



CORPORATION OF HARPERS FERRY

Ordinance Review Committee

MEETING MINUTES-APPROVED

Special Meeting

January 26, 2024

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.

THOSE PRESENT:

Member	Title	Status
Chris Craig	Member	Present
George Owens	Member	Present
Roberta Meade-Curry, AICP	Member/Chair	Present
Public/Guests		
Mayor Greg Vaughn	Guest/Mayor	Present
Pat Morse	Guest / Non-Voting /Administration	Present
Zach Morse	Guest / Non-Voting/Resident	Present
Tim Wisecarver	Guest / Non-Voting/Resident	Present

Confirmation of Quorum.

Called to Order at 2:03 pm.

Public Comments:

T. Wisecarver – Agenda Item # 2. a. – T. Wisecarver appeared as a resident. Requested to address the issues of membership regarding Article 133 as soon as possible, before the next election. He stated several reasons. He stated the membership of the Mayor's Designee and Town Council Designee were of primary concern. He requested to review language for membership regarding the 3-year residency requirement.

[Follow-up to Public comments was issued via email to the named attendees above. The follow-up stated that the ORC could not act upon their requests due to the ORC Policy #1.]

Approval of Agenda.

Upon brief discussion regarding Agenda Items to re-order the agenda Item 3. a. to before Unfinished Business.

Motion by: C. Craig. **Motion:** To accept agenda as altered. **Seconded by:** G. Owens. **Motion Passes Unanimously.**

1. Order of Business.

- Approval of Meeting Minutes - None at this time.
- Transition Report was given by Chair - Progress is ongoing.

2. Unfinished Business.

- a. Discussion and Action 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 proposed 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.

Motion: ORC requests a full Town Council meeting with the Town Attorney concerning Commissions and Committees ordinance revisions. No second. Motion fails.

Motion by: C. Craig

Motion: 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

Motion: 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 Passes.**

Motion by: G. Owens.

Motion: 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. **Motion Passes.**

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

P. Morse representing Office Staff appeared to discuss this item. She gave a brief history of Special Event Permit Application, and issues increasing where events are taking place on Residentially Zoned

properties, and possibly operating as a business. She stated OCO and Police Department are having enforcement difficulties.

P. Morse confirmed that the Town Attorney agreed that the property in question was running a business in a Residential District, therefore not allowed. P. Morse confirmed she received this in writing and will send it to ORC. P. Morse confirmed the entity in question understands that the suggestion of the solution is under review, and not approved at this time.

Tasks to complete:

- P. Morse to put in writing suggestions made today to change ordinances,
- Town Attorney to be consulted,
- Zoning Ordinance change for a text amendment needs further research and discussion, for Conditional Uses and Agricultural Uses.

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

P. Morse confirmed that the Administration has made this request for a text amendment due to Health Department Inspection requirements. 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.

Request is to ADD the language of “*over-night accommodations*” to “Short-Term Rental” definition.

Task to complete:

The Chair requested C. Craig to prepare a draft of the language changes for “Short-Term Rental,” “Rooming House,” and “Boarding House” and present at our next ORC Meeting.

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

- The full BZA has not had a chance to discuss.
- This item will be on next month’s agenda if we hear from BZA.

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

The Chair presented the suggestions received from Mayor Vaughn regarding the changes to the “Mission Statement.”

Members discussed changes received and agreed on changes to language. The revised “Mission Statement” will be presented as changed at the January 30, 2024, Ad-Hoc Committee.

f. Discussion and Action – Draft Ordinance for Light Pollution and Dark Sky.

- The Chair presented DRAFT ordinance of Article 1306-Light Pollution, Energy Conservation, and Night Sky Conservation for review and consideration to move forward.
- The Chair stated this has been Old Business under the ORC, Planning Commission, and Town Council since 2007, with the last draft presented for 1st reading in 2017.
- The Chair recommends a series of Special Meetings to move this forward, that this ordinance has been proposed and worked on for almost 20 years.
- Members agreed to distribute the Dark Sky Ordinance DRAFT to the Town Council and the Planning Commission.

- **Motion by:** G. Owens

Motion: The ORC present immediately the Dark Sky DRAFT to Town Council Members for discussion and action at the February Meeting as to our process.

Seconded: C. Craig. **VOTE:**

- **The Chair Amended motion:** To ADD the Planning Commission to the initial distribution.

Seconded: G. Owens. **VOTE: 3 – 0. Motion to Amend Passes Unanimously.**

- **Motion as amended:** The ORC present immediately the Dark Sky DRAFT to Town Council Members and the Planning Commission for discussion and action at the February Meeting as to our process.

Seconded: C. Craig. **VOTE: 3 – 0. Motion Passes Unanimously.**

Tasks to complete:

- The Chair will present an introduction letter attached to DRAFT Ordinance currently under review by ORC outlining steps and process wishing to be discussed and action requesting.
- Members agreed to read through DRAFT as presented.
- The Chair requested members to review in detail:
 - Section 1306.14 – Enforcement, Penalties, and Fines,
 - Curfew details and time, page 9, paragraph 8; page 11-definition of curfew,
 - Amortization schedule

3. New Business.

- a. Discussion and Action – Mayor Vaughn to introduce concerns regarding Article 130, and requests ORC to examine and develop improvements and possible text amendment.

Mayor Vaughn stated reasons why this Article 130 needs to be revised and/or updated to add specificity, he requested the following:

- Define what are the parameters for “*inactivity*,” and also “*neglect of duty*,” present examples;
- Define the parameters of “*malfeasance*” specifically; present examples;
- Develop what specific process should the Town Council use to remove a member;
- Shall it be done during a Regular Meeting vs. a Special Meeting;
- Mayor stated this was requested in 2013 or 2014 and discussed previously and resulted in Article 130 to date.
- C. Craig presented proposed wordsmithing he has done as a good start, but still needed to address some of the specific items the Mayor has brought forward. He suggested the language regarding examples to be “may include the following...but not limited to.”
- G. Owens stated the vote would be better if it was “majority of Town Council members able to vote.” He stated that WV Code may clarify and define these specific items already. He suggested Town Attorney advice will also need to be sought.
- The Chair suggested other places to research specificity and definitions under the WV Code, Ordinances of Harpers Ferry, WV Ethic Commission, and WV Municipal League.
- Mayor Vaughn explained, in brief, Class IV Municipality ordinance procedure: ORC would draft the ordinance, then it goes in front of Town Council for review and comments, then to Town Attorney, then to 1st and 2nd reading.

Task to complete:

- The Chair requested that members prepare drafts to be reviewed within the next 30 days, and possibly ORC next meeting.

- b. Discussion and Action – Prepare Agenda and Item Requests and Motions for Town Council Special Meeting to be scheduled prior to February’s Town Council Regular Meeting regarding ORC Report #4 motions needed to continue ORC work on Commission and Committee appointments and membership.

After discussion, the following motion was made by: C. Craig. Motion: Present these 3 motions as presented to the Town Council February Meeting. No Second. Motion Fails.

Motion by: G. Owens

Motion: These 3 motions as presented in Report #4 be referred to the Town Council for a Special Meeting as soon as possible.

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

- c. Discussion and Action – Request from Z. Morse to review Article 1722, Section 1722.02 (b) and prepare possible text amendment.

Z. Morse appeared as a resident to discuss this matter that was an agenda item before the Planning Commission. Discussion in the Planning Commission resulted in two interpretations of Article 1722.02 (b), and the language in the current Comprehensive Plan, resulting in discrepancies.

The Chair explained that the ORC can only hear the request today, and not work on changing the text today.

Z. Morse is requesting clarification and interpretation of the language of each in relation to scale and density. The Chair clarified that Density as it relates to Zoning Code.

Z. Morse to take his request back to the Planning Commission and come forward to ORC with a request to clarify the code section referenced.

- d. Discussion and Action – Request from Z. Morse to prepare an ordinance regarding screening of solid waste from right-of way.

Z. Morse appeared as a resident to discuss this matter. Requesting that consideration be made for a “Beautification Ordinance” be drafted, based on conflicts with Comprehensive Plan and current updates to Comprehensive Plan and Zoning Code regarding screening of trash receptacles/dumpsters.

The Chair explained that this request would have to come from a Commission or Committee for ORC to move it forward. G. Owens to discuss with HLC.

- e. Discussion and Action – Administrative Policy # 2024-02 - Procedural Guidelines Governing Discussion/Debate

Members agreed to postpone until the next ORC meeting.

- f. Discussion and Action – Prepare Agenda Item Requests for Town Council Regular Meeting on February 12, 2024. Agenda Item Requests (AIR) due noon by February 02, 2024.

Members agreed to postpone until the next ORC meeting.

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

Members agreed to postpone until the next ORC meeting.

5. Additional Meeting Schedule. Next Meeting February 23, 2024. 2 – 4 pm.

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

- **Adjourned at 4:52 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 January 26, 2024.

Chair:

R. Meade-Curry, AICP

04-29-2025

date