

**City Of Martinsburg  
Regular Council Meeting  
June 14, 2012  
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, Roger Lewis, Dennis Etherington, Max Parkinson, Gregg Wachtel and Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Chief Kevin Miller, Martinsburg Police Department, Steve Knipe, Utilities Director, Mark Spickler, Finance Director, Jeff Wilkerson, Public Works Director and Patricia McMillan, Community Development Director.

**3. Salute to Flag**

Councilman Lewis led the Salute to the Flag.

**4. Prayer—United Methodist Pastor Walter Bowers**

Pastor Bowers delivered the invocation.

**5. Approve May 10, 2012 regular Council meeting minutes**

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson, to approve the May 10, 2012 regular Council meeting minutes. Motion carried unanimously.

**6. Approve April 2012 Administrative and Financial Report.**

Motion made by Councilman Wachtel, seconded by Councilman Parkinson, to approve the April 2012 Administrative and Financial Report. Motion carried unanimously.

**7. Presentations**

**(a) Make comment on ABC Application— 203 S. Maple Ave--Mezcal Mexican Grill: Travis T. Bishop.**

Mr. Bishop was present for the request.

Legal Counsel Kin Sayre asked if Mr. Bishop would be acting as manager, to which he replied that he would.

Police Chief Kevin Miller stated that there are no problems with the existing establishment.

Council agreed to forward the application to the ABC with no comment.

**(b) Boys and Girls Club of the Eastern Panhandle—Stephanie Pierson (See item 15 cc)**

Ms. Pierson stated that she had met with City Manager Mark Baldwin, City Engineer/Planning Director Michael Covell and Community Development Director Patricia McMillan to discuss the project. She also

stated that, per discussions with the contractor, the work can be done piecemeal to help with immediate cost.

Councilman Parkinson asked if \$25,000 would be enough to cover the entire project, to which Ms. Pierson stated that it would.

Mayor Karos recommended granting the Boys and Girls Club Option One, which would award \$5,567 which would allow the Club to move forward with the three major components of the project which are testing and abating of lead paint, replacement of windows in the roof peak and insulation of the third level ceiling. Mayor Karos also designated the funds to be taken from the Coal Severance Fund and suggested that Ms. Pierson apply to CDBG for the remaining money.

Ms. Pierson asked if it would be appropriate to approach Council when the unencumbered balance is released and that CDBG funds are already allocated for the fiscal year.

Mr. Baldwin stated that she may approach Council when the unencumbered balance is realased.

Ms. Pierson thanked Council for the money given.

Councilman Wachtel pointed out that the Boys and Girls Club resides in a City owned building, to which it was discussed that the Club does a lot for the children of Martinsburg and that all repairs are the responsibility of the Club, per the lease.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to grant Option One (\$5,567.00) to the Boys and Girls Club, to be taken from the Coal Severance Fund. Motion carried unanimously.

#### **8. Petitions From Citizens**

- Mr. David Heatwole, 304 Bowers Street, suggested that Council consider donating change placed in the fountain to the arts, in the care of Art Berkeley, which is managed by Mr. Heatwole. He also asked if there had been any progress on deciding what is to be placed on the pedestal.

Mayor Karos stated that there has been no progress, and no committee meetings to discuss the pedestal.

Mr. Baldwin explained that the original plan, a sculpture of General Adam Stephen, is unfunded.

Mr. Heatwole asked how one might go about getting approval to place something on the pedestal, to which Mayor Karos replied he would approach the Property Committee.

Mr. Baldwin explained that Council would be reviewing several ideas and that Council would have a public meeting in the future to decide what should be placed on the pedestal.

- Boys Scout Troop 13 was present and introduced themselves.

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

- a. Historic Preservation Review Commission April 02, 2012 Meeting Minutes, May 7, 2012 Meeting Minutes and September 12, 2011 Amended Minutes
- b. Berkeley County Development Authority April 4, 2012 and April 11, 2012 Meeting Minutes and Financial Statement.
- c. Martinsburg/Berkeley County Parks and Recreation April 17, 2012 Meeting Minutes.
- d. Eastern Regional Airport Authority's Third Quarter FY 2011-2012 Budget Report

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe to receive and file items 9a-9d. Motion carried unanimously.

#### **10. Reports of Chairpersons of Council Standing Committees**

There were no reports of chairpersons of council standing committees.

#### **11. Report of Mayor**

**(a) Reminder of Special Council Meeting for Monday, June 18, 2012 at 5:00 PM to begin the Canvass and declare the results of the June 12, 2012 City Election.**

**(b) Reminder of Special Council Meeting for Thursday, June 21, 2012 at 5:00PM for purposes of certifying the results of the June 12, 2012 City Election.**

**(c) Reminder of Special Council Meeting for Thursday, June 28, 2012 at 5:00 PM.**

**(d) Reminder of Special Council Meeting for Thursday, June 28, 2012, immediately following the adjournment of the Special Council Meeting beginning at 5:00 PM, for purposes of administering the Oath of Office to the Mayor and Council as elected at the June 12, 2012 City Election—to take effect at 12:00 AM (midnight) on July 1, 2012.**

#### **12. Report of City Attorney**

There was no report of the City Attorney.

#### **13. Report of City Manager**

**(a) Projects update.**

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

#### **15. New Business**

**(a) First and Second reading of Ordinance 2012-04: an ordinance amending the City of Martinsburg Code, Part 3, Traffic Code, Chapter 5, Vehicular Operation, by adding Article 356,**

**Prohibited Use Of An Electronic Communications Device, Section 356.01 to provide for the prohibited use of an electronic communications device, driving without handheld features; definitions; exceptions; penalties**

Motion made by Councilman Wachtel, seconded by Councilman Lewis, to hear the first and second reading of Ordinance 2012-04: an ordinance amending the City of Martinsburg Code, Part 3, Traffic Code, Chapter 5, Vehicular Operation, by adding Article 356, Prohibited Use Of An Electronic Communications Device, Section 356.01 to provide for the prohibited use of an electronic communications device, driving without handheld features; definitions; exceptions; penalties. Motion carried unanimously.

**(b) First and second reading of Ordinance 2012-05: an Ordinance amending Ordinance 2011-03 which established job descriptions for employees of the City of Martinsburg, West Virginia.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson, to hear the first and second reading of Ordinance 2012-05: an Ordinance amending Ordinance 2011-03 which established job descriptions for employees of the City of Martinsburg, West Virginia.

**(c) First and second reading of Ordinance 2012-06: An Ordinance annexing to the City of Martinsburg a parcel of real estate consisting of 2.58 acres and identified upon Berkeley County tax maps in the Opequon Tax District, Map 5, Parcel 58 and providing for the institution of the necessary proceedings before the County Commission of Berkeley County, West Virginia, in accordance with West Virginia Code 8-6-4 (Annexation Without Election).**

Motion made by Councilman Lewis, seconded by Councilman Wachtel, to hear the first and second reading Ordinance 2012-06: An Ordinance annexing to the City of Martinsburg a parcel of real estate consisting of 2.58 acres and identified upon Berkeley County tax maps in the Opequon Tax District, Map 5, Parcel 58 and providing for the institution of the necessary proceedings before the County Commission of Berkeley County, West Virginia, in accordance with West Virginia Code 8-6-4 (Annexation Without Election). Motion made unanimously.

Mr. Baldwin explained that this property is located behind the ice plant, and is now partially in the County.

**(d) Approve/deny Resolution 2012-13: concerning the extension of the cable television franchise held by Comcast of CA/MD/PA/WV/WV, LLC. for the purpose of permitting the City of Martinsburg, WV and the franchisee to complete renewal discussions.**

Motion made by Councilman Wachtel, seconded by Councilman Woods, to approve Resolution 2012-03 concerning the extension of the cable television franchise held by Comcast of CA/MD/PA/WV/WV, LLC. for the purpose of permitting the City of Martinsburg, WV and the franchisee to complete renewal discussions. Motion carried unanimously.

**(e) Approve/deny Resolution 2012-14: A Resolution of the City Council of the City of Martinsburg authorizing George Karos, Mayor of Martinsburg, to enter into a contractual agreement with the West Virginia Development Office for the purpose of receiving grant funds in the amount of \$20,000 through the Community Participation Grant Program for the Hospice of the Panhandle's "Building the Dream" program**

Motion made by Councilman Lewis, seconded by Councilwoman Gunnoe to approve Resolution 2012-14: A Resolution of the City Council of the City of Martinsburg authorizing George Karos, Mayor of

Martinsburg, to enter into a contractual agreement with the West Virginia Development Office for the purpose of receiving grant funds in the amount of \$20,000 through the Community Participation Grant Program for the Hospice of the Panhandle's "Building the Dream" program. Motion carried unanimously.

**(f) Approve/deny Resolution 2012-15: A Resolution of the City Council of the City of Martinsburg authorizing George Karos, Mayor of Martinsburg, to enter into a contractual agreement with the Community Participation Grant for the purpose of receiving grant funds in the amount of \$1,500.00 for the Martinsburg Fire Department.**

Motion made by Councilman Wachtel, seconded by Councilman Woods, to approve Resolution 2012-15: A Resolution of the City Council of the City of Martinsburg authorizing George Karos, Mayor of Martinsburg, to enter into a contractual agreement with the Community Participation Grant for the purpose of receiving grant funds in the amount of \$1,500.00 for the Martinsburg Fire Department. Motion carried unanimously.

**(g) Approve/deny Resolution 2012-16: Budget Revision #4 for the General Fund for FY 2011-2012.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis, to approve Resolution 2012-16: Budget Revision #4 for the General Fund for FY 2011-2012. Motion carried unanimously.

**(h) Approve/deny Water and Sewer Fund Budget Revision #2 for FY 2011-2012**

Motion made by Councilman Woods, seconded by Councilman Parkinson, to approve Water and Sewer Fund Budget Revision #2 for FY 2011-2012. Motion carried unanimously.

**(i) Approve/deny Sanitation Fund Budget Revision #2 FY 2011-2012**

Motion made by Councilman Gunnoe, seconded by Councilman Woods, to approve Sanitation Fund Budget Revision #2 FY 2011-2012. Motion carried unanimously.

**(j) Approve/deny bid for Professional IT Support and Services—Innovative Inc—rates attached**

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to approve the bid for Professional IT Support and Services to be provided by Innovative, Inc, with attached rates. Motion carried unanimously.

Finance Director Mark Spickler explained that the quote showed hourly rates, in the future, long term maintenance agreement may be necessary and would be brought before Council for approval, but that he is asking approval to use the attached rates as needed.

**(k) Approve/deny bid for banking services with Jefferson Security Bank.**

Motion made to approve the bid for banking services with Jefferson Security Bank. Motion carried unanimously.

**(l) Approve/deny Resolution 2012-17: A Resolution of the City Council of the City of Martinsburg authorizing George Karos, Mayor of Martinsburg, to execute Housing Cooperation Agreement for the HOME Consortium for Fiscal Years 2013, 2014, 2015**

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to approve Resolution 2012-17: A Resolution of the City Council of the City of Martinsburg authorizing George Karos, Mayor of

Martinsburg, to execute Housing Cooperation Agreement for the HOME Consortium for Fiscal Years 2013, 2014, 2015. Motion carried unanimously.

**(m) Approve/deny Housing Consortium Cooperation Agreement by and between the City of Martinsburg and the Counties of Berkeley, Jefferson and Morgan, West Virginia.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson, to approve Housing Consortium Cooperation Agreement by and between the City of Martinsburg and the Counties of Berkeley, Jefferson and Morgan, West Virginia. Motion carried unanimously.

**(n) Line Item Deleted**

**(o) Authorize Mayor George Karos to sign agreement to reserve FY 2010 and FY 2011 CHDO Funds for Habitat for Humanity of the Eastern Panhandle, Inc. in the amount of \$108,941 for construction of two new affordable housing units.**

Motion made to authorize Mayor George Karos to sign agreement to reserve FY 2010 and FY 2011 CHDO Funds for Habitat for Humanity of the Eastern Panhandle, Inc. in the amount of \$108,941 for construction of two new affordable housing units. Motion carried unanimously.

**(p) Approve/deny executing Memorandum of Agreement to transfer HOME Match Credit with Habitat for Humanity of the Eastern Panhandle**

Motion made to approve executing Memorandum of Agreement to transfer HOME Match Credit with Habitat for Humanity of the Eastern Panhandle. Motion carried unanimously.

**(q) Approve/deny Animal Control Agreement between the City of Martinsburg and Berkeley County Council—FY 2012-2013 \$91,959.00**

Motion made to approve Animal Control Agreement between the City of Martinsburg and Berkeley County Council—FY 2012-2013 \$91,959.00. Motion carried unanimously.

**(r) Approve/deny design loan application for Wastewater Treatment Plant Upgrade Project.**

City Manager Mark Baldwin explained that this is necessary for the Infrastructure and Jobs Development Corp. grant application. The funds are being borrowed so they will not be taken from the Coal Severance Funds.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to approve the design loan application for Wastewater Treatment Plant Upgrade Project. Motion carried unanimously.

**(s) Approve/deny Ten (10)-Year-Plan for Wastewater Treatment Plant**

Mr. Baldwin explained that SB245 requires a ten year plan to be submitted with application, which is due by June 30, 2012 and will now be completed. Utilities Director Steve Knipe added that this addresses the plant upgrade and collection system and that the plant will be upgraded annually.

Motion made by Councilman Woods, seconded by Councilman Parkinson, to approve the Ten (10) Year Plan for the Wastewater Treatment Plant. Motion carried unanimously.

**(t) Approve/deny health insurance with Highmark Blue Cross Blue Shield.**

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to approve the health insurance with Highmark Blue Cross Blue Shield. Motion carried unanimously.

Mr. Baldwin thanked Human Resources Director Brenda Spaulding, Mark Spickler for working to significantly decrease cost. Mr. Spickler added that he was very satisfied and the insurance quotes are well within budget.

**(u) Approve/deny City of Martinsburg Casualty & Liability Insurance-Travelers**

Motion made by Councilman Woods, seconded by Councilman Parkinson, to approve the City of Martinsburg Causality and Liability Insurance with Travelers Insurance. Motion carried unanimously.

**(v) Approve/deny City of Martinsburg Workers' Compensation Insurance—Travelers**

Motion made by Councilman Woods, seconded by Councilman Wachtel to approve the City of Martinsburg's Workers' Compensation Insurance with Travelers Insurance. Motion carried unanimously.

**(w) Approve/deny Annual CROP Hunger Walk Route—Sunday, October 7, 2012.**

Motion made by Councilman Lewis, seconded by Councilman Woods, to approve the Annual CROP Hunger Walk Route for Sunday, October 7, 2012. Motion carried unanimously.

Chief Miller stated that there are no police issues with the route or date.

**(x) Approve/deny procession for the Virgin of Guadalupe route—Sunday, December 9, 2012**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve the procession for the Virgin of Guadalupe route for Sunday, December 9, 2012. Motion carried unanimously.

**(y) Approve/deny request from Trinity Temple Church of God for temporary street closing for purposes of a community event—Tuskegee Drive between Martin and Burke from 4:00 PM until 9:00 pm on Friday, August 10, 2012**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve request from Trinity Temple Church of God for temporary street closing for purposes of a community event—Tuskegee Drive between Martin and Burke from 4:00 PM until 9:00 pm on Friday, August 10, 2012. Motion carried unanimously.

**(z) Approve/deny extension of lease for American Legion—W. Race Street—July 1, 2012-December 31, 2012.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel to extension of lease for American Legion—W. Race Street—July 1, 2012-December 31, 2012. Motion carried unanimously.

**(aa) Approve/deny 2012-2013 Mutual Aid Agreement between the City of Martinsburg Fire Department and the Berkeley County, WV**

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to approve 2012-2013 Mutual Aid Agreement between the City of Martinsburg Fire Department and the Berkeley County, WV. Motion carried unanimously.

**(bb) Approve/deny 2012-2013 Mutual Aid Agreement between the City of Martinsburg Fire Department and Jefferson County, WV.**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve the 2012-2013 Mutual Aid Agreement between the City of Martinsburg Fire Department and Jefferson County, WV. Motion carried unanimously.

**(cc) Approve/deny Request for Funds—Boys and Girls Club**

See Item 7B.

**(dd) Approve/deny Change Order #2 for required exhaust fan for Public Works Bay Addition project-\$5,161.50**

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel, to approve Change Order #2 for required exhaust fan for Public Works Bay Addition project-\$5,161.50. Motion carried unanimously.

**(ee) Approve/deny purchase of Ford F-150 4x4 pick-up truck—Thorn Hill Ford--\$24,284.00 (Public Works—State contract—budgeted).**

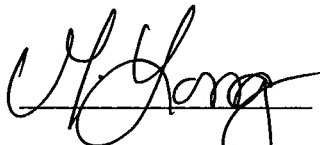
Motion made by Councilman Wachtel, seconded by Councilman Woods, to approve purchase of Ford F-150 4x4 pick-up truck—Thorn Hill Ford--\$24,284.00 (Public Works—State contract—budgeted).

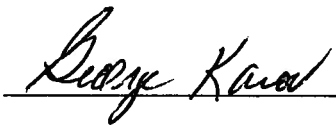
**16. Executive Session**

No executive session was needed.

**Adjournment**

Motion made by Councilman Parkinson, seconded by Councilwoman Woods to adjourn at 7:16 PM. Motion carried unanimously.

  
Gena Long, City Recorder

  
George Karos, Mayor