

City Of Martinsburg
Special Council Meeting
Thursday, September 28, 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, Police Chief Maurice Richards; Public Works Director Jeff Wilkerson; Fire Chief Paul Bragg and Finance Director Mark Spickler.

3. Approve September 14, 2017 Regular Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the September 14, 2017 Regular Meeting Minutes. Motion carried unanimously.

4. Presentations

None

5. Petitions from Citizens

Mr. Thomas Johnson, Hillcrest Drive, was in favor of the urban deer hunt, but did ask that Council consider a qualification process for archery hunters prior to granting a license.

Ms. Consuelo Newman, Martinsburg, referred to a request at a previous meeting for Council to pass a Resolution in opposition to the purchase of the Pleasants Power Plant. Ms. Newman pointed out that the Plant is old and should be taken out of commission, not purchased with WV taxpayer money.

Ms. Barbara Bratina, Tennessee Avenue, made the following statement:

I have read the Urban Deer Hunt Ordinance and there are several sections with which I have concerns and hope the City Council can change:

505.052 b(4): The lottery. There is no statement nor description as to how the lottery will be run. That should be included in the ordinance.

b (7): "No hunting shall take place within 500 feet from the property boundary a parcel containing a school building. For purposes of this section, school makes a public or private school **during periods when students are in attendance or participating in school activities**. This sentence should stop after "private school." They should strike/cut out the part which I have in bold. Students are always around their schools. They go there at night, on weekends, holidays to ride bikes, play ball, hang out. Schools have lock-ins and keep kids on the grounds. It is too difficult to try and say when the students or teachers are in attendance or at school activities. Schools are used every day of the week by the public. There is no reason for anyone to hunt within 500 feet of a school property.

b (9) "Once a property has been designated, it shall remain a designated tract for the entire season." I disagree with this sentence. A property owner should have the right to pull their property from the hunt season at any time. People may trespass, hunt illegally, kill a pet or livestock, damage property, and/or leave a carcass or organs. To withdraw from the program at any time should be the right of the property owner.

Please make the above changes to the Urban Deer Hunt Ordinance

Ms. Bratina also stated that she is in favor of the Police Levy.

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

a. National Fish and Wildlife Foundation Grant Application—City of Martinsburg green infrastructure implementation plan and information sites

b. CDBG and HOME CAPER September 13, 2017 Public Hearing Minutes

c. Memorandum from the Berkeley County Clerk requesting the temporary closure of the 100 block of W. King Street for unloading election materials, beginning at 7 PM

d. Human Relations Committee June 28, 2017 Meeting Minutes

e. Historic Preservation Review Commission August 7, 2017 Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to receive and file item 6A-6E. 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

a. Projects Update

City Manager Mark Baldwin explained that the required 20% match for the Oak Street Bridge Project and the Burke Street Bridge Project combined is approximately \$70,000 less than earmarked. Oak Street came in at \$853K (less than expected) and Burke Street came in at \$2.4M (more than expected).

11. Unfinished Business

12. New Business

a. First and Second Reading of Ordinance 2017-13 to Amend And Reenact The Codified Ordinances Of The City Of Martinsburg To Amend Part Five— General Offenses Code, Chapter Five- Animals And Fowl, Article 505.05: Hunting Prohibited, By Adding Sections 505.051-505.054 And Amending Section 505.99: Penalty

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2017-13 through the first and second reading, by title only. Motion carried unanimously.

b. First and Second Reading of Ordinance 2017-14 Amend the City of Martinsburg Zoning Map to Rezone 30.55 Acres of an Improved Parcel Identified as 1858 Delmar Orchard Road Containing Approximately 62.90 Acres from RML (Multiple-Family, Low-Density Residential District) to RP (Planned Residential) and Approximately 2.58 Acres from RML to BC (Community Business)

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to read Ordinance 2017-14 through the first and second reading, by title only. Motion carried unanimously.

c. Approve Resolution in support of the “Roads to Prosperity” Road Bond Amendment

Motion made by Councilman Knowles, seconded by Councilman M. Baker, to approve the Resolution in support of the "Roads to Prosperity" Road Bond Amendment. Motion carried unanimously.

d. Approve/deny bid recommendation for deicing salt for winter 2017-2018—Clearline salt--\$82.13 per ton—Cargill Deicing Technology

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to approve the bid as recommended. Motion carried unanimously.

e. Discuss and authorize draft of Ordinance to provide for election of additional levy, to renew the levy which expires June 30, 2019 by the City of Martinsburg West Virginia March 17, 2018 Special Election

Motion made by Councilman Collinson, seconded by Councilman Etherington, to authorize draft of an ordinance to provide for a special election to be held on March 17, 2018.

Councilman J. Baker recommended that the election be moved to May 8, in conjunction with the WV Primary Election, which would save approximately \$40,000 in budgeted election funds. The voter turnout would be higher and, if the levy election fails, there is plenty of time to hold a special election before the current levy expires.

Councilman Wachtel stated that this could cause voter confusion as there are sometimes different City polling places than County polling places. Councilman M. Baker responded that the polling places and, when possible, the City uses the same locations in the County. The City Recorder agreed, noting that there have been special exceptions when this is not possible.

The Mayor was in favor of the City holding a special election, as the levy is a City issue.

Councilman J. Baker again argued that the special election is expensive and often results in low turnout.

Councilman M. Baker agreed, adding that \$40,000 is a lot of money; it could be used in other ways. He was frustrated to see that amount of money being spent when it doesn't need to be.

Councilman J. Baker moved to amend the original motion to hold the election on May 8, 2018. Councilman M. Baker seconded the amendment.

Via roll call vote to accept the amendment to the original motion:

Yes: Councilman J. Baker, Councilman M. Baker, Councilman Knowles, Councilman Collinson.

No: Councilman Wachtel, Councilwoman Johnson, Councilman Etherington.

Motion carried 4-3.

Via roll call vote on the amended motion to authorize the drafting of an ordinance to provide for the election of additional levy, to renew the levy which expires June 30, 2019, by the City of Martinsburg West Virginia May 8, 2018 Special Election:

Yes: Councilman J. Baker, Councilman M. Baker, Councilman Knowles, Councilman Collinson.

No: Councilman Wachtel, Councilwoman Johnson, Councilman Etherington.

Motion carried 4-3

f. Discuss and take action as necessary in reference to Martinsburg/Berkeley County Parks and Recreation's request for \$50,000 to be used for War Memorial Park pool repairs

Councilman M. Baker asked if \$50,000 will open the pool. Councilman Collinson stated that, in addition to the money already spent by Parks and Rec, it will be enough to open the pool. Parks and Rec has already spent a considerable amount to repair the liner and joints.

Motion made by Councilman J. Baker, seconded by Councilman M. Baker, to approve the request and grant \$50,000 to be used by Martinsburg/Berkeley County Parks and Recreation to repair War Memorial Pool. Motion carried unanimously.

g. Approve/deny quote recommendation for the purchase of twelve (12) kitchen chairs for the Martinsburg Fire Department--\$3,353.40—Office Chairs USA—General Fund

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the purchase of the chairs as recommended. Motion carried unanimously.

13. Executive Session

There was no Executive Session.

Adjournment

Meeting adjourned by unanimous consent at 5:38 PM.

George Karos, Mayor

Gena Long, City Recorder