

**City Of Martinsburg  
Special Council Meeting  
December 20, 2011  
The J. Oakley Seibert Council Chambers**

With a quorum present, the special session of the Martinsburg City Council was called to order Mayor George Karos at 5:00 p.m. The following Council Members were present: Rodney Woods, Roger Lewis, Dennis Etherington, Max Parkinson, Richard Yauger and Betty Gunnoe. Not present was Gregg Wachtel. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Kevin Miller, Police Chief, Mark Spickler, Finance Director and Chief Paul Bragg, Fire Department.

**3. Presentations**

There were no presentations

**4. Petitions From Citizens**

There were no petitions from citizens.

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

- (a) Historic Preservation Review Commission meeting minutes—November 07, 2011
- (b) Board of Zoning Appeals meeting minutes—October 11, 2011
- (c) Planning Commission meeting minutes—September 07, 2011
- (d) Letter from Comcast regarding program changes.

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to receive and file items 5 a - 5d. Motion carried unanimously.

**6. Reports of Chairpersons of Council Standing Committees**

There were no reports of chairpersons of council standing committees.

**7. Report of Mayor**

**(a) Discuss City flag for Town Square**

Motion made by Councilman Woods, seconded by Councilman Yauger, to accept Council and staff recommendation to choose the flag option with the City seal and no yellow border around the exterior of the flag. Motion carried unanimously.

**8. Report of City Attorney**

**(a) There was no report of the City Attorney.**

City Attorney Kin Sayre presented the final results of the Combined Waterworks and Sewerage System Revenue Bonds, Series 2011, which is expected to net a savings of \$1.6 million, \$70,000

annually. The final closing for the bond refunding is scheduled for December 28, 2011 with a dry closing at the City to take place on December 27, 2011

#### **14. Report of City Manager**

**(a) City of Martinsburg's application to the West Virginia Infrastructure Jobs Development Council (WVIJDC)—Wastewater treatment plant upgrade (Bay Compliance)**

City Manager Mark Baldwin stated that the application has been submitted and received by the WVIJDC and they have requested an updated cash flow analysis, which will be available as the annual audit draws to a close.

**(b) Update—for the kids, by George Children's Museum at Caperton Station.**

Mr. Baldwin mentioned the update contained in the packet from Lisa Dall'Olio, of Grove and Dall'Olio Architects.

#### **14. Unfinished Business**

**(a) Third and Final Reading of Ordinance 2011-09: An Ordinance to redistrict the wards of the City of Martinsburg.**

Motion made by Councilman Yauger, seconded by Councilman Lewis, to hear and approve the third and final reading of Ordinance 2011-09: An Ordinance to redistrict the wards of the City of Martinsburg. Motion carried unanimously.

**(b) Third and Final 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 Councilwoman Gunnoe, seconded by Councilman Etherington, to hear and approve the third and final reading of Ordinance 2011-11L 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.

**(c) Approve Resolution 2011-24: donation of backhoe**

Motion made by Councilman Woods, seconded by Councilman Etherington, to approve Resolution 2011-24, concerning the donation of a 1991 CASE backhoe to the Martinsburg Little League Association. Motion carried unanimously.

- (d) Carol Puffinberger request for approval of redesign of front porch at 312 North High Street.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Etherington, to approve Ms. Puffinberger's request for approval of a redesign of the front porch at 312 North High Street, which will protrude into the City right-of-way. Motion carried unanimously.

- (e) Approve/deny 6 month lease extension for American Legion Post 14, to expire June 30, 2012.**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve the 6 month extension for American Legion, Post 14, to expire June 30, 2012. Motion carried unanimously.

### **15. New Business**

- (a) Approve/deny Resolution 2011-25: Third Supplemental Resolution relating to the issuance of the Combined Waterworks Revenue Bonds, Series 2011**

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to approve Resolution 2011-25: Third Supplemental Resolution relating to the issuance of the Combined Waterworks and Sewerage System Revenue Bonds, Series 2011. Motion carried unanimously.

- (b) Approve/deny Escrow Agreement between the City of Martinsburg, WV and the West Virginia Bond Commission—Combined Waterworks Revenue Bonds, Series 2011.**

Motion made by Councilman Lewis, seconded by Councilwoman Gunnoe, to approve the escrow agreement between the City of Martinsburg, WV and the West Virginia Bond Commission—Combined Waterworks Revenue Bonds, Series 2011. Motion carried unanimously.

- (c) Approve/deny the following Standard Operating Procedures for the Martinsburg Fire Department:**

- **Patient Restraint**
- **EMS Training, Certification and re-certification**
- **Infection control program**
- **Patient rights**
- **EMLS Quality Assurance**
- **Cerebrovascular accident/stroke**
- **Cardiac alert-code STEMI**
- **N95 particulate respirator qualitative fit test**

- **Precept program**
- **Med-Dispense medication/supply unit operations**
- **Patient confidentiality**
- **Vehicle response**
- **Federal Communications Commission compliance**
- **Drug box accountability**

Motion made by Councilwoman Gunnoe, seconded by Councilmen Etherington and Yauger, to approve the above Standard operating procedures for the Martinsburg Fire Department, in total. Motion carried unanimously.

Chief Bragg explained that the SOPs are needed as there are new regulations and a new inspector for the upcoming EMS inspection.

- (d) **Approve/deny legal fees for WVCDL v City of Martinsburg, payable to Bowles, Rice, McDavid, Graff and Love, up to \$5,000**

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to approve legal fees for WVCDL vs City of Martinsburg, payable to Bowles, Rice, McDavid, Graff and Love, up to \$5,000. Motion carried unanimously.

- (e) **Approve/deny Martinsburg-Berkeley County Convention and Visitors' Bureau's request to extend weekly bluegrass music jams at the Caperton Train Station through the first quarter of 2012 with a changed day and time—Tuesdays from 6:30 to 9:30 pm.**

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to approve Martinsburg, Berkeley County Convention and Visitors' Bureau's request to extend weekly bluegrass music jams at the Caperton Train Station through the first quarter of 2012 with a changed day and time—Tuesdays from 6:30 pm to 9:30 pm. Motion carried unanimously.

## **17. Executive Session**

Motion made by Councilman Parkinson, seconded by Councilman Woods, to go into executive session for legal purposes at 5:14 pm.

## **Adjournment**

Motion made by Councilman Woods, seconded by Councilwoman Etherington to adjourn at 5:40 PM. Motion carried unanimously.

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George Karos, Mayor

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Gena Long, City Recorder