

**City Of Martinsburg
Regular Council Meeting
December 8, 2011
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order Mayor George Karos at 6:30 p.m. The following Council Members were present: Rodney Woods, Roger Lewis, Dennis Etherington, Max Parkinson, Richard Yauger, Gregg Wachtel and 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, Kevin Miller, Police Chief, Patricia McMillan, Community Development Director, Brenda Spaulding, Human Resources Director and Chief Paul Bragg, Fire Department.

3. Salute to Flag

Councilwoman Gunnoe led the Salute to the Flag.

4. Prayer—Al Clipp, Calvary United Methodist Church

Pastor Clipp delivered the invocation.

5. Approve November 10, 2011 regular Council meeting minutes

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

6. Approve October 2011 Administrative and Financial Report.

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

7. Public Hearing—A public hearing is scheduled for purposes of hearing citizen comments and proposed uses in regards to the City of Martinsburg 2012 CDBG and HOME funding.

Mayor Karos opened the public hearing at 6:31 pm.

Ms. Patricia McMillan explained that the hearing is the start of the process of requesting input regarding the use of the CDBG and HOME funding. This hearing is the first of several and applications are being requested currently for both CDBG and HOME funds. Ms. McMillan went on to say she is not sure exactly how much funding to expect, that she does not anticipate more than the previous year, which was just over \$351,000 and expects it may be less.

Future hearings are scheduled before the Councils/Commissions of Berkeley County, Jefferson County and Morgan County.

Ms. Glenda Helman, Community Networks, expressed appreciation for the \$1200 in funds that have assisted in the Rapid Rehousing program, providing needed office supplies. The program, she stated, provided 47 households with housing stabilization services, most of those being in Martinsburg.

She was also thankful for the \$8,000 given to replace the water heater in the Bethany House, which serves women and children in need of shelter.

She anticipates requesting funding for a security system at the Bethany House and adjacent HOPE Living/Learning Center in the upcoming fiscal year. The existing cameras are outdated and malfunction on a regular basis.

As no one else came forward, the public hearing was closed at 6:39 pm.

8. Presentations

a. Administer Oath of Office to Fire Lieutenants John Holben, Jason Hoover and Nevin Kilmer.

City Recorder Gena Long administered the Oath of Office.

b. Administer Oath of Office to Firefighter/EMT Basics Michael Beall and Joseph Lee.

City Recorder Gena Long administered the Oath of Office.

9. Petitions From Citizens

- Ms. Carol Puffinburger stated that she would like to get reapproved for her porch to extend into the right of way, as there are changed measurements since the approval in November. Legal Counsel Kin Sayre recommended placing Ms. Puffinburger on the following agenda, as her request is an action item.

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

- (a) Historic Preservation Review Commission meeting minutes—October 17, 2011
- (b) Program Year Review Letter from U.S. Department of Housing and Urban Development
- (c) Consolidated Annual Performance and Evaluation Report (CAPER) acceptance letter from U.S. Department of Housing and Urban Development.
- (d) Eastern Panhandle Regional Planning and Development Council-Region 9 Meeting Minutes and Profit and Loss Statement-September 12, 2011
- (e) Eastern Panhandle HOME Consortium Meeting Minutes—August 17, 2011 and November 16, 2011
- (f) Letter of submission and award certificate from Senator John R. Unger II regarding the Apollo Theatre--\$15,000.
- (g) Letter of submission and award certificate from Senator John R. Unger II regarding the Community Participation Grant Program--\$20,000
- (h) Letter from Comcast regarding programming renewals.
- (i) Letter from the Fraternal Order of Police regarding the reappointment of Robert Lowe, III to the Police Civil Service Commission.
- (j) Letter from Comcast regarding price adjustments to customers in the City of Martinsburg.
- (k) Annual Report of Policemens' Pension and Relief Fund, FY 2010-2011
- (l) Annual Report of Firemen's Pension and Relief Fund, FY 2010-2011.
- (m) Finding and Order for the following Appeals to the Historic Preservation Review Commission

- Case # HP 11-039, Mr. Terry Walker, 118 North Queen Street.
- Case # HP 11-024, Ms. Etta Mae Lowe, 235 South Queen Street.
- Case # HP 11-042, Diocese of Wheeling-Charleston, John Street School.
- Case # HP 11-040, Cynthia Baynham, 407 W. Burke Street

- (n) Resolution honoring and recognizing the Martinsburg High School Bulldogs 2011 Football team for a successful season, and to commend the outstanding players and coaches for capturing the 2011 class AAA state football championship.

Motion made by Councilman Lewis seconded by Councilman Parkinson, to receive and file items 10 a - 10n. Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees

There were no reports of chairpersons of council standing committees.

12. Report of Mayor

- (a) **Appoint Jared M. Adams to the Martinsburg/Berkeley County Convention and Visitor's Bureau to fill the unexpired term from 12/8/11 through 12/31/11 and a new term from 1/1/12-12/31/13.**

Motion made by Councilman Lewis, seconded by Councilman Wachtel, to accept Mayor Karos's recommendation to appoint Jared M. Adams to the Martinsburg/Berkeley County Convention and Visitors' Bureau to fill the unexpired term from 12/8/11 through 12/31/11 and a new term from 1/1/12 through 12/31/13. Motion carried unanimously.

- (b) **Schedule Special Council meeting for Tuesday, December 20, 2011 at 5:00 PM to hear the third and final reading of Ordinance 2011-09 and other items as needed.**

Motion made by Councilman Yaeger, seconded by Councilman Woods, to schedule a Special Council meeting for Tuesday, December 20, 2011 at 5:00 pm to hear the third and final reading of Ordinance 2011-09 and other items as needed. Motion carried unanimously.

- (c) **Discuss General Adam Stephen Statue—Town Square Pedestrian Plaza.**

Mayor Karos explained that there has been much public concern regarding the statue of General Adam Stephen, in regards to the cost, funding and the unknown appearance of the Founder. Taking into consideration the feelings of the public, Mayor Karos suggested that Council take their time to decide if a statue should be commissioned. It has been suggested, he added, that the prices of the statue will be between \$50,000 and \$60,000 in addition to the \$6,000 needed for artists' models.

In light of the above, and in consideration of the many changes to the Town Square during the construction, Mayor Karos recommended placing the RFPs and Statue Committee on hold until project costs are finalized.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to suspend further activity in regards to the General Adam Stephen statue until the Town Square Pedestrian Plaza costs are finalized. Motion carried unanimously.

13. Report of City Attorney

There was no report of the City Attorney.

14. Report of City Manager

Projects Update

City Manager Mark Baldwin discussed the Raleigh Street Extension, TIF District and other City projects, stating that the TIF project is underway, with development on roadways and utilities and that the application has been submitted to the IJDC for the required sewer plan upgrades.

He pointed out that the Town Square Pedestrian Plaza is complete with the exception of a few minor finishing touches. He reminded Council that the dedication of the Plaza is to be scheduled to tie in with the Heritage Day activities, and thanked Council and Department heads for their hard work on funding and construction.

Mayor Karos added that the Town Square is a team effort with the Department of Highways and Triton, and complimented City Manager Mark Baldwin on his dedication and efforts.

Councilman Woods added that a recent incident on Interstate 81 had routed considerable traffic through the downtown, particularly the Town Square area and that the surface has held up very well.

Mr. Baldwin concluded by stating that the businesses have been great to work with during the construction and that the contractors and Department of Highways employees have been helpful to the businesses, making efforts to minimize disruption.

Mr. Baldwin also discussed projects expected in the spring, such as the way finding signs, spring paving and public works projects.

14. Unfinished Business

There was no unfinished business.

15. New Business

(a) First and Second Reading of Ordinance 2011-09: An Ordinance To Redistrict The Wards Of The City Of Martinsburg

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson to hear the first and second reading of Ordinance 2011-09: An Ordinance to redistrict the wards of the City of Martinsburg. Motion carried unanimously.

Mr. Sayre explained that the first public hearing had very little public input, and the second none at all. He stated that the proposed wards are well within the state requirement for one person one vote, and that next steps will be to forward the information to Berkeley County so they can begin work on necessary precinct changes.

(b) First and Second Reading of Ordinance 2011-10 An Ordinance To Provide For The Adoption, Approval And Implementation Of An Intergovernmental Agreement Between The City Of Martinsburg, West Virginia, A Municipal Corporation And Blue Ridge Community And Technical College, A State Institution Of Higher Education Said Two

Governmental Entities Are Authorized To Enter Into An Agreement For An Alternate Mainline Extension Agreement

This item was removed from the agenda, as the agreement was not yet ready for approval.

- (c) First and Second Reading of Ordinance 2011-11: An Ordinance To Provide For The Adoption, Approval And Implementation Of An Intergovernmental Agreement Between The City Of Martinsburg, West Virginia, A Municipal Corporation And County Council Of Berkeley County, West Virginia Said Two Governmental Entities Are Authorized To Enter Into An Agreement Concerning The Town Square Camera Security System**

Motion made by Councilman Woods, seconded by Councilman Yauger, to hear the first and second reading of Ordinance 2011-11: An Ordinance to provide for the adoption, approval and implementation of an intergovernmental agreement between the City of Martinsburg, WV, a municipal corporation and the County Council of Berkeley County, WV, said two governmental entities are authorized to enter into an agreement concerning the town square camera security system. Motion carried unanimously.

City Manager Mark Baldwin explained that the Police Department has worked with the staff of the security company and the county to tie into the existing system at the Berkeley County Courthouse. This is a cost saving measure, as the City is now only required to purchase the cameras and not an entire monitoring system.

- (d) Approve/deny Resolution 2011-22: a resolution concerning the extension of the cable television franchise held by Comcast of CA/MD/PA/VA/WV, LLC. for the purpose of permitting the city of Martinsburg, WV and the franchisee to complete renewal discussions**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2011-22: a resolution concerning the extension of the cable television franchise held by Comcast of CA/MD/PA/VA/WV, LLC. for the purpose of permitting the City of Martinsburg, WV and the franchisee to complete renewal discussions. Motion carried unanimously.

City Manager Mark Baldwin explained that the Resolution requests a 6 month extension, the existing agreement remains in effect, and he is currently researching other cities' agreements in order to make decisions regarding future renewal terms.

- (e) Approve/deny Resolution 2011-23: Second Supplemental Resolution relating to bond insurance for the Series 2011 bonds.**

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe, to approve Resolution 2011-23: second supplemental resolution relating to bond insurance for the Series 2011 bonds. Motion carried unanimously.

- (f) Approve/deny request for fence on O'Henry Street—Mr. Stephen Snowden**

Mr. Paul Gordon, property owner, stated that he does not have issue with a fence being constructed at this location, so long as access is maintained for adjoining property owners.

Mr. Baldwin explained that the City does not intend to erect a fence, the issue was brought forth by another citizen, and that if Mr. Gordon desires a fence to be placed at this location, he should follow the proper channels by submitting a fence permit application to the Planning department.

Legal counsel Kin Sayre recommended tabling the discussion until Mr. Gordon submits a fence application, at which point it will be determined if the location of the fence will be on private or City owned property. If it is on City owned property, the request will be brought back before council.

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to table the discussion. Motion carried unanimously.

(g) Approve/deny American Legion Post 14's request to extend lease agreement until January 1, 2014

City Manager Mark Baldwin and Legal Counsel Kin Sayre recommended extending the lease for a 6 month period, as had been done in the past. Mr. Sayre recommended tabling the discussion until the next meeting in order to prepare a lease extension agreement for approval.

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to table the discussion until the next Council meeting. Motion carried unanimously.

(h) Approve/deny chain link fence bid at 421 Randolph Street-Water and Sewer plant—Long Fence—\$20,998

Motion made by Councilman Lewis, seconded by Councilman Wachtel to approve the chain link fence bid at 421 Randolph Street-Water and Sewer Plant, in the amount of \$20,998, payable to Long Fence. Motion carried unanimously.

(i) Approve/deny surveillance camera bid at City Hall and Police Station—RCS Security, Inc.-\$9,855.

Motion made by Councilman Woods, seconded by Councilman Yauger, to approve the surveillance camera bid at City Hall and the Police Station—payable in the amount of \$9,855 to RCS Security, Inc. Motion carried unanimously.

Mr. Baldwin explained that the existing surveillance system will be retrofitted. Councilman Wachtel asked if there are plans to install a system in Council chambers, to which Mr. Baldwin stated that there is not.

(j) Confirm sale to the highest bidder-gold necklace—Frazier Pawn Shop (\$11,500) and Rolex watch—Steve Crites (\$1,000).

Motion made by Councilman Lewis, seconded by Councilman Woods, to confirm the sale to the highest bidder for a gold necklace to Frazier Pawn Shop in the amount of \$11,500 and a Rolex watch to Steve Crites in the amount of \$1,000. Motion carried unanimously.

It was confirmed that the funds will benefit the Police department as the items sold were confiscated during police activity.

(k) Approve 2012 election filing fees, \$10.00 for mayor, and \$2.00 for council person.

Motion made by Councilman Yauger, seconded by Councilman Etherington, to approve 2012 election filing fees in the amounts of \$10.00 for mayor and \$2.00 for council person. Motion approved unanimously.

(l) Authorize City Manager to submit Transportation Enhancement Intent to Apply grant application.

Motion made by Councilwoman Gunnoe, seconded by Councilman Woods, to authorize the City Manager to submit the Transportation Enhancement Intent to Apply grant application. Motion carried unanimously.

Mr. Baldwin explained that this is for the Train Station Corridor project, and that the estimated cost is \$656,150 with 80% from the grant and 20% from the City.

(m) Approve/deny demolition of house and structures located on City owned property (7 acres adjacent to Oatesdale Park).

Motion made by Councilman Etherington, seconded by Councilwoman Gunnoe to solicit bids for the demolition of the house and accessory structures located on City owned property (7 acres adjacent to Oatesdale Park.) Motion carried unanimously.

(n) Approve/deny donation of used surplus Water Department backhoe to the Martinsburg Little League Association (by Resolution at 12/20/11 special meeting).

Motion made by Councilman Parkinson, seconded by Councilman Woods, to authorize a Resolution concerning the donation of a used surplus backhoe to the Martinsburg Little League Association. Motion carried unanimously.

Mr. Sayre stated that a Resolution will be provided at the December 20, 2011 special meeting, but with the City surplus auction scheduled for December 10, council's decision is needed. If council had chosen to deny the request, the backhoe would have been sold in the surplus auction.

Mr. Baldwin confirmed that the organization does possess a 5013C.

(o) Approve/deny lease for Eastern West Virginia Community Foundation at 229 E. Martin Street, 4th floor.

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to approve the lease extension for the Eastern West Virginia Community Foundation at 229 E. Martin Street, 4th Floor. Motion carried unanimously.

Mr. Sayre advised that this is an update to the existing lease.

17. Executive Session

No executive session was needed.

Adjournment

Motion made by Councilman Wachtel, seconded by Councilwoman Etherington to adjourn at 7:20 PM.
Motion carried unanimously.

A handwritten signature in black ink, appearing to read "George Karos", written over a horizontal line.

George Karos, Mayor

A handwritten signature in blue ink, appearing to read "Gena Long", written over a horizontal line.

Gena Long, City Recorder