

**City Of Martinsburg
Regular Council Meeting
Thursday, August 20, 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 and Jason W. Baker. Not present was H.D. Boyd. Also present were: Mark Baldwin, City Manager; Catie Wilkes Delligatti, Legal Counsel; Gena Long, City Recorder; Police Chief Kevin Miller, Jeff Wilkerson, Public Works Director; Michael Covell, City Engineer/Planning Director, Fire Captain Ronald Talbott, and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Baker led the Salute to the Flag.

4. Prayer—

Mayor George Karos led the invocation.

5. Approve August 13, 2015 Special Meeting Minutes

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve the August 13, 2015 Special Meeting Minutes. Motion carried unanimously.

6. Approve June 2015 Administrative and Financial Report

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

7. Presentations

a. Administer Oath of Office to Firefighter/EMT Basic Travis Fournier

The City Recorder administered the Oath

b. East Ridge Health Systems Presentation—long term addiction care facility at 119 E. Race Street (former Union Sales Dodge)

Mr. Thomas Kimm, East Ridge Health Systems, resident of Inwood, WV, discussed the need for such services in the Eastern Panhandle to reduce the impact of substance addiction. He stated that West Virginia leads the nation in opioid overdoses and the rate is increasingly more in Berkeley County. He stated that representatives from the State of West Virginia were concerned about the lack of grant proposals coming from the area, and he submitted a proposal for a Level III facility based on the Healing Place model, which has separate facilities for men and women. The grant for the women's facility was not approved, but the grant for the men's facility was awarded to a project proposed by East Ridge in partnership with Recover Pointe of Huntington and the search for a building was the first step. Mr. Kimm stated that they began searching in Martinsburg and Charles Town, however, a selected structure in Charles Town was not possible because of zoning, which left them with the former Union Sales Dodge building as the only viable location. Mr. Kimm publically thanked Mr. Bonn "Buzz" Poland, who is the owner of the structure located at 119 E. Race Street.

He described the facility, which will have 8-10 beds for emergency detox, and approximately 60 beds for long-term residents. The program is peer based and the model has a twenty year history of success, according to Mr. Kimm. He stated that residents will average a seven month stay with a ninety day after care program, which they will be required to find employment.

Mr. Kimm stated that a public hearing is planned in September to address public concerns. He also stated that the facility intends to establish a community advisory board and is seeking volunteers. Mr. Kimm stated that he would like to make some clarifications to some inaccuracies in a recent Journal article, one concerning the amount of beds by the end of the second year, of which there will be 60 and not 37. He also responded to some comments made by County Councilman Dan Dulyea stating that the proposed facility is not a group home, but a peer based recovery center based on the Healing Place model, and the outcomes are better than what is generally seen in typical rehab facilities. Mr. Kimm stated that the process requires the facility to be located within the community, and is not sure why Councilman Dulyea stated that he felt it would be more appropriate in a secluded location. Mr. Kimm stated that would perpetuate the perception that the addicted are to be shunned and that while putting the clients into a "bubble" is positive in the beginning, it makes it more difficult to re-enter society without a relapse.

Mayor Karos asked why this presentation was being made to Council before the project went before the Board of Zoning Appeals. Mr. Kimm stated that he wanted to give the community an opportunity to voice concerns and gather an understanding of the negative impact of addiction in Martinsburg.

Councilman Knowles asked if East Ridge has worked with United Way or the County to try to combine this with already proposed facilities in one location. Mr. Kimm stated that is not practical or desirable. He stated that he has met with County officials and is willing to work with them, however, their project is expected to take some time to become functional and they have a projected phase in time frame of ten years. Mr. Kimm stated that the need is immediate. He did state that he is in full support of the County's proposal and will work with them when possible, however he stated that the two facilities are very different and rehabilitation is not a once size fits all program.

Councilman Knowles asked if Mr. Kimm has spoken with downtown business owners to get thought and ideas about the facility or location. Mr. Kimm stated that he has not because the program dictates the location and type of facility. Councilman Knowles stated that it is obvious that Mr. Kimm has not spoken with them, because many of them were present to speak in opposition. Mr. Kimm stated that addiction is a public health crisis and dealing with it is not up to any one person or group of people. He stated that he has heard many negative comments about how this facility will increase the number of people "hanging out" on N. Queen Street, but the program will actually provide help to those who are homeless now.

Councilman Knowles asked why East Ridge didn't continue the program they had on Martin Street. Mr. Paul Macom, East Ridge, stated that the state curtailed the funding for that project because they felt the 28 day recover model was outdated. Councilman Knowles asked what East Ridge will do when the money runs out on this project. Mr. Macom stated that the State has committed to two years and he believes the state will continue funding as long as the project is successful. Councilman Knowles stated that the property on Martin Street is not kept up and he would hate to see that happen to this facility. He also stated that he would like to see the Martin Street property cleaned up by East Ridge, the property owner. Councilman Baker added that multiple people have attempted to purchase that structure and East Ridge has not sold it.

Councilman Wachtel asked for confirmation that this proposal will go the Board of Zoning Appeals for a Special Exception request, and the BZA requires a public hearing. He asked if this would ever come back to Council.

Legal Counsel stated that it would not come back to Council because any appeal would go to circuit court.

Councilman Baker asked if the existing Martin Street property would be able to be used to start the program. Mr. Macom stated that it would not as the grant is for a 60 bed facility. Councilman Baker asked why the facility is only

for men, pointing out that when the men return home, they will return to the significant other which may have shared in the addiction. He stated that he believes it would be more effective to treat both members at the same time. Mr. Macom replied that the funding was for a men's facility, that the proposal for a women's facility was rejected, and has not come around for this region again. He stated that when money is available for a women's facility in this area, they will submit another proposal.

Councilman Baker asked if there is job training during the program or the aftercare program. Mr. Kimm stated that clients will get aftercare case management, but that East Ridge will not provide jobs, only active support. He also added that due to the economy, there is no guarantee that everyone will find work, but that given the intensity of the program, clients generally do quite well. Councilman Baker stated that he does not see how the program will work without job training; the clients will return to the same economic cycle and are likely to relapse.

Councilman Baker asked if the only reason the Union Sales Dodge facility was chosen is price. Mr. Kimm stated that price is one reason, but not the only factor. Other factors are the location, quality and size the building and that it will not be difficult to remodel.

Councilman Wachtel pointed out Mr. Kimm's title of Special Projects Developer and asked if he actually works for East Ridge. Mr. Kimm stated that he does. Councilman Knowles asked for how long. Mr. Kimm stated that he has only worked for East Ridge for several months; that he was hired to work on several special projects, but mostly his endeavor.

8. Petitions from Citizens

Randy Lewis, Main Street Martinsburg Director and representing the Main Street Board of Directors, expressed opposition to the propose facility at 119 E. Race Street. He stated that the presentation was vague and he had many concerns. Mr. Lewis stated that the mission of Main Street is to help increase economic strength, working with a collaboration of residents, business owners and government agencies. Mr. Lewis stated that Main Street recognizes the need for this type of facility, but not in the downtown business district. He is concerned that it would attract questionable elements and be a detriment to the quality of life in the downtown, while Main Street is making strides to change the perception of Martinsburg. Mr. Lewis referred to the Economic Development strategy prepared for the City of Martinsburg by Garner Economics, which recommended solving the homelessness and drug activities in the downtown area, making downtown a regional destination and creating a downtown attractive to young professionals. Mr. Lewis stated that this proposed facility would increase the negative impacts of the transient population, would deter people from coming downtown and certainly would not attract young professionals, who would not want to live or work near such a facility. Mr. Lewis stated that downtown Martinsburg does not need any more social service organizations. Customers of downtown businesses need the ability to feel at ease while frequenting the businesses, and that this facility would not only attract those in need of these services but those who had failed in the system as well. He stated that there are several developers interested in downtown structures and those developers would lose interest if this facility is located in downtown, which is not an appropriate facility in the business district.

Bill Largent, Martinsburg Auto, stated that it has taken him over a year and a half to clean up his neighborhood of panhandlers. He is afraid, with this facility, there will be more panhandlers and he is considering taking his business out of the City of Martinsburg. He asked if the clients will be allowed outside and if there are work programs in place for them with downtown businesses. He mentioned the home on Martin Street owned by East Ridge, which is a beautiful home, but all of the windows have been busted out and many homeless sleep there. He stated that residents and business owners have been working hard to clean up the town, and if this facility is built, they will have to start from scratch.

LaRue Frye, 127 S. Queen Street, spoke for herself and Bob Burgess. She thanked Chief Miller and the police department for an excellent job. She stated that the plan for yet another social service facility would overextend

the police department. She stated that Martinsburg is already a sanctuary for addicts from the entire Eastern Panhandle and this facility, which offers support for eight counties, would over run Martinsburg with the problems of other locations. She stated that Martinsburg is need of more law abiding citizens who work, live and pay taxes in Martinsburg and that downtown cannot afford to absorb the criminals from other areas. She stated that she has purchased and renovated several homes and pays considerable real estate taxes on them. She stated that she has been motivated by the opening of several successful small businesses in Martinsburg and the efforts of these business owners should not be overturned. Ms. Frye stated that when she first moved into her home, she found needles used for drug use in her flower bed and that Martinsburg already has a perception of being a town full of drug addicts and homeless people. She is worried about the message the facility would give those visiting the Convention and Visitors' Bureau about Martinsburg.

Judy Boykin, Sylvia Court, Martinsburg, provided the following written comments:

"The issue tonight should be the concern of the entire community. Not just because of East Ridge wanting to open a treatment facility on Queen Street, but also because of the growing need for such a facility. Drug and related rehab in the US is big business...a big \$35 billion business with approximately 2.5 million persons having received treatment with state and federal funds covering costs. That said, East Ridge could better utilize funds (the tax payer dollars) by choosing a location that offers a more conducive setting. We are so fortunate to have open land nearby. Placing mental health centers, group residences and treatment facilities in the center of town is poor decision making.

Rehab is more than a facility. A variety of modalities and treatment services are needed. Rehab must include elements that empower patients with addictions to really see why they are addicted, and what they can do about it. Research has demonstrated the success of less relapse is seen with work oriented settings that may include agriculture (horticulture therapy), exercise and job skill development and traditional behavior-cognitive therapies, as well as necessary medical interventions. Addressing the issues that predicated dependency such as social relationships, education, family and economics and health issues is critical.

The tragedy that our community faces is the growing rate of serious drugs and their use. We have heard that Martinsburg is on the "heroin highway." That brings crime, financial loss, financial breakdown and death. Martinsburg has become an inviting area for pill mill professionals. Some patients who have been recipients of over prescribing now find it easier to find "heroin" to replace prescriptions. The business of selling drugs exceeds any minimum wage of traditional work. Research also clearly demonstrates that removing addicts from the area that their habits were supported, and with a multifaceted program, their recovery rate increased. Having the facility at the crossroads of the drug market is not appropriate.

Our local businesses face challenges. The chatter in the surrounding communities, after press coverage of drug related crime can only hurt our tourism. In closing, I am against East Ridge or any other facility being developed in the downtown residential and business market place. I hope the community will come together to work on a plan to strengthen opportunities for positive lifestyle and work to eradicate the results of substance abuse.

In a final note, take the time to visit the Oxford House project and talk to the neighbors. The trash that residents have to pick up, the loud music and fights and the ladies of the evening that visit regularly seems to indicate questionable management and professional service."

Laura Gassler, Convention and Visitors Bureau, stated that she does not deny the substance abuse problems but is opposed to the location of the treatment facility. The placement of this facility, she stated, is bad for economic development, at a time the City is experiencing economic growth and moving toward continued growth. Ms. Gassler stated that this facility in this location will do nothing to enhance economic development in the downtown. She quoted some statistics regarding Martinsburg's high transient population, poverty level and rental rate when compared to the rest of the state. She also questioned the financial plan of the facility, stating that the \$400,000

grant will not be nearly enough to renovate and furnish the property for a 60 bed facility. She stated that when East Ridge runs out of money mid-construction, she is concerned about what will happen. The facility, she stated, will require a sustained revenue stream. Ms. Gassler also was concerned about the facility which will serve an eight county area and asked what plans are in place to get those who are removed or drop out of the program back home. She discussed the idea of "trudging" in which the men are to find work in a walking distance (approximately a one mile radius from the facility) and walk to work. She stated that there are likely not enough jobs to support sixty men in a one mile radius. Ms. Gassler also stated that she had reached out to a similar facility in Huntington, which stated that their facility is not in a core business district and that the perception of this facility in the center of Martinsburg would have a negative impact. Ms. Gassler stated that the CVB would have no choice but to move from downtown if this facility is opened in that location, and that all potential developers have stated that they will not further their interests in Martinsburg if this facility is in the downtown. She stated that even the news that this facility is being considered has had a negative impact on perceptions of downtown Martinsburg.

Habib Ali, 112 Eclipse Court, stated that he came from Baltimore to Martinsburg in 2007. He stated that he had a substance addiction problem and was not getting the help he needed in Baltimore so he was sent to the VA Medical Center. He stated that there is a drug epidemic in this nation and commended East Ridge for trying to put a facility into place to provide needed services. He stated that he would be the first person to say that any facility is desperately needed, but not in downtown Martinsburg. He asked East Ridge how they dare to come to the City without consulting the business community. He stated that it is obvious that there will be a relapse if the clients do not have employment and adequate follow up, therefore East Ridge needs the support of the business community. Mr. Ali stated that this facility would be setting its clients up to fail because, while the program is fantastic, it will not get anywhere without the support of the business community.

Joanne Cull, Delaware Avenue, Apollo Youth Program Director, stated that the Apollo has many children of all ages participating in its youth programs, and their shows pack the house. She stated that parents will not send their children to the Apollo with this facility so close and the schools and day cares will no longer bring children for field trips.

Bob Berens, Old Berkeley News, stated that he is appalled that the City is even hearing this proposal. He stated that he is constantly losing business from women and the elderly in particular due to individuals panhandling outside of this store. He added that the police have their hands full already.

Ellie Masters, 220 N. Spring Street, stated that her residence is around the corner from the proposed facility. She stated that she bought the home twenty years ago and would not have purchased it if she had known what the neighborhood was like. Ms. Masters stated that she and her neighbors have cleaned the street up, there are no more drug dealers or addicts and it is a nice quiet neighborhood. She stated that there are enough social services downtown already, and the area does not need any more free services. Ms. Masters stated that she is worried for the safety of her grandchildren, should the facility be located on E. Race Street. She stated that she does not believe that substance addiction is a disease, enough tax dollars are being expended for rehabilitation already and that addicts will not be seeking treatment, but a place to "flop" until they can get their next fix.

Martin Bales, 412 Randolph Street, stated that he is a lifelong resident of Martinsburg. He agreed that a drug and alcohol addiction rehabilitation facility is needed, but does not feel it should be in City limits. He stated that downtown residents and businesses have worked too hard to become what it is and that there is still room for improvement.

Drew Johnson, Welltown School Road, owner of the HUB and other properties downtown, stated that he has made several offers to purchase the Union Sales Dodge building for commercial purposes and those offers were declined. He stated that if the rehab facility fails, it will be up to the downtown businesses to clean up the mess. He does not believe that any of the Council members support this facility in this location. Mr. Johnson stated that he supports the mission of East Ridge, but that this facility does not need to be in downtown Martinsburg. Mr.

Johnson stated that he is the owner of Touchstone Realty, a successful company, and he offered to help find a better suited location for East Ridge's proposed facility. He stated that he has been doing what he can to help when he is approached by panhandlers, taking time to speak with them and finding them work when he can. He finished by stating that he has invested approximately \$800,000 in downtown, but if this facility is approved, he will leave town.

Todd Funkhouser, Berkeley County Historical Society, stated that he does not have much to add regarding the proposed rehab facility, other than that he is opposed to this location. Mr. Funkhouser stated that he is honored to work with the community to make Martinsburg a better place to live and that it would be good to say good things about downtown if this facility is in this location. Mr. Funkhouser stated that the rehabilitation effort takes great thought, leadership and innumerable resources, and he is not confident that East Ridge's plan has those qualities.

Barbara Bratina, 116 N. Tennessee Avenue and downtown business owner, stated that she is opposed to this location for a rehab facility. She stated that businesses in the downtown are small businesses and rely on public support to survive. She stated that a 60 bed facility would increase negative perceptions and negatively impact businesses. Ms. Bratina stated that the facility would serve eight counties, and the problems of those counties would be transported to downtown Martinsburg, and that when individuals are kicked out or drop out of the program, they would likely remain in Martinsburg, much the same as some clients of the VA that do not successfully complete their programs. She stated that the business owners and residents opposing this facility are trying to protect livelihoods and that the current social service facilities downtown already deter shoppers and visitors. Ms. Bratina said that business owners do care about the under-privileged, that they recognize the need for such a facility and support the establishment of such a facility in an appropriate location. She stated that Charles Town determined that that facility was not conducive to long term plans for the downtown, and it is not conducive in Martinsburg either.

Mary Lewis, 518 W. Burke Street, stated that the downtown community is thriving and has taken on an eclectic complexion; economic development is occurring and that she sees the challenges and opportunities for the community. Ms. Lewis stated that she is not blind to the drug issues in Martinsburg as it is a convenient stop off between New York and the Carolinas. She stated that she has experienced the impacts of drug addiction with friends and family members. Ms. Lewis stated that the location of the rehab facility in the proposed location will not solve a drug problem; it will solve a grant cycle. She stated that this project will likely squelch any exciting upcoming opportunities for the downtown and be counterproductive to the efforts of the business owners, residents and volunteers.

Mayor Karos stated that he has heard several individuals speak against the project and asked if there were any members of the audience in favor of the project.

Mr. Paul Macom, East Ridge, thanked the community for their concerns and stated that East Ridge will take them to heart, as most of them were legitimate concerns.

Mr. Tom Kimm, East Ridge, stated that he intentionally did not invite those who might be in favor because he wanted to hear the concerns of the community.

Mr. Kimm was reminded by Councilman Knowles and several members of the audience that those speaking in opposition were not invited, but came anyway.

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

- a. Eastern Panhandle Transit Authority (EPTA) August 2015 Meeting Packet and Financial Reports

Motion made by Councilman Etherington, seconded by Councilman Collinson, to receive and file item 11A. Motion carried unanimously.

12. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee Minutes—August 11, 2015

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the minutes as submitted. Motion carried unanimously.

Minutes are as follows:

**Council as a Whole Committee Minutes
Tuesday, August 11, 2015—4:30 PM**

Present: Mayor George Karos, Kevin Knowles, Jason Baker, Don Anderson, Gregg Wachtel, Dennis Etherington, H.D. Boyd and Ken Collinson

Others in Attendance: Mark Baldwin, City Manager; Mark Spickler, Finance Director

Unable to Attend: None

Mayor Karos opened the meeting and asked if anyone in attendance wished to address Council.

Ms. Helen Henderson, 211 W. Burke Street, discussed the condition of 200 W. Burke Street and requested the City consider purchasing the building.

Mayor Karos then proceeded with the agenda regarding the budget, etc. The following items were discussed.

1. a. **General Fund Unassigned Fund Balance (Unencumbered Balance)—**

Mark Spickler provided an overview and explanation of General Fund Unassigned Fund Balance (Unencumbered Balance).

b. City Manager Recommendations/Committee Discussion

City Manager, Mark S. Baldwin, provided an overview of recommendations for the FY 2015-2016 Unassigned Balance.

Councilman Baker suggested additional dollars be allocated to the City's General Development Reserve Fund. After discussion, Mark Spickler, Finance Director, suggested moving \$100,000 from the recommended OPEB Fund to the Reserve Fund.

The consensus of the Committee was to forward the City Manager recommendations with the amendments to the OPEB and Reserve Fund, as suggested and agreed upon, to the City Council for approval.

c. FY 2015-2016 Budget—Going Level Overview

Finance Director Mark B. Spickler, provided an overview of the going level report.

d. FY 2015-2016 Employee Pay Increase Recommendation/Committee Discussion

The City Manager and Finance Director provided an overview of the recommendation for a 1.5% COLA for all eligible employees, a merit pay scale increase with an average of 3%, and increasing the pay grade spreads by 5% for all eligible employees, which would be retroactive to July 1, 2015.

The consensus of the Committee was to recommend to City Council the following: Adopt Resolution amending the Pay Grade Plan to reflect a 1.5% COLA and adjusting the pay grade spread by 5% for all eligible City employees, as well as establishing the merit pay scale with the average increasing being 3%, retroactive to July 1, 2015. This item is to be placed on the September 10, 2015 Council agenda.

e. The City Manager gave a brief overview of City Projects.

13. Report of Mayor

None

14. Report of City Attorney

None.

15. Report of City Manager

None.

16. Unfinished Business

None.

15. New Business

a. Approve/deny Resolution 2015-23: General Fund Budget Revision #2 for FY 2015-2016.

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2015-23. Motion carried unanimously.

b. Approve/deny Resolution 2015-24 Authorizing George Karos, Mayor of Martinsburg, to File an Application and Enter into a Contractual Agreement with the West Virginia Development Office for the Purpose of Receiving Funds through the Community Participation Grant Program for an ADA Accessible Restroom on the West End of Ambrose Park

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Resolution 2015-24. Motion carried unanimously.

c. Approve/deny Resolution 2015-25 Authorizing HRI Inc.'s Application for August Payment #20--\$1,220,062.94

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2015-25. Motion carried 5-1; Anderson, no.

d. Confirm August 13, 2015 Consensus Regarding Authorization of a Letter of Endorsement to the ABC Commission for Alcohol Sales at a Saint Joseph Parish Festival on Saturday, August 29, 2015 from 10 AM until 10 PM.

Motion made by Councilman Knowles, seconded by Councilman Collinson to confirm the consensus. Motion carried unanimously.

Chief Miller had no concerns with the event.

e. Approve/deny an Increase in Fees for Prosecuting Attorney Services—Bowles Rice--\$6,000 (increase from \$30,500-\$36,500 annually)

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the requested increase for prosecuting attorney services. Motion carried 5-1, Baker no.

16. Executive Session

No executive session was necessary.

Adjournment

Motion adjourned by unanimous consent at 7:44 PM.

George Karos, Mayor

Gena Long, City Recorder