twenty-two feet.

f. Alleys may provide lot access and satisfy road frontage requirements when lots served by those alleys front on open space.

g. Gross density shall be permitted up to twenty dwelling units per acre.

Any other clarifications, additions or modifications to the zoning regulations that may be required to develop the Property in accordance with the Annexation Concept Plan and to yield 950 residential units shall be reviewed by the City of Charles Town.

C. Contiguous Location

The subject property is contiguous to existing corporate limits of the City of Charles Town by the following connections:

From the North – By Augustine Avenue and Route 340
From the South – By Route 340 and Norborne Glebe
From the East – By Route 340 and Norborne Glebe
From the West – By Augustine Avenue (Old Route 340) and Huntfield

D. Transportation Planning

For the purpose of providing transportation facilities, the following dedications of right-of-way and construction of transportation improvements, which are consistent with City standards and transportation plans, shall be provided at a time approved by the City Planning Commission:

1. **U.S. Route 340/Future Route 51 (New Vinton Lane) Intersection:**

   a. Design and construct a traffic signal;

   b. Dedicate required on-site right-of-way, design and construct a northbound left turn lane;

   c. Dedicate required on-site right-of-way, design and construct a southbound right turn lane;

   d. Dedicate required on-site right-of-way, design and construct a westbound right turn lane.

2. **Augustine Avenue/Future Route 51 (New Vinton Lane) Intersection:**

   a. Dedicate required on-site right-of-way, design and construct a southbound left turn lane;

   b. Dedicate required on-site right-of-way, design and construct a right turn lane from northbound Augustine Avenue onto eastbound Future Route 51 (New Vinton Lane).

3. **Future Route 51 (New Vinton Lane) - on site:**

   a. Dedicate required on-site right-of-way, design and construct a half section (two lanes) of a 4-lane divided roadway from Augustine Avenue to the intersection of Rte. 340;

   b. Dedicate required on-site right-of-way, design and construct an additional half section (two additional lanes) of a 4-lane divided roadway from the intersection of the North-South Commercial Boulevard to the intersection of Route 340.

4. **North-South Commercial Boulevard**:

   a. Dedicate required on-site right-of-way, design and construct a half section (two lanes) of a 4-lane divided roadway system running north-south within the site.

   b. Dedicate required on-site right-of-way, design and construct an additional half-section (two additional lanes) of a 4-lane divided roadway system running north-south within the site.

   c. Design and construct a left turn lane from the northbound North-South Commercial Boulevard onto westbound Future Route 51 (New Vinton Lane).

II. ECONOMIC GROWTH

To facilitate the construction of a new hospital and medical office facility on the Property, approximately thirty (30) acres of land shall be donated to the West Virginia University Hospitals - East ("WVUH-E") for construction of a hospital and related medical uses and professional offices. This donation shall be made on April 30, 2007 or upon approval by the City of the Schematic Plan for development of the Property, which ever is later.

In addition, approximately fourteen (14) acres of land will be developed for commercial and retail uses to support the hospital and medical offices. Together, these non-residential development areas within the Property are expected to provide significant economic development benefits to the Charles Town and Jefferson County areas.

III. WORKFORCE HOUSING

The proposed development of the Property as a mixed-use community will provide for a variety of dwelling types at modest market rate prices to serve the entire community. Seven percent (7%) of the units shall sell for no more than $220,446 (measured in 2006 dollars which shall be escalated annually in accordance with changes in the Consumer Price Index), based on the City's current calculation of Workforce Housing sales prices. These units shall be made available to the Charles Town Housing Opportunity Board (the "CTHOB") or to a designated agency authorized to offer housing for sale to qualified purchasers under the following conditions: (i) the location and type of units to be made available to the CTHOB shall be determined and designated by the Owners or assigns in their sole discretion, (ii) at least seven (7) units will be designated for every ninety (90) market rate units sold subject to the following conditions, (iii) at least seven (7) units to be made available to the CTHOB will be designated prior to the 90^{th}, 180^{th}, 270^{th}, 360^{th}, 550^{th}, 640^{th}, 730^{th}, and 820^{th} occupancy permits, and six (6) units will be designated prior to the 910^{th} occupancy permit, (iv) the Owners may designate all units to be provided at any time at their sole discretion, (v) if more than seven (7) units are designated for any ninety (90) market rate units, then the minimum number of units to be designated for each succeeding group of ninety (90) market rate units will be reduced proportionately until the total number of units designated equals sixty-seven (67), at which time this condition of annexation will have been fully performed, (vi) a construction schedule estimating the completion date of each designated unit will be provided by the builder upon the start of construction of the unit, (vii) the CTHOB shall be responsible for satisfying all requirements of its program regarding the solicitation, qualification, and financing of its qualified purchasers and the placement of a qualified purchaser at settlement upon completion of any designated unit, (viii) any designated unit that is completed and ready for settlement for which a qualified purchaser is not present for settlement will be available for unrestricted sale by the Builder, and (ix) designated units made available for unrestricted sale due to lack of a qualified purchaser present for settlement shall continue to be counted toward the seven percent (7%) of units in satisfaction of this condition of annexation. The Owners or their assigns are currently working with City staff to further clarify the process by which workforce housing will be provided and administered.

IV. PROTECTION OF RESOURCES

A. **Floodplain**. No development, other than grading and the installation of storm water management and utilities, shall occur within floodplain limits on the portion of the Property located within the 100-year floodplain along Evitts Run.

B. **Existing Dwelling**. The existing structure commonly known as the "manor house" on the portion of the Property identified as tax map Parcel 6.3 shall be retained in some location upon the Property. The ultimate use of the manor house will be decided by the Owners or their assigns in their sole discretion. The uses may be, but are not limited to, a private residence, commercial or retail.

V. MUNICIPAL INFRASTRUCTURE AND SERVICES

The Property shall be served by the Charles Town Water & Sewer Departments and shall comply with the existing rules and regulations of the City of Charles Town Utility Board and any State regulatory agencies. The prevailing water and sewer capacity improvement fees, as approved by the Public Service Commission of West Virginia, will be paid as a condition of building permit issuance.

VI. FISCAL IMPACT

The following contributions shall be paid as a condition of building permit issuance:

A. **Capital Improvement Fee** of $948 per each residential unit, to be subject to review and adjustment once every three (3) years in accordance with changes in the Consumer Price Index from the base year 2006. Workforce Housing units shall be exempt from these fees.

B. **Non-Capital Fee** of $1,500 per each residential unit during the first five years of development following approval of the first record plat for residential units, $2,650 per each residential unit during the sixth through tenth years of development following approval of the first record plat for residential units, and $4,400 per each residential unit during the eleventh through twentieth years of development following approval of the first record plat for residential units. Workforce Housing units shall be exempt from these fees.

C. **School Impact Fees** - Any legally valid and applicable Jefferson County School Impact Fee in the amount established by the Jefferson County Commission.

The Owners agree that these conditions of annexation shall be binding on the Owners and their assigns and that a breach or default on the part of the Owners or their assigns may, at the option

of the City, result in enforcement by the City of Charles Town either through injunctive relief in the Circuit Court of Jefferson County or through the denial of schematic plan approvals, site plan approvals, record plat approvals, building permits or use and occupancy permits for the Property.

For purposes of these conditions of annexation, an assignee of the Owners shall mean any person or group of persons acting in concert who, as defined in Chapter 36B of the West Virginia Code: (i) as part of a common promotional plan, offers to dispose of his or its interest in a unit not previously disposed of; or (ii) reserves or succeeds to any special declarant right.

Further, the Owners agree that if the Annexation Concept Plan is amended so as to significantly increase the demand for governmental services generated by the development of the Property, the Owners or their assigns shall provide additional conditions of annexation or altered conditions of annexation to offset the impact generated by these changes on the demand for governmental services.

Dated this 30 day of January, 2007.

CITY OF CHARLES TOWN:

Mayor

ATTEST:

City Clerk

Ahmad H. Abdul-Baki

STATE OF:
COUNTY OF Jefferson, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Ahmad H. Abdul-Baki, whose name is signed to the writing above, has appeared before me and personally acknowledged the same before me in my jurisdiction aforesaid.

GIVEN under my hand and seal this 26 day of January, 2007.

Notary Public

My commission expires: April 25, 2012

OFFICIAL SEAL
NOTARY PUBLIC - STATE OF WV
EDNA M. KING
ROUTE 2, BOX 42K
CHARLES TOWN, WV 25414
My Commission Expires April 25, 2012

OWNERS:

Rolfe G. Hayes

STATE OF:
COUNTY OF Jefferson, to wit:

I, the undersigned Notary Public, in and for the jurisdiction aforesaid, do hereby certify that Rolfe G. Hayes, whose name is signed to the writing above, has appeared before me and personally acknowledged the same before me in my jurisdiction aforesaid.

GIVEN under my hand and seal this 21 day of November, 2006.

Notary Public

My commission expires: April 25th, 2012

OFFICIAL SEAL
NOTARY PUBLIC - STATE OF WV
EDNA M. KING
ROUTE 2, BOX 42K
CHARLES TOWN, WV 25414
My Commission Expires April 25, 2012



site legend

- residential development
- retail development
- medical development (hospital & professional office)
- programmed open space
- natural open space
- zoning line
- right-of-way / parcel line

0 100' 200' 400' 600' NORTH

August 15, 2006

Exhibit 1 — Annexation/Rezoning Petition

Hayes Property

Charles Town, West Virginia

CITY OF CHARLES TOWN
WEST VIRGINIA

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT RESCINDING, CANCELING, AND NULLIFYING, AS BETWEEN THE PARTIES TO SUCH AGREEMENT, THOSE CERTAIN CONDITIONS OF ANNEXATION DATED THE 30th DAY OF JANUARY, 2007, ENTERED BY AND BETWEEN ROLFE G. HAYES AND AHMAD H. ABDUL-BAKI, AS OWNERS OF THE SUBJECT REAL PROPERTY, AND THE CITY OF CHARLES TOWN, AND RELEASING THE PARTIES TO SUCH AGREEMENT FROM ANY EXECUTORY OBLIGATIONS, COVENANTS, OR DUTIES UNDER THE CONDITIONS OF ANNEXATION.

WHEREAS, pursuant to (i) an Ordinance duly approved upon second reading and adopted by the Common Council of the City of Charles Town at a regular meeting held on October 16, 2006 (the "Annexation Ordinance"), and (ii) an Order entered by the County Commission of Jefferson County, West Virginia, on November 30, 2006 (the "Annexation Order"), the City of Charles Town annexed within its corporate limits four (4) parcels of land containing an aggregate of 268.8668 acres, more or less, being two parcels then owned by Rolfe G. Hayes ("Hayes") containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, a parcel then owned by Ahmad H. Abdul-Baki ("Abdul-Baki") containing 4.6209 acres, more or less, and a portion of the Route 340 Bypass containing approximately 55.15 acres, more or less (collectively, the "Annexed Property");

WHEREAS, pursuant to a Resolution duly adopted by the Common Council of the City of Charles Town at the aforesaid meeting held on October 16, 2006, the City of Charles Town accepted and approved the annexation of the Annexed Property and thereby agreed with Hayes and Abdul-Baki to the provisions of those certain Conditions of Annexation thereafter executed by Hayes, Abdul-Baki, and the then Mayor, and dated the 30th day of January (the "Conditions of Annexation");

WHEREAS, the Conditions of Annexation contemplated a specific development project that required rezoning particular portions of the Annexed Property, respectively, to General Commercial, Neighborhood Residential, and Residential Multi-Family districts, and other modifications to the zoning regulations in order to permit construction of a hospital and related medical uses and professional uses in the General Commercial district and innovative residential units in the residential districts;

WHEREAS, the Conditions of Annexation required that the final development design of the development project be in general conformance with an Annexation Concept Plan attached to the Conditions of Annexation (the "Concept Plan");

WHEREAS, the Conditions of Annexation further contemplated that, in order to facilitate the construction of a new hospital and medical office facility on the Annexed Property, approximately thirty (30) acres of land would be donated to West Virginia University Hospitals –

East for construction of a hospital and related medical uses and professional offices;

WHEREAS, subsequent to execution of the Conditions of Annexation, the intended purchaser and developer of the parcels owned by Hayes and Abdul-Baki withdrew from the contemplated transaction and development;

WHEREAS, in 2012, Abdul-Baki conveyed to third parties his parcel of 4.6209 acres, more or less;

WHEREAS, Hayes died in 2014 and his parcels containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, came to be held by Roscoe A. Hayes, Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust, and Joseph R. Gallo (collectively, the "Hayes Property Owners");

WHEREAS, in 2020, the Hayes Property Owners subdivided the parcel of 198.1519 acres, more or less, and conveyed therefrom a parcel of 27.8213 acres, more or less, to a third party;

WHEREAS, the Hayes Property Owners continue to hold the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less (collectively, the "Hayes Property Owners' Property"), which property has not been further developed;

WHEREAS, in recognition that the Conditions of Annexation contemplated a specific development project and that it now and in the future would and will be impractical, if not impossible, to develop the specific development project contemplated, particularly in general conformance with the Concept Plan as required by the Conditions of Annexation, due to changed circumstances and for various reasons including, without limitation, that portions of the Annexed Property intended to be included in the development project are now owned by third parties and that construction of a hospital on the Annexed Property is no longer contemplated, the Hayes Property Owners have requested that the City of Charles Town agree to rescind, cancel, and nullify the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town and that the Hayes Property Owners and the City of Charles Town mutually release the other from any and all executory covenants and obligations thereunder; *provided that*, it is the intent and desire of the Hayes Property Owners that Paragraph V of the Conditions of Annexation, pertaining to provision of water and sanitary sewer service to the Annexed Property by the Charles Town Utility Board, shall remain in full effect ("Paragraph V Provision");

WHEREAS, the Hayes Property Owners have expressed that the existence of the Conditions of Annexation and the uncertainty of their effect have frustrated the efforts of the Hayes Property Owners to market and sell the Hayes Property Owners' Property, which has prevented development of such real property; and

WHEREAS, West Virginia University Hospitals – East has expressed its objection to rescission,

cancellation, and nullification of the Conditions of Annexation on the basis of an alleged right to donation of thirty (30) acres of land or the value thereof;

NOW, THE COUNCIL OF THE CITY OF CHARLES TOWN FINDS AND DECLARES, that the Conditions of Annexation contemplated a specific development project;

FURTHER FINDS AND DECLARES, that it now and in the future would and will be impractical, if not impossible, to develop the specific development project contemplated, particularly in general conformance with the Concept Plan as required by the Conditions of Annexation;

FURTHER FINDS AND DECLARES, that certain covenants and obligations of each of the Hayes Property Owners and the City of Charles Town to the other under the Conditions of Annexation remain unperformed and executory and, accordingly, the Conditions of Annexation are unenforceable by either the Hayes Property Owners or the City of Charles Town;

FURTHER FINDS AND DECLARES, that the best interests of the City of Charles Town would not be served by the City of Charles Town performing and satisfying its unperformed and executory covenants and obligations to the Hayes Property Owners under the Conditions of Annexation for the sole purpose of positioning the City of Charles Town to enforce the Conditions of Annexation against the Hayes Property Owners;

FURTHER FINDS AND DECLARES, that leaving the Conditions of Annexation in effect between the Hayes Property Owners and the City of Charles Town serves no current or contemplated future purpose of the City of Charles Town;

FURTHER FINDS AND DECLARES, that it is in the best interests of the City of Charles Town to agree to rescind, cancel, and nullify the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town, with mutual releases of their respective executory covenants and obligations thereunder, excepting only the Paragraph V Provision; and

FURTHER FINDS AND DECLARES, that, in light of the continuing applicability of the Conditions of Annexation to the 4.6209 acre, more or less, parcel and the 27.8213 acre, more or less, parcel conveyed to third parties, as discussed above, each of the current owners of such parcels should be offered the opportunity to enter a separate agreement rescinding, canceling, and nullifying the Conditions of Annexation as between such owner and the City of Charles Town, with mutual releases of their respective executory covenants and obligations thereunder;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the Mayor of the City of Charles Town be, and hereby is, authorized and directed to execute and enter on behalf of the City of Charles Town an agreement with the Hayes Property Owners in the form of that attached as EXHIBIT A that rescinds, cancels, and nullifies the Conditions of Annexation as between the Hayes Property Owners and the City of Charles Town, with mutual releases of their respective executory covenants and obligations thereunder, excepting only the Paragraph V Provision (the "Hayes Property Owners Nullification Agreement");

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that, in the event the current owner(s) of the 4.6209 acre, more or less, parcel and/or the current owner(s) of the 27.8213 acre, more or less, parcel conveyed to third parties, as discussed above, so elect, the Mayor of the City of Charles Town be, and hereby is, authorized and directed to execute and enter on behalf of the City of Charles Town an agreement with such persons in the form of that attached as EXHIBIT A, but with such persons substituted for the Hayes Property Owners therein and with Subsections 1(a), 2(a), and 3(b)(i) deleted therefrom (each, a "Third Party Nullification Agreement");

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, de-annex or otherwise affect the annexation of the Annexed Property, which Annexed Property shall remain annexed within the corporate limits of the City of Charles Town;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, undo, reverse, change, or affect the current zoning of the Annexed Property as reflected on the Charles Town Zoning Map except that, pursuant to Section 3(b)(i) of the Hayes Property Owners Nullification Agreement, the Hayes Property Owners shall seek a change in the zoning classification of the Hayes Property Owners' Property to the Urban Reserve District by zoning amendment, for which purposes the prior rezoning of the Hayes Property Owners' Property pursuant to the Conditions of Annexation shall be considered revoked, annulled, void, and of no effect for all purposes;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance does not and shall not be deemed to, and neither the Hayes Property Owners Nullification Agreement nor any Third Party Nullification Agreement shall or shall be interpreted to, undo, cancel, reverse, or otherwise make or render ineffective any other act heretofore performed by any party pursuant to the Conditions of Annexation;

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance and the Hayes Property Owners Nullification Agreement to be entered hereunder are intended to, and shall be deemed to, result in only the release of the executory covenants and obligations of the Hayes Property Owners and their successors and assigns to or in favor of the City of Charles Town under the Conditions of Annexation, and this Ordinance is not intended to and shall not be deemed to, and the Hayes Property Owners Nullification Agreement shall not purport to or be interpreted to, release or otherwise affect any right that West Virginia University Hospitals – East may assert or claim; and

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that this Ordinance and any Third Party Nullification Agreement to be entered hereunder are intended

to, and shall be deemed to, result in only the release of the executory covenants and obligations of the subject third parties and their successors and assigns to or in favor of the City of Charles Town under the Conditions of Annexation, and this Ordinance is not intended to and shall not be deemed to, and no Third Party Nullification Agreement shall purport to or be interpreted to, release or otherwise affect any right that West Virginia University Hospitals – East may assert or claim.

This Ordinance shall take effect upon enactment.

First Reading: _____, 20___

Public Hearing: _____, 20___

Passed on Second Reading: _____, 20___

Enacted this _____ day of _____, 20___

CITY OF CHARLES TOWN

_____
Robert M. Trainor
Mayor

Attest:

_____
John C. Barkley
City Clerk

EXHIBIT A
NULLIFICATION AGREEMENT

NULLIFICATION AGREEMENT

This **NULLIFICATION AGREEMENT** (this "Agreement"), dated the ___th day of _____, 20__, is entered into by and between the CITY OF CHARLES TOWN, a West Virginia municipal corporation, party of the first part (the "City"), and ROSCOE A. HAYES, ALICE M. SPICKLER AND DONALD L. SPICKLER, CO-TRUSTEES OF THE ALICE M. SPICKLER LIVING TRUST, AND JOSEPH R. GALLO, parties of the second part. The party of the first part and the parties of the second part are sometimes referred to herein collectively as the "Parties," or individually as a "Party."

RECITALS

WHEREAS, in 2006, the City annexed within its corporate limits four (4) parcels of land (the "Annexed Property") including two parcels then owned by Rolfe G. Hayes ("Hayes") containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, and a parcel then owned by Ahmad H. Abdul-Baki ("Abdul-Baki") containing 4.6209 acres, more or less;

WHEREAS, pursuant to a Resolution duly adopted by the City's Common Council, the City accepted and approved said annexation and thereby agreed with Hayes and Abdul-Baki to the provisions of those certain Conditions of Annexation thereafter executed by Hayes, Abdul-Baki, and the then Mayor of the City, and dated the 30th day of January (the "Conditions of Annexation");

WHEREAS, the Conditions of Annexation contemplated a specific development project and required that the final development design of the development project be in general conformance with an Annexation Concept Plan attached to the Conditions of Annexation;

WHEREAS, subsequent to execution of the Conditions of Annexation, the intended purchaser and developer of the parcels owned by Hayes and Abdul-Baki withdrew from the contemplated transaction and development;

WHEREAS, in 2012, Abdul-Baki conveyed to Richard Smith and Erin Smith his parcel of 4.6209 acres, more or less;

WHEREAS, Richard Smith and Erin Smith continue to hold said parcel of 4.6209 acres, more or less;

WHEREAS, Hayes died in 2014 and his parcels containing, respectively, 198.1519 acres, more or less, and 10.9440 acres, more or less, came to be held by Roscoe A. Hayes, Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust, and Joseph R. Gallo (collectively, the "Hayes Property Owners");

WHEREAS, in 2020, the Hayes Property Owners subdivided the parcel of 198.1519 acres, more or

less, and conveyed therefrom a parcel of 27.8213 acres, more or less, to Brad Bishop;

WHEREAS, Brad Bishop continues to hold said parcel of 27.8213 acres, more or less;

WHEREAS, the Hayes Property Owners continue to hold the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less;

WHEREAS, various provisions of the Conditions of Annexation currently remain unperformed and executory on the part of each of the Parties, the Parties accordingly agree that the Conditions of Annexation are unenforceable by either Party, and the Hayes Property Owners dispute the enforceability of the Conditions of Annexation in any event; and

WHEREAS, the Parties mutually desire to rescind, cancel, and nullify the Conditions of Annexation as between the Parties and that the Parties mutually release the other from any and all executory covenants and obligations under the Conditions of Annexation, except as expressly provided otherwise herein;

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

SECTION 1 -- NULLIFICATION

The Conditions of Annexation shall be, and hereby are, fully and completely rescinded, canceled, and nullified as between the Parties.

(a) Notwithstanding the foregoing Section 1, Paragraph V of the Conditions of Annexation, which pertains to water and sewer service to the subject property, shall remain in full force and effect such that the Hayes Property Owners' parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less, shall be served by the Charles Town Utility Board and otherwise in accordance with said Paragraph V.

SECTION 2 -- MUTUAL RELEASE

Each of the Parties shall, and hereby does, for and on behalf of itself and its heirs, personal representatives, attorneys, successors, and assigns, fully, finally, and completely release, remise, acquit, and forever discharge the other Party, and all their respective trustees, officers, managers, employees, agents, representatives, insurers, heirs, devisees, personal representatives, successors, and assigns, if any, of and from any and all executory obligations, covenants, and duties under the provisions of the Conditions of Annexation.

(a) Notwithstanding the foregoing Section 2, the obligations of the Hayes Property Owners under Paragraph V of the Conditions of Annexation shall remain in full force and effect.

SECTION 3 -- LIMITED EFFECT OF AGREEMENT

This Agreement is not intended to, does not, and shall not be deemed or interpreted to:

(a) De-annex or otherwise affect the annexation of the Annexed Property, which Annexed Property shall remain annexed within the corporate limits of the City of Charles Town;

(b) Undo, reverse, change, or affect the current zoning of the Annexed Property as reflected on the Charles Town Zoning Map;

(i) Notwithstanding the foregoing Subsection 3(b), the Parties agree that the Hayes Property Owners shall, by petition, pursuant to the process and subject to all required actions provided in Section 1321.12 of the Charles Town Zoning Ordinance, seek a change in the zoning classification of the parcel of 10.9440 acres, more or less, and the remainder of the parcel that originally contained 198.1519 acres, more or less, now owned by the Hayes Property Owners from the Neighborhood Residential and General Commercial zoning districts to the Urban Reserve zoning district, in recognition that such land would be placed in the Urban Reserve zoning district upon annexation under the current Charles Town Zoning Ordinance;

(c) Undo, cancel, reverse, or otherwise make or render ineffective any other act heretofore performed by any Party pursuant to the Conditions of Annexation; or

(d) Release any executory covenants or obligations of the parties of the second part or their successors and assigns to any third party under the Conditions of Annexation that may subsequently be determined to be legally enforceable, if any, or release or otherwise affect rights of any such third party under the Conditions of Annexation that may subsequently be determined to be legally enforceable, if any, it being understood that this Agreement results in only the City's release of the executory covenants and obligations of the parties of the second part and their successors and assigns to or in favor of the City under the Conditions of Annexation.

SECTION 4 -- ENTIRE AGREEMENT

This Agreement contains the entire understanding of the Parties hereto in respect to the subject matter contained herein. There are no restrictions, promises, representations, warranties, covenants, or undertakings, other than those expressly set forth or referred to herein. This Agreement supersedes all prior agreements and understandings between the Parties with

respect to such subject matter.

SECTION 5 -- AMENDMENT

To the fullest extent provided by applicable Law, this Agreement may only be amended, modified, and supplemented by mutual consent of the Parties hereto with respect to any of the terms contained herein, in such manner as may be agreed upon in writing by such Parties.

SECTION 6 -- SEVERABILITY

If any provision of this Agreement is terminated or held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Agreement will remain in full force and effect.

SECTION 7 -- SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators, successors, and assigns.

SECTION 8 -- COUNTERPARTS & FACSIMILES

This Agreement may be executed by the Parties hereto in any number of separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts together shall constitute but one and the same instrument. Signed counterparts of this Agreement may be delivered by facsimile or electronically transmitted image, and such facsimile or electronically transmitted image counterparts and signatures shall be deemed to be, and fully effective and enforceable as, originals for all purposes.

SECTION 9 -- CHOICE OF LAW

This Agreement shall be governed by and construed in accordance with the internal laws of the State of West Virginia, without giving effect to any choice or conflict of law provision or rule that would cause the application of laws of any jurisdiction other than those of the State of West Virginia.

[remainder of page intentionally blank – signature page follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Nullification Agreement, intending it effective the day and year first above written.

CITY OF CHARLES TOWN

_____

Robert M. Trainor
Mayor

Attest:

_____

John C. Barkley
City Clerk

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Robert M. Trainor, in his capacity as Mayor of the City of Charles Town, a West Virginia municipal corporation.

(AFFIX NOTARIAL SEAL)

_____

NOTARY PUBLIC

My commission expires: _____.

_____
ROSCOE A. HAYES

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Roscoe A. Hayes.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

_____
ALICE M. SPICKLER, Co-Trustee

_____
DONALD L. SPICKLER, Co-Trustee

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20___, by Alice M. Spickler and Donald L. Spickler, Co-Trustees of the Alice M. Spickler Living Trust.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

_____
JOSEPH R. GALLO

STATE OF WEST VIRGINIA;
COUNTY OF BERKELEY, to-wit:

The foregoing instrument was acknowledged before me this _____ day of , 20___, by Joseph R. Gallo.

(AFFIX NOTARIAL SEAL)

_____
NOTARY PUBLIC

My commission expires: _____.

This document was prepared by Michael J. Funk, Esq., Steptoe & Johnson PLLC, 1250 Edwin Miller Blvd., Martinsburg, WV, 25404.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-981: Commercial Pad Site Preparation Clarification

ATTACHMENTS:

- 1. Report.pdf
- SCity of Ch23110216290.pdf

Text Amendment Staff Report

TXA2023-07 Commercial requirements in Residential Zoning

Date: For the November 6, 2023 City Council meeting
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

ISSUE

A text amendment to clarify the City's Ordinances requiring residential developments that have a required commercial component to have the pad sites graded and utilities made available. This is to be done by the completion of a certain amount of residential units.

The Planning Commission has requested direction from Council on the proposed requirement of no more than 40% of residential units being built prior to site grading and utility installation.

BACKGROUND

This issue arose during meetings for revisions to the Fairview/Dailey Farm Conditions of annexation. These conditions require that:

> To incentivize and attract commercial development within the City, all commercial lots associated with the land shall be prepared in a way that includes grading and utility installation. All commercial lots shall have all pad sites graded with utility installation (stubbed to the property line) completed during the initial start-up of Project Phase 1. Specifically, if Phase 1 includes more than 100 residential units, to include both townhomes and single-family homes, all commercial pad site preparation shall run concurrently with the construction of the first (10) ten residential units. No more than (10) ten residential units shall be constructed until all commercial lots are completed with the above requirements.

COUNCIL ACTION

On August 7, 2023, City Council reviewed this item and referred it to Planning Commission.

PLANNING COMMISSION

The Planning Commission discussed this item at their September 25, 2023 work session.

The Planning Commission held a public hearing for this item on October 23, 2023. There was no public comment The Commission voted to table action on this item until they received direction form Council.

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

ZONING DISTRICTS AFFECTED

This first draft of the text amendment will affect:

Neighborhood Residential (*The purpose of the NR District is to provide for a mix of housing types and related services and Uses, including Commercial Uses and office services*)

Neighborhood Commercial (*The purpose of the NC District is to provide for necessary Commercial Uses of a convenient nature within residential areas.*)

The other districts are either solely for residential development (*Residential Low Density, Residential Medium High Density*); designed for predominantly commercial use with little to no residential (*General Commercial*), or cover areas of the City not conducive to brand-new large scale mixed-use development (*Old Town Mixed Use Commercial, Old Town Residential*).

PROPOSED TEXT

Section 1322.08, Neighborhood Residential (NR) District

(a new subsection would be created)

F. ***Commercial Pad Sites.*** *To incentivize and attract commercial development within the City, all commercially zoned areas associated with the land development shall be prepared in a way that includes grading and utility installation. No more than 40% of residential dwelling units shall be built prior to the grading and utility installation of the commercial sites.*

Section 1322.09, Neighborhood Commercial (NC) District

(a new subsection would be created)

E. ***Commercial Pad Sites.*** *To incentivize and attract commercial development within the City, all commercially zoned areas associated with the land development shall be prepared in a way that includes grading and utility installation. No more than 40% of residential dwelling units shall be built prior to the grading and utility installation of the commercial sites.*

JURISDICTIONAL COMPARISON

Neither Martinsburg WV nor Jefferson County WV have similar regulations to what is proposed.

Leesburg VA
(https://www.leesburgva.gov/home/showpublisheddocument/9925/638282313544500000)

Development Phasing. Requests for (Mixed Use Business District) zoning or site plan approval for development in the (Mixed-Use) District shall be accompanied by a phasing plan that identifies the stages of development build-out. The phasing plan shall identify the sequence of development for all proposed land uses and include information regarding the phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed to support the proposed development.

The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in the type of multi-use development proposed. The Town Council may require performance guarantees or such other measures, as it deems reasonable and necessary to assure the proper phasing of development and to assure the provision of public amenities and public facilities upon completion of each phase or upon full development. At no time shall the number of residential uses exceed the maximum ratio established in Sec. [1]-A.

(Emphasis added)

City of Frederick MD (https://www.cityoffrederickmd.gov/DocumentCenter/View/428/-Land-Management-Code---ARTICLE-4-Zoning---Section-423?bidId=)

Mixed Use Districts (MU1, MU2)

(d) *Phasing*

Construction of the MU project must be phased such that:

(1) Building permits for no more than 75% of the residential dwelling units may be issued until at least 25% of the non-residential floor area is constructed; and

(2) Building permits for no more than 75% of the non-residential floor area may be issued until record plats for at least 25% of the dwelling units have been recorded among the Land Records of Frederick County. For the residential units on a multifamily lot to be counted toward the 25% minimum, a site plan for those units must be unconditionally approved.

15. The Land Owner agrees that if it is determined by the traffic study that traffic lights are required at build out of the development at any of the intersections with WV Route 9 (Leesburg Pike) that it will be responsible for any portion of the light the State Department of Highways deems appropriate.

Other:

16. The Land Owner shall ensure that the above conditions of annexation are binding to the property and upon any assigns and/or buyers of any, or all, portions of the property, excluding land given to the City or WVDOT.

17. To incentivize and attract commercial development within the City, all commercial lots associated with the land shall be prepared in a way that includes grading and utility installation. All commercial lots shall have all pad sites graded with utility installation (stubbed to the property line) completed during the initial start-up of Project Phase 1. Specifically, if Phase 1 includes more than 100 residential units, to include both townhomes and single-family homes, all commercial pad site preparation shall run concurrently with the construction of the first (10) ten residential units. No more than (10) ten residential units shall be constructed until all commercial lots are completed with the above requirements.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-983: Land Water Conservation Fund (LWCF) Resolution - 2nd

Land Water Conservation Fund (LWCF) Resolution - 2nd Submission

ATTACHMENTS:

- Charles Town City Council Resolution for WV LWCF 2023 for Jefferson Memorial Park.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
2023-

RESOLUTION IN SUPPORT OF CHARLES TOWN FOR A LAND & WATER CONSERVATION FUND GRANT APPLICATION FOR THE "JEFFERSON MEMORIAL POOL UPGRADE" PROJECT

WHEREAS, the City of Charles Town, WV seeks to create enhanced opportunities for citizens and families to utilize and enjoy outdoor park and recreational areas; and

WHEREAS, the City of Charles Town owns the 11.6-acre "Jefferson Memorial Park" including a one-acre outdoor public swimming pool facility known as "Jefferson Memorial Pool"; and

WHEREAS, Jefferson Memorial Pool is an outdated and deteriorating facility that has severe equipment deterioration, inadequate capacity to handle public use and demand, inadequate ADA and accessibility facilities and features, and other poor conditions that have led to recent entire-season pool closures, significant repair costs, and other challenges; and

WHEREAS, Jefferson Memorial Pool is the only public pool facility of any kind in Charles Town and the only public pool facility in Jefferson County (a locality with nearly 58,000 in population); and

WHEREAS, the City of Charles Town and its Charles Town Board of Parks & Recreation have conducted extensive public outreach, public input sessions, public surveys, consideration of various pool upgrade options, and other public engagement approaches which have led to very strong consensus and support in the community for a pool facility upgrade project; and

WHEREAS, the City of Charles Town has worked with expert contracting firms to develop preliminary designs and plans, and cost estimations, for the expansion of the swimming pool and pool deck, creation of a children's splash pad, upgrades to the existing Poolhouse, creation of a beach volleyball court, creation of an accessible picnicking area, upgrades to parking facilities including new handicapped parking spaces, and associated hardscaping and walkway facilities, fencing, lighting, landscaping, and equipment; and

WHEREAS, the City of Charles Town had applied and received a Land & Water Conservation Fund grant from the National Park Service through the WV Community Advancement & Development Division of the WV Department of Economic Development in the amount of $250,000 to renovate the poolhouse, repave the parking lot, and add a new concession area.

WHEREAS, the City of Charles Town is enthusiastic about and ready to proceed in advancing the overall vision for the Jefferson Memorial Pool and has budgeted substantial resources to support the next phase of this project, which will include expansion and updates to the pool, extension of the pool deck, and replacement of the kiddie pool with a splash pad.

NOW, THEREFORE LET IT BE RESOLVED, that the City of Charles Town, with the backing and recommendation of the Charles Town Board of Parks & Recreation, authorize an application by the City for a Land & Water Conservation Fund grant from the National Park Service through the WV Community Advancement & Development Division of the WV Department of Economic Development, in the amount of $500,000.00; and

LET IT BE FURTHER RESOLVED, that the City of Charles Town authorizes a match in the amount of $500,000.00 to provide the required 50% match necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with LCWF. The source of this funding will be City of Charles Town general revenues and reserves.

Adopted the _____ day of _____, 2023.

Attest:

_____	_____
Robert Trainor	John Nissel
Mayor	City Manager

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-989: Council Meeting Time Discussion

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Referral
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-1010: Light Pollution Mitigation Efforts refer to Planning Commission

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

Payment of Bills - November 6, 2023

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2023 11 06.pdf
- CAPITAL RESERVE COUNCIL REPORT 2023 11 06.pdf
- PARKS & REC COUNCIL REPORT 2023 11 06.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	11/03/23	CLIPBOARDS,HANDCUFFS,SPRAY	GENERAL FUND	POLICE DEPARTMENT	2,508.75
	11/03/23	WALLET/SHIRT BADGES	GENERAL FUND	POLICE DEPARTMENT	407.00
	11/03/23	WALLET/SHIRT BADGES	GENERAL FUND	POLICE DEPARTMENT	407.00
	11/03/23	WALLET/SHIRT BADGES	GENERAL FUND	POLICE DEPARTMENT	255.00
	11/03/23	WALLET/SHIRT BADGES	GENERAL FUND	POLICE DEPARTMENT	255.00
	11/03/23	WALLET/SHIRT BADGES	GENERAL FUND	POLICE DEPARTMENT	127.50
	11/03/23	WALLET/SHIRT BADGES	GENERAL FUND	POLICE DEPARTMENT	39.95
				TOTAL:	4,000.20
APPLE VALLEY WASTE SERVICE, INC.	11/03/23	TRASH SERVICE OCTOBER 2023	GENERAL FUND	NON-DEPARTMENTAL	525.00
	11/03/23	TRASH SER NOV23 MALWARE AP	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	415.00
	11/03/23	TRASH SERVICE OCTOBER 2023	GENERAL FUND	STREETS & HIGHWAYS	660.13
				TOTAL:	1,600.13
AUTOZONE, INC.	11/03/23	IPK BULBS FOR PD	GENERAL FUND	POLICE DEPARTMENT	48.84
				TOTAL:	48.84
CHARLES TOWN BOARD OF PARKS & REC	11/03/23	JUL/AUG/SEPT 50% HOTEL COL	GENERAL FUND	TRANSFERS	2,075.52
	11/03/23	JUL/AUG/SEPT 50% HOTEL COL	GENERAL FUND	TRANSFERS	14,335.05
	11/03/23	JUL/AUG/SEPT 50% HOTEL COL	GENERAL FUND	TRANSFERS	2,250.72
				TOTAL:	18,661.29
CINTAS	11/03/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
	11/03/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
	11/03/23	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
				TOTAL:	622.62
CITY OF CHARLES TOWN PETTY CASH	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	9.62
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	51.09
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	30.10
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	11.46
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	9.40
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	2.55
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	9.60
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	5.40
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	4.75
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	2.31
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	11.11
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	8.56
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	8.56
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	8.56
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	11.83
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	2.55
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	10.21
	11/03/23	CTPD PETTY CASH REPLENISHM	GENERAL FUND	POLICE DEPARTMENT	21.46
				TOTAL:	219.12
COMCAST CORPORATION	11/03/23	CITY HALL INTERNET 10/9-11	GENERAL FUND	CITY HALL	249.39
	11/03/23	661 INTERNET SERV 10/3-11/	GENERAL FUND	POLICE DEPARTMENT	303.35
	11/03/23	661 XFINITY SER10/7/23-11/	GENERAL FUND	POLICE DEPARTMENT	10.47
	11/03/23	MAINT SHOP INTERNET 11/7-1	GENERAL FUND	STREETS & HIGHWAYS	95.30
				TOTAL:	658.51
COMMERCIAL LIGHTING	11/03/23	6 FROSTED COATED LED LIGHT	GENERAL FUND	CITY HALL	297.23
				TOTAL:	297.23

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
CHARLES TOWN BUILDING COMMISSION	11/03/23	NOVEMBER 2023 CITY RENTS	GENERAL FUND	CITY HALL	2,550.00
	11/03/23	NOVEMBER 2023 CITY RENTS	GENERAL FUND	CITY HALL	16,667.00
	11/03/23	NOVEMBER 2023 CITY RENTS	GENERAL FUND	POLICE DEPARTMENT	7,840.98
				TOTAL:	27,057.98
JONATHAN DESARNO	11/03/23	50% TUITION REIM-CJU545	GENERAL FUND	POLICE DEPARTMENT	975.00
				TOTAL:	975.00
EVERBANK	11/03/23	2ND FLR COPIER RENTAL	GENERAL FUND	CITY HALL	241.65
	11/03/23	2ND FLOOR PLAT PRINTER	GENERAL FUND	CITY HALL	135.00
	11/03/23	2ND FLOOR PLAT PRINTER	GENERAL FUND	CITY HALL	300.00
				TOTAL:	676.65
EXECUTIVE EMERGENCY LIGHTING LLC	11/03/23	CAR#15- SPOT LIGHT REPAIR	GENERAL FUND	POLICE DEPARTMENT	109.50
				TOTAL:	109.50
FRONTIER, INC.	11/03/23	PD RINGDOWN 10/22/23-11/21	GENERAL FUND	POLICE DEPARTMENT	56.65
	11/03/23	PD FAXLINE 10/7/23-11/6/23	GENERAL FUND	POLICE DEPARTMENT	162.32
				TOTAL:	218.97
FRONTIER COMMUNICATIONS CORP	11/03/23	661 PD PHONE SER 10/10-11/	GENERAL FUND	POLICE DEPARTMENT	1,207.82
				TOTAL:	1,207.82
GUARDIAN	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	NON-DEPARTMENTAL	85.41
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	ECONOMIC DEVELOPMENT	9.25
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	TREASURER'S OFFICE	9.25
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	CITY CLERK'S OFFICE	9.25
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	ENFORCEMENT AGENCY	9.25
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	BUILDING INSPECTION	9.25
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	PLANNING & ZONING	18.50
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	CITY HALL	18.50
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	PARKING	9.25
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	POLICE DEPARTMENT	129.50
	11/03/23	NOV23 VISION PREMIUMS	GENERAL FUND	STREETS & HIGHWAYS	27.75
				TOTAL:	335.16
CHET HINES	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	20.17
	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	16.92
	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	7.54
	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	9.31
	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	18.19
	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	7.08
	11/03/23	HAPPY RETREAT GAS REIMB	GENERAL FUND	STREETS & HIGHWAYS	7.16
				TOTAL:	86.37
J.C. KUNKLE & ASSOCIATES, A.C., INC.	11/03/23	2023 POLICE PENS ANNUAL RE	GENERAL FUND	TREASURER'S OFFICE	800.00
				TOTAL:	800.00
JEFFERSON COUNTY EMERGENCY COMMUNICATI	11/03/23	CAD MOBILE DATA 6/6/23-7/5	GENERAL FUND	POLICE DEPARTMENT	339.36
	11/03/23	CAD MOBILE DATA 6/6/23-7/5	GENERAL FUND	POLICE DEPARTMENT	35.85
	11/03/23	CAD MOBILE DATA 6/6/23-7/5	GENERAL FUND	POLICE DEPARTMENT	35.86
	11/03/23	CAD MOBILE DATA 7/6/23-8/5	GENERAL FUND	POLICE DEPARTMENT	339.36
	11/03/23	CAD MOBILE DATA 7/6/23-8/5	GENERAL FUND	POLICE DEPARTMENT	47.00
	11/03/23	CAD MOBILE DATA 7/6/23-8/5	GENERAL FUND	POLICE DEPARTMENT	35.86
				TOTAL:	833.29

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
JEFFERSON COUNTY CONVENTION & VISITOR'	11/03/23	JUL/AUG/SEPT 50% HOTEL COL	GENERAL FUND	VISITORS CENTER	2,075.52
	11/03/23	JUL/AUG/SEPT 50% HOTEL COL	GENERAL FUND	VISITORS CENTER	14,335.05
	11/03/23	JUL/AUG/SEPT 50% HOTEL COL	GENERAL FUND	VISITORS CENTER	2,250.72
				TOTAL:	18,661.29
JEFFERSON MEDICAL CENTER	11/03/23	9/1 BOUND- DIAGNOSTIC IMAG	GENERAL FUND	POLICE DEPARTMENT	548.00
				TOTAL:	548.00
JEFFERSON PUBLISHING COMPANY, INC.	11/03/23	10/11 FINANCIAL STATEMENT	GENERAL FUND	TREASURER'S OFFICE	471.18
	11/03/23	9/6 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	11/03/23	9/13 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	11/03/23	9/20 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	11/03/23	9/27 WEEKLY EVENT CALENDAR	GENERAL FUND	CITY HALL	69.50
	11/03/23	10/11&10/18NPH MUNICIPAL C	GENERAL FUND	CITY HALL	46.86
				TOTAL:	796.04
JOHNSON CONTROLS SECURITY SOLUTIONS	11/03/23	108N GEORGE ALARM 11/1-1/3	GENERAL FUND	STREETS & HIGHWAYS	333.74
				TOTAL:	333.74
KENT PARSONS FORD, INC	11/03/23	CAR#15- REPLACE BATTERY	GENERAL FUND	POLICE DEPARTMENT	169.95
	11/03/23	CAR#15- REPLACE BATTERY	GENERAL FUND	POLICE DEPARTMENT	183.90
	11/03/23	CAR#8- WV INSPECT	GENERAL FUND	POLICE DEPARTMENT	14.00
	11/03/23	CAR#18-REPL FRT BRK PADS/R	GENERAL FUND	POLICE DEPARTMENT	674.94
	11/03/23	CAR#7 BRAKES,ROTORS,TRIM	GENERAL FUND	POLICE DEPARTMENT	660.09
	11/03/23	CAR # 9- INSPECTION	GENERAL FUND	POLICE DEPARTMENT	14.00
	11/03/23	CAR#10 STATE INSPECTION	GENERAL FUND	POLICE DEPARTMENT	14.00
				TOTAL:	1,730.88
LINCOLN NATIONAL LIFE INSURANCE COMPAN	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	ECONOMIC DEVELOPMENT	45.04
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	ECONOMIC DEVELOPMENT	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	ECONOMIC DEVELOPMENT	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	ECONOMIC DEVELOPMENT	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	ECONOMIC DEVELOPMENT	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	ECONOMIC DEVELOPMENT	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	ECONOMIC DEVELOPMENT	1.32
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	CITY MANAGER'S OFFICE	137.29
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY MANAGER'S OFFICE	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY MANAGER'S OFFICE	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY MANAGER'S OFFICE	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY MANAGER'S OFFICE	2.64
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY MANAGER'S OFFICE	2.64
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY MANAGER'S OFFICE	2.64
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	TREASURER'S OFFICE	75.40
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	TREASURER'S OFFICE	3.96
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	TREASURER'S OFFICE	3.96
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	TREASURER'S OFFICE	5.28
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	TREASURER'S OFFICE	3.96
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	TREASURER'S OFFICE	3.96
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	TREASURER'S OFFICE	3.96
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	CITY CLERK'S OFFICE	37.67
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY CLERK'S OFFICE	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY CLERK'S OFFICE	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY CLERK'S OFFICE	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY CLERK'S OFFICE	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY CLERK'S OFFICE	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY CLERK'S OFFICE	1.32

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	ENFORCEMENT AGENCY	45.43
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	ENFORCEMENT AGENCY	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	ENFORCEMENT AGENCY	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	ENFORCEMENT AGENCY	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	ENFORCEMENT AGENCY	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	ENFORCEMENT AGENCY	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	ENFORCEMENT AGENCY	1.32
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	BUILDING INSPECTION	70.08
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	BUILDING INSPECTION	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	BUILDING INSPECTION	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	BUILDING INSPECTION	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	BUILDING INSPECTION	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	BUILDING INSPECTION	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	BUILDING INSPECTION	1.32
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	PLANNING & ZONING	170.91
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	PLANNING & ZONING	2.64
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	PLANNING & ZONING	2.64
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	PLANNING & ZONING	2.64
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	PLANNING & ZONING	3.96
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	PLANNING & ZONING	3.96
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	PLANNING & ZONING	3.96
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	CITY HALL	161.18
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY HALL	0.00
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY HALL	0.00
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	CITY HALL	0.00
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY HALL	0.00
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY HALL	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	CITY HALL	1.32
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	PARKING	35.18
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	PARKING	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	PARKING	1.32
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	PARKING	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	PARKING	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	PARKING	1.32
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	PARKING	1.32
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	POLICE DEPARTMENT	810.57
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	POLICE DEPARTMENT	21.12
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	POLICE DEPARTMENT	21.12
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	POLICE DEPARTMENT	21.12
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	POLICE DEPARTMENT	22.44
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	POLICE DEPARTMENT	22.44
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	POLICE DEPARTMENT	22.44
	11/03/23	NOV 2023 LIFE INS PREMIUM	GENERAL FUND	STREETS & HIGHWAYS	161.56
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	STREETS & HIGHWAYS	5.28
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	STREETS & HIGHWAYS	5.28
	11/03/23	EAP PREM FEES 7/1/23-9/30/	GENERAL FUND	STREETS & HIGHWAYS	5.28
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	STREETS & HIGHWAYS	5.28
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	STREETS & HIGHWAYS	5.28
	11/03/23	EAP PREM FEES 10/1/23-12/3	GENERAL FUND	STREETS & HIGHWAYS	5.28
				TOTAL:	2,011.67
MARLIN BUSINESS BANK	11/03/23	PD&CITY COPIER RENTAL	GENERAL FUND	CITY HALL	515.98
	11/03/23	PD&CITY COPIER RENTAL	GENERAL FUND	CITY HALL	515.98
	11/03/23	PD&CITY COPIER RENTAL	GENERAL FUND	CITY HALL	114.50
	11/03/23	PD&CITY COPIER RENTAL	GENERAL FUND	POLICE DEPARTMENT	280.00
	11/03/23	PD&CITY COPIER RENTAL	GENERAL FUND	POLICE DEPARTMENT	280.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
				TOTAL:	1,706.46
MOSCA DESIGN	11/03/23	GARLAND	GENERAL FUND	CITY HALL	9,313.60
	11/03/23	GARLAND	GENERAL FUND	CITY HALL	733.10
				TOTAL:	10,046.70
ONE TIME VENDOR KONE INC	11/03/23	KONE INC:	GENERAL FUND	NON-DEPARTMENTAL	299.03
				TOTAL:	299.03
POSTMASTER- CHARLES TOWN	11/03/23	2 ROLLS 100 SELF STICK STA	GENERAL FUND	POLICE DEPARTMENT	132.00
				TOTAL:	132.00
POTOMAC EDISON COMPANY, INC.	11/03/23	661 ELECTRIC SERV 9/6-10/6	GENERAL FUND	NON-DEPARTMENTAL	1,126.99
	11/03/23	ELECTRIC SERV SEPTEMBER 20	GENERAL FUND	CITY HALL	714.50
	11/03/23	ELECTRIC SERV SEPTEMBER 20	GENERAL FUND	PARKING	93.42
	11/03/23	661 ELECTRIC SERV 9/6-10/6	GENERAL FUND	POLICE DEPARTMENT	2,288.14
	11/03/23	ELECTRIC SERV SEPTEMBER 20	GENERAL FUND	STREETS & HIGHWAYS	29,301.65
	11/03/23	ELECTRIC SERV SEPTEMBER 20	GENERAL FUND	STREETS & HIGHWAYS	20,797.78-
	11/03/23	ELECTRIC SERV SEPTEMBER 20	GENERAL FUND	VISITORS CENTER	259.37
				TOTAL:	12,986.29
REVIZE LLC	11/03/23	CITY WEBSITE DESIGN	GENERAL FUND	CITY HALL	3,900.00
				TOTAL:	3,900.00
DONALD B RICE TIRE CO INC	11/03/23	4 TIRES CAR# 27	GENERAL FUND	POLICE DEPARTMENT	551.04
	11/03/23	4 TIRES CAR#25	GENERAL FUND	POLICE DEPARTMENT	542.92
				TOTAL:	1,093.96
SHENANDOAH SALES AND SERVICE INC.	11/03/23	LIFT TRUCK REPAIRS	GENERAL FUND	STREETS & HIGHWAYS	275.50
	11/03/23	LIFT TRUCK REPAIRS	GENERAL FUND	STREETS & HIGHWAYS	199.50
	11/03/23	LIFT TRUCK REPAIRS	GENERAL FUND	STREETS & HIGHWAYS	39.27
	11/03/23	LIFT TRUCK REPAIRS	GENERAL FUND	STREETS & HIGHWAYS	22.69
	11/03/23	LIFT TRUCK REPAIRS	GENERAL FUND	STREETS & HIGHWAYS	20.00
				TOTAL:	556.96
STAGECOACH PRODUCTION SOUND & LIGHTIN	11/03/23	2023 CAR SHOW- SOUND	GENERAL FUND	FAIR ASSOC/FESTIVAL	2,500.00
				TOTAL:	2,500.00
STAPLES ADVANTAGE	11/03/23	2 STANDING DESK CONVERTER	GENERAL FUND	PLANNING & ZONING	422.58
	11/03/23	MAGENTA PRINTER INK-P&Z	GENERAL FUND	PLANNING & ZONING	88.29
	11/03/23	7PKS POST IT NOTES	GENERAL FUND	CITY HALL	53.75
	11/03/23	CERAMIC TOWER/LETTER TRAY	GENERAL FUND	CITY HALL	87.95
	11/03/23	LABELS/TISSUES	GENERAL FUND	CITY HALL	52.20
	11/03/23	K-CUPS,CREAMER,CUPS WITH L	GENERAL FUND	CITY HALL	87.85
				TOTAL:	792.62
STAR CHAPMAN GROUP INC.	11/03/23	ACCTING SERVICES 10/15-10/	GENERAL FUND	TREASURER'S OFFICE	5,500.00
				TOTAL:	5,500.00
STEPTOE & JOHNSON PLLC	11/03/23	LEGAL SERVICES SEPT 2023	GENERAL FUND	CITY ATTORNEY	14,804.69
				TOTAL:	14,804.69
STEWARTS MENS WEAR	11/03/23	BOUND/KUTCHER UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	280.00
	11/03/23	BOUND/KUTCHER UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	54.50
	11/03/23	BOUND/KUTCHER UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	59.50
	11/03/23	BOUND/KUTCHER UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	57.50

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	11/03/23	BOUND/KUTCHER UNIFORMS	GENERAL FUND	POLICE DEPARTMENT	15.00
				TOTAL:	466.50
THE JOURNAL,MARTINSBURG	11/03/23	PD POLICE OFFICER JOB POST	GENERAL FUND	POLICE DEPARTMENT	589.85
	11/03/23	10/15 POLICE OFFICER JOB	GENERAL FUND	POLICE DEPARTMENT	299.85
				TOTAL:	889.70
TRAVELERS	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	NON-DEPARTMENTAL	284.27
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	NON-DEPARTMENTAL	170.76
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	NON-DEPARTMENTAL	83.76
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	NON-DEPARTMENTAL	273.82
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	ECONOMIC DEVELOPMENT	296.11
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	ECONOMIC DEVELOPMENT	177.86
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	ECONOMIC DEVELOPMENT	87.26
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	ECONOMIC DEVELOPMENT	285.22
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	MAYOR'S OFFICE	59.22
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	MAYOR'S OFFICE	35.57
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	MAYOR'S OFFICE	17.45
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	MAYOR'S OFFICE	57.04
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY COUNCIL	189.51
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY COUNCIL	113.83
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY COUNCIL	55.85
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY COUNCIL	182.54
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY MANAGER'S OFFICE	903.03
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY MANAGER'S OFFICE	542.40
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY MANAGER'S OFFICE	266.10
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY MANAGER'S OFFICE	869.79
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	TREASURER'S OFFICE	1,027.16
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	TREASURER'S OFFICE	616.95
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	TREASURER'S OFFICE	302.68
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	TREASURER'S OFFICE	989.36
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY CLERK'S OFFICE	273.73
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY CLERK'S OFFICE	164.41
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY CLERK'S OFFICE	80.66
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY CLERK'S OFFICE	263.65
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	POLICE JUDGE'S OFFICE	151.61
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	POLICE JUDGE'S OFFICE	91.06
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	POLICE JUDGE'S OFFICE	44.68
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	POLICE JUDGE'S OFFICE	146.03
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	ENFORCEMENT AGENCY	230.99
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	ENFORCEMENT AGENCY	138.74
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	ENFORCEMENT AGENCY	68.07
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	ENFORCEMENT AGENCY	222.49
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	BUILDING INSPECTION	349.65
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	BUILDING INSPECTION	210.01
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	BUILDING INSPECTION	103.03
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	BUILDING INSPECTION	336.78
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	PLANNING & ZONING	994.94
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	PLANNING & ZONING	597.60
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	PLANNING & ZONING	293.19
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	PLANNING & ZONING	958.32
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	CITY HALL	456.72
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	CITY HALL	274.33
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	CITY HALL	134.59
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	CITY HALL	439.92
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	PARKING	171.03

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	PARKING	102.73
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	PARKING	50.40
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	PARKING	164.74
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	POLICE DEPARTMENT	6,526.25
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	POLICE DEPARTMENT	3,919.95
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	POLICE DEPARTMENT	1,923.15
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	POLICE DEPARTMENT	6,286.07
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	POLICE-SPECIAL DUTY	116.08
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	POLICE-SPECIAL DUTY	69.72
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	POLICE-SPECIAL DUTY	34.21
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	POLICE-SPECIAL DUTY	111.80
	11/03/23	PROF LIABILITY 8/1/23-8/1/	GENERAL FUND	STREETS & HIGHWAYS	1,107.70
	11/03/23	COMMERCIAL PROP 8/1/23-8/1	GENERAL FUND	STREETS & HIGHWAYS	665.33
	11/03/23	UMBRELLA 8/1/23-8/1/24	GENERAL FUND	STREETS & HIGHWAYS	326.42
	11/03/23	AUTOMOBILE 8/1/23-8/1/24	GENERAL FUND	STREETS & HIGHWAYS	1,066.93
				TOTAL:	37,555.25
TWYFORD, RIKKI	11/03/23	8 BAGS OF CANDY	GENERAL FUND	CITY COUNCIL	130.82
				TOTAL:	130.82
VITAL SIGNS PLUS, INC.	11/03/23	NISSEL- WOODEN NAME PLATE	GENERAL FUND	CITY MANAGER'S OFFICE	68.00
				TOTAL:	68.00
WORKFORCE WEST VIRGINIA	11/03/23	J BARKLEY-3Q2023 UNEMPLOYM	GENERAL FUND	CITY MANAGER'S OFFICE	3,291.20
				TOTAL:	3,291.20

FUND TOTALS	
001 GENERAL FUND	179,210.48
GRAND TOTAL:	179,210.48

TOTAL PAGES: 7

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: 11/03/2023 THRU 11/03/2023

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
ADVANTAGE TECHNOLOGY LLC	11/03/23	PD TECH SERVICES- 10/1/23	CAPITAL RESERVE	GENERAL GOVERNMENT	302.50
	11/03/23	10/1/23 CITY TECH SERVICE	CAPITAL RESERVE	GENERAL GOVERNMENT	3,398.75
	11/03/23	PD TECH SERVICE	CAPITAL RESERVE	GENERAL GOVERNMENT	570.00
	11/03/23	CITY-SONIC WALL 1YR LICENS	CAPITAL RESERVE	GENERAL GOVERNMENT	1,598.93
	11/03/23	DELL EMC UPGRADE&EXTENSION	CAPITAL RESERVE	GENERAL GOVERNMENT	1,382.03
				TOTAL:	7,252.21
ALPHA ASSOCIATES, INCORPORATED	11/03/23	AUGUSTINE AVE-TRAIL DESIGN	CAPITAL RESERVE	CULTURE & RECREATION	1,408.14
				TOTAL:	1,408.14

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

200	CAPITAL RESERVE	8,660.35
	GRAND TOTAL:	8,660.35

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: 11/03/2023 THRU 11/03/2023

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
CBP ENTERPRISES	11/03/23	SEPT23 MOWING JEFF MEM PAR	PARKS & REC	PARKS & REC		1,580.00
	11/03/23	SEPT23 MOWING EVITTS RUN	PARKS & REC	PARKS & REC		720.00
	11/03/23	SEPT23 MOWING HAPPY RETREA	PARKS & REC	PARKS & REC		690.00
	11/03/23	SEPT23 MOWING CRAIG HILL	PARKS & REC	PARKS & REC		705.00
	11/03/23	SEPT23 MOWING WILLINGHAM K	PARKS & REC	PARKS & REC		885.00
					TOTAL:	4,580.00
JEFFERSON COUNTY HEALTH DEPT	11/03/23	2024 JMP POOL PERMIT	PARKS & REC	PARKS & REC		125.00
					TOTAL:	125.00

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

207	PARKS & REC	4,705.00
	GRAND TOTAL:	4,705.00

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET:	03-CT BOARD OF P&R
VENDOR:	All
CLASSIFICATION:	All
BANK CODE:	Include: PARK1
ITEM DATE:	0/00/0000 THRU 99/99/9999
ITEM AMOUNT:	99,999,999.00CR THRU 99,999,999.00
GL POST DATE:	0/00/0000 THRU 99/99/9999
CHECK DATE:	11/03/2023 THRU 11/03/2023

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: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-968: Deputy Clerk Designation Letter

ATTACHMENTS:

- Deputy City Clerk Letter - signed.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

October 23, 2023

MAYOR
Robert M. Trainor

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

CITY MANAGER
John Nissel

From: John Nissel, City Manager/City Clerk

To: Carolyn Vezzosi, Executive Assistant

Subject: Deputy City Clerk Designation

1. You are hereby designated as the Deputy City Clerk for the City of Charles Town, WV. As such you are authorized to assume the duties and signature authority as City Clerk in my absence.
2. Ensure that you follow all State and City rules and regulations while carrying out these duties.

John Nissel
City Manager/City Clerk

From: Carolyn Vezzosi, Executive Assistant

To: John Nissel, City Manager/City Clerk

1. I hereby acknowledge and accept the above designation.

Carolyn Vezzosi

Copy: Charles Town City Council

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-969: Charles Town Police Department Statistical Report for September 2023

ATTACHMENTS:

- September CTPD Stats.pdf

Charles Town Police Department
Monthly Stat Report

September 2023

911 Hangup	3	Loose Dog	
Abandoned Vehicle	2	Motorist Assist	6
Alarm	21	MVA w/ Entrapment	
Animal Complaint		MVA Hit and Run	2
Assault	2	MVA No Injury	20
BOLO	1	MVA Into Structure	1
Breaking and Entering		MVA w/ Injury	2
Breaking and Entering Veh		Open Door	6
Building Check	35	Out of Car (Investigation/Meeting/Court)	9
Capias Recall by Court	6	Panhandling	1
Capias Service	11	Overdose	1
Citizen Assist		Overdose-Death	
Civil Process	1	Parking Complaint	15
Court/Bailiff Duty	2	Public Assist (In Person Contact)	31
Destruction of Property		Public Service (Phone Contact)	75
Directed Patrol	264	Reckless Driver	1
Disabled Vehicle	7	Road Patrol	10
Disturbance	39	Robbery	1
Dog Locked in Vehicle		Shooting	
Domestic Battery	3	Special Event/Detail	13
Drug Activity	1	Stolen Tag	
DUI	2	Stolen Vehicle	
EMS Assist	10	Suspicious Activity	9
Fingerprinting	5	Suspicious Mail	
Fight		Suspicious Person	6
Fire Assist		Suspicious Vehicle	6
Fireworks Complaint	1	Theft	4
Follow Up	28	Threats	2
Found Property	2	Traffic Hazzard	4
Fraud	3	Transport	2
Gunshots Heard	1	Trespassing	1
Harassment	2	Unattended Death	
Hardcopy Check	2	Vehicle Fire	1
Illegal Dumping	1	VIN Verification	2
Injured Animal	1	Warrant Service	11
Intoxicated Person	2	Welfare Check	19
Juvenile Complaint	2	Wires Down	
Livestock Complaint		**Total calls of service**	**721**

Assists/Back-Ups:	Ranson	**7**		Sheriffs Dept.	**24**
	Harpers Ferry			State Police	**4**
	Shepherdstown			Other (not including CTPD)	
				Total Assists	**35**

	Male	Female	Caucasian	African American	Hispanic	Asian	Other/ Unknown	Total
Defendants:	14	10	20	4				**24**
Total Charges	19	19	31	7				**38**
Citations:								**274**
- Moving								**120**
- Nonmoving								**140**
- Criminal								**8**
- S Ticket (Parking)								**6**
Stops	129	108	183	27	18	6	3	**237**
Warnings:								**132**
Stops	66	66	100	13	14	0	5	**132**
Total	**209**	184	**303**	**44**	**32**	**6**	**8**	
Incident Report								**55**
Parking								
- Citations								**333**
-Warnings								**55**

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

September 2023

	Male	Female	Caucasian	African American	Hispanic	Asian	Unknown
PART I OFFENSE							
Burglary (Daytime)							
Burglary (Nighttime)							
Grand Larceny							
Malicious Assault	1		1				
Malicious Wounding							
Attempted Murder 1st Degree							
Murder 1st Degree							
Petit Larceny	1		1				
Robbery - Attempted							
Robbery							
Robbery 2nd Degree							
Sexual Assault 1st Degree							
Shoplifting							
Shoplifting 2nd Offense							
Shoplifting 3rd Offense							
Strangulation							
TOTAL	2	0	2	0	0	0	0
PART II OFFENSE							
Assault							
Attempted Disarm of Police Officer							
Attempted Escape from Custody							
Battery	1			1			
Battery on Law Enforcement/EMS							
Brandishing a Deadly Weapon							
Capias Served	7	3	9	1			
Child Abuse Resulting in Injury							
Child Neglect Creating Risk of Injury							
Conspiracy		1	1				
Conspiracy to Distribute Fentanyl							
Conspiracy to Distribute MDMA							
Conspiracy to Breaking and Entering							
Conspiracy to Possess w/Intent to Deliver Acid/LSD							
Conspiracy to Commit Petit Larceny	1		1				
Criminal Invasion of Privacy							
Cultivation of Marijuana							
Deadly Weapon on School Property							
Delivery of Controlled Substance							
Destruction of Property	1	1	1	1			
Destruction of Property - Felony	1		1				
Disruption of School							
Distribution of Crack Cocaine							
Disturbing the Peace							
Domestic Assault		1		1			
Domestic Battery	1	1	2				
Domestic Battery 2nd Offense							
Domestic Battery 3rd Offense							
Driving Revoked for DUI		1	1				
Driving Revoked for DUI 2nd							
Driving Revoked for DUI 3rd							
Driving Revoked Non DUI Admin							
DUI	1	1	2				
DUI 2nd							
DUI 3rd							
DUI Aggravated							
DUI Causing Bodily Injury							
DUI - Drugs							

Charles Town Police Department

Monthly Stat Report

Charges by Offense/Gender/Race

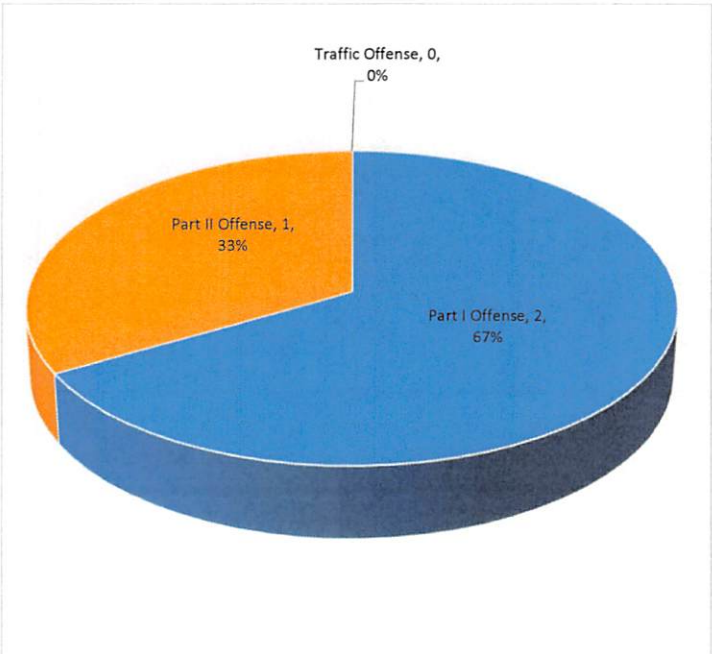
DUI - Drugs 2nd Offense							
DUI w/ Minor							
Entering w/out Breaking-Auto							
Failure to Register for Child Abuse Registry							
False Alarm of Fire							
False Reporting of an Emergency							
Felon Concealing Firearm							
Felon in Possession of Firearm							
Fingerprint Refusal	1	1	1	1			
Fleeing with Reckless Indifference							
Fleeing in Vehicle							
FPO Violation							
Fraudulent Schemes		1	1				
Fugitive From Justice	1			1			
Incest							
Indecent Exposure							
Interfering with Emergency Communication	1		1				
Littering							
Non-Consensual Disclosure of Private Intimate Images							
Obstructing an Officer		2	1	1			
Obtain Money, Property, Services by False Pretense		2	2				
Open Container							
Open Container in Vehicle							
Persuading Minor to Film Sexually Explicit Conduct							
Phone Harassment							
Pimping							
Possession Deadly Weapon by Minor							
Possession of Alprazolam		1	1				
Possession of Amphetamine		1	1				
Possession of Cocaine Fentanyl		1	1				
Possession of Heroin							
Possession of Marijuana							
Possession of Morphine							
Possession of Oxycodone w/out Prescription							
Possession of Vape Product under 18							
Possession w/ Intent to Deliver Alprazolam							
Possession of Stolen Property							
Possession w/ Intent to Deliver Cocaine							
Possession w/ Intent to Deliver MDMA (Molly)							
Possession w/ Intent to Deliver Fentanyl							
Probation Violation							
Prohibited Person in Poss of Firearm							
Prostitution							
Prostitution 2nd Offense							
Providing Alcohol to Under 21							
Public Intoxication							
Reckless Driving							
Resisting Arrest							
Sexual Abuse 1st Degree							
Solicitation							
Threats of Terroristic Acts							
Transfer Receive Stolen Property	1		1				
Trespassing into Structure							
Unlawful Possession/Transport into WV Fentanyl							
Underage Possession of Firearm (Federal Warrant)							
Uttering		1	1				
Use of Obscene Matter to Seduce Minor							
TOTAL	**17**	**19**	**29**	**7**	**0**	**0**	**0**

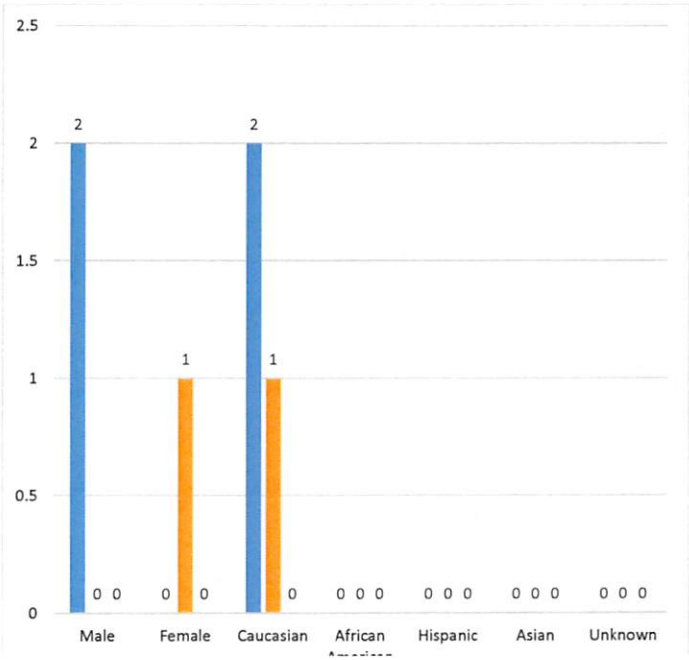
Charles Town Police Department

Monthly Stat Report

Charges by Offense/Gender/Race

TRAFFIC OFFENSE							
Cell Phone Violation							
Child Safety Restraint Violation							
Defective Equipment							
Driving Suspended							
Driving Suspended 2nd Offense							
Driving Suspended 3rd Offense							
Driving Too Fast for Conditions							
Exp/No MVI							
Expired/No Operators							
Expired/No Registration							
Fail to Keep Right							
Fail to Maintain Control							
Fail to Obey Traffic Signal							
Fail to Obtain WV Operators							
Fail to Report Accident							
Failure to Update Address on License							
Following to Closely							
Improper Backing							
Improper Registration							
Leaving the Scene of Accident							
Left of Center							
No Insurance/No Proof of Insurance							
No Motorcycle Endorsement							
No Operators							
No Seatbelt							
No White Bicycle Light							
Passing on Right							
Red Light Violation							
Speeding							
Striking Unattended Vehicle							
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**
TOTAL CHARGES	**19**	**19**	**31**	**7**	**0**	**0**	**0**





Charles Town Police Department

SRO Monthly Report

Washington High School 2020-2021 / September 2023

INVOLVEMENTS:					
Alcohol Related	0	Fire/Shelter Drills	2	SRO Use of Force	0
Battery on School Employee	0	Found Property	0	Suspensions	16
Citizen Assist	4	Incident Reports	3	Threats	2
Directed Patrols	0	Juvenile Petitions	1	Tobacco Related	3
Disturbance	8	Marijuana Possession	0	Trespassing	1
Evacuations	0	Parental Contacts	7	Vandalism/Theft	1
Extra Curricular Activities	10	Parking Complaints	0	Vehicle Accident	1
Fights	2	Reckless Driver	0	Welfare Check	0
Fire Department Assist	0	Social Media Related	2	***Total Involvements***	***63***

Officer Notes/Misc. Information: Crime Scene Investigation Presentation to Forensic Science Class

YOUTH SERVICES:	
Total Classes Taught:	1
Students in Class:	12
Topics Taught:	See Misc.
One on One Contacts:	8
Total Students Served:	20

Charles Town Police Department

Total Traffic Citation Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	1
17A-3-16	Expired Registration	65
17A-3-1a(a)	New Residence Reg-30 Days	1
17A-9-2	No Or Expired Registration	19
17B-2-1	No Operators	4
17B-2-12	Expired Operators	4
17B-4-3(a)	Driving Suspended/2nd/3rd	1
17B-4-3(b)	Driving Revoked For DUI/2nd/3rd	1
17B-4-3a	Driving Suspended or Revoked	8
17C-12-5	Stop Sign Violation	5
17C-12-7	Fail To Stop For School Bus	1
17C-13-3	Parking Violation	5
17C-14-15	Use Handheld Communication Device	6
17C-15-49	Seatbelts Required	3
17C-16-9	No Or Expired MVI	34
17C-3-4	Fail To Obey Traffic Control Device	1
17C-3-5	Fail To Obey Traffic Light	15
17C-3-5(c)	Right on Red	1
17C-5-2(f)	Aggravated DUI >.15	2
17C-6-1a	Failure To Maintain Control	4
17C-6-1b	Speeding	67
17C-7-4	Passing On Right-Off Road	4
17C-7-9	Improper Lane Change	1
17C-9-3	Fail To Yield-Thru Highway	1
17C-9-4	Fail To Yield From Private Road	1
17C-9-5	Fail To Yield-Emergency Vehicle	1
17D-2A-3	No Insurance	5
17D-2A-4	No Proof Of Insurance	6
CTPD171.07	Failure To Appear For Trial (CAPIAS)	4
CTPD333.03	Hazardous Driving	1
CTPD334.02(b)	Open Container in Vehicle	1
CTPD361.08	Parking For Prohibited Purposes	1
Report Totals		**274**

Report Includes:
All dates of issue between `00:00:00 09/01/23` and `23:59:59 09/30/23`, All agencies matching `CTPD`, All issuing officers, All areas, All courts, All offense codes, All dispositions, All citation/warning types

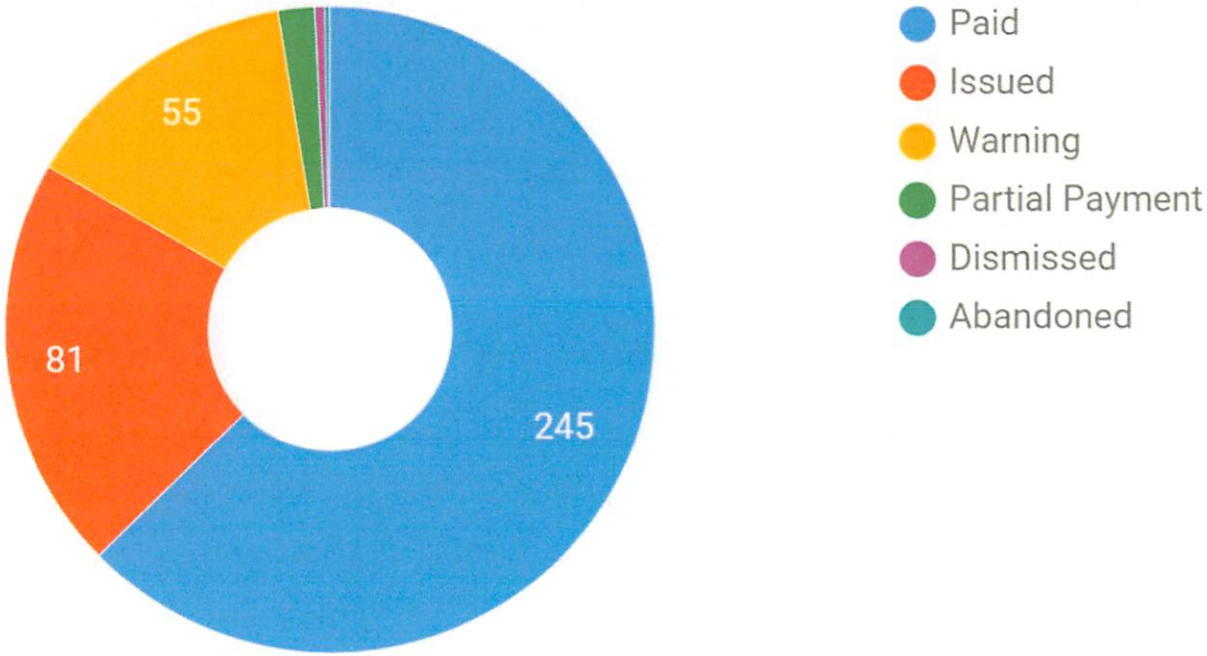
Charles Town Police Department

Total Traffic Warning Report, by Violation

Violation	Description	Total
17A-3-15	Improper Display Of Registration	28
17A-3-16	Expired Registration	18
17A-9-2	No Or Expired Registration	5
17C-12-5	Stop Sign Violation	2
17C-12-7	Fail To Stop For School Bus	1
17C-13-3	Parking Violation	1
17C-14-15	Use Handheld Communication Device	4
17C-15-1	Unsafe-Improperly Equipped Vehicle	4
17C-15-36a	Sun-Screening Devices-Window Tint	1
17C-15-4	Head Lamp Requirements	1
17C-16-9	No Or Expired MVI	2
17C-3-4	Fail To Obey Traffic Control Device	4
17C-3-5	Fail To Obey Traffic Light	1
17C-6-1(a)	Too Fast For Conditions	1
17C-6-1a	Failure To Maintain Control	4
17C-6-1b	Speeding	43
17C-7-3	Improper Passing/Audible Signal	4
17C-7-4	Passing On Right-Off Road	2
17C-7-9	Improper Lane Change	1
17C-8-8	Improper Stopping/Turning/Signaling	1
17C-9-3	Fail To Yield-Thru Highway	1
17C-9-5	Fail To Yield-Emergency Vehicle	1
CTPD311.04	Parades And Assemblages	1
CTPD333.03	Hazardous Driving	1
	Report Totals:	**132**

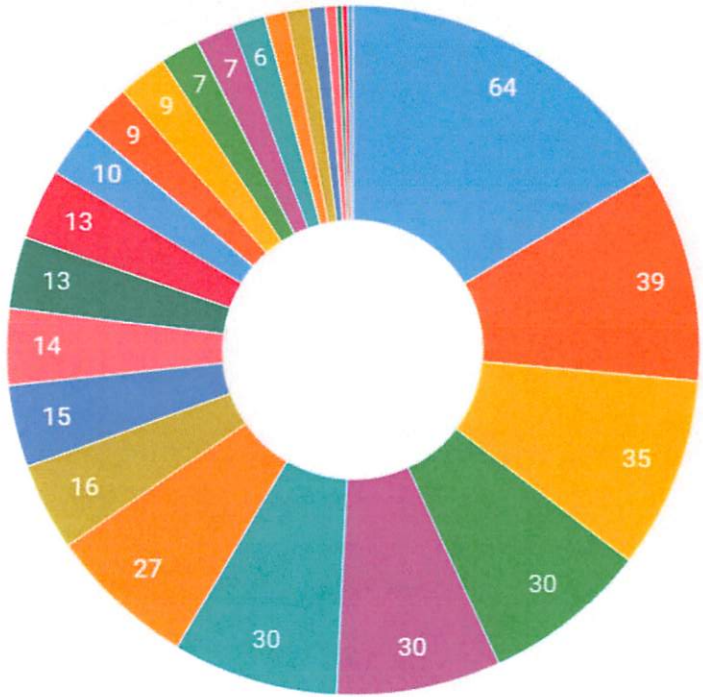
Report Includes:
All dates between `00:00:00 09/01/23` and `23:59:59 09/30/23`, All agencies matching `CTPD`, All issuing officers, All areas, All violations

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



Data as of 10/15/2023, 12:00:00 AM

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

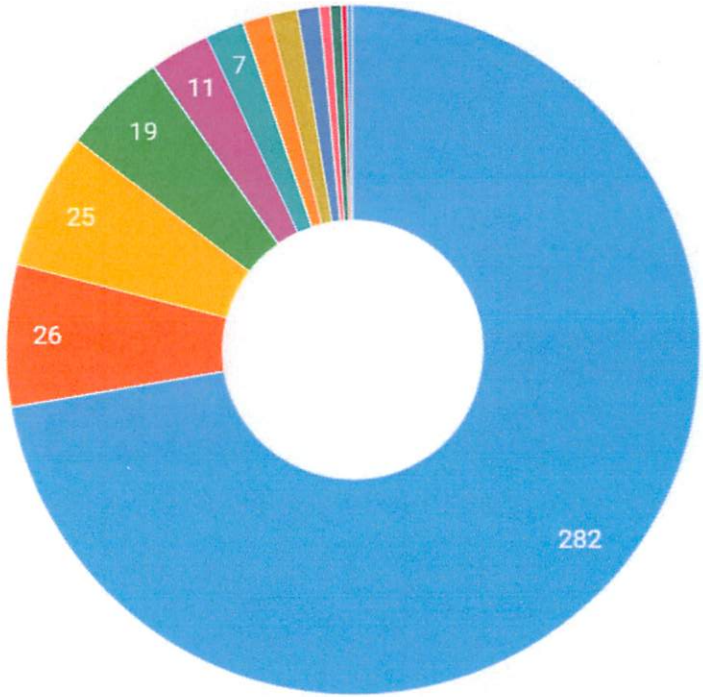


- 100 BLOCK NORTH CHARLES STREET
- 200 BLOCK WEST LIBERTY STREET
- 100 BLOCK EAST LIBERTY STREET
- 100 BLOCK SOUTH CHARLES STREET
- 100 BLOCK WEST LIBERTY STREET
- 200 BLOCK NORTH GEORGE STREET
- LIBERTY STREET PARKING LOT
- 100 BLOCK NORTH SAMUEL STREET
- 100 BLOCK WEST WASHINGTON STREET
- 200 BLOCK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

▲ 1/2 ▼

Data as of 10/15/2023, 12:00:00 AM

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

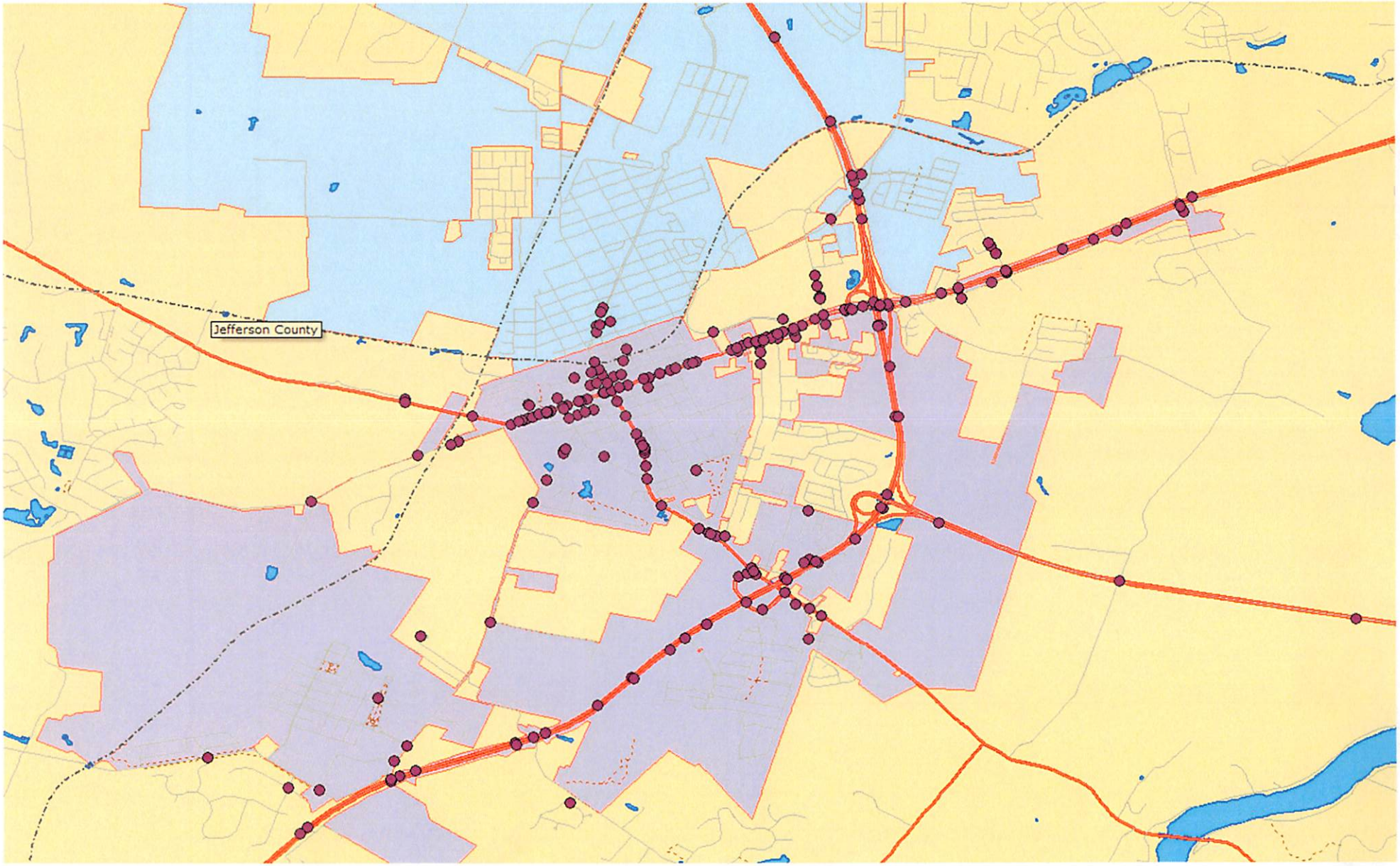


- Expired Meter
- Permit Parking Only/Pay by App Violation (Liberty Street Lot)
- Exceed 2 Hour Free Parking
- Accessible Parking Violation
- Parking Permit Violation
- 2 Hour Maximum Parking Violation
- Designated No Parking Zone Violation
- Yellow/Red Painted Curbs or Streets Violation
- Loading/Unloading Zone Violation
- Improper Manner of Parking
- Right wheel more than 18" from right curb
- Parking between sidewalk and curb
- Immobilization Device (Booting) Fee

Data as of 10/15/2023, 12:00:00 AM

September 2023 – All CTPD Calls

September 2023 – All CTPD Traffic Stops



City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-970: Charles Town Utility Board Meeting Minutes - September 27, 2023, and October 11, 2023

ATTACHMENTS:

- 2023.09.27 UB MINUTES.pdf
- 2023.10.11 UB MINUTES.pdf

Charles Town Utility Board
Regular Board Meeting
September 27, 2023

The Charles Town Utility Board held a regular meeting on September 27, 2023 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer, Jeff Whitten, Board Member; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; Robert Rodecker, Legal Counsel; and Richard Lewis, Legal Counsel.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of September 13, 2023 Regular Meeting Minutes

The Chairman called for changes or corrections to the September 13, 2023 regular meeting minutes.

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

Approval of September 20, 2023 Special Meeting Minutes

The Chairman called for changes or corrections to the September 20, 2023 special meeting minutes. Mrs. Parker requested adding the permit number to the discussion.

Action: **Motion made by Mr. Whitten, second by Mr. Pierson, the Board unanimously approved the minutes as amended.**

PUBLIC COMMENT

The Board received no public comment.

UNFINISHED BUSINESS

Audit Committee Selection Update

Mrs. Shultz provided that after sending bid packets to four Audit firms, only 1 proposal was received along with 3 no bid letters. The committee accepted the bid proposal from Perry & Associates for audit services for fiscal years 2023-2025 totaling $22,250.00. Mrs. Shultz submitted the bid proposal from Perry & Associates to the State Auditor's office for approval.

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

NEW BUSINESS

October Board Meeting Schedule Discussion – Move October 25th Meeting to Thursday, October 26th

Mrs. Stolipher requested moving the October 25th board meeting to October 26th due to staffing and scheduling conflicts with the meeting room.

Action: **Motion made by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved moving the October 25th board meeting to October 26th.**

Dupont and 3M Class Action Settlement Correspondence

Mr. Richard Lewis from Steptoe & Johnson, PLLC, gave an overview on the class action lawsuits against Dupont and 3M that were sent out to all public water systems across the Unites States. The lawsuits stem from PFAS chemicals released from materials manufactured by both those companies who are now responsible for any damages caused by the chemicals, specifically in source water. Mr. Lewis mentioned CTUB may participate in the class to receive a settlement based on numerous factors or opt out by the December 4, 2023 deadline. Filing objections to the suit are due by November 4th. The Board provided

discussions. Mr. Lewis, along with staff, will gather further information and bring back to the Board next meeting.

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

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher mentioned the PSC Reports were submitted this month by Mrs. Shultz and the Greenfield Force Main project will be advertised in the next two editions of the Spirit. She also provided the Collection System easement acquisition has begun and the presentation for the proposed rates will be held at the October 2nd Council meeting.

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

Chairman Report

The Chairman provided no updates.

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

APPROVAL OF BILLS

September 27, 2023

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

INFORMATION ONLY

The next regular meeting is scheduled for Wednesday, October 11, 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 4:39 P.M.

John Nissel
Chairman

Ashley Stottlemyer
Secretary

Charles Town Utility Board
Regular Board Meeting
October 11, 2023

The Charles Town Utility Board held a regular meeting on October 11, 2023 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer, Jeff Whitten, Board Member; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; and Richard Lewis, Legal Counsel.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of September 23, 2023 Regular Meeting Minutes

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

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

PUBLIC COMMENT

The Board received a public comment from Elizabeth Ricketts.

UNFINISHED BUSINESS

Dupont and 3M Class Action Settlement Correspondence - Possible Executive Session Under: WV State Code Section §6-9A-4(b)(12) – To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential.

Action: **This item was moved to the end of the meeting.**

NEW BUSINESS

Renewal & Replacement Project Resolution No. 12 – Contractor Pay Application No. 12

Mrs. Stolipher included the contractor application for payment no. 12 in the amount of $895,538.96 for work completed.

Action: **Motion made by Mr. Stocks, second by Mr. Pierson, the Board unanimously approved the Contractor Pay Application No. 12.**

Tuscawilla Treatment Plant Blow-Off Piping Quote

Mrs. Stolipher provided a quote for blow-off piping due to operation and maintenance issues at the Tuscawilla wastewater plant as a result of the piping installed during the membrane filters. The quote from Alvarez Contractors is not to exceed $20,812.99.

Action: **Motion made by Mr. Pierson, second by Mr. Stocks, the Board unanimously approved the quote from Alvarez Contractors.**

RK&K Task No. 19 – Scope of Work Change Order No. 04

Mrs. Stolipher mentioned this task order is for the Collection System project and the change order

relates to redesign efforts and easement coordination efforts. John Cole, from RK&K, provided a brief update on the changes totaling $19,000.00. The Board provided discussions.

Action: **Motion made by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved the RK&K scope of work change order No. 04.**

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher addressed the public comment made earlier in the meeting. She stated the yearly chloramine conversion was advertised in the Spirit on September 20th and 27th as well as the website and mentioned at the last Board meeting. Mrs. Shultz provided the Board with a brief update on the new software system. The Board discussed options for providing customer updates.

Mrs. Stolipher also provided a clarification to a public comment made at the October 2nd City Council meeting regarding lead and copper testing. She stated that staff followed up with the claim of a lead service line and found no lead at this location. The Board provided discussions. Mrs. Stolipher also mentioned the pre-bid meeting for the Greenfield force main will be held on October 12th with the bid opening on October 26th. She also briefed the Board on the rate presentation she gave at the October 2nd City Council meeting and will have a follow-up at the October 16th meeting.

Mrs. Stolipher mentioned she will have a tour of the upgrades at the Charles Town wastewater plant on October 12th at 4:00 P.M. for anyone who wants to attend. And lastly, she mentioned CTUB participated in purchasing ariel photography with the County.

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

Chairman Report

The Chairman provided he invited Mrs. Stolipher to the November 6th City Council meeting to provide an update on the various CTUB projects. He also mentioned he has been working with Mrs. Stolipher on holding a "CTUB" day on January 26th for all elected officials in Ranson, Charles Town, the County Commission and CTUB Board members.

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

Mrs. Parker requested the most recent water report on the CTUB website and asked about an asset management plan.

APPROVAL OF BILLS

October 11, 2023

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

EXECUTIVE SESSION

Dupont and 3M Class Action Settlement Correspondence - Possible Executive Session Under: WV State Code Section §6-9A-4(b)(12) – To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential.

Action: **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously approved convening into Executive Session at 4:45 P.M. to discuss the Dupont and 3M Class Action Settlement Correspondence.**

Executive session was declared over at 4:58 P.M.

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting.

Action: **Motion by Mr. Pierson, second by Mr. Whitten, the Board unanimously adjourned the meeting at 4:59 P.M.**

INFORMATION ONLY

The next meeting is a Special Meeting scheduled for Thursday, October 26, 2023 at 4:00 P.M. at 661 S. George Street.

John Nissel
Chairman

Ashley Stottlemyer
Secretary

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-967: Board of Parks and Recreation September 26, 2023, Meeting Report

ATTACHMENTS:

- P&R Report_ September 26, 2023 (1).pdf

City of Charles Town
Parks and Recreation Commission
Report from September 26, 2023

I. CALL TO ORDER: Thursday September 26, 2023 at 6:10PM - City Hall

Persons Present: *Commissioners:* James Kratovil, Elizabeth Ricketts, Nick Zaglifa, Trudy Roth, Nathanael Hartman, Staff: Alissa Meeks and Cindy Rezmer

II. APPROVAL OF MINUTES

July 2023: approved

August 2023: approved with addition of *Trudy Roth to those marked as present; "2023-697: Day of Caring - moved project to Spring per K-Kids request"*

III. UNFINISHED BUSINESS

: Master Plan Proposal from Kimley-Horn - Discussion and Decision

Motion to table indefinitely

Motion: Nick Zaglifa / 2nd: Trudy Roth

Recommendation to Council: none at this time - information only

: JMP Pool Engineering Firm - Discussion and Selection

Thrasher Engineering firm selected.

Motion: Nick Zaglifa / 2nd: Nathanael Hartman

Recommendation to Council: none at this time - information only

IV. NEW BUSINESS

: Request for Event - "Pints and Pickleball" Selection

Proposed event by Jefferson County Parks and Recreation to be held at JMP second Saturday of October. Requesting approval by this board to move forward with planning.

Motioned: Nick Zaglifa / 2nd: Trudy Roth

Recommendation to Council: none at this time - information only - *event ultimately postponed to 2024*

: Tree Board Tree Planting and Grant request for planting/replacement/maintenance

Information provided to the commissioners on the approval from City Council for the Tree Board to seek a grant.

Recommendation to Council: none at this time - information only

: Update on YMCA potentially locating in Jefferson County

Information provided to the commissioners on the YMCA resolution signed by City Council.

Recommendation to Council: none at this time - information only

: Parks and Recreation Goals and Objectives for 6-month Outlook

Preliminary discussion of goals and projects occurred. It was confirmed that the #1 priority remains the Jefferson Memorial Park pool project. Other items included continuing to pursue installation of foot bridges at Happy Retreat and Evitts Run Park and planning for more courts for racket sports. Planning for the tennis programming for next season should start earlier in order to address some efficiency issues with the program. Programming of parks generally will be looked at as a goal by the commissioners.

Recommendation to Council: none at this time - information only

V. Parks Update

Jefferson Memorial Park- Day of Caring saw the Rotary Club of Charles Town continue sealing of the trail; The CT Maintenance team believes the pool is operable for one more season

Evitts Run Park - trash clean up is needed, particularly in the waterway

Happy Retreat -

Willingham Knolls -

Skate Park - removal of extra fencing now complete

VI. ADJOURNMENT: 7:35PM

VII. NEXT MEETING: Thursday October 26, 2023 at 6:00PM at City Hall.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 11/06/23
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2023-977: Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Matching Grant Letter

ATTACHMENTS:

- HEPMPO Grant Funding - W Congress and S. Lawrence St..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

October 24, 2023

MAYOR
Robert M. Trainor

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

CITY MANAGER
John Nissel

Matt Mullenax
Executive Director
Hagerstown-Eastern Panhandle Metropolitan Planning Organization

Subject: Charles Town Pledge of Match Funding for HEPMPO STBG and/or Climate Reduction Program Grant Funding

Dear Director Mullenax:

I write on behalf of the City of Charles Town, WV to respectfully request that the Hagerstown-Eastern Panhandle Metropolitan Planning Organization provide the City of Charles Town with a grant of $219,027 from either the Surface Transportation Block Grant and/or the Climate Reduction Program resources to be awarded by HEPMPO in the FY2024 round. This application from Charles Town seeks to upgrade the degraded and deteriorated pedestrian sidewalks and crossing intersections at the four comers of West Congress Street and South Lawrence Street, immediately in front of Wright Denny Elementary School in the heart of downtown Charles Town. This intersection improvement is shovel-ready, and needs constructed in order to enhance the safety of Wright-Denny's 423 students, 24 teachers, staff and families using this intersection each school day.

Also by this letter, the City of Charles Town commits to provide a cash match of $54,757 to cover the 20% match obligation.

Thank you for your consideration of this grant application, and please do not hesitate to contact me at 304.725.2311, x0 with any questions or to discuss how we can move forward in partnership.

Sincerely,

John Nissel
City Manager
Charles Town, WV

HEPMPO Application for Project Funding

Agency/Organization Information
Name: City of Charles Town, WV

Type of the Agency/Organization (check one):

- ✓ A unit of local government.
- ☐ An agency that maintains Federal aid eligible facilities or that has coordinated with WVDOT for improvements to a road eligible for federal funds prior to submission of an application.
- ☐ A nonprofit entity that is responsible for the administration of federal fund eligible facilities.
- ☐ A member of the public (approved by the HEPMPO Interstate Council).

Agency/Organization Representative	
First Name: John	Last Name: Nissel
Email: JNissel@CharlesTownWV.us	Phone Number: 304.725.2311x 1
Title: City Manager	

Required Project Information Checklist (Please attach narratives)		
Project Name: West Congress & South Lawrence Street Intersection Improvement Project		
Project Location: Intersection of W. Congress & S. Lawrence Streets, in front of Wright-Denny Elementary School, in downtown Charles Town, Jefferson County, WV		
Narratives:		
Yes	No	Document
✓	☐	Purpose/Need Statement
✓	☐	Summary of Project Benefit and Impact
✓	☐	Scope of Work
✓	☐	Project Map
✓	☐	Additional Pertinent documentation — See scope of design & engineering work, and cost estimation, from City's engineering firm
✓	☐	Letters of Support (optional) -- See letter from Jefferson County Schools

Grant and Funding Information

Type of funding requested (check all that apply):

✓ Surface Transportation Block Grant (STBG). Grant amount requested: $219,027

☐ Carbon Reduction Program (CRP). Grant amount requested: Also eligible under this program,

If awarded a grant, when will use of the funds begin? Construction bidding can begin immediately.

Is the project eligible for 100% Federal fundings?

Yes_____; No X ; Not sure_____;

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

Yes ✓ ; No_____; See attached letter of 20% cash match commitment, or $54,757, from City of Charles Town

Total project cost (if different from the amount requested) $273,784.

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

This project includes construction for upgrade/replacement of all four deteriorated corners of the intersection of W. Congress Street & S. Lawrence Street, including excavation, earthwork, sediment control, drainage and stormwater management, asphalt pavement, concrete sidewalks/curbs/gutters, signage and striping, maintenance of traffic, mobilization, and associated construction components for this sidewalk/crossing upgrade. See the attached, detailed budget from the city's engineering firm.

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

This project will upgrade the sidewalks and crossings at the four corners of a deteriorated intersection at the footstep of Wright Denny Intermediate School, which serves 423 students, 24 teachers, staff, families, and community members who utilize this anchor facility for a variety of educational, cultural, and youth and family events. This intersection is where buses load, parents and families pick up and drop off, and children walk every school day. The project is also located in the heart of downtown, one short block from the "Main Street" of Washington Street, adjacent to a downtown municipal parking facility and many local businesses. We are pleased that this project is supported by both Jefferson County Schools, and the Charles Town Now downtown civic association, as evidence by their attached letters of support.

Supplemental Information (optional)

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

While the Congress/Lawrence Street intersection improvement project is not specifically listed in the HEPMPO LRTP, Direction2050, it does support the overall intent of the plan by preserving, managing, and expanding the region's multimodal transportation system. Specifically, this project meets the LRTP goals and objectives of System Preservation (by repairing and maintaining a sidewalk network), Roadway Safety (by reducing injuries and fatalities along the region's multimodal transportation system), Traffic Congestion (by maintaining reliability in the pedestrian mode of travel), Economic Prosperity (by providing safe, reliable, and affordable connections to education and other essential services), Environment (by improving air quality through the reduction of emissions due to more students being able to walk or take the bus to school), and Multimodal Transportation (through encouraging alternative modes of transportation).

The proposed West Congress Street and South Lawrence Street Intersection Improvement project is eligible for Surface Transportation Block Grant (STBG) funding as described in 23 USC 133(b)(5)-15 and (b)(23) through the Safe Routes to School Program goals to: Address chronic disease, Increase physical activity, Improve safety, Reduce motor vehicle-related injuries and fatalities, and Reduce transportation's contribution to air pollution. This project would also enhance travel and tourism by promoting safety and walkability in the historic downtown of Charles Town. The project is also eligible for Carbon Reduction Program (CRP) funding because it benefits roadway users who take the school bus or walk, both of which support the reduction of transportation emissions and the enhanced mobility efforts established under 49 U.S.C 53.

Verification

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

Signature of the Authorized Representative:

Printed Name: John Nissel

Title: City Manager of Charles Town

Date: October 23, 2023