

**CITY OF MARTINSBURG
REGULAR COUNCIL MEETING
MARCH 12, 2009
THE J. OAKLEY SEIBERT COUNCIL CHAMBERS**

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor George Karos at 6:30 p.m. The following Council Members were present: Rodney Woods, Gregg Wachtel, Dennis Etherington, Richard Yauger, Max Parkinson, Roger Lewis and Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Sharon A. Flick, City Recorder, Ted Anderson, Police Chief, Paul Bragg, Fire Chief, Steve Knipe, Utilities Director and Pat McMillan, Community Development Director.

3. SALUTE TO FLAG

Councilman Etherington led the Pledge of Allegiance to the Flag.

4. PRAYER – WALTER BOWERS, RETIRED UNITED METHODIST MINISTER

The invocation was given by Pastor Walter Bowers.

BOY SCOUT TROOP 13 AND BOY SCOUT TROOP 164

Mayor Karos welcomed Boy Scout Troop 13 and Boy Scout Troop 164 for their attendance in an effort to earn their merit badge.

5. APPROVE FEBRUARY 5, 2009 REGULAR COUNCIL MEETING MINUTES

Motion made by Councilman Parkinson, seconded by Councilman Wachtel to approve the February 5, 2009 regular Council meeting minutes. Motion carried unanimously.

6. APPROVE JANUARY 2009 ADMINISTRATIVE AND FINANCIAL REPORT

Motion made by Councilman Yauger, seconded by Councilman Woods to approve the January 2009 Administrative and Financial Report. Motion carried unanimously.

7. PRESENTATIONS

A. RESOLUTION OF APPRECIATION – RETIRING FIRE CAPTAIN SCOTT W. STROOP

Mayor Karos read the Resolution of Appreciation to retiring Fire Captain Scott W. Stroop and presented him with his fire helmet.

B. RESOLUTION OF REMEMBRANCE – RODGER E. (J.R.) BUTCHER, JR.

Mayor Karos read the Resolution of Remembrance to Natalie Butcher, spouse and Pamela Butcher, mother of PFC Rodger E. (J.R.) Butcher, Jr..

The Police Chief stated that this has been one of the most difficult years he has experienced in the Police Department. The Police Chief further stated the department thinks about J.R. every day. The Police Chief presented Natalie Butcher with a shadowbox containing memorabilia of PFC Butcher along with a quilt signed by the Department, sweatshirts and a cap for PFC Butcher's son Tyler.

Ms. Natalie Butcher thanked the residents of Martinsburg for all their support during J.R.'s illness.

C. PROCLAMATION – FAIR HOUSING MONTH – APRIL 2009

Mayor Karos advised the Fair Housing Month Proclamation would be forwarded to the proper individuals.

8. PETITIONS FROM CITIZENS

There were no petitions from citizens.

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

- A. HISTORIC PRESERVATION REVIEW COMMISSION – MINUTES JANUARY 5, 2009 AND FEBRUARY 2, 2009**
- B. BOARD OF ZONING APPEALS – MINUTES JANUARY 6, 2009 AND FEBRUARY 3, 2009**
- C. CITY OF MARTINSBURG PLANNING COMMISSION – MINUTES JANUARY 7, 2009**
- D. MARTINSBURG POLICE DEPARTMENT CALENDAR YEAR 2008 STATISTICAL ACTIVITIES REPORT**
- E. MARTINSBURG-BERKELEY COUNTY PARKS & RECREATION – MINUTES JANUARY 20, 2009**
- F. EASTERN WEST VIRGINIA REGIONAL AIRPORT AUTHORITY – 2ND QUARTERLY BUDGET REPORT FY 2008-2009**
- G. VETERANS SERVICE ORGANIZATION – MINUTES JANUARY 29, 2009**
- H. LETTER FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, DATED FEBRUARY 9, 2009, REPORTING NO FINDINGS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AUDIT FOR THE PERIOD JULY 1, 2007 – JUNE 30, 2008**
- I. LETTER FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REVIEWING PROGRAM CHANGES TO CONSOLIDATED ACTION PLANS 2007 PROGRAM YEAR – FEBRUARY 26, 2009**
- J. LETTER FROM STATE OF WEST VIRGINIA DEPARTMENT OF REVENUE OFFICE OF THE SECRETARY REGARDING FUNDING REQUEST THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT – FEBRUARY 17, 2009**
- K. LETTER FROM HAGERSTOWN/EASTERN PANHANDLE METROPOLITAN PLANNING ORGANIZATION TO GOVERNOR MANCHIN REGARDING MARC TRAIN SERVICE IN THE EASTERN PANHANDLE – FEBRUARY 9, 2009**
- L. LETTER FROM SENATOR ROBERT C. BYRD REGARDING FUNDING FOR COMPLETION OF THE RALEIGH STREET EXTENSION PROJECT IN THE PROPOSED ECONOMIC STIMULUS BILL – FEBRUARY 12, 2009**
- M. MARTINSBURG/BERKELEY COUNTY CONVENTION & VISITORS BUREAU – MINUTES JANUARY 14, 2009**
- N. PRELIMINARY DRAFT OF UPDATED FLOODPLAIN ORDINANCE**

Motion made by Councilman Yauger, seconded by Councilman Parkinson to receive and file items 9 a-n. Motion carried unanimously.

10. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

A. BUDGET AND FINANCE COMMITTEE – MINUTES MARCH 4, 2009

Motion made by Councilman Yauger, seconded by Councilman Lewis that the Budget and Finance Committee meeting minutes of March 4, 2009 be entered into the record. Motion carried unanimously.

The Budget and Finance Committee meeting minutes of March 4, 2009 were as follows:

BUDGET & FINANCE COMMITTEE MEETING MINUTES
March 4, 2009 - 4:30 p.m.

Present: Chairman of Budget & Finance Committee, Richard Yauger; Roger Lewis, Max Parkinson, Gregg Wachtel and Rodney Woods

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Others Present: Mayor George Karos, Mark S. Baldwin, City Manager; Mark B. Spickler, Finance Director; Councilmember Dennis J. Etherington, and Matthew Umstead of the Morning Herald

Unable to Attend:

Chairman Yauger opened the meeting and the following FY 09-10 Other Governmental Entities and Outside Agency Funding Requests were discussed:

1. Discussed FY 09-10 Other Governmental Entities and Outside Agency Funding Requests. The consensus of the Committee was to recommend the following (see attached) for City Council's consideration at the Special Council meeting on March 26, 2009.
 - a. **Region 9 Planning & Development Council Annual Assessment** - \$5,540 (per WV State Code)
 - b. **Main Street Martinsburg** - \$45,000
 - c. **Berkeley County Development Authority** - \$35,000
 - d. **Air Quality Program** - \$7,025
 - e. **Berkeley County Humane Society** - \$3,000
 - f. **Airport Authority** - \$15,000 (minimum required) - \$11,750 (Project's Match)
 - g. **PANTRAN** - \$53,820
 - h. **Berkeley County Health Department** - \$25,000
 - i. **M-BC Parks & Recreation Board** - \$190,000 (normal allocation \$80,000; 1/4 hotel tax \$90,000, Fireworks \$10,000 and an additional allocation of \$10,00 for City park improvement)
 - j. **M-BC Parks & Recreation Board** - \$90,000 (1/4 hotel tax reserved for Recreation Center project)
 - k. **M-BCCVB** - \$180,000 (1/2 hotel tax)
 - l. **Mountain State Apple Harvest Festival** - \$2,500
 - m. **Adam Stephen's Memorial Association** - \$3,750 (City-Owned Property)
 - n. **Berkeley Senior Services** - \$-0 – funding recommended from CDBG - \$5,000
 - o. **Human Relations Committee** - \$1,000 (City Committee)
 - p. **M-BC Public Library** - \$119,895 (per WV State Code)
2. FY 09-10 CDBG and HOME Budget Requests –(see attached sheet) - Consensus of the Committee was also to recommend the attached information
3. Stimulus Funds for 2008 CDBG Program - \$105,460
4. Property Tax Revenue – Consensus of the Committee was not to have a public hearing to increase property taxes above the allowable 3% increase, per state law.
5. Motion made by Max Parkinson, seconded by Rodney Woods to go into Executive Session – Vote 5-0 in favor – No action was taken out of Executive Session.
6. Next B&F meeting is scheduled for Tuesday, March 17, 2009 – 4:30 p.m.

11. REPORT OF MAYOR

A. APPOINT THE FOLLOWING INDIVIDUAL TO THE HISTORIC PRESERVATION REVIEW COMMISSION (HPRC) TO FILL THE VACANT TERM OF TIMOTHY YATES:

MR. CHARLES THOMAS ROBINSON – TERM 1-01-09 – 1-01-12

Mayor Karos recommended that Mr. Charles Thomas Robinson be appointed to the Historic Preservation Review Commission (HPRC) to fill the vacant term of Timothy Yates with the term being January 1, 2009 to January 1, 2012.

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Motion made by Councilman Wachtel, seconded by Councilman Woods to accept the recommendation of the Mayor. Motion carried unanimously.

Mr. Robinson thanked the City Council for his appointment.

B. SCHEDULE SPECIAL CITY COUNCIL MEETING ON THURSDAY, MARCH 26, 2009 TO APPROVE FY 2009-2010 BUDGETS AT 5:00 P.M. AND OTHER ITEMS AS NECESSARY

Mayor Karos scheduled a special City Council meeting on Thursday, March 26, 2009 to approve the FY 2009-2010 budgets, at 5:00 p.m., and other items as necessary.

12. REPORT OF CITY ATTORNEY

There was no report of the City Attorney.

13. REPORT OF CITY MANAGER

There was no report of the City Manager.

14. UNFINISHED BUSINESS

There was no unfinished business.

15. NEW BUSINESS

A. ADOPT RESOLUTION 2009-05 AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACTUAL AGREEMENT BETWEEN THE CITY OF MARTINSBURG AND THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS TO RECEIVE AND ADMINISTER GRANT FUNDS PURSUANT TO THE PROVISIONS OF THE TRANSPORTATION ENHANCEMENT PROGRAM FOR STATE PROJECT U302-MAR/TI-9.00 AND FEDERAL PROJECT TEA-OH22(01)D (TOWN SQUARE PROJECT)

Motion made by Councilman Wachtel, seconded by Councilman Woods to adopt Resolution 2009-05 authorizing the Mayor to enter into a contractual agreement between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways to receive and administer grant funds pursuant to the provisions of the Transportation Enhancement Program for State Project U302-MAR/TI-9.00 and Federal Project TEA-OH22(01)D as part of the Town Square Project. Motion carried unanimously.

B. ADOPT RESOLUTION 2009-06 OF THE CITY COUNCIL OF THE CITY OF MARTINSBURG, WEST VIRGINIA AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010

Motion made by Councilman Yauger, seconded by Councilman Etherington to adopt Resolution 2009-06 of the City Council of the City of Martinsburg, West Virginia authorizing participation in the Eastern Panhandle Home Consortium of West Virginia for the period of July 1, 2009 to June 30, 2010. Motion carried unanimously.

C. APPROVE/DENY DRAFT FY 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND HOME ANNUAL ACTION PLAN

Motion made by Councilman Parkinson, seconded by Councilwoman Gunnoe to approve the draft fiscal year 2009-2010 Community Development Block Grant Program (CDBG) and HOME Annual Action Plan. Motion carried unanimously.

D. APPROVE/DENY DRAFT FIVE YEAR CONSOLIDATED PLAN 2009-2013 FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM

Motion made by Councilman Woods, seconded by Councilman Wachtel to approve the draft Five Year Consolidated Plan 2009-2013 for the Community Development Block Grant Program (CDBG) and HOME Investment Partnership Program. Motion carried unanimously.

E. APPROVE/DENY REVISED HOME LOAN AGREEMENT BETWEEN THE CITY OF MARTINSBURG FOR THE EASTERN PANHANDLE HOME CONSORTIUM AND S. EUGENE TAYLOR AND MARY TAYLOR IN THE AMOUNT OF \$60,000 FOR THE CONSTRUCTION OF ONE (1) SINGLE FAMILY DWELLING TO BE SOLD TO AN INCOME ELIGIBLE HOMEBUYER

Motion made by Councilman Wachtel, seconded by Councilman Yauger to approve the revised HOME Loan Agreement between the City of Martinsburg for the Eastern Panhandle HOME Consortium and S. Eugene Taylor and Mary Taylor in the amount of \$60,000 for the construction of one (1) single family dwelling to be sold to an income eligible homebuyer. Motion carried unanimously.

F. APPROVE/DENY OPEQUON CREEK PROJECT TEAM REQUEST TO INSTALL A SIGN AT THE BALTIMORE STREET RAIN GARDEN

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe to approve the Opequon Creek Project Teams request to install a sign at the Baltimore Street rain garden. Motion carried unanimously.

H. APPROVE/DENY GRANT AGREEMENT BETWEEN WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES, BUREAU FOR PUBLIC HEALTH AND CITY OF MARTINSBURG FOR EMS EQUIPMENT AND SUPPLIES – \$1,750 (MARTINSBURG FIRE DEPARTMENT)

Motion made by Councilman Parkinson, seconded by Councilman Lewis to approve the grant agreement between the West Virginia Department of Health and Human Resources, Bureau for Public Health and the City of Martinsburg for EMS equipment and supplies in the amount of \$1,750 for the Martinsburg Fire Department. Motion carried unanimously.

G. APPROVE/DENY EMS/AMBULANCE FEES – BILLING AGREEMENT RENEWAL BETWEEN THE CITY OF MARTINSBURG AND MEDICAL CLAIM-AID (MCA) FOR A PERIOD OF ONE YEAR

Motion made by Councilman Parkinson, seconded by Councilman Yauger to approve the EMS/ambulance fees billing agreement renewal between the City of Martinsburg and Medical Claim-Aid (MCA) for a period of one year. Motion carried unanimously.

I. DISCUSS EXPANSION OF HISTORIC DISTRICT OVERLAY, FROM HISTORIC PRESERVATION REVIEW COMMISSION (HPRC), AND TAKE ACTION IF NECESSARY

Mayor Karos recommended that the expansion of the Historic District Overlay, forwarded from the Historic Preservation Review Commission, be referred to a Committee for recommendations.

RALEIGH STREET EXTENSION - UPDATE

Mayor Karos reported that the City of Martinsburg had received some good news regarding the Raleigh Street Extension Project. The West Virginia Department of Transportation forwarded additional information to the Hagerstown Eastern Panhandle Metropolitan Planning Organization

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who in turn forwarded the information to the City of Martinsburg. Mayor Karos provided the following information.

- \$15.5 million dollars is programmed for a construction phase of the Raleigh Street Extension Project. (The total estimated cost for the entire project is approximately \$32.5 million dollars. To date, \$29.1 million dollars has been secured. The City of Martinsburg is seeking additional funds.)
- It is anticipated the construction phase will be from Edwin Miller Blvd. to Tavern Road (Estimated .57 miles) Further information on the exact location of the first phase will be forthcoming from the State.
- Construction plans and right-of-way are estimated to be complete by July 28, 2009.
- The estimated date to advertise for the construction bid contract is August 28, 2009.
- The estimated award of the construction contract is September 28, 2009.
- The estimated start of construction is October 28, 2009.
- The estimated completion date of this phase is October 28, 2011.
- The Hagerstown Eastern Panhandle Metropolitan Planning Organization will advertise to include this amendment for construction funds for the Raleigh Street Extension Project in the State Transportation Improvement Plan and the Hagerstown Eastern Panhandle Metropolitan Planning Organization Transportation Improvement Plan at their March 25, 2009 meeting.

Mayor Karos stated this is a result of a team effort.

Councilman Wachtel commended the Mayor and City Manager for their countless hours spent regarding this project.

J. APPROVE/DENY SATURDAY, MAY 16, 2009 AS 19TH ANNUAL "TAKE PRIDE IN YOUR COMMUNITY" SPRING CLEAN-UP

Motion made by Councilman Yauger, seconded by Councilman Parkinson to approve Saturday, May 16, 2009 as the 19th annual "Take Pride In Your Community" spring clean-up. Motion carried unanimously.

Mayor Karos thanked Councilman Lewis for chairing the "Take Pride in Your Community" spring clean-up campaign.

K. APPROVE/DENY PETITION TO CLOSE A PORTION OF FLEMING ALLEY – PETITION BY THE MARTINSBURG UNION RESCUE MISSION, INC.

The Martinsburg Union Rescue Mission, Inc. withdrew their petition to close a portion of Fleming Alley.

L. APPROVE/DENY PURCHASE OF FOUR (4) CHEVROLET IMPALA POLICE VEHICLES – GLEN DALE MOTOR COMPANY (STATE CONTRACT) - \$19,609.25 EACH – TOTAL \$78,437.00 – MARTINSBURG POLICE DEPARTMENT – POLICE LEVY FUND

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe to approve the purchase of four Chevrolet Impala police vehicles, for the Martinsburg Police Department, from Glen Dale Motor Company, as part of the state contract, for \$19,609.25 each for a total of \$78,437.00 with funds to be taken from the Police Levy Fund. Motion carried unanimously.

M. APPROVE/DENY MARTINSBURG-BERKELEY COUNTY CONVENTION & VISITORS BUREAU REQUEST TO HANG EIGHTEEN (18) BANNERS FROM LIGHT POSTS IN DOWNTOWN FROM MARCH 15, 2009 – APRIL 18, 2009 IN CONJUNCTION WITH WEST VIRGINIA BOOK FAIRE (PUBLIC WORKS EMPLOYEES TO ASSIST)

Motion made by Councilman Yauger, seconded by Councilman Woods to approve the Martinsburg-Berkeley County Convention & Visitors Bureau request to hang eighteen banners from the light posts in downtown, with the assistance of the Public Works employees, from March 15, 2009 to April 18, 2009, in conjunction with the West Virginia Book Faire. Motion carried unanimously.

N. APPROVE/DENY REQUEST TO BLOCK VIRGINIA AVENUE AND SOUTH STREET NEAR THE SALVATION ARMY IN MARTINSBURG FOR A SUMMER BLOCK PARTY ON MONDAY, JUNE 22, 2009 FROM 8:00 A.M. TO 2:00 P.M.

Mayor Karos suggested that for future events all requests should be sent to a Committee, with the Police Chief being a member, for consideration. Mayor Karos stated in some instances Police Officer overtime is needed to accommodate these requests.

The Police Chief agreed that these events need to be reviewed more closely in the future.

Motion made by Councilman Lewis, seconded by Councilman Woods to approve the request to block Virginia Avenue and South Street near The Salvation Army in Martinsburg for a summer block party on Monday, June 22, 2009 from 8:00 a.m. to 2:00 p.m. and in the future this request go before a committee.

Councilman Yauger requested he be allowed to abstain from voting as he serves on the Salvation Army Board.

Motion made by Councilman Lewis, seconded by Councilman Wachtel to allow Councilman Yauger to abstain from voting. Motion carried unanimously.

The City Manager suggested, instead of taking all requests to a committee, meet as a committee to set a policy, or Ordinance, providing a special event type form and set guidelines for these events.

Councilman Lewis amended his motion, and Councilman Woods amended his second to approve the request to block Virginia Avenue and South Street near The Salvation Army in Martinsburg for a summer block party on Monday, June 22, 2009 from 8:00 a.m. to 2:00 p.m. Motion carried. Councilman Yauger abstained.

O. APPROVE/DENY MAIN STREET MARTINSBURG 3RD ANNUAL PALETTE PROJECT FROM JUNE 2009 – AUGUST 2009

Motion made by Councilman Wachtel, seconded by Councilman Woods to approve the Main Street Martinsburg 3rd annual Palette Project from June 2009 to August 2009. Motion carried unanimously.

P. APPROVE/DENY MAIN STREET MARTINSBURG FIRST SATURDAY EVENTS – MAY 2009 – OCTOBER 2009 FROM 10:00 A.M. TO 4:00 P.M.

Motion made by Councilman Yauger, seconded by Councilman Lewis to approve the Main Street Martinsburg First Saturday events from May 2009 to October 2009 from 10:00 a.m. to 4:00 p.m. Motion carried unanimously.

Q. APPROVE/DENY MAIN STREET MARTINSBURG REQUEST TO CLOSE 100 BLOCKS OF EAST AND WEST BURKE, 100 BLOCKS OF EAST AND WEST MARTIN, 100 AND 200 BLOCKS OF NORTH AND SOUTH QUEEN STREET AND THE 100 BLOCK OF WEST KING STREET FOR THE CLASSIC CAR SHOW AND

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SOCK HOP – SATURDAY, JUNE 20, 2009

Motion made by Councilman Wachtel, seconded by Councilman Woods to approve the Main Street Martinsburg request to close the 100 blocks of East and West Burke, 100 blocks of East and West Martin, 100 and 200 blocks of North and South Queen Street and the 100 block of West King Street for the Classic Car Show and Sock Hop on Saturday, June 20, 2009.

Randy Lewis, Main Street Martinsburg Director, advised there is a scheduling problem with this event as this date is also the rain date for the Soap Box Derby. Mr. Lewis stated they were still attempting to schedule a date for this event.

Councilman Wachtel amended his motion, Councilman Woods amended his motion to approve the Main Street Martinsburg request to close the 100 blocks of East and West Burke, 100 blocks of East and West Martin, 100 and 200 blocks of North and South Queen Street and the 100 block of West King Street for the Classic Car Show and Sock Hop on Saturday, June 20, 2009, contingent upon the date and time being approved by the Chief of Police and City Manager. Motion carried unanimously.

The Police Chief advised Main Street Martinsburg may be able to hold this event on June 20, 2009 if they begin their event later in the day.

R. APPROVE/DENY MAIN STREET MARTINSBURG REQUEST TO HOLD MOVIE AND MUSIC ON MAIN ON FRIDAY, JULY 3, 10, 17, 24 AND 31 IN THE SIDE PARKING LOT OF THE 100 BLOCK OF SOUTH QUEEN STREET FROM 6:00 P.M. TO 11:00 P.M.

Randy Lewis, Main Street Martinsburg Director, advised Main Street Martinsburg was withdrawing this event on July 3, 2009 as the police department would be busy with July 4th event planning.

Motion made by Councilman Woods, seconded by Councilman Wachtel to approve Main Street Martinsburg request to hold Movie and Music on Main on Friday, July 10, 17, 24 and 31 in the side parking lot of the 100 block of South Queen Street from 6:00 p.m. to 11:00 p.m. Motion carried unanimously.

S. APPROVE/DENY MAIN STREET MARTINSBURG REQUEST TO CLOSE THE 100 BLOCKS OF EAST AND WEST BURKE, 100 BLOCKS OF EAST AND WEST MARTIN, THE 100 AND 200 BLOCKS OF NORTH AND SOUTH QUEEN AND THE 100 AND 200 BLOCKS OF WEST KING STREET FOR THE 7TH ANNUAL BIKE NIGHT ON SATURDAY, AUGUST 15, 2009 FROM 5:00 P.M. TO 11:00 P.M.

Motion made by Councilman Wachtel, seconded by Councilman Woods to approve Main Street Martinsburg request to close the 100 blocks of East and West Burke, 100 blocks of East and West Martin, the 100 and 200 blocks of North and South Queen and the 100 and 200 blocks of West King Street for the 7th annual Bike Night on Saturday, August 15, 2009 from 5:00 p.m. to 11:00 p.m. Motion carried unanimously.

T. AUTHORIZE MAYOR TO SUBMIT LETTER OF ENDORSEMENT TO ABC COMMISSION REGARDING MAIN STREET MARTINSBURG'S 7TH ANNUAL BIKE NIGHT TO BE HELD ON SATURDAY, AUGUST 15, 2009

Motion made by Councilman Parkinson, seconded by Councilman Lewis to authorize the Mayor to submit a letter of endorsement to the ABC Commission regarding Main Street Martinsburg's 7th annual Bike Night to be held on Saturday, August 15, 2009. Motion carried unanimously.

U. APPROVE/DENY MAIN STREET MARTINSBURG REQUEST TO HOLD THE 3RD ANNUAL SCARECROW PROJECT IN DOWNTOWN MARTINSBURG BEGINNING SEPTEMBER 26, 2009 – NOVEMBER 3, 2009

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Motion made by Councilwoman Gunnoe, seconded by Councilman Yauger to approve Main Street Martinsburg request to hold the 3rd annual Scarecrow Project in downtown Martinsburg beginning September 26, 2009 through November 3, 2009. Motion carried unanimously.

V. APPROVE/DENY MAIN STREET MARTINSBURG REQUEST TO CLOSE 100 BLOCK OF NORTH QUEEN STREET FOR 5TH ANNUAL CHILI COOK-OFF ON SATURDAY, OCTOBER 3, 2009 FROM 3:00 P.M. TO 8:00 P.M.

Motion made by Councilman Lewis, seconded by Councilman Parkinson to approve Main Street Martinsburg request to close the 100 block of North Queen Street for the 5th annual Chili Cook-off on Saturday, October 3, 2009 from 3:00 p.m. to 8:00 p.m. Motion carried unanimously.

W. AUTHORIZE MAYOR TO SUBMIT LETTER OF ENDORSEMENT TO ABC COMMISSION REGARDING MAIN STREET MARTINSBURG'S 5TH ANNUAL CHILI COOK-OFF TO BE HELD ON SATURDAY, OCTOBER 3, 2009 IN THE DOWNTOWN AREA TO SELL BEER IN ENCLOSED BLOCK AREA OF 100 NORTH QUEEN STREET

Motion made by Councilman Lewis, seconded by Councilman Etherington to authorize the Mayor to submit a letter of endorsement to the ABC Commission regarding Main Street Martinsburg's 5th annual Chili Cook-Off to be held on Saturday, October 3, 2009 in the downtown area to sell beer in an enclosed block area of 100 North Queen Street. Motion carried unanimously.

Randy Lewis thanked the City for their support, toward Main Street Martinsburg, over the years.

X. APPROVE/DENY BIKERS AGAINST CHILD ABUSE REQUEST FOR POLICE ESCORT ASSISTANCE FOR THEIR ANNUAL 100 MILE RIDE THROUGH DOWNTOWN MARTINSBURG ON SATURDAY, APRIL 25, 2009 BEGINNING AT 12:00 NOON

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe to approve the Bikers Against Child Abuse request for police escort assistance for their annual 100 mile ride through downtown Martinsburg on Saturday, April 25, 2009 beginning at 12:00 noon. Motion carried unanimously.

Y. APPROVE/DENY ADDENDUM II BETWEEN CITY OF MARTINSBURG, LESSOR, AND THE STATE OF WEST VIRGINIA, BY THE DEPARTMENT OF ADMINISTRATION REAL ESTATE DIVISION, LESSEE, FOR AND ON BEHALF OF THE STATE RAIL AUTHORITY

Motion made by Councilman Parkinson, seconded by Councilman Lewis to approve Addendum II between the City of Martinsburg, Lessor, and the State of West Virginia, by the Department of Administration Real Estate Division, Lessee, for and on behalf of the State Rail Authority. Motion carried unanimously.

Z. APPROVE/DENY THE ARTS CENTRE REQUEST TO UTILIZE REMAINING FUNDS FROM THE COAL SEVERANCE ACCOUNT, IN THE AMOUNT OF \$14,742, TO RESTORE AND OPEN THE KING STREET ENTRANCE

Councilman Lewis requested he be allowed to abstain from voting, on The Arts Centre request, as his wife is President of The Arts Centre Board.

Motion made by Councilman Woods, seconded by Councilman Parkinson to allow Councilman Lewis to abstain from voting. Motion carried unanimously.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe to approve The Arts Centre request to utilize the remaining funds from the Coal Severance account, in the amount of

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\$14,742, to restore and open the King Street entrance carried. Motion carried. Councilman Lewis abstained.

16. EXECUTIVE SESSION

A. DISCUSS PENDING LEGAL MATTERS WITH COUNSEL (IF NECESSARY)

B. DISCUSS PERSONNEL MATTERS (IF NECESSARY)

C. DISCUSS REAL ESTATE MATTERS INVOLVING COMPETITIVE BIDS (IF NECESSARY)

Motion made by Councilman Parkinson, seconded by Councilman Etherington to go into executive session for legal matters at 7:20 p.m. Motion carried unanimously.

Motion made by Councilman Lewis, seconded by Councilwoman Gunnoe to go out of executive session at 7:45 p.m. Motion carried unanimously.

17. ADJOURNMENT

Motion made by Councilman Woods, seconded by Councilman Etherington to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

George Karos, Mayor

Sharon A. Flick, City Recorder