CITY OF CHARLES TOWN

CITY COUNCIL

AGENDA • JANUARY 17, 2024

Regular Session **COUNCIL CHAMBERS** **7:00 PM**

101 E Washington Street, Charles Town, WV 25414

CALL TO ORDER

1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

: **2024-35:** City Council Meeting Minutes - January 2, 2024
January 2 2024 council minutes.docx

3. PUBLIC COMMENT

4. WARD REPORTS

5. MAYOR'S REPORT

6. COMMITTEE REPORTS

: **2024-22:** Finance Committee Report - January 9, 2024
FinanceCommitteeReport_10Jan2024.pdf

7. CITY MANAGER REPORT

: **2024-39:** City Manager Report - January 16, 2024
City Manager Report Jan. 16, 2024.pdf

8. POLICE CHIEF REPORT

9. UNFINISHED BUSINESS

: **2024-14:** Liberty Street Project Update

: **2024-23:** Draft Letter to the West Virginia Department of Highways Supporting the MLK/Route 51 Intersection Improvement Project
Letter to WV DOH on MLK-Route 51 Intersection.docx

: **2024-27:** Public Hearing - Article 1705 West Virginia Building Code

: **2024-28:** Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 17 West Virginia State Building and Housing Code, Article 1705 West Virginia Building Code
Amended_Article_1705_17463256.4_SJDOCS_.docx

10. NEW BUSINESS

: **2024-29:** Presentation from Bobby Monroe of HDL Companies regarding B&O Tax

Collections.
Agreement West Virginia CITY HdL 20230828.pdf
Map Refs Successes WV HdL 022823.pdf

: **2024-30:** Public Hearing: *ZMA2023-02* - Rezoning for Prospect Place

: **2024-26:** Rezoning for Prospect Place - ZMA2023-02
1._Staff_Report.pdf
2._Application.pdf
3._Property_location_Map_Exhibit.pdf
4._Rezoning_Map_Exhibit.pdf
5._Illustrative_Exhibit.pdf
6._2007_COA.pdf
7._2007_Annexation_Development_Plan.pdf
8._2008_Revised_COA.pdf
9._Portions_of_2021_City_Market_Study.pdf

: **2024-31:** Public Hearing: *TXA2023-07*: Text Amendment regarding Commercial Pad Site Preparation

: **2024-24:** Text Amendment regarding Commercial Pad Site Preparation - *TXA2023-07*
1._Report.pdf

: **2024-32:** Public Hearing: *TXA2023-10*: Text Amendment regarding Open Space Requirements

: **2024-25:** Text Amendment regarding Open Space Requirements - *TXA2023-10*
1._Report (1).pdf

: **2024-18:** Application for vacancy on the Charles Town Tree Board - term ending December 31, 2027
Tree Board Application - Carlo Olivares.pdf

: **2024-1246:** Application for vacancy on the Planning Commission - Term Ending December 31, 2026
Planning Commission Application - Zakhary Dunning.pdf

: **2024:2** City of Charles Town Special Activity Permit/Special Event Permit Policy Review
Special Activity Permit Policy_signed_Jan2018.pdf

: **2024-11:** Charles Town Tree Board Master Plan for 2024
Master Tree Board Plan Final Draft 12.27.24.docx

: **2024-12:** Jefferson County Development Authority Update

: **2024:34**: Hagerstown Easter Panhandle Metropolitan Planning Organization (HEPMPO) Update
HEPMPO January 2024 update to Council.pdf

11. REFERRALS TO COMMITTEES/COMMISSIONS

12. APPROVAL OF BILLS

: **2024-38:** Payment of Bills - January 16, 2024
GENERAL FUND COUNCIL REPORT 2024 01 12.pdf

PARKS N RED COUNCIL REPORT 2024 01 12.pdf
CAPITAL RESERVE COUNCIL REPORT 2024 01 12.pdf

13. ADJOURNMENT

14. INFORMATION ONLY - NEXT SCHEDULED COUNCIL MEETING - February 5, 2024 at 7:00PM

: **2024-3:** Public Comment Letters from the January 2, 2024, meeting
Public Comment Letters.pdf

: **2024-16:** Historic Landmarks Commission Oaths
Oath - R. Hilton 2024.pdf
Oath - N. Zaflifa 2024.pdf

: **2024-17:** Charles Town Tree Board Meeting Minutes - December 7, 2023
Tree Board Meeting Minutes - Dec. 7.pdf

: **2024-37:** Charles Town Utility Board Meeting Minutes - December 13, 2023
2023.12.13 UB MINUTES.pdf

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

https://www.charlestownwv.us/government/agendas-and-minutes/

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-35: City Council Meeting Minutes - January 2, 2024

ATTACHMENTS:

- January 2 2024 council minutes.docx

CITY OF CHARLES TOWN

CITY COUNCIL

MINUTES • January 2, 2024

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

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

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

Mr. John Nissel, City Manager, Ms. Alissa Meeks, Community Development Director; Ms. Cindy Rezmer, Operations Manager; Ms. Krista Davis, Finance Director; Ms. Liz Cook, Business Development and Downtown Coordinator; Ms. Kristen Stolipher, Charles Town Utility 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

2023-1218: City Council Meeting Minutes - December 18, 2023

The following change will be made to the December 18, 2023, meeting minutes:

Packet page 6, Ward Reports, Ward #4 – Change "Mr. *Geroge* thanked…" to "Mr. *George* thanked…".

3. PUBLIC COMMENT

Ten people signed up for public comment: all concerning the location of the Farmer's Market. Eight persons expressed support for keeping the Market's at its current location on the 100 block of S. Samuel Street. Two people expressed their desire for an alternate location for the Market.

4. WARD REPORTS

Ward #1

Mr. Kratovil had nothing to report.

Ms. Ricketts had nothing to report.

Ward #2

Mr. Hynes had nothing to report.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd had nothing to report.

Ward #4

Mr. George had nothing to report.

Ms. Twyford reported that a USDA Grant providing a no cost school breakfast and lunch for every child in the Jefferson County school system, regardless of income will go into effect January 3, 2024.

5. MAYOR'S REPORT

Mayor Trainor read a letter he received from the Charles Town Police Department (CTPD) thanking the Council for the Holiday bonuses.

2023-1189: Mayor's appointment to the Historic Landmark Commission - 2 terms ending December 31, 2026

Mayor Trainor administered the oath of office to Mr. Randy Hilton and Mr. Nick Zaglifa for their appointment to the Historic Landmarks Commission.

2023-1197: Mayor's Select Committee on Charles Town Parking District

Mayor Trainor reported the Mayor's Select Committee on the Charles Town Parking District Evaluation has been commissioned and the first meeting will be held on January 8, 2024.

6. COMMITTEE REPORTS

There were no committee reports.

7. CITY MANAGER REPORT

2023-1216: City Manager Report

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

8. POLICE CHIEF REPORT

Chief Kutcher reported that the CTPD special traffic detail at the Patriot's Drive/ Sheetz Entrance/Augustine Avenue intersection will end on January 5, 2024. He also reported that the next CTPD testing date will be scheduled for early February for the three police officer vacancies.

9. UNFINISHED BUSINESS

2023-1193: Public Hearing on Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 925 Water Rates

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

Ms. Jackie Milliron expressed her appreciation and thanks for the Council's diligent efforts ensuring rate equalization for all Charles Town Utility Board rate payers and being afforded the opportunity to express her opinions at the City Council meetings.

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

2023-1194: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 925 Water Rates

Ms. Philabaum moved to approve the Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 925 Water Rates. Mr. George seconded the motion, and it passed by a 7-1 vote.

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

2023-1195: Public Hearing on Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 921 Sewers

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

No one had signed up for the public hearing.

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

2023-1196: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 921 Sewers

Ms. Philabaum moved to approve the Seconding Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 9 Streets, Utilities and Public Service Code Article 921 Sewers. Mr. George seconded the motion, and it passed by a 7-1 vote.

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

10. NEW BUSINESS

2023-1192: Discussion on Opioid Settlement Funds - Possible Executive Session

Mr. Tester moved to enter into Executive Session for this agenda item and Agenda Item #2023-1201: Permit Application Conflict Discussion. Ms. Rodd seconded the motion, and it passed by a 7-2 vote. Mayor Trainor declared the Council in Executive Session.

RESULT:	**APPROVED [7-2]**
MOVER:	Kevin Tester
SECONDER:	Priscilla Rodd
AYES:	Kratovil, Ricketts, Tester, Rodd, George, Twyford, Trainor
NAYS:	Hynes, Philabaum

Mayor Trainor declared the Council out of Executive Session.

There was no action taken by the Council on this agenda item – 2023-1192.

2023-1198: Mayor's Select Committee on Tourism

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

2023-1200: City Council Appointment to the Charles Town Tree Board for a term ending December 31, 2027

Ms. Ricketts recused herself from the vote.

Ms. Philabaum moved to appoint Katie Coon to the Charles Town Tree Board for the term ending December 31, 2027. Mr. George seconded the motion, and it passed by unanimous vote.

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

2023-1201: Permit Application Conflict Discussion - Executive Session

Mr. Tester and Ms. Philabaum recused themselves from the vote due to conflict of interest.
Mr. Kratovil moved that the Council ratify and affirm its support for the closure of S. Samuel Street and that the Council specify the particular public purpose served by the closure including; to facilitate and improve the vitality and development of the downtown area, to encourage visitation and tourism in the downtown area and the City as a whole,

and to provide an additional convenient source of fresh and wholesome food to the community. Mr. George seconded the motion, and it passed by unanimous vote.

RESULT:	**APPROVED**
MOVER:	James Kratovil
SECONDER:	Micheal George
AYES:	Kratovil, Ricketts, Hynes, Rodd, George, Twyford
RECUSED:	Tester, Philabaum

11. REFERRALS TO COMMITTEES/COMMISSIONS

2023-1191: Referral to the Infrastructure Committee - Possibly turning Park Street into a one-way street.

Ms. Philabaum moved to refer the issue of traffic and parking on Park Street and vicinity to the Infrastructure Committee. Mr. George seconded the motion, and it passed by unanimous vote.

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

12. APPROVAL OF BILLS

Payment of Bills - January 2, 2024

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 he adjourned the meeting at 9:00PM.

14. INFORMATION ONLY - Next Scheduled Council Meeting, January 16, 2024, 7:00PM

2023-1199: Public Comments about Charles Town Parking

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: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-22: Finance Committee Report - January 9, 2024

ATTACHMENTS:

- FinanceCommitteeReport_10Jan2024.pdf

City of Charles Town Finance Committee Report
10 January 2024 Meeting

Drafted by: Bob Trainor - Chairman

Call to Order ooa 10:00AM

1. **Persons present:** Finance Committee Members Ms. Julie Philabaum, Mr. Jeff Hynes, and Mr. Bob Trainor; City Manager, Mr. John Nissel; and City Finance Director, Ms. Krista Davis

2. **Unfinished Business**

   There was no unfinished business.

3. **New Business**

   2024 – 4: FY2025 Budget Process

   Staff reviewed & revised, as directed, the FY2025 Budget Development timeline (attachment (1)).

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

   2024 – 6: ARPA Grants Status

   Staff reviewed status of the City's two ARPA grant award rounds. The Committee directed staff to follow-up on the reporting requirements for those recipients who received their award in June 2022 (attachment (2)).

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

   2024 – 7: Revive Grants Status

   Staff reviewed status of the City's Revive grant recipients. The Committee directed staff to follow-up on the reporting requirement for those recipients.

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

4. **Finance Director Report**

   2024 – 8: Budget Revision #3

   Staff briefed the Committee on an upcoming proposed revision to the FY2024 General Fund Operating Budget. The Departments affected by the revision include: Treasurer – 413; Fairs/Festivals – 903; and Planning & Zoning – 437. Ms. Davis anticipates having the revision ready for the Committee at their next scheduled meeting – 7 Feb 2024.

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

   2024 – 9: Opioid Funds

   Staff informed the Committee that the City received its first installment of the Opioid settlement funds in the amount of $198,997.83, which has been deposited in the designated account as required by the West Virginia State Auditor's Office.

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

5. **Tabled Items**

   2023-993: Utility Fee

6. **Pending Items**

   There were no pending items

7. **The meeting was adjourned ooa 11:30PM**

8. **Next Scheduled Finance Committee meeting is scheduled for 10:00AM, 7 February 2024.**

City of Charles Town, WV

FY2025 Budget Development Calendar

Month	Day	Event
January	By the 22nd	Finance Department to provide Department Heads with a form to complete for the variable expenditures within their department.
February	9	Deadline for Department Heads to submit forms for variable expenses and budget requests. Finance Department will provide fixed costs and historical costs.
	12 – 16	City Manager and Finance Director will review the budget separately with each Department Head. Department Heads should file a detailed request for appropriation with Finance Director prior to meeting, as discussed above.
March	4	County Assessor delivers Certificate of Valuation & Roll Back Value Forms
	4	City Council Budget Discussions During Regular Meeting
	18	Public Hearing on the proposed Levy Rate
	18	Levy Rate is adopted
	29	Deadline for submitting a Levy Estimate (Budget) to State Auditor's Local Government Services. Postmarked NLT March 29, 2024.
April	3	"Adopted" Levy Estimate (Budget) published in Spirit of Jefferson for the second time.
	16	All Levy Estimate (Budgets) must be finally approved by the State Auditor's Office no later than the 3rd Tuesday in April.
	19	Within 3 days of the Council's approval of the Levy rates, the City Clerk must submit the levy order and rate sheet to the State Auditor's office, no later than April 21, 2024.
June	10	Final Budget Revision for current fiscal year. The State Auditor must be in receipt of the final budget revision for the current fiscal year by June 15. This deadline date should better assure sufficient time to review, approve, and return the request to the municipality before fiscal year end.
July	15	Coal Severance Fund budget revision: The projected fund balance for July 1 shall be revised to actual by July 15.
	30	General Fund budget revision: The projected fund balance for July 1 should be revised by July 30th.
September	27	Every City shall prepare a financial statement within ninety (90) days after the beginning of each fiscal year. The financial statement must be published as a Class I legal advertisement. The publication area is the municipality.

Attachment (1)

AMERICAN RESCUE PLAN ACT (ARPA) – Grant Award Status

ACCOUNT: 001-444-66 – CONTRIBUTIONS/XFERS TO OTHER FUNDS

FIRST ROUND

Date	Transaction Description		Amount
6/1/2022	Jefferson County Community Ministries	$	65,000
6/1/2022	Jefferson GAP Coalition – Phase 2 Plan	$	32,500
6/6/2022	Friends of Happy Retreat – Property Improvements	$	195,500
6/6/2022	Independent Fire Co – New PPE Equipment	$	20,000
6/29/2022	Voices Against Domestic Violence – Equipment & Supplies	$	20,000
Total:		$	333,000

SECOND ROUND

Date	Transaction Description		Amount
8/18/2023	Old Opera House – Replace HVAC	$	100,000
8/18/2023	African American Community Assoc – Amphitheater	$	69,500
8/18/2023	Jefferson County Historical Society – Wayfinding Signs	$	2,500
8/18/2023	Community Markets – Refrigerated Trailer	$	10,000
Total:		$	182,000

Attachment (2)

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-39: City Manager Report - January 16, 2024

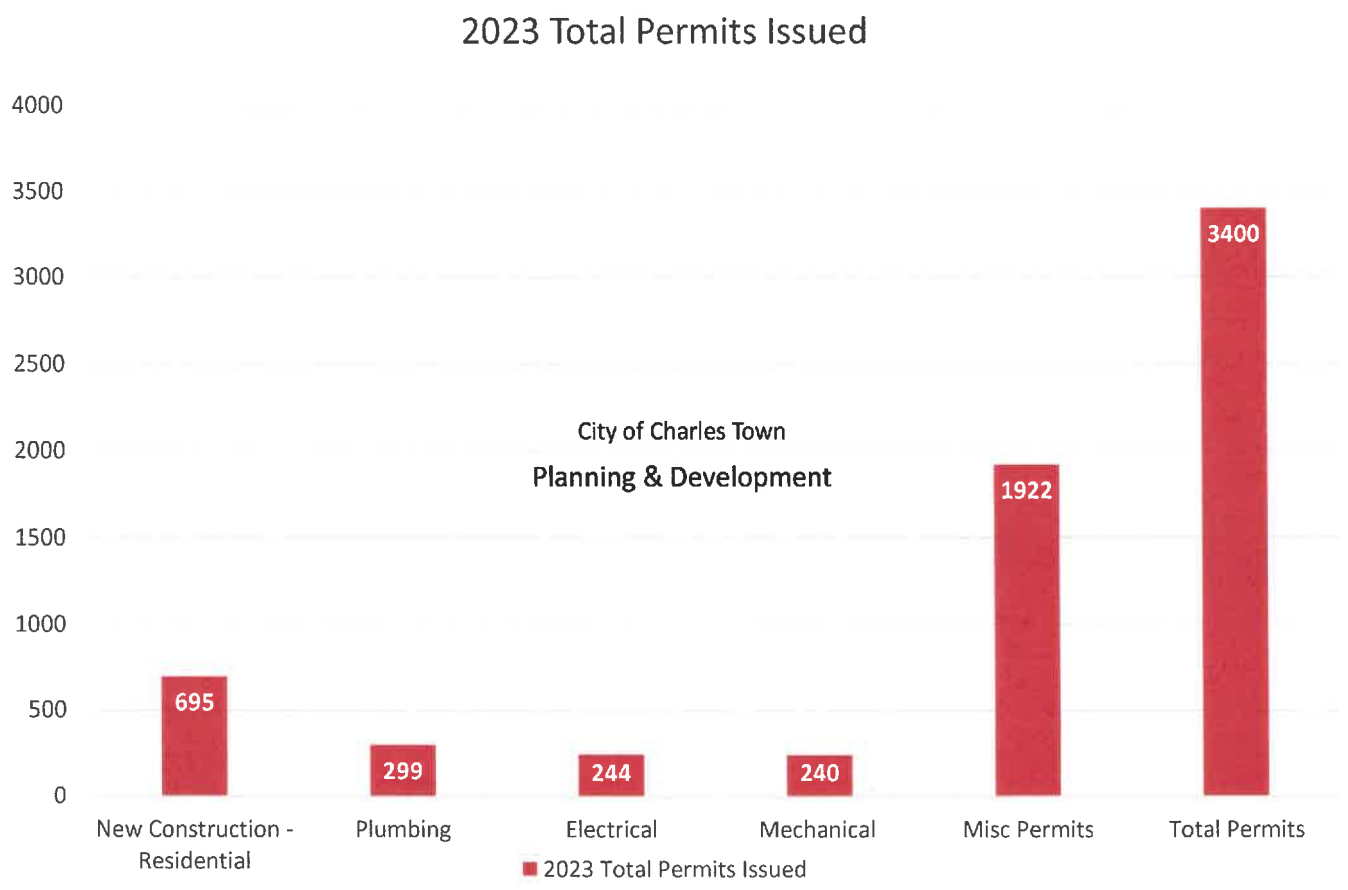
ATTACHMENTS:

- City Manager Report Jan. 16, 2024.pdf

City Managers Report

- I am happy to announce two new businesses opening in town. "Poke Boba" and "On The Go Soaps" Please stop by and say hello.
- The very successful "Succulents" has successfully relocated to a larger storefront in town so they can host workshops and bring in additional merchandise.
- We have updated the organizational chart for both the staff and Boards and Commissions as well as the City Council. This is included in your table drop. The updated chart will be posted to the website this coming week.
- Alissa has one item to add.

John



Total Fees Collected for 2023 Permits Issued: $1,310,174.22

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-14: Liberty Street Project Update

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-23: Draft Letter to the West Virginia Department of Highways Supporting the MLK/Route 51 Intersection Improvement Project

ATTACHMENTS:

- Letter to WV DOH on MLK-Route 51 Intersection.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

MAYOR
Robert M. Trainor

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

CITY MANAGER
John Nissel

January 16, 2024

The Honorable Jimmy Wriston, P.E.
Secretary of Transportation
West Virginia Department of Transportation
Building 5
1900 Kanawha Boulevard, East
Charleston, WV 25305

RE: **State Project U219-51-7.00 02 / Federal Project (EN) RHCH-0051(052)D**

Dear Mr. Wriston:

The City of Charles Town is aware that A. Morton Thomas and Associates, Inc has been selected by WVDOT as the consultant for the Design Study to update and enhance the "WV-51 Feasibility Study." City staff and council strongly desire to be informed of the status of this project as it progresses and to partner with WVDOT in ensuring this project moves forward with the very best interests of residents and roadway users fully considered. The City is willing to facilitate all public meetings and connect WVDOT with appropriate stakeholders, agencies, and community members.

The City recognizes the need to assess options with the overall goal to improve the western corridor of town at the Y-intersection of West Washington Street and Route 51. The City further supports exploration of additional project alternatives, including a no-build option and signalization at the Y-intersection. The Notice of Consulting Services posted on the WVDOT website calls for new alternatives to be explored and the City of Charles Town requests additional details about these alternatives as soon as possible. There are serious concerns about any option that results in a stubbed street.

It is the City's understanding that a new traffic study will be conducted to include bicycle and pedestrian counts and this study is anticipated to occur in January. We urge the consultant to consider warm weather counts of pedestrian-use will yield higher results than those taken in the winter months. Train traffic counts should also be considered with this updated study as the project area includes two very active railway crossings. These crossings result in many full traffic stops on Rt 51 and Summit Point Road throughout the day and night.

The previous "WV-51 Feasibility Study" did not consider the addition of the Milton's Landing subdivision outside of City limits, or the eventual build-out of Huntfield to 3200 units with new roadway access from Prospect Boulevard to Summit

DRAFT

Point Road. Both developments will ultimately impact traffic patterns and volumes on West Washington Street / Summit Point Road. The study also did not consider the impacts on nearby Eagle Avenue / North Water Street, which will inevitably absorb forced additional traffic from an altered traffic pattern(s) on Martin Luther King Jr. Boulevard / Route 51.

The City understands from the Notice of Consulting Services that NEPA activities will be limited to an overview only during the evaluation process. Evitts Run is a waterway in the immediate project area that could be directly impacted and should be taken into consideration during project assessment.

Charles Town Utility Board (CTUB) has a planned project in the area of West Washington Street and efforts should be made to coordinate with CTUB should these areas of construction overlap.

Again, the City of Charles Town would be happy to facilitate coordination between WVDOT, A. Morton Thomas and Associates, residents, and stakeholders as this Design Study is conducted and progresses. We look forward to actively being involved in this project.

Points of contact within Charles Town include:
City Manager, John Nissel – (*304) 724-3244* – jnissel@charlestownwv.us
Community Development Director, Alissa Meeks – (*304) 724-3253*
ameeks@charlestownwv.us
Infrastructure Committee Chair, Elizabeth Ricketts - (304) 397-0115
ericketts@charlestownwv.us

Respectfully,

John Nissel
City Manager

cc: Alissa Meeks
Elizabeth Ricketts
Mayor & City Council
A. Morton Thomas and Associates, Inc
Engineer of Record (lead AMT) *Tim Kirk* - Parkersburg office
tkirk@amtengineering.com)
Project Manager - *Mark White* (mark.j.white@wv.gov)

DRAFT

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-27: Public Hearing - Article 1705 West Virginia Building Code

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-28: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 17 West Virginia State Building and Housing Code, Article 1705 West Virginia Building Code

ATTACHMENTS:

- Amended_Article_1705_17463256.4_SJDOCS_.docx

ARTICLE 1705
West Virginia State Building Code

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

1705.01 Adoption.

1705.02 Amendments.

1705.03 Permits.

1705.04 Permit fees.

1705.05 City Code Official & Building Inspector.

1705.06 Appeals.

1705.07 Penalties.

1705.08 Injunctive relief.

1705.09 Severability.

CROSS REFERENCES

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

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

State Building Code - see W. Va. Code 15A-11-5

1705.01 ADOPTION.

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

(b) Any version of Article 1705 entitled West Virginia State Building Code adopted prior to enactment of this version of Article 1705 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed and are null and void, except that a repealed version shall continue to control and be applicable to all building permits issued and in effect while

such version was in force and effect.

1705.02 AMENDMENTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1705.03 PERMITS.

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

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

1705.04 PERMIT FEES.

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

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

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

(d) For Demolition:

(1) Residential: a $50.00 Building Permit Fee

(2) Commercial: a $150.00 Building Permit Fee

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

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

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

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

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

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

(k) For Roofing and Siding:

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

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

(l) For Sidewalks and Driveways:

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

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

sq ft.

(m) Fences:

(1) Residential: A $40.00 Building Permit Fee

(2) Commercial: A $100.00 Building Permit Fee

(n) For Plumbing Permits:

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

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

(o) For Mechanical Permits:

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

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

(p) For Electrical Permits:

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

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

(3) Panel or Meter upgrade only: $100.00

(q) Plan Review:

(1) Residential $150.00

(A) Residential Renovations: $75.00

(B) Residential Decks and Fences: $50.00

(2) Commercial $300.00

1705.05 CITY CODE OFFICIAL & BUILDING INSPECTOR.

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

(b) The City Manager or designee shall designate a City Building Official, who shall also be known as the City Code Official, who meets the qualifications of a "Code Official" set forth in the Certification/Continuing Education Standards and is duly certified as such thereunder.

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

1705.06 APPEALS.

(a) There is established one Appeals Board for all appeals arising under Article 1705, comprised of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the City. At least one member of the Appeals Board shall be a West Virginia Registered Professional Architect or Engineer, or a West Virginia Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work. In addition to such members, the City Code Official shall be an ex-officio member but shall have no vote on any matter before the Appeals Board. The members of the Appeals Board shall be appointed by the City Council and shall serve staggered and overlapping terms.

(b) The Appeals Board shall adopt Rules of Procedure governing appeals before it; *provided* such Rules of Procedure shall provide that: (i) a majority of the five (5) voting members of the Appeals Board shall constitute a quorum and no meeting or hearing of the Appeals Board shall be conducted unless a quorum is present; (ii) notwithstanding that a quorum may be present to hear any appeal, the appellant or the appellant's representative may request postponement of the hearing at its commencement if five (5) voting members of the Appeals Board are not present; (iii) at any hearing, the appellant or the appellant's representative, the Code Official, and any other person whose interests are affected shall be given the opportunity to be heard and, for such purpose, the presiding officer of the Appeals Board shall administer oaths and affirmations; (iv) except as specified in the following item (v), any action of the Appeals Board at a meeting or hearing shall be taken and be official only upon the concurring vote of a majority vote of the voting members present; (v) the Appeals Board may modify or reverse a decision of the City Code Official only by the concurring vote of a majority of its five (5) voting members; and (vi) meetings and hearings of the Appeals Board may be held by electronic means by which all persons participating may hear and communicate with each, including, without limitation, by telephonic conference or by video conference, and any member of the Appeals Board participating in a meeting or hearing by such means shall be deemed present in such meeting or hearing for all purposes.

(c) All administrative appeals from actions of the City Code Official must be filed within twenty (20) days of service of the order, decision, or determination to be appealed and will follow the procedures set forth in the respective codes and standards incorporated in the Building Code where not inconsistent with this Section. At the time of filing any appeal to the Appeals Board, the appellant shall be required to pay a filing fee in the same amount as

specified in Section 59-1-11(a)(1) of the West Virginia Code for docketing of civil appeals from magistrate court; *provided that*, such fee shall be refunded to the appellant in the event the appellant prevails on all matters appealed.

(d) Any appeals from decisions of the Appeals Board must be filed within thirty (30) days of the decision by Petition for Writ of Certiorari to the Circuit Court of Jefferson County.

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

1705.07 PENALTIES.

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

1705.08 INJUNCTIVE RELIEF.

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

1705.09 SEVERABILITY.

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

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-29: Presentation from Bobby Monroe of HDL Companies regarding B&O Tax Collections.

ATTACHMENTS:

- Agreement West Virginia CITY HdL 20230828.pdf
- Map Refs Successes WV HdL 022823.pdf

HdL Companies

STATE OF WEST VIRGINIA)
)
COUNTY OF_____) **AGREEMENT**
)
CITY OF_____)

1) HdL Companies NC, a California corporation ("HdL"), is authorized to do business in West Virginia and will obtain such licenses, permits and approvals as may be required by law for performing the Services for the City of_____ ("CLIENT").

2) HdL will research and identify entities conducting business activity within CLIENT jurisdiction, but not currently paying business license, and business & occupation tax fees to CLIENT. Further, HdL will contact such businesses and work with them to submit a business license application and pay all business license, and business & occupation tax fees and penalties due CLIENT.

3) CLIENT will pay HdL **50%** of such business license, city service fees, and business & occupation tax fees and penalties collected by the efforts of HdL. Any additional business license, and business & occupational tax fees and penalties paid by the same business and due within the next twenty-four (24) month period will also be subject to this agreement and HdL will receive **50%** of such fees and penalties paid by such business.

4) This Letter of Agreement may be terminated by either party upon sixty (60) days written notice; however, CLIENT's obligation to pay HdL for recommendations made prior to the date of termination will survive as provided in this Letter of Agreement notwithstanding such termination.

5) HdL will comply with all rules, regulations, and ordinances applicable, and will maintain all information in strict confidence.

6) HdL is not entitled to any business license, and business & occupational tax fees collected by CLIENT from its normal and routine business license efforts.

7) Each party agrees to maintain in strict confidence all information received concerning revenues, expenses, and methods of doing business. Furthermore, HdL acts as a consultant only and does not receive any commissions or remuneration of any kind from any vendors or service providers.

8) HdL may engage subcontractors to assist with this project.

9) HdL is an independent contractor.

Deleted:

HdL Companies

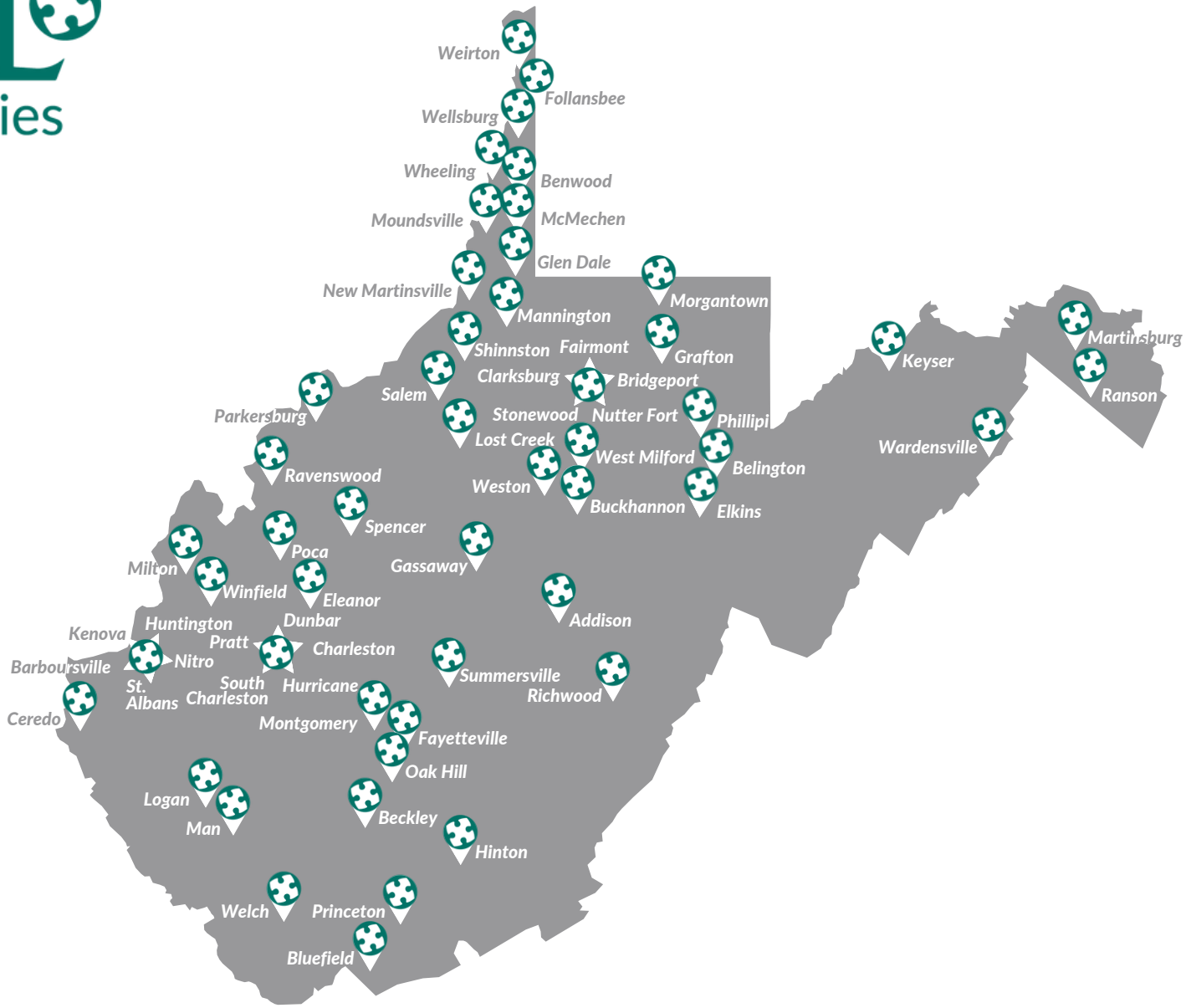
The person(s) signing below are authorized to do so on behalf of their respective organizations. This Agreement shall be binding upon the parties hereto, their heirs, successors, and assigns.

This Agreement is entered into effective as of the _____ day of _____, 20____.

CLIENT: City of_____, WV	**HdL Companies NC**
By: _____	By: *Bobby Monroe*
Printed Name: _____	Printed Name: Bobby Monroe
Title: _____	Title: Director of Sales
Address: _____	Address: 120 S. State College Blvd., Ste 200
City, St, Zip: _____	City, St, Zip: Brea, CA 92821
Phone # : _____	Phone #: 336.413.6955
Email : _____	Email: ncclients@hdlcompanies.com

Deleted:

HdL Companies



West Virginia Clients

HdL Companies

40 Years of Growing Revenue



WEST VIRGINIA

Business License Fees & Business and Occupation Tax Collections References:

Jackie Collins
Deputy City Clerk/Finance
City of Grafton, WV
304.265.1412 Ext. 14
(*Population*: 5,000)

Kathy Williams
City Treasurer
City of Fayetteville, WV
304.574.0101
(*Population*: 2,850)

Damita Johnson
City Clerk/Treasurer
City of Oak Hill, WV
304.469.9541
(*Population*: 8,500)

Jamie Whisman
Accounting Clerk
City of Bluefield, WV
304.327.2401 Ext. 2417
(*Population*: 9,500)

Denise Stefanizzi
Accounting Assistant
City of Morgantown, WV
304.284.2571
(*Population*: 31,000)

HdL Companies

40 Years of Growing Revenue



WEST VIRGINIA

Business License Fees & Business and Occupation Tax Collections Recent Success Stories:

WV Town/City with 3,000 population

- 2018 to present: $292,400

WV Town/City with 9,500 population

- 2018 to present: $410,700

WV Town/City with 6,900 population

- 2018 to present: $294,600

WV Town/City with 15,800 population

- 2018 to present: $581,800

WV Town/City with 8,000 population

- 2018 to present: $196,900

WV Town/City with 30,000 population

- 2018 to present: $2,542,800

Data provided is based on actual client results.
Results may vary by municipality.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-30: Public Hearing: *ZMA2023-02* - Rezoning for Prospect Place

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-26: Rezoning for Prospect Place - ZMA2023-02

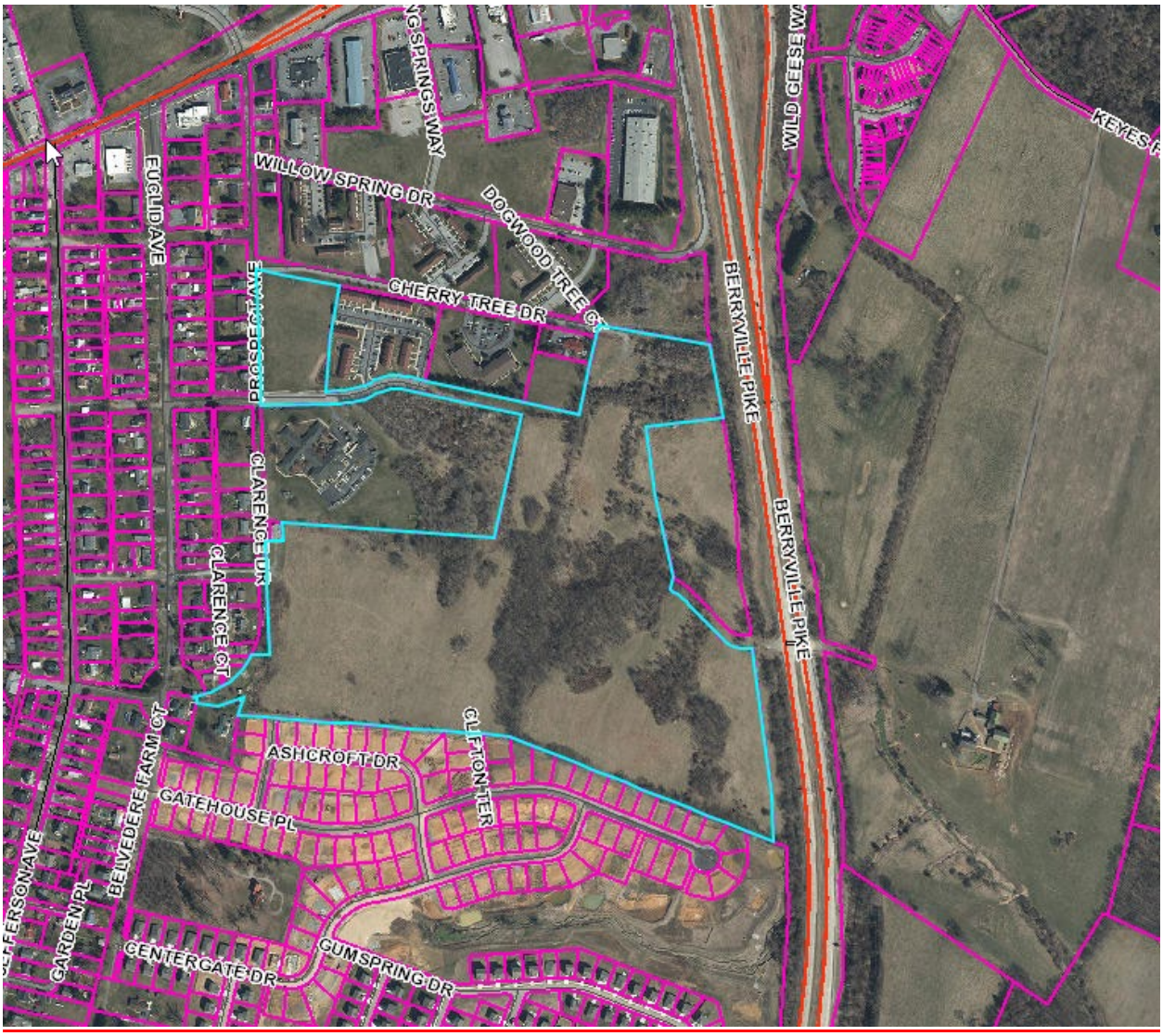
ATTACHMENTS:

- 1._Staff_Report.pdf
- 2._Application.pdf
- 3._Property_location_Map_Exhibit.pdf
- 4._Rezoning_Map_Exhibit.pdf
- 5._Illustrative_Exhibit.pdf
- 6._2007_COA.pdf
- 7._2007_Annexation_Development_Plan.pdf
- 8._2008_Revised_COA.pdf
- 9._Portions_of_2021_City_Market_Study.pdf

Rezoning Review

ZMA2023-02

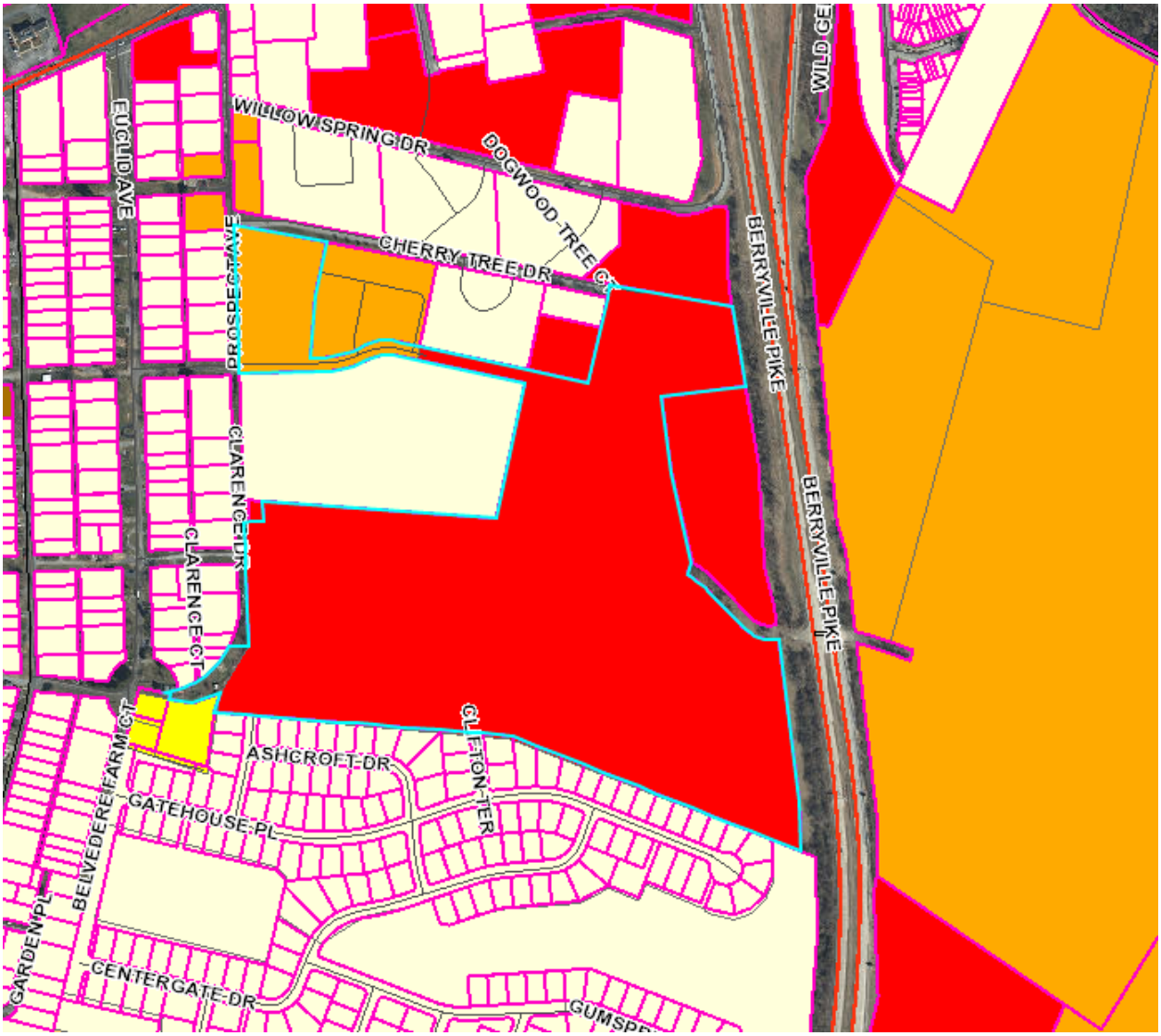
Date: For the January 16, 2024 City Council meeting
Applicant: Conduit Street Partners LLC
Property Owner: First Charles Town Group Inc.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Partial Rezoning from General Commercial to Neighborhood Residential
Property Location: TD 03 / Map: 15 / Pcl 1.0006
Current Zoning: General Commercial



PROJECT OVERVIEW

Request by Conduit Street LLC to rezone approximately 50 acres of land from General Commercial to Neighborhood Residential. The application seeks to build a mixture of commercial sites, single-family detached homes and townhomes.

CURRENT ZONING



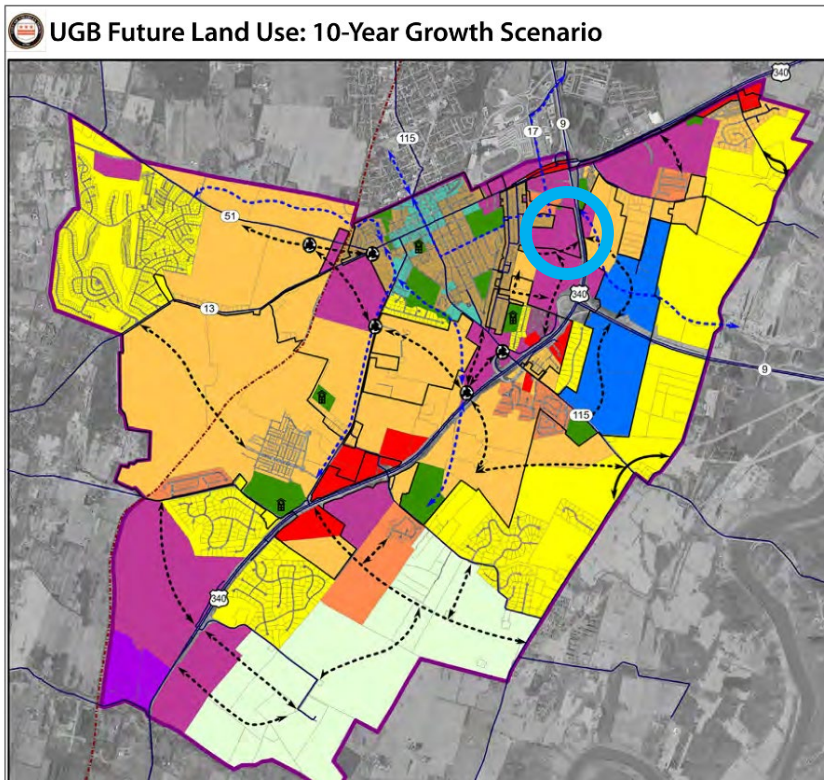
The property is split zoned between Neighborhood Residential and General Commercial, and is approximately 57 acres in size. They seek to rezone approximately 50 acres of that into Neighborhood Residential. Per the applicant, the portion currently zoned Neighborhood Commercial will be subdivided from the rest of the parcel if the rezoning and site development are approved.

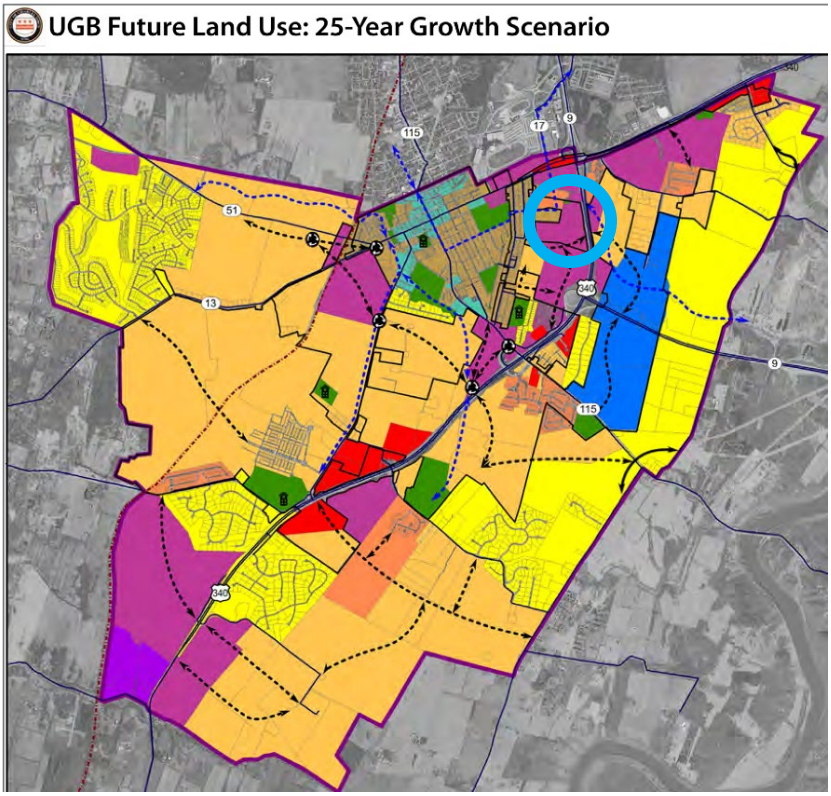
PLANNING COMMISSION

The Planning Commission held a public hearing for this item at their November 27, 2023 meeting. There were four public comments, all opposed. Opposition was based on the impact of development, as well as the need for more commercial space. The Commission voted unanimously to recommend **Denial**, and recommended that the applicant work with City Staff on revising the Conditions of Annexation.

COMPREHENSIVE PLAN

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





The current Comprehensive Plan was adopted in 2018. It defines Mixed-Use Commercial Future Land Use as:

> Mixed Use Commercial Future Land Use plans provide for **necessary commercial uses** of a convenient nature **within residential areas**. These plans encourage the formation and continuance of stable, healthy, and compatible environments that are located to provide nearby residential areas with **convenient shopping and service facilities**, reduce traffic congestion, and **avoid the development of strip malls.** The non-descript anywhere USA" look and feel of strip malls are not desired. This is similar with the Old Town Mixed Use which anticipates buildings pulled up to the front of the street and is a much more pedestrian centric environment. **Compatibility and integration with residential character of the area surrounding** the mixed use commercial zone **shall be of primary consideration**. The City prefers vertical mixed use commercial development over horizontal mixed use development. However, in situations where **horizontal mixed** use development is proposed, **greater attention to multimodal connectivity and accessibility will be imperative.**
>
> *-Comprehensive Plan page 74*

ECONOMIC DEVELOPMENT

City Council desires 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. The City's Economic Development team has identified a need for restaurants, retail space, and apartments.

The property is currently completely zoned General Commercial; the applicant's rezoning request would reduce the amount of land zoned General Commercial on the property to 6 acres, but is required to designate a minimum of 10% of the property Neighborhood Commercial uses.

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 February 2007. Those conditions were revised in November 2008.

One of the revised Conditions required that "*a portion*" of the subject parcel be committed to commercial development and that the property be rezoned from Neighborhood Residential to General Commercial. The purpose of the Condition was to provide 57.8 acres of new employment opportunities and increase local property tax revenues through commercial zoning. The applicant seeks to rezone those 57.8 acres back to Neighborhood Residential.

REZONING NARRATIVE

Per the **applicant**:

> "Prospect Place was originally annexed into the City as Neighborhood Residential in 2006. A change in zoning to General Commercial was requested by the applicant and subsequently approved in 2008 to accommodate a specific retail user – Lowes Home Improvement Center. Lowes put the site under contract for a planned a big box center. Significant engineering was undertaken by the applicant to accommodate the use, but ultimately Lowes cancelled the contract. The recession of 2008 - 2010 had changed the retail landscape, but also the prohibitive cost of sitework made it infeasible to develop the site for big box users.
>
> There have been subsequent attempts to attract other large users such as Walmart as well as Great Wolf Lodge, but market conditions in the area as well as existing topography have turned away potential users.
>
> The applicant is proposing a change in zoning back to Neighborhood Residential, with a portion remaining General Commercial. This would restore Prospect Place to the same zoning category as was originally designated in the 2006 annexation agreement. Given the 15-year history with the site, the applicant believes the property as originally zoned was appropriate and is substantiated by the Lowes Home Improvement Center and other medium to large footprint users declining to move forward with the development on Prospect Place due principally to the challenging topography of the property."

The applicant will keep 6 acres of the site zoned as General Commercial, along with 11 acres of the site devoted to neighborhood Commercial uses (for a total of 19% of the site). The remainder of the site will be devoted to residential development.

APPLICANT'S MARKET STUDY

The applicant provided a market study. Key points from the study are:

-City population is approx. 6,000 people, and the median household income of Jefferson County is one of the highest in the State.

-Approximately 237 acres of underdeveloped/utilized Neighborhood and General Commercial zoned land along U.S. Route 340 and the 340/9 by-pass.

-This site is topographically challenging to develop, especially for mass grading required for a big-box store pad site.

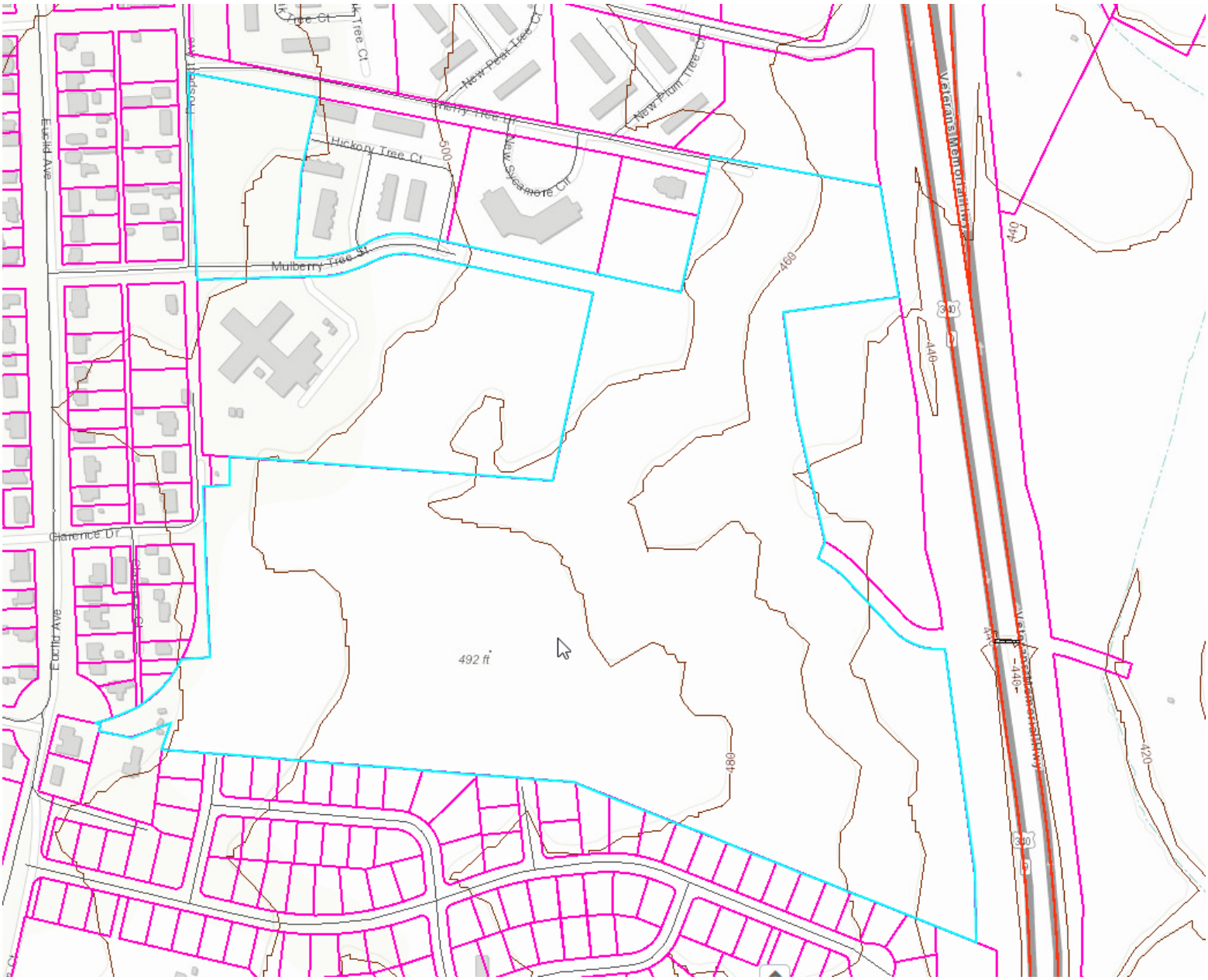
-WVDOH has not supported the creation of a traffic light at the proposed entrance onto Route 340. A lack of a traffic light will negatively impact commercial development as access will be limited.

-A growing population of commuters provides opportunities for residential growth and opportunities for select retail businesses.

-There is a lack of housing supply in Jefferson County (and nationally overall). Current supply is enough to last 1.6 months as opposed to a desired 6 month supply. Additional residential development is needed to meet high demand.

TOPOGRAPHY

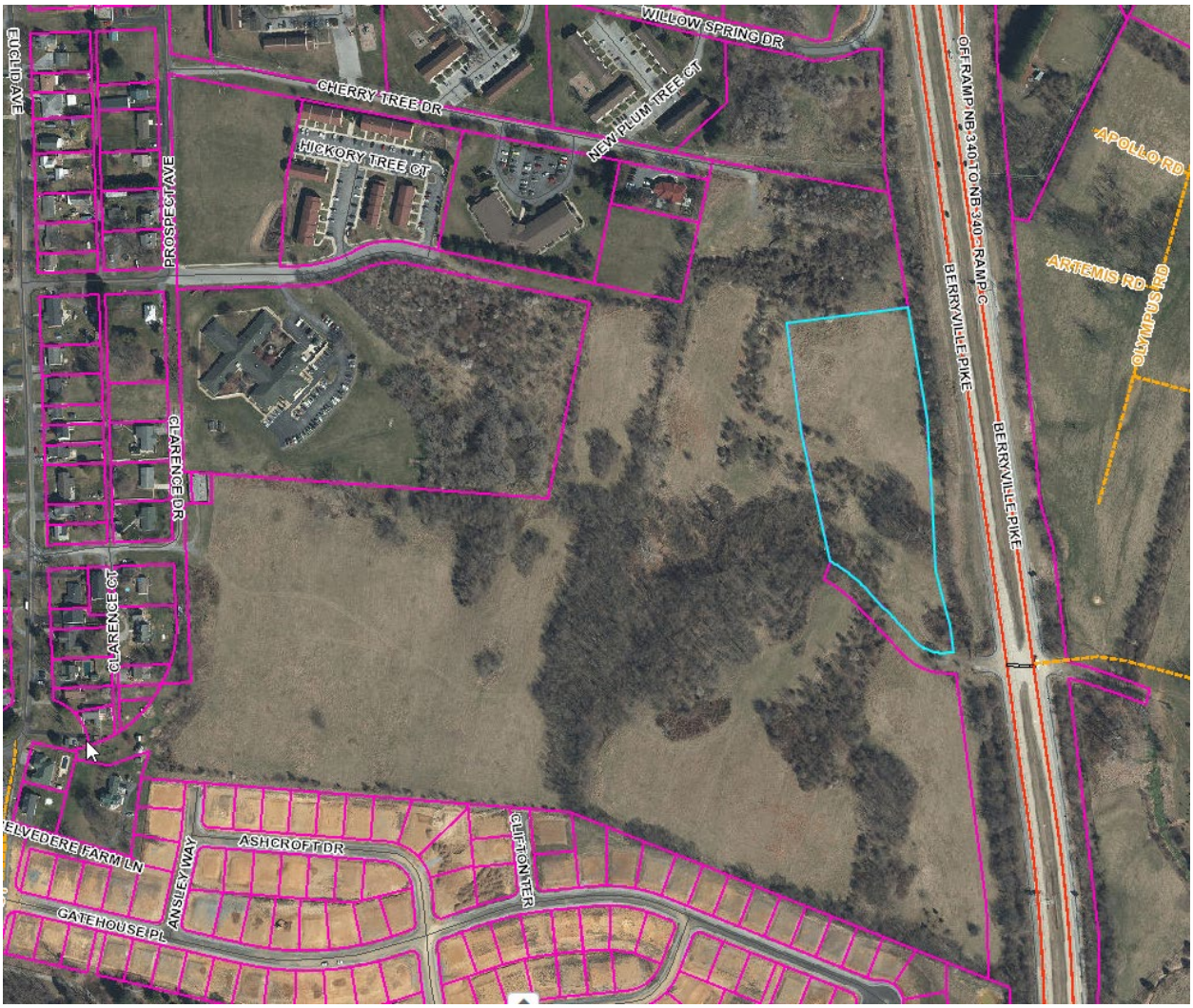
From the Jefferson County GIS site:



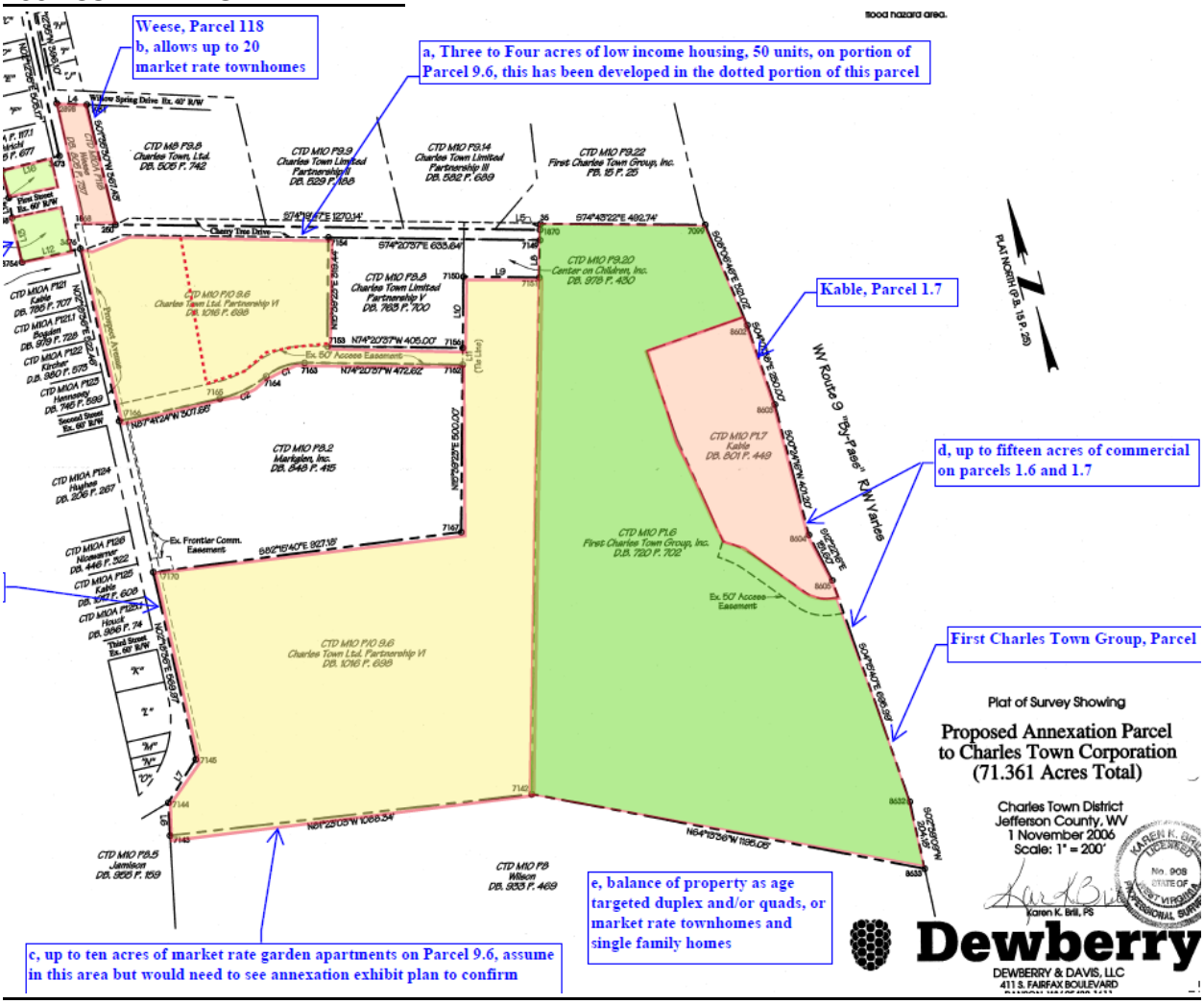
The site feature steep cliffs close to U.S. Route 340, and relatively flattens out the further it gets from that road.

OVERALL SITE DEVLEOPMENT

The applicant proposes to develop not only the subject parcel, but also the adjacent smaller parcel 1.0007 (highlighted in blue below), as part of their overall development plan. That parcel 1.0007 is zoned General Commercial and will not be changed as part of this rezoning request.



2007 COA DEVELOPMENT PLAN



The original 2007 Conditions of Annexation called for:

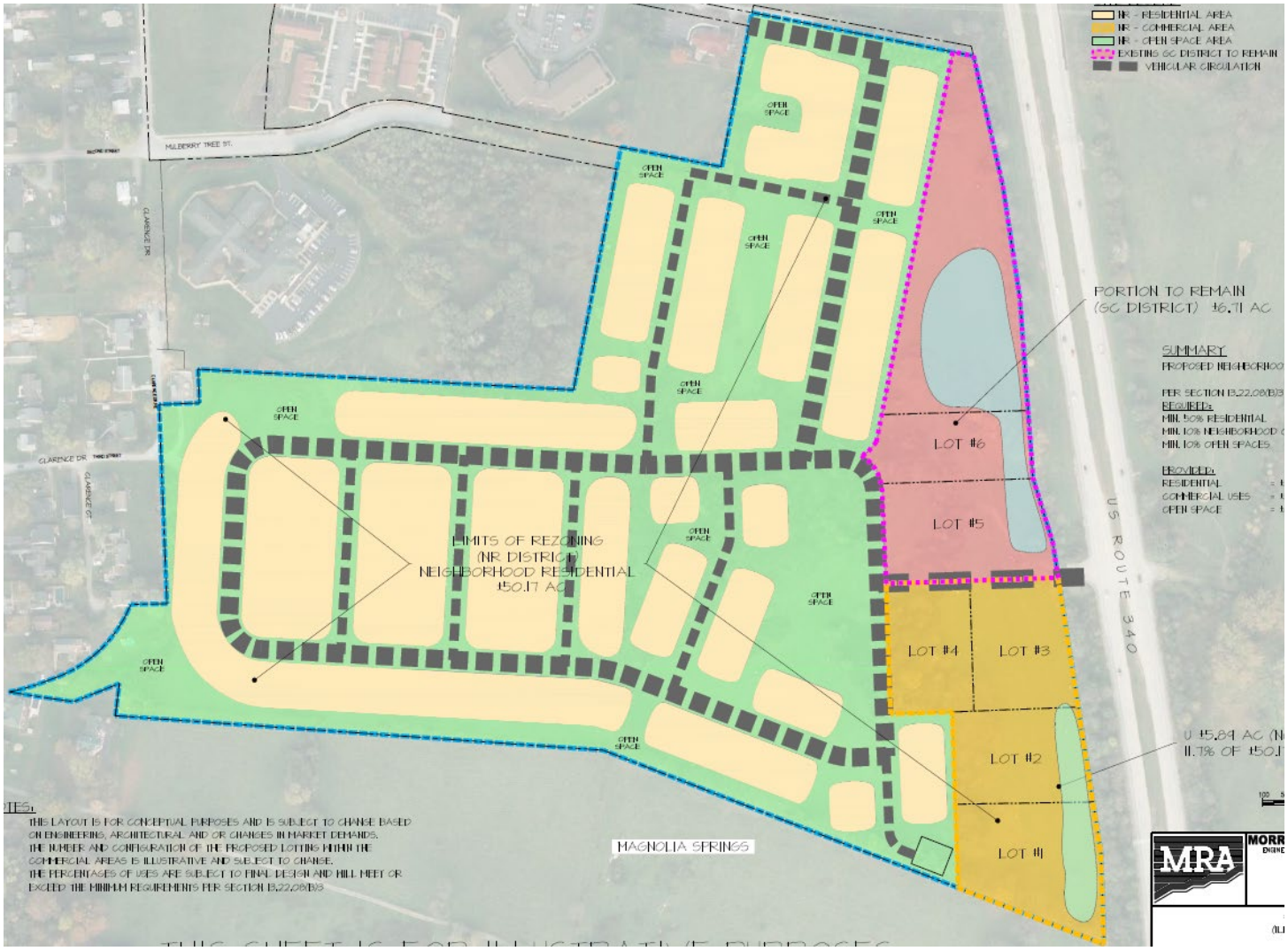
1. 3-4 acres of low-to-moderate income rental housing.
2. A maximum of 20 market rate townhomes.
3. Up to 10 acres of market rate garden-style apartments.
4. Up to 15 acres of commercial development.
5. The remainder of the property to be age—targeted duplexes/quadplexes, or a mix of market-rate townhomes and single family detached homes.

2008 COA REVISIONS

The amended 2008 Conditions of Annexation called for:

1. 3-4 acres of low-to-moderate income rental housing.
2. A maximum of 20 market rate townhomes.
3. All of parcel 10-1.7, and portions of parcels 10-9.6, 10-1.6 are to be committed to commercial development and rezoned to General Commercial.

2023 REVISED DEVELOPMENT PLAN



The proposed development under this rezoning request would provide:

1. 6 acres of General Commercial Zoning
2. 11 Acres of Neighborhood Commercial Uses
3. 50 acres of residential development.

The proposed commercial area is adjacent to US. Route 340, which provide visibility However, that is also the area most impacted by topographical challenges, and a large portion of the General Zoning would be occupied by stormwater management facilities, leaving limited room for commercial pad sites.

REZONING CRITERIA

Per Zoning Ordinance Section 1321.12, *Zoning Amendments*:

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 applicant is proposing a predominantly residential zoning district in an area designated for vertically mixed development combining residential and commercial uses. For a horizontally mixed development, interconnectivity between uses and transportation routes is imperative.

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 property was annexed into the City in 2007 subject to Conditions of Annexation, which were revised in 2008 to encourage more commercial development on site. According to the applicant, this was done with one particular user in mind, but the economic impacts of the Great Recession combined with the cost of sitework made that deal collapse. The applicant states that they have attempted to bring in other large commercial users but that the market conditions and site issues made that prohibitive.

   The applicant states that "*residents may choose to do their shopping in nearby cities like Winchester, Virginia, or Hagerstown, Maryland, where there may be more extensive retail options*." However, the original purpose of the rezoning of the property to General Commercial was to provide additional space for commercial development so residents do not have to travel far for varied shopping. The City's Economic Development coordinator has

ZONING REVIEW

The applicant is seeking Neighborhood Residential zoning, the purpose of which is:

"…to provide for a mix of housing types and related services and Uses, including Commercial Uses and office services. It is the intent of the zoning classification to allow mixed development on undeveloped land and, where applicable as may be further described in this Ordinance, the Redevelopment of specific parcels within the City.

The NR District applies to parcels or tracts larger than five (5) acres. The intent is to create a cohesive pattern of primarily residential development that allows a mix of Uses, including neighborhood servicing Commercial and office Uses and/or Commercial and office Uses that complement the primarily residential character of the neighborhood."

Requirements for this district are:

1. The area being rezoned must be at least 5 acres in size. - This criteria is met.
2. 50% of the site's total area must be residential,, 10% must be open space, and 10% must be comprised of Neighborhood Commercial uses. – Conceptually, the criteria is met. Further details will be worked out at the land development phase.
3. A market study substantiate the proposed mixture of uses must be submitted. - This criteria is met.

DEVELOPMENT PROCESS

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

CONCLUSION

The applicant is proposing to rezone approximately 50 acres of land to Neighborhood Residential, primarily for housing development. The Comprehensive Plan designates the property as mixed-use commercial. The original COA from 2007 completed an almost equal mix of land development between residential and commercial, and the revised 2008 COA focused heavily on commercial development. The applicant states that the commercial use aspect was based on economic conditions and potential user interest which are no longer applicable to the property.

City Council has expressed a desire to preserve existing commercially zoned land, yet a large portion of the General Commercial zoned property on site would be used for stormwater management facilities and contains difficult topography, yet is close to the road to provide visibility. The City's Economic Development team has identified a need for restaurants, retail space, and apartments.

RECOMMENDATION

Based on discussion at the Planning Commission level, my recommendation is for **Denial**. The property is subject to Conditions of Annexation which call for the property to be used primarily for commercial development. The applicant should follow the request of the Planning Commission and work with Council and City Staff on revising their Conditions of Annexation.

Petition No._____

RECEIVED
OCT 2 2023
BY:_____

PETITION FOR ZONING AMENDMENT

Fee: $400

Zoning amendment petitions shall provide the following information:

1. Date: October 2, 2023
2. APPLICANT'S NAME*: Conduit Street Partners, LLC
   - Address: 59 Franklin Street, Annapolis, MD 21401
   - Telephone Number: 410-703-0896 & 301-758-4541
   - Email Address: PZadoretzky@OAPartners.com; TBaum@laterrahomes. com
3. PROPERTY OWNER'S NAME: First Charles Town Group, Inc. and Larry R. Fritts, Sr., Harry M. Kable, Carol F. Kable
   - Address: 108 North George Street and 336 Rosemont Way, Charles Town, WV 25414
   - Telephone Number: 304-725-9797 & 304-283-8602
   - Email Address: PChakmakian@frontiernet.net and carolkable2465@gmail.com
4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (list all parcels that apply)
   - Property Address: Cherry Tree Dr. / WV Route 340 BYP. Charles Town
   - Tax Map # and Parcel(s): TM 15 Parcel 1.6 / TM 15 Parcel 1.7
   - Deed Book and Page: DB 1044 PG 452 / DB 801 PG 449
   - Property Area in Square Feet or Acres: 57.07 AC / 5.16 AC Total = 62.33 AC

*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:

Attached to this application.

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

The Applicant is the contract purchaser of the property.

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

Existing use is undeveloped property. Current Zoning is GC - General Commercial.

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

The proposed use of the property is for a mixed use development with GC uses along the highway frontage and the balance of the site as a planned residential development. A portion of the site will remain zoned as GC and is proposed to meet the commercial requirements of the NR zone, the balance is requested to be rezoned to NR - Neighborhood Residential.

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

The 2040 Comprehensive Plan calls designates the future land use classification as Mixed Use Commercial. The proposed application is consistent with the Plan as its providing 20% for commercial area. The uses will be compatible and convenient for the residential areas which will have opportunities for multi-modal connectivity given its proximity to Route 340 In keeping with the Plan, the application will provided variety of housing opportunities that incorporates the desired commercial mixed uses.

10. TIME SCHEDULE FOR DEVELOPMENT: (AS APPLICABLE)

Upon approved rezoning, the applicant will develop a detailed site plan for the project and obtain entitlements for the same. This is estimated to take about one calendar year. Subsequent to entitlements, land development would commence and the proposed housing and commercial sites will follow.

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
2008-21- Prospect Place Annexation Amendment - Approved - November 17, 2008			

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.

Additional Owners Signatures:

Larry R Fritts Sr

Larry R. Fritts, Sr.

Harry M. Kable

Harry M. Kable

Carol F. Kable

Carol F. Kable

Date: October 2, 2023

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 October 2, 2023

CONDUIT ST PARTNERS, LLC CONTRACT PURCHASER

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

Date October 2, 2023

First Charles Town Group, Inc

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:_____

_____

_____

_____

_____



AREA SUMMARY:

- PARCEL 1.6 .....± 2,485,969 SQ. FT., OR 57.07 AC.
- PARCEL 1.7 .....± 224,769 SQ. FT., OR 5.16 AC.
- TOTAL AREA .....2,710,738 SQ. FT., OR 62.23 AC.
- (AREA TABULATIONS ARE TAKEN FROM BOUNDARY SURVEY PREPARED BY: WILLIAM H. GORDON DATED 12/8/2008)

LINE TABLE

LINE	BEARING	DISTANCE
L1	N89°08'20"W	24.35'
L2	N44°57'58"W	179.73'
L3	N06°18'15"E	97.35'
L4	N43°14'18"E	151.50'
L5	N10°28'21"E	10.00'
L6	N79°31'39"W	67.62'
L7	S87°07'34"W	49.20'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C1	96.22'	75.72'	39.80'	44°15'23"	N67°03'58"W	73.84'
C2	352.22'	114.00'	57.50'	18°32'41"	N54°14'18"W	113.50'
C3	179.78'	123.77'	64.45'	39°26'46"	S80°44'58"W	121.34'
C4	341.74'	155.87'	79.21'	26°05'59"	S74°04'34"W	154.53'
C5	239.78'	165.08'	85.96'	39°26'46"	S80°44'58"W	161.84'
C6	281.74'	128.34'	65.30'	26°05'59"	S74°04'34"W	127.23'

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
205 E. HIRST ROAD, STE 106
PURCELLVILLE, VA 20132
(703) 994-4047
MRAGTA.COM

PROSPECT PLACE
(PROPERTY LOCATION & AREA EXHIBIT)

CITY OF CHARLES TOWN
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1"=100'
DATE: 10/02/23

L:\Projects\Prospect Place\ZEZONING\Property location Map Exhibit-01.dwg, 10/2/2023 12:54:21 PM, CStephenson,
1:1, Copyright 2022 Morris & Ritchie Associates, Inc.

CHERRY TREE DRIVE

MULBERRY TREE ST.

CLARENCE DR

EUCLID AVE

CLARENCE DR

CLARENCE CT

N 78° 56' 00" W 47.36'

N 12° 42' 27" W 248.56'

N 08° 37' 19" W 250.00'

S 11° 04' 00" W 883.27'

PORTION TO REMAIN
(GC DISTRICT) ±6.71 AC

N 04° 11' 25" W 401.20'

S 40° 19' 32" W 26.55'

L=21.67'
R=25.00'

L=46.08'
R=92.28'

L=51.60'
R=97.97'

N 16° 57' 57" W 151.61'

S 02° 31' 09" E 206.71'

N 88° 03' 35" E 383.24'

N 08° 51' 21" W 77.43'

US ROUTE 340

LIMITS OF REZONING
(NR DISTRICT)
NEIGHBORHOOD RESIDENTIAL
±50.17 AC

MAGNOLIA SPRINGS

STONE SPRINGS

NORTH
NAD83

100 50 0 100 200 300

GRAPHICAL SCALE: 1" = 100'

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
205 E. HIRST ROAD, STE 106
PURCELLVILLE, VA 20132
(703) 994-4047

MRAGTA.COM

PROSPECT PLACE
(REZONING EXHIBIT)

CITY OF CHARLES TOWN
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1"=100'
DATE: 10/02/23 / (REVISED 11/03/23)

L:\Projects\Prospect Place\REZONING\Rezoning Map Exhibit.dwg, 11/3/2023 10:53:00 AM, CStephenson,
1:1, Copyright 2022 Morris & Ritchie Associates, Inc.

CHERRY TREE DRIVE

ROUTE 340

MULBERRY TREE ST.

SECOND STREET

CLARENCE DR

EUCLID AVE

CLARENCE DRIVE

CLARENCE DR THIRD STREET

CLARENCE CT

US ROUTE 340

STONE SPRINGS

MAGNOLIA SPRINGS

OPEN SPACE

LIMITS OF REZONING
(NR DISTRICT)
NEIGHBORHOOD RESIDENTIAL
±50.17 AC

PORTION TO REMAIN
(GC DISTRICT) ±6.71 AC

LOT #6

LOT #5

LOT #4

LOT #3

LOT #2

LOT #1

U ±5.89 AC (NC USES) =
11.7% OF ±50.17 (NR DISTRICT)

SITE LEGEND

- NR - RESIDENTIAL AREA
- NR - COMMERCIAL AREA
- NR - OPEN SPACE AREA
- EXISTING GC DISTRICT TO REMAIN
- VEHICULAR CIRCULATION

NORTH
NAD83

SUMMARY

PROPOSED NEIGHBORHOOD RESIDENTIAL (NR) DISTRICT = ±50.17 AC

PER SECTION 13.22.08(B)3:

REQUIRED:

MIN. 50% RESIDENTIAL
MIN. 10% NEIGHBORHOOD COMMERCIAL USES
MIN. 10% OPEN SPACES

PROVIDED:

RESIDENTIAL	= ±37.75 AC / 75.3%
COMMERCIAL USES	= ±5.89 AC / 11.7%
OPEN SPACE	= ±6.53 AC / 13%

NOTES:

- THIS LAYOUT IS FOR CONCEPTUAL PURPOSES AND IS SUBJECT TO CHANGE BASED ON ENGINEERING, ARCHITECTURAL AND OR CHANGES IN MARKET DEMANDS.
- THE NUMBER AND CONFIGURATION OF THE PROPOSED LOTTING WITHIN THE COMMERCIAL AREAS IS ILLUSTRATIVE AND SUBJECT TO CHANGE.
- THE PERCENTAGES OF USES ARE SUBJECT TO FINAL DESIGN AND WILL MEET OR EXCEED THE MINIMUM REQUIREMENTS PER SECTION 13.22.08(B)3

100 50 0 100 200 300

GRAPHICAL SCALE: 1" = 100'

THIS SHEET IS FOR ILLUSTRATIVE PURPOSES

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
205 E. HIRST ROAD, STE 106
PURCELLVILLE, VA 20132
(703) 994-4047
MRAGTA.COM

PROSPECT PLACE
(ILLUSTRATIVE EXHIBIT)

CITY OF CHARLES TOWN
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1"=100'
DATE: 11/03/23

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1:1, Copyright 2022 Morris & Ritchie Associates, Inc.

EXHIBIT I

As Attachment To Resolution # 2007-08

CONDITIONS OF ANNEXATION FOR PROSPECT PLACE

This annexation comprises the properties of Maria V. Weese and Richard W. Weese, wife and husband (Charles Town Magisterial District, Map 10A, Parcels 117, 118 and 119); Harry M. Kable and Carol F. Kable, husband and wife, and Larry R. Fritts, Sr. (Charles Town Magisterial District, Map 10, Parcel 1.7); Charles Town Limited Partnership VI, a West Virginia Limited Partnership (Charles Town Magisterial District, Map 10, Parcel 9.6); and First Charles Town Group, Inc., a West Virginia Corporation (Charles Town Magisterial District, Map 10, Parcel 1.6), hereinafter referred to as "the Property" or "the Annexed Territory". The titled owners of the Property agree for themselves, their successors, grantees and assigns, to the following conditions of annexation if the Property is annexed into and becomes a part of the Municipality of Charles Town, hereinafter referred to as "the City" or as "Charles Town." The Property will be developed into five separate and distinguishable sites of development:

a) Three to four acres are committed to low-to-moderate income rental housing units (50 units to be located on a portion of Tax Map 10, Parcel 9.6).

b) Not more than twenty town-house market rate residences are to be located on a portion of Tax Map 10A, Parcel 118.

c) Up to ten acres are to be committed to market rate garden type apartments to be located on a portion of Tax Map 10, Parcel 9.6.

d) Up to fifteen acres are to be committed to commercial development (office space and/or retail stores) to be located partially on Tax Map 10, Parcel 1.7 and a portion of Tax Map 10, Parcel 1.6.

e) The balance of the Property would be developed as age targeted duplex and/or quadraplex units; or a mix of market rate town-homes and single-family detached dwellings.

Impact statements pertaining to the City of Charles Town Annexation Policy Evaluation Criteria, and all proposed voluntary contributions, submitted as conditions of annexation, are as follows:

PLANNING & ZONING COMPLIANCE – EVALUATION CRITERIA #1:

Evaluation Criteria 1A – Comprehensive Plan

This annexation is consistent with the City of Charles Town Comprehensive Plan per the following:

Chapter 3 – Charles Town's Vision for the Future

- Commerce and Industry – As set forth above, the Property will have a commercial component of up to fifteen acres, which will provide for new employment opportunities and increased local property tax revenues. The two residential rental projects referred to above will also generate Business and Occupation Taxes for the City on all of the rental income collected.

- Safety and Walkability - The Petitioners plans for the Property will promote pedestrian access from neighboring residential communities, by way of sidewalks to be developed on the Property. The Property (each of the aforementioned projects) will have street lights in accordance with the City's requirements and for safety purposes.

- Affordable Living – As mentioned hereinabove, three to four acres of the Property are committed to 50 units of low-to-moderate income rental apartments. Eligibility of tenants in this project is limited to family units which earn 60% or less of median family income for Jefferson County, as revised semi-annually by the Secretary of Housing and Urban Development.

- Jobs – During the development of the property and the construction of individual units, the development of the Property will provide jobs in the local construction trades. Upon completion of the projects, the Property's commercial component will provide long-term employment opportunities.

- Infrastructure – The Petitioners are providing the infrastructure for the Project's development by building the necessary roads and storm water management facilities. Water service for the development of the Property is from the City of Charles Town Water Department.

- Beautification – In keeping with the City's beautification efforts, the Petitioners intend to install lampposts of the same type used in the City's center. Plans are to bury all utility wires and plant trees in the preserved open space.

- Parks, Trails, Greenspace, and Recreation – Each development within the Property will provide for open space and recreation designed in size and quality to meet the City's requirements for each such development.

Evaluation Criteria 1B – Urban Zoning

The following Charles Town zoning classification is requested with this annexation and is appropriate and will promote the desired development on the Property ensuring orderly future growth that is consistent with the Charles Town growth policy. NR – Neighborhood Residential.

Evaluation Criteria 1C – Contiguous Location

The Property satisfies the requirements of the West Virginia code and is contiguous to the existing corporate limits on East Washington Street. This annexation would annex into the city beginning at East Washington Street those portions of WV Route 51, and Prospect Avenue (WV 340/8) between the Property and the existing corporate limits.

Evaluation Criteria 1D – Transportation Planning

This annexation is compatible with the City's efforts to coordinate land use and transportation planning in order to avoid adverse traffic impacts on the community. To this end, the Petitioners agree to the following:

All non-state roads shall be accepted by the City to service the eventual users, residents and tenants of the road network.

Connectivity of any internal roads and/or parking lot facilities shall be provided between adjoining properties to the greatest extent feasible, as determined by the Planning Commission and the developers of the Property.

The developers of the Property will work with the applicable transit authority to provide appropriate bus stop designations within the development, if requested to do so by the applicable entity.

ECONOMIC GROWTH – EVALUATION CRITERIA #2:

This annexation increases the City's ability to create quality jobs and establish retail and commercial businesses. Commercial space to be developed within the designated 15 acre portion of this annexation will create significant taxes for the City.

AFFORDABLE HOUSING – EVALUATION CRITERIA #3

Within the Annexed Territory, as set forth hereinabove, there will be developed 50 units of low-to-moderate income housing. In addition, age targeted residential development of the balance of the Property will afford those qualified individuals (55 years of age or greater) another selection in their search for owner occupied housing stock in the City.

PROTECTION OF RESOURCES – EVALUATION CRITERIA #4

All known environmental features, including, but not limited to, sinkholes, floodplain, wetland, natural waterways, natural drainage ways, and woodlands shall be identified on individual site plans. Any disturbance of environmental features shall be limited unless it is demonstrated that all city, county, state, and federal regulations are complied with.

MUNICIPAL INFRASTRUCTURE AND SERVICES – EVALUATION CRITERIA #5

The Property will be served by the Charles Town Water Department (water) and Willow Spring Public Service Corporation (sewer).

FISCAL IMPACT – EVALUATION CRITERIA #6

This annexation will provide a positive fiscal impact from the future businesses that will locate within the Annexed Territory through substantial increased Business and Occupation tax collections. This will include the commercial development as well as the two planned multi-family projects, one market rate and one low-to-moderate income.

With regard to residential development, with the exception of the Weese parcel (town-house development) and the low-to-moderate income multi-family rental project (three to four acre parcel) the Petitioners agree to pay to the City amounts of contributions, as conditions of annexation, equal to the impact fees that the Petitioners would have had to pay to the Jefferson County Commission had the Petitioners' property not become annexed into the City. The City agrees not to assess any type of fee, assessment or other charge upon the Petitioners' property that would otherwise be due solely as a condition of annexation, such as Capital Cost Fee or Non-Capital Cost Fee. With regard to said townhouse parcel, the Weeses agree to pay the Capital Cost Fee ($948) and the Non-Capital Cost Fee ($4,500) per unit at the time a building permit is issued. With regard to the low-to-moderate income multi-family rental project, no voluntary contributions are made as part of these conditions for annexation. The parties acknowledge that there are cases currently pending in the state courts in which the imposition of county impact fees with municipal limits is in issue. The rulings in these cases may or may not affect the applicability of county impact fees to developments in the subject annexed territory, notwithstanding the conditions of annexation already provided herein. The parties acknowledge that the conditions of annexation required herein are not intended to result in a double payment by the Petitioners, their successors and assigns, of contributions, through both impact fees and conditions of annexation, to support services impacted by the uses to be developed in the subject territory. Accordingly, any funds paid to the City of Charles Town as a condition of this annexation shall be held in escrow until the cases now pending are resolved. If the rulings in the pending cases would result in the application of county impact fees to the subject territory, the funds paid to the City of Charles Town hereunder would be applied to such fees. Nothing contained herein is intended to relieve the Petitioners, their successors and assigns, of the obligation to pay applicable county impact fees for schools, which obligation both parties acknowledge is unaffected by the annexation conditions provided herein, and which obligation is specifically required by the Settlement Agreement dated October 1, 2004, in Civil Action No. 04-C-194 in the Circuit Court of Jefferson County. The Petitioners also will undertake a Traffic Impact Study within established guidelines of the City.

All of the above voluntary contributions offered in this document as conditions of this annexation shall be binding to all of the above-described property that is annexed into the City of Charles Town. The property owners shall ensure that these restrictions are conveyed with the property to all future assigns and/or transferees of all or any part of the subject property, excluding land given to the City of Charles Town, West Virginia Department of Transportation, or other local, state or federal government entity. These conditions of annexation shall be fully enforceable.

Dated this 10th day of February, 2007.

Petitioner – Maria V. Weese

City of Charles Town, Mayor

Petitioner – Richard W. Weese

Petitioner – Harry M. Kable

Petitioner – Carol F. Kable

Petitioner – Larry R. Fritts, Sr.

Petitioner - Charles Town Limited Partnership VI

By:
General Partner

Petitioner - First Charles Town Group, Inc.

By::
Its President

ATTEST:

City Clerk

NB

CURVE TABLE

LINE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	123.77'	S85°56'00"W	179.78'	39°26'46"	121.34'	64.45'
C2	155.67'	S79°15'37"W	341.74'	26°05'59"	154.33'	79.21'

NOTE:
1. By graphic plotting only, the Parcel proposed for Annexation is in Zone "C" per F.I.R.M. map 540065 0050 C dated 2 August 1993. Based on the above information, no portion of this parcel is in a special flood hazard area.

Weese, Parcel 118
b, allows up to 20 market rate townhomes

a, Three to Four acres of low income housing, 50 units, on portion of Parcel 9.6, this has been developed in the dotted portion of this parcel

Weese, Parcel 117

Weese, Parcel 119

Kable, Parcel 1.7

d, up to fifteen acres of commercial on parcels 1.6 and 1.7

First Charles Town Group, Parcel 1.3

Charles Town LP VI, Parcel 9.6

e, balance of property as age targeted duplex and/or quads, or market rate townhomes and single family homes

c, up to ten acres of market rate garden apartments on Parcel 9.6, assume in this area but would need to see annexation exhibit plan to confirm

ADJOINER TABLE

	Dist. Map	Parcel	Owner	D.B. / P.
A	CTD 10A	106	Moler	848 / 106
B	CTD 10A	108	Moler	928 / 480
C	CTD 10A	112	Moore	712 / 707
D	CTD 10A	113	Moler	855 / 469
E	CTD 10A	113.1	Kidwell	587 / 304
F	CTD 10A	116	Casto	552 / 150
G	CTD 10A	110	Knoedler	970 / 341
H	CTD 10A	111	McIlroy	844 / 138
I	CTD 10A	114	McIlroy	844 / 138
J	CTD 10A	115	Ball	935 / 462
K	CTD 10B	90	Simons	540 / 18
L	CTD 10B	91	Scott	925 / 699
M	CTD 10B	92	Hines	853 / 353
N	CTD 10B	93	Vickers	584 / 143
O	CTD 10B	94	Campbell	1012 / 244

LINE TABLE

LINE	BEARING	DISTANCE
L1	N06°12'25"E	58.94'
L2	N11°30'28"W	6.86'
L3	N19°51'41"E	61.90'
L4	S72°35'41"E	89.84'
L5	N17°24'52"E	17.13'
L6	N11°51'26"E	96.90'
L7	N47°53'55"E	151.37'
L8	S15°59'30"W	110.00'
L9	N74°20'37"W	228.00'
L10	S15°39'23"W	209.44'
L11	S15°39'23"W	50.00'
L12	N87°47'33"W	179.07'
L13	N02°15'30"E	133.33'
L14	N05°26'08"E	59.71'
L15	N02°22'51"E	84.37'
L16	S89°36'35"E	175.56'

Scale: 1" = 200'
200 100 0 200 400

PLAT NORTH (P.B. 15 P. 25)

Plat of Survey Showing

Proposed Annexation Parcel to Charles Town Corporation (71.361 Acres Total)

Charles Town District
Jefferson County, WV
1 November 2006
Scale: 1" = 200'

Karen K. Brill, PS

KAREN K. BRILL LICENSED No. 908 STATE OF WEST VIRGINIA PROFESSIONAL SURVEYOR

16NOV23 StM

Dewberry
DEWBERRY & DAVIS, LLC
411 S. FAIRFAX BOULEVARD
RANSON, WV 25438-1611
PHONE: 304.725.4572
FAX: 304.725.6896
WWW.DEWBERRY.COM

#10028861

City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Fax: (304) 725-1014 ♦ Web: www.charlestownwv.us

MAYOR

Peggy A. Smith

CITY COUNCIL

Donald Clendening

MaryLois Gannon-Miller

Ruth McDaniel

Sandra Slusher McDonald

Ann Paonessa

Amy Schmitt

Michael Slover

Geraldine Willingham

CITY MANAGER

Gary Rawlings

CITY CLERK

Joe Cosentini

Resolution 2008-21

AN AMENDMENT TO THE CONDITIONS OF ANNEXATION FOR PROSPECT PLACE

WHEREAS, The City of Charles Town annexed property (71.361 acres) owned by Charles Town Limited Partnership, VI; First Charles Town Group, Inc.; Maria V. Weese and Richard W. Weese; Harry M. Kable and Carol F. Kable; and Larry R. Fritts, Sr. on February 20, 2007; and

WHEREAS, The City of Charles Town and Charles Town Limited Partnership VI, First Charles Town Group, INC., Richard W. Weese and Maria V. Weese, Harry M. Kable and Carol F. Kable and Larry R. Fritts, Sr. negotiated Conditions of Annexation; and

WHEREAS, The Developer has asked that the Conditions of Annexation be amended;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charles Town, West Virginia, to accept and approve amendments to the Conditions of Annexation for Prospect Place (attached hereto as Exhibit 1: AMENDED AND RESTATED CONDITIONS OF ANNEXATION FOR PROSPECT PLACE)

Dated: November 17, 2008

Peggy A. Smith, Mayor

Attest:

City Clerk

EXHIBIT I

As Attachment to Resolution #2008-21

AMENDED AND RESTATED
CONDITIONS FOR ANNEXATION FOR PROSPECT PLACE

This annexation comprises the properties of Maria V. Weese and Richard W. Weese, wife and husband (Charles Town Magisterial District, Map 10A, Parcels 117, 118 and 119); Harry M. Kable and Carol F. Kable, husband and wife, and Larry R. Fritts, Sr. (Charles Town Magisterial District, Map 10, Parcel 1.7); Charles Town Limited Partnership VI, a West Virginia Limited Partnership (Charles Town Magisterial District, Map 10, Parcel 9.6); and First Charles Town Group, Inc., a West Virginia Corporation (Charles Town Magisterial District Map 10, Parcel 1.6), hereinafter referred to as "the Property" or "the Annexed Territory". The titled owners of the Property agree for themselves, their successors, grantees and assigns, to the following amended and restated conditions of annexation if the Property is annexed into and becomes a part of the Municipality of Charles Town, (the property has already been annexed into the City of Charles Town) hereinafter referred to as "the City" or as "Charles Town." The Property will be developed into three separate and distinguishable sites of development:

a) Three to four acres are committed to low-to-moderate income rental housing units (50 units to be located on a portion of Tax Map 10, Parcel 9.6).

b) Not more than twenty town-house market rate residences are to be located on a portion of Tax Map 10A, Parcel 118.

c) All of the parcel identified as Tax Map 10, Parcel 1.7 and a portion of Tax Map 10, Parcel 9.6, and a portion of the parcel identified as Tax Map 10, Parcel 1.6 are committed to commercial development; a modification and/or reclassification of the official zoning map of Charles Town will be requested to change the zoning classification from NR (neighborhood residential) to GC (general commercial).

Impact statements pertaining to the City of Charles Town Annexation Policy Evaluation Criteria, and all proposed voluntary contributions, submitted as conditions of annexation, are as follows:

PLANNING & ZONING COMPLIANCE – EVALUATION CRITERIA #1:

Evaluation Criteria 1A – Comprehensive Plan

This annexation is consistent with the City of Charles Town Comprehensive Plan per the following:

Chapter 3 – Charles Town's Vision for the Future

- Commerce and Industry – As set forth above, the Property will have a commercial component of up to approximately 57.8 acres, which will provide for new employment opportunities and increased local property tax revenues. One residential rental project referred to above will also generate Business and Occupation Taxes for the City on all of the rental income collected.

- Safety and Walkability – The Petitioner's current plans for the Property will promote pedestrian access from neighboring residential communities, by way of sidewalks to be developed on the Property. Within the 57.8 acres of General Commercial (GC), the Petitioner will develop an integrated pedestrian network between groups of building on the site where practical and attempt to provide pedestrian connectivity to adjoining properties. The layout of this network will be subject to the safety and security requirements of the overall development and the anchor tenants within the project.

- Affordable Living – As mentioned hereinabove, three to four acres of the Property are committed to 50 units of low-to-moderate income rental apartments. Eligibility of tenants in this project is limited to family units which earn 60% or less of the median family income for Jefferson County, as revised semi-annually by the Secretary of Housing and Urban Development.

- Jobs – During development of the property and the construction of buildings and individual units, the development of the Property will provide jobs in the local construction trades. Upon completion of the projects, the Property's commercial component will provide long-term employment opportunities.

- Infrastructure – The Petitioners are providing the infrastructure for the Property's development by building the necessary roads and storm water management facilities. Water service for the development of the Property will be from the City of Charles Town Water Department; sewer service for the development of the Property will be from the City of Charles Town or the Willow Spring Public Service Corporation.

- Beautification – Plans are to bury all utility wires and to landscape, including the planting of trees where appropriate, in the preserved open space. If the development of the 57.8 acres of General Commercial requires any off site road extensions to be constructed, the Petitioner will, if required, provide street lighting for and along such road extensions in accordance with the City requirements.

- Parks, Trails, Greenspace, and Recreation – Each development within the Property will provide for open space and recreation designed to confirm to the requirements of the NR zoning classification of the City, as applicable. Within the 57.8 acres of GC, the Petitioner will use reasonable efforts to maximize the amount of open space on the property where practical. If possible and where practical the Petitioner will also look for reasonable opportunities to create usable recreational space that is compatible with project uses.

Evaluation Criteria 1B – Urban Zoning

The following Charles Town zoning classification is requested with this annexation and is appropriate and will promote urban development on the Property ensuring orderly future growth that is consistent with the Charles Town growth policy. GC General Commercial and NR Neighborhood Residential. The Petitioner understands that the City of Charles Town zoning ordinance is currently being updated. The Petitioner will work in good faith with City staff to utilize applicable portions of the General Commercial District section of the draft version in place as of the effective date of this document until such time as a final Charles Town ordinance is adopted. In regards to stormwater management the petitioner will use State of Virginia regulations as is the common engineering practice as of the effective date of this document.

Evaluation Criteria 1C – Contiguous Location

The Property satisfies the requirements of the West Virginia Code and is contiguous to the existing corporate limits on East Washington Street. This annexation would annex into the city beginning at East Washington Street those portions of WV Route 51, and Prospect Avenue (WV

340/8) between the Property and the existing corporate limits. (The property is already annexed into the City)

Evaluation Criteria 1D – Transportation Planning

This annexation is compatible with the City's efforts to coordinate land use and transportation planning and to avoid adverse traffic impacts on the community. To this end, the Petitioners agree to the following:

Prior to the submission of a site plan for the 57.8 acres of GC for review by the Charles Town Planning Commission, the Petitioner will prepare and submit a traffic impact study to the WV DOT with a copy to the City of Charles Town planning staff. The study will be used to obtain the requisite State Route 340 Bypass entrance permits for the proposed 57.8 acre GC development and the Petitioner will be responsible for all necessary roadway improvements as required by WV DOT as part of the entrance permit requirements. For the 57.8 acres of GC, the site plan shall provide for no less than two points of vehicular access to the property from either private or public roads, one of which shall be the intersection at Route 340 at the current median break. The second vehicular access point shall be on the north or west side of the property.

All non-state roads shall be accepted by the City to service the eventual users, residents and tenants of the road network.

Connectivity of any internal roads and/or parking lot facilities shall be provided between adjoining properties to the greatest extent feasible, as determined by the Planning Commission and the developers of the Property.

The developers of the Property will work with the applicable transit authority to provide appropriate bus stop designations within the development, if requested to do so by the applicable entity.

ECONOMIC GROWTH – EVALUATION CRITERIA #2:

This annexation increases the City's ability to create quality jobs and establish retail and commercial businesses. Commercial space to be developed within the designated 57.8 acre portion of this annexation will create significant taxes for the City.

AFFORDABLE HOUSING – EVALUATION CRITERIA #3:

Within the Annexed Territory, as set forth hereinabove, there will be developed 50 units of low-to-moderate income housing.

PROTECTION OF RESOURCES – EVALUATION CRITERIA #4:

All known environmental features, including, but not limited to, sinkholes, floodplain, wetland, natural waterways, natural drainage ways, and woodlands shall be identified on individual site plans. Any disturbance of environmental features shall be limited unless it is demonstrated that all city, county, state and federal regulations are complied with.

With the Petitioner's initial Site Plan submittal for the 57.8 acres of GC, the Petitioner will provide a copy of the U.S. Army Corps of Engineers Jurisdictional Determination for the property as well as a statement as to the status and location of any other regulated environmentally sensitive areas on the property, if any, and how these, and any Jurisdictional Areas (if any) will be addressed by the proposed development of the project.

MUNICIPAL INFRASTRUCTURE AND SERVICES – EVALUATION CRITERIA #5:

The Property will be served by the Charles Town Water Department (water) and Willow Spring Public Service Corporation (sewer) or the Charles Town Sewer Department.

FISCAL IMPACT – EVALUATION CRITERIA #6:

This annexation will provide a positive fiscal impact from the future businesses that will locate within the Annexed Area through substantial increased Business and Occupation tax collections. This will include the commercial development as well as the one planned multi-family project for persons of low-to-moderate family income levels.

With regard to said townhouse parcel, the Weeses agree to pay the Capital Cost Fee ($948) and the Non-Capital Cost Fee ($4,500) per unit at the time a building permit is issued. With regard to the low-to-moderate income multi-family rental project, no voluntary contributions are made as part of these amended and restated conditions for annexation. The parties acknowledge that there are cases currently pending in state courts in which the imposition of county impact fees within municipal limits is in issue. The rulings in these cases may or may not affect the applicability of county impact fees to developments in the subject Annexed Territory, notwithstanding the amended and restated conditions of annexation already provided herein. The parties acknowledge that the amended and restated conditions of annexation required herein are not intended to result in a double payment by the Petitioners, their successors and assigns, of contributions, through both impact fees and amended and restated conditions of annexation, to support services impacted by the uses to be developed in the subject territory. Accordingly, any funds paid to the City of Charles Town as a condition of this annexation shall be held in escrow until the cases now pending are resolved. If the rulings in the pending cases would result in the application of county impact fees to the subject territory, the funds paid to the City of Charles Town hereunder would be applied to such fees.

All of the above voluntary contributions offered in this document as amended and restated conditions of this annexation shall be binding to all of the above-described property that is annexed in to the City of Charles Town. The property owners shall ensure that these restrictions are conveyed with the property to all future assigns and/or transferees of all or any party of the subject property, excluding land given to the City of Charles Town, West Virginia Department of Transportation, or other local, state or federal government entity. These amended and restated conditions of annexation shall be fully enforceable.

Dated this 17th day of NOVEMBER 2008.

Petitioner – Maria V. Weese

City of Charles Town, Mayor

Petitioner – Richard W. Weese

Petitioner – Harry M. Kable

Petitioner – Carol F. Kable

Petitioner – Larry R. Fritts, Sr.

Petitioner – Charles Town Limited Partnership VI

By: _____
General Partner

Petitioner – First Charles Town Group, Inc.

By: _____
Its President

Downtown Charles Town

Charles Town, West Virginia



Market Snapshot

Charles Town Now and community partners are taking a pro-active approach to planning for the future prosperity of Charles Town's traditional downtown business district.

Current and ongoing efforts are serving to heighten the appeal of Downtown Charles Town as a place to do business, work, visit, and live. A holistic approach to revitalization is reviving the community's historic city center as a local and regional attraction and economic engine.

This Market Snapshot, prepared in conjunction with technical assistance commissioned by Main Street West Virginia, summarizes and highlights key characteristics and trends in the marketplace. The information provides benchmarks and a market-driven basis for exploring opportunities and fine-tuning Downtown Charles Town real estate and business development strategies.

CHARLES TOWN NOW

LIVE · WORK · PLAY

Charles Town is a Main Street West Virginia community.

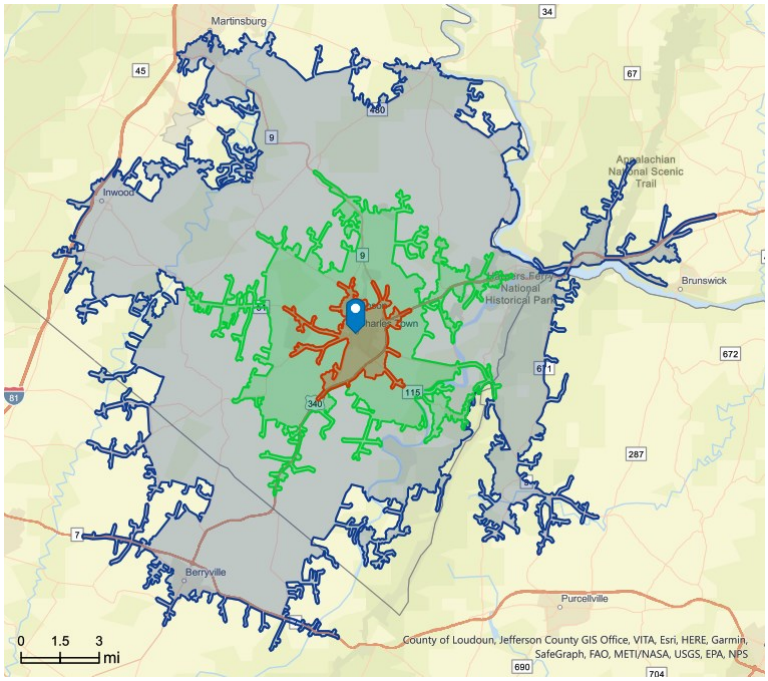
Main Street West Virginia and West Virginia ON TRAC are downtown revitalization programs that follow the National Main Street Center's community -based approach to preservation and development. A subsidiary of The National Trust for Historic Preservation, Main Street is a successful community development model used in thousands of communities across the country.

west virginia CaD ON TRAC / MainStreet

Downtown Charles Town Drive Time Market

Demographic Fast Facts

Esri 2021



Population	5 Minutes	10 Minutes	20 Minutes
2010 Total	10,550	22,896	80,159
2021 Estimate	11,657	26,176	92,182
2026 Projection	12,776	30,260	102,120
Growth (2021-26)	9.6%	15.6%	10.8%
Projected State Population Growth (2021-26)			0.0%

2021 Daytime Pop	5 Minutes	10 Minutes	20 Minutes
Total Daytime Population	13,206	26,291	81,666
Workers	7,621	13,869	35,887
Residents	5,585	12,422	45,779
Daytime Change	13.3%	0.4%	-11.4%

Households	5 Minutes	10 Minutes	20 Minutes
2010 Census	4,175	8,675	29,813
2021 Estimate	4,608	9,925	34,316
2026 Projection	5,031	11,456	38,014
Growth (2021-26)	9.2%	15.4%	10.8%
Projected State Households Growth (2021-26)			0.0%

Median HH Income	5 Minutes	10 Minutes	20 Minutes
2021 Estimate	$66,387	$80,673	$75,468
2026 Projection	$73,960	$89,162	$82,394
Growth (2021-26)	11.4%	10.5%	9.2%
2021 State Median HH: $48,509			2021-26 Growth: 8.8%

Source: Esri Market Profile | 08.21

MARKET TRAITS ESRI 2021

HOUSING UNITS	5 Minutes	10 Minutes	20 Minutes
2021 Estimate	5,215	10,935	37,739
- Owner Occupied	55.8%	65.7%	69.6%
- Renter Occupied	32.6%	25.1%	21.3%
- Vacant	11.6%	9.2%	9.1%
Estimated State Percent Vacant (2021)			15.3%

POPULATION BY RACE/ETHNICITY—DIVERSITY

Diversity Index	5 Minutes	10 Minutes	20 Minutes
2010	46.2	39.5	29.9
2021	53.2	46.1	36.3
2026	56.0	49.0	39.5

State Diversity Index **2021**: 17.0 **2026**: 18.8

The Diversity Index summarizes racial and ethnic diversity. The index shows the likelihood that two persons, chosen at random from the same area, belong to different race or ethnic groups. The index ranges from 0 (no diversity) to 100 (complete diversity).

2021 POPULATION 25+ BY EDUCATIONAL ATTAINMENT

Education	5 Minutes	10 Minutes	20 Minutes
No HS Diploma	11.5%	10.0%	10.4%
HS Grad/GED	34.7%	33.1%	32.4%
Some College/Assoc	25.3%	26.1%	28.9%
Bachelor/Grad/Prof	28.4%	30.8%	28.2%

PER CAPITA INCOME

2021 ESTIMATE

5 Minutes	$36,663
10 Minutes	$39,785
20 Minutes	$36,654
State	$27,523

MEDIAN AGE

2021 ESTIMATE

5 Minutes	39.8
10 Minutes	39.2
20 Minutes	40.4
State	43.8

2021 EMPLOYED

CIVILIAN POPULATION 16+

5 Minutes	91.6%
10 Minutes	92.3%
20 Minutes	93.2%
State	93.5%

2021 EMPLOYMENT BY OCCUPATION

2021 Employed 16+	5 Minutes	10 Minutes	20 Minutes
Total Estimate	6,045	13,785	46,607
- White Collar	61.1%	64.5%	63.3%
- Services	18.4%	17.2%	15.4%
- Blue Collar	20.5%	18.3%	21.3%

Source: Esri Market Profile | 08.21

DOWNTOWN CHARLES TOWN | DRIVE TIME MARKET

LIFESTYLE PROFILE ESRI 2021

Esri's Community Tapestry is a geodemographic segmentation system that integrates consumer traits with residential characteristics to identify markets and classify U.S. neighborhoods. Tapestry Segmentation combines the "who" of lifestyle demography with the "where" of local geography to create a classification with 67 distinct behavioral market segments (Tapestry Segments), each belonging to one of fourteen LifeMode Groups.

Top Drive Time Area Esri Tapestry LifeMode Groups

Tapestry LifeMode groups represent markets that share a common experience—born in the same generation or immigration from another country—or a significant demographic trait, like affluence. The Family Landscapes and GenXurban LifeMode Groups are among those most prevalent in the drive time areas.



Family Landscapes (LM4) | #1 in All Drives

5 Minutes		10 Minutes		20 Minutes	
HHs	Percent	HHs	Percent	HHs	Percent
1,952	42.4%	6,385	64.3%	16,975	49.5%

- Successful young families in their first homes
- Non-diverse, prosperous married-couple families, residing in suburban or semirural areas with a low vacancy rate (second lowest)
- Homeowners (79%) with mortgages (second highest %), living in newer single-family homes, with median home value slightly higher than the U.S.
- Two workers in the family, contributing to the second highest labor force participation rate, as well as low unemployment
- Do-it-yourselfers, who work on home improvement projects, as well as their lawns and gardens
- Sports enthusiasts, typically owning newer sedans or SUVs, dogs, and savings accounts/plans, comfortable with the latest technology
- Eat out frequently at fast food or family restaurants to accommodate their busy lifestyle
- Especially enjoy bowling, swimming, playing golf, playing video games, watching movies rented via Redbox, and taking trips to a zoo or theme park



GenXurban (LM 5) | #2 in 10 and 20 Minutes

5 Minutes		10 Minutes		20 Minutes	
HHs	Percent	HHs	Percent	HHs	Percent
1,126	24.4%	1,677	16.9%	5,642	16.4%

- Gen X in middle age; families with fewer kids and a mortgage
- Second largest Tapestry group, comprised of Gen X married couples, and a growing population of retirees
- About a fifth of residents are 65 or older; about a fourth of households have retirement income
- Own older single-family homes in urban areas, with 1 or 2 vehicles
- Live and work in the same county, creating shorter commute times
- Invest wisely, well-insured, comfortable banking online or in person
- News junkies (read a daily newspaper, watch news on TV, and go online for news)
- Enjoy reading, renting movies, playing board games and cards, doing crossword puzzles, going to museums and rock concerts, dining out, and walking for exercise

Information on Esri Tapestry methodology and applications, along with descriptions for Tapestry's 67 segments, are available from the Esri website at:
http://doc.arcgis.com/en/esri-demographics/data/tapestry-segmentation.htm

Source: Esri Community Tapestry Segmentation | 08.21

RETAIL VIEW

ESRI 2017 RETAIL MARKETPLACE DATA

Esri's Retail MarketPlace data provides a direct comparison between retail sales and consumer spending by industry. To capture a snapshot of an area's retail market place, a sales surplus or leakage, expressed in current dollars, is calculated to summarize the relationship between supply (retail sales by businesses) and demand (consumer spending by household). Deviations from potential sales, or demand, may reveal areas of opportunity in the trade area's retail sectors, keeping in mind any extenuating circumstances that may be driving the results.

DOWNTOWN CHARLES TOWN DRIVE TIME MARKET

SALES SURPLUS AND LEAKAGE ESTIMATES | ($MM)

Total Retail Trade (NAICS 44 – 45)	5 Minutes	10 Minutes	20 Minutes
- Est. Sales (Supply)	$141.6M	$295.5M	$669.8M
- Potential Sales (Demand)	$138.2M	$332.8M	$1120.8M
- Est. Surplus/(Leakage)	$3.4M	($37.3M)	($451.0M)
Total Food and Drink (NAICS 722)	5 Minutes	10 Minutes	20 Minutes
- Est. Sales (Supply)	$24.5M	$41.5M	$76.6M
- Potential Sales (Demand)	$14.8M	$35.8M	$118.9M
- Est. Surplus/(Leakage)	$9.6M	$5.7M	($42.3M)
Total Retail, Food and Drink (NAICS 44 – 45, 722)	5 Minutes	10 Minutes	20 Minutes
- Est. Sales (Supply)	$166.1M	$337.0M	$746.4M
- Potential Sales (Demand)	$153.1M	$368.6M	$1239.7M
- Est. Surplus/(Leakage)	$13.0M	($31.6M)	($493.3M)

Estimates rounded to nearest one hundred thousand dollars.

Esri estimates of actual sales reflect current dollars derived from receipts of businesses primarily engaged in selling merchandise. Potential sales is estimated by using Esri's consumer spending data, which provides estimated expenditures for more than 700 products and services that are consumed by U.S. households. The estimate of an area's demand is based upon estimated expenditures by households within the defined geography.

Source: Esri and Data Axle. Esri 2021 Updated Demographics. Esri 2017 Retail MarketPlace.

Date Note 1: The Esri Retail MarketPlace database is in mature status. While the data are presented in current year geography, all supply- and demand-related estimates remain vintage 2017.

Data Note 2: The polarity of surplus/leakage estimates shown in this document (as compared to those shown in source Esri reports) have been reversed to show surplus as a positive value, and to show leakage as a negative value. The Retail Gap (Sales Surplus/ Leakage) represents the difference between Retail Potential and Retail Sales. A positive value represents a surplus in retail sales, often indicating a market where customers are drawn in from outside the defined trade area.

Esri uses the North American Industry Classification System (NAICS) to classify businesses by their primary type of economic activity. Retail establishments are classified into 27 industry groups in the Retail Trade sector, as well as three industry groups within the Food Services & Drinking Places subsector. For more information on Retail MarketPlace data and to download the methodology statement visit:
http://doc.arcgis.com/en/esri-demographics/data/retail-marketplace.htm

TOTAL SALES

[Retail Trade (NAICS 44—45) + Food & Drink (NAICS 722] | Esri 2017 Retail Data

$166 Million	$337 Million	$746 Million
5 Minutes	10 Minutes	20 Minutes

PERFORMANCE BY CATEGORY

Sales gap factors provide a quick-look means of assessing the relative strength of retail categories for a defined geography. The factor is a measure of the relationship between supply and demand that ranges from +100 (total surplus) to -100 (total leakage). A positive value represents a surplus of retail sales and can be indicative of a market where customers are drawn from outside the defined area. Categories showing the highest surplus factors might signal opportunities for expansion or the introduction of complementary products and services to build on market strengths or niches. Likewise, categories with negative factors might offer an indication of gaps in the business mix and potential for re-positioning, expansion or recruitment.

SALES GAP FACTORS | DOWNTOWN DRIVE TIME MARKET

Category—Factor	5 Minutes	10 Minutes	20 Minutes
Motor Vehicle and Parts Dealers	(50.2)	(59.4)	(66.3)
Furniture and Home Furnishings Stores	1.0	(13.3)	(45.8)
Electronics and Appliance Stores	(9.4)	(15.7)	20.5
Building Materials, Garden & Supply	(13.8)	1.6	31.0
Food and Beverage Stores	23.8	20.2	(4.3)
Health and Personal Care Stores	49.0	32.6	(9.8)
Gasoline Stations	(31.3)	(55.7)	(49.0)
Clothing and Clothing Accessories	(29.2)	(50.2)	(66.2)
Sporting Goods, Hobby, Book, Music	(42.1)	(35.6)	(53.7)
General Merchandise Stores	(12.6)	(1.8)	(47.6)
Miscellaneous Store Retailers	21.1	17.8	(16.1)
Nonstore Retailers	68.5	47.6	1.0
Food Services and Drinking Places	24.5	7.4	(21.7)

Source: Esri and Data Axle. Esri 2021 Updated Demographics. Esri 2017 Retail MarketPlace.

Limitations and Disclaimers

Retail market analyses, their components (such as retail sales gap analyses) and derivative business development plans provide important guidance on how a commercial area should, theoretically, be able to perform and on the sales levels businesses should be able to achieve. However, many factors affect the actual performance of businesses and commercial areas, including the skills of the business operator, level of business capitalization, the quality of the physical environment, changes in overall economic conditions, the effectiveness of business and district marketing programs, and other variables. The information in this document is intended to provide a foundation of information for making business development decisions, but it does not and cannot ensure business success.

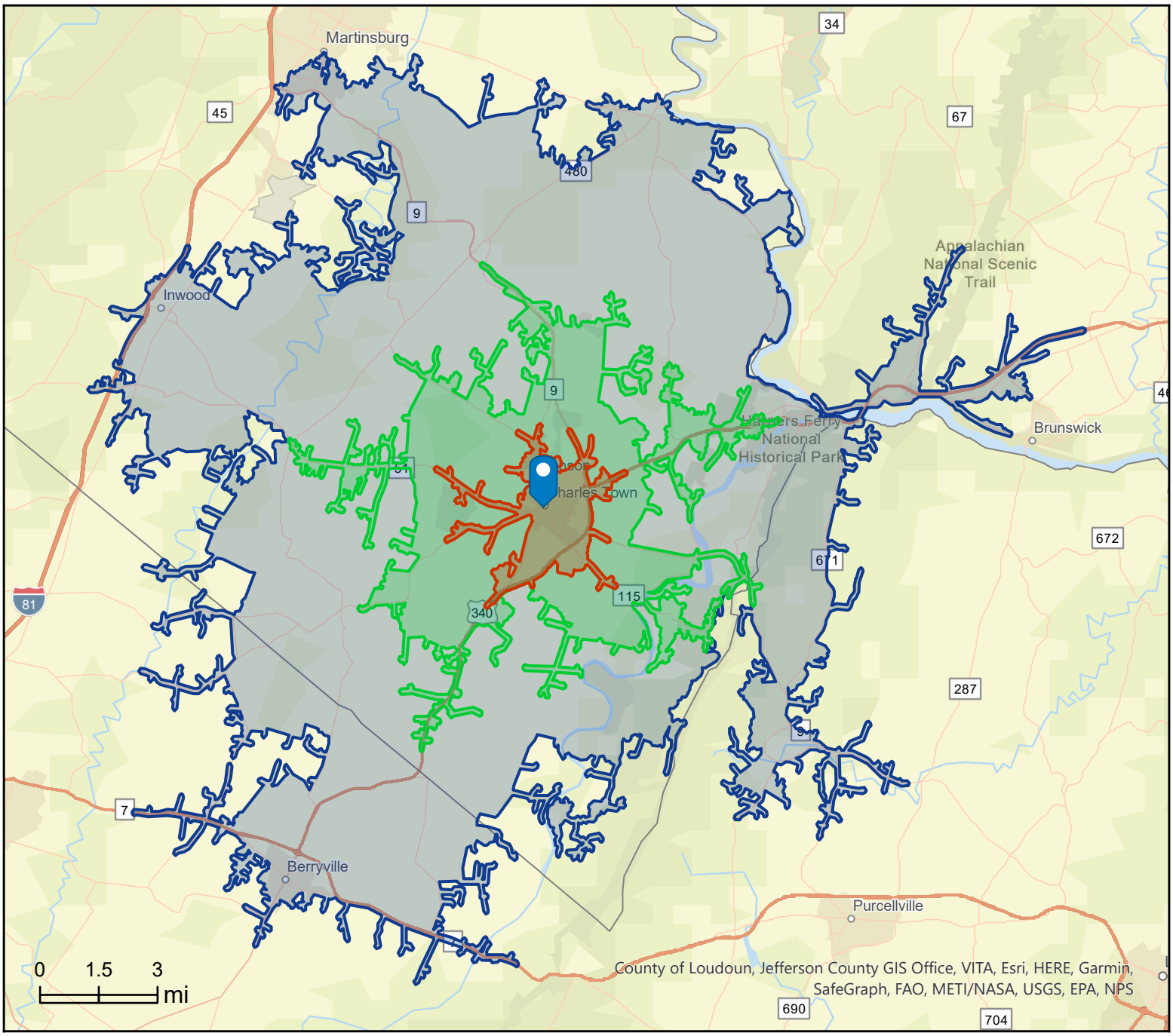
As is true of all demographic, economic and market studies, our analysis' reliability is limited to the reliability and quality of the data available. Our research assumes that all data made available by and procured from federal, state, city, primary and third party sources is accurate and reliable.

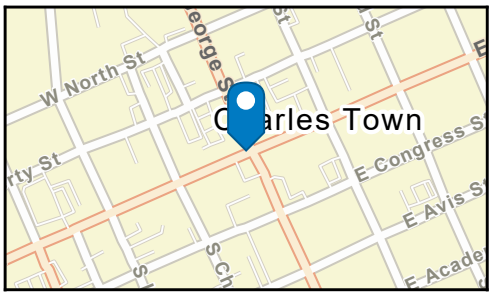
Because market conditions change rapidly and sometimes without warning, the information and opinions expressed here represent a snapshot in time and cannot predict or gauge future changes or results.

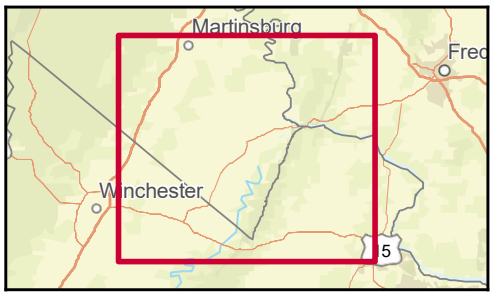
Site Map

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004







August 30, 2021

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Downtown Charles Town

Charles Town, West Virginia

2021 Main Street West Virginia Market Study Services

Next Steps | Action Agenda Planning Guide

CHARLES TOWN NOW

LIVE · WORK · PLAY

Moving Forward

Market data and 2021 Top Prospects Survey findings provide a market-driven basis and foundation for business development strategies designed to help businesses sustain and grow, and to invite new entrepreneurs and businesses to join the mix. Other data points can be used to benchmark and track activities, progress, and changes in the marketplace.

Next steps presented in this document are posed as potential strategies and actions, and are framed in a quick-look format to serve as a good starting point and guide for discussion, planning, and moving forward. The list of ideas and proposed actions is not prescriptive nor exhaustive. In the short term, other ideas and activities are likely to grow out of the market study's findings as local team members and economic development partners take time to interpret and discuss the full breadth of the study's findings and implications for Downtown Charles Town. So, too, the scope and nature of local downtown business development efforts will undoubtedly change over time as implementation steps are taken, and as new opportunities emerge.

Additional Resources

DPN Main Street West Virginia Market Study Resource Center

downtownpros.com/wvprospects

The online resource center provides access to planning guides, including those listed below, and a wide variety of examples, including collateral materials from other communities.

Michigan Main Street Business Development Toolkit

The toolkit, developed by Downtown Professionals Network (DPN) in a joint venture with Michigan Main Street, frames a holistic approach to business development, the roles of Main Street organization staff, board and committee members, best practices, and checklists for areas that include business support and retention, business recruitment, and real estate development.

DPN Ready to Recruit (R2R) Guide

The resource offers practical, how-to guidance for local business recruitment efforts, including tips for assembling a recruitment team, gathering essential information, designing collateral, prospecting and generating leads, and hosting site visits.

DOWNTOWN PROFESSIONALS NETWORK

(615) 236-6082 | connect@downtownpros.com

www.downtownpros.com

Next Steps

94 Potential Prospects

Follow-up with prospects and begin putting systems in place to track communications; and consider ways to connect with other prospects who expressed interest in downtown business opportunities.

- ☐ Initiate contact with **23 prospects** who provided information via the Top Prospects survey to discuss interests, business concepts, needs, timeline, etc.
- ☐ Develop a form or system for tracking prospects (see example of tracking form in DPN's R2R Guide).
- ☐ Host a forum, with a special appeal extended to prospects who did not identify themselves in the survey, to share survey results and to promote technical assistance providers and resources.

1,478 Survey Respondents

Those who completed the Top Prospects Survey, and others, will be genuinely interested in learning of the results. Survey findings can be especially valuable to existing businesses contemplating expansion or repositioning strategies.

- ☐ Share survey results with the public:
  - ☐ Make the at-a-glance version available for download and distribution.
  - ☐ Post snippets and factoids on social media and invite recipients, including potential prospects, to learn more.
- ☐ Share survey results with the existing businesses and partners:
  - ☐ Make business visits to share survey results, with special attention directed toward businesses that could be expansion or repositioning candidates .
  - ☐ Take advantage of opportunities to share results with property owners, local government, economic development partners, real estate professionals, business groups, civic organizations, and others who share a special interest, and play a role, in promoting downtown business opportunities.

Build Your Toolkit

Assemble information and design first generation collaterals materials, in online and print-on-demand formats, to share with prospects and to promote downtown business and investment opportunities. Examples include:

- ☐ Community and downtown profile or fact sheet
- ☐ List and map of available properties and space
- ☐ Property profile or cut sheets
- ☐ Starting a business guide or checklist
- ☐ Business resources guide

ⓘ *Find examples of these and more at the online resource center.*



Promote Available Properties, Spaces, and Investment Opportunities

Work with property owners, brokers and agents to showcase business, property and investment opportunities using traditional, on the street, and interactive marketing techniques.

- ☐ Maintain a current list of available properties and spaces, and share with local real estate professionals on a monthly or more frequent basis.
- ☐ Feature a "Property of the Month" in social media, newsletters, etc.
- ☐ Use window treatments (e.g. "This space is not empty, it's full of opportunity!" posters) to highlight spaces and change the narrative.
- ☐ Host periodic (e.g. quarterly) downtown open house-style property tours.
- ☐ Host business events and mixers in unoccupied spaces.
- ☐ Host a workshop providing hints and tips for building owners to prepare and fill spaces, including examples of funding sources, technical assistance, and commercial leasing practices and options.
- ☐ Work with property owners and representatives to get properties show-ready with small improvements (e.g. cleaning, a fresh coat of paint, removing items specific to former occupants, etc.) to make spaces more attractive to a larger group of potential tenants.

Rethink Spaces

Rethinking spaces could spell opportunities for property owners to maximize leasable floor space, and for existing businesses, start-ups, and entrepreneurs to leverage traffic and activity.

- ☐ Promote and work with property owners and agents to retrofit appropriate sites for pop-up shops, kiosks, or other shared space or co-working arrangements.
- ☐ Work with property owners and economic development partners to explore interest and resources that could help underwrite limited-term or rent-reduced spaces for new entrepreneurs or as an award for business plan or pitch contest winners.
- ☐ Identify and promote opportunities for appropriately scaled production and light manufacturing uses that could also benefit from a storefront or showroom presence.

43% Would or might be interested in living downtown.

A populated downtown is a more vibrant downtown. Work with partners to promote and catalyze downtown housing development opportunities.

- ☐ Share survey findings on residential interest with property owners, real estate professionals, and potential investors.
- ☐ Maintain an inventory of existing and potential downtown housing units and gather information on occupancy, size, square foot rental rates, etc.
- ☐ Work with local government and building officials to interpret codes and identify adaptive measures for the rehabilitation of historic buildings' upper levels to accommodate housing and live-work uses.
- ☐ Research, pursue, and promote programs, resources, incentives (e.g. historic tax credits, tax increment financing, community development block grants, etc.), and technical assistance to help catalyze downtown housing rehabilitation and development projects.

45% Described trends in Downtown Charles Town as "Improving or Making Progress."

Positive takes on recent trends in Downtown Charles Town bode well for business and investor recruitment efforts. It can also serve as a benchmark for gauging community awareness and the impacts of revitalization efforts.

- ☐ Conduct simple, periodic (e.g. semi-annually or annually) social media polls to track public sentiment and the level of community awareness surrounding downtown initiatives and trends.
- ☐ Gather images and testimonials that highlight successful businesses, positive changes, investments, progress, and reasons to do business and invest in Downtown Charles Town.
- ☐ Incorporate images and testimonials in business development collateral materials and in ongoing marketing and public awareness campaigns.
- ☐ Help organize and promote small-scale events that celebrate success (e.g. new or expanded business ribbon cutting or open house, business anniversary or milestone event celebration, etc.) and that shine the spotlight on the faces and places that are making a difference in Downtown Charles Town.

Charles Town is a Main Street West Virginia community.

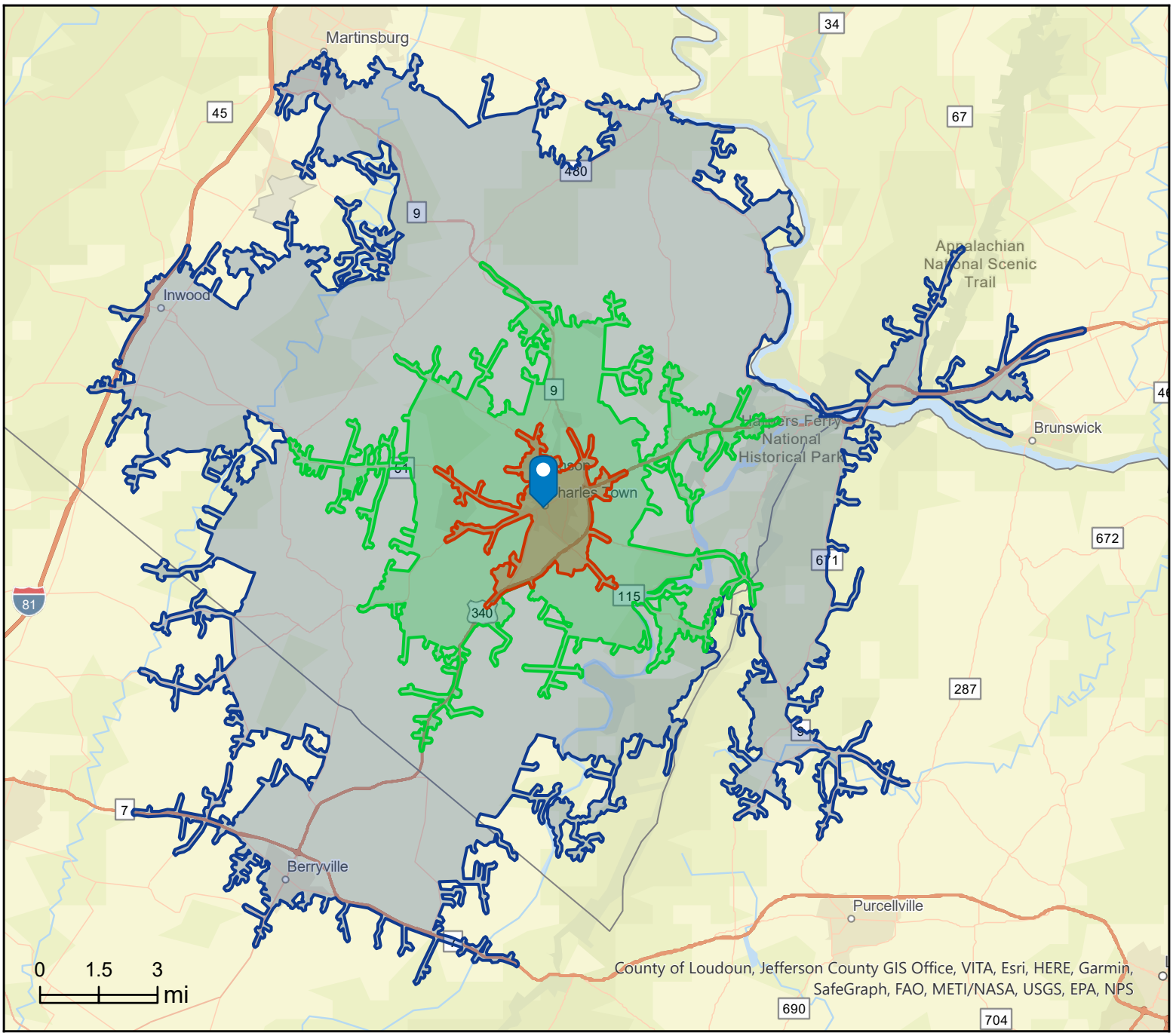
Main Street West Virginia and West Virginia ON TRAC are downtown revitalization programs that follow the National Main Street Center's community -based approach to preservation and development. A subsidiary of The National Trust for Historic Preservation, Main Street is a successful community development model used in thousands of communities across the country.

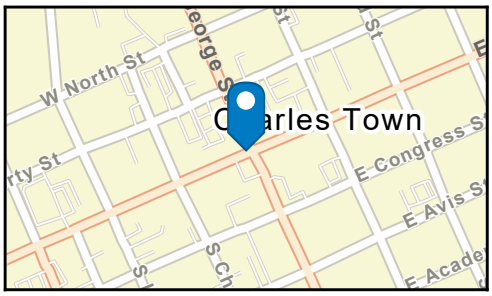
west virginia CaD
ON TRAC / MainStreet

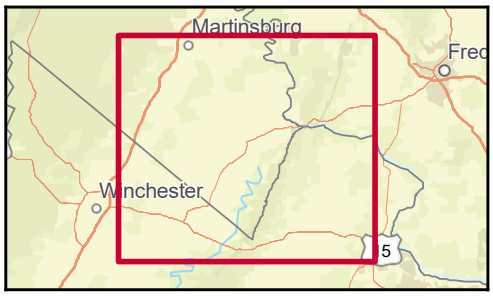
Site Map

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004







August 30, 2021

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CHARLES TOWN NOW

LIVE · WORK · PLAY

At-a-Glance

2021 Top Prospects Survey Results

1,478 Survey Sample

Charles Town city resident	47.4%
Live within 20 miles of Charles Town	50.4%
Live 20+ miles from Charles Town	2.2%

78% Female

13% Work Downtown

Traffic Generators

Businesses and Places Visited Most Often | Top 5

1. Ortega's	12.8%
2. Sumittra Thai Kitchen & Bar	8.2%
3. Sibling Coffee Roasters	7.4%
4. Abolitionist Ale Works	5.6%
5. Inkwell's Tavern	5.4%

45%

Described trends in Downtown Charles Town as, "Improving or making progress."

Trends

Describe trends in Downtown Charles Town:

Improving or making progress	44.5%
Steady or holding its own	40.6%
Declining or losing ground	15.0%

Opportunities Ahead

Eating & Drinking Places

Top 4 prospects for expansion and recruitment as determined by survey respondents

Specialty Cuisine	Upscale Dining	Bakery	Dog Bar
Top Choice: **22.2%**	Top Choice: **21.9%**	Top Choice: **15.4%**	Top Choice: **11.1%**
Top Features:	**Top Features:**	**Top Features:**	**Top Features:**
Indian	Steaks	Donuts and Pastries	Enclosed green space
Sushi	Farm to table fare	Fresh breads	Pub-style food
Seafood	Seafood	Cupcakes	Beer
Pho	Outdoor seating	Made-to-order cakes	Attended space for dogs
Korean BBQ	Pasta	Homemade Pies	Dog bathing area
Survey Demo: Age	**Survey Demo: Age**	**Survey Demo: Age**	**Survey Demo: Age**
25 to 44: **49%**	25 to 44: **47%**	25 to 44: **42%**	25 to 44: **50%**
45 to 64: **37%**	45 to 64: **36%**	45 to 64: **43%**	45 to 64: **34%**
Survey Demo: HH $$	**Survey Demo: HH $$**	**Survey Demo: HH $$**	**Survey Demo: HH $$**
$50K to $100K: **29%**	$50K to $100K: **22%**	$50K to $100K: **32%**	$50K to $100K: **33%**
$100K to $150K: **30%**	$100K to $150K: **29%**	$100K to $150K: **24%**	$100K to $150K: **23%**
$150K+: **29%**	$150K+: **39%**	$150K+: **28%**	$150K+: **22%**

Potential Market Traction



Eating & Drinking Establishments

Question:

How likely would you be to patronize the following types of expanded or new Downtown Charles Town eating and drinking establishments on a consistent basis?

1. Specialty Cuisine Restaurant	4.027
2. Bakery	3.893
3. Upscale Dining	3.770
4. Brewery	3.321
5. Tea House	2.987
6. Dog Bar	2.671

Weighted Average Scale: 1 = Definitely would not | 5 = Definitely would

At-a-Glance
2021 Top Prospects Survey Results

Downtown Charles Town
Charles Town, West Virginia

Opportunities Ahead
Retail Establishments

Top 4 prospects for expansion and recruitment as determined by survey respondents

Gourmet Foods	Clothing Boutique	Floral and Plants	Toy Store
Top Choice: **33.9%**	Top Choice: **16.1%**	Top Choice: **12.3%**	Top Choice: **11.3%**
Top Features:	**Top Features:**	**Top Features:**	**Top Features:**
Specialty cheeses & meats	Women's casual	Ready to go bouquets	Educational toys
Large variety of wines	Men's casual	Made to order bouquets	Creative toys
Local breads	Children's clothing	House plants	Games
Tastings	Bohemian styles	Flower arranging classes	Books
Ice Cream/Gelato	Sporty women's fashions	Local delivery	Parent and Me classes
Survey Demo: Age	**Survey Demo: Age**	**Survey Demo: Age**	**Survey Demo: Age**
25 to 44: **45%**	25 to 44: **36%**	25 to 44: **43%**	25 to 44: **69%**
45 to 64: **42%**	45 to 64: **46%**	45 to 64: **39%**	45 to 64: **24%**
Survey Demo: HH $$	**Survey Demo: HH $$**	**Survey Demo: HH $$**	**Survey Demo: HH $$**
$50K to $100K: **25%**	$50K to $100K: **33%**	$50K to $100K: **31%**	$50K to $100K: **31%**
$100K to $150K: **30%**	$100K to $150K: **28%**	$100K to $150K: **33%**	$100K to $150K: **28%**
$150K+: **36%**	$150K+: **28%**	$150K+: **25%**	$150K+: **22%**

Potential Market Traction



Retail Establishments

Question:

How likely would you be to patronize the following types of expanded or new Downtown Charles Town retail establishments on a consistent basis?

1. Gourmet Foods and Wines Shop	3.776
2. Clothing Boutique	3.291
3. Full Service and DIY Floral and Plants	3.273
4. Pet Store	3.244
5. Toy Store	3.040
6. Metaphysical Supply Store	2.583

Weighted Average Scale: 1 = Definitely would not | 5 = Definitely would

94 POTENTIAL PROSPECTS

Are you interested in moving your business to, or opening a new business in, Downtown Charles Town?

Interested in moving a business to downtown	18
Interested in opening a new business in downtown	76
7.9% of Responding Survey Sample	

Downtown Housing Opportunities

43%

Would or might be interested in living in Downtown Charles Town.

Top Housing Styles Considered:	
2 Bedroom Townhome	42%
2 Bedroom Condo	28%
2 Bedroom Apartment	22%
Loft	14%

Mortgage or rent payment:	
Less than $800	16%
$800 to $1,000	20%
$1,000 to $1,200	21%
$1,200 or more	42%

CHARLES TOWN NOW
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City of Charles Town
101 E. Washington Street, PO Box 14, Charles Town, WV 25414
(304) 724-3256 | ecook@charlestownwv.us

Charles Town is a Main Street West Virginia Community

Market Profile

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004

	5 minutes	10 minutes	20 minutes
Population Summary			
2000 Total Population	8,781	16,195	59,666
2010 Total Population	10,550	22,896	80,159
2021 Total Population	11,657	26,176	92,182
2021 Group Quarters	95	122	1,323
2026 Total Population	12,776	30,260	102,120
2021-2026 Annual Rate	1.85%	2.94%	2.07%
2021 Total Daytime Population	13,206	26,291	81,666
Workers	7,621	13,869	35,887
Residents	5,585	12,422	45,779
Household Summary			
2000 Households	3,642	6,505	22,949
2000 Average Household Size	2.38	2.47	2.54
2010 Households	4,175	8,675	29,813
2010 Average Household Size	2.50	2.62	2.64
2021 Households	4,608	9,925	34,316
2021 Average Household Size	2.51	2.63	2.65
2026 Households	5,031	11,456	38,014
2026 Average Household Size	2.52	2.63	2.65
2021-2026 Annual Rate	1.77%	2.91%	2.07%
2010 Families	2,688	5,991	20,922
2010 Average Family Size	3.06	3.12	3.10
2021 Families	2,918	6,764	23,676
2021 Average Family Size	3.09	3.13	3.13
2026 Families	3,178	7,800	26,113
2026 Average Family Size	3.11	3.14	3.14
2021-2026 Annual Rate	1.72%	2.89%	1.98%
Housing Unit Summary			
2000 Housing Units	3,927	6,928	24,781
Owner Occupied Housing Units	55.5%	63.4%	69.6%
Renter Occupied Housing Units	37.3%	30.5%	23.0%
Vacant Housing Units	7.3%	6.1%	7.4%
2010 Housing Units	4,731	9,527	32,745
Owner Occupied Housing Units	54.9%	65.3%	69.2%
Renter Occupied Housing Units	33.3%	25.8%	21.9%
Vacant Housing Units	11.8%	8.9%	9.0%
2021 Housing Units	5,215	10,935	37,739
Owner Occupied Housing Units	55.8%	65.7%	69.6%
Renter Occupied Housing Units	32.6%	25.1%	21.3%
Vacant Housing Units	11.6%	9.2%	9.1%
2026 Housing Units	5,766	12,706	42,227
Owner Occupied Housing Units	57.5%	68.1%	70.5%
Renter Occupied Housing Units	29.8%	22.0%	19.6%
Vacant Housing Units	12.7%	9.8%	10.0%
Median Household Income			
2021	$66,387	$80,673	$75,468
2026	$73,960	$89,162	$82,394
Median Home Value			
2021	$231,929	$253,402	$233,409
2026	$262,231	$275,816	$254,926
Per Capita Income			
2021	$36,663	$39,785	$36,654
2026	$40,891	$44,345	$40,578
Median Age			
2010	38.5	37.6	38.3
2021	39.8	39.2	40.4
2026	39.8	39.4	40.6

Data Note: Household population includes persons not residing in group quarters. Average Household Size is the household population divided by total households. Persons in families include the householder and persons related to the householder by birth, marriage, or adoption. Per Capita Income represents the income received by all persons aged 15 years and over divided by the total population.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

August 30, 2021

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Market Profile

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

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	5 minutes	10 minutes	20 minutes
2021 Households by Income			
Household Income Base	4,608	9,925	34,316
<$15,000	11.7%	7.8%	7.9%
$15,000 - $24,999	10.5%	7.4%	5.7%
$25,000 - $34,999	7.4%	5.5%	6.9%
$35,000 - $49,999	8.9%	8.8%	10.0%
$50,000 - $74,999	15.9%	16.6%	19.1%
$75,000 - $99,999	12.8%	13.6%	13.4%
$100,000 - $149,999	17.6%	20.8%	20.8%
$150,000 - $199,999	5.9%	8.0%	7.2%
$200,000+	9.5%	11.4%	8.9%
Average Household Income	$91,980	$104,852	$97,554
2026 Households by Income			
Household Income Base	5,031	11,456	38,014
<$15,000	10.3%	6.7%	6.9%
$15,000 - $24,999	8.5%	5.8%	4.6%
$25,000 - $34,999	6.9%	4.9%	6.4%
$35,000 - $49,999	8.9%	8.3%	9.3%
$50,000 - $74,999	15.9%	15.8%	18.0%
$75,000 - $99,999	12.7%	13.4%	13.7%
$100,000 - $149,999	18.9%	22.5%	22.7%
$150,000 - $199,999	7.2%	9.8%	8.6%
$200,000+	10.7%	12.8%	9.9%
Average Household Income	$102,720	$117,094	$108,033
2021 Owner Occupied Housing Units by Value			
Total	2,909	7,183	26,267
<$50,000	4.2%	4.6%	5.2%
$50,000 - $99,999	3.3%	3.2%	5.1%
$100,000 - $149,999	16.5%	11.5%	10.6%
$150,000 - $199,999	17.9%	16.3%	19.3%
$200,000 - $249,999	12.7%	13.4%	14.8%
$250,000 - $299,999	10.5%	14.6%	13.3%
$300,000 - $399,999	23.1%	25.6%	18.1%
$400,000 - $499,999	7.4%	6.4%	7.2%
$500,000 - $749,999	3.9%	3.4%	4.7%
$750,000 - $999,999	0.3%	0.4%	1.2%
$1,000,000 - $1,499,999	0.1%	0.5%	0.6%
$1,500,000 - $1,999,999	0.0%	0.0%	0.0%
$2,000,000 +	0.2%	0.1%	0.0%
Average Home Value	$259,399	$268,514	$265,767
2026 Owner Occupied Housing Units by Value			
Total	3,313	8,657	29,751
<$50,000	3.0%	3.2%	3.8%
$50,000 - $99,999	2.6%	2.3%	3.9%
$100,000 - $149,999	13.6%	9.0%	8.5%
$150,000 - $199,999	15.9%	14.4%	17.7%
$200,000 - $249,999	12.2%	13.0%	14.7%
$250,000 - $299,999	11.2%	15.6%	14.1%
$300,000 - $399,999	26.6%	29.5%	20.3%
$400,000 - $499,999	9.1%	7.5%	8.6%
$500,000 - $749,999	5.1%	4.2%	6.0%
$750,000 - $999,999	0.4%	0.5%	1.6%
$1,000,000 - $1,499,999	0.2%	0.7%	0.7%
$1,500,000 - $1,999,999	0.0%	0.0%	0.0%
$2,000,000 +	0.2%	0.1%	0.0%
Average Home Value	$280,997	$288,877	$288,912

Data Note: Income represents the preceding year, expressed in current dollars. Household income includes wage and salary earnings, interest dividends, net rents, pensions, SSI and welfare payments, child support, and alimony.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

August 30, 2021

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Market Profile

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004

	5 minutes	10 minutes	20 minutes
2010 Population by Age			
Total	10,549	22,892	80,159
0 - 4	7.0%	7.5%	6.7%
5 - 9	7.1%	7.7%	7.3%
10 - 14	6.4%	6.7%	6.9%
15 - 24	11.7%	11.1%	12.2%
25 - 34	13.2%	13.0%	12.2%
35 - 44	14.1%	15.3%	14.9%
45 - 54	14.8%	14.9%	15.6%
55 - 64	12.1%	11.8%	12.4%
65 - 74	7.5%	6.8%	7.0%
75 - 84	4.5%	3.6%	3.5%
85 +	1.8%	1.4%	1.3%
18 +	75.8%	74.2%	75.0%
2021 Population by Age			
Total	11,658	26,177	92,182
0 - 4	6.3%	6.6%	5.9%
5 - 9	6.6%	7.1%	6.5%
10 - 14	6.4%	6.9%	6.6%
15 - 24	11.0%	10.5%	11.3%
25 - 34	13.3%	12.8%	12.3%
35 - 44	13.2%	14.1%	13.5%
45 - 54	12.7%	13.0%	13.4%
55 - 64	13.3%	13.3%	13.8%
65 - 74	10.2%	9.8%	10.4%
75 - 84	5.1%	4.4%	4.7%
85 +	2.0%	1.5%	1.5%
18 +	77.2%	75.8%	77.2%
2026 Population by Age			
Total	12,776	30,262	102,120
0 - 4	6.4%	6.7%	6.0%
5 - 9	6.6%	7.1%	6.5%
10 - 14	6.4%	6.8%	6.7%
15 - 24	10.8%	10.5%	11.1%
25 - 34	12.9%	12.2%	12.0%
35 - 44	13.9%	14.8%	13.8%
45 - 54	11.9%	12.0%	12.6%
55 - 64	12.6%	12.6%	13.0%
65 - 74	10.3%	10.1%	10.8%
75 - 84	6.1%	5.5%	6.0%
85 +	2.0%	1.6%	1.7%
18 +	77.0%	75.6%	77.1%
2010 Population by Sex			
Males	5,110	11,143	39,758
Females	5,440	11,753	40,401
2021 Population by Sex			
Males	5,670	12,768	45,645
Females	5,987	13,409	46,537
2026 Population by Sex			
Males	6,223	14,781	50,522
Females	6,554	15,479	51,597

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

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100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004

	5 minutes	10 minutes	20 minutes
2010 Population by Race/Ethnicity			
Total	10,550	22,896	80,159
White Alone	79.1%	82.9%	87.3%
Black Alone	11.8%	9.4%	7.0%
American Indian Alone	0.3%	0.3%	0.3%
Asian Alone	1.4%	1.4%	1.0%
Pacific Islander Alone	0.1%	0.1%	0.1%
Some Other Race Alone	4.1%	2.9%	1.7%
Two or More Races	3.2%	3.0%	2.7%
Hispanic Origin	8.7%	7.1%	4.6%
Diversity Index	46.2	39.5	29.9
2021 Population by Race/Ethnicity			
Total	11,659	26,176	92,182
White Alone	76.8%	80.9%	85.1%
Black Alone	10.7%	8.5%	7.0%
American Indian Alone	0.4%	0.5%	0.3%
Asian Alone	2.0%	2.0%	1.5%
Pacific Islander Alone	0.1%	0.1%	0.1%
Some Other Race Alone	5.8%	4.0%	2.4%
Two or More Races	4.2%	4.0%	3.7%
Hispanic Origin	12.7%	10.4%	6.8%
Diversity Index	53.2	46.1	36.3
2026 Population by Race/Ethnicity			
Total	12,777	30,261	102,120
White Alone	75.6%	79.8%	83.9%
Black Alone	10.2%	8.2%	7.1%
American Indian Alone	0.5%	0.5%	0.4%
Asian Alone	2.3%	2.4%	1.8%
Pacific Islander Alone	0.1%	0.1%	0.1%
Some Other Race Alone	6.5%	4.5%	2.7%
Two or More Races	4.8%	4.5%	4.2%
Hispanic Origin	14.4%	11.9%	7.9%
Diversity Index	56.0	49.0	39.5
2010 Population by Relationship and Household Type			
Total	10,550	22,896	80,159
In Households	98.9%	99.3%	98.1%
In Family Households	81.4%	84.5%	83.7%
Householder	25.6%	26.3%	26.2%
Spouse	17.8%	19.7%	20.1%
Child	30.5%	32.0%	31.3%
Other relative	4.1%	3.7%	3.4%
Nonrelative	3.3%	2.9%	2.8%
In Nonfamily Households	17.5%	14.8%	14.3%
In Group Quarters	1.1%	0.7%	1.9%
Institutionalized Population	1.1%	0.7%	1.0%
Noninstitutionalized Population	0.0%	0.0%	0.9%

Data Note: Persons of Hispanic Origin may be of any race. The Diversity Index measures the probability that two people from the same area will be from different race/ethnic groups.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

August 30, 2021

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100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004

	5 minutes	10 minutes	20 minutes
2021 Population 25+ by Educational Attainment			
Total	8,136	18,030	64,124
Less than 9th Grade	4.4%	3.4%	3.5%
9th - 12th Grade, No Diploma	7.1%	6.6%	6.9%
High School Graduate	28.9%	27.8%	26.4%
GED/Alternative Credential	5.8%	5.3%	6.0%
Some College, No Degree	20.0%	19.2%	20.0%
Associate Degree	5.3%	6.9%	8.9%
Bachelor's Degree	17.6%	19.6%	17.2%
Graduate/Professional Degree	10.8%	11.2%	11.0%
2021 Population 15+ by Marital Status			
Total	9,414	20,791	74,574
Never Married	28.1%	27.5%	27.2%
Married	53.2%	55.0%	56.0%
Widowed	6.7%	6.3%	5.8%
Divorced	12.0%	11.1%	10.9%
2021 Civilian Population 16+ in Labor Force			
Civilian Population 16+	6,599	14,942	49,993
Population 16+ Employed	91.6%	92.3%	93.2%
Population 16+ Unemployment rate	8.4%	7.7%	6.8%
Population 16-24 Employed	11.4%	10.8%	11.3%
Population 16-24 Unemployment rate	8.1%	10.2%	12.9%
Population 25-54 Employed	61.6%	62.1%	62.1%
Population 25-54 Unemployment rate	8.8%	8.4%	6.5%
Population 55-64 Employed	17.5%	18.6%	18.4%
Population 55-64 Unemployment rate	4.8%	3.9%	4.1%
Population 65+ Employed	9.4%	8.6%	8.3%
Population 65+ Unemployment rate	12.2%	8.3%	5.4%
2021 Employed Population 16+ by Industry			
Total	6,046	13,784	46,607
Agriculture/Mining	0.3%	0.8%	1.1%
Construction	5.0%	5.9%	8.4%
Manufacturing	8.3%	6.7%	7.6%
Wholesale Trade	0.8%	0.9%	1.5%
Retail Trade	9.2%	9.9%	11.0%
Transportation/Utilities	8.2%	7.0%	5.5%
Information	1.2%	1.7%	1.8%
Finance/Insurance/Real Estate	4.5%	3.3%	4.5%
Services	51.1%	49.4%	46.3%
Public Administration	11.5%	14.4%	12.2%
2021 Employed Population 16+ by Occupation			
Total	6,045	13,785	46,607
White Collar	61.0%	64.6%	63.3%
Management/Business/Financial	18.7%	20.5%	16.7%
Professional	22.8%	25.2%	25.7%
Sales	7.5%	8.0%	8.8%
Administrative Support	12.1%	10.8%	12.1%
Services	18.4%	17.2%	15.4%
Blue Collar	20.5%	18.3%	21.3%
Farming/Forestry/Fishing	0.1%	0.4%	0.6%
Construction/Extraction	3.4%	3.4%	5.5%
Installation/Maintenance/Repair	5.1%	4.5%	4.0%
Production	4.3%	3.3%	4.0%
Transportation/Material Moving	7.6%	6.7%	7.2%

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

August 30, 2021

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Market Profile

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004

	5 minutes	10 minutes	20 minutes
2010 Households by Type			
Total	4,175	8,674	29,813
Households with 1 Person	28.8%	24.6%	23.2%
Households with 2+ People	71.2%	75.4%	76.8%
Family Households	64.4%	69.1%	70.2%
Husband-wife Families	44.5%	51.6%	53.7%
With Related Children	20.2%	24.8%	24.8%
Other Family (No Spouse Present)	19.9%	17.5%	16.5%
Other Family with Male Householder	5.8%	5.2%	5.3%
With Related Children	3.3%	3.1%	3.3%
Other Family with Female Householder	14.1%	12.2%	11.2%
With Related Children	9.4%	8.2%	7.3%
Nonfamily Households	6.9%	6.3%	6.6%
All Households with Children	33.7%	36.8%	36.1%
Multigenerational Households	4.0%	4.2%	4.5%
Unmarried Partner Households	8.9%	8.4%	8.3%
Male-female	8.2%	7.6%	7.4%
Same-sex	0.7%	0.7%	0.9%
2010 Households by Size			
Total	4,175	8,674	29,813
1 Person Household	28.8%	24.6%	23.2%
2 Person Household	32.6%	32.9%	34.3%
3 Person Household	16.0%	17.1%	17.3%
4 Person Household	13.1%	14.7%	14.5%
5 Person Household	5.7%	6.5%	6.5%
6 Person Household	2.2%	2.7%	2.5%
7 + Person Household	1.6%	1.6%	1.6%
2010 Households by Tenure and Mortgage Status			
Total	4,175	8,675	29,813
Owner Occupied	62.3%	71.7%	76.0%
Owned with a Mortgage/Loan	47.1%	56.8%	58.5%
Owned Free and Clear	15.2%	14.9%	17.5%
Renter Occupied	37.7%	28.3%	24.0%
2021 Affordability, Mortgage and Wealth			
Housing Affordability Index	165	184	187
Percent of Income for Mortgage	14.7%	13.2%	13.0%
Wealth Index	100	121	112
2010 Housing Units By Urban/ Rural Status			
Total Housing Units	4,731	9,527	32,745
Housing Units Inside Urbanized Area	0.0%	0.1%	25.2%
Housing Units Inside Urbanized Cluster	89.0%	82.2%	36.9%
Rural Housing Units	11.0%	17.7%	37.9%
2010 Population By Urban/ Rural Status			
Total Population	10,550	22,896	80,159
Population Inside Urbanized Area	0.0%	0.1%	25.7%
Population Inside Urbanized Cluster	88.0%	81.8%	37.0%
Rural Population	12.0%	18.2%	37.4%

Data Note: Households with children include any households with people under age 18, related or not. Multigenerational households are families with 3 or more parent-child relationships. Unmarried partner households are usually classified as nonfamily households unless there is another member of the household related to the householder. Multigenerational and unmarried partner households are reported only to the tract level. Esri estimated block group data, which is used to estimate polygons or non-standard geography.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

August 30, 2021

©2021 Esri

Market Profile

Downtown Charles Town, WV
100 WV-51, Charles Town, West Virginia, 25414
Drive Time: 5, 10, 20 minute radii

Prepared by DPN
Latitude: 39.28911
Longitude: -77.86004

	5 minutes	10 minutes	20 minutes
Top 3 Tapestry Segments			
1.	Middleburg (4C)	Middleburg (4C)	Middleburg (4C)
2.	Front Porches (8E)	Workday Drive (4A)	Workday Drive (4A)
3.	Comfortable Empty Nesters (5A)	Front Porches (8E)	Parks and Rec (5C)
2021 Consumer Spending			
Apparel & Services: Total $	$9,722,275	$23,735,834	$75,959,183
Average Spent	$2,109.87	$2,391.52	$2,213.52
Spending Potential Index	100	113	104
Education: Total $	$7,896,643	$18,766,809	$59,490,089
Average Spent	$1,713.68	$1,890.86	$1,733.60
Spending Potential Index	99	110	100
Entertainment/Recreation: Total $	$14,794,042	$36,397,395	$118,041,461
Average Spent	$3,210.51	$3,667.24	$3,439.84
Spending Potential Index	99	114	106
Food at Home: Total $	$24,822,855	$60,244,437	$195,353,760
Average Spent	$5,386.90	$6,069.97	$5,692.79
Spending Potential Index	99	111	104
Food Away from Home: Total $	$17,308,872	$42,295,913	$135,856,719
Average Spent	$3,756.27	$4,261.55	$3,958.99
Spending Potential Index	99	112	104
Health Care: Total $	$28,849,278	$70,950,342	$231,842,686
Average Spent	$6,260.69	$7,148.65	$6,756.11
Spending Potential Index	100	115	108
HH Furnishings & Equipment: Total $	$10,435,717	$25,872,535	$83,391,006
Average Spent	$2,264.70	$2,606.80	$2,430.09
Spending Potential Index	100	116	108
Personal Care Products & Services: Total $	$4,157,488	$10,137,214	$32,496,118
Average Spent	$902.23	$1,021.38	$946.97
Spending Potential Index	101	114	106
Shelter: Total $	$92,334,324	$222,404,459	$710,668,798
Average Spent	$20,037.83	$22,408.51	$20,709.55
Spending Potential Index	99	111	103
Support Payments/Cash Contributions/Gifts in Kind: Total $	$10,974,410	$27,576,553	$90,354,040
Average Spent	$2,381.60	$2,778.49	$2,633.00
Spending Potential Index	100	116	110
Travel: Total $	$11,688,086	$28,978,049	$92,862,183
Average Spent	$2,536.48	$2,919.70	$2,706.09
Spending Potential Index	100	115	107
Vehicle Maintenance & Repairs: Total $	$5,102,937	$12,556,072	$40,876,322
Average Spent	$1,107.41	$1,265.10	$1,191.17
Spending Potential Index	100	114	107

Data Note: Consumer spending shows the amount spent on a variety of goods and services by households that reside in the area. Expenditures are shown by broad budget categories that are not mutually exclusive. Consumer spending does not equal business revenue. Total and Average Amount Spent Per Household represent annual figures. The Spending Potential Index represents the amount spent in the area relative to a national average of 100.
Source: Consumer Spending data are derived from the 2018 and 2019 Consumer Expenditure Surveys, Bureau of Labor Statistics. Esri.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2021 and 2026 Esri converted Census 2000 data into 2010 geography.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-31: Public Hearing: *TXA2023-07*: Text Amendment regarding Commercial Pad Site Preparation

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-24: Text Amendment regarding Commercial Pad Site Preparation - *TXA2023-07*

ATTACHMENTS:

- 1._Report.pdf

Text Amendment Staff Report

TXA2023-07 Commercial Pad Site Preparation

Date: For the January 16, 2024 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.

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.

HISTORY

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 from Council.

COUNCIL ACTION
On November 6, 2023, City Council discussed this issue. The Council voted to grant the Commission flexibility in considering what percentage or amount is to be used as the cut-off.

PLANNING COMMISSION
The Planning Commission held a public hearing on this item on their November 27, 2023 meeting. There was no public comment. The Commission unanimously voted to recommend **approval**.

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

All of the proposed text would be new additions to the City's Zoning Ordinance.

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 25% 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 25% of residential dwelling units shall be built prior to the grading and utility installation of the commercial sites.*

CONCLUSION

This percentage should not be a burden to developers, as they will already have machinery and equipment on-site to grade for residential development. The Code requirement would only require grading and utility stub installations, not construction of the actual commercial building.

RECOMMENDATION

Both the Planning Commission and Staff recommend **approval** of the text amendment.

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-32: Public Hearing: *TXA2023-10*: Text Amendment regarding Open Space Requirements

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Ordinance
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-25: Text Amendment regarding Open Space Requirements - *TXA2023-10*

ATTACHMENTS:

- 1._Report (1).pdf

TXA2023-10 Open Space Requirements

Date: For the January 16, 2024 City Council meeting.
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.

ISSUE

How to reconcile open space requirements when a particular use and a particular zoning district may have differing open space requirements.

HISTORY

COUNCIL

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

PLANNING COMMISSION

The Planning Commission reviewed this item on October 23, 2023 as a public hearing item. The Commission voted to recommend approval of the text amendment, subject to the condition that staff add example language to the proposed text.

PLANNING COMMISSION

The Commission held a new public hearing on the revised text. There were no public comments. The Commission voted unanimously to recommend **approval**.

ZONING DISTRICT COMPARISON TABLE

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

PLANNED UNIT DEVELOPMENT

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

…

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

MOBILE HOME PARKS

All Mobile Home Parks shall provide, and so indicate on the Plat of the Mobile Home Park, suitable areas for recreation and open space uses of at least 20% of the total area of the Mobile Home Park, of which one-half (0.5) of the area shall be in one place. The remainder may be used to provide pedestrian connecting links to the recreation areas.

SINGLE FAMILY DETACHED REQUIREMENTS

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

TOWNHOME REQUIREMENTS

Section 1333.20, Townhouse Development Standards

B. Land Area

The Net Buildable Land Area (as such term is defined in the Zoning Ordinance) of a townhouse Development shall equal at least 3,500 square feet for each dwelling unit. Each dwelling unit shall have a minimum lot size of 2,000 square feet. The difference between the Net Buildable Land Area and the total area of the dwelling unit Lots shall be allocated to open space common area.

…

O. Required Open Space.

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

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

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

DEFINITIONS

NET BUILDABLE LAND AREA – When determining the allowed density for any given Lot in the City, the Net Buildable Land Area of the Site is used. Net Buildable Land Area, for the purpose of determining the allowed Dwelling Units for a Site, shall be calculated by subtracting areas here

building is prohibited or subject to significant restrictions from the gross Lot area. The area remaining after these exclusions from the gross Lot area represents the Net Buildable Land Area. The following shall be deducted from the gross Lot area to determine Net Buildable Land Area:

1. Sensitive areas including: Type I, II, III and IV wetlands, Riparian Buffers, floodplain area, and Sinkholes

2. Public right-of-ways and public easements, and private Streets and access corridors;

3. Areas dedicated to stormwater management

OPEN SPACE – One or more areas of land and/or bodies of water within a development intended for the use and enjoyment of the residents living within the development. No more than 50% of the required Open Space may be a water body or impervious area. Open Space is calculated as a percentage of the total usable area of land in the development, with the following items excluded in such calculation from both Open Space and the total usable land: Buffer Areas, Streets, Sidewalks, off-Street parking areas, areas dedicated for public use, traditional stormwater management areas, such as stormwater ponds (but stormwater management areas of low impact design, such as bioretention basins (rain gardens) shall be included), and other areas not practically usable by residents.

PROPOSED LANGAUGE:

Proposed language is in red:

Section 1333.17, Park, Recreation and Open Space Amenity Standards

Creation of a new subsection*:*

J. Open Space- General Requirements

1. Pro-Rata Share. When there is a difference in open space requirements between a zoning district and a particular use, open space shall be established on a pro-rata basis.

Example: A development with 10 acres of net buildable area has townhomes and single-family homes. The zoning district requires 10% open space, while townhome developments require 30% open space.

In this development, 3 of the 10 acres are designated for townhomes, and the other 7 acres are for single-family homes. The pro-rata share of opens space would be:

30% of 3 acres for townhomes: 39,204 sq. ft./ 0.9 acres of open space required.

10% of 7 acres for single-family: 30,492 sq. ft./0.7 acres of open space required.

NOTE: (Explanation of calculation: 43,560 x # of acres, / % required open space.)

Section 1333.20 Townhouse Development Standards

(O) Required Open Space.

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

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

3. In a townhouse Development, open space for the Subdivision/Land Development must at least equal 30 percent of the Net Buildable Land Area of the Subdivision/Land Development. To the fullest extent possible, open space for townhomes must be located near the townhomes.

CONCLUSION

This amendment would clarify how open space is calculated, and specify that for townhome developments open space shall be located near the townhomes. Townhomes are medium-density dwelling units generally with less yard space than a single-family home, and so having dedicated open space near those units will serve those residents.

RECOMMENDATION

Both the Planning Commission and Staff recommend **approval.**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-18: Application for vacancy on the Charles Town Tree Board - term ending December 31, 2027

ATTACHMENTS:

- Tree Board Application - Carlo Olivares.pdf

CHARLES TOWN BOARDS AND COMMISSIONS

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

Board or Commission Applying for:

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

Date of Application: 01/09/2024

Name: Carlo Olivares

Address: 21 grassy Meadow rd

Email: cboli0100@gmail.com

Phone: 304-433-4606

Length of time lived in the City of Charles Town: 16 years

Have you ever been a member of a local government board or commission? no

If yes, when, where, and in what capacity?

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

None.

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

I'm interested in serving on the Tree board because I want to have a voice in my community and I believe my area of expertise could be of value on the board. My work on conservation crews out west and as a raft guide in the local area has endowed me with knowledge of flora and fauna and has put me into close contact with the public. I regularly present topics and projects to public groups and deal/dealt with government bodies such as the National Park Service, Bureau of Land Management, and the Forest Service. I also have an interest in urban planning which I continually read about and gain insights into which I hope to apply in Charles Town.

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: 01/17/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-1246: Application for vacancy on the Planning Commission - Term Ending December 31, 2026

ATTACHMENTS:

- Planning Commission Application - Zakhary Dunning.pdf

RECEIVED
JAN 02 2024
BY: VB

CHARLES TOWN BOARDS AND COMMISSIONS

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

Board or Commission Applying for:

Date of Application: 12/27/2023

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

Name: Zakhary C. Dunning

Address: 445 Lord Fairfax St. Charles Town, WV 25414

Email: zakkdunning@yahoo.com

Phone: 480-323-8037 (mobile)

Length of time lived in the City of Charles Town: 14 Months

Have you ever been a member of a local government board or commission? No

If yes, when, where, and in what capacity? _____

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

As part of my current employment, I have been a member of multiple HOA boards in active adult communities as a representative for the expanding developments and assisted with guidance on design allowances. I was also the head correspondent for my employer with several large builders, including Toll Brothers, Taylor Morrison, and Robson Homes. My current duties involve communicating with several counties for construction permitting and engineering within the State of Arizona. (Remote Work)

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

After several years of being a part of development communities, I find enjoyment being a member of a group looking to improve our surroundings. Upon review of The Planning Commission's goals, I feel that it would be a mutual benefit for the development of Charles Town. My background in Architectural studies, including urban development, system engineering, and structural engineering grants me a great in-sight into several construction industries.

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.

ZAKHARY C DUNNING

email zakkdunning@yahoo.com
phone 480.323.8037
address 445 Lord Fairfax St. Charles Town, WV 25414
home orgin Mesa, Arizona

WORK EXPERIENCE

Blooming Desert Landscape & Pools

Company focuses on design and construction of high end residential and commercial landscape, and pool scape within the Phoenix valley and outlying counties.

may 2013 - present
mesa, arizona
bloomingdesert.com

Processing Manager
- Structural Coordinator and Team lead for in house engineering and permitting
- Maintained relations with state and city staff within planning departments
- Public representative at several community home owner associations
- Created and maintained the procedures between the design and construction departments
- Oversaw the production of construction documents and monitored all active projects
- Selected and scheduled sub-contractors based on need and site location

Senior CAD Draftsman
- Managed and trained CAD Department and design staff
- Created design standards and processes for company wide use
- Created 2D plans and 3D models for staff designers and sub-contractors
- Prepared construction documents and client folders for field use

Service Department Manager
- Scheduled service and warranty repairs, including specialty crews, on all installed work
- Communicated with clients to determine total damage, repair time, and costs
- Assisted with transporting construction equipment and machinery for repairs
- Coordinated and authorized purchasing of new tools and equipment

IT Manager
- Maintained and serviced all worked stations and servers
- Trained office staff on required programs and company terminal policies

Mesa Public Schools, Arizona

may 2011 - sept. 2011
mesa, arizona

Architectural Internship
- Supervisor Architect Terry Worcester A.I.A. (23552)
- Assisted with on site and in office procedures for district remodels
- Lead designer on Mendoza Elementary School courtyard redesign

ABM Development Services, L.L.C.

Company focused on commercial and industrial construction.

aug. 2007 - dec. 2007
mesa, arizona

CAD Draftsman
- Supervisor Architect Gregory Arrington A.I.A.
- Headed the drafting department, creating construction documents and detailing

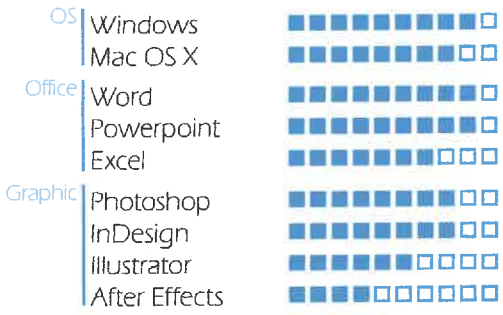
EDUCATION

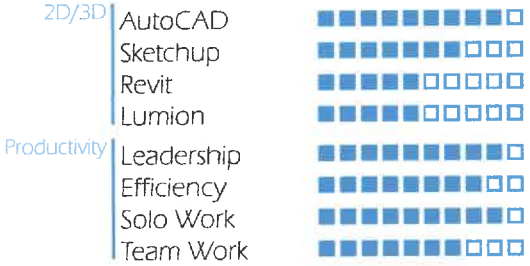
Arizona State University

aug 2008 - may 2012
tempe, arizona
asu.edu

Bachelor of Science in Design Architectural Studies (BSD)
- Graduated Cum Laude from the Herberger Institute for Design and the Arts
- Program focused on elements of architectural design, history, and theory
- Multi-disciplinary collaborations enforced importance of urban planning, sustainable design, systems management, and site development

PROFICIENCY





REFERENCES AVAILABLE UPON REQUEST

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Permit
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024:2 City of Charles Town Special Activity Permit/Special Event Permit Policy Review

ATTACHMENTS:

- Special Activity Permit Policy_signed_Jan2018.pdf

City of Charles Town
Special Activity Permit/Special Event Permit Policy

Purpose

It is the purpose of this policy to provide for the issuance of special event permits; to regulate events on the public streets and public property of the City or events that impact the interest of public health, safety and welfare; and to provide for standardized fees, charges and procedures required to administer the permit process.

Policy

It is the policy of the City of Charles Town, as implemented through related adopted policies and procedures, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment, promote economic vitality, enhance community identity and pride, and provide opportunities for fundraising for the community's nonprofit organizations. To promote these objectives, at times it is appropriate within appropriated funds for the City to bear all, some portion, or no portion of the costs. Cost sharing must be done in a fair and reasonable manner. When setting fees and conditions for events, the City will be sensitive to their impacts on the event's costs while balancing the City's obligation to protect public health, safety and established laws. It is the City's goal to have successful special events that enrich and enliven the community.

Definitions

Applicant – The authorized agent of the sponsor who completes the application and acts as primary contact for the special event.

Annual Event – An event recurring each year at approximately the same date and which has previously complied with the permit requirements.

Boot Drive – is a fundraising technique in which members of an organization directly solicit donations from motorists on a public street or at an intersection.

City Funded Event – An event for which the City engages full financial responsibility.

City Co-Funded Event – An event for which the City provides a portion of financial support as determined by City Council.

Closed Route – A route along or across a public right-of-way on which nonemergency vehicle traffic is not permitted to proceed for the entire duration of a special event.

Event Participants – A person in attendance at an event, including spectators, vendors, event staff, City staff, and all others present for the purpose of the event.

Farmers Market – an organized group that utilizes a street or parking lot to sell merchandise, food items and various approved items.

Processional Event – Any event that is non-stationary and continues in a processional manner through town

(examples: parades, marches, races, etc.) and requires closure of multiple streets.

Rolling Closure Route – A street, sidewalk, trail, walkway, or other right-of-way closure to accommodate an event, whereas the event passes, the right-of-way is reopened for use by the general public.

Special Event – Any activity, such as a parade, entertainment or sporting event, major highway construction or maintenance activity, street closure, public demonstration, amusement, cultural recognition, festival, street fair or other situations in which there is need for control of traffic, crowds or crimes and which is usually scheduled in advance, allowing for planning or required police services prior to the event.

Procedure

Specific activities requiring a Special Event Permit include but are not limited to: Foot races, bike races, parades/marches, festivals, concert series, celebrations, tours, car shows, street dances, pageants, sidewalk sales and/or any event/activity that is advertised and open to the general public to attend.

City-sponsored events are defined as events/programs that are solely coordinated by City staff with city funds, and any revenues generated from the event/program are returned to the City of Charles Town general revenue fund. Specific City-sponsored events include but are not limited to:

- Charles Town/Ranson Christmas Parade
- Charles Town-Ranson Christmas Tree Lighting
- Heritage Day Festival
- Charles Town Car Show

Pre-Approved Events

1. The City of Charles Town designates four weekends per year for special events. Should a non-processional event fall within one of these designated weekends, City safety personnel and resources will be provided for an event at no additional costs. Designated event weekends would consist of Thursday – Sunday. These weekends are:

    - President's Day Weekend
    - Memorial Day Weekend
    - Labor Day Weekend
    - First Weekend in December

2. The City of Charles Town designates four event areas for use at no additional personnel and safety cost to the event planners:

    - Charles Street Event Area: Charles Street is permitted to be closed to vehicular traffic from Congress Street to Liberty Street, with Washington Street remaining open. This area is available for event use on any weekday from 5:30 p.m. – 11:00 p.m., and weekends* from 8:00 a.m. – 11 p.m.
    - George Street Event Area: George Street is permitted to be closed to vehicular traffic from Congress Street to Liberty Street, with Washington Street remaining open. This area is available for event use on any weekday from 5:30 p.m. – 11:00 p.m., and weekends* from 8:00 a.m. – 11:00 p.m.
    - Evitts Run Park and Jefferson Memorial Park Areas: These areas are available for rent, either in entirety or by amenity (pavilion, pool, court, etc.) for special events by reservation only for private events. City support provided for events in these locations is determined by the intensity of the event. The City reserves the right to place special conditions on events that would require City support outside of a normal level.

** Provided weekend falls on one of the four designated event weekends in the City of Charles Town (see Pre-Approved Events #1)*

3. All requests for events in pre-approved areas will be reviewed and approved by the Special Activities and Events Committee.

Processional Events and Events Falling Outside of the Pre-Approved Categories

Processional events are events that traverse several City streets or areas and require multiple street closures over a period of time. Examples include parades, marches, runs, demonstrations, or races. Annual processional events that are pre-approved include the Charles Town Christmas Parade and the NAACP African American Culture and Heritage Parade. Processional events and any event that does not meet the parameters of a Pre-Approved Event, outlined above, will be subjected to the below approval process.

1. An application for the processional event will be submitted to City Hall and assessed for completeness. The Special Activity Permit application will then be placed on the City Council agenda with an accompanying staff report that assesses the event and provides a recommendation on the need for a workshop. If staff and the Council agree that the event does not warrant a workshop, the event may be approved by a vote of the City Council with any special conditions being delineated on the Special Activity Permit.

2. If a workshop for a processional event application is warranted, the City Council will set the date, time and place and direct staff to contact the event planners and affected residents and business owners. Council will also determine if an additional co-pay is necessary from the event planner in order to facilitate the event safely. After the workshop, the City Council will vote on the finalized event application and the event will be noticed to the public via normal communication methods.

Special Event Permit Application and Submittal

1. Applicant(s) requesting a Special Event Permit are required to submit a completed Application for Special Event Permit, along with a twenty-five dollar (**$25.00**) non-refundable application fee payable to the City of Charles Town for review and processing at least sixty (60) days prior to the date of the proposed event to allow for adequate review time.

2. All Applications will be mailed, dropped off or emailed to City Hall at 101 East Washington Street, Charles Town, WV 25414 or emailed to events@charlestownwv.us

3. If applicant(s) are not in good standing with the City in regards to outstanding fees, taxes or other obligations, including but not limited to parking tickets, citations, personal or real property taxes, B&O taxes, the City reserves the right to deny the Application for Special Event Permit.

4. The application shall provide relevant event information specified in the permit application, included but not limited to: alternatives for location, route, date and time.

5. As a condition of the Special Event Application all applicant(s) are responsible for providing a specific and accurate representation of their event so that the City may identify the required level of services including but not limited to: Police, Maintenance and Parks and Recreation services.

6. **All Special Event Permit Applications will be reviewed by the Special Events Committee (including any pre-approved, processional, or other event requests).**

Approval

1. The Special Events Committee shall either pre-approve the application or forward it to the City Council for further review and set any conditions and fees, in accordance with policy with the understanding that all department-specific permit requirements shall be met by the applicant thirty (30) days prior to the event date.

2. Any changes to the approved plans, including but not limited to the event: dates, times, and location/route must be approved by all committee members. Request for changes shall be submitted to the City Clerk's Office for review and comments no less than thirty (30) days prior to the event.

3. The Special Events Committee may include in a special event permit, or in a recommendation to the City Council, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; compliance with ABC Administration, health and sanitary regulations, fire, emergency services, and security. Additional permits may be required to meet the conditions established by the special event permit, and/or other Federal, State, City codes.

4. Once the applicant meets all requirements and has shown proof of permits, and the application has been reviewed by all necessary City personnel, the Special Events Committee will issue a Special Event Permit.

Non-Permitted Events

A Boot Drive or similar event designed to raise funds directly from motorists on a public street or at an intersection is not eligible for a Special Activity or Special Event Permit.

Additional Permits

Upon issuance of a City Special Event Permit, it is the applicant's responsibility to obtain any further necessary licenses or permits, such as vendors' licenses, or permits from the WVABCA, Jefferson County Health Department, or other City or state department/agency. For the following permits please contact for information:

Department:	Address:	Phone Number:	Type of Permit:
ABC Administration	900 Pennsylvania Avenue, 4th Floor Charleston, WV 25302	(304) 356-5500	Alcohol License
WV State Fire Marshal	1207 Quarrier Street, 2nd Floor Charleston, WV 25301	(304) 558-2191	Fire works
Jefferson County Health Department	1948 Wiltshire Road, Suite 1 Kearneysville, WV 25430	(304) 728-8416	Food Permit
Independent Fire Company	200 West 2nd Avenue Ranson, WV 25438	(304) 725-2514	Burn Permit

Cancelation of Event/Amendments

1. If a permitted event is cancelled by the organizer and is rescheduled, a new application will be submitted thirty (30) calendar days prior to the new event date.

2. If a permitted event application needs to be amended due to expanding the scope of the event, additional use of City services, or other reasons, a written request will be submitted thirty (30) calendar days prior to the new event date.

3. If the special event is to be held on public property, the City may revoke the special event permit at any time if they determine that the conduct of the special event could cause damage to the public property due to inclement weather and/or if any conditions of the permit has not been met or is being violated. A decision to revoke a permit is final.

Fees

1. Applicant(s) and/or sponsor(s), of any events requiring the use of public services and/or defined as a special event, held in the City of Charles Town may be required to pay accordingly for services as deemed necessary by the City, such as Police Department, Maintenance Department and any other City services requiring additional fees noted below.

2. The non-refundable application fee shall be submitted with the application and any additional fees shall be paid upon receipt of an invoice. The additional fees shall be paid thirty (30) calendar days prior to the event.

    - Non-refundable application fee: twenty-five dollar ($25.00) per application (a concert series or other planned recurring event are considered one event)
    - Additional fees include, but are not limited to: electrical usage, water usage, park usage, and rental fees for equipment including but not limited to: vehicles, trailers, barricades, cones, stages, etc.

3. Fees above can be increased or decreased to reflect the approved fee compendium by City Council. Additional fees may include actual expenses for required services provided by affected departments.

4. City expenses include staff time outside of an employee's regular hours which include:

    - Overtime or part-time hours directly related to the event.
    - FICA/Social Security.
    - Equipment and supplies rented for the event to include; barricades, trash disposal fees; and contracted services directly related to event, security, road closures, and cleaning services, etc.
    - Fees associated with permits are in addition to the above fee schedule and are the sole responsibility of the applicant/sponsor.

Conditions for Approval

In deciding whether to approve, approve with conditions, or deny a permit, the Special Events Committee shall determine:

1. The event, as proposed, can be shown to function safely and must not present an unreasonable risk to public safety.

2. The diversion of police and fire resources to support the event will not deny reasonable police and fire protection to the City.

3. The event shall not conflict with any Federal, State and local (Ordinances) laws.

4. The special event will not cause irreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities including any sidewalks, street and parking spaces.

5. All costs for City services associated with the event shall be paid by the event sponsor(s) or if approved by City Council, the portion agreed upon will be covered by the City.

6. Events in areas of the City will be scheduled to not overly burden any one neighborhood on a consistent basis.

7. The event must not impose an unreasonable disturbance to adjacent property owners including, but not limited to: noise, light and traffic.

8. The event as proposed shall not severely impact the quality of life within the area it is being held.

Refunds

1. Fees/cost are refundable (excluding the twenty-five dollar ($25.00) special event permit application fee), if the special event is canceled after the permit is issued, and written notice is received by the City Manager ten (10) days prior to the date of the event.

2. The City of Charles Town reserves the right to alter or cancel an event at any time due to unforeseen circumstances. If the event is altered or canceled by the City of Charles Town due to unforeseen circumstances, event fees/costs are refundable and the fees will be prorated in order to pay for services rendered prior to notification of the cancellation.

3. The City Manager may authorize the refund of any fees if an applicant is unable to hold or conduct a special event due to inclement weather or some other cause not within the applicant's control. The applicant must submit a written request to the City Manager for a refund of fees within ten (10) days after the scheduled event date.

Late Applications

1. Any application received after the established 60-day deadline is a late application. The Special Events Committee shall not accept late applications unless:

    - The proposed special event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application.
    - The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.
    - The Special Events Committee agrees that little disruption to City residents, businesses, and services would exist if the event were approved.

2. If the Special Events Committee finds the above conditions to exist, they shall accept the application and process, unless it does not meet the criteria set forth in the application permit process section, or there is insufficient time for the City to make the necessary preparations for permit filing, staff availability or other public safety matters prior to the proposed date of the special event.

    - Provide a proposed budget showing the full event expense and any revenues generated and a letter requesting the funding with the original application.

Events Requesting City Sponsorship or Funding

Sponsorship shall be any businesses, non-profits groups, or individuals promote mutually beneficial relationships for the City of Charles Town. All potential sponsored properties (facilities, events or programs) should be reviewed with regard to benefit, community contributions, knowledge and political sensitivity. All sponsored properties should promote the mission and goal of the City of Charles Town. An event application

requesting City sponsorship or funding must include a proposed budget showing the full event expense and any revenues generated and a letter requesting the funding with the original application.

Indemnification

1. The applicant shall indemnify and hold harmless the City of Charles Town, its officers, agents, employees and volunteers from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damages to persons or property resulting from the special event which occurred by the omissions or authorized acts of the applicant.

2. If the City incurs any costs as a result of the applicant's failure to comply with any provisions, or if the City property is destroyed or damaged by reason of a special event, the applicant shall reimburse the City for it actual costs, including the actual repair or replacement cost of the such property. The City may retain any deposit or portion thereof as full or partial reimbursement for any such damage.

Insurance Requirements

1. General liability insurance coverage, in the amount of $1 million, may be required before an event and maintained throughout the duration of the event, including set-up and dismantle periods. Throughout the application process the City of Charles Town will determine if this general liability insurance is required.

2. The City reserves the right to recommend a higher amount of required insurance depending on the proposed activity. The Certificate of Insurance is required to ensure that the City of Charles Town is not held responsible for any incidents of lawsuits that are indirectly or directly related to the Special Event.

3. No applicant shall be required to comply with the insurance requirement of this section if the activity proposed for the special event is protected by the First Amendment to the United States Constitution and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed special event from occurring.

4. If insurance is required pursuant to this section and an applicant is unable to obtain insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost.

Post Event Evaluation

If a post event evaluation is required it shall be conducted by the Special Events Committee. The evaluation may include information from affected residents/businesses, complaints received by the City, and a meeting with the applicant/sponsor. The post evaluation includes, but is not limited to:

- If applicable, review of feedback surveys distributed at the event.
- Review of any complaints from members of the community/event participants.
- Determination if anything was damaged or stolen at the event site.
- Reconciliation of event expenses ensuring that the City has received payment/reimbursement for services provided. In the case of City events, ensuring that vendors have received payment.

EFFECTIVE: January 2, 2018

Daryl Hennessy, City Manager

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-11: Charles Town Tree Board Master Plan for 2024

ATTACHMENTS:

- Master Tree Board Plan Final Draft 12.27.24.docx

Charles Town Tree Master Plan

Priority administrative tasks & projects for 2024

January 4th, 2024

Mayor and City Council,

We would like to start with thanking you for the opportunity to serve on the City of Charles Town Tree Board. It is our honor to assist our community with the critical tasks of planting, protecting, and maintaining our City's trees.

Our 2023 Master Plan was overwhelmingly successful. Here are just a few of our successes from this year:

- Maintained our Tree City USA status for the 11th year and received national recognition.
- Hosted a community Arbor Day event on N. Charles St and planted an Arbor Day Tree at the City's Skate Park.
- Held out First Annual Arbor Day Celebration for the Community and planted 50 saplings.
- Secured funding of over $14,000 for invasive tree removal and replacement in City Rights-of-ways from the West Virginia Department of Forestry
- Secured funding for a pollinator garden to be installed at the City's Skate Park.
- Secured over 200 tree saplings for use in future City plantings.
- Obtained saplings through the WVU Agricultural Extension for planting along City streams and tributaries.
- Planted a tree at Evitt's Run for addiction awareness month.
- Investigated the creation of a City tree nursery and potential funding for such an endeavor.
- Coordinated with City Staff and Maintenance to identify deficiencies in PPE items for workers engaged in tree related activities and provided for such purchases as part of the City's match for the $14,000 grant through the West Virginnia Department of Forestry.

We seek to build on these successes in 2024 and continue addressing our community's tree-related concerns and interests; create a healthier, more vibrant community through community forestry; provide educational and volunteer opportunities for our citizens; and increase tree canopy throughout our City.

As per our City's Ordinance Article 1104 Trees, one of our duties as a board is *"to prepare and update, annually, a written City-wide "Tree Master Plan" that guides the care, preservation, pruning, planting, replanting, removal, or disposition of trees on public lands; such plan shall consider existing and future utility locations and environmental factors in relation to existing and future tree species on public or private lands, as provided in this article or other ordinances; such plan shall also provide a status report of "Landmark Trees" within the City; such plan shall be recommended to the Mayor and Council and, upon their acceptance and approval, shall be implemented as the "Tree Master Plan."*

The recommended priority actions on the following pages reflect the conversations we've had as a board, as well as conversations that our community has had with us as friends and neighbors. However, at this moment, they are only that – recommendations.

We have grouped our recommended priority actions into two categories – "Administrative", which will need to be addressed within the Board itself or at the staff or Council level, and "Projects", which are implementable projects throughout our community. Each has a priority ranking; estimated timeframe for completion; a generalized, estimated cost; and a Tree Board member lead.

This list conveys our values and what we want to achieve moving forward, but they can only be achieved with your input, acceptance, and ultimate approval.

We respectfully submit the following Charles Town Tree Master Plan and sincerely look forward to working with you on implementing these recommended priority actions.

Charles Town Tree Board,
Aaron Amore, Chair
Katie Coon
Jane King
Scott Updike
Elizabeth Ricketts

Administrative

Maintain Tree City USA Status

There are 4 Standards that must be met prior to re-applying for Tree City USA designation:

1. **City must have a Tree Board or a Forestry Department**
2. **City must have a tree care ordinance**
3. **City must have a community forestry program with a budget of at least $2 per capita**
4. **City must have an annual Arbor Day observance and proclamation**

In 2023, The City of Charles Town attained Tree City USA for the 12th time in the City's history. We received national recognition for reaching this milestone. The Tree Board will work with staff and City Council and WV Division of Forestry on reapplying to maintain this status with the Arbor Day Foundation. Visit the Arbor Day Foundation[1] website for more details.

- **Priority: High**
- **Estimated Time Frame: January 2024**
- **Estimated Cost: No costs beyond the $2/capita that is already budgeted for contracted tree costs**
- **Tree Board Lead: Katie Coon**

Tree Canopy Survey

Seek to build upon the tree inventory done in 2019 and to update the data now housed at the Jefferson County GIS Office. We plan to work cooperatively with the County to update this data and maintain it such that City staff can access this data while avoiding the costs of software purchase and maintaining said data. The purpose of such of update inventory would assist in the following areas:

- **assessing defensible space around buildings to reduce wildfire risk**
- **mapping risks to utility infrastructure like powerlines**
- **modeling of tree services like air and water pollution mitigation**
- **measuring carbon storage and sequestration**
- **wildfire modeling**
- **assessing tree risks to residential properties**
- **creating and analyzing forest inventory**
- **Measuring agroforestry resources in rural landscapes**

Benefits come in many forms, such as energy conservation and the improved physical and psychological health of the people within these urban environments. The CTTB is in the process of seeking appropriate measures to assess and update the data. We will work with City staff to coordinate an appropriate and cost-effective approach for updating the data. The use of a City Intern has been the past practice and this may provide a ready avenue to accomplish this goal in 2024.

- **Priority: High**
- **Estimated Time Frame: by end of 2024**
- **Estimated Cost: Unknown**
- **Tree Board Lead: Scutt Updike**

Landmark Trees Program

We have researched and drawn upon the expertise of the many Landmark Tree programs across the country and tailored it to our community. We have created an online form and a printable brochure for citizens to apply.

- **Priority: Medium**
- **Estimated Time Frame: January 2024**
- **Estimated Cost: None**
- **Tree Board Lead: Katie**

Projects

Initiation of Grant Award

CTTB secured a grant from the West Virginia Department of Forestry of over $14,000 to remove and replace Bradford Pear Trees in several City rights-of ways. The grant is a matching grant where the City match can be in money or time/labor of City staff and volunteers related to tree activities. CTTB is working with City staff and maintenance to actively track all such time. We will also work with the City's Maintenance Department to assure it has proper protective equipment for its tree related activities. We will coordinate with any outside vendors who may be needed to perform certain tasks as outlined in the grant proposal. The funds must be used by June 2024 so a Spring initiation is considered the best start time at this juncture.

- **Priority: High**
- **Estimated Time Frame: Spring 2024**
- **Estimated Cost: Unknown**
- **Tree Board Lead: Aaron C. Amore**

Tree Inventory/Mapping

There are three main types of inventories: sample, partial, and complete.

1. **A sample inventory is conducted on a random sample of street segments, blocks, road miles, or area to provide an estimate for the urban forest. Typically, the sample is 3-10%. The sample can also be stratified.**
2. **Identify invasive species and/or diseased trees (including Ash trees vulnerable to the Ash Borer Beetle) for removal.**
3. **A partial inventory is conducted on a specific non-random area. It may be a geographic area, such as a downtown. It may be a phased inventory where different areas are collected at different times, with the goal of each phase eventually comprising a complete inventory. A survey collects a few attributes over a large area, even the entire municipality. Surveys are often conducted by vehicle.**
4. **A complete inventory includes all street trees, sometimes all park trees and trees on municipal properties, and often includes available planting locations and stumps.**

CTTB seeks to create a complete tree inventory to the greatest extent possible. An example of such a tree inventory is seen in the following link which shows a complete tree inventory for the WVU Campus in Charleston, WV.
https://pg-cloud.com/WVSU/https://pg-cloud.com/WVSU/
Such an inventory would require the services of one or more companies in combination with several tools by which data is retrieved. Applications designed to be used with smartphones can be used by multiple persons to obtain and gather real time information about trees in our community. CTTB sees this as an opportunity for direct outreach to its citizens and to incorporate this as an educational component for our school aged residents. City employees can also participate as they access all areas of the City, many on a routine basis. A cell phone application can gather an image of the tree, determine its genus and species and accurately locate the tree

using the phone's GPS coordinates. Appropriate waivers/consents would need to be required for those under 18 years to participate.
Purpose: Identification of the City's tree inventory will not only identify the type of trees in the community but will assess the overall health of the trees. This will enable City maintenance to be aware of diseased or dying trees that might create a hazardous condition or situation. It can also identify invasive species which can be removed to prevent further spread of such trees to the detriment of native trees.

- **Priority: High**
- **Estimated Time Frame: by end of 2024**
- **Estimated Cost: Unknown**
- **Tree Board Lead: Scott Updike & Aaron C. Amore**

Arbor Day Celebration

CTTB seeks to promote its Arbor Day Celebration through the following means:

1. **Planting of a Tree**
2. **Session/class with an Arborist on planting, care and pruning trees growing in their yards for Charles Town Citizens. This workshop may be facilitated by certified ISA Arborists with WV Division of Forestry.**
3. **Educational program for young persons, including a nature walk, artistic activities and possibly a sponsored event by a local business or businesses.**

In order to maintain our Tree City USA status we also need a Mayoral proclamation.

- **Priority: High**
- **Estimated Time Frame: April 2024**
- **Estimated Cost: None**
- **Tree Board Lead: TBD**

Cost-share Tree Planting Program for Private Residents

The Charles Town Tree Board plans to apply for Cacapon Institute's "Your Community BMP" program in Spring and or Fall 2024. Through this program, up to 18 residents can sign-up to purchase up to two trees each at the discounted rate of $25/tree. The trees will be in 5-7 gallon containers and approximately 6-8' tall. Each tree comes with two wooden stakes, a plastic bark protector, and a section of arbor tie.

City staff assistance will be needed to collect the payments and subsequently send those funds to Cacapon Institute. The City will incur no costs for participating in this program. The Tree Board has approximately $800 in the City's budget from conducting this project in fall 2021 that may be used to support a similar initiative in 2024.

Trees will be picked up by City maintenance personnel from the WV Division of Forestry office in Inwood and delivered to residents houses at a date TBD in October-November.

- **Priority: High**
- **Estimated Time Frame: October-November 2024**
- **Estimated Cost: None**
- **Tree Board Lead: Katie & Janie**

Tree Dedication Program

CTTB would like to work on creating a program, possibly in partnership with local mortuaries, for community members to be able to purchase a tree and have it planted in memory of a loved one.

- **Priority: Medium**
- **Estimated Time Frame:**
- **Estimated Cost: None**
- **Tree Board Lead: TBD**

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Report
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-12: Jefferson County Development Authority Update

ATTACHMENTS:

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024:34: Hagerstown Easter Panhandle Metropolitan Planning Organization (HEPMPO) Update

ATTACHMENTS:

- HEPMPO January 2024 update to Council.pdf

Hagerstown/ Eastern Panhandle Metropolitan Planning Organization (HEPMPO)

Last Year in Review

- local fee assessments: requested increased for the first time in 26 years to match new federal planning allocations
- incorporated 2020 Census data into planning process
- designated new **Critical Urban Freight Corridor** miles in our region.
- largest project grant in organization's history: $10.3 million for the **EPTA Transit Center**
- creation of:
- … **Regional Freight Plan**
- … **Regional Bicycle and Pedestrian Plan**
- … **Regional Safety Action Plan**, which will help position our local governments to pursue Safe Streets and Road For All (SS4A) grant funding - on going
- …new data feed for EPTA for use in **Google Transit Maps**
- launched revamped HEPMPO website
- **Safety/Congestion** public survey results ~600 responses and ~1,500 comments received
- oversaw first ever grant award program for suballocated **Carbon Reduction Program** funds in WV as a result of the federal Bipartisan Infrastructure Law
    - Technical Advisory Committee reviewed with staff… recommended CT project!
    - Interstate Council will consider Tomorrow, Wednesday 17th
    - Carbon Reduction Program funding through WV DOT: CT requested *$219,027* to fund portion of **Congress/Lawrence Street Intersection Improvements**

Project bidding info

- **AUGUSTINE AVE SHEETZ TRAFFIC SIGNAL**
    - Three bids received: $333,885 - $458,000
- **JEFFERSON AVENUE TURN LANE & TRAFFIC SIGNAL**
    - Creation of turn lane and signal on WV 115
    - Bids close 2/13/2024
- **CHARLES TOWN SOUTH GEORGE STREET PEDESTRIAN IMPROVEMENTS**
    - Four bids received: $429,727 - $1,114,530
    - Flagging hours required for project could dramatically increase cost; have requested a temporary signalization option instead

Augustine Ave Trail

- Meeting with property owners occurred for Phase I
- Phase II received it's Federal Project ID: TAP2025043D
- Alpha Engineers: 1/11 site visit for Phase III estimates

Update for City Council - HEPMPO - January 2024

MARC Train

- currently there are three outbound and three inbound trains between Martinsburg and Union Station along the MARC Brunswick Line:

Outbound – 5:00am – Train 872
Outbound – 5:25am – Train 874
Outbound – 6:25am – Train 878
—-
Inbound – 4:25pm – Train 875
Inbound – 5:40pm – Train 879
Inbound – 6:20pm – Train 881

- **MTA Administrator Holly Arnold**:
- Consolidated Transportation Program (CTP) in Maryland reflecting a deficit in state transportation funding
- In 2022, a payment of $750,000 made by WV against a $3.1M obligation
- No further payment or appropriation of funds has occurred since June 2022
- In communication with **Cindy Butler** of **WV Division of Multimodal Transportation Facilities** (Governor Justice signed legislation in 2022 creating this Division, which combined the Port Authority, Aeronautics Commission, Division of Public Transit and State Rail Authority, previously separate divisions).

***

- **WVDOT Secretary Wriston:**
- without strong State Legislative support it is difficult for WVDOT to provide towards MDOT'S MARC operating costs
- WV would have input on which train may remain if/when service is reduced - "confident that MDOT will allow us to choose the train option."
- if the logistics can be worked out, EPTA may possibly be able to run buses in place of reduced trains - currently runs evening buses to Brunswick MD to pick up riders from the 873 and 883 trains and drop them off at WV stations (these two trains previously came into WV until their service was previously cut in 2012).

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-38: Payment of Bills - January 16, 2024

ATTACHMENTS:

- GENERAL FUND COUNCIL REPORT 2024 01 12.pdf
- PARKS N RED COUNCIL REPORT 2024 01 12.pdf
- CAPITAL RESERVE COUNCIL REPORT 2024 01 12.pdf

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
10-42 TACTICAL LLC	1/12/24	SAFARILAND MALE PANEL	GENERAL FUND	POLICE DEPARTMENT	1,176.00
	1/12/24	SAFARILAND MALE PANEL	GENERAL FUND	POLICE DEPARTMENT	347.00
	1/12/24	SAFARILAND MALE PANEL	GENERAL FUND	POLICE DEPARTMENT	20.00
	1/12/24	SAFARILAND MALE PANEL	GENERAL FUND	POLICE DEPARTMENT	39.00
	1/12/24	SAFARILAND MALE PANEL	GENERAL FUND	POLICE DEPARTMENT	13.00
	1/12/24	SAFARILAND MALE PANEL	GENERAL FUND	POLICE DEPARTMENT	18.65
				TOTAL:	1,613.65
AUTOZONE, INC.	1/12/24	PD SILVERSTAR ULTRA BULBS	GENERAL FUND	POLICE DEPARTMENT	52.79
				TOTAL:	52.79
B.E.S. TECHNOLOGY, INC.	1/12/24	WEBSITE WPFORMS PLUGIN	GENERAL FUND	CITY HALL	649.00
				TOTAL:	649.00
CHAD COOK	1/12/24	FY24 LIGHT THE CITIES CONT	GENERAL FUND	FAIR ASSOC/FESTIVAL	75.00
				TOTAL:	75.00
CINDY REZMER	1/12/24	TRAVEL EXPENSE REINBURSEME	GENERAL FUND	CITY CLERK'S OFFICE	120.89
	1/12/24	RENTAL CAR - GAS - REINBUR	GENERAL FUND	CITY CLERK'S OFFICE	169.65
	1/12/24	RENTAL CAR - GAS - REINBUR	GENERAL FUND	CITY CLERK'S OFFICE	38.60
				TOTAL:	329.14
CINTAS	1/12/24	LAUNDRY BAGS	GENERAL FUND	STREETS & HIGHWAYS	207.54
				TOTAL:	207.54
COMCAST CORPORATION	1/12/24	CITY HALL INTERNET 1/7-2/6	GENERAL FUND	STREETS & HIGHWAYS	95.30
				TOTAL:	95.30
COMMERCIAL LIGHTING	1/12/24	25 FROSTED COATED LEG LIGH	GENERAL FUND	CITY HALL	1,194.22
				TOTAL:	1,194.22
CREAMERS AUTO SERVICE CENTER, LLC	1/12/24	TIRE REPAIR CAR #11	GENERAL FUND	POLICE DEPARTMENT	26.25
	1/12/24	PD AUTO REPAIR	GENERAL FUND	POLICE DEPARTMENT	1,643.63
	1/12/24	CAR #5 STATE INSPECTION	GENERAL FUND	POLICE DEPARTMENT	666.54
				TOTAL:	2,336.42
CHARLES TOWN UTILITY BOARD	1/12/24	108N GEORGE ST 11/15-12/15	GENERAL FUND	CITY HALL	100.13
	1/12/24	105S GEORGE ST 11/15-12/15	GENERAL FUND	CITY HALL	98.47
	1/12/24	661S GEORGE ST SER 11/15-1	GENERAL FUND	POLICE DEPARTMENT	259.61
	1/12/24	34 N WATER ST 11/15-12/15	GENERAL FUND	STREETS & HIGHWAYS	61.61
				TOTAL:	519.82
ENCOVA INSURANCE	1/12/24	WORKERS COMP 10/2/23-12/3/	GENERAL FUND	NON-DEPARTMENTAL	51.86
	1/12/24	WORKERS COMP 10/2/23-12/3/	GENERAL FUND	ECONOMIC DEVELOPMENT	54.02
	1/12/24	WORKERS COMP 10/2/23-12/3/	GENERAL FUND	MAYOR'S OFFICE	10.80

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	1/12/24	WORKERS COMP 10/2/23-12/3/	GENERAL FUND	POLICE-SPECIAL DUTY	21.18
	1/12/24	WORKERS COMP 10/2/23-12/3/	GENERAL FUND	STREETS & HIGHWAYS	202.10
				TOTAL:	2,397.00
ENVIRO-TECH PEST SERVICES	1/12/24	MONTHLY PET SERVICES	GENERAL FUND	CITY HALL	1,254.00
				TOTAL:	1,254.00
FIRST-CITIZENS BANK & TRUST CO	1/12/24	CH COPIER RENTAL	GENERAL FUND	CITY HALL	506.12
	1/12/24	CITY HALL COPIER	GENERAL FUND	CITY HALL	239.68
	1/12/24	3RD FLOOR COPIER RENTAL JA	GENERAL FUND	CITY HALL	110.00
				TOTAL:	855.80
FORERUNNER TECHNOLOGIES INC	1/12/24	PD PHONE SYSTEM TECH SUPPO	GENERAL FUND	POLICE DEPARTMENT	550.00
				TOTAL:	550.00
FRONTIER, INC.	1/12/24	RH-108N GEORGE 12/25-1/24	GENERAL FUND	CITY HALL	47.54
	1/12/24	PD FAXLINE 12/7/23-1/6/24	GENERAL FUND	POLICE DEPARTMENT	160.53
	1/12/24	PD RINGDOWN 12/1/23-12/31/	GENERAL FUND	POLICE DEPARTMENT	55.82
	1/12/24	661 304-725-2381SER11/24-1	GENERAL FUND	POLICE DEPARTMENT	70.75
	1/12/24	661 304-725-2381SER12/24-1	GENERAL FUND	POLICE DEPARTMENT	70.50
	1/12/24	PD RIGNDOWN 12/22/23-1/21/	GENERAL FUND	POLICE DEPARTMENT	56.66
				TOTAL:	461.80
GALLS, LLC	1/12/24	TACTICAL PANTS	GENERAL FUND	POLICE DEPARTMENT	121.59
				TOTAL:	121.59
HEATHER PREMO	1/12/24	FY24 LIGHT THE CITY CONTES	GENERAL FUND	FAIR ASSOC/FESTIVAL	75.00
				TOTAL:	75.00
JAIME OLMSTEAD	1/12/24	FY24 LIGHT THE CITIES CONT	GENERAL FUND	FAIR ASSOC/FESTIVAL	100.00
				TOTAL:	100.00
JAMES LIVERETTE	1/12/24	REFUND BOND PAID FOR JOSE	GENERAL FUND	NON-DEPARTMENTAL	100.00
				TOTAL:	100.00
JEFFERSON COUNTY EMERGENCY COMMUNICATI	1/12/24	CAD MOBILE DATA 9/6/23-10/	GENERAL FUND	POLICE DEPARTMENT	339.36
	1/12/24	CAD MOBILE DATA 9/6/23-10/	GENERAL FUND	POLICE DEPARTMENT	47.36
	1/12/24	CAD MOBILE DATA 9/6/23-10/	GENERAL FUND	POLICE DEPARTMENT	65.83
				TOTAL:	452.55
JEFFERSON WHITTEN	1/12/24	FY24 FIP-217 W WASHINGTON	GENERAL FUND	CONT/TRNSFR 2 OTHR FUN	5,000.00
				TOTAL:	5,000.00
JEFFERSON PUBLISHING COMPANY, INC.	1/12/24	12/13 NPH WV2023 STROMBERG	GENERAL FUND	PLANNING & ZONING	40.62
	1/12/24	12/20 NPH COA2023NATALIE G	GENERAL FUND	PLANNING & ZONING	34.18

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
				TOTAL:	75.00
KIMLEY-HORN AND ASSOCIATES, INC.	1/12/24	SERVICES THROUGH NOV 2023	GENERAL FUND	PLANNING & ZONING	2,616.00
				TOTAL:	2,616.00
MARLIN BUSINESS BANK	1/12/24	PD&CITY COPIER RENTAL	GENERAL FUND	CITY HALL	515.98
	1/12/24	PD&CITY COPIER RENTAL	GENERAL FUND	CITY HALL	114.50
	1/12/24	PD&CITY COPIER RENTAL	GENERAL FUND	POLICE DEPARTMENT	280.00
				TOTAL:	910.48
MCKINNEY'S AUTO REPAIR & TOWING	1/12/24	CAR#28 OIL CHANGE	GENERAL FUND	POLICE DEPARTMENT	124.48
				TOTAL:	124.48
MICHELLE SANCHEZ	1/12/24	CWH RENTAL REFUND	GENERAL FUND	NON-DEPARTMENTAL	350.00
				TOTAL:	350.00
ONE TIME VENDOR LIVERETTE, JAMES	1/12/24	Bond Refund:23001631 -01	GENERAL FUND	NON-DEPARTMENTAL	100.00
				TOTAL:	100.00
PANSCH INVESTIGATIONS LLC	1/12/24	1 PRE-EMPLY POLYGRAPH EXAM	GENERAL FUND	POLICE DEPARTMENT	340.00
				TOTAL:	340.00
POTOMAC EDISON COMPANY, INC.	1/12/24	ELECTRIC SERV DECEMBER 202	GENERAL FUND	CITY HALL	3,550.18
	1/12/24	661 ELECTRIC SERV 11/3-12/	GENERAL FUND	POLICE DEPARTMENT	3,746.68
				TOTAL:	7,296.86
RONNIE FELLERS	1/12/24	FY24 LIGHT THE CITIES CONT	GENERAL FUND	FAIR ASSOC/FESTIVAL	75.00
				TOTAL:	75.00
SOUTH CENTRAL PLANNING & DEVELOPMENT C	1/12/24	MYPERMITNOW FEES DEC 2023	GENERAL FUND	CITY HALL	730.00
				TOTAL:	730.00
STAPLES ADVANTAGE	1/12/24	PENS/WHT BRD/CMND STRP/MAR	GENERAL FUND	PLANNING & ZONING	23.44
	1/12/24	PENS/WHT BRD/CMND STRP/MAR	GENERAL FUND	CITY HALL	71.56
				TOTAL:	95.00
STEWARTS MENS WEAR	1/12/24	KUTCHER LONG SLEEVE UNIFOR	GENERAL FUND	POLICE DEPARTMENT	60.00
	1/12/24	KUTCHER LONG SLEEVE UNIFOR	GENERAL FUND	POLICE DEPARTMENT	7.50
				TOTAL:	67.50
SUPERIOR AUTOBODY LLC	1/12/24	FINAL BILL-WRECK REPAIR #1	GENERAL FUND	POLICE DEPARTMENT	1,630.41
				TOTAL:	1,630.41
SUSTAINABLE STRATEGIES DC	1/12/24	DECEMBER23 BASE RETAINER	GENERAL FUND	CITY HALL	2,400.00
				TOTAL:	2,400.00

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	1/12/24	CELL SERV 11/21/23-12/20/2	GENERAL FUND	STREETS & HIGHWAYS	20.18
				TOTAL:	299.68
THE JOURNAL,MARTINSBURG	1/12/24	PD 52WK SUBS 1/12/24-1/10/	GENERAL FUND	POLICE DEPARTMENT	208.00
				TOTAL:	208.00
UNITED WAY OF THE EASTERN PANHANDLE, I	1/12/24	TEEN COURT FEES DECEMBER 2	GENERAL FUND	NON-DEPARTMENTAL	340.29
				TOTAL:	340.29
WASTE MANAGEMENT	1/12/24	34N WATER ST TRASH SER	GENERAL FUND	STREETS & HIGHWAYS	302.87
				TOTAL:	302.87

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

001	GENERAL FUND	36,715.97
	GRAND TOTAL:	36,715.97

TOTAL PAGES: 4

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: 1/12/2024 THRU 1/12/2024

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT		AMOUNT
AC & T CO., INC	1/12/24	JMP PORTA POTTY SERV	PARKS & REC	PARKS & REC		265.00
					TOTAL:	265.00
FRONTIER, INC	1/12/24	JMP PHONE SERV DEC 2024	PARKS & REC	PARKS & REC		73.91
					TOTAL:	73.91
POTOMAC EDISON COMPANY, INC	1/12/24	JMP MEMORIAL 11/3/23-12/6/	PARKS & REC	PARKS & REC		8.69
	1/12/24	JMP ELECTRIC SERV OCTOBER2	PARKS & REC	PARKS & REC		27.27
	1/12/24	JMP ELECTRIC SERV OCTOBER2	PARKS & REC	PARKS & REC		228.80
	1/12/24	JMP ELECTRIC SERV OCTOBER2	PARKS & REC	PARKS & REC		5.15
	1/12/24	JMP ELECTRIC SERV OCTOBER2	PARKS & REC	PARKS & REC		5.21
	1/12/24	JMP ELECTRIC SERV OCTOBER2	PARKS & REC	PARKS & REC		13.63
	1/12/24	JMP ELECTRIC SERV NOVEMBER	PARKS & REC	PARKS & REC		27.27
	1/12/24	JMP ELECTRIC SERV NOVEMBER	PARKS & REC	PARKS & REC		233.38
	1/12/24	JMP ELECTRIC SERV NOVEMBER	PARKS & REC	PARKS & REC		5.15
	1/12/24	JMP ELECTRIC SERV NOVEMBER	PARKS & REC	PARKS & REC		5.21
	1/12/24	JMP ELECTRIC SERV NOVEMBER	PARKS & REC	PARKS & REC		11.35
					TOTAL:	571.11

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

207 PARKS & REC 910.02

GRAND TOTAL: 910.02

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: 1/12/2024 THRU 1/12/2024

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

VENDOR SORT KEY	DATE	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ADVANTAGE TECHNOLOGY LLC	1/12/24	DEC 2023 MONTHLY AGREEMENT	CAPITAL RESERVE	GENERAL GOVERNMENT	3,597.55
	1/12/24	11/30/23 CITY TECH SERVICE	CAPITAL RESERVE	GENERAL GOVERNMENT	4,738.74
	1/12/24	PD TECH SERVICES- 11/30/23	CAPITAL RESERVE	GENERAL GOVERNMENT	926.25
	1/12/24	CITY TECH SERVICES 11/21	CAPITAL RESERVE	GENERAL GOVERNMENT	155.00
	1/12/24	CITY TECH SERVICES 11/13	CAPITAL RESERVE	GENERAL GOVERNMENT	62.50
				TOTAL:	9,480.04
DEPARTMENT OF ENVIRONMENTAL PROTECTION	1/12/24	NPDES PERMIT APPLICATION	CAPITAL RESERVE	EPA GRANT	300.00
				TOTAL:	300.00
INFRASTRUCTURE SOLUTIONS GROUP INC	1/12/24	DEBRIS COLLECTOR	CAPITAL RESERVE	STREETS & TRANSPORTATI	79,734.36
				TOTAL:	79,734.36

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

200	CAPITAL RESERVE	89,514.40
	GRAND TOTAL:	89,514.40

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: 1/12/2024 THRU 1/12/2024

PAYROLL SELECTION

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

PRINT OPTIONS

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

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-3: Public Comment Letters from the January 2, 2024, meeting

ATTACHMENTS:

- Public Comment Letters.pdf

Mado's Best IC

130 S Cameron St.

Winchester,Va

434-851-1944

info@madosbest.com

To Whom it May Concern:

Hi, my name is Katie Sartelle. My business partner and I started a business, Mado's Best Ice Cream, in March of 2023. Our product is making highest quality ice cream from as many local ingredients as possible.

We started selling solely at Charlestown Farmers Market for first time this past season. From my first interaction with anyone at the market I was impressed. Their leadership, customer service, and organization set a standard any business or company should aspire to achieve. This was all witnessed before I ever came to my first market. What is even more attractive is that the "staff" is mostly volunteers (unpaid)--that gives true testament of their work ethic and integrity doing all for no financial gain with great excellence, truly servant leadership embodied.

As a customer and vendor, I have such high value for this market. The farmer's market gave my business partner and myself a chance to learn and sell our product, especially since this was our first vending opportunity. The market itself offers wonderful products and fresh produce you can trust. one is getting the best product straight from the farmer, which is rare. It's always exciting to see what fresh things I can buy from the market and incorporate into our ice cream.

Additionally, there is community outreach. The art days and the kids' days were enjoyed thoroughly by my business partner's and my own children. They were able to help and be involved, as well as learn.

This market has given me, as a vendor, a place to sell and interact with my customers. Mado's Best Ice Cream was given the opportunity to sell our product. I drive from Capon Bridge, WV each Saturday I come to the market, it is worth the drive. In one season I have been able to make friends and establish great relationships with my customers, many of whom I talk to apart from the farmer's market. The community at the farmers market is like none I have experienced at any of surrounding areas.
Their team effort and caring about the community is second to none. For example, one of their key concepts they ask of vendors is to leave the street better than we found it. That inspires me personally each time I come. What if all of Charlestown or other communities in America made that their mantra? I need to do it personally in all areas of my life.

I would gladly help or do anything I could to defend and support this market. And I can't wait for 2024 season to start. I tell as many people as I know how wonderful this market is and encourage them to go to the market; I tell them they won't be disappointed if they do.

Katie Sartelle and Ben Rothermel

Good evening and Happy New Year. Thank you for the opportunity to address the Council.

My name is Diane Blust; I have been a resident of Jefferson County since 2014 and have a small permaculture farm in Uvilla. Prior to moving to Jefferson County, I lived in Reston, Virginia where I was the president of the Fairfax Coalition for Smarter Growth and head of its Sustainable Reston project. I managed two farmers markets for several years in Reston and Oakton. I was a Virginia Cooperative Extension Master Food Volunteer and taught home food preservation in cooperation with Reston Association, the Reston Community Center, and the Office of Sustainability at George Mason University. I have been involved in local food issues and sustainability since 2010.

I'm here this evening to ask you to continue your support for the Charles Town Farmers Market. It's no secret that we live in a changing and challenging world where we must deal with impacts of climate change, geopolitical crises, and a host of other factors that impact food production and availability. Who would have thought that a far-off war in southeastern Europe would impact our local farmers? Yet, the prices of agricultural inputs increased for our farmers due to the Ukraine war. The pandemic closed large meat packing plants in the Midwest – but Bushel & Peck and our local farmers continued to provide us with locally produced food. Erratic water supplies out west impact food availability and pricing. While we will experience the impacts of climate change, we are fortunate to live in an area with generally abundant water for our farmers. You are kept busy with the day-to-day management and functioning of Charles Town, but I would ask that you take the time to think critically about food availability and sustainability in our changing world.

I want to thank the Council for its unwavering support for the Charles Town Farmers Market over the past twelve years. The Market is a key element of our local food infrastructure. It provides local farmers and producers with a retail outlet for their products. The market caters to all segments of our community, including SNAP recipients who can stretch their SNAP dollars when purchasing fresh fruits and vegetables – a key element of a healthy diet that is so important to the health of West Virginians.

As you continue to support the Charles Town Farmers market, I urge you to think about it as a key building block towards local food resiliency and our local economy. Our local farmers must deal with a host of problems in these changing times; they need our support.

In closing, I would add that that I previously served on the board of the Jefferson County Foundation and currently serve on the board of Jefferson G.A.P. Coalition, but my comments tonight are strictly personal and reflect my view that support for local farmers and local agriculture is critical to a resilient future for our community.

Thank you.

Diane Blust

ANN M. PAONESSA & AARON AMORE
536 SOUTH MILDRED STREET
CHARLES TOWN, WEST VIRGINIA 25414
PHONE: 304-885-4111 • EMAIL: ANNPWV@GMAIL.COM

January 1, 2024

Mayor and City Council
City of Charles Town
P.O. Box 14
Charles Town, WV 25414

Dear Honorable Mayor and Council Members:

We are writing to request that you honor the Special Activity Permit previously submitted by the Charles Town Farmers Market, and previously approved by the City, for the market's continued operation in 2024 on the 100 block of S. Samuel Street.

As 30-year residents of Charles Town and long-time supporters and customers of the market, we have personally benefited from their operations for over 10 years. The Farmers Market provides a unique and invaluable service to our community, connecting local farmers and producers with our residents.

More than simply a business enterprise, the Farmers Market offers many value-added benefits to Charles Town, including a weekly opportunity for friends and neighbors to gather, socialize and enjoy live music in our historic downtown. In short, its benefits are multifaceted – economic, sustainable, social, and, undoubtedly, historically hip – while promoting healthy lifestyles and wellness to our residents.

We are disappointed to learn that the permit is being revisited in this manner. The Farmers Market operates without the need for virtually any City or Police services, is run entirely by volunteers and has been a great success in its current location. A relocation after so many years of continuous operation on S. Samuel Street would surely create even greater problems and likely negatively impact the Farmers Market itself. A discontinuation of the Farmers Market entirely would be a huge step back for Charles Town and is unthinkable.

Again, we urge you to honor the Farmer's Market's Special Activity Permit as previously submitted and approved. Thank you for your time and consideration of our comments.

Sincerely,

Ann M. Paonessa

Ann M. Paonessa

Aaron C. Amore

Aaron C. Amore

Good evening Mayor Trainor, City Manager John Nissel, and City Council members –

For those who don't know, my name is Fiona Harrison and I am the market Manager for the Charles Town Farmers Market. I, along with three other people, guide and lead the market throughout the season, and we have many volunteers who are integral in making that market come to life each week.

You ALL know the market is near and dear to my heart.

You ALL know that I have been at the helm for 12 years, without pay. Why? Because I love it, because I'm damn good at it, and because I know that fresh local products are important to every community.

You ALL know that everyone deserves to eat, regardless of income level, which is why we offer our matching programs to families who are food insecure or low income.

You ALL know that the market contributes hundreds and hundreds of thousands of dollars into this economy every year.

You ALL know shoppers and family members who come to the market for that one special product, or that one vendor whom they absolutely adore and want to talk with.

You ALL know that the market draws thousands of people into downtown on Saturdays who then go on to shop at other businesses.

You ALL know all of these things!!

What you might NOT know is that I sit on the Board of Directors for the WV Farmers Market Association and have done so for many years. I am very familiar with other markets around the state and around the country and I can tell you with ABSOLUTE certainty that this market and this relationship we have with you, and with BCT, and with the Library, and with the police department is something VERY special. Many markets around the state DON'T have this. They don't have the support of those around them. They are constantly at odds with municipalities, with their boards of directors, with other markets, and other businesses in the community and that's not good. That's not productive, it's not necessary and can be detrimental to the success and visitation of the market and it's vendors. It's exhausting and divisive, and many markets throw in the towel and call it quits because they lose leadership, volunteers, and vendors. Our relationship with you 10 people right here is VITAL to continuing to grow and push this market forward.

I don't know what EXACTLY the topics are for your discussion tonight, but I urge you to think VERY carefully about everything you have heard, and will hear, tonight.

Thank you so much.

I have letters/comments here from:
Mary Kinnie – vendor
Katie Sartelle – vendor
Mary Kathryn Robinson – vendor
Ann VanTol – shopper
Liz Goins – shopper, and non-profit vendor
Kristin Alexander – shopper, and non-profit vendor
Chuck Dunkerly – market volunteer
Holly Morgan – West Virginia Farmers Market Executive Director

The Charles Town Farmers Market has played an important role in my life for the past 3 years. When I first started my business in 2020, I was immediately met with the challenges of COVID-19. Fiona Harrison, an unpaid volunteer, in addition to the countless other volunteers, found a way to keep our market open and safe. I am able to pay my mortgage and raise my kids on this income. Small businesses have a lot of challenges, but because this is not a brick&mortar store, it allows me to stay home during the week and I only need to find a babysitter on the weekends. My kids have also attended many markets with me. When school students were issued pandemic food stamps, P-EBT, my kids were so excited to pick out their own food and talk to the farmers. This market hosts many wonderful events, some of which allow young entrepreneurs to bring their crafts to sell. I have made friends with so many returning customers that I would have not otherwise had the opportunity to meet. I provide a service to this area, as I am told weekly by my Gluten Free, Sugar Free, and Vegan customers. This is a meeting place for so many neighbors, and a staple for those who know they can count on us to be there Saturdays and in the same location. I hope we continue to have this opportunity just as it is now.

Sincerely,
Mary Kinnie
Cupcake Cottage

From: Robinson, Mary Kathryn
Sent: Thursday, December 28, 2023 4:05 PM
To: 'ktester@charlestownwv.us' <ktester@charlestownwv.us>; Fiona Harrison <charlestownfarmersmarket@gmail.com>
Cc: Judy Hockman - University Healthcare at Home (Judith.Hockman@wvumedicine.org) <Judith.Hockman@wvumedicine.org>
Subject: PUBLIC COMMENT: Corner Connection and Charles Town Farmers Market

Hello Kevin,

I hope this finds you well, and coming off an enjoyable Christmas.

Due to our shared involvement in the Charles Town Farmers Market (CTFM), and professional relationship through Black Dog Coffee Company, I'm reaching out in your official capacity as a member of the Charles Town City Council. We have been made aware through CTFM Board - farmer representative, Jocelyn Noland that concerns expressed by local business, Corner Connection against the Charles Town Farmers Market will be discussed at the next Council meeting on Tuesday, January 2 at 7pm. In the event I'm unable to attend the meeting wanted to share our thoughts on the matter.

My understanding is the Corner Connection owner grievance relates to Saturday access to the venue for special event preparations, and are requesting the City of Charles Town relocate the farmers market.

Twin Ridge Orchard Co. Inc., Shenandoah Jct. DOES NOT support the relocation of the CTFM for the following reasons:

1. The CTFM has been operating in the same location for many years. Relocating would cause public confusion and negatively impact vendor sales.

2. WIC, SNAP and WV Senior Voucher program participants rely on a consistent Farmers Market, including stable location with accessibility. Disruption to this clientele would have a definite negative impact. Will they have fresh fruits and vegetables that week?

3. Launching any new business has its challenges, however, doubtful a 4 hour period, one day a week is the primary factor impacting overall business success.

4. Caterer parking alone is not a valid reason to relocate an established market. Plenty of parking in the BCT lot and easy walk to Corner Connection entrance for unloading, or a simple solution to designate a loading zone on Washington Street. From personal work experience, caterers are used to the unexpected and being flexible.

Being an entrepreneur is not easy and thwart with financial risks. I commend those who are willing to take a chance and follow their dreams, but this 'grievance' feels personal with no hard data to back the owner claim of revenue loss b/c of the CTFM. Thank you for your attention.

Mary Kathryn Robinson

Vice President

Twin Ridge Orchard Co. Inc.

December 29, 2023

To Mayor Trainor, City Manager John Nissel, and Charles Town City Council

My name is Ann and I have been a market shopper at the Charles Town Farmers Market for over 15 years, dating back to when the market was on North Samuel Street. My husband and I love being able to get fresh products from local vendors and our dog loves meeting her two and four legged friends there. It's always fun to run into friends to share a smile and a laugh. I love South Samuel Street location because it's safe, it's flat (making it good for wheelchairs and strollers), the parking is close and convenient, it has good visibility for folks driving by on Washington Street, and the shade is so nice on those hot summer days.

The Charles Town Farmers Market is such a positive event to have in our community, one that brings people downtown to shop and eat. It offers a gathering place for neighbors and friends to share information over a pastry and a drink. The live music gives it a happy, upbeat vibe and so when I started reading about the conflict that has arisen around the market, I was shocked. The market has been on South Samuel for 12 seasons and I can't believe that someone would not want a market on their street or in their neighborhood. This market is established and well-known, it has a very good reputation, they have dedicated and friendly volunteers who make it all come together, and I would hate to see anything happen to this wonderful resource that not all cities are so lucky to have.

The vendors rely on the market for their income, and many shoppers rely on it for their social interactions for the week. I know the City of Charles Town has been very supportive of the market in the past and has helped to make it what it is today. Making any significant changes to the market or its location could be a disaster for the vendors, the market, and the town. I am asking you tonight to please continue to stand behind the Charles Town Farmers Market. They need you. It would be such a shame to lose it.

Thank you.
Sincerely,
Ann VanTol

From: elizabeth goins <liddygoins21@hotmail.com>
Date: December 26, 2023 at 7:38:26 PM EST
To: jnissel@charlestownwv.us
Subject: Charles Town farmers Market

To the City Council:
I am distressed to hear there is much talk and or speculation to move the Charles Town Farmers market from the spot it's occupied for the last twelve years.
My biggest question to you and the members of the city council, "is why would you move CT market that has proved its stability to vendors as well as shoppers?
I have watched Charles Town Farmers Market grow its business yearly by adding more vendors, include a community outreach model, encourage artists to participate in the market, and educate consumers about healthy food and where it comes from.
Furthermore, the market has proven in my twelve years of attending the sustainability to those venders who are farmers, local businesses, and local artists.
The placement of the CT farmers market plays another important role in its location—it's where neighbors and friends meet. It is a gathering place even if you don't live in the neighborhood. It is centrally located
to downtown which encourages shoppers who are visiting the market to explore what downtown has to offer. In essence, the market and its location is a fixture in our community. So again, "why would you want to change the location of the Charles Town Farmers Market when it has proven how well it is doing in its current location?
Thank you for your consideration in this matter.
Sincerely,
Elizabeth Goins

Potomac Valley Audubon Society

www.PotomacAudubon.org | P.O. Box 578, Shepherdstown, WV 25443 | 681-252-1387

December 27, 2023

Charles Town City Council
101 E Washington St.
Charles Town, WV 25414

Dear Council Members:

We are writing to thank the Charles Town Farmers Market for all they do for the Charles Town and broader community.

Potomac Valley Audubon Society has benefited greatly from having a presence at the Charles Town Farmer's Market each year. The well-organized and positive venue is a great place for us to let community members know about the programs and services our organization provides. We are able to promote scholarships to our day camps, participation in educational workshops and walks, exploration of our four nature preserves and other ways for community members to engage with and benefit from our organization. We truly appreciate the opportunity to be a part of the market.

In our experience, the market is well-organized, and as a "guest vendor" all the logistics and guidelines are well-communicated so we know exactly where to park, where and when to set up, what we can distribute, and other details. Volunteers who work at our table come back raving about the experience; how beneficial and fun the market is and how worthwhile it is for us to be represented at a vibrant and successful community event.

The Charles Town Farmers Market is well-respected in the community and has become an example of what a farmers' market should aspire to be. It brings a diverse audience to downtown and creates a vibrant community environment that draws people from the region into the downtown area. There is plenty of parking, a variety of vendors, and a positive energy surrounding the event every week. The sense of community there is palpable.

Potomac Valley Audubon Society is just one of many non-profits to have benefited from this positive community event. As we look toward the new year, we hope the council will do everything in its power to help the Charles Town Farmers Market continue to thrive.

Sincerely,

Kristin Alexander
Executive Director

Mike Sullivan
President

Potomac Valley Audubon Society is people dedicated to preserving, restoring and enjoying the natural world through education and action.
Join or donate today! Learn more at www.PotomacAudubon.org.
EIN#: 55-0626891

January 2, 2024

Statement in Support of Charles Town Farmers Market

Charles L Dunkerly
3747 Kabletown Rd
Charles Town WV 25414

Dear Charles Town Council Members, City Manager John Nissel, and Mayor Bob Trainor,

I am writing today in support of the Charles Town Farmers Market (CTFM) mission and location. CTFM is one of the bright spots in downtown Charles Town every Saturday morning during the market season. South Samuel St is the place where the community meets and mingles, it is the space for small businesses to bring products to customers, and is the place where CTFM lends a helping hand to those who don't have access to healthy fresh produce through SNAP matching grants. There is nothing else like it in our community.

I have been a market vendor or volunteer for farmer's markets in Charles Town for the past 15 years. Starting as a vendor with Slaynt Vie Farm, at the then Jefferson County Farmer's Market or N. Samuel St, then CTFM when it moved to S. Samuel St. Once Slaynt Vie Farm stopped producing for markets I began volunteering for the market to help with market day operations. I have also given financial support to CTFM at various times.

I travel extensively across the country for my day job and when I am able, I visit farmers markets. There is a wide spectrum of farmers markets, but the ones where I spent the most money and the most time are reflections of their community, you can get a sense of what the community values and how they engage with each other at the market. Markets organizations are not businesses, but organizations that create opportunities for many new and established business to connect with customers. Good farmers markets have local support and focused mission centered on local products from a farm. Farmers markets are not craft fairs, or a series of food trucks, or reselling of products. They represent the best of what our community produces, uses, and consumes.

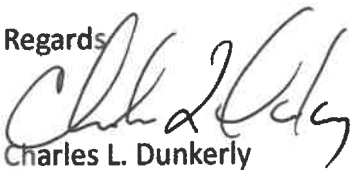
Our farmers market in Charles Town is a good market that serves and reflects our community. Two factors are key in CTFM success; the mission for the market makes sure it provided "local" products and is operated in the community interest, and the volunteer staff of the market that provide thousands of hours of labor each year to bring this market to our neighbors. The 12-year history of the Charles Town Farmers Market, its foot traffic, volunteer hours as well as the amount of money being spent with our communities' farms and small businesses are testament of CTFM's value to Charles Town and surrounding area.

I have been made aware of recent discussions to consider moving locations or revoking CTFM's permit. To do this without corroborated justification and collaboration with the market's organizers would be a huge mistake. To move or revoke CTFM's permit would send a clear message to those who shop at CTFM, the businesses who rely on the income from CTFM, and

the organizers and volunteers of CTFM, that Charles Town's leadership does not value the farmer's market in their community. It may be easy to think that "oh, we can do the same thing over here, in this lot, that street, or this grassy area." But that is not the case, any relocation effort is massive and requires a substantial coordination, marketing, and volunteer effort to set up and build.

As a member of this community and a volunteer for CTFM I ask that City Council members, City Manager John Nissel, and Mayor Bob Trainor, allow CTFM to remain on S. Samuel St as it has for the past 12 years.

Regards,



Charles L. Dunkerly

Subject: Letter of Support for Charles Town Farmers Market

Dear Charles Town City Council,

I am writing to express the full support of the West Virginia Farmers Market Association for the Charles Town Farmers Market. As the Executive Director of our state-wide association, I am keenly aware of the farmers markets' vital role in fostering vibrant communities and supporting local businesses.

The Charles Town Farmers Market has been a cornerstone of the local agricultural community for the past 12 years, contributing significantly to the economic and social fabric of the region. The market consistently ranks near the very top for sales, customer attendance, and vendor participation while operating only one day a week. To say that is impressive is an understatement.

Farmers markets, like the one in Charles Town, serve as crucial platforms for local farmers to showcase and sell their products directly to consumers. This direct-to-consumer model not only benefits farmers by providing them with a viable sales outlet but also fosters a deeper connection between producers and consumers. The market becomes a hub for fostering relationships, educating the public about sustainable farming practices, and promoting the importance of local agriculture.

Moreover, the Charles Town Farmers Market has proven to be an invaluable asset to the broader community by attracting visitors, supporting nearby businesses, and enhancing the overall quality of life. The positive impact on the local economy cannot be overstated, and any threat to the market's existence poses a risk to the well-being of the community it serves. Over several consecutive years, the Charles Town Farmers Market has consistently reported sales exceeding $250,000. Additionally, it has received recognition as an awardee for the West Virginia Farmers Market Association Mini-Grant Program for 2023.

We understand concerns raised by a new tenant in an adjacent building, but we believe that the Charles Town Farmers Market has a long-standing presence and has become an integral part of the city's identity. Moving the market could disrupt the delicate balance that has been achieved over the years and negatively affect both vendors and the community at large.

I kindly urge the City Council to consider the longstanding importance of the Charles Town Farmers Market and the broader benefits it brings to the community. We sincerely hope that you will support the continued operation of the market in its current location, allowing it to thrive and continue its positive impact on the local economy.

900 Virginia St. E. Flr 3
Charleston, WV 25301
304-398-5214
executivedirector@wvfarmers.org

Thank you for your time and consideration of this matter. If you require any additional information or would like to discuss this further, please do not hesitate to contact me at 304-398-5214 or email at executivedirector@wvfarmers.org.

Sincerely,

Holly Morgan

Holly Morgan
Executive Director
West Virginia Farmers Market Association

900 Virginia St. E. Flr 3
Charleston, WV 25301

304-398-5214

executivedirector@wvfarmers.org

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Appointment
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-16: Historic Landmarks Commission Oaths

ATTACHMENTS:

- Oath - R. Hilton 2024.pdf
- Oath - N. Zaflifa 2024.pdf

CITY OF CHARLES TOWN, WEST VIRGINIA
HISTORIC LANDMARKS COMMISSION
OATH OF OFFICE

I, **RANDY HILTON,** do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the laws of the City of Charles Town.

I, **RANDY HILTON,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Member of the Charles Town Historic Landmarks Commission, to the best of my skill and judgment and according to law.

Randy Hilton

Randy Hilton

The above oath was taken and subscribed before Robert M. Trainor, Mayor for the City of Charles Town, on this 2nd ~~day~~ of January 2024.

Robert M. Trainor

Robert M. Trainor
Mayor of Charles Town

CITY OF CHARLES TOWN, WEST VIRGINIA
HISTORIC LANDMARKS COMMISSION
OATH OF OFFICE

I, **NICK ZAGLIFA,** do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of West Virginia, and the laws of the City of Charles Town.

I, **NICK ZAGLIFA,** do solemnly swear that I will faithfully discharge and perform the duties of the position of Member of the Charles Town Historic Landmarks Commission, to the best of my skill and judgment and according to law.

Nick Zaglifa

The above oath was taken and subscribed before Robert M. Trainor, Mayor for the City of Charles Town, on this 2nd day of January 2024.

Robert M. Trainor
Mayor of Charles Town

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-17: Charles Town Tree Board Meeting Minutes - December 7, 2023

ATTACHMENTS:

- Tree Board Meeting Minutes - Dec. 7.pdf

CITY OF CHARLES TOWN
Tree Board
December 7, 2023

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

101 East Washington Street, Charles Town, WV 25414

CALL TO ORDER

Attendee Name	Status
Aaron Amore	Present
Katie Coon	Present
Jane King	Present
Scott Updike	Absent
Elizabeth Ricketts	Present
John Nissel	Present

1. APPROVAL OF MINUTES

COMMENTS: none
RESULT: approved
MOVER: Katie Coon
SECONDER: Jane King
AYES: all

2. UNFINISHED BUSINESS

2023-1125: Tree Board Vacancy

- Alissa forwarded an email of a potential applicant.
- Jane mentioned that she has an interested neighbor who she sent info to.
- Aaron re-applied and it will be on the Dec. agenda.
- Katie will re-apply too.

2023-1126: Tree Planting Replacement Program with Cacapon Institute and Status of Assessment of Trees for Replacement

- Spring planting application deadline is Feb. 1st, Aaron is working on it to get on the agenda next month.
- They're behind on inventory for the replacement trees and they will replace them in the Spring.
- They also do a cost share tree program that we can look at.

2023-1127: Tree Canopy/Inventory Update - Review of goals, software data, etc. Search of Ash Trees in the City for Removal.

- Scott was dealing with this but unfortunately was not able to attend this meeting.
- Aaron talked to him, and he was thinking of having a discussion with the county since they're housing the data to see if we can just get access to the info.
- Add to the agenda for the next meeting.

2023-1128: Grant Approval and Consideration of Next Steps, Preparation of Time/Expense Tracking for Tree Related Activities for In-Kind Reduction of Grant Proceeds

- We've been approved for the grant, and we have until next June to use the funds.
- Move projects to Spring since PPE is lacking for the work needed to be done so we need time to get those items.
- Zion church wants to re-do the sidewalks and they're wondering about grants.
    - Liz gave some info on the grants available (50/50 matching, up to $5k, 2 estimates required).
- We need to coordinate planting trees after the sidewalk.

2023-1129: Pollinator Garden Funds from Potomac Edison for Planting

- We have clearance from Parks and Rec.
- Volunteers are available and $1k.
- Aaron will follow up.

2023-1135: Tree Planting Bare Root Seedlings for WV Water-ways Coordination with Parks and Recreation

- Trees have been in transit and moved, now in Berkeley Springs with Down Streams Initiative (who was the management co that got the grant for a nursery for CT about 10 yrs. ago that never ended up happening). Aaron will ask about what went wrong with that.
- 30-50 saplings in buckets, might be a few years before they can be planted so we will winter them over Ranson Community Gardens.

2023-1136: Coordination of Purchasing PPE for Maintenance for Tree Related Activities

- John will coordinate with Jim with maintenance.
- We need to get stuff ordered for Spring.
- Finance holds the funds, there should be around $800 available.

2023-1137: Creation of Tracking System/Method for Tree Related Activities Across City Staff/Departments for In-Kind Grant Application

- We need a methodology for tracking our time for the grant money.
- Our time for tree board meetings counts, so do events.
- Maintenance time doing tree related stuff counts so we need to coordinate with Jim to keep track of that.
- John says there are tickets within maintenance so we should be able to keep track.
- Can even include stuff like leaf pick up and mulching.
- Suggestion of a spreadsheet in google drive so we can track volunteer time too.

2023-1138: Pollinator Garden Status- same as above

3. NEW BUSINESS

2023-1139: Discussion of Potential Future Nursery Located at Maintenance Yard or Other Location

- Aaron and John can drive around and look at locations after the 1st of the year.
- Aaron will reach out to other tree boards that have applied for grants for nurseries to get some suggestions.
- Will need a water source.
    - Ranson harvests rainwater for theirs
    - Maybe we could have a drip system or some way of watering without having to go out there.

2023-1140: New Grant Funds Available

- Forestry has 1 million in grant money but dragging their feet on the requests for proposals, moved from fall to spring deadline for the application for $50k of unmatched grant money.
- Aaron checked and we are in a socioeconomic depressed area for trees according to the forestry map.
- $50k for a nursery could go a long way
    - Potential to fund a part time position (education or practical arborist)
    - Training for maintenance or for one of them to get an arborist certification.

OTHER

Katie received an email from Robert Hannah and he needs a 2024 arbor day tree choice before our next meeting.

- Do we want something small, large or conifer?
    - Smaller flowering trees would be good.
    - Agreement on redbud.
- We need to figure out where to plant the tree.

MOTION: Motion to approve a redbud tree for our arbor day tree.
RESULT: approved
MOVER: Katie Coon
SECONDER: Jane King
AYES: all

Tree city USA application is due Dec. 1st

- Since it's just a renewal of the same application with no fee the consensus was that we don't need to make a motion to approve it.
- We meet all of the requirements.
- The budget should have new census data.

The cheer booth will be December 24th, Katie will send out an email.

4. ADJOURNMENT

Motion to adjourn at 7:36 PM
MOVER: Katie Coon
SECOND: Jane King
AYES: All

City Council
101 East Washington Street
Charles Town, WV 25414

Meeting: 01/17/24
Department: City Council
Category: Information Only
Initiator:

SCHEDULED

AGENDA ITEM (ID #)

2024-37: Charles Town Utility Board Meeting Minutes - December 13, 2023

ATTACHMENTS:

- 2023.12.13 UB MINUTES.pdf

Charles Town Utility Board
Special Board Meeting
December 13, 2023

The Charles Town Utility Board held a special meeting on December 13, 2023 at 4:00 P.M. Members of the Board present were John Nissel, Chairman; Duke Pierson, Vice Chairman; Tommy Stocks, Treasurer; and Heidi Parker, Board Member. Also present were Kristen Stolipher, Utility Manager; April Shultz, Assistant Utility Manager; Ashley Stottlemyer, Secretary; and Robert Rodecker, Legal Counsel.

CALL TO ORDER

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

APPROVAL OF MINUTES

Approval of November 15, 2023 Special Meeting Minutes

The Chairman called for changes or corrections to the November 15, 2023 special meeting minutes.

Action: **Motion made by Mr. Pierson, second by Mrs. Parker, the Board unanimously approved the November 15, 2023 minutes as presented.**

PUBLIC COMMENT

Public comment was received from Jacquelyn Milliron.

NEW BUSINESS

Renewal & Replacement Project Resolution No. 14 – Contractor Pay Application No. 14

Mrs. Stolipher included the contractor application for payment no. 14 in the amount of $519,773.61 for work completed and a first draw from the WDA grant funds. With no objections from the Board, the resolution was accepted.

2024 Holiday Schedule

Action: **Motion made by Mrs. Parker, second by Mr. Pierson, the Board unanimously approved the 2024 holiday schedule as presented.**

2024 Board Meeting Schedule

Action: **Motion made by Mr. Stocks, second by Mrs. Parker, the Board unanimously approved the 2024 board meeting schedule as presented, but subject to change.**

Jefferson Crossing Pump Station Evaluation

Mrs. Stolipher received a request from the developer of the Jefferson Crossing Shopping Center to take ownership of a pump station located behind the Martins grocery store. Currently, Snyder Environmental is operating and maintaining the pump station. The station is connected to the CTUB system. The Board would like to pursue an evaluation of the costs to bring the pump station up to standard before proceeding. Mrs. Stolipher will gather further information and bring back to the Board at a later meeting.

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

MANAGER REPORTS

Utility Manager Report

Mrs. Stolipher provided City Council passed the first reading on December 4th of the water and sewer adjustments. The newspaper publication will be advertised in the December 20th edition of the Spirit and the 2nd reading is scheduled for January 2nd. She also mentioned both the water and sewer lines for Kings Crossing have been installed across old Route 9. Mrs. Stolipher is continuing to work with Potomac Farms regarding grant funding for connecting the systems. Also, the Greenfield Forcemain project bids are due December 21st and the plans were submitted for the final permitting of the Collections System Project.

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

Chairman Report

The Chairman mentioned the City of Charles Town is 80% complete with the Asphalt Repaving Plan for the City and will work with CTUB staff regarding upcoming repairs for those areas.

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

APPROVAL OF BILLS

December 13, 2023

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

ADJOURNMENT

There being no further business at this time, the Board adjourned the meeting.

Action: **Motion by Mr. Pierson, second by Mr. Stocks, the Board unanimously adjourned the meeting at 4:15 P.M.**

INFORMATION ONLY

The next meeting is scheduled for Wednesday, January 10, 2024 at 4:00 P.M. at 661 S. George Street.

John Nissel
Chairman

Ashley Stottlemyer
Secretary