

**CITY OF MARTINSBURG
SPECIAL COUNCIL MEETING
MARCH 26, 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 5:00 p.m. The following Council Members were present: Rodney Woods, Gregg Wachtel, Dennis Etherington, Richard Yauger, Max Parkinson, and Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Sharon A. Flick, City Recorder and Mark Spickler, Finance Director.

Mayor Karos welcomed Dave Molgaard, City Manager of the City of Charleston, to the Council meeting.

3. APPROVE FEBRUARY 2009 ADMINISTRATIVE AND FINANCIAL REPORT

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe to approve the February 2009 Administrative and Financial Report. Motion carried unanimously.

4. PETITIONS FROM CITIZENS

There were no petitions from citizens.

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

- A. LETTER FROM U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT INFORMING THE CITY THAT \$105,460 HAS BEEN AWARDED AS PART OF THE RECOVERY ACT OF 2009 PROGRAM – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) – MARCH 6, 2009**
- B. LETTER FROM COMCAST CABLE ADVISING OF THE STATUS OF THEIR CARRIAGE OF THE NFL NETWORK – MARCH 12, 2009**
- C. LETTER FROM COMCAST CABLE ANNOUNCING PROGRAMMING CHANGES COMING TO MARTINSBURG IN APRIL – MARCH 12, 2009**
- D. BERKELEY COUNTY DEVELOPMENT AUTHORITY – MINUTES JANUARY 14, 2009 AND FEBRUARY 11, 2009 AND BALANCE SHEETS AS OF JANUARY 31, 2009 AND FEBRUARY 28, 2009**

Motion made by Councilman Parkinson, seconded by Councilman Wachtel to receive and file items a-d. Motion carried unanimously.

6. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

A. BUDGET AND FINANCE COMMITTEE – MINUTES MARCH 17, 2009

Motion made by Councilman Yauger, seconded by Councilman Parkinson to enter the Budget and Finance Committee meeting minutes of March 17, 2009 into the record. Motion carried unanimously.

The Budget and Finance Committee meeting minutes of March 17, 2009 were as follows:

BUDGET & FINANCE COMMITTEE MEETING MINUTES
March 17, 2009 - 4:30 p.m.

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

Others Present: Mayor George Karos, Mark S. Baldwin, City Manager; Mark B. Spickler, Finance Director; Councilmember Dennis J. Etherington, Chief of Police, Ted Anderson, and Detective George Swartwood.

Unable to Attend: Max Parkinson, Gregg Wachtel

Chairman Yauger opened the meeting and the FY 09-10 Budgets were discussed.

1. Discussed the following FY 09-10 Budgets:

- a. General Fund Budget
- b. Coal Severance Tax Fund Budget
- c. Police Levy Fund Budget
- d. Water & Sewer Fund Budget
- e. Sanitation Fund Budget
- f. Parking Fund Budget

Consensus of the Committee was to recommend these budgets to City Council for approval. The Committee also recommended the following for approval:

- a. COPS Grant – submit COPS grant for (2) officers
 - b. Increase legal fees contract with Bowles Rice McDavid Graff & Love in the amount of \$6,000 for FY 09-10.
2. Sanitation Budget – Consensus of the Committee was to recommend to City Council an Ordinance be prepared, increasing sanitation fees for residential flat rate and commercial garbage.
3. FY 2009-2010 City of Martinsburg Goals & Objectives was received and discussed.

7. REPORT OF MAYOR

A. RESOLUTION TO HONOR AND RECOGNIZE THE PLAYERS, COACHES AND STAFF OF THE MARTINSBURG HIGH SCHOOL BULLDOGS VARSITY BASKETBALL TEAM FOR A SUCCESSFUL SEASON, AND TO COMMEND THE OUTSTANDING PLAYERS AND COACHES FOR CAPTURING THE 2009 CLASS AAA STATE BASKETBALL CHAMPIONSHIP TITLE

Mayor Karos announced he would be participating in the celebration, honoring the Martinsburg High School Bulldogs varsity basketball team, at the Martinsburg High School and he would be presenting the school with a Resolution honoring the players, coaches and staff of the 2009 Class AAA State Basketball Championship Title. Mayor Karos thanked the City Recorder for having the resolution framed in orange and black. The Resolution was as follows:

RESOLUTION

A RESOLUTION TO HONOR AND RECOGNIZE THE PLAYERS, COACHES AND STAFF OF THE MARTINSBURG HIGH SCHOOL BULLDOGS VARSITY BASKETBALL TEAM FOR A SUCCESSFUL SEASON, AND TO COMMEND THE OUTSTANDING PLAYERS AND COACHES FOR CAPTURING THE 2009 CLASS AAA STATE BASKETBALL CHAMPIONSHIP TITLE.

WHEREAS, the Martinsburg High School Bulldogs varsity basketball team was victorious with a tantalizing 53-52 victory over South Charleston High School to win the 2009 Class AAA State Basketball Championship; and

WHEREAS, this is the second championship for the Martinsburg Bulldogs, with the first coming in 1994; and

WHEREAS, the championship title culminated a victorious season of 26 wins in 28 games, being the most wins in a single season and second to the 1994 season with no losses to a team in West Virginia; and

WHEREAS, the Bulldogs put their athletic agility, speed and perseverance to the test; and

WHEREAS, the enthusiastic support of the student body, faculty, parents and fans also contributed

**SPECIAL SESSION
MARCH 26, 2009
PAGE THREE**

to their victorious season; and

WHEREAS, the members of the 2009 Class AAA Championship Martinsburg High School Basketball Team are B.J. Johnson, Humsa Kidwai, Joshua Woodward, Inshan Mohamed, Brett Rogers, Cameron Cato, Darren Arndt, Markus Cook, Brandon Ashenfelter, Isaac Thornton, Michael Cole, Kirk Hairston, Jean Eddy Clerius, Tevin Walker and Jeremy Johnson; and

WHEREAS, the members of the 2009 Class AAA Championship Martinsburg High School Basketball Team coaching staff are Head Coach Dave Rogers, Assistant Coaches Rodney Davis, Bruce Fowler and Chris Burg and Manager Joey Shey.

NOW, THEREFORE, BE IT RESOLVED, that the Office of the Mayor and the City Council honor and recognize the Martinsburg High School Basketball Team for a successful season, and commend the outstanding players for capturing the 2009 Class AAA State Basketball Championship title.

IN WITNESS THEREOF, I, George Karos, Mayor, have hereunto set my hand and caused the official seal of the City of Martinsburg, West Virginia to be affixed this 26th day of March, 2009.

CITY OF MARTINSBURG

George Karos, Mayor

Attest:

Sharon A. Flick, City Recorder

8. UNFINISHED BUSINESS

There was no unfinished business.

9. NEW BUSINESS

A. ADOPT RESOLUTION 2009-07 TO APPROVE GENERAL FUND BUDGET REVISION # 4 FY 2008-2009. INCLUDES NEW EXPENDITURES FOR FY 2008-2009 AS FOLLOWS:

- 1. CITY PLANNING – MS4 COMPLIANCE FUNDING @ \$40,000**
- 2. CITY PLANNING – ORTHOPHOTOS PROJECT REDUCTION @ (\$40,000)**

Motion made by Councilman Wachtel, seconded by Councilman Yauger to adopt Resolution 2009-07 to approve General Fund Budget Revision # 4 FY 2008-2009. Motion carried unanimously.

B. APPROVE/DENY POLICE LEVY FUND BUDGET REVISION # 1 FOR FY 2008-2009

Motion made by Councilman Yauger, seconded by Councilman Woods to approve the Police Levy Fund budget revision #1 for FY 2008-2009. Motion carried unanimously.

C. APPROVE/DENY FIRE/EMS FUND BUDGET REVISION # 1 FOR FY 2008-2009

Motion made by Councilman Yauger, seconded by Councilman Etherington to approve the Fire/EMS Fund budget revision #1 for FY 2008-2009. Motion carried unanimously.

D. APPROVE/DENY WATER & SEWER FUND BUDGET REVISION # 1 FOR FY 2008-2009

**SPECIAL SESSION
MARCH 26, 2009
PAGE FOUR**

Motion made by Councilman Parkinson, seconded by Councilman Yauger to approve the Water & Sewer Fund budget revision #1 for FY 2008-2009. Motion carried unanimously.

E. APPROVE/DENY SANITATION FUND BUDGET REVISION # 1 FOR FY 2008-2009

Motion made by Councilman Yauger, seconded by Councilman Parkinson to approve the Sanitation Fund budget revision #1 for FY 2008-2009. Motion carried unanimously.

F. APPROVE/DENY PARKING FUND BUDGET REVISION # 1 FOR FY 2008-2009

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe to approve the Parking Fund budget revision #1 for FY 2008-2009. Motion carried unanimously.

**G. APPROVE/DENY INCREASE IN LEGAL SERVICES WITH BOWLES RICE
MCDAVID GRAFF & LOVE IN THE AMOUNT OF \$6,000 – EFFECTIVE JULY 1,
2009**

Motion made by Councilman Yauger, seconded by Councilman Parkinson to approve the increase in legal services with Bowles Rice McDavid Graff & Love in the amount of \$6,000, effective July 1, 2009. Motion carried unanimously.

**H. AUTHORIZE CITY MANAGER AND CHIEF OF POLICE TO SUBMIT COPS GRANT
APPLICATION FOR TWO ADDITIONAL POLICE OFFICERS (100% FUNDING FOR
3 YEARS – CITY REQUIRED TO RETAIN FOR 12 MONTHS AFTER GRANT
EXPIRES)**

Motion made by Councilman Wachtel, seconded by Councilman Woods to authorize the City Manager and Chief of Police to submit a COPS Grant application for two additional Police Officers with 100% funding for 3 years and the City will be required to retain the officers for 12 months after the grant expires. Motion carried unanimously.

I. APPROVE/DENY \$13,350,000 GENERAL FUND BUDGET FOR FY 2009-2010

Motion made by Councilman Wachtel, seconded by Councilman Yauger to approve the General Fund budget, for FY 2009-2010, in the amount of \$13,350,000. Motion carried unanimously.

**J. APPROVE/DENY \$65,000 COAL SEVERANCE TAX FUND BUDGET FOR FY 2009-
2010**

Motion made by Councilman Yauger, seconded by Councilman Woods to approve the Coal Severance Tax Fund budget, for FY 2009-2010, in the amount of \$65,000. Motion carried unanimously.

K. APPROVE/DENY \$2,850,000 POLICE LEVY FUND BUDGET FOR FY 2009-2010

Motion made by Councilman Woods, seconded by Councilman Yauger to approve the Police Levy Fund budget, for FY 2009-2010, in the amount of \$2,850,000. Motion carried unanimously.

L. APPROVE/DENY \$1,500,000 FIRE/EMS FUND BUDGET FOR FY 2009-2010

Motion made by Councilman Yauger, seconded by Councilman Parkinson to approve the Fire/EMS Fund budget, for FY 2009-2010, in the amount of \$1,500,000. Motion carried unanimously.

M. APPROVE/DENY \$7,925,000 WATER & SEWER FUND BUDGET FOR FY 2009-2010

Motion made by Councilman Yauger, seconded by Councilman Wachtel to approve the Water & Sewer Fund budget, for FY 2009-2010, in the amount of \$7,925,000. Motion carried unanimously.

**SPECIAL SESSION
MARCH 26, 2009
PAGE FIVE**

N. APPROVE/DENY \$1,400,000 SANITATION FUND BUDGET FOR FY 2009-2010

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe to approve the Sanitation Fund budget, for FY 2009-2010, in the amount of \$1,400,000. Motion carried unanimously.

O. AUTHORIZE PREPARATION OF ORDINANCE TO INCREASE SANITATION FEES

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe to authorize the preparation of an Ordinance to increase sanitation fees. Motion carried unanimously.

P. APPROVE/DENY \$550,000 PARKING FUND BUDGET FOR FY 2009-2010

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe to approve the Parking Fund budget, for FY 2009-2010, in the amount of \$550,000. Motion carried unanimously.

**Q. APPROVE/DENY AIDS NETWORK ANNUAL AIDS WALK – SUNDAY, MAY 17, 2009
AT 6:30 P.M. BEGINNING AT THE INTERSECTION OF KING STREET AND
QUEEN STREET AND ENDING AT WAR MEMORIAL PARK’S STATE FARM
PAVILION AROUND 7:00 P.M.**

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe to approve the AIDS Network Annual AIDS Walk on Sunday, May 17, 2009 at 6:30 p.m., beginning at the intersection of King Street and Queen Street and ending at War Memorial Park’s State Farm Pavilion around 7:00 p.m. Motion carried unanimously.

**R. AUTHORIZE MAYOR TO SUBMIT LETTER OF ENDORSEMENT TO ABC
COMMISSION REGARDING THE WINE AND ARTS FESTIVAL TO BE HELD ON
SATURDAY, MAY 23RD AND SUNDAY, MAY 24TH, 2009 ON THE LAWN AT THE
BOYDVILLE ESTATE**

Motion made by Councilman Etherington, seconded by Councilman Yauger to authorize the Mayor to submit a letter of endorsement to the ABC Commission regarding the Wine and Arts Festival to be held on Saturday, May 23rd and Sunday, May 24th, 2009 on the lawn at the Boydville estate. Motion carried unanimously.

10. EXECUTIVE SESSION

A. DISCUSS PENDING LEGAL MATTERS WITH COUNSEL

B. DISCUSS PERSONNEL MATTERS (IF NECESSARY)

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

There was no executive session.

11. ADJOURNMENT

Motion made by Councilman Wachtel, seconded by Councilman Parkinson to adjourn the meeting at 5:13 p.m. Motion carried unanimously.

George Karos, Mayor

Sharon A. Flick, City Recorder