



# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414

Phone: (304) 725-2311 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

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## MEMORANDUM TO THE MAYOR AND CITY COUNCIL

FROM: Daryl Hennessy, City Manager

SUBJECT: City Manager's Report

DATE: August 5, 2019

This report provides updates for projects and issues of importance to the mayor and city council.

### **ADMINISTRATION AND OPERATIONS**

Building Commission Legal Services. Attached is a Request for Qualifications package that city staff plans to release on August 6 seeking legal services to support the building commission. The commission has been without separate legal counsel for several years and there are several issues that need immediate attention. Counsel is sought to initially assist the commission with ongoing real and personal property transactions including the disposition of property (i.e. old police headquarters), updating expired lease agreements, and reviewing existing deed documents for accuracy and consistency. The selected applicant will supplement the city's existing team of legal services providers, not replace any of them.

African American Cultural and Heritage Festival. The 27<sup>th</sup> Annual African American Cultural and Heritage Festival is scheduled to take place in Charles Town on August 16-18. Attached is a brochure containing a schedule of events, most of which will be held in the 300 block of S. Lawrence Street. Included in the festivities is a parade through downtown Charles Town. City council members interested in participating in the parade are encouraged to complete the attached application.

WVML Conference. Todd Wilt and I will be in Huntington, WV for most of the week at the annual meeting of the West Virginia Municipal League. This annual meeting is the largest educational gathering in the state of local elected leaders and staff. The primary benefits of the meeting are to learn best practices from other cities, receive updates on important legislative changes and initiatives, and network with other municipal professionals.

### **PUBLIC WORKS AND UTILITIES**

Charles Town Utility Board (Board). At its regular meeting on July 24, the Board approved the acquisition of a software package to provide for live streaming of future Board meetings at 661 S. George Street, a task order with Hatch Chester to test for rock along the proposed Route 9 sewer line, and the release of approximately 70% of documents that were previously withheld from a FOIA response. Finally, attached is a copy of a sample door hanger utility board staff are using to alert property owners of a smoke test to check for improper sump pump connections to the city's sewer lines. The smoke testing began in the Tuscowilla neighborhood the week of July 29 and will continue in several other neighborhoods through the end of August. As future neighborhoods are subject to the test, property owners will be notified with door hangers and phone calls.

Attachments

# **CITY OF CHARLES TOWN, WV BUILDING COMMISSION**



## **LEGAL SERVICES REQUEST FOR QUALIFICATIONS**

**Released: August 6, 2019  
Proposals Due: September 6, 2019**

**CITY OF CHARLES TOWN BUILDING COMMISSION  
REQUEST FOR QUALIFICATIONS – LEGAL SERVICES**

The City of Charles Town Building Commission (Commission) is soliciting proposals from attorneys/law firms to provide legal services primarily related to real and personal property management and financing.

The Commission primarily assists the Charles Town City Council in acquiring, financing, managing, renovating, equipping, and disposing of real and personal property and other miscellaneous assets. The Commission is also responsible for carrying-out all other duties outlined in Chapter 8, Article 33 of the West Virginia Code.

The selected applicant will provide legal services on all matters that are the direct responsibility of the Commission.

The city also maintains separate bond counsel and general municipal counsel to work directly on real and personal property matters that remain the primary responsibility of city council. In both instances, the selected applicant is expected to work closely with such counsel to secure the proper approvals and assist with financial closings on high-priority projects approved by city council. The selected applicant is not expected to be an expert in public finance, but some familiarity with debt finance is preferred.

The selected applicant will also work closely with the city manager and other city staff who provide administrative and operational support to the Commission.

The selected applicant is expected to provide legal services on real and personal property matters including, but not limited to, the following:

- drafting and amending leases and ordinances;
- executing agreements to maintain and operate public buildings, structures, projects, and appurtenant facilities;
- reviewing and recommending contracts;
- preparing bylaws, rules, and regulations;
- applying for, receiving, and using grants-in-aid, donations, contributions; bequests, and gifts;
- selling, encumbering, or disposing of any real or personal property;
- issuing negotiable bonds, notes, or other forms of indebtedness and providing for the rights of the holders (in consultation with other counsel

- retained by the city);
- exercising the power of eminent domain (as limited by the governing body);
- responding to questions of taxation on public facilities owned by the Commission;
- reviewing title, closing, survey, lot-split, and other related documents; and
- advising on other real and personal property-related matters as needed.

The selected applicant is expected to attend Commission meetings as needed.

Attorneys/law firms with real and personal property expertise are invited to submit proposals containing their qualifications to provide such services to the Commission. To be considered, proposals must include a response to each item listed in this document and a complete rate and fee schedule for each category of services. Applicants must also demonstrate through their answers and documentation that they have sufficient capacity to provide a high level of service and expertise on real and personal property-related legal matters.

Applicants are asked to submit an hourly rate for general services and an hourly rate for special projects (defined as a single project/assignment requiring more than 20 hours of work). Proposed rates will only be considered after an applicant has first been determined to be qualified.

The Commission reserves the right to not select any of the submitted proposals. The Commission also reserves the right to hire other, outside counsel for special purposes.

Any questions regarding this Request for Qualifications (RFQ) should be addressed to Todd Wilt, Director of Operations and Maintenance and administrative support for the Commission, at [twilt@charlestownwv.us](mailto:twilt@charlestownwv.us). To be considered, proposals must be received no later than:

**Deadline: 4:00 pm on Friday, September 6, 2019.**

Submission of a hard copy must be received prior to the deadline in a sealed envelope addressed to:

**Todd Wilt  
Director of Operations and Maintenance  
Charles Town Building Commission  
101 E. Washington Street  
Charles Town, WV 25414**

An electronic version of the proposal will also be accepted by the same deadline at the following e-mail address:

**twilt@charlestownwv.us**

Please note on the cover of the envelope or in the subject line of the email: MUNICIPAL LEGAL SERVICES RFQ – BUILDING COMMISSION - (Attorney/Firm Name)

Upon selection, it is anticipated that the Commission and the selected attorney/law firm will enter into a contract subject to the information contained in the RFQ and the proposal.

**STATEMENT OF QUALIFICATIONS - PROPOSAL**

Each applicant should provide a proposal, no more than 15 pages long including attachments, that addresses each of the following items:

1. name of firm, year organized, brief history of the firm, and any real and personal property-related specialties;
2. address and telephone number of the applicant;
3. provide the name of the principal attorney, and any other attorneys, who will provide services to the Commission;
4. include a description of each attorney's education, years of legal experience, years of municipal government experience, and information on any real and personal property-related specialties;
5. provide a list of up to three current or recent municipal/governmental clients, a contact person for each, and a telephone number for the contact person;
6. for each municipal or other governmental client, please summarize the type of services provided;
7. summarize your legal philosophy and how you can help the Commission achieve its goals of managing and operating public facilities in an efficient, effective, and transparent manner;
8. please note if the firm has represented or sued the City of Charles Town or the Charles Town Building Commission during the last five years and if so the outcome;
9. summarize three significant public facility or other real property projects in the past five years that were led by the principal attorney assigned to this contract and the outcome;
10. please list any clients that you currently represent that may cause a conflict of

interest with your responsibilities with the Commission. Describe how you plan to resolve these or any future conflicts of interest;

11. please provide proof of an existing malpractice policy in an aggregate amount of \$1 million and a statement agreeing to keep in effect while representing the Commission;
12. please provide proof that the firm and its attorneys are in good standing with the WV State Bar and that the firm is registered to do business in the state with the WV Secretary of State;
13. please provide a list of grievances filed with the WV State Bar against the attorneys providing services to the Commission;
14. please provide a list of any lawsuits filed against the attorneys that will be providing services to the Commission or against the law firm; and
15. please provide proof that the firm has a WV business license and has or will obtain a Charles Town business license prior to conducting business in the city.

### **FEES**

The scope of services for which fees and rates are requested is divided into three categories: general legal advice and representation, special projects, and other expenses. These categories are more fully described below for your clarification. The firm will be required to provide a monthly, detailed, and itemized billing for each category (including general legal advice and representation).

#### **General Legal Advice and Representation**

- consultation with City of Charles Town staff or Commission members via telephone and/or email on a variety of real and personal property-related legal matters;
- consultation with other city retained bond counsel or general municipal counsel via telephone and/or email on Commission-related legal and financial matters;
- preparation and/or review of resolutions and other policy-related documents prior to Commission action;
- preparation and review of real and personal property-related contracts and other transactional documents prior to Commission action;
- research local, state, and national laws, as needed, and provide legal advice on matters concerning the Commission's business;
- attend other city or special meetings, as requested, to provide legal advice and guidance to local elected leaders on Commission-related matters; and

- other general legal services needs as requested.

#### **Special Projects**

- assist with the research and development of high-profile policies or other administrative documents that will generally require 20 or more hours of attorney time to handle; and
- other special project needs as requested.

#### **Other Fees and Expenses**

- any other fees associated with providing legal services including travel, copies, carrier service, etc.

### **SELECTION OF MUNICIPAL LEGAL SERVICES PROVIDER FOR BUILDING COMMISSION MATTERS**

The following factors will be considered when selecting a qualified applicant to provide legal services for the Commission:

- a complete proposal that includes responses to all the items listed in this RFQ (must be complete to be considered);
- experience working with municipal governments on real and personal property-related matters, with preference for firms working with local government in West Virginia;
- demonstrated success working on real and personal property-related projects and/or cases for a building commission in a community of comparable size and complexity; and
- the firm or individual's physical presence in or near the City of Charles Town.

Applicants that are determined to be qualified will be further evaluated based on the proposed cost of service. The Commission may assist in selecting the final firm/candidate from among the highest ranked applicants.

**CITY OF CHARLES TOWN BUILDING COMMISSION  
Proposed Fee Schedule for Legal Services**

The following rates are proposed for legal services to the Charles Town Building Commission by the individual or firm listed below:

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General Legal Advice and Representation:  
(per hour rate) \$ \_\_\_\_\_

Special Projects (per hour rate): \$ \_\_\_\_\_

Other Fees and Expenses (please explain):

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I, \_\_\_\_\_, acting on behalf of the firm of \_\_\_\_\_ certify that I have reviewed and fully understand the Charles Town Building Commission's Request for Qualifications for legal services. I further certify and swear that the information submitted in response to the Request for Qualifications is a true, correct, and complete representation of our firm's ability to provide such services.

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Signature

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Date

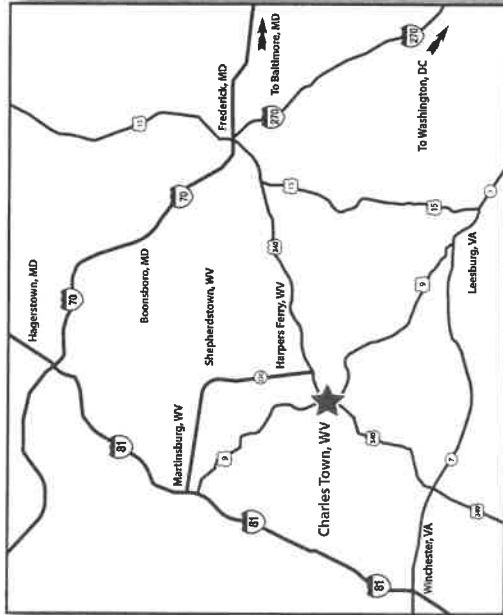


IF YOU ARE TRAVELING FROM  
OUT OF THE AREA AND NEED  
DIRECTIONS,

CALL 1-800-HELLO-WV

Located at:

300th Block of South Lawrence Street  
Downtown, Charles Town, WV



Contact the Jefferson County Convention  
and Visitors Bureau for a list of hotels  
and motels in Jefferson County

**304-535-1813**

For general information  
about the festival

Visit us on the web:  
[jcwvnaacp.org](http://jcwvnaacp.org)

OR

[jblackhistory.org](http://jblackhistory.org)

## SCHEDULE OF EVENTS

### FRIDAY, AUGUST 16

7:00pm-8:30pm Gospel Extravaganza  
featuring Tanya Dallas-Lewis, Gospel Recording Artist  
@ Betty Roper Auditorium  
Sponsored by the *Skinner Law Firm*

7:00-10:00pm Youth Block Party – Festival Ground  
Sponsored by *Jefferson County NAACP Youth Chapter*

### SATURDAY, AUGUST 17

In case of rain, all stage activities will take place  
in the Betty Roper Auditorium

- 11:00am-until Vendors
- 12:00 Noon Parade kickoff
- 2:00-2:15pm Opening Ceremony
- 2:00-5:00pm Youth Moonbounce – Festival Ground
- 2:00-5:00pm Youth Pony Ride – School Playground
- 1:00-5:00pm Health Fair – Delaney School
- 2:15-3:00pm LOCAL TALENT & ENTERTAINMENT
- 3:00-4:00pm “Fusion” R&B, Soul & Jazz
- 4:00-4:25pm Vincent Hosby, DJ Music/Announcements
- 4:25-5:15pm “Indigo Experience” R&B, Soul & Jazz
- 5:15-5:30pm Vincent Hosby, DJ Music/Announcements
- 5:30-6:30pm “Over the Top” R&B, Soul & Jazz
- 6:30-7:00pm Vincent Hosby, DJ Music/Announcements
- 7:00-9:00pm The Winfield Parker R&B Revue  
Sponsored by *Ranson CVB*

Bands/stage preparation, sound system,  
and activities sponsored by

*Shepherd University*

*West Virginia University*

*Hollywood Casino at Charles Town Races*

### SUNDAY, AUGUST 18

8:00am Memorial walk to the John Brown Fort Site  
Murphy Farm, Harpers Ferry

10:00am Eccumenial Memorial Service  
After the memorial walk, a memorial service will be  
held at the Curtis Freewill Baptist Church located on the  
former Storer College campus.

# 27TH ANNUAL JEFFERSON COUNTY AFRICAN AMERI CULTURAL & HERITAGE FESTI

Commemorating the

# 400th Anniversa 1619 2019

of Slavery in America

## AUGUST 16-18, 2019

300th Block of South Lawrence St  
Charles Town, WV



# JEFFERSON COUNTY

## DEDICATION

his 27th Annual African-American Cultural and Heritage Festival salutes those who have fought for and are still fighting for freedom and equality for all Americans.

*From 1619 to 2019, America's struggle with the challenge of enfranchising black people has involved a litany of broken promises and unrealized intentions:*

- *Beginning with the failure to honor guarantees of freedom for black slaves who fought for American independence in the Revolutionary War;*
- *The perversion of Reconstruction-era policies designed to ensure an equitable assimilation of recently freed slaves following the Civil War;*
- *Our government's initial failure and habitual resistance to meaningfully enforce various panaceas of legislation and constitutional protections amid terroristic and murderous campaigns visited upon blacks between the Jim Crow Era and the height of the Civil Rights movement;*
- *To the modern day dilemmas that include black families' net worth being less than a late-model car and the same families topping the list of nearly every poverty-related statistic despite a plethora of social welfare policies.*

Jarrett Maupin

## HISTORY

The idea of the AACHF was conceived by Mrs. Ollie L. Colbert (Jefferson County NAACP charter member) in 1993, who then presented it to the Jefferson County NAACP Branch leadership for their consideration and implementation. Within six months, the Branch implemented the first festival. It was her idea to have a festival that would promote and encourage social, cultural, youth and economic programs as it relates to the African-American community. Also it was her vision that the community set a course for future generations.

## TANYA DALLAS-LEWIS

Tanya Dallas-Lewis, the daughter of a pastor, began singing in her father's church. Tanya's singing conjures up a vision of Yolanda Adams and Whitney Houston. She has performed for the Congressional Black Caucus, shared the stage with Tremaine Hawkins, Vickie Winans, Richard Smallwood, Kenny Lattimore and many more. As a Gospel singer/songwriter, Tanya has always sung about matter of spirit and faith and the need to persevere through even the toughest times. Tanya has been nominated and won many national acclaim awards.



## WINFIELD PARKER

Winfield Parker, better known as "Mr. Clean" has been on the music scene and circuit for many years. Winfield began his music career as a saxophonist playing for the likes of Sammy Fitzhugh. He played behind or with some of the greatest R&B artists such as Little Richard, Otis Redding, Arthur Conley and many more. Winfield became an ordained minister and recorded several gospel recordings and established his own label. He is a vocalist valued among listeners of deep soul and traditional gospel alike. Winfield recently returned from an European tour where he is heavy in demand.



## 2019 GRAND MARSHALL

### JAMES L. TAYLOR & DOROTHY TAYLOR

The Jefferson County African-American Culture and Heritage Festival is honored to have two retired Jefferson County African American educators serve as the Grand Marshall for our 27th Annual Festival. James Taylor and Dorothy Taylor both have the distinction of being the only persons attending, graduating from and then teaching at the segregated Page Jackson High School in Jefferson County. Later, the two of them together taught and retired from the Jefferson County School System.

## MISSION STATEMENT

It is the mission of the AACHF to provide a set of activities highlighting and promoting the achievements of the African-American community of the Eastern Panhandle of West Virginia.

Following are some of the sponsors, who with strong community support, help make the festival possible each year:

**Guy's Buick-GMC-Truck Inc.**

**Hollywood Casino at Charles Town Race**

**Bank of Charles Town**

**Jefferson Pharmacy**

**Shepherd University**

**City of Ranson**

**City of Charles Town**

**WV State Div. of Culture & History**

**Thomassen Ford**

**Jefferson County CVB**

**Law Office of Sherman L. Lambert, Sr.**

**State Farm (Lana Shultz)**

**Blackwell Realty**

**Roper's Construction**

**Walmart**

**Skinner Law Firm**

**Art Deco Dekor**

**Roger Perry**

**Jefferson County Board of Education**

**West Virginia University**

**Ranson Convention & Visitors Bureau**

Special thanks to Shepherd University, Star Line, Jefferson County Black History Preservation, African-American Community Association of Jefferson County, Spirit of Jefferson newspaper and the Convention & Visitors Bureau for its support, coordination and sponsoring the festival.

Jefferson County, West Virginia  
African American Cultural & Heritage Festival  
Parade Application

Return by July 22, 2019

ORGANIZATION \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_ PHONE # \_\_\_\_\_  
EMAIL ADDRESS \_\_\_\_\_ FAX # \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_  
\_\_\_\_\_

Y N Will participate in the August 17, 2019 parade

(Please check an X on all that apply)

Type of Unit MARCHING

Youth  Adult  Band  Troupe

Others (Specify) \_\_\_\_\_

FLOAT

Youth  Adult  Small  Large

Estimated feet \_\_\_\_\_

VEHICLE

How many  Car  Truck  Van  Antique

OTHERS (Specify) \_\_\_\_\_

Please have banner or identifier on your unit for distinction by the Judges, etc.

Preferred additional comments regarding your organization(s) or purpose for  
announcer. \_\_\_\_\_  
\_\_\_\_\_

Please return by July 22, so that we can include your name and lineup position in  
the newspaper and the program.

Return completed questionnaire to: JCAACHF P.O. Box 882, Ranson, WV 25438.  
Call 304-725-9610 or 240-345-4495 for any questions.



**Charles Town Utility Board**

## **ATTENTION**

smoke enter your building, you may contact a member of the smoke testing crew working in the area and someone will assist you in determining where and why the smoke has entered. The smoke will clear within a few minutes with proper ventilation.

Your presence at home is not required during the testing. All public safety authorities have been notified. We would appreciate if you would share this information with your neighbors to prevent needless concern. A list of common questions and answers have been provided on our website: [www.ctubwv.com](http://www.ctubwv.com).

Should you have any further questions, please see the program contact numbers listed below. Your cooperation is greatly appreciated as we work to successfully complete this important effort.

**Kristen M. Stolpher**  
Assistant Utility Manager, Charles Town Utility Board  
(304) 725-2316

**Hydrostructures contact information:**

**Justin Lemonds, Project Superintendent 910-690-3114**

The Charles Town Utility Board (CTUB) has hired Hydrostructures to perform physical inspections of the sanitary sewer system in your area along with SMOKE TESTING of the sanitary sewer lines to locate defects in the system. These tests will be performed during the week of July 29 and August 5, 2019.

The purpose of these tests is to locate breaks and defects in the sanitary sewer pipes that allow stormwater to enter the sanitary sewer system. Large quantities of stormwater in the sewers use up part of the pipe and pumping capacity needed to carry wastewater. This system overloading can cause sewage backups and possibly overflows.

The smoke testing portion will involve blowing HARMLESS smoke into the sanitary system, to locate where unwanted storm water may be entering. The smoke that you see coming from the vent stacks on houses or from holes in the ground is: **NON-TOXIC, CLEAN, HARMLESS TO HUMANS, PETS, FOOD AND MATERIALS GOODS, and CREATES NO FIRE HAZARD.** Persons with severe asthma should avoid breathing any smoke to avoid irritation.

The smoke should not enter into buildings unless leaks or plumbing defects exist. Please make sure that all seldom-used drain traps and plumbing fixtures have water in them by pouring approximately 24 ounces of water into each drain upon receipt of this notice. This will prevent sanitary sewer gases or odors and smoke from entering the building. Smoke may also enter your