

**CITY OF MARTINSBURG
SPECIAL COUNCIL MEETING
MAY 28, 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, Max Parkinson, Roger Lewis and Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Sharon A. Flick, City Recorder, and Patricia McMillan, Community Development Director.

3. APPROVE MAY 14, 2009 REGULAR COUNCIL MEETING MINUTES

Motion made by Councilman Parkinson, seconded by Councilman Lewis to approve the May 14, 2009 regular Council meeting minutes. Motion carried unanimously.

4. PUBLIC HEARING – A PUBLIC HEARING HAS BEEN SCHEDULED TO SOLICIT CITIZEN COMMENTS ON SUBSTANTIAL AMENDMENTS TO THE CITY OF MARTINSBURG’S FY 2008 ANNUAL ACTION PLAN FOR THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE PURPOSE OF APPLYING FOR CDBG RECOVERY (CDBG-R) PROGRAM FUNDS

Mayor Karos opened the public hearing to solicit citizen comments on substantial amendments to the City of Martinsburg’s FY 2008 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds for the purpose of applying for CDBG Recovery (CDBG-R) program funds at 5:01 p.m.

Ms. Patricia McMillan, Community Development Director, stated the City of Martinsburg received correspondence from the Department of Housing and Urban Development informing the City of an allocation of \$105,460 in Community Development Block Grant Recovery Funds, as part of the federal stimulus package. Ms. McMillan further stated, in early May, the City received instructions on how to apply for the funds and also information regarding the nature of the projects that HUD was hoping local governments would apply for. Ms. McMillan advised HUD wanted projects that addressed infrastructure, economic recovery and job creation and retention. Ms. McMillan further advised, to meet the requirements, a notice was published in the local newspaper announcing the public hearing. Mr. McMillan further advised, it is the recommendation, that the funding be used to supplement the center city stormwater diversion project, which is already receiving some funding from 2007 and 2008.

Mayor Karos left the public hearing open.

5. PETITIONS FROM CITIZENS

There were no petitions from citizens.

City Attorney Kin Sayre introduced Ms. Catie Wilkes who has completed her first year of law school at West Virginia University and who is clerking with Bowles Rice McDavid Graff & Love.

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

A. MARTINSBURG-BERKELEY COUNTY PARKS & RECREATION – MINUTES

APRIL 21, 2009

B. EASTERN WEST VIRGINIA REGIONAL AIRPORT AUTHORITY – 2008-2009 3RD QUARTER BUDGET REPORT

C. BERKELEY COUNTY DEVELOPMENT AUTHORITY – MINUTES APRIL 15, 2009

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson to receive and file items 6 a-c. Motion carried unanimously.

7. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

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A. COUNCIL AS A WHOLE COMMITTEE – MINUTES 5-12-09

Motion made by Councilman Parkinson, seconded by Councilman Woods to approve the Council as a Whole Committee meeting minutes of May 12, 2009. Motion carried unanimously.

The Council as a Whole Committee meeting minutes of May 12, 2009 were as follows:

COUNCIL AS A WHOLE COMMITTEE MINUTES

Tuesday, May 12, 2009

4:30 p.m.

PRESENT: Mayor George Karos, Max Parkinson, Roger Lewis, Richard Yauger and Rodney Woods

OTHERS IN ATTENDANCE: Mark Baldwin, City Manager, Pat McMillan, C.D. Director, Steve Knipe, Utilities Director, and Mike Covell, City Engineer/Planning Director, Fox & Associates, Chester Engineers and Rummel, Klepper & Kahl

UNABLE TO ATTEND: Gregg Wachtel, Dennis Etherington and Betty Gunnoe

Mayor Karos open the meeting and explained the purpose of the meeting was to conduct interviews with three (3) engineering firms for the CDBG CD-08-02 Center City Stormwater Project. He further stated those in attendance tonight would be interviewing and ranking the engineering firms.

Motion by Max Parkinson, seconded by Roger Lewis to go into Executive Session.

Motion to go out of Executive Session by Rodney Woods, seconded by Roger Lewis.

City Manager stated rankings of the firms would be evaluated and confirmed.

Meeting adjourned at 7:30 p.m.

8. REPORT OF MAYOR

**A. REMINDER – REGULAR CITY COUNCIL MEETING – THURSDAY, JUNE 11, 2009
AT 6:30 P.M.**

Mayor Karos reminded Council of the regular City Council meeting on Thursday, June 11, 2009 at 6:30 p.m.

9. REPORT OF CITY ATTORNEY

There was no report of the City Attorney.

10. REPORT OF CITY MANAGER

There was no report of the City Manager.

11. UNFINISHED BUSINESS

**A. THIRD AND FINAL READING OF ORDINANCE 2009-07 TO AMEND ARTICLE 131,
POLICE DEPARTMENT, SECTION 131.06 OF THE CODIFIED ORDINANCES OF
THE CITY OF MARTINSBURG TO INCREASE THE FEES ASSESSED TO PROVIDE
FINGERPRINTING SERVICES**

Motion made by Councilman Wachtel, seconded by Councilman Woods to read through the third

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and final reading of Ordinance 2009-07 to amend Article 131, Police Department, Section 131.06 of the Codified Ordinances of the City of Martinsburg to increase the fees assessed to provide fingerprinting services, by title only and adopt. Motion carried unanimously.

B. THIRD AND FINAL READING OF ORDINANCE 2009-10 TO ESTABLISH FEES CHARGED FOR SERVICES PROVIDED BY THE CITY OF MARTINSBURG

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis to read through the third and final reading of Ordinance 2009-10 to establish fees charged for services provided by the City of Martinsburg, by title only and adopt. Motion carried unanimously.

12. NEW BUSINESS

With no public comment, Mayor Karos closed the public hearing to solicit citizen comments on substantial amendments to the City of Martinsburg's FY 2008 Annual Action Plan for the use of Community Development Block Grant (CDBG) funds for the purpose of applying for CDBG Recovery (CDBG-R) program funds at 5:10 p.m.

A. ADOPT RESOLUTION 2009-12 OF THE COUNCIL OF THE CITY OF MARTINSBURG AMENDING THE FY 2008 CDBG ANNUAL ACTION PLAN

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe to adopt Resolution 2009-12 of the Council of the City of Martinsburg amending the FY 2008 CDBG Annual Action Plan. Motion carried unanimously.

B. ADOPT RESOLUTION 2009-13 AUTHORIZING GEORGE KAROS, MAYOR OF MARTINSBURG, TO SUBMIT A GRANT APPLICATION WITH THE WEST VIRGINIA DEVELOPMENT OFFICE TO RECEIVE GRANT FUNDS IN THE AMOUNT OF \$5,000 FOR THE ARTS CENTRE, FOR ADVERTISING, LICENSING AND VENUE RENTAL FOR THE WEST VIRGINIA WINE AND ARTS FESTIVAL, AND DESIGNATE JULIE TERHARR, PROGRAM DIRECTOR, TO ADMINISTER SUCH FUNDS PURSUANT TO THE PROVISIONS OF THE FISCAL YEAR 2009 COMMUNITY PARTICIPATION PROGRAM

Motion made by Councilman Lewis, seconded by Councilman Parkinson to adopt Resolution 2009-13 authorizing George Karos, Mayor of Martinsburg, to submit a grant application with the West Virginia Development Office to receive grant funds in the amount of \$5,000 for The Arts Centre, for advertising, licensing and venue rental for the West Virginia Wine and Arts festival, and designate Julie TerHarr, Program Director, to administer such funds pursuant to the provisions of the fiscal year 2009 Community Participation Program. Motion carried unanimously.

C. APPROVE/DENY TELAMON CORPORATION REQUEST TO WAIVE PERMIT FEES FOR THE SHINING APPLES WORKCAMP TO BE HELD THE WEEK OF JULY 26 – AUGUST 1, 2009

Mayor Karos advised the Telamon Corporation request to waive permit fees for The Shining Apples Workcamp to be held the week of July 26 – August 1, 2009 will require a legal opinion. Mayor Karos further advised the City Attorney would research the request and come back to Council with a legal opinion.

Councilman Lewis stated this sounded like a very good program; however the City would need to review the legal aspects.

D. APPROVE/DENY LETTER OF ENDORSEMENT FOR NATIONAL SCENIC BYWAY GRANTS, WASHINGTON HERITAGE ORIENTATION HD-DVD (\$231,250) AND WASHINGTON HERITAGE TRAIL MILLER TOWER PRESERVATION (\$147,200) – WASHINGTON HERITAGE TRAIL

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Motion made by Councilman Wachtel, seconded by Councilman Woods to approve a letter of endorsement for National Scenic Byway grants, Washington Heritage Orientation HD-DVD (\$231,250) and Washington Heritage Trail Miller Tower Preservation (\$147,200) for the Washington Heritage Trail. Motion carried unanimously.

Mr. Jim Castleman, Program Director Washington Heritage Trail, stated this was a reimbursable grant and, at this time, no funds are needed from the City of Martinsburg. Mr. Castleman further stated the Washington Heritage orientation DVD will be shown in the Caperton Station waiting room. Mr. Castleman advised the Washington Heritage Trail Miller Tower, once preserved, will be the last remaining armstrong driven switching tower in America.

The City Manager advised that by Council endorsing this project they are allowing the Washington Heritage Trail to use the Caperton Train Station waiting area.

Mr. Castleman stated, if they receive the two grants, they will have invested \$1.2 million in the train station.

The City Manager stated, presently, there are no matching funds, grant administration or fiscal responsibilities for the grants by the City of Martinsburg.

Mr. Castleman advised they were not asking for anything at this time.

Councilman Woods questioned if this grant was funded, would the implementation have any effect on the routine business of the train station as travelers come and go.

Mr. Castleman advised most of the travelers are there before the Washington Heritage Trail employees get there and after they leave.

E. AUTHORIZE CITY MANAGER TO BID PAINTING OF STREET LIGHT POLES

The City Manager advised the bid would be for the green decorative poles and once bids are opened it can be determined whether to move forward.

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis to authorize the City Manager to bid painting of the street light poles. Motion carried unanimously.

F. DISCUSS ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM AND APPLICATION PROCESS (AMERICAN RECOVERY AND REINVESTMENT ACT 2009) – \$77,000

The City Manager reported the City has received notice from the federal government that funds are available if the City wishes to submit a grant application. The City Manager further reported the application is due June 25, 2009. The City Manager advised that hopefully the City can determine a use for these funds and get an application submitted.

G. DISCUSS WEST VIRGINIA DEPARTMENT OF TRANSPORTATION REQUEST FOR APPLICATIONS FOR AMERICAN RECOVERY AND REINVESTMENT ACT STIMULUS FUNDING

The City Manager stated these are stimulus funds flowing from the federal government to the State of West Virginia. The City Manager further stated these funds are being used under the Department of Transportation's Transportation Enhancement Program. The City Manager advised these funds could be used for the current town square project.

13. EXECUTIVE SESSION

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

B. DISCUSS PERSONNEL MATTERS (IF NECESSARY)

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

Motion made by Councilman Wachtel, seconded by Councilman Woods to go into executive session, for legal matters, at 5:20 p.m. Motion carried unanimously.

Motion made by Councilman Woods, seconded by Councilman Parkinson to go out of executive session at 5:30 p.m. Motion carried unanimously.

14. ADJOURNMENT

Motion made by Councilman Parkinson, seconded by Councilman Lewis to adjourn the meeting at 5:30 p.m. Motion carried unanimously.

George Karos, Mayor

Sharon A. Flick, City Recorder