

TOWN OF BATH FINANCE COMMITTEE

Regular Meeting Minutes

May 7, 2024

1. CALL TO ORDER: By Chairman at 4:00pm.

2. Roll Call of Bath Council FC Members: Chairwoman Susan Webster (X), Greg Schene (X), Mary Lynn Hickey (X)

Also present: Councilors MacLeod and Skinner, Mayor Merki, Clerk Corrick, Planning Commission Recorder Dave O'Connell

3. Review of Minutes: Finance Committee Regular Meeting Minutes of April 16, and Special Meeting April 29, were both approved by Common Consent.

4. Clerk's Report –

A. Clerk Corrick made available the Town's budget comparison, account review, bookkeeping information and payroll data.

a. Clerk Corrick presented a Town Hall Budget Revision (attached). After review the FC recommended that it be referred to Council for approval.

b. Clerk Corrick presented a request for a revision (attached) of the FY 2024 Budget for the WV Auditor's consideration and approval. She also made available the required Resolution 2024-05-01. The FC agreed to recommend this revision for approval of Council.

B. Advertisement has been placed for a second Parking Enforcement Officer.

C. Four Facilities Use applications were filed for consideration for approval by the Council.

a. Berkeley Springs Pride (attached), Scott Collinash – Concurrence to be presented to Council for approval.

b. Dave Henry Memorial Park Block Party (attached), Dave O'Connell – Concurrence to be presented to Council for approval.

c. St. Vincent de Paul Knights of Columbus Flea Market (attached), Dave O'Connell – Concurrence to be presented to Council for approval.

d. Bringing in the May(attached), Cindy Reiffren- Concurrence to be presented to Council for approval.

5. Grant and Project Updates -

A. Grant Committee Chairwoman Hickey informed the FC that the AARP Community Challenge grant application has been submitted for the 2 Streetscape streetlights at the Depot. She has continued working with the WV

Grant Resource Center for public safety COPS/JAG funding which will be submitted by June 6. She and Councilman Schene met with members of Region 9 Planning & Development Council to present Bath needs and emphasize our desire for assistance in accomplishing successful outcomes.

B. The Bath OnTRAC program was discussed. Assistant Clerk Farris is interested in working with this program. Chairwoman Webster will talk to Clerk Corrick about the ability and expectations of the office staff in the operation and administration of the ON Trac program.

C. Depot Chairwoman Webster presented a draft of a lease agreement with Travel Berkeley Springs for their occupation of the Depot. The document was reviewed by the FC and their recommendations for additions and changes were added. Webster will take the document to the Town's attorney, Richard Gay for his review.

Webster will arrange a meeting of the Depot Committee early next week to apprise them of the draft lease progress and organize volunteers to assist with the "Miss Rainsong and her Traveling Companion" shows in the Depot which begin May 16.

D. Streetscape Co-Chair MacLeod explained this committee's WV DOH TA Grant Phase VI Construction intent to apply. Also discussed was the Streetscape Phase V recent grant award (attached).

6. Town Financial Concerns:

A. Ordinance Chairman Schene explained that he will present for First Readings 2024-04-01 Festival Fee Ordinance and 2024-03-08 Short Term Rentals Ordinance (both attached). These ordinance will add regulation and a fees structure to festivals and the short term rentals in Bath.

7. Bills for the BSWW and the Town were approved for recommendation to the Council. This approval included the Rt. 522 Water Line Extension invoice that was tabled at the Council meeting of April 16

8. The next FC Regular Meeting date is May 21, 2024 at 4pm in the Municipal Center.

9. Adjourn

Chairman Susan Webster Date 5-21-2024

RESOLUTION 2024-05-01

At a regular session of the municipal council, held May 07, 2024, the following order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) of the Town of Bath. 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 budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 3 for fund 1 a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____ the vote thereon was as follows:

Scott Merki	Yes or No
Susan Webster	Yes or No
Elizabeth Skinner	Yes or No
Mary Lynn Hickey	Yes or No
Rebecca MacLeod	Yes or No
Greg Schene	Yes or No
Tom Hall	Yes or No

WHEREUPON, The Town of Bath, 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 Town Clerk Sharron Corrick is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

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: igs@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: 2024
 Fund: 1
 Revision Number: 3
 Pages: 2

Town of Bath
 GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: Sharron Corrick
 Phone: 304-258-1102
 Fax: 304-258-3638
 Email: townofbath@wvdsi.net

271 Wilkes Street
 STREET OR PO BOX
 Berkeley Springs WV 25411
 CITY ZIP CODE

Municipality
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
305	Business and Occupation Tax	61,000	5,000		66,000
306	Wine & Liquor Tax	32,600	12,400		45,000
308	Hotel Occupancy Tax	93,200	30,000		123,200
320	Fines, Fees & Court Costs	30,000		22,000	8,000
399	Miscellaneous Revenues	4,500	25,000		29,500
321	Parking Violation	15,000	5,000		20,000

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

85,920

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
902	Travel Council	46,600	15,000		61,600
900	Parks & Recreation	29,000	15,000		44,000
440	City Hall	122,724	4,020		126,744
750	Streets and Highways	127,692	3,952		131,644
800	Garbage Department	206,597	10,000		216,597
914	Rails to Trails	2,000	37,948		39,948
751	Street Lights	17,500	5,000		22,500
752	Signs and Signals	5,000		5,000	
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

85,920

APPROVED BY THE STATE AUDITOR

BY: Deputy State Auditor, Local Government Services Division Date

AUTHORIZED SIGNATURE
 OF ENTITY

7/25/2023
 APPROVAL
 DATE

Budget Revision - Street Crew

5/7/2024

Account	Description	Change	Budget
1 750 000 00	Total Budget	\$ 3,952.00	\$ 131,644.00
1 750 108 00	Overtime	\$ 3,952.00	\$ 5,452.00

Budget Revision - Garbage Crew

5/7/2024

Account	Description	Change	Budget
1 800 000 00	Total Budget	\$ 10,000.00	\$ 216,597.00
1 800 218 00	Postage	\$ 100.00	\$ 500.00
1 800 217 00	Auto Repair	\$ 9,900.00	\$ 39,257.00

Budget Revision - City Hall

5/7/2024

Account	Description	Change	Budget
1 440 000 00	Total Budget	\$ 4,020.00	\$ 126,744.00
1 440 105 00	Health Ins	\$ 3,500.00	\$ 17,500.00
1 440 221 00	Training	\$ 25.00	\$ 60.00
1 440 220 00	Advertising	\$ 220.00	\$ 420.00
1 440 223 00	Prof Serv	\$ 275.00	\$ 2,075.00

*Susan
Jah*

Town of Bath

Application for Use of Town Property

Date Application Submitted: 05/2/2024

- A. Requesting Group or Organization Benkeley Springs Pride
- B. Name of Responsible Person Scott Collinash
- C. Address 110 South Washington St
- D. Telephone Number 681-261-7461
- E. Property Requested Parking Spaces Around State Park
- F. Purpose of Use Pride Picnic in Park
- G. Will Admission be Charged or Product Sold? NO Entry Fee / vendor food truck
- H. Date/s JUNE 22, 2024 (Saturday)
- I. Beginning and Ending Time/s _____

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

Town of Bath

Application for Use of Town Property

Neighbors on
Biser St.
Volley Ball

Date Application Submitted: May 2nd

- A. Requesting Group or Organization Friends of NBRT court
- B. Name of Responsible Person David O Connell
- C. Address 146 Martinsburg Rd
- D. Telephone Number 304 886-1275
- E. Property Requested David Henry Memorial Park
Biser ST for Over Flow
- F. Purpose of Use Block Party
- G. Will Admission be Charged or Product Sold? NO
- H. Date/s May 19th
- I. Beginning and Ending Time/s 3 PM to Sunset

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

Town of Bath

Application for Use of Town Property

Date Application Submitted: 4/22/2024

- A. Requesting Group or Organization St Vincent De Paul
Knights of Columbus
- B. Name of Responsible Person Pat Narango
David OConnell
- C. Address 67 Liberty St
304 258-1311 Church
- D. Telephone Number 410 456-9932 Narango
- E. Property Requested Liberty St Spaces *along the church*
- F. Purpose of Use Flea Market
- G. Will Admission be Charged or Product Sold? Tables \$10
- H. Date/s May 11 (Saturday)
- I. Beginning and Ending Time/s 9-3

Submit To Town Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

Town of Bath

Application for Use of Town Property

Date Application Submitted: April 22, 2024

- A. Requesting Group or Organization "Bringing in The May"
- B. Name of Responsible Person Cindy Reiffers
- C. Address 137 Prospect Peak Lane, B.S. 25411
- D. Telephone Number 304-258-5884
- E. Property Requested Fairfax St. next to park
- F. Purpose of Use Park Food Trucks for festival
(4 meters)
- G. Will Admission be Charged or Product Sold? products sold
- H. Date/s May 18-19 2024
- I. Beginning and Ending Time/s "12-5"

N. Washington St.

Set up on 17th
Close meters 9 AM

Submit To ~~Town~~ Council

Application is:

Approved

Denied

Approved Subject to Following

- 1) Usage Fee Required
- 2) Proof of Insurance on File

Signature of Approval

Date

TOWN OF BATH

ORDINANCE 2024-04-01

AMENDING IN PART TOWN OF BATH MUNICIPAL CODE, CHAPTER 18, BUSINESSES AND BUSINESS REGULATIONS, SEC. 18-58. FESTIVAL LICENSE

1. SEC. 18-58 FESTIVAL MUNICIPAL FEE:

- a. Any organization or individual staging a multi-day event selling food and/or merchandise within the Town of Bath corporate limits shall require council approval and shall be assessed a per-event Festival Municipal Fee of \$35.00 (thirty-five dollars) for each participating vendor across any and all sales categories including but not limited to general merchandise, hand-crafted items, food, and non-alcoholic beverages within the agreed-upon boundaries of the event.
- b. Such fee includes per-event festival vendor license and Town of Bath Municipal Fee, payable by each participating vendor to the Town of Bath within seven (7) business days of the scheduled start date of the event.
- c. Those vendors operating outside of the event boundaries, but within the Town corporate limits, shall be assessed a per-event Festival Municipal Fee of \$35.00 (thirty-five dollars) for any and all sales categories including but not limited to general merchandise, hand-crafted items, food and beverages except those excluded in this ordinance. This license is obtainable from the town hall prior to the event. Private sellers of second-hand, used and yard sale merchandise are excluded from this fee. Violators of this section will be subject to a penalty of a \$100.00 fine or immediate expulsion.
- d. Those merchants holding valid yearly business licenses from the town, and conducting routine business at their permanent business locations during any such event, shall be exempt from any additional licensing or fees payable to the town, whether inside or outside of the event boundaries.
- e. Sellers of alcoholic beverages must obtain a License Certificate directly from the ABC Board. The License Certificate must be prominently displayed where it can be readily seen by authorities and customers.

(Ord. of 12-15-1997)

2. CONFLICTING ORDINANCES:

- a. All other ordinances and parts of ordinances, or amendments thereto, of the Town of Bath in conflict with the provisions of this ordinance are hereby repealed.

3. REVIEW BY TOWN COUNCIL:

- a. All fees are subject to review and change as determined by the Town of Bath, Town Council.

FIRST READING: May 7th, 2024

SECOND READING: _____

ADOPTED: July 1st

MAYOR: _____ *DATE:* _____

RECORDER: _____ *DATE:* _____

TOWN OF BATH

ORDINANCE 2024-03-8

ADDING TO CHAPTER 18. BUSINESSES AND BUSINESS REGULATIONS.

ARTICLE V. BED AND BREAKFAST FACILITIES, AIRBNB AND OTHER SHORT-TERM RENTAL FACILITIES.

Sec. 18-132. Purpose

The purpose of the regulations set forth in this ordinance is to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

Sec. 18-133. Definitions

As used in this article the following words, terms and phrases, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

"Bed and breakfast facility" includes a bed and breakfast homestay establishment or bed and breakfast inn.

"Bed and breakfast homestay establishment" shall mean a residential or commercial property where short-term lodging is provided that contains no more than five guest rooms and where breakfast service may be provided to overnight guests only. The property may be rented out to multiple short-term lodging groups at a time.

"Bed and breakfast inn" shall mean a resident managed residential or commercial property where short-term lodging is provided that contains no more than fifteen guest rooms and where breakfast service may be provided to overnight guests only. The property may be rented out to multiple short-term lodging groups at a time.

"Group" shall mean a unit of person(s) that are together under a single reservation. Licensee shall mean a person issued a bed and breakfast facility or short-term rental facility license.

"Designated operator" shall mean the operator of a bed and breakfast facility or short-term rental facility who will be available in-person or by phone at all times the rental is in use.

"Short-term rental" shall mean a residential dwelling unit(s) that is rented out for compensation on a temporary basis for a period of less than thirty consecutive days.

"Short-term rental facility" includes a short-term rental type I, short term rental type II, or short-term rental type III.

"Short-term rental type I" shall mean an owner-occupied residential property where short-term lodging is provided to only one group at a time per dwelling unit. Nonconforming single-family residential properties that contain more than one dwelling unit shall rent to only one group at a time. The owner must reside in the primary structure on the property and be present at the property for the duration of any short-term rental.

"Short-term rental type II" shall mean a single family or duplex residential property where short-term lodging is provided to only one group at a time per dwelling unit. Nonconforming single-family residential properties that contain more than one dwelling unit shall rent to only one group at a time. The property is not part of a multi-family residential use. The owner does not reside on the property or is not present at the property for the duration of any short-term rental.

"Short-term rental type III" shall mean a residential property or multi-use commercial property where short-term lodging is provided to only one group at a time per dwelling unit. The owner does not reside on the property or is not present at the property for the duration of any short-term rental.

Sec. 18-134. Bed and breakfast facility or short-term rental facility license required.

It shall be unlawful to operate a bed and breakfast facility or a short-term rental facility:

1. Without a bed and breakfast facility or short-term rental facility license;
or

2. In violation of any provision of a bed and breakfast facility or short-term rental facility license, this article, or any other applicable Town ordinance or other law.

Sec. 18-135. License application and review.

- A. To obtain a license for a bed and breakfast facility or a short-term rental facility, a person must submit an application on a form provided for that purpose to the Town. The application must contain the following:
 1. The name, street address, mailing address, email address, and telephone number of the applicant, the owner, and the designated operator of the bed and breakfast facility or short-term rental facility. The applicant must assign a "designated operator" who shall be available at all times the rental is in use.
 2. If the applicant or owner is a partnership, a corporation, or limited liability company, the application shall list the names of all partners, directors, members, and officers, as applicable, of the applicant and the owner
 3. A scaled site plan that shall include property lines, existing structures, proposed signage, proposed and existing site improvements such as parking, fences, landscaping, etc.
 4. A non-refundable license fee for the amount established.
 5. Proof that the applicant has no delinquent hotel motel occupancy taxes due on the property.

Sec. 18-136. Length of license; renewal.

- A. A bed and breakfast facility license or short-term rental facility license shall be valid for a period of one year from the date of issuance and may be renewed by applying in accordance with section 18-155.
- B. Bed and breakfast facilities or short-term rental facilities as of July 1, 2024 are required to obtain a license under the provisions of this article.

Sec. 18-137. Fees.

An annual license fee of two hundred dollars (\$200.00) will be charged at time of issuing the license and at the time of renewal. The town council shall set the fees for the license and renewal.

Sec. 18-138. Operation of a bed and breakfast facility or short-term rental facility.

- A. The licensee shall comply with the noise requirements set forth in Chapter 50 of this code.
- B. The licensee shall comply with all rules and standards necessary for the safeguarding of life and property as set forth in the West Virginia State Building Code (WVSBC). This includes, but is not limited to, operating smoke detectors, at least one operable egress window per bedroom, an evacuation plan posted conspicuously in each sleeping area, repair of any exposed wiring, water heater inspection, required safety measures for pools (if applicable), and exterior stairwells (if applicable).
- C. Functions such as meetings, receptions, weddings and other social events provided for compensation or held by guests are not permitted as part of the bed and breakfast facility or short-term rental facility unless an events permit has been issued by the Town.
- D. The designated operator shall be available at all times the property is being rented. Contact information will be furnished to owners of real property within two hundred feet of the bed and breakfast facility or short-term rental facility by the Town. Also, a sign must be posted conspicuously in the common area of each unit and will contain the following information:
 - 1. The name and contact information of the owner and/or designated operator;
 - 2. The license number of the bed and breakfast facility or short-term rental facility; and
 - 3. The occupancy limits and requirements set forth in the license.

- E. The license number shall be included on the business website and primary booking engine for the bed and breakfast facility or short-term rental facility.

Sec. 18-139. Additional requirements and restrictions for bed and breakfast facilities or short-term rental facilities.

- A. *Parking.* Operator must provide parking information for guests taking into consideration the availability of both paid and unpaid parking as well as weekend parking, reserved on-site parking (if applicable) and permitted use of private and public lots.
- B. *Signs.* The size of the sign shall not exceed six square feet in area. The maximum height shall be 3 feet. The front yard setback shall be three feet from the property line.
- C. *Lighting.* All lighting must be directed toward the establishment and not at adjacent properties.
- D. *Occupancy.* The maximum number of adults allowed to reside in any bed and breakfast facility or short-term rental facility is two adults per bedroom plus two additional adults per rental unit.

Sec. 18-140. Revocation, suspension or denial of a license.

The designated Town code enforcement officer or Chief of the police department may immediately revoke or suspend the license, or deny either the issuance or renewal thereof, if it is found that:

1. The licensee, designated operator, or guest has violated or failed to meet any of the provisions of this article or conditions of the license;
2. The licensee, designated operator, or guest has violated any federal, state, or city law, or regulation pertaining to the use of the property as a bed and breakfast facility or short-term rental facility;
3. The Chief of the police department or the Chief of the fire department has determined that the bed and breakfast facility or short-term rental facility would pose a serious threat to public health, safety, or welfare;
or

4. The applicant has made a false statement of material fact on an application for a bed and breakfast facility license or short-term rental facility license.

Sec. 18-141. Notice to applicant/licensee; appeals.

- A. Upon denial, suspension or revocation, the code enforcement officer or Chief of the police department shall notify the applicant or licensee in writing either in person or by certified mail to the address listed on the application of the action taken and the reasons therefore. A person may appeal a decision to deny, revoke, or suspend a license to the town council. Appeals shall be submitted to the city in writing within thirty days following the date the applicant or licensee receives the decision. A hearing on the denial, suspension, or revocation will be scheduled for the next regular meeting of the town council that is more than six days away. The council will render a decision on the appeal within ten days of the hearing. A licensee shall not operate a bed and breakfast facility or short-term rental facility during the appeal process.
- B. At the appeal hearing on a denial of an initial license application, the appealing party must present evidence clearly indicating that the city was incorrect in determining that the stated grounds for the license denial existed.
- C. At the appeal hearing on a license suspension, revocation, or refusal to renew, the procedures shall not require compliance with strict rules or evidence but shall mandate that only relevant information be received.

Sec. 18-142. Severability and general provisions.

- A. That all ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed.
- B. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this article shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

C. That a violation of the provisions hereof shall be a misdemeanor and the penalty for violating this ordinance shall be a fine not to exceed two hundred fifty dollars (\$250.00) and each day a violation exists shall constitute a separate offense and fine of twenty-five dollars (\$25.00).

FIRST READING: May 7, 2024

SECOND READING: _____

ADOPTED: July 1st

MAYOR: _____ DATE: _____

RECORDER: _____ DATE: _____