

**City Of Martinsburg
Regular Council Meeting
Thursday, March 12, 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, Steve Knipe, Utilities Director; Jeff Wilkerson, Public Works Director; Nancy Strine, Community Development Administrator; and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Wachtel led the Salute to the Flag.

4. Prayer—

Walter Bowers, Retired Pastor, delivered the invocation.

5. Approve February 11, 2015 Regular Meeting Minutes

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the February 11, 2015 Regular Meeting Minutes. Motion carried unanimously.

6. Approve January 2015 Administrative and Financial Report

Motion made by Councilman Baker, seconded by Councilmen Collinson, to approve the January 2015 Administrative and Financial Report. Motion carried unanimously.

7. Presentations

a. Proclamation—Fair Housing Month

Mayor Karos read the Proclamation and presented it to Nancy Strine, Community Development Administrator, who stated that there are several loans in progress using HOME funding.

b. ABC Zoning Form—Fat Tuesday's—1211 N. Queen Street

Mr. James Ray, 379 Appian Way, stated that it has been a long road back into business after a fire at the establishment, but that he intends to operate as he had previously with a few changes to the menu. He stated that the hours had not yet been established, but he expected to close around 9-10 PM on weekdays and 2AM on weekends.

Motion made by Councilman Wachtel, seconded by Councilman Baker, to forward to the ABC Commission without comment. Motion carried unanimously.

c. ABC Zoning Form—King's NY Pizza, 313 A Rock Cliff Drive

Mr. Sal Scotto, Kings Pizza owner, stated that he wishes to apply for a license to serve alcohol at his establishment.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to forward to the ABC Commission without comment. Motion carried unanimously.

8. Petitions From Citizens

Mr. Richard Anderson, 632 Winchester Avenue, and a member of the NAACP addressed Council regarding the March 2013 officer involved shooting of Wayne Jones. Mr. Anderson stated that, while he understands Council cannot address the matter due to ongoing litigation, he believes that further investigation, possibly by federal agencies, is called for and that the NAACP is pursuing the matter.

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

- a. Martinsburg Fire Department Annual Report for Calendar Year 2014
- b. Martinsburg/Berkeley County Convention and Visitor's Bureau January 28, 2015 Meeting Minutes and Financial Statement
- c. Martinsburg Public Works Department Inclement Weather Report for the winter of 2014-2105
- d. Berkeley County Animal Control Incident Reports for January and February 2015
- e. City of Martinsburg Police Department Annual Report for Calendar Year 2014

Motion made by Councilman Etherington, seconded by Councilman Knowles, to receive and file items 10A-10F. 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 that Council as a Whole Committee meeting will be scheduled for Monday, March 16 or Tuesday, March 17, 2015 at 4:30 PM for the purposes of discussing budgets

Mayor Karos reminded Council of the Committee decision to hold the Council as a Whole Committee on Tuesday, March 17, 2015 at 4:30 PM.

b. Stormwater Public Presentation meeting, Wednesday, March 18, 2015 at 6 PM—GKY, Inc. in the J. Oakley Seibert Council Chambers

c. Stormwater Feasibility Committee Meeting, Thursday March 19, 2015 at 5:30 PM—venue TBD

d. Schedule Special City Council Meeting for Tuesday, March 24, 2015 at 5 PM for purposes of approving the FY 2015-16 budget and other business as needed

e. Reminder of Public Hearing for Comcast Franchise Agreement Renewal—Thursday, April 9, 2015 at 6:30 PM (See attached notice)

f. Schedule Special City Council Meeting for Tuesday, April 21 for purposes of approving FY 2014-2015 Levy Rates and other business as needed

g. Report the following vacancies: Parking Authority (2), Human Relations Committee (5) and Historic Preservation Review Commission (1)

h. Appoint Wayne Rizzo to the Code Appeals Board to fill the unexpired term ending December 31, 2015

Motion made by Councilman Baker, seconded by Councilman Collinson, to approve the Mayor's recommendation to appoint Wayne Rizzo to the Code Appeals Board to fill the unexpired term ending December 31, 2015. Motion carried unanimously.

i. Reminder that 1% municipal sales tax is effective on July 1, 2015

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

k. Discuss Appointment to Telemon Board

Mayor Karos asked Councilman Knowles if he would serve on the Telemon Board, as Telemon requires a City elected official for purposes of complying with the provisions of certain grant funds and the position has been vacant with the passing of Councilman Roger Lewis. Councilman Knowles agreed to serve on the Telemon Board if approved by Council.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the Mayor's recommendation to appoint Councilman Knowles to serve on the Telemon Board. Motion carried unanimously.

12. Report of City Attorney

None

13. Report of City Manager

a. Projects Update

The City Manager had nothing further to report.

14. Unfinished Business

a. Third and Final Reading of Ordinance 2015-02: An Ordinance To Amend And Reenact The Codified Ordinances Of The City Of Martinsburg To Amend Part Seven – Business And Taxation Code, Chapter Three – Taxation And Service Charges – Article 755 – Section 755.02 Reducing The Rate Of Taxes Imposed Under Said Article

Motion made by Councilman Etherington, seconded by Councilman Knowles, to hear the third and final reading of Ordinance 2015-02, by title only, and approve. Motion carried unanimously.

b. Third and Final Reading of Ordinance 2015-03: An Ordinance To Amend And Reenact The Codified Ordinances Of The City Of Martinsburg To Amend Part Five – General Offenses Code, Article 501 – Section 501.2 Obstructing Or Giving False Information To An Officer; Fleeing

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to hear the third and final reading of Ordinance 2015-03, by title only, and approve. Motion carried unanimously.

c. First and Second Reading of Ordinance 2015-04: An Ordinance to Amend and Reenact the Codified Ordinances of the City Of Martinsburg to Amend Part Five – General Offenses Code, Article 529 – Section 529.01 Assault And Battery

Motion made by Councilman Knowles, seconded by Councilman Etherington, to hear the third and final reading of Ordinance 2015-04, by title only, and approve. Motion carried unanimously.

d. First and Second Reading of Ordinance 2015-05: An Ordinance To Amend The Codified Ordinances Of The City Of Martinsburg To Amend Part Five – General Offenses Code, Article 521 – Liquor Control By Adding Section 521.15 Conditional Discharge For First Offense Of Certain Offenses Related To Non-intoxicating Beer Or Alcoholic Liquor

Motion made by Councilman Etherington, seconded by Councilman Collinson, to hear the third and final reading of Ordinance 2015-05, by title only, and approve. Motion carried unanimously.

16. New Business

a. Approve/deny purchase of EMS Wireless Mobile Internet for Martinsburg Fire Department--\$5,859.00—Sierra Wireless America, Inc. (Fire/EMS Fund)

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve purchase of EMS Wireless Mobile Internet for Martinsburg Fire Department, as submitted. Motion carried unanimously.

b. Approve/deny the following Standard Operating Procedures for the Martinsburg Fire Department:

- Personnel Accountability System OPS
- Fire Department Leave Policies

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the above Standard Operating Procedures as submitted. Motion carried unanimously.

c. Approve/deny bid for forty-seven (47) Glock PG2107 and six (6) Glock PG30507 and associated equipment—Capital Outlay Police Levy--\$36, 964.08 with a trade in allowance of \$13,065 for a total of \$23,899.08—Town Police Supply

Motion made by Councilman Wachtel, seconded by Councilman Baker, to approve the purchase of 56 Glockes as submitted. Motion carried unanimously.

d. Approve/deny Draft FY 2015-2016 Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program Annual Action Plan

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the Draft 2015-2016 Community Development and HOME Investment Partnership Program Annual Action Plan. Motion carried unanimously.

e. Discuss and take action (as necessary) on purchase of approximately 20 iPad Air (32G) tablet computers for Council and staff at \$399.99 per unit.

Motion made by Councilman Knowles, seconded by Councilman Baker, to purchase a maximum of 18 iPad Air (32G) tablet computers for Council and staff at \$399.99 per unit.

Councilman Wachtel stated, for the record, that he does not feel the purchase is needed.
Motion carried 5-2, Anderson and Wachtel no.

f. Approve/deny request from the American Cancer Society for the following Paint the Town Purple events: attaching purple ribbons to parking meters in the City of Martinsburg May 3-May 9, 2015 and to utilize the Town Square Pedestrian Plaza on Saturday, May 9 from noon until 5 PM for Jamfest

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the request from the American Cancer Society. Motion carried unanimously.

g. Approve/deny Otterbein United Methodist Church's request to hold the Good Friday Crosswalk on Friday, April 3, 2015 from 10:30 AM until noon, contingent upon proof of adequate liability insurance

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the request from Otterbein United Methodist Church as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

h. Authorize Mayor to sign a letter of endorsement to the ABCA for the Wine and Arts Festival at Boydville on Saturday, May 23-Sunday, May 24, 2015

Motion made by Councilman Baker, seconded by Councilman Etherington, to authorize the Mayor to sign a letter of endorsement to the ABCA Commission for the Wine and Arts Festival at Boydville. Motion carried unanimously.

i. Approve/deny contract for fireworks between Zambelli Fireworks Manufacturing Corporation and City of Martinsburg--\$10,000 (budgeted)

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the contract for fireworks with Zambelli Fireworks Manufacturing. Motion carried unanimously.

j. Approve/deny Resolution 2015-04 authorizing payment of HRI, Inc.'s March Payment Application #15 for the WWTP Upgrade Project--\$937,335.27

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve Resolution 2015-04 authorizing payment of HRI's March Payment Application in the amount of \$937,335.27. Motion carried 6-1, Anderson no.

16. Executive Session

Motion made by Councilman Collinson, seconded by Councilman Wachtel, to go into Executive Session for legal matters at 6:55 PM. Motion carried unanimously.

Adjournment

Motion adjourned by unanimous consent at 7:35 PM.

/s/ George Karos, Mayor

/s/ Gena Long, City Recorder

Approved at the April 9, 2015 Regular Council Meeting, on motion by Councilman Baker, seconded by Councilman Etherington.