# CITY OF CHARLES TOWN
## CITY COUNCIL
## AGENDA • JUNE 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**

: **2024-603:** City Council Meeting Minutes - June 3, 2024
CityCouncilMeetingMinutes_3Jun2024_Draft_rmt.pdf

: **2024-604:** City Council Special Meeting Minutes - June 7, 2024
special meeting June 7.pdf

**3. PUBLIC COMMENT**

**4. WARD REPORTS**

**5. MAYOR'S REPORT**

**6. COMMITTEE REPORTS**

: **2024-608:** Finance Committee Meeting - June 5, 2024
FinanceCommitteeReport_5Jun2024.pdf

: **2024-607:** Personnel Committee Meeting - June 10, 2024
Personnel Committee Report 6-10-2024.pdf

: **2024-620:** Ordinance Committee Meeting Report - June 17, 2024

**7. CITY MANAGER REPORT**

: **2024-625:** City Manager Report - June 17, 2024
City Manager Report - June 17, 2024.pdf

**8. POLICE CHIEF REPORT**

**9. UNFINISHED BUSINESS**

: **2024-562:** TXA2023-01 **-** First Reading and Consideration of an Amendment to the Zoning Ordinance of the City of Charles Town, West Virginia with Regard to Mobile Food Vendors
2024-06-17 CC Report with redlines.docx

**10. NEW BUSINESS**

: **2024-601:** PUBLIC HEARING: TXA2023-01 **-** First Reading and Consideration of an

Amendment to the Zoning Ordinance of the City of Charles Town, West Virginia with Regard to Mobile Food Vendors

: **2024-554:** First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code Article 104 Wards, Elections Therein
2020_Census_Redistricting.pdf
Article 104 - redlined.pdf
City Council Ward Map 2014.pdf
Proposed Wards Map.pdf

: **2024-597:** HOME Consortium Renewal and Resolution
3 year Home Consortium Renewal letter to Charles Town.pdf
EASTERN HOME Report April 2024.pdf
June 2024 HAP flyer.pdf
FY 2025-2027 Cooperative Agreement renewal for Charles Town.pdf
Eastern Panhandle Home Consortium Resolution.docx

: **2024-602:** ZMA2024-02: First Reading and Consideration of a Zoning Map Amendment to 1.3 Acres of Land on Willow Spring Drive.
1. Staff Report.pdf
2. Application.pdf
3. Revised Plans.pdf

: **2024-616:** Reduce or Eliminate Parking - Department 571 in FY25 General Fund Budget
FY2025 General Fund Budget WITH CHARTS v7.0 FINAL TO WVSAO.pdf

: **2024-613:** Personnel Matter - Possible Executive Session

: **2024-617:** MS4 Permit Discussion - Executive Session

: **2024-618:** School Resource Officer Agreement and Resolution
School Based Law Enforcement Officer.pdf
SRO Resolution 2024.pdf

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

## 12. APPROVAL OF BILLS

: **2024-621:** Payment of Bills - June 17, 2024
GENERAL FUND COUNCIL REPORT 2024 06 14.pdf
PARKS N REC COUNCIL REPORT 2024 06 14.pdf

## 13. ADJOURNMENT

## 14. INFORMATION ONLY - COUNCIL WORKSHOP - July 1, 2024, at 6:00PM - NEXT REGULAR COUNCIL MEETING - July 1, 2024, at 7:00PM

: **2024-609:** Board of Parks and Recreation Meeting Reports - May 29, 2024
P&R Report_ May 2024- special session.pdf
P&R Report_ May 2024.pdf
Parks Agenda WVU Request for roadway May 2024.pdf

: **2024-614:** Request for Revision to Approved Budget and Resolution - General Fund
Resolution General Fund Revision #4.pdf

Request for Revision to Approved Budget.pdf

: **2024-615:** Article 745 Business and Occupation Tax - signed
Ord. 2024-005 Article 745 Business and Occupation Tax - signed.pdf

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

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

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-603: City Council Meeting Minutes - June 3, 2024

**ATTACHMENTS:**

- CityCouncilMeetingMinutes_3Jun2024_Draft_rmt.pdf

# CITY OF CHARLES TOWN

**CITY COUNCIL**

**MINUTES • June 3, 2024**

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

**101 East Washington Street, Charles Town, WV 25414**

## CALL TO ORDER

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

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

## 1. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

## 2. APPROVAL OF MINUTES

2024-566: City Council Meeting Minutes - May 20, 2024

The following change was made to the May 20, 2024, minutes:

Packet page 7, Agenda Item 2024-527: Board of Parks and Recreation Commission Membership Review, NAYS line of the voting block: add the letter "**s**" to "Rickett".

## 3. PUBLIC COMMENT

No one signed up for public comment.

## 4. WARD REPORTS

Ward #1

Ms. Ricketts wished everyone a safe, healthy, and happy Pride and congratulated the towns of Bolivar and Harpers Ferry for hosting their first annual Pride on June 25, 2024.

Mr. Kratovil had nothing to report.

Ward #2

Mr. Hynes reported that he attended the Norborne Glebe community pool ribbon cutting ceremony and congratulated the developer for following through on their commitment to building a pool for the Norborne Glebe residents.

Mr. Tester had nothing to report.

Ward #3

Ms. Philabaum had nothing to report.

Ms. Rodd reported that the first Weed and Waste Wednesday event will take place on June 5, 2024. Interested participants will meet at the Skate Park at 10:00AM.

Ward #4

Ms. Twyford had nothing to report.

Mr. George reported that he has received complaints concerning construction activity on roads and yards in Ward 4, specifically in the Greenfield and Hillside neighborhoods.

## 5. MAYOR'S REPORT

Mayor Trainor reported that he attended the Region 9 Finance Committee meeting and the first Select Committee on Community Outreach meeting.

## 6. COMMITTEE REPORTS

2024-555: Ordinance Committee Meeting Report - May 28, 2024

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

2024-556: Board of Parks and Recreation Meeting Report - May 29, 2024

Ms. Ricketts reviewed the Board of Parks and Recreation meeting reports for May, which were provided as table drops. She announced that the next Parks and Recreation Commission meeting will convene at Jefferson Memorial Park at 6:00PM and then reconvene at City Hall at 7:00PM.

## 7. CITY MANAGER REPORT

2024-567: City Manager Report - June 3, 2024

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

## 8. POLICE CHIEF REPORT

Chief Kutcher reported a stabbing incident on the 200 block S. Water Street. Also, over the weekend, in the County Green neighborhood, five vehicles were broken into, and a vehicle was stolen; he reminded citizens to ensure that nothing of value is left in their vehicles and to keep their vehicles locked, especially overnight. Chief Kutcher informed the Council that Charles Town Police Department (CTPD) officers have successfully completed required weapon qualifications and that the CTPD has completed their Community Oriented Policing Services (COPS) Grant purchases for FY2024.

## 9. UNFINISHED BUSINESS

2024-539: Public Hearing Article 745 Business and Occupation Tax

Ms. Philabaum moved to open the public hearing for Article 745 Business and Occupation Tax. Mr. Tester seconded the motion, and there were no objections.

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

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

2024-540: Second Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 7 Business Regulation and Taxation Code Article 745 Business and Occupation Tax

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

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

2024-509: ZMA2024-01: Second Reading and Consideration of a Zoning Map Amendment to 9.4 acres of land at the terminus of Southerly Lane.

Mr. George moved to approve the second reading of a zoning map amendment to 9.4 acres of land at the terminus of Southerly Lane. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2024-545: Plan for Filling Ward 4 Council Vacancy

Council agreed to schedule a workshop for Monday, July 1, 2024, on or about 6:00PM to interview candidates for the Ward 4 vacancy. An agenda item for a possible vote to fill the vacancy will be included on the July 1, 2024, regular Council meeting agenda.

2024-552: Discussion of Possible Town Hall on Route 51 Traffic Feasibility Study and Locations

Mr. Nissel reported that he has reached out to WV Department of Transportation – Division of Highways' (DOT-DOH) personnel requesting more information on the proposed Martin Luther King Jr Boulevard (Route 51)/W. Washington Street-Summit Point Road Traffic Feasibility Study Project and their availability to attend a possible Town Hall meeting this summer. The goals of the proposed Town Hall include keeping our residents informed of the project's progress and to provide them an

opportunity to voice their questions, concerns, and general input on the project. As of this date, the City hasn't received any response from WV DOH.

Mr. Nissel has reached out to Zion Baptist Church as a possible Town Hall meeting location. He also informed the Council that City staff are continuing their attempts to contact the contractor currently conducting surveys in the area in support of the aforementioned project.

## 10. NEW BUSINESS

2024-561: Scheduling of Special Meeting

Mr. Hynes moved to schedule a special Council meeting for Friday, June 7, 2024, at 5:30PM to review and vote on Revision #4 to the FY2024 General Budget. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

2024-562: TXA2023-01 - First Reading and Consideration of an Amendment to the Zoning Ordinance of the City of Charles Town, West Virginia with Regard to Mobile Food Vendors

After discussion and numerous recommended edits to the ordinance, Mr. George moved to Table the first reading of this ordinance until the June 17, 2024, regular Council meeting. Mr. Tester seconded the motion, and it passed by unanimous vote.

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

## 11. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees or commissions.

## 12. APPROVAL OF BILLS

2024-568: Payment of Bills - June 3, 2024

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

## 13. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the council. Hearing none, he adjourned the meeting at 7:47PM.

## 14. INFORMATION ONLY - COUNCIL WORKSHOP June 17, 2024, at 6:00PM NEXT REGULAR MEETING June 17, 2024, at 7:00PM

2024-558: Planning Commission Meeting Minutes - March 25, 2024

2024-559: Charles Town Utility Board Meeting Minutes - May 8, 2024

2024-560: Signed Rules and Regulations of the Civil Service Commission

2024-563: Business Development Incentives Handout

2024-564: Article 1759 Vacant Structures

2024-565: Board of Parks and Recreation April Meeting Minutes

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

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-604: City Council Special Meeting Minutes - June 7, 2024

**ATTACHMENTS:**

- special meeting June 7.pdf

# CITY OF CHARLES TOWN

**CITY COUNCIL**

**MINUTES • June 7, 2024**

**Regular Meeting** **Council Chambers** **5:30 PM**

**101 East Washington Street, Charles Town, WV 25414**

**CALL TO ORDER**

| Attendee Name | Title | Status | Arrived |
|---|---|---|---|
| Bob Trainor | Mayor | Present | |
| James Kratovil | Councilmember | Absent | |
| 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. Lori Nice, Finance Director; Ms. Alissa Meeks, Community Development Director; and Ms. Cindy Rezmer, Operations Director were also in attendance.

## 2. NEW BUSINESS

2024-596: FY2024 General Fund Budget Revision #4

Mr. George moved to approve the FY2024 General Fund Budget Revision #4. Ms. Philabaum seconded the motion, and it passed by unanimous vote.

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

## 3. ADJOURNMENT

Mayor Trainor asked if there was any other business to come before the council. Hearing none, he adjourned the meeting at 5:36PM.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-608: Finance Committee Meeting - June 5, 2024

**ATTACHMENTS:**

- FinanceCommitteeReport_5Jun2024.pdf

Drafted by: Bob Trainor - Chairman

## Call to Order ooa 10:00PM

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

## 2. Unfinished Business

### 2024-569: Dave Stacy, USI Insurance Services Update - Current and Future Initiatives

USI Insurance representatives Mr. Dave Stacy and Mr. Cody Jeffries presented an overview of the various services available provided by their company.

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

### 2024-574: FY2024 Capital Budget Update

Staff informed the Committee that they were not prepared to present the FY2024 Capital Budget at this time. As such, the Committee tabled this item until the next Finance Committee meeting – 10 July 2024.

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

### 2024-577: B&O Tax Waiver Request

The following Waiver Requests were removed from the table:

1) Charles Town Pharmacy
2) Stoneridge Outdoor Living

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

1) Charles Town Pharmacy – The Committee questioned the revenues reported by this business, therefore, they agreed to table this request pending more information from Charles Town Pharmacy.
2) Stoneridge Outdoor Living – the Committee agreed to waive the assessed penalty and to refund the assessed penalties paid.
3) Shifler Electric – the Committee agreed to waive the assessed penalty and to refund the assessed penalties paid.

The following waiver requests have been tabled by the Committee:

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

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

## 3. New Business

### 2024-572: FY2024 Operating Budget - Revision 4

Staff presented revision 4 to the FY2024 Operating/General Budget. After lengthy discussion, the Committee approved the revision and recommended presentation to the Council for approval.

***Recommendations to the City Council: Review Revision 4 to the FY2024 Operating/General Budget and approve the revision.***

### 2024-578: HdL Report

Staff reviewed with the Committee HdL generated B&O Tax bills for United Rentals, Hallmark, & Rug Doctor

The Finance Committee agreed to include a B&O tax penalty waiver policy agenda item to the next Committee agenda.

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

### 2024-576: New B&O Tax Waiver Requests

This item was addressed in Unfinished Business agenda item 2024-577.

***Recommendations to the City Council:*** See agenda item 2024-577.

## 4. Finance Director Report

### 2024-498: Audit Status

Staff informed the Committee that the City's FY2023 audit required audit paperwork has been forwarded from J C Kunkle & Associates (the City's accounting contractor) to Perry & Associates to conduct the City's FY2023 audit. Perry & Associates informed the City that they anticipate conducting the audit during the month of July 2024. Since the WV State Auditor's office previously extended the deadline to 31 May 2024, the Committee instructed the City Manager to contact the WV State Auditor's office to request another extension for the audit.

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

## 5. Tabled Items

### a. B&O Tax Waiver Requests

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

### b. FY2024 Capital Budget Update

## 6. Pending Items

## 7. The meeting was adjourned ooa 12:23PM

## 8. Next Scheduled Finance Committee meeting is scheduled for 10:00AM, 10 July 2024.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-607: Personnel Committee Meeting - June 10, 2024

**ATTACHMENTS:**

- Personnel Committee Report 6-10-2024.pdf

# City of Charles Town Personnel Committee Report

**June 10, 2024 Meeting**

**Call to Order at 5:00PM**

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

2. **Unfinished Business**

   **2024-598:** Employee Handbook Review

   Continued review of revised employee handbook. Autumn Hathy has completed several sections with the new formatting and updated language. She will continue through the rest of the sections and submit for committee review. Staff asked to review sections 4.07 on overtime and section 7 .12 on holiday pay. Staff to make suggested clarifying edits to section 4.07 for review at next meeting.

3. **New Business**

   **2024-599: Personnel Update**

   Staff shared that Corey Lewis had been promoted to the position of Code Enforcement Officer. Effective date 6/10/2024.

4. **Millenium Insurance Broker**

   Staff demonstrated the new online tool for benefit information that is part of the services offered by new insurance broker that began working for the City on Jun 1, 2024. Millenium is finalizing employee data and then website will be shared with all employees.

5. **Meeting adjourned at 5:38PM**

6. **Next Personnel Committee meeting is scheduled for 5:00pm, July 8, 2024.**

## 2024-620: Ordinance Committee Meeting Report - June 17, 2024

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-625: City Manager Report - June 17, 2024

**ATTACHMENTS:**

- City Manager Report - June 17, 2024.pdf

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

# City Manager Report
June 17, 2024

- Liberty Street Green Infrastructure Improvement Project: The bid advertisement will go out this Wednesday for the Liberty Street project.
- Ward 4 applications: As of Friday, the city has received 3 applications for the Ward 4 vacancy.
- Sidewalk construction has begun along South George Street. We will keep you posted on the completion date.
- We are onboarding Corey Lewis as our new Code Enforcement officer while we transition him away from his Parking Attendant position with CTPD.
- The mural project at the skate park has been awarded to Christina Rogombe and once the site is prepared the artwork will begin.
- We have negotiated with a new custodial provider and will be signing a contract with them in the next couple of weeks.
- The first session of summer camp ended last Thursday and the parent survey that was sent out yielded some very positive feedback. The second session began today. Our enrollment for the tennis camp program is 98 registered youth.
- The pool is off to a great start despite the cooler temperatures we experienced since Memorial Day. To date the revenues taken in through admissions, concessions, pool passes and rentals is a little over $5,600.00. We have approximately 264 youth registered for swim lessons.
- I want to recognize the staff and volunteers for their efforts at this years WV Fest.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Ordinance
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-562: TXA2023-01 - First Reading and Consideration of an Amendment to the Zoning Ordinance of the City of Charles Town, West Virginia with Regard to Mobile Food Vendors

This agenda item needs to be removed from the table.

**ATTACHMENTS:**

- 2024-06-17 CC Report with redlines.docx

Text Amendment Staff Report
Mobile Food Vendors
*TXA2023-01*

Date: For the June 17, 2024 City Council Meeting
Applicant: City of Charles Town
Report by: James Newman, City Planner, Zoning/Subdivision Administrator.
Proposal: Subdivision and Land Development Ordinance Text Amendment

OVERVIEW

Mobile food vendors are not listed in Zoning Ordinance *Table 1322.04 Zoning District Use Table* as a permitted use, and are not currently allowed in the City except by Special Event permit. This text amendment will add use standards for mobile food trucks to the City's Zoning Ordinance.

PLANNING COMMISSION

At their November 6, 2023 meeting, Council requested that this item be brought to the Planning Commission for review and set up for a future public hearing. A draft was brought to the Planning Commission for their January 30, 2024 work session. The Commission asked that City parks explicitly be allowed to host food trucks, and requested additional information from Staff on parking location restrictions. The Commission also discussed this item at their March 25, 2024 work session. A public hearing was held on May 28, 2024. There were no comments. After requesting a changes, the Commission unanimously voted to recommend approval.

CITY COUNCIL

City Council held a first reading of this text amendment ton June 3, 2024. Council requested several changes to the proposed text, which have been incorporated into this latest version.

PROPOSED TEXT

The proposed language will be inserted into the Zoning Ordinance Article 1323 *Supplemental Regulations* as entry (L).

(L) Mobile Food Vendor

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

1. General Guidelines
   a. Mobile Food Vendors shall only operate during specified hours of 7am to ~~7pm~~ 10pm, Monday-Sunday. Food trucks are permitted to operate at different hours from these, subject to approval of a Special Activity Permit.

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

   c. In order to operate in the City of Charles Town, Mobile Food Vendors:
      (1) Shall obtain all applicable health department and State Fire Marshal permit(s)

before applying for a City Business License and Mobile Food Vendor Application.

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

(3) Shall keep their Health Permit and Business License in plain sight for the public to view.

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

e. Any ~~electricity~~ electric generator~~s~~ required for a Mobile Food Vendors located in the public right-of-way shall be self-contained and self-provided. Vendors shall not draw on public utilities from a public source without written authorization from the City. No utility cable shall be extended on or across any City street or sidewalk.

2. Location

a. Mobile Food Vendors are only permitted to operate in the locations as designated by the Zoning Ordinance~~, City Council~~ or Special Activity Permit. Parking and location spaces are not reserved for specific vendors.

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

c. Mobile food vendor vehicles are not exempt from City parking requirements and regulations.

d. Mobile food vendors may operate at City park properties and other public lands owned by the City, with each date of operation subject to approval of the City Manager.

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

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

g. A Mobile Food Vendor is ~~not permitted to operate~~ prohibited from operating:

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

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

(3) Within 15 feet of a handicapped parking space.,
(4) Within any loading zone or other area where vehicles are prohibited to park.
(5) Within the public right-of-way in any residential zoning district in the City of Charles Town when not in use.

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

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

4. Noise
   a. No Mobile Food Vendors shall make or cause to be made any unreasonable or excessive noise. No amplified music or announcements are permitted.
   b. All generators must operate at a level of sixty-five (65) decibels or lower when measured from a distance of fifteen (15) feet.

5. Waste Material Disposal
   a. All waste shall be removed and disposed of daily by the Mobile Food Vendor.
   b. No liquid or solid waste may be discharged from the Mobile Food Unit.
   c. Public trash receptacles shall not be used for disposal of waste that is directly generated by the Mobile Food Unit, such as grease, food scraps, food packaging material, and other waste products.
   d. Receptacles for the disposal of waste materials or other litter generated by the vendor must be provided for customers by the vendor.

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

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

DEFINITION

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

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

ZONING USE TABLE

Table 1322.04, the Zoning Use Table is modified to read:

| CHARLES TOWN ZONING ORDINANCE<br><br>DISTRICT USE TABLE<br><br>Key:<br>P – Permitted Use<br>S – Special Exception Use<br>PA – Permitted Accessory Use<br>SA – Special Exception Accessory Use | | ZONING DISTRICTS | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Residential Low Density | Residential Medium-High Density | Neighborhood Residential | Neighborhood Commercial | General Commercial | Old Town Mixed Use Commercials | Old Town Residential |
| **ITE Code** | **Land Use** | **R-3** | **R-15** | **NR** | **NC** | **GC** | **OT-MUC** | **OT-R** |
| **RETAIL USES (ITE CODES 800 – 899)** | | | | | | | | |
| | Mobile Food Vendor | | | P | P | P | P | |

*Note*: Recall that parking a mobile vending unit on private commercially zoned property is permitted if notarized written permission is given from the property owner, and such authorization is included with the application. The use of a food truck is only permitted on select City streets and on commercial zoned property with owner authorization. Neighborhood Residential requires that 10% of its development include commercial spaces, and those commercial lots would be allowed to have a food truck.

RECOMMENDATION

Approval

Motion: I motion to approve a first read of Text Amendment 2023-01, an amendment to the Zoning Ordinance to allow for mobile food vendors.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-601: PUBLIC HEARING: TXA2023-01 - First Reading and Consideration of an Amendment to the Zoning Ordinance of the City of Charles Town, West Virginia with Regard to Mobile Food Vendors

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-554: First Reading and Consideration of an Amendment to the Codified Ordinances of the City of Charles Town, West Virginia with Regard to Part 1 Administrative Code Article 104 Wards, Elections Therein

**ATTACHMENTS:**

- 2020_Census_Redistricting.pdf
- Article 104 - redlined.pdf
- City Council Ward Map 2014.pdf
- Proposed Wards Map.pdf

City Of Charles Town
Ward Redistricting
June 17, 2024

**2010 Census**

| Ward | | Percent | Difference from Target | % from Target |
|---|---|---|---|---|
| 1 | 1227 | 23.3% | -88 | -1.7% |
| 2 | 1271 | 24.2% | -44 | -0.8% |
| 3 | 1342 | 25.5% | 27 | 0.5% |
| 4 | 1419 | 27.0% | 104 | 2.0% |
| Total | 5259 | | | |
| Ward Target | 1315 | | | |

**2020 Census**

| Ward | 2020 Census | Percent | Difference from Target | % from Target |
|---|---|---|---|---|
| 1 | 1,294 | 19.8% | -342.25 | -20.9% |
| 2 | 1,868 | 28.5% | 231.75 | 14.2% |
| 3 | 1,505 | 23.0% | -131.25 | -8.0% |
| 4 | 1,878 | 28.7% | 241.75 | 14.8% |
| Total | 6,545 | | | |
| Ward Target | 1636 | | | |

**2020 Census** **Adjusted Ward Boundaries**

| Ward | Ward 3 to Ward 1 | Ward 2 to Ward 1 | Ward 4 to Ward 3 | Adj Total | % from Target |
|---|---|---|---|---|---|
| 1 | 59 | 156 | | 1,509 | -7.8% |
| 2 | | -156 | | 1,712 | 4.6% |
| 3 | -59 | | 119 | 1,565 | -4.4% |
| 4 | | | -119 | 1,759 | 7.5% |
| Total | | | | 6,545 | 3 |
| Ward Target | 1636 | | | | |

Notes:

Ward 3 to Ward 1 - West Side of N. Samuel Street from N. Side of E. Avis to Charles Town Boundary

Ward 2 to Ward 1 -- Craighill Estates & City Boundaries East of Augustine Ave and North of US 340

Ward 4 to 3 - Belvedere Heights - North side of Belvedere Drive

ARTICLE 104
Wards, Elections Therein

104.01 Redistricting of City wards and certification of City Ward Map.

CROSS REFERENCES

Municipal elections - see W. Va. Code 3-1-2(a)

Municipal voting precincts - see W. Va. Code 3-1-6

104.01 REDISTRICTING OF CITY WARDS AND CERTIFICATION OF CITY WARD MAP.

(a) Upon the acceptance of adjusted Jefferson County voting precinct lines by the Jefferson County Commission, the City shall determine the need for the redistricting of City wards, based on the adjustment of County voting precincts and/or the population distribution within the limits of the City of Charles Town. City ward boundaries shall coincide with Jefferson County voting precinct lines as nearly as possible, provided that the population total within each ward deviates no more than 10% of one-quarter of the total population of the City of Charles Town, as determined by the most recent U.S. Census numbers. City administration shall prepare an updated City ward map for presentation to the Charles Town City Council.

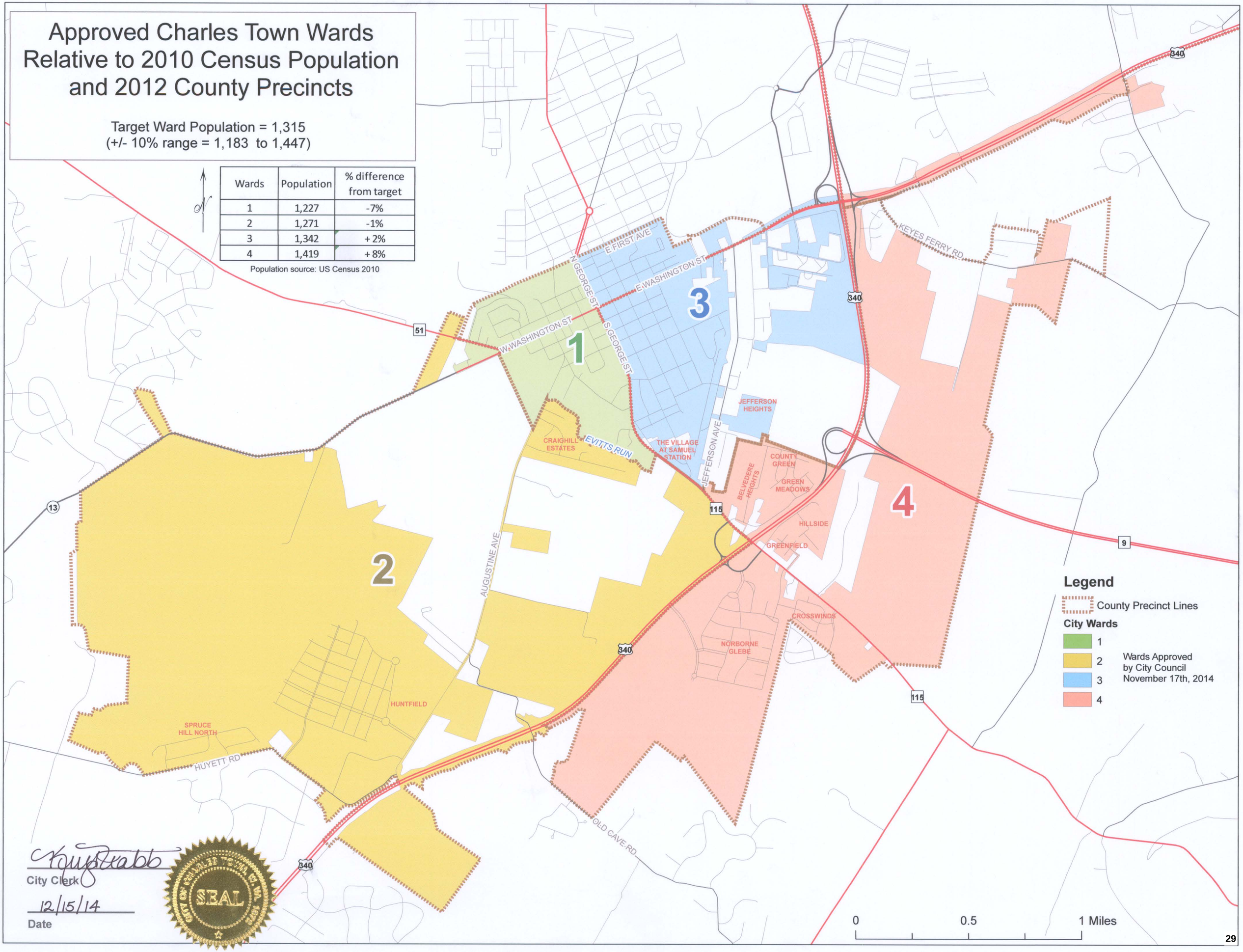
(b) If the deviation in each City ward is 10% or less of one-quarter of the total population of the City of Charles Town, as determined by the most recent U.S. Census, the Charles Town City Council shall certify the ward map and instruct the City Clerk to affix the City seal to the map. If a deviation of more than 10% of one-quarter of the total population of the City of Charles Town exists in any one City ward, the Charles Town City Council shall direct City administration to prepare an updated City ward map, and present to the Charles Town City Council for approval and affixation of the City seal. Upon approval and fixation of the City seal to the City ward map, the City Clerk's office shall maintain the ~~current~~ ward map approved by Charles Town City Council on XX/DD/YYYY and make it available to the public. (Passed 10-20-14)

# Approved Charles Town Wards Relative to 2010 Census Population and 2012 County Precincts

Target Ward Population = 1,315
(+/- 10% range = 1,183 to 1,447)

| Wards | Population | % difference from target |
|---|---|---|
| 1 | 1,227 | -7% |
| 2 | 1,271 | -1% |
| 3 | 1,342 | +2% |
| 4 | 1,419 | +8% |

Population source: US Census 2010




City Clerk

12/15/14
Date

SEAL

# Approved Charles Town Wards Relative to 2020 Census Population and County Precincts

Target Ward Population = 1,637 +
(-/+ 10% range = 1,474 to 1,800)

| 2020 Census | % Difference from Target using proposed ward boundaries |
|---|---|
| 1,509 | -7.81% |
| 1,712 | +4.58 |
| 1,565 | -4.39 |
| 1,759 | +7.45 |

1

2

3

4

## Legend

- County Precinct Lines
- Roads

Ward Boundaries

- 1
- 2
- 3
- 4

June 12, 2024 - Community Dev. Dept.

City Clerk

Date

0 0.25 0.5 1 Miles

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Resolution
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-597: HOME Consortium Renewal and Resolution

**ATTACHMENTS:**

- 3 year Home Consortium Renewal letter to Charles Town.pdf
- EASTERN HOME Report April 2024.pdf
- June 2024 HAP flyer.pdf
- FY 2025-2027 Cooperative Agreement renewal for Charles Town.pdf
- Eastern Panhandle Home Consortium Resolution.docx

232 NORTH QUEEN STREET
P.O. BOX 828
MARTINSBURG, WV 25402
P: (304) 264-2131
F: (304) 264-2136

CITY OF MARTINSBURG
WEST VIRGINIA

www.cityofmartinsburg.org

April 30, 2024

Home Consortium member

RE: FY 2025-2027 Eastern Panhandle HOME Consortium Renewal

Dear Mayor Trainor,

The City of Martinsburg is starting the 3 -year HOME renewal process of the Eastern Panhandle HOME Consortium. I begin this process by visiting each of the 3 counties annually to renew the HOME Resolutions and then every 3 years to all the local towns and municipalities to continue to be a part of the Eastern Panhandle HOME Consortium of West Virginia.

Our current Cooperative Agreement has an automatic renewal. However, I am notifying each member of the Consortium of your right not to participate in the successive three-year qualification period. If you do not wish to continue your participation, your funding portion will be distributed to the remaining consortium members who opt to participate.

If you wish to continue participation in the HOME Consortium of the Eastern Panhandle, I will request that an agenda item be placed for one of your upcoming meetings to renew the 3- year Cooperative Agreement and FY 2025 HOME Resolution and/or meet with you in person to discuss the HOME Program. I will make myself available if you would like to participate or answer any questions at your meeting.

Please let me know your preference of staying in the consortium or deciding to leave by May 30, 2024 by email nstrine@cityofmartinsburg.org

I am attaching the latest HOME Consortium Program Update dated April 2024 with more information about the HOME funds.

I look forward to speaking to you soon!

Sincerely,

Nancy Strine, HOME Administrator

Cc: Andy Blake, City Administrator

**EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA**
**PROGRAM UPDATE April 2024**

The Eastern Panhandle HOME Consortium of West Virginia is completing its sixteen year of program operations for the use of HOME Investment Partnership Program funds through HUD. The HOME Consortium consists of four major jurisdictions and a total of twelve members including the City of Martinsburg, Berkeley County, Town of Hedgesville, Jefferson County, Town of Bolivar. City of Charles Town, Corporation of Harpers Ferry, City of Ranson, Corporation of Shepherdstown, Morgan County, Town of Bath and Town of Paw Paw. The cooperation of the individual jurisdictions has enabled us to secure the HOME funding to help address local housing needs. The City of Martinsburg is the grantee and serves as HOME administrator.

Through April 2024, we received **$7,722,117 in HOME funding**, including $457,704 in local funds. This includes our FY 2023 allocation $541,663, an $19,428 decrease from the FY 2022 allocation of $561,091. In addition, we have received our grant agreement of the HOME-ARP Allocation Plan, FY 2021 Annual Action Plan Substantial Amendment in the amount $1,843,081.00.

Most of the funding has been used for a **Homebuyer Assistance Program (HAP)** with the following results:

**340 first time homebuyers assisted** — **$4,789,251** (incl. $66,000 CDBG)

*Berkeley County 161 closed* — *Jefferson County 85 closed*

Martinsburg 59 closed — Morgan County 35 closed

| Program Statistics | ***FY 2007 – FY 2023*** | ***Past 12 Months*** |
|---|---|---|
| Average Amount HAP | $14,086 | $13,538 |
| Median Sales Price | $137,104 | $167,800 |
| Median 1st Mortgage | $124,891 | $160.612 |

As of April, 2024, HOME funds have leveraged **$46,615,302 in home sales** and buyers had obtained **$42,463,279 in mortgage loans** – a ratio of $**1: $9:10** in mortgage funding for each HAP dollar expended.

In addition to the Homebuyer Assistance Program, we are required to set aside 15% of our annual allocation for use by **Community Housing Development Organizations (CHDO**). To date, **$610,538** has been expended by Habitat for Humanity of the Eastern Panhandle to build ten houses for low-income persons. Habitat was approved on April 11th for the CHDO application in the amount of $118,152 for new construction of an affordable house at 320 E. Burke Street in Martinsburg. The outstanding FY 2016 CHDO funds of $49,473.00 can no longer can be used by Habitat, are allowed to be used for another HOME eligible activity. There is an application in process for Tenant Based Rental Assistance to Community Network, Inc. for these funds. There remains $391,424 of available CHDO funds.

**Funding Distributions are:**

| **Jurisdiction/Project** | **Total available as of 3-31-24 (includes FY 2023)** |
|---|---|
| Berkeley County | $506,528 |
| Jefferson County | $446,280 |
| Morgan County | $144,743 |
| City of Martinsburg | $454,672 |
| | $ 1,552,223 |

## Eastern Panhandle HOME Consortium of West Virginia
## HOMEBUYER ASSISTANCE PROGRAM

**WHAT IS HAP?** **A homebuyer assistance program (HAP)** for first time homebuyers in Berkeley, Jefferson, and Morgan Counties and the City of Martinsburg.

HAP provides income-eligible buyers with a deferred no-interest loan for downpayment and closing costs. The loan is forgiven if the buyer remains in the home for the term of the loan. The amount of the HAP loan depends on the buyer's need for assistance – it provides the gap funding to make the loan affordable to the buyer - the first mortgage payment is not more than 30% of monthly household income.

The funding source for the HAP program is the federal HOME Investment Partnership Program. All HOME regulations apply to the HAP program.




### WHO CAN USE HAP?

- FIRST TIME HOMEBUYERS
- INCOME UNDER LIMITS BY HOUSEHOLD SIZE
- **SALE PRICE WITHIN MAXIMUM LIMITS** (next page)
- HOUSE MUST PASS CODE INSPECTION

### HOW DOES HAP WORK?

- BE PREQUALIFIED BY A MORTGAGE LENDER
- COMPLETE HOMEBUYER EDUCATION
- BORROW UP TO $14,500 FOR DOWNPAYMENT AND CLOSING COSTS
- THIS IS GAP FINANCING
- HAP LOAN TERMS ARE 5 YEARS - NO MONTHLY PAYMENT ON HAP LOAN
- ZERO INTEREST LOAN WITH NO REPAYMENT IF BUYER REMAINS IN THE HOME
- Applicant must provide at least $500 of their own funds toward the purchase and include documented proof as part of the loan application

**INCOME LIMITS BY HOUSEHOLD SIZE (eff. June 15, 2024)**

Berkeley County – all persons in household

| 1 Person | 2 Persons | 3 Persons | 4 Persons | 5 Persons | 6 Persons | 7 Persons | 8 Persons |
|---|---|---|---|---|---|---|---|
| $46,000 | $52,600 | $59,150 | $65,700 | $71,000 | $76,250 | $81,500 | $86,750 |

Jefferson County – all persons in household

| 1 Person | 2 Persons | 3 Persons | 4 Persons | 5 Persons | 6 Persons | 7 Persons | 8 Persons |
|---|---|---|---|---|---|---|---|
| $67,700 | $77,400 | $87,050 | $96,700 | $104,450 | $112,200 | $119,950 | $127,650 |

Morgan County – all persons in household

| 1 Person | 2 Persons | 3 Persons | 4 Persons | 5 Persons | 6 Persons | 7 Persons | 8 Persons |
|---|---|---|---|---|---|---|---|
| $43,550 | $49,750 | $55,950 | $62,150 | $67,150 | $72,100 | $77,100 | $82,050 |

**FOR COMPLETE PROGRAM GUIDELINES & APPLICATIONS CONTACT**
**Nancy Strine, COMMUNITY DEVELOPMENT AT (304) 264-2131 EXT 278 OR**
**nstrine@cityofmartinsburg.org**

# HOUSING CONSORTIUM COOPERATION AGREEMENT
# BY AND BETWEEN
# THE CITY OF MARTINSBURG
# AND
# THE COUNTIES OF BERKELEY, JEFFERSON AND MORGAN
# WEST VIRGINIA

This **three-year AGREEMENT** is entered into between the City of Martinsburg (hereinafter referred to as "City"); and the Berkeley County Commission for and on behalf of Berkeley County, a political subdivision of the State of West Virginia; the Jefferson County Commission for and on behalf of Jefferson County. a political subdivision of the State of West Virginia; and the Morgan County Commission for and on be of Morgan County, a political subdivision of the State of West Virginia (hereinafter referred to as "Counties"), and the incorporated communities contained in each of the above said Counties.

**WHEREAS,** Title II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnerships Program (hereinafter referred to as "HOME"); and

**WHEREAS,** the HOME regulations established by the U.S. Department of Housing and Urban Development (HUD) at 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements for a three-year period and allows for annual recertification of Consortiums; and

**WHEREAS,** the City and Counties have determined that obtaining funding under the HOME Program as part of a Consortium Participating Jurisdiction will increase their ability to provide affordable housing for their low -income constituencies.

**NOW THEREFORE,** the parties to this **AGREEMENT** do hereby agree as follows:

**SECTION I – DEFINITIONS:**

The definitions contained in 24 CFR Part 92, Subpart A., paragraph 92.2 are incorporated herein by reference and made a part hereof, and the terms defined in this section have the meanings given them:

A. "Act" means Title II, of the Cranston-Gonzalez National Affordable Housing Act of 1990 (Pub. Law 101-625), (42 U.S.C. 12721)

B. "Consolidated Plan" means the comprehensive planning and application document as set forth in 24 CFR Part 91 and encompasses a local government's housing needs, with a focus on affordable housing for low income families.

C. "HOME Program" means a procedure established for the use of funds made available from HUD through the Act to carry out multi-year housing strategies through acquisition, rehabilitation and new construction of housing, tenant-based rental assistance, and homebuyer assistance.

D. "HUD" means the United States Department of Housing and Urban Development.

E. "Regulations" means 24 CFR Part 92 HOME Investment in Affordable Housing implementing regulations as issued by HUD.

F. "Member" means a unit of local government which is a signatory to this Agreement and therefore a member of the Consortium for the purpose of carrying out eligible activities under 24 CFR Part 92, (which is the City of Martinsburg, Berkeley County, Jefferson County, and Morgan County).

G. "Representative Member" means the unit of local government designated hereafter as the one member to act in a representative capacity for all members for the purposes of this agreement. The Representative Member, which is the City of Martinsburg, will be delegated the overall responsibility for ensuring that the Consortium's HOME Program is carried out in compliance with the requirements of 24 CFR Part 92 and will be responsible for the requirements concerning the Consolidated Plan (CP).

H. "IDIS" means the Integrated Disbursement and Information System (IDIS), HUD's on-line system for draws and reporting for the HOME Program, or any other system that HUD may implement in its place.

**SECTION II – PURPOSE:**

This Agreement is to form a **CONSORTIUM** of four (4) units of general local government geographically located for designation as a **PARTICIPATING JURISDICTION** under the **ACT**, said **PARTICIPATING JURISDICTION** to be known and hereinafter may be referred to as the Eastern Panhandle HOME Consortium of West Virginia.

The signatory parties agree to cooperate in undertaking, or assisting in undertaking housing assistance activities under the HOME Investment Partnerships Program in compliance with HUD regulations and the local Consolidated Plan of the member jurisdictions.

**SECTION III- GENERAL PROVISIONS**

A. The members agree to cooperate in undertaking or to assist in undertaking housing assistance activities in compliance with the applicable Consolidated Plan and the HOME Program.

B. The members agree to undertake the development of a Consolidated Plan for each year covered by this Agreement.

C. The members agree to take affirmative action to further fair housing in their jurisdictions. Such actions may include planning, education and outreach, and enforcement.

**SECTION IV – ADMINISTRATION:**

A. The City and the Counties, including the incorporated communities in each County, mutually agree that the City of Martinsburg shall act as the Representative Member for all participants in the Eastern Panhandle HOME Consortium for the purposes of the Act.

B. The City and the Counties, including the incorporated communities in each County, mutually agree that the City of Martinsburg, in its role as Representative Member, is granted the overall responsibility for ensuring that the Eastern Panhandle HOME Consortium's Program is carried out in compliance with the requirements of the HOME Program.

C. The City and the Counties, including the incorporated communities in each County, shall participate jointly in the development of the Eastern Panhandle HOME Consortium's HOME Program. The Consortium will form a council known as the Eastern Panhandle HOME Consortium Council. Each Member of the Consortium will appoint three (3) representatives to the Council. The City and the Counties will mutually agree and appoint a Chairperson of the Council, who will be in addition to the number of representatives appointed by the Member Jurisdictions.

E. The HOME Consortium Council will define a strategy and programs in sufficient detail to accommodate the collective and individual needs and priorities of any and all of the Members constituting the Eastern Panhandle HOME Consortium. The Members shall review and approve the strategy and programs for the annual use of HOME funds, as well as, have the opportunity to review and approve any program changes or amendments prior to action being taken by the Representative Member's governing body.

F. The City and Counties, including the incorporated communities in each County, shall be entitled to the amount of HOME Program funding based on its percentage of the low/moderate income population of the entire Consortium Area, as established by U.S. Census data of the total allocation to the Eastern Panhandle HOME Consortium. Members of the Consortium may elect to combine their allocations to carry out collaborative HOME activities. Any funds allocated to Members but remaining unobligated fifteen (15) months after the initial allocation date will be recaptured and redistributed by the HOME Consortium Council. Any funds recaptured will be offered to the other Members

for reprogramming for eligible activities in accordance with the HOME Program Regulations. The final decision for distribution of these funds will be made by the HOME Consortium Council. If any party terminates this agreement in whole or in part, all work completed and uncompleted on this project will become the property of the remaining parties to this agreement, and the disposition or completion of uncompleted work on the project will become the responsibility of the remaining parties, pursuant to the conditions of this paragraph. Ownership of all personal property acquired by virtue of the execution of or performance under this agreement is vested in the parties, pursuant to the pro-rata share of funds allocated to them, but the parties shall not take legal title to any real property, including, but not limited to, easements.

G. Nothing in this Agreement will preclude the ability of the City or Counties, including the incorporated communities in each County, either individually or jointly in applying for financial assistance under the State of West Virginia HOME Program. Furthermore, it is expressly agreed and understood that any specific projects eligible for HOME funding may be submitted to the HOME Consortium Council by any Consortium Member, any participating municipality located in Member Counties, any authority, and/or nonprofit housing agency for funding under the Consortium's annual HOME entitlement funds.

I. Each Member is responsible for submitting in a timely manner to the Representative Member all information necessary for participation in the Eastern Panhandle HOME Consortium as defined in the Regulations. This includes all information necessary for the Consolidated Plan, the Program Description, Certifications, written agreements with sub-recipients and performance reports. The Counties of Berkeley, Jefferson and Morgan will submit this documentation to the City of Martinsburg in order to insure a coordinated effort.

J. Each Member shall be responsible for any required matching funds for specific eligible projects as determined by HUD submitted by that particular member. However, this does not limit the use of excessive local match from one HOME Member to another, if agreed to by the HOME Consortium Council and the Member which has the excess local match.

K. Each Member shall be responsible for the following:

1. Appoint three (3) representatives to the Eastern Panhandle HOME Consortium Council.
2. Fill vacancies on the Consortium Council in a timely manner and ensure the attendance of their appointments at meetings.
3. Provide information required for the preparation of revisions to the existing Five -Year Consolidated Plan.
4. Conduct an annual housing needs public hearing for the use of HOME funds.

5. Adopt by resolution and renew annually the participation in the Eastern Panhandle HOME Consortium.
6. Be responsible for determining local housing needs and the use of HOME funds to address those needs.
7. Provide an annual description of proposed project activities in accordance with the annual budget and distribution of funds.
8. Provide documentation for matching funds or donations to the HOME Program.
9. Maintain files and documentation for compliance with Federal regulations and make these files available for review and monitoring by HUD and/or the Representative Member.
10. Prepare, process and forward requisitions of funds to the Representative Member.
11. Review and approve any amendment to the Cooperation Agreement.

L. The Representative Member shall be responsible for the overall administration of the HOME Program and meeting the Federal guidelines. In particular the following are the duties and responsibilities:

1. Provide staff to manage the program.
2. Revise the existing Five-Year Consolidated Plan to include the HOME Program and statistical information on the other consortium members.
3. Prepare and submit all required notices, plans, performance reports, and documentation as required by HUD.
4. Ensure that the program and activities are in compliance with the Federal regulations.
5. Provide the other members with guidelines and policies of the program.
6. Hold a public hearing on the annual HOME Program and adopt the budgets and activities outlines by the HOME Consortium Council.
7. Assist the other Consortium members in meeting the Citizen Participation requirements of HUD.
8. Review and approve all project funding agreements for each activity.
9. Monitor the other members for compliance with the Federal regulations.
10. Prepare an environmental review record for the HOME Program and secure the release of funds from HUD for program activities.
11. Provide guidance and assistance to the other members to ensure compliance with the Federal labor standards.
12. Prepare and execute all written agreement with sub-recipients and contractors to receive HOME funds.
13. Maintain files on each project activity for monitoring by HUD.
14. Prepare and maintain the HOME match log as required by HUD.
15. Prepare the annual Consolidated Annual Performance Evaluation Report (CAPER) for annual submission to HUD.
16. Establish and maintain a local HOME fund account including Federal drawdowns and program income.

17. Process Federal drawdowns of funds from the U.S. Treasury for project activities through the IDIS system.
18. Process payment requisitions and requests for funds from the other consortium members for project activities.
19. Prepare an annual budget showing the distribution of HOME funds to each Consortium member.
20. Prepare quarterly reports on expenditures, commitment of funds, and remaining balances for each consortium member and their project activities.
21. Contract for an annual audit of the HOME Program by an outside independent auditing firm.
22. Supervise the closeout of annual grants with HUD.

M. The HOME Consortium Council shall be formed to oversee the program and provide guidance on the use of funds. The specific duties and responsibilities of the Consortium Council is as follows:

1. Each member of the HOME Consortium shall have three (3) representatives to the Consortium Council.
2. Provide guidance and direction in promoting and affirmatively further fair housing in the Eastern Panhandle.
3. Define an overall strategy and programs based on the needs of the Consortium members.
4. Establish priorities for the use of HOME funds.
5. Approve the allocation and distribution of funds among the Consortium members based on the low- and moderate-income population of each member as a percentage of the Eastern Panhandle's total low- and moderate-income population.
6. Reallocate funds that are uncommitted or unobligated after fifteen (15) months after the approval by HUD of the annual HOME grants.
7. Ensure that any required matching funds are provided by the Members or from the non-federal funds portion of HOME assisted projects.
8. Review and approve any amendments to the Cooperation Agreement.
9. Review and approve documentation submitted by non-profit organizations for designation as a local Community Housing Development Organization (CHDO).
10. Monitor and recertify annually any CHDO's.
11. Adopt and assure compliance with affirmative marketing policies and procedures.
12. Approve the annual consolidated Action Plan in regard to the use of HOME funds.

N. In accordance with Section 91.402 of the Consolidated Plan Final Rule, the City of Martinsburg has a Program year that begins on July 1st and ends on June 30th each year, the HOME funds will also have the same program year start date.

## SECTION IV- AFFIRMATIVE MARKETING POLICIES AND PROCEDURES:

**A. Statement of Policy -**

In accordance with the Eastern Panhandle HOME Consortium's, commitment of non-discrimination and equal opportunity in housing, the Consortium hereby establishes procedures to affirmatively market units assisted under the HOME Investment Partnerships Program. These procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1988 and Executive Order 11063. In addition, the Consortium will abide by and establish a minority outreach program in accordance with 24 CFR 92.350 (a)(5).

The Consortium believes that individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, religion, sex, familial status, disability or national origin. Individuals eligible for public housing assistance or who have minor children should have available to them, a like range of housing choices.

The Consortium will carry out this policy through affirmative marketing procedures designed for the HOME Investment Partnerships Program.

B. The Consortium will inform the public, potential tenants and owners about its Fair Housing and Affirmative Marketing Policies.

## SECTION V – TERMS OF THE AGREEMENT:

A. This agreement shall be in effect for a period of one fiscal year, subject to annual renewal for any additional period of time needed to complete all phases of the project, each of which annual renewal periods shall be limited to one fiscal year; provided that, in addition to the right of non-renewal, all parties hereto shall have the right to terminate this agreement on any 12-month anniversary of the date of this agreement by giving to the other parties 30 days' written notice of such termination. It is the City's the Counties' intentions to remain members of the Consortium for the period necessary to carry out all activities that will be funded from the three **Federal Fiscal Years 2025, 2026, and 2027** provided that the Consortium qualifies as a participating jurisdiction under the Home Investment Partnerships Program, by approval of annual renewals of this agreement, and subject to said renewals will take necessary steps to provide budget allocations for funding purposes.

B. Prior to the adoption of any amendment to this agreement, partial or complete termination of this agreement including the incorporation of changes necessary to meet the requirements for a subsequent three (3) year consortium designation period, the members agree to submit to the U.S. Dept. of HUD any revisions for its approval.

C. This agreement covers the designation period of the **Federal Fiscal Years of 2025, 2026, and 2027** which the Consortium is to qualify to receive HOME funds. This agreement may automatically be renewed for participation in successive three (3) year designation periods for HOME Entitlement funds by the U.S. Dept. of HUD. In order to qualify for automatic renewal by HUD, the Representative Member must notify each participating unit of general local government of its right not to participate for the successive three (3) year designation periods. This notification must be submitted to each participating unit of general local government by the date specified in the U.S. Dept. of HUD Consortia designation notices.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this _____ day of _____, 2024.

CITY OF MARTINSBURG, West Virginia

_____
Kevin Knowles
Mayor

Attest: _____
Gena L. Long, City Recorder

Including the incorporated areas of the Town of Bolivar, City of Charles Town, Corporation of Harpers Ferry, City of Ranson, and Corporation of Shepherdstown, Jefferson County, West Virginia.

JEFFERSON COUNTY INCORPORATED AREA:

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this _____ day of _____, 2024

CITY OF CHARLES TOWN
For and on behalf of the municipality of Charles Town,
a political subdivision of the State of West Virginia

_____
Robert M. Trainor
Mayor

Attest: _____

# City of Charles Town

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


A RESOLUTION OF THE CITY OF CHARLES TOWN OF JEFFERSON COUNTY, WEST VIRGINIA AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2024 TO JUNE 30, 2027.

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate-income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, Town of Bolivar, City of Charles Town, Corporation of Harpers Ferry, City of Ranson, City of Shepherdstown, County of Morgan, Town of Bath, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the Eastern Panhandle HOME Consortium is required to seek designation as a HOME Consortium Agreement for the period FY 2025, FY 2026, and FY 2027 in order to seek annual funding; and

WHEREAS, the City of Charles Town entered into a three (3) year Housing Consortium Cooperation Agreement; and

WHEREAS, the City of Charles Town recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY of CHARLES TOWN, WEST VIRGINIA THAT:

1. The City of Charles Town will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, Town of Bolivar, City of Charles Town, Corporation of Harpers Ferry, City of Ranson, Corporation of Shepherdstown,

County of Morgan, Town of Bath, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and

2. The Mayor of the City of Charles Town is hereby authorized to enter into a Cooperation Agreement for the period of July 1, 2024 to June 30, 2027 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2025 HOME Investment Partnership Program.

Adopted the _____ day of _____, 2024.

Attest:

_____
Robert M. Trainor
Mayor

_____
John Nissel
City Clerk

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-602: ZMA2024-02: First Reading and Consideration of a Zoning Map Amendment to 1.3 Acres of Land on Willow Spring Drive.

**ATTACHMENTS:**

- 1. Staff Report.pdf
- 2. Application.pdf
- 3. Revised Plans.pdf

Zoning Map Amendment
**ZMA2024-02**

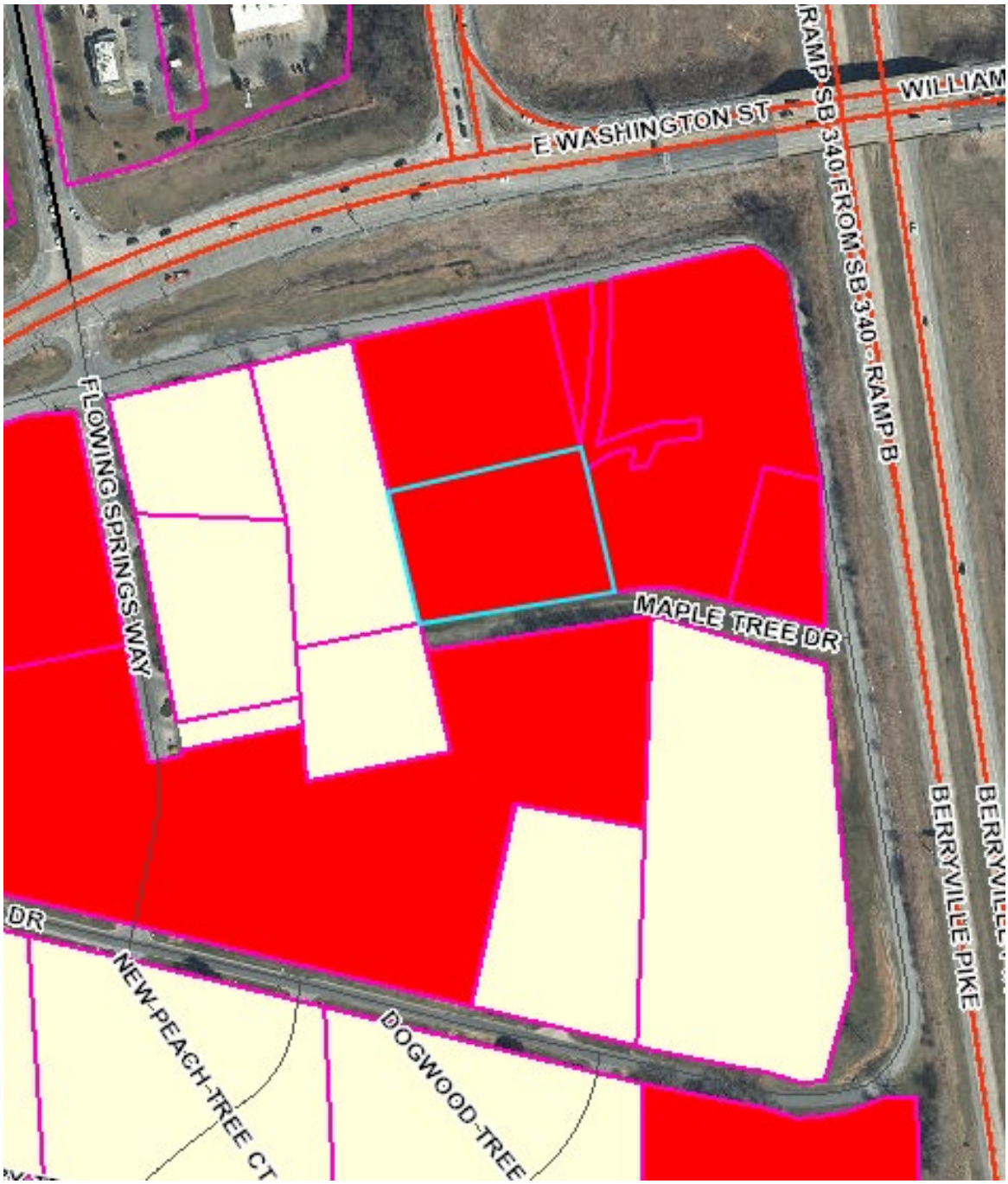
**Date:** For the June 17, 2024 City Council meeting
**Applicant**: Chris Hill on behalf of Tri-State Improvements LLC
**Property Owner:** FIRST CHARLES TOWN GROUP INC
**Report by**: James Newman, City Planner, Zoning/Subdivision Administrator.
**Proposal:** Rezoning from General Commercial to Neighborhood Commercial
**Property Location:** Maple Tree Drive
**Current Zoning:** General Commercial




**PROJECT OVERVIEW**

A request to rezone approximately 1.31 acres of land from General Commercial to Neighborhood Commercial.

**ZONING MAP**




**KEY**

**Red** – General Commercial

**Manilla** – Subject to Jefferson County Zoning

**PURPOSE**

The proposed rezoning area is 1.31 acres. The purpose of the rezoning is to develop the parcel with a mixed-use structure with commercial units on the ground floor and residential units on the second and third floors. General Commercial does not permit residential uses, while Neighborhood Commercial permits both commercial and residential uses.

**CRITERIA**

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

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

   The Comprehensive Plan describes this area as being for *Mixed Use Commercial*. The intent of the proposed Neighborhood Commercial zoning district is:

   *"The purpose of the NC District is to provide for necessary Commercial Uses of a convenient nature within residential areas. The regulations which apply within the NC District are designed to* ***encourage the formation and continuance*** *of a* ***stable, healthy and compatible environment*** *for* ***Uses*** *that are located so as to* ***provide nearby residential areas with convenient shopping and service facilities****;* ***reduce*** *traffic* ***congestion*** *and* ***avoid the development of "strip" business****. The residential character of the area surrounding NC District shall be of primary consideration."*

   The purpose of the *Mixed Use Commercial* land use in the 2040 Comprehensive Plan is:

   *"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 (see page 72) 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."*

The proposed use of the property and the proposed rezoning are in conformance with the Comprehensive Plan, which calls for vertical mixed us structures, which the applicant proposes to build on this site.

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

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

**SPOT ZONING**

Per the WVU Land Use Clinic[1], spot zoning is:

*"The process of singling out a parcel(s) for a use classification different and inconsistent with the surrounding area, for the benefit of a particular owner"*

The Clinic further notes:

"*Spot zoning also occurs when the change in zoning departs from the city or county's comprehensive plan to benefit a private landowner. However, not every departure from a comprehensive plan constitutes spot zoning, and not every parcel zoned differently from surrounding parcels is spot zoning. A zoning amendment must promote public health, safety, or welfare*.

The Clinic offers the following criteria in determining if the spot zoning is sound or if it should be rejected:

• *Is the zoning amendment consistent with the comprehensive plan?*

The language of the *Mixed Use Commercial* category used in the Comprehensive Plan is very similar to the language used in the Zoning Ordinance to describe the *Neighborhood Commercial* zoning district.

• *Is the requested use or zoning district significantly different from the surrounding area?*

The applicant proposed a mixed use structure of commercial and residential units on what is currently a vacant parcel. Surrounding uses include abandoned commercial structures, vacant parcels, car wash, a restaurant, and government offices. The proposed project will bring life and activity to this area.

[1] https://landuse.law.wvu.edu/files/d/dc62345c-6cd8-4c00-a6a7-7581453a30fe/spot-zoning.pdf

• *Is the zoning amendment benefiting private persons rather than providing public benefit?*

There are no adjacent residential uses which will be negatively impacted by the proposed use. Neighborhood commercial allows for less commercial sues by-right comparted to General Commercial.

• *Will the use benefit one or a few landowners while creating negative impacts to surrounding landowners?*

While the City is wary of losing General Commercial zoning to land uses that do not promote commercial activity, the applicant has submitted a development plan with a mixed use project.

• *Does the zoning amendment make good sense in light of the facts involved?*

The proposed amendment is in the furtherance of an actionable development plan on what is currently a vacant parcel surrounded by under-utilized properties.

**PLANNING COMMISSION**

The Planning Commission held a public hearing for this item at their May 28, 2024 meeting. There was no public comment. The Commission discussed potential impacts and potential uses of the site. Following discussion, the Commission voted unanimously to recommend approval subject to the condition that "*Council should place conditions on the amount of commercial and residential space*".

**CONCLUSION**

Applicant proposes to rezone 1.31 acres of General Commercial zoned property to Neighborhood Commercial. The application is in conformance with the 2040 Comprehensive Plan, and combined with the applicant's proposed development, will result in the active use of a vacant parcel. A public hearing is scheduled for July 15, 2024.

**RECOMMENDATION**

**Approval of first read, subject to the following condition:**

1. The development of the site shall conform generally with the plans identified as SLD2024-02 dated 4/8/2024, subject to review by the Planning Commission, and as modified as required for approval by the same.

Petition No._____

RECEIVED
APR 09 2024
BY: VG

# PETITION FOR ZONING AMENDMENT

Fee: $400

**Zoning amendment petitions shall provide the following information:**

1. Date 04/09/2024
2. APPLICANT'S NAME* Mr. Chris Hill; Tri-State Improvements, LLC
   Address: PO Box 1 Kearneysville, WV 25430
   Telephone Number (304) 2064791
   Email Address chris@tristatewv.com
3. PROPERTY OWNER'S NAME First Charles Town Group
   Address: PO Box 183, Charles Town, WV 25414
   Telephone Number (304) 725 8250
   Email Address Maria@fctwv.com
4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY (list all parcels that apply)
   Property Address: 669 Willow Springs Drive
   Tax Map # and Parcel(s): Charles Town Corporation T.M. 15 parcel 9.26 9.27
   Deed Book and Page: Plat Book 20 Page 92
   Property Area in Square Feet or Acres: 63,011 SF and 56,904 SF

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

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

See attached; sketch plan application

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

Running concurrently to front parcels play center renovation, to construct a new mixed-use commercial and residential building with commercial rental space on the ground floor and apartments on floors 2 and 3

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

Current zoning is General Commercial for this vacant lot

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

Proposing to rezone to Neighborhood Commercial to allow for construction of new mixed use commercial and residential building, allowing for (5) new commercial storefront, 1 with drive-thru

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

This re-zoning will keep the commercial desire of the area and support the renovation of the current vacant steel building into a new play entertainment facility by allowing the construction apartments above the commercial storefronts, helping to support the revenue needed to develop the project

10. TIME SCHEDULE FOR DEVELOPMENT: (AS APPLICABLE)

As soon as final approvals are received.

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 |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

NOTES

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

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

APPLICANT'S CERTIFICATION

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

Signature of Applicant _____ Date 4/8/24

Signature of Owner(s) (If different than Applicant)
Maria B. Wear Sec/Treas Date 4/9/2024

Please submit an original completed petition to the following:

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

---

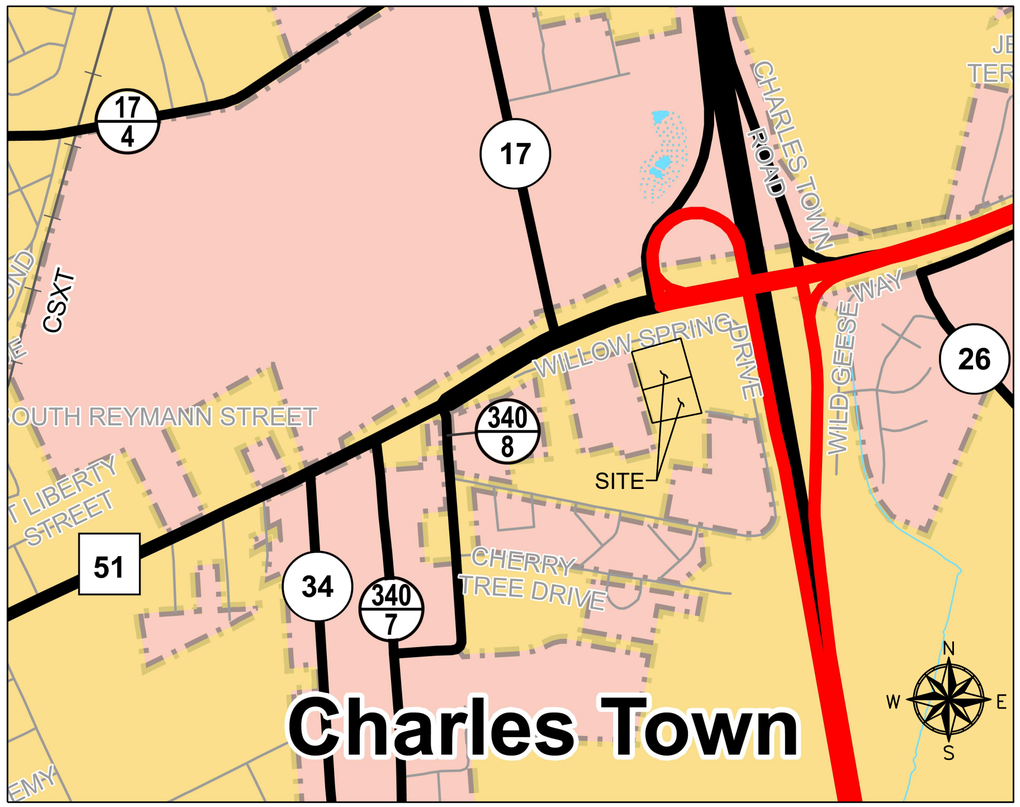
***FOR CITY USE ONLY***

Application Number:_____ Date Petition Received: 04/09/24

Fee: $ 400 Check No. 3011 Receipt No._____

City Council Approval:_____ Date:_____

Comments:_____




VICINITY MAP

SCALE: 1" = 600'

ALPHA ASSOCIATES, INC.
535 W. KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
TOLLFREE: 877-264-0051
www.thinkALPHAfirst.com

# SKETCH PLAN

FOR

## TRI-STATE IMPROVEMENTS, LLC

## INDOOR PLAYGROUND BUILDING RENOVATION & NEW MULTI-PURPOSE BUILDING

## SITE INFORMATION

1. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS, EASEMENTS, RESTRICTIONS OR EXEMPTIONS NOT SHOWN HEREON.
2. THE CURRENT ZONING OF THE VACANT REAR PROPERTY IS GENERAL COMMERCIAL. THE PROPOSED ZONING IS NEIGHBORHOOD COMMERCIAL.
3. THE PROPOSED USE OF THE SITE IS TO RENOVATE THE EXISTING VACANT BUILDING INTO AN INDOOR PLAYGROUND AND BUILD A NEW MULTIPURPOSE COMMERCIAL AND RESIDENTIAL BUILDING WITH COMMERCIAL RENTAL SPACES ON THE GROUND LEVEL FLOOR AND APARTMENTS ON FLOORS 2 AND 3.
4. EXISTING BUILDING IS CURRENTLY 21' TALL WITH A PLANNED 2ND FLOOR. IT WILL BE INCREASED TO 33'. THE NEW MIXED USE BUILDING ON THE REAR LOT WILL BE 44' TALL.
5. SOURCE OF BOUNDARY INFORMATION: PLAT FOUND IN PLAT CABINET 20 PAGE 92.
6. THERE ARE NO KNOWN COVENANTS ON THESE PROPERTIES.
7. PROPERTY ADDRESS: 669 WILLOW SPRINGS DRIVE, CHARLES TOWN, WV 25414.
8. WATER UTILITY SERVICES WILL BE PROVIDED BY CTUB.
9. SANITARY SEWER SERVICES WILL BE PROVIDED BY CTUB.
10. CONTOUR DATA AND BOUNDARY INFORMATION WERE GENERATED FROM LIDAR DATA AVAILABLE FROM THE WV GIS CLEARING HOUSE HOSTED BY WVU.EDU
11. THIS PROPERTY IS LOCATED ON FEMA MAP PANEL 54037C0137E, EFFECTIVE DATE 12/18/2009, AND IS DESIGNATED AS ZONE "X", AN AREA TO BE DETERMINED TO BE OUTSIDE THE 0.2% CHANCE FLOOD PLAIN.
12. THE SOILS ON THE SITE ARE AS FOLLOWS:
    Ub - URBAN LAND
    Uu - URBAN LAND - UDORTHENTS
    UwC - URBAN LAND-HAGERSTOWN COMPLEX, 0 TO 15 PERCENT SLOPES
13. THERE ARE NO WETLANDS ON THE SITE PER THE US FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY.
14. KNOWN EASEMENTS ARE SHOWN HEREON.
15. PROJECT LIMITS ARE NOT WITHIN 500' OF A STREAM.
16. NO RIGHT OF WAYS ARE PROPOSED WITH THIS PROJECT.
17. ALL PROPOSED UTILITY LINES SHALL BE UNDERGROUND.
18. CONTACT WVDOH A MINIMUM OF 24 HOURS PRIOR TO ANY WORK WITHIN THE WVDOH RIGHT OF WAY. (681)-320-2039
19. COORDINATE ALL UTILITY WORK WITHIN THE WVDOH RIGHT OF WAY WITH TOM CALDWELL. (681)-320-2040
20. THERE ARE NO FUTURE EASEMENTS OR RIGHTS OF WAYS TO CONNECT TO ADJOINING PROPERTIES.

## ZONING ORDINANCE SUMMARY - NEIGHBORHOOD COMMERCIAL, PAR. 9.26 :

1. PROPOSED USE:
   PROPOSED BUILDING WILL BE MULTI-PURPOSE COMMERCIAL AND RESIDENTIAL WITH 5 - 2,300 SF COMMERCIAL SPACES AT GROUND LEVEL AND 12 RESIDENTIAL APARTMENTS ON FLOORS 2 AND 3.
2. LANDSCAPING:
   - IT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER/ DEVELOPER TO REPLACE ANY TREES THAT DIE. ALL LANDSCAPING SHALL BE MAINTAINED BY THE PROPERTY OWNER/ DEVELOPER.
3. SITE LIGHTING WILL BE PROVIDED.
4. USE REQUIREMENTS:

| | REQUIRED | PROVIDED |
|---|---|---|
| MINIMUM LOT SIZE: | 6,000 SF | 56,904 SF |
| MAXIMUM LOT SIZE: | 20,000 SF ± | 56,904 SF |
| MAXIMUM DENSITY | NO REQUIREMENT | N/A |
| MINIMUM LOT WIDTH: | NO REQUIREMENT | |
| MAXIMUM STORIES: | 3 | 3 |
| MAXIMUM LOT COVERAGE (RESIDENTIAL) | 80% (MAX) | 76% |
| MAXIMUM LOT COVERAGE (COMMERCIAL) | 90% (MAX) | 76% |
| BUILDING SETBACKS | | |
| FRONT: | 5' (MIN) | 5' |
| SIDE: | 10' (MIN) (20' COMMERCIAL) | 20' |
| REAR: | 15' (MIN) | 15' |

5. PARKING TABULATIONS:
   - RESIDENTIAL APARTMENTS: 1.5 SPACES PER UNIT X 20 UNITS = 30 SPACES
   - PET SUPPLY STORE: 4.1 SPACES PER 1,000 SF = 48 SPACES (RETAIL EXAMPLE)

   TOTAL REQUIRED = 78

   TOTAL PROVIDED = 114 SPACES
   114 X 4% = 4.56 - 5 HANDICAP SPACES REQUIRED
   TOTAL HANDICAP PROVIDED = 6

## ZONING ORDINANCE SUMMARY - GENERAL COMMERCIAL, PAR. 9.27:

1. PROPOSED USE:
   EXISTING VACANT BUILDING WILL BE REMODELED INTO AN INDOOR PLAYGROUND FACILITY
2. LANDSCAPING:
   - IT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER/ DEVELOPER TO REPLACE ANY TREES THAT DIE. ALL LANDSCAPING SHALL BE MAINTAINED BY THE PROPERTY OWNER/ DEVELOPER.
3. SITE LIGHTING WILL BE PROVIDED.
4. USE REQUIREMENTS:

| | REQUIRED | PROVIDED |
|---|---|---|
| MINIMUM LOT SIZE: | NO REQUIREMENT | 63,011 SF |
| MAXIMUM LOT SIZE: | NO REQUIREMENT | 63,011 SF |
| MAXIMUM DENSITY | NO REQUIREMENT | N/A |
| MINIMUM LOT WIDTH: | NO REQUIREMENT | |
| MAXIMUM STORIES: | 5 | 2 |
| MAXIMUM LOT COVERAGE (COMMERCIAL) | 90% (MAX) | 63% |
| BUILDING SETBACKS: | | |
| FRONT: | 40' (MIN) (EX. BLDG IS GRANDFATHER) | 40' |
| SIDE: | 10' (MIN) (25' COMMERCIAL) | 10' |
| REAR: | 30' (MIN) | 30' |

5. PARKING TABULATIONS:
   - RECREATIONAL COMMUNITY CENTER: 3 SPACES PER 1,000 SF X 12,000 SF = 36 SPACES (INDOOR PLAYGROUND)

   TOTAL REQUIRED = 36

   TOTAL PROVIDED = 114 SPACES
   114 X 4% = 4.56 - 5 HANDICAP SPACES REQUIRED
   TOTAL HANDICAP PROVIDED = 6

SKETCH PLAN

FOR

TRI-STATE IMPROVEMENTS, LLC

INDOOR PLAYGROUND BUILDING RENOVATION & NEW MULTI-PURPOSE BUILDING

CHARLES TOWN CORP. T.M. 15 PARS. 9.26 & 9.27 P.B. 20 PG. 92
JEFFERSON COUNTY, WEST VIRGINIA

OWNER/DEVELOPER:
TRI-STATE IMPROVEMENTS, LLC

ADDRESS:
PO BOX 1
KEARNEYSVILLE, WV 25430

PHONE:
410-206-4791

ATTN:
CHRIS HILL

| | |
|---|---|
| PROJ. NO.: | 2401013.00 |
| DATE: | 4/8/2024 |
| REVISION 1: | 4/29/2024 |

SHEET NO.:

1 OF 2

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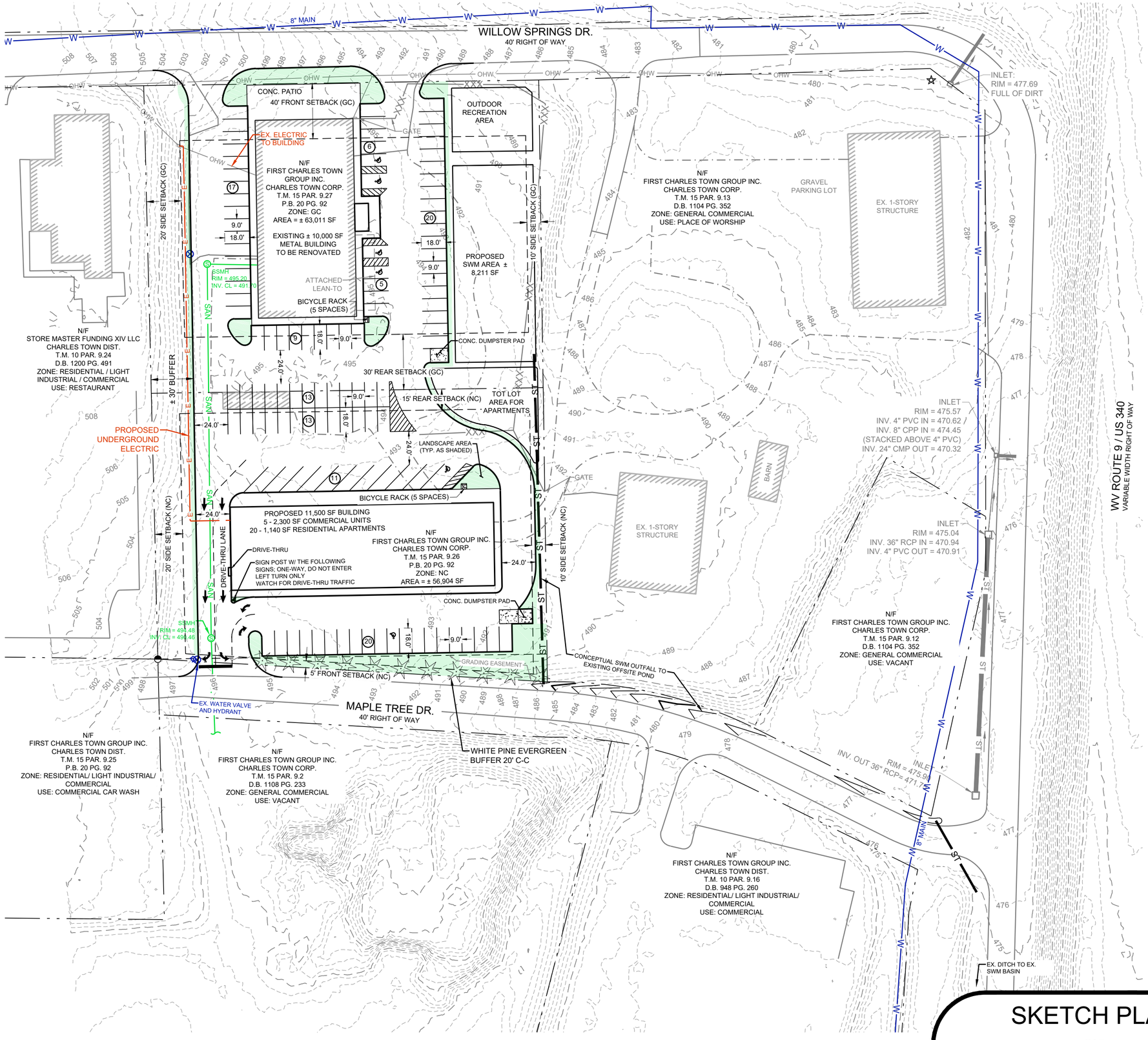


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## LEGEND

- T.M. — TAX MAP NUMBER
- PAR. — PARCEL NUMBER
- D.B. — DEED BOOK
- PG. — PAGE NUMBER
- N/F — NOW OR FORMERLY
- SURVEY CONTROL POINT
- 5/8" REBAR WITH CAP FOUND
- CONCRETE MONUMENT
- REBAR FOUND
- IRON PIPE FOUND
- RAILROAD SPIKE SET
- POINT
- UTILITY POLE
- SANITARY MANHOLE
- STORM MANHOLE
- TELEPHONE MANHOLE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- SANITARY CLEAN-OUT
- SIGN
- PROPERTY LINE
- ADJOINER LINE
- BUILDING OUTLINE
- EDGE OF GRAVEL
- 5' CONTOUR INTERVAL
- 1' CONTOUR INTERVAL
- CHAIN-LINK FENCE
- SANITARY SEWER LINE
- WATER LINE
- STORM SEWER LINE
- OVER HEAD WIRES
- BUILDING SETBACK LINE
- LANDSCAPE AREA

0 25 50 100 Feet
1" = 50'

# SKETCH PLAN

FOR

## TRI-STATE IMPROVEMENTS, LLC

INDOOR PLAYGROUND BUILDING RENOVATION & NEW MULTI-PURPOSE BUILDING

CHARLES TOWN CORP. T.M. 15 PARS. 9.26 & 9.27 P.B. 20 PG. 92
JEFFERSON COUNTY, WEST VIRGINIA

OWNER/DEVELOPER:
TRI-STATE IMPROVEMENTS, LLC

ADDRESS:
PO BOX 1
KEARNEYSVILLE, WV 25430

PHONE:
410-206-4791

ATTN:
CHRIS HILL

| | |
|---|---|
| PROJ. NO.: | 2401013.00 |
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| REVISION 1: | 4/29/2024 |

SHEET NO.:

2 OF 2

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**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-616: Reduce or Eliminate Parking - Department 571 in FY25 General Fund Budget

**ATTACHMENTS:**

- FY2025 General Fund Budget WITH CHARTS v7.0 FINAL TO WVSAO.pdf

the city of Charles Town, WV

FY 2025 General Fund Operating Budget v7.0
City Council - March 18, 2024

| | REVENUES | FY23 Actual | FY24 Budget Rev #3 | FY24 Actuals thru 12/31/2023 | FY25 Proposed | |
|---|---|---|---|---|---|---|
| 30000 | Assigned Fund Balance (Carryover) | 2,226,685 | 1,500,000 | - | - | |
| 30005 | Unassigned Fund Balance (Carryover) | - | 2,042,779 | - | 1,200,000 | $500K reserve for revenue/expense FY24 + $659,452 remaining Revenue/Loss balance |
| 30101 | Taxes - Ad Valorem | 1,280,360 | 1,509,901 | 904,983 | 1,688,544 | |
| 30102 | Prior Year Taxes | - | - | - | - | |
| 30106 | Supplemental Taxes | 33,672 | 25,000 | 18,878 | 36,000 | Property taxes owed from previous years, but paid in the current fiscal year. |
| 30107 | Tax Loss Restoration Fund | 969 | - | - | - | |
| 30200 | Interest as Penalty | 9,130 | 10,000 | 5,097 | 10,000 | |
| 30300 | Gas & Oil Severence Tax | - | 12,000 | 66,792 | 33,000 | 5% severance tax on gross receipts at the well head of oil and natural gas. $66K appears to be for 2 years. Confirm when payments are received. |
| 30400 | Utility Tax (2%) | 261,234 | 225,000 | 88,217 | 200,000 | |
| 30500 | Business & Occupation (B&O) Tax | 1,696,956 | 1,100,000 | 31,200 | 1,700,000 | $459K actuals in FY24 thru 2/29/2024. Collections should continue through August 31 then be accrued to FY24, resulting in another revision to carry over balance. |
| 30600 | Liquor Tax | 24,255 | 20,000 | 6,116 | 25,000 | Each distribution quarter amount ranges from $5.5K - $7K, and has been steadily rising each year. |
| 30700 | Animal Control Tax | 1,642 | 1,600 | 1,598 | 1,600 | |
| 30800 | Hotel/Motel Tax | 197,713 | 150,000 | 88,161 | 200,000 | 4 traditional hotels (Turf Motel, Days Inn, TravelLodge, Carriage Inn) and 5 independent rental companies (Homeaway.com, Expedia, AirBnB, Hotel Tonight, Evolve Vacation Rental Network) |
| 32000 | Court Costs, Fees & Charges | 250,521 | 250,000 | 137,762 | 260,000 | |
| 32100 | Parking Violation Penalties | 38,138 | 29,000 | 40,637 | 40,000 | Revised based on new program details and current year performance. |
| 32500 | Business License Revenue | 22,038 | 22,000 | 20,047 | 30,000 | |
| 32600 | Building Permit Fees | 495,102 | 150,000 | 352,905 | 550,000 | Building activity increasing/expected to remain strong through FY2025 with new development projects on the horizon and increases in permit fee structure. |
| 32800 | Franchise Tax | 74,230 | 80,000 | 16,646 | 75,000 | Two Cable Franchisees; working with Shentel/GloFiber on franchisee compliance |
| 33000 | International Registration Plan (IRP) Fees | 70,232 | 60,000 | 20,971 | 70,000 | The International Registration Plan is an agreement for the registration of commercial motor vehicles that travel in the United States. It is designed to distribute apportioned taxes (registration fees) depending on the mileage driven in the participating jurisdictions. |
| 33900 | Emergency Service Fee | 1,719 | 1,700 | - | 1,700 | Revenue from utility bills for EMS (5 cents) |
| 34000 | Parks & Rec Fee | 1,719 | 1,700 | - | 1,700 | Revenue from utility bills for parks and recreation (5 cents) |
| 34200 | Parking Meter Revenues | 48,085 | 50,000 | 39,813 | 44,000 | Revenue from parking meters and parking permits including ParkMobile app. |
| 34500 | Rents & Concessions | 44,014 | 50,000 | 32,144 | 60,000 | CTUB rental of 661 space ($30k total); CW Hall Revenue is recorded as Due to Building Commission/CWH Landlord, so revising down to reflect true flow of revenues |
| 35300 | Zoning Fee | 28,456 | 7,500 | 8,651 | 17,000 | Zoning applications |
| 35500 | Street Improvement Fee | 134,056 | 130,000 | - | 135,000 | Revenue from utility bills for street improvements ($4 per month); pending fee decision from Council |
| 36504 | Federal Government Grants | - | 56,666 | - | 41,667 | DOJ/COPS grant for additional police officer. $125,000 across 3 years. |
| 36600 | State Government Grants | - | 6,000 | - | - | |
| 36900 | Contributions from Other Funds - Sales Tax | 1,000,000 | 1,600,000 | 800,000 | 1,000,000 | Ordinance requires payment of debt first (payments to BC are rent payments in PD and CH budgets). |
| 36906 | Contributions from Other Funds - ARPA Revenue Loss | 1,332,523 | - | - | - | |
| 37600 | Gaming Income | 262,630 | 175,000 | 81,829 | 250,000 | Gaming receipts average $19K to $23K per month in the 2nd Quarter 2024. |
| 37900 | Gain/Loss - Sale of Fixed Assets | 18,750 | - | - | - | |
| 38007 | Interest Income (Operating Acct) | 36,192 | 15,000 | 19,482 | 35,000 | |
| 38100 | Reimbursements | 111,897 | 110,000 | 50,159 | 110,000 | SRO reimbursement of $60k; crossing guards; misc. police reimbursements; Fuel Refunds; Pcard Rebate; etc. |
| 38200 | Refunds - Overpayments | 100 | - | 204 | 400 | |
| 38600 | Insurance Claims | 23,638 | - | 630 | - | |
| 39200 | Property Rehabilitation | 5,300 | - | 200 | - | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | 38700 Filing Fees | 300 | - | - | 325 | Filing Fees Revenue - Election in FY25. $50.00 per person. |
| | 39700 Video Lottery | 833,341 | 450,000 | 199,221 | 600,000 | Video lottery receipts average $13.4K to $22.2K per week. |
| | 39900 Misc Revenue | 7,569 | 10,000 | 8,234 | 10,000 | Yard waste stickers and fingerprints |
| | 39902 Special Events - WV Fest | 25,430 | - | - | 4,000 | |
| | 39903 Special Events - General | 15,411 | 18,000 | 17,596 | 900 | Special activities fees |
| | 39904 Special Events - CW Hall | 9,335 | - | 5,500 | 8,500 | |
| | 39907 Special Events - Car Show | - | - | - | 7,000 | Car Show Registration |
| | | | | | | |
| | | | | | | |
| | **Total Revenues** | **10,623,340** | **9,868,846** | **3,063,673** | **8,446,336** | |
| | | | | | | |
| | **DEPARTMENT LINE ITEMS** | | | | | **NOTES AND EXPLANATIONS** |
| | **Economic Development - 402** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | - | 67,938 | 33,382 | 70,250 | Salary $68,844 plus 2.5% merit and holiday supplement. |
| | 04 FICA | - | 5,216 | 2,554 | 5,374 | FICA @ 7.65% |
| | 05 Group Insurance | - | 8,000 | 3,160 | 8,300 | Includes 14% premium increase projected by PEIA. $7,294 (Health Insurance), $540.48 (Life Insurance), Dental Ins ($266.16), Vision Ins ($111.00), EAP Premiums ($15.84) |
| | 06 Retirement | - | 6,089 | 2,960 | 6,323 | PERS II Employer Contribution 9% |
| | 09 OPEB | - | 2,038 | 658 | 2,108 | Deferred Compensation Employer Contribution 3% |
| | 11 Telephone | - | 750 | - | 750 | Cell phone |
| | 14 Travel | - | 2,500 | - | 4,200 | 2 National Conferences; airfare, lodging, per-diem |
| | 20 Advertising/Legal Publications | - | 500 | - | - | |
| | 21 Training & Education | - | 2,500 | - | - | $2,500 rolled under City Manager's office. |
| | 22 Dues & Subscriptions | - | 2,000 | - | 2,000 | IEDC Membership, Survey Subscription, Adobe subscription |
| | 23 Professional Services | - | 2,000 | - | 1,000 | Engineering Services |
| | 26 Insurance and Bonds | - | 4,500 | 2,185 | 5,000 | Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property. |
| | 41 Departmental Supplies | - | 1,000 | - | 3,000 | Promotional items for events and City marketing and other departmental supplies. |
| | 43 Auto Supplies | - | 500 | - | - | |
| | **Total Economic Development** | **-** | **105,531** | **44,898** | **108,304** | |
| | | | | | | |
| | **Federal Grants - 403** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | Professional Services | - | - | - | - | |
| | Departmental Supplies | - | - | - | - | |
| | **Total Federal Grants** | **-** | **-** | **-** | **-** | |
| | | | | | | |
| | **Mayor's Office - 409** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | |
| | 01 Salary | 12,500 | 12,500 | 6,250 | 12,500 | Mayor's Salary |
| | 04 FICA Tax Expense | 956 | 1,000 | 478 | 1,000 | |
| | 11 Telephone | - | - | - | - | |
| | 14 Travel Expense | 881 | 2,000 | - | 2,000 | WV Municipal League |
| | 20 Advertising/Legal Publication | - | - | - | - | |
| | 21 Training & Education | 284 | 1,000 | - | 1,000 | |
| | 26 Insurance & Bonds | 871 | 1,000 | 448 | 1,000 | |
| | 41 Departmental Supplies | 65 | 250 | 592 | 500 | $453.00 - Ceremonial Keys to the City and Coins |
| | 68 Community Contributions | - | 2,000 | - | 2,000 | |
| | **Total Mayor's Office** | **15,556** | **19,750** | **7,768** | **20,000** | |
| | | | | | | |
| | **Council - 410** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 01 Salaries | 34,800 | 40,000 | 19,167 | 40,000 | Eight Council Members at $5,000 annual salary |
| | 04 FICA Tax Expense | 2,662 | 3,100 | 1,466 | 3,100 | |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 14 Travel Expense | 1,956 | 5,000 | 3,166 | 4,800 | Conferences |
| | 20 Advertising | - | - | - | - | |
| | 21 Training & Education | 2,128 | 3,000 | 2,350 | 3,200 | Conference Registration ($450 per registration) |
| | 26 Insurance & Bonds | 2,425 | 3,200 | 1,398 | 3,200 | Umbrella, Commercial Property, Worker's Comp, Automobile, Liability |
| | 41 Departmental Supplies | 549 | 1,000 | 291 | 700 | |
| | **Total Council** | **44,520** | **55,300** | **27,838** | **55,000** | |
| | | | | | | |
| | **City Manager - 412** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 231,201 | 207,183 | 83,180 | 180,000 | City Manager Salary ($120,000) + 2.5% Merit ($1,545) + Holiday Supplement ($500)<br>Deputy City Clerk Salary (from $52,674 to $54,000) + 2.5% Merit ($695.25) + Holiday Supplement ($500)<br>City Manager requesting promotion and salary increase for from Deputy City Clerk to City Clerk. Finance Committee approved dollar amount. |
| | 04 FICA Tax Expense | 15,848 | 15,869 | 5,445 | 14,400 | FICA Tax @ 7.65% |
| | 05 Group Insurance | 5,616 | 10,000 | 4,627 | 2,000 | Health, Dental, Vision, Life insurance, EAP |
| | 06 Retirement | 12,145 | 18,692 | 6,139 | 16,200 | 9% Employer Contribution PERS I and II |
| | 09 OPEB | 1,846 | 6,215 | 2,061 | 5,400 | 3% Employer Contribution Deferred Compensation plan |
| | 11 Telephone | 205 | 500 | 120 | 520 | Mobile phone service |
| | 14 Travel Expense | 5,701 | 1,500 | 1,257 | 1,500 | WVML Trip, City Clerk Election Training |
| | 20 Advertising | 1,761 | 300 | - | - | |
| | 21 Training & Education | - | 1,500 | - | 20,000 | 402 Economic Development - $2,500 - Two National Conferences<br>415 Court Clerk - $500 - Municipal Court training, Election training<br>437 Planning & Zoning - $7,000 - Leadership WV Jefferson and APA Online Training<br>425 Enforcement Agency - $2,000 - ICC Conference & WV Code Officials Seminar<br>436 Building Inspections - $2,000 - ICC Conference & WV Code Officials Seminar<br>440 City Hall - $2,000 - WVML Conference<br>413 Treasurer's Office - $4,000 - WV GFAO Training - 4 employees; Spring or Fall Conference<br>750 Maintenance - $1,500 |
| | 22 Dues & Subscriptions | 180 | 1,500 | 106 | 1,000 | Adobe subscriptions. ICMA and WVML Fees. |
| | 23 Professional Services | 1,510 | 250 | 453 | - | Background checks for City Manager candidates. Not required this year. |
| | 26 Insurance & Bonds | 12,066 | 15,000 | 10,329 | 15,000 | Umbrella, Commercial Property, Worker's Comp, Automobile, Liability |
| | 41 Departmental Supplies | 572 | 750 | 527 | 750 | Misc. Office Supplies |
| | 43 Auto Supplies (Gas & Oil) | - | 100 | - | - | Gas is covered under travel expenses. |
| | **Total City Manager** | **288,650** | **279,359** | **114,244** | **256,770** | |
| | | | | | | |
| | **Treasurer - 413** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 153,747 | 235,661 | 145,117 | 235,000 | Director of Finance ($100,000), Accounting Clerk III ($44,762), Accounting Clerk II 0.5 FTE ($40,685), Accounting Clerk I ($37,500) plus 2.5% merit, holiday supplement, and overtime. |
| | 04 FICA Tax Expense | 12,036 | 18,043 | 7,735 | 18,800 | FICA Tax @ 7.65% |
| | 05 Group Insurance | 21,986 | 24,999 | 10,693 | 25,000 | Health, Dental, Vision, Life insurance, EAP |
| | 06 Retirement | 14,795 | 21,218 | 7,724 | 21,150 | 9% Employer Contribution PERS I and II |
| | 09 OPEB | 3,499 | 7,070 | 1,414 | 7,050 | 3% Employer Contribution Deferred Compensation plan |
| | 11 Telephone | - | 750 | 32 | 500 | Director of Finance Cell Phone |
| | 12 Printing | - | - | - | - | |
| | 14 Travel Expense | - | 1,000 | - | 4,000 | Director & Acct. Clerk III - WV Government Finance Officers Association Training |
| | 18 Postage | - | 50 | - | - | Transfer cost to City Hall and Pitney Bowes machine. |
| | 20 Advertising/Legal Pubs | 1,280 | 1,000 | 2,269 | 2,000 | Financial statement publication $625, Levy Estimate $425, Tax increase notice $250. |
| | 21 Training & Education | 1,585 | 5,000 | - | - | $4,000 Rolled into City Manager's budget |
| | 22 Dues & Subscriptions | 382 | 500 | 297 | 800 | Adobe subscription for Director & Accounting Clerk III |
| | 23 Professional Services | 1,900 | 2,500 | 2,458 | 2,500 | J.C. Kunkle Accounting Services - CWH Landlord Trial Balance Analysis ($1,200)<br>Police pension annual report ($800)<br>Background Checks for New Hires ($300) |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 24 Audit Costs | 41,700 | 40,000 | - | 42,000 | Perry & Associates and J.C. Kunkle FY25 Compilation and Preparation of Audit |
| | 26 Insurance & Bonds | 10,555 | 14,000 | 7,579 | 15,000 | General Liability, Worker's Compensation, Umbrella |
| | 30 Contracted Services | - | - | - | 25,000 | Tyler Technologies - Incode Annual License Fee - $20,000<br>Business License Software Maintenance (Progressive Solutions) - $5,000 |
| | 41 Departmental Supplies | 738 | 1,500 | 265 | 2,000 | Paper folder machine ($500) |
| | 59 Capital Outlay | - | - | - | - | |
| | **Total Treasurer** | **264,204** | **373,291** | **185,583** | **400,800** | |
| | | | | | | |
| | **Court Clerk - 415** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 51,579 | 62,801 | 29,766 | 62,000 | Court Clerk Salary: $59,996 plus 2.5% merit, and holiday supplement |
| | 04 FICA | 3,946 | 4,835 | 2,314 | 4,960 | FICA Tax @ 7.65% |
| | 05 Group Insurance | 10,990 | 12,000 | 7,032 | 12,529 | Health, Dental, Vision, Life insurance, EAP + 14% premium increase |
| | 06 Retirement | 4,868 | 5,652 | 2,635 | 5,580 | 9% Employer Contribution PERS I and II |
| | 09 OPEB | 1,656 | 1,884 | 629 | 1,860 | 3% Employer Contribution Deferred Compensation plan |
| | 14 Travel | - | 1,000 | - | 500 | Court Clerk training and Election training |
| | 18 Postage | - | - | - | - | |
| | 20 Advertising/Legal Publications | 465 | 700 | - | 700 | |
| | 21 Training & Education | 540 | 800 | 440 | - | $500 transferred to City Manager's budget. WVML training and Election training. |
| | 22 Dues & Subscriptions | - | 100 | - | - | |
| | 23 Professional Services | - | 100 | - | - | |
| | 24 Audit Costs | - | - | - | - | |
| | 26 Insurance & Bonds | 3,904 | 4,500 | 2,020 | 4,500 | Court Clerk Bond, General Liability, Worker's Compensation, Umbrella |
| | 30 Contracted Services | 25 | 100 | - | 25 | Flu shot |
| | 41 Departmental Supplies | 536 | 1,000 | 114 | 600 | Ink cartridges, paper stock |
| | **Total Court Clerk** | **78,508** | **95,472** | **44,950** | **93,254** | |
| | | | | | | |
| | **Police Judges - 416** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 23,542 | 32,000 | 13,912 | 32,000 | Two Municipal Court judges; two magistrates; two prosecuting attorneys; and extra $2k for special judge. |
| | 04 FICA | 1,064 | 2,400 | 1,064 | 2,400 | |
| | 14 Travel | - | 500 | - | 500 | WV State mandated annual training for magistrates & judges |
| | 21 Training & Education | - | 1,000 | - | 1,000 | WV State mandated annual training for magistrates & judges |
| | 22 Dues and Subscriptions | - | 100 | - | 100 | |
| | 23 Professional Services | - | 1,000 | - | 1,000 | |
| | 26 Insurance & Bonds | 2,230 | 2,500 | 1,580 | 2,500 | |
| | 41 Departmental Supplies | | - | - | - | |
| | **Total Police Judges** | **26,836** | **39,500** | **16,556** | **39,500** | |
| | | | | | | |
| | **City Attorney - 417** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | Professional Services | 200,505 | 200,000 | 134,662 | 225,000 | Cost for outside legal counsel |
| | **Total Attorney** | **200,505** | **200,000** | **134,662** | **225,000** | |
| | | | | | | |
| | **Enforcement Agency - 425** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | Notes and Explanations |
| | 03 Salaries | - | 59,785 | 24,948 | 56,000 | Code Enforcement Officer: $54,322.83 plus 2.5% merit and holiday supplement. |
| | 04 FICA | - | 4,574 | 1,871 | 4,284 | FICA @ 7.65% of Salary |
| | 05 Group Insurance | - | 6,000 | 333 | 1,140 | Includes 14% premium increase projected by PEIA. Current expenses include: Life Ins. ($545 per mo), Dental ($266 per mo), and Vision ($111 per mo). |
| | 06 Retirement | - | 5,431 | 2,201 | 5,040 | PERS II Employer Contribution 9% |
| | 09 OPEB | - | 1,794 | 245 | 1,680 | 457(b) Deferred Compensation Employer Contribution (3%) |
| | 11 Telephone | - | - | 126 | 750 | |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 14 Travel | - | - | 305 | 3,000 | International Code Council Conference. Orlando. 2-3 days; airfare, lodging, meals, rental car/gas<br>WV Code Officials Association Seminar. Roanoke, WV; airfare, lodging, meals, rental car/gas |
| | 18 Postage | - | - | 79 | 1,000 | Certified Mailings |
| | 20 Advertising/Legal Publications | - | 2,000 | - | 1,000 | |
| | 21 Training & Education | - | 2,500 | 2,448 | - | $3,500 transferred to City Manager's budget.<br>International Code Council Conference. Orlando, FL. Registration Fee ($1,600)<br>WV Code Officials Spring Seminar, Roanoke, WV (9/2024) Registration Fee ($150) |
| | 22 Dues & Subscriptions | - | - | - | 1,000 | Women in Code Enforcement (WICED) Membership Fees ($35)<br>ICC Membership ($160/yr) |
| | 26 Insurance and Bonds | - | 3,800 | 1,704 | 3,800 | Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property. |
| | 30 Contracted Services | - | 50,000 | - | 71,100 | Kimley-Horn Engineering Services / Nuisance Properties; discuss process w/council. Trash removal fees at Marware apartments ($5,500) and storage fees at Whitteried property ($15,600). Cost moved to Code Enforcement. |
| | 41 Departmental Supplies | - | 2,000 | 641 | 3,000 | Office printer, building safety month supplies, jackets, boots, code books |
| | 43 Auto Supplies | - | 999 | - | - | Under Maintenance budget |
| | **Total Enforcement Agency** | **-** | **138,883** | **34,902** | **152,794** | |
| | | | | | | |
| | **Regional Dev Authority - 435** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 22 Dues & Subscriptions | 3,524 | 5,500 | 5,336 | 6,600 | Region 9 Assessment - Fees are going up |
| | **Total Regional Dev. Authority** | **3,524** | **5,500** | **5,336** | **6,600** | |
| | **Total City Administration** | **922,303** | **1,312,586** | **616,737** | **1,358,022** | |
| | | | | | | |
| | **Building Inspections - 436** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 21,860 | 80,221 | 39,913 | 82,300 | Building Official/Inspector: $80,653.29 plus 2.5% merit plus holiday supplement |
| | 04 FICA | 1,672 | 6,141 | 3,053 | 6,296 | FICA @ 7.65% of Salary |
| | 05 Group Insurance | 56 | 500 | 597 | 1,650 | Dental/Life/Vision/EAP Premiums |
| | 06 Retirement | 2,053 | 7,228 | 3,519 | 7,100 | PERS II Employer Contribution (9%). $272.37 per pay period * 26 pay periods |
| | 09 OPEB | - | 2,407 | 782 | 1,575 | 457(b) Deferred Comp Employer Contribution (3%). $60.53 per pay period * 26 pay periods |
| | 11 Telephone | 81 | 750 | 197 | 1,010 | Two lines; one is a hot spot. $84.18 per month x 12 months = $1,010.16 per year in actual costs |
| | 14 Travel | - | 1,716 | 1,816 | 3,000 | National ICC Conference; Women in Code Enforcement Training; airfare, lodging, meals, gas |
| | 17 R&M Auto | - | 500 | - | - | Under Maintenance budget |
| | 18 Postage | - | - | 79 | 1,000 | Certified mailings for property Notice of Violations |
| | 20 Advertising/Legal Publications | - | 1,316 | 1,216 | 500 | Job posting costs |
| | 21 Training & Education | - | 1,000 | - | - | $2,500 in City Manager's budget. ICC national conference, WV State Code Conference. |
| | 22 Dues & Subscriptions | - | 2,500 | - | 1,000 | ICC membership dues; WICA subscription |
| | 23 Professional Services | - | 7,968 | - | 10,000 | To cover expenses associated with inspections; compliance. |
| | 26 Insurance & Bonds | 2,432 | 6,000 | 2,580 | 6,000 | Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property. |
| | 41 Departmental Supplies | 462 | 4,000 | 402 | 3,000 | Mobile printer for vehicle, jackets, boots, building safety month |
| | 43 Auto Supplies | - | 1,000 | - | - | Under Maintenance budget |
| | **Total Building Inspections** | **28,615** | **123,247** | **54,155** | **124,431** | |
| | | | | | | |
| | **Planning & Zoning - 437** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 257,182 | 228,270 | 110,988 | 243,000 | Director of Community Development: $96,937, City Planner/Zoning/Subdiv Administrator: $84,721, Permit Tech: $50,141 plus 2.5% step increase on 1/1/2025 for all three positions. Includes Holiday Supplement pay ($500 x 3 employees = $1,500) and summer intern ($5,250). |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 04 FICA | 20,474 | 17,898 | 9,409 | 19,000 | FICA @ 7.65% of Salary |
| | 05 Group Insurance | 26,391 | 25,000 | 16,239 | 31,000 | Includes 14% increase projected by PEIA. Health/Dental/Life/Vision/EAP Premiums |
| | 06 Retirement | 24,203 | 20,544 | 9,689 | 23,085 | PERS II Employer Contribution (9%) |
| | 09 OPEB | 6,543 | 6,849 | 2,066 | 7,290 | 457(b) Deferred Comp Employer Contribution (3%). |
| | 11 Telephone | 106 | 500 | 89 | 250 | Director's department cell phone |
| | 14 Travel | 4,053 | 2,000 | 693 | 8,000 | James - American Planning Association Conference<br>Alissa - WV Leadership Trainings (12 trainings) & Women Leaders in Code<br>Kim - MGO Conference |
| | 18 Postage | 856 | 1,000 | 9 | 1,000 | Certified Mailings; Legal notices, yard sign postings |
| | 20 Advertising/Legal Publications | | 3,500 | 3,521 | 4,500 | Advertising of BZA and public hearings for P/C meetings; hearing placards |
| | 21 Training & Education | 1,899 | 3,000 | 1,075 | - | $7,000 rolled into City Manager's budget. Alissa - WV Leadership conference registration |
| | 22 Dues & Subscriptions | 4,908 | 2,000 | 2,058 | 3,000 | AICP Membership; Kim ICC membership; Alissa Community Development Society membership; Women Leaders in Code membership, Adobe subscription for 2 people. |
| | 23 Professional Services | 2,627 | 5,000 | - | 5,000 | GIS Aerial imagery, Engineering Services, Background Checks |
| | 26 Insurance & Bonds | 19,313 | 20,000 | 7,522 | 20,000 | Worker's Comp, Prof Liability, Umbrella, Automobile, Commercial Property. |
| | 30 Contracted Services | 38,156 | 60,000 | 17,205 | 30,000 | Kimley-Horn and Associates - Engineering and routine plan review; bond assessments; |
| | 31 Contracted Services - Tree Board | 1,696 | 12,000 | 531 | 2,000 | To maintain Tree City USA Status, we must house this cost in the budget which is based on the population. |
| | 41 Departmental Supplies | 4,717 | 4,000 | 1,712 | 4,000 | Public hearing signs, office supplies, promotional supplies |
| | 53 Computer Software / Tech | - | - | - | 9,000 | MyPermit Now Monthly Fees |
| | 59 Capital Outlay | | 11,000 | - | - | |
| | **Total Planning and Zoning** | **413,124** | **422,561** | **182,806** | **410,125** | |
| | **Total City Bldg Inspection, P&Z, and Enforcement Agency** | **441,739** | **684,691** | **271,863** | **795,654** | |
| | | | | | | |
| | **Elections - 438** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 12 Printing | - | - | - | 3,000 | |
| | 20 Advertising/Legal Publications | - | - | - | 500 | Publish ballot multiple times |
| | 23 Professional Services | - | - | - | - | |
| | 30 Contracted Services | - | - | - | 5,000 | Poll workers for early voting and day of election. |
| | 41 Departmental Supplies | - | - | - | 2,000 | Purchase of ballots $1,500, Election Kits, Paper, Election Banner, Voter Stickers |
| | **Total Elections** | **-** | **-** | **-** | **10,500** | |
| | | | | | | |
| | **City Hall - 440** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 3 Salaries | 102,390 | 104,787 | 22,545 | 95,000 | Director of Operations Salary: $92,500 + 2.5% Merit + Holiday Supplement |
| | 4 FICA Taxes | 8,598 | 8,042 | 1,725 | 7,600 | FICA @ 7.65% |
| | 5 Group Insurance | 14,123 | 12,600 | 2,623 | 16,500 | Health, Dental, Vision, Life, Employee Assistance Program |
| | 6 Retirement | 10,101 | 9,455 | 1,985 | 9,500 | 9% Employer Contribution |
| | 9 OPEB | 3,128 | 4,000 | 662 | 2,000 | 3% Deferred Compensation Employer Contribution |
| | 11 Telephone | 21,708 | 22,000 | 11,289 | 18,000 | WebEx Phone Services ($6,000), Internet Service ($3,012), Cell phone - Director ($384), Rouss Hall Phone Service ($7,200 per year/$600 per mo.)<br>**Proposing upgrade to internet service. 1 Gbps with GloFiber. $1,900 per month, $22,800 per year. One time set up fee $1,900. $950 set up cost allocated to Police Dept, $950 set up cost allocated to City Hall. Please review quote in attachments.** |
| | 12 Printing | - | - | - | - | |
| | 13 Utilities | 20,038 | 21,000 | 9,181 | 21,000 | City Hall Oil and Electric, Rouss Hall Electric, CTUB Water/Sewer |
| | 14 Travel Expense | 517 | 750 | - | 2,000 | WV Municipal League Election Training in Charleston, WV and another conference in Baltimore, MD |
| | 15 Repair & Main. Bldg & Grounds | 9,202 | 10,000 | 1,825 | 12,000 | Elevator Services, Holiday lights, City Hall Maintenance |
| | 16 Repair & Main. Equipment | 137 | 1,000 | - | - | |
| | 17 Repair & Main. Auto | - | 1,000 | - | - | |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 18 Postage | 2,561 | 3,500 | 1,509 | 3,500 | Pitney-Bowes Machine Postage; includes Treasurer's office mailings for B&O Tax Collection |
| | 19 Bldg & Equipment Rental | 244,756 | 250,000 | 123,072 | 250,000 | CWH Loan ($16,667 per month), CTUB Rent ($2,550 per month), Postage Lease, City Copier Rental, Plat Printer |
| | 20 Advertising/Legal Publications | 3,820 | 5,000 | 2,033 | 5,000 | American Legal Publishing, Job postings, Weekly Event Calendar ($3,640), Board Vacancy Advertisements |
| | 21 Training & Education | 300 | 500 | 145 | - | $2,000 transferred to City Manager's budget |
| | 22 Dues & Subscriptions | 483 | 4,000 | 483 | 3,500 | Jefferson County Chamber of Commerce ($275), SHRM Membership ($300), WVML Annual Dues ($2,400) |
| | 23 Professional Services | 2,813 | 2,000 | 5,525 | 25,000 | Insurance Broker Services estimated $1,800 per month, Open enrollment, payroll integration. |
| | 24 Audit Costs | - | - | - | | |
| | 26 Insurance & Bonds | 11,155 | 12,000 | 3,370 | 17,000 | Liability, Worker's Comp, Auto Insurance, Umbrella, Commercial |
| | 30 Contracted Services | 68,021 | 101,600 | 49,411 | 181,404 | Sustainable Strategies (Grant Consultant, Matt Ward) - $28,800 ($2,400 per month)<br>Website Hosting Fee (Revize) - $3,900 per year for 5 years<br>Pest Control Services - $1,000<br>Printer & Copier Lease - $14,400<br>SVG Commercial Cleaning Services for City Hall and Rouss Hall - $35,000<br>Payroll Processing Base Fees - $3,864<br>ADP Software Recurring Annual Fee - $19,440<br>Tek Advisors - Moving this out of Capital Budget and into Operating budget - $75,000 per year. |
| | 31 Bad Debt Expense | - | - | - | - | |
| | 32 Bank Charges | 24,728 | 35,000 | 18,137 | 29,000 | Credit card merchant fees, eCheck Usage Fees, Fraud Detection Fees |
| | 37 Other Fees/Taxes | 1,337 | 2,000 | 500 | 1,500 | Late fees |
| | 41 Departmental Supplies | 8,951 | 11,000 | 6,282 | 12,000 | |
| | 43 Auto Supplies (Gas & Oil) | - | 500 | - | - | |
| | 53 Computer Software / Tech | 9,982 | 43,320 | 9,099 | 15,000 | City Sonic Wall Annual License - $1,700<br>Clearcaster Annual License - $1,700<br>Granicus Annual License - $9,500 - Agenda management,Online training, Audio/Visual software for livestreaming meetings<br>VEEAM Annual Maintenance - $600.00<br>Zoom Fees - $1,500 per year |
| | 59 Capital Outlay | - | - | - | - | |
| | 68 Contributions | - | - | - | - | |
| | 70 Capital Lease | - | - | - | - | |
| | 75 Special Emergency Expense | 4,680 | - | - | - | Covid related expenses |
| | **Total City Hall** | **573,527** | **665,054** | **271,400** | **726,504** | |
| | | | | | | |
| | **Contributions/Transfers - 444** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 68 Contributions - "But For" Organizations | 92,268 | - | - | 60,000 | Citizens Fire Co. $95K and EPTA Requests $50K |
| | 68 Community Awards | | 842,544 | | - | |
| | 68 Contributions - Revive Grant | - | 50,000 | - | 20,000 | Unspent Revive! Funding rolled over to FY24 |
| | 68 Contributions - Façade Improvement Program | - | 24,622 | - | 15,000 | |
| | 68 Contributions - Homeless Solutions | - | 50,000 | - | 25,000 | County Homelessness position funding commitment |
| | 68 Contribution - Nuisance Property Expenses | - | - | - | - | Trash removal fees at Marware apartments ($5,500) and storage fees at Whitteried property ($15,600). Cost moved to Code Enforcement. |
| | 68 Contributions - Sidewalk Improvement Program | - | 15,000 | - | 15,000 | SIP grant historically funded out of CIP, but expense was moved General Operating budget to reflect ongoing and not capital expenses. Reducing by $5k due to lack of public interest |
| | **Total Contributions/Transfers** | **92,268** | **982,166** | **-** | **135,000** | |
| | | | | | | |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | **Parking - 571** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 30,110 | 39,241 | 19,877 | 41,614 | Base salary, contingency, 2.5% merit, holiday supplement, and clothing allowance |
| | 04 FICA Tax Expense | 2,303 | 3,040 | 1,521 | 3,300 | FICA @ 7.65% |
| | 05 Group Insurance | 8,232 | 10,000 | 4,800 | 9,300 | Health, Dental, Vision, Life, Employee Assistance Program |
| | 06 Retirement Expense | 2,814 | 3,583 | 1,716 | 3,600 | 9% Employer Retirement Contribution |
| | 09 OPEB | 990 | 1,500 | 618 | 1,400 | 3% Deferred Compensation Employer Contribution |
| | 13 Utilities | 1,099 | 1,100 | 374 | 1,200 | Electric Service |
| | 16 Repair & Main - Equipment | - | 3,000 | - | 3,000 | Parking meter repairs and maintenance |
| | 18 Postage | 126 | 500 | - | 500 | |
| | 19 Bldg & Equipment Rental | 1,700 | 1,700 | - | 1,000 | |
| | 20 Advertising / Legal Publications | - | - | - | 500 | |
| | 23 Professional Services | - | - | - | - | |
| | 26 Insurance & Bonds | 2,376 | 3,000 | 1,782 | 3,000 | Prof Liability, Umbrella, Automobile, Worker's Comp |
| | 30 Contracted Services | - | 500 | - | 500 | |
| | 41 Departmental Supplies | 3,515 | 6,000 | 846 | 5,000 | Office Supplies, Batteries, Handheld Printer Paper |
| | 45 Uniforms | 1,906 | 500 | 400 | 500 | Jacket, Uniform Shirt, Patches, Badge, etc. |
| | 53 Computer Software/Tech | - | 4,000 | - | 4,000 | United Public Safety/T2 Annual Fees |
| | **Total Parking** | **55,171** | **77,664** | **31,933** | **78,414** | |
| | | | | | | |
| | **Contingencies - 699** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | Other Contributions | - | 463,475 | - | 254,996 | Placeholder for 3.2% COLA ($84,900 plus $16,980 for FICA/Retirement Cont.); $50,000 for emergency snow costs. $41,667 for COPS grant for additional police officer. |
| | **Total Contingencies** | **-** | **463,475** | **-** | **254,996** | |
| | | | | | | |
| | **Police Department - 700** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 1,178,123 | 1,497,325 | 717,968 | 1,532,798 | Base Salaries plus contingency, 2.5% merit, longevity, shift differential, clothing allowance, holiday supplement.<br>Seven (7) Patrolman ($52,998.40 - $55,681.60)<br>Two (2) Patrolman First Class ($58,510.40 - $64,542.40)<br>Three (3) Sergeants ($76,689.60 - $86,756.80)<br>Two (2) Lieutenants ($93,246.40 - $95,576.00)<br>Three (3) Corporals ($67,808 - $82,617.60)<br>Three (3) Administrative personnel ($36,276.00 - $55,910.40)<br>One (1) Chief ($134,650) |
| | 04 FICA | 31,053 | 44,512 | 20,691 | 50,000 | FICA Tax at 7.65% |
| | 05 Group Insurance | 115,935 | 135,000 | 105,465 | 180,000 | PEIA/Health insurance increase from $9K to $12K per month. |
| | 06 Retirement | 119,464 | 147,354 | 66,425 | 140,000 | Employer Retirement Contribution PERS I and II (9%) and MPFRS (8.5%) |
| | 07 Police Pension | 58,937 | 60,000 | 14,829 | 64,000 | Legacy CTPD Retirement System |
| | 08 Overtime | 114,410 | 140,000 | 70,936 | 150,000 | |
| | 09 OPEB | 38,560 | 44,920 | 18,022 | 48,000 | 457(b) Deferred Compensation 3% |
| | 11 Telephone | 45,307 | 50,000 | 22,026 | 48,500 | |
| | 13 Utilities | 32,937 | 42,500 | 12,078 | 48,000 | Electric and Internet Service, increase in FY254. |
| | 14 Travel | 2,712 | 5,000 | 891 | 4,000 | |
| | 15 R&M Building & Grounds | 534 | 2,000 | 903 | 2,200 | Lights, Paint, Air Filters, Electrical supplies, Batteries |
| | 16 R&M Equipment | - | 3,500 | 1,143 | 2,500 | Generator Service |
| | 17 R&M Auto | 13,752 | 50,000 | 7,897 | 45,000 | Oil changes, Air filters, Vehicle Repairs, State Inspections, Vehicle Maintenance (Brakes/Rotors, Tires, etc. |
| | 18 Postage | 1,208 | 1,500 | 628 | 1,300 | |
| | 19 Building & Equipment Rental | 97,488 | 100,000 | 48,446 | 100,000 | |
| | 20 Advertising/Legal Publications | 5,022 | 7,500 | 1,923 | 5,600 | New Hire Ads 3-6 ads in local paper |
| | 21 Training & Education | 14,425 | 20,000 | 5,375 | 20,000 | |
| | 22 Dues & Subscriptions | 638 | 5,500 | 60 | 2,000 | WVCOP Dues, IACP, SRO, Journal |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 23 Professional Services | 550 | 7,500 | 865 | 6,500 | Polygraph Exams, Physical Exams, Diagnostic Imaging |
| | 26 Insurance & Bonds | 90,545 | 110,000 | 48,152 | 105,000 | Worker's Comp, Liability, Automobile, Liability Claims, Commercial Property Insurance |
| | 30 Contracted Services | 42,208 | 92,500 | 26,874 | 48,000 | CALEA Annual Continuation Fee ($4,595), Background Checks, Court Translator, Cleaning Fees, HVAC Service 661 George St. |
| | 32 Bank Charges | - | 250 | - | 250 | |
| | 37 Other Fees & Taxes | 200 | - | 200 | 250 | 661 George St. Ambulance Fees |
| | 41 Departmental Supplies | 18,012 | 30,000 | 13,802 | 40,000 | Ammunition, Office Supplies, Cleaning Supplies, Water Delivery |
| | 43 Auto Supplies | 53,950 | 65,000 | 27,824 | 65,000 | Gas for Police Vehicles |
| | 45 Uniforms | 11,051 | 15,000 | 10,385 | 20,000 | |
| | 53 Computer Software/Tech | 16,074 | 25,000 | 4,985 | 29,000 | CAD, Guardian Tracking, Police One Academy, Powerdms, POSS-Essentials |
| | **Total Police Dept** | **2,103,095** | **2,701,861** | **1,248,795** | **2,757,898** | |
| | | | | | | |
| | **Police-Special Duty Crossing Guard - 704** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 26,208 | 27,500 | 12,862 | 34,803 | Five (5) Part-Time Crossing Guards (Wright Denny and Charles Town Middle). Expenses reimbursed by BOE. No COLA. |
| | 04 FICA Tax Expense | 2,005 | 2,100 | 984 | 2,600 | |
| | 26 Insurance & Bonds | 1,556 | 1,750 | 801 | 1,750 | |
| | 41 Departmental Supplies | 492 | 500 | - | 250 | Stop signs |
| | 45 Uniforms | 125 | 300 | 83 | 500 | Reflective jackets and vests |
| | 43 Auto Supplies (Gas & Oil) | | - | - | - | |
| | **Total Police - Special Duty Crossing Guard** | **30,386** | **32,150** | **14,730** | **39,903** | |
| | **Total Police and Crossing Guards** | **2,133,481** | **2,734,011** | **1,263,525** | **2,797,801** | |
| | | | | | | |
| | **Dog Warden - 707** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | Contributions | - | 1,600 | - | 1,600.00 | City passes along the dog tag fees to the County |
| | **Total Dog Warden** | **-** | **1,600** | **-** | **1,600.00** | |
| | | | | | | |
| | **Maintenance - 750** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 03 Salaries | 213,985 | 254,141 | 124,879 | 263,643 | Promote Maintenance Supervisor to Director; increase in salary from $73,418 to $80,000, plus three (3) Maintenance Staff: $66,454, $49,995 and $42,064 plus 5.0% Merit and Holiday Supplement. |
| | 04 FICA Tax Expense | 16,370 | 19,456 | 9,553 | 21,091 | FICA @ 7.65% |
| | 05 Group Insurance | 17,594 | 25,000 | 11,123 | 26,000 | Health, Dental, Vision, Life, Employee Assistance Program |
| | 06 Retirement | 20,091 | 23,331 | 10,947 | 23,728 | 9% Employer Contribution |
| | 09 OPEB | 4,644 | 7,625 | 2,017 | 7,909 | 3% Deferred Compensation Employer Contribution |
| | 11 Telephone | 1,363 | 3,000 | 835 | 3,000 | Field staff equipped with cell phones |
| | 13 Utilities | 100,137 | 110,000 | 43,627 | 100,000 | Electric (street lights), water, sewer, and internet |
| | 14 Travel Expense | - | 1,000 | 5 | 1,500 | Maintain certifications; other skill enhancement training as required/proposed |
| | 15 R&M Buildings and Grounds | 7,970 | 14,000 | 3,993 | 14,000 | General maintenance of city buildings. |
| | 16 R&M Equipment | 24,217 | 30,000 | 1,801 | 15,000 | Regular maintenance of fleet equipment, primary expense is street sweeper repairs. We have a new leaf vacuum, so we don't have as much maintenance expense. |
| | 17 R&M Auto | 5,406 | 7,500 | 3,503 | 7,000 | Regular maintenance of department vehicles. |
| | 19 R&M Bldg and Equip Rental | - | 1,000 | - | - | Equipment rented as required to maintain various city buildings. |
| | 20 Advertising | - | 250 | - | - | Spring and Fall Cleanup. Additional city sponsored projects as required. |
| | 21 Training & Education | - | 500 | - | - | Maintain certifications; other skill enhancement training as required/proposed |
| | 22 Dues & Subscriptions | 138 | 500 | - | 200 | Camera subscription and CDL License Fees |
| | 23 Professional Services | 220 | - | - | 120 | CDL and Physicals |
| | 26 Insurance & Bonds | 14,891 | 19,000 | 8,173 | 19,000 | Liability, Worker's Comp, Vehicle Insurance |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 30 Contracted Services | 36,776 | 50,000 | 27,220 | 50,000 | Trash Service, Box Rental Fees, Contractor for Tree Services, Snow Removal and Salt |
| | 41 Departmental Supplies | 6,072 | 12,000 | 3,873 | 12,000 | GoGov Work Order Software cost |
| | 43 Auto Supplies (Gas & Oil) | 22,289 | 25,000 | 10,015 | 23,000 | Other city vehicle maintenance. |
| | 45 Uniforms | 9,862 | 13,000 | 4,670 | 10,000 | Cintas service cost increase |
| | 53 Software/Tech | - | 6,000 | - | - | |
| | 59 Capital Outlay | - | - | - | 25,000 | Elevator repairs, HVAC repairs, tires, various equipment. |
| | **Total Streets** | **502,026** | **622,303** | **266,234** | **622,191** | |
| | | | | | | |
| | **Visitor's Center - 901** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 13 Utilities | 4,384 | 3,000 | 2,548 | 5,200 | Electric Service for Rouss Hall |
| | 15 R&M - Building & Grounds | - | - | - | - | |
| | 23 Professional Services | - | - | - | - | |
| | 30 Contracted Services | - | - | - | - | |
| | 41 Departmental Supplies | - | - | - | - | |
| | 66 Contributions | 93,571 | 75,000 | 60,727 | 100,000 | 50% of Hotel/Motel Tax Revenue Contribution to Visitor's Center. Hotel/Motel Tax Revenue is trending 6% higher than FY24; primarily in August and January. |
| | **Total Visitor's Center** | **97,955** | **78,000** | **63,275** | **105,200** | |
| | | | | | | |
| | **Fairs/Festivals - 903** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 19 Bldg & Equipment Rental | 90 | 1,000 | - | - | No longer needed, we bought a generator. |
| | 20 Advertising/Legal Publications | 1,447 | 1,500 | 570 | 1,800 | |
| | 30 Contracted Services | 18,644 | 29,300 | 8,673 | 30,000 | **WV Fest**<br>Stage/Sound ($5,000), Musicians ($5,000), Athlete Appearances ($4,300), Signage ($2,000), Inflatables ($2,000), Labor ($2,100), Portable toilets ($1,000), Hospitality/lodging and meals for talent ($1,000), Game Entertainment Avenue ($2,000)<br>**Car Show**<br>Sound ($2,500), Announcer ($500), Model T Ford Car Club ($600), Portapotts ($900), Labor ($700)<br>**Halloween**<br>Labor ($146)<br>**Christmas Parade**<br>Labor ($146) |
| | 41 Departmental Supplies | 14,558 | 31,700 | 21,531 | 25,000 | **WV Fest**<br>Water/cups ($1,500), Tents ($1,500), Trophies ($500), Chairs & Railing ($1,000), Contests ($300)<br>**Car Show**<br>Trophies/Plaques ($4,700), Signage/Parking ($500), Water/Chips ($1,500)<br>**General**<br>Welcome bags for new residents ($1,000), Candy ($325), Contest prizes for Light the City and Xmas parade ($1,625), Christmas costumes, Signs<br>**Christmas Wreaths - $3,000** |
| | 52 Computer Software | - | - | - | 1,300 | Light the City Map Software - App for Christmas lighting. Around Town Christmas contest. Annual Fee. Reimbursed 50% from Ranson, WV. |
| | 68 Contributions | 3,300 | 4,500 | - | 4,000 | Donations to the Boys & Girls Club, High School Choir, and Jefferson High School Air Force ROTC. |
| | **Total Fairs/Festivals** | **38,039** | **68,000** | **30,774** | **62,100** | |
| | | | | | | |
| | **Transfers - 960/698 SAO** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | 01 Transfers to Capital Reserve - Repaving | 121,869 | 130,000 | 11,533 | 130,000 | Monthly Street Fee Remittance from CTUB is xfrd to Capital Reserve for future street repaving expenditures |
| | 02 Transfers to Capital Reserve - One Time Funding | - | 1,500,000 | - | 659,452 | Revenue/Loss Allowance |

| | DEPARTMENT LINE ITEMS | | | | | NOTES AND EXPLANATIONS |
|---|---|---|---|---|---|---|
| | 03 Transfers Out - Parks & Rec | 135,071 | 112,500 | 26,908 | 120,000 | 50% Hotel/Motel tax revenue. Pool/Tennis Revenue funds the Parks & Rec budget. Reference Parks & Rec FY 2025 budget for further details. |
| | 11 Transfers to Capital Reserve - Table Games | 986,335 | 575,679 | - | 850,000 | FY 2025 budget transfer includes lottery money (gaming and video); FY2025 proposed is the gaming/lottery estimated amounts transferred to Capital Reserve. |
| | **Total Transfers** | **1,243,275** | **2,318,179** | **38,441** | **1,759,452** | |
| | | | | | | |
| | **General Government - 975** | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Notes and Explanations** |
| | Contributions | - | - | - | - | |
| | **Total General Government** | **-** | **-** | **-** | **-** | |
| | | | | | | |
| | | **FY23 Actual** | **FY24 Budget Rev #3** | **FY24 Actuals thru 12/31/2023** | **FY25 Requested** | **Provides for comparable year-over-year comparision of operating costs** |
| | **Total Expenses** | **6,099,785** | **9,868,846** | **2,819,278** | **8,446,336** | |
| | | | | | | |
| | **Surplus or Deficit** | 4,523,555 | - | 244,395 | (0) | |

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-613: Personnel Matter - Possible Executive Session

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-617: MS4 Permit Discussion - Executive Session

**ATTACHMENTS:**

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Resolution
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-618: School Resource Officer Agreement and Resolution

**ATTACHMENTS:**

- School Based Law Enforcement Officer.pdf
- SRO Resolution 2024.pdf

AGREEMENT

School Based Law Enforcement Officer

AGREEMENT is made this the **12th day of June 2024**, by and between the JEFFERSON COUNTY BOARD OF EDUCATION and the CITY OF CHARLES TOWN as follows:

WITNESSETH:

WHEREAS the JEFFERSON COUNTY BOARD OF EDUCATION agrees to purchase from the CITY OF CHARLES TOWN and the CITY OF CHARLES TOWN agrees to provide for the JEFFERSON COUNTY BOARD OF EDUCATION a School Based Law Enforcement Officer at WASHINGTON HIGH SCHOOL consisting of one full time School Based Law Enforcement Officer, his or her vehicle, supplies and equipment and the JEFFERSON COUNTY BOARD OF EDUCATION agrees to reimburse the CITY OF CHARLES TOWN for its expenses in providing the said SCHOOL BASED LAW ENFORCEMENT OFFICER PROGRAM; and

WHEREAS the JEFFERSON COUNTY BOARD OF EDUCATION and the CITY OF CHARLES TOWN desire to set forth in this SCHOOL BASED LAW ENFORCEMENT OFFICER AGREEMENT the specific terms and conditions of the services to be performed and provided by the said School Based Law Enforcement Officer in the public schools of Jefferson County, West Virginia.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

**1.0** **Goals and Objectives.** It is understood and agreed that the JEFFERSON COUNTY BOARD OF EDUCATION and CITY OF CHARLES TOWN officials share the following goals and objectives with regard to the SCHOOL BASED LAW ENFORCEMENT OFFICER PROGRAM in the schools:

1.1 Perform law enforcement functions within the school setting.

1.2 Identify and prevent, through counseling and referral, delinquent behavior, including substance abuse.

1.3 Foster a better understanding of the law enforcement function, concepts and structure of law.

1.4 Develop a better appreciation of citizen's rights, obligations and responsibilities.

1.5 Provide information about crime prevention.

1.6 Provide assistance and support for crime victims identified with the school setting.

1.7 Promote positive relations between students and law enforcement officers.

1.8 Be familiar with confidentiality requirements.

1.9 Attend extra-curricular activities held at schools, when possible, such as PTA meetings, athletic events, dances, concerts, etc.

**2.0 Employment and Assignment of School Resource Officers.** The CITY OF CHARLES TOWN agrees to employ one School Based Law Enforcement during the terms of this agreement. The School Based Law Enforcement Officer shall be an employee of the CITY OF CHARLES TOWN and shall be subject to the administration, supervision and control of the CITY OF CHARLES TOWN, except as such administration, supervision and control is subject to the terms and conditions of this agreement.

2.1 The CITY OF CHARLES TOWN agrees to provide and to pay the School Based Law Enforcement Officer's salary and employment benefits in accordance with the applicable salary schedules and employment practices of the CITY OF CHARLES TOWN, including but not necessarily limited to sick leave, annual leave, retirement compensation, disability salary continuation, workers compensation, unemployment compensation, life insurance, dental insurance, eye insurance, and medical/hospitalization insurance. The School Based Law Enforcement Officer shall be subject to all other personnel policies and practices of the CITY OF CHARLES TOWN except as such policies or practices may have to be modified to comply with the terms and conditions of this Agreement.

2.2 The CITY OF CHARLES TOWN, in its sole discretion, shall have the power and authority to hire, discharge and discipline the School Based Law Enforcement Officer. The CITY OF CHARLES TOWN shall hold the JEFFERSON COUNTY BOARD OF EDUCATION free, harmless and indemnified from and against any and all claims, suits or causes of action arising out of allegations of unfair or unlawful employment practices brought by the School Based Law Enforcement Officer.

2.3 The School Based Law Enforcement Officer shall be assigned by the CITY OF CHARLES TOWN to Washington High School, however; may also provide School Based Law Enforcement services to other schools in the CITY OF CHARLES TOWN to include: Charles Town Middle School, Wright Denny Elementary School and the Alternative Learning School as needed.

2.4 In the event the School Based Law Enforcement Officer is absent from work, the School Based Law Enforcement Officer shall notify both his supervisor in the CITY OF CHARLES TOWN and the principal of the high school to which the School Based Law Enforcement Officer is assigned. The CITY OF CHARLES TOWN agrees to assign another officer when the School Based Law Enforcement Officer is scheduled for extended paid-time off during the school year.

**3.0 Duty Hours.** The maximum number of hours that a School Based Law Enforcement Officer shall be on duty in a work week shall be 40 hours. As previously noted, the officer is expected to attend select school functions and events as mutually agreed and any overtime or special duty hours resulting from this or other police duties shall be paid by the CITY OF CHARLES TOWN. Specific

School Based Law Enforcement Officer duty hours at Washington High School during the school year are generally 7:00 a.m. to 3:00 p.m. These hours may vary by mutual agreement between the principal of the high school and the Charles Town Chief of Police. The officer will return to city police duty during the summer months when school is not in session but shall attend school functions and events as requested by the superintendent and high school principal.

3.1 It is understood and agreed that time spent by School Based Law Enforcement Officer attending juvenile court and/or criminal cases arising from and/or out of their employment as a School Based Law Enforcement Officer or any specialized, school-related training shall be considered as hours worked under this agreement.

3.2 In the event of an emergency outside the school and the School Based Law Enforcement Officer is ordered by the CITY OF CHARLES TOWN to leave the school duty station during normal hours as described above and to perform other services for the CITY OF CHARLES TOWN, the time spent shall not be considered hours worked under this agreement.

**4.0 Basic Qualifications of School Based Law Enforcement Officer.** To be a School Based Law Enforcement Officer, an officer must first meet all of the following basic qualifications:

4.1 Shall be a sworn officer and should have two years of law enforcement experience;

4.2 Shall possess a sufficient knowledge of the applicable Federal and State laws, City ordinances, and Board of Education policies and regulations;

4.3 Shall be capable of conducting in depth criminal investigations;

4.4 Shall possess even temperament and set a good example for students;

4.5 Shall possess communication skills which would enable the officer to function effectively within the school environment; and

4.6 Shall be physically and mentally fit to perform the duties of a law enforcement officer.

**5.0 Duties of School Resource Officers.** To protect lives and property for the citizens and public school students at the County schools listed in this agreement;

5.1 To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct;

5.2 To investigate criminal activity committed on or adjacent to school property;

5.3 To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the principal or the principal's designee or by the parents of a student;

5.4 To answer questions that students may have about West Virginia Criminal or juvenile laws;

5.5 To assist other law enforcement officers with outside investigations concerning students attending the school to which the School Based Law Enforcement Officer is assigned; and

5.6 To provide security for special school events or functions, such as PTA, meetings, alethic events, dances, concerts, at the request of the principal.

**6.0 Chain of Command.** As an employee of the CITY OF CHARLES TOWN, the School Based Law Enforcement Officer shall follow the chain of command as set forth in the CHARLES TOWN POLICE DEPARTMENT AND CITY OF CHARLES TOWN'S Policies and Procedure Manual.

6.1 In the performance of his or her duties, the School Based Law Enforcement Officer shall coordinate and communicate with the principal or the principal's designee of the school to which the officer is assigned.

**7.0 Training/Briefing.** The School Based Law Enforcement Officer shall be required by the CITY OF CHARLES TOWN to attend monthly training, in-service and briefing sessions. These sessions will be held at the direction of the City of Charles Town Chief of Police. Briefing sessions will be conducted to provide for the exchange of information between the department and the officer. The Superintendent of Jefferson County Schools or his/her designee shall have the right to attend the briefing sessions and to participate in the briefing of the officer.

7.1 Training Sessions will be conducted to provide the School Based Law Enforcement Officer with appropriate in-service training as updates in the law, in-service firearms training, and in-service less lethal weapons training. The JEFFERSON COUNTY BOARD OF EDUCATION also may provide training in Board of Education Policies, regulations and procedures. Any such training shall be counted toward the standard 40-hour work week.

**8.0 Dress Code.** The School Based Law Enforcement Officer shall be provided by the CITY OF CHARLES TOWN and required to wear a departmental issued uniform.

**9.0 Supplies and Equipment.** The CITY OF CHARLES TOWN agrees to provide the School Based Law Enforcement Officer with the following equipment:

9.1 Motor Vehicle. The CITY OF CHARLES TOWN shall provide a standard patrol vehicle for the School Based Law Enforcement Officer. In addition, the CITY OF CHARLES TOWN agrees to:

a. Maintain the vehicle assigned to School Based Law Enforcement Officer;

b. Pay for gasoline, oil, replacement tires and other expenses associated with the operation of said vehicle; and

c. Purchase and maintain comprehensive general auto liability insurance on said vehicle.

9.2 Weapons and ammunition. The CITY OF CHARLES TOWN agrees to provide the standard issue pistol and rounds of ammunition for each School Based Law Enforcement Officer.

9.3 Office Supplies. The CITY OF CHARLES TOWN agrees to provide the School Based Law Enforcement Officer with the usual and customary office supplies and forms required in the performance of their duties.

**10.0 Transporting Students.** It is agreed that the School Based Law Enforcement Officer shall not transport students in their assigned vehicle except:

a. When the students are victims of a crime, under arrest, or other emergency circumstances exist; and/or

b. When students are suspended and sent home from school pursuant to school disciplinary actions if the student's parent or guardian has refused or is unable to pick-up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.

10.1 If circumstances require that the School Based Law Enforcement Officer transport a student, then the school officials must provide a school official or employee of the same gender of the student to be transported to accompany the officer in the vehicle.

10.2 If the student to be transported off campus is not under arrest, a victim of a crime, or violent or disruptive, the school administration shall provide transportation for the student and the School Based Law Enforcement Officer may accompany a school official in transporting a student.

10.3 A student shall not be transported to any location unless it is determined that the student's parent, guardian or custodian is at the destination to which the student is being transported. The School Based Law Enforcement Officer shall not transport students in their personal vehicles.

10.4 School Based Law Enforcement Officer shall notify the school principal before removing a student from campus.

**11.0 Investigation, Interrogation, Search and Arrest Procedures.** The standard operating procedures (SOP) for the investigation of crimes and interrogation, search and arrest of students are the same as those followed for members of the CHARLES TOWN POLICE DEPARTMENT.

11.1 Law enforcement officials are responsible for enforcing the law on public streets, including at school bus stops. Therefore, the School Based Law Enforcement Officer shall assist school officials and

coordinate with the appropriate local law enforcement agency in the investigation of crimes that occur at bus stops and while students are walking to and from school.

**12.0 Access to Education Records.** School officials shall allow the School Based Law Enforcement Officer to inspect and copy any public records maintained by the school. However, law enforcement may not inspect and/or copy confidential student education records except in emergency situations.

12.1 If some information in a student's cumulative record is needed in an emergency to protect the health or safety of the student or other individuals, school officials may disclose to the School Based Law Enforcement Officer that information which is needed to respond to the emergency situation based on the seriousness of the threat to someone's health or safety; the need of the information to meet the emergency situation and the extent to which time is of the essence.

12.2 If confidential student records information is needed, but no emergency situation exists, the information may be released only upon the issuance of a search warrant or subpoena to produce the records.

**13.0 Terms of Agreement.** The initial term of this agreement is for the school year ending June 2025. A new agreement must be executed for each successive school year.

**14.0 Consideration.** For and in consideration of the CITY OF CHARLES TOWN providing the School Based Law Enforcement Officer Program as described herein, the JEFFERSON COUNTY BOARD OF EDUCATION agrees to pay the CITY OF CHARLES TOWN a sum of $60,000 per year payable at the start of each new school year. This amount may be pro-rated based upon the date the School Based Law Enforcement Officer is placed with the school.

14.1 To help fund the Program, the CITY OF CHARLES TOWN, THE CHARLES TOWN POLICE DEPARTMENT, AND THE JEFFERSON COUNTY BOARD OF EDUCATION mutually commit to applying for a Prevention Resource Officer grant that shall be split equally between both parties and used to off-set a portion of the costs. The portion of funds received by the JEFFERSON COUNTY BOARD OF EDUCATION will be reduced from the $60,000 annual payment. A reimbursement to the school district may be necessary based on the actual receipt of grant funds.

**15.0 Insurance and Indemnification.** The CITY OF CHARLES TOWN shall purchase and maintain in full force and effect during the term of this agreement a general comprehensive liability insurance policy with coverage in an amount of not less than one million dollars ($1,000,000.00) for any acts or omissions that occur or claims that are made during the term of the agreement.

15.1 The CITY OF CHARLES TOWN agrees to hold the JEFFERSON COUNTY BOARD OF EDUCATION its agents and employees free, harmless, and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the School Based Law Enforcement Officer or School Based Law Enforcement Officer Program.

**16.0 Evaluation.** It is mutually agreed that the JEFFERSON COUNTY BOARD OF EDUCATION shall evaluate annually the School Based Law Enforcement Officer Program and the performance of the School Based Law Enforcement Officer of forms developed jointly by the parties. It is further understood that the JEFFERSON COUNTY BOARD OF EDUCATION'S evaluation of each officer is advisory only and that the CITY OF CHARLES TOWN retains the final authority to evaluate the performance of the School Based Law Enforcement Officer.

**17.0 Notices.** Any and all notices or any other communication herein required or permitted shall be deemed to have been given when deposited in the United States Postal Service as regular mail, postage prepaid and addressed as follows.

**Dr. Chuck Bishop**
**Superintendent**
**Jefferson County Schools**
**110 Mordington Avenue**
**Charles Town, West Virginia 25414**

**Chief Christopher A. Kutcher**
**Charles Town Police Department**
**114 West Liberty Street**
**Charles Town, West Virginia 25414**

**18.0 Good Faith.** The JEFFERSON COUNTY BOARD OF EDUCATION, the CITY OF CHARLES TOWN, their agents and employees agree to cooperate in good faith in fulfilling the terms of this agreement. Unforeseen difficulties or questions will be resolved by negotiation between the Superintendent of Schools and the Chief of Police, or their designees.

**19.0 Modification.** This document constitutes the full understanding of the parties and no terms, conditions, understanding or agreement purporting to modify or vary the terms of this document shall be binding unless hereinafter made in writing and signed by both parties to be changed.

**20.0 Termination of Agreement.** This agreement may be terminated by either party upon 45 days written notification that any other party has failed to substantially perform in accordance with the terms and conditions of this agreement. This agreement may be terminated without cause by either party upon 90 days written notification. Termination of this agreement may only be accomplished as provided herein. In the event this agreement is terminated, compensation will be made to the CITY OF CHARLES TOWN for all services performed to the date of termination. The JEFFERSON COUNTY BOARD OF EDUCATION shall be entitled to a pro-rated refund for that period of time when the School Based Law Enforcement Officer services are not provided because of the termination of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused this School Based Law Enforcement Officer Agreement to be executed the day and year first written above.

**JEFFERSON COUNTY BOARD OF EDUCATION**

By: _____
Superintendent

**CITY OF CHARLES TOWN**

By: _____
Mayor

**CHARLES TOWN POLICE DEPARTMENT**

By: _____
Chief of Police

A Resolution to Provide for the Adoption, Approval and Implementation of an Intergovernmental Agreement between the City of Charles Town, West Virginia, and the Jefferson County Board of Education, Each a Political Subdivision of the State of West Virginia, with Regard to a School Based Law Enforcement Officer Agreement.

Be it resolved by the City Council of the City of Charles Town, West Virginia:

That the City of Charles Town enter into an intergovernmental agreement with the Jefferson County Board of Education with regard to a School Based Law Enforcement Officer Agreement, a copy of which is attached hereto as Exhibit A and is made a part of this Resolution as if repeated verbatim herein.

In witness thereof, I, Robert Trainor, Mayor, have hereunto set my hand and caused the official seal of the City of Charles Town, West Virginia to be affixed on this 17th, day of June 2024.

City of Charles Town

_____

Robert Trainor, Mayor

Attest:

_____

John Nissel, City Manager

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-621: Payment of Bills - June 17, 2024

**ATTACHMENTS:**

- GENERAL FUND COUNCIL REPORT 2024 06 14.pdf
- PARKS N REC COUNCIL REPORT 2024 06 14.pdf

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| APPLE VALLEY WASTE SERVICE, INC. | 6/14/24 | TRASH SERVICE MAY 2024 | GENERAL FUND | NON-DEPARTMENTAL | 525.00 |
| | 6/14/24 | TRASH SERVICE MAY 2024 | GENERAL FUND | STREETS & HIGHWAYS | 660.13 |
| | | | | TOTAL: | 1,185.13 |
| BOLAND TRANE SERVICES INC | 6/14/24 | JUNE24 HVAC 661 S GEORGE | GENERAL FUND | POLICE DEPARTMENT | 457.00 |
| | | | | TOTAL: | 457.00 |
| CALEA | 6/14/24 | ANNUAL CONTINUATION FEE | GENERAL FUND | POLICE DEPARTMENT | 4,595.00 |
| | | | | TOTAL: | 4,595.00 |
| CINTAS | 6/14/24 | LAUBDRY BAGS | GENERAL FUND | STREETS & HIGHWAYS | 209.45 |
| | 6/14/24 | LAUNDRY BAGS | GENERAL FUND | STREETS & HIGHWAYS | 209.45 |
| | 6/14/24 | LAUNDRY BAGS | GENERAL FUND | STREETS & HIGHWAYS | 219.44 |
| | | | | TOTAL: | 638.34 |
| CITY OF CT CAPITAL RESERVE | 6/14/24 | FIX DEV FEE TRANSFER | GENERAL FUND | NON-DEPARTMENTAL | 6,000.00 |
| | | | | TOTAL: | 6,000.00 |
| COMCAST CORPORATION | 6/14/24 | MAIN SHOP INTERNET | GENERAL FUND | STREETS & HIGHWAYS | 190.60 |
| | | | | TOTAL: | 190.60 |
| COUNTRY ROADS TRUST LLC | 6/14/24 | 24WV FEST WVU PLAYER APP F | GENERAL FUND | FAIR ASSOC/FESTIVAL | 5,000.00 |
| | | | | TOTAL: | 5,000.00 |
| CREAMERS AUTO SERVICE CENTER, LLC | 6/14/24 | CAR #26 OIL CHANGE | GENERAL FUND | POLICE DEPARTMENT | 112.77 |
| | 6/14/24 | CAR#26 2WHEEL ALIGNMENT | GENERAL FUND | POLICE DEPARTMENT | 212.85 |
| | | | | TOTAL: | 325.62 |
| CHARLES TOWN UTILITY BOARD | 6/14/24 | 108 N GEORGE ST4/15/24 5/1 | GENERAL FUND | CITY HALL | 100.67 |
| | 6/14/24 | 105 S GEORGEST41/15/24 5/1 | GENERAL FUND | CITY HALL | 136.58 |
| | 6/14/24 | 661 S GEORGEST 4/15/24 5/1 | GENERAL FUND | POLICE DEPARTMENT | 404.31 |
| | 6/14/24 | 34 N WATER ST 4-15-24 5-15 | GENERAL FUND | STREETS & HIGHWAYS | 93.40 |
| | | | | TOTAL: | 734.96 |
| DELTA DENTAL OF PENNSYLVANIA | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | ECONOMIC DEVELOPMENT | 22.18 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | TREASURER'S OFFICE | 190.30 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | CITY CLERK'S OFFICE | 62.61 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | BUILDING INSPECTION | 42.90 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | PLANNING & ZONING | 127.69 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | CITY HALL | 42.90 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | PARKING | 22.18 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | POLICE DEPARTMENT | 619.19 |
| | 6/14/24 | JULY 2024 DELTA DENTAL PRE | GENERAL FUND | STREETS & HIGHWAYS | 66.54 |
| | | | | TOTAL: | 1,196.49 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| FRONTIER, INC. | 6/14/24 | RH-108N GEORGE5/25/24-06/2 | GENERAL FUND | CITY HALL | 47.34 |
| | 6/14/24 | CITY&PD PHONE SERV 6-4 7-0 | GENERAL FUND | CITY HALL | 3,021.65 |
| | 6/14/24 | CITY&PD PHONE SERV 6-4 7-0 | GENERAL FUND | POLICE DEPARTMENT | 3,021.66 |
| | | | | TOTAL: | 6,090.65 |
| HDL COMPANIES | 6/14/24 | HDL 50% REIMB MAY 2024 | GENERAL FUND | CITY HALL | 10,796.35 |
| | | | | TOTAL: | 10,796.35 |
| JAMES NEWMAN | 6/14/24 | GAS PURCHASE REINBURSEMENT | GENERAL FUND | NON-DEPARTMENTAL | 42.83 |
| | | | | TOTAL: | 42.83 |
| JEFFERSON COUNTY EMERGENCY COMMUNICATI | 6/14/24 | FIRST NET NIGHTHAWKS | GENERAL FUND | POLICE DEPARTMENT | 425.61 |
| | | | | TOTAL: | 425.61 |
| JEFFERSON COUNTY CONVENTION & VISITOR' | 6/14/24 | MAY2024 50% HOTEL/MOTEL TA | GENERAL FUND | VISITORS CENTER | 9,654.60 |
| | | | | TOTAL: | 9,654.60 |
| JEFFERSON PUBLISHING COMPANY, INC. | 6/14/24 | 5/29 NPH BZA ALEXANDER SAL | GENERAL FUND | PLANNING & ZONING | 34.18 |
| | 6/14/24 | 6/5 NPH TXA ST JAMES CATHO | GENERAL FUND | PLANNING & ZONING | 45.22 |
| | 6/14/24 | 5/1 WEEKLY EVENT CALENDAR | GENERAL FUND | CITY HALL | 69.50 |
| | 6/14/24 | 5/8 WEEKLY EVENT CALENDAR | GENERAL FUND | CITY HALL | 69.50 |
| | 6/14/24 | 5/15 WEEKLY EVENT CALENDAR | GENERAL FUND | CITY HALL | 69.50 |
| | 6/14/24 | 5/22 WEEKLY EVENT CALENDAR | GENERAL FUND | CITY HALL | 69.50 |
| | 6/14/24 | 5/22 PROPOSAL CLEANING SER | GENERAL FUND | CITY HALL | 26.82 |
| | 6/14/24 | 5/22 NPH COA DM EXECUTIVE | GENERAL FUND | CITY HALL | 33.26 |
| | 6/14/24 | 5/29 WEEKLY EVENT CALDENAR | GENERAL FUND | CITY HALL | 69.50 |
| | 6/14/24 | 5/29 NPH TXA MOBILE FOOD V | GENERAL FUND | CITY HALL | 27.74 |
| | | | | TOTAL: | 514.72 |
| KENT PARSONS FORD, INC | 6/14/24 | CAR #25 SEALING & RAFT | GENERAL FUND | POLICE DEPARTMENT | 967.08 |
| | | | | TOTAL: | 967.08 |
| KONICA MINOLTA BUSINESS SOLUTIONS | 6/14/24 | WWEBEX SERVICE 06-01 06-30 | GENERAL FUND | CITY HALL | 392.10 |
| | 6/14/24 | WWEBEX SERVICE 06-01 06-30 | GENERAL FUND | POLICE DEPARTMENT | 460.86 |
| | | | | TOTAL: | 852.96 |
| MCP INSPECTIONS | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 150.00 |
| | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 600.00 |
| | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 600.00 |
| | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 600.00 |
| | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 600.00 |
| | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 600.00 |
| | 6/14/24 | MAR 24 APR 24 INSPECTIONS | GENERAL FUND | BUILDING INSPECTION | 600.00 |
| | | | | TOTAL: | 3,750.00 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|
| PSYCHOLOGICAL CONSULTING INC | 6/14/24 | PRE-EMPLOYMENT SCREEN MCHA | GENERAL FUND | POLICE DEPARTMENT | 200.00 |
| | | | | TOTAL: | 200.00 |
| SHIFLER ELECTRICAL ASSOCIATES INC | 6/14/24 | FY24 B&O PENALTY REINBURSM | GENERAL FUND | NON-DEPARTMENTAL | 700.00 |
| | | | | TOTAL: | 700.00 |
| JOHN DEERE FINANCIAL | 6/14/24 | PRAMITOL & TALL FESCUE | GENERAL FUND | STREETS & HIGHWAYS | 130.31 |
| | | | | TOTAL: | 130.31 |
| STAPLES ADVANTAGE | 6/14/24 | GLOSS PHOTO PAPER | GENERAL FUND | PLANNING & ZONING | 156.02 |
| | 6/14/24 | COPY PAPER/FILE BOXES | GENERAL FUND | CITY HALL | 266.94 |
| | 6/14/24 | COPY PAPER/FILE BOXES | GENERAL FUND | CITY HALL | 58.74 |
| | 6/14/24 | TISSUE/STAMP/CALENDAR | GENERAL FUND | CITY HALL | 19.38 |
| | 6/14/24 | TISSUE/STAMP/CALENDAR | GENERAL FUND | CITY HALL | 16.34 |
| | 6/14/24 | TISSUE/STAMP/CALENDAR | GENERAL FUND | CITY HALL | 2.68 |
| | 6/14/24 | TISSUE/STAMP/CALENDAR | GENERAL FUND | CITY HALL | 13.36 |
| | 6/14/24 | TISSUE/STAMP/CALENDAR | GENERAL FUND | CITY HALL | 19.48 |
| | | | | TOTAL: | 552.94 |
| STAR CHAPMAN GROUP INC. | 6/14/24 | ACCOUNTING SERVICES MAY24 | GENERAL FUND | TREASURER'S OFFICE | 11,000.00 |
| | | | | TOTAL: | 11,000.00 |
| STEPTOE & JOHNSON PLLC | 6/14/24 | LEGAL SERVICES APRIL 2024 | GENERAL FUND | CITY ATTORNEY | 14,918.75 |
| | | | | TOTAL: | 14,918.75 |
| STONERIDGE OUTDOOR LIVING LLC | 6/14/24 | B&O TAX PENALTY REINBURSME | GENERAL FUND | NON-DEPARTMENTAL | 700.00 |
| | | | | TOTAL: | 700.00 |
| SUMMIT ELECTRIC COMPANY | 6/14/24 | REFUND DOUBLE PERMIT PAYME | GENERAL FUND | NON-DEPARTMENTAL | 131.05 |
| | | | | TOTAL: | 131.05 |
| T2 SYSTEMS INC | 6/14/24 | PE MOBILE LICENSE | GENERAL FUND | PARKING | 3,408.00 |
| | | | | TOTAL: | 3,408.00 |
| LYLE C TABB & SONS, INC. | 6/14/24 | BOX RENTALS FEES MAY 2024 | GENERAL FUND | STREETS & HIGHWAYS | 900.00 |
| | | | | TOTAL: | 900.00 |
| THE JOURNAL,MARTINSBURG | 6/14/24 | PD POLICE PARKING OFFICER | GENERAL FUND | POLICE DEPARTMENT | 562.50 |
| | | | | TOTAL: | 562.50 |
| TRAVELERS | 6/14/24 | CATHY KING WRONGFUL ARREST | GENERAL FUND | POLICE DEPARTMENT | 2,097.50 |
| | | | | TOTAL: | 2,097.50 |
| UNITED WAY OF THE EASTERN PANHANDLE, I | 6/14/24 | TEEN COURT FEES MAY 2024 | GENERAL FUND | NON-DEPARTMENTAL | 410.73 |
| | | | | TOTAL: | 410.73 |

| VENDOR SORT KEY | DATE | DESCRIPTION | FUND | DEPARTMENT | AMOUNT |
|---|---|---|---|---|---|

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

| | | |
|---|---|---|
| 001 | GENERAL FUND | 104,486.13 |
| | GRAND TOTAL: | 104,486.13 |

TOTAL PAGES: 4

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-City of Charles Town
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 6/14/2024 THRU 6/14/2024

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 | 6/14/24 | JMP PORTA POTTY SERVICE | PARKS & REC | PARKS & REC | 289.00 |
| | | | | TOTAL: | 289.00 |
| CBP ENTERPRISES | 6/14/24 | MAY24 MOWING EVITTS RUN | PARKS & REC | PARKS & REC | 960.00 |
| | 6/14/24 | MAY24 MOWING HAPPY RETREAT | PARKS & REC | PARKS & REC | 920.00 |
| | 6/14/24 | MAY24 MOWING CRAIG HILL | PARKS & REC | PARKS & REC | 940.00 |
| | 6/14/24 | MAY24 MOWING JMP | PARKS & REC | PARKS & REC | 1,580.00 |
| | 6/14/24 | MAY24 MOWING WILLINGHAM KN | PARKS & REC | PARKS & REC | 1,180.00 |
| | | | | TOTAL: | 5,580.00 |
| CHARLES TOWN UTILITY BOARD | 6/14/24 | 801 S MILDREDST 5-6-24 5-1 | PARKS & REC | PARKS & REC | 2,478.92 |
| | | | | TOTAL: | 2,478.92 |
| FRONTIER, INC | 6/14/24 | JMP PHONE SERV MAY 24 | PARKS & REC | PARKS & REC | 73.91 |
| | | | | TOTAL: | 73.91 |
| PARKS & REC CIP | 6/14/24 | FIX DEPOSIT ERROR | PARKS & REC | NON-DEPARTMENTAL | 200.00 |
| | 6/14/24 | FIX DEPOSIT ERROR | PARKS & REC | NON-DEPARTMENTAL | 200.00 |
| | 6/14/24 | CORRECT P&R BANK ACCT | PARKS & REC | NON-DEPARTMENTAL | 95,336.62 |
| | 6/14/24 | REINBURSNENT FOR PAVILLION | PARKS & REC | NON-DEPARTMENTAL | 200.00 |
| | | | | TOTAL: | 95,936.62 |
| POTOMAC EDISON COMPANY, INC | 6/14/24 | JMP MEMORIAL ELEC SERV | PARKS & REC | PARKS & REC | 11.42 |
| | | | | TOTAL: | 11.42 |
| WV DHHR BUREAU FOR PUBLIC HEALTH | 6/14/24 | WV JMP POOL WATER TEST 6/4 | PARKS & REC | PARKS & REC | 46.00 |
| | | | | TOTAL: | 46.00 |

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

| | | |
|---|---|---|
| 207 | PARKS & REC | 104,415.87 |
| | GRAND TOTAL: | 104,415.87 |

TOTAL PAGES: 1

APPROVED BY: _____

APPROVED BY: _____

SELECTION CRITERIA

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SELECTION OPTIONS

VENDOR SET: 03-CT BOARD OF P&R
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 99,999,999.00CR THRU 99,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 6/14/2024 THRU 6/14/2024

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PAYROLL SELECTION

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

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PRINT OPTIONS

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

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PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

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**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Report
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-609: Board of Parks and Recreation Meeting Reports - May 29, 2024

**ATTACHMENTS:**

- P&R Report_ May 2024- special session.pdf
- P&R Report_ May 2024.pdf
- Parks Agenda WVU Request for roadway May 2024.pdf

*City of Charles Town*

# Parks and Recreation Commission

May 2024- Special Session- Report

**I. CALL TO ORDER:** ***Wednesday, May 29th at 6PM at The Charles Town Skate Park***

**Persons Present:** *Commissioners:* Elizabeth Ricketts, Nick Zaglifa, Mike Slover, Trudy Roth, Nathan Hartman; *Staff:* John Nissel; *Tree Board Members:* Katie Coon, Janie King, Aaron Amore

**II. APPROVAL OF MINUTES**

Meeting minutes approval was held until the 7PM portion of the meeting at City Hall.

**III. UNFINISHED BUSINESS**

**:2024-546 Parks Strategic and Spending Plan**

Commissioners and Tree Board Members met at the Charles Town Skate Park to continue discussions on the Parks Strategic and Spending Plan and to walk the park area.

**IV. NEW BUSINESS**

**V. ADJOURNMENT**

The commissioners adjourned at 6:50PM and returned to City Hall for the next portion of the meeting.

*City of Charles Town*

# Parks and Recreation Commission

May 2024 Report

## I. CALL TO ORDER: *Wednesday, May 29th at 7PM at City Hall*

**Persons Present:** *Commissioners:* Elizabeth Ricketts, Nick Zaglifa, Mike Slover, Trudy Roth, Nathan Hartman; *Staff:* John Nissel, James Newman; *Guests:* Councilmember Jeff Hynes, Sam and Marcus from Thrasher Engineering, representatives from University Healthcare Foundation Inc.

## II. APPROVAL OF MINUTES

Approved Minutes - April 2024

## III. UNFINISHED BUSINESS

### 2024-547: Skate Park Artist RFP

The City advertised the RFP for two weeks and received one qualified proposal. Commissioners reviewed the proposal and motioned to move forward with the proposal from artist Christina Rogombe.

***Motion**: Trudy Roth / **2nd:** Nick Zaglifa*

***Vote:** unanimous*

### 2024-548: Thrasher Engineering Pool Contract Update

Commissioners received an update from Thrasher representatives on the pool house and pool. With current engineering, the project is estimated at $4.3 million. Thrasher worked with city staff to provide necessary materials for a grant application with the Land Water Conservation Fund (LWCF), which has been submitted. Thrasher will continue to work closely with staff and the commission.

*No action.*

## IV. NEW BUSINESS

### 2024-489: WVU Healthcare and Stone Springs Open Space

Commissioners received a request from representatives of University Healthcare Foundation Inc and City staff regarding the need by the developer for a future access road which would impact parkland dedicated by Stone Spring Subdivision. This parkland is in a floodplain along Cattail Run. The developer proposed several improvements to the area including road access with sidewalks, a parking lot, and a park with outdoor exercise equipment. It remains unclear who would pay for the equipment or when the road would ultimately be constructed. The Commissioners agreed that the developer would be expected to offer some parkland improvements in exchange for any land and that a clear timeline should be established. There was some confusion as to what the next steps would be, or when the Parks and Rec commission would have another opportunity to weigh in, since the City Planning Commission and developers of Stone Springs would also need to be in the discussions.

No action. *See attachments.*

**2024-446: Park Updates- Willingham Knolls, Jefferson Memorial, Skate Park, Evitts Run, Happy Retreat**

Updates included: Jefferson Memorial Park Pool is open for the season; the barbed wire on the JMP pool fencing was removed and will be replaced with edison bulb lighting; damaged playground equipment will soon be removed and the city is awaiting quotes on replacements; maintenance staff finished enclosing sides of skate park ramps; basketball court at Evitts Run was power washed; 276 signed up for swimming lessons with waiting lists for several sessions; lifeguard staff will be offered additional pay for the the time they teach swim lessons; 86 kids registered for tennis camps with waiting lists for several sessions.

**2024-447: Location for Next Parks and Recreation Meeting**

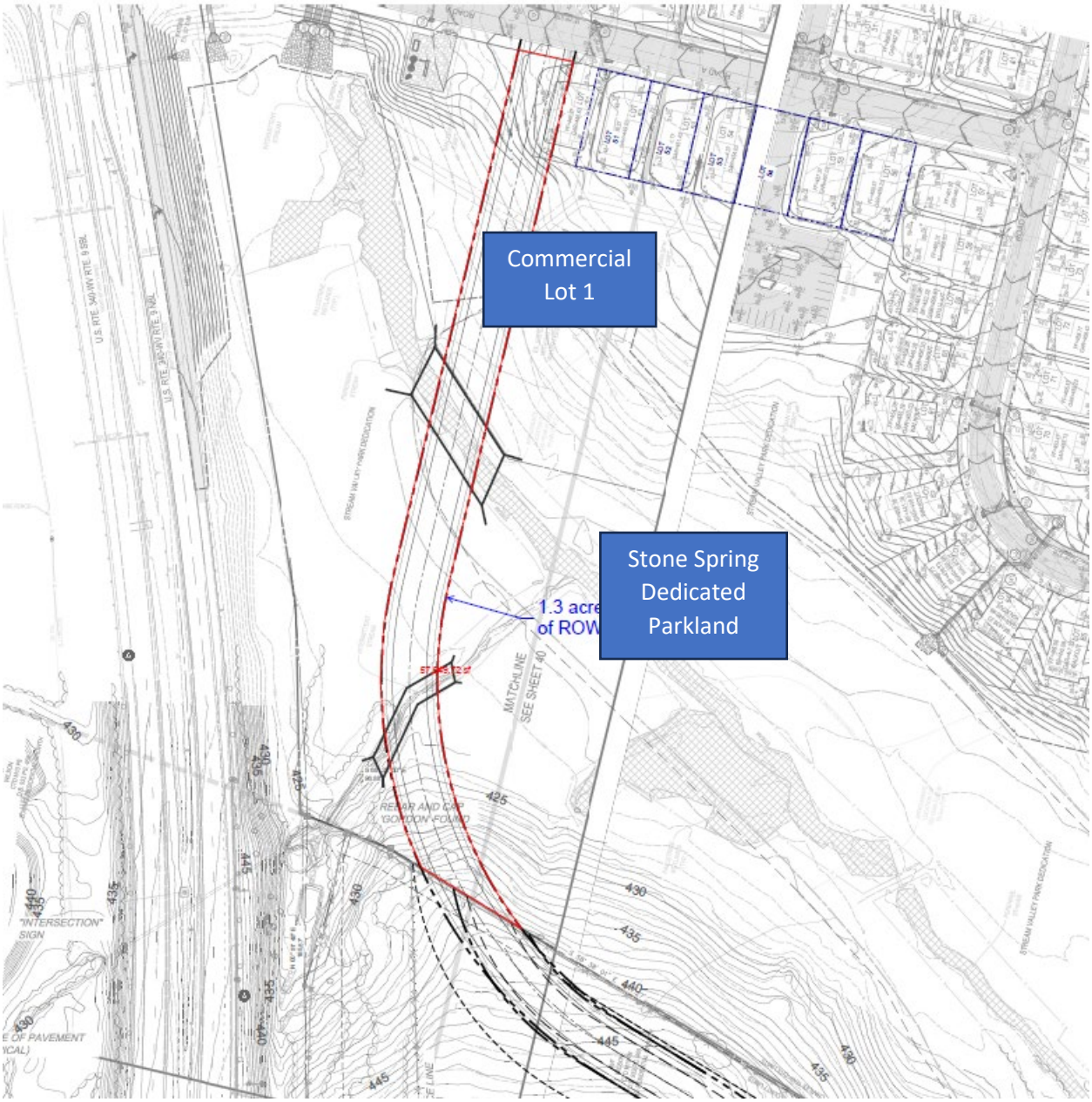
Commissioners decided to hold the June meeting at Jefferson Memorial Park, beginning at 6PM and then to reconvene at City Hall at 7PM, if agenda items necessitate.

**V. ADJOURNMENT** at 8:51 PM

**VI. INFORMATION ONLY**

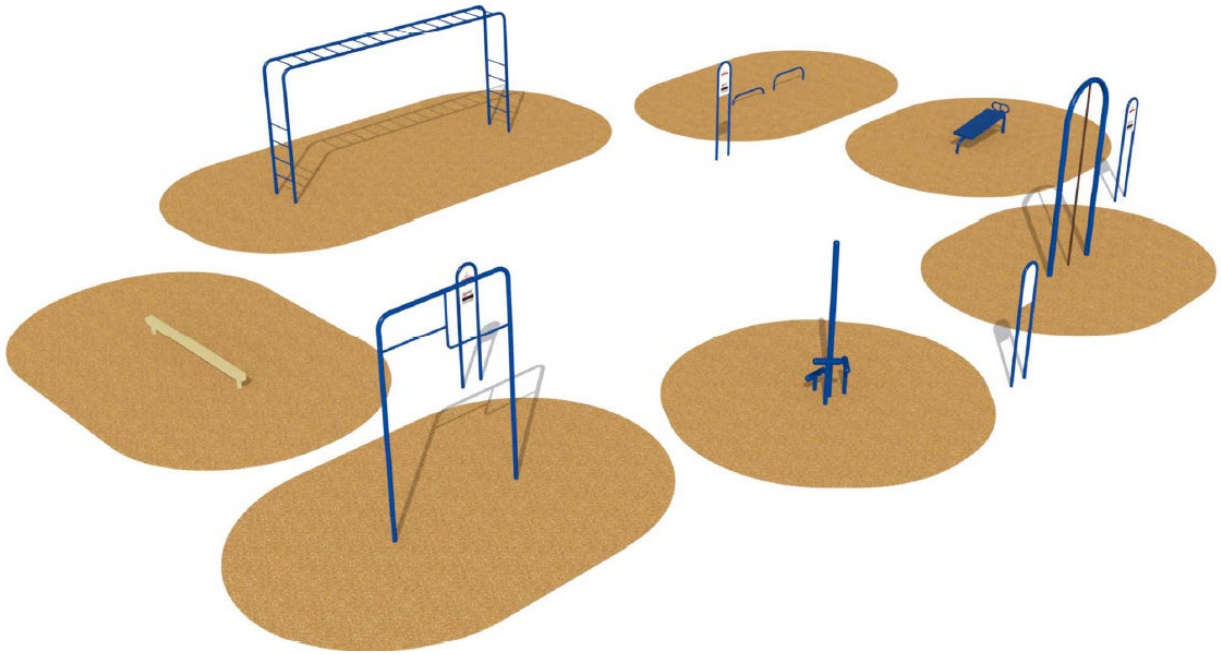
**Next meeting**: Thursday, June 27th @6PM at the Jefferson Memorial Park
Then, @7PM at City Hall - ***TBD***

**PROPOSED ROADWAY CONNECTION**




The WVU Healthcare developer proposes to use part of the Stone Spring dedicated parkland as a connection point to US Rte. 340. This connection is supported by the 2040 Comprehensive Plan, which promotes a connection at this point, see point #4 on the next page:


GS-NC P.C.
An Affiliate of
Gresham Smith
GreshamSmith.com
620 South Tryon Street
Suite 500
Charlotte, NC 28202
704.944.7970
Firm Certification
Nos. 51100 / C-416 / C-2086
GreshamSmith.com
WVU Medicine
BLUE RIDGE CROSSING
MULTISPECIALTY CENTER
PRELIMINARY SUBDIVISION/LAND
DEVELOPMENT PLAT
CITY OF CHARLES TOWN, WEST VIRGINIA
JEFFERSON COUNTY
PRELIMINARY
NOT FOR
CONSTRUCTION
Revision
No.
Date
Description
FITNESS AREA
EXHIBIT
STREAM VALLEY PARK DEDICATION
1
2
3
4
5
6
7



**IMPACT**

The proposed access point will affect the viability of 'Commercial Lot One', which is located in the same area as the potential park. This can be mitigated by providing commercial area of same or greater sizes to be set aside for active commercial space within the WVU property. That site will be accessible via both the roadway and sidewalks. The Planning Commission must consider this impact when reviewing the sketch plan.

As for parkland: the proposed roadway will cut through just the northernmost end of the dedicated parkland. No active park use was planned for this area. The applicant is providing active use space with access via roadway and sidewalk.

In regards to the WVU Healthcare site, no dedicated parkland is required by the Subdivision Ordinance as the development is not residential. Residential development does require dedicated park land or a fee-in-lieu-of.

**CONCLUSION**

WVU Healthcare seeks to build a roadway through Stone Spring dedicated parkland. In return, WVU Healthcare will provide an active use outdoor area.

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-614: Request for Revision to Approved Budget and Resolution - General Fund

**ATTACHMENTS:**

- Resolution General Fund Revision #4.pdf
- Request for Revision to Approved Budget.pdf

RESOLUTION - GENERAL FUND

At a regular session of the municipal council, held June 7, 2024, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the City of Charles Town for the General Fund. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the municipal council does hereby direct the General Fund budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on General Fund Budget Revision #4, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Micheal George and duly seconded by Julie Philabaum the vote thereon was as follows:

| | |
|---|---|
| Elizabeth Ricketts | Yes or No or Absent |
| James Kratovil | Yes or No or Absent |
| Jeff Hynes | Yes or No or Absent |
| Kevin Tester | Yes or No or Absent |
| Julie Philabaum | Yes or No or Absent |
| Priscilla Rodd | Yes or No or Absent |
| Micheal George | Yes or No or Absent |
| Rikki Twyford | Yes or No or Absent |

WHEREUPON, the Presiding Officer, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and the City Clerk is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

LGSD BR (Ver. 2020)

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

# REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER
Fiscal Year Ending: FY24
Fund: 1
Revision Number: 4
Pages: 1 of 1

City of Charles Town
GOVERNMENT ENTITY

Person To Contact Regarding Request:
Name: Lori Nice
Phone: 304-724-3257
Fax:
Email: lnice@charlestownwv.us

101 E. Washington Street
STREET OR PO BOX

Charles Town | 25414
CITY | ZIP CODE

Municipality
Government Type

## REVENUES: (net each acct.)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|---|---|---|---|---|---|
| 308 | Hotel Occupancy Tax | 150,000 | 25,000 | | 175,000 |
| 381 | Reimbursements | 110,000 | 2,500 | | 112,500 |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |
| | #N/A | | | | |

**NET INCREASE/(DECREASE) Revenues (ALL PAGES)** 27,500

**Explanation for Account # 378, Municipal Specific:**

**Explanation for Account # 369, Contributions from Other Funds:**

## EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | PREVIOUSLY APPROVED AMOUNT | (INCREASE) | (DECREASE) | REVISED AMOUNT |
|---|---|---|---|---|---|
| 413 | Treasurer's Office | 373,291 | 50,000 | | 423,291 |
| 415 | City Clerk | 95,472 | 5,000 | | 100,472 |
| 417 | City Attorney | 200,000 | 50,000 | | 250,000 |
| 698 | Transfers/Reimb. (Audit Findings) | 2,318,180 | 12,500 | | 2,330,680 |
| 699 | Contingencies* | 463,475 | | 160,000 | 303,475 |
| 700 | Police Department | 2,701,861 | 55,000 | | 2,756,861 |
| 704 | Police-Special Duty | 32,150 | 2,500 | | 34,650 |
| 901 | Visitors Bureau | 78,000 | 12,500 | | 90,500 |
| | #N/A | | | | |
| | #N/A | | | | |
| | **NET INCREASE/(DECREASE) Expenditures** | | 27,500 | | |

**APPROVED BY THE STATE AUTHORITY**

BY:
**Deputy State Auditor, Local Government Services Division** **Date**

AUTHORIZED SIGNATURE OF ENTITY

6/7/24
APPROVAL DATE

**City Council**
101 East Washington Street
Charles Town, WV 25414

Meeting: 06/17/24
Department: City Council
Category: Information Only
Initiator:

**SCHEDULED**

**AGENDA ITEM (ID # )**

## 2024-615: Article 745 Business and Occupation Tax - signed

**ATTACHMENTS:**

- Ord. 2024-005 Article 745 Business and Occupation Tax - signed.pdf

ARTICLE 745
Business and Occupation Tax

745.01 Short title.

745.02 Purpose and intent.

745.03 Definitions.

745.04 Imposition of tax.

745.05 Natural resource production.

745.06 Manufacturing.

745.07 Selling tangible property.

745.08 Public service or utility business.

745.09 Contracting.

745.10 Amusements.

745.11 Service business or calling not otherwise classified.

745.12 Rentals and royalties.

745.13 Banking and other financial businesses.

745.14 Health maintenance organizations.

745.15 Person taxable on multiple activities; credits.

745.16 Exempt activities.

745.16A Optional Exempt Activities.

745.16B B&O Tax Credit Incentives

745.17 Tax cumulative.

745.18 Administration generally.

745.19 Returns; computation and payment of tax.

745.20 Taxpayer records.

745.21 Tax return information confidentiality.

745.22 Erroneous computation of tax.

745.23 Investigations.

745.24 Assessments.

745.25 Notice of assessment; petition for reassessment.
745.26 Hearing procedure; decision; review.
745.27 Injunction.
745.28 Unpaid tax a lien; delinquency notice filing and release.
745.29 Successor liability.
745.30 Revocation, nonrenewal of licenses and permits.
745.31 Settlement agreements and compromises.
745.32 Additional administrative provisions concerning contracting.
745.33 Claims for refunds or credit.
745.34 Interest and penalty; criminal liability.
745.35 Severability.
745.36 Repeal of the business franchise tax.
745.37 Effective date.

CROSS REFERENCES

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

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

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

745.01 SHORT TITLE.

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

(Passed 7-19-10.)

745.02 PURPOSE AND INTENT.

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

(Passed 7-19-10.)

745.03 DEFINITIONS.

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

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

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

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

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

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

manufacturer, and which are held in trust by the vendor as agent for the federal government.

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

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

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

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

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

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

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

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

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

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

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

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

(Passed 7-19-10.)

745.04 IMPOSITION OF TAX.

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

Sections 745.05 through 745.14 of this article, inclusive.

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

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

(Passed 7-19-10.)

745.05 NATURAL RESOURCE PRODUCTION.

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

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

(c) A person exercising privileges taxable under this section and using or consuming the natural resources so produced in his business or transferring or delivering the natural resources as any royalty paid, in kind, or the like, shall be deemed to be engaged in the business of producing natural resources and shall be required to make returns on account of the production of the business, showing the gross proceeds or equivalent in accordance with

uniform and equitable rules for determining the value upon which privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other taxpayers.

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

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

(Passed 7-19-10.)

745.06 MANUFACTURING.

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

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

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

(d) The dressing and processing of food intended for human consumption by a person, or the cooking and serving of food by a restaurant which food is to be sold in the municipality by such

person, shall not be considered manufacturing or compounding or preparing for sale, but the sale of these products shall be reported under Section 745.07 of this article either as wholesale or retail sale, as the case may be.

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

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

745.07 SELLING TANGIBLE PROPERTY.

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

(Passed 1-20-15.)

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

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

(Passed 7-19-10.)

745.08 PUBLIC SERVICE OR UTILITY BUSINESS.

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

(Passed 7-19-10.)

745.09 CONTRACTING.

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

(Passed 4-21-15.)

745.10 AMUSEMENTS.

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

(Passed 7-19-10.)

745.11 SERVICE BUSINESS OR CALLING NOT OTHERWISE CLASSIFIED.

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

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

another municipality, the gross income or gross proceeds from those activities are taxable by this municipality.

(Passed 7-19-10.)

745.12 RENTALS AND ROYALTIES.

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

(Passed 7-19-10.)

745.13 BANKING AND OTHER FINANCIAL BUSINESSES.

Upon every person engaging or continuing within the municipality in the business of banking or financial business, the tax shall be equal to twenty-three one-hundredths percent (0.23%) of the gross income received from interest, premiums, discounts, dividends, service fees or charges, commissions, fines, rents from real or tangible personal property, however denominated, royalties; charges for bookkeeping or data processing, receipts from check sales, charges or fees, and receipts from the sale of tangible personal property; provided, that gross income shall not include (a) interest received on the obligations of the United States, its agencies and instrumentalities; (b) interest received on the obligations of this or any other state, territory or possession of the United States, or any political subdivision of any of the foregoing or of the District of Columbia; or (c) interest received on investments or loans primarily secured by first mortgages or deeds of trust on residential property occupied by nontransients; provided further, that all interest derived on activities exempt under (c) above shall be reported, as to amounts, on the return of a person taxable under the provision of this section.

(Passed 7-19-10.)

745.14 HEALTH MAINTENANCE ORGANIZATIONS.

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

shall not extend to that part of the gross income of health maintenance organizations which is received from the use of real property other than property in which any such company maintains its office or offices in the municipality, whether such income is in the form of rentals or royalties.

(Passed 7-19-10.)

745.15 PERSONS TAXABLE ON MULTIPLE ACTIVITIES; CREDITS.

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

(b) For purposes of this section:

(1) "Manufacturing tax" means a gross receipts tax imposed by a municipality or other local government unit on the act or privilege of engaging in the business as a manufacturer and includes (i) the tax imposed in Section 745.06 of this article and (ii) similar gross receipts taxes paid to other municipalities or other local government units (other than State governments) within the United States.

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

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

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

(Passed 7-19-10.)

745.16 EXEMPT ACTIVITIES.

The provisions of this article shall not apply to:

(a) Insurance companies which pay the State of West Virginia a tax upon premiums; provided, that such exemption shall not extend to that part of gross income of insurance

companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in the municipality, whether such income is in the form of rentals or royalties;

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

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

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

(e) Production credit associations, organized under the provisions of the federal Farm Credit Act of 1933; provided, that the exemption of this section shall not apply to corporations or cooperative associations organized under the provisions of West Virginia Code §§ 19-4-1 et seq.;

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

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

(h) Licensed new and existing childcare businesses and/or facilities operating in the City.

(Passed 6-03-24.)

745.16A OPTIONAL EXEMPT ACTIVITIES.

The City Council, by vote of 2/3 majority of the Council, reserves the right to apply, reduce, or eliminate for a specified time period and/or for a specific project, the Business and Occupation tax per the following provision(s): Any activity associated with a municipality-initiated/taxpayer-funded project that directly benefits Charles Town's residents, and in which the taxes rendered under this article could result in higher rates to those residents for existing services and/or higher project costs for the municipality.

(Passed 9-5-2023)

745.16B B&O TAX CREDIT INCENTIVES

In addition to any other tax incentive otherwise available, any business that meets the following qualifying requirements shall be entitled to a tax credit computed under the provisions of this article for:

(a) Old Town Mixed Use – Commercial (OTMU-C) District Retail, Dining, & Entertainment Tax Credit

(1) For any new *retail, dining,* and *entertainment* business that locates within the Old Town Mixed Use - Commercial (OTMU-C), as defined by the City's Zoning Ordinances, the business entity may be allowed:

A. One hundred (100%) percent credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Fifty (50%) percent credit against the business and occupation tax liability annually for the second year from the date the entity qualifies for the tax credit

C. Twenty-five (25%) percent credit against the business and occupation tax liability annually for the third year from the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside the OTMU-C District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) *New* business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for *Retail, Dining,* or *Entertainment,* the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(b) New Retail, Dining, & Entertainment Tax Credit inside a City Commercially Zoned District.

(1) For any new *retail, dining, and entertainment* businesses that locates beyond the boundaries of the OTMU-C, but still within the corporate limits of the City's zoned commercial area(s), the business entity may be allowed:

A. Fifty percent (50%) credit against the business and occupation tax liability annually for the first year from the date the entity qualifies for the tax credit

B. Twenty-five (25%) credit against the business and occupation tax liability annually for the second year the date the entity qualifies for the tax credit

(2) Any new qualifying business applying for a New Retail, Dining, and Entertainment tax credit inside a City Commercially Zoned District shall:

A. Submit an official "Business Plan" to the City's Business Development Coordinator which must be dated and signed by the Community Development Director. A standard business template is provided with the City's new business packet.

B. Meet with the Community Development Director.

(3) The credit may only be taken if a qualifying business files the required business and occupation tax return on or before the required due date. When such documentation is filed on or before the required due date.

(4) *New* business is defined as the business entity never having operated or conducted business in a physical, fixed location in the City.

(5) The business must produce 50% or more of gross sales in the form of retail, dining, or entertainment to qualify for the incentive.

(6) To meet the classifications set forth for *Retail, Dining,* or *Entertainment,* the business must comply with and meet the definitions set forth by the City for the terms above in the City's zoning regulations and District Use Tables.

(Passed 6-03-2024)

745.17 TAX CUMULATIVE.

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

(Passed 7-19-10.)

745.18 ADMINISTRATION GENERALLY.

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

(Passed 7-19-10.)

745.19 RETURNS; COMPUTATION AND PAYMENT OF TAX.

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

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

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

(Passed 7-19-10.)

745.20 TAXPAYER RECORDS.

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

(Passed 7-19-10.)

745.21 TAX RETURN INFORMATION CONFIDENTIALITY.

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

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

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

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

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

(Passed 7-19-10.)

745.22 ERRONEOUS COMPUTATION OF TAX.

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

(Passed 7-19-10.)

745.23 INVESTIGATIONS.

(a) For the purpose of ascertaining the correctness of a tax return, claim or assessment or for

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

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

(Passed 7-19-10.)

745.24 ASSESSMENTS.

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

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

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

(Passed 7-19-10.)

745.25 NOTICE OF ASSESSMENT; PETITION FOR REASSESSMENT.

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

final.

(Passed 7-19-10.)

745.26 HEARING PROCEDURE; DECISION; REVIEW.

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

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

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

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

(Passed 7-19-10.)

745.27 INJUNCTION.

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

(Passed 7-19-10.)

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

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

releases are recorded.

(Passed 7-19-10.)

745.29 SUCCESSOR LIABILITY.

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

(Passed 7-19- 10.)

745.30 REVOCATION, NON-RENEWAL OF LICENSES AND PERMITS.

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

(b) In the event of such a revocation or denial, the treasurer will provide written notice to the affected person at least five (5) days prior to the contemplated revocation or denial and such notice shall be served by certified mail. The notice shall indicate the time and the place of a revocation/denial review meeting, the general grounds of said contemplated action, and shall advise the affected person of its rights to appear at said hearing in person and represented by legal counsel, and to be heard orally upon the merits of the person's defense. The treasurer may request legal advice from the City Attorney, and adopt such procedures for its decorum and the dispatch of business at such hearings as the treasurer may regard advisable. The revocation decision of the treasurer will be final.

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

(Passed 7-19-10.)

745.31 SETTLEMENT AGREEMENTS AND COMPROMISES.

The treasurer, with approval of the City Manager, is authorized to enter into an agreement in writing with any person relating to the liability of such person in respect of the tax, interest and

penalty imposed by this article for any taxable period. If such a closing agreement is duly made and entered into, such agreement shall be final and conclusive for the periods covered except upon a showing of fraud, malfeasance or misrepresentation of a material fact. The treasurer, with approval of the City Manager, may compromise all or part of any administrative determination or civil case concerning tax, interest and penalty or otherwise arising under the provisions of this article.

(Passed 7-19-10.)

745.32 ADDITIONAL ADMINISTRATIVE PROVISIONS CONCERNING CONTRACTING.

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

(b) Any person engaging a contractor or subcontractor within this municipality shall withhold payment in sufficient amount to cover taxes assessed by this article in the final settlement of such contracts until the receipt of a certificate from the treasurer to the effect that all taxes levied and accrued under this article against the contractor have been paid. If any person fails to withhold as provided herein and the contractor or subcontractor fails to timely pay such tax, such person shall be personally liable for the payment of such taxes, and the same shall be recoverable by the treasurer by appropriate legal proceedings.

(Passed 7-19-10.)

745.33 CLAIMS FOR REFUND OR CREDIT.

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

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

this section precludes taxpayer's right to any refund or credit of tax, interest and penalties paid or collected under this article.

(Passed 7-19-10.)

745.34 INTEREST AND PENALTY; CRIMINAL LIABILITY.

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

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

(c) Any person who shall willfully, and with intent to evade, refuse to pay all or any part of the tax imposed by this article shall be guilty of a misdemeanor. If the amount of the unpaid tax shall be less than one thousand dollars ($1,000), such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), and if the amount of the unpaid tax shall be one thousand dollars ($1,000) or more, such person shall, in addition to such tax, penalties and interest as is owed, be fined not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000), or imprisoned not more than thirty days, or be both fined and imprisoned as herein provided. Each day or part thereof that any violation continues shall be deemed to constitute a distinct and separate offense and be punishable accordingly.

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

(Passed 7-19-10.)

745.35 SEVERABILITY.

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

(Passed 7-19-10.)

745.36 REPEAL OF THE BUSINESS FRANCHISE TAX.

The Business Franchise Tax heretofore enacted by the City of Charles Town in 1970 remains repealed.

(Passed 7-19-10.)

745.37 EFFECTIVE DATE.

The effective date of this article shall be July, 2010. (Passed 7-19-10.)

First Reading: 6 May, 2024

Passed on Second Reading: 3 June, 2024

City of Charles Town

Robert M. Trainor
Mayor

John Nissel
City Manager/City Clerk