

**City Of Martinsburg  
Special Council Meeting  
February 20, 2014  
The J. Oakley Seibert Council Chambers**

With a quorum present, the special session of the Martinsburg City Council was called to order by Legal Counsel Kin Sayre at 6:30 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Jason Baker, Max Parkinson, Gregg Wachtel, Kevin Knowles and Roger Lewis. Not present was George Karos. Also present were: Mark Baldwin, City Manager, Kin Sayre, Legal Counsel, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Major Timothy Catlett, Martinsburg Police Department, Steve Knipe, Utilities Director, Jeff Wilkerson, Public Works Director, Mike Covell, City Engineer/Planning Director, and Mark Spickler, Finance Director.

Motion was made by Councilman Etherington, seconded by Councilman Parkinson, to nominate Councilman Gregg Wachtel to lead the meeting, in the absence of the Mayor. Motion carried unanimously.

**3. Salute to Flag**

Councilman Anderson led the Salute to the Flag.

**4. Prayer—** Pastor Eric Folk, First Church of the Nazarene

As Pastor Folk was not present, Mr. Michael Covell delivered the invocation.

Councilman Wachtel announced that item 15e was to be stricken and item 15gg was to be considered after item 15k on the agenda.

Councilman Knowles asked why item 15e was to be stricken. City Manager Mark Baldwin explained that the Boys' and Girls' Club was not quite ready with vendor information and would be considered at the regular March meeting.

**5. Approve January 09, 2014 Regular Meeting Minutes**

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the January 09, 2014 Regular Meeting Minutes. Motion carried unanimously.

**6. Approve December 2013 Administrative and Financial Report.**

Motion made by Councilman Baker, seconded by Councilmen Etherington, to approve the December 2013 Administrative and Financial Report. Motion carried unanimously.

**7. Presentations**

**a. Administer oath of office to City of Martinsburg Police Lieutenant Scott Funkhouser**

The City Recorder administered the oath of office.

## **8. Petitions From Citizens**

- Ms. Barbara Bratina, 116 N. Tennessee Avenue, spoke about her concern regarding a decision of the Board of Zoning Appeals (BZA). While Ms. Bratina understood that the BZA decisions can only be appealed to circuit court, she expressed her concerns to Council anyways. According to Ms. Bratina, the applicant in the case had made changes to the application one day prior to the meeting and that the BZA approved it anyways. She was also concerned that the BZA had not paid the proper amount of attention to the petition she had gathered and presented, consisting of 27 signatures of residents within one block of the subject address.

Ms. Bratina felt that the allowance of the expansion of an existing business in the residential district was not harmonious with the neighborhood and had four suggestions to prevent a future “travesty” of this nature.

1. Not allowing applicants to change the application after it has been filed and the public hearing notice, even though the change in question as for a deduction in size from what was listed on the application.
2. She asked that petitions be considered and given the proper amount of weight.
3. She asked that the BZA be educated on the definition of “harmonious.”
4. She asked that the appeals process be more citizen friendly.

Legal Counsel Kin Sayre answered that the minutes of this case had been provided to Council and, in them, the petition had been mentioned as well as twelve letters of support and the records of the attendees of the public hearing. He also added that the appeals process is through circuit court, not City Council.

City Engineer/ Planning Director Michael Covell agreed that the application had been changed one day prior to the hearing, but it was changed in response to a concerned citizen’s conversation with the applicant, in which it was pointed out that the request exceeded what is allowable in the Zoning Ordinance. In response, the applicant had requested a smaller extension, and Legal Council had no objection at the hearing.

Councilman Baker pointed out that the BZA is protected under State Code as far as the appeals process, more so than the other Boards and Commissions, and invited Ms. Bratina to apply to fill one of the many vacancies on volunteer Boards and Commissions, if she felt changes needed to be made to the decision processes.

## **9. Receive and File Reports—Minutes—Correspondence of the Following:**

- a. Martinsburg Historic Preservation Review Commission December 02, 2013 meeting minutes
- b. Martinsburg Board of Zoning Appeals October 1, 2013, November 5, 2013 and January 07, 2014 meeting minutes
- c. Martinsburg Planning Commission November 6, 2013 and December 4, 2013 meeting minutes

- d. Berkeley County Development Authority December 11, 2013 meeting minutes and financial statement
- e. Martinsburg Police Department Calendar Year 2013 Statistical Activities Report
- f. Martinsburg Fire Department Calendar Year 2013 Annual Report
- g. Berkeley County Animal Control December 1-31, 2103 Incident Report
- h. Letter, dated January 27, from Mayor George Karos to Governor Earl Ray Tomblin requesting update on SB-245—Chesapeake Bay/Wastewater Treatment Plant Projects Grant Funding
- i. Centers for Disease Control and Prevention 2012 Water Fluoridation Quality Award
- j. City of Martinsburg Public Works Department Inclement Weather Cost Analysis for December 2012-2013 and December 2013-February 6, 2014

Motion made by Councilman Baker, seconded by Councilman Lewis, to receive and file item 9a-j. Motion carried unanimously.

#### **10. Reports of Chairpersons of Council Standing Committees**

##### **a. Council as a Whole Committee January 28, 2014 meeting minutes**

Motion made by Councilman Lewis, seconded by Councilman Baker, to approve the Council as a Whole Committee January 28, 2014 meeting minutes. Motion carried unanimously.

#### **Council as a Whole Committee Minutes**

Tuesday, January 28 2014—6:00 PM

**Present:** Mayor George Karos, Kevin Knowles, Max Parkinson, Jason Baker, Roger Lewis, Don Anderson, Gregg Wachtel, Dennis Etherington

**Others in attendance:** Mark Baldwin, City Manager; Department Heads and City staff; Jay Garner and Tom Tveidt from Garner Economics, LLC; various news media and general public

**Unable to attend:** none

Mayor Karos opened the meeting and the following items were discussed:

1. Strategic Economic Development Plan Final Presentation from Garner Economics, LLC to the City of Martinsburg Council as a Whole Committee titled ***Rebirth, Renewal & Reinvention: A Transformational Economic Development Strategy for the City of Martinsburg, WV***

Following the presentation, Councilmembers had a discussion and Q&A exchange with Mr. Jay Garner.

A motion was made by Councilman Lewis, seconded by Councilman Anderson, to accept the Plan and forward it to City Council for acceptance at the regular City Council meeting to be held on February 13, 2014.

Mayor Karos provided closing remarks and thanked everyone for attending the presentation.

#### **b. Council a Whole Committee February 6, 2014 meeting minutes**

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the Council as a Whole Committee February 6, 2014 meeting minutes. Motion carried unanimously.

#### **Council as a Whole Committee Minutes**

Thursday, February 6, 2014 4:30 PM

**Present:** Mayor George Karos, Kevin Knowles, Max Parkinson, Jason Baker, Roger Lewis, Don Anderson, Gregg Wachtel, Dennis Etherington

**Others in attendance:** Mark Baldwin, City Manager; Mark B. Spickler, Finance Director; Kin Sayre, City Attorney; Steve Knipe Utilities Director; Jeff Wilkerson, Public Works Director; Mike Covell, City Engineer/Planning Director; Chief of Police, Kevin Miller; Patricia McMillan, CDBG Director; Lisa Dall'Olio, *for the kids, by George* Museum; Dick Klein and Ryan Perks, Alpha Associates; Rick Lowman, Parking Authority; and various members of the news media

**Unable to attend:** none

Mayor Karos opened the meeting and the following items were discussed:

Before project discussions, the City Manager updated the Committee that the various projects to be discussed tonight, as well as other projects (Oak Street Bridge funding match and Train Station Corridor Grand funding match) are estimated to cost approximately \$1.2 Million. He further stated that the General Fund may be able to be utilized to some extent; however, most of the funding for these projects, if approved, would need to come from the General Development Reserve Fund. He informed Council that there is approximately \$2M in the General Development Reserve Fund at this time. Councilman Lewis stated that there are other potential reserve funds that could be considered.

#### **1. East Burke Street Parking Lot**

Councilman Etherington suggested Scheme 2—Revised be considered as the project. Councilman Knowles stated he was interested in the scheme that would allow the

pavilion and skating rink. He asked Lisa Dall'Olio, GDA, if Scheme 2—Revised was selected, would the asphalt paving be strong enough to add this pavilion and rink at a later time? Lisa stated that she would review this request.

After discussing the various options outlined by Lisa Dall'Olio, GDA, motion was made by Councilman Lewis and seconded by Councilman Etherington, to forward to Council the consideration of Scheme 2—Revised in the amount of \$326,500. Vote was 6-1, in favor, with Councilman Knowles voting no. Councilman Knowles stated he wasn't voting against parking lot improvements; however, he thought the City should move forward and consider the pavilion and skate rink. He also referred to the Strategic Economic Development Plan.

Motion was made by Councilman Lewis, seconded by Councilman Wachtel, for Council to consider GDA's and Gordon Associates fees in the amount of \$10,400 to design and bid the project. Vote 7-0, in favor.

## **2. *for the kids, by George* Museum Update**

Lisa Dall'Olio informed Council the *for the kids, by George* Museum is structured to have their own Board of Directors. She further emphasized the new board's role to have the museum operational in the near future. She also stated the Board would be submitting a funding request to the City.

## **3. North Queen Street Underpass**

Dick Klein and Ryan Perks from Alpha Associates provided an update on their N. Queen Street Underpass report. Councilman Lewis asked Alpha's opinion on their thoughts on having a complete project, even though their report broke out City and CSX responsibilities/costs.

Dick Klein stated it would be difficult to have a complete report without doing all the improvements outlined in the report. Dick Klein suggested the Committee to consider sealing and repainting the walls. He then informed the Committee the estimated cost for the repairs in the report and the sealing and painting would be approximately \$412,000. He further stated fees for this project would be 8%. Councilman Baker received clarification for the fencing.

Discussion was also held clarifying to the Committee that no other improvements outlined in Alpha's fees were being considered at this time; i.e. stormwater management, lighting and streetscape.

The Committee stated they felt stormwater should be evaluated. The City Manager suggested that perhaps the project improvement could be evaluated, one the stormwater management was studied and a report issued, as to the cost to mitigate any stormwater issues.

A motion was made by Councilman Lewis, seconded by Councilman Wachtel, to forward to Council to consider funding the improvements outlined in the report as well as sealing and painting. A great deal of discussion occurred. Councilman Knowles called for

the question on the motion. Vote as 4-3 in favor. Voting "no" were Councilmembers Baker, Etherington and Wachtel.

A motion was made by Councilman Knowles, seconded by Councilman Lewis, for Council to consider Alpha Associates to complete a stormwater management evaluation for an estimated cost of \$7,000. Vote was 6-1, in favor. Councilman Anderson voted "no." Councilman Anderson stated the City should go to Greencastle, PA to view their underpass. Councilman Etherington stated there was confusion on both motions and that, although he voted "no" in the first motion, he supported underpass improvements.

#### **4. King and Church Street Stormwater Management Project**

Dick Klein and Ryan Perks from Alpha Associates provided a Power Point presentation on the alignment of the King and Church Street stormwater management project. Mr. Klein indicated this project was within the City and State ROW, that both entities were MS4 entities and that the cost of the project should be shared by the City and State.

Alpha and the City explained the project in total as well as how it could be phased. The City Manager explained that additional funds would be needed for the City to participate in the total project or phased projects. City Manager also stated Jeff Wilkerson and staff would like to submit a Chesapeake Bay Grant in the amount of \$250,000 towards this project.

After discussion, motion was made by Councilman Etherington, seconded by Councilman Wachtel, for the Council to authorize City staff to submit the grant application and to request WVDOH to participate in the cost of the project. Vote was 7-0, in favor.

#### **5. Dan Ryan Builders Sewer Line Proposal**

In reference to City's request for roadway and water line easements for the Wastewater Treatment Plant Project—City Attorney and City Manager indicated this request was due to the Wastewater Treatment Plant Project. They informed the Committee that Council had already approved a water line and temporary roadway within Dan Ryan's ROW (approved by Dan Ryan Builders). Due to the water line installation and the sewer line being much deeper than the water line, Dan Ryan Builders proposed the City install the sewer line as part of the water line and roadway construction and contribute up to \$50,000.

Matt Powell, Dan Ryan Builders, was present to answer any questions.

Motion made by Councilman Etherington, seconded by Councilman Parkinson, for Council to consider this request and authorize the City Attorney to prepare the necessary agreement. Vote was 6-1, in favor. Voting no was Councilman Anderson.

#### **6. C&D Assets, LLC Land Exchange Proposal with the City of Martinsburg**

City Attorney and City Manager explained the proposal and informed the Committee this was on a previous Council agenda. The proposal is for the City to exchange approximately 9,000 square-feet of City property for 2,200 square-feet of C&D Assets property. The City property is landlocked by C&D Assets' building and the W/W Railroad. The exchange for the City to receive 2,200 square-feet would allow better access to maintain a City water line.

Mary Dulyea, C&D Assets, LLC was present to answer questions.

Motion was made by Councilman Knowles, seconded by Councilman Etherington, to request that City Council authorize the City Attorney to prepare and Ordinance, per their request. Vote 6-1, in favor. Councilman Baker voted no.

### **7. Home Rule**

City Manager and City Attorney updated the Committee on the Municipal Home Rule Board's criteria for application. City Manager also stated that City Staff has discussed various items for Home Rule application. Due to the criteria outlined and the urgency to complete the application, it was suggested for Bowles Rice to submit a proposal to assist in completing the City's application.

Councilman Baker asked the City Attorney if there was any conflict for Bowles Rice to prepare the application since Mr. Sayre was on the Home Rule Board. Mr. Sayre responded he had discussions with the Home Rule Board that those on the Board representing cities should consider recusing themselves from evaluating those applications. Councilman Baker asked if the fee was necessary since Bowles Rice is contracted with the City. Mr. Sayre responded that additional staff time and hours were necessary for this project.

Councilman Knowles asked if City Council could provide input to the application. City Manager stated that staff and Councilmembers, at previous meetings, were asked to provide any suggestions they had. He further stated that if anyone had suggestions, to submit those for the City Attorney to determine if they were Home Rule items.

Motion was made by Councilman Etherington, seconded by Councilman Parkinson, for City Council to consider authorizing Bowles Rice proposal. Vote was 7-0, in favor.

### **City Hall Finance Software Update Project**

Mark B. Spickler, Finance Director, provided an overview to upgrade the City's financial software system to include hardware and software.

After discussion, motion was made by Councilman Baker, seconded by Councilman Etherington, for Council to consider approval of this project. Vote was 7-0, in favor.

### **Martinsburg Police Department Computer Upgrade Project**

Chief Miller and Mark B. Spickler, Finance Director, provided an overview of the urgency to upgrade the City Police Department computer system. It was recommended, due to time sensitive dates regarding software support and licensing, this project move

forward. City Attorney, Kin Sayre, informed Council due to the urgency, this request includes the purchase of hardware and that City Council would have to deem it an emergency to approve this request.

After discussion, motion was made by Councilman Knowles, seconded by Councilman Baker, for Council to consider approving this request as an urgent need for the Police Department. Vote was 7-0, in favor.

### **c. Personnel Committee February 6, 2014 Meeting Minutes**

Motion made by Councilman Anderson, seconded by Councilman Baker, to approve the Personnel Committee February 6, 2014 meeting minutes. Motion carried unanimously.

#### **Personnel Committee Minutes**

Thursday, February 6, 2014

Immediately following the Council as a Whole Committee Meeting

**Present:** Chairman Max Parkinson, Don Anderson, Roger Lewis, Dennis Etherington and Gregg Wachtel

**Unable to Attend:** None

**Others Present:** Mayor George Karos, Councilmembers Jason Baker and Kevin Knowles; City Manager Mark Baldwin; City Attorney Kin Sayre; Mark B. Spickler, Finance Director; Jeff Wilkerson, Public Works Director; Chief of Police Kevin Miller; Mike Covell, City Engineer/Planning Director; and various members of the news media.

Chairman Parkinson opened the meeting and the following items were explained to the Committee by the City Manager.

#### **1. Proposed Revision to Sick Leave and Personal Leave Policies**

Due to inquiries from various City departments, the following proposal was presented:

- Adjust the sick leave policy, going forward, to allow any sick leave hours accrued in excess of 1,080 hours to be credited as personal leave.
- Adjust the personal leave policy to allow personal leave balances to be cumulative from year to year. Implement a maximum personal leave accrual to 200 hours. Personal leave hours accrued that exceed the maximum of 200 hours will be lost.

It was further explained that these recommended changes to the sick leave and personal leave policies will allow these employees an opportunity to utilize additional leave before being lost. The City's budget will not be affected by this recommendation. The City only seeks to reward those employees who accrue the maximum hours of sick leave while encouraging them not to call in sick.



Councilman Lewis stated he was in favor of the proposal to help reduce any sick leave abuse. Councilman Baker stated he was not in favor of this proposal; however, he suggested considering just removing the cap off the sick leave above the 1,080 hours. He also suggested the possibility of paying out the balance of sick leave beyond the 720 hours when an employee leaves the City's service. Mayor Karos also suggested removing the cap from the 1,080 hours. Mark Spickler, Finance Director, stated that would have to be evaluated due to financial considerations.

Motion made by Councilman Etherington, seconded by Councilman Lewis, for Council to consider an Ordinance as outlined in the proposal. Vote was 5-0, in favor.

### **11. Report of Mayor**

#### **a. Reappoint Reenie Raines to the Planning Commission—term 3/1/2014-3/1/2017**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Mayor's recommendation to reappoint Reenie Raines to the Planning Commission until 3/1/2017. Motion carried unanimously.

#### **b. Reappoint Jeff Molenda to the Planning Commission—term 3/1/2014-3/1/2017**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the Mayor's recommendation to reappoint Jeff Molenda to the Planning Commission until 3/1/2017. Motion carried unanimously.

#### **c. Reappoint George Reichard to the Planning Commission—term 3/1/2014-3/1/2017**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Mayor's recommendation to reappoint George Reichard to the Planning Commission until 3/1/2017. Motion carried unanimously.

#### **d. Appoint Hugh Harvey III to the Historic Preservation Review Commission to fill expired term 1/21/2014-1/21/2017**

Motion made by Councilman Anderson, seconded by Councilman Etherington, to approve the Mayor's recommendation to appoint Hugh Harvey III to the Historic Preservation Review Commission until 1/21/2017. Motion carried unanimously.

#### **e. Appoint Walter Bowers to the Shade Tree Commission to fill expired term 5/09/2012-5/09/2015**

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve the Mayor's recommendation to appoint Walter Bowers to the Shade Tree Commission until 5/9/2015. Motion carried unanimously.

#### **f. Reminder of following vacancies:**

~~Shade Tree Commission (1)~~

Code Appeals Board (1)

Planning Commission (1 immediate, 1 upcoming in March)

Board of Zoning Appeals (1 alternate)

~~Historic Preservation Review Commission (1)~~

**12. Report of City Attorney**

The City Attorney had nothing further to report.

**13. Report of City Manager**

**a. Projects Update**

City Manager Mark Baldwin thanked staff involved in the significant snow removal for a job well done during recent snow events.

**14. Unfinished Business**

- a. Third and final reading of Ordinance 2014-01: *An Ordinance Amending The City Of Martinsburg Code, Part 3, Traffic Code, Chapter Seven Parking Article 361, Parking Generally By Adding Article 361, Section 15 Prohibiting The Parking Of Unlicensed Trailers Upon Any Street Or Highway*

Motion made by Councilman Etherington, seconded by Councilman Knowles, to hear the third and final reading of Ordinance 2014-01, by title only, and approve. Motion carried unanimously.

- b. Third and final reading of Ordinance 2014-02: *An Ordinance Amending The City Of Martinsburg Code, Part 1, Administrative Code, Chapter Seven Judicial Article 171, Police Court By Adding Article 171, Section 14 Chief Magistrate, Magistrates And Court Clerks*

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to hear the third and final reading of Ordinance 2014-02, by title only, and approve. Motion carried unanimously.

**15. New Business**

- a. **Authorize City Attorney to prepare an Ordinance to amend and reenact the City of Martinsburg personnel rules and policies Section VI: Benefits at Section S: Sick leave and Section K: Personal Leave (see memo)**

Councilman Baker pointed out that the memo in the packet noted this as a decision of the Council as a Whole Committee when it was a decision of the Personnel Committee.

Motion made by Councilman Etherington, seconded by Councilman Lewis, to authorize the City Attorney to prepare the ordinance. Motion carried unanimously.

- b. **Approve/deny 2014 Main Street events, including letters of endorsement to ABC Commission for Bike Night (Saturday, August 16, 2014) Chili Cook-off (Saturday, October 4, 2014 ), and Fridays at Five (Fridays in June and July)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the requested events and letters of endorsement. Motion carried unanimously.

- c. **Approve/deny Martinsburg/ Berkeley County Parks and Recreation's request to demolish house on the corner of Tennessee Avenue and Park Avenue (see attached memo)**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve the request to demolish the house on the corner of Tennessee Avenue and Park Avenue. Motion carried unanimously.

Mr. Steve Catlett, Parks and Recreation, thanked Council for all of their support.

- d. **Approve/Deny amendment of contract for professional services dated April 11, 2013 between the City of Martinsburg and Urban Design Ventures, LLC for CDBG and HOME programs to include required preparation of the Analysis of Impediments to Fair Housing Choice at an additional cost of \$12,500.00**

Motion made by Councilman Knowles, seconded by Councilman Parkinson, to approve the amendment of contract for professional services dated April 11, 2013 between the City of Martinsburg and Urban Design Ventures, LLC for CDBG and HOME programs to include required preparation of the Analysis of Impediments to Fair Housing Choice at an additional cost of \$12,500.00. Motion carried unanimously.

- ~~e. Approve/deny sub-recipient agreement between City of Martinsburg and the Boys and Girls Club of the Eastern Panhandle for improvements to the gym floor—not to exceed \$53,815~~

- f. **Approve/deny City of Martinsburg hosting/sponsoring 4<sup>th</sup> of July Fireworks for 2014 (see attached information)**

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the City's hosting/sponsoring of the 4<sup>th</sup> of July Fireworks. Motion carried unanimously.

Councilman Etherington asked if all involved parties had been contacted and were agreeable. Mr. Baldwin stated that they were.

Councilman Baker asked about a rain date for the event. Mr. Baldwin stated that the motion is for the City sponsorship, not the date, but that the rain date is typically July 5.

- g. **Approve/deny Grove & Dall'Olio Architects' (GDA) "Schematic Parking Layout #2 Revised" for E. Burke Street Parking Lot Project—estimated cost of \$326,500**

Mr. Baldwin explained that Council was not taking action to approve this expenditure today, but to select the layout and begin the design and bid process, based on that selection. Once bids have been collected, Council will be asked to approve the expenditure of funds and project commencement.

Motion made by Councilman Lewis, seconded by Councilman Etherington, to approve Grove and Dall'Olio Architects' (GDA) "Schematic Parking Layout #2 Revised" for the E. Burke Street Parking Lot project at an estimated cost of \$326,500. Motion carried 5-1, Anderson, no.

- h. **Approve/deny GDA to design and bid Schematic Parking Layout #2 Revised E. Burke Street Parking Lot Project—GDA--\$3,900 & Gordon Associates--\$6,500**

After confirmation that the total was \$3,900 for GDA and an additional \$6,500 for Gordon Associates, motion was made by Councilman Lewis, seconded by Councilman Etherington, to approve GDA to design and bid Schematic Parking Layout #2 Revised for the E. Burke Street Parking Lot. Motion carried 5-1, Anderson, no.

- i. **Approve/deny improvements (City of Martinsburg and CXS responsibilities) for the N. Queen Street Underpass Project—estimated cost of improvements, including cleaning, painting and anti-graffiti coating--\$417,740**

Councilman Anderson asked if there was an estimated dollar amount for this project, to which Mr. Baldwin stated that the estimated amount was as indicated, \$417,740, but as before, Council was not being asked to approve that expenditure today, but to move forward with the preliminary work to begin the design and bid process.

Motion made by Councilman Knowles, seconded by Councilman Parkinson, to approve the improvements to the N. Queen Street Underpass at an estimated cost of \$417,740. Motion carried 5-1, Anderson, no.

- j. **Approve/deny Alpha Associates to design and bid N. Queen Street Underpass Project--\$33,425 (8%) and a budget of \$4,750 to be billed hourly for coordination meetings between the City of Martinsburg, WVDOH and CSX**

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve Alpha Associates to design and bid N. Queen Street Underpass Project and the requested fees. Motion carried 5-1, Anderson, no.

- k. **Approve/deny Alpha Associates to complete stormwater study at Liberty Street and N. Queen Street (\$6,775) and consider sanitary sewer evaluation (\$2,250)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Alpha Associates to complete stormwater study at Liberty Street and N. Queen Street and consider the sanitary sewer evaluation and the requested fees. Motion carried unanimously.

- gg. **Approve/deny additional services outlined by Alpha Associates, Inc. for the North Queen Street Underpass**

After considerable discussion about the additional services, motion was made by Councilman Lewis, seconded by Councilman Baker, to approve Alpha Associates to perform a preliminary streetscape and one rendering and requested fees. After additional discussion, motion was amended by Councilman Lewis, seconded by Councilman Baker, to approve Alpha Associates to perform all of the work in Phase II and Alternative II as well as requested fees. Motion carried 5-1, Anderson, no.

- l. **Approve/deny Eastern Panhandle EMS Education System Policies and Procedures Manual**

Chief Bragg explained that this measure would allow the City of Martinsburg Fire Department and the Berkeley County Emergency Services to train together, and still be inspected by the State.

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the Eastern Panhandle EMS Education System Policies and Procedures Manual. Motion carried unanimously.

- m. Approve/deny renewal of billing agreement with Medical Claims Assistance, Inc (3<sup>rd</sup> party billing for ambulance user fees) through December 2015**

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve the renewal of the billing agreement with Medical Claims Assistance, Inc. through December 2015. Motion carried unanimously.

- n. Approve/deny the following Fire Department Standard Operating Procedures:**
- **Emergency Medical Services Drug Box Accountability**
  - **Social Media/Networking**

Motion made by Councilman Parkinson, seconded by Councilman Baker, to approve the Fire Department Standard Operating Procedures for Emergency Medical Services Drug Box Accountability and Social Media/Networking. Motion carried unanimously.

- o. Approve/deny Financial software upgrade for the Finance Department computer network--\$207,572—Harris Computer Systems (various budgets--see attached)**

Motion made by Councilman Etherington, seconded by Councilman Lewis, to approve the financial software upgrade for the Finance Department computer network, as requested. Motion carried unanimously.

- p. Approve/deny hardware upgrade for the Finance Department computer network--\$6,673.89—Innovative, Inc. (various budgets—see attached)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the hardware upgrade for the Finance Department computer network as requested. Motion carried unanimously.

- q. Approve/deny additional needed software upgrades and licenses for the Finance Department in conjunction with the above hardware upgrade--\$6,237.00—Innovative, Inc. (various budgets—see attached)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve additional needed software upgrades and licenses for the Finance Department in conjunction with the approved hardware upgrade, as requested. Motion carried unanimously.

- r. Approve/deny hardware and software upgrade for the Martinsburg Police Department computer network--\$103,159.37—Police Levy Fund (see attached)**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the hardware and software upgrade for the Martinsburg Police Department computer network as requested. Motion carried unanimously.

- s. Approve/deny purchase of SRT training equipment for Martinsburg Police Department (see memo for complete list)—total cost \$3,500.11—TSSi (sole supplier)—Police Levy Fund**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the purchase of the SRT training equipment for the Martinsburg Police Department as requested. Motion carried unanimously.

Councilman Anderson pointed out that, thus far, Council had approved the expenditure of over \$2M and had not yet considered the needs of the City for operations or outside agencies. Councilman Lewis answered that many of these items have been provided for in past budgets and have carried over. The City Manager reminded Council that they had not yet approved expenditure for the E. Burke Street Parking Lot project or the Queen Street Underpass project, but only approved the continued development and design for these projects.

- t. **Approve/deny the following purchases by the Martinsburg Police Department: two (2) Ford Sport utility vehicles (Explorer style)--\$25,518, each; two (2) Ford AWD Cruisers (Taurus style), \$23,950, each; equipment for above vehicles, \$5,000 each—total cost \$118,936—Stephens Auto (state contract)—Police Levy Fund (previously budgeted)**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the automobile purchases for the Martinsburg Police Department as requested. Motion carried unanimously.

Councilman Baker asked if the vehicles being replaced will be taken out of service, if these vehicles will be marked and have lights and how many vehicles the MPD now owns. Major Catlett replied that the old cruisers will be taken out of service, that there are approximately 60 total vehicles and 50 officers and that all vehicles authorized under this purchase request will have decals and lights, which is included in the equipment cost.

- u. **Approve/deny purchase of used 2006 International Recycling Truck for the Public Works Department--\$34,873—Tom's Truck Sales, LLC—Sanitation Fund**

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the purchase of the recycling truck as requested. Motion carried unanimously.

- v. **Approve/deny purchase of two new dump truck beds for the Public Works Department--\$16,155 (total)—Shade Equipment Company—Street Dept. Fund**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the purchase of two dump truck beds as requested. Motion carried unanimously.

- w. **Approve/deny mosquito control treatments—Erlich Pest Control--\$8,840**

Councilman Baker asked if the treatments had ever been evaluated for effectiveness. Mr. Baldwin stated that they had not, but do appear to be effective, especially in wet areas. He also stated that Utilities Director Steve Knipe may have a better idea of the effectiveness of the treatments.

Councilman Knowles asked if the treatment had ever been bid. Mr. Baldwin stated that Erlich has been the provider as long as he has been in his position, and has been very consistent on price. He added that, while the specific areas detailed are treated, Erlich is willing to work with the City should there be additional areas of concern.

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the mosquito control treatments as requested. Motion carried unanimously.

- x. **Confirm 4 hours compensatory time for City Employees for weather related closure at noon on Tuesday, January 21, 2014**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the four hours of compensatory time for City Employees for the weather related closure at noon on Tuesday, January 21, 2014. Motion carried unanimously.

- y. **Approve/deny acceptance of Strategic Economic Development Plan—Garner Economics, LLC**

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve acceptance of the Strategic Economic Development Plan provided by Garner Economics, LLC. Motion carried unanimously.

- z. **Approve/deny Bowles Rice to prepare City of Martinsburg Home Rule Application—not to exceed \$5,000**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Bowles Rice to prepare the City of Martinsburg Home Rule Application as requested. Motion carried unanimously.

- aa. **Confirm authorization to submit Chesapeake Bay Green Streets—Green Jobs—Green Towns Grant for Church/King Streets Stormwater Project--\$250,000**

Motion made by Councilman Etherington, seconded by Councilman Baker, to confirm authorization to submit the Chesapeake Bay Green Streets—Green Jobs—Green Towns grant application. Motion carried, 5-1, Anderson, no.

- bb. **Confirm submission of request for funding and project participation from WVDOH for Church/King Streets Stormwater Project**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve submission of request for funding and project participation from WVDOH for Church/King Streets Stormwater Project. Motion carried unanimously.

- cc. **Authorize City Attorney to draft an Ordinance to trade a 20-foot right of way (approximately 2,200 square-feet) owned by C & D assets for a City-owned parcel located on Tax Map M5, Parcel 29 (approximately 9,149 square-feet)**

Motion made to authorize City Attorney to draft an Ordinance to trade a 20-foot right of way (approximately 2,200 square-feet) owned by C & D assets for a City-owned parcel located on Tax Map M5, Parcel 29 (approximately 9,149 square-feet). Motion carried 5-1, Baker, no.

- dd. **Authorize City Attorney to prepare agreement for City contribution of up to \$50,000 for sewer line and laterals installation in conjunction with WWTP Upgrade Project Task "C" (Alternative Entrance Road and Second Water Line)—see attached**

Motion made by Councilman Baker, seconded by Councilman Knowles, to authorize City Attorney to prepare agreement for City contribution of up to \$50,000 for sewer line and laterals installation in conjunction with WWTP Upgrade Project Task "C" (Alternative Entrance Road and Second Water Line). Motion carried 5-1, Anderson, no.

- ee. **Approve/deny Professional Engineering Services Proposal—WWTP Upgrade Project—Task “C” (Alternative Entrance Road and Second Water Line)—Tasks 1: Design; 2:Bid-Phase; and 3: Construction Phase—Change Order Request #2—Sewer line and laterals--\$11,231**

Motion made by Councilman Baker, seconded by Councilman Knowles, to approve Professional Engineering Services Proposal—WWTP Upgrade Project—Task “C” (Alternative Entrance Road and Second Water Line)—Tasks 1: Design; 2:Bid-Phase; and 3: Construction Phase—Change Order Request #2—Sewer line and laterals--\$11,231. Motion carried 5-1, Anderson, no.

- ff. **Approve/deny HRI Inc.’s Application for Payment #2 (\$72,643.65) and summary of project completion status**

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve HRI Inc.’s Application for Payment #2 (\$72,643.65) and summary of project completion status. Motion carried 5-1, Anderson, no.

- gg. **Approve/deny additional services outlined by Alpha Associates Inc. for the North Queen Street Underpass Project**

See Page 12

- hh. **Confirm eight hours compensatory time for City Employees for weather related closure on Thursday, February 13, 2014**

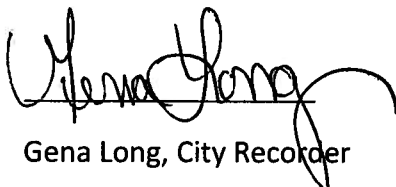
Motion made by Councilman Baker, seconded by Councilman Etherington, to confirm eight hours compensatory time for City Employees for weather related closure on Thursday, February 13, 2014. Motion carried unanimously.

#### **16. Executive Session**

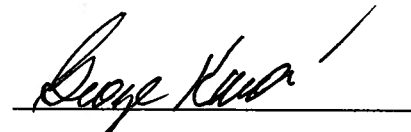
Motion made by Councilman Knowles, seconded by Councilman Etherington, to enter Executive Session for real estate matters at 7:40 PM. Motion carried unanimously.

#### **Adjournment**

Meeting was adjourned by unanimous consent at 8:05 PM.



Gena Long, City Recorder



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George Karos, Mayor