CITY OF MARTINSBURG
REGULAR COUNCIL MEETING
FEBRUARY 5, 2009
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, Richard Yauger, Max Parkinson, Roger Lewis and Betty Gunnoe. Also present were: Kin Sayre, City Attorney, Sharon A. Flick, City Recorder, Ted Anderson, Police Chief, Paul Bragg, Fire Chief, Mark Spickler, Finance Director, Steve Knipe, Utilities Director and Pat McMillan, Community Development Director.

3. SALUTE TO FLAG

Councilman Wachtel led the Pledge of Allegiance to the Flag.

4. PRAYER – PASTOR AL CLIPP, CALVARY UNITED METHODIST CHURCH

The invocation was given by Pastor Clipp.

5. APPROVE JANUARY 8, 2009 REGULAR COUNCIL MEETING MINUTES

Motion made by Councilman Parkinson, seconded by Councilwoman Gunnoe to approve the January 8, 2009 regular Council meeting minutes. Motion carried unanimously.

6. APPROVE DECEMBER 2008 ADMINISTRATIVE AND FINANCIAL REPORT

Motion made by Councilman Yauger, seconded by Councilman Parkinson to approve the December 2008 Administrative and Financial Report. Motion carried unanimously.

7. PRESENTATIONS

A. MARTINSBURG PUBLIC LIBRARY UPDATE – MS. BETTY GUNNOE

Ms. Betty Gunnoe, representing the Martinsburg Public Library, reported library usage has been up due to economic times. The overall statistics, for the first half of the year, indicate library usage up by 11.6%. Ms. Gunnoe stated that, hopefully, when the economy improves individuals will still continue to patronize the library.

Ms. Gunnoe advised the West Virginia Book Faire will be in Martinsburg on April 17th and 18th, 2009 with the theme being Mystery, Murder and Mayhem in Martinsburg. Ms. Gunnoe further advised there are wonderful authors participating in the event.

Ms. Gunnoe reported they will be doing something called the big read, which is designed to restore reading. Ms. Gunnoe presented the Mayor and Council and other City officials with a copy of Dashiell Hammett's The Maltese Falcon.

Councilman Wachtel stated the library, under its current structured Board, is doing a marvelous job.

8. PETITIONS FROM CITIZENS

There were no petitions from citizens.

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

A. HISTORIC PRESERVATION REVIEW COMMISSION – MINUTES DECEMBER 1, 2008
B. BOARD OF ZONING APPEALS – MINUTES DECEMBER 2, 2008
C. PLANNING COMMISSION – MINUTES DECEMBER 3, 2008
D. BERKELEY COUNTY DEVELOPMENT AUTHORITY – MINUTES SEPTEMBER 10, 2008, OCTOBER 8, 2008 AND NOVEMBER 12, 2008
E. BERKELEY COUNTY ANIMAL CONTROL REPORT – DECEMBER 2008

F. MARTINSBURG-BERKELEY COUNTY PARKS & RECREATION – MINUTES DECEMBER 16, 2008
G. LETTER FROM COMCAST CABLE ADVISING THE RATE ADJUSTMENTS WILL BE EFFECTIVE FEBRUARY 15, 2009 INSTEAD OF JANUARY 1, 2009 – JANUARY 7, 2009
H. VETERANS SERVICE ORGANIZATION – MINUTES DECEMBER 11, 2008
I. CITY OF MARTINSBURG FIRE DEPARTMENT 2008 ANNUAL REPORT

Motion made by Councilman Yauger, seconded by Councilman Etherington to receive and file items 9 a-i. Motion carried unanimously.

Mayor Karos commended the Fire Chief for the Department's 2008 annual report.

10. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

There were no reports of Chairpersons of Council Standing Committees.

11. REPORT OF MAYOR

A. APPROVE/DENY APPOINTMENT TO REGION 9 PLANNING AND DEVELOPMENT COUNCIL EXECUTIVE COMMITTEE

Mayor Karos advised Region 9 is currently undergoing a new structure in conjunction with West Virginia State Code. Mayor Karos further advised there may be some changes as far as the City's appointment to the Board. Mayor Karos stated he is automatically a member based upon his position and the City Manager and Kevin Knowles are the City's two appointments. Mayor Karos further stated there seems to be some question regarding the makeup of the Executive Committee. Mayor Karos advised, if he is unable to attend the Executive Committee meetings, he has asked the City Manager to attend in his place to represent the City of Martinsburg. Mayor Karos further advised the State statute has changed and Region 9 along with the Berkeley County Commission has reviewed this and are in the process of updating the bylaws in an effort to work within the perimeters of the State code.

12. REPORT OF CITY ATTORNEY

There was no report of the City Attorney.

13. REPORT OF CITY MANAGER

There was no report from the City Manager.

14. UNFINISHED BUSINESS

There was no unfinished business.

15. NEW BUSINESS

A. ADOPT RESOLUTION 2009-04 AUTHORIZING GEORGE KAROS, MAYOR OF MARTINSBURG, TO SUBMIT A GRANT APPLICATION WITH THE WEST VIRGINIA DEVELOPMENT OFFICE TO RECEIVE GRANT FUNDS IN THE AMOUNT OF $12,000 FOR THE CITY OF MARTINSBURG FIRE DEPARTMENT TO PURCHASE EQUIPMENT TO BE UTILIZED FOR A PORTABLE FIRE EXTINGUISHER TRAINING SYSTEM, AND DESIGNATE PAUL BRAGG, MARTINSBURG FIRE CHIEF, TO ADMINISTER SUCH FUNDS PURSUANT TO THE PROVISIONS OF THE FISCAL YEAR 2009 COMMUNITY PARTICIPATION PROGRAM

Motion made by Councilman Lewis, seconded by Councilman Parkinson to adopt Resolution 2009-04 authorizing George Karos, Mayor of Martinsburg, to submit a grant application with the West Virginia Development office to receive grant funds in the amount of $12,000 for the City of Martinsburg Fire Department to purchase equipment to be utilized for a portable fire extinguisher training system, and designate Paul Bragg, Martinsburg Fire Chief, to administer such funds pursuant to the provisions of the Fiscal Year 2009 Community Participation Program. Motion carried unanimously.

The Fire Chief reported this grant will assist the City of Martinsburg Fire Department to train individuals on the use of fire extinguishers.

B. DISCUSS FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LETTER DATED JANUARY 7, 2009

Mayor Karos stated the FEMA letter is self explanatory.

C. APPROVE/DENY NORWALK SOAP BOX DERBY – SATURDAY, JUNE 13, 2009 OR RAIN DATE SATURDAY, JUNE 20, 2009

Motion made by Councilman Wachtel, seconded by Councilman Woods to approve the Norwalk Soap Box Derby on Saturday, June 13, 2009 or the rain date of Saturday, June 20, 2009. Motion carried unanimously.

D. APPROVE/DENY AGREEMENT BETWEEN WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS AND CITY OF MARTINSBURG REGARDING IMPROVEMENTS TO THE PEDESTRIAN PLAZA AND STREET CORNERS AT THE INTERSECTION OF KING AND QUEEN STREETS (TOWN SQUARE PROJECT)

Motion made by Councilman Wachtel, seconded by Councilman Yauger to approve the agreement between the West Virginia Department of Transportation, Division of Highways and the City of Martinsburg regarding improvements to the pedestrian plaza and street corners at the intersection of King and Queen Streets as part of the Town Square Project. Motion carried unanimously.

The City Attorney stated he has reviewed the agreement and it appeared to be in acceptable form.

Councilman Wachtel noted that 13,800 vehicles go through the King and Queen Street intersection in an average twenty four hour period.

E. DISCUSS LETTER OF REQUEST TO PETITION TO CLOSE A PORTION OF FLEMING ALLEY – LAW OFFICES OF HOY SHINGLETON, L.C. ON BEHALF OF MARTINSBURG UNION RESCUE MISSION, INC.

Mayor Karos advised the Department Heads are reviewing the request and will come back to Council with a recommendation.

F. APPROVE/DENY HOME LOAN AGREEMENT BETWEEN THE CITY OF MARTINSBURG FOR THE EASTERN PANHANDLE HOME CONSORTIUM AND S. EUGENE TAYLOR AND MARY TAYLOR IN THE AMOUNT OF $60,000 FOR THE CONSTRUCTION OF ONE (1) SINGLE FAMILY DWELLING TO BE SOLD TO AN INCOME ELIGIBLE HOMEBUYER

Motion made by Councilwoman Gunnoe, seconded by Councilman Yauger to approve the HOME Loan Agreement between the City of Martinsburg for the Eastern Panhandle HOME Consortium and S. Eugene Taylor and Mary Taylor in the amount of $60,000 for the construction of one (1) single family dwelling to be sold to an income eligible homebuyer. Motion carried unanimously.

The City Attorney advised the only thing that is pending on the project is obtaining an appraisal.

G. APPROVE/DENY PURCHASE OF ELEVEN (11) DESKTOP COMPUTERS FOR EASTERN PANHANDLE DRUG & VIOLENT CRIMES TASK FORCE – STATE CONTRACT – HP – $11,011.11 – FUNDS TO BE REIMBURSED THROUGH THE TASK FORCE

Motion made by Councilman Lewis, seconded by Councilman Wachtel to approve the purchase of eleven desktop computers for the Eastern Panhandle Drug & Violent Crimes Task Force, through the State Contract, with HP in the amount of $11,011.11 with the funds to be reimbursed through the Task Force. Motion carried unanimously.

The Police Chief stated this item was approved in January 2009, however, the state contract had expired and the new vendor was actually lower allowing for the purchase of an additional computer.

H. AUTHORIZE MAYOR TO SUBMIT LETTER OF ENDORSEMENT TO ABC COMMISSION REGARDING PRESIDENT'S DAY DANCE TO BE HELD ON SATURDAY, FEBRUARY 14, 2009 AT THE SHENANDOAH HOTEL, SPONSORED BY SUNRISE ROTARY, TO BENEFIT THE MARTINSBURG BOYS AND GIRLS CLUB

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe to authorize the Mayor to submit a letter of endorsement to the ABC Commission regarding the President's Day Dance to be held on Saturday, February 14, 2009 at the Shenandoah Hotel, sponsored by the Sunrise Rotary, to benefit the Martinsburg Boys and Girls Club. Motion carried unanimously.

I. DISCUSS CITY OF MARTINSBURG WATER DEPARTMENT BACKFLOW PREVENTION PROGRAM – UTILITIES DIRECTOR

The Utilities Director reported the City of Martinsburg Water Department will be beginning the Backflow Prevention Program. The Utilities Director further reported this will allow the City to go back through existing systems to make sure they have the proper backflow prevention devices. The Utilities Director advised they will be working with ten (10) individuals at a time, inspecting their properties to determine what work needs to be done. The Utilities Director further advised this is a Federal and State mandated program.

J. APPROVE/DENY FIRST AMENDMENT TO PCS SITE AGREEMENT BETWEEN CITY OF MARTINSBURG AND SHENANDOAH PERSONAL COMMUNICATIONS COMPANY (SHENTEL)

The City Attorney reported the only change, to the PSC Site Agreement between the City of Martinsburg and Shenandoah Personal Communications Company, is the height of the antennas.

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe to approve the first amendment to the PCS Site Agreement between the City of Martinsburg and Shenandoah Personal Communications Company (SHENTEL). 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 Wachtel, seconded by Councilman Parkinson to go into executive Session, for legal matters, at 6:50 p.m. Motion carried unanimously.

Motion made by Councilman Yauger, seconded by Councilman Parkinson to go out of executive session at 7:30 p.m. Motion carried unanimously.

17. ADJOURNMENT

Motion made by Councilman Lewis, seconded by Councilman Etherington to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

George Karos, Mayor

Sharon A. Flick, City Recorder