

**City Of Martinsburg
Regular Council Meeting
Thursday, July 14, 2016
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: Gregg Wachtel, Harriet Johnson, Dennis Etherington, Kevin Knowles, Ken Collinson, Mark Baker and Jason Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder; Police Chief Maury Richards, Fire Chief Paul Bragg, Steve Knipe, Utilities Director, Finance Director Mark Spickler, City Engineer/Planning Director Michael Covell and Utilities Director Jeff Wilkerson.

3. Salute to Flag

Councilman Collinson led the Salute to the Flag.

4. Prayer—

Steve Sosson, Beth El Congregation, led the invocation.

5. Approve June 9, 2016 Regular Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the June 09, 2016 Regular Meeting Minutes. Motion carried unanimously.

6. Approve June 21, 2016 Special Meeting Minutes (Canvass)

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the June 21, 2016 Special Meeting Minutes. Motion carried unanimously.

7. Approve June 23, 2016 Special Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the June 23, 2016 Special Meeting Minutes. Motion carried unanimously.

8. Approve June 30, 2016 Special Meeting Minutes (1st Meeting)

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the June 30, 2016 Special Meeting Minutes. Motion carried unanimously.

9. Approve June 30, 2016 Special Meeting Minutes (2nd Meeting)

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the June 30, 2016 Special Meeting Minutes. Motion carried unanimously.

10. Approve May 2016 Administrative and Financial Report

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the May 2016 Administrative and Financial Report. Motion carried unanimously.

11. Presentations

a. Administer Oath of Office to Police Captain Kevin Miller

The City Recorder administered the Oath of Office to Police Captain Kevin Miller.

b. Administer Oath of Office to Police Lieutenant Michael Usack

The City Recorder administered the Oath of Office to Police Lieutenant Michael Usack.

c. Eastern Panhandle Transit Authority (EPTA) Quarterly Update

Mr. Doug Pixler and Elaine Bartoldson, EPTA, gave a quarterly update, adding that the EPTA was in its 40th year of service and ridership continues to increase.

Following the presentation, Councilman Knowles asked about the Non-Emergency Medical Transport (MTM) and demand-response hours. Mr. Pixler stated that the hour of operation for these services is 8 AM until 5 PM.

Councilman Wachtel asked if any municipalities in Berkeley or Jefferson Counties do not financially support the EPTA. Mr. Pixler stated that there were no municipalities that were serviced by EPTA that did not offer some financial assistance.

d. Make Comment on ABCA Zoning Form for Class B “Carry Out” License relating to Kindred Spirits, LLC—805 E. Moler Avenue, Suite 1

Ms. Shannon Webber, Gerrardstown, stated that this is a new venture and she envisions a small boutique with wine and craft beers as well as accessories.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to forward the Zoning form without comment. Motion carried unanimously.

12. Petitions from Citizens

Mr. Peter Miller, S. Queen Street, had left due to illness prior to this point in the meeting, but did ask that the following be placed on record:

When the McFh sought an exemption to open at the ZBA, its president, Matt Coffey—a banker—agreed. A banker wanting to drum up business for his bank? Where does the McFh have an account? BB&T.

A major agreement was that “neighborhood parking would not be impacted.” When I attended a later ZBA meeting, before I got up to speak the new president stated that patrons at a business can park in any legal parking spot. The agreement on parking was deleted from the minutes of the original meeting.

McFh owner McCarty then got up and took an oath to tell the truth. When he was asked where he “resided” he replied “409 S. Queen Street.” He does not live there. Perjury is ok? When I questioned that, no ZBA member would make eye contact, let alone reply. All this was deleted from the minutes.

Ms. Long, I asked you to send me a copy of the 12 May CC meeting. I’ve yet to receive it.

Article V of the U.S. Constitution states that “no person shall be deprived of life, liberty or property... without due process.”

Yet when the McFh holds one of their many loud parties, the noise inside of my house—I have COPD, bronchitis, diabetes, etc., and no air conditioning, with all the doors and windows closed, the decibel level inside my house is so high that I cannot bear it. My blood pressure gets so high that I have nose bleeds, my heart rate is through the roof, the “fight or flight” response causes my blood sugar to go up extremely. It causes days of insomnia. Often I have to leave my house. My life is literally in danger. Put that on record!

On 15 June, 2015, I tried to report this to you. I ended up having to be taken to the ER with serious chest pains. What did McCarty do? Try to keep the noise down? No, the next Saturday he had an even louder party, and in the backyard, there was no one there—he had a huge amplifier playing the soundtrack from some loud space movie.

The McFh has a very bright spotlight in the backyard, directly aimed into my front room. It is motion sensor, but can be put on until it is put off. It only covers a few yards of grass in the backyard, next to the house, etc. For four days and nights, it was left on. I called PD. They did not respond.

One 1 July, 2016, the spotlight was on at 7 PM, during broad daylight. That night, the trees in the backyard had bright lights on. It was brighter than downtown Las Vegas on New Year’s Eve. Why the spotlight? They had an extremely loud party. People were loud out back. The thumping from the music in the house was unbearable in my house. It was audible at my side gate on South Street. The spotlight stayed on until 12:18 AM.

On 9 July, 2016, they had a live band in the backyard—guitar, bass on amplifier, drums, a singer on the PA System.

Sunday, 12 June. They had a very loud party from 3 PM until 10:30 PM. Sunday! I have neighbors who have to get up the next morning. 90% of the racket goes straight into my nose. They are afraid to complain.

Sat., 11 June. They had a live band inside the house. It was extremely loud inside my house that I almost called an ambulance 3 times. I called PD twice, no one came. I had to leave my house for two hours, it was so loud inside my house.

Friday, 17 June, 2016. Another extreme party. Spotlight on to 11:25 PM. I called PD 10:08 PM. No one came.

McCarty has to know what he is doing with the spotlight. He is trying to intimidate me against making complaints. He knows the police will do nothing.

I want this all on record. You have taken away my Civil, Constitutional, Property and Human rights. Put this on record, you can’t deny any of this.

Ms. Long, please send me a copy of these minutes and those of the 12th of May meeting.

Ms. Cheryl Snyder Reed, stated that she had spoken with employees of the Halltown Paper Company, who were tasked with recycling the books from the library, and they had indicated that many were in great shape. She was also concerned that many long-term employees have been let go and the Board is doing nothing. She also stated

that, during the hiring process, Sheridan Montgomery had misled the Board about her history and her previous employment, and nothing has been done since certain facts have come to light.

Mr. Habib Ali, Eclipse Court, stated that he is confident that the City is looking seriously at the drug issue. He would ask that Council consider changing the date of the Election to coincide with a County election to save funds and increase voter turnout. Mr. Ali also stated that he has visited several Berkeley County libraries and has not noticed anything amiss except some bare shelves and that Ms. Montgomery has refused to meet with him.

Ms. Consuelo Newman, W. Race Street, read the following:

The hiring of Ms. Montgomery and its aftermath has affected dozens of families. We are here for love—love of books, love of community, love for both employees and patrons—many of who have been coming here all their lives.

Ms. Montgomery's "Off with their Heads!" management style has churned the stomachs of both employees and patrons who have been forced to endure it.

After countless requests, we are able to find one destination for the books—the Ox Paperboard Company's Jerry Bageant says several truckloads took two days to shred. He has known Kelly Tanksley for years, and when he picks up books from her at the library, all proceeds go to the Harper's Ferry Lion's Club, where he is an officer. Article 147.07 of the Public Library Commission reads, in part: "surplus, duplicated, obsolete or other unwanted materials...belonging to the library. All money received from those...shall be deposited in the Library Fund."

At present, the entire Library Board claims not to know how many books are gone, or their titles.

Without further ado, I will now present you with the list of the missing books, and will be happy to lend them to Council until the end of this meeting. In summary: Adult non-fiction—18,432; Juvenile and Youth—7,416, Reference—1,275 and the much maligned business reference books—42, equaling 33,214 plus 643 deleted serials and 2,000 books currently in safekeeping, for a total of 35,857 books. There's no telling how many more are gone since June. At what cost? CDs and DVDs are at least \$39.99; hundreds of audio books average from \$60-115 apiece. At an average cost of \$25 per book, this comes to \$896.425, lost to the Library.

City Council, what you must do is crystal clear. Do it now, so we can begin to rebuild our collections, recover our employees and rebuild the community's trust.

Thank you.

Ms. Janice Stephens, Friends of Hedgesville Public Library, read the following into the record:

My name is Janice Stephens and I live at 356 The Woods Road in Hedgesville. I am the President of Friends of Hedgesville Public Library. As an organization, we have raised and donated \$7,500 toward the building of the library and contributed cash toward the summer reading programs. Now that we have a building, we have provided funds for landscaping, purchased a large TV, games projector, U.S. Flag, and Event Today feather flag, sponsored events such as a Children's Christmas party, wreath and basked making workshops, a geocaching workshop, provided story time volunteers, provided craft items for story time, purchased two folding Lego tables and almost 100 baseplates and given new books to kindergartners in the Hedgesville Elementary School.

Now that the new director has taken over, we don't want to donate anything else toward the enhancement of the library. She could, at any time, take those donations away from the Hedgesville

Branch. New employees are not telling patrons of the firing of Peter Allphin or Colleen Moore. Why? Is it because they were unjustly terminated and were too well-loved by the patrons of the Hedgesville Library and the patrons would protest too loudly?

A library director must be honest, respected by the community and have the ability to manage the financial side of the public library. Ms. Montgomery's past record is an example of her failure to meet those qualifications. Newspaper articles have revealed at least 4 past firings with litigation still ongoing in Lake City, Minnesota. The Library board must own up to their mistake and terminate Ms. Montgomery and I suggest that the City Council urge the Library Board to consider this option. If the City Council has any desire to see the local library flourish, please heed what people are saying and asking for, what the Hagerstown TV station and newspapers are reporting and do the correct thing for the citizens of this community. How will you fix this problem?

Ms. Claudia Orr, Martinsburg, suggested that the Council request that Library Board extend Ms. Montgomery's probationary period until all potential transgression are investigated.

Ms. Jeanmarie O'Malley Heredia, Gerrardstown, stated that Ms. Montgomery should be terminated and the Board should resign. Her past behavior should have been a key indicator and the Mayor should acknowledge the serious nature of this situation and inform the Board that if they do not comply with these demands, all appointments will also be terminated.

Bianca Stephens, Martinsburg, stated that she has used the library as a resource for many reasons. The new policies put in place, such as limited computer usage, do not support the community and do not draw members of the community into the Library. Rationing of usage of the various functions of the library inhibits growth in the community.

Mr. Keith Martin, Bunker Hill, stated that he is a licensed investigator and fraud detector. He stated that the Director's current identity is only two years old and that she must have falsely represented herself to the Board, intentionally, or she would have never been hired. In each of Ms. Montgomery's previous workplaces, she had been terminated or resigned with the same allegations regarding her conduct, according to Mr. Martin. He recommended that the City amend ordinances in order to give themselves the authority to get a better handle on the situation.

Mr. Vernon Pearson, Iroquois Trail, stated that he has read media articles about the Library issues. He stated that he has information from Board member Miller that the earliest meeting will be at the regular meeting of July 28 and they will not attempt to meet earlier because of scheduling conflicts with board members, vacations or other commitments. He stated that the Bylaws are out of date and he has found nothing that substantiates the Mayor and Council's claims that they cannot terminate the employment of the Director or place her on administrative leave. Mr. Pearson also asked that a restraining order be obtained to prevent Ms. Montgomery from causing damage to the Library.

Ms. Andrea Whitley, Hood Circle, stated that she was employed at the North Berkeley branch and that the work situation is not friendly at all. Patrons are also complaining of the changes, such as the removal of the popcorn machine. She stated that amendments were made to the Employee handbook that specifically targets certain employees. She stated that her employment and that of her fiancé were terminated in a hostile and discriminatory manner.

Mr. Peter Allphin, Olympic Drive, stated that, despite an advanced degree from a prestigious university, he has chosen to work for the Martinsburg library system. He stated that, at the hands of Ms. Montgomery and other staff, he has been belittled, harassed and discriminated against. He stated that he will now be forced to find a job and relocate outside of Berkeley County.

Mr. Terrance Wendall, Hedgesville, stated that he believes there is enough evidence and information to invoke police powers to investigate fraud, abuse and personal practices and take appropriate action.

Heather Deaner commented about the drastic cuts to the summer reading program. Her son, Gabe, stated that Peter was doing a great job and Ms. Montgomery should be fired.

Ann Pearson, Iroquois Train, stated that there are very few individuals with advanced degrees in Library Science left in the library system and she has heard that they are actively seeking other employment, as they are underpaid and working in a "war zone."

Mayor Karos responded with the following:

The Mayor and City of Martinsburg have been in contact with the acting Chairman of the Martinsburg Public Library Commission concerning the ongoing issues and concerns of the operation of the Library. The Mayor has requested the Commission to hold a public hearing meeting to address the public's concerns over the operation of the Library and provide a framework for its future.

Pursuant to the City and State Code, the Martinsburg Public Library Commission is charged with the duty to supervise the expenditure of all money credited to the Library Fund, employ a head librarian and all additional staff as necessary. The Mayor and Council do not have the authority to terminate, hire, suspend or otherwise interfere with the day-to-day operations of the Martinsburg Public Library Commission.

The Mayor and Council only have the authority to appoint members to the Board of Directors, on behalf of itself, the Berkeley County Board of Education and the Berkeley County Council. These members can only be removed upon just cause in the manner provided by the bylaws of the Library Board.

The current Library Bylaws set out the duties of each officer and member of the Board of Directors. The Bylaws also address removal of a member for failure to attend meetings. WV Code Chapter 6, Article 6, would control any removal of members of the Board of Directors.

The City understands that the Board of Directors will be holding a meeting before the end of the month to address the public's concerns. Upon conclusion of this meeting, it is the Mayor and Council's hope that concerns will be addressed and the Public Library will continue to operate for the good of all citizens of Martinsburg and Berkeley County.

Councilman J. Baker asked if the Library Director was hired with a probationary period and stated that if it is true that she is still in that probationary period, he would like to know when it ends. Mr. Sayre stated that it is his understanding that Ms. Montgomery is hired at the will and pleasure of the Board and is not under contract and that no probationary period was established.

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

- a. Resolution of Accomplishment for 2016 ROCS Classic/Norwalk Soapbox Derby as read on July 7, 2016
- b. For the Kids, by George June 2016 Meeting Minutes and Director's Report

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to receive and file item 10A-10H. Motion carried unanimously.

14. Reports of Chairpersons of Council Standing Committees

15. Report of Mayor

Mayor Karos thanked the City Recorder for overseeing the election process. He also congratulated Chief Richards for a successful arrest of several drug dealers.

a. Reminder of Special City Council Meeting scheduled for Thursday, July 28, 2016 at 5 PM for purposes of reporting the unencumbered balance and other business as needed

b. Future Committee as a Whole Meeting (Date TBD) to be scheduled in August 2016 to discuss various City projects, etc.

16. Report of City Attorney

a. Draft Firework Ordinance

Mr. Sayre reported that the current fireworks ordinance in the City of Martinsburg prohibits the use of fireworks within the City of Martinsburg. The State law has recently changed expanding the types of fireworks allowable to be exploded, legally, without a special permit. The proposed ordinance will allow for the sale of all fireworks allowable by State law in the City of Martinsburg, but will continue to prohibit use, unless Council wishes to allow use with parameters, such as time, type, etc.

Chief Richards stated that law enforcement had received approximately 90 complaints from June 20 to date, and recommended keeping the prohibition in effect within City limits.

Chief Bragg agreed, stating that the Fire Department is opposed to any fireworks being exploded by anyone other than non-professionals, due to safety and fire concerns.

Councilman Collinson stated that fireworks are not safe in urban areas at 2 PM any more than they are safe at 10 PM and recommended keeping a total prohibition on place at all times within City limits, for safety and to avoid a waste of resources.

Councilman M. Baker stated that he noticed that fireworks were being used every evening, well into the night. He does not see an issue with a small display for a couple hours on the 4th of July, during a family BBQ, but that was not the case. He stated that people were on the street and sidewalk and out of control, and that a few had ruined it for everyone.

Councilwoman Johnson added that she witnessed helicopters attempting to land at the hospital with ground-to-air fireworks being exploded in the vicinity and was concerned that this would cause safety issues with medical emergency flights.

Councilman J. Baker asked why the Police Department were not dealing with the multiple calls regarding fireworks, as fireworks were illegal in the City under the current ordinance. Mr. Sayre responded that there was some uncertainty as to how the State law would impact City ordinances, which didn't become noticeable until around June 30. The City ordinance should be re-validated for full impact and enforcement ability.

Councilman M. Baker recommended heavy advertisement of the new ordinance, which would assist MPD with enforcement.

The consensus of Council was to draft the amendment to the ordinance. Councilman M. Baker also asked that Council consider drafting a letter to the State legislature asking them to revisit fireworks legislation.

17. Report of City Manager

a. Projects Update

Nothing further to report.

18. Unfinished Business

a. Confirm Emergency Sewer Line Repair Cost--\$41,305.32

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to confirm the amount of the repair. Motion carried unanimously.

19. New Business

a. First and Second Reading of Ordinance 2016-19 to Amend and Re-enact Portions of the Codified Ordinance of the City of Martinsburg, Part Seventeen—Building and Housing Code; Article 1711—West Virginia State Building Code; Section 1711.1—Adoption; and Repealing Ordinance 2013-06 of the City of Martinsburg, West Virginia.

Motion made by Councilman Wachtel, seconded Councilman Etherington, to pass Ordinance 2016-19 through the first and second reading, by title only. Motion carried unanimously.

b. First and Second Reading of Ordinance 2016-20 Amending Ordinance 2015-08 which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia

Motion was made by Councilman Wachtel, seconded by Councilman Collinson, to pass Ordinance 2016-20, as amended, through the first and second reading, by title only. Motion carried unanimously.

c. First and Second Reading of Ordinance 2016-21 Amending the City of Martinsburg Code, Part Five—General Offences; Article 521—Liquor Control, by Amending and Reenacting Sections 521.03, 521.07 and 521.09 and Adding Sections 521.15 to Allow for Sunday Alcohol Sales after 10 AM

Motion was made by Councilman Etherington, seconded by Councilman Knowles, to pass Ordinance 2016-21, as amended, through the first and second reading, by title only. Motion carried 6-1, Councilman Wachtel voting no.

d. Approve/deny Resolution 2016-18—FY 2016-2017 Coal Severance Budget Revision #1

Motion was made by Councilman Etherington, seconded by Councilman Collinson, to approve Resolution 2016-18. Motion carried unanimously.

e. Approve/deny request from Trinity Temple Church of God to close a portion of Tuskegee Drive (between Martin and Burke) for a community event on Friday, August 5, 2016 between 3 PM and 9 PM, contingent upon proof of adequate liability insurance

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to approve this request as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

f. Approve/deny request from Trinity Temple Church of God, 127 Tuskegee Drive, to close a portion of Tuskegee Drive (between Martin and Burke Streets) for a Wellness Fair on Saturday, September 17, 2016 from 7:30 AM until 5:00 PM, contingent upon proof of adequate liability insurance

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve this request as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

g. Discuss recommendations for Mall Drive Sidewalk Upgrades, take action as necessary

Councilman J. Baker stated that his recommendations were available for Council to review and that it was possible to consider two bump-outs rather than just one. Concrete work can be done in-house.

Motion made by Councilman Knowles, seconded by Councilman J. Baker, for Jeff to proceed with these upgrades, as recommended. Motion carried unanimously.

h. Discuss recommendations for Georgia Avenue Stormwater Drainage Upgrades, take action as necessary

Councilman J. Baker stated that there are significant issues with this area and went over his recommendations. This project cannot be completed without considerable expense and cannot be done in house. Mr. Baldwin stated that it can be included in the annual paving bid.

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to add this project into the specifications for the annual paving bid. Motion carried unanimously.

i. Discuss correspondence from Jackson Kelly, Attorneys at Law, PLLC., regarding Mount Hope Cemetery, Inc. and the "Cemetery Care Group" and take action as necessary

Present for this discussion were Rob Glenn, Jackson Kelly; Pastor Ed Hall and Mr. Leonard Harris.

Mr. Glenn stated that the Mount Hope Cemetery current appears to be owned by more than one individual or entity, and determining who holds title has proven difficult. The Cemetery cannot be used or even kept up properly because of this unknown ownership. He stated that the City has the power to condemn the property and claim ownership, then allowing them to enter into an agreement with a group or organization to take over maintenance control of the Cemetery for purposes of funding and upkeep.

Mr. Sayre added that the process will go through circuit court to determine the value of the property and determine if there are any legitimate claims to the land or contests of value. Once the City has ownership of the property, Council must decide what to do with it. Council can donate it to a 501c3 organization, keep it and manage it or enter into a maintenance agreement with another entity and retain ownership. He stated that cemeteries require a perpetual care fund to be established to ensure that maintenance and upkeep is ongoing into perpetuity. He recommended that the City donate the property so that it does not end up being a responsibility of the City for funding and upkeep at some point in the future.

Mr. Glenn stated that the City could appoint a Board to ensure the future of the Cemetery.

Mr. Sayre stated that, either way, the property is a risk to the City. If no one takes care of it now, the City will eventually have to do so. If the City claims the property and finds someone to care for it, it will still become a City responsibility if that group fails to do so. He stated that, at this time, there is a group interested in caring for the property and that group has the ability to succeed responsibility in the future.

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to begin the process of condemning the Old African American Cemetery and working with the Cemetery Care Group to maintain and fund the operation of the cemetery. Motion carried unanimously.

Pastor Hall added that there is a water flow issue into the Cemetery, which is preventing the sale of lots, and stated that a French drain connected into the storm sewer system should correct that issue.

j. Approve/deny purchase of DVD-R Video Archiving System and two (2) external hard drive units for the Martinsburg Police Department (to replace/upgrade current system)—Kustom Signals--\$4,000 (sole provider for Archiving System) and Best Buy --\$488.41 (external hard drive units)

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the purchase, as requested. Motion carried unanimously.

k. Approve/deny submission of FY 2016-2017 JAG Grant Application in the amount of \$11,331 for equipment needs for the Special Response Team and Bicycle Patrol Units

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the submission of the JAG Grant Application. Motion carried unanimously.

l. Discuss roof repair for 125 W. Race Street (American Legion Building) and take action as necessary

Mr. Baldwin stated that the bid is for a patch job to prevent water damage to the third floor. He added that the long-term plans for the structure will be on an agenda in the near future.

Motion made by Councilman M. Baker, seconded by Councilman Etherington, to approve the bid. Motion carried 6-1, J. Baker no.

m. Approve/deny bid for asbestos sampling/testing/related services for 634 Winchester Avenue and 706 W. Martin Street (bid opening 7/13/2016)

Motion made by Councilman Wachtel, seconded by Councilman Knowles to approve the bid for as submitted. Motion carried 6-1, J. Baker no.

Councilman M. Baker asked if there was a breakdown between the two properties. City Engineer Mike Covell replied that it was a lump sum, but would be split in half between the properties if necessary.

n. Approve/deny Change Order #1 between the City of Martinsburg, Alpha Architects and Engineers and HRI, Inc. for the Church Street Storm Drainage Improvements Project--\$3,750

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Change Order #1 for the Church Street Storm Drainage Improvements Project. Motion carried unanimously.

Mr. Baldwin explained that this was the City's choice, that the item was included in the base bid as an alternate and it was determined that it was needed.

o. Approve/deny HRI, Inc.'s Application for July 2016 Payment #1 for the Church Street Storm Drainage Improvements--\$73,125

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the pay application. Motion carried unanimously.

p. Approve/deny Change Order #18 between the City of Martinsburg, O'Brien and Gere Engineers and HRI, Inc. for the WWTP Upgrade Project--\$144,336.00

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve Change Order #18 for the WWTP Upgrade Project. Motion carried unanimously.

q. Resolution 2016-19— authorizing HRI Inc.'s Application for July 2016 Payment #31 for the WWTP Upgrade Project-\$825,885.59

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve Resolution 2016-19. Motion carried unanimously.

r. Consensus on request from Winchester Avenue Christian Church to close a portion of an adjacent alley for purposes of a block party, contingent upon proof of adequate liability insurance.

Consensus of Council was to approve.

Councilman M. Baker asked that adjacent and impacted property owners be notified.

17. Executive Session

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to go into Executive Session at 8:24 PM, for legal and real estate matters. Motion carried unanimously.

Adjournment

Motion adjourned by unanimous consent at 8:35 PM.

George Karos, Mayor

Gena Long, City Recorder