

**City Of Martinsburg
Regular Council Meeting
Thursday, January 12, 2017
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor George Karos at 6:30 p.m. The following Council Members were present: Gregg Wachtel, Harriet Johnson, Dennis Etherington, Kevin Knowles, Ken Collinson, Mark Baker and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Tracy Smith, City Planner; Police Chief Maury Richards; Steve Knipe, Utilities Director; Fire Chief Paul Bragg, City Engineer/Planning Director Mike Covell; Community Development Administrator Nancy Strine; and Finance Director Mark Spickler.

3. Salute to Flag

Councilman J. Baker led the Salute to the Flag.

4. Prayer—

Walter Bowers delivered the invocation.

5. Approve December 8, 2016 Regular Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman M. Baker, to approve the December 8, 2016 Regular Meeting Minutes. Motion carried unanimously.

6. Approve November 2016 Administrative and Financial Report

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the November 2016 Administrative and Financial Report. Motion carried unanimously.

7. Public Hearing for the Purpose of Discussion to Solicit Input Regarding the City's Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program (HOME) Entitlement Funds through the Eastern Panhandle HOME Consortium and the Housing and Community and Economic Development Needs of the City of Martinsburg, WV

Mayor Karos opened the public hearing at 6:35 PM

Community Development Administrator Nancy Strine opened with the following comments:

Good evening and thank you for attending our first public hearing for the City of Martinsburg's FY 2017 Community Development Block Grant (CDBG) and the HOME Investment fund Program. Tonight we begin the process to prepare our budget plan for the use of these funds for the period from July 1, 2017 to June 30, 2018.

This public hearing kicks off the public hearing process and opens up the application process. The CDBG applications are due on Monday, February 6th by 4:00pm. The applications will be reviewed for eligibility. Then the eligible projects will be recommended to the Mayor and Council during the budgetary process.

Historically, The City of Martinsburg has been a CDBG Entitlement community since 2004 and we have received over \$4.7 million of funds. The primary objective of the CDBG program is to provide housing,

community and economic development for low and moderate income persons (70 % of the expenditures of the grant) by providing decent housing; a suitable living environment; and expand economic opportunities.

Last year, the city budgeted 14.8% for Public Services (15% cap) for 8 different Non Profits groups providing services in the City of Martinsburg; 65.2% on Public facilities and improvements; and 20% on General Administrative and Planning (20% cap).

As part of the public hearing process the City OF MARTINSBURG may be requesting additional funds for the Storm Drainage project, ie. Church Street or other eligible public improvement project.

HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. The City of Martinsburg has been participating with the HOME Program since 2007. We have received \$4.6 million for housing assistance for the City of Martinsburg; Berkeley County; Jefferson County; and Morgan County. The Eastern Panhandle HOME Consortium Board (3 appointed members per jurisdiction) meets quarterly.

The HOME Program has assisted 227 first time homebuyers with gap financing to purchase their first time home in the City of Martinsburg; Berkeley; Jefferson; and Morgan County. The program has assisted 110 first time home buyers in Berkeley County; 33 in the City of Martinsburg; 58 In Jefferson County; and 27 in Morgan County

With the HOME Program, we are required to set aside 15% of our annual allocation to be used by Community Housing Development Organizations (CHDO). The only current eligible CHDO in the Eastern Panhandle is the Eastern Panhandle Habitat for Humanity. Currently we have assisted them with building 7 homes. Currently we have agreements with them to build 13 homes in the Auburndale neighborhood.

- Diane Waldron, Meals on Wheels Program Manager, thanked Council for support. Meals on Wheels plans to submit a grant application for the Dine with Dignity Program, and they have counted on CDBG funds for this purpose for a number of years.
- Kathie Campbell, Promise House Family Resource Center, a division of Catholic Charities, thanked Council for past funding and indicated they would be applying again to help support struggling families with the goal of self-reliance.
- Pete Duforny, C-Cap, thanked Council for past support of rental assistance program and hope for future support.
- Janis Wright, Church without Walls Ministries, thanked Council for their kindness for the organization. The organization has not received funding in the past, but will be asking for help with emergency assistance programs and outreach.
- Steve Catlett, Martinsburg Berkeley County Parks and Recreation, stated that they will be requesting funds to help with playground upgrades at Leeland Park and MLK Park and considerable upgrades to the Ramer Gym, in the amount of \$80,000-\$90,000

- Glenda Helman, Community Network, made the following comments:

Good Evening Mayor and Council Members. Thank you for this opportunity to offer testimony regarding Martinsburg's use of Community Development Block Grant funding. Let me take this opportunity to offer Community Networks thanks to you, Mr. Mayor and Council members, on your decision to offer assistance, not only to infrastructure activities, but to public service project which benefit the disenfranchised in our community including the young, the elderly, those with special needs and those that are unable to meet their own basic life needs. I applaud you on these efforts and continue to encourage you to utilize the allowable 15% of the grant for such public service activities. These vital dollars assist public service activities. These vital dollars assist public service organizations, such as Community Networks, to offer essential services to men, women and children in the target income range while the agency continues to seek long-term funding to sustain their projects.

CNI offers our thanks for your award of \$2,000 to our Rapid Rehousing program for this program year. For every \$1 of funding, Community Networks will leverage \$53.17 to provide Tenant Based Rental Assistance and case management services for this initiative. CDBG funding is utilized to purchase much needed office supplies necessary to process participant information for the program. This program was added to the Community Networks service array in September 2009 and has continued since that time. During FY '16, 28 adults and 19 children received rapid rehousing services. The majority of these families have been located within Martinsburg's City limits. Pairing case management with housing assistance has provided families with the needed "hand-up" to get them back on their feet during these difficult times.

In addition, let me take a moment to share with you a project for which Community Networks may be requesting CDBG funding in the upcoming year. This is a bricks and mortar project: the fire alarm system at the HOPE Living/ Learning Center has become obsolete. The manufacturer is no longer making new parts for this system. Therefore, repairs that needed require the use of refurbished equipment by our service provider. CNI is currently working with the service provider on cost estimates for a new system. The second project is a public service funding request for \$3,000. This funding will help cover operational costs (such as program supplies, phone costs and office supplies) for CNI's provision of Rapid Rehousing services during FY 2018.

Thank you again for this opportunity to present testimony this evening and best wishes for a safe and happy New Year.

- Staci Rohn, Boys and Girls Club, thanked Council for their support, specifically for the brick and mortar renovations and membership sponsors. Several of the children that have been sponsored by CDBG funds have gone on to graduate college, and it's important to make this difference within the community. She asked that Council consider helping to fund the exterior renovations that are upcoming, as well as sponsor memberships.
- Mark Baldwin, City of Martinsburg, that the City is also able to submit a request for funding for public improvements and asked Council to consider if there are any projects that could benefit from CDBG funds.

After thanking for her hard work, Mayor Karos closed the public hearing at 6:50 PM.

The following letters and written comments were received outside of the public hearing and have been added to the record:

- Marie S. Keegin, Faith Community Coalition for the Homeless, wrote: Thank you for the opportunity to apply for a City of Martinsburg WV Community Development Block Grant. As you know, the Faith Community Coalition for the Homeless, Inc. (FCCH) is a volunteer, non-profit organization in the Martinsburg community. FCCH provides emergency short-term shelter in Martinsburg motels when no other option is available. FCCH works with other community organizations to help address the myriad needs of homeless men, women and children in our community. In 2016, FCCH served 191 homeless individuals, 84 of which were children and the vast majority were in and from Martinsburg. Our volunteers work in our community in many capacities and help to guide our homeless to services and housing opportunities.

I regret that I must be in Fredericksburg on January 12 and will not be able to attend the public hearing. FCHH will submit an application for a CDBG grant and appreciates your helpfulness and accessibility and all you do for our community.

- Court Appointed Special Advocates submitted the following: The Court Appointed Special Advocates of the Eastern Panhandle (CASAEP) would like to express extreme gratitude and appreciation of the CDBG past support, which demonstrates that voices of the children CASA serves in Martinsburg are beginning to be heard. If words could be found, these voices may tell of homes where abuse and drug usage are daily occurrences and food is scarce, but it is their "normal." When their lives are disrupted by removal from their homes due to abuse and neglect severe enough to warrant such an action, and the court appoints a CASA to their case, these children begin to experience and understand that they do have rights, to thrive, to be loved and to have a safe and permanent home.

With current CDBG funding thus far, CASAEP advocates have made a difference in the lives of: 24 children whose cases have closed and now have a safe and permanent place to call home, 71 children where CASAs are actively working toward forever homes, and finally, 39 children whose cases are being monitored for CASA assignment.

We hope that our partnership can continue to make a difference in the lives of displaced children who suffer from abuse and neglect at the hands of their caregivers.

- Teresa Nelson, Berkeley Senior Services, did not speak at the public hearing due to a misunderstanding of the process, but did offer her appreciation for the monies contributed to the organization.

8. Presentations

a. National Guard Base—Mr. Richard P. McCoy, P.E., Branch Chief Environmental Restoration—Big Springs Water Plant Update

Mr. McCoy introduced several members of the Environmental Restoration program and Lt. Colonel Shade from the Martinsburg Guard base. Mr. McCoy stated that over the next several years, the Air Force and Department and Defense will be working with the City to gather information and get funds together for remediation of the

contaminates. He reiterated that the water being provided by the City of Martinsburg is safe to drink. The Guard will be, by cooperative agreement, be providing funding for a series of improvements to be made by the City of Martinsburg.

Mr. Baldwin added that the agreement is being drafted and hopes to have it available for the February meeting of the City Council.

Mr. McCoy stated that the Air Force and DoD is committed to helping communities remove this chemical that is often introduced by the application of firefighting foam in airports and roadways.

b. Action, as necessary, related to item 16H (to be moved up on the agenda)-- Approve/deny Big Springs Water Treatment Plant interim services for treatment of PFAAs—Task E (tasks 1, 2, 3 and 4)—O'Brien and Gere-- \$94,567

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the interim services for the treatment of PFAAs. Motion carried unanimously.

Mr. Baldwin stated that the City of Martinsburg will be responsible for the initial expenditure of \$94, 567, but all costs to date, including this expenditure, is reimbursable under the forthcoming cooperative agreement between the City of Martinsburg and the United States Air Force.

In response to Councilman J. Baker's inquiry, Mr. McCoy stated that he expects the funds to be available in spring-summer of 2017.

Councilman J. Baker asked if he is to understand that the Guard is accepting responsibility. Mr. McCoy stated that the Air Force is in agreement with the WV DEP findings that they are a contributor, and possibly the only contributor.

George Rest, O'Brien and Gere, explained that they were retained by the City in June to begin testing and treating for the contaminants along with some preliminary cost estimates for the City and the Guard to begin discussions. The proposal provided by O'Brien and Gere will allow the City to get the water source back online as early as possible using temporary treatment methods until the processes and construction can be completed for a more permanent situation.

Mr. Baldwin estimated that the temporary phase will cost approximately \$3M and is expecting the permanent phase to cost approximately \$8M. More information will be forthcoming, currently; the purpose is to get the water source back online, safely and quickly.

Motion carried unanimously.

Mr. Baldwin and the Mayor thanked Mr. Knipe for all of his hard work, as well as the other entities involved in getting to this phase.

c. Berkeley County Health Department—Angie Gray and Timi Adediran—Harm Reduction Proposal

Ms. Adediran and Ms. Gray discussed the harm reduction proposal, which will include a needle exchange in order to help alleviate the spread of Hepatitis B, Hepatitis C and HIV by reducing the repeated use of needles for the purpose of administering narcotics. Use of clean needles can reduce risk of contraction of blood borne illnesses by up to 80%. Other services will be offered, such as overdose prevention and safe injection practices. They indicated that they would be approaching Council with possible funding request when more details are available.

According to Ms. Gray, Berkeley County, West Virginia has been identified in the top five at risk counties for a significant outbreak of HIV and Hepatitis, and an outbreak would be a health crisis which could require the assistance of the CDC. Often when the CDC is called into areas with such a crisis, a harm reduction program is one of the first steps.

d. Make comment on ABCA Zoning Form for The Peppermill, 200 W. Burke Street

Mr. Cody Shepherd, Executive Chef, was present. Mr. Shepherd described the mission of the restaurant, which will include fine dining, conference options, and unique seasonal food options. Hours will be Monday through Thursday, 11 AM until 9 PM and Friday and Saturday, 11 AM until 10 PM.

e. Proclamation—General Aviation Appreciation Month—January 2017

The proclamation will be forwarded.

9. Petitions from Citizens

Mayor Karos reminded each petitioner that they were restricted to two (2) minutes.

There were no petitions.

10. Receive and File Reports—Minutes—Correspondence of the Following:

a. Resolution of Accomplishment for the 2016 Martinsburg High School Bulldogs Football Team for a State Championship win, as presented on December 11, 2016

b. City of Martinsburg audit letter for fiscal year ending June 30, 2016-(complete audit on file in the Finance Department)

c. For the Kids, by George Children’s Museum December 1, 2016 Board Minutes and Director’s Report

d. Berkeley County Animal Control November and December 2016 Incident Report

e. Eastern Panhandle Transit Authority (EPTA) November 14, 2016 Meeting Minutes and Financial Report

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to receive and file item 10A-10E. Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees

None

12. Report of Mayor

a. Remind of Joint City/County Council Meeting—January 19, 2017 beginning at 5 PM.

b. Reappoint Mark Jordan to the Historic Preservation Review Commission –1/21/2017-1/21/2020

Motion made by Councilman Knowles, seconded by Councilman Collinson, to reappoint Mr. Jordan

c. Reappoint the Following to the Planning Commission—1/25/2017—1/25/2020:

Jim Rodgers

Mark Palmer

Chris Ross

Motion made by Councilman Collinson, seconded by Councilman Etherington, to confirm the recommendations. Motion carried unanimously.

d. Appoint Matthew DeHaven to the Martinsburg/Berkeley County Convention and Visitor's Bureau to fill an expired term—1/1/2017-1/1/2019

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to confirm the recommendation. Motion carried unanimously.

d. Report the following vacancies

- Board of Zoning Appeals (1 alternate)**
- Parking Authority (2)**
- Shade Tree Commission (1)**
- Planning Commission (1)**
- Historic Preservation Review Commission (1)**

13. Report of City Attorney

Nothing to add.

14. Report of City Manager

a. Projects Update

Nothing further to report.

15. Unfinished Business

None.

16. New Business

a. Approve/deny Annexation Agreement between the City of Martinsburg and Lidl US, LLC

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the annexation agreement. Motion carried unanimously.

b. Approve/deny Participation Agreement for Overdose Detection Mapping Application Program (ODMAP) between the Washington/Baltimore High Intensity Drug Trafficking Area (W/B HIDTA) and the City of Martinsburg

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the participation agreement. Motion carried unanimously.

City Manager Mark Baldwin explained the program, adding that it is of significant value to EMS and law enforcement.

c. Approve/deny payment of 2% of total proceeds of previous year's projected tax collection to Berkeley County Assessor for Valuation Fund

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the payment. Motion carried, Councilman J. Baker voting no.

d. Approve/deny bid recommendation for Special Response Team (SRT) Equipment—Atlantic Tactical--\$39,245.57

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the bid recommendation. Motion carried unanimously.

e. Approve/deny Source Patient Testing Services Agreement between the City of Martinsburg and Berkeley Medical Center

Motion made by Councilman Collinson, seconded by Councilman J. Baker, to approve the agreement. Motion carried unanimously.

f. Approve/deny purchase of one (1) 2017 Ford F250 ¾ ton pick-up truck (\$24,345) and one (1) 2017 Ford F250 ¾ ton utility truck (\$30,025) for the Water and Sewer Department—Stephen's Auto State Contract—total \$54,370

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the purchase of the vehicles. Motion carried unanimously.

g. Approve/deny HRI Pay Application No. 7 for the Church Street Storm Drainage Improvement Project--\$158,195.25

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the pay application. Motion carried unanimously.

h. Approve/deny Big Springs Water Treatment Plant interim services for treatment of PFAAs—Task E (tasks 1, 2, 3 and 4)—O'Brien and Gere--\$94,567

See presentations.

i. Approve/deny Wastewater Treatment Plant Spill Prevention and Response Plan—Task F—O'Brien and Gere--\$19,000

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Task F. Motion carried unanimously.

j. Approve/deny Wastewater Treatment Plant 2017 on-call services—Task G—O'Brien and Gere--\$35,900

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Task G. Motion carried unanimously.

Mr. Baldwin stated that more final numbers will be available as Mr. Knipe and the engineer get further into the project, that the funds for on-call services are as needed.

i. Approve/deny Resolution 2017-01 Regarding Train Station Corridor Grant Funding

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to add this item to the agenda. Motion carried unanimously. Mr. Baldwin explained that the application is due on January 18 and he had overlooked the need for the resolution. Another resolution will be required to accept the funds and will confirm the City match.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2017-01. Motion carried unanimously.

18. Executive Session

No executive session necessary.

Adjournment

Meeting adjourned by unanimous consent.

George Karos, Mayor

Gena Long, City Recorder