

**City Of Martinsburg
Regular Council Meeting
December 12, 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, Chief Kevin Miller, Martinsburg Police Department, Steve Knipe, Utilities Director, Jeff Wilkerson, Public Works Director, Mike Covell, City Engineer/Planning Director, and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Etherington led the Salute to the Flag.

4. Prayer— Reverend Albert Clipp, Calvary United Methodist Church

Rev. Clipp led the invocation.

5. Approve November 14, 2013 Regular Meeting Minutes

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the November 14, 2013 Regular Meeting Minutes. Motion carried unanimously.

6. Approve October 2013 Administrative and Financial Report.

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

7. Presentations

a. Resolution of Accomplishment—Abraham Lincoln DiBacco

Mayor Karos asked the City Recorder to forward the Resolution to Mr. DiBacco.

b. Proclamation—CoxHollida & Professionals—50 years in business

Mayor Karos read the Proclamation

8. Petitions From Citizens

There were no petitions from citizens.

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

- a. U.S. Department of Housing and Urban Development Program Year Review Letter—Program period July 1, 2012-June 30, 2013
- b. Eastern Panhandle HOME Consortium June 5, 2013 Meeting Minutes
- c. West Virginia Regional Jail and Correctional Facility Authority 2013 update
- d. Historic Preservation Review Commission October 7, 2013 Meeting Minutes
- e. Letter from Mary Hayward resigning from the Planning Commission, effective March 2014
- f. Letter from Lisa Clipp resigning from the Historic Preservation Review Commission, effective immediately
- g. Letter from Charlene Elins resigning from the Planning Commission, effective immediately
- h. Letter from Matthew Coffey resigning from the Board of Zoning Appeals in order to accept Planning Commission appointment

Motion made by Councilman Wachtel, seconded by Councilman Anderson to receive and file item 9a-h. Motion carried unanimously.

10. Reports of Chairpersons of Council Standing Committees

There were no reports

11. Report of Mayor

a. Reappoint April King to the Board of Zoning Appeals—1/1/2014-12/31/2016

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to accept the Mayor's recommendation and reappoint Ms. April King to the Board of Zoning Appeals through 12/31/2016. Motion carried unanimously.

b. Reappoint William Lucht to the Martinsburg/Berkeley County Convention and Visitor's Bureau—1/1/2014-1/1/2016

Motion made by Councilman Etherington, seconded by Councilman Anderson, to accept the Mayor's recommendation and reappoint Mr. William Lucht to the Martinsburg/Berkeley County Convention and Visitor's Bureau through 1/1/2016. Motion carried unanimously.

c. Reappoint Jared Adams to the Martinsburg/Berkeley County Convention and Visitor's Bureau--1/1/2014-1/1/2016

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to accept the Mayor's recommendation and reappoint Mr. Jared Adams to the Martinsburg/Berkeley County Convention and Visitor's Bureau through 1/1/2016. Motion carried unanimously.

d. Reappoint Mark Jordan to the Historic Preservation Review Commission—1/21/2014-1/21/2017

Motion made by Councilman Lewis, seconded by Councilman Anderson, to accept the Mayor's recommendation and reappoint Mr. Mark Jordan to the Historic Preservation Review Commission through 1/21/2017. Motion carried unanimously.

e. Reappoint Keven Walker to the Historic Preservation Review Commission—1/21/2014-1/21/2017

Motion made by Councilman Baker, seconded by Councilman Parkinson, to accept the Mayor's recommendation and reappoint Mr. Keven Walker to the Historic Preservation Review Commission through 1/21/2017. Motion carried unanimously.

f. Reappoint Christopher Cox to the Historic Preservation Review Commission—1/21/2014-1/21/2017

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to accept the Mayor's recommendation and reappoint Mr. Christopher Cox to the Historic Preservation Review Commission through 1/21/2017. Motion carried unanimously.

g. Reappoint Mark Palmer to the Planning Commission—1/21/2014-1/21/2017

Motion made by Councilman Anderson, seconded by Councilman Etherington, to accept the Mayor's recommendation and reappoint Mr. Mark Palmer to the Planning Commission through 1/21/2017. Motion carried unanimously.

h. Reappoint Jim Rodgers to the Planning Commission—1/21/2014-1/21/2017

Motion made by Councilman Etherington, seconded by Councilman Knowles, to accept the Mayor's recommendation and reappoint Mr. Jim Rodgers to the Planning Commission through 1/21/2017. Motion carried unanimously.

i. Appoint Mary Dulyea (current alternate) to fill expired term of regular member of the Board of Zoning Appeals—1/1/2014-12/31/2016

Motion made by Councilman Knowles, seconded by Councilman Lewis, to accept the Mayor's recommendation and appoint Ms. Mary Dulyea (current alternate) to fill an expired term of a regular member of the Board of Zoning Appeals through 12/31/16. Motion carried unanimously.

j. Appoint Matthew Coffey to fill unexpired term of 1/21/08-1/21/2014 and reappoint Matthew Coffey to fill expired term on Planning Commission—1/21/2014-12/31/2017

Motion made by Councilman Knowles, seconded by Councilman Anderson, to accept the Mayor's recommendation and appoint Mr. Matthew Coffey to fill an unexpired term through 1/21/14 and to reappoint Mr. Coffey to fill an expired term through 12/31/17 on the Planning Commission. Motion carried unanimously.

12. Report of City Attorney

The City Attorney had nothing further to report.

13. Report of City Manager

a. Projects Update

The City Manager had nothing to add.

14. Unfinished Business

a. Third and final reading of Ordinance 2103-17: *An Ordinance Amending the Zoning Ordinance of the City of Martinsburg by Repealing Existing Requirements Known by Title as "The Proper Maintenance of Storm Water, Sediment and Erosion Control in the City of Martinsburg, Berkeley County, West Virginia" and by Replacing and Enacting Requirements Known by Title as "The Stormwater Management Ordinance of the City of Martinsburg.*

15. New Business

a. Approve/deny Resolution 2013-23: *A Resolution Concerning the Extension of the Cable Television Franchise Held by Comcast of CA/MD/PA/VA/WV, LLC. for the Purpose of Permitting the City of Martinsburg, West Virginia and the Franchisee to Complete Renewal Discussions*

City Manager Mark Baldwin explained that the franchise agreement is in negotiations with Comcast and the agreement will come before Council for approval when it is completed.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2013-23. Motion carried unanimously.

b. Approve/deny 5K Charity Running race and route—CASA of the Eastern Panhandle—January 4, 2014 beginning at 9 AM, contingent upon proof of adequate liability insurance

Police Chief Kevin Miller expressed objections to this proposal, as it is in a residential area and considerable complaint can be expected from the residents if the streets are closed. He recommended the 5K be conducted at Poor House Farm Park, he did not recommend approval of this event.

Pamela Curtis, CASA President Elect, stated that they are not requesting road closure, that they are only expecting approximately 25 runners and it should be completed by 10 AM. They are holding this race concurrently with a 5K walk in the Mall and moving to Poor House Farm Park would put strain on their staff.

Councilman Lewis asked if it would be possible to accommodate the runners by following them in cruisers. Chief Miller responded that generally they have officers at each intersection along the route.

Councilman Baker asked if the runners would be required to sign a waiver. Ms. Curtis stated that they would.

Mayor Karos asked if overtime would be required to have enough officers to monitor the race. Chief Miller stated that it was possible.

Councilman Knowles asked how much CASA expected to raise. Ms. Curtis stated it would be several hundred dollars, but was unsure as the first time they are having this event.

Mayor Karos asked if CASA needed to use the police department at all. Ms. CASA stated that she did not anticipate the services of the Martinsburg Police Department, that the Deputy Reserves and volunteers should be sufficient.

Councilman Etherington pointed out that there are several runners on that street daily, anyways.

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the 5K Charity running race and route, contingent upon proof of adequate liability insurance, as requested. Motion carried 6-1; Wachtel, no.

c. Approve/deny Tenth Amendment to the Lease, extending the lease agreement between the City of Martinsburg and Berkeley Post 14, American Legion, Inc.—January 1, 2014-June 30, 2014, contingent upon proof of adequate liability insurance

City Manager Mark Baldwin pointed out that the City of Martinsburg has no plans to increase the monthly rent and that he hopes the Legion is moving forward with their plans to build a new structure.

Motion made by Councilman Lewis, seconded by Councilman Etherington, to approve the tenth amendment to the lease to extend the lease agreement between the City of Martinsburg and Berkeley Post 14, American Legion, Inc through June 30, 2014, contingent upon proof of adequate liability insurance. Motion carried 6-1; Baker, no.

d. Approve/deny purchase of Barracuda Phone System 270 for the Martinsburg Fire Department--\$5,109.21—CDW Government (WV State Contract)—Fire/EMS Fund

Motion made by Councilman Knowles, seconded by Councilman Anderson, to approve the purchase of a Barracuda Phone System 270 for the Martinsburg Fire Department as submitted. Motion carried unanimously.

e. Approve/deny purchase of three Onboard Mobile Computer Systems for the Martinsburg Fire Department--\$8,354.30—InMotion Technology (sole supplier)—Fire/EMS Fund

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the purchase of three onboard mobile computer systems for the Martinsburg Fire Department as submitted. Motion carried unanimously.

f. Approve/deny agreement between the City of Martinsburg and Berkeley County Board of Education, effective July 1, 2013, to provide for a school-based law enforcement officer--\$60,000 reimbursed to the City of Martinsburg.

Discussion included that this is the same agreement that has been signed previously, and that the \$60,000 pays 100% of the cost for the School Resource Officer.

Motion made by Councilman Anderson, seconded by Councilman Etherington, to approve the agreement between the City of Martinsburg and Berkeley County Board of Education, effective July 1, 2013 to provide for a school-based law enforcement officer, as submitted. Motion carried unanimously.

g. Approve/deny installation of Martinsburg Police Department firing range equipment--\$4,100—Action Target—Drug Seizure Fund

Motion made by Councilman Knowles, seconded by Councilman Anderson, to approve the installation of the Police Department firing range equipment, as submitted. Motion carried unanimously.

h. Approve/deny request from John Wesley Outreach Ministries to conduct outdoor worship services on the Town Square Pedestrian Plaza (tentative schedule attached) and Christmas Eve on the Square (December 24, 2013 beginning at 12:00 PM or 1:00 PM)—contingent upon proof of adequate liability insurance

After discussion regarding the dates and times of events, motion was made by Councilman Knowles, seconded by Councilman Baker, to approve the request from John Wesley Outreach Ministries as submitted, as long as the John Wesley Outreach Ministries agreed to be flexible with events scheduled on an annual basis by other organizations, and contingent upon proof of adequate liability insurance. Motion carried unanimously.

i. Approve/deny agreement between City of Martinsburg and Chester Engineers for water model—Weis Shopping Center Development (to be reimbursed by developer)

City Manager Mark Baldwin stated that he did not have an agreement yet, but the developer is responsible for escrowing the funds before the water model will be approved.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the agreement between the City of Martinsburg and Chester Engineers for water model. Motion carried unanimously.

j. Approve/deny HRI Inc's Contractor's Application for Payment #1—Wastewater Treatment Plant Upgrade Project--\$487,119.15

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve HRI Inc.'s Contractor's Application for Payment #1 in the amount of \$487,119.15. Motion carried 6-1; Anderson, no.


16. Executive Session

Motion made by Councilman Parkinson, seconded by Councilman Lewis, to go into Executive Session for real estate and legal matters at 6:55 PM. Motion carried unanimously.

Adjournment

Meeting was adjourned by unanimous consent at 7:15 PM.


Gena Long, City Recorder


George Karos, Mayor