

Martinsburg City Council
Regular City Council Meeting
May 9, 1985 (October 29, 2013)
Minute Book 37, P. 158-168

Opening prayer was given by Councilman George Karos.

The City Council met in Regular session in the Council Chambers at City Hall on May 9, 1985. Present were Mayor Edward Dockeney, Jr., and Councilmembers Merle G. Butts, Mark C. Baker, Michael Lewis, Kenneth Cushwa, Jr., C. Michael Butts, Clarence Miller, Richard Wachtel, Betty B. Gunnoe, William B. Turner, Jr., Donald L. Bayer and George Karos. Also present were City Manager Janis Zachman and City Attorney J. Oakley Seibert. Councilman Donald Gregory was absent. With a quorum present, the Mayor declared the meeting in order at 7:15 PM.

Public Hearing to obtain citizen comment on City performance in its 1979 and 1981 Small Cities Community Development Block Grants

There were no citizens present to make any comments, therefore the public hearing closed at 7:29 PM.

Regular Meeting (7:30 PM)

Boy Scout Troop #87 was present to lead the Pledge of Allegiance and to observe the Council Meeting.

Approval of minutes

Councilman Baker had objections to the minutes of the Regular meeting held April 11, 1985. He stated in paragraph seven (7) on page five (5), he did not make the second to the motion as so stated. He stated he listened to the tape and he believes it was Councilman Gregory who made the second to the motion. He asked his name be removed as making the second to the motion.

Motion was made by Councilman Baker, seconded by Councilman Lewis, that Mr. Baker's name be removed from the minutes as making a second to a motion and that Mr. Gregory's name be added. Motion carried.

Mr. Baker also noted that on page two (2) of the same minutes, in regards to approval of the Administrative and Financial Report, when he asked in regards to the \$9,000 miscellaneous revenue for the month of March, and the City Manager gave him a reply; he then asked her and would like to have it added, if there was any fire fees or garbage of any kind in miscellaneous revenue and her answer was "no." He would like to have this added between the second and third paragraph one page 2.

Motion was made by Councilman Baker, seconded by Councilman Lewis to amend the minutes per Mr. Baker's request. Motion carried.

Motion was made by Councilman Cushwa, seconded by Councilwoman Gunnoe, to approve the minutes of meetings held April 11 and 16, 1985 as amended. Motion carried.

Approval of Administrative and Financial Report for April

Motion was made by Councilman Turner, seconded by Councilman Baker, to approve the Administrative and Financial Report for April 1985.

Councilman Lewis questioned Check # 5252 on page 5 of the report. He wanted to know that the legal fees were for. The City Manager explained that they were for a brutality suit against the City by Mr. Gornall.

Mr. Baker stated that he noticed from the expenditures each month, the City seems to keep buying copies of the state code over the last three months. He asked if we're in the process of buying a second set of code books or if these were these replacement volumes. The City Manager advised these are replacement volumes, where we are on a purchase service, whereas when amendments to the code are almost as thick as the code book, they print a new book and send it to us at \$30 or \$40 each time.

Motion carried on approval of the report as submitted.

Petitions from Citizens

Karen Alwin, 201 Pennsylvania Avenue, appeared before Council in reference to the juvenile problems in the vicinity of Pennsylvania Avenue, Hooge Street and Liberty Street. Ms. Alwin stated that she has talked to a lot of people in her neighborhood that were supposed to come to the meeting, but would not because of fear. They are afraid their names would be publicized for being at the meeting and they get no protection at all.

She stated that there are juveniles between the ages of 15-18 who carry guns, beer and deer skinning knives. She has had BBs shot through her window, her cat poisoned, her boy had a pin-knife pulled on him and she had had run-ins with them herself. She said they don't care about anyone, even the police. She feels something has to be done and she is not the only voice to be heard on the matter.

She stated the neighborhood has several proposals: 1: 9:30 curfew enforced, 2: patrolling of the Police Department at least once a day, preferably in an unmarked vehicle and 3: fining of the parents.

Councilman Turner questioned whether there were any ordinances on record that could be enforced to hold the parents liable for actions by the juveniles.

The City Attorney stated the ordinance he knows of is if the parents know their children are out in the neighborhood doing something illegal, they can be taken to police court, but nothing can be done with the juveniles until the Juvenile Detention Center is completed.

Mr. Turner questioned whether there is a specific time the problems occur. Mrs. Alwin said it happens whenever the children are out. She said the police department is familiar with who it is and when it happens.

Acting Chief McLaughlin stated that he feels a 9:30 curfew will not stop the problem. He noted a recent incident with a juvenile where one officer suffered a concussion. This incident involved several adults and one juvenile. The juvenile's parents were arrested at the scene.

Councilman Baker questioned if there is presently an ordinance on the books that covers a curfew for juveniles. Mr. Seibert said there is, but the police can't pick the juveniles up without there being a place to take them (such as a detention center).

Mr. Baker asked if the parents can be fined. Mr. Seibert said yes, you can through City police court, but the State Supreme Court says you can't detain a juvenile unless there is a detention center in which to place them.

The City Manager stated she has talked with several of Mrs. Alwin's neighbors about the possibility of setting up a neighborhood watch system. This system would involve the neighbors being in partnership with the police in alerting the police more swiftly than what is presently possible, when there are disruptions.

Mrs. Alwin feels a neighborhood watch program will not work because the juveniles involved will just retaliate. She asked what could be done to change the laws now on the books.

Councilman Bayer stated that he feels the problem isn't with getting the law changed on the City level, but with those on state level.

Mr. Bayer asked Ms. Alwin if she had proof of who was doing the damage to her property, and if she does, the parents of the juveniles can be made to pay for the damages if it is proven that their children committed the crime.

Acting Chief McLaughlin stated that the problem with the juvenile justice system is that there are at least three hearings before the juvenile is considered delinquent. If it is his first time in court, the juvenile will probably be reprimanded and released. If there is a second hearing, the juvenile will most likely receive probation and maybe on the third time, they would be adjudicated delinquent. He feels incarceration of a juvenile will be a last resort.

Ms. Alwin requested that her name be stricken from the record. The Mayor advised her that once she appear before Council, her name cannot be removed from the minutes.

The Mayor advised that the City will increase the visibility of the Police Department in this problem area and see what happens from there.

No further action was taken at this time.

Mr. William Rich, 219 Rosemont Avenue, appeared before the Council for some advice on what to do with a large tree in front of his property that has pushed up his sidewalk and caused the wall in front of his property to crack. He asked if the City could help by either taking the tree down or repair the sidewalk and wall.

The City Engineer has looked into this situation and stated that it is very similar to several other places in the City. The tree is actually on the City side of the sidewalk.

Mr. Rich feels something needs to be done in the near future or his wall is going to collapse into his front yard.

Mr. Buck Martin was present and stated that it is illegal, according to present City code, to cut down any tree in the City limits along the street. Mr. Martin said he has tried to get the City Council to amend this ordinance to read that it is illegal to cut down a tree in City limits without approval from the City Council, but nothing was ever done.

Motion was made by Councilman Merle Butts, seconded by Councilman Bayer, that the City Attorney draw up and amendment to the existing ordinance in reference to cutting trees down within the City limits. Motion carried.

Mayor Dockeney told Mr. Rich to proceed at his own risk.

Mayor Dockeney advised Council the item on the agenda, involving the application of Gretchen L. Wurzburg, concerning rezoning on W. King Street, has been postponed at the applicant's request, through her attorney, until June 13, 1985.

Old Business

Review Paramedic Committee Report

Motion was made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to adopt the Paramedic Court Report as submitted. Motion carried.

November 14, 1984

Mayor Edward Dockeney and Members of the City Council

This letter is written to advise you of the work accomplished by the City's Paramedic Committee over the past few months. The members of the Paramedic Committee have investigated possibilities for implementing advanced life support (paramedic) level emergency medical care to the Martinsburg community. The Committee has isolated a number of important issues which deserve careful consideration by the City Council prior to decision making. These issues and a set of recommendations for action follow.

Present Mode of Service

The City currently provides Emergency Medical Technician (EMT) level ambulance service to Martinsburg and Berkeley County residents. All City firefighters are certified as EMTs. The EMT certification is the highest level of care presently required of municipal ambulance services by the State Health Department.

In an average year, ambulance calls handled by the City total approximately 2,700 calls. Each call generally requires 18-30 minutes of out-of-station time, using one attendant and one driver per call. We estimate that nearly one-third of calls answered by the City are non-emergencies. Most of these are calls are routine transports from one medical facility to another or to and from the home.

The ambulances used by the City are the property of Ryneal Volunteer Fire Company. Ryneal pays for all maintenance and repair work required. Rescue #2 and #7 are 1980 model vehicles, each with approximately 50,000 road miles logged.

Martinsburg general funds historically have provided for the financing of ambulance personnel. The City does not now impose or collect a special fee for ambulance services.

Paramedic-level service

Paramedic service differs from EMT level care in the magnitude of intensity of medical services provided. Paramedics are specially trained professionals certified to administer certain drugs and carry out specific medical procedures under the supervision of a physician. Training requires approximately six-months and encompasses 384 hours of classroom and clinical instruction.

It has been found that a typical ambulance call attended to by a paramedic requires nearly twice the staff time necessary for calls handled by EMT personnel. This is due to the fact that paramedics are required to perform an array of services to stabilize patients prior to transport, all of which are accomplished via consultation with a designated paramedic service medical director. It should be noted that members of operating paramedic services are responsible, not only to the Chief of their Department, but also to the designated Medical Director. The authority of the Medical Director to supervise paramedic staff supersedes that of a Chief.

Paramedic service is generally regarded as the best available emergency medical care. The medical community, locally and nationally, has praised this mode of service as saving lives which otherwise would be jeopardy. Paramedic care is particularly useful in heart failure, shock, and burn cases, where the ability to regulate/restart heartbeat and administer fluids and drugs is critical.

A number of volunteer paramedic services exist in West Virginia as well as for-profit advanced life support ambulance vendors. Paramedic-level ambulances operated within paid, municipal fire departments are available in Huntington and Wheeling, only.

Costs associated with Paramedic Service

The establishment of paramedic service for the City of Martinsburg will require acquisition of a variety of fixed and disposable equipment and supply items.

The following itemized list of equipment and supplies would be necessary to properly equip two ambulances:

[The entire list, totaling \\$24,364.63 minus \\$12,149.84 in grant funds, is available in MB 37 page 170.](#)

It is estimated that a total of nine certified paramedics would be required to fully staff two ambulances on a round-the-clock basis. Inasmuch as the City has three certified paramedics presently employed, it would be necessary to obtain additional paramedics. The approximate first year cost including factoring for the additional personnel would be approximately \$182,879.52

[Entire cost breakdown included in MB 37 p. 171](#)

Sources of Funding for Paramedic Service

As outlined above, it is anticipated that start-up and first year operational costs will total \$183,000 ±. This figure is net of grant funds available to assist in the purchase of equipment. Aside from matching grant funds available for equipment, there are two major types of revenue customarily utilized to operate paramedic level ambulance service.

The first is general municipal funds. It is perhaps not an exaggeration to state that it is highly unlikely that the City could now, or in the future, afford to support an additional expense of this magnitude in the Fire Department budget.

The second and more probable source of funds is user funds.

During the course of Committee research, it was noted that a number of municipalities across the country have imposed user fees for ambulance services. Fees are most often imposed only upon the actual users of ambulance services.

Policies of many health care insurance carriers provide for payment of advanced life support services to their insured. Medicaid and Medicare also provide for payment of ambulance user fees under certain circumstances.

Reports we have obtained from cities who do charge and ambulance fee, indicated that the average fee paid by most insurance carriers is approximately \$100.00 and that collection rates vary tremendously. Most fee structures have a minimum or base fee with extra charges for specific services (such as inserting an IV, administration of medications, use of anti-shock trousers, defibrillation, etc).

It is indeed possible to generate significant revenue to support advanced life support emergency medical care through user fees. It is, however, quite difficult to predict the extent to which fees can be generated by Martinsburg at this time. This is a result of several factors:

1. The City has never imposed an ambulance service fee and, consequently, has no collection history. We do not know whether we can reasonably expect 30% or 80% return on collection efforts.
2. Citizens using the ambulance service have been accustomed to the "donation" procedure used by Ryneal. The change from a donation to a fee may psychologically be a barrier to effective collections. We could conceivably anticipate a decrease in monies presented received by Ryneal. (Ryneal collections average \$1,500 per month based on a \$20 in-City donation and a \$25 amount for county trips.
3. We do not have an established data base for socio-economic and medical status of ambulance users. For example, for every 100 Martinsburg users, how many would be likely to carry insurance coverage? What would be the average bill for service?
4. It is not immediately clear if the West Virginia Code provides for an ambulance fee to be imposed by a municipality. Section 7-15-17 of the West Virginia Code specifically provides that County Commissions may impose an ambulance fee upon users of a service. There is no equal enabling legislation specifically providing that municipalities may collect an ambulance fee.

Alternative Methods of Providing Paramedic Service

In addition to the paid Fire Department based paramedic service model discussed above, several other schematic models were briefly investigated. The committee reviewed options for providing paramedic service through a revitalized Ryneal Fire Company on a volunteer-staffed basis. Also considered were hospital-based advanced life support models and a combined paid/volunteer service system.

For a number of reasons, none of these alternatives were considered to have extraordinary merit at this time.

Paramedic Committee Recommendations

Members of the Paramedic Committee are inclined toward, but not entirely convinced of, the benefits of advanced life support services for the City of Martinsburg. The major immediate drawback for implementation of paramedic services is, of course, financial resources. Given the meager data-base presently available to the City vis-à-vis projections for fee collections, it seems to be unrealistic to immediately thrust forward with comprehensive and costly paramedic services.

It is therefore the recommendation of the Paramedic Committee that the following actions be reviewed and approved by the Martinsburg City Council.

1. The City should proceed to obtain ownership of the two existing 1980 ambulances owned by Ryneal and should operate a full-fledged EMT service for a period of at least one year prior to contemplating an upgrade to Paramedic service. Vehicle ownership should be negotiated on a lease-purchase basis for a term of 12-18 months.
2. The City should establish an ambulance fee for all users of the City service. Such fee, at a minimum, \$40.00 for all calls originating and terminating in the City and \$50.00 for all calls in the County. The fees should be billed through the City's data processing center and active efforts maintained to keep user accounts current.
3. The City should take whatever steps are necessary to reduce or eliminate use of the ambulance service in non-emergency and non-medically related cases.
4. The City should establish means by which to obtain information from users on need, desire for and ability to pay for advanced life support emergency medical care in the future. This could be accomplished by a questionnaire sent to users of the ambulance service or similar methods.
5. The City should keep detailed accounting records of all costs, including manpower, associated with the provision of ambulance services.
6. The City should seriously consider closing Fire Hall #3 and reassigning the vehicles and present personnel assigned there to Fire Central.
7. The City should re-examine its position in one year and evaluate the feasibility of establishing emergency medical care ambulance services at that time.
8. The City should apprise the local medical community of the City's initiatives and seek assistance now in raising funds through contributions/donations for equipment needed to operate paramedic level service in the future.

The Paramedic Committee members would be pleased to discuss these findings and recommendations with the City Council at any time. Please feel free to call upon the Committee for any assistance in this matter.

Sincerely,

Martinsburg Paramedic Committee: Councilmen Baker, Lewis & Butts; City Manager J. Zachman, Fire Chief Glenwood Hayes and Fire Captain G. Douglas Fellers.

Councilman Wachtel suggested that copies of this report be sent to the news media.

Councilman Baker agreed with Councilman Wachtel that copies should be sent to the news media and copies also sent to the medical community for their review.

Councilman Baker stated, in regard to recommendation 1-7 of the report, since the Ryneal Fire Department has raised their ambulance fees as of May 1, 1985 to \$40, he would like to see included in the Administrative and Financial Report, a collection rate.

The City Manager stated that we do not have this information provided to us. She said it is not our money and we don't have access to their financial records.

Chief Fellers said he could obtain some of this for Council.

Councilman Wachtel suggested that the City Manager contact the WV Municipal League and have them gather data on items 3 and 4 of this report. This would be in reference to the State Code including a section enabling municipalities to collect an ambulance fee.

The City Manager advised that she sent a proposed draft of such an ordinance to the legislators. It was introduced, but failed in committee.

Mr. Wachtel requested a list of qualified paramedics (volunteers) that are available within the City limits.

New Business

Discussion with Historic Review Commission on City and Commission Roles and Responsibilities

Ms. Anne Eyler was present to explain the roles and responsibilities of the Historic Preservation Review Commission. She said the ordinance was adopted three years ago as a result of work done by the DMA in its revitalization project for the downtown. Part of that program was the actual physical appearance of the buildings in the downtown district.

She went on to explain the purpose of the adoption of the Historic Preservation District Ordinance (Article 10). The purpose of the ordinance was to promote the educational, economic and the general welfare of the public, through the protection and maintenance of properties and to establish and improve property values.

She advised that as of April 8, 1985, the enforcement provisions of this ordinance are in effect. The HPRC can now order somebody to do certain repairs within a reasonable amount of time, and if it is not done, a fine can be imposed without further notice.

Mayor Dockeney asked Ms. Eyer if the Commission has been provided with a list of properties within the district that have been condemned by the City. Ms. Eyer said they have not.

Councilman Wachtel suggested the Building Inspector attend all meetings of the HPRC so there would be no lack of communication between the City and the Commission.

The HPRC holds meetings the first and third Tuesday of each month.

Motion was made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to adopt a Resolution reaffirming the support and enforcement of the Historic Preservation Ordinance as adopted three years ago.

Mr. Buck Martin reminded Council that the HPRC can act, but the property owner has the right to appeal to City Council and City Council can reverse the decision of the Commission. The property owner then can appeal City Council's decision to the Circuit Court.

Mr. Martin stated the Commission feels that Council should inform the Building Inspector it is part of his duties to work with the Commission and act as their "watchman" within the Historic Preservation district. The Building Inspector should also be instructed not to issue building permits until the appropriate review provisions have been met by the HPRC.

An Ordinance to rezone from Residential RUB to Community Business (BC) that property located at 117 Swart Street

Motion made by Councilman Cushwa, seconded by Councilwoman Gunnoe, to deny the reading of this ordinance, per the recommendation of the Planning Commission. Motion carried.

Review and Approval of 1985-86 Water and Sewer Budgets

Motion was made by Councilman Wachtel, seconded by Councilman Cushwa, to approve the Water and Sewer budget for 1985-1986 as submitted. Motion carried, Baker and Miller, no.

Mayor Dockeney thanked the Budget Committee for its excellent work this year on both the General Fund Budget and Water and Sewer Budget.

Review and discussion of proposed landfill agreement with the County

Mayor Dockeney advised Council that the City Manager and he have met several times recently in reference to a new landfill agreement with the County. One of the problems that has evolved in the agreement is paragraph 10 in the original agreement, which gave the County Commission unlimited power to exhaust landfill funds. The Mayor, City Manager, City Attorney and five members of City Council talked to the County Commission and they have agreed to rewrite paragraph 10, which limits the personal use for indirect costs from the landfill to 10% per year.

Mayor Dockeney stated that Council needs to address the question of what would happen if the County wants out of the landfill business in the future. Would the City get first rights to the landfill to operate it?

Councilman Miller stated he feels the City should get first option if the County no longer wants to operate the landfill.

The City Manager read to Council the new paragraph 10 of the agreement as proposed by the County Commission as follows: *The County will limit personal services to those individuals conducting work related activities pertaining to the landfill operation. The administration would not exceed 10% of the total landfill budget.*

The City Manager said she feels the Commission would like the Council to go through the agreement and make any changes they feel need to be changed.

Councilman Miller questioned what happens to the present City employees who work at the landfill if the County takes over the landfill operation.

The City Manager said the County will offer employment to the existing employees and our employees will receive all the benefits similar County employees receive.

Mayor Dockeney noted that our present employees would receive a retirement plan through the County, where the City does not provide such a plan. He also stated that we have an employee who is near retirement and we have agreed, in principle with the County, this gentleman will be paid for his ninety days unused sick days before the landfill is transferred to the County.

Councilman Cushwa questioned what the problem is as a joint venture as it has been in the past.

Councilman Karos said he asked that question several months ago and it seemed to come about because of an audit. We asked them for a copy of the audit so we could correct any deficiencies we had, in February, and as of last week we had not received a copy of the audit. Now, it seems that it doesn't revolve around the audit, it revolves around the expense of the operation of the landfill and who owns or doesn't own it.

Councilman Cushwa stated that if the audit is not the problem, since the County showed the auditors the wrong agreement to start with, which made the audit finding irrelevant, what is the real problem with our joint venture?

The City Manager said their Assistant Prosecutor has advised the County that both of the agreements (1971 and 1977) which were signed by a present member of the County Court, were not submitted to the Attorney General for approval, as is required by State law. So, in

their opinion, the agreements are completely invalid to begin with, and they don't have to be honored by the County. That is why they said in the newspaper that they were going to do what they have to do, because in their minds there is no valid agreement with the City, although we have been operating under an arrangement for fourteen years. She also understands that their most present complaint is that the City is not sharing in the legal liability for the landfill. The permit is issued in the name of the County, and the County is responsible for the Department of Natural Resources and they feel the City's name should also be on the permit.

Councilman Wachtel suggested that Council should instruct the City Attorney to change the agreement with the County whereas if the County no longer wants to operate the landfill, the City would have first option on the operation of it.

Motion was made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to amend the agreement to include the revised paragraph 10 as previous stated by the City Manager, and that the agreement be sent to the Attorney General for his office's opinion prior to the City and County signing it, and upon approval of the Attorney General's office, add in the agreement about paying Mr. Gaither for his ninety days sick leave prior to leaving the City out of the landfill account, this agreement to be effective July 1, 1985. Motion carried.

Review the request of Berkeley County Public Service District to renew Water Purchase Agreement, which expires December 1985

The City Manager advised Council that the City has an agreement with Berkeley County Public Service District where they purchase water from us for approximately \$.40/gallon. Our present bulk rate for the lowest customer is \$.83/gallon and that is what Opequon is paying. Berkeley County Public Service District is aware that our present agreement expires at the end of December 1985 and they would like to enter into a new agreement where they pay \$.65/gallon for up to five years.

The City Manager suggested the Council either sign an agreement with Berkeley County Public Service District as is presently in effect with Opequon Public Service District or, if a grant is approved for both Berkeley County and Opequon, for the purpose of developing their own water source, these districts will no longer need to rely on City at an extent which they do now, then the City might want to consider a higher rate per gallon than they charge now.

The City Manager also has suggested to Berkeley County Public Service District to include in the new agreement the possibility of the City taking over some BCPSD customers in the south end of town. BCPSD now purchases water from the City to serve these customers who are scattered within some of the City's other customers.

Councilman Bayer suggested the City Manager meet with Berkeley County Public Service District and work up options to be presented back to Council at a future meeting.

No other action was taken at this time.

Expenditure Requests

- A. Approve purchase of 3 Scott Breathing Packs and 2 spare cylinders for Fire Department at a cost of \$3,090 with 100% reimbursement to be made by Governor's Office of Economic and Community Development
- B. Approve additional funds as necessary from Fire Hall Account to repair pump impeller for Engine #3 at Clearbrook Welding.
- C. Approve purchase of 5HP air compressor for Street/Sanitation Department from S&S Motors at a cost of \$1,485.48

The City Manager asked to add an item D. The Park and Recreation Board has requested an early payment of their fourth quarter Revenue Sharing allocation in case they would need it before the June meeting.

Item A. is self-explanatory, item b was originally approved by Council to spend up to \$800 for repairs to a pump impeller on Engine #3 and Clearbrook. Welding now says it going to cost at least double that amount. Item C. since the bid was received by S&S Motors, two more bids were received, one bid was received from Hagerstown Equipment in the amount of \$1,200 and the second bid is \$2,600 from Valley Supply Company.

The City Engineer stated that either of the bids from Hagerstown Equipment Company or S&S Motors would be good, but he feels that Council would prefer buying from the local bidder (S&S Motors).

Councilman Turner questioned Chief Fellers if there was any particular reason we have run into problems with the impeller, whether it was due to regular wear and tear or lack of maintenance.

Chief Fellers said it was a two-fold problem. There was damage to the pump and once they got into repairing it, there was further damage to the impeller than was seen from the outside of the pump.

Motion was made by Councilman Miller, seconded by Councilman Bayer, to approve all of the expenditures a-d which includes the purchase of the air compressor from S&S Motors. Motion carried, Cushwa and Wachtel, no.

Councilman Wachtel stated he would have liked to have seen open bids from in-town vendors on the Scott air packs.

Consider a request of Van Wyk Enterprises to annex 41 acres into the City by minor boundary adjustment, subject to certain conditions for utilities.

Motion was made by Councilman Wachtel, seconded by Councilman Cushwa, to adopt the Resolution which refers this item to the Planning Commission for further action. Motion carried.

Motion was made by Councilman Turner, seconded by Councilwoman Gunnoe, to go into executive session for personnel and legal matters at 8:58 PM. Motion carried.

Mayor Dockeney asked Chief Fellers and Attorney D. Patrick Dalton to be present for this executive session.

Motion was made by Councilman Turner, seconded by Councilman Baker, to return to regular session at 9:55 PM.

Review and Discuss Various Proposals for Staffing Configuration at Police Department

Motion was made by Councilman Karos, seconded by Councilman Wachtel, to adopt alternative #4 as suggested by Acting Police Chief and City Manager.

Alternative # 4 is described as follows: Present Captain is appointed as Chief, abolishment or set-aside of Captain rank, replacement of the Captain rank by Watch Commander/1st and 2nd Lieutenant system: there are some real benefits to be achieved by this approach. First, promotions are given while retaining the status of the patrolman ranks. Second, under the Watch Commander system, all three shifts will rotate under the supervision of the Watch Commanders, thus assuring a more constant and equal level of performance within each shift. The public would have an individual available in the station to resolve complaints, etc. Eventually, this system could result in increased savings (\$37,000+) to the City should the existing rank of Lieutenant be set aside or abolished in favor of the more comprehensive Watch Commander system. Responsibilities are redistributed in part to the two Watch Commanders, thus increasing their own administrative and leadership skills and providing for a better department, operationally. This alternative is worth serious consideration according to the City Manager in her memorandum to Mayor and Council.

Councilman Karos questioned Acting Chief McLaughlin as to his opinion on Alternative #4.

Acting Chief McLaughlin said Alternative #4 is emphasizing streamlining management and there would be no loss of any patrolman. He feels there will be the maximum amount of management with the cheapest possible cost. It also gives the City the option of phasing into Alternative #5.

Alternative #5 is the continuation and full-implementation of Alternative #4. This alternative sets forth a position in which the City may find itself should there be additional vacancy in the rank of Lieutenant due to the disability of Lt. Mosse. This alternative is not immediately available for implementation, but may be considered as an eventual outgrowth of Alternative #4.

Councilman Miller that if Alternative #4 is adopted, it would mean raises for several of the higher paid officers, whereas the lower paid officers wouldn't receive any. Chief McLaughlin agreed with this.

Councilman Miller also questioned Chief McLaughlin if it is true that the midnight to 8:00 AM shift only had two officers working one night last week. Chief McLaughlin stated that this was not true, there should always be three men on patrol and one man on the desk in the absence of the radio dispatcher position.

Councilman Karos asked Chief McLaughlin whether the present shift commanders have looked at the alternatives as suggested by the City Manager and Chief. The Chief said yes they did, and there is some caution there as far as the morale factor is concerned.

Councilman Cushwa stated he felt that Council should not pass any alternatives tonight, but study the situation and hold a special meeting specifically for this time.

Motion was made by Councilman Cushwa, seconded by Councilman Bayer, to table this item. Motion carried, Merle Butts, Michael Butts, Baker, Karos and Wachtel, no.

There will be a special meeting to discuss this particular issue on Tuesday, May 28, 1985 at 7:00 PM.

Approve by Resolution a contract with Baker Engineers for planning and engineering services in conjunction with the City's stormwater planning grant

The City Manager advised Council that Baker Engineers reviewed the agreement for planning and engineering services and recommended several changes.

Councilman Baker asked the City Manager if changing the agreement included providing any additional services than was originally agreed upon.

The City Manager said it did not. The changes include delineating the working products, work schedule and the engineer's payments as to the amount of money to be spent on field investigation and mapping.

Motion was made by Councilman Cushwa, seconded by Councilman Baker, to adopt a resolution for a contract with Baker Engineers for planning engineering services in conjunction with the City's stormwater planning grant. Motion carried.

Approve community plans for the following events:

A. **Muscular Dystrophy Benefit** in 900 block of Winchester Avenue, Memorial Day weekend, sponsored by the 7-11 Store #10633. Muscular Dystrophy Benefit at N. Queen Street store on following dates: May 26, July 4, September 8&9.

B. Historical Display at War Memorial Park, sponsored by the Park, Memorial Day weekend. Also annual 10K War Memorial Road Race on Saturday, September 28, 1985; race route to be same as last year unless otherwise notified.

The City Manager received several requests from the DMA for approval of the following activities:

[List of activities can be located in MB 37 p. 164](#)

Councilwoman Gunnoe stated she has a problem with the 7-11 stopping traffic on N. Queen Street for their benefit.

Motion was made by Councilman Cushwa, seconded by Councilwoman Gunnoe, to deny the stopping of traffic for the campaign for Muscular Dystrophy as requested in item A. Motion carried.

Motion was made by Councilman Cushwa, seconded by Councilman Turner to approve items b & c as requested.

Councilman Lewis asked what parking lot would be used for the Health Fair. The City Manager said if they need to use the parking lot, they would use the W. Burke Street lot, closest to the Chamber of Commerce offices.

Motion carried as submitted.

City Attorney

An Ordinance to amend Section 7-34 of the Martinsburg City Code to Provide for Additional Electrical Inspectors being Permitted to Approve Electrical Work within the City of Martinsburg, West Virginia.

Motion was made by Councilman Cushwa, seconded by Councilwoman Gunnoe, that this ordinance be read through the third and final reading and adopted. Motion carried.

An Ordinance to Establish Personnel Rules and Regulations for Employees of the City of Martinsburg, West Virginia.

Motion was made by Councilwoman Gunnoe, seconded by Councilman Cushwa, that this ordinance be read through the third reading and adopted. Motion carried.

An Ordinance to Adopt Chapter 15 as Amended and Repeal Sections 1-0 of Chapter 15 and Section 10-15 of the Code of Martinsburg, West Virginia

Motion was made by Councilman Baker, seconded by Councilman Turner, that this ordinance be read through the third reading and adopted. Motion carried.

Mayor Dockeney thanked Councilmen Bayer and Baker for their hard work and good job on revising Chapter 15.

Mayor Dockeney also thanked the Personnel Committee for putting together a condensed version of the Personnel Rules and Regulations.

Mr. Seibert asked for a very brief executive session to review several legal matters.

The City Manager advised Council that Ebenezer Baptist Church has given a lot to the City, which was incorporated into Ramer Court and in exchange the City was to give the Church John Green's lot, when his house was torn down. Not that the house is down, the Church has pointed out there is a large stone in the middle of the lot which prohibits them from using it as a parking lot. The church requested the City blast this large stone and level it off and put some stone in there and then the Church will accept conveyance of the lot.

The City Manager said she does not know how much it would cost to blast the stone, but she could get some estimates and come back to Council with it next month.

Councilman Baker asked if we were going to blast it out ourselves, or if we were going to get someone privately to do it.

The City Manager said she didn't think we could do it ourselves.

Mr. Baker said that Mr. Clay Robinson's house sits on this rock ledge and we would stand a chance of blowing it up if we tried to do any blasting.

Councilman Baker asked the City Manager to get a price and bring it back to Council at the meeting on May 28th.

The City Attorney suggested that the company be bonded before they would be hired.

The City Manager received a request from the Police Department that Council appoint Sgt. Charles Ellis as Acting Lieutenant in the place of Lieutenant Mosse, who is on temporary disability for an extended basis. This would be for no more than ninety days. The difference in pay would be \$30 every two weeks.

Motion was made by Councilman Karos, seconded by Councilman Bayer, to appoint Sgt. Charles Ellis as acting Lieutenant for a period not to exceed ninety (90) days. Motion carried.

Mayor

The Mayor advised he has removed Mr. Douglas Stewart off the Police Civil Service Commission and made him a member of the Parking Authority. He will be replaced on the Police Civil Service Commission by William Stover.

Mayor also advised that George Karos has resigned his position on the Historic Preservation Review Commission as a Council appointee. Mayor said he will be replacing Mr. Karos with an appointee outside the Council boundaries along with another position at the June 13, 1985 meeting.

Council

Karos

Motion was made by Councilman Karos, seconded by Councilwoman Gunnoe, to approve the Community Development Urban Renewal Report and suggested it be sent to the news media for their use. Motion carried.

Merle Butts

Mr. Butts requested the status on the situation at the corner of Wilson and Winchester at R&R Auto Repair.

The Building Inspector said he talked with the owner to see if he could do anything to clear up the mess and they agreed to try to keep only cars at the garage that are being worked on. Mr. Carter said he checked on it several times this week and the owners have done a good job with doing that.

Baker

Mr. Baker asked the City Manager if she had received anything from HUD in reference to PanTran funding. She said she had not received anything from them yet. Mr. Baker then asked when the City Manager expects to hear from HUD. She said the Congressional office has been working on a letter for the past forty-five or sixty days, so she is not real sure.

Mr. Baker stated he asked sixty days ago for a list of property that belongs to Community Development, like desks and calculators, and the City Manager gave him a list written by Mrs. Soroko. He said he feels the list is incomplete. Plus, he asked for a list of properties Community Development has accumulated around and has not received it yet. Mr. Baker requested these lists be completed and typewritten, if at all possible, by the next meeting.

The City Manager said Mrs. Soroko had hoped to prepare the land list before she left, but she didn't get to, so she will try to do it herself.

Mr. Baker said he found out the City owns a lot on High Street and Eulalia Street that he wasn't aware of, so that is why he is asking for this list.

Mr. Baker said he understands from the Fire Facilities Committee meeting that Commissioner Shockey asked for a report on per call basis on what it costs to dispatch our fire trucks and ambulances in the county, and as of this date, he has not received that copy.

The City Manager said Mr. Shockey has all of the reports through 1984.

Mr. Baker said he would like to have copies of these reports, because he wants to know what it is on a per call basis.

Mr. Baker asked if there was a committee report in reference to the parking problems caused by converting single family housing into apartments. Mr. Baker said he is asking for a moratorium of six-months to get this problem resolved. The said it is so bad in some territories that people are getting into fist fights.

The City Manager stated that Fred Papa, our Planning Consultant, will be at the June 13 meeting to discuss the zoning ordinance.

Mr. Baker asked the City Manager if there was a report on the condition of Fire Hall #4.

The City Manager said there was to be a tour of this property and only she showed up and toured it herself. She said it wasn't as bad as she thought it would be, but she feels the City should get rid of it.

Mr. Baker said he noticed a window broken out of the side door several weeks ago and he called the Police Department who investigated and found there had been a breaking and entering. Mr. Baker contacted someone in the Ladies Auxiliary to let them know there was a breaking and entering so she could check into the items they have in the building. The Ladies Auxiliary would like to get their items out of this building, but they need help because all they have in their organization is elderly persons and they are not capable of doing any lifting. Mr. Baker said they would like to have the articles moved to the first floor so they can hold a yard sale.

The City Manager said she would get men from the street/sanitation department to help the ladies when they needed it. She asked Council if they wanted the building to be placed up for sale after it is cleaned up.

Councilman Baker said he feels we should hold onto the building until a few of the Councilmembers take a look at it and see what they think it might possibly be used for, storage or anything else. He said the roof has a leak, but it can be repaired.

Mr. Baker received a request for a lady who lives in the third ward in regards to her foundation falling in. Mr. Baker verified this problem and asked the Building Inspector if he would inspect it to document for the Council what condition the foundation is in.

The Building Inspector gave the following report: The house located at 700 Boston Street is setting on a one-brick foundation and not concrete block, all the way around. The front wall could fall in any day, as it is bowed extremely badly. He stated that it is a very unstable foundation at this time.

Mr. Baker stated that he talked to the owner in regards to his construction business, they looked into the possibility of getting a bank loan and because of her income, it is impossible to get one. Her credit is good but she cannot get the funds to fix it.

Mr. Baker said the City should agree with him in saying this house is not beyond repair, it is worth fixing.

Motion made by Councilman Baker, seconded by Councilman Wachtel, that the City explore the possibility of loaning the owner money through the Community Development Program. She is in the target area and in the income bracket. Motion carried.

The City Manager advised Council that the City has been denying all applications for loans through the Community Development Office for the past three years. She has personally told about twenty-five persons we were not accepting applications for loans. She said she would be happy to investigate the possibility of loaning the above owner Community Development funds, but she feels Council needs to tell her if they want to revise the loan program or not.

Councilman Miller feels this is an emergency situation and the City should look at it before they say "no" to anything.

Mike Butts

Mr. Butts is still questioning the standstill on progress of the property located at 607 Baltimore Street. Notices were sent about six months ago and nothing has been done since. Mr. Butts aside the Building Inspector if he sent out a final notice on this property and he said "yes."

Miller

Mr. Miller asked the City Engineer if he would check a large hole by the water meter in front of 214 E. Martin Street.

Wachtel

Mr. Wachtel asked if it is illegal to use a stop sign as part of an exterior sign. There is a business on E. Martin near the train station that is using a stop sign in front of their property. He asked the Police Department to check into the matter.

Gunnoe

Ms. Gunnoe advised Council that Otterbein United Methodist Church will own Hooge Street School within the next few days; however after the last Council meeting, it has been found that this property is on the National Historic Register. Before the property can be demolished, it needs to be decertified. Several members of the Church appeared before the HPRC and they said this property is not within the Historic Preservation District and they refuse to get involved.

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel, that the City Manager be instructed to write a letter on behalf of the Church to get it decertified. Motion carried.

Turner

Mr. Turner advised Council that he felt they should reconsider putting Planning Commission fees back into the budget for fiscal year 1985-1986. He said he feels the Planning Consultant is an important part of the Planning Commission and should not be eliminated.

Mayor Dockeney reminded Council that the Planning Commission Consultant was hired on a one-year basis. He was eliminated at one time, and it cost a penny measured. He was hired back under the stipulation that the zoning ordinances be revised and updated within a twelve month period. It has been well past that point.

Mr. Turner said he wasn't particularly suggesting Fred Papa, but he feels the Planning Commission still needs guidance.

Mayor Dockeney said he and Mr. Papa have talked numerous times, especially when he was rehired and it was made perfectly clear to him at the beginning of his rehiring that this was the main stipulation. The ordinances were to be rewritten to reflect a change in attitude so we could avoid the same legal problems, and it has not been done.

No other action was taken on this item.

Motion was made by Councilman Bayer, seconded by Councilman Turner, to go into executive session for real estate and legal matters at 10:50 PM. Motion carried.

Motion was made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to return to regular session at 11:00 PM. Motion carried.

Motion was made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to approve a \$1,000 deposit on the Lucy I. Rice lot and authorize the Mayor to sign the sales contract. Motion carried, Bayer, Merle Butts, Baker, Miller and Turner, no.

Motion was made by Councilman Wachtel, seconded by Councilman Cushwa, that the meeting be adjourned at 11:05 PM.

Minutes were signed by Mayor Dockeney, Recorder Bragg and Asst. Recorder Kidwell.

