

A Regular Meeting has been called of the Martinsburg City Council. Due to the recommendations of the Federal and State government and the CDC, members of the public are encouraged to view the meeting via media and social media outlets. All attempts will be made to stream via the City's Facebook page at [Facebook.com/CityofMartinsburg](https://www.facebook.com/CityofMartinsburg) or searching @CityofMartinsburg. Please address public comments regarding this agenda to [glong@cityofmartinsburg.org](mailto:glong@cityofmartinsburg.org).

**City of Martinsburg  
Regular City Council Meeting  
Thursday, November 12, 2020  
6:30 PM**

1. Call to Order
2. Roll Call
3. Salute to Flag
4. Prayer –
  - 4.a Reverend Ken Walker, Calvary United Methodist Church
5. Approval of Minutes
  - 5.a Approve October 8, 2020 Regular Meeting Minutes
6. Approve Administrative and Financial Report
  - 6.a Approve/deny September 2020 Administrative and Financial Report
7. Petitions from Citizens
8. Presentations
  - 8.a Administer Oath of Office to Police Officers Eric Millburn, Jeremy Pevahouse, Coby Engle and Daniel Smith
  - 8.b Resolution of Appreciation for retiring City of Martinsburg employee Dale Birmingham for his forty- plus (40+) years of service
  - 8.c Proclamation--Christian Heritage Week--November 22-28, 2020
  - 8.d Proclamation--Small Business Saturday--November 28, 2020
  - 8.e Proclamation--National Hunger and Homelessness Awareness Month--November 2020
  - 8.f Make comment on ABCA Zoning Form for Cracker Barrel Old Country Store, Inc., dba Cracker Barrel Old Country Store # 280 --725 Foxcroft Avenue
  - 8.g Make comment on ABCA Zoning Form for Springwood Hospitality, LLC, d.b.a. Home2 Suites Martinsburg--820 Foxcroft Avenue
9. **Receive and File Reports—Minutes—Correspondence of The Following:**
  - 9.a Eastern West Virginia Regional Airport Authority August 10, 2020 Meeting Minutes and Financial Rep
  - 9.b Main Street Martinsburg August 17, 2020 and September 21, 2020 Meeting Minutes and Financial Reports
  - 9.c Eastern Panhandle Transit Authority Board of Directors September 12, 2020 Meeting Minutes and Financial Statements
  - 9.d Correspondence from Comcast regarding the re-opening of a local office and closure of the Terrace Street customer service location

- 9.e Correspondence from Martinsburg Little League Association thanking Council for the financial support approved at the October 9, 2020 Regular Council Meeting
- 9.f Letter of Resignation from Kelly Tanksley, Police Civil Service Commission, effective November 8, 2020
- 9.g Letter from Governor Jim Justice, addressed to West Virginia Utility Companies, regarding COVID-19 Utility Services Grant Funding Availability
- 9.h Martinsburg-Berkeley County Parks and Recreation Board financial statements
- 9.i Eastern West Virginia Airport Authority September 12, 2020 Meeting Minutes and Financial Reports
- 9.j Planning Commission August 5, 2020 Meeting Minutes
- 9.k Historic Preservation Review Commission September 14, 2020 Meeting Minutes
- 9.l The Martinsburg Initiative Grant funding request

**10. Reports of Council as a Whole Committee:**

- 10.a Approve October 14, 2020 Council as a Whole Committee Meeting Minutes
- 10.b Approve October 28, 2020 Council as a Whole Committee Meeting Minutes

**11. Report of Mayor**

- 11.a Approve/deny recommendation of Mayor to appoint Ian Fritz to the Martinsburg Historic Preservation Review Commission to fill an expired term ending 1/1/2022
- 11.b Approve/deny recommendation of the Mayor to appoint Mark Thompson to the Shade Tree Committee to fill an expired term ending 5/9/2023
- 11.c Report the following vacancies:
  - Parking Authority (2)
  - Historic Preservation Review Commission (1)
  - Human Relations Committee (2)
  - Police Civil Service Commission (Chamber Appt).
  - Martinsburg/Berkeley County Parks and Recreation Board (1) (City Appt.)

**12. Report of City Attorney**

**13. Report of City Manager**

- 13.a City Manager Report

**14. Unfinished Business**

- 14.a Third and Final Reading of Ordinance 2020-16 Granting a Non-Exclusive Cable Franchise Agreement by and between the City of Martinsburg and Shenandoah Cable Television, LLC Pursuant to WV Code 24D-1-1 et seq. and 47 USC 522 (Title VI of the Communications Act)
- 14.b Third and Final Reading of Ordinance 2020-17, by title only, amending and reenacting the City of Martinsburg Code, Part 5: General Offenses Code, Chapter 5, Administrative, by amending Article 522, Drug and Gang Houses, Houses of Prostitution and other Disorderly Houses, Section 552-01 through 552-03.
- 14.c Third and Final Reading of An Ordinance 2020-18, by title only, to Amend and Re-Enact Article 355.01 of the City of Martinsburg Prohibition of Operation and Use of All Terrain Vehicles and Street Legal Special Purpose Vehicles.

**15. New Business**

- 15.a** First and Second Reading of Ordinance 2020-19 to Enact Article 144 of the City of Martinsburg Code Establishing the Martinsburg Municipal Building Commission.
- 15.b** First and Second Reading of Ordinance 2020-20 amending Ordinance 2020-14, which established job descriptions for the City of Martinsburg, West Virginia for positions within the Martinsburg Fire Department
- 15.c** First and second reading of Ordinance 2020-21 authorizing the necessary documents to purchase the property known as 104, 106 and 108 and 232 E. Burke Street (Tax Map M10, Lots 10, 11 and 12 of Swartz's Mill Lot for \$18,000
- 15.d** First and Second Reading of Ordinance 2020-22 to Amend the City of Martinsburg Zoning Map to Rezone 2.73 Acres of an Unimproved Parcel West of the Intersection of Edwin Miller Blvd. and Courthouse Drive; at the end of Courthouse Drive Approximately 400 feet from its Intersection with Forbes drive and Identified as Berkeley County Tax Map M25 Parcel 3.1 from RP (Planned Residential) and BP (Planned Business) to IL (Light Industrial)
- 15.e** Approve/deny Resolution 2020-22 authorizing an agreement between the City of Martinsburg and CSX to Improve Property Adjacent to White Avenue.
- 15.f** Approve/deny Resolution 2020-23: A Resolution of the City Council of Martinsburg, West Virginia Authorizing A Request for Qualifications/Proposals to Develop a Redevelopment Plan for the Purpose of Creating the Martinsburg Urban Renewal Authority.
- 15.g** Approve/Deny Resolution 2020-24 authorizing Master Agreement with Civil and Environmental Consultants, Inc. (CEC) for Engineering Services.
- 15.h** Approve/Deny Task Order with CEC for design/engineering services for parts of S. Alabama/S. Georgia Avenues.
- 15.i** Approve/Deny Task Order with CEC for design/engineering services for East Martin Street Parking Lot.
- 15.j** Approve/Deny Task Order with CEC for on-call design/engineering services.
- 15.k** Approve/Deny Resolution 2020-25 Changing the Titles of Planning Secretary, Police Secretary, Fire Secretary, Public Works Secretary, Utility Secretary, Executive Secretary to Planning Administrative Assistant, Police Administrative Assistant, Fire Administrative Assistant, Public Works Administrative Assistant, Utility Administrative Assistant and Executive Assistant. (No Grade or Pay Change; Title Only)
- 15.l** Approve/Deny Resolution 2020-26 Changing the Title of Fire Captain to Fire Battalion Chief.
- 15.m** Approve/deny Special Events Permit 2020-\_\_ for River's Edge Ministries request to hold Christmas in the Streets in the Town Square Pedestrian Plaza on Saturday, December 12, 2020 from 5-8 PM, contingent upon proof of adequate liability insurance, payment of any recommended fees of City services and compliance with any COVID-19 protocols in place at the time of the event
- 15.n** Approve/deny Special Events Permit 2020-41 for Women's Health Care for the Faith Feeding Freedom 2nd Anniversary Event on Friday, November 20, 2020 from 11 aM until 2 PM in the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance, payment of any recommended fees for City services and adherence to any COVID-19 restrictions in place at the time of the event
- 15.o** Approve/deny Revision to Special Event 2020-19, Main Street Martinsburg's Apple Drop, to include closing of streets on listed blocks to allow for COVID-19 social distancing
- 15.p** Approve/deny bid recommendation for thirty-six (36) sets of Globe Athletix Turnout Gear for the Martinsburg Fire Department--Finley Fire Equipment--\$107,820 (\$105,000 previously budgeted)

- 15.q** Approve/deny bid recommendation for Graco Line Driver HD traffic line striper motorized attachment for the Public Works Department--\$6,220--Sherwin Williams
- 15.r** Approve/deny quote recommendation for sidewalk repair at the corner of Tennessee and Illinois Avenues--Plotner--\$2,500
- 15.s** Approve/deny ten-year body camera/Taser product (45 AB3 Cameras, 6 docking stations and 36 Taser 7s with associated hardware) and service package for the Martinsburg Police Department--\$762,737.39 total (see memo for annual breakdown)--Axon
- 15.t** Approve/deny agreement between the City of Martinsburg and Aqualaw for legal services related to Capitol Cement Contract Renewal and Related Matters.
- 15.u** Confirm Council as a Whole Consensus regarding Economic and Community Development Report (see October 14, 2020 Minutes/Committee recommendations to City Council)
- 15.v** Approve/deny Pay Application #4 to Snyder Environmental for E. Martin Street Utility Relocation Project--\$113,253.15
- 15.w** Approve/deny Pay Application #4 between the City of Martinsburg and Capital Business Interiors for Martinsburg Police Department/Municipal Court Project (final payment)--\$16,281

## **16. Executive Session**