

**City Of Martinsburg
Special Council Meeting
Tuesday, April 18, 2017
The J. Oakley Seibert Council Chambers**

With a quorum present, the special session of the Martinsburg City Council was called to order by City Attorney Kin Sayre at 5 p.m. The following Council Members were present: Gregg Wachtel, Harriet Johnson, Dennis Etherington, Kevin Knowles, Ken Collinson and Mark Baker. Not present were Mayor George Karos and Councilman J. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, City Attorney; Gena Long, City Recorder, Deputy Police Chief George Swartwood; and Public Works Director Jeff Wilkerson.

3. Presentations

4. Petitions from Citizens

Ms. Anita Baker, Pierce Arrow Way, spoke about a section of Jenson Way, which she stated is in poor condition and believes it to be City property. She asked that it be paved. City Manager Mark Baldwin stated that he would research the roadway and get back to her.

5. Receive and File Reports—Minutes—Correspondence of the Following:

a. Notice of Approval of the Levy Estimate (Budget) from the Office of the State Auditor

Motion made by Councilman Knowles, seconded by Councilman Etherington to receive and file item 5A. Motion carried unanimously.

6. Reports of Chairpersons of Council Standing Committees

7. Report of Mayor

8. Report of City Attorney

9. Report of City Manager

The City Manager stated that Silling Architects would like to make a presentation to Council during a Committee Meeting. They can meet on May 1 or May 2. Consensus of Council was to meet on Tuesday, May 2 at 4:30 PM.

The City Manager stated that WVDOH has requested that the City use the street sweeper on areas just outside of town, which, though in the County, would serve to improve the appearance in the gateways into the City. Council gave their blessing on this request, which Staff will be given discretion to handle.

10. Unfinished Business

11. New Business

a. Approve/deny FY 2017-2018 Levy Rates

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the levy rates. Motion carried unanimously.

b. Authorize Mayor to sign Letter of Endorsement to the ABCA in support of the West Virginia Wine and Arts Festival—Saturday, May 27—Sunday May 28, 2017 on the lawn at Boydville

Motion made by Councilman Etherington, seconded by Councilman Knowles, to authorize the Letter of Endorsement.

Councilman M. Baker stated that he has concerns about the use of City resources for this event, as a large amount of money is collected; however, he feels the Arts Center has done nothing to benefit the community. There have been no activities, no improvements, no classes, no exhibits, etc. He stated that the only activity at the building is bricks falling to the sidewalk due to lack of maintenance. He asked where the money is going, where is the Board of Directors, who is on the Board. Councilman M. Baker stated that he realizes that the Board is a separate entity and does not answer to the City, however, he is hesitant to allocate City resources with no City benefit.

Mr. Sayre stated that the request is for a Letter of Endorsement; however, the applicant did indicate that the Arts Centre would appreciate Public Works assistance and courtesy Police presence, as had been extended in the past.

Ms. Mary Lewis, Arts Center, stated that she can provide a copy of the Utilization Report to Councilman M. Baker if he wishes, to answer some concerns. She also stated that the requested Public Works assistance is minimal, dropping off of a recycling truck and refuse cans. Deputy Chief Swartwood added that on-duty officers typically preform walk-throughs as part of their daily duties, and no additional officers are assigned to the event.

Motion carried 5-1, Councilman M. Baker voting no.

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Resolution 2017-07. Motion carried unanimously.

c. Discuss and Take Action on Items Pertaining to Lake Thomas Quarry

City Manager Mark Baldwin stated that the City has been working with two consultants to get quotes on mitigation of the substance in the quarry. The best recommendation and quote appears to be from HEPCO in the amount of \$29,120, which is an estimate and is subject to change as the situation still contains a lot of unknown factors and is fluid at this time.

Councilman M. Baker asked if the substance appears to continue to rise to the surface. Public Works Director Jeff Wilkerson stated that it appear to have stopped, and that, as far as he knows it was not tested for additives to attempt to determine the age of the substance, but it did test positive for a petroleum based substance.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to accept the recommended quote and move forward with mitigation.

d. Discuss and Take Action as Necessary to fill Vacant Building Inspector I Position

Motion made by Councilman Etherington, seconded by Councilman Knowles, to hire such person as needed. Motion carried unanimously.

13. Executive Session

None needed.

Adjournment

Meeting adjourned by unanimous consent at 5:22 PM.

George Karos, Mayor

Gena Long, City Recorder