

**CITY OF MARTINSBURG
REGULAR COUNCIL MEETING
August 11, 2011
THE J. OAKLEY SEIBERT COUNCIL CHAMBERS**

With a quorum present, the regular session of the Martinsburg City Council was called to order Mayor Geroge Karos at 6:30 p.m. The following Council Members were present: Rodney Woods, Gregg Wachtel, Dennis Etherington, Max Parkinson, Richard Yauger and Roger Lewis. Not present was Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Jeffrey Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director, Lieutenant Glenn Macher, Police Department and Paul Bragg, Fire Chief.

3. SALUTE TO FLAG

Councilman Wachtel led the Pledge of Allegiance to the Flag.

4. PRAYER – Reverend Jerry Mead—Pilgrim Presbyterian Church.

The invocation was given by Rev. Mead.

5. Approve July 14, 2011 regular Council meeting minutes.

Motion made by Councilman Wachtel, seconded by Councilman Lewis, to approve the July 14, 2011 special council meeting minutes as presented. Motion carried unanimously.

6. Approve July 28, 2011 Special Council meeting minutes.

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the July 28, 2011 special council meeting minutes. Motion carried unanimously.

7. Approve June 2011 Administrative and Financial Report

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

8. PRESENTATIONS

(a) Resolution of Appreciation—Captain David Hess, Martinsburg Fire Department.

Mayor Karos read the Resolution of Appreciation, thanking Captain David Hess for his service.

Captain Hess stated that it was a pleasure serving the citizens and businesses during his years at the Martinsburg Fire Department.

(b) Comment on ABC Application—Asian Garden—970 Foxcroft Avenue.

Ms. Ying Zi Yao, co-applicant, explained that the license is for the new location of the business.

Mayor Karos stated that the zoning letter would be forwarded to the WVABCA without comment.

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 Minutes—July 11, 2011**
- (b) **Notification of Grant award from the U.S. Department of Housing and Urban Development for CDBG and HOME, FY 2011-2012**
- (c) **2009 and 2010 Water Fluoridation Quality Award Certificates from the Centers for Disease Control and Prevention**
- (d) **Board of Zoning Appeals Minutes – June 7, 2011**

Motion made by Councilman Yauger, seconded by Councilman Etherington, to receive and file items 10a through 10d. Motion carried unanimously.

11. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

(a) Budget and Finance Committee Minutes—August 2, 2011

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to receive the August 2, 2011 minutes of the Budget and Finance Committee. Motion carried unanimously.

12. REPORT OF MAYOR

Mayor Karos requested that regular meeting scheduled for September 8, 2011 be postponed until September 15, 2011.

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve Mayor Karos's request to hold the next regular meeting on September 15, 2011. Motion carried unanimously.

13. REPORT OF CITY ATTORNEY

City Attorney Kin Sayre announced that the Redistricting Committee planned to meet on August 15, 2011 at 2:30 PM.

14. REPORT OF CITY MANAGER

A. City Projects Update

City Manager Mark Baldwin discussed the Raleigh Street Project, development in the T.I.F. district, the Energy Efficiency Project and the Town Square Pedestrian Plaza Project, all of which are currently underway. He added that plans to change out the HVAC units in City Hall will take place mid-September, and that traffic lights and the lights on the underpass will be changed out soon.

Chief Bragg invited interested parties in to see the solar powered water heating system being installed in the Fire Station, explaining that the system will cut down on energy costs as the water entering the water heater will be pre-heated by the solar powered water heating system.

15. UNFINISHED BUSINESS

There was no unfinished business.

16. NEW BUSINESS

(a) Approve/Deny Resolution 2011-14, Budget Revision #2 for FY 2011-2012.

Motion made by Councilman Yauger, seconded by Councilman Parkinson to approve Resolution 2011-14, Budget Revision #2 for FY 2011-2012. Motion carried unanimously.

(b) Approve/Deny Budget & Finance Committee recommendations for FY 2011-2012 employee pay increases (2% COLA and merit pay scale – 0.5% to 4.5%)

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to approve Budget and Finance Committee recommendations for FY 2011-2012 employee pay increases (2% COLA and merit pay scale—(.5%-4.5%)). Motion carried unanimously.

(c) Adopt Resolution 2011-15 increasing the minimum ranges for each pay grade by 2% for the fiscal year beginning July 1, 2011.

Motion made by Councilman Yauger, seconded by Councilman Etherington, to adopt Resolution 2011-15 increasing the minimum ranges for each pay grade by 2% for the fiscal year beginning July 1, 2011.

(d) Approve/deny Berkeley County Council appeal of the decision of the Shade Tree Commission.

Mr. Norwood Bentley, Berkeley County Legal Counsel, stated that the County would like to remove the trees that are currently there and replace them with Cherry trees to match those planned for the square.

Mayor Karos stated that this is an example of the City and County working together to make a more harmonious community and asked that the County work with the developer to match the tree species.

City Manager Mark Baldwin asked that the County allow public works to remove the trees and the Shade Tree Commission to replace them with threes to match those planned for the square, in order to take advantage of warranties and pricing through the City's current vendors. He indicated that the County will be responsible for replacing the sidewalk.

Councilman Lewis reminded Mr. Bentley that new trees will need to be watered and asked that he make sure someone is designated to conduct that task.

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve the Berkeley County Council's appeal of the decision of the Shade Tree Commission. Motion carried unanimously.

(e) Approve/Deny Berkeley County Ambulance Authority's request for one (1) staffed ambulance for the WVANG annual Air Show, September 17-18, 2011.

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to approve Berkeley County Ambulance Authority's request for one staffed ambulance for the WVANG annual Air Show, September 17-18, 2011. Motion carried unanimously.

(f) Approve/Deny Billing Agreement between Medical Claims Association and the City of Martinsburg.

Motion made by Councilman Lewis, seconded by Councilman Woods, to approve the agreement between Medical Claims Association and the City of Martinsburg. Motion carried unanimously.

(g) Authorize Mayor to sign agreement/guidelines for North American Railway Foundation grant for "for the kids, by George" Children's Museum and Gift Shop--\$50,000.

Motion made by Councilman Woods, seconded by Councilman Wachtel, to authorize the Mayor to sign the agreement/guidelines for the North American Railway Foundation grant for the *for the kids, by George* Children's Museum and Gift Shop in the amount of \$50,000. Motion carried unanimously.

(h) Approve/Deny Washington Heritage Trail's request to expand from the porch level of the Caperton Office Suites to the former MARC ticket office in the Caperton Train Station (see attached letter).

Ms. Lisa Dall'Olio, Grove and Dall'Olio Architects, explained that this expansion into the old waiting room will allow a front row seat to the information and exhibits. Councilman Yauger added that it will also give an extra level of security to those areas of the train station.

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to approve the Washington Heritage Trail's request to expand from the front porch level of the Caperton Train Station. Motion carried unanimously.

(I) Approve/Deny Washington Heritage Trail's request for funding (\$1,000 monthly stipend) to provide additional monitoring and information services in conjunction with the expansion to the MARC ticket office (see attached letter).

Mayor Karos reminded Ms. Dall'Olio that is request must be renewed yearly, and may be more or less, depending on the City's economic situation at the time of the request.

Motion made by Councilman Yauger, seconded by Councilman Wachtel, to approve Washington Heritage Trail's request for funding (\$1,000 monthly stipend) to provide additional monitoring and information services in conjunction with the expansion to the MARC ticket office. Motion carried unanimously.

(j) Approve/Deny Washington Heritage Trail's request for matching funds in the amount of \$10,000 (\$50K Museum signage program - \$40/\$10K) for Welcome Center signage and Museum signage and for the City to administer funds (see attached letter).

Ms. Dall'Olio explained that the grant funds, in conjunction with the North American Railway Foundation Grant, will allow for interactive map table, large wall maps, brochure racks, signage and other things as needed.

Mr. Baldwin confirmed, stating that the funds are not allocated specifically for signage and may be used for other things.

Motion made by Councilman Yauger, seconded by Councilman Woods, to approve the Washington Heritage Trail's request for matching funds in the amount of \$10,000 (\$50,000 Museum signage program \$40/\$10K) for Welcome Center signage and Museum signage and for the City to administer funds. Motion carried unanimously.

(k) Approve/Deny Breast Cancer Awareness—Cumberland Valley, Inc.'s request to tie pink ribbons on parking meters and trees in downtown Martinsburg on Monday, October 10, 2011 through Friday, October 14, 2011.

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to approve Breast Cancer Awareness—Cumberland Valley, Inc.'s request to tie pink ribbons on parking meters and trees in downtown Martinsburg on Monday, October 10, 2011 through Friday, October 14, 2011. Motion carried unanimously.

(l) Approve/Deny Bonnie Slaton's request to rebuild brick wall at 114 S. Raleigh Street.

Legal Counsel Kin Sayre explained that Ms. Slaton's insurance company refuses to add the City of Martinsburg as an additional insured, as requested, and the City's insurance company as stated that certification is not necessary in order for the City to be covered.

Motion made by Councilman Lewis, seconded by Councilman Yauger, to allow Bonnie Slaton's request to rebuild the brick wall at 114 S. Raleigh Street. Motion carried unanimously.

(m) Approve/Deny route and use of police escort for the "Walk to End Alzheimer's", September 24, 2011—WV Alzheimer's Association.

Motion made by Councilman Woods, seconded by Councilman Wachtel, to approve route and use of police escort for the "Walk to End Alzheimer's" on September 24, 2011, sponsored by the WV Alzheimer's Association, contingent upon Police Department approval. Motion carried unanimously.

(n) Approve/Deny Resolution 2011-16 supporting the Midwest High Speed Rail Association and authorizing a letter of support for increased funding.

Motion made by Councilman Lewis, seconded by Councilman Yauger, to approve Resolution 2011-16 supporting the Midwest High Speed Rail Association and authorization a letter of support for increased funding. Motion carried unanimously.

(o) Approve/Deny City of Martinsburg/Berkeley County Animal Control Agreement, FY 2011-2012--\$90,112.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve City of Martinsburg/Berkeley County Animal Control Agreement, FY 2011-2012 in the amount of \$90,112. Motion carried unanimously.

(p) Approve/Deny Request from Kelly V. Thomas to hold "9/11 Race to Remember": Proceeds to Benefit The Wounded Warrior Project on September 11, 2011.

Motion made by Councilman Wachtel, seconded by Councilman Woods, to approve the request from Kelly V. Thomas to hold "9/11 Race to Remember" with proceeds to benefit The Wounded Warrior Project, on September 11, 2011. Motion carried unanimously.

(q) Approve/Deny City Hall Carpet & Vinyl Cleaning Quote (Quotes opened 8/10/11)

Mr. Baldwin recommended approving the bid by LeScrub in the amount of \$3,169.30 to conduct spot removal, clean the carpets using a dry method and reseal and clean vinyl and marble floors. He stated that, generally, much of the work is done at night to reduce interruption of daily business and work.

Motion made by Councilman Wachtel, seconded by Councilman Woods to approve City Hall carpet and vinyl cleaning. Motion carried unanimously.

(r) Approve/deny Resolution 2011-17 authorizing George Karos, Mayor, to enter into a contractual agreement with the West Virginia Development Office to receive grant funds in the amount of \$10,000 for the United Way of the Eastern Panhandle, for use in assistance in paying utility bills for families and individuals facing financial hardships through the Warming Hands and Hearts Energy Assistance Program and designate Jan Callen, Executive Director, United Way of the Eastern Panhandle, to administer such funds pursuant to the provisions of the Fiscal Year 2004 Community Participation Program.

Motion made by Councilman Yauger, seconded by Councilman Wachtel, to approve Resolution 2011-17 authorizing George Karos, Mayor, to enter into a contractual agreement with the West Virginia Development Office to receive grant funds in the amount of \$10,000 for the United Way of the Eastern Panhandle, for use in assistance in paying utility bills for families and individuals facing financial hardship through the Warming Hands and Hearts Energy Assistance Program and designate Jan Callen, Executive Director, United Way of the Eastern Panhandle, to administer such funds pursuant to the provisions of the Fiscal Year 2004 Community Participation Program. Motion carried unanimously.

16. EXECUTIVE SESSION

A. DISCUSS PENDING LEGAL MATTERS WITH COUNSEL (IF NECESSARY)

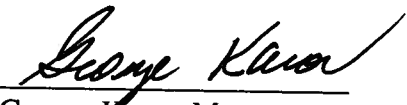
B. DISCUSS PERSONNEL MATTERS (IF NECESSARY)


C. DISCUSS REAL ESTATE MATTERS INVOLVING COMPETITIVE BIDS (IF NECESSARY)

Motion made by Councilman Parkinson, seconded by Councilman Wachtel, to enter executive session to discuss legal and personnel matters, at 7:15 PM. Motion carried unanimously.

Motion made by Councilman Etherington, seconded by Councilman Lewis to exit Executive Session at 7:25 PM.

Motion made by Councilman Yauger, seconded by Councilman Etherington, to adjourn at 7:25 PM. Meeting adjourned unanimously.


George Karos, Mayor


Gena Long, City Recorder