

**CITY OF MARTINSBURG
REGULAR COUNCIL MEETING
APRIL 14, 2011
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: Rodney Woods, Gregg Wachtel, Dennis Etherington, Betty Gunnoe, Max Parkinson and Roger Lewis. Not present was Richard Yauger. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Kevin Miller, Police Chief, Paul Bragg, Fire Chief, Patricia McMillan, Community Development Director, Jeffrey Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director and Mark Spickler, Finance Director.

3. SALUTE TO FLAG

Councilman Wachtel led the Pledge of Allegiance to the Flag.

4. PRAYER – Reverend Carl Baker—Rosemont Grace Brethren.

The invocation was given by Reverend Wright.

Motion made by Councilman Lewis, seconded by Councilman Woods to move agenda items 10 B and C to 8 A and B, in the interest of time. Motion carried unanimously.

5. APPROVE March 10, 2011 REGULAR COUNCIL MEETING MINUTES

Motion made by Councilman Lewis, seconded by Councilman Parkinson to approve the March 10, 2011 regular Council meeting minutes. Motion carried unanimously.

6. APPROVE MARCH 21, 2011 SPECIAL COUNCIL MEETING MINUTES

Motion made by Councilman Etherington, seconded by Councilman Woods to approve the March 21, 2011 special Council meeting minutes. Motion carried unanimously.

7. APPROVE MARCH 24, 2011 SPECIAL COUNCIL MEETING MINUTES

Motion made by Councilman Parkinson, seconded by Councilman Etherington to approve the March 24, 2011 special Council meeting minutes. Motion carried unanimously.

8. APPROVE February 2011 ADMINISTRATIVE AND FINANCIAL REPORT

Motion made by Councilman Etherington, seconded by Councilman Woods to approve the January, 2011 Administrative and Financial Report. Motion carried unanimously.

(a)For the kids, by George Children’s Museum update—Grove and Dall’Olio, Ms. Lisa Dall’Olio.

Ms. Lisa Dall’Olio presented this update. Ms. Dall’Olio stated that progress was being made, track lights have been installed, interactive children’s activities are underway and the Shay Engine Exhibit is on schedule to be opened on May 7, 2011, Heritage Day.

Ms. Dall’Olio commended the Kid’s Caucus for their help and stated that funding is still a major issue, but it is currently in good shape.

(b) TIF-District update—Potomac Consulting Services, Mr. Matt Powell.

Mr. Matt Powell presented this update, stating that Phase 1 of the project was submitted to the Planning Department for review on April 7, 2011 and is expected to be heard at the May Planning Commission meeting. He explained that the roadways include features such as roundabouts, bike paths and heavy landscaping. Construction is slated to begin in mid June, 2011, including roadways connecting existing MidAtlantic Parkway to existing Lutz Avenue, which will have all the amenities of the final design.

9. PUBLIC HEARING-- A public hearing has been scheduled to solicit citizens' comments on the Draft FY 2011 Annual Action Plan for Community Development Block Grant (CDBG) and HOME

Community Development Director Pat McMillan spoke, stating that Congress is anticipating significant cuts to the programs, but she is submitting the Annual Action Plan based on expected numbers and will make adjustments as necessary.

- Ms. Glenda Hilman offered testimony regarding the City of Martinsburg's use of CDBG funds, adding that her organization has received an allocation of \$1,200 for the Homelessness Prevention and Rapid Re-Housing Program. This program, she stated helped 105 families in the Eastern Panhandle since its inception in 2009, and that of the 38 households participating, 24 are in Martinsburg. She also thanked Council for the proposed allocation of \$8,000 to assist with the replacement of the hot water tank at the Bethany House.
- Ms. Ruanna Hess offered testimony, stating that the CDGF funds allocated for C-Cap Loaves and Fishes allows them to add \$100.00 per request to the \$300.00 allowable to assist families in need of rental payment assistance. She stated that C-Cap has requested \$5000, which helps to assist 50 families each year.
- Ms. Beth Shelley, spoke in favor of the Action Plan, thanking Council for their assistance to the Shenandoah Women's Center, which helps an ever increasing number of women who are victims of domestic and sexual assault through counseling and case management.
- Ms. Deb Barthlow, Children's Home Society, thanked the Council for support of their child advocacy programs, stating that local support allows for better leverage of state funds.

10. PRESENTATIONS

(a) Proclamation designating May, 2011 as Building Safety Month.

Mayor George Karos read and presented the proclamation to Mr. Mike Covell, City Engineer/Planning Director.

Mr. Covell spoke regarding the importance of the building inspection team as pre-responders, and their duty to inspect buildings, making sure they are constructed properly and meet code, making the jobs of first responders safer and more efficient.

Mr. Covell discussed some of the activities planned for May and June, including a demonstration at the Train Station and free deck inspections for homeowners.

(b) Proclamation of appreciation to the General Federation of Women's Club (GFCW) of Martinsburg for 85 years of service.

Mayor George Karos read and presented the proclamation to the General Federation of Women's Club of Martinsburg, thanking them 85 years of community service.

Ms. Elizabeth Blackburn, president, expressed appreciation to the Council and the community for their help in the efforts to raise funds for several area organizations.

11. PETITIONS FROM CITIZENS

There were no petitions from citizens.

12. RECEIVE AND FILE REPORTS-MINUTES-CORRESPONDENCE OF THE FOLLOWING:

(a) Letter from Councilman Gregg Wachtel resigning his position with the Eastern Panhandle Transit Authority.

(b) Meeting Minutes for the January 4, 2011 regular meeting of the Board of Zoning Appeals.

(c) Meeting Minutes for the February 7, 2011 Historic Preservation Review Commission regular meeting.

(d) Proclamations of appreciation designating April 25, 2011 as National Thank You Day for Elected Officials.

(e) Letter from Comcast advising of rate changes beginning May 1, 2011.

(f) Letter from Senator Joe Manchin III addressing funding cuts for the Community Development Block Grant (CDBG) program.

(g) Proposed route for CASA Century 50 Mile Bike Ride through portions of Martinsburg—May 21, 2011.

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

13. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

There were no reports of chairpersons of council standing committees.

14. REPORT OF MAYOR

(a) Reappoint Gladys Burcker to the Martinsburg Housing Authority—Term 05/04/11-05/04/16.

Mayor Karos reappointed Gladys Burcker to the Martinsburg Housing Authority for the term beginning 5/4/11 and ending 5/4/16.

(b) Reappoint Randy Lewis to the Shade Tree Commission—Term 05/09/11-05/09/14.

Mayor Karos reappointed Randy Lewis to the Shade Tree Commission for the term beginning 5/9/11 and ending 5/9/14.

(c) Reappoint Dennis Etherington to the Shade Tree Commission—Term 05/09/11-05/09/14.

Mayor Karos reappointed Councilman Dennis Etherington to the Shade Tree Commission for the term beginning 5/9/11 and ending 5/9/14.

(d) Reappoint Steve Knipe to the Shade Tree Commission—Term 05/09/11-05/09-14.

Mayor Karos reappointed Steve Knipe to the Shade Tree Commission for the term beginning 5/9/11 and ending 5/9/14.

(e) Schedule Special City Council Meeting for Thursday, May 5, 2011 to approve FY 2011 Annual Action Plan for CDBG and HOME.

Mayor Karos scheduled a City Council meeting for Thursday May 5, 2011 at 5:00 PM to approve/deny the FY 2011 Annual Action Plan for CDBG and HOME.

(f) Reminder for Special Meeting, Tuesday, April 19th to approve/deny levy rates for FY 2011-2012.

Mayor Karos scheduled a Special City Council meeting for Tuesday, April 19, 2011 at 5:00 PM to approve/deny the levy rates for FY 2011-2012 for the City of Martinsburg.

15. REPORT OF CITY ATTORNEY

There was no report of the City Attorney.

16. REPORT OF CITY MANAGER

A. City Projects Update

City Manager Mark Baldwin discussed city project updates.

17. UNFINISHED BUSINESS

(a) Third and Final Reading of Ordinance 2011-02: An Ordinance to Adopt the 2011 Replacement Pages to the Codified Ordinances, to Adopt New Matter; to Repeal Ordinances in Conflict Therewith; and to Direct that the Statutory Requirements for the Codification of Ordinances be Complied With.

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson, to approve the third and final reading of Ordinance 2011-02: An Ordinance to adopt the 2011 replacement pages to the Codified Ordinances, to adopt new matter; to repeal ordinances in conflict therewith, and to direct that the statutory requirements for the codification of ordinances be complied with. Motion carried unanimously.

15. NEW BUSINESS

(a) Approve/Deny Berkeley County Council request for an additional thirty days to submit evidence on appeal of the Shadetree Commission's decision to deny removal of trees in front of 100 W. King Street—See attached letter.

Motion made by Councilman Lewis, seconded by Councilman Wachtel to approve Berkeley County Council's request for an additional thirty days to submit evidence on appeal of the Shadetree

Commission's decision to deny removal of trees in front of 100 W. King Street. Motion carried unanimously.

(b) Approve/Deny request from the Calvary United Methodist Church to conduct the CROP Hunger Walk on Sunday, October 2, 2011.

Motion made by Councilwoman Gunnoe, seconded by Councilman Etherington to approve the request from the Calvary United Methodist Church to conduct the CROP Hunger Walk on Sunday, October 2, 2011. Motion carried unanimously.

(c) Approve/Deny request to block traffic from utilizing the first block of Tuskegee on the side of Martinsburg Union Rescue Mission, Saturday June 18, 2011 from 11:30 AM until 4:00 PM for purposes of a community event—R & K Boutique.

Motion made by Councilman Lewis, seconded by Councilman Parkinson to approve R&K Boutique's request to block traffic from utilizing the first block of Tuskegee on the side of Martinsburg Union Rescue Mission on Saturday, June 18, 2011 from 11:30 AM until 4:00 PM for purposes of a community event, contingent upon the requestor providing proper insurance certificates. Motion carried unanimously.

(d) Approve/Deny request from the 167th Airlift Wing for police support for the 167th Airlift Wing Open House and Thunder over the Blue Ridge Airshow, September 17th and 18th.

Motion made by Councilman Wood, seconded by Councilman Wachtel to approve the request from the 167th Airlift Wing for police support for the 167th Airlift Wing Open House and Thunder over the Blue Ridge Airshow to be held on September 17th and 18, 2011, based on Chief Kevin Miller's conditions. Motion carried unanimously.

(e) Approve/Deny fence bids for three project locations—Long Fence--\$45,456.00

Motion made by Councilman Lewis, seconded by Councilman Wood to approve fence bids for three project locations, in the amount of \$45,456.00 payable to Long Fence. Motion carried unanimously.

(f) Approve/deny bid for concrete block building for Police Department Firing Range—BHC, Inc--\$24,748.00.

Motion made by Councilman Etherington, seconded by Councilman Wood, to approve the bid for a concrete block building for the Police Department Firing Range in the amount of \$24,748.00, payable to BHC, Inc. Motion carried unanimously.

(g) Approve/deny bid for garbage truck—West Virginia Tractor Company--\$132,798.00—Sanitation Fund.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the bid for a garbage truck in the amount of \$132,798.00 payable to West Virginia Tractor Company. Motion carried unanimously.

(h) Approve/deny bid for decorative street light painting (To be opened Wednesday, April 13, 2011).

Motion made by Councilman Wachtel, seconded by Councilman Parkinson to approve the bid for decorative street light painting in the amount of \$10,749.00 to Stephens Painting, LLC. Motion carried unanimously.

(i) Approve/deny bid for interior painting at Caperton Train Station office suite (to be opened Wednesday, April 13, 2011).

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson to approve the bid for interior painting at Caperton Train Station office suite in the amount of \$1,894.00 payable to Ring Painting, with funds to be taken from the Train Station Fund. Motion carried unanimously.

(j) Approve/deny bid for replacement chemical feed pumps at water filtration and wastewater treatment plants—Kershner Environmental Technologies, LLC--\$33,488.72—Water and Sewer Fund.

Motion made by Councilman Etherington, seconded by Councilwoman Gunnoe to approve the bid for replacement chemical feed pumps at the water filtration and wastewater treatment plants in the amount of \$33,488.72 payable to Kershner Environmental Technologies. Motion carried unanimously.

(k) Approve/deny purchase of Paratech Rescue Equipment for the City of Martinsburg Fire Department—O-Ring and Associates, Inc.--\$12,881.68—Fire/EMS Fund.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the purchase of Paratech Rescue Equipment for the City of Martinsburg Fire Department in the amount of \$12,881.68 payable to O-Ring and Associates, Inc. Motion carried unanimously.

(l) Approve/deny purchase of a copier for the City of Martinsburg Fire Department—Word Processing Services, Inc.--\$4933.00—Fire/EMS Fund.

Motion made by Councilman Wood, seconded by Councilman Etherington to approve the purchase of a copier for the City of Martinsburg Fire Department in the amount of \$4933.00 payable to Word Processing Services, Inc. Motion carried unanimously.

(m) Approve/deny Standard Operating Procedures for the City of Martinsburg Fire Department Training Program.

Motion made by Councilwoman Gunnoe, seconded by Councilman Etherington to approve the Standard Operating Procedures for the City of Martinsburg Fire Department Training Program. Motion carried unanimously.

Fire Chief Paul Bragg explained that these operating procedures will consistently detail what training or certifications each fire fighter should have at different points of longevity in his/her career.

(n) Approve/deny bid for glass enclosure at Caperton Station—For the Kids, by George Children's Museum—Roy's Glass Service--\$3353.80—Grant funds.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the bid for a glass enclosure at Caperton Train Station for the Shay train exhibit at the for the kids, by George Children's Museum in the amount of \$3353.80 payable to Roy's Glass Service. Motion approved by unanimous consent.

(o) Approve/deny Towne Square Pedestrian Plaza Construction Phase Services—Chester Engineers--\$20,000.

Motion made by Councilman Lewis, seconded by Councilman Parkinson to approve payment for the Towne Square Pedestrian Plaza Construction Phase Services to Chester Engineers in the amount not to exceed \$20,000. Motion carried unanimously.

(p) Authorize Mayor to submit letter of endorsement to ABC Commission regarding The Arts Centre's 15th annual WV Wine and Arts Festival to be held on Saturday, May 28, 2011 from 11AM to 7:00 PM and Sunday, May 29, 2011 from 1:00PM-6:00PM.

Motion made by Councilman Etherington, seconded by Councilman Wood to authorize Mayor Karos the submit a letter of endorsement to the ABC Commission regarding The Arts Center's 15th annual WV Wine and Arts Festival to be held on Saturday, May 28, 2011 from 11AM to 7:00PM and Sunday, May 29, 2011 from 1:00 PM -6:00 PM. Motion carried unanimously.

16. 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)

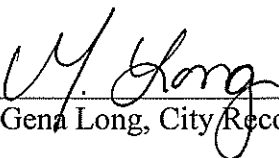
Motion made by Councilman Woods, seconded by Councilman Wachtel to go into executive session, for real estate and legal matters at 7:28 p.m. Motion carried unanimously.

Motion made by Councilman Lewis, seconded by Councilman Woods to go out of executive session at 7:45 p.m. Motion carried unanimously.

17. ADJOURNMENT

Motion made by Councilman Woods, seconded by Councilman Parkinson to adjourn the meeting at 7:45p.m. Motion carried unanimously.


George Karos, Mayor


Gena Long, City Recorder