

**City Of Martinsburg
Regular Council Meeting
January 12, 2012
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 6:35 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, Steve Knipe, Utilities Director, Patricia McMillan, Community Development Director, Brenda Spaulding, Human Resources Director and Chief Paul Bragg, Fire Department.

3. Salute to Flag

Councilman Woods led the Salute to the Flag.

4. Prayer—Retired Pastor Walter Bowers

Pastor Bowers delivered the invocation.

5. Approve December 8, 2011 regular Council meeting minutes

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the December 8, 2011 regular Council meeting minutes. Motion carried unanimously.

6. Approve December 20, 2011 special Council meeting minutes

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the December 20, 2011 special Council meeting minutes. Motion carried unanimously.

7. Approve November 2011 Administrative and Financial Report.

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

8. Presentations

a. Martinsburg Police Department Commendations—Chief Kevin Miller

Chief Miller explained that on September 26, 2011 Lieutenant Terry Stanley, Sargent Scott Funkhouser and Corporal Adam Albaugh were called upon to respond to a carjacking in progress in which a female and child victim were involved. The officers, he stated, went above and beyond the call of duty when they were required to use deadly force to stop the perpetrator.

The victims were present to thank the officers and award each of them with a medal of valor. Following the commendation, Mayor Karos expressed, on behalf of the Council, gratitude for a job well done.

b. Proposed Resolution for adoption by Council—Joe Gray

Mr. Gray, 405 Sweetbriar Road, Martinsburg, spoke to Council as a representative of Occupy Martinsburg. Mr. Gray encouraged Council to pass a Resolution supporting the annulment of the 2010 Citizens United decision, which stated that corporations are people and money is speech, thereby allowing corporations to contribute to political campaigns.

Mr. Gray stated that this decision erodes the rights of the public to choose leaders, as individuals cannot possibly compete, monetarily, with corporations and the officials elected under this system will represent the corporations.

The Council stated they would take Mr. Gray's proposed resolution under consideration for the February meeting.

c. Eastern Panhandle Right Here, Right Now—Mr. David Hartley.

Mr. Hartley introduced himself and spoke about the benefits to the economy building and selling new homes in the Eastern Panhandle. He asked Council to endorse the Right Here, Right Now movement, which spreads information regarding the cost to buy vs. rent and encourages job creation with new home construction.

The Council stated they would take Mr. Hartley's request under consideration for the February meeting.

9. Petitions From Citizens

There were no petitions from citizens.

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

- (a) Martinsburg-Berkeley County Parks and Recreation Board meeting minutes, October 18, 2011 and November 15, 2011
- (b) City of Martinsburg audit letter for fiscal year ending June 30, 2011—(complete audit on file in the Finance Department)
- (c) Memorandum from City Recorder regarding proceeds from the December 10, 2011 City of Martinsburg surplus auction.
- (d) Letter from Lane McIntosh resigning from the Board of Zoning Appeals, effective immediately.
- (e) Martinsburg Board of Zoning Appeals—December 06, 2011 meeting minutes.

Motion made by Councilman Etherington, seconded by Councilman Yauger, to receive and file items 10 a -10e. 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 Kevin Knowles (current BZA alternate) to full time member of the Board of Zoning Appeals to fill an unexpired term beginning January 1, 2010 and ending January 1, 2013.

Motion made by Councilman Yauger, seconded by Councilman Lewis, to accept the Mayor's recommendation and appoint Kevin Knowles (current BZA alternate) to full time member of the Board of Zoning Appeals to fill an unexpired term beginning January 1, 2010 and ending January 1, 2013.

b. Appoint Frank Bradley as alternate member of the Board of Zoning Appeals to fill an unexpired term beginning January 1, 2010 and ending January 1, 2013.

Motion made by Councilman Woods, seconded by Councilman Parkinson, to accept the Mayor's recommendation and appoint Frank Bradley as alternate member of the Board of Zoning Appeals to fill an unexpired term beginning January 1, 2010 and ending January 1, 2013.

c. Board and Commission vacancies—see attached information.

Mayor Karos discussed vacancies on various boards and Commissions, stating that all have been published in the local newspapers, online at the City's website and on the General Access Channel. He stated that letters of interest are coming in for most of them.

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 and that the City flag is in production. He reminded Council that the dedication of the Plaza is to be scheduled to tie in with the Heritage Day activities on May 12, 2012.

He also added that some additional work will be necessary on the Center City Stormwater Project, as there has not been sufficient rainfall since it's completion to ascertain all is working as planned.

14. Unfinished Business

There was no unfinished business.

15. New Business

a. Approve/deny payment of 2% of total proceeds of previous year's projected tax collection to Berkeley County Assessor for Valuation Fund

Motion made by Councilman Lewis, seconded by Councilman Yauger, to approve payment of 2% of total proceeds of previous year's projected tax collection to Berkeley County Assessor for Valuation Fund. Motion carried unanimously.

b. Approve/deny Main Street Martinsburg's request to use the South lawn of the Town Square for the purposes of holding a Snowman Auction on Sunday, March 11, 2012 at 3:00 PM.

Motion made by Councilman Woods, seconded by Councilman Etherington, to approve Main Street Martinsburg's request to use the South lawn of the Town Square for the purposes of holding a snowman auction on Sunday, March 11, 2012 at 3:00 PM. Motion carried unanimously.

c. Approve/deny CoxHollidaPrice, LLP's fees for preparation of Pro Forma Schedules and Supplementary Information—Wastewater treatment plant project—Bay Compliance--\$5,100.

Motion made by Councilman Lewis, seconded by Councilwoman Gunnoe, to approve CoxHollidaPrice, LLP's fees for preparation of Pro Forma Schedules and Supplementary Information in the amount of \$5,100.00 for the Wastewater treatment plant project. Motion carried unanimously.

d. Approve/deny Pro Forma Schedules and Supplementary Information for WV Infrastructure and Jobs Development Council (IJDC) application—Wastewater treatment plant project—Bay Compliance.

Mr. Baldwin explained that this is necessary as the IJDC has requested a cash flow analysis using current rates, as the one provided initially had been based on last year's rates. The rates, he stated, have changed very little and the analysis reflects a best and worst case scenario with different financing options.

Mr. Baldwin stated that the project is expected to cost \$47 million, with \$20-28 million being directly related to strict federal mandates regarding the Chesapeake Bay compliance, and is hoping to take full advantage of grants and low interest loan programs, making rate increases as minimal as possible.

Utilities Director Steve Knipe agreed, stating that the City is now in compliance, but without the updates will not meet the 2015 deadline for compliance.

Motion made by Councilman Woods, seconded by Councilman Wachtel, to approve the Pro Forma Schedules and Supplementary Information for the WV Infrastructure and Jobs Development Council (WVIJDC) application—Wastewater treatment plant project—Chesapeake Bay Compliance. Motion carried unanimously.

e. Approve/deny Martinsburg-Berkeley County Parks and Recreation Board's request to utilize a portion of Memorial Park Avenue right of way for a wall/planting area.

Motion made by Councilman Woods, seconded by Councilman Parkinson to approve Martinsburg-Berkeley County Parks and Recreation Board's request to utilize a portion of Memorial Park Avenue right of way for a wall/planting area.

At the recommendation of Mr. Baldwin, Councilman Woods and Councilman Parkinson agreed to amend the motion to include the caveat that the wall must be a minimum of three feet from the paved roadway as not to impede traffic or snow removal. Motion carried unanimously.

f. Approve/deny Berkeley County Council's Streetscape plan for 100 and 104 W. King Street (two trees and one flagpole).

Ms. Deborah Hammond, Berkeley County Administrator, explained that due to the donation of a flag, the County would like Council to amend their November 2011 approval to plant three trees in front of 100-106 W. King Street to include two trees and one flag pole. The flag pole in question would be between the two trees in front of the Historic Court House.

Ms. Hammond clarified that the addresses of 100, 104 and 106 W. King Street are correct; the address of 196 printed on the site plan is a typo.

Councilman Woods expressed that he believes that the Square and the County's Streetscape will enhance the area.

Motion made by Councilman Woods, seconded by Councilman Lewis, to approve Berkeley County Council's streetscape plan for 100, 104 and 106 W. King Street to include two trees and one flagpole. Motion carried unanimously.

17. Executive Session


No executive session was needed.

Adjournment

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



Gena Long, City Recorder



George Karos, Mayor