

**CITY OF MARTINSBURG
SPECIAL COUNCIL MEETING
JULY 28, 2011
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, Richard Yauger, Betty Gunnoe and Roger Lewis. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Lt. George Swartwood, Police Detective, Mark Spickler, Finance Director and Steve Knipe, Utilities Director.

3. PRESENTATIONS

There were no presentations.

4. PETITIONS FROM CITIZENS

- Ms. Kathleen Erickson-Nord addressed Council regarding the Glass-Steagle Bill, "The Return to Prudent Banking Act," asking Council to support H.R. 1489, which is before the House of Representatives.

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

- (a) **Martinsburg/Berkeley County Parks and Recreation Board June 21, 2011 Meeting Minutes.**
- (b) **Historic Preservation Review Commission June 06, 2011 Meeting Minutes.**
- (c) **Letter from Comcast advising of service charge change in August.**
- (d) **Letter from the Division of Criminal Justice Services regarding the decision of the Justice Assistance Grant Advisory Committee.**

Motion made by Councilman Wachtel, seconded by Councilman Parkinson, to file and receive items 5a through 5d. Motion carried unanimously.

6. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES

There were no reports of chairpersons of council standing committees.

7. REPORT OF MAYOR

- (a) **Reappoint Ted Morgan to the Martinsburg/Berkeley County Parks and Recreation Board. Term 8/1/11-8/1/14**

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to reappoint Ted Morgan to the Martinsburg/Berkeley County Parks and Recreation Board for the term beginning 8/1/11 and ending 8/1/14, Motion carried unanimously.

Mayor Karos also thanked the public and business owners for their patience during the Town Square Pedestrian Plaza construction, stating that a total closing of the intersection of Queen and King Streets may be inconvenient, but will speed up construction considerably.

9. REPORT OF CITY ATTORNEY

City Attorney Kin Sayre stated that the Redistricting Committee held a public meeting, and the next step will be to draw proposed ward lines to be submitted to the state and then, again, to the public.

10. REPORT OF CITY MANAGER

(a) Projects Update

11. UNFINISHED BUSINESS

There was no unfinished business.

12. NEW BUSINESS

(a) Approve/deny Resolution 2011-13, General Fund Budget Revision #1, FY 2011-2012 (to be delivered next week)

Motion made by Councilman Lewis, seconded by Councilman Yauger, to approve Resolution 2011-13, General Fund Budget Revision #1, FY 2011-2012. Motion carried unanimously.

(b) Approve/deny School Based Police Officer Agreement between the City of Martinsburg and the Berkeley County Board of Education.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve School Based Police Officer Agreement between the City of Martinsburg and the Berkeley County Board of Education.

(c) Approve/deny Supplemental Agreement # 3, for the Martinsburg Pedestrian Plaza, State Project U302-MAR/TI-9.00. Federal Project TEA-0H22(001)D, between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Supplemental Agreement #3, for the Martinsburg Pedestrian Plaza, State Project U302-MAR/TI-9.00, Federal Project TEA-0H22(001)D, between the City of Martinsburg and the WV Department of Transportation, Division of Highways. Motion carried unanimously.

(d) Approve/deny Supplemental Agreement #4, for the Martinsburg Pedestrian Plaza, State Project U302-MAR/TI-9.00, Federal Project TEA-0H22(001)D, between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways.

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to approve the Supplemental Agreement #4 for the Martinsburg Pedestrian Plaza, State Project U302-MAR/TI-9.0,

Federal Project TEA-01122(001)D, between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways. Motion carried unanimously.

(e) Approve/deny Town Square Pedestrian Plaza plaque design.

Mr. Matthew Grove, Grove and Dall'Olio, discussed the proposed plaque, stating that the names and titles should be correct. The Council asked that their middle initials be added.

Motion made by Councilman Wachtel, seconded by Councilmen Yauger and Etherington, to approve the Town Square Pedestrian Plaza plaque design with staff to finalize upon submission of the final design. Motion carried unanimously.

(f) Approve/deny plaque design and process for procuring sculpture of General Adam Stephen—Town Square Pedestrian Plaza.

Mr. Grove stated that the plaque will be on the west end of the plaza, there are some edits that need to be made. Councilman Yauger pointed out some verbiage he would like to have reconsidered. Mayor Karos asked that Mr. Grove make any necessary changes and resubmit the design to Staff.

Mr. Grove explained that the standard process to procure the statue is to advertise the project, review resumes and asked three artists to prepare the model, offering \$2,000 to each artist, after which final selection will be made.

Councilman Lewis asked if a bust would be considered, as it might lower the cost. Mr. Grove recommended leaving these decisions up to the artist.

Further discussion included financing, which Mayor Karos stated he believed the City has adequate funds to finance the project. Commissioner Wachtel expressed concerns about the cost of the final project.

Motion made by Councilwoman Gunnoe, seconded by Councilman Yauger, to approve the plaque design with staff to finalize upon submission of final design. Motion carried unanimously.

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel, to begin the process of procurement of the statue of General Adam Stephen and allow up to \$6,000 for the models. Motion carried unanimously.

(g) Approve/deny annual religious procession for the Virgin of Guadalupe on Sunday, December 11, 2011 from 7:00 AM to 8:00 AM—St. Joseph Parish.

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe, to approve the annual religious procession for the Virgin of Guadalupe on Sunday, December 11, 2011 from 7:00 AM until 8:00 AM, conducted by St. Joseph Parish. Motion carried unanimously.

(h) Approve/deny wastewater treatment plant pilot study (to be delivered next week).

Utilities Director Steve Knipe explained that the approval is for a pilot study to meet requirements for the Chesapeake Bay Storm water and run off requirements. The pilot study will allow for a mock-up of the treatment facility to be run at the existing facility to ensure it will meet guidelines, before construction of a new facility, prior to the deadline of December 2015.

Motion made by Councilman Woods, seconded by Councilman Wachtel, to approve the wastewater treatment plant pilot study. Motion carried unanimously.

13. 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)

14. Adjournment

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to adjourn at 5:35 PM. Motion carried unanimously.


George Karos, Mayor


Gena Long, City Recorder