

**City of Martinsburg
Regular Council Meeting
Thursday, May 10, 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: Harriet Johnson, Dennis Etherington, Kevin Knowles, Ken Collinson, Mark Baker and Jason W. Baker. Not present was Gregg Wachtel, 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

Councilwoman M. Baker led the salute to the Flag.

4. Prayer—

Rev. Cartwright, Serenity Seventh Day Adventist, delivered the invocation.

5. Public Hearing—for the purpose of considering the approval of the issuance of one or more series of the City of Martinsburg, West Virginia Multifamily Housing Bonds (Kings Daughters Court Project) Series 2018 in an aggregate principal amount not to exceed \$7M, proceeds to be loaned to the Kings Daughters Court, LLC, ISAOA for the purpose of financing the acquisition and rehabilitation of a multifamily senior residential rental facility containing approximately eighty (80) dwelling units; funding reserves and; paying certain costs of issuance of the bonds (Move Item 17 C&D up on the Agenda)

Mayor Karos opened the public hearing at 6:33 PM.

Ms. Frankie Parsons, Dinsmore and Shohl, representing the developer spoke. The intent is to purchase and rehabilitate the property using the Revenue Bonds. No money is to be obligated from the City and there will be no liability on behalf of the City.

As no one else spoke on the matter, the public hearing closed at 6:35 PM.

17 c. Approve/deny Resolution 2018-06 Authorizing the Initial Approval of the Issuance of Bonds for the Acquisition, Rehabilitation and Equipping of Kings Daughters Court (See Public Hearing Item 5)

Motion made by Councilman M. Baker, seconded by Councilman Knowles, to approve Resolution 2018-06. Motion carried unanimously.

17 d. Approve/deny agreement with Dinsmore and Shohl, LLP regarding proposed issuance of not to exceed \$7M of City of Martinsburg Multifamily Housing Bonds by the City of Martinsburg, West Virginia in connection with the financing of a multifamily residential rental facility known as Kings Daughters Court and located in Martinsburg, WV for the benefit of Kings Daughters Court, LLC (See Public Hearing Item 5)

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the agreement as presented. Motion carried unanimously.

6. Approve April 12, 2018 Regular Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the April 12, 2018 Regular Council Minutes. Motion carried unanimously.

7. Approve the April 17, 2018 Special Council Meeting Minutes

Motion made by Councilman Collinson, seconded by Councilwoman Johnson, to approve the April 17, 2018 Special Meeting Minutes. Motion carried unanimously.

8. Approve March 2018 Administrative and Financial Report

Motion made by Councilman Etherington, seconded by Councilman J. Baker to approve the March 2018 Administrative and Financial Report. Motion carried unanimously.

9. Presentations

a. Resolution of Accomplishment—Mr. Chris Yates

Chief Richards read the Resolution, thanking Mr. Yates for his quick actions in helping a woman who was being assaulted, resulting in the capture of the perpetrator.

b. Make Comment on ABCA Zoning Form for Flam3z FiWi Spot Event and Jerk Center Restaurant dba Flam3z FiWi Spot—796 Foxcroft Avenue (change in ownership)

Ms. Sharon Hill was present to answer any questions or concerns. She stated that the anticipated hours will be from 9 AM until 2:30 AM.

Consensus was to forward the Zoning Form without comment.

c. Proclamation—Men’s Health Month—June 2018

The Proclamation is to be forwarded to the requestor.

d. Proclamation—Kids to Parks Day—May 19, 2018

The Proclamation is to be forwarded to the requestor.

10. Petitions from Citizens

There were no petitions from citizens.

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

a. Proclamation—Paint the Town Purple, as read in the Town Square—April 30, 2018

b. Proclamation—National Day of Prayer, as read at the Martinsburg Public Library—May 3, 2018

c. Human Relations Committee September 20, 2017 Meeting Minutes

d. Planning Commission April 4, 2018 Meeting Minutes

e. City of Martinsburg Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

f. Comcast memo, dated April 25, 2018, regarding new bill design for Xfinity Services

g. Eastern West Virginia Airport Authority February 26, March 12 and March 26, 2018 Meeting Minutes and Budget

h. FY 2018-19 Actual CDBG and HOME Funding and Draft Proposal/Draft Budget as Approved March 26, 2018 (Actual funding to be approved at June Council meeting)

Motion made by Councilman J. Baker, seconded by Councilman Knowles, to receive and file item 11A-11H. Motion carried unanimously.

12. Reports of Chairpersons of Council Standing Committees

13. Report of Mayor

a. Announce Unofficial Results of City of Martinsburg Special Election to Renew the Police Levy, as Held on May 8, 2018

b. Announce Canvass of May 8, 2018 Special Election—Monday, May 14, 2018 at the Berkeley County Voter Registration Office, Beginning at 9 AM.

c. Report the following vacancies:

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

14. Report of City Attorney

15. Report of City Manager

a. Projects Update

Mr. Baldwin added that the Oak Street Bridge was progressing as scheduled.

Some work is needed on the utility lines and easements for the Burke Street project, however, it should kick off shortly.

The design work for the Gateway and Wayfinding Signs is approximately 99%, work is being done to secure rights of way and easements.

The fence will be erected shortly for the demolition work on the American Legion building.

16. Unfinished Business

a. Third and Final Reading of Ordinance 2018-11 Amending Ordinance 2017-11, which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia.

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

17. New Business

a. First and Second Reading of Ordinance 2018-12 Amending the City of Martinsburg Zoning Map to Rezone 5.52 Acres of an Unimproved Parcel off Tavern Road, also identified as Tax Map M4E, Parcel 61 from BS (Service Business) to BC (Community Business)

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the first and second reading of Ordinance 2018-12, by title only. Motion carried unanimously.

b. First and Second Reading of Ordinance 2018-13 Amending the City of Martinsburg Zoning Map to Rezone 70.29 Acres of an Unimproved Parcel of Tavern Road, Directly North of Martin's Landing Apartment Complex and Bethel Pentecostal Assembly of God; also Identified as Tax Map M30, Parcel 53 from RP (Planned Residential) to BC (Community Business)

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve the first and second reading of Ordinance 2018-13, by title only. Motion carried unanimously.

c. Approve/deny Resolution 2018-06 Authorizing the Initial Approval of the Issuance of Bonds for the Acquisition, Rehabilitation and Equipping of Kings Daughters Court (See Public Hearing Item 5)

See Item 5.

d. Approve/deny agreement with Dinsmore and Shohl, LLP regarding proposed issuance of not to exceed \$7M of City of Martinsburg Multifamily Housing Bonds by the City of Martinsburg, West Virginia in connection with the financing of a multifamily residential rental facility known as Kings Daughters Court and located in Martinsburg, WV for the benefit of Kings Daughters Court, LLC (See Public Hearing Item 5)

See Item 5.

e. Approve/deny Resolution 2018-07 Provide for the Adoption, Approval and Implementation of an Intergovernmental Agreement between the City of Martinsburg, West Virginia and the Berkeley County Board of Education, Each a Political Subdivision of the State of West Virginia, with Regard to a School Resource Officer Agreement--\$60,000 payable to the City of Martinsburg

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2018-07. Motion carried unanimously.

f. Approve/deny issuance of Special Events Permit 1812 for Main Street Martinsburg's Boots, Brews & BBQ Event, to take place on Saturday, August 18, 2018 from 3-7 PM (6 total hours from set-up to clean-up, on the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services (\$2,008.25 unless waived per ordinance); approval to include letter of endorsement to the ABCA for sale of alcoholic beverages-

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve issuance of Special Events Permit 1812, as requested, waiving fees and including the letter of endorsement to the ABCA. Motion carried unanimously.

g. Approve/deny authorization to sign letter of endorsement to the ABCA for the 22nd Annual WV Wine and Arts Festival to be held on the grounds of Boydville on Saturday, May 26 and Sunday, May 27

Motion made by Councilman J. Baker, seconded by Councilman Etherington, to approve the letter of endorsement for the Wine and Arts Festival. Motion carried unanimously.

h. Approve/deny renewal of banking service contract with Jefferson Security Bank through June 30, 2020

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the renewal of the banking service contract as recommended. Motion carried unanimously.

i. Authorize City Attorney to file claim regarding Perfluorooctanoic Acid (PFOA) contamination to the Big Springs Water Plant.

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to authorize the City Attorney to file the claim as appropriate. Motion carried unanimously.

City Manager Mark Baldwin explained that the two year deadline is quickly approaching and the timely filing of the claim protects the City's interests while negotiations continue.

j. Approve/deny bid recommendation for Rescue/Extrication Equipment for Martinsburg Fire Department Engine 4 and Squad 1—Interstate Rescue, LLC—Total Cost--\$158,293.94— (General Fund)

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to approve the recommendation. Motion carried unanimously.

Fire Chief Bragg explained that the new equipment will be replacing very old equipment. The old equipment will be traded in.

k. Approve/deny bid recommendation for two (2) five-ton gas HVAC rooftop unit changeouts—fully installed at Central Fire Station—Johnson and Johnson Heating and Air Conditioning, Inc--\$12,985.00 (General Fund)

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

Councilman M. Baker asked about the new units that were installed a couple of years ago. Chief Bragg answered that these are additional new units, the ones most recently replaced were for the engine room.

l. Approve/deny purchase of Self Contained Breathing Apparatus Test Machine—Municipal Emergency Services (sole supplier) --\$16,083.47 (\$14,317 FEMA Grant/\$1,766.47 Fire/EMS Fund)

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

m. Approve/deny submission of a West Virginia Department of Homeland Security to purchase special rescue equipment, as listed in attached (\$409,361.65 grant/ \$21,545.35 City)

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

n. Approve/deny Mutual Aid Agreement between the City of Martinsburg and Berkeley County West Virginia for Fire, EMS, Specialized Rescues and Disasters, effective July 1, 2018

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

o. Approve/deny Mutual Aid Agreement between the City of Martinsburg and Jefferson County West Virginia for Fire, EMS, Specialized Rescues and Disasters, effective July 1, 2018

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

p. Approve/deny bid recommendation for early warning monitoring systems or comparable for Big Springs and Kilmer Water Treatment Plants— (grant funded)

No action taken at this time.

q. Approve/deny bid recommendations for 2018 CDBG/ HMA Paving and Sidewalk Ramps (see attached list of proposed streets)—Jefferson Asphalt Products Company--\$122,660 (CDBG-\$116,638/General Fund-\$6,022)

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the bid recommendations.

City Manager Mark Baldwin reminded Council that the funds for this project are CDBG funds, which are limited for use in low-moderate income areas. City funded paving will take place later in the year and he asked Council members to put forth any streets they feel are in need of paving, which will be evaluated and prioritized.

r. Approve/deny agreement with Amtrak, giving consent of owner to make improvements to the City's property in accordance with the previously approved plans, provide access for making such improvements, agreeing to maintain such improvements, provide for the timely execution of documents for such purpose and to provide Amtrak with continued access to the Caperton Train Station

Motion made by Councilman J. Baker, seconded by Councilman Knowles, to approve the agreement. Motion carried unanimously.

s. Approve/deny agreement between the City of Martinsburg and Zambelli Fireworks Manufacturing Corporation for July 4, 2018 City of Martinsburg fireworks--\$10,000

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

t. Approve/deny Silling Architects proposal for services related to Martinsburg Police Department/Municipal Court Furniture, Furnishings and Equipment Design Services—10% of cost (estimated \$720,000) or actual final design amount

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

City Manager Mark Baldwin explained that the amount has already been budgeted. Silling will work with MPD on interior design and selection of furniture and equipment. The 10% fee is part of the projected cost, not in addition.

u. Approve/deny parking agreement between the City of Martinsburg and Bonn Poland for City use of parking lot accessible off E. Race Street at Commerce Street

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

Mr. Baldwin explained that the City has evaluated parking needs as a good bit of parking is lost due to work on the Municipal Court/Police Department. He is fairly certain there will be sufficient parking, however, renting these spots will allow for a comfort zone, as it allows employees to be able to park without having to search for a spot or take up a metered space.

Councilman J. Baker asked if the lot next to the Widmeyer building can be used when/if the purchase from the tax sale has been completed. Mr. Baldwin answered that the contractors will be using that as a staging and storage area.

v. Approve/deny Change Order # 2 for the N. Queen Street Underpass Utility Relocation Project--\$34,617.08 and 0 calendar days

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the Change Order as requested. Motion carried unanimously.

w. Approve/deny Change Order #3 for the N. Queen Street Underpass Utility Relocation Project--\$11,750.67 and an increase of 10 calendar days

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

x. Approve/deny Pay Application # 9 to Snyder Environmental for the N. Queen Street Underpass Utility Relocation Project--\$25,780.1917. Executive Session

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Pay Application # 9 as requested. Motion carried unanimously.

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to go into Executive Session at 7:10 PM for personnel and legal. Motion carried unanimously.

Meeting adjourned by unanimous consent at 7:22 PM

George Karos, Mayor

Gena Long, City Recorder