

**CITY OF MARTINSBURG  
REGULAR COUNCIL MEETING  
JANUARY 27, 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, Betty Gunnoe and Roger Lewis. Not present was Richard Yauger and Max Parkinson. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, Acting City Recorder, Kevin Miller, Police Chief, Brenda Spaulding, HR Director and Mark Spickler, Finance Director.

**3. PUBLIC HEARING – A public hearing has been scheduled to solicit citizen comments on Ordinance 2011-01 authorizing the lease-purchase acquisition, installation and financing of certain energy saving equipment for various departments of the City of Martinsburg, the execution and delivery of a lease-purchase agreement, a guaranteed energy savings agreement, and other documents relating to such acquisition, installation and financing and approving all matters in connection therewith.**

Mayor Karos opened the public hearing at 5:02 PM.

Mr. Joe Hoodack, Business Development Manager for Constellation Energy discussed the project. He reminded the Council that they had approved a study of an engineering study, which resulted in an investment grade audit. Constellation intends to upgrade City facilities to increase energy efficiency. Mr. Hoodack stated that the funds come from the West Virginia State Energy Legislation, which utilizes the guaranteed energy savings to pay for the debt service of approximately \$1.2 million.

Mr. Hoodack stated that they will be putting the project together over the next four-to-six months using local contractors, with construction beginning around the beginning of March, 2011. He reiterated that no capital will be needed from the City of Martinsburg, that the funds will come from the guaranteed energy savings.

Councilman Woods asked if the retrofitting can occur without disrupting routine City business. Mr. Hoodack stated that there should be minimum interference.

As no one else came forward for or against the project, the public hearing closed at 5:07 PM.

**4. PRESENTATIONS**

**A. Proclamation Eastern Panhandle Trailblazers and the birthday of the Eastern Panhandle Recreational Trail – February 2, 2011**

Acting City Recorder read the Proclamation. Mr. Bill Yearout was present to accept.

**B. Make comments on ABC application – Julia’s, LLC – 311 Rock Cliff Drive**

Mr. Abdollah Hadavnd was available to present this request. Discussion included the location, food served and hours of operation (7AM-3AM). Mr. Hadavnd stated that he would like to have video lottery in the location, to which the Council informed him he would be required to follow City and State requirements.

Mayor Karos informed Mr. Hadavnd that the application would be forwarded to the ABC Commission without comment, but the hours of operation would be added.

**5. PETITIONS FROM CITIZENS**

There were no petitions from citizens.

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

**A. Veterans Service Organization – Minutes December 9, 2010**

**B. Letter from U.S. Department of Housing and Urban Development for CDBG and HOME single audit for the period July 1, 2009 through June 30, 2010 – January 6, 2011**

**C. Martinsburg-Berkeley County Parks & Recreation Board – Minutes December 21, 2010**

**D. City of Martinsburg 2011 Stormwater Management Permit and Plan**

Motion made by Councilman Lewis, seconded by Councilwoman Gunnoe to receive and file items 6 a-d. Motion carried unanimously.

**7. REPORTS OF CHAIRPERSONS OF COUNCIL STANDING COMMITTEES**

There were no reports of Chairpersons of Council Standing Committees.

**8. REPORT OF MAYOR**

There were no reports of the Mayor.

**9. REPORT OF CITY ATTORNEY**

There was no report of the City Attorney.

**10. REPORT OF CITY MANAGER**

There were no reports of the City Manager.

**11. UNFINISHED BUSINESS**

**A. Third and final reading of Ordinance 2011-01 authorizing the Lease-Purchase acquisition, installation and financing of certain energy saving equipment for various departments of the City of Martinsburg, the execution and delivery of a Lease-Purchase Agreement, a Guaranteed Energy Savings Agreement, and other documents relating to such acquisition, installation and financing and approving all matters in connection therewith**

Motion made by Councilman Wachtel, seconded by Councilman Woods to read through the third and final reading of Ordinance 2011-01 authorizing the Lease-Purchase acquisition, installation and financing of certain energy saving equipment for various departments of the City of Martinsburg, the execution and delivery of a Lease-Purchase agreement, a Guaranteed Savings Agreement, and other documents relating to such acquisition, installation and financing and approving all matters in connection therewith. Motion carried unanimously.

**12. NEW BUSINESS**

**A. Approve/Deny Guaranteed Energy Savings Contract between City of Martinsburg, West Virginia and Constellation Energy Projects & Services Group, Inc.**

Motion made by Councilwoman Gunnoe, seconded by Councilman Etherington to approve Guaranteed Energy Savings Contract between City of Martinsburg, West Virginia and Constellation Energy Projects and Savings Group, Inc. Motion carried unanimously.

**B. Approve/Deny Municipal Lease Funding Escrow Agreement between Susquehanna Commercial Finance, Inc. and City of Martinsburg**

Motion made by Councilman Woods, seconded by Councilman Etherington, to approve Municipal Lease Funding Escrow Agreement between Susquehanna Commercial Finance, Inc. and the City of Martinsburg, West Virginia. Motion carried unanimously.

**C. Adopt Resolution 2011-04 authorizing George Karos, Mayor of Martinsburg, to enter into a contractual agreement with the West Virginia Development Office to receive grant funds in the amount of \$1,000 for The Arts Centre, to purchase four five pound ABC fire extinguishers to be tagged and mounted and purchase three exit-emergency lighting combinations to be installed by a licensed electrician, and designate Mary Lewis, Board President, to administer such funds pursuant to the provisions of the fiscal year 2010 Community Participation Grant Program**

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis to adopt Resolution 2011-04 authorizing George Karos, Mayor of Martinsburg, to enter into a contractual agreement with the West Virginia Development Office to receive grant funds in the amount of \$1,000 for The Arts Centre, to purchase four five-pound ABC fire extinguishers to be tagged and mounted and purchase three exit-emergency lighting combinations to be installed by a licensed electrical, and designate Mary Lewis, Board President, to administer such funds pursuant to the provisions of the fiscal-year 2010 Community Participation Grant Program. Motion carried unanimously.

**D. Approve/Deny 11th annual Norwalk Soap Box Derby, Inc. on Saturday, June 11, 2011 with a rain date of Saturday, June 18, 2011**

Motion made by Councilwoman Gunnoe, seconded by Councilman Etherington to approve the 11<sup>th</sup> annual Norwalk Soap Derby, Inc. on Saturday, June 11, 2011 with a rain date of Saturday, June 18, 2011. Motion carried unanimously.

**E. Approve/Deny Police Department purchase of Fingerprinting System - \$40,680 - MorphoTrak (State Contract)**

Motion made by Councilwoman Gunnoe, seconded by Councilman Woods to approve the Police Department purchase of Fingerprinting System in the amount of \$40,680 from MorphoTrak (State contract). Motion carried unanimously.

**F. Authorize Police Department to solicit bids for Firing Range Improvements.**

Motion made by Councilman Etherington, seconded by Councilman Wachtel to authorize the Police Department to solicit bids for Firing Range Improvements. Motion carried unanimously.

**G. Confirm change order #'s 4 and 5 for the Oatesdale Park Little League project—  
Raleigh Street Extension.**

Motion made by Councilman Lewis, seconded by Councilman Woods to confirm change order #'s 4 and 5 for the Oatesdale Park Little League project—Raleigh Street Extension. Motion carried unanimously.

**H. Approve/deny purchase of Zoll heart monitor—\$9,684.00. Sole Provider.**

City Manager Mark Baldwin confirmed that this purchase is for the Fire Department.

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis to approve the purchase of a Zoll heart monitor in the amount of \$9,684.00. Motion carried unanimously.

**I. Approve/deny Supplemental Agreement #2. Martinsburg Pedestrian Plaza, State Project: U302-MAR/TI 09.00, Federal Project: TEA-OH22 (001)D, Berkeley County. (Total \$79,794.85—TE Grant, \$63,835.88—City Match, \$15,958.97)**

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis to approve the Supplementa Agreement #2 for the Martinsburg Pedistrian Plaza. State Project: U302-MAR/TI 09.00, Federal Project: TEA-OH22(001)D, Berkeley County. Total cost \$79,794.85—TE Grant \$63,835.88 with a City Match of \$15,958.97. 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)**

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe to go into executive session, for real estate matters at 5:30 p.m. Motion carried unanimously.

Motion made by Councilman Wachtel, seconded by Councilman Woods to go out of executive session at 5:45 p.m. Motion carried unanimously.

**17. ADJOURNMENT**

Motion made by Councilman Woods, seconded by Councilman Ethrington to adjourn the meeting at 5:45 p.m. Motion carried unanimously.

  
Gena Long, Acting City Recorder

  
George Karos, Mayor