

**City of Martinsburg
Special Council Meeting
Thursday, April 16, 2020
The J. Oakley Seibert Council Chambers**

Due to COVID-19 protocols and in accordance with the Berkeley County Health Department's order restricting number of persons permissible per square footage, this meeting was held telephonically. The meeting was also streamed live to the City's Facebook page.

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor George Karos at 5:00 PM. The following Council Members were present via telephone: Harriet Johnson, Gregg Wachtel Dennis Etherington, Kevin Knowles, Ken Collinson, Kimberly Nelson and Jason Baker. Physically present were the Mayor, City Recorder Gena Long and City Manager Mark Baldwin.

3. Salute to Flag

Mayor Karos led the salute to the flag.

4. Prayer—

Mayor Karos led the invocation.

5. Presentations

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

7. Reports of Chairpersons of Council Standing Committees

8. Report of Mayor

9. Report of City Attorney

a. Update on City/County Discussions Regarding Feasibility of Combining Elections on June 9, 2020

City Attorney Kin Sayre explained the series of Executive Orders pertaining to elections, which moved the May Primary Election to June 9, which was the scheduled City election day. The City and Berkeley County have been looking into options which would allow the City to be included on the ballot for the June 9 Primary. When the Council was asked to consider this at the April regular meeting, the County had determined it would not be practical. The City Council then rescheduled the City Election for July 28, in response to guidelines from the WV Secretary of State's Office. The County reviewed that position on Monday, April 13 after speaking with vendors and asked that it be reconsidered by both governing bodies. At the County Council meeting earlier on April 16, the Chief Deputy Election Clerk recommended that the City offices not be added to the County primary ballot due to potential vendor issues as well as absentee ballot logistics. He projected that there was a 30% chance of successfully holding these two elections together.

The Berkeley County Council determined it would be possible to hold the City election on June 9, but as a separate election and unanimously voted to offer this solution to the City Council. Doing such would require separate poll workers for each election and the voters would be required to use two separate machines to cast their ballots. Discussion with the Secretary of State's office were unclear on the legality or logistics of holding the election as such; they had never seen this before. The Executive Order specifically stated that cities may hold elections on June 9 if the City offices could be added to the ballot, it did not address the possibility of holding two separate elections on the same day in the same polling locations. The City Attorney and City Recorder did not recommend holding the election under those conditions on June 9.

There was one written comment submitted from the public on this matter:

Barbara Bratina and Bill Caldwell, Tennessee Avenue: We watched the County Council discussion on combining the County Primary Election and the City's General Election. Donnie Plotner, Chief Deputy Clerk of Elections, recommended to the County Council to keep the two elections on separate dates, especially since the City had already chosen July 28 for their election.

Mr. Plotner stated numerous times that he did not see how the County can accommodate handling both the County and City Elections. He said that they were 'buried' with absentee ballots now. He specifically stated that he was not sure there would be enough poll workers since many of his reliable workers are declining to participate in the election (even with the lowered requirement to three poll workers instead of five). He felt that it may be easier to find poll workers for the City's July 28 election than the June 9 election. Mr. Plotner reiterated that he is trying to plan for the unknown in regards to the election and its turnout.

The County Council questioned Mr. Plotner that if both elections were held on the same day, what was the percentage with which he thought it would work. Mr. Plotner replied that there was only a 30% chance that it would work if they were to combine the County and City elections. His reasons were: absentee ballots, lack of poll workers, trying to retrain poll workers, poll worker confusion and voter confusion. He questioned whether the City would be able to get ballots in time; it took him six weeks to get ballots. He even stated that one of his handlers said "they need to get a handle on this mess in West Virginia."

Mr. Plotner specifically told the County Council that, "I don't want to risk the primary elections. Lawyers are lined up."

And yet, the County voted against Mr. Plotner's recommendations to keep the County and City elections separate. They voted to approve combining the County and City elections.

One issue, not addressed at all by the County Council, was how to deal with the people in the City of Martinsburg who have already voted by absentee ballot. Obviously, the County does not care about the integrity of our elections.

The Martinsburg City Council has already voted, unanimously, to hold the Martinsburg Municipal Elections on July 28. The citizens of Martinsburg have already been notified that their City election is on July 28, 2020. Do not add to the confusion and mess by changing the City's election date. Do not open up our city to litigation over our election. We want a clean and fair election.

You must protect the integrity of the City of Martinsburg's Municipal Election. Vote no to combining the County and City elections.

Vote yes to keep the July 28, 2020 election date.

Councilman Wachtel felt the City election should be held on July 28.

Councilwoman Nelson stated that the City Council had already voted to hold the election on July 28, and changing it again is confusing and appears "willy nilly." Keeping the City and County elections separate is important. She is also concerned that the public may not be free to move about on June 9, and the City Council would be in the position of voting for a third time on an election date.

Councilman Knowles stated he has always advocated to holding the City election on the County Primary ballot; however, he would not be in favor of doing so under the above conditions.

Councilman Baker stated that he was fine with the July 28 date and asked if the City should consider voting on an alternate date in the event that stay at home orders are still in place. He advocated that the City take a leadership role, rather than following the State in all matters. The City Recorder reminded Councilman Baker that election materials are dated and the turnaround might not be possible. Councilman Baker agreed, adding that it is important to have a plan in place for these eventualities.

10. Report of City Manager

11. Unfinished Business

12. New Business

a. Approve/deny Resolution 2020-08 pertaining to an agreement between the City of Martinsburg City Council and the Berkeley County Council to hold the City of Martinsburg General Election concurrently with the County's 2020 Primary Election

Motion made by Councilman Baker to table this item. Motion died due to lack of second.

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve Resolution 2020-08. Motion denied unanimously via roll call vote: Voting no were Wachtel, Johnson, Etherington, Knowles, Collinson, Nelson and Baker.

Motion made by Councilman Knowles, seconded by Councilman Collinson to go into Executive Session for legal, real estate and personnel at 5:23 PM.

Meeting adjourned by unanimous consent at 5:35 PM.

George Karos, Mayor

Gena Long, City Recorder