

**City Of Martinsburg
Regular Council Meeting
Thursday, March 8, 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 Kin Sayre, Police Chief Maury Richards; Fire Chief Paul Bragg; City Engineer/Planning Director Kim Petrucci; Public Works Director Jeff Wilkerson, Finance Director Mark Spickler, and Utilities Director Steve Knipe.

3. Salute to Flag

Councilman Knowles led the salute to the Flag.

4. Prayer—

Pastor John Yost, retired Methodist pastor, delivered the invocation.

5. Approve February 8, 2018 Regular Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the February 8, 2018 Regular Meeting Minutes. Motion carried unanimously.

6. Approve February 20, 2018 Special Council Meeting Minutes

Motion made by Councilman M. Baker, seconded by Councilman J. Baker, to approve the February 20, 2018 Special Council Meeting Minutes.

7. Approve January 2018 Administrative and Financial Report

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the January 2018 Administrative and Financial Report. Motion carried unanimously.

8. Presentations

a. The Bridges Project—Dr. Joy Buck, PHD, APRN

Dr. Buck discussed the project, offering statistics and stating that West Virginia leads the nation in opioid deaths and Berkeley County is in the top three counties for high quantities of overdoses and deaths. She stated that the Bridges Project aims to bridge public safety officials with public health officials to help offer resources to minimize the negative effects of opioid use and deaths on the community. Accidental overdose is preventable, Dr. Buck added, with the effective use of Narcan, harm reduction services and other programs. She stated that a report of findings will be available in the summer.

Councilman Knowles thanked Dr. Buck for her hard work in getting the initiative started.

Mayor Karos asked if there has been a decline in discarded needles with the introduction of the harm reduction program. Dr. Buck stated that she does not have those statistics, however, she also expressed the importance of a

needle exchange program to help stem the spread of Hepatitis C, adding that she believes that the stage is being set for another HIV epidemic in the Eastern Panhandle.

Mayor Karos thanked Dr. Buck for work on this project.

9. Petitions from Citizens

Ms. Helen Henderson, W. Burke Street, read a statement regarding the death of Wayne Jones which occurred in an officer involved shooting almost five years ago. Mr. Jones was tazed, his arm was broken and he was shot multiple times. A video of the incident is available on the Justice for Wayne Jones Facebook page. A vigil is held on the 13th of each month in the Town Square Pedestrian Plaza and will continue to be held until justice is served.

Mr. James Boyd, Falling Waters, WV and Ms. Helen Grissell, Hogan Street, read the identical prepared statement to the Council.

Mr. Steve Glass, Lions Club, informed Council that a special purpose non-traditional Lions Club is being formed in Martinsburg to address and offer resources to handle the opioid epidemic in the Eastern Panhandle. There is a similar special purpose Loins Club in Harrison County which has had good results.

Mr. Stephanie Nelson, Centre Street, stated that she has had many issues in her neighborhood. She was thankful that, in the past, Code Enforcement and Animal Control had been very responsive to complaints. Currently, there are a multitude of drug deals being conducted on her street and it is creating a dangerous atmosphere, and she asked the Police Department to assist by increasing officer presence in the area.

Ms. Bridget Sawicki, Centre Street, echoed the statements of Ms. Nelson, adding that she loves her home and her neighborhood, but there is a considerable amount of drug trafficking happening on the street and asked the Police Department for assistance.

There were no other petitions from citizens.

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

a. For the Kids, by George Children’s Museum February 1, 2018 Board Minutes and Director’s Report

b. Letter, dated February 20, 2018, from Congressman Alex Mooney, addressed to the Assistant Administrator for Grant Programs for the Department of Homeland Security expressing support for the City of Martinsburg’s request for Assistance to Firefighter Grant Funds

c. Letter, dated February 21, 2018, from Senator Joe Manchin, III expressing support for the City of Martinsburg’s request for Assistance to Firefighter Grant Funds and assurance that FEMA officials have been contacted

d. Eastern Panhandle Transit Authority Board of Directors December 18, 2017 Meeting Minutes, Second Half Calendar Year 2017 Profit and Loss Statement and January 2018 Profit and Loss Statement

e. Martinsburg Police Department 2017 Annual Report

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

11. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee February 26, 2018 Meeting Minutes

The minutes were accepted without objection, as follows:

Council as a Whole Committee Minutes
Monday, February 26, 2018—4:30 PM

Present: Mayor George Karos, Councilmembers Kevin Knowles, Ken Collinson, Gregg Wachtel, Mark C. Baker and Harriet Johnson.

Others in Attendance: Mark S. Baldwin, City Manager; Mark B. Spickler, Finance Director; members of the media and public.

Unable to Attend: Dennis Etherington, Jason W. Baker.

Mayor Karos opened the meeting and the following items were discussed.

1. FY 2017-2018 Budget Overview Update—Mark Spickler, Finance Director, provided an overview of the GF Budget and Sales Tax Revenue through December 2017 and reported that the City's financial status is in good standing.

Finance Director and City Manager provided a list of expenditures for the GF Revision #3 for various departments in the amount of \$690,000. Consensus of the Committee was to forward to the City Council for approval.

2. 2018-2019 Property Tax Levy Rates—Mark Spickler stated the purpose of tonight's discussion was to determine if the City Council would want to have a public hearing to increase property taxes above 3% (0-3% increase is permitted per State Code without a public hearing for a tax increase).

Consensus of the Council was to recommend to City Council not to proceed with a special meeting for a tax increase above 3%.

Finance Director stated he would have the property tax values from Berkeley County Tax Assessor's office the first week of March and would provide examples at the next Council as a Whole Committee meeting.

3. Discuss other governmental entities and outside agency budget requests to be funded from GF and Coal Severance Accounts for Council approval.

The next Council as a Whole Committee meeting was scheduled for Monday, March 19, 2018 at 4:30 PM with a Special City Council meeting scheduled to approve budgets on Monday, March 26, 2018 at 5 PM.

12. Report of Mayor

a. Schedule Council as a Whole Committee Meeting for Monday, March 19, 2018 at 4:30 PM to discuss budgets

b. Schedule Special Council Meeting for Monday, March 26, 2018 at 5 PM to Approve Budgets and other items as necessary

c. Schedule Special City Council Meeting for Tuesday, April 17, 2018 at 5 PM to approve levy rates (per State Code) and other business as needed

d. Reminder of upcoming Special Election to Renew Police Levy—Tuesday, May 8, 2018 (in conjunction with WV Primary Election)

e. Report the following vacancies:

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

13. Report of City Attorney

14. Report of City Manager

a. Projects Update

Mr. Baldwin announced that the Oak Street Bridge is to be closed for construction beginning March 19, as announced by the WVDOH

The Burke Street Bridge replacement should begin shortly.

b. Opportunity Zone Designation Application

Mr. Baldwin discussed the federal law that allows applications to be submitted for recommendation by the State government for incentives to attract investors to reuse and restore properties in low-income census tracts. The program is an economic development tool to be added to the existing tools, such as the Downtown Business tax credit, the historic tax credits and the new market tax credits. Mr. Baldwin recognized that there has been a good deal of energy and excitement in investing in Martinsburg, both in the downtown district and in other commercial areas. He also pointed out the importance of capital investment projects, such as Raleigh Street Extension and the Municipal Police Building as drivers of economic development. Mr. Baldwin discussed the value of other organizations, such as Development Authority and the Chamber of Commerce, as well as City provided services and fiscal soundness of the government. He credited the Council for making advancements on social and perception issues as well as projects and capital investments.

Councilwoman Johnson pointed out that much credit was due to the City Manager.

Mayor Karos echoed Councilwoman Johnson's sentiments, adding that teamwork between all City Departments was very important and effective.

15. Unfinished Business

16. New Business

A. First and Second Reading of Ordinance 2018-08 to Repeal Section 709.05—Advertising Permit Required—of the City of Martinsburg Code, Part 7: Business and Taxation Code; Article 709: Advertising and Signs

Motion made by Councilman Wachtel, seconded by Councilman J. Baker, to read Ordinance 2018-08 through the first and second reading, by title only. Motion carried unanimously.

B. First and Second Reading of Ordinance 2018-09 to Amend and Reenact Section 7: Business and Taxation Code, of the City of Martinsburg Codified Ordinances, at Article 751: License Tax, by Amending Section 751.14: Fees Imposed and Repealing 751.16—751.160 excepting Section 751.102; Laundries and 751.148: Theatrical Shows

c. Approve/deny Issuance of Special Events Permit 1805 for Advocate Insurance's 10 Year Celebration to be Held on Saturday, October 13, 2018 (rain date 10/27/2018) from 1 PM until 3 PM in the Town Square Pedestrian Plaza, Contingent upon Proof of Adequate Liability Insurance and Payment of any Required Fees for City Services, (\$0.00 Recommended—no Waiver per Ordinance)

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Special Events Permit 1805, reducing the total numbers of hours from set-up to clean-up to four hours. Motion carried, Councilman J. Baker and Councilman Knowles voting no.

d. Approve/deny Issuance of Special Events Permit 1806 for Main Street Martinsburg Truffle Shuffle 5K, along Described Route, to take Place on Saturday, April 28, 2018 from 8 AM until 9:15 AM, Contingent upon Proof of Adequate Liability Insurance and Payment of any Required Fees for City Services (\$1.365 Recommended unless Waived by Ordinance)

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Special Events Permit 1806, as requested. Motion carried unanimously.

e. Approve/deny Issuance of Special Events Permit 1807 for Fridays at Five Summer Concert Series (beginning 6/1/18) and the Farmers' Market (beginning 5/18/18) to take place on Friday evenings, concurrently, through September 1, 2018, from 5-7 PM in the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of any required fees for City services, (\$1,680 recommended unless waived by ordinance), includes a letter of endorsement to be forwarded to the ABCA in favor of alcohol sales during Fridays at Five Concerts

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the issuance of Special Events Permit 1807, and letter of endorsement.

Councilman Etherington asked if the motion could be amended to reduce the total number of hours from set up to clean up to four hours.

Randy Lewis, Main Street Martinsburg, stated that set up needed to begin at 3 PM, as it takes approximately 1.5 hours to set up for the bands.

Councilman Etherington withdrew his request for amendment.

Councilman J. Baker asked why Main Street is allowed five total hours, but everyone else gets their request reduced to four hours.

Councilman Wachtel called for the question.

Original motion carried unanimously.

Consensus of Council was to consider this issue at the next Committee meeting to determine if an ordinance change is necessary.

f. Approve/deny Issuance of Special Events Permit 1808 for God's in the Square, as requested by God Won Ministries, International, Inc. to take place on Saturday, April 14, 2018 (secondary date—4/7/18) from noon until 4 PM in the Town Square Pedestrian plaza, contingent upon proof of adequate liability insurance and payment of any required fees for City services (\$0.00 recommended/no waiver per ordinance)

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to approve the issuance of Special Events Permit 1808.

Councilman Etherington pointed out that the event is scheduled to take place between noon and 4 PM and stated that he objected to the amount of time being requested to use the square, which was from 7 AM until 6 PM in the application. He asked that the motion be amended to allow for five total hours.

Councilman J. Baker agreed that set up beginning at 7 AM seemed excessive and is okay with amending his motion to allow set up to begin at 11 AM and for clean up to end at 5 PM. Councilman Collinson agreed to amend his second.

Councilman M. Baker called for the question.

Amended motion carried unanimously.

g. Authorize City Recorder to schedule City of Martinsburg surplus auction--March 17, 2018

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to authorize the surplus auction. Motion carried unanimously.

h. Approve/deny submission of application for Assistance to Firefighters Fire Prevention and Education Grant—to be used to purchase smoke alarms to be installed within the City of Martinsburg--\$67,600 with 5% City Match of \$3,380

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the submission of the application for Assistance to Firefighters Fire Prevention and Education Grant. Motion carried unanimously.

i. Approve/deny bid recommendation for front concrete apron construction project at the Martinsburg Fire Department--\$113,606.00—Kirby's Custom Concrete

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve bid recommendations for front concrete apron, as requested. Motion carried unanimously.

j. Approve/deny Short Form Professional Services Agreement, Scope of Work and Payment of \$4,697 to Triad Engineering for Construction Observation and Testing Services for Martinsburg Fire Department Apron Project

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

Councilman J. Baker asked if the wages are to scale. Public Works Director Jeff Wilkerson stated that they are the same rates as previous projects with Triad Engineering.

k. Approve/deny purchase of Hurco Super Power Smoker Smoke Blower for the Stormwater Management Illicit Discharge Detection and Elimination Program--\$2,525—USA Blue Book

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the purchase as requested. Motion carried unanimously.

l. Approve/deny Snyder Environmental Pay Application # 9 for the N. Queen Street Underpass Utility Relocation Project \$ _____

No application was submitted.

m. Approve/deny Snyder Environmental Pay Application # 7 for the Big Springs Water Treatment Plant Upgrade--\$ 233,206.43

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve pay application #7. Motion carried unanimously.

Utilities Director Steve Knipe stated that the second set of vessels was finished and testing was done. The building is complete, and the contractor is just finishing punch list items.

n. Approve/deny Change Order # 1 between the City of Martinsburg and Pro Contracting, Inc. for the Oak Street Bridge Utility Relocation Project--\$2,218 credit to the City of Martinsburg

Motion made by Councilman Wachtel, seconded by Councilman M. Baker, to approve Change Order #1.

o. Approve/deny Pro Contracting Pay Application # 5 for the Oak Street Bridge Utility Relocation Project--\$13,802.08 (final payment)

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve pay application # 5. Motion carried unanimously.

Executive Session

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to go into Executive Session at 7:27 PM for personnel and legal. Motion carried unanimously.

Meeting adjourned by unanimous consent at 7:45 PM

George Karos, Mayor

Gena Long, City Recorder