

City Of Martinsburg
Special City Council Meeting
Joint Meeting with the Berkeley
County Council and Martinsburg
City Council
Thursday May 7, 2015
5:00 P.M.
Berkeley County Council Chambers

1. Call to Order

County Councilman Doug Copenhaver called the County Council meeting to order at 5:03 PM. Motion was made by Councilwoman Mauck, seconded by Councilman Barnhart to accept the agenda. City Mayor George Karos called the City of Martinsburg Council meeting to order. Motion was made by Councilman Wachtel, seconded by Councilman Baker, to accept the agenda.

2. Roll Call

Present were County Council President Doug Copenhaver, Councilmembers James Barnhart, Jim Whitacre (5:15 PM), Elaine Mauck and Dan Dulyea. Also present were Norwood Bently, County Attorney; Alan Davis, County Administrator; and Penny Shewell, Office Administrator. For the City of Martinsburg, present were Mayor George Karos, Councilmen Gregg Wachtel, Don Anderson, Dennis Etherington, Kevin Knowles, Ken Collinson, H.D. Boyd (5:30 PM) and Jason Baker. Also present were City Attorney Kin Sayre, City Manager Mark Baldwin and City Recorder Gena Long.

3. Berkeley County Council and City of Martinsburg Council Joint Meeting

a. Airport Authority Membership (County Council)

County Council President Copenhaver explained that the County Council has decided to increase membership by three members on the Airport Authority, making the total County appointed membership of six members. He asked if the City was interested in doing the same.

Mayor Karos stated that this issue has come up several times, but the opinions of the City Attorney and County Attorney seem to differ.

City Attorney Kin Sayre stated that the State Code is not well written, it states that an Airport Authority must have between 5 and 21 members, and each \$5,000 given by the government entity entitles the entity to one vote. He stated that this causes an issue with fairness and gives one entity the ability to buy a majority vote. He also mentioned other problematic areas, such as, what would happen if an entity reduced funding after appointment members, though the members are to be appointed for three year terms.

County Attorney Norwood Bentley agreed that the code is difficult to comply with for several reasons, but it is the law and the County is making an attempt to follow the law as closely as they can. He stated that, according to the Code, should the Airport Authority reach 21 members, contributions of \$5,000 entitle the giving entity a vote, not necessarily an additional member. He also pointed out that the intent of the legislation is to stagger

membership so that not all appointments expire at the same time. He stated that the County Council intends to stagger their membership and asked that the City do the same.

Mr. Sayre asked if the City maintains their current membership of three members, would they get six votes based on the dollar amount budgeted for the Airport Authority. He stated that he knows of no precedent in State Code for this. He pointed out that the City and County currently budget the same amount and asked if the County's position is that they are entitled to additional members regardless of the current agreement between the two bodies. Or, is the County asking the City to change the operating agreement.

Mr. Bentley stated that if the County has put together a Resolution asking the City to change the operating agreement. He said that the Airport is a wonderful asset to the Eastern Panhandle and the population has increased so much since 1972, when the Authority was established, that the Authority should grow as well to ensure that the population has a voice and that more members would result in more great ideas. The County does not feel that their voice is sufficient with only three members, considering the current population of Berkeley County.

President Copenhaver stated that the airport is one of the largest and best in the State of West Virginia. He stated that with new successes on the part of the Development Authority, the County has a window in which to take the Airport to the next level and should broaden membership. He stated that Berkeley County has missed opportunities because it has been slow to get things started, and does not wish that to be the case.

Councilman Dulyea added that all can agree that the code is poorly written and outdated, but the job of both Councils is to enforce that code until it is changed. Currently, the membership is not giving fair representation to the population by not casting one vote per \$5,000. The current operating agreement is contrary to State Code and the Code should take precedence. He stated that the County Council may be willing to give more funds, as some as been freed up by the Development's Authority withdraw of request for funding. The airport has unlimited possibilities and is currently only tapping into a small percentage of its potential. Mayor Karos agreed, but cannot commit the City to increased funding year after year, as it is difficult enough to fund the Airport since the Air Guard dropped its financial support.

Delegate Mike Folk pointed out that \$5,000 in the 1970s is different than the same amount today. He stated that nowhere in state code does it say that any member has more than one vote, but that other counties track the funding and divvy out votes as they see fit. He stated that the County needs more representation than the City because it has a larger population. He stated that if the dollar figure is removed, the Authority can be made more accountable. According to the FAA, airports should be self-sufficient and the Eastern Panhandle Regional Airport is making steps in the right direction. He hopes to pass legislation which will make get rid of the \$5,000 per vote dollar amount and make the Code easier to follow.

Councilman Dulyea understood that the City cannot commit to increased funding year after year, but pointed out that the County is willing to commit. He stated that would be appropriate since the City now has a population of 17,750 while the County has a population of over 90K. Mayor Karos stated that the City Council would take this issue under advisement.

Richard Talbott, Airport Authority, stated that his father is a founding member and he agrees that either the County is underpaying or the City is overpaying, based on population. He stated that there are currently 7 members overseeing a \$34M airport. He stated that it is a great airport and industrial park and it should be very competitive in the region, but it is not. He also pointed out that there was an instance in which an entity removed funding after appointing a member, and that entity lost the member.

b. M-650 Voting Machine (County Council)

Currently, the County Council pays the maintenance agreement for this machine and the City of Martinsburg is the only entity that uses the machine. The County Council, according to President Copenhaver, has opted not to continue this maintenance agreement and the City could take possession of the machine and continue the agreement, if so desired.

County Administrator Alan Davis stated that the County pays \$68 annually per touchscreen voting machine, and the maintenance cost on the M-650 optical scan machine alone is in excess of \$2,500.

After some discussion, it was agreed that the City likely did not want the M-650 voting machine if the County agreed to allow the use of the touchscreen voting machines free of charge. The City is to get back to the County with a final decision.

c. Annexation of Property into City Limits (County Council)

President Copenhaver pointed out that there are several "islands" of County surrounded by City and asked if the City is interested in annexing these areas, if the property owners agree to the annexation. Mayor Karos agreed that the City boundaries do need to be squared off, if for no other reason, to help first responders easily recognize what is in the City limits and what is not. He suggested that the City come back to the County with a proposal, which would include some commercial and residential areas.

President Copenhaver stated that the County has prepared a map showing the areas in question. Councilman Dulyea added that there are five pockets of area surrounded by City limits and the residents of those areas are not receiving services, such as road maintenance because the State is not caring for the roads and the maintenance of these roads is not a City obligation. The roads generally get plowed because the City plow trucks pass through there anyways, but they are not being maintained.

Councilman Baker stated that he believes that annexation is a great way to increase tax revenue, but he is opposed to forced annexation. He stated that some of these islands are not likely to wish for annexation. He agreed with Mayor Karos that the City boundaries

should be square and the City requires more open space to provide opportunity for large businesses.

Councilman Dulyea stated that there will always be someone who does not wish to go along, but the job of governing bodies is to make the decision to benefit the entire community. He pointed out again that these areas cause confusion for first responders and they are not getting the services they are paying for.

Councilman Baker answered that police and fire respond to these areas anyways and cautioned against trampling the liberties of the people.

President Copenhaver stated that the County is not telling the City what to do, but are asking if the City would be interested in this. He stated that they receive calls with concerns about these areas and do not know where to tell the people to turn, despite the fact that they are Berkeley County residents.

Mayor Karos stated that the City will take this issue under advisement. City Manager Mark Baldwin explained the processes for annexation; if someone wishes to be part of the city, they will file a petition for annexation and the City can evaluate the area and make a decision. Those individuals in those islands could petition the City for annexation at any time, and they have not. If the property owners do not file a petition for annexation, the City must do annexation by minor boundary adjustment, which is a great deal of work for the City and the County has final approval of these ordinances.

Councilman Knowles stated that some people do not even know if they are in the City and that sometimes, even the Police Department's isn't sure. Councilman Wachtel stated that some of these people had been contacted for annexation in the past and they were not open to the idea. He recommended holding joint information sessions to answer questions and give information to the citizens and businesses in the area.

d. Drug Court & Day Report Center (County Council)

President Copenhaver stated that County Council has moved forward with funding for the Drug Court and is working with the County Courts and other judicial officials. The County Council recognizes that the City is faced with a similar drug problem and continuing not to act has led to nothing but increased incarceration.

Councilman Knowles stated he is glad efforts are being made to bring the Day Reporting Center and he is glad to support any initiatives to help with the drug problem in the community. Mayor Karos agreed, stating the City would be happy to lend support as much as possible.

President Copenhaver added that drug addiction affects addicts, their families and the community as a whole. He has heard statistics which indicate that 70-80% of crimes are committed by drug or alcohol users that were under the influence or attempting to gain

money to support their habits and everyone in the County is affected. He stated that incarceration only serves to put users in contact with more and more dangerous people.

Councilman Dulyea stated that the County is not looking for funding, but for a commitment from the City that everyone is on the same page. He thanked Councilman Wachtel who volunteered to serve on any related committees, and added that the drug courts and day reporting center are just the beginning, that work should be done to look at other ways to create programs. Each program makes a small difference, he said, and several things together make a big difference.

President Copenhaver added that the County will be seeking private/public partnerships to make this work, as County government isn't in the health care business, but does support the programs.

e. Roundhouse Update (County Council)

Councilwoman Mauck stated that the Roundhouse is a great historical asset to the community but it must become self-sufficient and needs to establish a consistent revenue source. She added that tourism is a key element and thanked the CVB for helping to attract film crews. She stated that the Roundhouse Authority has a potential tenant and is concentrating on long range plans. She also stated that some Civil War reenactments are planned. She added that they are always looking for volunteers and a good deal of physical labor is needed. The grant funds for the bathrooms and elevator are progressing, there is still a good deal of paperwork to be finalized.

Mayor Karos agreed that the Roundhouse is an important asset to Martinsburg and Berkeley County and that the City has spent thousands of dollars in cash and in-kind service on the project.

f. Miscellaneous Discussion

The County Council applauded the City on recent downtown improvements and asked City Council on updates on further improvement.

Councilman Boyd stated that there has been a lot going on downtown, with several new businesses.

Councilman Collinson mentioned the new Main Street Martinsburg health campaign which promotes walking in the downtown area, stating that it has had a good turnout so far.

Councilman Etherington mentioned four ongoing capital improvement projects: the Underpass project; E. Burke Street parking lot improvements; the Train Station Corridor Project and the W.King/Church Street stormwater project.

Councilman Knowles referred to the Economic Development Plan, which mentioned the benefits of elected officials getting out into the public within their wards and stated that he has started a neighborhood association of citizens and businesses. The association has its own mission and officers, and is a positive action group to enhance the neighborhood. As part of the Spring Cleanup Campaign, the association will be working to beautify Oak Street Park.

Councilman Baker agreed with the other Councilmen that downtown has made some very promising steps and has attracted new and quality businesses. He believes that revitalization of the Roundhouse will take downtown to the next level.

Councilman Anderson complimented Councilman Dulyea on his good ideas.

Councilman Wachtel stated that he was most excited about the underpass project, which was always an important project to past Councilman Roger Lewis. He stated that, in addition to the Town Square, the City will have very attractive gateways into the downtown area.

Mayor Karos added that the sewer project and MS4 requirements have required a good deal of time and money. He stated that new businesses in town have been a very positive sign, especially since these businesses are purchasing their buildings and investing in downtown Martinsburg.

Laura Gassler of the Convention and Visitors Bureau added that there has been a tremendous uptick of visitors to the Belle Boyd House and that people are discovering Berkeley County and making it a destination.

Mary Dulyea, Main Street Martinsburg, added that they have been seeking and receiving grant funds and have, due to popularity, extended the Fridays at Five Concert Series. She also stated that annual events are growing in popularity and MSM is making improvements on those activities.

Mayor Karos thanked Councilman Dulyea for suggesting the joint meeting and encouraged more sessions such as this.

4. Adjournment

Motion was made by Councilman Baker, seconded by Councilman Wachtel, to adjourn the City Council Meeting at 6:27 PM. Motion was made by Councilwoman Mauck, seconded by Councilman Dulyea, to adjourn the County Council Meeting at 6:27 PM.