

**City Of Martinsburg
Regular Council Meeting
February 14, 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 and Gregg Wachtel. Not present was Roger Lewis. Also present were: Mark Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Chief Kevin Miller, Martinsburg Police Department, Brenda Spaulding, Human Resources Director, Jeff Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director, Patricia McMillan, Community Development Director and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Knowles led the Salute to the Flag.

4. Prayer—Reverend Mark Mooney—Otterbein Methodist Church

Reverend Mooney led the invocation.

Mayor Karos announced that Item 16B shall be considered immediately after the Public Hearing and renumbered as Item 5B.

5. Public Hearing

a. A public hearing on amending FY 2010 and FY 2011 Community Development Block Grant Program to (1.) delete CD 10-20 and CD 11-10, South Valley Street Reconstruction and Stormwater Rehabilitation; and (2.) Create CD 11-20, Predevelopment Project for Church Street Area Stormwater Project.

Mayor Karos opened the public hearing at 6:32 PM.

- Ms. Patricia McMillan, Community Development Director, explained that approval of funds for the South Valley Street Reconstruction and Stormwater Rehabilitation had been a public process, so the redistribution of funds from that project requires a public hearing. She reminded Council that they had previously approved this redistribution of funds, and found the Predevelopment Project for Church Street Area Stormwater Project to be of higher priority.

As no one else came forward for or against the proposal, Mayor Karos closed the public hearing at 6:35 PM.

b. Approve/deny Resolution 2013-02 amending FY 2010 and FY 2011 Community Development Block Grant Program to (1.) delete CD 10-20 and CD 11-10 South Valley Street Reconstruction and Storm Water Rehabilitation; and (2.) Create CD 11-20 Predevelopment Project for Church Street Area Storm Water project.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2013-02. Motion carried unanimously.

6. Approve January 10, 2012 regular Council Meeting Minutes

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the January 10, 2012 regular Council meeting minutes. Motion carried unanimously.

7. Approve December 2012 Administrative and Financial Report.

Motion made by Councilman Etherington, seconded by Councilmen Parkinson, to approve the December 2012 Administrative and Financial Report. Motion carried unanimously.

8. Presentations

a. Administer Oath of Office to Police Captain George Swartwood

City Recorder Gena Long administered the Oath of Office to Police Captain George Swartwood.

b. Administer Oath of Office to Police Lieutenant Leslie Witt

City Recorder Gena Long administered the Oath of Office to Police Lieutenant Leslie Witt.

c. Administer Oath of Office to Police Sergeants Scott Doyle and Michael Usack

City Recorder Gena Long administered the Oath of Office to Police Sergeants Scott Doyle and Michael Usack.

Mayor Karos and members of Council congratulated the above officers, who thanked Council for their opportunities. Councilman Wachtel stated that he had spoken with a gentleman who felt that the ride-along program with the Martinsburg Police Department had helped his son turn his life around. Mayor Karos thanked Councilman Wachtel for his comments, stating that is nice to hear positive feedback about the City and its departments.

9. Petitions From Citizens

There were no petitions from citizens.

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

- a. Historic Preservation Review Commission December 3, 2012 and January 7, 2013 Meeting Minutes
- b. Berkeley County Development Authority October 24, 2012, November 14, 2012 and December 12, 2012 Meeting Minutes
- c. Martinsburg/Berkeley County Convention and Visitors' Bureau December 7, 2011-November 28, 2012 Meeting Minutes and 2012 Profit and Loss Statement
- d. Letter from Comcast regarding programming changes and new pricing—effective March 1, 2013
- e. Letter of resignation from Planning Commission—Steve Workings
- f. Letter of resignation from Historic Preservation Review Commission—Michael Kyne, Jr.
- g. Letter from CASA of the Eastern Panhandle regarding termination of lease at Caperton Train Station

- h. Board of Zoning Appeals December 4, 2012 Meeting
- i. Martinsburg Fire Department Annual Report for calendar year 2012
- j. Martinsburg Parking Authority February 7, 2013 Meeting Minutes

Motion made by Councilman Wachtel, seconded by Councilman Etherington to receive and file items 10a-10j
Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees

a. Budget and Finance Committee January 31, 2013 Meeting Minutes

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the Budget and Finance Committee January 31, 2013 Meeting Minutes. Motion carried unanimously.

Mayor Karos asked that the above minutes be included in the February 14, 2013 meeting minutes.

Budget and Finance Committee Meeting Minutes **January 31, 2013—4:30 PM**

Present: Chairman of Budget and Finance Committee, Gregg Wachtel; Roger Lewis, Max Parkinson, Dennis Etherington and Don Anderson

Others Present: Mayor George Karos; Mark S. Baldwin, City Manager; Councilmembers Jason W. Baker and Kevin Knowles; Steve Catlett, Executive Director M-BC Parks & Rec; Roger Engle, President M-BC Parks & Rec; Chief of Police, Kevin E. Miller and John McVey, The Journal.

Unable to Attend: none

Chairman Wachtel opened the meeting and explained the purpose of the meeting was to discuss the letter received from the M-BC Parks & Rec Board in reference to the 4th of July Fireworks Display and take action, as necessary.

Mayor Karos provided an opening statement regarding previous meetings and discussions with Parks & Rec pertaining to this issue. Mayor Karos asked Steve Catlett and Roger Engle if their board would be willing to reconsider sponsoring and overseeing the fireworks for one more year, allowing the City more time to make future plans.

Parks & Rec representatives, Steve Catlett and Roger Engle, explained it was their Board's decision not to be this year's sponsor for the fireworks, indicating feedback from the community that this event was not safe to bring families to. They also pointed out various incidents over the past several years such as fights within the park and last year's shooting incident. They also stated due to the growth of the trees and foliage, it is very difficult to view the fireworks from the park property. They also indicated several businesses, particularly City Hospital, is affected by the 4th of July activities, as they have to plan for parking and security.

They further indicated they would work with the City in obtaining the license and pyrotechnics for the event if Council chose to be the sponsor.

Both indicated they could not speak on behalf of their board in regards to the Mayor's request.

Chief Miller stated that there have been more incidents over the past several years at the park; however, he thought if events held during the day and events in the park were discontinued, this would help with the park crowd. Steve Catlett agreed and stated this year's 4th of July at War Memorial Park will be like any other park day, with no special events being held on the 4th of July.

Those in attendance also discussed other potential sites, cost of the fireworks, and procuring the fireworks and pyrotechnics in a timely fashion.

Councilman Lewis felt it would be nice to continue the fireworks with no events held in the park.

Councilman Baker also requested the Park Board to reconsider sponsoring the 4th of July activities for one more year.

Councilmen Parkinson and Wachtel also agreed with this request.

Councilman Lewis made a motion to request that the Parks & Rec Board schedule a meeting to discuss their continuance of the fireworks for one more year to allow City Council to make future plans and that there not be any special events in the park that day; motion seconded by Dennis Etherington. Vote 5-0 in favor.

Steve Catlett and Roger Engle stated they would contact board members in regards to having a special meeting before the next regular City Council meeting.

A question arose if the committee's request would have to be approved at the next City Council meeting, thus resulting in scheduling conflicts and loss of time.

City Attorney, Kin Sayre, was conferred with by phone and stated he felt the committee could make a request for the Parks & Rec Board to meet without Council action. He further stated that the Council agenda would need to have an agenda item for 4th of July if Council were to take any further action, per the Parks & Rec special meeting.

11. Report of Mayor

a. Schedule Special Council Meeting for Public Hearing to solicit comments on Ordinance 2013-01: An Ordinance Providing for an Election for Additional Levy, to Renew the Levy Which Expires June 30, 2014 by the City of Martinsburg West Virginia May 11, 2013 Special Election, approval of the same and other business as needed for Thursday, February 28, 2013 at ~~5:00 PM~~ 6:30 PM.

Mayor Karos scheduled the above special meeting and public hearing for Thursday, February 28, 2013 at 6:30 PM.

b. Reappoint Gregg Wachtel to the Eastern Panhandle Transportation Authority—Term 2/24/2013-2/24/2016

Motion made by Councilman Etherington, seconded by Councilman Parkinson to reappoint Councilman Gregg Wachtel to the Eastern Panhandle Transportation Authority—term 2/24/13-2/24/16. Motion carried unanimously.

c. Appoint the following to the Strategic Economic Development Plan RFQ Review Committee:

•Councilman Gregg Wachtel

•Councilman Roger Lewis

•Councilman Kevin Knowles

•Mayor George Karos

- **City Manager Mark Baldwin**
- **Mark Spickler, Finance Director**

Motion made by Councilman Etherington, seconded by Councilman Wachtel and Councilman Parkinson to appoint the above to the Strategic Economic Development Plan RFQ Review Committee. Motion carried 5-1, Baker no.

d. Appoint the following to the Strategic Economic Development Plan Interview Committee:

- **City Council as a Whole**
- **Mayor George Karos**
- **City Manager Mark Baldwin**
- **Mark Spickler, Finance Director**

Motion made by Councilman Parkinson, seconded by Councilman Etherington to appoint the above to the Strategic Economic Development Plan Interview Committee. Motion carried unanimously.

e. Vacancies Update: Planning Commission (1), Shade Tree Commission (1), Code Appeals Board (1), Historic Preservation Review Commission (1) and Martinsburg/Berkeley County Convention and Visitors' Bureau (1).

Mayor Karos mentioned the above vacancies and asked Council to put forth names of any potential appointees.

13. Report of City Attorney

There was no report of the City Attorney.

14. Report of City Manager

a. Projects update—City Manager

City Manager Mark Baldwin had nothing further to add.

b. King Street/Valley Street Stormwater Project Update—City Manager

Mr. Baldwin explained that, while Council had decided to redirect the funds previously allocated for the King Street/Valley Street Stormwater Project, a design of potential corrective measures is expected in the next few weeks. There may be some corrective measures to alleviate puddling that can be handled in-house.

c. King Street/Kentucky Avenue Stormwater Project Update—Public Works Director

Public Works Supervisor Jeff Wilkerson explained that two inlets can be added to catch water and send it toward the W. Burke storm drain, and concurred that there is to be an evaluation, after the inlets are installed, to see what can be done in-house about the stormwater issues on Valley Street. He estimated the corrective measures to cost approximately \$10-15k, and stated that they should begin soon and that residents and businesses in the area will be notified.

d. King Street/Church Street Stormwater Project Update—City Manager

Mr. Baldwin stated that this project is ready for RFQ, and will benefit from the funds reallocated from the King Street/Valley Street Stormwater Project. WVDOT has been contacted to see if they can participate since King Street is a State Road.

e. Wastewater Treatment Plant Upgrade Project Update-- Utilities Director/City Manager

Mr. Baldwin explained that Utilities Director Steve Knipe was traveling to Richmond to view similar plant upgrades, at the time of the meeting. He explained that the design is 60% complete and should be 90% complete in the next couple of weeks, which will allow it to be submitted to the State agencies. He estimated the bid opening to be in July with the bond closing to be in September/October with construction commencing at the same time. Mr. Baldwin stated that the rate analysis process has been started. He expects project financing to be a SRF loan for \$30 million for 20 years at 3% interest and the remaining \$16 million (grant funds) via SB 245, though the exact formula for the grant is still being ironed out. Mr. Baldwin explained that the rate analysis was based on the monetary allocations mentioned above, and Council should expect to see Ordinances dealing with rate increase around May of 2013.

f. Stormwater Management Ordinance Review and Revisions Update—City Engineer

Mr. Baldwin explained that this grant, applied for via the Planning Department, will help the City meet the requirements of an MS4 Community for a stormwater permit. A new Stormwater Management Ordinance is expected by September 2013.

City Engineer/Planning Director Michael Covell stated that a kick-off meeting has been held and expects the process to move forward quickly, with for formulation of a game-plan, a list of recommended tasks and public workshops and hearings.

g. City properties space for lease update—City Manager

Mr. Baldwin referenced the memorandum in the packet regarding the properties available for lease.

Mayor Karos added that the City is being forced to undertake the Stormwater Management and Wastewater Treatment Plant Upgrade projects, that the City does not wish to spend the money or raise rates, but Federal and State agencies and mandates are requiring this of counties and municipalities in the tri-state area. He commended the various department heads on their hard work.

15. Unfinished Business

There was no unfinished business scheduled.

16. New Business**a. First and Second Reading of Ordinance 2013-01: An Ordinance Providing for an Election for Additional Levy, to Renew the Levy Which Expires June 30, 2014 by the City of Martinsburg West Virginia May 11, 2013 Special Election**

Motion made by Councilman Wachtel, seconded by Councilman Etherington to hear the first and second readings of Ordinance 2013-01, by title only. Motion carried 5-1, Baker no.

b. Approve/deny Resolution 2013-02 amending FY 2010 and FY 2011 Community Development Block Grant Program to (1.) delete CD 10-20 and CD 11-10 South Valley Street Reconstruction and Storm Water Rehabilitation; and (2.) Create CD 11-20 Predevelopment Project for Church Street Area Storm Water project.

See 5B.

c. Approve/deny Resolution 2013-03 authorizing participation in the Eastern Panhandle HOME Consortium of West Virginia for the period of July 1, 2013 to June 30, 2014.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2013-03. Motion carried unanimously.

d. Approve/deny request from Church Without Walls Ministries, Inc. to conduct “Youth Prayer at the Square” events on the fourth Sunday of each month, beginning February 24, 2013 from 1:30-2:30 PM.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the request from Church without Walls to conduct Youth Prayer in the Square events as applied. Motion carried unanimously.

e. Approve/deny annual Norwalk Soap Box Derby—June 08, 2013 (rain date June 15, 2013)

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the annual Norwalk Soap Box Derby as applied. Motion carried unanimously.

f. Approve/deny request and route for the Good Friday Crosswalk on Friday, March 29, 2013 from 10:30 am until 12:00 noon

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the Good Friday Crosswalk, as applied. Motion carried unanimously.

g. Approve/deny purchase of seven (7) new computers for use within the Martinsburg Police Department--\$12,715.15—Dell (state contract) –Police Levy Fund (budgeted)

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the purchase of seven new computers for use within the Martinsburg Police Department in the amount of \$12,715.15 from Dell, from the Police Levy Fund. Motion carried unanimously.

h. Approve/deny bid for four (4) Heart Monitors/Defibrillators—\$130,095.84—ZOLL Medical—Fire/EMS Fund

Martinsburg Fire Chief Paul Bragg explained that the lower bid did not meet specifications, pointing out, in particular, that in West Virginia, EMT-Basics are not permitted to set an AED, which is required on the units provided by the low bidder.

Mark Baldwin stated that AEDs are installed in all City buildings, and City employees have been trained on their use.

Motion made by Councilman Etherington, seconded by Councilman Wachtel to approve the bid for four Heart Monitors/Defibrillators in the amount of \$130,095.84 payable to Zoll Medical from the Fire/EMS Fund. Motion carried unanimously.

i. Approve/deny purchase of Phase 2 of the Station Alerting System--\$8,391.95—APS Firehouse Alerting--Fire/EMS Fund

Motion made by Councilman Baker, seconded by Councilman Etherington to approve the purchase of Phase 2 of the Station Alerting System in the amount of \$8,391.95 from APS Firehouse Alerting from the Fire/EMS Fund. Motion carried unanimously.

j. Approve/deny bid for used dump truck--\$70,000—West Virginia Tractor Company--Public Works (budgeted, see memo recommending rejection of bid)

Mr. Wilkerson explained that there was only one bid, for an 8 year old dump-truck which had been a coal truck. His concern is that too much money would be needed in the near future for possible suspension and transmission issues. He recommended rejecting the bid and carrying the money over toward the purchase of a new tandem dump truck in the next fiscal year.

Motion made by Councilman Etherington, seconded by Councilman Baker to reject the bid for the used dump truck in the amount of \$70,000 payable to West Virginia Tractor Company from the Public Works Fund. Motion carried unanimously.

k. Approve/deny Engineering Agreement between the City of Martinsburg and Alpha Associates for CSX Underpass evaluation—Phase I--\$19,630—General Fund

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the Engineering Agreement between the City of Martinsburg and Alpha Associates for CSX Underpass evaluation—Phase I--\$19,630 from the General Fund. Motion carried unanimously.

l. Approve/deny Engineering Agreement between the City of Martinsburg and Grove & Dall'Olio Architects for parking lot improvements--\$38,340--Parking Fund

Mr. Baldwin asked that Council approve \$38,340 for the consultation with the stipulation to continue with the construction documents and construction phase portion after the schematic report is completed with a projected cost estimate, per Parking Authority February 7, 2013 meeting minutes.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Engineering Agreement between the City of Martinsburg and Grove & Dall'Olio Architects for parking lot improvements with the above stipulation, in the amount of \$38,340 to be taken from the Parking Fund. Motion carried unanimously.

m. Approve/deny City of Martinsburg hosting/sponsoring 4th of July Fireworks for 2013 (see attached information)

Mayor Karos stated that he is very disappointed with the decision made by Parks and Recreation not to sponsor the 2013 July 4th fireworks, but that he understands the position and is thankful for the substantial help they have offered in arranging the event. He is concerned about the short time frame in which the City has to make organize the event, due to the decision of Parks and Rec. Mayor Karos felt that all of Berkeley County suffers for the actions of a few.

Mayor Karos suggested, in lieu of 2013 fireworks, that Council take the time to organize a committee of City and County officials, Law Enforcement, and members of the community, to discuss details such as location and funding. If Council decided to accept that option, the \$10,000 allocated for the 2013 fireworks would serve as a base for the committee to plan the 2014 4th of July fireworks display. Mayor Karos also stated that Council could move forward sponsoring and funding fireworks in 2013.

Councilman Baker stated that, in speaking with Steve Catlett, of Parks and Recreation, it has been determined that the company can get the fireworks for the 2013 display, Mr. Catlett and Buzz Poland have agreed to help organize the event and fill out the paperwork, but will not help on the actual display. The Townsend family has offered use of their property for the 2013 and future fireworks displays. Councilman Baker stated that it would be a shame to lose the fireworks display for 2013 and is asking Council to consider sponsoring the display. With the help of Parks and Rec, he stated, the display would proceed as it always has, the only change would be to who is responsible for signing the permit paperwork.

City Manager Mark Baldwin agreed, stating that he has verified that the Townsend family, the pyrotechnician, the fireworks company and the volunteers are all able and willing to assist with the event.

Councilman Wachtel asked if War Memorial would have normal operation that day.

Councilman Baker said they would, closing at dusk as is normal. He agreed with the Mayor that a committee is needed for future events, but recommended working with Mr. Catlett and Mr. Poland to sponsor this year's event.

Councilman Wachtel and Councilman Baker expressed their disappointment with the decision of Parks and Rec not to reconsider sponsoring the event.

Councilman Baker asked if any City officials would be willing to sign the necessary paperwork.

Mr. Baldwin stated that would not be an issue, any number of City officials would be willing to sign the paperwork.

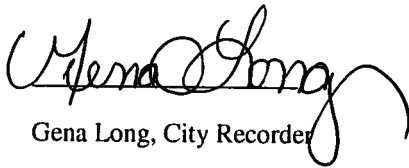
Motion made by Councilman Wachtel, seconded by Councilman Baker to approve the City of Martinsburg to sponsor/host the 2013 4th of July fireworks display. Motion carried unanimously.

18. Executive Session

Motion made by Councilman Wachtel, seconded by Councilman Baker to go into Executive Session for real estate and legal matters at 6:22 PM.

Adjournment

Meeting was adjourned by unanimous consent at 6:45 PM.



Gena Long, City Recorder



George Karos, Mayor