

**City of Martinsburg
Regular Council Meeting
Thursday, July 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; Public Works Director Jeff Wilkerson and Finance Director Mark Spickler

3. Salute to Flag

Councilman Knowles led the salute to the Flag.

4. Prayer—

Walter Bowers delivered the invocation.

5. Approve June 14, 2018 Regular Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the June 12, 2018 Regular Council Minutes. Motion carried unanimously.

6. Approve April 2018 Administrative and Financial Report

Motion made by Councilwoman Johnson, seconded by Councilman Etherington to approve the May 2018 Administrative and Financial Report. Motion carried unanimously.

7. Presentations

a. Make comment on ABCA Zoning Form for New Peking Restaurant, LLC., dba New Peking Restaurant, 139 S. Queen Street, contingent upon approval of the Board of Zoning Appeals (scheduled for August 7, 2018)

Motion made by Councilman J. Baker, seconded by Councilman M. Baker, to forward the form to the ABCA without comment, contingent upon approval of a Special Exception form the Board of Zoning Appeals, to be heard on August 7, 2018. Motion carried unanimously.

b. Make comment on ABCA Zoning Form for Berkeley, LLC, dba Berkeley Pottery, 115 S. Queen Street, contingent upon approval of the Board of Zoning Appeals (scheduled for August 7, 2018)

Motion made by Councilman J. Baker, seconded by Councilwoman Johnson, to forward the form to the ABCA without comment, contingent upon approval of a Special Exception from the Board of Zoning Appeals, to be heard on August 7, 2018. Motion carried unanimously.

Councilman Knowles thanked Mr. Thompson for brining such a business to Downtown Martinsburg.

8. Petitions from Citizens

Mr. Ronald Eaton, 323 Boyd Avenue, read the following into the record:

I have lived on Boyd Avenue for over 30 years. At one time of day this was a very respectable street. Through the years over half of it has become rental property—we even have one of your Council members that is a

landlord on this street. There are guidelines that property owners have to follow to keep their places clean and respectful. Could you please enforce the code to keep the street clean? That's all I am asking for. In the last couple of days it has improved and I want to thank Jeff Wilkerson and his crew for what they have done to help clean up. I would also like to thank Harriet Johnson for responding to Boyd Avenue and helping with the issues I have had. But more needs to be done by the people that own the properties. Thank you for your help on this matter. I would like to have a follow-up on these issues.

Mr. Eaton distributed photographs and addresses of properties that need to be evaluated and cleaned up.

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

a. Letters from Comcast/Xfinity regarding television packages, hardware rental and channel lineup changes (3)

b. Human Relations Committee FY 2017 Annual Report

c. Historic Preservation Review Commission July 2, 2018 Meeting Minutes

d. Eastern WV Regional Airport Authority April 9, May 14 and June 11, 2018 Meeting Minutes and Financial Reports

Motion made by Councilman Etherington, seconded by Councilman Collinson, to receive and file items 9A-9D. Motion carried unanimously.

10. Reports of Chairpersons of Council Standing Committees

11. Report of Mayor

a. Reminder that Regular August meeting has been scheduled for August 16, 2018 at 6:30 PM to accommodate Municipal League Conference attendance

b. Schedule Special City Council Meeting for July 30, 2018 at 5 PM to approve FY 2018-2019 Budget Revisions, per State Code, and other business as needed

c. Review Garbage Collection Notice

Mayor Karos noted that there have been a number of complaints regarding garbage being placed at the curb too early, such as on a Sunday morning for a Monday pick-up. The City Public Works Department has distributed 2000 notices to downtown businesses and residences, and copies of the notice will be sent out the water bills over the next few cycles.

d. Appoint Rachel Snavelly to the Region 9 Planning and Development Council to fill expired term 7/1/2018-6/30/2020

Motion made by Councilman Collinson, seconded by Councilman Knowles, to accept the nomination and appoint Ms. Snavelly. Motion carried unanimously.

e. Report the following vacancies:

- Board of Zoning Appeals (1 alternate)
- Parking Authority (2)
- Human Relations Committee (2)
- Airport Authority (1)
- Code Appeals Board (engineer or architect) and alternate (2)

12. Report of City Attorney

13. Report of City Manager

Mr. Baldwin quickly updated Council on the status of a number of projects:

- The Municipal Court/Police Building construction is underway.
- Oak Street Bridge is to be completed soon.
- The WV DMV is gearing up for construction of the E. Burke Street Bridge.
- CDBG paving is almost finished and the City-wide paving list should be finalized soon.
- Bids for gateway/wayfinding signage are to be opened later in the month.
- The design of the Train Station Corridor project is 90% complete.

Councilman M. Baker asked that W. Race Street be evaluated for re-paving. Mr. Baldwin stated that the WV DOT is to begin the improvements to ADA ramps soon, and will hopefully pave the impacted streets after that project is finished, in approximately 12-18 months.

14. Unfinished Business

a. Third and Final Reading of Ordinance 2018-14 Approving and Adopting Current Replacement Pages to the Codified Ordinances

Motion made by Councilman Etherington, seconded by Councilman Knowles, to read Ordinance 2018-14 through third and final reading, by title only, and approve. Motion carried unanimously.

15. New Business

a. Approve/deny Resolution 2018-10 Concerning Coal Severance Tax Fund Budget Revision #1 for FY 2018-2018

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2018-10. Motion carried unanimously.

b. Discuss and take action as necessary regarding annexation request for 3.66 acres located adjacent to Lutz Avenue, further identified as Tax Map OP-10, Parcel 8.3

City Engineer/Planning Director Kim Petrucci stated that the applicant will go the Planning Commission for a recommendation for a Map Amendment as well as the Board of Zoning Appeals for the projected use of the property.

City Attorney Kin Sayre stated that, since there is a single owner, Council will need to draft an ordinance for annexation by petition, which will go to the County Council for final approval.

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to authorize the City Attorney to prepare the ordinance.

c. Approve/deny Special Events Permit 1817 for Trinity Temple Church of God's Health Fair, to take place on N. Tuskegee Drive from 10 AM until 4 PM on Saturday, September 15, 2018, contingent upon proof of adequate liability insurance and payment of any recommended fees for City service--\$0.00

Motion made by Councilman Wachtel, seconded by Councilman J. Baker, to approve Special Events Permit 1817, as requested, contingent upon proof of adequate liability insurance and recommended fees. Motion carried unanimously.

d. Approve/deny Special Events Permit 1818 for Trinity Temple Church of God's Vacation Bible School Party, to take place on N. Tuskegee Drive from 6 PM until 8 PM on Friday, August 10, 2018, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$0.00

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Special Events Permit 1818, as requested, contingent upon proof of adequate liability insurance and recommended fees. Motion carried unanimously.

e. Approve/deny Special Events Permit 1819 for What Abuse Really Looks Like's Domestic Abuse Awareness Event to take place on Saturday, July 28 from 4-7 PM (4 total hours from set-up to clean-up) in the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services

Motion made by Councilman Collinson, seconded by Councilman J. Baker, to approve Special Events Permit 1819, as requested, contingent upon proof of adequate liability insurance and recommended fees. Motion carried unanimously.

f. Authorize Letter of Endorsement to the ABCA in for St. Joseph Parish and School's Festival on Saturday, September 22, 2018 (private property)

Motion made by Councilman J. Baker, seconded by Councilman Etherington, to authorize the Letter of Endorsement as requested. Motion carried unanimously.

g. Approve/deny renewal of ESRI GIS Software—Public Works Department Stormwater Management Program--\$10,000 (year 2/sole source)

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the renewal of the software. Motion carried unanimously.

h. Approve/deny agreement between the City of Martinsburg and Berkeley Medical Center for source patient testing

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

i. Discuss/take action as necessary regarding City of Martinsburg ambulances

Chief Bragg stated that some work has been done on the emissions for the ambulances, after which none stopped running, however the issue of diesel fuel is still ongoing and International appears to have no intention of correcting it. Medic 12 is in service. Medic 2 requires routine maintenance; however, it is unable to perform the required functions. Medic 7 was damaged in an accident and it is taking longer than anticipated to repair, however, it should be completed next week, then it goes for emissions work. The new Ford ambulance is performing as it should.

Mr. Sayre stated that the City has been working with International, as the Chief stated, but the problem is not getting corrected. The next logical step would be to file a suit. International is indicating the issue with the diesel fuel getting into the oil is happening because the ambulances are being used for inner-city travel as opposed to highway travel, however, the dealer was aware of the use the ambulances would be getting when it bid and sold the ambulances to the City.

Mr. Baldwin suggested that the City Attorney send a proposal (for the third time) to International requesting that they correct the problem. The City Attorney agreed, adding that the letter should give the company a time in which to react and warn of pending litigation if they fail to do so.

Motion made by Councilman Wachtel, seconded by Councilman Knowles, that the City Attorney send a letter and proposal to International, requesting that they mitigate the issues, or face litigation. Motion carried unanimously.

j. Approve/deny Pay Application # 2 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$128,070

Motion made by Councilman M. Baker, seconded by Councilman Etherington, to approve the application and issue payment. Motion carried unanimously.

k. Authorize Mayor to submit Notification of Intent to conduct an urban deer hunt, in accordance with City Code, to the West Virginia Department of Natural Resources (due August 1)

Motion made by Councilman J. Baker, seconded by Councilman M. Baker, to authorize the Mayor to submit the notification. Motion carried unanimously.

City Manager Mark Baldwin stated that he will also discuss with the WV DNR the best way to handle the deer on the large City owned parcels.

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to go into Executive Session at 7:12PM for legal, personnel and real estate. Motion carried unanimously.

Meeting adjourned by unanimous consent at 7:36 PM

George Karos, Mayor

Gena Long, City Recorder