

**City Of Martinsburg  
Special City Council Meeting  
Monday, September 23, 2013  
5:00 PM**

With a quorum present, the special session of the Martinsburg City Council was called to order by Legal Counsel Kin Sayre at 5:00 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles, Max Parkinson and Roger Lewis. Not present were Gregg Wachtel and Jason W. Baker. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Steve Knipe, Utilities Director, Police Captain George Swartwood, and Finance Director Mark Spickler.

**3. Public Hearing on Bond Ordinance 2013-14 (the “Series 2013 A Bonds Ordinance”) authorizing the issuance of not to exceed \$34,948,563 in aggregate principal amount of the City of Martinsburg Combined Waterworks and Sewerage System Revenue Bonds, Series 2013 A (West Virginia SRF Program) (the “Series 2013 A Bonds”) to finance the costs of improvements to the City of Martinsburg wastewater treatment plant to meet Chesapeake Bay effluent standards (the “Project”) and to refund all of the outstanding City of Martinsburg Combined Waterworks and Sewerage System Design Revenue Bonds, Series 2012 A (West Virginia Water Development Authority) issued on October 23, 2012, in the principal amount of \$1,315,000 to finance costs of the design of the Project.**

Mayor Karos opened the Public Hearing on Bond Ordinance 2013-14 at 5:01 PM. As no one came forward for or against the issue, the public hearing closed at 5:01 PM.

**4. Public Hearing on Bond Ordinance 2013-15 (the “Series 2013 B Bonds Ordinance”) authorizing the issuance of not to exceed \$21,000,000 in aggregate principal amount of the City of Martinsburg Combined Waterworks and Sewerage System Subordinated Revenue Bonds, Series 2013 B (West Virginia Infrastructure Fund) (the “Series 2013 B Bonds”) to finance costs of the Project.**

Mayor Karos opened the public hearing on Bond Ordinance 2013-15 at 5:02 PM. As no one came forward for or against the issue, the public hearing closed at 5:02 PM.

**5. Approve September 12, 2013 Regular Council Meeting Minutes**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the minutes of September 12, 2013 Regular Council Meeting as presented. Motion carried unanimously.

**6. Presentations**

There were no presentations.

**7. Petitions from Citizens**

There were no petitions from citizens.

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

**a. Berkeley County Animal Control August 2013 Incident Report**

Motion made by Councilman Knowles, seconded by Councilman Etherington to receive and file item 8A. Motion carried unanimously.

**9. Reports Of Chairpersons Of Council Standing Committees**

There were no reports.

**10. Report Of Mayor**

**a. Authorize Mayor’s “Welcoming Remarks for the Dedication Ceremony of the Opening of the Raleigh Street Extension” to be entered into the official record**

**Mayor’s Welcome Remarks  
Wednesday, September 11, 2013—3:00 PM—Dedication Ceremony for the  
Opening of Raleigh Street Extension**

Thank you, Mr. Damron.

Ladies and Gentlemen, Honored Guests, Secretary Maddox and Governor Tomblin. What a GREAT DAY! this is for the City of Martinsburg, Berkeley County and the State of West Virginia—all working together as one—for the betterment of all!!

It has been 40 years of more since the concept of the Raleigh Street Extension was born, with a priority emphasis over the past 13 years (year 2000) bringing us to this special ceremony today to dedicate the opening of the Raleigh Street Extension.

I would like to take a few minutes to note the events and discussions that have taken place, over the past 13 years, in the development of the \$38M, 1.2 mile Raleigh Street Extension Project.

- In January 2003, WV DOT held a public meeting in Martinsburg to discuss the proposed Martinsburg by-pass of WV Rte. 9. The Raleigh Street Extension was part of the overall bypass proposal and alternatives.

- In February 2003, City Council forwarded a letter to WVDOT informing the State that the Raleigh Street Extension was a high priority and requested that the Raleigh Street Extension be separated out from the Martinsburg bypass proposal.

The estimated cost in 2003 for the Raleigh Street Extension Project was \$17.4M.

I truly believe the next meeting held was very significant to the success of the Raleigh Street Extension Project.

On June 23, 2005, thanks to the efforts of State Senator John Unger, then Chairman of the Transportation and Infrastructure Committee, a meeting was held at City Hall with Senator Unger, Mr. Paul Maddox, Commissioner of Transportation, various DOT officials, City officials and Board of Education officials.

It was at this meeting the City was informed of the following:

- The WVDOT was establishing a 6-year Transportation Plan, which Raleigh Street eventually became a part of, as it was a municipal road, not a state highway. Governor Joe Manchin, now U.S. Senator, Commissioner Maddox and Senator Unger were instrumental in the success of initiating this project as part of the State's 6-Year Transportation Plan. During the 6-year period, the City kept reminding all of them how important this project was for the City and State. Obviously, they came through for the City.
- State and Federal funds are scarce, but requests for funds could be made, which we made and were successful.
- A suggestion was made by Senator John Unger for the City to contribute funding, which we did, in the amount of \$1M, to show our commitment to the project.

Senator Unger, thank you for initiating this important meeting in June, 2005.

- In July 2005, the late Senator Robert C. Byrd and Senator Jay Rockefeller announced a Federal Earmark of the Raleigh Street Extension Project in the amount of \$10M.

With this earmark, the WVDOT \$2M match and the City's 1M, the total project funds committed in 2005 was approximately \$13M of the estimated 2003 cost of \$17.4 M.

- In 2007, the new cost estimate for Raleigh Street was \$31.5 M, due to the final corridor selection, design, rights-of-way and the decision to bridge the various railroad structures.
- In 2008, another significant event occurred:

The City of Martinsburg approached the Berkeley County Commission and asked if they would consider supporting the transfer of a \$13M Federal earmark for the Martinsburg Bypass Project to the Raleigh Street Extension Project. The City requested this from the County Commission due to the unlikelihood of the Bypass ever being built.

The County Commission, along with the WVDOT, agreed, this allowing a request to be made to the late Senator Byrd to reallocate the \$13M to Raleigh Street.

In 2008, Senator Byrd, through a Technical Correction Bill, reallocated the \$13M for the Raleigh Street Extension Project.

Once again, the City thanks the Berkeley County Council for their support.

- In 2009, the new estimate for the Raleigh Street Extension Project, based on the final design, construction costs and right-of-way acquisition was \$38M. This meant the project was still short approximately \$8M.
- In January 2010, then Governor Joe Manchin and State Senator John Unger made a joint announcement, during the Governor's State of the State Address, that \$8M in federal stimulus funds had been secured for the State, thus completing the funding for the Raleigh Street Extension Project.
- On May 4, 2010, WVDOH and the City of Martinsburg held the Raleigh Street Extension Project Groundbreaking Ceremony. So, here we are today, on September 11, 2013, gathering for the opening of the Raleigh Street Extension and Dedication Ceremony.

As you can see, this project has come about by persistence and teamwork.

On behalf of the City of Martinsburg and myself, I want to thank the following for their support for this Project since 2000:

- The late Senator Robert C. Byrd
- Senator Jay Rockefeller

- Congresswoman Shelley Moore Capito
- Senator Joe Manchin
- Governor Earl Ray Tomblin
- Secretary of Transportation, Paul Maddox, and all of the WVDOT staff in Engineering and Planning
- Federal Highway Administration
- Past and present local Delegates and Senators, particularly Senator John Unger, for initiating discussions in 2003.
- Past and present Berkeley County Commission/Council members
- Dr. Bill Queen, President of the Oatesdale Park Little League Association and their Board of Directors.
- The Hagerstown-Eastern Panhandle Metropolitan Planning Organization (HEMMPO)
- The Martinsburg-Berkeley County Chamber of Commerce and its Transportation Committee
- The Berkeley County Development Authority
- The Eastern Panhandle Transportation Authority
- Region 9 Planning and Development Council

I would also like to specifically recognize and thank our current City Council members and past City Council members. They have kept this project in the forefront as a top priority to enhance public transportation and relieve congestion, provide for better Police/Fire and EMS services, as well as allow for new economic development opportunities along the corridor. All of you are to be commended for your commitment to this project.

At this time, I would like to ask for our current City Council members to stand and be recognized:

Dennis Etherington  
Roger Lewis  
Gregg Wachtel

Kevin Knowles  
Jason W. Baker

Max Parkinson  
Don Anderson

I would now ask that any former City government members, since 2000, stand and be recognized:

Mayor Ernie Sparks, Councilmembers Betty Gunnoe, Rodney Woods, Chris Baker, Shari Persuad and Glenville Twigg.

I would also like to thank City Department Heads...Please stand and be recognized.

Mike Covell, City Engineer/Planning Director; Steve Knipe, Utilities Director; Jeff Wilkerson, Public Works Director; Paul Bragg, Fire Chief; Chief of Police

Kevin Miller; Mark Spickler, Finance Director; Kin Sayre, City Attorney; Gena Long; Deb Dehaven;

And city staff for their numerous hours and dedication to this project over the past several years. In particular I would like to thank our City Manager, Mark Baldwin, for his dedication to this project and for the many trips we made to Charleston to discuss the N. Raleigh Street Extension with WVDOT and WVDOH offices. Again, thank you, Sir.

Once again, in closing, I would like to thank our state, federal and local government partners and our community for making this day come true. It was truly a team effort toward a common goal for all.

### **11. Report Of City Attorney**

The City Attorney had nothing to add.

### **12. Report Of City Manager**

The City Manager had nothing to add

### **13. Unfinished Business**

There was no unfinished business.

### **14. New Business**

#### **a. Consideration of and action on motion to put the Series 2013 A Bonds Ordinance 2013-14 into effect.**

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to put Series 2013 A Bonds Ordinance 2013-14 into effect. Motion carried, 4-1, Anderson, no.

#### **b. Consideration of and action on Supplemental Resolution 2013-16 supplementing and amending the Series 2013 A Bonds Ordinance**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Supplemental Resolution 2013-16. Motion carried, 4-1, Anderson, no.

#### **c. Consideration of and action on Resolution 2013-17 authorizing electronic fund transfers relating to the Series 2013 A Bonds.**

Cam Siegrist, Bowles Rice, explained that this Resolution allows ACH transfers to make bond payments, beginning December 2016.

Motion made by Councilman Etherington, seconded by Councilman Lewis, to approve Resolution 2013-17. Motion carried 4-1, Anderson, no.

**d. Consideration of and action on motion to put the Series 2013 B Bonds Ordinance 2013-15 into effect.**

Motion made by Councilman Lewis, seconded by Councilman Etherington, to put Series 2013B Bonds Ordinance 2013-15 into effect. Motion carried 4-1, Anderson, no.

**e. Consideration of and action on Supplemental Resolution 2013-18 supplementing and amending the Series 2013 B Bonds Ordinance.**

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to authorize Supplemental Resolution 2013-18. Motion carried 4-1, Anderson, no.

**f. Consideration of and action on Resolution 2013-19 authorizing electronic fund transfers relating to the Series 2013 B Bonds.**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2013-19. Motion carried, 4-1, Anderson, no.

**g. Consideration of and action on Resolution 2013-20 authorizing Mayor and City Manager to sign documents relating to the Project, the Series 2013 A Bonds and Series 2013 B Bonds.**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2013-20. Motion carried, 4-1, Anderson, no.

**h. Consideration of and action on one or more resolutions, including Resolution 2013-21 approving requisition(s) for the advance of proceeds of Series 2013 A Bonds, approving payment of costs of the Project and costs of issuing the Series 2013 A Bonds and/or the Series 2013 B Bonds, and/or approving contracts.**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2013-21. Motion carried 4-1, Anderson, no.

**i. Possible other actions with respect to the Project, the Series 2013 A Bonds or the Series 2013 B Bonds.**

There was no further action.

Mr. Siegrist summarized the above actions and explained that, after the money from SB 245 came available, it was the hope that the 2013 B bonds would not be needed, but they could be used in part if the full amount expected was not available when needed.

Councilman Lewis asked about the interest rate on the subordinated bonds (2013 B), and Mr. Siegrist explained that the rate is 1% with a 1% administrative fee, but that interest does not begin to accrue until construction is finished, on either bond.

**j. Approve/deny awarding Option Bid Item 3.3—Effluent Polishing for the Wastewater Treatment Plant Upgrade Project –HRI, Inc.-- \$2,300,000 Contingent upon Bond Closing (new contract bid total--\$41,059,294)**

Motion made by Councilman Lewis, seconded by Councilman Etherington, to award Option Bid 3.3. Motion carried 4-1, Anderson, no.

**k. First and Second Reading of Ordinance 2013-16: An Ordinance To Adopt The 2013 Replacement Pages To The Codified Ordinances, To Adopt New Matter; To Repeal Ordinances In Conflict Therewith; And To Direct That The Statutory Requirements For The Codification Of Ordinances Be Complied With.**

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to hear the first and second reading of Ordinance 2013-16, by title only. Motion carried unanimously.

**l. Approve/deny request from O’Roke Apartments, Inc. to widen a sidewalk into the City right-of-way at 630-632 New York Avenue**

Ms. MaryAnn Ferro, O’Roke Apartments, explained that she is requesting to extend her sidewalk into the right-of-way for several reasons, including damage to the area by the removal of a power pole and a dog using her grassy area. She also provided photos showing that other sidewalks on the block were extended to the curb.

Discussion of the Council included that Ms. Ferro maintains nice properties in Martinsburg, that other sidewalks extend to the curb and that Potomac Edison should repair the damage caused by the removal of the power pole.

Motion made by Councilman Lewis, seconded by Councilman Knowles ,to approve the request of O’Roke Apartments. Motion carried unanimously.

**m. Approve/deny request from the Martinsburg Cheerleading Booster to utilize the Town Square Pedestrian Plaza for purposes of conducting a fund-raising bake-sale. Contingent upon proof of adequate insurance.**

Motion made by Councilman Etherington, seconded by Councilman Anderson, to approve the request of the Martinsburg Cheerleader Booster, contingent upon proof of adequate insurance. Motion carried unanimously.

**n. Authorize Mayor to sign Letter of Endorsement to the ABC Commission for a beer garden at the Martinsburg Mall’s “Dread the Undead Zombie Run”—\*\*\* Date Change from October 12, 2013 to October 26, 2013\*\*\***



Motion made by Councilman Etherington, seconded by Councilman Lewis, to authorize the Mayor to sign the Letter of Endorsement. Motion carried, 4-1, Anderson, no.

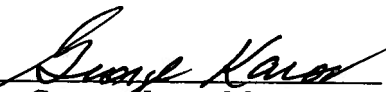
**15. Executive Session**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to enter Executive Session for legal matters at 5:30 PM. Motion carried unanimously.

**16. Adjournment**

Meeting was adjourned by unanimous consent at 5:45 PM.

  
Gena Long, City Recorder

  
George Karos, Mayor