

TOWN OF BATH COUNCIL MEETING

January 21, 2025

1. Call to ORDER: @ 5:30pm by Mayor.
2. ROLL CALL: Scott Merki (X) Susan Webster (X) Elizabeth Skinner (X) Greg Schene (X) Rebecca MacLeod (X) Mary Lynn Hickey (X) Dave O'Connell (X) Quorum present.
3. REVIEW OF MINUTES: Minutes of the Regular Meeting of January 7, 2025 were approved by Common Consent.
4. PERSONS BEFORE COUNCIL: Members of Boy Scout Troop 81 and their Leader Darren Lucas were in attendance to observe the Council meeting as a requirement to achieve their Citizenship Badge. They were warmly welcomed.
5. COMMUNICATIONS FROM MAYOR: Mayor Merki again thanked the Town Labor Crew for their efforts during the most recent snow storm.

COMMITTEE AND BOARD REPORTS

1. BATH DEVELOPMENT AUTHORITY (BDA): The next meeting is February 5, at the Courthouse. The On Trac meeting is set for February 13, at 4:30.
2. PARKS & REC: The next meeting is February 19, at the County Courthouse.
3. PLANNING COMMISSION (PC): President Landon reported that Commission member Dave O'Connell's term on the Commission has expired and he does not intend to go forward with another three year term. He has been an active member for the past three years. The next meeting is February 12.
4. RAIL/TRAIL (NBRT): Attached is the written report submitted by Co-Chair Pete Brown. This report includes the status of the Berkeley Springs State Park Project. The January 22 meeting has been canceled and will be rescheduled.
5. STREETSCAPE: The next meeting is January 22. Co-Chair Pete Brown has submitted a detailed progress report (attached).
6. TRAIN DEPOT: Chairwoman Webster met with TBS officials and Depot Committee members for an initial discussion on exhibits in the Depot.
7. LANDMARK COMMISSION (HLC): No report at this time.
8. CLERK/RECORDER REPORT: Grant Chairwoman Hickey brought forward the contract agreement with Lovelypixels as the company chosen for the Appalachian Forest grant awarded for the new Bath website development. The cost will be \$7,000.00 more than the \$4,450.00 granted. The Finance Committee agreed to use surplus Hotel/Motel funds to pay for the \$7,000.00 balance for the website development.. The Council gave Common Consent to move forward with the contract.
9. FINANCE: Chairwoman Webster delivered the following bills for approval:
 - (a) Town of Bath \$10,500.22- Motion to approve: Webster/Hickey - Carried
 - (b) BSWW \$34,308.55- Motion to approve: Webster/MacLeod - Carried
10. TREE BOARD: The next meeting is February 19. Member Rebecca MacLeod gave the report which has been submitted to the Town Office and attached. The Tree City USA for Bath award has been approved by the Division of Forestry.

11. GRANT: The next meeting is February 10. Chairwoman Hickey is researching grant possibilities for Streetscape street lights at the Depot and has submitted a cyber security grant application for the BSPD. She is also exploring opportunities for cameras, digital speed signs and other traffic calming devices. Chairwoman Hickey reported that the BSWW plant upgrades will take priority in efforts to obtain funding.

12. PUBLIC SAFETY: The next meeting is February 12. Discussion was held concerning enforcement of ordinances pertaining to the parking of vehicles for extended periods of time and illegal to be on the street.

13. CEMETERY: Chairwoman Skinner informed all that she has been in communication with the Civil War Trail Association about the promotion of Civil War Union General Barstow's history in Greenway Cemetery. Morgan County Historic and Genealogical Society member Terry Golden has been helping with records and their storage on Excel.

14. PUBLIC WORKS: The next meeting is February 11. Chairwoman MacLeod reported that the Labor Crew again did a good job with the recent snow conditions. Chairwoman MacLeod presented the contract that the Warm Springs Watershed Association negotiated with engineering firm Gannett Fleming for the USDA Natural Resources Conservation Service flood control planning project for the Warm Springs Run. Grant funding has been secured by the WSWA for the \$599,888.00 cost and is not a Bath financial obligation. The Town of Bath is the sponsoring agent. MOTION: To approve the Gannett Fleming engineering contract for the NRCS flood control plan as presented – Hickey/O'Connell – Carried

15. ORDINANCE: The next meeting is January 23. Chairman Schene reported that the Committee is reviewing the reserved parking draft ordinance and weighing options. Discussion was held on making the public aware that they cannot reserve public property for private or commercial parking use. Schene also informed the Council that there will be a small housing development project on St. George Street. Sediment and erosion control must be considered.

16. BSWW: The next meeting is January 22. Chairman O'Connell advised all that the BSWW plant upgrade is of highest importance with the committee. Plant Superintendent Mayhew is doing plant tours for the engineering firms that are interested in interviewing for the upgrade work. It is hoped that the engineering firm selection process is completed by the end of February.

Chairman O'Connell explained the request to accept $\frac{3}{4}$ mile of the US Silica water line from the Warm Springs Public Service District plant to the Sand Mine Road area. This line had a pressure test done with good results. The concern with taking over this line surround future and ongoing maintenance, improvements and expense. A ROW will be needed to assure accessibility to the line. The Water Committee will draft a resolution to present to Council concerning the acceptance of this line with qualifications.

17. MOTION TO ADJOURN: By Common Consent.

Attest:

Mayor

Scott E. Mink

Recorder

Shudston

**Streetscape and NBRT Projects Status Report for Town Council
January 21, 2025**

STREETSCAPE

Next Committee Meeting: 9 am Thursday 2/20/25, Town Conference Room

Phase V Construction:

- Small change from previous Report (1-7-25). The roof drains from Hunter's have been completed and connected to the new underground drain. Weather is still the biggest issue right now and will control the completion schedule.
- I plan to set up a "walk-through" with Josh White, Eric Bittner (First Fruits), Scott, Rebecca and me once we have a date when the Contractor will return. This will give us a chance review the completed work, what's left to complete and any current issues with the work-in-progress.

Phase VI Design DOH Funding Agreement & Town/Thrasher Task Order:

- Still waiting for the Funding Agreement that is being created at DOH. Will call again to see what's going on.

Lighting System Review:

- Currently under Review:
 - Strategy & Pricing for Phase V Lights (with or without DOH Grant)
 - All remaining lighting requirements within the 6-Block Core plus Depot Building
 - Possible short-term gain: the Two new lights at the Depot Building
- Will try to update this week.

NBRT

- The periodic Task Force Meeting for 1-22-2025 is cancelled. Joel will talk with DOH prior to the next meeting. We will schedule the Task Force Meeting after that.
- Info from Tim Sedosky (DOH) on Jan 15th:

"Our plan and our focus was going to utilize a contractor that we currently have under contract to complete the pedestrian bridges. I know we spoke to Commission Tuttle about this--- in and around the holidays.

*We were working with FHWA to receive the necessary approval to make this happen. We invested some time and effort and thought we were going to be able to proceed. But, we have been notified by FHWA that we can NOT do this. We can NOT proceed with our preferred option.
HOWEVER-*

We are now looking at another option with our great partners in the District. We do NOT have a final answer on this. Obviously our agency has some transition right now, but District 5 does recognize this as a very important project, and they too want this completed. I was on the phone with District folks about this project this morning.

I am not sure of a January 22 meeting. Mark is not in the office right now, and i will wait for his return to discuss this with him. I am not sure of what that meeting is about.

Please note I think communication with you and your group is vital right now. I will have Mark make sure there is a monthly call to you to make sure we are on the same page.

I hope this provides you with a bit of an update today.

Again, I will touch base with Mark as soon as he returns to the office today.

Thank you, Tim"

Pete Brown
Streetscape Committee

TOWN OF BATH

ORDINANCE 2025-1-15

An Ordinance Establishing Reserved Customer Parking Permits for Businesses

WHEREAS, the Town of Bath recognizes the need to manage and regulate the use of public parking spaces in high-demand areas to ensure fairness, reduce congestion, and promote efficient use of municipal resources; and

WHEREAS, it is in the interest of public convenience and economic activity to allow residents, businesses, and other stakeholders to access non-metered parking spaces through a reserved parking permit system, with due consideration to local traffic and parking needs.

NOW, THEREFORE, be it ordained by the Town of Bath, Town Council, as follows:

Section 1: Purpose

The purpose of this ordinance is to designate specific areas for reserved permit parking in non-metered commercial spaces to enhance accessibility for customers, business owners and employees while ensuring the efficient use of Town of Bath parking resources.

Section 2: Definitions

- (a) **Commercial Space:** Any area designated for, or currently conducting business activities, including retail, restaurants, and service-oriented businesses.
 - (b) **Reserved Permit Parking:** Designated parking spots that require a permit for use, primarily for customers of the commercial establishment.
 - (c) **Permit:** A document issued by the Town or relevant authority allowing the holder to park in reserved spaces.
 - (d) **Non-Metered Parking:** Parking spaces that do not require payment for use.
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Section 3: Designation of Reserved Parking Areas

1. The Town of Bath, at its discretion, shall designate specific areas within commercial zones for reserved customer parking.
 2. Signage, as determined and approved by the Town of Bath or relevant authority must be posted clearly indicating reserved parking areas and permit requirements.
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Section 4: Eligibility for Permits

1. Permitted use shall apply to:

- (a) Customers of the business in the designated commercial space.
 - (b) Employees of the business, as determined by the business owner.
2. Businesses must apply to the Town of Bath for a certain number of permits based on the square footage, location, nature of the establishment, density and demand for customer parking.
 3. All applications for reserved permit parking spaces are subject to review and approval by the Town of Bath or relevant authority.
 4. The Town of Bath reserves the right to adjust the number of permits issued annually at its discretion. This includes, but is not limited to, limiting, reducing, or increasing the total number of permits based on the town's needs, resources, or other relevant factors.
 5. All applicants must have a current business license with the Town of Bath to apply for a permit.
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Section 5: Permit Issuance

1. Permits shall be issued by the Town of Bath upon approval and payment of an annual fee of \$250.00 if paid before July 31.
 - a. Permits sold after July 31 will be prorated as follows:
 1. August - \$229.00
 2. September - \$208.00
 3. October - \$187.00
 4. November - \$166.00
 5. December - \$145.00
 6. January - \$124.00
 7. February - \$103.00
 8. March - \$82.00
 9. April through June - \$61.00
 2. Permits and signage must be displayed prominently at the place of business as indicated on the application.
 3. Signage must be approved by the Town of Bath or relevant authority.
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Section 6: Enforcement

1. The Town of Bath shall enforce the reserved parking regulations through regular parking enforcement patrols conducted by the Town of Bath, Berkeley Springs Police Department.
 2. Violators of the reserved parking ordinance may be subject to fines or towing at the owner's expense.
 3. Permits may be revoked for violations of this ordinance, misuse of the permit, or failure to comply with the terms and conditions outlined herein.
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Section 7: Exceptions

1. Emergency vehicles and service vehicles may park in reserved spaces while conducting official business.
 2. Temporary permits may be issued for special events upon request and approval by the Town of Bath or relevant parking authority.
 3. Temporary permits are valid for a maximum of 72 hours.
 4. The Town of Bath reserves the right to set the allowable time limit based on the specific event or circumstances.
 5. The fee for a Temporary Permit is \$45.00 regardless of duration and not to exceed the established 72-hour permit limit.
 6. The permit fee is a flat rate and not subject to any proration for a shorter duration.
 7. Violators of this ordinance may be subject to fines or towing, at the owner's expense.
 8. Permits may be revoked for violations of this ordinance, misuse of the permit, or failure to comply with the terms and conditions outlined herein.
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Section 8: Appeals Process

1. Individuals who receive penalties for unauthorized parking may appeal through the Town of Bath Municipal Court within 30 days of ticket issuance.
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Section 9: Review and Amendments

1. This ordinance shall be reviewed annually to assess its effectiveness and make any necessary amendments.
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Section 10: Effective Date

1. This ordinance shall take effect January 21, 2025, following its passage.