

**City Of Martinsburg
Regular Council Meeting
July 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 Mayor George Karos at 6:30 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles, Jason Baker, Max Parkinson, Gregg Wachtel, and Roger Lewis. Also present were: Mark Baldwin, City Manager, Kin Sayre, Legal Counsel, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Captain George Swartwood, Martinsburg Police Department, Steve Knipe, Utilities Director, Michael Covell, City Engineer/Planning Director, Patricia McMillan, Community Development Director, Jeff Wilkerson, Public Works Director and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Knowles led the Salute to the Flag.

4. Prayer— Danny Custer, Martinsburg Union Rescue Mission

Pastor Custer lead the invocation.

5. Approve May 2013 Administrative and Financial Report.

Motion made by Councilman Knowles, seconded by Councilmen Etherington, to approve the May 2013 Administrative and Financial Report. Motion carried unanimously.

6. Presentations

There were no presentations.

7. Petitions From Citizens

- Ms. Kimberly Nelson, Boyd Avenue, spoke about graffiti issues in Martinsburg, asking for an ordinance calling for more aggressive action in response to “tagging” and other graffiti. Ms. Nelson suggested that the public works department be responsible for covering up graffiti within 24 hours, possibly with a tan latex paint, a technique used in other municipalities. She suggested a ticketing process for vehicles parked in the street sweeping lane on designated street sweeping days to cover the cost of the enforcement.

City Engineer Michael Covell explained the code enforcement citation process for graffiti, to which Ms. Nelson responded seemed to take a considerable amount of time, allowing other taggers to come along and mark the area.

City Attorney Kin Sayre stated that he could look into possible enforcement ordinances within the parameters of state code, conceding that the code enforcement citation process is rather lengthy.

- Mr. David Anderson, Music Court, spoke about the possibility of elections processes for judges and the chief magistrate position. Mr. Anderson felt that the question of holding such elections should be put to the voters on the next primary election ballot. He cited reasons such as placing trust in the democratic process and increasing voter turnout.

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

- a. Martinsburg-Berkeley County CVB May 2013 Profit and Loss Statement

- b. Berkeley County Animal Control April 2013 Activity Report
- c. Historic Preservation Review Commission June 3, 2013 Meeting Minutes

Motion made by Councilman Wachtel, seconded by Councilman Etherington to receive and file items 8 a-c. Motion carried unanimously.

9. Reports of Chairpersons of Council Standing Committees

There were no reports of chairpersons of Council Standing Committees.

10. Report of Mayor

a. Reminder of Special Council Meeting for Monday, July 29, 2013 at 5:00 pm for FY 2013-2014 Budget Amendment and reporting of unencumbered balance per WV State Code and other business as needed.

Mayor Karos reminded Council of the above meeting.

b. Reminder that the Regular Council Meeting is to be held on August 15, 2013.

Mayor Karos reminded Council that the regular Council Meeting was rescheduled for August 15, 2013 (the 3rd Thursday).

c. Appoint William F. Yearout to the Convention and Visitors' Bureau to fill expired term 1/1/13-1/1/15.

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to appoint William F. Yearout to the above term. Motion carried unanimously.

11. Report of City Attorney

The City Attorney had nothing to report.

12. Report of City Manager

a. Projects Update

City Manager Mark Baldwin had nothing further to add.

13. Unfinished Business

a. Third and Final Reading of Ordinance 2013-06: *An Ordinance To Amend And Re-Enact Portions Of The Codified Ordinances Of The City Of Martinsburg, Part Seventeen – Building And Housing Code, Article 1711 – West Virginia State Building Code, Section 1711.01 – Adoption; And Repealing Ordinance Number 2010-08 Of The City Of Martinsburg, West Virginia.*

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to hear the third and final reading of Ordinance 2013-06 and approve. Motion carried 6-1, Baker, no.

b. Third and Final Reading of Ordinance 2013-07: *An Ordinance Amending Ordinance 2012-07 Which Established Job Descriptions For Employees Of The City Of Martinsburg, West Virginia*

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to hear the third and final reading of Ordinance 2013-07 and approve. Motion carried 5-2, Baker and Knowles, no.

14. New Business

a. First and Second Reading of Ordinance 2013-08: *An Ordinance to Amend the City of Martinsburg Zoning Map to Rezone an Improved Parcel of Real Estate Consisting of Approximately 79,386 Square-Feet, Identified as Postal Address 411-417 Auburn Street and Further Identified in the Martinsburg District on the Berkeley County, West Virginia Tax Map as Map M5, Parcels 22, 27, 27.1, and 28 and Now or Formerly Owned by Potomac Construction Leasing, LLC from its Current Zoning Classification of IG (General Industrial) to BC (Community Business)*

Motion made by Councilman Etherington, seconded by Councilman Knowles, to hear the first and second reading of Ordinance 2013-08. Motion carried unanimously.

b. First and Second Reading of Ordinance 2013-09: *An Ordinance to Amend the Text of the City Of Martinsburg Zoning Ordinance (MZO) At Section 200 "Definitions" and Section 560 "Zoning District Uses" To Allow a "Self-Storage" To Operate In the Community Business (BC) District Subject To Special Exception Approval*

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to hear the first and second reading of Ordinance 2013-09. Motion carried unanimously.

c. First and Second Reading of Ordinance 2013-10: *An Ordinance to Add and Amend the Text of The City of Martinsburg Zoning Ordinance At Section 200 "Definitions of Terms" to define "Disabled," "Fair Housing Act," "Family" and "Group Home."*

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to hear the first and second reading of Ordinance 2013-10. Motion carried unanimously.

d. Approve Resolution 2013-09: *Coal Severance Tax Budget Revision #1 For FY 2013-2014*

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2013-09. Motion carried unanimously.

e. Approve/deny request from Trinity Temple Church to close a portion of Tuskegee Drive between Martin and Burke Streets for purposes of a community event. Friday, August 9, 2013 between 4:00 PM and 9:00 PM

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve the request from Trinity Temple Church to close a portion of Tuskegee Drive between Martin and Burke Streets for purposes of a community event. Friday, August 9, 2013 between 4:00 PM and 9:00 PM . Motion carried unanimously.

f. Approve/deny route for Apple Harvest Grand Feature Parade—Saturday, October 19, 2013, beginning at 1:00 PM

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve route for Apple Harvest Grand Feature Parade—Saturday, October 19, 2013, beginning at 1:00 PM. Motion carried unanimously.

g. Approve/deny route for annual Virgin of Guadalupe Procession—St. Joseph Parrish—Sunday, December 15, 2013 from 2:30 PM-3:30 PM

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve route for annual Virgin of Guadalupe Procession—St. Joseph Parrish—Sunday, December 15, 2013 from 2:30 PM-3:30 PM. Motion carried unanimously.

h. Approve/deny Squad Medical Director Agreement—Martinsburg Fire Department

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Squad Medical Director Agreement—Martinsburg Fire Department. Motion carried unanimously.

i. Approve/deny FY 2013-2014 Martinsburg/Berkeley County Animal Control Agreement--\$94,918

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the FY 2013-2014 Martinsburg/Berkeley County Animal Control Agreement in the amount of \$94,918. Motion carried unanimously.

j. Approve/deny street repaving bid (bid opening July 9, 2013)—to be delivered July 10, 2013

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the street repaving bid in the amount of \$431,427.75 to Jefferson Asphalt Products Co (JAPCO). Motion carried unanimously.

k. Authorize City Manager to apply for bridge funding through WVDOT program for Oak Street Bridge

City Manager Mark Baldwin explained that there would be several times in which Council could stop the process if it were to prove too costly, but the City would be responsible for money already spent for things such as design cost.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to authorize the City Manager to apply for bridge funding through WVDOT program for Oak Street Bridge. Motion carried unanimously.

l. Authorize City Manager and Utilities Director to bid digester cleaning project—Wastewater Treatment Plant Upgrade (Sewer Fund)

Motion made by Councilman Etherington, seconded by Councilman Knowles, to authorize the City Manager and Utilities Director to bid digester cleaning project. Motion carried 6-1, Anderson, no.

m. Authorize City Manager and Utilities Director to bid Wastewater Treatment Plant secondary access road and water main project (previous approved for WWTP upgrade project) (Sewer Fund)

Motion made by Councilman Knowles to authorize the City Manager and Utilities Director to bid Wastewater Treatment Plant secondary access road and water main project. Motion carried unanimously.

n. Authorize City Manager and Utilities Director to bid underground storage tank removals at the Wastewater Treatment Plant (Sewer Fund) and sidewalk area near Boys and Girls Club (General Fund)

Councilman Baker asked if the bid could include the replacement of the entire sidewalk, as it is in bad shape. City Manager Mark Baldwin stated that it does not, that maintenance of the sidewalk is assigned, by lease, to the Boys and Girls Club. For the City to take responsibility of the sidewalk may require Council to make a decision to suspend, in part, the terms of the lease.

Motion made by Councilman Baker, seconded by Councilman Knowles to table the motion to allow for further discussion in Committee.

Mr. Baldwin stated that the tanks need to be removed anyways, and asked if Councilman Baker was recommending the entire motion be tabled, or just the portion referencing the Boys and Girls Club.

Motion amended by Councilman Baker, accepted by Councilman Knowles to table only the portion of the motion referencing to the Boys and Girls Club. Motion carried unanimously.

Motion made by Councilman Knowles, seconded by Councilman Parkinson, to authorize the City Manager and Utilities Director to bid underground storage tank removals at the Wastewater Treatment Plant. Motion carried unanimously.

18. Executive Session

Motion made by Councilman Etherington, seconded by Councilman Wachtel to enter Executive Session for legal matters at 8:51 PM. Motion carried unanimously.

Adjournment

Meeting was adjourned by unanimous consent at 7:06 PM.


Gena Long, City Recorder


George Karos, Mayor