

**City Of Martinsburg  
Regular Council Meeting  
September 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 and Mark Spickler, Finance Director.

**3. Salute to Flag**

Councilman Parkinson led the Salute to the Flag.

**4. Prayer—** Minister Tyson, New Beginnings Apostolic Church

Minister Tyson lead the invocation.

**5. Approve August 15, 2013 Regular Meeting Minutes**

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the August 15, 2013 Regular Meeting Minutes. Motion carried unanimously.

**6. Approve September 4, 2013 Special Meeting Minutes**

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve the September 4, 2013 Special Meeting Minutes. Motion carried unanimously.

**7. Approve July 2013 Administrative and Financial Report.**

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

**8. Presentations**

**a. Proclamation—Constitution Week, September 17-23, 2013, National Society of the Daughters of the American Revolution.**

Mayor Karos delivered the Proclamation.

**9. Petitions From Citizens**

- Ms. Laura Gassler, Executive Director of the Convention and Visitor's Bureau (CVB) spoke about the CVB's decision to relocate to the Belle Boyd House on E. Race Street.

Ms. Gassler felt this would be a good move because history is a motivation for tourism, and that Martinsburg is often synonymous with Belle Boyd. She also discussed the CVB's effort to assist local museums in increasing visitor hours, and with the CVB offices being in the Belle Boyd House, the museum will be open seven days a week.

She also pointed out that the CVB should not lose visibility, even though they will no longer be on Queen Street, because the CVB is a destination, visitors do not generally just wander in. She also pointed out that several thousand dollars a month will be saved in rent payments, which can be used to sponsor and advertise events, as well as the rental payments to be Belle Boyd House can be used to support the museum.

Councilman Lewis stated that the CVB had a substantial financial loss over the past several years, and asked if the decision to move was motivated by the cost savings in rental payments. His concern is another vacant building downtown may be more costly.

Ms. Gassler replied that the CBV is not leaving downtown; they are just leaving Queen Street, and moving one block away. The savings in rent and other costs is approximately \$20,000 per year, but that was not the deciding factor to make the move. Ms. Gassler stated that the CVB is working with the property owner of the current location to try to find a suitable tenant.

Councilman Knowles stated that he feels the CVB is a large presence on Queen Street, and the move will be a detriment to the City.

Councilman Wachtel agreed with the move, reiterating that there is a substantial savings and that history is a big part of Martinsburg tourism.

- Mr. Lou Drummeter, 315 W. Martin Street, spoke about an issue with non-motorized vehicles parking on the street. He pointed out that the Police Department can do nothing about them because the City Code only covers motorized vehicles, even when the trailers have out of date or out of state tags.

Council discussed the issue and asked Legal Counsel to move forward in researching options for a possible future ordinance on the issue.

Councilman Baker added that small utility trailers do not need licenses, and asked if an ordinance would include those. Mr. Sayre stated that he would know more after doing some research.

- Mr. Gregg Wachtel, 605 Foxcroft Avenue, commended the Mayor and City Manager on the completion of the Raleigh Street extension, which no one thought would be possible.

#### **10. Receive and File Reports—Minutes—Correspondence of the Following:**

##### **a. Planning Commission August 7, 2013 Meeting Minutes**

Motion made by Councilman Knowles, seconded by Councilman Parkinson to receive and file item 10a. Motion carried unanimously.

## **11. Reports of Chairpersons of Council Standing Committees**

There were no reports.

## **12. Report of Mayor**

### **a. Reappoint Mr. Pat (P.C.) Dimagno to the Code Appeals Board 10/1/2013-10/1/2016**

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the Mayor's recommendation and reappoint Mr. P.C. Dimagno to the Code Appeals Board, term 10/1/2013-10/1/2016. Motion carried unanimously.

### **b. Reminder of Council as a Whole Committee Meeting, Wednesday, September 18, 2013 at 4:30 PM for parking lot and North Queen St. underpass updates.**

**c. Schedule Public Hearing on Monday, September 23, 2013 to solicit comment on Ordinance 2013-14: *Ordinance Authorizing The Refunding Of Certain Bonds Of The City Of Martinsburg And The Acquisition And Construction Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Thirty-Four Million Nine Hundred Forty-Eight Thousand Five Hundred Sixty-Three Dollars (\$34,948,563) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Revenue Bonds, Series 2013 A (West Virginia SRF Program); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Or Loan Agreement With The West Virginia Water Development Authority And The West Virginia Department Of Environmental Protection Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto.***

**d. Schedule Public Hearing on Monday, September 23, 2013 at 5:00 PM to solicit comment on Ordinance 2013-15: *Ordinance Authorizing The Acquisition And Construction Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Twenty-One Million Dollars (\$21,000,000) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Subordinated Revenue Bonds, Series 2013 B (West Virginia Infrastructure Fund); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Loan Agreement With The West Virginia Water Development Authority, Acting On Behalf Of The West Virginia Infrastructure And Jobs Development Council Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto.***

The above meetings and public hearings were scheduled by the Mayor.

## **13. Report of City Attorney**

The City Attorney had nothing to report.

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

The City Manager had nothing to report.

#### **14. Unfinished Business**

***a. Third and Final Reading of Ordinance 2013-14: Ordinance Authorizing The Refunding Of Certain Bonds Of The City Of Martinsburg And The Acquisition And Construction Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Thirty-Four Million Nine Hundred Forty-Eight Thousand Five Hundred Sixty-Three Dollars (\$34,948,563) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Revenue Bonds, Series 2013 A (West Virginia SRF Program); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Bond Purchase Agreement Or Loan Agreement With The West Virginia Water Development Authority And The West Virginia Department Of Environmental Protection Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto.***

Mr. Sayre stated that Ordinances 2013-14 and 2013-15 authorize action, but will not be effective until after the public hearings, per State Code.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the third and final reading of Ordinance 2013-14 by title only, and adopt. Motion carried 6-1, Anderson, no.

Councilman Anderson stated that he objects to the Ordinance on the basis of higher sewerage rates for citizens. Mayor Karos stated that he project is mandated by the Environmental Protection Agency, and the City has no choice.

***b. Third and Final Reading of Ordinance 2013-15: Ordinance Authorizing The Acquisition And Construction Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Twenty-One Million Dollars (\$21,000,000) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Subordinated Revenue Bonds, Series 2013 B (West Virginia Infrastructure Fund); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Loan Agreement With The West Virginia Water Development Authority, Acting On Behalf Of The West Virginia Infrastructure And***

***Jobs Development Council Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto.***

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to hear the third and final reading of Ordinance 2013-15, by title only, and approve. Motion carried, with a roll-call vote, 6-1, Anderson, no.

**15. New Business**

**a. Approve/deny Resolution 2013-15: A Resolution of the City Council of the City of Martinsburg Authorizing George Karos, Mayor Of The City Of Martinsburg To Enter Into A Contractual Agreement With The West Virginia Division Of Motor Vehicles To Receive And Administer Grant Funds, In The Amount Of \$553,000, Pursuant To The Provisions Of The West Virginia Governor's Highway Safety Program**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2013-15. Motion carried unanimously.

**b. Approve/deny bulk deicing salt bids—Eastern Salt Company, Inc--\$66.70/ton**

Motion made by Councilman Anderson, seconded by Councilman Wachtel, to approve the bulk deicing salt bids at \$66.70/ton with Eastern Salt Company, Inc. Motion carried unanimously.

**c. Approve/deny employee participation in WV Retirement Plus Program (employee participation, no City match)**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve employee participation in WV Retirement Plus Program. Motion carried unanimously.

**d. Approve/deny flu shots for City employees (\$15.00/employee)-October 9, 2013**

Councilman Baker asked if the flu shots only being offered on one day would restrict employees from being able to take advantage. Finance Director Mark Spickler replied that the Health Department is available to offer shots on site that day, but any employee that cannot make it is able to go to the Health Department and their shot on another day. Mr. Spickler also confirmed at the request of Councilman Anderson that the shots are available at no cost to employees.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve flu shots for City Employees. Motion carried unanimously.

**e. Approve/deny Trick or Treat for children 12 and under in the City of Martinsburg Thursday, October 31, 2013 from 6-8 PM**

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve Trick or Treat for children 12 and under in the City of Martinsburg, October 31, 2013 from 6-8 PM. Motion carried unanimously.

**f. Approve/deny request from The Apollo Civic Theatre to block E. Martin Street in front of the theatre on the following days: Oct. 4,5,11,12,19,25,26 and November 1,2 from 7PM until 11PM for purposes of conducting "Apolloween,"**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the above request from the Apollo Civic Theater. Motion carried unanimously.

**16. Executive Session**

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to go into Executive Session for legal and personnel matters at 7:25 PM. Motion carried unanimously.

**Adjournment**

Meeting was adjourned by unanimous consent at 7:45 PM.



George Karos, Mayor



Gena Long, City Recorder