



# CORPORATION OF HARPERS FERRY

## Ordinance Review Committee

### MEETING MINUTES

**Special Meeting**

**December 01, 2023**

**2:00 p.m.**

**Town Hall • 1000 Washington Street, Harpers Ferry, West Virginia 25425**

The meeting was posted and held in compliance with the West Virginia Open Governmental Meetings Act. This was a ZOOM Meeting.

#### THOSE PRESENT:

| Member                    | Title                  | Status              |
|---------------------------|------------------------|---------------------|
| Chris Craig               | Member                 | Present             |
| George Owens              | Member                 | Present             |
| Roberta Meade-Curry, AICP | Member/Chair           | Present (virtually) |
| <b>Public/Guests</b>      |                        |                     |
| Lynn Pechuekonis          | Guest / Non-Voting/BZA | Present             |
| Bart Wheatley             | Guest / Non-Voting/BZA | Present             |
| Virilissa Breeden         | Staff                  | Present             |

#### Confirmation of Quorum.

**Called to Order at 2:10 pm.**

**Public Comments:** Members of the Public in appearance will speak during the agenda item.

#### Approval of Agenda.

Upon brief discussion regarding Agenda Items to re-order the agenda Item 2.d. to front of agenda before Item #1 due to members of Public in attendance and wishing to speak. R. Meade-Curry made a motion to reorder agenda item 2.d. to be placed in front of agenda item #1. Seconded by C. Craig. Change to agenda order approved unanimously.

Motion to approve the agenda as amended made by R. Meade-Curry. Seconded by C. Craig. The Amended Agenda was approved unanimously.

#### 1. Order of Business.

- a. Meeting Minutes for August 25, 2023, approved unanimously.  
Meeting Minutes September 22, 2023, approved unanimously.
- b. Transition Report was given by Chair.
  - i. Current and historical records of ORC – ongoing search and assemblage of documents.
  - ii. Status of items before previous ORC Members – ongoing search and assemblage of documents, but nothing outstanding at this time.



## 2. Unfinished Business.

- a. Discussion and Action to continue progress regarding recommendations to review several of the Codified Ordinances of Harpers Ferry relative to commission and committee membership nominations, appointments, and confirmations of members, and filling of vacancies. Request is to review and develop a unified, consistent method and process, and recommend ordinance changes to the following Articles 131, 133, 134, 135, 140, 901, 1104.

- C. Craig gave his comments regarding his research.
- G. Owens gave his comments regarding his research.
- G. Owens presented possible text to consider based upon the Planning Commission's text from Article 133.02. See attached for reference.
- Members discussed the mission to be uniform regarding obtaining new members for the Commissions and Committees.
- Members agreed that the information relayed during discussions between the Mayor and Town Attorney needs to be received by the ORC.
- Members discussed the possibility of using Home Rule to change the code language.
- Members discussed the need to meet with the Town Attorney in an open dialogue regarding issues.
- Members agreed there are discrepancies between the Town Code and WV State Code.

**Motion by G. Owens:** ORC requests a full Town Council meeting with Town Attorney concerning Commissions and Committees ordinance revisions.

No second. Motion fails.

**Motion by C. Craig:** Chair of ORC expresses at next Town Council Meeting our observation that the makeup and appointment of our Commissions and Committees is out of compliance with WV Code, and that we have questions about our ability to alter our ordinances under Home Rule; ORC needs this addressed by Town Lawyer to the Town Council.

No Second. Motion fails.

**Motion by G. Owens:** ORC requests a full Town Council meeting with Town Attorney concerning Home Rule ability to alter ordinances to address discrepancies with WV Code.

**Seconded:** R. Meade-Curry. **VOTE:** 2 - Yes, 1 - No.

**Motion by G. Owens:** ORC requests a full Town Council Meeting with the Town Attorney concerning Commissions and Committees ordinance revisions.

**Seconded:** R. Meade-Curry. **VOTE:** 2 - Yes, 1 - No.

- b. Discussion and Action – updates on progress to Codified Ordinances Part Seven, Article 735, Section 735.39-Temporary Special Event Vendor License.

Chair still researching, no updates on this item. This was received from the Parks & Recreation Committee to manage future concerns and clarify definitions.



- c. Discussion and Action – updates on progress to Develop and/amend definition for “*Short-Term Rental*.”

The chair sent a worksheet to members regarding research. This request came from OCO, Planning, G. Owens.

OCO has issues with enforcement, and the State Code has changed where short-term rentals and BnB’s are to have an annual inspection from the Health Department.

Members discussed various definitions of short-term rental, boarding house, rooming house, hotel, motel, and bed-and-breakfasts.

Members agreed to have OCO and Office Administrator reappear at next ORC meeting to discuss further.

- d. Discussion and Action – updates on Develop a definition for a “*Permanent Structure*.”

- Chair presented initial research on worksheet from various other municipalities, and building codes, and dictionary regarding definitions of “structure,” “permanent structure,” “temporary structure”; also included definition of “building,” “accessory structure,” “accessory building”; also included “shed”. Recommended using language already accepted by industry standards.
- L. Pechuekonis – Stated the main concern of BZA was what required a permit or not. Stated BZA needed clarity of “permanent structures” vs. “temporary structure,” as well as what required a foundation or not. Stated the definitions presented on worksheet from Purcellville, VA were the best definition presented so far.
- B. Wheatley – Stated he likes work and definitions presented. Main concern is code must be enforced.
- C. Craig – Concerned about losing the word “permanent” from definition.
- R. Meade-Curry – Agreed a thorough review of all text in code where “permanent structure” is cited needs to be done. Agreed a more simpler text amendment can be proposed first, with a more detailed one presented later.
- Those present – Discussed in brief the use of campers, and mobile homes during construction of new structure/home. C. Craig to research current code regarding this topic.
- BZA representatives to take worksheet back to other members of BZA to word smith better, with focus on definition from Purcellville, VA.
- The chair recommended this will be on the next ORC agenda to review suggestions.

- e. Discussion and Action – update on ORC “Mission Statement.”

The Chair of the Ad-Hoc Committee (S. DiConstanzo) has not received any feedback from the Town Council to date. The ORC Chair requested that he place on the Town Council’s next Agenda.

### **3. New Business.**

- a. Discussion and Action – Prepare Agenda Item Requests for Town Council Regular Meeting on December 11, 2023. None, other than what has been presented during this meeting.

### **4. Open discussion for future agenda items. (allow approx. 10 minutes)**

- Discussion and Action regarding concerns regarding Article 130 as requested from Mayor.



- C. Craig to review and request feedback from Commissions and Committees regarding the Permit Process Committee tasks. C. Craig to function as Liaison.
- HLC- Appendix 'A' review.

**5. Additional Meeting Schedule.** Next Meeting January 26, 2024. 2 – 4 pm.

**Motion to adjourn received by C. Craig, seconded by G. Owens. The vote to adjourn was unanimous.**

**Adjourned at 4:10 pm.**

The above reflects to the best of our knowledge the summary of the recorded Special Meeting of the Corporation of Harpers Ferry – Ordinance Review Committee held December 01, 2023.

Chair: \_\_\_\_\_

R. Meade-Curry, AICP

04-26-2024

date