

**City Of Martinsburg
Regular Council Meeting
January 09, 2014
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, Jason Baker, Max Parkinson, Gregg Wachtel and Roger Lewis. Not present was Kevin Knowles. 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, Patricia McMillan, Community Development Director and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Etherington led the Salute to the Flag.

4. Prayer— Retired Pastor Walter Bowers

Mr. Bowers led the invocation.

Mayor Karos advised that item 15G is to be stricken from the agenda.

5. Approve December 12, 2013 Regular Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the December 12, 2013 Regular Meeting Minutes. Motion carried unanimously.

6. Approve November 2013 Administrative and Financial Report.

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

7. Presentations

a. Administer oath of office to City of Martinsburg Police Officers Michael Nye and Jonathon Smith

The City Recorder administered the oath of office. Mayor Karos and Council welcomed the officers to the force and congratulated them.

b. Introduction of Mr. Bill Clarke, Executive Director of Region 9 Planning and Development Council

Mr. Clarke introduced himself, expressing that he looked forward to working with the City Council and invited the members that he is available for their questions and concerns anytime.

8. Petitions From Citizens

- Mr. Randy Lewis, Main Street Martinsburg, asked for a letter of endorsement to the ABC Commission for the Sunshine Rotary's February 15 President's Day Dance to benefit the Boys and Girls Club. He stated that he had not gotten the request in time to for it to be placed on the agenda, and asked the Council to ask favorably.

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to authorize the mayor to sign a letter of endorsement to the ABC Commission in support of the Sunshine Rotary's Presidents' Day Dance, to be held on February 15, 2014 at the Boys and Girls Club. Motion carried unanimously.

- Mr. Tom Johnson, 901 Hillcrest Drive, spoke in opposition to the proposed cell phone tower at the City shed on Boston Street. He believes that Verizon has not served the Martinsburg community well in the past and when they sold the business to Frontier, the community was left with substandard telephone and internet service.

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

- a. Resolution and letter acknowledging the Martinsburg Bulldogs four time football championship win—as read December 15, 2013 by Martinsburg High School at their annual awards banquet
- b. Letter from Martinsburg/Berkeley County Chamber of Commerce reappointing Tom Belfield to the Police Civil Service Commission through December 31, 2017
- c. City of Martinsburg audit letter for fiscal year ending June 30, 2013—(complete audit distributed to Mayor and Council and on file in the Finance Department)
- d. Martinsburg/Berkeley County Convention and Visitors Bureau October 9, 2013 meeting minutes and Profit and Loss Statements for October-November 2013
- e. Letter from Comcast, dated December 19, 2013, regarding programming changes
- f. Letter from Comcast, dated December 13, 2013 regarding rate changes for certain services
- g. Berkeley County Animal Control November 2013 Incident Report
- h. Eastern Panhandle HOME Consortium of West Virginia Program Update; December 2013

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

10. Reports of Chairpersons of Council Standing Committees

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the Council as a Whole Committee minutes for December 10, 2013 and December 18, 2013 and make them a part of the record. Motion carried unanimously.

a. Council as a Whole Committee December 10, 2013 meeting minutes

Council as a Whole Committee Minutes

Tuesday, December 10, 2013 4:30 PM

Present: Mayor George Karos, Kevin Knowles, Max Parkinson, Jason Baker, Roger Lewis, Don Anderson, Gregg Wachtel, Dennis Etherington

Others in attendance: Mark Baldwin, City Manager; Kin Sayre, City Attorney; Lisa Dall'Olio, GDA; Mark Spickler, Finance Director; Mike Covell, City Engineer/Planning Director; Rick Lowman, Parking Authority

Unable to attend: none

Mayor Karos opened the meeting and the following items were discussed:

1. City Manager provided an overview of the status of the following projects:
 - (a) East Burke Street Parking Lot—consensus of the Committee was favorable to the scheme to renovate the parking lot. There was also interest in continuing to evaluate the pavilion concept. It was suggested to wait until the Economic Development Strategic Plan was finalized in order to render a final decision on this project.
 - (b) North Queen Street Underpass—consensus of the Committee was that this project was important as it is a gateway to downtown Martinsburg. Committee recommended Alpha Associates evaluate the City's responsibilities as well as where CSX's responsibilities would tie together in order for a new cost estimate to be prepared before design. It was also suggested by the Committee to consider CSX's contribution of \$10,000.
 - (c) Church Street Stormwater Management Project—City Manager stated the project report by Alpha Associates is being finalized. He further stated the City has a conversation with WVDOT to see if they can participate in the project. Further information forthcoming and a future meeting will be scheduled.

The City Manager provided an overview of projects and funding for projects on-going or being considered.

2. The following ordinances were discussed between Mayor, Councilmembers, staff and the City Attorney
 - a. Special Litter Prevention Officers—consensus of the Committee was for the City Attorney to provide a draft Ordinance for Council consideration.

- b. Chief Magistrate, Magistrate and Court Clerks-- consensus of the Committee was for the City Attorney to provide a draft Ordinance for Council action.
 - c. Prohibiting the parking of unlicensed trailers upon any street or highway-- consensus of the Committee was for the City Attorney to provide a draft Ordinance for Council action.
 - d. Vicious animal-- consensus of the Committee was for the City Attorney to provide a draft Ordinance for Council consideration.
 - e. Cats-- consensus of the Committee was for the City Attorney to provide a draft Ordinance for Council consideration.
 - f. Loitering-- consensus of the Committee was for the City Attorney to provide a draft Ordinance for Council consideration.
 - g. Election—consensus was to leave the City’s election date and not change it to coincide with state or federal election dates.
 - h. Zoning—Consensus of the Committee was to forward this issue for the Martinsburg Planning Commission to consider (Text Amendment regarding conversion of single family dwelling into two-family dwelling in RUA).
3. Home Rule—City Attorney suggested the City’s application for Home Rule should be submitted no later than April 2014. He further stated the Home Rule Board was finalizing their criteria to review applications. It was hopeful the criteria would be finalized by February 2014.

b. Council a Whole Committee December 18, 2103 meeting minutes

Council as a Whole Committee Minutes

Wednesday, December 18, 2103 4:30 PM

Present: Mayor George Karos, Kevin Knowles, Max Parkinson, Jason Baker, Roger Lewis, Don Anderson, Gregg Wachtel, Dennis Etherington

Others in attendance: Mark Baldwin, City Manager, Bill Yearout and Matthew Grove from Eastern Panhandle Trailblazers; Matthew Umstead, The Herald Mail

Unable to attend: none

Mayor Karos opened the meeting and the following items were discussed:

Eastern Panhandle Trailblazers—Discuss Downtown Bike Trail

Bill Yearout and Matthew Grove from the E.P. Trailblazers provided an overview of the bike trail they desire for the City of Martinsburg to endorse. They also provided preliminary cost estimates for the project (see attached map and cost estimates). After the presentation, the following discussion occurred:

Mayor Karos asked what specifically do the Trailblazers want from the City? Mr. Yearout stated that we are the facilitators of such projects for the City to consider. The Mayor further asked what funds were available for the project.

Matthew Grove also stated it was the Trailblazers desire for the City to take ownership of the proposed bike trail and to take on the project as it related to project management, bid specifications, contract management and grant funding oversight.

Mr. Yearout and Mr. Grove both commented that Delegate Barrett and Senator Unger were pursuing some funds for this project.

Councilman Baker questioned using Water Street as part of the route, stating that he thought the street was too narrow for a bike path. He further suggested the use of Spring Street off of Stephen Street for safety reasons.

Matthew Grove stated Water Street was chosen due to its historic significance such as the first electric house and proximity to Adam Stephen House and other historic locations.

Councilman Etherington asked who would be responsible for the placement of markings and future maintenance. Matthew Grove stated that the City would be responsible. He further stated this project would be good for tourism, economic development and lifestyle for the community.

Councilman Knowles stated the project would be good for the City and also voiced his concern to use Water Street as part of the bike trail.

Councilman Lewis also stated the project could be good for the City and stated staff is already committed to several projects.

City Manager summarized the meeting as the Trailblazers were requesting the CM to endorse their proposed route for a bike trail through Martinsburg to connect various parks and for the City to take ownership of the project in relationship to project management, final design, bid, project oversight and financial oversight. City Manager suggested Council provide a consensus as to whether or not to proceed with the project.

Consensus of the Committee was to proceed with the project based on staff having future meetings with the Trailblazers and to take into consideration comments made. City Manager stated staff would meet with the Trailblazers to finalize a proposed route and cost estimates to be presented to the Council in the future, taking into consideration other projects being considered by Council.

11. Report of Mayor

- a. **Reminder of following vacancies**
 1. **Shade Tree Commission (1)**
 2. **Code Appeals Board (1)**
 3. **Planning Commission (1 immediate, 1 upcoming in March)**
 4. **Board of Zoning Appeals (1 alternate)**
 5. **Historic Preservation Review Commission (1)**

Mayor Karos reminded Council of the above vacancies.

b. Appoint William R. Clark to the Eastern Panhandle HOME Consortium to fill an unexpired term--7/1/2013-6/30/2016

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to accept the Mayors appoint of William Clark to the Eastern Panhandle HOME Consortium to fill an unexpired term ending 6/30/2016. Motion carried unanimously.

c. Economic Development Strategic Plan Presentation from Garner Economics to Council as a Whole Committee—Tuesday, January 28, 2014 from ~~6-8 PM~~ 6-7:30 PM —Martinsburg Holiday Inn, Foxcroft Avenue

Mayor Karos scheduled the above committee meeting.

12. Report of City Attorney

The City Attorney had nothing further to report.

13. Report of City Manager

a. Projects Update

b. WVDOH Transportation Alternatives Grant intent to apply—Train Station Corridor Project Update

City Manager Mark Baldwin stated that the intent to apply had been sent and accepted; that some requested improvements, such as the roadway did not quality, but other aspects were still eligible. Mayor Karos asked how many times the City had requested these funds; Mr. Baldwin responded that the City had been turned down two times in the past, but that had been during the Town Square Pedestrian Plaza updates and that application may be viewed more favorably now that those renovations are complete.

14. Unfinished Business

There was no unfinished business.

15. New Business

a. First and Second Reading of Ordinance 2014-01 *An Ordinance Amending The City Of Martinsburg Code, Part 3, Traffic Code, Chapter Seven Parking Article 361, Parking Generally By Adding Article 361, Section 15 Prohibiting The Parking Of Unlicensed Trailers Upon Any Street Or Highway*

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to hear the first and second reading of Ordinance 2014-01, by title only. Motion carried unanimously.

b. First and Second Reading of Ordinance 2014-02: *An Ordinance Amending The City Of Martinsburg Code, Part 1, Administrative Code, Chapter Seven Judicial Article 172, Police Court By Adding Article 171, Section 14 Chief Magistrate, Magistrates And Court Clerks*

Motion made by Councilman Etherington, seconded by Councilman Baker, to hear the first and second reading of Ordinance 2014-02, by title only. Motion carried unanimously.

c. Approve [Resolution 2014-01](#): authorizing participation in Eastern Panhandle HOME Consortium of West Virginia for FY 2014-2015.

Motion made by Councilman Wachtel, seconded by Councilman Anderson, to approve Resolution 2014-01. Motion carried unanimously.

d. Approve/deny request from O'Party Plus to use the Town Square Pedestrian Plaza for a community event to run in cooperation and simultaneously with the Annual Soap Box Derby (request pending)—Saturday June 07, 2014 7AM-4PM (Rain date June 14).

After determination that this request does not conflict with any known event, motion was made by Councilman Wachtel, seconded by Councilman Etherington, to approve request from O'Party Plus, contingent upon proof of adequate liability insurance. Motion carried unanimously.

e. Approve/deny request from Norwalk Soap Box Derby, Inc. to hold the annual Soap Box Derby on Saturday, June 7, 2014 with a rain date of June 14.

Motion made by Councilman Anderson, seconded by Councilman Etherington, to approve the request from Norwalk Soap Box Derby, Inc., contingent upon proof of adequate liability insurance. Motion carried unanimously.

~~**f. Approve/deny Eastern Panhandle EMS Education System Policies and Procedures Manual**~~

g. Approve/deny purchase of eight (8) Hazardous Material Suits for the Martinsburg Fire Department –TriCon Environmental, Inc.--\$7,616.88—Fire/EMS Fund

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve purchase of eight Hazardous Material Suits for the Martinsburg Fire Department as request. Motion carried unanimously.

h. Approve/deny FY 2014-2015 budget request of 2% of total proceeds of previous year's projected tax collection to Berkeley County Assessor for Valuation Fund

Finance Director Mark Spickler stated that this was in line with the standard annual request.

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve the FY 2014-2015 budget request of 2% of total proceeds of previous year's projected tax collection to Berkeley County Assessor for Valuation Fund. Motion carried unanimously.

i. Confirm agreement between City of Martinsburg and Chester Engineers for water model—Weis Shopping Center Development (to be reimbursed by developer) \$13,800

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

j. Approve/deny Professional Engineering Services Proposal—WWTP Upgrade Project—Task “C” (Alternative Entrance Road and Second Water Line)—Tasks 1: Design; 2:Bid-Phase; and 3: Construction Phase—Change Order Request #1 (COR1)--\$5,990

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Professional Engineering Service Proposal Change Order Request #1. Motion carried; 6-1, Anderson, no.

k. Martinsburg WWTP Upgrade—Contract No. 2 Construction Plan Monthly Narrative for December 31, 2013-- NO pay request for December 2013

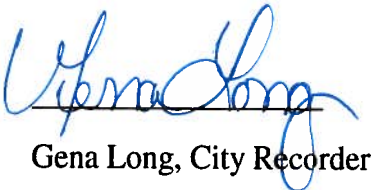
City Manager Mark Baldwin explained that, due to the holidays, there was no pay request for December 2013, but Council could expect the monthly narratives from HRI during the construction process.


16. Executive Session

No executive session was necessary.

Adjournment

Meeting was adjourned by unanimous consent at 7:00 PM.


Gena Long, City Recorder


George Karos, Mayor