

**City Of Martinsburg  
Regular Council Meeting  
Thursday, July 13, 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; Gena Long, City Recorder, Police Chief Maurice Richards; Fire Chief Paul Bragg, Finance Director Mark Spickler, Public Works Director Jeff Wilkerson, City Engineer/Planning Directors Michael Covell and Kimberly Petrucci and Utilities Director Steve Knipe.

**3. Salute to Flag**

Councilman M. Baker led the Salute to the Flag.

**4. Prayer—**

Pastor Walter Bowers delivered the invocation.

**5. Approve June 8, 2017 Regular Meeting Minutes**

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to approve the June 8, 2017 Regular Meeting Minutes. Motion carried unanimously.

**6. Approve May 2017 Administrative and Financial Report**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the May 2017 Administrative and Financial Report. Motion carried unanimously.

**7. Presentations**

**a. Resolution of Appreciation for retiring City Engineer/Planning Director Michael Covell for his 20 years of service**

Mayor Karos read the Resolution. The Council and City Manager thanked Mr. Covell for his service. Mr. Covell expressed his appreciation for Council and his pleasure in serving the community for 20 years.

The incoming City Engineer/Planning Director Kimberly Petrucci was introduced.

**b. Resolution of Appreciation for retiring Public Works Laborer Ed Johnson for his 26 years of service**

Mr. Johnson was unable to attend, his Resolution will be forwarded to him.

**c. Introduction of Robbie Babbit, Interim Director of For the Kids, by George Children's Museum**

Mr. Babbit introduced himself, stating that he look forward to working with Council. He went on to say that he believes the Museum is one of Martinsburg's hidden treasures and will be working to make it more well-known in the tristate area so that it becomes a destination for locals and those from out of town.

**8. Petitions from Citizens**

There were no petitions from citizens.

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

**a. Historic Preservation Review Commission May 1, 2017 Meeting Minutes**

**b. Board of Zoning Appeals February 7, 2017 Meeting Minutes**

**c. Martinsburg/Berkeley County Public Library Commission Bylaws, as amended to take effect July 1, 2017**

**d. Notification from the US Department of Housing and Urban Development (HUD) regarding the City of Martinsburg's FY 2017 for CDBG and HOME programs**

**e. American Heart Association's Mission Lifeline EMS Gold Plus Award as awarded to the City of Martinsburg Fire Department**

**f. Human Relations Committee January 27, 2017 Meeting Minutes**

**g. Human Relations Committee FY 2016-17 Annual Report**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to receive and file item 9A-9G. Motion carried unanimously.

**10. Reports of Chairpersons of Council Standing Committees**

**a. Council as a Whole Committee June 7, 2017 Meeting Minutes**

**b. Council as a Whole Committee June 26, 2017 Meeting Minutes**

As there were no objections, Committee minutes were approved by unanimous consent.

**11. Report of Mayor**

**a. Reminder Special City Council Meeting for Monday, July 31, 2017 at 5 PM to approve FY 2017-2018 budget amendments, per State code, and other business as needed**

**b. Reappoint the following to the Eastern Panhandle Transit Authority Board of Directors 8/1/2017-8/1/2020**

- James McGowan
- Kimberly Foore

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the recommendation and reappoint Mr. McGowan and Ms. Foore to the EPTA through 8/1/2020. Motion carried unanimously.

**c. Appoint Kelly Tanksley to the Eastern Panhandle Transit Authority (EPTA) Board of Directors to fill an expired term-- 8/1/2017-8/1/2020**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to accept the recommendation and appoint Ms. Tanksley to the EPTA through 8/1/2020. Motion carried unanimously.

**d. Appoint Harriet Johnson to the Martinsburg Housing Authority to fill an unexpired term—5/4/2014-5/4/2019**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to accept the recommendation and appoint Councilwoman Johnson to the Housing Authority through 5/4/19. Motion carried unanimously.

**e. Appoint Larry Dunn to the Eastern West Virginia Regional Airport Authority to fill an expired term—7/1/2017-6/30/2020**

Motion made by Councilman Collinson, seconded by Councilman Knowles, to accept the recommendation and appoint Mr. Dunn to the Airport Authority through 6/30/2020. Motion carried unanimously.

**f. Appoint Leonard Harris to the Human Relations Committee (HRC) to fill an expired term—7/1/2017-6/30/2019**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to accept the recommendation and appoint Mr. Harris to the HRC through 6/30/19. Motion carried unanimously.

**g. Appoint Elaine Bartoldson to the Human Relations Committee (HRC) to fill an expired term—7/1/2017-6/30-2019**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to accept the recommendation and appoint Ms. Bartoldson to the HRC through 6/30/19. Motion carried unanimously.

**h. Appoint Steve Workings to the Planning Commission to fill an expired term—1/21/2017-1/21/2020**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to accept the recommendation and appoint Mr. Workings to the Planning Commission through 1/21/2020. Motion carried unanimously.

**i. Reappoint Ted Morgan to the Martinsburg/Berkeley County Parks and Recreation Board-8/1/2017-8/1/2020**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to accept the recommendation and reappoint Mr. Morgan to the Parks and Rec Board. Motion carried 6-1, Councilman J. Baker voting no.

**Report the following vacancies:**

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

**12. Report of City Attorney**

**a. New York Avenue Extended Annexation Update**

Mr. Sayre stated the Berkeley County Council gave final approval for the annexation on June 29.

**b. Professional Court Dedication Request**

Mr. Covell stated that the Planning Department has looked at the condition of the roadway, and determined it to be in fair condition. The main need for maintenance is at the intersection with Tavern Road. There are some questions about developer intent, as a Deed of Dedication was filed at the Court House, however, there is no record of approval or acceptance of such deed by the City, which may have been an oversight. A formal request from the property owners adjacent to Professional Court would be required to proceed.

Mr. Sayre also reported that the City of Martinsburg was the successful bidder for the property located at 122 W. Race Street and was able to purchase the parcel for \$5,000 at the tax sale. Mr. Baldwin added that this is a vacant lot adjacent to City property across W. Race Street from City Hall.

**13. Report of City Manager**

**a. Projects Update**

Nothing further to report.

**14. Unfinished Business**

**a. Third and Final Reading of Ordinance 2017-09 Amending Ordinance 2016-34 Which Established Job Descriptions For Employees Of The City Of Martinsburg, West Virginia**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to read Ordinance 2017-09 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**15. New Business**

**a. Approve/deny Resolution 2017-10: Coal Severance Budget Revision #1 for FY 2017-2018**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2017-10. Motion carried unanimously.

**b. Approve/deny Resolution 2017-11 authorizing an agreement between the City of Martinsburg and Berkeley County Schools for the provision of a School Resource Officer--\$60,000 payable to the City of Martinsburg—effective July 1, 2017**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Resolution 2017-11. Motion carried unanimously.

**c. Appoint the following as part time/ alternate municipal court judge through 6/30/2018: Suzanne Williams-McAuliffe and Jared Adams**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to appoint Ms. Williams-McAuliffe and Mr. Adams as part-time/alternate municipal court judges through 6/30/2018. Motion carried unanimously.

**d. Authorize Letter of Endorsement to the ABCA for CASA's Flamingo Fandango Event, Friday, August 19, 2017 from 8 PM until 10 PM**

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to authorize the Letter of Endorsement to the ABCA for Casa's Flamingo Fandango event, as requested. Motion carried unanimously.

**e. Approve/deny Special Events Permit # 2017-22 for Trinity Temple Church of God's request to close a portion of Tuskegee Drive between Martin and Burke Streets for purpose of holding a community event on Friday, August 11, 2017 from 6 PM until 8 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services (\$0.00 recommended)**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Special Events Permit # 2017-22, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

**f. Approve/deny Special Events Permit # 2017-23 for Trinity Temple Church of God's request to close a portion of Tuskegee Drive between Martin and Burke Streets for purpose of holding a community event on Saturday, September 16, 2017 from 8 AM until 4 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City service (\$0.00 recommended)**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve Special Events Permit # 2017-23, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

**g. Approve/deny Audit Procurement Committee recommendation to contract Cox Hollida & Professionals LLP to perform the City of Martinsburg audit for fiscal years ending June 30, 2017 and June 30, 2018**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Special Events Permit # 2017-22, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the recommendation of the Audit Procurement Committee. Motion carried 6-1, Councilman Wachtel voting now.

**h. Approve/deny bid recommendation for HVAC unit for Big Springs Water Treatment Plant (bid opening 7/11/2017)--\$8,687—Eastern Panhandle Heating and Cooling, LLC**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to accept the bid recommendation as presented. Motion carried unanimously.

**i. Approve/deny bid recommendation for Oak Street Bridge Project utility relocation (bid opening 7/11/2017)--\$554,301—Pro-Contracting, Inc.**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the bid recommendation as presented. Motion carried unanimously.

**j. Approve/deny donation of four (4) police bicycles to Veterans Administration Police Department (see memo)**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to donate the bicycles to the VA Police Department. Motion carried unanimously.

**k. Approve/deny donation of decommissioned police vehicle to James Rumsey Technical Institute (see memo)**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the donation of the vehicle to James Rumsey. Motion carried unanimously.

**l. Approve/deny agreement between the City of Martinsburg and FEMA for Assistance to Firefighters Grant program (FEMA Share--\$286,343—95%/City Match--\$14,317—5%) and approve additional funding in amount of \$116,580 for air cylinders (not funded by grant)**

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the agreement and additional funding. Motion carried unanimously.

Mr. Baldwin explained that this grant approval was timely, as it had been denied for several years, and the Fire Department was likely going to ask for funding in the next budget cycle.

**m. Approve/deny recommendation to retain Innovative, Inc. to provide long-term professional IT service and equipment to the City--\$8,183.28 hardware/\$11270.66 IT services—total monthly--\$19,453.94**

Motion made by Councilman Etherington, seconded by Councilman M. Baker, to approve the recommendation as presented. Motion carried unanimously.

Mr. Spickler stated that this is a five year agreement.

**n. Approve/deny bid recommendation for large format scanner/copier for stormwater management program—Ameritel--\$8,995.00**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the bid recommendation as presented. Motion carried unanimously.

Mr. Wilkerson stated that the equipment will be kept in the SWM office at the Wastewater Treatment Plant.

**o. Approve/deny purchase of ESRI GIS Software contract Option 2--\$30,000 (3 years @ \$10K per year)**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve software contract as recommended. Motion carried unanimously.

**p. Approve/deny the Right of First Refusal to purchase part of the property located at 650 W. Race Street from the Habitat for Humanity of the Eastern Panhandle**

Mr. Sayre reported that this Right of First Refusal is for part of the 12 acre parcel, not the entire parcel, and the document will be amended to reflect that.

Councilman J. Baker asked to abstain from voting due to his position on the Habitat Board. Mr. Sayre stated that there is no need to recuse as his position on the Board gives him no financial interest in this transaction.

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the right of first refusal, as amended, for the potential purchase of part of 650 W. Race Street. Motion carried unanimously.,

**q. Approve/deny the Right of First Refusal to purchase the property located at 126-128 W. Race Street from WVT, LLC**

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the right of first refusal for the potential purchase of 126-128 W. Race.

Mr. Baldwin explained that, should the City determine that it is beneficial to purchase these properties, that will be a future agenda item. The rights of first refusal allow the City a period of due diligence prior to entering into a sales contract.

**r. Approve/deny Snyder Environmental Services, Inc. Pay Application #3 for N. Queen Street Underpass Utility Relocation Project—\$171,841.37**

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

**s. Approve/deny Change Order #1 between the City of Martinsburg, O'Brien and Gere Engineers, Inc. and TIGG, LLC for purchase of one (1) additional GAC unit--\$774,176.00 and 102 additional days**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Change Order. Motion carried unanimously.

**18. Executive Session**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to go into Executive Session for real estate at 7:08 PM. Motion carried unanimously.

**Adjournment**

Meeting adjourned by unanimous consent at 7:24 PM.

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George Karos, Mayor

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Gena Long, City Recorder