

**City of Martinsburg
Regular Council Meeting
Thursday, October 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 George Karos at 6:30 PM. The following Council Members were present: Gregg Wachtel, Harriet Johnson, Dennis Etherington, Ken Collinson, Mark Baker and Jason Baker. Absent was Kevin Knowles. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, Legal Counsel Tyler Mayhew, Police Chief Maury Richards; Fire Chief Paul Bragg; City Engineer/Planning Director Kim Petrucci and Public Works Director Jeff Wilkerson.

3. Salute to Flag

Councilman J. Baker led the salute to the Flag.

4. Prayer—

Vernon Cartwright, Serenity Seventy Day Adventist Church, led the invocation.

5. Public Hearing to Solicit Comment on the Draft City of Martinsburg 2018 Comprehensive Plan Intended to be Adopted as a Replacement of the 2006 City of Martinsburg Comprehensive Plan

Mayor Karos opened the public hearing at 6:32 PM. As no one came forward to present comment, the public hearing closed at 6:32 PM.

6. Approve September 5, 2018 Special Council Meeting Minutes.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the September 5, 2018 Special Council Minutes. Motion carried unanimously.

7. Approve September 13, 2018 Regular Meeting Minutes

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve the September 13, 2018 Meeting Minutes. Motion carried unanimously.

8. Approve September 24, 2018 Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the September 24, 2018 Meeting Minutes. Motion carried unanimously.

9. Approve August 2018 Administrative and Financial Report

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

10. Presentations

a. Eastern WV Regional Airport Authority Presentation—Projects and Grants

Mr. Neil Doran, Airport Director, addressed the Council, asking for contributions to the local match needed for awarded grant funding. Mr. Doran presented a document which indicated the amounts needed and for what purpose. Mr. Doran stated that the County had pledged a portion of the amount needed, and was asking the City to

supply the remainder. He pointed out that a recent economic study indicated that the airport currently generates over \$200M in local economic impact.

18 a. Discuss and Take Action as Necessary Regarding Eastern West Virginia Regional Airport Authority's Request for Grant Match Funds

Per Mr. Doran's memo, the Airport Authority requires \$\$49,367 if the WVAC General Revenue Grant is not received and \$21,868 if it is.

Councilman M. Baker asked if Jefferson County is still a member of the Airport Authority. Mr. Doran stated that they are, and that Morgan County has also appointed a member. The Airport Authority did request funding from these entities, but it was not provided.

Councilman Etherington asked if the WVAC grant had been applied for. Mr. Doran stated that it has, and he has received verbal commitment that it will be awarded.

Councilman Wachtel asked if the 167th is planning any paving projects, and if so, could the Airport Authority cooperate for a reduced price. Mr. Doran stated that they will continue that dialogue with them.

Motion made by Councilman Collinson, that, based on the verbal commitment for WVAC grant funding, the City contribute \$21,868 for the local match. Motion was seconded by Councilman M. Baker and passed 5-1 with Councilman J. Baker voting no.

10 b. Proclamation—Small Business Saturday—November 24, 2018

c. Proclamation—Shenandoah Valley Young Marines' Red Ribbon Week—October 23-31, 2018

d. Proclamation—Complex Regional Pain Syndrome Awareness Month/Color the World Orange Day—November 5, 2018

e. Proclamation—Christian Heritage Week—November 18-24, 2018

The City Recorder is to forward all proclamations to the entity requesting them.

Boy Scout Troop 16

Boy Scout Troop 16 was in attendance to earn their merit badges. The members present introduced themselves.

11. Petitions from Citizens

Mr. David Anderson, Music Court, stated that he does not believe residents in the downtown area should have chickens. He recommended that the request be sent to the Planning Commission for further review.

Mr. Anderson added that he agreed that the light at King and Alabama should be fixed and updated.

Ms. Barbara Bratina, Tennessee Avenue, provided the following statement:

I am here to ask that you vote no on allowing chickens in our City limits.

I reference pro-chicken websites which detail problems with urban chickens: Chickens get lice, mites, intestinal worms and external parasites. Owners need to trim poopy feathers from around

the vents to prevent maggot infestation. Dirty, uncared for coops lead to flies, disease, death and rodent infestations. Poop and soiled straw needs to be cleaned every other day in the summer to keep the coops from smelling (www.thehappychicken.com). Chicken droppings smell and give off ammonia, which builds up and is harmful to humans (www.brooklynfeed.com).

Chickens don't like being confined in a small space. They get bored, which leads to pulling out feathers of their companions. Once they see blood, they pick even more, which can lead to cannibalism.

Chickens need a place where they can dust. They make yards and gardens look like they survived a bomb blast. Dander and dust created by chickens is an allergen and can cause reactions, particularly in people (www.thehappychicken.com) suffering from asthma or similar respiratory ailments (www.brooklynfeed.com).

Raising backyard chickens has other risks. In the US, contact with backyard poultry is associated with hundreds of multi-state salmonella outbreaks every year. An outbreak of highly infectious H5N1 bird flu in Egypt resulted in 183 confirmed cases and 56 deaths between 2014-2016. The majority of clinically confirmed cases were linked to close contact with diseased backyard chickens (www.theconversation.com).

There are plenty of common objections to backyard chickens: the disturbance to dogs and cats, smells, noise, the attraction of predators, rodents and disease. No neighbor needs to be subjected to these problems and dangers. Please protect our health and welfare, vote no on allowing chickens in our city.

Ms. Cindy Cook, New York Avenue, stated that she has no problems with backyard chickens as long as they are clean and well-cared for. They are no worse than cats or dogs when not well cared for. She has a large yard with a stockade fence and would like to have a couple of chickens.

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

a. Historic Preservation Review Commission September 10, 2018 Meeting Minutes

b. Board of Zoning Appeals August 7, 2018 Meeting Minutes

c. Eastern West Virginia Regional Airport Authority August 13, 2018 Meeting Minutes

d. Martinsburg/Berkeley County Parks and Recreation Board September 13, 2018 Meeting Minutes and Summary of Pool Seasons Report

e. Correspondence regarding Gary Fleming's intent not to be reappointed to the Martinsburg Fire Civil Service Commission, effective November 13, 2018

Motion made by Councilman Collinson, seconded by Councilman Etherington, to receive and file items 12A-12E. Motion carried unanimously.

13. Reports of Chairpersons of Council Standing Committees

14. Report of Mayor

a. Schedule Council as a Whole Committee Meeting to discuss various City of Martinsburg Personnel Rules and Policies on Tuesday, October 23, 2018 at 5 PM.

b. Report the following vacancies:

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

15. Report of City Attorney

16. Report of City Manager

Nothing to add.

17. Unfinished Business

18. New Business

b. Discuss and Take Action as Necessary on Citizen Request to Draft an Ordinance in Regards to Backyard Chickens

Councilman J. Baker felt the idea should be explored in terms of lot sizes, etc. He agrees that chickens do not belong downtown.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to authorize the drafting of an ordinance to change the current ordinance regarding the harboring of poultry in City limits.

Motion made by Councilman J. Baker, seconded by Councilman M. Baker, to table the issue until further research can be done. Motion to able failed 5-1, via roll call vote.

Yes: Councilman J. Baker, Councilman M. Baker

No: Councilman Wachtel, Councilwoman Johnson, Councilman Etherington, Councilman Collinson.

Upon roll call vote, original motion failed.

Yes: Councilman J. Baker

No: Councilman Wachtel, Councilwoman Johnson, Councilman Etherington, Councilman Collinson, Councilman M. Baker

c. Approve/deny Purchase of one (1) Raptor RP-1 Hard Mounted Radar Unit for Martinsburg Police Department--\$2,124.50—West Virginia Public Safety Equipment, LLC (Drug Forfeiture Fund)

Motion made by Councilman Collinson, seconded by Councilman Wachtel, to approve the purchase. Motion carried unanimously.

d. Approve/deny Purchase of one (1) Cellbrite Machine for Martinsburg Police Department--\$6,480—Cellbrite, LLC (Drug Forfeiture Fund)

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

e. Approve/deny Quote Recommendations for three (3) Dell Computers for GIS Data Management and Digital Mapping for Stormwater Program--\$13,243.91

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

f. Approve/deny Martinsburg Fire Department Standard Operating Procedure for Self-contained Breathing Apparatus (SCBA)

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the SOP. Motion carried unanimously.

Councilman M. Baker stated that at one time, there was an issue with beards and the fitting of units, and asked if that was addressed in this SOP. Chief Bragg stated that each firefighter is fit tested each year to make sure there are no barriers to a proper seal.

g. Approve/deny fees associated with Brownfields Marketing and Redevelopment Initiatives—Environmental Resources and Consulting, LLC--\$16,700 (GF—Planning/Brownfields Grant—Sustainable Strategies--\$6,000, ERC--\$10,700)

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the fees. Motion carried unanimously.

h. Confirm telephone poll for additional mosquito treatments—Ehrlich Pest Control--\$2,200 (10/13/2018 with a rain date of 10/20/2018)

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to confirm the telephone poll. Motion carried unanimously.

i. Discuss and take action as necessary regarding upgrade/replacement of traffic control light at the intersection of W. King Street and Alabama Avenue

City Manager Mark Baldwin explained that the State is doing an audit and upgrade of traffic signals, but this signal belongs to the City of Martinsburg. It has become antiquated and is likely not working properly. It will need new poles, sidewalks, easements, etc.

Councilman M. Baker stated that the light does need to be upgraded and replaced. He stated that the State Road authority ends at Delaware Avenue and suggested that the City request that the State extend their right of way to Alabama Avenue, which would include the light into the State Highway System. He suggested petitioning the Commissioner.

Councilman J. Baker asked Council to consider removing the light entirely, students do not walk to school the way that they did when the light was installed in the 1960s. The State is trending toward roundabouts for traffic control as opposed to an abundance of lights. Other schools use crossing guards with success.

Councilman M. Baker disagreed, stated that the stop lights such as this one and the one on Winchester Avenue help protect the children.

Motion made by Councilman J. Baker to deactivate and remove the light. The motion died for lack of a second.

Councilman Etherington agreed with Councilman M. Baker about opening a dialogue with the State to adopt all of King Street, but just to Alabama would be okay too. He has checked with the Principal at Rosemont Elementary, as well as the Board of Education and the Bus Garage and all are in favor of keeping the light. There are less children that walk to school than there were, however, there are still a good number. The light also helps to control the speeding on King Street.

City Manager Mark Baldwin reminded the Council that while the light is under City control, they can replace it. The cost is expected to be \$150-200K. If the City turns over the roadway to the State and the State decides to remove the light, the City will have little recourse.

Other options were discussed, such as turning the light to blinking yellow when school is not in session. The determination was the further review the options and report back to Council.

j. Approve/deny Pay Application #5 for W. Harley Miller for the Martinsburg Police Department/Municipal Court Building--\$348,345

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

k. Approve/deny professional design services and associated AIA Agreement for Phase I—Martinsburg City Hall renovations—Silling Architects--\$44,600

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

l. Approve/deny amendment to engineering services for Big Springs Water Treatment Plant—GAC—O'Brien and Gere Engineers--\$25,481

Motion made by Councilman Wachtel, seconded by Councilman M. Baker, to approve the amendment. Motion carried unanimously.

m. Discuss and take action as necessary regarding City of Martinsburg ambulances

Chief Bragg, Martinsburg Fire Department, stated that the City still has received no satisfactory agreement with International, that the ambulances have been at the dealership multiple time for repair and emissions work and the issue with diesel fuel getting into the oil has only gotten worse. The ambulances often over-fill in the oil reservoir due to the diesel fuel, to the point that they leak and puddle underneath. Chief Bragg has asked for direction from International and has gotten no response.

The Chief stated that he has contacted Ford to get another ambulance similar to Medic 1 and the price is just over \$270,000. He would like to purchase this ambulance and take the equipment off one of the International ambulances. To remove the box from an International ambulance and place it on a Ford chassis and engine would be \$120,000. Chief Bragg recommended purchasing an entirely new ambulance at this time, and later purchasing a Ford chassis and engine and moving the box from one of the Internationals, for a total of three ambulances.

Councilman J. Baker stated that if we take the box from one of the Internationals now and move it to a Ford, would it potentially cause issues with any legal or warranty action against International. Legal Counsel Mayhew stated that is a possibility.

Mr. Mayhew also stated that for Council to approve this expense this evening, the motion would have to be for an emergency purchase.

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve an emergency expenditure of \$270,363 to purchase a new ambulance to protect the health, safety and welfare of the citizens of the City of Martinsburg. Motion carried 4-2, Councilman M. Baker and Councilman J. Baker no.

Councilman M. Baker stated that he would like for the City to pursue a suit against International and would prefer to switch the boxes out onto new Ford engines and chassis, rather than buying an entirely new ambulance at this time.

Executive Session

There was no executive session.

Meeting adjourned by unanimous consent at 7:29 PM

George Karos, Mayor

Gena Long, City Recorder