

**City of Martinsburg
Regular Council Meeting
Thursday, June 13, 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. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, City Attorney Kin Sayre, Police Chief Maury Richards; Public Works Director Jeff Wilkerson, Utilities Director Steve Knipe, Fire Chief J.D. Hummingbird, Economic/Community Development Director Shane Farthing, CDBG Administrator Nancy Strine and City Engineer/Planning Director Kim Petrucci.

3. Salute to Flag

Councilwoman Johnson led the salute to the flag.

4. Prayer—

Retired Pastor Walter Bowers led the invocation.

Mayor Karos asked that all in attendance take a moment of silence in honor and respect for Ward IV Councilman Mark Baker, who recently passed.

5. Approve May 9, 2019 Regular Council Meeting Minutes.

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the May 9, 2019 Regular Council Minutes. Motion carried unanimously.

6. Approve April 2019 Administrative and Financial Report

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

7. Public Hearing to solicit comment on the City of Martinsburg's Five-Year Consolidated Plan for FY 2019-2023, the Annual Action Plan for FY 2019, and the City's updated Analysis of Impediments to Fair Housing Choice (A.I.). The City intends to submit its FY 2019 Annual Action Plan in the amount of \$341,254 for Community Development Block Grant (CDBG) funds and \$446,141 in HOME funds for the Eastern Panhandle HOME Consortium. The FY 2019-2023 Five Year Consolidated Plan, FY 2019 Annual Action Plan, and the City's Analysis of Impediments to Fair Housing Choice will be submitted to the U.S. Department of Housing and Urban Development (HUD) on or before June 14, 2019.

Mayor Karos opened the public hearing at 6:33 PM.

Nancy Strine, CDBG and HOME Administrator made the following comments:

Good evening and thank you for attending our second public hearing for the City of Martinsburg's FY 2019-2023 Five-year Consolidated Plan, the FY 2019 Annual Action Plan and the FY 2019 Analysis of Impediments to Fair Housing.

We started the process on December 12, 2018 with our first public hearing.

This five-year plan spells out the goals for the next five years and outlines housing and community development goals to achieve to promote decent and safe housing; creating a suitable living environment; removing slums and blighting conditions; promoting fair housing; improving public services; expanding economic development opportunities; and principally benefitting low-moderate income persons. This has been a collaborative effort from the City of Martinsburg, the Eastern Panhandle HOME Consortium members, the Community at large, social service agencies and providers, housing providers, community development agencies, economic development groups through a series of public meetings, stakeholder interviews, resident surveys, statistical data.

The FY 2019-2023 five-year plan and the analysis of impediments to fair housing choice has been on public display for a month.

The City of Martinsburg received our official allotment from HUD for the FY 2019 funds in April. Originally, we budgeted the estimate of \$324,390 in CDBG funds. We are now receiving \$341,254, a \$16,864 increase. In keeping with historical practices, the increased funds have been budgeted to our social service organizations. The HOME funding, we had budgeted \$489,990. We received \$446,141, a reduction of \$43,849.

The City of Martinsburg has been a CDBG Entitlement Community since 2004 and we have received over \$5.3M in funds. The primary objective of the CDBG program is to provide housing, community and economic development for low to moderate income persons (70% of the expenditures of the grant) by providing decent housing; a suitable living environment and expanded economic opportunities. This past year, we achieved 100% of our CDBG expenditures serving low to moderate income persons.

In 2019, the City budgeted 15% of public services (15% cap) for eight different non-profit groups providing services in the City of Martinsburg, 65% on public facilities and improvements that includes funds to the Martinsburg/Berkeley County Parks and Recreation to develop a park at 251 E. Burke Street and support the Boys and Girls Club with renovations for the bathrooms, making them ADA accessible.

HOME is the largest Federal block grant to state and local governments designed to create affordable housing for low income households. The City of Martinsburg has been participating with the HOME program since 2007. We have received \$5.1 M for housing assistance for the City of Martinsburg, Berkeley County, Jefferson County and Morgan County.

The HOME program has assisted 278 first-time homebuyers with gap financing to purchase their first home in the City of Martinsburg, Berkeley, Jefferson and Morgan counties. The program this past year has assisted 13 first time homebuyers in Berkeley County, 7 in the City of Martinsburg, 4 in Jefferson County and 4 in Morgan County (28 total).

With the HOME program, we are required to set aside 15% of our annual allocation to be used by Community Housing Development Organizations (CHDO). The only current eligible CHDO in the Eastern Panhandle is the Eastern Panhandle Habit for Humanity. We have assisted them in building affordable housing in the Auburndale neighborhood.

Ms. Bunny Shaw, Community Networks, spoke about the organizations work. This past year, they served 20,800 meals, conducted 3,436 case management hours, worked with 335 clients and sheltered women and children for 11, 904 nights. Ms. Shaw thanked Council for their support and the funding.

Ms. Lori Kelly, CASA Board of Director's President, thanked Council for their support and funding. The funding will be put to good use in the support of the training of volunteers. The increase in the number of court-ordered children that have been referred to CASA has surged in recent years.

Pete DuFourney, C-Cap, thanked the Mayor and Council for all their support. With the funding, they should be able to assist 70 residents in need of emergency rental assistance with an additional \$100 each.

Ms. Stacie Rohn, Boys and Girls Club of the Eastern Panhandle, thanked the Mayor and Council for the funding to do the ADA upgrades last year. She stated that they look forward to using this year's funding to continue ADA upgrades, including the bathroom, the curb and sidewalks and putting in a handrail. Membership funds will go to scholarships for 20 children. She added that the Club has partnered with Amazon to help the attendees with lessons on workplace culture. Focus has also been added in the area of social and emotional education.

Andy DiMagno, Boys and Girls Club of the Eastern Panhandle, thanked Council for all their support and funding, adding that the work could not be completed without this crucial funding.

Ms. Strine stated that she had positive testimony in writing from representatives from the Eastern Panhandle Empowerment Center, Save Haven Child Advocacy Center, Berkeley Senior Services, and Berkeley County Meals on Wheels, who could not be at the meeting this evening.

With no one else available to speak, the public hearing was closed at 6:50 PM.

7. Presentations

a. Proclamation—Miss West Virginia 75th Anniversary Competition and Parade (see 16 O, move up on agenda)

City Recorder Gena Long read the Proclamation and presented it to Ms. Candy Reid, who thanked the Council for the support. She added that via the various competitions across the Country, 10,000 scholarships are given annually to young women.

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to move item 16 O up on the agenda. Motion carried unanimously.

16 o. Approve/deny Special Events Permit 1934 for the Miss West Virginia 75th Anniversary Parade, to take place along the attached route on Saturday, June 29, 2019 from 11 AM until noon, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived in accordance with ordinance (See Item 8A)

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to approve Special Events Permit 1934, as requested, contingent upon proof of adequate liability insurance, and waiving fees for City services in accordance with ordinance in the amount of \$980. Motion carried unanimously.

b. Administer Oath of Office to Martinsburg Police Department Captain Leslie “Les” Witt

Ms. Long administered the Oath of Office to Captain Witt.

c. Administer Oath of Office to Martinsburg Police Department Lieutenant Justin Darby

Ms. Long administered the Oath of Office to Lieutenant Darby.

d. Administer Oath of Office to Martinsburg Police Sergeants Justin Harper and Andrew Garcia

Ms. Long administered the Oath of Office to Sergeant Harper and Sergeant Garcia.

e. Administer Oath of Office to Martinsburg Police Corporals Erin Gibbons and Marc Loretta, II

Ms. Long administered the Oath of Office to Corporal Loretta.

Corporal Gibbons was unable to attend.

f. Administer Oath of Office to Martinsburg Police Officer Austin Shank

Ms. Long administered the Oath of Office to Office Shank.

g. Administer Oath of Office to Martinsburg Firefighter/EMT-Basic Daulton Beckley

Ms. Long administered the Oath of Office to Firefighter/EMT Beckley.

h. Update on Agreement between the City of Martinsburg and US Department of the Air Force — (See 16 K, Move Up On Agenda)

City Manager Mark Baldwin requested that Council move item 16K up on the agenda. Motion made by Councilman Etherington, seconded by Councilman Collinson, to move the item up as requested. Motion carried unanimously.

The City Manager updated the Council and public on the timeline of events leading up to the agreement as follows:

- 2014-The City of Martinsburg conducted the UCMR Three Series of sampling. PFOA/PFOS were some of the parameter of the testing series.
- May 19, 2016—The City of Martinsburg received word from the West Virginia Department of Health that EPA set a Health Advisory Level of 70 ppt. Since previous results had shown the source of supply for the Big Springs Water Filtration Plant being in excess of the new health advisory limits, the City of Martinsburg shut down this facility immediately. The Kilmer Springs Water Filtration stepped up production to meet the demand.
- May 2016—the City entered into discussions with the National Guard Bureau/USAF to finalize a Cooperative Reimbursement Agreement for the costs to upgrade the Big Springs Water Treatment Plant, due to the PFOS/PFOA contamination.
- May/June 2016—the City constructed a temporary pumping facility located at the Big Springs to the Big Springs Water Treatment Plant. Although limited in quantity, this source of supply is below the Health Advisory Limits and enabled us to bring the Big Springs Water Treatment Plant back up into operation.
- June 2016—the City of Martinsburg procured the services of O’Brien and Gere (OBG) Engineers for engineering services at the Big Springs Water Treatment plant
- July 5, 2016—started up Big Springs Water Treatment Plant using Big Springs as the source of supply.

- August 2016—OBG provided results of the Bench Scale Testing. The Granulated Activated Carbon (GAC) system is the best treatment option for PFOS/PFOA removal. Started the process for design and bid documents for a GAC system.
- April 2017—awarded bid for GAC System Equipment Procurement for the Big Springs Water Treatment Facility (Contract 1 TIGG)
- May 2017—received a letter from the USAF stating that there was a pause on the Cooperative Agreement due to federal funding language for such reimbursements.
- June 2017—Award contract for Big Springs Water Treatment Plant GAC
- June 2017—upgrade system (Contract #2 Snyder Environmental)
- November 2017—Start up and conducted performance tests on the first GAC vessels.
- December 21, 2017—Big Springs Water Filtration Plant with the newly installed GAC vessels was brought into operation.
- October 2018-- Senator Capito, Senator Machin and Congressman Mooney championed Federal legislation, allowing for reimbursement requests for water systems contaminated by PFOA/PFOS (IAW Section 8142 of the National Defense Appropriation Act, 2019)
- October 2018—City staff meets with National Guard Bureau to begin exchange of information to draft the Intergovernmental Agreement between the City of Martinsburg and the USAF
- May/June 2019 Intergovernmental Agreement is finalized between the City of Martinsburg and the USAF to reimburse the City \$4.9M for the costs to upgrade the Big Springs Water Plant
- June 13, 2019 Council to approve the Intergovernmental Agreement between the City of Martinsburg and the USAF

At this time, Mr. Baldwin introduced the City's partners, allowing for the final Intergovernmental Agreement to be brought to Council.

Ms. Elaine Magdinec, PE, Branch Chief, Environmental Restoration—National Guard Bureau

Colonel David V. Cochran, WV ANG Commander, 167th Airlift Wing

Mr. J.T. Jezierski, Director of Appropriations, Senator Shelly Moore Capito's office

Mr. Chris Strovel, Eastern Panhandle Field Representative, Senator Shelly Moore Capito's office

Mr. Keith M. McIntosh, Regional Coordinator, Senator Joe Manchin's office

Mr. Dan Neff, District Representative, Congressman Mooney's office

Mr. Baldwin then opened the floor to allow any of the City's partners to speak.

Elaine Magdinec, PE, National Guard Bureau, thanked the Mayor and Council for having her at the meeting and for putting the Intergovernmental Agreement on the agenda. She stated that the agreement marks the conclusion of years of negotiations for the Air Guard to pay for the upgrades to the City of Martinsburg water plant to mitigate the PFOS/PFOA contamination caused by the Air Guard's use of aqueous film forming foam (firefighting foam, AFFF). The process began years ago, starting with the EPA's establishment of a guideline of lifetime exposure to the contaminant of 70 PPT and the Air National Guard just began to understand that the contaminant was released to the environment and making its way to the Big Springs well. The Air National Guard was hoping to negotiate an agreement with the City, but policy changes at the Office of the Secretary of Defense impacted the ANG's ability to respond to PFOS/PFOA and the ANG no longer had the authority to reach a cooperative agreement and provide funding assistance. The City moved swiftly to protect its citizens from PFOA/PFOS exposure, including Guardsmen and their families. Ms. Magdinec thanked the City for that swift action. Congress saw what was happening in Martinsburg and other communities and provided the Air Force and the ANG with the authority to provide reimbursement for the cost of treatment systems. Thanks to Senator Capito and Manchin for their leadership and

support of the ANG. The City and Air National Guard negotiated an intergovernmental agreement that reimburses the City \$4,915,628. Ms. Magdinec offered a special thanks to City Manager Mark Baldwin for this patience and sense of humor throughout the process, as well as support and quick response to requests for information. The ANG continues to be committed to mitigating the confirmation of PFOS/PFOA and its impact on drinking water and cleaning up from past activities. The ANG will continue to work with the City throughout the clean-up process which will take years and are open to new cooperative agreement to support the payment of operation and maintenance of the treatment system, but of course, they need the legal authority before this can be done.

Mr. Keith McIntosh, on behalf of Senator Joe Manchin, read the following statement into the record:

On behalf of the citizens of the Mountain State and as your United States Senator, it is a privilege to join you in celebrating the agreement between the City of Martinsburg and the U.S. Air Force.

What we're celebrating today is a shining example of what can be accomplished when the local and federal government work together simply for the wellbeing of the people they serve. When faced with a serious public health challenge, Martinsburg stepped up to preserve the health of the community and its residents, a task that was neither easy nor inexpensive. When City leadership came to my office to tell me how the U.S. Air Force made a promise to clean up the PFAS contamination, but then lawyers within the Department stopped it, I was outraged. This began years' worth of meetings, negotiations and legislation to figure out a path forward to fix this situation. Finally, in last year's Defense appropriations bill, we were able to reimburse municipalities affected by PFAS contamination near National Guard facilities. I'm very proud to see the Department of Defense finally reimburse the costs Martinsburg incurred during the cleanup of their water supply. Though we celebrate today's significant milestone, I will continue to work in my capacity as a member of the Senate Armed Services Committee, Senate Appropriations Committee and as a Ranking Member of the Energy and National Resources committee to ensure that no city in West Virginia has to wait this long for relief. I will always work in a bipartisan way to do what is right for West Virginia.

I truly appreciate the efforts of the Department of Defense and the Martinsburg city officials who have worked tirelessly to resolve this issue. I will continue to encourage the department to act in the best interests of impacted communities and support efforts to uphold groundwater and drinking water standards to protect the people of our home state. Thank you and God bless.

Signed Senator Joe Manchin, III

Mr. Chris Stroval, representing Senator Shelly Moore Capito's office, discussed the process, which appears to have been lengthy. But, in reality, this process has moved very quickly on the governmental scale. The process was bipartisan, bi-cameral and multijurisdictional. Mr. Stroval thanked Mr. Jezierski for working through the process and helping to come up with a solution.

Mr. Dan Neff, representing Congressman Mooney's office, stated that the Congressman wishes to extend his congratulations to all parties in reaching an agreement and concluding this project. He also thanked the Air Force for their hard work, and stated that despite some hiccups along the way, everyone worked hard and persevered for a successful conclusion.

Mayor George Karos thanked the City staff and OBG staff for their tireless work on this project and the Intergovernmental agreement. The Mayor also thanked Mark Spickler, Finance Director, for watching our nickels and dimes, ensuring that the City had the funds to take immediate action.

Mr. Baldwin stated that the agreement should be signed tomorrow, if approved by Council. He stated that thanks to fiscal responsibility, the City had the funds to correct the issue immediately, but those funds have been drained. Though the City is able to do the necessary repairs and upgrades immediately, with no bonds and accruing no interest, the reimbursement is needed to provide the City with Capital to do other needed projects.

16 k. Approve/deny Resolution 2019-12 Authorizing the Intergovernmental Agreement between the City of Martinsburg and the United States Department of the Air Force Providing Reimbursement of Certain Water Treatment Costs Pursuant to Section 8142 of the Defense Appropriations Act, 2019

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Resolution 2019-12. Motion carried unanimously.

i. Proclamation—Alzheimer’s and Brain Awareness Month/Longest Day June 21, 2019

Ms. Long read the Proclamation and presented it to Ms. Ce Nichols, Executive Director of the Alzheimer’s Association, WV Chapter.

Ms. Nichols stated that it has been her dream to do a Paint the Town Purple week for Alzheimer’s for several years, and that she has received a very positive response from downtown businesses and residents.

9. Petitions from Citizens

Ms. Helen Henderson, W. Burke Street, read the following into the record:

There is a landlord who owns a property across the street from where we live. I won’t go into the yelling, drunken arguing, car alarms going off at night, people waiting for their dealers, police and ambulance visits or the general chaos that accompanies the revolving door of tenants which has taken place since we moved her six years ago. Being a live and let live family, we have largely let it go.

However, on May 26, the landlord sunk to a new low. A tenant was obviously being evicted since a trailer had appeared outside the house two days before and things were piled on there. Perhaps the tenant didn’t move fast enough to remove her belongings from the trailer. For whatever reason, two large trash cans, which I thought I recognized from my church, Calvary UMC, were removed from where they are stored behind the building (so trespassing was involved), placed in front of the church at the corner of Burke and Maple streets, and the tenant’s couch was placed on top of the trash cans and her many bags and piles of possessions heaped on top of that. It was a grotesque and surreal sight.

How did I know that this action designed for maximum humiliation of the tenant was happening? Because I heard inconsolable crying and the sound of breakages as the tenant attempted to pull her bags of belongings down. I went over to help her make some sort of order out of the torn bags, and luckily a good Samaritan who was cycling by helped her carry her things up the street.

I called the landlord to tell him what was happening, described the couch on top of the trash cans and asked if he would come down and check it out, and he did come but the only thing he did was to pick up something had had fallen off the trailer.

At a loss as to how to proceed, I called Berkeley County Councilperson Elaine Mauck, a longtime member of Calvary, and she asked her brother David to come and check if they were, in fact, the church trash cans, which they were. He lifted the couch down and moved the trash cans back. Elaine then contacted the landlord and both the couch and the trailer disappeared.

Other than the tale of one woman’s misery, why am I telling you this? Martinsburg is full of emotionally vulnerable people who need a place to live, and to be cared for. While landlords don’t have to be touch-

feely, there is a world of difference between being professional and responsible and being unscrupulous: evicting, humiliating and keeping the property and security deposits of their tenants.

I suggest that landlords be limited to the number of properties they can own and also be limited in the number of tenants they can cram into a building. Their license can be revoked if they repeatedly waste public resource on police and ambulance visits. We all live here and want the best for this town; there should be an emphasis on community spirit, on the public good, not just on financial gain.

Ms. Janis Angus, 905 W. King Street, spoke about a motorcycle driver in her neighborhood who continuously drives too fast (75-100 miles per hour) and taunts residents when they ask him to decrease his speed. She asked the Police Department to monitor the issue.

Mr. Larry Angus, 905 W. King Street, stated that he has lived in Martinsburg for twenty years and plays jazz piano at Boyd's Steak House. He stated that there is a very large problem with loitering and panhandling downtown. He has friends that are afraid to go downtown. He said he was personally verbally assaulted by a panhandler recently. He suggested more police officers "walking a beat" downtown. He also recommended an ordinance to address bare chests and low hanging pants.

Mr. Francis Daniels, 422 S. Illinois Avenue, spoke to Council regarding urban noise. He recommended that Council consider an ordinance which sets a maximum decibel limit for daytime and nighttime. He supports the purchase of additional radar units that is listed on the agenda.

Ms. Janie Henry, Berkeley Springs and downtown business owner, asked that Council approve the process of filing the vacancy.

Mr. Tom Johnson, Hillcrest Drive, asked that Council consider the process to immediately fill the vacancy in Ward Four. Councilmen have been appointed with approximately one year left in the term, previously, and he would like to see the vacancy filled to ensure that the residents of Ward 4 have a voice.

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

a. Historic Preservation Review Commission March 4, April 1, and May 6, 2019 Meeting Minutes

b. Board of Zoning Appeals April 16 Special Meeting Minutes, May 7 Regular Meeting Minutes and May 14, 2019 Special Meeting Minutes

c. Martinsburg-Berkeley County Parks and Recreation Board Meeting March 19, 2019 Meeting Minutes and Financial Reports

d. Spring Clean Up Report—May 18, 2019

e. Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) March 20, 2019 Meeting Minutes and Projects Update

f. Application as submitted to the WVDOT TA/RTP for design funding of Tuscarora Greenway Trail connecting existing Martinsburg bike infrastructure

g. Martinsburg-Berkeley County Convention and Visitor's Bureau April 24, 2019 Meeting Minutes and Financial Reports

h. Correspondence from Mayor George Karos to the US Department of Justice regarding Comprehensive Opioid Abuse Site-Based Program Grant funding

i. Comcast memo regarding changes to Xfinity packages with Cinemax

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

11. Reports of Chairpersons of Council Standing Committees

12. Report of Mayor

a. Schedule Special City Council Meeting for Monday, June 24, 2019 at 5 PM for third and final reading of certain ordinances and other business as needed

b. Reappoint Craig Shanholtzer and Randy Lewis to the Martinsburg Parking Authority through 6/30/2022

Motion made by Councilman Etherington, seconded by Councilman Collinson, to accept the Mayor's recommendation to reappoint the above to the Parking Authority.

c. Reappoint Elaine Bartoldson, Leonard Harris and Jean Burrell to the Martinsburg Human Relations Committee through 4/7/2021

Motion made by Councilwoman Johnson, seconded by Councilman Collinson, to accept the reappointments of the above. Motion carried unanimously.

d. Reappoint the following to the HOME Consortium Board

**Mary Crawford
Natalie Hoffman
Gregory Janes
Bill Clark (At-large)**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the reappointments listed above. Motion carried unanimously.

Report the following vacancies:

- **Historic Preservation Review Commission (1)**
- **Parking Authority (2)**

13. Report of City Attorney

14. Report of City Manager

15. Unfinished Business

a. Third and Final Reading of Ordinance 2019-05 Amending Ordinance 2018-15 Which Established Job Descriptions for Employees of The City of Martinsburg, West Virginia

Motion made by Councilman Etherington, seconded by Councilman Collinson, to read Ordinance 2019-05 through the third and final reading, by title only, and adopt. Motion carried unanimously.

16. New Business

a. First and Second Reading of Ordinance 2019-06, Amending Ordinance 2019-05, which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to read Ordinance 2019-05 through the first and second reading, by title only. Motion carried unanimously.

b. First and Second Reading of Ordinance 2019-07, Amending and Reenacting the City of Martinsburg Personnel Rules and Policies, Section V, Employment, at Subsection L, Overtime Pay

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2019-07 through the first and second reading, by title only. Motion carried unanimously.

c. 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)

Item stricken; no agreement was available at this time.

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to table. Motion carried unanimously.

d. Approve/deny Resolution 2019-08—FY 2018-2019 General Fund Revision #4

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2019-08. Motion carried unanimously.

e. Approve/deny FY 2018-19 Police Levy Fund Budget Revision #2

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

f. Approve/deny FY 2018-19 Water and Sewer Fund Budget Revision #2

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

g. Approve/deny FY 2018-19 Sanitation Fund Budget Revision #2

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

h. Approve/deny Resolution 2019-09 Authorizing Intergovernmental Agreement between the City of Martinsburg and the Berkeley County Board of Education for a School Based Law Enforcement Officer at Martinsburg High School

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Resolution 2019-09. Motion carried unanimously.

i. Approve/deny Resolution 2019-10 Approving the FY 2019 Annual Action Plan and Authorizing the Filing of the Application with HUD

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2019-10. Motion carried unanimously.

j. Resolution 2019-11 Amending the FY 2017 HOME Program Budget and Annual Action Plan

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2019-11. Motion carried unanimously.

k. Approve/deny Resolution 2019-12 Authorizing Intergovernmental Agreement between the City of Martinsburg and the United States Department of the Air Force Providing Reimbursement of Certain Water Treatment Costs Pursuant to Section 8142 of the Defense Appropriations Act, 2019 (See Item 8H)

See Item 8H.

l. Appointments to the following positions 7/1/2019-6/30/2020:

City Recorder Gena Long

Motion made by Councilman Collinson, seconded by Councilman Wachtel, to reappoint Gena Long as City Recorder through 6/30/2020. Motion carried unanimously.

City Judge Dale Buck

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to reappoint Judge Buck through 6/30/2020. Motion carried unanimously.

Alternate Judge Jared Adams

Motion made by Councilman Knowles, seconded by Councilman Collinson, to reappoint Alternate Judge Adams through 6/30/2020. Motion carried unanimously.

City Treasurer—

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to nominate Kevin Knowles for Treasurer.

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to nominate Dennis Etherington for Treasurer.

Voting for Kevin Knowles was Councilmen Knowles, Collinson and Baker.

Voting for Dennis Etherington was Councilpersons Wachtel, Johnson and Etherington.

Mayor Karos broke the tie with a vote for Councilman Etherington.

m. Approve/deny agreement between the City of Martinsburg and Nancy S. Strine Consultants, LLC for administration and coordination of CDBG and HOME grants through 6/30/2020

City Manager Mark Baldwin pointed out that the agreement maintains the hourly rate but increases the allowable hours, as Ms. Strine is often over her contracted hours.

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

n. Approve/deny process of accepting letters of interest to fill vacancy of Ward 4 Council Seat (see sample advertisement modeled from previous mid-term appointments) in accordance with City of Martinsburg Charter Article XIII, Section 21 and WV Code Section 8-5-10

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

Some discussion was had about scheduling the application reviews and interviews. Councilman Baker asked that nothing be scheduled during the week he is to be out of town in early July. It was determined that a consensus on schedule could be reached at a later time, and that Council should notify the City Manager of upcoming availability. Consensus of Council was to set a deadline of June 28 for interested parties to submit letters of interest and resumes.

o. Approve/deny Special Events Permit 1934 for the Miss West Virginia 75th Anniversary Parade, to take place along the attached route on Saturday, June 29, 2019 from 11 AM until noon, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services, unless waived in accordance with ordinance (See Item 8A)

See item 8 A.

p. Approve/deny request from For the Kids, by George Children's Museum to serve alcoholic beverages at the Caperton Train Station in conjunction with a fundraiser on July 19, 2019 from 6-10 PM, contingent upon appropriate permissions from the WVABCA

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

q. Take action on the matter of City of Martinsburg appealing the May 6, 2019 decision of the Historic Preservation Review Commission (Case # HP 19-00016) to deny request for Certificate of Appropriateness to demolish structure located at 128 W. Race Street

City Manager Mark Baldwin, on behalf of the City of Martinsburg, addressed Council. He gave a brief history of the Council's decision to purchase this property and associated properties for the construction of the new Police Department/Municipal Court building and parking for that facility. Presently, the subject property, known as the Widmeyer building, has no parking as the City purchased that lot. The structure has been vacant for 10-15 years and the City purchased it with the intent to demolish it. There are existing environmental concerns due to the chemicals used in the dry-cleaning process, the building's previous use, and those concerns will be mitigated by capping and paving the property.

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to overturn the decision of the Historic Preservation Review Commission. Motion carried unanimously.

r. Approve/deny bid recommendation for Public Works Department hand-fed brush chipper--\$41,990.20—Winchester Equipment Company—Street Department Capital Outlay Fund

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

s. Approve/deny bid recommendation for Public Works Department Vista Lane tree removal (7 trees, stumps, brush, and related services) --\$17,500—Antietam Tree and Turf—Sewer Department Fund

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

t. Approve/deny bid recommendation for S. Raleigh Street Stormwater Management concrete repairs--\$2,450—Devonshire Construction, LLC—Sewer/Stormwater Capital Outlay Fund

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

u. Approve/deny purchase of for Public Works twenty-ton chassis jack (see attached quote)—\$2,713.33—Central Truck and Trailer—Street Department Materials and Supplies Fund

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

Public Works Director pointed out that the two prices quoted by the same company were due to two different types of jacks being quoted.

v. Authorize Mayor to sign Award Agreement between the City of Martinsburg and the Chesapeake Bay Trust for a \$30,000 Green Streets, Green Jobs, Green Towns award for a green street engineered design--\$15,000 City match—Stormwater Fund

Motion made by Councilman Knowles, seconded by Councilman Collinson, to authorize the Mayor to sign the agreement, contingent upon final award notification from the Chesapeake Bay Trust. Motion carried unanimously.

w. Approve/deny bid recommendation for Big Springs Water Plant Granular Activated Carbon Change-out Water Department Fund—Cabot Norot Amereicas--\$136,000

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

x. Discuss/take action as necessary regarding Settlement Agreement and Release between the City of Martinsburg and Navistar, Inc., and Rush Ohio regarding City of Martinsburg's purchase of three 2015 Terristar SFA 4x4 ambulances

City Attorney Kin Sayre stated that the City has negotiated the presented agreement with Navistar, who is willing to pay all by \$105,000 to re-chassis the vehicles and will honor the extended warranty agreements.

Councilman Knowles asked if the City is willing to continue to work with this company, considering the significant issues with the vehicles which began immediately after purchase.

Mr. Sayre stated that the boxes will be placed on new chassis with new engines, which should mitigate the issues. The engines will be Navistar engines.

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the agreement. Motion carried; Councilman Baker voting no.

y. Approve/deny purchase of five (5) MPH Industries Python III Radar units for the Martinsburg Police Department--\$7,250—Drug Forfeiture Fund

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

z. Approve/ purchase of one Dodge Ram 1500 Crew Cab pick-up truck for Martinsburg Police Department K-9 Unit—\$25,492 State Contract—Stephen's Auto + \$14,492 special equipment, striping and outfitting—total--\$39,984—Drug forfeiture

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

aa. Approve/deny purchase of nine (9) FNH FN 15 AR-15 short-barreled rifles for the Martinsburg Police Department Special Response Team--\$929 each + 120 each for equipment and mounting—FN Law Enforcement Sales—total \$9,441—Drug Forfeiture Fund

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

bb. Approve/deny Health Insurance Renewal Rates-Highmark Blue Cross/Blue Shield, effective August 1, 2019

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

Finance Director Mark Spickler stated that the City is attempting to negotiate with Highmark to extend the seventeen-month contract or to change the re-set date to August 1, so that employees will notices less impact caused by the significant increase in deductible.

cc. Approve/deny Pay Application # 13 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$827,775

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

Executive Session

Council went into Executive Session for legal, real estate and personnel at 8:21 PM.

Meeting adjourned by unanimous consent at 8:40 PM.

George Karos, Mayor

Gena Long, City Recorder