

**City Of Martinsburg
Regular Council Meeting
November 8, 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: Don Anderson, Roger Lewis, Dennis Etherington, Kevin Knowles, Jason Baker, Max Parkinson and Gregg Wachtel. Also present were: Mark Baldwin, City Manager, Catherine Wilkes, 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, Michael Covell, City Engineer/Planning Director, Brenda Spaulding, Human Resources Director, and Patricia McMillan, Community Development Director.

3. Salute to Flag

Councilman Parkinson led the Salute to the Flag.

4. Prayer—

Pastor Al Clipp, Calvary United Methodist Church, lead the invocation.

5. Approve October 11, 2012 regular Council Meeting Minutes

Motion made by Councilman Wachtel, seconded by Councilman Parkinson, to approve the October 11, 2012 regular Council meeting minutes. Motion carried unanimously.

6. Approve October 17, 2012 special Council Meeting Minutes

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the October 17, 2012 special Council meeting minutes. Motion carried unanimously.

7. Approve October 18, 2012 special Council Meeting Minutes

Motion made by Councilman Baker, seconded by Councilman Anderson to approve the October 18, 2012 special Council Meeting Minutes

8. Approve September 2012 Administrative and Financial Report.

Motion made by Councilman Wachtel, seconded by Councilman Etherington and Councilman Baker, to approve the September 2012 Administrative and Financial Report. Motion carried unanimously.

9. Presentations

(a) **Proclamation—National Hunger and Homeless Awareness Week—Community Networks**

Ms. Glenda Helman spoke about the importance of community outreach to help the hungry and homeless. Mayor Karos read the Proclamation which was received by Ms. Helman on behalf of Community Networks.

(b) Administer Oath of Office to Fire Lieutenant Daniel Thomas

The City Recorder administered the oath of office to Fire Lieutenant Daniel Thomas.

(c) Resolution of Appreciation—Police Sergeant Darrll Ruppenthal

Mayor Karos read the Resolution of Appreciation to retired Police Sergeant Darrll Ruppenthal and thanked him for his service.

Sergeant Ruppenthal responded that it was an honor to serve as a Police Officer for the City of Martinsburg and accepted his service weapon which was presented by Chief Kevin Miller.

(d) Administer Oath of Office to Deputy Chief of Police Timothy Catlett

The City Recorder administered the oath of office to Deputy Chief of Police Timothy Catlett.

(e) Administer Oath of Office to Police Officers Thomas Greenfield, III, Samuel McGovern and Daryl Stryker.

The City Recorder administered the oath of office to Police Officers Greenfield, McGovern and Stryker.

10. Petitions From Citizens

Mayor Karos called for petitions from citizens regarding any issue except for item 17B on the agenda, and there were none.

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

- a. Letter to Dr. Queen from State Senator Herb Snyder referencing a grant to the Martinsburg Little League Association.
- b. Letter from Comcast regarding programming changes
- c. For the Kids, by George Children's Museum 10/22/12 Progress Report—Grove and Dall'Olio Architects, PLLC
- d. Berkeley County Animal Control Report; 9/1/12 through 9/30/12
- e. FEMA Project Worksheet relating to June 29, 2012 derecho storm.
- f. Town of Bath Resolution 2012-09: Martinsburg Appreciation

Motion made by Councilman Lewis, seconded by Councilman Anderson to receive and file items 11a-11f. Motion carried unanimously.

12. Reports of Chairpersons of Council Standing Committees

(a) Council as a Whole Committee October 18, 2012 meeting minutes

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to enter the Council as a Whole Committee October 18, 2012 meeting minutes into the record. Motion carried unanimously.

13. Report of Mayor

(a) Reminder of Council as a Whole Committee meeting (executive session) for N. Queen Street Underpass Project engineer interviews—Wednesday, November 14, 2012 at 4:30 PM.

Mayor Karos reminded Council of the above mentioned meeting.

(b) Reminder of Council as a Whole Committee meeting (executive session) for Parking Lot Improvements Project engineer interviews—Tuesday, November 27, 2012 at 4:30 PM.

Due to the number of engineers to be interviewed, Mayor Karos reminded Council of the above mentioned meeting and added a second Council as a Whole Committee meeting to take place on Wednesday, November 28, 2012 at 4:30 PM.

14. Report of City Attorney

There was no report of the City Attorney

15. Report of City Manager

(a) Projects update.

City Manager Mark Baldwin had nothing further to add.

16. Unfinished Business

There was no unfinished business scheduled.

Councilman Wachtel congratulated newly elected Delegate Jason Barratt, who was in the audience. Delegate Barrett stated that he was looking forward to working with the Martinsburg City Council.

17. New Business

(a) Resolution 2012-27: Resolution of the Council of the City of Martinsburg Revising the FY 2010, FY 2011 and FY 2012 Homebuyer Assistance Program

Patricia McMillan, Community Development Director, explained that there are additional funds (approximately \$72,000) remaining in the Homebuyer Assistance Program that are committed specifically to homes purchased in Martinsburg city limits. Ms. McMillan asked that those funds be allowable to be used for home purchases in Berkeley County, including the City, as that is where there is the greatest demand. Ms. McMillan stated that the funds are allocated to support all members of the HOME Consortium and must be used within the time frame set forth by HUD.

Councilman Knowles asked if no one in the City had requested funds.

Ms. McMillan stated that there is demand in the City, but not as much as in Berkeley County as a whole and some funds have accumulated.

Motion made by Councilman Wachtel, seconded by Councilman Lewis and Councilman Etherington to approve Resolution 2012-27: Resolution of the City Council of the City of Martinsburg revising the FY 2010, FY 2011 and FY 2012 Homebuyer Assistance Program. Motion carried 5-2, Baker and Knowles, no.

b. Approve/deny Raleigh Street Extension Parking Recommendation from the West Virginia Department of Transportation, Division of Highways

Mayor Karos called for petitions from citizens specifically regarding this agenda item.

Mr. Paul Turner, 222 N. Raleigh Street, submitted a statement (attached) in which he indicated that he and his wife both suffer from health problems and the proposed plan would remove all parking from the front of their residence. Mr. Turner stated that he had been informed by the WV State Department of Highways that he would not lose the parking at his residence. Mr. Turner asked Council what they intended to do to replace the parking spaces and advised that the City consider purchasing a vacant lot across Raleigh Street from Mr. Turner's residence.

Mr. Stacko Hudkins, WVDOT, discussed the time frame in which the milling, curbing and striping of the area in question would take place, which is expected to be the week following Thanksgiving.

Mr. Kenneth Clohan, WVDOT, addressed the parking concerns, confirming that approximately half of the parking would be eliminated to make room for a left turn lane on N. Raleigh Street onto W. Race Street. He stated that a 140-foot turn lane with a 100-foot taper is optimal, but had compromised with a 100-foot turn lane with a 75-foot taper on the plans submitted for approval.

Councilman Knowles asked about the potential ramifications of moving the beginning of the turn lane northward approximately 20 feet, and if a stop light is intended for the intersection of W. Race and N. Raleigh.

Mr. Clohan responded that there will be a 4-way stop at that intersection.

Councilman Baker stated that a shortened left-hand turn lane at the 4-way stop would be a "Band-Aid"; that a stop light will be needed at that intersection eventually and that traffic backs up there, currently.

Mr. Baldwin added that the current line stops almost at the end of the row houses, just north of Mr. Turner's property.

Mayor Karos asked if the proposed turn lane could be reduced from a three-car turn lane to a two-car turn lane.

Mr. Clohan stated that it could, and would add one parking space back, but that it may create a traffic back-up.

Councilman Lewis agreed, stating that it is now a busy intersection with cars turning left onto W. Race Street, when it is a major intersection, a left-hand turn lane is necessary, especially as that route is used to travel to Rock Cliff Drive. He stated that he observed the intersection personally, and that he was surprised at how busy the intersection is.

Councilman Knowles asked what the next left would be, if no left turn were allowed at that intersection.

Mr. Clohan responded that the next left turn lane would be at Tavern Road.

Councilman Knowles stated that was what he thought, which is where Rock Cliff Drive would end up, anyways.

Councilman Baker recommended that Council look into purchasing the vacant lot across the street and converting it into a parking area, which would allow for a longer turn-lane without depriving the block of parking.

Mr. Turner stated that he feels there is a need for the turn lane, that traffic backs up in the area already to the Fire Station, which can cause safety issues with fire trucks attempting to leave the station. He said he feels the purchase of the vacant lot is a good solution for all the residences on the block, as it would easily provide parking for 6-8 cars.

Councilman Knowles made a motion, seconded by Councilman Baker, to table the discussion until other possible solutions could be explored.

Councilman Lewis reminded Council that a 2/3 vote of Council would be required to take the item off the table.

Mayor Karos asked the representatives from the WVDOT about their time frame.

Mr. Clohan responded that they were slightly behind schedule now, and that it would be best to get drivers accustomed to the new markings and traffic patterns before the opening of the Raleigh Street Extension, planned for the summer of 2013.

Councilman Wachtel asked if the sidewalk could be narrowed for more room.

Mr. Clohan replied that it could, but it would be very difficult.

City Manager Mark Baldwin stated that Council needs to understand that the construction is under schedule, and asked when Council intends to meet again to vote on the issue.

Councilman Baker stated that he would like time for someone to make a phone call to the owners of the lot and get some information regarding purchasing or leasing the lot.

Councilman Lewis stated that the lot is owned by the Hutzler Estate, that it is leased to the Mystic Gas Station. He expressed concerns that it is unknown what is under the lot, how is the City to put forth the money to purchase the lot not knowing if it is viable for a parking lot. Councilman Lewis added that he appreciate Mr. Turner's concerns but pointed out that there are parking spaces in the area and along W. Martin Street.

Councilman Baker stated that it is not necessary to purchase the lot, a lease may be considered, to which Councilman Lewis replied that it is leased already.

Mayor Karos asked if a week's delay, for Council to consider other options, would be detrimental to the DOH's schedule.

Mr. Hudkins stated that he is concerned with the time frame, especially considering that weather may be a factor with winter approaching.

Mayor Karos stated that Council would need to schedule a special meeting at the beginning of the following week, to discuss the area.

Councilman Lewis stated that the real solution is to remove room for one car from the turn lane, in order to increase the parking spaces by one, for now and possibly investigate other options later. Councilman Lewis stated he understands the concern for WVDOH, but the parking space is in front of someone's home.

Mayor Karos stated if traffic would move faster or slower if the turn lane was eliminated. Mr. Clohan stated that he believes removing the turn lane would cause more congestion and slow traffic down.

The motion to table failed 4-3, with Councilman Wachtel, Councilman Etherington, Councilman Parkinson and Councilman Lewis voting no, Councilman Anderson, Councilman Knowles and Councilman Baker voting yes.

Motion made by Councilman Lewis, seconded by Councilman Wachtel to allow for parking in front of 222 N. Raleigh going south, which would remove up to twenty (20) feet from the proposed turn-lane. Motion carried 6-1, Baker, no.

Mr. Clohan stated that he understands that the turn lane will be reduced from 75-feet down to approximately 55-feet and that is an acceptable compromise.

Motion made by Councilman Knowles to approve the recommendations as a whole as proposed, with the exception of the changes made by the previous motion. Motion carried unanimously.

c. Approve/deny delaying the W. King and Valley Streets project and procure engineering services for King and Church Streets stormwater drainage area.

Mr. Baldwin suggested delaying the stormwater management project on South Valley Street as an engineering study has indicated that the cost to fix the issues correctly would cost significantly more than had been projected. He stated that there is extensive flooding on Church Street that is causing damage to homes and requested that budgeted funds be reallocated to a stormwater management project on King and Church Streets, if determined feasible by an engineering study. He reminded Council that CDBG money must be spent within five years, and the deadline is narrowing.

Motion made by Councilman Wachtel, seconded by Councilman Lewis to approve delaying the W. King and Valley Streets project and procuring engineering services for King and Church Streets stormwater drainage area. Motion carried 6:1, Baker no.

Councilman Anderson asked if the residents of Valley Street have been notified that the project is being delayed, to which Mr. Baldwin answered that there had been no direct contact. Councilman Anderson advised that the Councilman for the area or City staff notify the residents, directly. Councilman Lewis agreed that was fair.

d. Approve/deny bid for Kilmer Springs water system improvements project—Snyder Environmental--\$147,825.00.

Councilman Anderson asked if the funds had been budgeted, to which Mr. Baldwin answered that they were and the money comes from the Utilities Fund.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the bid for Kilmer Springs water system improvements project—Snyder Environmental--\$147,825.00. Motion carried unanimously.

e. Approve/deny bid for 2012-2013 snow removal in four (4) municipal parking lots—Allan Plotner—priced as needed.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the bid for 2012-2013 snow removal in four (4) municipal parking lots—Allan Plotner—priced as needed. Motion carried unanimously.

Councilman Knowles asked how bids requests are posted, to which Finance Director Mark Spickler answered they are posted by legal advertisement.

f. Approve/deny additional holidays for Christmas and New Year's Day (see attached data sheet).

Mayor Karos suggested giving employees the day before and the day after Christmas (December 24th and December 26th) and the day before New Year's (December 31) as full day holidays, especially considering that employees have been given one raise in the past four (4) years.

Motion made by Councilman Wachtel, seconded by Councilman Knowles to approve full day's holiday for December 24, 26 & 31, 2012. Motion carried unanimously.

Councilman Baker asked about the cost of giving the additional holidays. Mr. Spickler replied that the loss is really in time as only essential personnel are working. The financial cost is not substantial, Mr. Spickler stated, as many essential personnel take the hours in additional leave to be used at their discretion within department policy, rather than overtime pay.

g. Confirm eight (8) hours compensatory time for City employees for weather related emergency on Tuesday, October 30, 2012

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve eight (8) hours of compensatory time for City employees for weather related emergency on Tuesday, October 30, 2012. Motion carried unanimously.

h. Approve/deny intent to submit grant application for Train Station Corridor Project

Mr. Baldwin explained that the grant application is submitted every year and that previously the money has been used for the museum, which may not be eligible due to updated guidelines. He suggested that the money could be used for new brick overlay in the Spring Street and Martin Street areas, or other projects as needed and allowable. He also stated that the money needed for the match has been budgeted.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the intent to submit the grant application for the Train Station Corridor Project. Motion carried unanimously.

i. Approve/deny purchase of Media Command Center for Fire Department—Grandview Systems, Inc (GSI)--\$6,188.00—sole provider

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the purchase of a Media Command Center for the Fire Department—Grandview Systems, Inc (GSI), sole provider--\$6,188.00. Motion carried unanimously.


18. Executive Session

Motion made by Councilman Etherington, seconded by Councilman Knowles, to go into Executive Session for real estate matters at 7:55 PM.

Adjournment

Motion made by Councilman Wachtel, seconded by Councilman Lewis to adjourn at 8:15 PM. Motion carried unanimously.


Gena Long, City Recorder


George Karos, Mayor