

**City Of Martinsburg
Regular Council Meeting
Thursday, January 08, 2015
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 6:30 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Kevin Knowles, Gregg Wachtel, H.D. Boyd and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder; Chief Paul Bragg, Martinsburg Fire Department; Police Chief Kevin Miller, Steve Knipe, Utilities Director; Jeff Wilkerson, Public Works Director and Michael Covell, City Engineer/Planning Director.

3. Salute to Flag

Councilman Etherington led the Salute to the Flag.

4. Prayer—

Retired Pastor Walter Bowers delivered the invocation.

5. Approve December 11, 2014 Regular Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the December 11, 2014 Regular Meeting Minutes. Motion carried unanimously.

6. Approve December 18, 2014 Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the December 18, 2014 Regular Meeting Minutes. Motion carried unanimously.

7. Approve November 2014 Administrative and Financial Report

Motion made by Councilman Etherington, seconded by Councilmen Wachtel, to approve the November 2014 Administrative and Financial Report. Motion carried unanimously.

8. Presentations

None

9. Petitions From Citizens

There were no petitions from citizens.

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

- a. Berkeley County Animal Control Incident Reports July-October, 2014
- b. CDBG and HOME December 2015 Public Hearing Minutes
- c. Comcast communication, dated December 17, 2014 advising of rate changes for Xfinity TV and Internet services
- d. Notice of Grant from CSX Transportation, Inc. in the amount of \$10,000 for North Queen Street Underpass Improvements

e. City of Martinsburg audit letter for fiscal year ending June 30, 2014—(complete audit distributed to Mayor and Council and on file in the Finance Department)

Motion made by Councilman Knowles, seconded by Councilman Etherington, to receive and file items 10A-10E. Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee December 17, 2014 Minutes

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Council as a Whole Committee December 17, 2014 Minutes as follows. Motion carried unanimously.

Council as a Whole Committee Minutes

Wednesday, December 17, 2014—5PM

Present: Mayor George Karos, Kevin Knowles, Don Anderson, Dennis Etherington and Gregg Wachtel

Others in Attendance: Mark Baldwin, City Manager; Steve Knipe, Utilities Director; Mike Covell, City Engineer/Planning Director; and Jeff Wilkerson, Public Works Director

Unable to Attend: Councilmembers H.D. Boyd and Jason W. Baker.

Mayor Karos opened the meeting and indicated the purpose of the meeting tonight was to interview consultants, in Executive Session, for the Stormwater Financing Study.

Mark S. Baldwin, City Manager, provided an overview of tonight's interview process. Motion was made by Councilman Knowles, seconded by Councilman Etherington, to go into Executive Session for the interviews

b. Council as a Whole Committee December 18, 2014 Minutes

Motion was made by Councilman Etherington, seconded by Councilman Knowles, to approve the Council as a Whole Committee December 17, 2014 minutes as follows. Motion carried unanimously.

Council as a Whole Committee Minutes

Thursday, December 18, 2014—5:30PM

Present: Mayor George Karos, Kevin Knowles, Don Anderson, Dennis Etherington, Gregg Wachtel and Jason Baker

Others in Attendance: Mark Baldwin, City Manager; Steve Knipe, Utilities Director; Mike Covell, City Engineer/Planning Director; and Alpha Associates, Inc.

Unable to Attend: Councilmember H.D. Boyd

Mayor Karos opened the meeting indicating the purpose of the meeting was to hear an overview from Alpha Associates, Inc. of the various projects relating to the N. Queen Street Underpass.

Before Alpha's presentation, Mayor Karos read to the Committee the list of plans, studies and projects the City has been undertaking or discussing over the past twenty-four months:

“Before we get started tonight with Alpha’s presentation on the Underpass, I just want to make a few brief comments.

As you are all aware, the past 24 months have been very busy for City Council, myself and City Staff.

During this time period, we’ve had discussions and taken action on several studies and Capital Improvement Projects.

I would just like to name those as an update to you, as well as the general public:

- E. Burke Street Parking Lot Improvements—final design, bid and construction in spring/summer 2015
- N. Queen Street Underpass Improvements—to be discussed tonight
- Wastewater Treatment Plant Project—to be substantially completed December 2015
- Church and King Street Stormwater Project—final design, bid and construction in 2105
- CDBG Street Repaving—Spring/Summer 2015
- Gateway and Wayfinding Signage—2015
- E. Burke Street Bridge Improvements—2015-2016 (per WVDOT schedule)
- Oak Street Bridge Improvements—2016-2017 (per WVDOT schedule)
- Brownfield’s EPA Grant—submitted December 2014; announcements July 2015
- Train Station Corridor—WVDOT Transportation Alternative Grant; intent to apply submitted and approved December 2014
- Economic Development Strategic Plan—completed January 2014
- Home Rule Application—completed and approved October 2014
- Stormwater Financing Study—consultant selection has commenced
- Sanitary Sewer and Stormwater System Evaluation Study—RFQs to be finalized in 2015

As you can see, we have a very busy agenda forthcoming regarding these items. Hopefully these projects and studies will benefit our community with public improvements as well as economic development.

City Manager will provide further information on these projects and budgets later in the meeting.

I will now turn the meeting over to Alpha Associates, Inc. to give us an update on the various elements of the N. Queen Street Underpass project.”

Richard Klein and Ryan Perks from Alpha Associates provided a PowerPoint presentation on the four (4) projects related to the N. Queen Street Underpass Project. Mr. Klein indicated that all four (4) projects were authorized by Council for Alpha to evaluate.

The projects presented were:

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|---|----------------|
| 1. Storm and Sanitary Sewer at Liberty Street | \$38,621 est. |
| 2. Queen Street Water line | \$293,930 est. |
| Sewer Relocation | \$852,209 est. |
| 3. N. Queen Street Underpass Enhancements | \$441,691 est. |
| 4. Streetscape Enhancements | \$662,265 |

Total Estimated Cost (see attached budget) \$2,289,346

After Alpha’s presentation, the Committee and Alpha Associates had a question and answer exchange regarding the projects.

At the conclusion of the presentation, City Manager Mark S. Baldwin provided an overview of current and future projects, project costs and which fund would be utilized (see Budget Information). He indicated the N. Queen Street Underpass projects would be split between the water/sewer fund (\$1,184,208) and the General Development Fund (GDF) or other funds (\$1,105,000).

He further provided information on current and future projects that the GDF or other funds would be responsible for. He pointed out that if the GDF was utilized for current and future projects, the balance estimate would go from \$2.4M to \$533K. He also stated that other reserve funds, up to the amount of approximately \$500,000, could be utilized for these projects, thus lessening the burden on the GDF fund.

Councilman Baker stated that, while understanding the importance of the Underpass Projects, he was concerned of utilizing the GDF in total that would leave a balance of \$533,000.

Mayor Karos stated that he thought that all elements of the project were important and if the Committee was looking to move forward, all the elements of the project should be considered.

Councilman Etherington stated he was in favor of moving forward and stated that past Councilman Roger Lewis had been very much in favor of the Gateway Streetscape Element.

Councilman Wachtel indicated he was in favor of moving forward with the project as presented.

Councilman Knowles also stated that he was in favor of moving forward with all the projects as outlined, as it would improve the "gateway into downtown Martinsburg."

Following all discussions, the consensus of the Committee was to recommend to City Council at the regular City Council meeting on January 8, 2015 to authorize Alpha Associates to move forward on the projects, as outlined.

12. Report of Mayor

a. Discuss date for February 2015 Regular Council meeting

Mayor Karos recommended rescheduling the regular February Council Meeting for Wednesday, February 11, 2015. He also recommend holding a Council as a Whole Committee meeting, for purposes of reviewing applications for the Ward 3 mid-term Council appointment to fill the unexpired term of Councilman Max Parkinson, on Thursday, January 15, 2015 at 5PM in Executive Session.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to accept Mayor Karos's recommendations and schedule the meetings. Motion carried unanimously.

13. Report of City Attorney

a. Comcast Update

The City Attorney stated there have been no new developments.

The City Attorney stated that he had two legal matters to discuss in Executive Session.

14. Report of City Manager

The City Manager had nothing to report.

15. Unfinished Business

There was no unfinished business.

16. New Business

a. Approve/deny Resolution 2015-01: A Resolution of the City Council of the City of Martinsburg, West Virginia Authorizing Participation in the Eastern Panhandle Home Consortium of West Virginia for the Period of July 1, 2015 To June 30, 2016

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Resolution 2015-01 as presented. Motion carried unanimously.

b. Approve/deny FY 2015-2016 budget request of 2% of total proceeds of previous year's projected tax collection to Berkeley County Assessor for Valuation Fund

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the FY 2015-2016 budget request of 2% of total proceeds of the previous projected tax collection to Berkeley County Assessor for Valuation Fund. Motion carried unanimously.

c. Approve/deny authorization for Mayor Karos to sign a letter of endorsement to the ABC Commission for the Sunrise Rotary Club's 22nd Annual President Day Dance on Saturday, February 14, 2015 at the Shenandoah Hotel

Motion made by Councilman Etherington, seconded by Councilman Knowles, to authorize the Mayor to sign a letter of endorsement to the ABC Commission for the Sunrise Rotary Club's 22nd Annual Presidents' Day dance. Motion carried unanimously.

d. Approve/deny request from Norwalk Soap Box Derby, Inc. to hold the ROCS Classic Norwalk Derby on June 13, 2015 (Rain date June 20), contingent upon proof of adequate liability insurance

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the request from the Norwalk Soap Box Derby, Inc. to hold the ROCS Classic as requested, contingent upon proof of adequate liability insurance, Motion carried unanimously.

e. Approve/deny authorization for Alpha Associates to proceed with the N. Queen Street Underpass as presented at the December 18, 2014 Council as a Whole Committee Meeting (See Item 11B) *Please bring project documents from December 18, 2014 Committee meeting for reference*****

City Manager Mark Baldwin explained that the new total would include structural improvements as approved in February 2014 and those items discussed at the December 18, 2014 Council as a Whole Committee meeting.

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to authorize Alpha Associates to proceed with the N. Queen Street Underpass project. Motion carried 5-1, Anderson no.

f. Approve/deny Amendment #3 to the Engineering Agreement for the North Queen Street Underpass Improvements Project between the City of Martinsburg and Alpha Associates, Inc.—total estimated fees \$374,981

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the Amendment #3 to the Engineering Agreement for the N. Queen Street Underpass Improvements Project. Motion carried unanimously.

g. Approve/deny Stormwater Financing and Outreach Study Agreement between the City of Martinsburg and GKY Associates \$49,998.15

Mayor Karos stated that the consultant, GKY Associates, has recommended a committee comprised of several members of the community and three Council members. Mayor Karos recommended that he, Councilman Baker, Councilman Etherington and Councilman Knowles serve on that committee. Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Mayor's nominations to the committee.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the agreement with GKY Associates. Motion carried unanimously.

h. Approve/deny submission of WVDOT Transportation Alternatives Grant for Train Station Corridor Project--\$211,125 (\$168,900 DOT, \$42,225 City)

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to submit the WVDOT Transportation Alternatives Grant application. Motion carried unanimously.

i. Approve/deny purchase of 500 gallon salt brine spray tank for the Public Works Department—GVM Snow Equipment--\$6,386

Councilman Baker asked if a brine provider had been selected and Public Works Director Jeff Wilkerson responded that he intended to use the State Contracted brine provider.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the purchase of the brine spray tank. Motion carried unanimously.

j. Approve/deny HRI, Inc.'s January Payment Application #16 for the WWTP Upgrade Project--\$4,044,056.41

Councilman Anderson asked about the timely payment of the application. City Manager Mark Baldwin clarified by stating that the application was for payment to be made to HRI, Inc., and not a payment from HRI, Inc. The payment is for work performed and materials stored.

Motion made by Councilman Baker, seconded by Councilman Wachtel, to approve the payment of HRI, Inc.'s January Payment Application #16, as requested. Motion carried 5-1, Councilman Anderson no.

k. Approve/deny HRI Inc.'s January Payment Application #4 for the Task C Project--\$

No application had been submitted.

16. Executive Session

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to go into Executive Session for legal matters at 6:50 PM. Motion carried unanimously.

Adjournment

Motion adjourned by unanimous consent at 7:20 PM.

George Karos, Mayor

Gena Long, City Recorder