

**City of Martinsburg  
Regular Council Meeting  
Thursday, July 9, 2020  
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: Harriet Johnson, Gregg Wachtel, Dennis Etherington, Kevin Knowles, Ken Collinson, Kimberly Nelson, and Jason Baker. Physically present were City Manager Mark Baldwin, City Attorney Kin Sayre and City Recorder Gena Long, Police Chief George Swartwood, CDBG Administrator Nancy Strine and Finance Director Mark Spickler. Several members of the staff were present telephonically.

**3. Salute to Flag**

Councilman Wachtel led the salute to the flag.

**4. Prayer—**

Councilwoman Johnson led the invocation.

**5. Approve June 11, 2020 Regular Council Meeting Minutes**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the June 11, 2020 Regular Council Meeting Minutes. Motion carried unanimously.

**6. Approve May 2020 Administrative and Financial Report**

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the May 2020 Administrative and Financial Report. Motion carried unanimously.

**7. Public Hearing** to solicit comments on substantial amendments to the City of Martinsburg's FY 2018 Annual Action Plan for the use of CDBG Funds

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

CDBG/HOME Administrator Nancy Strine explained that the purpose of the hearing was to present a substantial amendment to the FY 2018 Annual Action plan, primarily in the area of allotment for paving funds.

As there was no other public input, the public hearing was closed at 6:35 PM.

**8. Presentations**

**9. Petitions from Citizens**

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

**a. Convention and Visitor's Bureau February 26 and March 12, 2020 Meeting Minutes and Financial Reports**

**b. Notification of Fraternal Order of Police appointment of Mike Laing to the Martinsburg Police Civil Service Commission, effective June 11, 2020**

**c. Memorandum(s) from Comcast notifying of programming changes (June 12 and June 24)**

**d. For the Kids, by George Children's Museum May 7 and June 4, 2020 Meeting Minutes**

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

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

**12. Report of Mayor**

**a. Schedule Special City Council Meeting for Monday, July 20, 2020 at 6 PM for the purpose of Resolutions of Appreciation for retiring City employees, administration of Oaths of Office for new and recently promoted employees, and other business as needed**

**b. Reminder of Special City council Meeting for Monday, July 27, 2020 at 5 PM to approve FY 2020-2021 Budget Revisions, per State Code, and other business as needed**

**c. Reminder of Special City Council Meeting for Monday, August 3, 2020 at 5 PM for opening the canvass for the City of Martinsburg General Election**

**d. Reminder of Special City Council Meeting for Wednesday, August 5, 2020 at 5 PM for purposes of certifying the results of the City of Martinsburg General Election**

**e. Reminder of Special City Council Meeting for Wednesday, August 5, 2020, immediately following the conclusion of the 5 PM meeting, for purposes of administering oath of office to Mayor and Council**

**f. Reappoint James McGowan, Kimberly Foore and Kelly Tanksley to the Eastern Panhandle Transit Authority through June 30, 2023**

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

**g. Reappoint Sara Douglass to the Martinsburg-Berkeley County Library Commission through 6/30/2025**

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

**h. Appoint Keenan Puller to the Martinsburg Planning Commission to fill an expired term ending 1/21/2023 (vacated by Chris Ross)**

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

**Report the following vacancies:**

- **Historic Preservation Review Commission (2)**
- **Parking Authority (2)**
- **Shade Tree Commission (1)**
- **Human Relations Committee (1)**

**13. Report of City Attorney**

**14. Report of City Manager**

City Manager Mark Baldwin introduced Assistant City Manager Andrew “Andy” Blake.

Mr. Baldwin gave a brief projects update.

**15. Unfinished Business**

**a. Third and Final Reading of Ordinance 2020-06 to Amend and Reenact the City of Martinsburg Personnel Rules and Policies Section V: Employment at Subsection N: Compensatory Leave**

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

**b. Third and Final Reading of Ordinance 2020-07 to Amend and Reenact the City of Martinsburg Personnel Rules and Policies Section VI: Benefits at Subsection K: Personal Leave**

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

**16. New Business**

**a. First and Second Reading of Ordinance 2020-09 Amending Ordinance 2020-05, which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia**

City Manager Mark Baldwin stated that this ordinance creates a position for a custodian for the new Police Department/Municipal Court, though staff is still evaluating whether a cleaning service may be more efficient.

Motion made by Councilman Collinson, seconded by Councilman Etherington, to read Ordinance 2020-09 through the first and second reading, by title only. Motion carried unanimously.

**b. Approve/deny Resolution 2020-12 authorizing Coal Severance Tax Fund Budget Revision #1 for FY 2020-2021**

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve Resolution 2020-12. Motion carried unanimously.

**c. Approve/deny Resolution 2020-13 authorizing School Resource Officer Agreement between the City of Martinsburg and Berkeley County Schools**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve Resolution 2020-13. Motion carried unanimously.

**d. Approve/deny Resolution 2020-14 authorizing substantial amendment to the 2018 CDBG Annual Action Plan**

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve Resolution 2020-14. Motion carried unanimously.

**e. Approve/deny Resolution 2020-15 authorizing and approving FY 2020 Annual Action Plans and Budget for CDBG/ CDBG-CV and HOME and filing said application with HUD**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2020-15. Motion carried unanimously.

**f. Approve/deny FY 2020-2021 CDBG/Annual Action Plan**

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

**g. Approve/deny FY 2020-2021 CDBG-CV Annual Action Plan**

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

**h. Approve/deny Resolution 2020-16 authorizing and approving Amended Citizen Participation Plan for FY 2019-2023 CDBG and HOME Programs**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2020-16. Motion carried unanimously.

**i. Approve/deny CDBG/HOME Citizen Participation Plan**

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

**j. Approve/deny General Fund and CDBG street repaving lists for FY 2020-2021**

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

City Manager Baldwin thanked Ms. Strine for her hard work on the CDBG projects, especially in consideration of the additional funding via CDBG-CV.

**k. Approve/deny soliciting Request for Qualifications (RFQ) for engineering and architectural services**

Assistant City Manager Andrew Blake explained the process for selecting a firm, which is score based upon qualifications, then price is negotiated. This would be a contract for specific projects, then the firm would be on-call for any future projects. Such contracts are generally for three years.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the solicitation. Motion carried unanimously.

**l. Approve/deny Special Events Permit 2020-29 for Faith Feeding Freedom Anointed Movers' Youth Jam events in the Town Square Pedestrian Plaza for Sunday, July 19 and Sunday, July 26 from 4-9 PM, contingent upon proof of adequate liability insurance, payment of any recommended fees for City Services and compliance with any COVID related guidelines as promulgated by the Berkeley County Health Department**

Motion made by Councilman Baker, seconded by Councilman Collinson, to approve Special Events Permit 2020-29, as requested, contingent upon proof of adequate liability insurance and adherence to COVID-19 protocols. Motion carried unanimously.

**m. Approve/deny Special Events Permit 2020-30 for One Light Church's OLC Street Outreach events in the Town Square Pedestrian Plaza for Monday, July 13, Monday, August 10, Monday September 14, Monday October 12 and Monday, November 9 from 5-8 PM, contingent upon proof of adequate liability insurance, payment of any**

**recommended fees for City Services (\$0.00 recommended) and compliance with any COVID related guidelines as promulgated by the Berkeley County Health Department**

Motion made by Councilman Baker, seconded by Councilwoman Johnson, to approve Special Events Permit 2020-30, as requested, contingent upon proof of adequate liability insurance and adherence to COVID-19 protocols. Motion carried unanimously.

**n. Approve/deny Amended Memorandum of Understanding between the City of Martinsburg and Martinsburg-Berkeley County Parks and Recreation Board regarding renaming of Lambert Park to Steve Catlett Recreation Complex (Previous MOU approved 6/11/2020)**

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

**o. Approve/deny renewal of City of Martinsburg property, causality and liability insurance with Travelers Insurance Company--\$944,513**

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

**p. Approve/deny renewal of Worker's Compensation Insurance—\$263,720**

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

**q. Approve/deny request of the Historic Preservation Review Commission to change its meeting time from 7 pm to 6:30 pm**

Councilman Knowles asked if this would be a permanent change. City Attorney Kin Sayre stated that it would.

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

**r. Discuss/take action as necessary regarding restricted access to City Hall and other governmental buildings for the public, in relation to COVID-19 protocols**

City Finance Director Mark Spickler explained that the current system appears to be working well. Staff continues to encourage use of online services and appointments to the extent possible, however, walk-ins are not turned away.

No action was necessary.

**s. Approve/deny payment to retiring Utilities Director Steve Knipe for 127 hours of personal leave, upon retirement**

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

**t. Approve/deny bid recommendation for engineering services for surveying and geotechnical services for green infrastructure practices to be installed in the S. Raleigh Street watershed—Public Works Department—Triad Surveying, Inc--\$34,120 (Surveying-\$18,000/Geotechnical \$16,120)—Chesapeake Bay Grant funded**

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

**u. Approve/deny Submission of City of Martinsburg's intent to hold an Urban Deer Hunt to the WV Department of Natural Resources (due August 1, 2020) for the 2020-2021 archery hunting season (season dates to be announced)**

Councilwoman Nelson asked about safety and how long the urban deer hunt had been in place. City Recorder Gena Long informed Councilwoman Nelson that this was the third year, approximately nine deer were harvested in the previous year, and that the ordinance addresses safety issues, should she wish to review that after the meeting. There have been no previous incidents.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the submission. Motion carried 6-1; Nelson voting no.

**v. Approve/deny Pay Application #26 to W. Harley Miller for Martinsburg Police Department/Municipal Court Project--\$13,245**

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

**w. Approve/deny quote recommendation to move Police Department to new facility—Lawrence and Family Movers--\$1,765**

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

**x. Approve/deny location of Precinct 1 Polling Place from St. Luke's United Methodist Church to Martinsburg South Middle School (Precinct 6 Polling Location) due to COVID-19 related closure—emergency agenda item**

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the location change. Motion carried unanimously.

**y. Approve/deny location of Precinct 17 Polling Place from Otterbein United Methodist Church to Berkeley Senior Services (Precinct 14 Polling Location) due to COVID-19 related closure—emergency agenda item**

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the location change. Motion carried unanimously.

**z. Authorize City Manager to obtain information for contract with Granicus for agenda management and live streaming software and hardware—emergency agenda item**

Assistant City Manager Andy Blake discussed the project, stating that he would need permission to obtain information for the software and hardware for the Council chambers. Some of these expenses may be reimbursable through COVID funding, hence the emergency action.

Motion made by Councilman Etherington, seconded by Councilman Baker, to authorize. Motion carried unanimously.

**Executive Session**

Council entered Executive Session at 7:13 PM for legal and real estate matters.

Council entered Regular Session and adjourned by unanimous consent at 7:24 PM.

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George Karos, Mayor

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Gena Long, City Recorder