

**City Of Martinsburg  
Special Council Meeting  
Monday, July 31, 2017  
The J. Oakley Seibert Council Chambers**

With a quorum present, the special session of the Martinsburg City Council was called to order at 5 PM by Mayor George Karos. The following Council Members were present: Gregg Wachtel, Harriet Johnson, Dennis Etherington, Kevin Knowles, Ken Collinson, Mark Baker and Jason Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, City Attorney; Gena Long, City Recorder, Deputy Police Chief George Swartwood; and Finance Director Mark Spickler.

**3. Approve July 13, 2017 Regular Meeting Minutes**

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to approve the July 13, 2017 Regular Meeting Minutes. Motion carried unanimously.

**4. Presentation**

**a. "Sons of Liberty--1775" Bronze Sculpture Presentation—Marty Keesecker, Adam Stephen Memorial Association**

Todd Funkhouser, Berkeley County Historical Society, received the sculpture as gift from anonymous donor and would like to place it in a prominent location in town and suggested the Town Square Pedestrian Plaza. The sculpture is to represent all who served in the Revolutionary War and was donated by descendants of the Clohan family.

Councilman M. Baker stated that there is currently an issue in determining the ownership of the Doughboy Statue, which is causing problems with the maintenance of the property. He stated that the ownership of the Sons of Liberty sculpture should be made very clear before it is placed. He asked if the BCHS would be willing to give ownership of the statue to the City of Martinsburg.

Mr. Funkhouser stated that would be a detail that would be the discretion of Council and could be determined via agreement between the City of Martinsburg, BCHS and the donors of the sculpture. He did not feel comfortable committing at the time as an agreement had not been reached, however, he did say that the BCHS has an endowment to care for the piece and that the Doughboy statue is a special circumstance.

Councilman M. Baker added that, if not clarified now, there could be an issue 100 years from now.

Councilman Wachtel asked if this sculpture is related to Adam Stephen, as the original intent was to place a likeness of Adam Stephen, the founder of Martinsburg. Mr. Keesecker stated that it is not related in anyway, no likeness exists of Mr. Stephen and it is not possible to sculpt a representation when no one knows what he looks like.

Councilman Wachtel asked if there will be a plaque. Mr. Keesecker stated that there is a plaque on the piece now, with the name, but that there would likely be a plaque bearing information such as the donor and when it was placed.

Mr. Keesecker also added that there are existing instances of City owned property placed into the care of other civic institutions which has worked very well, such as the Adam Stephen property.

Mayor Karos suggested that Council seek legal counsel on some of these questions before making a commitment to accept or place the sculpture.

Councilman J. Baker asked several questions about the current pedestal, as far as maximum weight and size that it was constructed to support. Mr. Funkhouser stated that the pedestal is rated for 2000 lbs, however, the surface area is not sufficient. He stated that the BCHS and other organizations should have no problem raising the funds to install a proper platform. Councilman J. Baker also pointed out that the gun on the sculpture may protrude, and asked if it would be positioned in such a way that it does not become a hazard or be prone to being struck by large vehicles. Mr. Funkhouser reiterated that the BCHS will do all of the proper research and leg-work prior to placing the sculpture to ensure that it is safely placed.

Mr. Funkhouser stated that that value of the sculpture is approximately \$100K. He also stated that the designer, James Muir, is willing to travel to Martinsburg for the dedication.

Councilman Etherington state that when he thinks of Minutemen or Sons of Liberty, he thinks it is more appropriate in the Boston area. He stated that the sculpture would be an asset to Martinsburg, but isn't sure if he believes it belongs in the Square. Councilwoman Johnson agreed, asking if other areas have been considered. Mr. Funkhouser stated that statue would honor many in Martinsburg, as there were several hundred citizens from the Eastern Panhandle who were conscripted into the American Revolution and the Town Square is an appropriate location. He added that this gift is a great honor and a testament to the civil servants of Martinsburg, past and present.

#### **4. Petitions from Citizens**

Ms. Barbara Bratina, Tennessee Avenue, spoke in reference to the funding request for the Day Report Center, which is listed on the Committee as a Whole Agenda which takes place after the special council meeting. Ms. Bratina stated that City residents pay County taxes the same as County residents too. She does not think it is fair that the County asks the City for money, as they do not ask County residents for more money for projects. She suggested that the City of Martinsburg give Berkeley County \$125,000, half of the purchase price of 750 Baltimore Street, and the two entities donate the property to Parks and Recreation, as developing enriching and educational areas and programs for children will help relieve the opioid problem in future generations.

Ms. Kim Unger, Wilson Street, stated that City residents should not be taxed more to help fund the Day Report Center, as it is a County initiative. She stated that the Center should be self-funded or funded by the County entirely. Ms. Unger stated that she has considerable medical debt and no one is offering to subsidize that for her. She stated that the City only seems to help drug addicts and welfare recipients.

Tom Johnson, Hillcrest Drive, stated that the County imposed a fee on City taxpayers for Animal Control, which is now up over \$119K. He stated that the City pays \$15,000 for the needle sharing program. Now, the County is asking for an additional \$70,000. City residents have already paid at the same rate as County residents, yet the County wants more and more from the City. He asked that Council deny the request. He does not mind supporting the initiatives, but entirely on the backs of City residents.

Tamsen Molenda, Tennessee Avenue, stated that an earlier request from the County had indicated that the County's share of the funding for the Day Report Center would decrease if a grant was awarded. She asked why

the County would be let off the hook if grant money were found, yet the City was still being asked for funding. Ms. Molenda was not in favor of the request.

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

**a. Eastern Panhandle Transit Authority May 15 and June 19, 2017 Meeting Minutes and Profit and Loss Statement**

**b. Eastern West Virginia Regional Airport Authority May 2 and May 9, 2017 Meeting Minutes and June Financial Statement**

**c. Historic Preservation Review Commission June 5, 2017 Meeting Minutes**

**d. Planning Commission May 3, 2017 Meeting Minutes**

**e. For the Kids, by George Museum Board of Directors July 13, 2017 Meeting Minutes and Director's Report**

**f. Eastern Panhandle HOME Consortium May 10, 2017 Meeting Minutes**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to receive and file item 6A. Motion carried unanimously.

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

**8. Report of Mayor**

**9. Report of City Attorney**

**10. Report of City Manager**

**11. Unfinished Business**

**12. New Business**

**a. First and Second Reading of Ordinance 2017-10 Amending Ordinance 2017-09, which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to read Ordinance 2017-10 through the first and second reading, by title only. Motion carried unanimously.

**b. Approve Resolution 2017-12—FY 2017-2018 General Fund Revision #1**

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve Resolution 2017-12. Motion carried unanimously.

**c. Approve/deny Special Events Permit # 2017-25 for Main Street Martinsburg and Healthy Berkeley's request to use the Town Square Pedestrian Plaza for purposes of holding a "Farm to Table" Event on Sunday, September 24, 2017 from 5:30 PM until 8:30 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services (\$0.00 recommended); approval to include a Letter of Endorsement to the ABCA for sales and/or service of alcoholic beverages**

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve Special Events Permit # 2017-25, including letter of endorsement, as proposed. Motion carried unanimously.

**d. Approve/Deny additional holiday for full time City employees; Saturday, October 7, 2017—Road Bond Special Election.**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the additional holiday. Motion carried unanimously.

**e. Discuss, and take action as necessary in regards to designation of W. Stephen Street one-way in a westerly direction from Maple Avenue to Raleigh Street**

Deputy Chief Swartwood asked for the blessing of Council to further investigate this possibility, including which blocks to designate as one-way and how to situate the parking.

Motion made by Councilman Etherington, seconded by Councilman M. Baker, to allow the Police Department to further analyze the issue and bring it back to Council for approval.

**f. Approve/deny easement agreement between City of Martinsburg and Roach Energy—Oak Street Utility Relocation Project**

Motion made by Councilman Knowles, seconded by Councilman M. Baker, to approve the easement agreement as proposed. Motion carried unanimously.

**g. Approve/Deny the purchase and assignment of tax lien for 210 Seibert Street, Martinsburg for \$2,500.00 from Mickey Duncan**

Motion made by Councilman J. Baker, seconded by Councilman Etherington, to approve the purchase. Motion carried unanimously.

**h. Approve/deny additional on-call services for Task G—WWTP Upgrade Project**

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve Change Order #1 for on-call services in the amount of \$19,635

**13. Executive Session**

Motion made by Councilman Knowles seconded by Councilman Collinson, to go into Executive Session for Real Estate at 5:36 PM

**Adjournment**

Meeting adjourned by unanimous consent at 5:38 PM.

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George Karos, Mayor

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Gena Long, City Recorder