

**City Of Martinsburg
Regular Council Meeting
Thursday, May 14, 2015
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 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles, Gregg Wachtel, Ken Collinson, H.D. Boyd and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder; Chief Paul Bragg, Martinsburg Fire Department; Police Chief Kevin Miller, Jeff Wilkerson, Public Works Director; Michael Covell, City Engineer/Planning Director and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Etherington led the Salute to the Flag.

4. Prayer—

Nathaniel Wright, Lily of the Valley Evangel (LOVE) Church led the invocation.

5. Approve April 21, 2015 Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Boyd, to approve the April 21, 2015 Special Meeting Minutes. Motion carried unanimously.

6. Approve March 2015 Administrative and Financial Report

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the March 2015 Administrative and Financial Report. Motion carried unanimously.

7. Presentations

a. Resolution of Appreciation—Retired Fire Captain Jerry Gray

Mayor Karos read the Resolution and presented it to Captain Gray.

b. Administer Oath of Office to Firefighter/EMT Basic Nicholas Goss

The City Recorder administered the Oath of Office.

c. ABC Zoning Form—Berkeley County Order of Orioles—930 Foxcroft Avenue

Victoria Lewis, Beth Street, was present for the request.

After ensuring the Police Chief had no concerns, Council indicated that the form would be forwarded to the ABC without comment.

8. Petitions From Citizens

Mr. Richard Anderson, 632 Winchester Avenue, and a member of the NAACP asked the Mayor and City Manager to consider “thinking outside the box” in terms of hiring practices. He added that the system needs some fine tuning and asked if a feasibility study was possible. He stated that the past has not been very fair to minorities who

have little to no representation. He also asked the Mayor to consider appointing a minority member to Council in the event of a future vacancy, which might help that person win the seat in an election.

Ms. Kristin Logan, Falling Waters and member of the NAACP, stated that she had learned that the City of Martinsburg intends to reinstate the Human Relations Committee and asked when that might be done.

Mayor Karos responded that he had received some names; he is looking to ensure the Committee is diverse and will make telephone calls to the interested parties shortly. He does not wish to rush this process and asked Ms. Logan for patience.

Mr. Hubert Smith, 2860 Cherry Run Road, NAACP, stated that meetings with the NAACP, Mayor and City Manager have been positive and hopes to see continued give and take on both sides.

Mark Baldwin, City Manager, explained the Civil Service hiring process, which is specifically and firmly established by State Code and the City of Martinsburg has neither authority nor discretion to work outside of that process. He added that the City of Martinsburg is continuing to look into recruiting options to help ensure diversity.

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

- a. For the kids, by George Children’s Museum April 2, 2015 Board Meeting Minutes
- b. Paint the Town Purple Week Proclamation, as read in the Square May 4, 2015
- c. Martinsburg Heritage Days Proclamation, as read at the opening ceremony on May 8, 2015
- d. City of Martinsburg April 30, 2015 Public Hearing for CDBG and HOME Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Baker, to receive and file items 9A-9D. Motion carried unanimously.

10. Reports of Chairpersons of Council Standing Committees

There were no reports of Chairpersons of Council Standing Committees.

11. Report of Mayor

a. Reminder of Take Pride in your Community Spring Clean-up Event—May 16, 2015

b. Reappoint Sara Douglas to the Library Commission—term 5/4/2015-5/4/2020

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the Mayor’s recommendation to reappoint Sara Douglas to the Library Commission through May 4, 2020.

c. Reminder that Municipal Sales Tax goes into effect July 1, 2015

d. Reminder that increased sewer rates go into effect July 1, 2015

e. Reminder of following vacancies

- 1. Parking Authority (2)**
- 2. Human Relations Committee (5)**
- 3. Historic Preservation Review Commission (1)**

f. Reschedule the June 2015 Regular Council Meeting

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to reschedule the regular June 2015 Council Meeting from Thursday, June 11 to Monday, June 15, 2015 beginning at 6:30 PM. Motion carried 6-1, Collinson no. Councilman Collinson stated he will be unable to attend.

12. Report of City Attorney

City Attorney Kin Sayre stated he has been asked by representatives from WV Pride to draft an Ordinance regarding non-discrimination based on sexual orientation and identity and he stated he would be forwarding a draft ordinance for Council review in the next few days.

13. Report of City Manager

a. Projects Update

The City Manager had nothing further to report.

14. Unfinished Business

15. New Business

a. Approve Letter of Engagement between the City of Martinsburg and Jackson Kelly, PLLC, naming Jackson Kelly, PLLC as bond counsel for the purpose of refunding and redeeming the City's outstanding TIF bonds, in an amount not more than \$3,000,000 --\$18,000

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to Letter of Engagement between the City of Martinsburg and Jackson Kelly, PLLC, naming Jackson Kelly, PLLC as bond counsel for the purpose of refunding and redeeming the City's outstanding TIF bonds, in an amount not more than \$3,000,000 --\$18,000, Motion carried unanimously.

b. First and Second Reading of Ordinance 2015-06: An Ordinance Authorizing The Issuance By The City Of Martinsburg, West Virginia, Of Not To Exceed \$3,000,000 In Aggregate Principal Amount Of Property Tax Increment Refunding Revenue Bonds, Series 2015 (The City Of Martinsburg Development District No. 1 – North Martinsburg Access) To Finance The Current Refunding And Redemption Of The City's Outstanding Property Tax Increment Revenue Bonds, Series 2010 (The City Of Martinsburg Development District No. 1 – North Martinsburg Access); Authorizing The Execution And Delivery Of A Trust Indenture, Bondholder Agreement Or Similar Document And A Private Placement Memorandum And Other Documents With Respect To Such Bonds; Authorizing The Sale Of Such Bonds To One Or More Banks Or Other Accredited Investors Arranged By Crews & Associates, Inc., Pursuant To A Placement Agreement Or Bond Purchase Agreement Relating Thereto; Authorizing The Execution And Delivery Of Such Documents And Agreements And All Other Documents And Agreements Necessary In Connection With Such Bonds; Setting Forth Certain Parameters For The Terms Of Such Sale; Designating Such Bonds As Qualified Tax-Exempt Obligations; Delegating To The Mayor Of The City Of Martinsburg Certain Responsibilities In Connection With The Issuance And Sale Of Such Bonds And The Execution And Delivery Of Such Documents And Agreements In Connection Therewith; And Taking Other Actions In Connection With The Issuance And Sale Of Such Bonds

Motion made by Councilman Wachtel, seconded by Councilman Boyd, to hear the first and second reading of Ordinance 2015-06. Motion carried 6-1, Councilman Anderson voted no.

Councilman Anderson asked if the fee for Jackson and Kelly is \$18,000. Mr. Sayre replies that it is, and it comes from the bond proceeds.

c. Approve/deny Resolution 2015-09: Resolution Of The Council Of The City Of Martinsburg Approving The FY 2015 Annual Action Plan And Authorizing The Filing Of Application With HUD

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve Resolution 2015-09. Motion carried unanimously.

d. Approve/deny Mutual Aid Agreement between the City of Martinsburg and Berkeley County, West Virginia for Fire, Emergency Medical Services, Specialized Rescues and Disasters

Motion made by Councilman Etherington, seconded by Councilman Collinson to approve the Mutual Aid Agreement between the City of Martinsburg and Berkeley County, West Virginia for Fire, Emergency Medical Services, Specialized Rescues and Disasters. Motion carried unanimously.

e. Approve/deny Mutual Aid Agreement between the City of Martinsburg and Jefferson County, West Virginia for Fire, Emergency Medical Services, Specialized Rescues and Disasters

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Mutual Aid Agreement between the City of Martinsburg and Jefferson County, West Virginia for Fire, Emergency Medical Services, Specialized Rescues and Disasters. Motion carried unanimously.

f. Approve/deny request from Kim Shafer to hold a "Praying for Peace" event in the Town Square on Friday, May 29, 2015 from 6 PM until 8:30 PM, contingent upon proof of adequate liability insurance

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the request from Kim Shafer to hold a "Praying for Peace" event in the Town Square on Friday, May 29, 2015 from 6 PM until 8:30 PM, contingent upon proof of adequate liability insurance. Motion carried unanimously.

g. Approve/deny Change Order #3 between the City of Martinsburg, O'Brien and Gere Engineers, Inc. for the WWTP Upgrade Project--\$52,490

Motion made by Councilman Etherington, seconded by Councilman Collinson to approve the Change Order #3 between the City of Martinsburg, O'Brien and Gere Engineers, Inc. for the WWTP Upgrade Project--\$52,490. Motion carried 6-1, Councilman Anderson no.

h. Approve/deny Resolution 2015-10 authorizing HRI Inc.'s Application for May Payment #17 --\$2,230,073.58

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Resolution 2015-10. Motion carried 6-1, Councilman Anderson no.

16. Executive Session

No executive session was necessary.

Adjournment

Motion adjourned by unanimous consent at 6:57 PM.

George Karos, Mayor

Gena Long, City Recorder