

**City Of Martinsburg**  
**Regular City Council Meeting**  
**Thursday, May 12, 2016**  
**6:30 P.M.**

1. Call to Order
2. Roll Call
3. Salute to Flag
4. Prayerô Reverend William Smith, Deliverance Tabernacle Church
5. Approve April 14, 2016 Regular Meeting Minutes
6. Approve April 19, 2016 Special Meeting Minutes
7. Approve March 2016 Administrative and Financial Report.
8. **Presentations**
  - a. Proclamationô Building Safety Monthô May 2016
  - b. Proclamationô National Park Trust ôKids to Parksö Dayô Saturday, May 21, 2016
  - c. Richard Lemanowicz, Esq., regarding offer to lease public works property for the construction and operation of a Wireless Communication Facility
9. **Petitions from Citizens**
10. **Receive And File Reports—Minutes—Correspondence Of The Following:**
  - a. Proclamation regarding National Day of Prayer, May 5, 2016, as read at the Martinsburg Public Library
  - b. Proclamation regarding Public Service Week, May 1-May 7, 2016 as presented to the Social Security Administration
  - c. For the Kids, by George Childrenø Museum April 7, 2016 Board Minutes and April 2016 Directorø Report
  - d. Historic Preservation Review Commission April 4, 2016 Meeting Minutes
  - e. Board of Zoning Appeals April 5, 2016 Meeting Minutes
  - f. Planning Commission April 6, 2016 Meeting Minutes
11. **Reports Of Chairpersons Of Council Standing Committees:**

## **12. Report Of Mayor**

- a. Reminder of Take Pride in your Community Spring Clean-up Event scheduled for Saturday, May 21, 2016
- b. 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)

## **13. Report Of City Attorney**

- a. Discuss May 2, 2016 correspondence from Berkeley County Council regarding FY 2016-2017 Animal Control Agreement
- b. Discuss 706 W. Martin Street property
- c. 634 Winchester Avenue Update
- d. Discuss potential Home Rule Amendment relating to alcoholic beverage sales (restaurant and retail) prior to 1PM on Sundays in the City of Martinsburg
- e. Discuss reduction in distance requirements between ABCA licensed establishments and schools and churches in the City of Martinsburg
- f. Discuss Ordinance relating to fees and taxes for vendors at special events in the City of Martinsburg

## **14. Report of City Manager**

### **15. Unfinished Business**

- a. Third and Final Reading of Ordinance 2016-06 Amending the City of Martinsburg Codified Ordinance, Part 5: General Offenses Code, Chapter 5, Administrative, by adding Article 552: Drug and Gang Houses, Houses of Prostitution and other Disorderly Houses, Sections 552.01 to 552.03
- b. Third and Final Reading of Ordinance 2016-07 Amending the City of Martinsburg Codified Ordinance, Part 5: General Offenses Code, Chapter 5, Administrative, by adding Article 550: Recklessly Permits the Physical Condition or Facilities of the Residential Real Estate to Become or Remain in any Condition which Endangers the Health or Safety of any Person, Sections 550.01 to 550.02
- c. Third and Final Reading of Ordinance 2016-08 Amending the City of Martinsburg Codified Ordinance, Part 5: General Offenses Code, Chapter 5, Administrative, by adding Article 551: Requirement of Watchman for Vacant or Open Buildings, Sections 551.01 to 551.02
- d. Third and Final Reading of Ordinance 2016-09 to Repeal Section 505.10 of the City of Martinsburg Code, Part 5: General Offenses Code, Article 505: Animals and Fowl

## 16. New Business

- a. First and Second Reading of Ordinance 2016-10 to Readopt the City of Martinsburg Equal Employment Opportunity Plan/Affirmative Action Plan, Including Updated Utilization Statistics
- b. First and Second 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. First and Second 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. First and Second 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 Conditions to Comply with the Amendments to West Virginia Code §17C-5-2b
- e. First and Second 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. First and Second 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
- g. Approve/deny request from the For the Kids, by George Children's Museum to hold the Martinsburg High School Class of 1981 Reunion on the premises, with funds to benefit the museum on Saturday, September 10, 2016 from 6-10 PM, including authorization to sign a letter of endorsement to the WV ABCA to allow for alcoholic beverage sales on-site, contingent upon proof of adequate liability insurance
- h. Approve/deny request to allow Main Street Martinsburg to collect and manage a flat rate fee for vendors, in lieu of individual vendor business license and B&O tax reporting, at the Bike Night event in August 2016
- i. Approve/deny Ballot Commissioner salary for the 2016 City of Martinsburg General Election (see memo)

- j.** Confirm consensus of Council to approve temporary change in polling location for Precinct 1 from St. Luke's United Methodist Church to the parsonage located at 719 New York Avenue
- k.** Approve/deny Resolution 2016-12 Approving The FY 2016 Annual Action Plan And Authorizing The Filing Of Application With HUD
- l.** Approve/deny Agreement between the City of Martinsburg and Nancy S. Strine Consultants, LLC for CDBG and HOME Administration, July 1, 2016 through June 30, 2017
- m.** Approve/deny authorization to request exemption from the United States Department of Housing and Urban Development (USHUD) to allow Councilman Jason W. Baker, DBA JWB Contracting, to serve as general contractor for the Habitat for Humanity homes built with Community Housing Development Organization (CHDO) funds, without financial compensation and on a voluntary basis
- n.** Discuss request for Wireless Communications Facility at Boston Street Public Works property and authorize City Attorney to finalize lease agreement
- o.** Approve/deny Mutual Aid Agreement between the City of Martinsburg and Berkeley County, WV for fires, emergency medical services, specialized rescues and disasters
- p.** Approve/deny Mutual Aid Agreement between the City of Martinsburg and Jefferson County, WV for fires, emergency medical services, specialized rescues and disasters
- q.** Discuss Church Street Storm Sewer Project and approve/deny additional City funding in the amount of \$360,681 (estimate)
- r.** Approve/deny Alpha Architects and Engineers recommendation to award bid to the low bidder, HRI, Inc., for the Church Street Storm Sewer Project
- s.** Approve/deny Resolution 2016-13 Authorizing the Execution of a Supplemental Agreement, to the November 19, 2014 Agreement approved via Ordinance 2014-17, with the West Virginia Department of Transportation, Division of Highways (Division) with Regard to Funding Associated with the "Church Street Storm Sewer Project" in the City of Martinsburg, West Virginia
- t.** Approve/deny award of bid for Church Street Storm Sewer Project to HRI, Inc., in the amount of \$1,226,608
- u.** Approve/deny amending City of Martinsburg Home Rule Application to allow sales of alcoholic beverages (restaurant and retail) prior to 1 PM on Sundays in the City of Martinsburg (Ordinance and Public Hearing required)

- v. Authorize City Attorney to draft an ordinance to reduce the required distance between ABCA licensed establishments and churches and schools in the City of Martinsburg
- w. Approve/deny Resolution 2016-14 authorizing HRI Inc.ø Application for May 2016 Payment #29 for the WWTP Upgrade Project-\$1,419,644.67
- x. Approve/deny authorization payment for HRI Inc.ø Pay Application #4 for Task C, Alternate Roadway and Mainline Extension--\$97,857.86 (final payment)
- y. Approve/deny request from the Berkeley County Ministerial Association to hold a Drug Awareness Walk on Saturday, June 11, 2016 (see memo for route) including police assistance at traffic crossings, contingent upon proof of adequate liability insurance

#### **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)