

Martinsburg City Council  
Regular City Council Meeting  
September 12, 1985 (October 30, 2013)  
Minute Book 38, P. 40-48

The City Council met in Regular session in the Council Chambers at City Hall on September 12, 1985 at 7:00 PM. Present were Mayor Edward Dockeney, Jr., and Councilmembers Merle G. Butts, Mark C. Baker, Michael Lewis, Donald Gregory, C. Michael Butts, Clarence Miller, Richard Wachtel (8:20), Betty B. Gunnoe, William B. Turner, Jr. Also present were City Manager Janis Zachman and City Attorney J. Oakley Seibert. Absent was Councilman Ted Morgan.

With a quorum present, the Mayor declared the meeting in order at 7:00 PM.

Motion made by Councilman Miller, seconded by Councilwoman Gunnoe, to go into Executive Session for legal and real estate matters. Motion carried.

Councilmembers returned to Regular Session at 7:25 PM.

**Public Hearing to obtain citizen comment on City performance in its 1979 Small Cities Community Development Block Grant Program**

Mayor Dockeney asked if there was anyone present who wished to speak on this matter, and with there being no comments from the citizens present, Mayor Dockeney proceeded with other items on the agenda.

**Approval of minutes**

Councilman Turner questioned the second paragraph on page 4, a statement by the City Manager, that approximately 36 units of housing will be developed on the property. He questioned that her intention was to demonstrate to Council that there are some plans in progress for that development. There is no guarantee on anybody's part, and that she did not intend to say that there are going to be any units of any kind, but to simply assure Council that it is likely that this property will be developed at some point in the future, and that it would be better for the City to put the line on that side of the street before this occurs, and not after.

Motion was made by Councilman Turner, seconded by Councilwoman Gunnoe, to approve minutes of August 8 and August 19 meetings. Motion carried.

**Approval of Administrative and Financial Report for August**

Councilman Baker questioned why Berkeley County Public Water District did not buy any water from the City of Martinsburg for the month of August. The City Manager explained that they buy from us when they are having problems and their purchase from the City fluctuates from time to time. Motion was made by Councilman Turner, seconded by Councilwoman Gunnoe, to approve the Administrative and Financial Report for the month of August, 1985. Motion carried.

**Petitions from Citizens**

**Mr. Pat DiMagno, P.C. DiMagno Architects, Engineers and Surveyers** spoke to Council on behalf of Mark and Dana Clowser of 409 S. Alabama Avenue, regarding a serious drainage problem they have had since 1983, contributed to by the Foxcroft Sheraton Inn Complex. He explained that the Clowsers have had as high as 3 ½ feet of water in their basement, and that as of this date, there is no stormwater management on that project. He questioned as to why the stormwater management procedures weren't followed in this case, since that was what the Planning Commission approved. Councilman Merle Butts questioned City Attorney Oakley Seibert as to whether or not this would be a matter between the Clowsers and Mr. Van Wyk, and the City Attorney stated that it probably is. Mayor Dockeney stated that the City has the stormwater management program, which the City is paying for out of that grant, and that Mr. DiMagno should get together with the City's Consulting Engineer to determine what the problem is and what can be done in this matter. The City Manager explained that the City is midway through a stormwater planning study to determine where the stormwater runoff problems are and so on and so forth. She suggested a conference between the City Consulting Engineer, Mr. DiMagno, and the Engineer for Foxcroft to look at the problem to determine what remedies are in order. Mr. DiMagno stated that Mr. Van Wyk does not want to work with this problem. He questioned as to why Council has not enforced the stormwater management plan. Bruce Van Wyk was present and stated that he would be happy to talk privately to Mr. DiMagno. He stated that the basic problem for the Clowsers is that their house is built in a natural drainage swale, which drains not just Foxcroft but other acreage that he does not own. Mr. DiMagno stated that the Clowsers built the house in 1978 and the first problem that they had was in 1983 and that the water gets increasingly higher every year, and that Mr. Van Wyk admitted from the onset of this project, that the biggest problem was stormwater management, and that he would put in a pond. Mayor Dockeney assured Mr. DiMagno that the City would get back to him concerning this matter.

**Mr. Ronald Johnson, B&O Railroad**, petitioned Council for their support in trying to help save what jobs are being affected by the recent layoffs at the shops.

Motion was made by Councilman Merle Butts, seconded by Councilwoman Gunnoe, to support the B&O employees in the form of a resolution. Motion carried.

Motion was made by Councilman Merle Butts, seconded by Councilman Baker, to move item #12 on the agenda, the selection of a new Ward 3 Councilman, ahead of the City Manager's items. Motion carried.

Motion was made by Councilman Baker, seconded by Councilman Gregory, to move item #9 on the agenda up between items 5 & 6. Motion carried.

Motion was made by Councilman Merle Butts, seconded by Councilman Turner that Max Parkinson's name be put in nomination for Ward 3 Council vacancy. Mayor Dockeney explained

that Mr. Parkinson's name was forwarded to Council by the Democratic Executive Committee and that they have not heard anything from the Republican Executive Committee and stated that Mr. Bayer has asked for a two-week extension. Councilman Merle Butts stated that the Republican Committee has had ample time to find a candidate. Mayor Dockeney stated that he disagrees, because the Republican Committee has changed Chairman in the last two weeks. Councilman Merle Butts called for a roll call vote.

Motion carried via roll call vote, Lewis, no.

Max Parkinson was voted as the Councilman for Ward #3 to replace Councilman Kenneth Cushwa, Jr. Mr. Parkinson will be sworn in at the next council meeting.

**Approve Gift of Service Revolver to Former Police Lieutenant Max A. Mosse**

Motion made by Councilwoman Gunnoe, seconded by Councilman Turner, to award former Police Lieutenant Max A Mosse his service revolver. Motion carried.

**First and Second Reading of Ordinance to Rezone Property Located at Lambert and Third Streets from RUA to RUB.**

Motion was made by Councilman Miller, seconded by Councilman Turner, to deny rezoning of this property.

Ed Kreuger, representing Tak and Jak, Inc. petitioned Council to rezone lots 12, 13, 14, 16 & 16 on Third Street from current zoning to zoning that would allow the apartment house to be built there.

Sonny Carter, Building Inspector, stated that the Planning Commission discussed this to some length, concerning the possibility of rezoning this property and decided that they would make a recommendation to Council that the rezoning from RUA to RUB be granted, with the following stipulations: that the planning development will change is uses is compatible with the existing uses in the neighborhood, primarily there are commercial uses directly across the street from the property, that there are various other commercial/residential uses which are more typically found in RUB zoning districts, and that is in with keeping with the Comprehensive Development Plan for the north area of Martinsburg. He stated that the Planning Commission had great concerns dealing with water pressure, adequate sewer and adequate streets & roads in that area.

Councilman Baker asked Mr. Carter to clarify whether or not there was a recommendation from the Planning Commission in regards to paving or widening on Third Street. Mr. Carter stated that they said that something would have to be done prior to them granting site plan approval. Councilman Baker questioned as to whether or not Mr. Kruger will take care of all paving or widening of Third Street. Mr. Kruger stated that he suggested to the Planning Commission that he would widen Third Street, but that he said nothing about maintaining it. This would be widened to Woodbury Avenue.

Councilman Turner asked Mr. Kruger if he had stated to the Planning Commission that he would widen, at his expense, from Woodbury Avenue all the way back to your property to normal street width. Mr. Kruger stated that it was not to Woodbury Avenue, but to Lambert Street.

Councilman Baker questioned whether or not the right of way through there was 40 feet. He questioned Ralph Long, City Engineer, as to an estimation of the cost to widen Third Street, and the problem with the water pressure in that area. Mr. Long stated that there is a small line problem there.

Jim Knicely of Grazier Street spoke to Council concerning this matter, stating that this is supposed to be a forty-foot street, but is nothing but a grass alley, which was intended to go from Woodbury Avenue straight across, in behind Heck's and was never opened up. Mr. Knicely stated that there is a water problem, which the City has been unable to correct. Water has run across the street 60 feet wide and 4 feet deep, and with the addition of buildings and asphalt, it would only add to the water problem. Mr. Kincely stated that the thought this issue would come before Council along with recommendations that Council would be aware of the existing problems and that Council would take care of the problems. He expected the City to widen the street, put in the hard surface, put in the sidewalks and put in the street lights. He questioned whether or not the City has the money for this project. He feels that if the City had the money, the culverts would be put in and the stormwater problems would be taken care of.

Councilman Miller stated that we should put a stop sign at Lambert & Grazier.

Councilman Merle Butts called for a roll call vote.

Motion carried unanimously, via roll call vote.

Motion for rezoning of property located at Lambert and Third Streets was denied.

**First and Second Readings of Ordinance to Rezone Property Located at West King Street and Old Mill Road from RUA to BC**

James Steptoe, Attorney, representing Gretchen Wurzburg, spoke before Council, stating first that he was accompanied by Mrs. Nye, a court reporter, and that he wished to record the proceedings.

Councilman Turner asked the complainants if they felt they had sufficient notice that this issue was coming before Council. The complainants stated that they did feel they had sufficient notice.

Motion was made by Councilman Turner, seconded by Councilman Gregory, to postpone this hearing until a later date, so that the neighbors have had sufficient notice.

Councilman Merle Butts called for a roll call vote. Via roll call vote, motion failed to postpone hearing until a later date: Merle Butts, Baker, Michael Butts, Miller and Karos, no. Gregory, Lewis, Gunnoe and Turner, yes.

James Steptoe stated that his basic comments were set forth in a copy of a letter addressed to Oakley Seibert dated September 12, 1985. The first paragraph deals with the spot zoning issue that was brought up before the Planning Commission, at the early application stage, when the request was up for BL zoning. One of the original reasons for recommending denial of the request by the Planning Commission was spot zoning. That did not appear in the Planning Commission minutes, was not listed as one of the reasons, and it is the applicant's position that since the spot zoning issue was not addressed in the minutes of the Planning Commission for June 19, which was the last meeting on this application, that the spot zoning is not one of the reasons for the Planning Commission denial. He stated the minutes of June 19 meeting, in which the Planning Commission gave as their reason for denial of the rezoning application, was that there should be a study to alleviate the traffic problems in this area. After attending two meetings of the Planning Commission, the only issue that came out of these meetings, from the protestants, that had anything to do with health, safety, morals or general welfare of the community, was the traffic question. He asked that Council note that the Planning Commission minutes of June 19<sup>th</sup> do not say that the proposed rezoning would aggravate or add to the existing traffic problem. They merely say that they propose a study and make no findings whatsoever about the possible effect on traffic, that placing a convenience store there would have.

Since the June 19<sup>th</sup> hearing, he has obtained exhibits or traffic counts or so one, and in late July, he communicated with a traffic planner, and expert from the Baltimore area, and results of his report show that a convenience store is not a generator of traffic, it is a user of traffic. A quote from his report states that convenience stores are not major traffic generators and, in fact, serves to capture part of the existing traffic stream that may be expected along a commuter route as well as an existing commercial area. The existing traffic flows along both W. King Street and Old Mill Road would not produce eight-hour traffic flows that would justify a traffic signal under the warrants of the manual uniform traffic controls for streets and highways. A convenience store, such as High's, does not generate sufficient new traffic to obtain these warrant levels.

He stated that looking at the study, he doesn't feel that you can draw any conclusion from the traffic counts that putting a High's store here would mean that traffic would go up. It is his position that there is no evidence that was brought to the Planning Commission which indicates the proposed rezoning will have any adverse effect upon the traffic situation. He also pointed out that the question of traffic should have been dealt with by the Planning Commission, in the contents of a site plan review, and not within the aspect of determining whether or not to rezone the property. There is a convenience store there on the South end of the street, and it appears from the Planning Commission minutes of April 17 meeting, that they were dealing with traffic problems on a site plan review. Since the Planning Commission could deal with the

traffic issue at the site plan on the south end, why could they not deal with them on the traffic issue in the contents of a site plan? He feels that this property is buffered from nearby residential areas, a) to the north, by an existing office building, The Horton Building; and b) the duplex apartments on the other side of the road, owned by the applicant. As to the improvements to the east, on King Street, there is already a buffer there, unimproved lots and a radio station. He feels that there are already adequate buffers to separate this property if it were to be used for commercial purposes, from adjoining residential areas.

The second reason given by the Planning Commission, in recommending denial of the application, was that the rezoning application is not in keeping with the current or previous Comprehensive Plan map. The text of the plan indicates that non-residential uses are recommended for the land area located at the intersection of Rock Cliff Drive, Tavern Road and W. King Street Interchange, in order to serve the surrounding residential properties. Both of the Planning Commission meetings that he attended on the Surzburg application, he was shown an updated map, which indicates the south side of W. King Street as recommended for commercial uses and the north side of W. King Street, east of Old Mill Road, designated for residential purposes. He stated that the minutes of January 1983, and the minutes of June 1985, when the plan was adopted, does not mention any map being included in the Comprehensive Plan or included in the Ordinance. The Planning Commission spoke of a policy, whereby they were going to try to keep the north side of W. King Street residential. He stated that he cannot find anything setting forth that policy in the Comprehensive Plan. The Comprehensive Plan says, in the area of the W. King Street interchange. It does not say just on the south side, not just the north side, but just the W. King Street interchange. If there is a conflict between the written text of the Comprehensive Plan and the map, he feels that the text should control, since no map was included as part of any ordinance adopted by Council, either in January 1983 or June 1985.

The last reason that the Planning Commission gave for recommending denial of the application was that a request for BC zoning cannot be supported or justified, simply by the act that a property across the street is zoned BC, but he feels that because of the property he is dealing with, can no longer be realistically considered for residential development. He stated to deny her request to rezone it so it can be used in a similar fashion is arbitrary and an unconstitutional deprivation. He referred to two cases, one being *Carter V. the City of Bluefield* in 1949, quoting the circumstances of this case. The predominate use of the greater part of the area is business or industrial, and it is generally unsuitable for residential purposes as indicated by the entire absence of any new or recently constructed residence, and the existence of only two or three old residence buildings upon land abiding on either side of Bluefield Avenue, throughout the entire length of the city.

*Travotta v Star City*—the people owned a lot in the middle, asked to put in a trailer court and the City denied them this right. The WV Supreme Court in 1981 case stated, since they were surrounded on three sides by trailer courts, and the lot could not be used as residential, therefore trailers could not be zoned out. Due to the fact that there has not been any new

residential construction in the area for ten years or more, and the unsuitability of this lot for residential, he feels that the best use for the lot is commercial. The appraisal value of this real estate lot is more commercial than residential. He stated that the applicant had amended their application to BC zoning, when they had originally applied for BL zoning, being that the spot zoning aspect of the earlier Planning Commission recommendation that there are no other properties in the neighborhood. He upgraded to BC because of BC across the street. He stated that the applicant might not decide to put a High's store on this property, therefore he was asking for a rezoning classification up to BC or BL, and to be subject to subsequent site plan review of the Planning Commission, and be permitted to put on the site what's permitted under that zoning classification, without limiting it to a High's Store.

Councilwoman Gunnoe stated that Mr. Wurzburg had come to see her, and she told him that her traffic problem was not with the number of cars, but with the number of intersections that are within a very short distance out there.

Councilman Merle Butts asked Mr. Steptoe if he referred to the 1968 Comprehensive Plan or the 1983 Comprehensive Plan. He replied that he referenced the 1983 plan.

City Attorney, Oakley Seibert, asked Mr. Steptoe whether or not Mr. Frangos has ever actually come here to look at this area. Mr. Steptoe replied he has not been to the property, but has been supplied with maps and reports from the Department of Highways. Mr. Steptoe stated that he is in Baltimore and would spend the day here at a cost of \$850.00.

Councilman Miller asked if Mr. Steptoe has been to Planning Commission under BC or BL. Mr. Steptoe replied that the Planning Commission had recommended denial under both classifications.

Patrick G. Henry, Jr. of 103 Old Mill Road spoke to Council, stating that he doesn't feel that he was given sufficient time to attend a meeting, and that the applicant knew what kind of land they were buying when they bought it, and wants to keep his area residential.

Lewis Rinker, 109 Old Mill Road, stated that he agreed with Mr. Henry in regards to this matter. On two occasions, the residents have submitted signed petitions to the Planning Commission with over fifty-four names, indicating a strong desire that they do not want this convenience store in this area.

City Attorney Oakley Seibert asked Mr. Rinker what the traffic situation is in this area. Mr. Rinker replied that it is terrible, and that accidents are occurring at Old Mill Road and King Street and one must wait long periods of time to get out, and another store on that corner would contribute to an already bad situation.

Bob Tavenner, 105 Red Hill Road, spoke to Council against the rezoning.

Pat Henry, 107 Vista Lane, stated the he did not object to Council proceeding, even though he felt he had inadequate notice. He stated that his concerns were that now they find that they don't even know what will be going in there; that adding additional stops and starts of vehicles along this stretch of King Street is making this area more dangerous. Mr. Henry stated that he has no qualms about Mr. Steptoe himself, but he wished that Council would take into consideration that the expects them not to be swayed by the fact that Mr. Steptoe has served as City Prosecutor, as an employee of the City. He stated that there is no justification for rezoning this property.

Jeff Passe, 104 N. Red Hill Road, stated that he is proud of his neighborhood and he is worried that he will lose this nice neighborhood. The noise pollution and air pollution coming from cars adds to the pollution there. He feels that a convenience store would infringe upon the health and safety of the people of the neighborhood.

City Attorney, Oakley Seibert, stated that he would comment again, since a record is being taken and we should have a full record of how the zoning got to be the way it is in this area. The comment has already been made that there is already a radio station in this area, and that the tower radio station was there before that area was ever brought into the City and was not affected by zoning until after it was already there, and is there by special exception now. Historically, according to City records, everything on the north side of W. King Street has always been residential, and there have been no exceptions to that, again, other than the radio station which was already there when it was taken into the City limits. Everyone is aware of the situation with the Horton property, and there is a suit pending to revert that zoning back to residential. Again, for the record, he pointed out that there is an agreement on record in the Berkeley County Court House, in Deed Book 348, at Page 145, signed by Hortons, Tans and Sobados that even in the rezoning of that property prohibits any and all retail establishments. The history is pretty clear that there has never been any retail on that side of the street. The reason that there is retail on the other side of the street is because when it was brought into the City limits, zoned commercial.

James Steptoe stated that for the purpose of Section 1160 of the Zoning Code, he would submit that there isn't a signature on one of the petitions that have any bearing, in that not one of the petitioners lives within 100 feet of this property sought to be rezoned. He stated that the purchase of this property was contingent upon rezoning of the property. It has always been his opinion that majority rules in this situation, but traditional view of property in this country is that a man does what he will do with the property that he owns. If the government wishes to restrict it, it can only do so if it is supported by a legitimate governmental purpose that relates to moral, safety, health and so on. The majority doesn't rule, especially if it's unreasonable majority. He suggested that Council read Section 103 of the Zoning Ordinance.

Motion was made by Councilman Karos, seconded by Councilman Turner, that Council will go on record of approving the recommendation of the Planning Commission and denying the rezoning.

Motion carried unanimously via a roll call vote. It was unanimous that this zoning request be denied, based on the Planning Commission's report and information brought forth at this meeting.

**Accept, by Resolution, 1985 Small Cities Community Development Block Grant in the amount of \$370,000 and handle related matters**

Motion was made by Councilman Merle Butts, seconded by Councilman Turner, that this Resolution be approved. Motion carried.

**Select engineering firm to provide service for this grant**

The City Manager stated that we received four bids on August 2, 1985. The low bid was Nassau Hensley of Chambersburg at \$7,800. The next bid was Fox and Associates of Hagerstown, MD at \$8,300. The next highest bid was P.C. DiMagno Engineers and Surveyors of Martinsburg at \$10,000. The fourth and highest bid was Baker Engineers of Beaver, PA at \$22,575. She stated that she had reviewed the lowest bid with the City Engineer and City Attorney and has some difficulties with the proposals presented by Nassau Hensley, basically the engineer has stated that he shall not be required to make continuous or constant inspections, that he will not be responsible for various kinds of safety precautions and will not be responsible for failure of contractor or materials. Therefore, it is her recommendation that the next highest bidder be awarded the bid, instead of the lowest bidder.

Councilman Miller asked if Council had a copy of the bids. She stated that the bids have been available since August 2, 1985 and that minutes have been provided of the bid openings, and that no one has requested to look at the bids.

Councilman Baker stated that he had asked the City Manager to look into the second highest bidder's conflict of interest and has not heard a report in regards to that conflict. The City Manager stated that she called the Governor's Office of Economic Community Development and spoke with Linda Shively, Community Development representative, for this area of the state. She explained the situation to her and asked her to check with her supervisor to determine whether or not the state would consider this a conflict of interest. The State does not consider this to be a conflict of interest since bids were competitively received by advertisers.

Councilman Turner asked whether or not we have this in documentary for, or are we going to get this in writing from Linda Shively. The City Manager stated that Linda Shively would be happy to give this to Council.

Motion was made by Councilman Turner, seconded by Councilman Baker, to award the bid to Fox & Associates, with a letter from the State on file concerning the conflict of interest. Motion carried, Miller and Baker, no.

**Select Contractor to Perform Construction Work**

The City received four bids—Potomac Construction (\$399,937), Charles E. Brake, Inc. (\$410,747), Perry Engineering Co. (\$471,627) and Callas Contractors, Inc (\$571,451.63).

Motion was made by Councilman Karos, seconded by Councilman Turner, to award the bid to the lowest bidder, Potomac Construction. Motion carried.

**Approve Rights-of-way agreements**

Motion was made by Councilwoman Gunnoe, seconded by Councilman Turner, to authorize the Mayor to execute rights-of-way agreements as is necessary for this project. Motion carried.

**Other Items**

Motion made by Councilwoman Gunnoe, seconded by Councilman Turner to go into executive session at 9:29 PM. Motion carried.

Motion was made by Councilwoman Gunnoe, seconded by Councilman Turner, to purchase surplus land from the State Highway Department at a cost of \$7,500 with funds from the Solorex account.

Motion was made by Councilwoman Gunnoe, seconded by Councilman Turner, to authorize the Mayor to sign a revised loan agreement with Van Wyk Enterprises for Foxcroft UDAG. Motion carried.

**Discuss Application for Police Department funding via Justice Assistance Program (JAG) Grant**

The City Manager stated that the Governor's Office has announced that they have money available for the police departments for areas of law enforcement. We would like to apply for \$5,000 to develop crime analysis capacity, warrant control capacity and to make a major stab at cleaning up the court system processing by computerizing all of this. This would be a law enforcement computer package to maintain all files.

Motion was made by Councilman Karos, seconded by Councilwoman Gunnoe, to take \$5,000 out of the Contingency Fund to match the \$5,000 which we would receive from the State. Motion carried.

Motion was made by Councilman Karos, seconded by Councilman Turner, to authorize a resolution authorizing application to be filed by the Mayor when the application is ready. Motion carried.

**Accept by Resolution \$40,000 grant from National Park Service—Land and Water Conservation Funds**

The City Manager commented that the Pittsburgh area office advised her that the City may use Community Block Grant money as the required \$40,000 match. This would be for the swimming pool at Lambert Park and the mini-park on Charles Street.

Motion was made by Councilman Miller, seconded by Councilman Turner, to accept the Resolution. Motion carried.

**Approve new policy for Fire Department concerning non-emergency ambulance transports**

The paramedic committee feels that to proceed with the paramedic service and not increase the staffing at the Fire Department, we may need to cut back on some non-emergency transports. There are other services available for non-emergency transports, which are previously scheduled appointments, where there is no life-threatening situation involved.

Motion was made by Councilman Karos, seconded by Councilman Gregory, to accept the letter dated September 4, 1985 concerning the phasing out of non-emergency transports. Councilman Baker added to the motion that Chief Fellers would notify City Hospital and all interested people by letter and it will be published in the Martinsburg Journal notifying the citizens that this will be discontinued. Seconded by Councilman Miller. Motion carried.

**Updates on Police Station and Central Dispatching Plan**

The City Manager stated that she and Councilman Wachtel, who is Chairman of the Police Facilities Committee, went to Washington to meet with HUD officials concerning the request for a legal opinion and decision on whether or not the City may use the Solorex Urban Development Action Grant Program income to assist for the Police station.

Motion was made by Councilman Karos, seconded by Councilman Wachtel, to authorize the Mayor to file a request for an amendment to our existing Urban Development Action Grant, stating that the Municipal Police Station would be an allowed use. Motion carried.

Motion was made by Councilman Wachtel, seconded by Councilman Karos, to instruct the architect to redesign a two-story building with an all new front façade, which utilizes as much of the original façade as possible. Motion carried.

**Consider purchase of one additional 1986 police cruiser from Union Sales Dodge with trade-in of Cars #3 and #6.**

Councilman Baker asked the status of the car that the front-end has been wrecked, and if the front-end of Car #3 would fit on this vehicle. If so, the car could be fixed and save money. Councilman Turner stated that since #3 is no longer of use, can we not use the parts on #3 to repair the wrecked car? We should be able to supply the parts to the body shop to repair this car and pay more for the labor.

Motion was made by Councilman Miller, seconded by Councilwoman Gunnoe, to purchase the police cruiser from Union Sales Dodge. Motion carried.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to rescind the prior motion of sealed bids for the police cars. Motion carried.

### **Central Dispatching**

Chief Fellers stated that the committee appointed by Council did meet with County officials and have several recommendations:

1. They recommended that the City participate in the Central Dispatching System.
2. Recommended that the City allow the Central Dispatching to utilize our two present existing emergency lines, at least until they can acquire their own.
3. If dispatching cannot be established by their expected date, the City Fire Department will continue to do the emergency dispatching until they are operational.
4. Need to buy some additional electronic components, which will enable the City to receive alarms, with the County agreeing to purchase some of the equipment: three encoders; three igniters; three alarms. The cost for this equipment is \$1,000 and the County has agreed to purchase this. The initial equipment needed for Central Station would be a remote mic and speaker and monitors at a cost of \$8198.
5. Recommended the City retain the present dispatching capabilities that they now have, for two reasons: as a back-up system; and to make sure that Central Dispatching becomes operational and is going to operate as efficiently as it should.

Motion made by Councilman Baker, seconded by Councilman Turner, that we move forward with the Central Dispatch and that the expenditure of \$8,000-\$10,000 come from the contingency fund, and that Chief Fellers and Committee continually meet with the County and move forward with Central Dispatch. Motion carried.

### **Consider Joint Purchase of new mountain top repeater with Berkeley County Commission at a cost of \$1800 for the City.**

Motion was made by Councilman Karos, seconded by Councilman Baker, to purchase the repeater. Motion carried.

### **Approve expenditure of up to \$9,000 in General Fund to engage Steptoe and Johnson as bond counsel for the Police Station Project**

Motion was made by Councilwoman Gunnoe, seconded by Councilman Karos, to approve the expenditure. Motion carried.

### **Consider purchase of a new 4-wheel drive vehicle for the street/sanitation department.**

Motion made by Councilman Baker, seconded by Councilman Turner, to purchase new 4-wheel drive vehicle from Kent Parson's Ford at a cost of \$10,808. Motion carried, Merle Butts, Karos and Michael Butts, no.

### **Approve General Fund Budget Revision #4 by Resolution**

Motion made by Councilman Turner, seconded by Councilwoman Gunnoe, to approve General Fund Budget Revision #4 and enough money to supplement the payment of street/sanitation truck. Motion carried.

**Approve race route for Berkeley County War Memorial Park 10k race, Saturday, September 28.**

Motion made by Councilman Baker, seconded by Councilwoman Gunnoe, to approve the race route. Motion carried.

Motion made by Councilman Baker, seconded by Councilwoman Gunnoe, to approve the 1985 Crop Walk for Sunday, October 6. Motion carried.

**Consider request to block South Street east of Queen on Saturday, October 26, all day for an estate auction at Barrick Residence.**

Motion was made by Councilman Baker, seconded by Councilwoman Gunnoe, to approve this request, with the agreement of all the neighbors. Motion carried.

**Update on Hooe Street School**

Everything was written out to Council and there was no need for discussion.

**Approve Personal Leave for City Manager**

September 30 and/or October 1 and vacation days, October 15-18. Motion was made by Councilman Wachtel, seconded by Councilman Baker, to approve vacation time. Motion carried.

**Approve Police Department General Order #4**

Motion was made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to approve this order. Motion carried.

Councilman Karos asked that someone clean the air cleaner in Council Chambers.

Councilman Baker asked the status on hiring someone to replace Dale Birmingham as Assistant Building Inspector. The City Manager stated that she is not asking that he be replaced at this time, and is trying to work without that position and will be hiring someone next summer as a part time employee to do the weed program. Councilman Baker said that they need someone to replace Dale because this is a full-time job. Councilman Turner stated that too much pressure is being put on Mr. Carter and that we really need an assistant.

New Councilman M.G. Parkinson thanked the Councilmembers for their vote in regards to his placement on Council.

Councilman Michael Butts commented that the rubble is still out there on Baltimore Street. The City Manager stated that she had ordered them to haul the stuff away and evidently they have not.

Councilman Miller stated that he thought it would be nice if the City could come up with some type of program or ask the B&O if we could buy the Round House and turn it into a museum.

Councilman Wachtel made a motion, seconded by Councilwoman Gunnoe, to have the Mayor appoint a Round House committee. Motion carried.

The Mayor appointed Councilman Miller as Chairman of that Committee.

Councilman Wachtel stated that he had received a call from a firefighter asking that, since the Council was giving the service revolver to policemen when they retire, why couldn't the Council give the personal fire monitors to the firefighters, when they retire.

Motion made by Councilman Wachtel, seconded by Councilman Gregory, to refer this matter to the Fire Facilities Committee for study.

Councilman Wachtel commented that he would like to propose that those people who ignored all the notices by the Building Inspector's office be sued. Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to take legal action against those people who ignored weed citation and sidewalk citations. Motion carried.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to have City Attorney Oakley Seibert prepare and ordinance in regards to these legal actions.

Councilman Wachtel stated that he had been approached by Buddy Lord in regards to paving an alley behind Boyd Avenue that runs into his property. Motion made by Councilman Wachtel, seconded by Councilman Miller to resurface from the old building to the top of the hill. Motion failed.

Motion was made by Councilwoman Gunnoe, seconded by Councilman Turner, to extend Hooge Street School issue until the end of the fiscal year. Motion carried.

Councilman Turner asked if it would be possible to pave Madison Avenue from Moler Avenue to Terrace Street.

Motion made by Councilman Karos, seconded by Councilwoman Gunnoe, to pave Madison Avenue. Motion carried.

Motion was made by Councilwoman Gunnoe, seconded by Councilman Turner, to adjourn at 11:05 PM. Motion carried.

*Minutes were signed by Mayor Dockeney, Recorder Bragg and Ex. Secretary DeVore*