

**City of Martinsburg
Regular Council Meeting
Thursday, April 11, 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, Mark Baker and Jason Baker. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, City Attorney Kin Sayre, Police Chief Maury Richards; Utilities Director Steve Knipe, Fire Chief J.D. Hummingbird, Economic/Community Development Director Shane Farthing and Public Works Director Jeff Wilkerson.

3. Salute to Flag

Councilman J. Baker led the salute to the flag.

4. Prayer—

Minister Ujima Tyson, New Beginnings Ministry of Hope led the invocation.

Mayor Karos acknowledge Boy Scout Troop 13 from Calvary United Methodist Church.

5. Approve March 14, 2019 Regular Council Meeting Minutes.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the March 14, 2019 Regular Council Minutes. Motion carried unanimously.

6. Approve March 25, 2019 Special Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the March 25, 2019 Special Meeting Minutes. Motion carried unanimously.

7. Approve February 2019 Administrative and Financial Report

Motion made by Councilwoman Johnson, seconded by Councilman Wachtel, to approve the February 2019 Administrative and Financial Report. Motion carried unanimously.

8. Presentations

a. Resolution of Appreciation—Retired Police Captain Kevin Miller

Deputy Chief Swartwood read the Resolution. Chief Richards presented a plaque to Captain Miller for his distinguished service.

b. Proclamation—Fair Housing Month—April 2019

c. Make comment on ABCA Zoning Form for Virginia RE, LLC, d.b.a. 1902 on Queen—201 N. Queen Street, contingent upon Special Exception from the Board of Zoning Appeals

Mr. Azddine Elbouchti was present. He explained that the property is to be used as wedding/special events venue and he would like to have the license to serve those clients. He is excited to be a part of the Community.

Mayor Karos thanked Mr. Elboutchi for his investment in Martinsburg.

Motion was made by Councilman J. Baker, seconded by Councilman M. Baker, to forward the form to the ABCA, contingent upon the Special Exception. Motion carried unanimously.

9. Proclamation—National Kids to Parks Day—May 18, 2019

Proclamation to be forwarded.

9. Petitions from Citizens

None

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

- a. Main Street Martinsburg February 19, 2019 Meeting Minutes and Financial Statements**
- b. Martinsburg-Berkeley County Parks and Recreation February 19, 2019 Meeting Minutes**
- c. Hagerstown/Eastern Panhandle Metropolitan Planning Organization January 16, 2019 Meeting Minutes and Projects Updates**
- d. Eastern WV Regional Airport Authority February 11, 2019 Meeting Minutes and Financial Statement**
- e. Board of Zoning Appeals December 4, 2019 Meeting Minutes**
- f. Planning Commission February 6, 2019 Meeting Minutes**
- g. Martinsburg Police Department Calendar Year 2018 Annual Report (to be released the week of 4/8)**
- h. ATSDR's Health Exposure Assessment near Shepherd Field ANG—information**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to receive and file the 10A-10H. Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees

12. Report of Mayor

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

b. Reappoint Harriet Johnson to the Housing Authority, term 5/4/2019-5/4/2024

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

c. Appoint Betty Gunnoe to the Martinsburg Fire Civil to fill one unexpired term—11/13/2018-11/13/2022 (seat vacated by Gary Fleming)

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

d. Appoint Jean Burrell to fill and unexpired term on the Human Relations Committee—7/3/2017-7/3/2019 (seat vacated by Chris Amores)

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

e. Reappoint the following to the Shade Tree Commission, term 5/9/2019-5/9/2022:

**Mary Lewis
David Anderson
Cam Trowbridge**

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

f. Report the following vacancies:

- **Historic Preservation Review Commission (1)**
- **Board of Zoning Appeals (2 alternates)**
- **Parking Authority (2)**
- **M-BC Convention and Visitors Bureau (1)**

12. Report of City Attorney

13. Report of City Manager

14. Unfinished Business

15. New Business

a. First and Second Reading of Ordinance 2019-02 To Amend and Re-Enact Portions Of The Codified Ordinances Of The City Of Martinsburg, Part Seventeen – Building And Housing Code, Article 1711 – West Virginia State Building Code, Section 1711.01 – Adoption; And Repealing Ordinance Number 2016-19 Of The City Of Martinsburg, West Virginia.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2019-02 through the first and second reading, by title only. Motion carried unanimously.

b. First and Second Reading of Ordinance 2019-03 to Amend the City of Martinsburg Zoning Map to Rezone an Improved Parcel Identified as 700 E. Moler Avenue from its Current BC (Community Business) Zoning Classification to RUB (Urban Residential Class B)

Motion made by Councilman Wachtel, seconded by Councilman J. Baker, to read Ordinance 2019-03 through the first and second reading, by title only. Motion carried unanimously.

c. First and Second Reading of Ordinance 2019-04 to Amend the Text of the City of Martinsburg Zoning Ordinance at Section 560 “Table of Zoning District Uses” to Allow Hotel/Motel Use in Planned Business (PB) Districts with Site Plan

Motion made by Councilman Wachtel, seconded by Councilman J. Baker, to read Ordinance 2019-04 through the first and second reading, by title only. Motion carried unanimously.

d. Approve/deny Resolution 2019-07 for an Intergovernmental Agreement between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways in association with an Agreement in regards to the Martinsburg Train Station Corridor Transportation Alternatives (State Project U302-Mar/TI-11)

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to table. Motion carried unanimously.

City Manager Mark Baldwin stated that the City is still reviewing the agreement.

e. Approve/deny Special Events Application 1930 for Berkeley County Ministerial Association's Good Friday Cross Walk to take place on Friday, April 19, 2019 from 10 AM until noon along the attached route, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve Special Events Application 1930, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

f. Approve/deny Special Events Application 1931 for Main Street Martinsburg and Tony M. Music Foundation's Martinsburg Arts Fest to be held on Saturday, June 15, 2019 in the Town Square Pedestrian Plaza from 1-5 PM, 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 Knowles, seconded by Councilwoman Johnson, to approve Special Events Application 1931 as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

g. Approve/deny Main Street Martinsburg's request to hang artist banners on utility poles in downtown Martinsburg from June 1-September 15

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

h. Approve/deny Amendment to Special Events Permit 1911, Boots, Brews and BBQ, to amend the date from August 17 to August 10, 2019 due to a conflicting community event; to include amended letter of endorsement to the ABCA

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

i. Approve/deny scheduling of "Take Pride in your Community" Spring Clean-up event for Saturday, May 18, 2019

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the spring clean up date. Motion carried unanimously.

j. Approve/deny Council as a Whole Committee Recommendation(s) in conjunction with Economic Development Director Shane Farthing's "Initial Economic and Community Development Initiatives" as presented March 20, 2019

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

k. Approve/deny intent to apply and authorize submission of application for WVDOT TA/RTP funding for design of Tuscarora Greenway Trail connecting existing Martinsburg bike infrastructure

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the intent to apply. Motion carried unanimously.

I. Approve/deny expenditure of \$3,285 for transfer of License Plate Readers to Canine vehicle—Leonardo--\$3,285—Police Levy Fund

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

m. Approve/deny bid recommendation for clean-up and related service at 309 Gib Street—United Wreckers and Excavators--\$11,800

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the recommendation.

n. Approve/deny bid recommendation for one Martinsburg Fire Department washer/extractor--\$10,354.97 -LES (Laundry Equipment Services)

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

o. Approve/deny City of Martinsburg contribution to assist hosting of WVML Board of Directors Meeting in Martinsburg in June 2019--\$1,500

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

The dates of the meeting are June 6-7, 2019.

p. Approve/deny Pay Application # 11 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$526,965.30

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

Executive Session

Council went into Executive Session for legal and personnel at 6:58 PM.

Meeting adjourned by unanimous consent at 7:15 PM.

George Karos, Mayor

Gena Long, City Recorder