

City Of Martinsburg
Special City Council Meeting Minutes
Tuesday, April 19, 2016
5:00 P.M.

With a quorum present, the special session of the Martinsburg City Council was called to order by Mayor George Karos at 5:00 p.m. The following Council Members were present: Don Anderson, H.D. Boyd, Dennis Etherington, Kevin Knowles, Gregg Wachtel, Ken Collinson and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder, Police Chief Maury Richards and Finance Director Mark Spickler.

3. Presentations

None

4. Petitions from Citizens

None

5. Receive and File Reports, Minutes and Correspondence of the Following:

- a. Eastern WV Regional Airport Authority March 11, 2016 Meeting Minutes and February 2016 Budget Report
- b. Notice of Approval of the Levy Estimate (Budget) from the Office of the State Auditor

Motion made by Councilman Baker, seconded by Councilman Etherington, to receive and file Items 5A-5B. Motion carried unanimously.

6. Reports of Chairpersons of Council Standing Committees

7. Report of Mayor

a. Reappoint Gladys Burcker to the Martinsburg Housing Authority—5/4/2016-5/4/2021

Motion made by Councilman Etherington, seconded by Councilman Boyd, to reappoint Ms. Burcker to the Housing Authority through May 4, 2021. Motion carried unanimously.

b. Appoint Kimberly Foore to the Eastern Panhandle Transit Authority to fill an unexpired term—8/1/2014-8/1/2017

Motion made by Councilman Etherington, seconded by Councilman Collinson, to appoint Kimberly Foore to the EPTA through August 1, 2017.

c. State of West Virginia Legislative Resolution—Committee Substitute for House Concurrent Resolution No. 72—by Delegate Duke—Requesting, per the City’s Request, that the Division of Highways Name the Bridge Locally Known as the New North Tennessee Avenue Bridge, Carrying County Rte. 13 over Tuscarora Creek in Berkeley County, be Named the “Max G. Parkinson Memorial Bridge”

Mayor Karos thanked Delegate Duke and the City Manager for championing this Resolution as Councilman Parkinson was a long serving councilman and deserves the recognition. He stated that when the Department of Highways has set a date of dedication, he will inform Council.

Delegate Walter Duke stated that this was an idea that sprang forth from the citizens and he had contacted City Manager Mark Baldwin to get the ball rolling. He stated that it is a cumbersome process through the House Transportation Committee and appreciates the help from the City to bring this to fruition.

8. Report of City Attorney

None

9. Report of City Manager

None

10. Unfinished Business

None

11. New Business

a. Approve/deny FY 2016-2017 Levy Rates

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

b. Approve/deny Purchase of Telephone System Server for City Hall and Police Department—Innovative Technologies--\$6562.91—General Fund Budget

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the purchase as recommended. Motion carried unanimously.

c. Approve/deny Bid Recommendation for Public Works Sixteen (16)-Foot Hydraulic Tilt Trailer (for Stump Grinder Previously Approved)—Alban Tractor Company--\$13,059—(Grant \$7,390/ City Funds--\$5,669)

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the bid as recommended. Motion carried unanimously.

d. First and Second Reading of Ordinance 2016-09 to Repeal Section 505.10 of the City of Martinsburg Code, Part 5: General Offenses Code, Article 505: Animals and Fowl

Motion made by Councilman Etherington, seconded by Councilman Baker, that Ordinance 2016-09 be passed through the first and second reading. Motion carried unanimously.

e. Approve/deny Settlement in the Matter of Theodore K. Oates, II, M.D. and Ann S. Oates v. West Virginia Department of Transportation, Division of Highways, a Political Subdivision of the State of West Virginia, Paul A. Mattox, Jr., PE as Secretary of Transportation and Commissioner of Highways and the City of Martinsburg, West Virginia, a Municipal Corporation

City Attorney Kin Sayre explained that this matter deals with the Raleigh Street Extension and properties that the State took control of during that project for construction and drainage easements, both temporary and permanent. One portion of that property was under the bridge and was conveyed to the State by the City as it was understood that the Oates Family had donated that property for use by the Little League. One member of the Oates family was not consulted, however, and has requested that their interest be condemned and that they be given adequate compensation. The State has reached an agreement and has asked that the City contribute \$20,000. At this time, Council is being asked to approve the amount in principal and, when a final settlement document is prepared, it will be brought back to Council. The City Attorney recommended approval.

Motion made by Councilman Baker seconded by Councilman Etherington, to approve the settlement amount, as recommended by the City Attorney, in principal. Motion carried unanimously.

f. Consensus of the Council for a temporary polling location change for Precinct 1

The City Recorder explained that, though the polling location had been approved by St. Luke's in January, she had received a call the week prior indicating that space is no longer available, and the parsonage across the street at 719 New York Avenue was offered by the Church.

Councilman Knowles expressed concerns that voters will be confused. The City Recorder replied that St. Luke's has indicated that they are willing to have someone on hand to help direct voters to the property location and the registered voters in the precinct will be notified by direct mail and advertisement.

Consensus of the Council was to approve the request.

12. Executive Session

- (a) Discuss pending legal matters with Counsel (if necessary)
- (b) Discuss personnel matters (if necessary)
- (c) Discuss real estate matters involving competitive bids (if necessary)

Meeting adjourned with unanimous consent at 5:26 PM.

Gena Long, City Recorder

George Karos, Mayor