

**City Of Martinsburg
Special City Council Meeting
Tuesday, April 15, 2014
5:00 PM**

With a quorum present, the special session of the Martinsburg City Council was called to order by Mayor George Karos at 5:00 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Gregg Wachtel, Max Parkinson and Jason W. Baker. Absent were Roger Lewis and Kevin Knowles. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Police Chief Kevin Miller, and Finance Director Mark Spickler.

Following roll call, Councilman Parkinson was excused due to illness and there would continue to be a quorum in his absence.

3. Presentations

None

4. Petitions from Citizens

There were no petitions from citizens.

5. Receive and File Reports—Minutes—Correspondence Of the Following:

None

6. Reports of Chairpersons of Council Standing Committees

None

7. Report of Mayor

None

8. Report of City Attorney

There was no report of the City Attorney.

9. Report of City Manager

There was no report of the City Manager.

10. Unfinished Business

None

11. New Business

a. Approve/deny FY 2014-2015 levy rates.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the FY 2014-2015 levy rates. Motion carried unanimously.

b. Approve/deny purchase of a digital evidence tracking system for the Police Department—Tracker Products--\$3,815.80 + \$2,400 annually—Police Levy Fund

Councilman Anderson asked about the yearly maintenance fee. Police Chief Kevin Miller replied that he believes the fee is for software updates and other annual maintenance

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the purchase of a digital evidence tracking system for the Police Department. Motion carried unanimously.

c. Approve/deny purchase of 7 patrol rifles for the Police Department—Town Police Supply--\$2,508—Police Levy Fund

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the purchase of seven patrol rifles for the Police Department. Motion carried unanimously.

d. Approve/deny purchase of one Ford Explorer to be used as an unmarked Police vehicle--\$25,518 (State Contract)—Drug Forfeiture Account

Councilman Baker asked if any existing vehicles would be taken out of service. Police Chief Miller replied that a high-mileage 2005 Dodge Durango will be taken out of service.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the purchase of one Ford Explorer to be used as an unmarked Police vehicle. Motion carried unanimously.

e. Approve/deny The Arts Centre's request to hold Wine and Arts Festival on the lawn of Boydvile, Saturday May 24, 2014 and Sunday, May 25, 2014, including approval of letter of endorsement to ABC Commission and Public Works assistance.

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve the Arts Centre's request to hold the Wine and Arts Festival, including the letter of endorsement and public works assistance. Motion carried unanimously.

f. Approve/deny request from Church Without Walls Ministries, Inc. to utilize the Town Square to conduct outdoor services on the 2nd Sunday of each Month, beginning in May 2014 from 10 AM-12:30 PM, contingent upon proof of adequate liability insurance

Chief Miller stated that the Police Department had no concerns.

Mayor Karos asked if there was an end date for this request. Mr. Sayre stated that there is not, but Council could impose one if they wished.

Motion made by Councilman Baker, seconded by Councilman Anderson, to approve the request from Church Without Walls Ministries, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

g. Approve/deny agreement format for Part-time Contractual Community Development Administrator

Councilman Baker asked if this was the same agreement that had been used for the previous contractual part time employee.

The City Manager stated that it is, and hopes to have made an appointment prior to the next Council meeting, so he is asking for approval for the format so that the contract can be ratified when a selection is made, so that the new hire can work with Ms. McMillan for training purposes.

Councilman Baker asked if there would be any budget issues with the overlap. City Manager Mark Baldwin replied that he did not expect any budget issues as the overlap would be minimal.

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve the agreement format for the Part-Time Contractual Community Development Administrator. Motion carried unanimously.

h. First and Second Reading of Ordinance 2014-09: An Ordinance Enacting The City Of Martinsburg Code, Part 5, Article 545, By Adding Section 545.14b To Provide Regulate Firearms And Weapons On Municipally Owned Or Operated Property

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to hear the first and second reading of Ordinance 2014-09, by title only, as amended. Motion carried unanimously.

i. First and Second Reading of Ordinance 2014-10: An Ordinance Enacting The City Of Martinsburg Code, Part 5, Article 545, By Adding Section 545.14c To Provide Regulation Of Firearms And Weapons During Temporary Events Of Limited Duration, Not To Exceed Fourteen Days, Which Are Authorized By The City Council Of The City Of Martinsburg

Councilman Baker asked if this would cover only events that the City is involved in. Legal Counsel Kin Sayre replied that it would apply to events in which an individual or organization has requested from Council a street closure for purposes of the event. At those events, individuals without a concealed carry permit would be prohibited from carrying a firearm openly or concealed upon any public street or sidewalk. If they do so, they would be asked to leave with the firearm, store the firearm or temporarily relinquish the firearm. Failure to do so would be a violation of the ordinance.

Councilman Baker expressed concern about those without a concealed carry permit wishing to carry a firearm on private property, including sidewalks.

Councilman Wachtel called for the question.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to hear the first and second readings of Ordinance 2014-10, by title only, as amended. Motion carried 3-1, Baker, no.


12 . Executive Session

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to go into executive session for real estate matters at 5:15 PM. Motion carried unanimously.

13. Adjournment

Meeting was adjourned by unanimous consent at 5:45 PM.


Gena Long, City Recorder


George Karos, Mayor