

**City of Martinsburg
Regular Council Meeting
Thursday, April 12, 2018
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order by City Attorney Kin Sayre 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; Community Development Administrator Nancy Strine, Public Works Director Jeff Wilkerson, Finance Director Mark Spickler, and Utilities Director Steve Knipe.

As the Mayor was absent, motion was made by Councilman Etherington, seconded by Councilman Collinson, that Councilman Wachtel chair the meeting. Motion carried unanimously.

3. Salute to Flag

Councilwoman Johnson led the salute to the Flag.

4. Prayer—

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

5. Approve March 8, 2018 Regular Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the March 8, 2018 Regular Meeting Minutes. Motion carried unanimously.

6. Approve the following Special Council Meeting Minutes:

a. March 26, 2018 Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the March 26, 2018 Special Meeting Minutes. Motion carried unanimously.

b. April 5, 2018 Emergency Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the April 5, 2018 Emergency Special Council Meeting Minutes.

7. Approve February 2018 Administrative and Financial Report

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

8. Presentations

a. Eastern Panhandle Transit Authority Route Changes and Additions

Mr. Doug Pixler and Ms. Elaine Bartoldson, Eastern Panhandle Transit Authority, discussed the upcoming route changes and additions, to take effect on Monday, April 16, 2018. Route maps were distributed. Some key points were:

Multiple transfer points, relieving some of the stress on the Caperton Train Station transfer point.

Individual route maps and a more transit friendly schedule. The buses will be numbered, as opposed to operating on the existing color system. There is also a bus finder app being launched, allowing transit customers to see where their bus is, in real time.

Routes will be expanded into Inwood.

Saturday service and evening service is to be increased.

The first week will offer free ridership, to allow transit customers time to adjust to the new routes and to help attract new customers.

A trolley will be introduced to loop around the downtown area and the Foxcroft vicinity, on Monday-Friday from 10 AM until 2 PM.

New software on the buses will allow for more accurate reporting of ridership statistics.

Mr. Pixler mentioned the \$4.5M grant that had recently been awarded for the construction of a new transfer point.

Councilman Knowles thanked Mr. Pixler and Ms. Bartoldson for a job well done, stating that the Eastern Panhandle Transit Authority was becoming an excellent transit system.

b. Make Comment on ABCA Zoning Form for MotherShuckers Crab Shack, Inc., 1014 Winchester Avenue

Ms. Jacki Hart and Mr. Charles Anderson, 915 W. Martin Street, were present to answer any questions.

Councilman Knowles thanked them for operating a business in the City and stated he was glad things were going well.

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to forward to the ABCA without comment. Motion carried unanimously.

c. Proclamation—Fair Housing Month—April 2018

The Proclamation was presented to Nancy Strine, Community Development Block Grant Administrator.

9. Petitions from Citizens

There were no petitions from citizens.

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

a. Planning Commission November 8, 2017 Meeting Minutes

b. Memorandum from Comcast, dated April 4, Referencing Channel Lineup Change, Effective 5-9-18

c. Eastern Panhandle Airport Authority February 26, 2018 Special Meeting Minutes and March 12, 2018 Regular Meeting Minutes

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

11. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee March 28, 2018 Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the Council as a Whole Committee March 28, 2018 Meeting Minutes. Motion carried unanimously.

Minutes are as follows:

Council as a Whole Committee Minutes
Wednesday, March 28, 2018
5 PM
Bowles Rice Law Firm

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

Others in Attendance: Kin Sayre, City Attorney, Mark S. Baldwin, City Manager, Brenda Spaulding H.R. Director and Diane Reid, JCI, Inc.

Unable to Attend: None

Mayor Karos opened the meeting, explaining the purpose of the meeting was to go into Executive Session for personnel matters.

Motion was made by Councilman Etherington to go into Executive Session, seconded by Councilman Knowles. Carried unanimously.

Motion was made by Councilman Collinson, seconded by Councilman Knowles, to adjourn the meeting. Motion carried unanimously.

12. Report of Mayor

a. Reminder of Special City Council Meeting for Tuesday, April 17, 2018 at 5 PM to Approve Levy Rates (per State Code) and other Business as Needed

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

c. Reappoint Roger Engle to the Martinsburg/Berkeley County Parks and Recreation Board—5/1/2018-5/1/2021

Motion made by Councilman Knowles, seconded by Councilman Collinson, to reappoint Roger Engle to the Martinsburg/Berkeley County Parks and Recreation Board through May 1, 2021. Motion carried unanimously.

d. Reappoint the Following to the Shade Tree Commission—5/9/2018-5/9/2021:

- Ginger Grimes
- Mary Boyd Kears
- Walter Bowers

Motion made by Councilman Etherington, seconded by Councilman Knowles, to reappoint the above to the Shade Tree Commission through 5/9/2021. Motion carried unanimously.

e. Appoint James Rogers to the Martinsburg Housing Authority to Fill and Expired Term, 5/9/2018-5/9/2023

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to appoint James Rogers to the Housing Authority through 5/9/2023. Motion carried unanimously.

f. 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

City Attorney Kin Sayre discussed the WV Code Section 6-6-1, dealing of removal of elected officers. The Code Section lists specific grounds for removal, and he is of the opinion that nothing that has occurred over the past several weeks involving elected officials would substantiate removal from office.

Mr. Sayre referenced Mayor Karos's letter to Council, as follows:

I truly believe it is a privilege to serve the community as an elected official. Serving the City of Martinsburg, as an elected official, comes with great responsibility and integrity.

I want to ensure each and every one of you and the public the past and recent actions of Councilman Jason Baker does not represent the professionalism and work ethic, as a whole, of our governing body. The City of Martinsburg will continue to work for the betterment of residents and businesses. I trust each of you will continue to work for the betterment of residents and businesses. I trust each of you will continue to do so, in a positive manner.

Because of inquiries from the public and the press, I am requesting City Attorney Kin Sayre to review the applicable law and report back to City Council at the April 12, 2018 City Council meeting as to what actions, if any, may be taken by Council or the public in regards to Councilman Jason Baker's elected seat. I would further request that any questions or concerns be directed to Mr. Sayre.

14. Report of City Manager

City Manager Mark Baldwin stated that immediately following the April 17, 2018 Special Council Meeting, Environmental Resources and Consulting, LLC, the consulting firm for the Brownfields Project, will be offering a public presentation to wrap up the work done to date, and Council was encouraged to attend.

Mr. Baldwin also stated that demolition for the American Legion building should begin in the next 30-60 days.

15. Unfinished Business

a. Third and Final Reading of Ordinance 2018-10 to Amend and Reenact Section 1: Administrative Code, of the City of Martinsburg Codified Ordinances, at Article 155: Special Events, by Amending Section 155.03: Issuance or Denial of Permit, by Adding a New Subsection, 155.03 (d) Regarding Time Limits to be Imposed upon Town Square Pedestrian Plaza Reservations, and Reenumerating Following Subsections

Motion made by Councilman Knowles, seconded by Councilman Etherington, to read Ordinance 2018-10 through third and final reading, by title only, and approve. Motion carried unanimously.

16. New Business

a. First and Second Reading of Ordinance 2018-11 Amending Ordinance 2017-10 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 2018-11 through the first and second reading, by title only. Motion carried unanimously.

b. Approve/deny scheduling of “Take Pride in your Community” Spring Clean Up Event for Saturday, May 19, 2018

Motion made by Councilman M. Baker, seconded by Councilwoman Johnson, to approve Spring Clean Up as requested. Motion carried unanimously.

c. Approve/deny Issuance of Special Events Permit 1809, as requested by the HOPE Institute, for the Hope Event in the Town Square Pedestrian Plaza on Saturday June 30, 2018 (Rain Date of July 7, 2018), from 1-7 PM (6 hours total time), contingent upon proof of adequate liability insurance and payment of any recommended fees for City services

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve Special Events Permit 1809, as recommended, for a total of six hours and contingent upon payment of any City fees and proof of adequate liability insurance. Motion carried unanimously.

d. Approve/deny utilizing balance of Federal funds from the FEMA Assistance to Firefighters Grant to purchase additional equipment--\$16,084 FEMA funds/\$2,437.25 City funds

Motion made by Councilman M. Baker, seconded by Councilman Collinson, to approve the utilization of Federal Funds from the FEMA grant, as requested. Motion carried unanimously.

City match is to come from the Fire/EMS Fund.

Chief Bragg explained that there is some left over money from the Grant, which was used to purchase SCBA equipment. The City must receive approval from FEMA to expend the additional funds, and they must be expended on items related to SCBA equipment.

e. Approve/deny bid recommendation for EMS Training Manikin Simulator--\$11,891.80—Simulaid, Inc.

Motion made by Councilman J. Baker, seconded by Councilman Etherington, to approve the bid recommendation for EMS Training Manikin Simulator as requested. Motion carried unanimously.

Funds have been previously budgeted from Fire/EMS Fund.

f. Approve/deny submission of grant application to the West Virginia Department of Health and Human Resources, Office of Environmental Health Services 2018-2019 Local Source Water Protection Grant for City of Martinsburg Early Warning Probes and Service--\$30,640/No City Match

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the submission of the grant application. Motion carried unanimously.

City Manager Mark Baldwin stated that, if awarded, the money will allow for additional equipment for Kilmer and Big Springs Water Treatment Plants.

g. Approve/deny payment of invoice to TIGG for the Big Springs Water Treatment Plant Project--\$275,340.59 (final payment)

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve payment of the invoice. Motion carried unanimously.

h. Approve/deny Change Order # C2-01 between the City of Martinsburg and Snyder Environmental for the Big Springs Water Plant Upgrade Project--\$5,278.19 credit to the City

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

i. Approve/deny Snyder Environmental Pay Application #8 for the Big Springs Water Treatment Plant Upgrade \$ 53,352.28

Motion made by Councilman M. Baker, seconded by Councilman J. Baker, to approve the pay application. Motion carried unanimously.

j. Approve/deny Snyder Environmental Pay Application Pay Application #9 for Big Springs Water Treatment Plant \$ 105,958.61 (final payment)

Motion made by Councilman Collinson, seconded by Councilman J. Baker, to approve the pay application.

City Manager Mark Baldwin stated that it was recommended by OBG that the payment be held until the punch list items were finished.

Councilman Collinson and Councilman J. Baker amended the motion to reflect this. Amended motion carried unanimously.

17. Executive Session

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to go into Executive Session at 7:03 PM for personnel and legal. Motion carried unanimously.

Meeting adjourned by unanimous consent at 7:22 PM

George Karos, Mayor

Gena Long, City Recorder