

**City Of Martinsburg
Regular Council Meeting
Thursday, January 11, 2018
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor 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; Gena Long, City Recorder, City Attorney Chas Printz, Police Chief Maury Richards; Fire Chief Paul Bragg; City Engineer/Planning Director Kim Petrucci; Public Works Director Jeff Wilkerson, CDBG/HOME Administrator Nancy Strine, and Utilities Director Steve Knipe.

3. Presentation of Colors—Martinsburg Police Department Honor Guard/Salute to Flag

The Honor Guard presented the colors and Councilman Collinson led the salute to the flag.

4. Prayer—

Mayor George Karos delivered the invocation.

5. Approve December 14, 2017 Regular Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the December 14, 2017 Regular Meeting Minutes. Motion carried unanimously.

6. Approve November 2017 Administrative and Financial Report

Motion made by Councilman M. Baker, seconded by Councilwoman Johnson, to approve the November 2017 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 Development and Economic Development Needs of the City of Martinsburg, WV

Mayor Karos opened the public hearing at 6:34 PM.

Ms. Nancy Strine, Community Development Block Grant and HOME Administrator read the following into the record:

Good evening and thank you for attending our first public hearing for the City of Martinsburg's FY 2018-2019 Community Development Block (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, 2018 to June 30, 2019.

This public hearing kicks off the public hearing process and opens up the application process. The CDBG applications are due on Monday, February 12. The applications will be reviewed for eligibility. The eligible projects will be recommended to the Mayor and Council during the budgetary process.

The City of Martinsburg has been a CDBG Entitlement community since 2004 and we have received over

\$5.1M in 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 expanded economic opportunities. This past year, we achieved 100% of our CDBG expenditures serving low and moderate-income persons.

In 2017, the City budgeted 14.9% for public services (15% cap) for 8 different non-profit groups providing services in the City of Martinsburg; 65% on public facilities and improvements, including the Boys and Girls Club handicap accessibility ramp and door opener (\$18,700), upgrading CNI's Hope Living and Learning Center's fire alarm system (\$10,000), and playground equipment to Martinsburg/Berkeley County Parks and Recreation for Leeland Park, MLK Park and Oak Street Park (\$33,529 total), and street paving and ADA curbs for the City of Martinsburg (\$116,638); and 20% on general administrative and planning (20% cap).

As part of the public hearing process, the City of Martinsburg may be requesting fund for other eligible public improvement projects.

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 and has received \$4.9M for housing assistance for the City of Martinsburg, Berkeley County, Jefferson County and Morgan County.

The HOME Program has assisted 246 first-time homebuyers with gap financing to purchase their first home in the City of Martinsburg, Berkeley, Jefferson and Morgan Counties. The program has assisted 116 first time homebuyers in Berkeley County; 38 in the City of Martinsburg; 58 in Jefferson County and 27 in Morgan County. The largest increase this past year in the HAP has been the purchase of homes in the City of Martinsburg (5). There were 6 new home buyers in Berkeley County, 6 in Jefferson County and 1 in Morgan County.

With the HOME Program, 15% of the allocation is 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 ten (10) homes. They are concentrating on building affordable homes in the Auburndale neighborhood.

Ms. Strine read highlights of the following into the record on behalf of Diane Waldron, Program Manager for Meals on Wheels:

Thank you for your consideration in assisting Meals on Wheels with a \$5,000 grant so that we may continue the "Dine with Dignity" program, which was established over a decade ago. In 2017 this program provided 1,368 hot, nutritious, home delivered meals for homebound seniors and/or handicapped persons in the City of Martinsburg, who were unable to pay any, or but a portion, of our standard minimal fee. Not only were the meals provided daily to these folks, but our volunteer drivers provided a "well check" for those who live alone, which is a life-line to them. With the City block grant, we will be able to continue this essential service to City residents in FY 2018-2019.

Mr. Strine read highlights of the following into the record on behalf Court Appointed Special Advocates—Eastern Panhandle (CASA-EP)

CASA-EP is grateful for this funding opportunity; it has helped save a child's life.

For the time period July 1, 2017 to December 31, 2017, this funding has been especially important to 96 neglected and abused children in Martinsburg. It has defrayed the costs to locate safe and permanent homes for them and has helped CASA to ensure that their best interests are represented in the courts and throughout the foster care system. All CASA-EP advocates are highly trained volunteers who work with children once they have been removed from their home due to severe abuse and neglect, and work with the children's family, the appointed judge, community agencies and the local school system to gather factual information and advocate for the child's best interest. Children with CASA typically spend less time in foster care and receive the love, care and consistency of having their own advocate.

Continued funding of our effort is critical. CASA-EP will be applying for FY 2018 funding and, if awarded, those funds will surely be instrumental in changing, if not saving, the lives of many vulnerable children. Again, thank you very much. Please know CASA will continue to "advocate strong", ensuring that the funding provided through this grant will be put to its absolute best use.

Ms. Strine read highlight of the following into the record on behalf of Berkeley Senior Services

Thank you, City Council, for your continued support of the seniors in Berkeley County. Below is an overview of some of the services Berkeley Senior Services provided during the 2017 calendar year:

14,677 hours of respite (relief) care were provided for unpaid caregivers who are caring for a loved one with an Alzheimer's/Dementia diagnosis;

11,459 meals were served in a group setting allowing seniors to remain socially active;

11,952 meals were delivered to seniors in Berkeley County who are homebound;

13,611 transportation trips were provided for seniors to run necessary errands, come to the Senior Center and to attend medical appointments;

Approximately 51,000 of in-home care hours were provided to seniors to assist with bathing, dressing and grooming in their own homes.

Because of the generosity of the City of Martinsburg, the funds received from the CDBG will be used to fill gaps in the in-home care department, allowing BSS to provide services to keep seniors in their own homes where they are most comfortable.

Ms. Strine read highlights of the following into the record on behalf of Children's Home Society/Safe Haven Child Advocacy

Safe Haven Child Advocacy Center's mission is to promote a child-focused approach to the investigation, prosecution and treatment of child abuse by providing a safe, child friendly facility, a multidisciplinary team response to abuse allegations and professional support, education and advocacy services. In addition to forensic interviewing and victim advocacy services, safe haven child advocacy center partners with various

agencies in Berkeley County to perform monthly case review meetings for all cases of severe child abuse and neglect.

Over the course of calendar year 2017, Safe Haven staff and trained investigators conducted 162 forensic interviews with children in the Eastern Panhandle, per the request of local law enforcement and/or child protective service and served 176 children total. Sixty-two percent (62%) or 100 of those children interviewed at CAC were Berkeley County residents and 11.7% of those children live within Martinsburg City limits.

Partnerships through local, government and state-wide agencies help the CAC to serve victims of crime at no charge. Safe Haven is required matching funds for state grants and support that the City provides demonstrates a local partnership and community investment in bettering the lives of children. Safe Haven wants to thank the City of Martinsburg for their ongoing support.

Ms. Strine read highlights of the following into the record on behalf of Nanette Stevens, Executive Director of Habitat for Humanity of the Eastern Panhandle

Unfortunately, I am unable to attend this evening's public hearing.

I do want to extend my appreciation to you, Mayor Karos, the City Council and the HOME Consortium for the partnership and financial support to Habitat for Humanity of the Eastern Panhandle now and over the past years.

As you know, we have built our 36th home in the Auburndale Subdivision. We are very pleased to have you and City council members Mark Baker, Ken Collinson and Harriet Johnson present at the home dedication ceremony on December 16th. This would not have been possible without the financial support your program provides. I would also like to thank Councilman Mark Baker for volunteering on the build.

We are excited about 2018. We know that our continued partnership will make a difference, not just in the lives of the Habitat Families, but also in the betterment of our community through the efforts of our Habitat friends.

Ms. Christina Lundberg, Community Networks/Bethany House, offered testimony, stating that 237 women were provided shelter and food and that \$10,000 was used to upgrade the alarm system at Hope House.

Ms. Cheryl Moyer, Partnership for Affordable Housing, read the following into the record:

Thank you for this opportunity to offer testimony about the value of CDBG and HOME funding to our communities. I am Cheryl Moyer, the Administrator for the Partnership for Affordable Housing. The Partnership provides services in Berkeley, Morgan and Jefferson Counties.

Our mission is "to ensure access to safe and affordable housing through advocacy, education and the development of housing resources."

One way we serve the community is our Homebuyer Education Classes, last program year, thirty (30) participants received services, of which 100% received their certificate of completion. Twenty-one (21) participants, or 70%, purchased a home. During the class, many families realize the challenges of home ownership and their need for additional support. In those cases, we are able to offer Homebuyer Credit Counseling, an opportunity for one on one credit counseling. We work with the family to learn budgeting skills, prioritize their expenses, and the elimination of debt so that families can improve their credit scores.

Our Homebuyer Education Class and our Credit Counseling blend with the HOME—Homebuyer Assistance Program through our partnership with the Eastern Panhandle HOME Consortium. Together we are able to close six HAP loans in the last year. Completion of the Homebuyer Education Class is required for Homebuyer Assistance Program and for some USDA, FHA and WVHDF Bond programs. Our role is to educate the participant and help them navigate the complex process of becoming a responsible homeowner.

It is an awarding experience to watch a hard-working middle-class family grow and achieve their goal of home ownership. We see families—increase their income, reduce their debt and work hard to fulfill their dream. You know you have done something important when our Housing Counselor, Rosa Eggleton, receives the text that reads “Just left closing” followed by “moving into our new home.” Without the Homebuyer Assistance Program, which provides down payment and closing cost loans for income eligible first-time homebuyers, the dream would not become reality. We are thankful for the support of the City of Martinsburg, the Eastern Panhandle HOME Consortium and Ms. Nancy Strine.

Another crucial resource to the Martinsburg community is the Public Service portion of the CDBG. The support that these funds bring to agencies such as Community Networks, C-CAP, and Meals on Wheels, empowers them to offer life sustaining help to families often in desperate need. None of the agencies have the capacity to address all of the problems alone, partnerships are essential to the success of all. The Partnership for Affordable Housing applauds the City for their support to date, and encourages you to continue using the full allowable allocation for the purpose of public service.

Ms. Staci Rohn, Boys and Girls Club, offered testimony and thanked the City for the funds which were used to sponsor the tuition of eight students. She also stated that funds are being used to construct an ADA accessible ramp, and the organization is looking forward to moving forward to construct ADA bathrooms and other accessibility options in the future.

Ms. Katie Spriggs, Shenandoah Women’s Center, stated that the funds are used to help serve over 1100 victims, women and children, as well as to keep two therapists on staff.

Steve Truax, Berkeley County C-CAP, stated that CDBG funds are used to help fund housing assistance and food pantry, as well as emergency rental assistance to prevent eviction and allow clients to stay in their homes.

Steve Catlett, Martinsburg/Berkeley County Parks and Recreation, testified that CDBG funding allowed for vast improvements in City parks and hopes to use future funding to address needed restroom improvements at Oak Street Park.

Mayor Karos thanked the organizations for their service to community members and for using CDBG fund and other City allotments to improve the lives of community members.

Mayor Karos closed the public hearing at 6:50 PM.

8. Presentations

a. Proclamation—General Aviation Appreciation Month—January 2018

The Proclamation will be forwarded to the appropriate parties.

b. The Martinsburg Initiative Grant Funding and Program Update—Chief Maurice Richards, Martinsburg Police Department.

Chief Richards stated that the Initiative has been approved to receive a major grant, from the University of Baltimore's Center for Drug Policy and Enforcement. Using these funds, a full-time project director has been appointed through the Berkeley County School system.

b. Resolution of Appreciation—Martinsburg Police Department K9 Titan

The Resolution was read by Chief Richards and presented to Officer Fritz, Titan's partner and handler.

c. Resolution of Accomplishment—Martinsburg Police Department School Resource Officer James "Shane" Everhart

The Resolution was read by Deputy Chief Swartwood and presented to Officer Everhart, along with a commendation and merit badge for live saving from the Police Department.

16 h. Discuss and Take Action as Necessary Regarding New Police Department Canine Unit—Shallow Creek Kennels, Inc.--\$0.00

Chief Richards stated that Shallow Creek Kennels, who had provided Titan and his training, has offered to provide and train a dog free of charge, a \$12,500 value. Officer Fritz and Lt. Doyle have already traveled to the kennel and selected a dog that will meet the needs of the City of Martinsburg.

Councilman M. Baker asked if the leukemia that had required the euthanasia of Titan was a hereditary condition. Chief Richard and Officer Fritz stated that the disease is not genetic and is very rare in dogs, the oncologist who examined Titan stated that he had seen only five cases in ten years of practice. Officer Fritz also offered that the newly selected K9 is not related to Titan, and is not the same breed and came from a different country.

Councilman J. Baker asked if there is any information on how many such cases have come from dogs provided by Shallow Creek Kennels. Chief Richards stated that he is not aware of an issue and that Shallow Creek is the premier kennel and training facility in the country, providing and training dogs for large police departments and the military, their reputation is impeccable.

Officer Fritz stated a new dog has been selected that is very sociable, and should be able to be used to visit schools and impact children, as Titan was. Councilman M. Baker commended Officer Fritz on his success with Titan, adding

that the relationship and competency of the handler was very importance to the effectiveness and demeanor of the dog.

As no expenditure of funds was needed, no motion was necessary.

9. Petitions from Citizens

Ms. Stacie Rohn, Boys and Girls Club of the Eastern Panhandle, stated that the heat in the building is not working due a needed repair to the boiler. The Club is temporarily providing services at South Middle School, but will require approximately \$35,000 to repair the boiler. Ms. Rohn asked the City of Martinsburg to consider covering that cost.

The Council could not vote on this item as it was not on the agenda, however, the consensus of Council was to respond to the request of the Boys and Girls Club and asked Ms. Rohn to get quotes and begin the repair of the boiler. The final approval will be confirmed at the February meeting, however, the Council recognized that the Boys and Girls Club could not wait until then to repair the boiler and provide heat to the building.

There were no other petitions from citizens.

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

a. City of Martinsburg audit letter for fiscal year ending June 30, 2017- (complete audit on file in the Finance Department)

b. For the Kids, by George Children’s Museum December 7, 2017 Board Meeting Minutes

b. Letter of Resignation of Chris Amores from the Human Relations Committee, effective January 1, 2018

c. Letter of Resignation of Chris Amores from the Human Relations Committee, effective January 1, 2018 (due to appointment to Police Civil Service Commission)

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

11. Reports of Chairpersons of Council Standing Committees

12. Report of Mayor

a. Report the following vacancies:

- **Board of Zoning Appeals (2 alternates)**
- **Parking Authority (2)**
- **Historic Preservation Review Commission (1)**
- **Human Relations Committee (1)**

Mayor Karos stated that he had submitted several names to the City Manager, and asked that Council do the same.

13. Report of City Attorney

14. Report of City Manager

a. Projects Update

Nothing further.

15. Unfinished Business

16. New Business

A. First and Second Reading of [Ordinance 2018-01](#) Amending and Reenacting the City of Martinsburg Code, Part 3: Traffic Code, by Amending Section 361.03: Fire Lanes; to Comply with the Amendments to West Virginia Code 17c-13-3

Motion made by Councilman Etherington, seconded by Councilman Knowles, to read Ordinance 2018-01 through the first and second reading, by title only. Motion carried unanimously.

B. Approve/deny 2% of Total Proceeds of Previous Year's Projected Tax Collections to Berkeley County Assessor for Valuation Fund

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the contribution to the Valuation Fund. Motion carried unanimously.

c. Authorize Letter of Endorsement to the ABCA for the Temporary Issuance of License to Sell Beer at the 27th Annual Toughman Contest, February 16-17, 2018, to be held at Berkeley 2000 Recreation Center

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to authorize the letter of endorsement. Motion carried unanimously.

Councilman Etherington added that he is under the impression that the City is willing to allow alcohol to be served on City property for this event as, historically, Council has approved one such event per year at other City owned properties.

d. Approve/deny Martinsburg Fire Department SOP for Emergency Medical Services Cardiac Alert—Code STEMI

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

e. Discuss and Take Action as Necessary Regarding the City of Martinsburg Fire Department Ambulances

Chief Bragg stated that meetings continue with the manufacturer regarding the defunct ambulances. International has recommended repairs, but the issues continue after the repairs and upgrades have been completed. The Department and manufacturer have considered other options, but they will require EPA approval, a process expected to take approximately 30 days.

The new ambulance, previously approved, is expected to be completed mid-February.

f. Approve/deny Submission of Application for Assistance to Firefighters Grant (AFG) for a Replacement Backup Generator for the Martinsburg Central Fire Station (\$180,000 with 5% City Match)

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

g. Approve/deny Agreement between the City of Martinsburg and Scott Safety for in-house Equipment Inspection, Repair and Service of Scott Products Owned by the City of Martinsburg

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

h. Discuss and Take Action as Necessary Regarding new Police Department Canine Unit—Shallow Creek Kennels, Inc.--\$0.00

See item 8.

i. Approve/deny Purchase of one 2018 Ford Transit E1Z Cargo Van for use to Transport the Special Response Team of the Martinsburg Police Department—Stephens Auto (State Contract) --\$21,802 (Drug Forfeiture Fund)

Councilman J. Baker asked if the vehicle will be marked.

Chief Richards stated that has not yet been determined, but added that it may be best not to decal as the vehicle is to be use to transport SRT members to scenes. It is not a tactical vehicle, and 4-wheel drive is not required on this vehicle.

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the purchase as requested. Motion carried 6-1, Councilman J. Baker voting no.

j. Approve/deny Bid Recommendation for Phase 1 of GIS Data Gathering Services—Furgo Geospatial--\$67,172—to be Funded from Chesapeake Bay Implementation Grant

Motion made by Councilman Collinson, seconded by Councilwoman Johnson, to approve the recommendation as submitted. Motion carried unanimously.

k. Approve/deny Snyder Environmental Pay Application # 9 for N. Queen Street Underpass Utility Relocation Project

No action was needed as no application was received.

o. Approve/deny Snyder Environmental Pay Application # 5 for Big Springs Water Treatment Plant Upgrade--\$360,131.28

Motion made by Councilman J. Baker, seconded by Councilman Etherington, to approve Pay Application # 5 for the Big Springs Water Treatment Plant Upgrade. Motion carried unanimously.

p. Approve/deny Pro Contracting Pay Application #3 for Oak Street Bridge Utility Relocation Project--\$145,030.50

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve Pay Application # 3. Motion carried unanimously.

Steve Knipe added that work was 95% done on this project.

Motion made by Councilman Knowles, seconded by Councilman Etherington, to go into Executive Session for legal and real estate at 6:59 PM. Motion carried unanimously.

Executive Session

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to go into Executive Session at 7:27 PM.
Motion carried unanimously.

Meeting adjourned by unanimous consent at 7:32 PM.

George Karos, Mayor

Gena Long, City Recorder