

City Council Meeting
Regular Session
January 12, 1995
City Council Chambers

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor Earnest L. Sparks at 7:00 PM. The following Councilmembers were present: Donald Anderson, George Karos, Charles Taylor, Gregg Wachtel, Melanie Files, Richard Yauger, Max Parkinson, Oden Barrett, Joan M. Leeworthy, Betty B. Gunnoe and Glenville Twigg. Also present were Philip F. Hertz, City Manager; J.Oakley Seibert, City Attorney; Sharon A. Flick, City Recorder; Nan Stephens, City Planner, Ralph Long, City Engineer; G. Douglas Fellers, Fire Chief; Wayne Cleveland, Police Chief and Mark Spickler, Finance Officer .

Mayor Sparks announced that Councilman Richard Wachtel was in Charleston on City business.

3. Salute to Flag

Councilwoman Files led the Pledge of Allegiance to the Flag.

4. Prayer—Rev. Theodore Higby—St. Luke's United Methodist Church

The invocation was led by Rev. Higby.

5. Approval of November 29, 1994 Public Nuisance Hearing Minutes

Motion made by Councilman Gregg Wachtel, seconded by Councilwoman Files, to approve the November 29, 1994 Public Nuisance Hearing Minutes. Motion carried unanimously.

6. Approval of December 8, 1994 Council Minutes

Motion made by Councilman Anderson, seconded by Councilman Yauger, to approve the December 8, 1994 Council minutes. Motion carried unanimously.

7. Approval of November Administrative and Financial Report

Motion made by Councilman Taylor, seconded by Councilman Gregg Wachtel, to approve the November 1994 Administrative and Financial Report. Motion carried unanimously.

8. Approval of December Administrative and Financial Report

Motion made by Councilwoman Gunnoe, seconded by Councilwoman Leeworthy, to approve the December Administrative and Financial Report.

9. Petitions from Citizens

A. Boris Kerzner—743-745 Faulkner Ave

Mayor Sparks advised that the City was in receipt of a letter from Dr. Kerzner requesting the opportunity to discuss his property at 743-745 Faulkner Ave. Mayor Sparks further advised that Dr. Kerzner was not present and the tenants should be removed.

Councilman Taylor felt that the Council had already made their decision.

Mayor Sparks stated that the meeting would continue with other petitions from citizens and then, if Dr. Kerzner was not present, the Council could take appropriate action.

B. Main Street Martinsburg—Mr. Wesley Yates

Mr. Wesley Yates, Board of Directors, Main Street Martinsburg, and owner of Richard's World of Travel, reported on the progress of Main Street during the last month. Mr. Yates thanked the City Council, Police Department and Chief Cleveland for their approval and assistance with the street skating party held on December 11, 1994. There was good attendance and Main Street would like to repeat the event for West Virginia Day and possibly for the Apple Harvest weekend.

Mr. Yates reported that a Queen Street Development Group has been formed. They have been meeting on a biweekly basis and they are focusing on Queen Street in terms of business retention and cooperation for promotions and other issues that affect merchants downtown. The Queen Street Development Group hosted a holiday party for downtown businesses and property owners on December 26, 1994 at the Peppermill. Mr. Yates felt that the Queen Street Development Group is uniting the downtown business owners to work together on common concerns and promotions.

Mr. Yates announced that the West Bank Bakery will be opening at 121 North Queen Street in March, 1995.

Mr. Yates stated that a promotional brochure on the antique stores in the Main Street area were distributed to the Convention and Visitors Bureau.

Mayor Sparks commended Main Street on the street skating party held in December and encouraged them to continue with their plans to hold a skating party during the summer months.

Sidewalk Snow Removal Complaint—Mr. Garnett Canby

Mr. Garnett Canby, 322 Williams Street, discussed the official notice of the City of Martinsburg regarding sidewalk snow removal that was published in the Buyer's Guide. Mr. Canby expressed concern because, for the last two years, the City's snow plows are pushing the snow against the

vehicles parked on the street and also throwing snow onto the sidewalk. Mr. Canby did not feel that he should have to shovel his sidewalk, then have the City snow plows throw the snow back onto his sidewalk.

Councilman Anderson advised Mr. Canby that there are 14,000 citizens and they all expect their streets to be plowed. Councilman Anderson further advised that over the years the equipment has improved and it tends to move the snow farther from the main thoroughfare.

Mayor Sparks stated that the street must be plowed and there is no place to put the snow.

Councilman Gregg Wachtel advised that not every year is as bad as the winter of 1994/1994.

Mayor Sparks asked the City Manager to check the situation when there is a snowfall to ascertain what solution, if any, can be reached.

743-745 Faulkner Avenue Complaint—Mr. Roger Engle

Mr. Roger Engle, 741 Faulkner Avenue, addressed Council and felt that because Dr. Kerzner was not present, it showed a lack of concern for the problems that exist at 743-745 Faulkner Ave. Mr. Engle reported that the building is still occupied and one tenant has signed an additional six-month lease with Mr. Jim Philbin.

Mayor Sparks announced that Dr. Kerzner has just entered the Council Chambers and asked Mr. Engle to allow him to speak. Once Dr. Kerzner discusses his concerns with Council, Mayor Sparks advised that Mr. Engle would be given an opportunity to make comments.

Boris Kerzner—743-745 Faulkner Avenue

Dr. Boris Kerzner, 19 Caveswood Lane, Owings Mill, Md. 21117, thanked Council for the opportunity to reevaluate the 743-745 Faulkner Ave. issue that was discussed at the November 29, 1994 public nuisance hearing. Dr. Kerzner advised the property is under new management and he plans on making the necessary repairs to comply with the building codes.

Mayor Sparks advised Dr. Kerzner that the tenants still occupying the building relayed to Mr. Engle that they had signed a six-month lease with Mr. Philbin.

Dr. Kerzner stated that he was originally told that the building would need to be vacated by December 31, 1994. However, Dr. Kerzner advised that he was told by the City Attorney that if he would attend this Council meeting, the tenants could remain on the property. Dr. Kerzner further advised that if the Council allows the property to remain open, Mr. Doug Montgomery will be the property manager. Dr. Kerzner stated that he has not signed any lease.

The City Attorney questioned Mr. Engle as to the condition of the property and the conduct of the tenants since the public nuisance hearing.

Mr. Engle advised that two sides are still rented. Mr. Engle further advised that the two females that occupy one side of the building are model tenants, and he does not know much about the other tenants. Mr. Engle stated that there have been no problems in the last month, but he reminded Council that only half of the building is occupied. Mr. Engle asked that the screening procedure for potential tenants be addressed, and what guarantee would he be given that these problems will not arise in the future. Also, Mr. Engle felt that the parking situation should be addressed.

The City Attorney advised that the rental property existed prior to the adoption of the Zoning Ordinance and therefore the off-street parking situation could not legally be enforced.

Dr. Kerzner stated that they will be looking for good tenants that will enhance the property.

D.r Kerzner advised that the parking issue is something that could be considered, but felt that the most important issue would be getting tenants that would add to the neighborhood.

Councilman Yauger asked whether the business license and B&O tax matters had been addressed.

Dr. Kerzner stated that he was waiting on the decision of this Council meeting.

Mr. Doug Montgomery, Sunshine House Management, advised that he could not guarantee great tenants, but he could guarantee that the necessary repairs would be done to bring the building into code compliance. Mr. Montgomery hoped that once the building was repaired, good tenants could be attracted. Mr. Montgomery felt that most of the repairs could be completed by the end of the month, but some of the exterior work would need to wait until after the winter months.

Mr. Montgomery stated that he would distribute his business card to all the neighbors that surround the building so that they can make him aware of any problems that may arise.

Mayor Sparks advised that the Council had no assurance that the building will be occupied with good tenants and the neighborhood has suffered because of this property.

The City Attorney stated that the nuisance hearing is still open and the Council can act as they wish. The City Attorney further stated that he spoke with Dr. Kerzner and advised him that if he would appear before Council tonight, the property would be addressed. The City Attorney advised that the Council is in a position now where there will either be an empty building or they can try and work with the situation under the new management.

Mayor Sparks asked that Mr. Engle keep him apprised of any trouble that occurs at that property.

Motion made by Councilman Karos, seconded by Councilwoman Leeworthy, to extend the nuisance hearing for ninety days and have a Building Inspector report prepared for the April 1995 meeting. Motion carried unanimously.

The City Attorney stated to Dr. Kerzner that the Council does not feel that up to now the management has been adequate. The City Attorney further stated that he was not telling Dr. Kerzner who to hire, but the Council fully expects a different management group from this point forward. The City Attorney requested that Dr. Kerzner resolve any unpaid bills due the City of Martinsburg.

Reception for Committee Members—Mayor Sparks

Mayor Sparks announced that prior to Christmas, there was a reception for the Council and individuals that serve on the various City committees and boards. Mayor Sparks thanked Councilwoman Leeworthy for handling the affair.

10 Presentations

A. Potomac Edison on Tree Program within the City—George Stein and Silva Strazds.

Mr. George Stein, Operating Superintendent for Potomac Edison, addressed Council to discuss a tree program with the City of Martinsburg. Mr. Stein stated that their only business is to provide safe and reliable electric power to the citizens of Martinsburg. Mr. Stein further stated that to reduce their liability and the liability of the City of Martinsburg, trees from time to time need to be trimmed. Mr. Stein reported that he and their forester met with the City Manager and the Chairman of the Shade Tree Commission to discuss the tree situation throughout the City. Mr. Stein advised that Potomac Edison does not like to remove trees, but from time to time when the trees get too close to power lines, there is a liability factor, especially if small children are climbing on the trees. Mr. Stein further advised that Potomac Edison has hired Mr. Doug Humphreys, an Environmental Consultant and Urban Forester, who has spent the last month concentrating on the trees in Martinsburg.

Mr. Doug Humphreys, Urban Forester, reported that this presentation is the second phase of a tree replacement program. The program was conceived in 1986 when Martinsburg and Potomac Edison agreed mutually that the trees within the City that are growing beneath the power lines are not appropriate for an urban environment. As a result of this, the trees have become very unhealthy and they then create a dangerous situation. Mr. Humphreys stated that, as the trees grow, the roots also grow and cause infrastructure damage. Mr. Humphreys further stated that the original purpose of the program was to gradually remove diseased, decaying or otherwise undesirable trees from underneath primary power lines, and to replace those trees with a species that are better suited to the rigors of the urban environment and that will require less trimming by Potomac Edison. Mr. Humphreys felt that a few items should be added to the original plan. Those are as follows:

1. Improve the aesthetics of Martinsburg, in properly maintaining the green spaces associated with Martinsburg.
2. Improve the safety of the general public and of private property from endangered trees.
3. Provide safe and reliable electric service. Keeping the wires clear of vegetation is an absolute necessity to maintain safe and reliable electric service. Also, reduce the number of emergency calls that are made due to lapses in power from vegetation interference.

Mr. Humphreys stated that those dangerous trees within the City of Martinsburg will be submitted to the Shade Tree Commission. Mr. Humphreys hoped that the Shade Tree Commission would recommend that half of the trees be replaced. Those trees that are not allowed to be replaced at this time, will be trimmed to Potomac Edison's specifications and hopefully will be removed five years from now, during the third and final phase of the original plan.

Mr. Humphreys expressed his appreciation to the City Council and the Shade Tree Commission for their cooperation in this program.

Mayor Sparks announced that the Council will receive a recommendation from the Shade Tree Commission.

B. Berkeley County Historical Society—Bell Boyd Birthday Party—Don Wood

Mr. Don Wood, President of Berkeley County Historical Society thanked Council for their interest in the Belle Boyd House and their financial support. Mr. Wood reported that the note on the Belle Boyd House has been reduced from \$49,000 to \$42,000.

Mr. Wood requested the use of East Race Street during the Belle Boyd Birthday Party activities on May 19, 20 and 21, 1995. The following are the plans for the three-day event:

1. Friday, May 19, there will be a discussion at the Belle Boyd House by Rodney White of the Martinsburg Journal. This will be the only activity open to the public that day. There are plans for three Civil War reenactment groups to set up along the bank of the Tuscarora Creek, in back of Aspen Hall, on Friday evening. There will not be any horses on-site until Saturday morning.
2. Saturday, May 20, there will be Civil War camps open to the public at 9:00 AM until 10:00 PM. A Civil War wedding will take place at 11:00 AM at Aspen Hall. Living history demonstrations will be conducted throughout the day at the encampment site at Aspen Hall and a Civil War meal will be prepared and sold at 6:00 PM. There is a scheduled camp tour at 7:00 PM and a camp dance from 8:00 until 10:00 PM.
3. Sunday, May 21, a Civil War camp religious service will be open to the public at 10:00 AM. The groups will then disband and leave.

Mr. Wood announced that plans were also being made for horse-drawn wagon rides around the boulevard on Boyd Avenue.

Mr. Wood reported that the activities at the Belle Boyd House and Union Sales lot include:

- Saturday, May 20, craft booths will be set up on the Union Sales lot and Civil War reenactors performing drills, discussions of dress codes, etc., throughout the day. The Belle Boyd House will be open from 9:00 AM and 5:00 PM. At 10:30 AM, the Civil War wedding party will leave by tow horse drawn carriages and proceed to Aspen Hall for the wedding ceremony. The wedding party will return at approximately 11:30 AM or 12:00 PM to the rose garden at Belle Boyd House for wedding reception. The reception will last until 1:00 PM. At 1:00 PM, there will be a dressing out and at 2:00 PM and 4:00 PM, Belle Boyd will attend the activities and present a lecture. There will be music at the Belle Boyd House until 5:00 PM when it will close for people to attend the affairs at Aspen Hall.

Councilwoman Leeworthy encouraged everyone to attend the festivities.

Motion made by Councilwoman Leeworthy, seconded by Councilman Gregg Wachtel, to approve the request. Motion carried unanimously.

Councilman Taylor felt that the Police Department should become involved with the use of horses on the City streets.

11. Unfinished Business

A. Curbing Decision on West John Street

Motion made by Councilman Anderson, seconded by Councilman Barrett, to install the two parking places that were there previously.

Councilman Parkinson stated that the Council was in receipt of several memorandums from the Police Department advising that there is plenty of parking on that street already.

The Police Chief advised that individuals from his department have been to the location numerous times and there is not a parking problem during the day. The Police Chief did feel that the two spaces were needed on the weekends and in the evenings. The Police Chief recommended that the Council restrict parking Monday-Friday from 9:00 AM to 3:00 PM.

Councilman Karos called for the question on the motion made by Councilman Anderson, seconded by Councilman Barrett, to install the two parking places that were there previously. Motion carried 7-3 with G. Wachtel abstaining. Parkinson, Taylor and Karos, no.

B. Demolition Structure Report

The City Planner reported that last summer the Council received a list of fourteen properties to be considered for demolition. The City Planner discussed some of the properties on that list that have made some accomplishments, as follows:

- 400 E. Moler Avenue—Property demolished and the footers, foundation and the first floor decking are installed for re-construction.
- 406 E. Stephen Street—Demolished some of the exterior, but because of the time change and no inside electricity, work has progressed slowly. Once the time changes back, work will proceed.
- 212 Avery Street—New owner has installed new siding on the front and installed a new roof. He is working on the framing, plumbing and electrical systems.
- 216 S. Water St. —owner has installed a new roof and has gutted the interior. The owner has made application with Potomac Edison for electricity.
- 316 W. Race St.-property was purchased the first week of November by Mr. and Mrs. Gordon Claucherty. They have requested an extension to determine if they should repair the structure or if it should be demolished.
- 27 N. Maple Avenue—Structure is down to the foundation and the area should be backfilled next week.

The City Planner advised that there are eight remaining properties and in December, the department legal counsel indicated that she should obtain price quotations for the properties on the list to be demolished.

The City Planner reported that four firms were contacted: United Wreckers; Shenandoah Excavating; Allen Plotner and Marrones Excavating. Further, only United Wreckers and Shenandoah Excavating submitted quotations.

The City Planner listed the following properties and the quotations received:

Address	Shen. Excavating	United Wreckers	Notes
228 S. Water St.	\$4300.00	\$4800.00	Hist. Dist.
313 E. Race St	4175.00	3680.00	
211 Carroll St	1920.00	2850.00	
251 E. Liberty St.	2315.00	3325.00	
331 E. Burke St.	2980.00	4985.00	
200 E. King St.	6495.00	24685.00	Hist. Dist.
221 Winchester Ave	1900.00	3965.00	
315 E. Race St.	1850.00	3400.00	Verbal
	\$25,935.00	\$51,690.00	

Mayor Sparks advised that if the City pays for the demolition, a lien will be placed on the property.

The City Attorney advised that 200 E. King Street would be auctioned on Monday, January 16, 1994 at 10:00 AM in front of the Courthouse. The City Attorney reported that he would be present at the sale and the possibility of demolition would be announced.

The City Planner stated that the property located at 228 S. Water Street was recently sold and they were in the process of notifying the new owner of the Council's proposed demolition.

Mayor Sparks advised that Shenandoah Excavating and Asphalt was the low bidder on all the properties except 313 E. Race St. Mayor Sparks felt that Shenandoah Excavating should be awarded the bid on all the properties except 313 E. Race Street and that should be awarded to United Wreckers, for a total cost of \$25,440.00.

Motion made by Councilman Twigg, seconded by Councilman Gregg Wachtel, to proceed with the demolition of these properties at a cost of \$25,440 and file the proper liens. Motion carried unanimously.

The Finance Officer advised that there is sufficient monies throughout the General Fund budget to cover this expenditure.

Motion made by Councilman Anderson, seconded by Councilwoman Leeworthy, to show this expenditure in the next budget revision. Motion carried unanimously.

The City Attorney suggested that the property owners be notified in writing that the bids have been awarded and if there is any inclination that they are either going to repair the buildings or

take them down themselves, they should appear before Council at the February 9, 1995 meeting.

Motion made by Councilman Gregg Wachtel, seconded by Councilwoman Files, to notify the owners of the properties in writing that the bids have been awarded, and that if they are intending to either repair the buildings or take them down themselves, they should appear before the Council at the February 9, 1995 meeting. Motion carried unanimously.

C. Fire Fee Committee Report—George Karos

Councilman Karos asked that the Fire Fee Committee Report be made a part of the minutes. Councilman Karos advised that the Committee consisted of Councilman Parkinson, Councilman Taylor, the City Manager, the Fire Chief and himself.

Councilman Karos reported that the Fire Fee Review Committee met on January 11, 1995 for the second time to review the results of the information compiled by the Committee as a response to its initial meeting on December 9, 1994. After reviewing all of the exhibits, the Fire Fee Committee has the following recommendations regarding Fire Fees:

1. No increase in fire fees.
2. No change in the existing fire fee ordinance. (It was originally thought that the square-footage category of 100,000 and over should be extended to cover those commercial structures with significantly more square-footage. The Committee found only six commercial structures that had more than 100,000 square-feet under roof, which would not significantly impact the revenue generated by an increased fire fee. An increase in the rate table at Section 759.05 of the existing City Ordinance would have little effect on the revenue generated from such an increase).
3. The Committee also reviewed the Fire Department manpower, since a recommendation of the original Committee broached the matter. It was found that each employee is entitled to 432 hours of paid leave, which included personal, sick, vacation and compensatory (holiday) leave. The total benefit hours resulted in a 3.7 manpower shortfall within the department, thus prompting the Committee to point out the need for two additional personnel within the department. Total assigned strength should be brought to 28 persons with the 1995/96 budget to consider the additional funding at roughly \$30,000 per person. General fund sources to cover the additional manpower cost would be considered during the budget presentation in March of 1995.

Motion made by Councilman Yauger, seconded by Councilman G. Wachtel to accept the Fire Fee Committee Report. Motion carried unanimously.

D. Pigeon Problem—Mayor Sparks

Mayor Sparks advised that the City of Martinsburg is having a problem with pigeon droppings. Mayor Sparks further advised that the Public Works Department has been hosing off the sidewalks, but this is a continual problem. Mayor Sparks recommended contacting various exterminating companies for proposals on how to correct this situation.

Councilman Taylor suggested contacting the State Health Department or Main Street to ascertain if they have any experts on this problem.

Councilman Anderson felt that experts in the field should be contacted, but not necessarily exterminators.

Motion made by Councilman Anderson, seconded by Councilwoman Files that the City Manager contact the proper individuals to make a proposal on how to handle the bird problem. Motion carried unanimously.

Communications**A. Consent Agenda**

12. Receive and File Minutes of the Following:

A. Board of Zoning Appeals—October 4, 1994

B. Planning Commission—November 16, 1994

C. Main Street—November 15, 1994

D. PanTran Monthly Expenditures—December 1994

13. Letter regarding the Civil War Trust, which endorses a nationwide Civil War Trail

14. Letter from the Bureau of Commerce, Division of Natural Resources, regarding a grant award in the amount of \$100,000 for recycling.

15. Letter from Monarch Limited Liability, Co (Audrey Ross) concerning the dedication of Kilmer Court, Extended. —Refer to New Business

16. Letter from WV Tax and Revenue Department regarding the appointment of a Tax Auditor for FY 1993-1994—Refer to New Business

17. Receipt of Quotes from improvements to City-owned properties. Refer to New Business

Motion made by Councilman Anderson, seconded by Councilman Gregg Wachtel, to approve the consent agenda. Motion carried unanimously.

B. Other Communications

18. Letter from WV Department of Tax and Revenue regarding the Berkeley County Assessor's Budget.

The City Manager advised that the City of Martinsburg was in receipt of a letter from the West Virginia Department of Tax and Revenue which authorized the assessor of each county to receive up to 2% of the previous year's projected tax collections of the county commission, board of education and all municipalities in the county, for the purpose of maintaining current valuations and performing periodic reevaluations of property, provided that the assessor prepares a budget detailing the proposed use of these funds.

The City Manager further advised that the Berkeley County Assessor declared that his valuation fund needs would be 1.5% of the total proceeds from the regular levies of the County Commission, County School Board and municipalities within the County.

Motion made by Councilman Karos, seconded by Councilman Taylor to accept the proposal. Motion carried unanimously.

19. Report of the City Manager

A. Investments

The Finance Officer reported that the City of Martinsburg currently deals with Huntington Bank—Martinsburg, and receives 83% of prime. Also, Huntington Bank—Martinsburg does not charge the City of Martinsburg for checks and deposit tickets. The Finance Officer further reported that the agreement expired on December 1, 1994. The Finance Officer sent proposals out to F&M Bank, One Valley Bank, Huntington Bank and Blue Ridge Bank.

The following are the results of the proposals:

F&M Bank	No bid.
One Valley	50% of prime, will not pay for checks
Blue Ridge	40% of prime, will pay for checks
Huntington	72% of prime, will cover all fees and pay for half of checks

The Finance Officer recommended continuing with Huntington Bank for a one year period.

Motion made by Councilman Anderson, seconded by Councilwoman Leeworthy, to accept the recommendation of the Finance Officer to continue with Huntington Bank for a one year period

and that the minutes reflect the bids of other local banks. Motion carried. Councilman Karos abstained as he is a member of the Board of Directors of Blue Ridge Bank.

B. Composting

The City Manager stated that composting will be required in January of 1996. The garbage trucks will not be allowed to haul yard or garden waste or any matter that can be composted. The City Manager further stated that this will be dealt with through the Recycling Committee. Mayor Sparks has scheduled a meeting with West Virginia University on January 14, 1995. The City Manager advised that if the Council takes no action, the inspectors at the landfill will be turning down loads.

C. Progress Report on Water Line Construction

The City Manager reported that all the Cannery Bottom work is completed. There is a new 6" line in and service will be connected shortly. Also, the City Manager reported that the line on W. Martin Street is complete.

D. WWTP Upgrade Project

The City Manager advised that the RFPs have been advertised and they are due on January 29, 1995.

E. Carbon Monoxide Poisoning Problem—Fire Chief

The Fire Chief stated that over the last several months, the news media has been placing a great deal of emphasis on carbon-monoxide poisoning. In doing so, individuals throughout the United States are purchasing carbon-monoxide detectors. The Fire Chief advised that the Fire Department is now responsible for answering calls for detectors that have been activated from suspected carbon-monoxide presence. The Fire Chief further advised that the Martinsburg Fire Department does not have the capability of determining the level of concentration. The Fire Chief received a quote on a carbon monoxide detector at a cost of \$1,684. The Fire Chief advised that this was not a budgeted item and asked the Council for guidance on this matter.

Motion made by Councilman Anderson, seconded by Councilwoman Leeworthy to authorize the purchase and the City Manager and Finance Officer find the funding. Motion carried unanimously.

The Finance Officer advised that there is \$1,100 in the Fire Apparatus Fund that could be used.

20. New Business

A. Confirm Additional Expenditure of \$14,600 for the East Burke Street Paving Project

Motion made by Councilwoman Gunnoe, seconded by Councilwoman Leeworthy, to approve the additional expenditures of \$14,600 for East Burke Street paving from the Mortgage Revenue Fund. Motion carried unanimously.

B. Consider New Street Light for Mulberry Drive

Councilman Parkinson advised that Potomac Edison's recommendation was to install a 100-watt high-pressure sodium street light on pole M126755. Councilman Parkinson stated that one of the residents had expressed some concerns about the light being in front of their residence and asked that this matter be tabled until the next meeting.

C. Consider New Street Light on Winchester Avenue.

The City Manager reported that Potomac Edison recommended installing a 100-watt high-pressure sodium street light on pole M3130, located on West Addition Street.

Motion made by Councilman Gregg Wachtel, seconded by Councilman Taylor, to approve the request. Motion carried unanimously.

D. Authorize the City Manager to bid a Multi-Lift Truck for Recycling

Motion made by Councilman G. Wachtel, seconded by Councilwoman Files, to authorize the City Manager to bid a multi-lift truck for recycling. Motion carried unanimously.

E. Authorize the City Manager to Seek Proposals for a Police Department Computer Consultant Through an RFP

Motion made by Councilman Taylor, seconded by Councilman Barrett, to authorize the City Manager to seek proposals for a Police Department computer consultant through an RFP. Motion carried unanimously.

F. Approve Acceptance of a Portion of Kilmer Court Extended—Shaffer Hills Subdivision

The City Engineer reported that Kilmer Court in the Shaffer Hills Subdivision was completed through and including the entire length up to the base course only. Mayor Sparks expressed concern about the City of Martinsburg accepting a street that is not yet complete.

Motion made by Councilman Anderson, seconded by Councilman Yauger, to table the request until the work is complete. Motion carried unanimously.

G. Authorize the City Manager to have the 1993/1994 Auditor's Report on the Financial Statement Prepared at a Cost of \$10,650

Motion made by Councilwoman Gunnoe, seconded by Councilman Gregg Wachtel to authorize the City Manager to have the 1993/1994 auditor's report on the financial statement prepared at a cost of \$10,650. Motion carried unanimously.

H. Award Painting/Sealing Quotes from City-owned Property

The City Manager reported that the following quotes for improvements to City owned properties were obtained:

City Hall Painting/Sealing	Market House Painting
T. Michal Ring—Martinsburg, WV--\$4715	\$3470
Ronald R. Caton—Inwood, WV--\$4,260	\$5200

Motion made by Councilman Karos, seconded by Councilman Gunnoe to award the City Hall Painting/Sealing bid to Ronald R. CAton for \$4,260, and award the Market House Painting bid to T. Michael Ring for #3,470. Motion carried unanimously.

21. Report of City Attorney

A. First and Second Reading of Ordinance 1995-01, Which Establishes a Records Manual for the City of Martinsburg

The City Attorney advised that this Ordinance would regulate and provide for the preservation, management and disposal of records for the City of Martinsburg.

Motion made by Councilman Karos, seconded by Councilman Taylor to read through the first and second reading of Ordinance 1995-01 by title only. Motion carried unanimously.

B. General Fund Budget Revision #3—Finance Officer

The Finance Officer reported the following changes made to the budget which are reflected in Budget Revision #3:

[Entire Revision can be found in January 12, 1995 Meeting Minutes](#)

The Finance Officer advised that all the expenditures have been approved by Council.

Motion made by Councilwoman Files, seconded by Councilman G. Wachtel, to approve General Fund Budget Revision #3. Motion carried unanimously.

C. First and Second Reading of Ordinance 1995-02, which Regulates Streets and Sidewalks in Martinsburg, West Virginia

The City Attorney reported that currently, the City of Martinsburg has a very short ordinance that requires individuals to repair their sidewalks and that this ordinance would be more detailed.

Motion made by Councilman Karos, seconded by Councilwoman Files, to read through the first and second reading of Ordinance 1995-02, but title only. Motion carried unanimously.

D. First and Second Reading of Ordinance 1995-03, Which Amends the Assigned Strength of the City Workforce

The City Attorney advised that this ordinance amends the assigned strength levels in the Fire Department, Public Works Department and Planning Department.

Motion made by Councilman Karos, seconded by Councilman Taylor, to read through the first and second readings of Ordinance 1995-03, by title only. Motion carried unanimously.

E. First and Second Reading of Ordinance 1995-05 for the Zoning of the Roger S. and Johnetta Johnson 9.3 Acre Tract on the Northwest Side of Snapp Street.

Councilman G. Wachtel stated that the Planning Commission held a public hearing and he felt that several residents from the adjoining properties did not understand the Planned Residential (RP) zoning classification. Councilman G. Wachtel felt that Council should send this matter back to the Planning Commission so they can reopen the public hearing for further clarification on the zoning.

Motion failed 5-6. Yes votes (Taylor, G. Wachtel, Files, Yauger and Gunnoe) No votes (Anderson, Karos, Parkinson, Barrett, Leeworthy and Twigg).

Motion made by Councilman Twigg, seconded by Councilman Parkinson, to read through the first and second reading of Ordinance 1995-05, by title only. Motion carried, Taylor, G. Wachtel, Files and Gunnoe, no.

Mr. Andrew DiMagno, P.C. Dimagno Engineers and Surveyors, expressed concern over sending this matter back to the Planning Commission.

Councilman G. Wachtel felt that there needed to be further clarification on the zoning classification.

Councilman Twigg did not feel that this matter should be taken back to the Planning Commission as there was a public hearing already held.

F. First and Second Reading of Ordinance 1995-06 for the Zoning of Alabama Avenue (RUB)

Motion made by Councilman Karos, seconded by Councilman Files, to read through the first and second reading of Ordinance 1995-06, by title only. Motion carried unanimously.

Easement Request—216 English Street Encroachment

The City Attorney reported that the property located at 216 English Street encroaches .3 feet onto English Street. Further, the deck encroaches 4 feet over English Street. The owners were requesting an easement to ensure that the deck could remain and the residence would not have to be moved.

Motion made by Councilman Karos, seconded by Councilwoman Files, to authorize the Mayor to sign the necessary documents to grant the easement. Motion carried unanimously.

Dilapidated Building—Honeymoon Hotel

Mayor Sparks asked the City Planning Department to look at the property on Winchester Avenue known as the Honeymoon Hotel. Mayor Sparks felt that the property was dilapidated and needed immediate attention.

The City Planner advised that the property owner had been notified and the legal counsel for the department recommends they publish the exterior with property maintenance code violations, post the property and, if necessary, take the property owner through the court system.

22. Report of the Mayor:

A. Reappointments to Zoning Board:

Mayor Sparks reappointed the following individuals to the Board of Zoning Appeals:

Ms. Carolyn Brown and Ms. Susan Crites

B. Appointment to Visitors Convention Board

Mayor Sparks appointed Mr. Jim Castleman to the Visitors Convention Board.

Appointment to the Planning Commission

Mayor Sparks appointed Mr. Matthew Grove to replace Mr. George Bond, who will be moving to the County.

Appointment to the Shade Tree Commission

Mayor Sparks appointed Ms. Lisa Dall'Olio to the Shade Tree Commission.

C. Reappointment to Historic Preservation Review Commission

Mayor Sparks reappointed Ms. Karen Griffin to the HPRC.

D. Appointment to RFP Committee for WWTP Disinfection Upgrade.

Mayor Sparks appointed the following the RFP Committee: Steve Knipe, Mayor Sparks, Philip Hertz, Councilman Barrett, Councilman Yauger.

E. Appointment to the RFP Committee for Police Computer System

Mayor Sparks appointed the following individuals to the RFP Committee: Police Chief Cleveland, Mayor Sparks, Philip Hertz, Councilman G. Wachtel, Councilman Karos.

23. Report of Council Members

Barrett

Councilman Barrett discussed the lighting situation on the 100,200,300 and 400 blocks of North High Street. Councilman Barrett advised that Potomac Edison felt that the lights were necessary based on the large volume of crime in that area.

Motion made by Councilman Barrett, seconded by Councilwoman Leeworthy, to approve the lighting request. Motion carried unanimously.

Leeworthy

Councilwoman Leeworthy commended the City Manager on the minutes that he prepared from the Personnel Committee Meeting.

Gunnoe

Councilwoman Gunnoe advised that Councilman R. Wachtel asked her to apologize to any Councilmembers that did not receive invitations to the Swearingin Festivities.

Councilwoman Gunnoe advised that Peter Miller asked her to extend an invitation to the Mayor and Council for a short ceremony to be held at the Martin Luther King, Jr. Park on Sunday, January 15, 1995 at 1:00 PM.

Twigg

Councilman Twigg expressed concern regarding the staffing level of the Public Works Department. Councilman Twigg felt that the Public Works Department has taken on additional responsibilities and an increase of two employees earmarked for utility type work should be considered in the 1995-1996 budgets.

Councilman Twigg expressed concern for the conditions of disrepair of the property located at Woodbury Avenue and East Street and asked that the City Planner Department take the appropriate action.

24. Executive Session

Motion made by Councilman G. Wachtel, seconded by Councilman Taylor, to go into Executive Session at 9:35 PM. Motion carried unanimously.

Motion made by Councilman Karos, seconded by Councilman Taylor to go out of Executive Session at 10:00 PM.

Motion made by Councilman Anderson, seconded by Councilman Karos that the Council accept the recommendation of the Personnel Committee in relation to the Police position reclassification, and the assigned strength for the Fire Department. Motion carried unanimously.

Motion made by Councilman Karos, seconded by Councilman Taylor to adjourn at 10:02 PM. Motion carried unanimously.

[Minutes signed by City Recorder Sharon Flick and Mayor Earnest L. Sparks](#)