

**City Of Martinsburg
Regular Council Meeting
October 11, 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, Kin Sayre, City Attorney, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Lt. George Swartwood, Martinsburg Police Department, Steve Knipe, Utilities Director, Mark Spickler, Finance Director, Jeff Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director and Patricia McMillan, Community Development Director.

3. Salute to Flag

Councilman Knowles led the Salute to the Flag.

4. Prayer—

Mayor Karos lead the invocation.

Mayor Karos requested that items 17 b,c,d,e & f be heard immediately following the Public Hearing. Mayor Karos also requested that item 17i (8) be removed for the time being, pending further documentation.

5. Approve September 13, 2012 regular Council Meeting Minutes

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the September 13, 2012 regular Council meeting minutes. Motion carried unanimously.

6. Approve September 20, 2012 special Council Meeting Minutes

Motion made by Councilman Lewis, seconded by Councilman Knowles, to approve the September 20, 2012 regular Council meeting minutes. Motion carried unanimously.

7. Approve August 2012 Administrative and Financial Report.

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

8. Public Hearing-- A public hearing has been scheduled to solicit public comment on Ordinance 2012-10: Ordinance Authorizing The Design Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Two Million Dollars (\$2,000,000) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating

To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Loan Agreement With The West Virginia Water Development Authority Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto. (Certified Copy on file in the City Recorder's Office)

Mayor Karos opened the public hearing at 6:31 PM. As no one came forward to issue comment for or against the provisions of Ordinance 2012-10, the public hearing was closed at 6:33 PM.

17B-- Approve/deny putting into effect the provisions of Ordinance 2012-10: Ordinance Authorizing The Design Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Two Million Dollars (\$2,000,000) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Loan Agreement With The West Virginia Water Development Authority Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto

Motion made by Councilman Lewis, seconded by Councilman Wachtel, to put into effect the provisions of Ordinance 2012-10. Motion carried 6-1; Anderson no.

17C—Approve/deny Supplemental Resolution 2012-23: Supplemental Resolution Providing as to Principal Amount, Interest Rate, Date, Maturity Date, Redemption Provisions, Principal and Interest Payment Dates, Sale Price and Other Terms of the Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority) of the City of Martinsburg; Authorizing, Ratifying and Approving a Loan Agreement Relating to Such Bonds and the Sale and Delivery of Such Bonds to the West Virginia Water Development Authority' Designating a Bonds Registrar, Depository Bank, and Paying Agent; Amending the Ordinance Authorizing the Issuance of the Aforesaid Bonds; and Making Other Provisions as to the Bonds.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Supplemental Resolution 2012-23. Motion carried 6-1; Anderson no.

17D Approve/deny Resolution 2012-24: Resolution Of The City Council Of The City Of Martinsburg Approving Invoices Relating To The Design Of Certain Additions, Betterments And Improvements To The Combined Waterworks And Sewerage System Facilities Of The City Of Martinsburg And For Bond Counsel Services Relating To The Issuance Of The City Of Martinsburg Combined Waterworks And Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority) And Authorizing Payment Thereof

Councilman Anderson asked if it is known what the cost of the related Ordinance will be to taxpayers. Mayor Karos stated that it is not known.

Finance Director Mark Spickler elaborated, stating that current sewer revenues will pay the cost of this loan, that there will be no rate increases associated with it.

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve Resolution 2012-24. Motion carried; Anderson no.

17E. Approve/deny Resolution 2012-25: Resolution of the City Council of the City of Martinsburg Authorizing George Karos, Mayor, and Mark S. Baldwin, City Manager, to Act On And Sign On Behalf Of The City Of Martinsburg Any And All Federal And State Actions As They Relate To Planning, Design, And/or Construction Of Improvements To The City's Wastewater Treatment Plant

Motion made by Councilman Lewis, seconded by Councilman Etherington to approve Resolution 2012-25. Motion carried 6-1; Anderson no.

Councilman Anderson clarified that his vote was not in opposition to the signature authorization of the Mayor and City Manager, but to anything that will cost the taxpayers.

17F. Approve/deny Loan Agreement between the Water Development Authority and the City of Martinsburg, as referenced in Resolution 2012-23.

Motion made by Councilman Wachtel, seconded by Councilman Parkinson, to approve the Loan Agreement between the Water Development Authority and the City of Martinsburg. Motion carried 6-1; Anderson no.

8. Presentations

(a) Proclamation—Red Ribbon Week—Shenandoah Valley Young Marines

Recruits Clemens and Anderson spoke out about the importance of spreading the word about the hazards of drug use.

Mayor Karos read the Proclamation which was received by the Shenandoah Valley Young Marines.

(b) Proclamation—Red Ribbon Week—Colonel Wesley Fox Young Marines

As no one was present, Mayor Karos requested that the City Recorder mail the Proclamation to the requestor.

(c) Proclamation—Christian Heritage Week

As no one was present, Mayor Karos requested that the City Recorder mail the Proclamation to the requestor.

(d) Jenni Vincent, Air Quality Program Coordinator, Eastern Panhandle Regional Planning and Development Council—Region 9—Clean Air Connection Update.

Ms. Vincent stated that the City has come a long way in meeting attainment goals in ozone levels. She stated that, historically, there have been 10-20 unhealthy ozone days in one summer, and this last season had two. She commended the City Council, adding that community outreach is helping educate the community and that other factors, such as safer automobiles with lower emissions, are also contributing.

She also mentioned that the EPA is expected to revise the policy respecting ozone levels in 2013 and cities that fail to comply could lose federal dollars for transportation projects.

Further discussion included partnering with government agencies, raising environmental consciousness through branding and social media and plans for the future, including a Pollution Prevention Week and Earth Week.

10. Petitions From Citizens

There were no petitions from citizens.

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

- a. Berkeley County Development Authority August 2012 Financials, August 1, 2012 Executive Committee Meeting Minutes and August 8, 2012 Regular Meeting Minutes
- b. Board of Zoning Appeals September 04, 2012 Meeting Minutes
- c. Martinsburg/Berkeley County Convention and Visitors Bureau By-Laws
- d. Center for Disease Control and Prevention's Water Fluoridation Quality Award, 2011
- e. Historic Preservation Review Commission September 10, 2012 Meeting Minutes
- f. Planning Commission September 5, 2012 Meeting Minutes
- g. Shade Tree Committee September 25, 2012 Meeting Minutes
- h. City of Martinsburg's annual reports for water and wastewater utilities to the Public Service Commission of West Virginia cover sheets (entire documents on file in the Finance Department)

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

12. Reports of Chairpersons of Council Standing Committees

There were no reports of Chairpersons of Council Standing Committees

13. Report of Mayor

(a) Schedule Special City Council meeting for Wednesday, October 17, 2012 at 4:30 pm for Executive Session--Personnel

(b) Schedule Special City Council meeting for Thursday, October 18, 2012 at 5:00 pm for items related to sewer improvement project and other items as necessary.

(c) Schedule Council as a Whole meeting for Thursday, October 18, 2012 immediately following aforementioned Special Council Meeting for stormwater overview.

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.

17. New Business

a. First and Second Reading of Ordinance 2012-12: An Ordinance To Adopt The 2012 Replacement Pages To The Codified Ordinances, To Adopt New Matter; To Repeal Ordinances In Conflict Therewith; And To Direct That The Statutory Requirements For The Codification Of Ordinances Be Complied With.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to hear the first and second reading of Ordinance 2012-12. Motion carried unanimously.

b. Approve/deny putting into the effect the provisions of Ordinance 2012-10: Ordinance Authorizing The Design Of Certain Additions, Betterments And Improvements To The Existing Combined Waterworks And Sewerage System Of The City Of Martinsburg And The Financing Of The Cost, Not Otherwise Provided, Thereof Through The Issuance By The City Of Martinsburg Of Not More Than Two Million Dollars (\$2,000,000) In Aggregate Principal Amount Of City Of Martinsburg Combined Waterworks And Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority); Providing For The Rights And Remedies Of And Security For The Registered Owners Of Such Bonds; Authorizing Execution And Delivery Of All

Documents Relating To The Issuance Of Such Bonds; Approving, Ratifying And Confirming A Loan Agreement With The West Virginia Water Development Authority Relating To Such Bonds; Authorizing The Sale And Providing For The Terms And Provisions Of Such Bonds; And Adopting Other Provisions Relating Thereto. (As adopted at the September 20, 2012 Special Council Meeting).

See Section 8.

c. Approve/deny Supplemental Resolution 2012-23: Supplemental Resolution Providing as to Principal Amount, Interest Rate, Date, Maturity Date, Redemption Provisions, Principal and Interest Payment Dates, Sale Price and Other Terms of the Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority) of the City of Martinsburg; Authorizing, Ratifying and Approving a Loan Agreement Relating to Such Bonds and the Sale and Delivery of Such Bonds to the West Virginia Water Development Authority' Designating a Bonds Registrar, Depository Bank, and Paying Agent; Amending the Ordinance Authorizing the Issuance of the Aforesaid Bonds; and Making Other Provisions as to the Bonds.

See Section 8.

d. Approve/deny Resolution 2012-24: Resolution Of The City Council Of The City Of Martinsburg Approving Invoices Relating To The Design Of Certain Additions, Betterments And Improvements To The Combined Waterworks And Sewerage System Facilities Of The City Of Martinsburg And For Bond Counsel Services Relating To The Issuance Of The City Of Martinsburg Combined Waterworks And Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority) And Authorizing Payment Thereof

See Section 8.

e. Approve/deny Resolution 2012-25: Resolution of the City Council of the City of Martinsburg Authorizing George Karos, Mayor, and Mark S. Baldwin, City Manager, to Act On And Sign On Behalf Of The City Of Martinsburg Any And All Federal And State Actions As They Relate To Planning, Design, And/or Construction Of Improvements To The City's Wastewater Treatment Plant

See Section 8.

f. Approve/deny Loan Agreement between the Water Development Authority and the City of Martinsburg, as referenced in Resolution 2012-23

See Section 8.

g. Approve/deny Resolution 2012-26— A Resolution of the City Council of the City of Martinsburg Authorizing George Karos, Mayor Of The City Of Martinsburg To Enter Into A Contractual Agreement With The West Virginia Division Of Motor Vehicles To Receive And Administer Grant

Funds, In The Amount Of \$567,500, Pursuant To The Provisions Of The West Virginia Governor's Highway Safety Program

Motion made by Councilman Lewis, seconded by Councilman Knowles, to approve Resolution 2012-26. Motion carried 6-1; Anderson no.

h. Approve/deny bid for one new Caterpillar 246C Skidsteer Loader--\$41,958.00—Alban Tractor, Co (Public Works Fund)

Motion made by Councilman Baker, seconded by Councilman Parkinson to approve the bid for one new Caterpillar 246C Skidsteer Loader in the amount of \$41,958.00 payable to the Alban Tractor Company from the Public Works Fund. Motion carried 6-1; Anderson no.

i. Authorize Mayor to sign Community Development Block Grant (CDBG) Subrecipient Funding Agreements between the City of Martinsburg, West Virginia and the following entities:

- 1. Court Appointed Special Advocates (CASA) – \$5,000 for Volunteer Support**
- 2. Safe Haven Child Advocacy Center - \$5,000 to provide funds for coordination of support**
- 3. Berkeley County Meals on Wheels – \$3,000 Dine with Dignity Program**
- 4. Boys and Girls Club of the Eastern Panhandle, Inc. – \$ 5,000 for Membership Scholarship Program**
- 5. Shenandoah Women's Center – \$5,000 for Case Management for victims of domestic violence**
- 6. Berkeley Senior Services – \$5,000 for in-home care services**
- 7. Community Networks, Inc. – \$2,300 for security camera system**
- ~~8. Martinsburg/Berkeley Parks and Recreation Board \$160,390 for Ambrose Park Improvements~~**

Motion made by Councilman Lewis, seconded by Councilman Wachtel, to authorize the Mayor to sign Community Development Block Grant Subrecipient Funding Agreements between the City of Martinsburg and 17 I 1-7. Motion carried unanimously.

j. Approve/deny purchase of two (2) Ford Explorer-style Sport Utility Vehicles to be used for K-9 vehicles (\$51, 036.00), two (2) Ford AWD Taurus-style cruisers to be used for patrol (\$47,900) and equipment for all (\$20,000)—Total Cost \$118,936.00—Stephens Auto: State Contract (Police Levy Fund)

Councilman Baker asked about standard policy for replacing vehicles, at what mileage are they determined in need of replacement. Lieutenant Detective Swartwood answered that the K-9 vehicles are badly in need of replacement, each has approximately 110k miles and very high repair bills. The cruisers, Lieutenant Detective Swartwood explained, have nearly 115k miles and are intended to remain in the fleet as replacements or back-up cars.

Councilman Baker stated that Berkeley County has a policy of replacing vehicles when they have reached 150k miles. He asked if Lieutenant Detective Swartwood had any information on whether the amount of maintenance has gone down since officers were allowed to take vehicles home and how many years vehicles lasted before the take-home policy. Lieutenant Detective Swartwood indicated that he did not have that information.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the purchase of two Ford Explorer-style Sport Utility Vehicles to be used for K-9 vehicles (\$51,036.00) and two Ford AWD Taurus-style cruisers to be used for patrol (\$47,900) and equipment for all (\$20,000)—total cost \$118,936.00 payable to Stephens Auto—State Contract, from the Police Levy Fund. Motion carried 6-1: Baker no.

k. Approve/deny placement of “Comma Sculpture” at Train Station

Motion made by Councilman Lewis, seconded by Councilman Baker, to approve placement of “Comma Sculpture” at the Train Station. Motion carried unanimously.

l. Approve/deny submission of application for Chesapeake Bay Regulatory and Accountability Program Grant--\$50,000 (EPA--\$37,500 City match \$12,500).

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve submission of application for Chesapeake Bay Regulatory and Accountability Program Grant--\$50,000 (EPA--\$37,500 City match--\$12,500). Motion carried 6-1: Anderson no.

18. Executive Session


Motion made by Councilman Parkinson, seconded by Councilman Wachtel, to go into Executive Session for real estate matters at 7:05 PM.

Motion made by Councilman Parkinson, seconded by Councilman Wachtel, to exit Executive Session at 7:15 PM.

Adjournment

Motion made by Councilman Wachtel, seconded by Councilman Lewis to adjourn at 7:15 PM. Motion carried unanimously.


Gena Long, City Recorder


George Karos, Mayor