

**City of Martinsburg
Regular Council Meeting
Thursday, August 15, 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, Kimberly Nelson and Jason Baker. Also present were: 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, CDBG/HOME Administrator Nancy Strine and Planning Director Kim Petrucci.

3. Salute to Flag

Councilwoman Nelson led the salute to the flag.

4. Prayer—

Mayor Karos led the invocation.

5. Approve July 11, 2019 Regular Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the July 11, 2019 Regular Council Minutes. Motion carried unanimously.

6. Approve July 29, 2019 Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the June 24, 2019 Special Meeting Minutes. Motion carried unanimously.

7. Approve June 2019 Administrative and Financial Report

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

8. Presentations

a. Retired Senior Volunteer Program Presentation—Lorraine Van Cott and Marge Ruth

Ms. Ruth, Kearneysville, introduced the organization and stated that they are seeking volunteers, specifically for the transport program. The Program helps out where needed, doing everything from watching children to mowing lawns. They currently have only five drivers who answer upwards of thirty-five calls per month. She asked Council to pass the information along to anyone they knew who might like to help out.

b. Make Comment on ABCA Zoning Form for Retail Alcohol Sales—Virginia RE, LLC., d.b.a. Queen Street Marketplace—137 N. Queen Street

Mr. Azzdine Elbouchti was present.

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to forward the form to the ABCA with no comment. Motion carried unanimously.

c. Proclamation—National Payroll Week—Labor Day Week

The City Recorder is to forward the Proclamation.

9. Petitions from Citizens

Mr. David Anderson, Music Court, read the following into the record after stating that he opposed the appointment of Kimberly Nelson as Ward IV Councilperson:

I feel the process of selecting and appointing a new city council person was not open, transparent, or a clear process. We had nine people that submitted their letters of interest, including myself, in which only three were interviewed. What is the point of submitting letters of interest? Then only one, Kimberly Nelson, was given the longest interview. Does she have experience in government? Was she on the local board like the Planning Commission? Has she been to Council meetings? Does she know the ward? We need someone with new ideas to further improve the ward, not to keep the status quo.

The City Council could have made history by appointing an African American of Latino. Our City Council is the least diverse in the region.

June 2020 is our next city election. Tonight, I am announcing that I will be running for Kimberly Nelson's seat. I am a Democrat who will fight for the citizens, not the same old way.

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

a. Eastern West Virginia Regional Airport Authority June 10, 2019 Meeting Minutes and Financial Reports

b. Martinsburg/Berkeley County Parks & Recreation Pool Revenue Report

c. Historic Preservation Review Commission June 3, 2019 Meeting Minutes

d. Board of Zoning Appeals June 4, 2019 Meeting Minutes

e. Planning Commission July 3, 2019 Meeting Minutes

f. Notice of Public Hearing regarding proposed changes to MARC Train Brunswick Line Service to West Virginia

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to receive and file 10A-10F. Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees

12. Report of Mayor

a. Reminder of Committee as a Whole Meeting for Monday, August 19, 2019 at 4:30 PM for Budget Purposes and Other Business as Needed

Report the following vacancies:

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

13. Report of City Attorney

City Staff is working on the AirBnb issue; there may be a text amendment forthcoming to determine if a Special Exception will continue to be required in all zoning districts.

14. Report of City Manager

15. Unfinished Business

16. New Business

a. Approve/deny Resolution 2019-16 Amending the FY 2018 Home Program Budget and Annual Plan

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve Resolution 2019-16. Motion carried unanimously.

b. Approve/deny Resolution 2019-17 encouraging the State of West Virginia to recognize the importance of MARC transportation service and to fund continued full-service operation

Councilwoman Nelson read the resolution.

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve Resolution 2019-17. Motion carried unanimously.

c. Approve/deny compensatory time for all full-time City employees for the Berkeley County Board of Education School Levy Election to be held on Saturday, November 16, 2019

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the compensatory time, contingent upon the date being maintained. In the event that the date changes, the compensatory time will be given at the appropriate time. Motion carried unanimously.

d. Discuss and take action regarding allowing urban deer hunting on City-owned properties

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve hunting on the Oatesdale Park property only. Motion carried unanimously.

e. Approve/deny agreement between the City of Martinsburg and Michael Baker International, Inc. for the City of Martinsburg's Zoning Ordinance and Subdivision and Land Development Ordinance (SLDO) rewrites and Zoning Map Update and Digitization Project--\$134,537

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

f. Approve/deny appointment of committee for Zoning Ordinance and Subdivision and Land Development Ordinance rewrite and Zoning Map Update and Digitization Project

Motion made by Councilman Collinson, seconded by Councilman J. Baker, to appoint the following to the Committee. Motion carried unanimously.

- Chad Wallen—Gordon
- Matt Powell—Dan Ryan Builders, WV, LLC
- Elaine Bartoldson—EPTA
- Barbara Bratina—resident
- Jeff Molenda—Planning Commission

- Mary Dulyea—Board of Zoning Appeals
- Kim Petrucci—City Engineer/Planning Director
- Dana Keith—City Planner
- Shane Farthing—Economic and Community Development Director
- George Karos—Mayor
- Ken Collinson—Councilmember
- Mark Baldwin—City Manager

g. Approve/deny request from BCA-CV to affix pink ribbons to parking meters, utility poles and trees September 30-October 31, 2019

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

h. Approve/deny Memorandum of Understanding between the City of Martinsburg and The Professional Building Partnership regarding placement, maintenance and monitoring of groundwater maintenance well in the W. Burke Street parking lot

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

i. Approve/deny Pay Application # 14 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$591,219

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

j. Approve/deny Amendment to Task I for City of Martinsburg Water Tank(s) Inspection—OBG--\$43,156

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

k. Approve/deny submission of Justice Assistance Grant (JAG) Program FY 2019 Local Solicitation Application for funding for Martinsburg Police Department Portable Radio Equipment Project--\$13,575

Motion made by Councilman Etherington, seconded by Councilwoman Nelson, to approve the submission of the application. Motion carried unanimously.

Executive Session

Council went into Executive Session for legal and real estate 6:55 PM.

Meeting adjourned by unanimous consent at 7:07 PM.

George Karos, Mayor

Gena Long, City Recorder