

**CITY OF MARTINSBURG  
REGULAR COUNCIL MEETING  
MARCH 10, 2011  
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, Betty Gunnoe, Max Parkinson and Roger Lewis. Not present was Richard Yauger. Also present were: Mark S. Baldwin, City Manager, Jarrod Adams, City Attorney, Gena Long, City Recorder, Kevin Miller, Police Chief, Paul Bragg, Fire Chief, Steve Knipe, Utilities Director, Jeffrey Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director and Mark Spickler, Finance Director.

**3. SALUTE TO FLAG**

Councilwoman Gunnoe led the Pledge of Allegiance to the Flag.

**4. PRAYER – Reverend Nathaniel Wright—Lily of the Valley Evangel Church.**

The invocation was given by Reverend Wright.

**5. APPROVE February 10, 2011 REGULAR COUNCIL MEETING MINUTES**

Motion made by Councilman Etherington, seconded by Councilman Parkinson to approve the February 10, 2011 regular Council meeting minutes. Motion carried unanimously.

**6. APPROVE January 2011 ADMINISTRATIVE AND FINANCIAL REPORT**

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

**7. PRESENTATIONS**

**(a) Proclamation-- Multiple Sclerosis Society and Multiple Sclerosis Awareness Week—March 14-20, 2011.**

**(b) Proclamation—Martinsburg High School Strike Out Cancer Week—April 4-8, 2011.**

The proclamation was read by City Recorder, Gena Long and presented to Martinsburg High School.

**(c) Proclamation—City of Martinsburg and the U.S. Department of Housing and Urban Development Fair Housing Month—April, 2011.**

**(d) Berkeley Senior Services—Budget Presentation (see attached letter).**

Mr. Kevin Knowles spoke on behalf of Berkeley Senior Services. He stated that approximately 30% of their clients are Martinsburg residents. He explained that Berkeley Senior Services has taken over the “pink house” and is always in deficit, but that no senior that asks for assistance goes hungry. Mr. Knowles asked that the city help financially as the renovations to the “pink house” will exceed \$70,000.

**(e) Hospice of the Panhandle, Inc.—Budget Presentation (see attached letter).**

No one was present to present this request.

## **8. PETITIONS FROM CITIZENS**

- Ms. Donna Collis, 320 S. Rosemont, asked that City Council grant permission to hold a candle light vigil in Town Square honoring Frank Buckles on March 26, 2011 (April 2, 2011 rain date), with any financial donations being given to Mr. Buckles' daughter.

The Council advised that Ms. Collis speak to Police Chief Kevin Miller regarding what procedures would be necessary to hold the event.

- Mr. Walter Bowers spoke regarding the lack of snow removal on some sidewalks.

City Engineer Mike Covell spoke in regards to the City's snow removal policy, stating that his department has good success getting the downtown sidewalks cleared within the twenty-four hour prescribed window. He stated that no citations have been issued this year.

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

**(a) City of Martinsburg Police Department 2010 Annual Report.**

**(b) Martinsburg-Berkeley County Parks and Recreation January 18, 2011 meeting minutes.**

**(c) Berkeley County Development Authority December 8, 2010 meeting minutes, December 13, 2010 special meeting minutes, January 12, 2011 meeting minutes and Statement of Revenues and Expenditures.**

**(d) Letter from the West Virginia Division of Culture and History declaring that the West Martinsburg Historic District has been added to the National Register of Historic Places.**

**(e) Martinsburg-Berkeley County Convention and Visitors' Bureau Profit and Loss Statement, January 27, 2010 meeting minutes, March 16, 2010 meeting minutes, April 20, 2010 meeting minutes, June 29, 2010 meeting minutes, July 28, 2010 meeting minutes, August 11, 2010 meeting minutes, September 16, 2010 meeting minutes, October 12, 2010 meeting minutes and December 8, 2010 meeting minutes.**

**(f) Eastern West Virginia Regional Airport Authority 2nd Quarter and Year End FY 2010-2011 Budget Report.**

**(g) Veterans Service Organization January 20, 2011 meeting minutes.**

**(h) Memo from the Martinsburg Police Department in regards to new graphic design for police cruisers.**

**(i) Letter from Comcast advising of programming changes.**

**(j) Letter from for the kids, by George Children's Museum, Welcome Center and Bookshop regarding exhibit openings on Saturday, May 7th 2011 in conjunction with Martinsburg Heritage Day and National Train Day.**

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

**10. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES**

**(a) Approve/Deny Budget and Finance Committee Minutes, March 3, 2011.**

Motion made by Councilman Wachtel, seconded by Councilman Lewis to approve the Budget and Finance Committee Minutes for March 3, 2011. Motion carried unanimously.

**11. REPORT OF MAYOR**

**(a) Reappoint Buzz Poland to Martinsburg Parks and Recreation Board. Term 03/01/11-03/01/14.**

Buzz Poland was reappointed to the Martinsburg/Berkeley County Parks and Recreation Board; term 3/01/11-3/01/14.

**(b) Reappoint Donald Burke to the Parking Authority. Term 03/31/11-03/31/14.**

Donald Burke was reappointed to the Parking Authority; Term 3/31/11-3/31/14.

**(c) Reappoint Richard Lowman to the Parking Authority. Term 03/31/11-03/31/14**

Richard Lowman was reappointed to the Parking Authority; Term 3/31/11-3/31/14.

**(d) Reappoint Laura Gassler to the Martinsburg-Berkeley County Convention and Visitor's Bureau. Term 01/01/11-01/01/13.**

Laura Gassler was reappointed to the Martinsburg-Berkeley County Convention and Visitor's Bureau; Term 1/01/11-01/01/13.

**(e) Schedule Budget and Finance Committee Meeting for Wednesday, March 16, 2011, 4:30 PM.**

Mayor Karos scheduled a Budget and Finance Committee meeting for Wednesday, March 16, 2011 at 4:30 PM.

**(f) Schedule Special City Council meeting – Monday, March 21, 2010 at 6:30 p.m. for Public Hearing to discuss increase in property tax rates if approved by Council-- under new business item 15 L.**

Mayor Karos scheduled a Special City Council meeting for March 21, 2010 at 6:30 PM for a public hearing to discuss an increase in property tax rates.

**(g) Schedule Special City Council Meeting for Thursday, March 24, 2011 at 5:00 PM to approve FY 2011-2012 Budgets and any other business.**

Mayor Karos scheduled a Special City Council meeting for March 24, 2011 at 5:00 PM to approve the FY 2011-2012 budgets and any other business.

**12. REPORT OF CITY ATTORNEY**

There was no report of the City Attorney.

**13. REPORT OF CITY MANAGER**

**A. City Projects Update**

City Manager Mark Baldwin discussed city project updates.

**14. UNFINISHED BUSINESS**

There was no unfinished business.

**15. NEW BUSINESS**

**(a) Approve/Deny two additional holidays for full time City employees; Saturday, May 14, 2011—Gubernatorial Primary Election and Tuesday, October 4, 2011—Gubernatorial General Election.**

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve two additional holidays for full time City employees; Saturday, May 14, 2011 for the Gubernatorial Primary Election and Tuesday, October 4, 2011 for the Gubernatorial General Election. Motion carried unanimously.

**(b) Berkeley County Council appeal of the Shadetree Commission's decision to deny removal of trees in front of 100 W. King Street.**

Mr. Norwood Bentley, Berkeley County Council legal counsel, presented this request. Mr. Bentley stated that the trees are damaging the sidewalk and need to be removed. He stated that the Berkeley County Council would be glad to replace them with more appropriate trees.

Ms. Mary Lewis, Shadetree Commission, stated that an arborist has stated that the trees are not damaging the sidewalks, but does recommend cutting out a 5'x8' section around the base of the trees. Grates are not recommended, she stated, and the trees are healthy and do not need trimmed.

Councilman Woods asked if the Shadetree Commission had considered using trees of the same type as are to be used in the redesigned Town Square. Ms. Lewis replied that those trees are too large for sidewalks.

The Council decided that further information was needed and asked the Berkeley County Council to appear at the April meeting, which falls within thirty days of the appeal, for further discussion.

**(c) Approve/Deny NTELOS Franchise Agreement (adding FiberNet, LLC facilities to existing agreement).**

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to approve the NTELOS Franchise Agreement to include FiberNet, LLC facilities in the existing agreement. Motion carried unanimously.

**(d) Approve/Deny Saturday, May 21, 2011 as 21st Annual "Take Pride in Your Community" Spring Clean-up.**

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to designate Saturday, May 21, 2011 as the 21<sup>st</sup> annual "Take Pride in Your Community Spring Clean-up Day. Motion carried unanimously.

**(e) Approve/Deny joint use agreement between the City of Martinsburg and Branch Banking and Trust—Towne Square Pedestrian Plaza project.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson, to approve a joint use agreement between the City of Martinsburg and Branch Banking and Trust in regards to the Towne Square Pedestrian Plaza project. Motion carried unanimously.

**(f) Approve/Deny Draft FY 2011-2012 Community Development Block Grant Program (CDBG) and HOME Annual Action Plan.**

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the Draft FY 2011-2012 Community Development Block Grant Program (CDBG) and HOME Annual Action Plan. Motion carried unanimously.

**(h) Approve/deny a 5K walk/hike in City limits on Heritage Day, May 7, 2011—Main Street Martinsburg.**

Motion made by Councilman Woods, seconded by Councilman Etherington to approve a 5K walk/hike in City limits on Heritage Day, May 7, 2011, organized by MainStreet Martinsburg. Motion carried unanimously.

**(i) Approve/deny Martinsburg-Berkeley County Convention and Visitors' Bureau request to extend the Eastern Panhandle Bluegrass Association sessions at Caperton Station through June 30, 2011—Sunday afternoons 4PM-7PM.**

Motion made by Councilman Wachtel, seconded by Councilman Woods to approve Martinsburg-Berkeley County Convention and Visitors' Bureau's request to extend the Eastern Panhandle Bluegrass Association sessions at Caperton Station through June 30, 2011 on Sunday afternoons from 4PM until 7PM. Motion carried unanimously.

**(j) Approve/deny City of Martinsburg Fire Department purchase of two Hydraulic Rescue Cutters—Interstate Rescue-\$10,000—Fire/EMS Fund.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel to approve the City of Martinsburg Fire Department purchase of two hydraulic rescue cutters (jaws of life) from Interstate Rescue in the amount of \$10,000. Moneys to come from the Fire/EMS Fund. Motion carried unanimously.

**(k) Approve/deny Good Friday Crosswalk, April 22, 2011—Calvary United Methodist Church.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Etherington, to approve the Good Friday Crosswalk on April 22, 2011 at the request of Calvary United Methodist Church. Motion carried unanimously.

**(l) Approve/Deny recommendation of Budget and Finance Committee to schedule special City Council meeting for public hearing on Monday, March 21, 2011 at 6:30 p.m. to discuss increase in property tax rates.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis to approve the recommendation of the Budget and Finance Committee to schedule a special City Council meeting for public hearing on Monday, March 21, 2011 at 6:30 pm to discuss increase in property tax rates. Motion carried unanimously.

**(m) Approve/Deny request to block traffic from utilizing the first block of Tuskegee on the side of Martinsburg Union Rescue Mission, Saturday May 7, 2011 from 11:30 AM until 4:00 PM for purposes of a community event—R & K Boutique.**

Discussion included that this is scheduled to take place on Heritage Day. Police Chief Kevin Miller stated that this would cause his department a significant staffing burden. The applicant was asked to work with Chief Miller and schedule a different day for the event.

Motion was made by Councilman Woods, seconded by Councilwoman Gunnoe, to deny the request to block traffic from utilizing the first block of Tuskegee on the side of the Martinsburg Union Rescue Mission on Saturday, May 7, 2011 from 11:30 AM until 4:00PM for purposes of a community event. Motion defeated 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)**

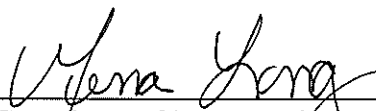
Motion made by Councilman Woods, seconded by Councilman Parkinson to go into executive session, for real estate and legal matters at 7:15 p.m. Motion carried unanimously.

Motion made by Councilman Lewis, seconded by Councilman Woods to go out of executive session at 7:25 p.m. Motion carried unanimously.

**17. ADJOURNMENT**

Motion made by Councilman Woods, seconded by Councilman Parkinson to adjourn the meeting at 7:25 p.m. Motion carried unanimously.

  
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George Karos, Mayor

  
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Gena Long, City Recorder