

Martinsburg City Council  
Regular City Council Meeting  
October 8, 1981 (October 31, 2013)  
Minute Book 35, P. 172-177

Opening prayer was given by the City Recorder, Isabel Swope.

The City Council of Martinsburg met in Regular Session in the Council Chambers at City Hall on October 8, 1981 with the following present: Mayor William C. Clohan, Councilmembers Merle Butts, Julian Fulk, Michael Lewis, Joan Roach, Kenneth Cushwa, Jr., Edward Dockeney, Clarence Miller, Richard Wachtel, Brenda Plotner, Betty Gunnoe, George Karos and Donald Bayer. Also present were City Manager John Marlow, Jr and J. Oakley Seibert, City Attorney. With a quorum present, the Mayor declared the meeting in order at 7:30 PM.

**Approval of Minutes**

Councilman Karos pointed out two corrections to be made in the minutes of the September 10, 1981 minutes: Page two, paragraph three, the motion reads "Moved by Councilman Karos, seconded by Councilman Dockeney, that all bids in the future be opened in by the City Manager before the meeting. Motion carried." The motion should read: Moved by Councilman Karos, seconded by Councilman Dockeney, that all bids in the future be opened by the City Manager before the meeting in the presence of the Mayor or City Recorder and a recommendation be brought to the City Council at the meeting.

Councilman Karos also pointed out that at the September 10, 1981 meeting on page one, third paragraph from bottom, a motion made by Councilman Cushwa, seconded by Councilman Karos, allows the City to rebid two police cars throughout the tri-state area. Councilman Karos would like for the record to show that he did not entirely understand the motion and is not in favor of rebidding in the tri-state area.

Councilman Cushwa has requested that when typing his name, please add Jr.

Moved by Councilman Cushwa, seconded by Councilman Dockeney, that the minutes of September 10, 1981 be corrected and the minutes of September 24, 1981 be approved. Motion carried.

**Petitions from Citizens**

**Ms. Thelma Vanhorn**, Rt. 2 Box 393, Hedgesville, appeared before the City Council on behalf of her mother, Mrs. McDonald, 326 E. Burke Street. Mrs. McDonald has received a water bill for \$75.00 for the period of July through September. Her water bill has never been over \$14-\$15. Mrs. VanHorn feels that her mother could not have used this much water during this period since Mrs. McDonald has been in the hospital and has not been staying at her residence on E. Burke St. Mrs. VanHorn also reported to Council that the residence has been broken into and

the neighbors reported that water has been stolen from this home. This home was sold to a Mr. Chris Kennedy and the water should have been turned off.

Moved by Councilman Wachtel, seconded by Councilman Miller, that this matter be turned over to the City Manager and requested that the Police Department investigate any necessary criminal charges that may or may not have to be filed and report back at the next meeting. Motion carried.

**Mr. Bill Beard**, 200 S. High Street, appeared before the City Council regarding the petition presented to the Council at a previous meeting regarding the alley on Albert Street. Mr. Beard would like to know the status of this situation. The City Manager informed him that, at the last meeting, it was decided that the people whose property is adjacent to the alley would sign an agreement stating that they would accept the results of a survey to be undertaken by the City and they would abide by the results. As soon as the agreement has been signed by all involved, the survey will be conducted.

#### **Administrative and Financial Report**

Moved by Councilman Cushwa, seconded by Councilwoman Plotner, that the Administrative and Financial Report for September, 1981 be approved. Motion carried.

Councilman Karos requested that the Council be supplied with a list of the number of tokens that are being purchased by the downtown merchants. He would like a breakdown of who buys the tokens; comparison of last year's to this year's by the number of tokens purchased.

Councilman Karos expressed his concern regarding the miscellaneous water figure creeping up each month.

#### **City Manager**

##### **Bid opening and selection of contractor for upgrading the sewer lines under Foxcroft UDAG**

It was recommended that the City Engineer and Tom Yoder, Consultant from Michael Baker Jr., open up the bids while the rest of the agenda is taken care of.

##### **Selection of bidder for new police car**

Received one bid by the deadline—Union Sales. Another bid was received today from Wagner Chevrolet, which does not qualify, because they did not comply with the advertisement, which stated that the bids had to be in by October 5, 1981.

The bid from Union Sales Dodge, for a 1982 Dodge Diplomat, 4-door sedan is \$8,212.90 with no trade-in, six weeks delivery.

The second bid from Union Sales Dodge, for a 1981 Dodge Aries, 4-door sedan is \$7,483.

It was moved by Councilman Wachtel, seconded by Councilman Butts, that we go with the Dodge Diplomat for \$8,212.90. Motion carried.

**Selection of bidder for painting City Hall.**

Only one bid was received for the painting of City Hall. Mr. James W. Stephens, \$6,620.

It was moved by Councilman Karos, seconded by Councilman Dockeney that this bid of \$6,620 be approved for the painting of City Hall. Motion carried.

**Approve paving portion of Beth Street**

It has been requested that a portion of Beth Street off Eulalia be approved for paving due to this area being washed out when it rains. If the City would do the work it would cost approximately \$800 for the materials.

Moved by Councilman Bayer, seconded by Councilman Dockeney, that this item be tabled until the Council members have had a chance to look at this area themselves. Motion carried.

**Revision of police facilities architectural agreement**

Mr. Bob Davis explained to the City Council that the architectural element and the engineering element of his firm have separated into different corporations. Based on this, the City was asked to sign a novation agreement, which would be a contract with only the architectural element. He further explained that the new organization would then begin work immediately on the design of the new police facility.

Moved by Councilman Dockeney, seconded by Councilman Cushwa, that this revision be approved and the novation agreement be signed. Motion carried. The firm's new name is Davis & Carter, P.C.

A meeting has been set between Mr. Davis and the Police Facilities Committee for Tuesday, October 13, 1981 at 8:30 AM at the Police Department.

**Results of the bid opening for upgrading sewer lines for Foxcroft**

[The full list is available in MB 35, at page 174](#)

Mr. Yoder explained to Council that, at this time, the project would not be awarded, this was only to announce the low bidder, which is Perry Engineering, Inc., out of Winchester, VA (\$179,133.79).

Moved by Councilman Wachtel, seconded by Councilman Cushwa, that Mr. Yoder's firm, Michael Baker, Jr., Inc., be directed to contact the apparent low bidder and obtain the necessary documents. Motion carried.

**Approve first quarter General Fund Budget Amendment**

The City Manager is seeking Council's approval to amend the budget that was sent into the State last March.

It was moved by Councilman Karos, seconded by Councilman Wachtel, that the budget be amended. Motion carried.

Councilman Karos inquired as to the status of the voting machines. This project is at a standstill at the time being. The City Manager was instructed to go back to the County Commission and explain to them exactly what the City is facing, regarding next year's election expense and ask them to reconsider our proposal to purchase these machines.

**Michael Baker's proposal for revising Step One of the 201 Facilities Plan**

Mr. Tom Yoder, consultant for Michael Baker, discussed with the Council his company's feelings regarding the Step One Phase of the 201 Facilities Plan. Michael Baker is recommending that the City continue with the program at least through the completion of the City's Facilities Plan.

It was moved by Councilman Cushwa, seconded by Councilman Butts, that the City go into agreement with Michael Baker, Jr. for continuation of Step One of the 201 Facilities Plan, EDA project. Motion carried.

**Approval of parade route for Apple Harvest Festival.**

This Apple Harvest Festival Parade is to be held on Saturday, October 24, 1981.

It was moved by Councilman Dockeney, seconded by Councilwoman Gunnoe, that this parade be approved. Motion carried, Lewis, no.

**Approval of DMA Parade Route for Halloween Parade**

The Halloween Parade is to be held on October 30, 1981 from 6-6:30 PM.

It was moved by Councilman Karos, seconded by Councilwoman Gunnoe, that this parade be approved. Motion carried.

**Approval of Water Plant roof repair**

Two bids were received: Bonded Applicators, Hagerstown, MD (\$4,193.96) and Shingleton Enterprises, Martinsburg (\$1,360).

It was Moved by Councilman Wachtel, seconded by Councilwoman Plotner, that Bonded Applicators be hired for \$4,193.96. Motion carried, Bayer, Butts & Cushwa, no.

**Removal of speed limit sign behind Masonic Lodge**

There is a 15 mile-per-hour speed limit sign behind the Masonic Lodge on W. King Street. A request has been made that this sign be removed as the sign is on the Lodge's property.

It was moved by Councilman Fulk, seconded by Councilman Butts, that the existing speed limit sign behind the Masonic Lodge be removed. Motion carried.

**City Attorney**

**Review and approve Police Department Regulations and General Orders**

The City Attorney reviewed the regulations and general orders with the Council; the recommendations from the FOP were reviewed and discussed.

It was Moved by Councilman Bayer, seconded by Councilman Cushwa, that these new Police Department Regulations and General Orders be approve as amended and that a copy be given to every member of the Police Department in a reasonable amount of time; these regulations and orders to be effective October 15, 1981. Motion carried.

**Approval of lease agreement for Tripe Brick House to the Archeology Chapter**

This lease is for a five-year agreement with the Archeology Chapter.

It was moved by Councilman Wachtel, seconded by Councilman Cushwa, that Council authorize the execution of this lease. Motion carried.

**Approve right-of-way agreement with Chessie System for sewer construction under UDAG**

The Chessie System has agreed to grant the City of Martinsburg a right-of-way agreement for sewer construction in connection with the Van Wyk development. The cost has not yet been received by the City of Martinsburg, as of this date.

It was moved by Councilman Cushwa, seconded by Councilwoman Plotner, that when the City is in receipt of this agreement and if it is in the amount of \$3,240, that the Mayor be authorized to sign it with the payment to come out of the Water and Sewer Account. Motion carried. This amount is to be paid in one lump sum.

**Approval of Resolution for \$600,000 bond issue for office building in Foxcroft**

Bruce Van Wyk appeared before the City Council to seek their approval of a resolution for \$600,000 bond issue to construct an office building in the Foxcroft Development.

It was moved by Councilman Cushwa, seconded by Councilman Wachtel, that authorization be granted for the issuance of up to \$600,000 City of Martinsburg Revenue Bonds for the purpose of assisting in finance acquisition for the construction of an office building in Foxcroft. Motion carried, Butts, Miller & Bayer, no.

Councilman Butts expressed that he feels that the City should be collecting the garbage from the Foxcroft Apartments instead of Berkeley Sanitation. The City does not collect from there because they are not equipped to handle the dumpsters that are there now. It was recommended that several companies should be contacted regarding a truck that could handle these dumpsters at Foxcroft.

#### **Lease Agreement with Recreation Board for Fire Hall #4**

The City Attorney explained to the Council the terms of the lease: the Recreation Board has rented Fire Hall No. 4 for 6-months, after 6-months, either side can cancel on a 30 day notice. \$1.00 is being charged for the rent. The Recreation Board is responsible for utilities—electricity, oil, garbage, water, telephone, etc. the Board is responsible for maintenance. The City is responsible for the insurance. The Board is responsible for normal clean-up of the building. The City will not be responsible for any personal or property damage that would occur. This lease will be effective October 1, 1981 through April 1, 1982, then it is continued on a 30-day basis.

Moved by Councilman Karos, seconded by Councilman Dockeney, that the City enter into this lease agreement with the Recreation Board. Motion carried.

#### **Mayor**

The Mayor appointed the following three-member committee for establishing Warner-Amex Cablevision rates. The committee is to discuss a rate structure. They are: Karos, Bayer and Gunnoe.

The Mayor appointed the following members to the Historic Review Committee:

Buddy Miller (9/30/84), Joe Ross (9/30/84), John Williams (9/30/83), George Karos (9/30/83), Gary Parker (9/30/82), Anne Eyer (9/30/82), Bill Meyers (9/30/82), Paul Martin (9/30/84) and Virginia Walker (9/30/83).

The Mayor reappointed the following to the Parking Facilities Committee:

Patrick Dalton (6/1/84), Douglas Minnick (7/1/84) and Mearle Spickler (7/1/85).

Mayor appointed Curtis Mongold to replace Marvin Porterfield, Jr. on the Martinsburg Historical Landmarks Commission, term expiring June 30, 1984.

Mayor reappointed Linda Rice (7/1/83), Mearle Spickler (7/1/84) and Bill Stover (7/1/85) to the Parks and Recreation Board.

Moved by Councilman Karos, seconded by Councilman Wachtel, that these appointments be approved. Motion carried.

#### **Councilmembers**

##### **Donald Bayer**

Inquired as to the paving of Raleigh Street. The gutters on the south end were not paved and the people are already having problems as far as parking and water drainage.

##### **George Karos**

Recommended that the Community Development Monthly Report be made a part of the minutes (September 1981 Monthly Report).

**Mike Lewis**

Under Community Development Report: questioned checks No 2257 to Wesley Walker and Hudson Builders; check No. 2273 is to Irene Hennings, Wesley Walker and Hudson Builders. The contractor listed for Irene Hennings is Tri-State; was the change made after the report was made?

Tri-State is listed as a contractor and according to Citizens Service, Tri-State did not have a City license last year and paid no Business and Occupation Tax. Hudson does have a City license but did not purchase them until August 13 of this year.

It has been emphasized repeatedly that Community Development is not to award contracts to any business that does not have a City license.

Councilman Lewis also questioned the 312 Loan Program. He wanted to know if the City has to approve this loan program also. The City Manager informed Councilman Lewis that the City is acting as agent in this program.

He pointed out that Mearle Fridley does not have a City license.

Mr. Lewis questioned loans made to Chris Kennedy whose profession is a doctor. Inquired if this was common practice for someone of this status to receive loans to rehabilitate at 3% interest. Mr. Lewis was informed that this is under the 312 Program and these applications are applied directly to HUD, the application does not go through the City at all. These loans are based strictly on the building, it does not matter what your status is.

Councilman Lewis does not agree with this procedure of loaning to individuals, at 3% interest, with this type of position.

**Councilman Miller**

Has the State Highway Department been contacted about coming in and leveling off the streets with their hot machine? There has been some sort of communication gap concerning this subject. Mr. Miller feels that this should be done. The City may have to do the work themselves; find out what the cost to do this work would be, and report back to Council.

Mr. Marlow informed the Council that he is having a difficult time with the Highway Department as far as getting them into Martinsburg to do the work. Councilman Karos recommended that a letter be sent to the governor informing him of the City's concern regarding the highways.

Councilman Miller questioned as to who will be paying for the November 3 election. He was informed that the state would be taking care of the expense.

The questioned was raised as to Bruce Van Wyk's development, as far as election wards. There are only specified numbers allowed in the wards. This is going to be checked into.

Councilman Karos inquired as to the status of the ordinance relating to newspaper vending machines. The City Attorney has one prepared and will be brought up at the next meeting.

Moved by Councilman Miller, seconded by Councilman Butts, to adjourn at 11:05 PM. Motion carried

*Minutes were signed by Mayor Clohan, Recorder Swope and Ex. Secretary DeVore*