

**City of Martinsburg
Regular Council Meeting
Thursday, February 14, 2019
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, Kevin Knowles, Ken Collinson, and Jason Baker. Not present was Mark Baker. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, City Attorney Kin Sayre, Police Chief Maury Richards; City Engineer/Planning Director Kim Petrucci, Economic/Community Development Director Shane Farthing and Public Works Director Jeff Wilkerson.

3. Salute to Flag

Councilman Etherington led the salute to the flag.

4. Prayer—

Pastor Lynn Wilson, Calvary United Methodist Church, delivered the invocation.

5. Approve January 10, 2019 Regular Council Meeting Minutes.

Motion made by Councilman Wachtel, seconded by Etherington, to approve the January 10, 2019 Regular Council Minutes. Motion carried unanimously.

6. Approve December 2018 Administrative and Financial Report

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

7. Presentations

a. Administer Oath of Office to Martinsburg Police Officers Lawrence Meeks, III, Dalton Condo and Ethan Anderson

The City Recorder administered the Oath.

b. Make Comment on ABCA Zoning Form for Brix 27, LLC—135 N. Queen Street (upgrade of current license)

Mr. Drew Johnson, owner, stated that the upgrade will allow for carry-out beer from the store and wine tastings.

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to forward the form without comment. Motion carried unanimously.

c. Make Comment on ABCA Zoning Form for Family Dollar Stores of West Virginia, LLC d.b.a. Family Dollar #21681—605 Winchester Avenue

Mr. John Fisher, Manager, spoke on behalf of the application, stating that all of the employees have been trained on appropriate retail sales of alcohol.

Motion made by Councilman Knowles, seconded by Councilman Etherington, to forward the form to the ABCA, without comment. Motion carried, Councilman J. Baker voting no.

d. Proclamation—General Aviation Appreciation Month

The proclamation will be forwarded to the requestor.

e. Martinsburg Police Department/Martinsburg Fire Department EMS Operations and Joint Overdose Response Strategies 2018 Annual Report

Police Chief Maurice Richards spoke about the three-level strategy to combat the opioid problem, enforcement, recovery and prevention. The Department is very concerned about the rise in fentanyl, and has put forth a policy for safe handling of drugs to help protect the officers and the public.

All officers are now trained on Narcan administration. The MPD has shut down 41 drug houses and has seen a 90% reduction in repeat calls to those addresses. The Handle with Care Program has been put into place to help children who may have had a police interaction that impacted their families or home life. The Martinsburg Initiative is continuing to work with partnerships and is becoming a national model for the opioid problem. The Adopt a Classroom initiative has put officers in classrooms across the City to have positive interactions with the students. The Junior Police Academy has been revamped and will be starting again soon.

Fire Captain Jaime Weller discussed the Fire Department's initiatives and their part in the treatment, prevention and recovery aspects of the strategy. Overdose responses and deaths are down significantly. Factors are community support, outreach and working with the Health Department in harm reduction. There is more layperson administration of Narcan which has been very impactful, however, some addicts are dosing themselves rather than calling for assistance.

Captain Weller also discussed other issues in the Fire/EMS Departments, such as the no treatment/no transport calls which cost the City \$174K per year. He said they may be asking Council to approve a fee structure to bill those patients for whom care is given, but transport is provided. HE also stated they may be considering a fire response fee, which would be billed to homeowner's insurance companies, not the individual homeowners. This fee is already part of most policies, but the City has never collected it.

8. Petitions from Citizens

There were no petitions from citizens.

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

a. Eastern West Virginia Regional Airport Authority November 19, 2018 Meeting Minutes and Financial Reports

b. Eastern Panhandle Transit Authority January 14, 2019 Meeting Minutes and Financial Reports

c. Martinsburg-Berkeley County Convention and Visitor's Bureau November 28, 2018 Meeting Minutes and Financial Reports

d. Main Street Martinsburg November 26, 2018 Meeting Minutes, Financial Reports and President's Report

e. Comcast Memorandum regarding International Package Update

f. ISO Memo and Report regarding Public Protection Classification Survey

g. Historic Preservation Review Commission November 5, 2018 Meeting Minutes

h. Martinsburg-Berkeley County Parks and Recreation December 18, 2018 Board Meeting Minutes

i. Planning Commission January 2, 2019 Meeting Minutes

j. Martinsburg Fire Department 2018 Annual Report

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to receive and file items 9 A-9J

10. Reports of Chairpersons of Council Standing Committees

11. Report of Mayor

a. Appoint Robin Truax to the Human Relations Committee to fill and expired term ending July 9, 2020

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the appointment. Motion carried unanimously.

b. Report the following vacancies:

- **Historic Preservation Review Commission (1)**
- **Board of Zoning Appeals (2 alternates)**
- **Parking Authority (2)**
- **Human Relations Committee (1)**
- **Code Appeals Board (engineer or architect)**
- **Fire Civil Service Commission (1)**
- **M-BC Convention and Visitors Bureau (1)**

12. Report of City Attorney

13. Report of City Manager

A. Projects Update

- **Underpass Project**—95% design completed, permitting process in progress.
- **Gateway/Wayfinding**—fabrication under way
- **Train Station Corridor**—design in progress for water/sewer/stormwater management which will be done in conjunction with the project. Design and historical review in progress.
- **WVDOT E. Burke Street Bridge**—should be finished in late 2019
- **WVDOT Traffic Signals/ADA Ramps**—ready for bid
- **WVDOT Ramps City-wide**—bid awarded, project not started
- **City Street Repaving**—waiting on contractor
- **Police/Municipal Court Building**

City Manager Mark Baldwin briefly reviewed on-going projects. Many of the projects will affect traffic patterns, so the City and State are working on the timing of each project to minimize impact.

14. Unfinished Business

15. New Business

a. First and Second Reading of Ordinance 2019-01 to Amend the City of Martinsburg Zoning Map to Rezone an Unimproved Parcel Identified as the Southeast Corner of the New York Avenue and Rte. 45 Intersection (1647 New York Avenue)

Motion made by Councilman Wachtel, seconded by Councilman J. Baker, to read Ordinance 2019-01 through the first and second reading, by title only. Motion carried unanimously.

b. Approve/deny Special Events Application 1902 for Berkeley Heights Elementary School's Berkeley Heights 5K along detailed route, Saturday, May 18, 2019, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$560

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Special Events Application 1902 as submitted, contingent upon proof of adequate liability insurance and payment of \$560 for City services. Motion carried unanimously.

c. Approve/deny Special Events Application 1903 for Main Street Martinsburg/Norwalk Soap Box Derby Race to take place in the Town Square Pedestrian Plaza and South Queen Street on Saturday, June 8, 2019 (rain date of June 15) from 6:30 AM until 3:30 PM, contingent upon proof of adequate liability and payment of any recommended fees for City Services, unless waived in accordance with ordinance (\$4,017.50)

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve Special Events Application 1903 and waive the fees in accordance with ordinance. Motion carried unanimously.

Councilman Wachtel asked for a list of participants to see how many were City residents.

d. Approve/deny Special Events Application 1904 for Main Street Martinsburg's Snowman Auction to take place on the Town Square Pedestrian Plaza on Sunday, March 31, 2019 from 3-4 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services unless waived in accordance with ordinance

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Special Events Applicant 1904. Motion carried unanimously.

e. Approve/deny Special Events Application 1907 for Main Street Martinsburg's Cruise-in on Main Car Show to take place on Queen Street on Sunday, June 16, 2019 from 2-5 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived in accordance with ordinance (\$1,478)

Motion made by Councilman Collinson, seconded by Councilman Wachtel, to approve Special Events Application 1907 with fees waived. Motion carried unanimously.

f. Approve/deny Special Events Application 1910 for Main Street Martinsburg's Kids Rock Concert Series to take place on Thursdays from June 6, 2019-August 29, 2019 from 11 AM until noon on the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived in accordance with ordinance (\$0.00)

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve Special Events Application 1910. Motion carried unanimously.

g. Approve/deny Special Events Application 1918 for God Won Ministries International, Inc's God's in the Square Event to take place on the Town Square Pedestrian Plaza on Saturday, April 6, 2019 from noon-4 PM (6 total hours for clean-up to take-down), contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services (\$0.00)

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to approve Special Events Application 1918. Motion carried unanimously.

h. Approve/deny Eastern Panhandle Transit Authority's request to construct a bus shelter in the City right of way near 111 W. King Street

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve the request, as submitted. Motion carried unanimously.

i. Discuss and take action as necessary regarding the purchase or of 5" water supply hose for the Martinsburg Fire Department (see memo)

Captain Thomas, Martinsburg Fire Department, stated that upon further consideration the Fire Department would like to replace the 5" hose rather than switch to 4" hose. The options are to replace the 5" hose that failed the hose test, replace all 5" hose with new 5" hose. He recommended the latter, as the new hose has new technology and is more durable. He also stated that adapters are needed to allow connection directly to hydrants.

Councilman Wachtel made the motion to replace only the hose that failed the hose test, including adapters, in the amount of \$27,978. The motion was seconded by Councilman Etherington.

Councilman J. Baker asked why the department wants 5" hose now when the Captains told Council all the benefits of switching to 4" at the January meeting.

Captain Thomas replied that that is what they are comfortable with, as that is why they are accustomed to using.

Councilman J. Baker pointed out that the Captain had made a pretty good case for switching to 4" hose in January and he has a hard time agreeing to backtrack when the 4" meets all the requirements and is safer, as it weighs less.

Captain Thomas reiterated that is what the department wants and that the Captains are in agreement on the 5".

Councilman Collinson agreed with Councilman J. Baker and asked if the 5" has the same features as those described for the 4".

Captain Thomas replied that it does, it is woven rather than rubber-covered and will couple with the existing hose.

Councilman Knowles asked if the Captain is sure the consensus is now for the 5" and if it would work to just replace the sections that failed the hose test.

Captain Thomas stated that it will work, there should be no issue.

Motion carried on the previous motion, Councilman J. Baker voting no.

j. Approve/deny bid recommendation for 4" water supply hose for the Martinsburg Fire Department--\$49,754.31—Whitmer Public Safety Group (See Item 16 H Memo)

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to reject the bid. Motion carried, Councilman J. Baker voting no.

k. Approve/deny bid recommendation for Martinsburg Fire Department software update--\$8,735.74—ROK Brothers Inc.

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

l. Approve/deny repairs to Martinsburg Fire Department Engine 1--\$20,218.86 (estimate)

Councilman Etherington asked if the work can be done locally. Captain Hoover said that it cannot, entirely. Captain Weller added that they have looked at local companies which can do some of the body work, however, they do not have paint booths large enough.

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve the repairs. Motion carried unanimously.

m. Discuss and take action as necessary regarding WRNR's request to broadcast and stream City meetings

Mr. Mike Horner requested permission to video the meetings for Comcast Channel 10, and later to stream online. He also stated that they are working with other service providers, such as Dish Network.

City Attorney Kin Sayre recommended drafting an agreement, in event that the Chambers needs to be rewired for this, as any cost to do so should be paid by the broadcast partner.

Mr. Horner asked if they can sit up a camera in the corner for now. Mr. Sayre stated that they can.

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to enter into discussions with WRNR to establish guidelines. Motion carried unanimously.

Councilman J. Baker added that, until the agreement is reached, the Station can set up a camera operator and record the meetings at will.

n. Approve/deny hire of Stormwater interns for the summer of 2019 and associated partnerships with Shepherd University and Cacapon Institute

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the interns and associated partnerships. Motion carried unanimously.

o. Approve/deny Client Additional Services Confirmation between the City of Martinsburg and Frazier Associates for Gateway/Wayfinding Signage Project (Alpha Associates) --\$10,050.00

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

City Manager Mark Baldwin added that this is for contract administration services.

p. Approve/deny appointment of the following to the Berkeley County Local Emergency Planning Committee:

- Public Works Director Jeff Wilkerson
- Fire Lieutenant Jason Hoover
- Police Lieutenant Scott Doyle
- City Engineer/Planning Director Kim Petrucci

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve the appointments. Motion carried unanimously.

q. Approve/deny Martinsburg Police Department's Safe Handling of Drug Evidence Operational Policy

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the policy. Motion carried unanimously.

r. Discuss and take action as necessary regarding vegetated roof for Martinsburg Police Department/Municipal

City Manager Mark Baldwin stated that the architect had recommended the vegetated roof, however, the cost will be \$62K and the annual upkeep will be between \$5-7K. In addition, there is no access to the roof from the interior of the building and watering and maintenance will have to be done via ladder or pump truck. Deputy Chief George Swartwood requested that Council consider other options.

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to consider other options for aesthetic purposes.

Councilman J. Baker stated that most cities are going green, and the City of Martinsburg is going the other direction. City Manager Mark Baldwin and City Engineer Kim Petrucci stated that, while the vegetated roof would have stormwater benefits, it is not calculated into the stormwater requirements for the building.

Motion carried, Councilman J. Baker voting no.

s. Approve/deny Pay Application # 9 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$258,917.40

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

t. Approve/deny Change Order #2 between the City of Martinsburg and W. Harley Miller--\$14,817

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve the Change Order. Motion carried unanimously.

u. See memo regarding Martinsburg Fire Department Hazardous Material Response update

Captain Hoover, Martinsburg Fire Department, stated that the Department has been reviewing the HAZMAT response unit. The current trailer was purchased in 2001 and there is a very limited amount of equipment. The trailer is damaged and the suits had not been tested in some time. Some failed in recent testing. The cost to replace the gear would be approximately \$8,000. Captain Thomas recommended that no action be taken at this time, that HAZMAT calls continue to be referred to Berkeley County. This arrangement has been in place for some time and has been working well. Berkeley County is okay with this arrangement.

v. Authorize Letter of Endorsement to the ABCA in support of the Annual Toughman Contest to be held at the Berkeley 2000 Recreation Center on Friday-Saturday March 1-2, 2019

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve the request. Motion carried unanimously.

Councilman Etherington and Councilman Knowles asked if the request is the same as previous years and if the Police Department is okay with it. Chief Richards stated that it is the same and the Police Department has no issues.

Executive Session

Council went into Executive Session for legal and personnel at 7:54 PM.

Meeting adjourned by unanimous consent at 8:20 PM.

George Karos, Mayor

Gena Long, City Recorder