

**City Of Martinsburg
Special City Council Meeting
Tuesday, April 21, 2015
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, Ken Collinson, H.D. Boyd and Jason W. Baker. Absent were Gregg Wachtel and Kevin Knowles. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder, Fire Chief Paul Bragg and Police Captain George Swartwood.

3. Approve April 9, 2015 Regular Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the April 9, 2015 Regular Meeting Minutes. Motion carried unanimously.

4. Presentations

There were no presentations.

5. Petitions from Citizens

Mr. Richard Anderson, 632 Winchester Avenue and member of the NAACP read the following letter into the record from Senator Shelly Moore Capito addressed to Mr. Hubert Smith, President of the Martinsburg-Berkeley County Chapter of the NAACP, dated April 14, 2015:

Dear Mr. Smith:

Thank you for your recent correspondence involving a March 2013 police-involved shooting in Martinsburg. While I know you have already sent a copy to the United States Department of Justice, I am also forwarding your letter to the agency. This will ensure your letter is received at the highest level of that department and it will let the department know of my interest in the matter. When I receive a response from the agency, I will be in touch with you.

Once again, thank you and feel free to contact my office should you need any additional assistance or more information.

Mr. Hubert Smith, Hedgesville WV, President of the Martinsburg, Berkeley County Chapter of the NAACP read the following letter into the record from United States Attorney William J. Ihlenfeld, II, addressed to Mr. Smith, dated April 16, 2015:

Dear Mr. Smith:

I'm in receipt of your letter of March 25, 2015, regarding Wayne R. Jones and the Martinsburg Police Department. You request a federal investigation.

The United States Attorney's Office (USAO) and the Criminal Section of the Department of Justice's Civil Rights Division (Criminal Section) enforce the federal criminal civil rights statutes pertaining to incidents of official misconduct and violent bias-motivated crimes. Much of this enforcement activity relates to the investigation and prosecution of deprivations of civil rights under color of law. These matters generally involve allegations of excessive physical force by law enforcement officers.

The USAO for the Northern District of West Virginia and the Criminal Section are aware of the incident that occurred in March of 2013. We are reviewing the evidence gathered in the state investigation. If our review of the evidence shows a prosecutable violation of a federal criminal civil rights statute, then

appropriate action will be taken. Thank you for bringing these matters to my attention and I look forward to speaking with you in person sometime in the near future.

Mayor Karos read the Resolution honoring 100 years of baseball at Martinsburg High School.

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

a. For the kids, by George Children’s Museum Board Minutes, Director’s Reports and Financial Statements September 2014-March 2015

b. Berkeley County Board of Health Meeting Minutes, March 2014-February 2015

c. Letter of resignation from Police Chief Kevin Miller, effective June 12, 2015

d. Martinsburg/Berkeley County Convention and Visitor’s Bureau March 11, 2015 Meeting Minutes and Financial Statement

e. National Day of Prayer Proclamation—To be read at Martinsburg Public Library on Thursday, May 7, 2015 at noon

Motion made by Councilman Baker, seconded by Councilman Etherington, to receive and file items 6a-6e. Motion carried unanimously.

7. Reports of Chairpersons of Council Standing Committees

None

8. Report of Mayor

a. Schedule Special Council Meeting for Thursday, May 7, 2015 at 5 Pm—Joint Meeting with the Berkeley County Council and City of Martinsburg City Council—Berkeley County Council Chambers, 400 W. Stephen Street, Ste. 205

9. Report of City Attorney

None

10. Report of City Manager

None

11. Unfinished Business

None

12. New Business

a. Approve/deny FY 2015-2016 levy rates

Motion made by Councilman Etherington, seconded by Councilman Collinson to approve the FY 2015-2016 levy rates. Motion carried unanimously.

b. Approve/deny request from For the Kids, by George Children’s Museum to hold “First Thursday Wine and Music” fundraising events on the Pedestrian Bridge on Thursday, June 4, July 2 and August 6, and Authorize the Mayor to Sign a Letter of Endorsement to the ABC Commission, if approved.

Motion made by Councilman Anderson, seconded by Councilman Boyd, to approve the request, contingent upon the proof of adequate liability insurance. Motion carried unanimously.

c. Approve/deny the purchase of a breaching door for purposes of Martinsburg Police Department training—Breaching Technologies, Inc. (BTI)--\$4,990 (Police Levy Fund)

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the purchase of the breaching door. Motion carried unanimously.

d. Approve/deny purchase of a 12'x16' storage building to be used at the Central Fire Station—Breezy Knoll Structures--\$3,805 (Fire/EMS Fund)

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the purchase of the storage building.

In answer to questions by Councilman Baker, Chief Bragg stated that the storage shed will house items that are currently stored in the engine room, but must be relocated as the new ambulances are larger than existing ambulances. He also stated that the storage building will be locked and located within the fenced area.

13. Executive Session

Motion made by Councilman Baker, seconded by Councilman Anderson, to go into Executive Session to discuss personnel matters at 5:12 PM. Motion carried unanimously.

Motion made by Councilman Baker, seconded by Councilman Anderson, to go back into Regular Session at 5:42 PM.

14. New Business (cont'd)

Authorize City Manager Mark Baldwin to advertise to fill vacancy of City of Martinsburg Police Chief

Motion made by Councilman Etherington, seconded by Councilman Anderson, to authorize the City of Martinsburg to advertise to fill the vacancy of City of Martinsburg Police Chief. Motion carried 4-1, Baker no.

Motion made by Councilman Collinson, seconded by Councilman Boyd, to adjourn at 5:45 PM.

/s/ Gena Long, City Recorder

/s/ George Karos, Mayor