

TOWN OF BATH COUNCIL MEETING

Tuesday, June 7, 2022

1. CALL TO ORDER: @ 5:30pm by Mayor
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Chris Chapman (X) Rose Jackson (X) Elizabeth Skinner (X) Greg Forney (A) Rick Weber (A) Quorum present.

3. REVIEW OF MINUTES: Minutes of the Regular Meeting of May 17, 2022 were approved by Common Consent.

The Mayor requested that the agenda be amended to bring forward the Public Hearing concerning Ordinance 2022-05-17-1 (Business License Ordinance) and Ordinance 2022-05-17-2 (Alcohol Beverage License Ordinance).

Motion: To amend the agenda to bring forward the Public Hearing concerning the above mentioned ordinances- Webster/Chapman- Carried.

The meeting was opened for discussion concerning Ordinance 2022-05-17-1 (see attached) which replaces the schedule of fees set out in Section 18-57 with a general license fee of \$20.00 plus any other applicable additional fees. Ordinance 2022-05-17-1 repeals and replaces Section 18-57.

MOTION: For Second and Final Reading to repeal and replace Section 18-57 of the Town of Bath Code with Ordinance 2022-05-17-1-Chapman/Webster- Carried.

The meeting was opened for discussion concerning Ordinance 2022-05-17-2 (see attached) the purpose of which is to amend Chapter 6, Articles II-IV of the Town of Bath Code and to repeal Sections 6-28, 6-29, 6-60, 6-61, 6-89, and 6-90.

MOTION: For Second and Final Reading to adopt Ordinance 2022-05-17-2 which amends Chapter 6, Articles II-IV and repeal Sections 6-28, 6-29, 6-60, 6-61, 6-89, and 6-90 of the Town of Bath Code- Chapman/Jackson-Carried.

MOTION: To return to Regular Session- Jackson/Chapman- Carried.

4. PERSONS BEFORE COUNCIL: Hunter Clark, President of the Bath Christmas Project, informed Council of possible expensive electrical issues on N. Washington Street and the Project's website. Clark inquired about more security cameras in Town. Chief Link informed all that the application for funds for such cameras had not been granted.
5. COMMUNICATION FROM MAYOR: The Mayor presented an invitation to Council to attend the Morgan County EDA's Open House of their new facility at the Opportunity Center on June 21 from 4-6pm.
The WV DOH will pave Washington Street starting Sunday June 12 from 7pm until 7am.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY: Colin Graham has supplied a resume' and application for appointment to the BDA. Councilwoman Jackson asked that he attend

- the next Council meeting before appointment consideration.
2. PARKS & REC: Next meeting is May 18, 2022. The Town requests those who may be interested in serving as Town representatives on this board to complete a volunteer form found on the Town website or in the office.
 3. PLANNING COMMISSION: No report at this time.
 4. RAIL/TRAIL: Committee Co-Chairman Pete Brown has submitted progress reports to the Town office (see attached).
 5. STREETSCAPE: Committee Co-Chair Pete Brown has submitted reports to the Town office (see attached).
 6. TRAIN DEPOT: Recorder Webster advised Council that the rehab of the interior of the Depot has begun. She has invited the President of the B&O Railroad Historic Society to visit and has requested this organization's help with pictures or artifacts it may have of the Berkeley Depot or those similar. Future use of the Depot is being discussed. Webster is waiting for ARPA fund applications to be developed and sent.
 7. LANDMARK COMMISSION: No report at this time.
 8. CLERK/RECORDER REPORT: No report at this time.
 9. FINANCE: Chairwoman Webster presented the following bills for approval.
 - (a) Town of Bath \$10,841.51- Motion to approve: Webster/Jackson- Carried
 - (b) BS Water \$12,626.15- Motion to approve: Webster/Jackson- Carried
 - (c) Tree Board \$216.00 – Motion to approve: Webster/Jackson- Carried
 - (d) Streetscapes \$597.00- Motion to approve: Webster/Jackson- Carried
 - (e) NBRT \$3,297.60- Motion to approve: Webster/Jackson- Carried
 - (f) Greenway Cemetery \$9,085.00- Motion to approve: Webster/Jackson- Carried
 10. TREE BOARD: No report at this time.
 11. PUBLIC SAFETY: Chief Link informed Council that he had hired Richard Cook as part time officer with the BSPD.
 12. PUBLIC WORKS: No report at this time.
 13. ORDINANCE: Nothing further at this time.
 14. CEMETERY: Chairman Skinner informed Council that the administrative duties of caring for the cemeteries has increased.
 15. GRANT: No report at this time.
 16. BERKELEY SPRINGS WATER WORKS: Chairman Chapman advised Council that the water line replacement project's start date has been moved to the end of June. The next Water Committee meeting will be July 19.
 17. MOTION TO ADJOURN: Approved by Common Consent.

Attest:

Mayor

Scott E. Mink

Recorder

Jessica Webster

TOWN OF BATH ORDINANCE 2022-05-17-1

The Code of the Town of Bath, West Virginia, Chapter 18, Article II, Division 2, Section 18-57, License fee, is hereby repealed in full and replaced with the following:

Section 18-57 License fee.

Except where a business license tax has been established elsewhere in Chapter 18 herein, licensees shall be issued a general business license for a fee of \$20.00 per year, plus any applicable additional filing fees, license fees or service fees. Nothing in this section shall be interpreted to exempt any licensee from additional requirements set forth herein that may be applicable for specific types of businesses.

TOWN OF BATH ORDINANCE 2022-05-17-2

The Code of the Town of Bath, West Virginia, Chapter 6, Article II, Section 6-28, is hereby repealed and replaced as follows:

Sec. 6-28. Town license required for wine sales.

- (a) Every person licensed by the state pursuant to the provisions of article 8, chapter 60 of the Code of West Virginia, whether as a distributor or retailer of wine and who does business as such within the town shall obtain a town license as provided for in this article.
- (b) The town shall collect an annual license tax as follows:
 - (1) For a distributor's license, \$2,500 per year.
 - (2) For a retailer's license, \$150 per year.
 - (3) For a wine specialty shop, \$250 per year.
 - (4) For a wine tasting license, \$150
 - (5) For a private restaurant serving wine only, \$250.
 - (6) For a private restaurant serving wine and nonintoxicating beer only, \$400.
- (c) The license period shall begin on July 1 of each year, and end on June 30 of the following year. If the initial license is granted for less than a year, the fee shall be computed in proportion to the number of quarters remaining in the fiscal year, including the quarter in which application is made.
- (d) A retailer who more than one place of retail business shall obtain a license for each separate retail establishment. A retailer's license may be issued only to the proprietor or owner of a bona fide grocery store or wine specialty shop.

The Code of the Town of Bath, West Virginia, Chapter 6, Article II, is hereby amended as follows:

Sec. 6-29. Town license required for intoxicating liquor sales.

- (a) The town shall collect an annual license tax for retail liquor sales (class A/class B) of \$1,500.

The Code of the Town of Bath, West Virginia, Chapter 6, Article III, Sections 6-60 and 6-61, are hereby repealed and replaced as follows:

Sec. 6-60. Town license required for beer sales.

- (a) Every person licensed by the state pursuant to the provisions of article 16, chapter 11 of the Code of West Virginia, whether as a retailer, private club, wholesaler or brewer of nonintoxicating beer and who does business as such within the town shall obtain town license as provided in this article, provided that nothing contained in this article, and no license or payment under the provisions hereof, shall be taken to legalize any act which otherwise may be in violation of law, or exempt any person from any penalty prescribed for such violation. Upon the issuance of a town license, the licensee shall display it at all time in a conspicuous place upon the premises thereby licensed. Town licenses under this article shall not be

transferable. A license shall be required for each place of business and a full tax paid for each such place of business.

Sec. 6-61. Town License tax for beer sales.

There is hereby levied and imposed by annual license tax upon all brewers and dealers, as covered under section 6-60, in or of nonintoxicating beer within the town, which license period shall begin on July 1 of the following year, and if granted for a shorter period, the same shall be computed quarterly in proportion to the remainder of the fiscal year as follows:

- (1) Retail dealers shall be divided into two classes, Class A and Class B:
 - a. In the case of Class A retail dealer, the license fee shall be \$150.00 for each place of business; the license fee for social, fraternal or private clubs not operating for profit, and having been in continuous operation for five years or more immediately preceding the date of application, shall be \$150.00. Class A license issued for social, fraternal, or private clubs as herein provided, shall authorize the licensee to sell nonintoxicating beer at retail for consumption only on the licensed premises where sold. All other Class A licenses shall authorize the licensee to sell nonintoxicating beer at retail for consumption on or off the licensed premises.
 - b. In the case of Class B retailer the fee for a Class B license authorizing the sale of chilled and un-chilled beer shall be \$150.00. A Class B license shall authorize the licensee to sell nonintoxicating beer at retail in bottles, cans, or other sealed containers only, and only for consumption off the licensed premises. Sales under this license to any person at any one time must be in less quantities than five gallons. Such license may be issued only to the proprietor or owner of a grocery store. For the purpose of this section, the term "grocery store" means and includes any retail establishment commonly known as a grocery store or delicatessen, and caterer or party supply store where food or food products are sold for consumption off premises and includes a separate and segregated portion of any other retail store which is dedicated solely to the sale of food, food products and supplies for the table for consumption off the premises.
- (2) In the case of a distributor, the license fee shall be \$1,000.00 for each place of business.
- (3) In the case of a brewery with its principal place of business located in the town:
 - a. Who produces twelve thousand five hundred barrels or less of nonintoxicating beer or nonintoxicating craft beer, the license fee shall be \$500.00 for each place of manufacture.
 - b. Who produces twelve thousand five hundred one barrels and up to 25,000 barrels of nonintoxicating beer or nonintoxicating craft beer, the license fee shall be \$1,000 for each place of manufacture.
- (4) In the case of a tavern serving nonintoxicating beer only, the license fee is \$150.00

The Code of the Town of Bath, West Virginia, Chapter 6, Article IV, Section 6-89 is hereby repealed.

The Code of the Town of Bath, West Virginia, Chapter 6, Article IV, Section 6-90, is hereby repealed and replaced as follows:

Sec. 6-90. Application and fee.

- (a) Application for a license to operate a private club shall be made to the town and shall include:
- (1) The name of the applicant;
 - (2) If such applicant is an incorporated association, the names and addresses of the members of its governing board;
 - (3) If such applicant is a corporation, the names and addresses of its officers and directors;
 - (4) The place at which such applicant shall conduct its operation and whether the same is owned or leased by the applicant;
 - (5) The name of members of the applicant;
 - (6) The names of any national organizations with which the applicant is affiliated and the nature of such affiliation.

It shall be sufficient for the purpose of submitting such application to submit a copy of the application of such private club made to the state for a state license to operate such private club.

- (b) A license fee is hereby established, as follows:
- (1) Fraternal or veteran organizations, nonprofit social clubs: \$500.00.
 - (2) Private clubs other than those in subsections (b)(1) and (2) of this section with less than 1,000 members serving liquor, wine, and non-intoxicating beer: \$750.00.
 - (3) Private clubs other than those in subsections (b)(1) and (2) of this section with more than 1,000 members serving liquor, wine and non-intoxicating beer: \$1,250.00.
 - (4) The fee for any such license issued following January 1 of any year and to expire on June 30 of such year shall be one-half of the annual fee noted in subsections (b)(1), (2), (3), and (4).

**Status of Streetscape, State Park and NBRT for Town Council
Monday June 6, 2022**

STREETSCAPE

Phase V:

• **Design Contract:**

We are still working toward five documents:

1. The DOH/Thrasher "Scope of Work" Document, including an audited overhead rate and certified labor rates. Thrasher sent all this to DOH last week. Believe this has been completed between DOH & Thrasher. Will get copy and verify agreement on the Scope of Work.
 2. A Town Task Order that will deliver that Scope. Thrasher will provide a draft of this in the next week or so.
 3. A formal Contract Document. See #2 above – Thrasher will also provide a draft contract document (terms and conditions, payment periods, etc) in the next few weeks. Again, plan is for the Town to sign a contract while awaiting the results of #4 and #5 below.
 4. A DOH/Town/FHWA Design Funding Agreement. We commented on the Draft Agreement and fixed the Scope to be what the Town expected in the approved TA Construction Grant. DOH awaiting the formal Scope document – mentioned in #1 above. Will verify expected progress payment and DOH reimbursement procedure prior to Town signing of the Funding Agreement documents. No schedule yet for this – expect weeks or month from now at least. Current numbers are: \$50K total (\$40K Grant and \$10K Town Match) for this design.
 5. A formal "Notice to Proceed from DOH". This will follow the completion of #4 above.
- **Contract Process is still Business Sensitive until an Award.**

Phase VI (DOH call for FY22 TA Grant Applications)

- Town's ITA for the Design Grant was submitted and approved by DOH for the full Application
- Design ITA and Grant Application will be for \$60,000 total (\$48,000 Grant and \$12,000 Town Match)
- Streets/Block Faces Included are:
 - Balance of Lighting that may be deferred from Phase V; Mercer St
 - Congress St – from North Washington to Green Street
 - Union St – from North Washington to Mercer Street
 - Letters of Support requested from several local organizations – Due June 17th
 - Plan to meet with Finance Committee (6/20?) and Town Council (6/21) for formal Resolution
 - Full Application for a Design Grant due: June 30th

NBRT

Parcel 1A:

- Nothing new to report

Parcel 1B: Storm Water Management (SWM) Project (CBT Grant)

- Anticipate completion of this contract work by end of June, no-cost extension has been requested from CBT.

Berkeley Springs State Park Grant & Project

Status:

- Still awaiting FHWA Approval of the project – was sent to FHWA on April 8th
- Will update status this week. DOH believes it should be accepted and returned to DOH "soon."

Pete Brown
571-213-3687