

**City Of Martinsburg
Special City Council Meeting
Thursday, June 28, 2012
5:00 P.M.**

With a quorum present, the special 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, Roger Lewis, Dennis Etherington, Max Parkinson, Gregg Wachtel and Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, City Engineer/Planning Director Michael Covell and Finance Director Mark Spickler.

3. Presentations

- (a) Make comment on ABC Zoning Application—127 E. King Street (currently Station Grill)—Whiskey Willie's.

No one was present for this request.

- (b) Resolution of Accomplishment for Soap Box Derby winners

This resolution is scheduled to be read at a later date at the North End McDonalds.

4. Petitions From Citizens

5. Receive And File Reports—Minutes—Correspondence Of The Following:

- (a) Letter from Rodney Woods resigning from the following: Eastern Panhandle Regional Airport Authority, Martinsburg/Berkeley County Parks and Recreation Board (City Council Liaison) and Promise Neighborhood Initiative Board of Directors (Municipal Government Representative).
- (b) Letter from Donald T. Anderson resigning from the Board of Zoning Appeals
- (c) Letter from Kevin Knowles resigning from the Board of Zoning Appeals
- (d) Berkeley County Animal Control reports for March 1, 2012 through May 31, 2012
- (e) Memorandum from the Department of Justice regarding the approval of \$18,643.00 in grant funds for the City of Martinsburg Police Department
- (f) Martinsburg Board of Zoning Appeals May 1, 2012 meeting minutes.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to receive and file items 5a-5f. Motion carried successfully.

6. Reports Of Chairpersons Of Council Standing Committees

a.

7. Report Of Mayor

- (a) Appoint Frank Bradley (current BZA alternate) to full time member of the Board of Zoning Appeals to fill an unexpired term (Kevin Knowles) beginning January 1, 2010 and ending January 1, 2013.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Woods, to appoint Frank Bradley (current BZA alternate) to full time member of the Board of Zoning Appeals to fill an unexpired term (Kevin Knowles) beginning January 1, 2010 and ending January 1, 2013. Motion carried unanimously.

- (b) Appoint April King (current BZA alternate) to full time member of the Board of Zoning Appeals to fill an unexpired term (Donald T. Anderson) beginning January 1, 2011 and ending January 1, 2014.**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to appoint April King (current BZA alternate) to full time member of the Board of Zoning Appeals to fill an unexpired term (Donald T. Anderson) beginning January 1, 2011 and ending January 1, 2014. Motion carried unanimously.

- (c) Appoint Councilman Max Parkinson as City Council liaison to the Martinsburg/Berkeley County Parks and Recreation Board.**

Motion made by Councilman Wachtel, seconded by Councilman Etherington to appoint Councilman Max Parkinson as City Council liaison to the Martinsburg/Berkeley County Parks and Recreation Board. Motion carried unanimously.

- (d) Appoint Patricia McMillan-Community Development Director as the Municipal Government Representative to the Promise Neighborhood Initiative Board of Directors**

Motion made by Councilman Parkinson, seconded by Councilman Woods, to appoint Patricia McMillan-Community Development Director as the Municipal Government Representative to the Promise Neighborhood Initiative Board of Directors. Motion carried unanimously.

- (e) Discuss Board and Commission vacancies—Board of Zoning Appeals (2 alternates needed), Airport Authority (1 vacancy).**

2. Report Of City Attorney

8. Report of City Attorney

Discuss proposed collocation of antennas on Ambrose Towers—703 Porter Avenue (TCNS# 85936)

Legal Counsel Kin Sayre explained that the letter enclosed in the packet explains that the Federal Guidelines allow tower companies to expand to a certain percentage in size without additional permissions, which is the case with the tower on Ambrose Towers. The information is for review only, and the City has no authority to regulate or restrict the development.

9. Report Of City Manager

10. Unfinished Business

a. Third and Final reading of Ordinance 2012-04: an ordinance amending the City of Martinsburg Code, Part 3, *Traffic Code*, Chapter 5, *Vehicular Operation*, by adding Article 356, *Prohibited Use Of An Electronic Communications Device*, Section 356.01 to provide for the prohibited use of an electronic communications device, driving without handheld features; definitions; exceptions; penalties

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel, to hear and approve the third and Final reading of Ordinance 2012-04: an ordinance amending the City of Martinsburg Code, Part 3, Traffic Code, Chapter 5, Vehicular Operation, by adding Article 356, Prohibited Use Of An Electronic Communications Device, Section 356.01 to provide for the prohibited use of an electronic communications device, driving without handheld features; definitions; exceptions; penalties. Motion carried unanimously.

(b) Third and Final reading of Ordinance 2012-05: an Ordinance amending Ordinance 2011-03 which established job descriptions for employees of the City of Martinsburg, West Virginia.

Motion made by Councilman Parkinson, seconded by Councilman Lewis, to hear and approve the third and Final reading of Ordinance 2012-05: an Ordinance amending Ordinance 2011-03 which established job descriptions for employees of the City of Martinsburg, West Virginia. Motion carried unanimously.

Third and Final reading of Ordinance 2012-06: An Ordinance annexing to the City of Martinsburg a parcel of real estate consisting of 2.58 acres and identified upon Berkeley County tax maps in the Opequon Tax District, Map 5, Parcel 58 and providing for the institution of the necessary proceedings before the County Commission of Berkeley County, West Virginia, in accordance with West Virginia Code 8-6-4 (*Annexation Without Election*).

Motion made by Councilman Lewis, seconded by Councilman Etherington, to hear and approve the third and Final reading of Ordinance 2012-06: An Ordinance annexing to the City of Martinsburg a parcel of real estate consisting of 2.58 acres and identified upon Berkeley County tax maps in the Opequon Tax District, Map 5, Parcel 58 and providing for the institution of the necessary proceedings before the County Commission of Berkeley County, West Virginia, in accordance with West Virginia Code 8-6-4 (Annexation Without Election). Motion carried unanimously.

11. New Business

a. Approve/deny Engineering Services Agreement between the City of Martinsburg and Arro Engineering and Environmental Construction--\$37,796—S. Valley Street reconstruction and stormwater rehabilitation (CDBG and City).

Motion made by Councilman Wachtel, seconded by Councilman Lewis, to approve Engineering Services Agreement between the City of Martinsburg and Arro Engineering and Environmental Construction--\$37,796—S. Valley Street reconstruction and stormwater rehabilitation (CDBG and City). Motion carried unanimously.

b. Approve/deny Cox Hollida Price, LLP to provide auditing services for FY 2011/2012, FY 2012/2013, & FY 2013/2014 in the amount of \$77,495.

Motion made by Councilman Woods, seconded by Councilman Etherington, to approve Cox Hollida Price, LLP to provide auditing services for FY 2011/2012, FY 2012/2013, & FY 2013/2014 in the amount of \$77,495. Motion carried unanimously.

c. Confirm emergency water line repair as a result of the Raleigh Street Extension Project--\$117,202 \$113,821.45—Kokosing Construction Company

Motion made by Councilman Lewis, seconded by Councilman Etherington, to Confirm emergency water line repair as a result of the Raleigh Street Extension Project--\$117,202 \$113,821.45—Kokosing Construction Company. Motion carried unanimously.

d. Approve/deny Supplemental Agreement # 5 between the City of Martinsburg and the West Virginia Department of Transportation—Martinsburg Pedestrian Plaza--\$37,130 (20% City Match).

Motion made by Councilman Woods, seconded by Councilman Gunnoe, to approve Supplemental Agreement # 5 between the City of Martinsburg and the West Virginia Department of Transportation—Martinsburg Pedestrian Plaza--\$37,130 (20% City Match). Motion carried unanimously.

City Manager Mark Baldwin added that this is due to the last of the onsite changes and that the total price is \$185,647 with a City match of 20%.

12 . Executive Session

No Executive Session

Mayor Karos thanked Council for all they had accomplished and for keeping the budget intact, Councilman Woods and Councilwoman Gunnoe specifically for being team players, City Recorder Gena Long for running the election, Legal Counsel Kin Sayre for all his solid advice, Finance Director Mark Spickler for helping to make Martinsburg known as the most fiscally responsible city in West Virginia and City Manager Mark Baldwin for being a "hell of a man."


Councilwoman Gunnoe thanked the citizens of the City and City staff for "making her look good. She also thanked Council for allowing her to be "one of the boys." Finally, Councilwoman Gunnoe welcomed Councilman Jason W. Baker to Council and wished him luck.

13. Adjournment

Motion made by Councilwoman Gunnoe, seconded by Councilman Woods to adjourn at 5:16 PM. Motion carried unanimously.



Gena Long, City Recorder



George Karos, Mayor