

**City Of Martinsburg  
Special City Council Meeting  
Tuesday, July 29, 2014  
5:00 PM**

With a quorum present, the special session of the Martinsburg City Council was called to order by Mayor George Karos at 5:16 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles and Gregg Wachtel. Absent were Max Parkinson and Jason Baker. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Police Chief Captain George Swartwood, and Finance Director Mark Spickler.

Following roll call, Mayor Karos requested a moment of silence for Councilman Roger Lewis, who passed away on Wednesday, July 16 and for his family in their time of grief.

### **3. Presentations**

#### **a. For the kids, by George Children's Museum update—Bree Myers/ Lisa Dall'Olio**

Ms. Bree Myers, Executive Director, updated Council on the children's museum. She stated that attendance was up substantially, due to several factors such as monthly activities day, partnerships with schools and other civic organizations and a volunteer recruitment drive.

Ms. Myers stated that the Board has been planning fall activities, and would like to conduct an evening fundraiser at the museum, which would be a date night for adults with beer, wine and heavy hors d'oeuvres. She also mentioned a chess tournament during the winter.

Mayor Karos expressed gratitude to Ms. Myers for her work at the museum, stating that he has heard good things in the community about the impact the museum has on children and adults.

Mayor Karos then expressed concern about the fundraising event, as alcohol is prohibited in the Train Station. Legal Counsel agreed, citing the leases with the various tenants in the building which prohibit alcohol within the Caperton Train Station.

Ms. Myers stated that she and the Board would attempt to come up with creative ways to hold the event, as she feels the offerings of beer and wine are crucial to draw individuals to the event, she offered the possibility of serving drinks in the parking area.

Mr. Sayre replied that Council sets policy for all city-owned properties, and they may choose to allow the serving of alcoholic beverages in the parking area if they wish.

Councilman Etherington stated that he has no objection to serving alcohol in the parking lot, but feels Council should stand by the lease they have with other tenants, which prohibits alcohol in the building.

Ms. Lisa Dall'Olio, Grove and Dall'Olio Architects, spoke in favor of the event, stating that she understands that there is a tendency to do things because they have always been done that way, but encouraged Council to reconsider as the museum feels that holding such an event on-site will increase fund raising efforts, as visitors will get an opportunity to tour the facility.

### **4. Petitions from Citizens**

There were no petitions from citizens.

**5. Receive and File Reports—Minutes—Correspondence Of the Following:**

- a. Resolution of Accomplishment—Rocs Classic Norwalk Soapbox Derby—as read 7/17/14
- b. Martinsburg-Berkeley County Convention and Visitor's Bureau June 11, 2014 meeting
- c. Berkeley County Animal Control April 2014 incident report

Motion made by Councilman Etherington, seconded by Councilman Knowles, to receive and file items 5A-5C. Motion carried unanimously.

**6. Reports of Chairpersons of Council Standing Committees**

None

**7. Report of Mayor**

- a. **Schedule Council as a Whole Committee Meeting for August 11, 2014 at 4:30 PM.**
- b. **Reminder that Regular August Council Meeting has been rescheduled for the 3<sup>rd</sup> Thursday, August 21, 2014 at 6:30 PM due to a conflict with Municipal League.**

**8. Report of City Attorney**

**a. Cable Franchise Agreement between the City of Martinsburg and Comcast.**

Mr. Sayre stated that Comcast has requested additional proposed language relating to local business offices, that a draft agreement should be ready to for review in August with a potential public hearing in October.

Councilman Knowles asked if Comcast had answered the request for free WiFi in the downtown.

Mr. Sayre stated that Comcast does not offer that service, however, businesses may choose to offer free WiFi to customers in their location.

Mayor Karos added that Main Street Martinsburg is working on a proposal to get funding for a WiFi hub downtown.

**9. Report of City Manager**

Mr. Baldwin stated that, due to a major waterline leak on S. Queen Street, there was significant damage between King Street and John Street. He recommended repaving that portion and adding it as an addendum to the existing paving agreement with JAPCO. He stated that the expected cost would be \$46,532, however it is possible the sidewalk ramps will not need to be replaced, which would be a savings of \$16,430. He explained that the funds would come from the Water Department and unused funds within the paving budget and would not be an additional expenditure from the General Fund.

Mr. Baldwin asked for the consensus of Council, explaining that time is of the essence, and this item would be confirmed as an approval on a future agenda. Council consented.

## **10. Unfinished Business**

**a. Third and final reading of Ordinance 2014-13: *An Ordinance to Adopt the 2014 Replacement Pages to the Codified Ordinance, to Adopt New Matter; to Repeal Ordinances in Conflict Therewith and to Direct that the Statutory Requirements for the Codification be Complied with***

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the third and final reading of Ordinance 2014-13, by title only and adopt. Motion carried unanimously.

## **11. New Business**

**a. Approve/deny Resolution 2014-09: General Fund Budget Revision #1, FY 2014-2015**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2014-09. Motion carried unanimously.

**b. Approve/deny Resolution 2014-10: Coal Severance Fund Budget Revision #2, FY 2014-2015**

Motion made by Councilman Anderson, seconded by Councilman Wachtel, to approve Resolution 2014-10. Motion carried unanimously.

**c. Approve/deny process of accepting letters of interest to fill vacancy of Ward 4 Council Seat (see sample advertisement modeled from previous mid-term appointments)**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the process of accepting letters of interest to fill the vacancy of Ward 4 Council Seat. Motion carried unanimously.

**d. Approve/deny agreement/waiver between the City of Martinsburg and Berkeley County Sheriff's Department regarding diving training exercises in the Martinsburg Quarry (Lake Thomas), contingent upon proof of adequate liability insurance. Dates and times to be determined as needed.**

Berkeley County Sheriff Kenny LeMaster explained that Berkeley County has the only dive team in the area, and allowing them to use Lake Thomas as a secondary training site would be beneficial for training purposes as well as allowing the team to become familiar with the area, should the need to arise conduct an investigatory dive in the quarry.

City Manager Mark Baldwin confirmed with Legal Counsel that, once the waiver was approved by Council, the actual dates and times of dives could be handled administratively.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the agreement. Motion carried unanimously.

**e. Approve/deny request from the County Clerk of Berkeley County to close the 100 block of W. King Street between the hours of 7:00 PM and 9:30 PM for purposes of Election Day activity**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the request of the County Clerk. Motion carried unanimously.

**f. Approve/deny eight compensatory hours for full time City employees for the Berkeley County Board of Education School Levy Election to be held on Saturday, August 23, 2014**

Motion was made by Councilman Wachtel, seconded by Councilman Etherington, to approve eight compensatory hours for full time employees for the Special Election to be held in Berkeley County on Saturday, August 23, 2014. Motion carried unanimously.

**g. Approve/deny request from Kingdom Purpose Deliverance Ministries, Inc. to close a portion of N. High Street for Annual Family Fun Day/Mission Minded Weekend on Saturday, August 30, 2014 between the hours of 10 AM and 5 PM, contingent upon proof of adequate liability insurance.**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the request of Kingdom Purpose Deliverance Ministries. 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, 2014 beginning at 12:00 PM or 1:00 PM)—contingent upon proof of adequate liability insurance**

After confirming that this is a regular request and that there is no apparent conflict with other events, motion was made by Councilman Etherington, seconded by Councilman Anderson, to approve the request of John Wesley Outreach Ministries. Motion carried unanimously.

**i. Approve/deny request from Breast Cancer Awareness—Cumberland Valley to place pink ribbons on City owned trees and parking meters-- October 13-October 17 (previous year's approval was for trees and meters only)**

Motion was made by Councilman Wachtel, seconded by Councilman Etherington, to approve the request of BCA-CV. Motion carried unanimously.

**j. Authorize Mayor to sign grant award documents between the WVDEP and the City of Martinsburg for FY 2014 Subrecipient Grant from federal Chesapeake Bay funds for the purposes of a Stormwater Finance Study (\$50,000 grant, \$16,667 City).**

Motion was made by Councilman Wachtel, seconded by Councilman Knowles, to authorize the Mayor to sign grant award documents between the WVDEP and the City of Martinsburg for the FY Subrecipient Grant. Motion carried 3-1, Councilman Anderson no.

**k. Approve/deny FY 2014 Blue Ridge Community and Technical College Paramedic Student Agreement with the Martinsburg Fire Department.**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the FY 2014 Blue Ridge Community and Technical College Paramedic Student Agreement. Motion carried unanimously.

**l. Approve/deny request from Les's Station Grill to use the portion of the E. Burke Street parking lot immediately adjoining the establishment as an outdoor consumption location on Bike Night, August 16, 2014**

Captain Swartwood stated that the Police Department was concerned, as Main Street is a charitable event and the Chief believed that allowing this would take expected revenue from Main Street and the beneficiary organizations.

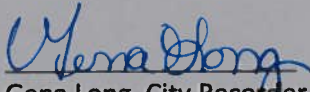
Councilman Knowles disagreed, stating that Council needed to show downtown businesses that Council supports them, also.

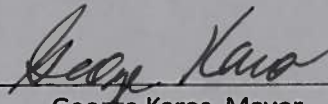
Mayor Karos was concerned that this would place an undue burden on the Police Department.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to deny the request of Les's Station Grill. Motion carried 3-1, Councilman Knowles no.

### 13. Adjournment

Meeting was adjourned by unanimous consent at 5:45 PM.

  
Gena Long, City Recorder

  
George Karos, Mayor