

Amended
City Of Martinsburg
Regular City Council Meeting
Thursday, June 9, 2016
6:30 P.M.

1. Call to Order
2. Roll Call
3. Salute to Flag
4. Prayer
5. Approve May 12, 2016 Regular Meeting Minutes
6. Approve May 20, 2016 Emergency Special Meeting Minutes
7. Approve April 2016 Administrative and Financial Report.
8. **Presentations**
 - a. Administer Oath of Office to Police Officer Brian Jarvis
 - b. Resolution of Appreciation for Outgoing Councilman Donald T. Anderson
 - c. Resolution of Appreciation for Kenneth Wise, Martinsburg Public Works Department, in honor of his upcoming retirement
 - d. Proclamation Pride Day Eastern Panhandle LGBTQ Alliance July 9, 2016
 - e. Make comment on ABCA Zoning Form for Lesco Beverage, LLC d.b.a. The Station Bar and Grill 127 E. King Street
 - f. Eastern Panhandle Transit Authority (EPTA) Transfer Station Study Update Matt Mullenax, Hagerstown/Eastern Panhandle Metropolitan Planning Organization Interstate Council and Jim Frazier, Michael Baker, Jr. Inc. Engineers
9. **Petitions from Citizens**
10. **Receive And File Reports—Minutes—Correspondence Of The Following:**
 - a. For the Kids, by George Children's Museum May 9, 2016 Meeting Minutes and Financial Statement

- b. Berkeley County Animal Control Incident Reports for January through April 2016
- c. Planning Commission May 4, 2016 Meeting Minutes
- d. Eastern WV Regional Airport Authority Meeting April 5, 2016 Meeting Minutes and March 2016 Budget Report
- e. Martinsburg-Berkeley County Parks and Recreation Board Meeting April 19, 2016 Meeting Minutes
- f. Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) March 16, 2016 Meeting Minutes and Berkeley County Projects Update
- g. Code Appeals Board Meeting Minutes for July 18, 2013 and May 12, 2016
- h. Correspondence from Michael Owen and Tony Owen, Fire Officers from Australia commending the Martinsburg Fire Department and Martinsburg Police Department following a visit in April 2016

11. Reports Of Chairpersons Of Council Standing Committees:

12. Report Of Mayor

- a. City of Martinsburg Initiatives Regarding Drugs
- b. Mayor's FY 2015-2016 Year End Report
- c. Reappoint the following to the HOME Consortium through June 30, 2019:
 - 1. Mary Crawford
 - 2. William R. Clark
 - 3. Natalie Hoffman
 - 4. Gregory Janes
- d. Reminder of the following Special City Council Meetings: Tuesday, June 21, 2016 @ 5PM (Canvass and declaration of results); Thursday, June 23, 2016 @ 5 PM (certification of result); Thursday, June 30, 2016 @ 5 PM (final meeting of current Council), Thursday, June 30, 2016 following 5 PM (swearing in of newly elected Council and other business as needed)
- e. Current Board and Commission Vacancies:
 - 1. Shade Tree Commission (1)
 - 2. Parking Authority (2)
 - 3. Historic Preservation Review Commission (1)
 - 4. Code Appeals Board (1)
 - 5. Human Relations Committee (1 as of July 9, 2016)

13. Report Of City Attorney

- a. 706 W. Martin Street Update

- b. 634 Winchester Avenue Update
- c. Special Event and Parade Permit Ordinance Draft
- d. Special Event Vendor B&O and License Fee Ordinance Draft
- e. New York Avenue Right-of-way (Apple Harvest to Essroc)

14. Report of City Manager

- a. Projects Update
- b. 4th of July Fireworks Update
- c. Train Station Corridor Grant Update
- d. Big Springs Water Filtration Plant Update
- e. King/Church Stormwater Project Update

15. Unfinished Business

- a. Third and Final Reading of Ordinance 2016-10 to Readopt the City of Martinsburg Equal Employment Opportunity Plan/Affirmative Action Plan, Including Updated Utilization Statistics
- b. Third and Final Reading of Ordinance 2016-11 to Repeal Sections 131.04 -Vehicular Pursuit Policy-and 131.05 -Operation of Department Vehicles-of the City of Martinsburg Code, Part 1, Administrative, Article 131 Police Department
- c. Third and Final Reading of Ordinance 2016-12 Amending And Reenacting The City Of Martinsburg Code, Part 3, By Amending, Section 333.01--Driving under Influence of Alcohol, Controlled Substances or Drugs; Penalties-- to Comply With The Amendments To West Virginia Code §17C-5-2
- d. Third and Final Reading of Ordinance 2016-13 Amending and Reenacting the City of Martinsburg Code, Part 3, by Amending Section 333.01a-- Deferral of Further Proceedings for Certain First Offenses upon Condition of Participation in Motor Vehicle Alcohol Test and Lock Program; Procedure on Charge of Violation of Conditionsô to Comply with the Amendments to West Virginia Code §17C-5-2b
- e. Third and Final Reading of Ordinance 2016-14 Amending And Reenacting The City Of Martinsburg Code, Part 5, Chapter 5, Article 343, By Amending, Section 343.07 To Comply With The Amendments To West Virginia §17c-12-7

- f. Third and Final Reading of Ordinance 2016-15 Amending And Reenacting The City Of Martinsburg Code, Part 5, Chapter 5, Article 345, By Amending, Section 345.11 To Comply With The Amendments To West Virginia §17c-15-19

16. New Business

- a. First and Second Reading of Ordinance 2016-15ô An Ordinance Authorizing The Mayor To Submit An Amendment To The Approved Home Rule Application To The Municipal Home Rule Board In Accordance With West Virginia Code §8-1-5a
- b. First and Second Reading of Ordinance 2016-16-- An Ordinance Amending The City Of Martinsburg Code, Part Five-General Offences, Article 521- Liquor Control, By Adding Sections 521.15 To Provide For Establishing Minimum Distance Between Class A Licensed West Virginia Alcohol Beverage Control Administration Establishments And Churches And Schools
- c. First and Second Reading of Ordinance 2016-17: An Ordinance Amending The City Of Martinsburg Code, Part Seven, Chapter 3, Article 771- Tax Information Disclosure, By Adding Sections 771.02 Through 771-3 To Provide For Preparation And Disclosure Of List Of Delinquent Business And Occupation Taxpayers Pursuant To House Bill 4163
- d. First and Second Reading of Ordinance 2016-18-- An Ordinance to Add and Amend the Text of The City of Martinsburg Zoning Ordinance At Article IV "General Regulations" Section 400 ôSign" to amend and reenact comprehensive sign regulations
- e. Approve/deny Resolution 2016-14ô FY 2016-2017 Animal Control Services Agreement between the City of Martinsburg and Berkeley County Council--\$117,500
- f. Approve/deny Resolution 2016-15ô FY 2015-2016 General Fund Budget Revision #4
- g. Approve/deny Resolution 2016-16--FY 2015-2016 Coal Severance Budget Revision #4
- h. Approve/deny FY 2015-2016 Fire/EMS Budget Revision #2
- i. Approve/deny FY 2015-2016 Water & Sewer Fund Budget Revision #2
- j. Approve/deny FY 2015-2016 Sanitation Fund Budget Revision #2
- k. Approve/deny FY 2015-2016 Parking Fund Budget Revision #2
- l. Approve/deny Facility Encroachment Agreement between the City of Martinsburg and CSX Transportation, Inc. (N. Queen Street Underpass Projectô water and sewer utility upgrades)ô Total current fees--\$24,400

- m. Approve/deny Temporary Right of Entry Agreement between the City of Martinsburg and CSX Transportation, Inc.--\$1,250 to \$5,750, and other possible associated fees
- n. Approve/deny geotechnical exploration services for sewer relocation for N. Queen Street Underpass Project--\$3,600ô Triad Engineering, Inc.
- o. Authorize Mayor to sign a letter of Endorsement to the West Virginia ABCA in support of the St. Joseph End of Summer Event, to be held on Saturday, August 13, 2016 from 2-9 PM at the St. Joseph Parish office grounds, 336 S. Queen Street
- p. Approve/deny Fifteenth Amendment to the Lease, extending the lease agreement between the City of Martinsburg and Berkeley Post 14, American Legion, Inc.ô July 1, 2016-December 31, 2016, contingent upon proof of adequate liability insurance
- q. Approve/deny extension of City of Martinsburg banking service contract with Jefferson Security Bank through June 30, 2018 (see attached memo)
- r. Confirm telephone poll to pay pest control invoice on behalf of the Eastern Panhandle Boys and Girls Club--\$3,000
- s. Approve/deny purchase of Cellabrite Cell Phone Data Retrieval Device and Service and authorize the mayor to sign associated Memoranda of Understanding and Agreement with various local and Federal law enforcement entities (see attached), and other necessary documents to facilitate the reimbursements and licensing
- t. Approve/deny renewal of health insurance with HighMark Blue Cross/Blue Shield
- u. Approve/deny third amendment to PCS Site Agreement between the City of Martinsburg and Shenandoah Personal Communications Company, a Virginia Company (Shentel)
- v. Discuss and take action as necessary on Option and Ground Lease Agreement between the City of Martinsburg and Vertical Bridge Development II, LLC., for construction/installation of communication facilityô Boston Street--\$21,000 annually (paid to the City of Martinsburg)
- w. Approve/deny confirmatory bench-scale testing for perfluoroalkyl acids (PFAAs)ô Big Springs Water Filtration Plantô O'Brien and Gere Engineering, Inc.--\$37,500
- x. Approve/deny bid recommendation for the exterior painting of City Hall, The Market House and Caperton Train Station (bid opening June 8)
- y. Discuss sidewalk on Mall Drive, take action as necessary

- z.** Discuss stormwater drainage culvert on Georgia Avenue (John St. to King St.) and take action as necessary

- aa.** Resolution 2016-176 authorizing HRI Inc.'s Application for June 2016 Payment #30 for the WWTP Upgrade Project-\$813,231.52

- bb.** Confirm telephone poll for emergency sewer pump-around services and repairs to main sewer line--\$_____

17. Executive Session

- (a) Discuss pending legal matters with Counsel (if necessary)
- (b) Discuss personnel matters (if necessary)
- (c) Discuss real estate matters involving competitive bids (if necessary)