

**City of Martinsburg  
Regular Council Meeting  
Thursday, March 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 and Jason Baker. Not present was Ken Collinson and Mark Baker. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, Legal Counsel Tyler Mayhew, Police Chief Maury Richards; Utilities Director Steve Knipe, Economic/Community Development Director Shane Farthing and Public Works Director Jeff Wilkerson.

**3. Salute to Flag**

Councilwoman Johnson led the salute to the flag.

**4. Prayer—**

Retired Pastor Vernon Cartwright, Serenity Seventy Day Adventist, delivered the invocation.

**5. Approve February 14, 2019 Regular Council Meeting Minutes.**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the February 14, 2019 Regular Council Minutes. Motion carried unanimously.

**6. Approve January 2019 Administrative and Financial Report**

Motion made by Councilman Etherington, seconded by Councilman Knowles to approve the January 2019 Administrative and Financial Report. Motion carried unanimously.

**7. Presentations**

**a. Joint Apollo Civic Theatre Grant Application—City of Martinsburg/Berkeley County Council-Rachel Snavley, Berkeley County Grants Administrator (See Item 15 gg, move up on agenda)**

Item was stricken from the agenda.

**b. Communications Tower at Property Located at Intersection of Mall Road and Porter Avenue—Richard Lemanowicz, LLP (See item 15 hh, move up on agenda)**

Mr. Mark Hofe, Liberty Towers, was standing for Mr. Lemanowicz who was stuck in traffic. Mr. Hofe stated that they had been working with administration and the consultant for some time on the lease agreement for a stealth monopole tower, one-hundred feet in height.

City Manager Mark Baldwin stated that the City has an ordinance to outline the process and retains a third-party consultant to ensure the ordinance is followed. The lease is similar to the recently built tower on Boston Street. This tower is to be located on the Ambrose Park property and they have yet to meet with Parks and Recreation to determine an exact location and design. If an agreement cannot be reached, the agreement can be terminated.

Mr. Hofe stated that the lease is written to require all necessary federal, state and local approvals before the lease option is triggered. He is asking that the City sign the agreement before they go through the expense of engineering and permitting.

Legal Counsel Mayhew stated that he saw nothing in the lease which explicitly places these contingencies. He suggested that Council hold action until the agreement is more explicit.

Mr. Hofe stated that he has no issue with that.

Mr. Baldwin added that he would like to bring the lease to the special meeting at the end of March or the regular April meeting in order to give staff an opportunity to meet with Parks and Rec.

Mr. Hofe asked if they can facilitate that meeting. Mr. Baldwin responded that would be acceptable, and should be done before the lease is approved and signed.

**c. Proclamation—Mayor’s Day of Recognition for National Service—April 2, 2019**

The Proclamation is to be forwarded.

**8. Petitions from Citizens**

Christina Lundberg, Helen Grizzle and Vernon Cartwright, representing the NAACP, asked about the vacancy on the Human Resources Committee. They wished to know when that might be filled so the Committee could be active.

Mr. Baldwin responded that the City is seeking a member, however, the Committee has a quorum and can meet and take action. He stated that a meeting will be scheduled soon to review quarterly demographics and file and annual report.

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

**a. Historic Preservation Review Commission February 4, 2019 Meeting Minutes**

**b. Letter of Resignation from Martin Bales from the Board of Zoning Appeals, effective March 7, 2019**

**c. Main Street Martinsburg January 22, 2019 Meeting Minutes and Financial Statements**

**d. Martinsburg/Berkeley County Parks and Recreation January 15, 2019 Meeting Minutes**

**e. Comcast memo regarding channel line-up changes**

**f. City of Martinsburg CDBG and HOME Public Hearing Minutes—December 13, 2019**

**g. Letter from WV Department of Transportation, Division of Highways regarding street repaving in the City of Martinsburg**

**h. Berkeley County Recovery Resource Center Preliminary Summary Report for Calendar Year 2018**

**i. Martinsburg-Berkeley County Convention and Visitor’s Bureau January 16, 2019 Meeting Minutes and Financial Statements**

**j. Eastern West Virginia Regional Airport Authority December 10, 2018 Meeting Minutes and Financial Reports**

**k. For the Kids, by George Children's Museum February 21, 2109 Meeting Minutes**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to receive and file items 9 a-9k

**10. Reports of Chairpersons of Council Standing Committees**

**a. February 25, 2019 Council as a Whole Committee Meeting Minutes**

**b. March 7, 2019 Council as a Whole Committee Meeting Minutes**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve both sets of minutes as follows. Motion carried unanimously.

**Council as a Whole Committee Minutes  
Monday, February 25, 2019—4:30 PM**

**Present:** Councilmembers Ken Collinson, Gregg Wachtel, Dennis Etherington, Harriet Johnson and Kevin Knowles (1/2 of the meeting)

**Others in Attendance:** Mark S. Baldwin, City Manager; Mark B. Spickler, Finance Director; Kin Sayre, City Attorney; media.

**Unable to Attend:** Mayor George Karos, Councilmembers Mark C. Baker and Jason W. Baker.

City Attorney Kin Sayre opened the meeting and asked for a motion for a Council member to chair the meeting. Councilman Dennis Etherington made the motion for Gregg Wachtel to chair with a second from Councilwoman Harriet Johnson. Motion carried unanimously. The following items were discussed:

1. FY 2018-19 Budget Overview Updates: Mark Spickler, Finance Director, provided an overview of the GF Budget and reported the City's financial status is in good standing.
2. Discuss FY 2019-20 Property Tax Levy Rates: Mark Spickler stated the purpose of tonight's discussion was to determine if the City Council would want to have a public hearing to increase property taxes above 3% (0-3% is permitted per State Code without a public hearing for a tax increase).

Consensus of the Committee was to recommend to City Council not to proceed with a special meeting for a tax increase above 3%.

Finance Director stated that he would have the property tax values from the Berkeley County Tax Assessor's Office the first week of March and would provide examples at the next Council as a Whole Committee meeting.

3. Discuss other Governmental Entities and Outside Agencies FY 2019-20 Budget Requests: see attached list to be funded from the GF and Coal Severance Accounts for Council Approval.

The next Council as a Whole Committee meeting is scheduled for Monday, March 18, 2019 with a Special City Council meeting scheduled to approve budgets on Monday, March 25 at 5:00 PM.

**Council as a Whole Committee Minutes  
Wednesday, March 7, 2019  
4 PM**

**Bowles Rice Law Firm**

**Present:** Mayor George Karos, Councilmembers Kevin Knowles, Jason Baker, Dennis Etherington, Gregg Wachtel, Harriet Johnson, Ken Collinson

**Others in Attendance:** Kin Sayre, City Attorney; Mark S. Baldwin, City Manager and Brenda Spaulding, HR Director

**Unable to Attend:** Councilman Mark C. Baker.

Mayor Karos opened the meeting and explained the purpose of the meeting was to discuss personnel matters.

A motion was made by Councilman Etherington, seconded by Councilman Knowles to go into Executive Session.

**11. Report of Mayor**

**a. Reminder of Council as a Whole Committee Meeting, Monday, March 18, 2019 at 4:30 PM—Budget Session**

**b. Schedule Council as a Whole Committee Meeting for Wednesday, March 20, 2019 at 6 PM for an Economic/Community Development Presentation—Shane Farthing, Economic/Community Development Director**

**c. Schedule Special City Council Meeting for Monday, March 25, 2019 at 5 PM to approve budgets and other items as necessary**

**d. Schedule Special City Council Meeting for Tuesday, April 16, 2019 (per State Code) at 5 PM to approve levy rates and other items as necessary**

**e. Appoint Ms. Dena Morgan to the Board of Zoning Appeals to fill the unexpired term ending 1/1/2021 (created by the resignation of Martin Bales)**

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve the Mayor's recommendation. Motion carried unanimously.

**f. 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**

**14. Unfinished Business**

**a. Third and Final Reading of Ordinance 2019-01 to Amend the City of Martinsburg Zoning Map to Rezone an Unimproved Parcel Identified as the Southwest Corner of the New York Avenue and Rte. 45 Intersection (1647 New York Avenue) from its current Unzoned Classification to BC (Community Business)**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to read Ordinance 2019-01 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**b. Third and Final Reading of Ordinance 2018-24 to Provide for the Abandonment of a Portion of Virginia Avenue, Extended in the City of Martinsburg**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to read Ordinance 2018-24 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**c. Third and Final Reading of Ordinance 2018-25 Annexing to the City of Martinsburg a Portion of Real Estate Consisting of 4.40764 Acres and Identified upon Berkeley County, West Virginia Tax Maps in the Arden Tax District, Map 05 as Parcel 44 and Providing for the Institution of the Necessary Proceedings before the County Council of Berkeley County, West Virginia, in Accordance with West Virginia Code 8-6-4 (Annexation without Election)**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2018-25 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**d. Third and Final Reading of Ordinance 2018-26 Deannexing from the City of Martinsburg a 2.7726 Acre Portion of Real Estate Consisting of 5.05 Acres and Identified upon the Berkeley County Tax Map in the Martinsburg Tax District Map 39 as Parcel 2 and Providing for the Institution of the Necessary Proceedings before the County Council of Berkeley County, West Virginia in Accordance with West Virginia Code 8-6-4 (Annexation without Election)**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to read Ordinance 2018-26 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**15. New Business**

**a. Approve/deny Special Events Application 1905 for Main Street Martinsburg's Easter Celebration/Pet Parade/Egg Roll to take place on Saturday, April 20, 2019 from noon until 2 PM along attached route and in the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services, unless waived by Ordinance--\$70**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Special Events Application 1905 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**b. Approve/deny Special Events Application 1906 for Main Street Martinsburg's Chocolate Fest/Book Faire and Truffle Shuffle 5K, to take place in the Town Square Pedestrian Plaza and along attached route, on Friday April 26-Saturday April 27, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services, unless waived by Ordinance--\$1,365**

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve Special Events Application 1906 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**c. Approve/deny Special Events Application 1908 for Main Street Martinsburg's Fridays at Five Summer Concert Series to take place in the Town Square Pedestrian Plaza on Fridays from June 7-August 23, from 5-7 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services, unless waived by Ordinance--\$840.00; approval to include authorization for Letter of Endorsement to ABCA**

Motion made by Councilwoman Johnson, seconded by Councilman Etherington, to approve Special Events Application 1908 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**d. Approve/deny Special Events Application 1909 for Main Street Martinsburg and Healthy Berkeley's Farmer's Market to take place in the Town Square Pedestrian Plaza on Friday evenings from June 7-September 20 from 4:30-7PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived by Ordinance--\$0.00**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve Special Events Application 1909 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**e. Approve/deny Special Events Application 1911 for Main Street Martinsburg's Boots, Brews and BBQ Event to take place in the Town Square Pedestrian Plaza on Saturday, August 17 from 2-6 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services, unless waived by Ordinance--\$1868.25; approval to include authorization for Letter of Endorsement to ABCA**

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve Special Events Application 1911 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**f. Approve/deny Special Events Application 1912 for Main Street Martinsburg and Healthy Berkeley's Farm to Fork Event to take place in the Town Square Pedestrian Plaza on Sunday, September 22, 2019 from 5-8 PM (5 total hours from set-up to clean-up), contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services, unless waived by Ordinance-\$0.00; approval to include Letter of Endorsement to ABCA**

Motion made by Councilwoman Johnson, seconded by Councilman Knowles, to approve Special Events Application 1912 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**g. Approve/deny Special Events Application 1913 for Main Street Martinsburg's Chili Cook-off to take place in the Town Square Pedestrian Plaza on Saturday, September 28 from 2-5 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, if not waived by Ordinance--\$677.25**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve Special Events Application 1913 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**h. Approve/deny Special Events Application 1914 for Main Street Martinsburg's Tree Lighting to take place in the Town Square Pedestrian Plaza on Friday, November 29 from 6-8 PM, contingent upon proof of adequate**

**liability insurance and payment of any recommended fees for City Services, unless waived by Ordinance--  
\$140.00**

Motion made by Councilwoman Johnson, seconded by Councilman Wachtel, to approve Special Events Application 1914 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**i. Approve/deny Special Events Application 1915 for Main Street Martinsburg's Christmas Parade to take place along attached route on Saturday, November 30 from 5:45-8:30 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived by Ordinance--\$1684.50**

Motion made by Councilman J. Baker, seconded by Councilwoman Johnson, to approve Special Events Application 1915 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**j. Approve/deny Special Events Application 1917 for Main Street Martinsburg's New Year's Eve Apple Drop to be held in the Town Square Pedestrian Plaza on Tuesday, December 31, 2019 from 4-6 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived by Ordinance--\$380.00**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve Special Events Application 1917 as submitted, contingent upon proof of adequate liability insurance and waiving all fees. Motion carried unanimously.

**k. Approve/deny Special Events Application 1919 for Trinity Temple Church of God's Vacation Bible School Party on Friday, August 9 from 10AM until 4 PM, 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 Councilwoman Johnson, to approve Special Events Application 1919 as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

**l. Approve/deny Special Events Application 1920 for Trinity Temple Church of God's Health Fair on Saturday, September 21 from 10 AM until 4 PM, 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 Councilwoman Johnson, to approve Special Events Application 1920, as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

**m. Approve/deny Special Events Application 1921 for What Abuse Really Looks Like.org's Candle Light Vigil to be held in the Town Square Pedestrian Plaza on Saturday, March 30 from 6:30-8 PM, 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 Knowles, to approve Special Events Application 1921 as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

**n. Authorize Letter of Endorsement for Main Street Martinsburg's Wine Fest, to be held on the grounds of Boydville on Saturday, May 25-Sunday, May 26, 2019**

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to authorize the Letter of Endorsement for the Wine Fest. Motion carried unanimously.

**o. Authorize Letter of Endorsement for Boyd's Steak House's International Wine Festival to be held at the Roundhouse on Saturday, May 18, 2019**

Motion made by Councilwoman Johnson, seconded by Councilman Knowles, to authorize the Letter of Endorsement for the International Wine Festival. Motion carried unanimously.

City Manager Mark Baldwin asked H.D. Boyd to work with the Planning Department on matters of ingress/egress.

**p. Approve/deny updated quote for six (6) Escape Pak Bottles--\$3,732—Municipal Emergency Services**

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

**q. Approve/deny Updated Constitution and Bylaws for the Martinsburg-Berkeley County Parks and Recreation Board**

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

**r. Approve/deny agreement with Zambelli Fireworks for Fourth of July Fireworks (\$5,000 Deposit/\$10,000 total)**

Motion made by Councilman J. Baker, seconded by Councilwoman Johnson, to approve the agreement and expenditure. Motion carried unanimously.

**s. Approve/deny OBG Amendment #5 for Big Springs Water Treatment Plant Interim Services for Treatment of PFAAs--\$20,502**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the amendment and expenditure. Motion carried unanimously.

**t. Approve/deny Stormwater Financing and Outreach Study, Phase II—GKY & Associates--\$47,932.84**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the study and expenditure. Motion carried unanimously.

**u. Approve/deny new HVAC unit for the Caperton Train Station—quotes forthcoming--\$\_\_\_\_\_**

Quotes were not ready, no action.

**v. Approve/deny emergency replacement of Martinsburg Fire Department Station Alarm System—Johnson Control Fire Protection/Simplex--\$65,500**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve the replacement. Motion carried unanimously.

**w. Approve/deny new HVAC unit for Martinsburg Fire Department—Johnson--\$3,785**



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

Councilman J. Baker asked if this was an entire new unit. The Fire Captain stated it is for the new repair room which currently has no climate control at all.

**x. Approve/deny computer and IT equipment and service for new Police Department/Municipal Court building—Innovative, Inc.--\$80,721**

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

**y. Approve/deny purchase of five (5) Dodge Durango Police Vehicles, with associated equipment (\$179,525) and decaling (\$2,500 estimated total)**

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

**z. Approve/deny Resolution 2019-02 regarding Memorandum of Understanding between the City of Martinsburg, Berkeley County Council and TriTech Software Systems for Computer-Aided Dispatch (CAD) System and associated costs (see memo for break-down)**

Motion made by Councilwoman Johnson, seconded by Councilwoman Johnson, to approve the Resolution. Motion carried unanimously.

**aa. Approve/deny Trittech Software Systems CAD/RMS Technology Upgrade--\$184,253**

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

**bb. Approve/deny CAD/RMS Installation—Berkeley County IT Services--\$30,000**

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

**cc. Approve/deny Dispatch/Radio/Antennae/Console Equipment and Set-up—Motorola--\$82,123 (\$32,821.76 previously approved November 8, 2018)—\$49,301.24 additional requested**

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

**dd. Approve/deny additional services to include development of parcels located at 122, 126 and 128 W. Race Street (Martinsburg Police Department parking in conjunction with Police Department/Municipal Court Building)—Silling Architects--\$29,880**

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

City Manager Mark Baldwin explained that this is a whole new project. The bid process for demolition of the old Widmeyer building should be within the next 2-4 months.

**ee. Discuss and take action as necessary regarding Martinsburg Police Department/Municipal Court Building Rubber Roof Pavers--\$\_\_\_\_\_pricing forthcoming**

City Manager Mark Baldwin stated that Council was not being asked to make any approvals at this time, but to move forward with considerations for pavers for the roof, rather than vegetated roofing.

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to move forward. Motion carried, Councilman J. Baker voting no.

**ff. Approve/deny Pay Application # 10 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$183,316.50**

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

**gg. Discuss and Take Action as Necessary regarding Resolution 2019-03 regarding Memorandum of Understanding between the City of Martinsburg and Berkeley County Council for the administration of a grant to benefit the Apollo Civic Theater**

No action.

**hh. Discuss and Take Action as Necessary regarding proposed lease for the purpose of installing a communications tower at the intersection of Mall Road and Porter Avenue**

No action.

**Executive Session**

Council went into Executive Session for legal and personnel at 7:26 PM.

Meeting adjourned by unanimous consent at 7:42 PM.

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George Karos, Mayor

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Gena Long, City Recorder