

**City Of Martinsburg  
Special City Council Meeting  
Monday, July 29, 2013  
5:00 PM**

With a quorum present, the special 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: Don Anderson, Dennis Etherington, Kevin Knowles, Max Parkinson, Roger Lewis, Gregg Wachtel and Jason W. Baker. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Steve Knipe, Utilities Director, Police Chief Kevin Miller, Fire Chief Paul Bragg, City Engineer/Planning Director Michael Covell and Finance Director Mark Spickler.

**3. Approve/deny June 13, 2013 Regular Meeting Minutes**

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the June 13, 2013 Regular Meeting Minutes. Motion carried unanimously.

**4. Approve/deny July 11, 2013 Regular Meeting Minutes**

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the July 11, 2013 Regular Meeting Minutes. Motion carried unanimously.

**5. Presentations**

**a. Administer Oath of Office to Police Lieutenant Justin Darby**

The City Recorder administered the Oath of Office to Police Lieutenant Justin Darby. Mayor Karos thanked him for his service.

**6. Petitions from Citizens**

There were no petitions from citizens.

**7. Receive and File Reports—Minutes—Correspondence Of the Following:**

**a. Board of Zoning Appeals April 2, 2013 Regular Meeting Minutes**

Motion made by Councilman Wachtel, seconded by Councilman Knowles to receive and file item 7a. Motion carried unanimously.

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

**a. Approve/deny Council as a Whole Committee July 23, 2013 Minutes**

Motion made by Councilman Lewis, seconded by Councilman Parkinson to approve the Council as a Whole Committee July 23, 2013 Meeting Minutes. Motion carried unanimously.

The minutes are entered into the record as follows:

**Council as a Whole Committee Minutes**

Tuesday, July 23, 2013—4:20 PM

**Present:** Mayor George Karos, Kevin Knowles, Max Parkinson, Jason Baker, Roger Lewis, Don Anderson, Gregg Wachtel

**Others in Attendance:** Mark Baldwin, City Manager; Kin Sayre, City Attorney

**Unable to Attend:** Dennis Etherington

Mayor Karos opened the meeting and the following items were discussed:

1. **Municipal Home Rule Pilot Program Phase II Overview:** City Attorney, Kin Sayre provided an overview of the program. City Manager indicated City staff was evaluating suggestions for Home Rule and asked Council to submit suggestions as well. Future meeting to be scheduled to further discuss.
2. **Habitat for Humanity—Fee Waiver Request—**After a great deal of discussion, consensus of the Committee was to recommend to City Council to not approve the request to waive the community development fee.
3. **De-Annexation Requests (2)—**Consensus of the Committee was to recommend to City Council not to approve the two requests for de-annexation.
4. **Discuss removal of storage tank and sidewalk repairs at Boys and Girls Club—**After a great deal of discussion, consensus of the Committee was to recommend to City Council not to replace the entire sidewalk along John Street. Committee further recommended City Manager to move forward with the underground storage tank removal/remediation.
5. **Wastewater Treatment Plant Project interim financing update—**City Manager updated the Committee on IJDC's proposal for interim financing while bonds/grant funds were being finalized by the State. Consensus of the Committee was to accept IJDC's loan proposal. Resolution to be prepared for City Council meeting.

City Manager also updated City Council on the WV Treatment Plant bid opening.

6. **Executive Session**

a. **Personnel**

Motion to go into Executive Session made by Councilman Wachtel, seconded by Councilman Lewis. Vote 6-0, in favor. No action taken.

9. **Report of Mayor**

a. **Reminder that the Regular City Council meeting for August is to be held on Thursday, August 15, 2013 (the 3<sup>rd</sup> Thursday).**

Mayor Karos reminded Council of the adjustment to accommodate the Municipal League Conference.

b. **Reappoint Ms. Kristine Carr to the Martinsburg-Berkeley County Public Library Commission, term 7/1/2013-7/1/2018.**

Motion made by Councilman Lewis, seconded by Councilman Etherington, to reappoint Ms. Carr to the Library Commission. Motion carried unanimously.

10. **Report of City Attorney**

There was no report of the City Attorney.

11. **Report of City Manager**

a. **Wastewater Treatment Plant Upgrade Project bid update**

City Manager Mark Baldwin stated that continued discussions are ongoing with the low bidder to reduce cost where possible.

## **12. Unfinished Business**

**a. Third and Final Reading of Ordinance 2013-08: *An Ordinance to Amend the City of Martinsburg Zoning Map to Rezone an Improved Parcel of Real Estate Consisting of Approximately 79,386 Square-Feet, Identified as Postal Address 411-417 Auburn Street and Further Identified in the Martinsburg District on the Berkeley County, West Virginia Tax Map as Map M5, Parcels 22, 27, 27.1, and 28 and Now or Formerly Owned by Potomac Construction Leasing, LLC from its Current Zoning Classification of IG (General Industrial) to BC (Community Business)***

Motion made by Councilman Baker, seconded by Councilman Etherington, to hear the third and final reading of Ordinance 2013-08, by title only, and approve. Motion carried unanimously.

**b. Third and Final Reading of Ordinance 2013-09: *An Ordinance to Amend the Text of the City Of Martinsburg Zoning Ordinance (MZO) At Section 200 "Definitions" and Section 560 "Zoning District Uses" To Allow a "Self-Storage" To Operate In the Community Business (BC) District Subject To Special Exception Approval***

Motion made by Councilman Baker, seconded by Councilman Etherington, to hear the third and final reading of Ordinance 2013-09, by title only, and approve. Motion carried unanimously.

**c. Third and Final Reading of Ordinance 2013-10: *An Ordinance to Add and Amend the Text of The City of Martinsburg Zoning Ordinance At Section 200 "Definitions of Terms" to define "Disabled," "Fair Housing Act," "Family" and "Group Home."***

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to hear the third and final reading of Ordinance 2013-10, by title only, and approve. Motion carried unanimously.

## **13. New Business**

**a. First and Second Reading of Ordinance 2013-11: *An Ordinance Amending And Reenacting The City Of Martinsburg Code, Part 3, Chapter 3, Article 345, Section 35 By Amending Section 345.35 Operation Of Vehicles With Safety Belts.***

Motion made by Councilman Knowles, seconded by Councilman Etherington, to hear the first and second reading of Ordinance 2013-11, by title only. Motion carried unanimously.

**b. First and Second Reading of Ordinance 2013-12: *An Ordinance Amending The City Of Martinsburg Code, Part 3, Traffic Code, Chapter 5, Vehicular Operation, By Adding Article 351, Licensing, Section 12, Graduated Driver's License, To Provide For The Enforcement Of The West Virginia Graduated Driver's Licenses; Definitions; Exceptions; Penalties.***

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to hear the first and second reading of Ordinance 2013-12, by title only. Motion carried unanimously.

**c. Approve/deny Resolution 2013-10: *General Fund Budget Revision #1, FY 2013-2014***

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2013-10. Motion carried unanimously.

**d. Approve/deny Resolution 2013-11: *A Resolution Authorizing George Karos, Mayor Of Martinsburg, To File An Application And Enter Into A Contractual Agreement With The West Virginia Development Office And Receive Funds In The Amount Of \$33,500 Through The Community Participation Grant Program For***

***The Martinsburg Little League Association To Apply Towards Updates And Repairs To The Little League Field.***

Motion made by Councilman Wachtel, seconded by Councilman Anderson, to approve Resolution 2013-11.  
Motion carried unanimously.

***e. Approve/deny Resolution 2013-12: A Resolution Approving, in Concept, the Issuance of not to Exceed \$16,500,000.00 in Aggregate Principal Amount of Subordinate Combined Waterworks and Sewerage System Revenue Bonds of the City of Martinsburg to Finance a Portion of the Costs of Certain Improvements to the Sewerage System Portion of the Combined Waterworks and Sewerage System of the City of Martinsburg***

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2013-12.  
Motion carried 6-1, Anderson, no.

***f. Authorize the Mayor to sign a letter of endorsement to the ABC Commission for a beer garden at the Martinsburg Mall's "Burg Wing Off"—Saturday, August 31 Saturday, September 14, from noon until 4:00 PM***

Motion made by Councilman Baker, seconded by Councilman Etherington, to authorize the Mayor to sign a letter of endorsement to the ABC Commission for a beer garden at the Martinsburg Mall's "Burg Wing Off" to be held on Saturday, September 14, 2013 from noon until 4:00 PM. Motion carried unanimously.

***g. Approve/deny Breast Cancer Awareness—Cumberland Valley, Inc.'s request to tie pink ribbons on parking meters and trees in Martinsburg on Monday, October 14, 2013-Friday, October 18, 2013.***

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the request from Breast Cancer Awareness—Cumberland Valley, Inc to tie pink ribbons on parking meters and trees on Monday October 14, 2013-Friday, October 18, 2013. Motion carried unanimously.

***h. Approve/deny agreement between the City of Martinsburg and PEM Consulting, LLC: part-time contractual Community Development Director***

Motion made by Councilman Wachtel, seconded by Councilman Anderson, to approve the agreement between the City of Martinsburg and PEM Consulting, LLC, part-time contractual Community Development Director.  
Motion carried 6-1, Knowles, no.

***i. Approve/deny renewal of Property and Causality Insurance (\$567,970) and Workers Compensation Insurance (\$295,293) and WV Surcharge (\$3,018.81)— Travelers Indemnity Company of America— (Total--\$866,281.81)***

Councilman Anderson asked if there had been any other bids. City Manager Baldwin replied that there had been no bid, as this was a renewal, but Insurance Agent Stew Borger had reviewed the markets.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the renewal of Property and Causality Insurance and Workers Compensation Insurance with Travelers Indemnity Company of America. Motion carried unanimously.

***j. Confirm authorization for FY 2014 WVDEP REAP Litter Control Grant (\$5,000--\$2,500 grant/\$2,500 in-kind City match)***

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to confirm authorization for the FY 2014 WVDEP REAP Litter Control Grant. Motion carried unanimously.

***k. Approve/deny Martinsburg Fire Department Standards of Apprenticeship***

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the Martinsburg Fire Department Standards of Apprenticeship. Motion carried unanimously.

**l. Approve/deny FY 2013 Blue Ridge Community and Technical College Paramedic Student Agreement with the Martinsburg Fire Department.**

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the FY 2013 Blue Ridge Community and Technical College Paramedic Student Agreement with the Martinsburg Fire Department. Motion carried 6-1, Anderson, no.

**m. Approve/deny seven (7) X2 Tasers—Police Levy Fund—Taser International (\$9,844.64).**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the purchase of seven (7) X2 Tasers. Motion carried unanimously.

**n. Approve/deny purchase of the following—Martinsburg Police Department Special Response Team—Police Levy Fund (\$11,312)**

- **Eight (8) Eotech Weapon Sights—Tannerman's Trading Company--\$5,200**
- **Eight (8) rear sights, sixteen (16) polymer rails and five (5) upper receivers for patrol rifles—Practical Defense International--\$3,282.40**
- **Surefire switch and lights for patrol rifles—Valley Guns--\$2,829.60**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the above equipment for the SRT, in total. Motion carried unanimously.

**o. Approve/deny Habitat for Humanity's request to waive Community Development Fee (see City Council a Whole Committee minutes).**

Motion made by Councilman Lewis, seconded by Councilman Knowles, to approve Habitat for Humanity's request to waive the Community Development Fee. Motion failed 5-2. Lewis, Anderson, Wachtel, Etherington and Parkinson, no.

**p. Approve/deny de-annexation request—Mr. and Mrs. Scott Myers, Apple Harvest Drive (see Committee minutes)**

Motion made by Councilman Lewis, seconded by Councilman Baker, to approve the de-annexation request of Mr. and Mrs. Scott Myers. Motion failed unanimously.

**q. Approve/deny de-annexation request—C. J. Seibert Orchard Company (see Committee minutes)**

Motion made by Councilman Lewis, seconded by Councilman Anderson, to approve the de-annexation request of C. J. Seibert Orchard Company. Motion failed, Wachtel, Etherington, Knowles, Parkinson, Lewis, Baker, no.

**r. Approve/deny Boys and Girls Club sidewalk replacement as part of storage tank removal (see Committee minutes)**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to remove this item from the table. Motion carried 6-1, Baker, no.

Motion made by Councilman Lewis, seconded by Councilman Wachtel, to approve the Boys and Girls Club sidewalk replacement as reflected in the Council as a Whole Committee July 23, 2013 Meeting minutes. Motion carried unanimously.

**s. Approve/deny engineering services for Church Street Stormwater Project—Alpha Associates ( \$14,500-Phase One)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve engineering services for Church Street Stormwater Project with Alpha Associates. Motion carried unanimously.

**14. Executive Session**

No executive session was needed.

**14. Adjournment**

Meeting was adjourned by unanimous consent at 5:23 PM.

  
Gena Long, City Recorder

  
George Karos, Mayor