

City Of Martinsburg
Special City Council Meeting Minutes
Thursday, June 30, 2016
5:00 P.M.

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: Dennis Etherington, Kevin Knowles, Gregg Wachtel, Ken Collinson and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder, Police Chief Maury Richards, Fire Chief Paul Bragg, Public Works Director Jeff Wilkerson, Utilities Director Steve Knipe, City Engineer/Planning Director Michael Covell and Finance Director Mark Spickler.

3. Public Hearing to Solicit Citizen Comment on Ordinance 2016-16 Authorizing the Mayor to Submit an Amendment to the Approved Home Rule Application to the Municipal Home Rule Board in Accordance with WV Code 8-1-5a

Mayor Karos opened the Public Hearing at 5:01 PM. As no one came forward for or against Ordinance 2016-16, the public hearing was closed at 5:03 PM.

4. Presentations

a. Make Comment on ABCA Zoning Form for Asian Garden of WV, LLC (new ownership)—970 Foxcroft Avenue, Ste 105

Motion made by Councilman Wachtel, seconded by Councilman Baker, to forward the ABCA Zoning Form without comment. Motion carried unanimously.

5. Petitions from Citizens

Mr. Vernon Pearson, Iroquois Trail, spoke about the Library Board. Mr. Pearson stated that, per the Open Meetings Act, any citizen can demand an agenda item and it shall be placed on the next meeting agenda. For the July 14 Regular Council Meeting, Mr. Pearson was asking that the Council add a discussion about the Martinsburg/Berkeley County Library Board and its dereliction of duties as well as a discussion of a hostile work environment. Mr. Pearson also presented a copy of a FOIA Request submitted to the Library Board and asked that it be made part of the record.

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

- a. Memorandum from Rodney Woods, dated June 20, 2016, declining reappointment to the Human Relations Committee (HRC), for the term expiring July 9, 2016
- b. Transcript of FEMA Community Rating System (CRS) Presentation to the City of Martinsburg, June 2016
- c. Human Relations Committee FY 2015-2016 Annual Report

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to receive and file Items 5A-5C. Motion carried unanimously.

7. Reports of Chairpersons of Council Standing Committees

8. Report of Mayor

a. Notify of Change to July Mayor and Council Payroll—Payment will be delayed until July 8, 2016 rather than July 1, 2106

9. Report of City Attorney

a. 706 W. Martin Street

City Attorney Kin Sayre stated that a Deed of Donation had been signed and submitted to the Court House for recordation.

10. Report of City Manager

None

11. Unfinished Business

a. Third and Final Reading of Ordinance 2016-16— 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

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to read Ordinance 2016-16 through the third and final reading, by title only, and adopt. Motion carried unanimously.

b. Third and Final Reading of Ordinance 2016-17-- 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

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to read Ordinance 2016-17 through the third and final reading, by title only, and adopt. Motion carried unanimously.

c. Third and Final Reading of Ordinance 2016-18: 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

Motion made by Councilman Knowles, seconded by Councilman Etherington, to read Ordinance 2016-18 through the third and final reading, by title only, and adopt. Motion carried unanimously.

d. Confirm Emergency Sewer Line Repair Cost

The cost for repairs was not yet available.

12. New Business

a. Approve/deny request from the Hope Institute School of Theology to use the Town Square Pedestrian Plaza on Saturday, July 30, 2016 from 12 noon until 8 PM for a community event, contingent upon proof of adequate liability insurance

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the request from Hope institute of Theology, contingent upon proof of adequate liability insurance. Motion carried unanimously.

b. Confirm Council June 23, 2016 consensus to authorize Letter of Endorsement to the ABCA for the sale of beer and wine at Oddfest, Saturday, June 25, 2016

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the confirmation of the June 23, 2016 consensus. Motion carried unanimously.

c. Approve/deny request from WBG Enterprises (DBA West by God and WBG Music Group) for use of the Town Square Pedestrian Plaza for the filming of a music video on Saturday, September 10, 2016 for a duration of 2-4 hours (time TBD), contingent upon proof of adequate liability insurance

Mr. ReShawn Dozier, Ridge Road S., stated that his organization is a Christian organization seeking to bring gospel music to Martinsburg. He stated that he wishes to shoot the music video in town and is requesting permission to use the Square. He stated that his goal is to make the music video representative of the community and bring awareness to the heroin epidemic and other issues in our community.

Motion made by Councilman Wachtel, seconded by Councilman Baker, to approve Mr. Dozier's request as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

d. Approve/deny FY 2016 Causality and Liability Insurance Renewal Rates (\$675,853 + \$3,588.04 WV Surcharge)—Travelers Insurance

Motion made by Councilman Baker, seconded by Councilman Collinson to approve the FY 2016 Causality and Liability Insurance Renewal. Motion carried unanimously.

e. Approve/deny FY 2016 Worker's Compensation Insurance Renewal Rates (\$265,194)—Brickstreet Insurance

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the FY 2016 Workers' Compensation Insurance Renewal. Motion carried unanimously.

13. Executive Session

No Executive Session was necessary.

Meeting adjourned with unanimous consent at 5:13 PM.

Gena Long, City Recorder

George Karos, Mayor