

**City Of Martinsburg
Regular Council Meeting
April 11, 2013
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order by Legal Counsel Kin Sayre at 6:30 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles, Jason Baker, Max Parkinson, and Roger Lewis. Not present were George Karos and Gregg Wachtel. Also present were: Mark Baldwin, City Manager, Kin Sayre, Legal Counsel, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Chief Kevin Miller, Martinsburg Police Department, Steve Knipe, Utilities Director, Jeff Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director, Patricia McMillan, Community Development Director, Brenda Spaulding, Human Resources Director and Mark Spickler, Finance Director.

Motion made by Councilman Baker, seconded to Councilman Etherington for Councilman Lewis to chair the meeting. Motion carried unanimously.

3. Salute to Flag

Councilman Lewis led the Salute to the Flag.

4. Prayer—Reverend Doctor Rufus Burton, First Presbyterian Church

Reverend Burton led the invocation.

5. Approve March 14, 2013 Regular Council Meeting Minutes

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the March 14, 2013 Regular Council meeting minutes. Motion carried unanimously.

6. Approve March 26, 2013 Special Council Meeting Minutes

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the March 26, 2013 Special Council Meeting Minutes. Motion carried unanimously.

7. Approve February 2013 Administrative and Financial Report.

Motion made by Councilman Baker, seconded by Councilmen Parkinson and Etherington, to approve the February 2013 Administrative and Financial Report. Motion carried unanimously.

8. Public Hearing: for the purposes of soliciting citizen comments on the City of Martinsburg's FY 2013 Annual Action Plan for the use of CDBG and HOME funds.

Ms. Patricia McMillan explained that this was the second public hearing for the FY 2013 Annual Action Plan, which is on display through May 3, 2013. She stated that after this review period, Council will be asked to approve the final plan.

Councilman Lewis opened the public hearing at 6:38 PM.

Ms. Anne Smith, Shenandoah Women's Center, spoke in favor of the plan, thanking Council for past support. The request funds would be used for a counseling program, which serves over 500 women per year.

Ms. Deborah Barthlow, Children's Home Society, spoke in favor of the plan, stating that the request funds would be used for the Safe Haven Advocacy Center, which completed approximately 170 forensic child interviews in the past year.

As no one else came forward for or against the plan, the public hearing was closed at 6:40 PM.

9. Presentations

a. Resolution of Appreciation for retiring Police Lieutenant Terry Stanley

City Recorder Gena Long read the Resolution of Appreciation. Lt. Stanley was given his service weapon by Chief Kevin Miller who thanked him for his many years of service.

b. Resolution of Accomplishment for the lifesaving efforts of Patrolman First Class Larry Ruffner, Fire Lieutenant Brian Nadenbousch, Firefighter/EMT-Paramedics Kenneth Bowers and Joshua Williams, Firefighter/EMT Basic-Robert Mason and Martinsburg High School Nurse Rhonda McDaniel.

City Recorder Gena Long read the Resolution of Accomplishment. Chief Bragg and Chief Miller thanked the individuals for their life saving efforts and professionalism.

10. Petitions From Citizens

- Mr. David Heatwole, 304 Bowers Street, addressed the Council regarding a sculpture for the pedestal at the Town Square and Pedestrian Plaza. Mr. asked for an update, as the Mayor had stated that he would put the issue before a committee meeting in April.

Councilman Lewis advised that the Mayor is out of town, and the issue can be addressed upon his return.

Motion made by Councilman Baker, seconded by Councilman Knowles, to send the issue to property committee. Motion carried unanimously.

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

- a. Berkeley County Animal Control December 2012, January 2013 and February 2013 monthly report
- b. Notice of Approval of the Levy Estimate—Office of State Auditor
- c. WV Department of Environmental Protection Consent Order #7784

Motion made by Councilman Parkinson, seconded by Councilman Baker to receive and file item 11A-C. Motion carried unanimously.

12. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee March 20-21, 2013 meeting minutes.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Council as a Whole March 20-21, 2013 Meeting Minutes. Motion carried unanimously.

13. Report of Mayor

a. Reappoint Phillip Martin to the Martinsburg Housing Authority, term 5/8/13-5/8/18

Motion made by Councilman Etherington, seconded by Councilman Baker, to reappoint Phillip Martin to the Martinsburg Housing Authority. Motion carried unanimously.

b. Reappoint Mary Lewis to the Shade Tree Commission, term 5/9/13-5/9/16

Motion made by Councilman Etherington, seconded by Councilman Baker, to reappoint Mary Lewis to the Shade Tree Commission. Motion carried unanimously.

c. Reappoint David Anderson to the Shade Tree Commission, term 5/9/13-5/9/16

Motion made by Councilman Knowles, seconded by Councilman Etherington, to reappoint David Anderson to the Shade Tree Commission. Motion carried unanimously.

d. Reappoint Mark Madison, PhD to the Shade Tree Commission, term 5/9/13-5/9/16

Motion made by Councilman Baker, seconded by Councilman Etherington, to reappoint Mark Madison, PhD to the Shade Tree Commission. Motion carried unanimously.

e. Appoint Christopher Cox to the Historic Preservation Review Commission to fill an unexpired term—1/21/2011-1/21/2014

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to appoint Christopher Cox to the Historic Preservation Review Commission. Motion carried unanimously.

f. Reminder of Special Council Meeting for Tuesday, April 16, 2013 at 5:00 PM to approve/deny FY 2013-2014 levy rates and other business as needed (Per WV State Code)

Councilman Lewis reminded Council of the Special Meeting scheduled for Tuesday, April 16, 2013 at 5:00 PM.

14. Report of City Attorney

There was no report of the City Attorney.

15. Report of City Manager

City Manager Mark Baldwin had nothing further to add.

16. Unfinished Business

There was no unfinished business scheduled.

17. New Business

a. Approve/deny poll workers for the May 11, 2013 Special Levy Election

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve poll workers for the May 11, 2013 Special Levy Election. Motion carried unanimously.

b. Approve/deny request from the William Henshaw Chapter NSDAR to serve birthday cake in the Town Square Pedestrian Plaza on Thursday June 20, 2013 (West Virginia Day) from 10 AM until noon in celebration of West Virginia's 150th Birthday

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve request from the William Henshaw Chapter NSDAR to serve birthday cake in the Town Square Pedestrian Plaza on Thursday June 20, 2013

(West Virginia Day) from 10 AM until noon in celebration of West Virginia's 150th Birthday. Motion carried unanimously.

c. Approve/deny request from the Children's Home Society to use the Town Square Pedestrian Plaza to host a display of blue pinwheels in support of Child Abuse Prevention Month—April 16, 2013 from 8 AM until 6 PM.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve request from the Children's Home Society to use the Town Square Pedestrian Plaza to host a display of blue pinwheels in support of Child Abuse Prevention Month—April 16, 2013 from 8 AM until 6 PM. Motion carried unanimously.

d. Approve/deny The Arts Centre's request to hold Wine and Arts Festival on the lawn of Boydville, Saturday May 25, 2013 and Sunday, May 26, 2013, including approval of letter of endorsement to ABC Commission and Public Works assistance.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve The Arts Centre's request to hold Wine and Arts Festival on the lawn of Boydville, Saturday May 25, 2013 and Sunday, May 26, 2013, including approval of letter of endorsement to ABC Commission and Public Works assistance. Motion carried unanimously.

e. Approve/deny additional funds in the amount of \$5,850 for the previously approved nine (9) in-car video camera systems—Police Levy Fund

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve additional funds in the amount of \$5,850 for the previously approved nine (9) in-car video camera systems—Police Levy Fund. Motion carried unanimously.

f. Approve/deny funding (50%) for purchase and erection of fencing at the personal property of K-9 Officer Everhart for his K-9 partner. (Total cost--\$4,388, City portion--\$2,194.)—Long Fence—Police Levy Fund

Councilman Baker asked if the City generally provides fencing on private property for the K-9 officers. Chief Miller replied that the City has, in the past, provided a kennel for police dogs, but K-9 Officer Everhart's subdivision does not allow for kennels. He added that proper fencing for the police dog is needed for the safety of the dog and the neighborhood and the lack of one could prove to be a liability to the City.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve funding (50%) for purchase and erection of fencing at the personal property of K-9 Officer Everhart for his K-9 partner. (Total cost--\$4,388, City portion--\$2,194.)—Long Fence—Police Levy Fund. Motion carried 4-1, Baker, no.

g. Approve/deny purchase of Western 8.5 Multi-Position V-Plow (\$5,515) and Western V-Plow Deflector (\$247)—Total--\$5,762—Shade Equipment—Public Works Fund

Motion made by Councilman Anderson, seconded by Councilman Etherington, to approve purchase of Western 8.5 Multi-Position V-Plow (\$5,515) and Western V-Plow Deflector (\$247)—Total--\$5,762—Shade Equipment—Public Works Fund. Motion carried unanimously.

h. Approve/deny Wellness Health Screenings for current active City employees—Valley Health Services Health Coach--\$20.00/employee

Councilman Anderson asked why a more local provider wasn't being used. Finance Director Mark Spickler responded that he doesn't know of any other providers that can provide the same service at such a low cost, and that Valley Health is now local, with an urgent care facility in Martinsburg.

Motion made by Councilman Parkinson, seconded by Councilman Etherington, to approve Wellness Health Screenings for current active City employees—Valley Health Services Health Coach--\$20.00/employee. Motion carried 4-1, Anderson, no.

i. Confirm Change Order #2 for the City of Martinsburg Wastewater Treatment Plant Upgrade Project (Net Zero cost impact.)

Utilities Director Steve Knipe explained that this is for geotechnical work due the extensive underpinning system, and will be covered under original cost.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to confirm Change Order #2 for the City of Martinsburg Wastewater Treatment Plant Upgrade Project (Net Zero cost impact.) Motion carried unanimously.

j. Approve/deny contract for professional services between the City of Martinsburg and Urban Design Ventures, LLC. for CDBG/HOME programs—Year one--\$28,500, Years two and three--\$16,000 per year

City Manager Mark Baldwin explained that his process goes out to bid every three years, and this year there were only three bidders, with Urban Design Ventures, LLC being the one selected.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve contract for professional services between the City of Martinsburg and Urban Design Ventures, LLC. for CDBG/HOME programs—Year one--\$28,500, Years two and three--\$16,000 per year. Motion carried 4-1, Anderson, no.

Councilman Anderson stated that he had voted no because he had not been provided opportunity to ask a question. He asked why the figure is higher for the first year than for the two subsequent years. Ms. McMillan responded that there is more work necessary in the first year as a 5-year plan is developed during that phase.

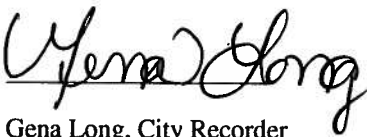
Following satisfactory answer to Councilman Anderson's question, a recount was taken and the motion carried unanimously.


18. Executive Session

There was no Executive Session.

Adjournment

Meeting was adjourned by unanimous consent at 7:14 PM.


Gena Long, City Recorder


George Karos, Mayor