



# CITY OF CHARLES TOWN

## CITY COUNCIL

MINUTES • AUGUST 16, 2021

Regular Meeting

Council Chambers

7:00 PM

101 East Washington Street, Charles Town, WV 25414

### CALL TO ORDER

Attendee Name	Title	Status	Arrived
Bob Trainor	Mayor	Present	
James Kratovil	Councilmember	Present	
Elizabeth Ricketts	Councilmember	Remote	
Jeffery Hynes	Councilmember	Present	
Jean Petti	Councilmember	Present	
Julie Philabaum	Councilmember	Present	
Rikki Twyford	Councilmember	Present	
Michael George	Councilmember	Remote	

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

### I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

### II. APPROVAL OF MINUTES

#### 1. 5012: City Council Special Meeting Minutes

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

#### 2. 4994: City Council Meeting Minutes - August 2, 2021

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

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

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

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

### III. PUBLIC COMMENT - THIS PORTION OF THE AGENDA IS DESIGNED FOR MEMBERS OF THE GENERAL PUBLIC TO SHARE THOUGHTS ON ITEMS OF INTEREST IN THE COMMUNITY. COUNCIL MEMBERS MAY ASK CLARIFYING

Attachment: City Council Meeting Minutes - August 16, 2021 - draft (5037 : City Council Meeting Minutes - August 16, 2021)

**QUESTIONS OR DISCUSS PROCEDURAL MATTERS BUT ARE NOT PERMITTED TO DISCUSS THE POLICY MERITS OF ANY ISSUE UNLESS IT IS SCHEDULED FOR DISCUSSION.**

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

1. 5010: City of Charles Town: County Seat

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

2. 5011: National Association of Pet Pigs

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

#### **IV. REPORTS**

##### **A. Ward Reports**

Mr. Kratovil reported the following:

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

Ms. Ricketts reported the following:

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

Mr. Hynes reported the following:

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

Ms. Petti reported the following:

- Attended the Finance Committee Meeting.
- Her children attended the Old Opera House production of "The Lion, The Witch and The Wardrobe"
- Was sorry that Kevin Tester was not able to be sworn in as the new council member at this meeting but was also thankful that a hybrid meeting was able to be held.
- School starts on August 23rd and reminded everyone to be aware of school buses on the road.
- She was thankful that the downtown merchants were dedicated to the safety of their customers and thanked them for sharing their concerns with the Council.

Ms. Philabaum reported the following:

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

Mr. George reported the following:

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

Ms. Twyford reported the following:

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

## B. Mayor's Report

Mayor Trainor reported the following:

- Attended the Municipal Court Operations meeting at City Hall.
- Attended the Finance Committee meeting.

- Attended two meetings with the Crosswind Community Homeowners Association about parking and curb markings inside the development.
- Attended a Charles Town Earmarks virtual meeting with WV Senator Capito's staff.
- Attended the Charles Town Utility Board meeting.

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

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

C. Committee Reports

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

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

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

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

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

Ms. Philabaum reported the following:

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

D. City Manager's Report

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

Mr. Hennessy reported the following:

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

- The skate park will be re-seeded in September.

#### E. Police Chief's Report

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

#### 1. 5009: Charles Town Police Department July Statistic Report

Chief Kutcher reviewed the July Statistic Report with the Council.

### V. UNFINISHED BUSINESS

### VI. NEW BUSINESS

#### 1. 4988: Finance Committee - Revive Grant Program Funding

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

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

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

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

#### 2. 4987: Finance Committee - Fritts Farm Subdivision Conditions of Annexation - Negotiating Committee

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Micheal George, Councilmember
<b>SECONDER:</b>	Jean Petti, Councilmember
<b>AYES:</b>	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George

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

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

3. 4986: Finance Committee - Huntfield Subdivision Conditions of Annexation - Negotiating Committee

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeffery Hynes, Councilmember
<b>SECONDER:</b>	Rikki Twyford, Councilmember
<b>AYES:</b>	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George
<b>ABSENT:</b>	Tester

4. 4982: Personnel Committee - Employee Retirement Benefit - WV Retirement Plus Contributions

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

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	James Kratovil, Councilmember
<b>SECONDER:</b>	Julie Philabaum, Councilmember
<b>AYES:</b>	Kratovil, Ricketts, Hynes, Petti, Philabaum, Twyford, George
<b>ABSENT:</b>	Tester

5. 4989: 114 W. Liberty Street Building Sale - Merger of Parcel B and Deed of Conveyance

Mr. Kratovil moved to approve the resolution as proposed and authorize Mayor Trainor to execute a deed of conveyance to the Building Commission for 2,776 square feet. Mr. Hynes seconded the motion, and it passed unanimously.

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

6. 4985: WV Alcohol Beverage Control Administration Letter - Car Show Beer Garden - Abolitionist Ale Works

Ms. Twyford moved to authorize the city manager to sign the proposed letter to the WV Alcohol Beverage Control Administration (WVABCA). Ms. Petti seconded the motion, and it passed unanimously.

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

7. 4983: City Council Committee Assignments

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

8. 4990: Appointment - Board of Parks and Recreation

Mr. George moved to nominate and approve Mr. Nick Zaglifa for a full term on the Board of Parks and Recreation. Mr. Kratovil seconded the motion, and it passed without objection.

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

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

Only the final vote is reflected in the table below.

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

## VII. REFERRALS TO COMMITTEES/COMMISSIONS

There were no referrals to committees/commissions.

**VIII. APPROVAL OF BILLS**

1. 4975: Approval of Bills - August 16, 2021

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

**IX. ADJOURNMENT**

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

**X. INFORMATION ONLY - NEXT MEETING - TUESDAY, SEPTEMBER 7, 2021 AT 7:00 PM****XI. NOTICE: THE PUBLIC IS INVITED TO VIEW THIS MEETING VIA WEBCAST BY VISITING THE CITY'S WEBPAGE AT (WWW.CHARLESTOWNWV.US – GOVERNMENT – AGENDAS AND MINUTES).****XII. NOTICE: THE PUBLIC MAY VIEW OR PARTICIPATE IN THIS MEETING BY ACCESSING THE FOLLOWING ZOOM LINK: (HTTPS://US02WEB.ZOOM.US/J/85738156650?PWD=UTDKM1QXNHIVDNLCAQHQLDBRZJZDZ09) AND ENTERING THE PASSCODE (588045).****XIII. NOTICE: THE PUBLIC MAY LISTEN TO THIS MEETING BY CALLING (301) 715-8592 AND ENTERING THE MEETING ID (857 3815 6650) AND PASSCODE (588045).**