

**City Of Martinsburg  
Regular Council Meeting  
Thursday, June 9, 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: Don Anderson, H.D. Boyd, Dennis Etherington, Kevin Knowles, Gregg Wachtel, Ken Collinson and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder; Police Chief Maury Richards, Steve Knipe, Utilities Director, Finance Director Mark Spickler, City Engineer/Planning Director Michael Covell and Utilities Director Jeff Wilkerson.

**3. Salute to Flag**

Councilman Knowles led the Salute to the Flag.

**4. Prayer—**

Mark Mooney, Otterbein United Methodist Church, led the invocation.

**5. Approve May 12, 2016 Regular Meeting Minutes**

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the May 12, 2016 Regular Meeting Minutes. Motion carried unanimously.

**6. Approve May 20, 2016 Emergency Special Meeting Minutes**

Motion made by Councilman J. Baker, seconded by Councilman Knowles, to approve the Mar 20, 2016 Emergency Special Meeting Minutes. Motion carried unanimously.

**7. Approve April 2016 Administrative and Financial Report**

Motion made by Councilman Baker, seconded by Councilman Collinson, to approve the April 2016 Administrative and Financial Report. Motion carried unanimously.

Mayor Karos announced that Items 15 U and 15 V were to be moved up on the agenda.

**8. Presentations**

**a. Administer Oath of Office to Police Officer Brian Jarvis**

The City Recorder administered the Oath of Office to Police Officer Brian Jarvis

**b. Resolution of Appreciation for Outgoing Councilman Donald T. Anderson**

Mayor Karos read the Resolution.

**c. Resolution of Appreciation for Kenneth Wise, Martinsburg Public Works Department, in Honor of his Upcoming Retirement**

The City Recorder read the Resolution.

**d. Proclamation—Pride Day—Eastern Panhandle LGBTQ Alliance—July 9, 2016**

The Proclamation will be forwarded to the Eastern Panhandle LGBTQ Alliance.

**e. Make Comment on ABCA Zoning Form for Lesco Beverage, LLC d.b.a. The Station Bar and Grill-127 E. King Street**

The application was withdrawn.

**f. Eastern Panhandle Transit Authority (EPTA) Transfer Station Study Update—Matt Mullenax, Hagerstown/Eastern Panhandle Metropolitan Planning Organization Interstate Council and Jim Frazier, Michael Baker, Jr. Inc. Engineers. Also present was Doug Pixlar, EPTA Director**

Mr. Frazier stated that the most feasible location for a bus transfer appeared, at this time, to be at the rear of the Foxcroft Town Center complex. Mr. Frazier stated that determination was made after looking at approximately nine different sites and reviewing property ownership, site layout, ability to handle multiple buses, impact on current routes, centrality of location, and ridership and demographic data, specifically for low income and zero car households, as well as environmental concerns.

The current site at the Caperton Train Station is not optimal due to operational issues such as inadequate space, cobblestones and lack of layover space for drivers. The EPTA is now identifying potential funding sources, such as state and federal money.

Councilman Knowles asked if there was an evaluation of need for benches or shelters throughout the City, as it is currently difficult to determine where the bus stops are located. Mr. Mullenax replied that they had discussed benches at the transfer station itself. Mr. Doug Pixlar, EPTA, responded that such benches are in the long range plans, but there is a need to ensure that the routes are solid prior to the investment. Recommendations will be brought before Council at that time.

Councilman Wachtel asked that the EPTA be sure to check with the Police Department regarding the location and size of benches.

Councilman J. Baker asked if there is any idea when this project will begin. Mr. Mullenax replied that the study should be final by the end of June and will include a 30 day comment period. If the project is successful in terms of funding, the groundbreaking should be in approximately two years. During that time, there is a good deal of work to be done on design, Planning Commission and other approvals, etc.

**9. Petitions from Citizens**

Mr. Habib Ali, Eclipse Court, commended the Mayor and Council for their action over the past few years and stated that Councilman Don Anderson will be missed. Mr. Ali expressed concern over ballot privacy during early voting, as he was not sure that the process ensured his anonymity.

Mr. Francis Daniels, Illinois Avenue spoke about the Mall Drive sidewalk issue, stating that it is very dangerous and recommended a study about enhancement for pedestrian and bicycle use.

Ms. Consuelo Newman, W. Race Street, stated that she is very concerned about the Director of the Berkeley County Library system. She stated that the Director is disposing of large amounts of books, releasing part-time employees, locking bathrooms and restricting computer usage. Ms. Newman stated that the community needs to be aware and step in to support the Library staff.

Ms. Cynthia Koontz, Brilliant Stone Drive, spoke about her son who has a heroin addiction. She stated that the drugs are in the school systems, and her son's dealer lives right in the area of the proposed treatment center.

Mr. James Boyd, Falling Waters, produced a petition in favor of the proposed rehabilitation center. Mr. Boyd shared a few comments regarding the petition. He then asked that the City produce an original receipt for each petitioner, as he had promised such. The City Attorney replied that the City Recorder would provide a single receipt and Mr. Boyd could make copies as he needs to fulfill his obligation to the petitioners.

Ms. Erin Henry, Youth Service Librarian, stated that her employment was terminated on May 24 and she is concerned that the Library Director is fostering a workplace that does not allow for staff concerns and is anxious and hostile. She stated that the Director is also in violation of the Clean Air Act, as she smokes immediately outside the entrance with the door propped open with a book, and will not consider smoking elsewhere, though she has been asked to do so. Ms. Henry stated that she had addressed a concern which could have put the Library in a legal situation, and was cited for insubordination. She was also accused of insubordination when she asked another employee to treat others with respect.

Ms. Lynn Walker, Fiscal Services Manager of the Martinsburg/Berkeley County Library, stated that when she began employment a month previously, the financial records were in disarray. She stated that they have been in this condition since around 2003. There have been many changes recently, as new management always brings new policies and procedures. She stated that the former Director allowed employees to work more than their part-time hourly maximum and did not pay into the retirement fund for them. She also stated that many records are missing as there was no retention policy in place. She reminded Council that funding has recently been cut, therefore, staff had to be reduced. She added that she had found that the Library was paying for insurance premiums for individuals that didn't even work there anymore.

Ms. Kelly Tanksley, Director of Community Relations at the Library, stated that it had been at least 23 years since the non-fiction section had been weeded, and the information was outdated and much was available online. Many children's books have been damaged and were not disposed of. Ms. Tanksley stated that many books were offered to parents, retirement homes, home school parents, etc. She also stated that books were recycled and the proceeds are to go to the Lion's Club. Ms. Tanksley added that circulation numbers are increasing.

Ms. Barbie Frankenberry, Inwood, stated that she is a retired Library Media Specialist and had developed a class on library practices which allowed Inwood High School students to work in the library, learn a skill and get a grade. She stated that the new Director had stated this would no longer be an option for students and the teacher was blocked from the Library system.

Ms. Anne Pearson, Iroquois Trail, stated that the Library is no longer a warm and welcoming place but is now cold and uninviting. She stated that the new Library Director was fired in Maine from a similar position after having only worked there for four months and she does not understand why the Board has not terminated her from the Martinsburg position already. Ms. Pearson asked that the Mayor direct the Library Board to terminate the Director's employment.

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 also stated that the Director will remove money from petty cash without making an accounting of the transaction and expenditure.

Ms. Pam Coyle, Third Street, former Director of the Martinsburg/Berkeley County Public Library stated that the Board will not take action. She stated that audit reports are available and the financial documents were not in disarray. She stated that libraries are the last place for free information and are welcoming to all. The public is not being serviced by these new policies. She stated that a mother was banned from the library for giving her child a

juice box. Stating that part-time employees are not invested in the library is not true, according to Ms. Coyle, dedication has nothing to do with the number of hours worked.

Barbara Bratina, N. Tennessee Avenue, thanked Councilman Anderson for his long-time service to the City of Martinsburg. She stated that she is concerned with item 16 D regarding over-hanging signs and asked that Council send it back to the HPRC for guidelines. She also asked that Item 16 B allow on-premise alcohol sales prior to 1 PM on Sundays and that the proposed change of distance from churches to ABCA licensed locations be in the downtown historic district only, where buildings are much closer together and there is a high concentration of churches. She stated that lessening the distance is not necessary outside of downtown because there are less churches and the area is less condensed.

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

- a. For the Kids, by George Children’s Museum May 9, 2016 Meeting Minutes and Financial Statement
- b. Berkeley County Animal Control Incident Reports for January through April 2016
- c. Planning Commission May 4, 2016 Meeting Minutes
- d. Eastern WV Regional Airport Authority Meeting April 5, 2016 Meeting Minutes and March 2016 Budget Report
- e. Martinsburg-Berkeley County Parks and Recreation Board Meeting April 19, 2016 Meeting Minutes
- f. Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) March 16, 2016 Meeting Minutes and Berkeley County Projects Update
- g. Code Appeals Board Meeting Minutes for July 18, 2013 and May 12, 2016
- h. Correspondence from Michael Owen and Tony Owen, Fire Officers from Australia commending the Martinsburg Fire Department and Martinsburg Police Department following a visit in April 2016

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

**11. Reports of Chairpersons of Council Standing Committees**

**12. Report of Mayor**

**a. City of Martinsburg Initiatives Regarding Drugs**

**City of Martinsburg Initiatives Regarding Drugs  
5/25/2016**

1. The Mayor and City Council, working closely with the Martinsburg Police Department, on a three-teir approach in dealing with the drug epidemic in Martinsburg.

a. **Enforcement Activity**—Martinsburg Police Department has increased enforcement activity along with other law enforcement agencies—arresting local drug dealers

**b. Treatment**—the City continues to work with other agencies regarding treatment options for the County. In particular, we are in communication with the County’s new Resource Coordinator as it relates to resources available and treatment initiatives.

**C. Prevention**—The City supports Martinsburg Police Department’s efforts in partnering with other organizations and the Berkeley County Board of Education as they continue to work with the youth, young adults and students.

2. The City is ensuring the community that our Fire Department/EMS Services have the resources to continue to provide service to calls for overdoses. Fire Department utilizes NARCAN in overdose situations. Although Martinsburg Police Department is not carrying NARCAN, they have been trained in the use of NARCAN, if assistance is required by Martinsburg Fire/EMS.

3. City Council recently passed three (3) property-related ordinances to help deter drug activity, prostitution and property maintenance concerns.

4. The City has, and will continue, to have open dialogue with other policing agencies, County Council, local organizations and the Department of Justice, as it relates to curtailing drug activity in our community.

I believe it is important for the City, County, community and School Board to be engaged together to eliminate the drug epidemic in Martinsburg and Berkeley County. The City will continue to be engaged in these discussions.

**b. Mayor’s FY 2015-2016 Year End Report**

Mayor’s Year End Report  
FY 2015-2016  
June 9, 2016

As you are aware, Fiscal Year 2015-2016 will end June 30, 2016.

At this time, I would like to provide a brief overview of our accomplishments over the past year.

1. Maintained a balanced budget to provide essential City services to our community without fee or tax increases.
2. Approved employee merit pay increases and adjusted the beginning wages of the various pay grades. All City employees are an asset and deserve to be recognized.
3. Implemented several facets of the Home Rule Plan that, in particular, included:
  - A. On-the-spot citations for Code Enforcement and;
  - B. Implemented the 1% sales tax. To date, \$2,350,000 has been collected for three (3) quarters. This additional revenue will allow the City to maintain an operating budget, reduce debt, complete projects and kick-start our Economic Development Strategic Plan in the year to come.
4. Substantially completed the upgrade to the Wastewater Treatment Plant--\$53M (\$33M Loan/\$20M grant). Completion set for July 31, 2016.
5. Completed the renovation of the East Burke Street Parking Lot—approximately \$325,000.
6. Awarded bid for the long awaited King and Church Street Stormwater Project--\$1.2M
7. Completed street repaving through the use of CDBG and City funds--\$185,000

8. Completed renovation of Martin Luther King Park with CDBG Funds--\$80,000
9. Received additional grant funding for the Train Station Corridor Project--\$95,000--\$134,000 was received in FY 2014-2015.
10. Continued to fund outside agencies such as Main Street Martinsburg, Airport Authority, EPTA, Bee-Hive, M-BC Library, for the kids, by George Museum and M-BC Parks & Rec to name a few.
11. Received three (3) grants for stormwater management program(s).
12. Worked closely with Martinsburg Fire/EMS and Police Departments on various strategies pertaining to the local drug epidemic. Also, worked closely with Berkeley County Resource Coordinator, Berkeley County Board of Education and the community on this issue.

**As the City moves forward into FY 2016-2017, it is important that the City:**

1. Continue to collaborate with the community, Federal, State Agencies, City Departments, Berkeley County Council/Resource Coordinator, Board of Education and the community on strategies to deter and eliminate drug activity in our community. Continue to work in unison on solutions for rehabilitation services and facilities.
2. Continue to be fiscally strong and responsible.
3. See through the completion of the projects mentioned above.
4. Begin the process of creating the City of Martinsburg Economic Development Authority, as outlined in WV State Code, and hire the City's first ever Economic Development Director now that one (1) full year of sales tax has been collected.
5. Continue to work with the WVDOT on the renovations of the :
  - a. Oak Street Bridge; and
  - b. East Burke Street Bridge
6. Complete the 3 phases of the North Queen Street Underpass Project:
  - a. Water and Sewer line adjustment—bid summer 2016
  - b. Underpass Improvements—bid winter 2016- spring 2017
  - c. Complete Street Scape Phase—summer and fall 2017
7. Commence the completion and design and eventual construction of the new City of Martinsburg Police Headquarters and Municipal Court Building and renovate City Hall.
8. Continue to evaluate and plan for improvements to the Big Springs Water Filtration Plant. Continue working with WV Department of Health, WVDEP, Berkeley County Water District and 167<sup>th</sup> Air National Guard on this matter.
9. Complete the update to the City's Comprehensive Plan working with the Planning Commission.
10. Continue to evaluate and hopefully fund a sustainable MS4 Stormwater Program as stormwater is now regulated by EPA and WVDEP.

11. Re-appoint a committee to review Gateway Signage Project.

12. Continue to work with various entities for economic development in the Historic Downtown and City-wide.

City Council members, in closing, we've had a very productive and successful FY 2015-2016 year. I truly believe FY 2016-2017 will be as productive. As a team, with staff support, we can continue to make Martinsburg a strong vibrant community.

I would like to thank Councilmembers, Department Heads and City employees. Our success is truly a team effort.

**c. Reappoint the following to the HOME Consortium through June 30, 2019:**

1. Mary Crawford
2. William R. Clark
3. Natalie Hoffman
4. Gregory Janes

**d. Reminder of the following Special City Council Meetings: Tuesday, June 21, 2016 @ 5PM (Canvass and declaration of results); Thursday, June 23, 2016 @ 5 PM (certification of result); Thursday, June 30, 2016 @ 5 PM (final meeting of current Council), Thursday, June 30, 2016 following 5 PM (swearing in of newly elected Council and other business as needed)**

**e. Current Board and Commission Vacancies:**

1. Shade Tree Commission (1)
2. Parking Authority (2)
3. Historic Preservation Review Commission (1)
4. Code Appeals Board (1)
5. Human Relations Committee (1 as of July 9, 2016)

**13. Report of City Attorney**

The City Attorney responded to Mr. Ali's Petition by stating that he had observed the early voting process and that he is confident that the City Recorder is conducting it exactly as prescribed by the Secretary of State. The ballot identification number is removed from the ballot before it is placed in the ballot box, and it is not identifiable after it has been cast.

**a. 706 W. Martin Street Update**

Mr. Sayre reported that Code enforcement activity included a demolition order. Ms. Garcia is willing to donate the property to the City of Martinsburg as long as the City agrees that she will not be held responsible for any of the costs of title transfer and the City is willing to pay the 2016 real estate Council. With a Council consensus, Mr. Sayre stated that further action could be listed on the June 30 agenda.

**b. 634 Winchester Avenue**

Mr. Sayre reported that once the required time for posting has been exhausted, the Planning Department can proceed with demolition. He stated that there is about 30 days remaining for someone with an interest to step forward and 20 days left before the appeal deadline.

**c. Special Event and Parade Permit Ordinance Draft**

Mr. Sayre stated that he is still researching this, and must be careful to draft an ordinance which does not infringe on Constitutional rights.

**d. Special Event Vender B&O and License Fee Ordinance Draft**

Bowles Rice interns are researching this.

**e. New York Avenue Right of Way (Apple Harvest to Essroc)**

Mr. Sayre reported that the process is underway for determining the owner of the right of way and abutting properties, and this information should be ready by June 30. There is property in that area that can be developed and there will be needs for service, such as plowing and road maintenance.

With a consensus of Council, the City Attorney can begin the process, no businesses will be annexed at this time, the issue at hand is that there is property within City limits that has no access and can be developed when this is situated.

Councilman J. Baker asked if this parcel is approximately 20 acres. City Engineer Michael Covell stated that it is and confirmed that it does touch the roadway.

**14. Report of City Manager**

**a. Projects Update**

Nothing further to report.

**b. 4<sup>th</sup> of July Fireworks**

Mr. Baldwin offered thanks to Mr. Bob Frankenberry for his work with the fireworks at no cost to the city. Mr. Frankenberry spoke of a legislative proposal which would require anyone helping a pyrotechnician to have a license at \$20.00 per year, for each of the 18 individuals who are needed to conduct a quality display. He asked Council to officially object to this proposal.

**c. Train Station Corridor Update**

The City Manager referred to the Mayoral Annual Report.

**d. Big Springs Water Filtration Plant Update**

Mr. Knipe, Utilities Director, explained that there is continued testing and the City is still able to supply water from the Kilmer Springs facility with little issue. There is also a study being conducted to determine the viability of using the spring at Big Springs.

**e. King/Church Stormwater Project Update**

The City Manager referred to the Mayoral Annual Report.

**15. Unfinished Business**

**a. Third and Final Reading of Ordinance 2016-10 to Readopt the City of Martinsburg Equal Employment Opportunity Plan/Affirmative Action Plan, Including Updated Utilization Statistics**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to read Ordinance 2016-10 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**b. Third and Final Reading of Ordinance 2016-11 to Repeal Sections 131.04 -Vehicular Pursuit Policy-and 131.05 - Operation of Department Vehicles-of the City of Martinsburg Code, Part 1, Administrative, Article 131 Police Department**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to read Ordinance 2016-11 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**c. Third and Final Reading of Ordinance 2016-12 Amending And Reenacting The City Of Martinsburg Code, Part 3, By Amending, Section 333.01--Driving under Influence of Alcohol, Controlled Substances or Drugs; Penalties-- to Comply With The Amendments To West Virginia Code §17C-5-2**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to read Ordinance 2016-12 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**d. Third and Final Reading of Ordinance 2016-13 Amending and Reenacting the City of Martinsburg Code, Part 3, by Amending Section 333.01a-- Deferral of Further Proceedings for Certain First Offenses upon Condition of Participation in Motor Vehicle Alcohol Test and Lock Program; Procedure on Charge of Violation of Conditions— to Comply with the Amendments to West Virginia Code §17C-5-2b**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to read Ordinance 2016-13 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**e. Third and Final Reading of Ordinance 2016-14 Amending And Reenacting The City Of Martinsburg Code, Part 5, Chapter 5, Article 343, By Amending, Section 343.07 To Comply With The Amendments To West Virginia §17c-12-7**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2016-14 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**f. Third and Final Reading of Ordinance 2016-15 Amending And Reenacting The City Of Martinsburg Code, Part 5, Chapter 5, Article 345, By Amending, Section 345.11 To Comply With The Amendments To West Virginia §17c-15-19**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to read Ordinance 2016-15 through the third and final reading, by title only, and adopt. Motion carried unanimously.

**16. New Business**

**a. First and Second Reading of Ordinance 2016-16— An Ordinance Authorizing The Mayor To Submit An Amendment To The Approved Home Rule Application To The Municipal Home Rule Board In Accordance With West Virginia Code §8-1-5a**

Mr. Sayre explained that his ordinance will apply only to “Class A” establishments (on-premise consumption) and not “Class B”. If approved, the Home Rule Board meets on July 11 and, if approved by them, Council will vote on an ordinance to enact.

Motion made by Councilman Collinson, seconded Councilman J. Baker, to pass Ordinance 2016-16 through the first and second reading, by title only. Motion carried unanimously.

**b. First and Second Reading of Ordinance 2016-17-- An Ordinance Amending The City Of Martinsburg Code, Part Five-General Offences, Article 521- Liquor Control, By Adding Sections 521.15 To Provide For Establishing Minimum Distance Between Class A Licensed West Virginia Alcohol Beverage Control Administration Establishments And Churches And Schools**

A typo was pointed out in Section 521.15 (D), which should read "50-feet" and not "50 hundred feet."

Motion was made by Councilman J. Baker, seconded by Councilman Knowles, to pass Ordinance 2016-17, as amended, through the first and second reading, by title only. Motion carried unanimously.

**c. First and Second Reading of Ordinance 2016-18: An Ordinance Amending The City Of Martinsburg Code, Part Seven, Chapter 3, Article 771- Tax Information Disclosure, By Adding Sections 771.02 Through 771-3 To Provide For Preparation And Disclosure Of List Of Delinquent Business And Occupation Taxpayers Pursuant To House Bill 4163**

Motion was made by Councilman Wachtel, seconded by Councilman Etherington, to pass Ordinance 2016-18, as amended, through the first and second reading, by title only. Motion carried unanimously.

**d. First and Second Reading of Ordinance 2016-19-- An Ordinance to Add and Amend the Text of The City of Martinsburg Zoning Ordinance At Article IV "General Regulations" Section 400 "Sign" to amend and reenact comprehensive sign regulations**

Motion was made by Councilman Collinson, seconded by Councilman Etherington, to send this table this item. Motion carried 4-3, Knowles, Baker and Anderson voting no.

Consensus was to send the ordinance to the HPRC for guidelines.

**e. Approve/deny Resolution 2016-14—FY 2016-2017 Animal Control Services Agreement between the City of Martinsburg and Berkeley County Council--\$117,500**

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve Resolution 2016-14. Motion carried unanimously.

**f. Approve/deny Resolution 2016-15—FY 2015-2016 General Fund Budget Revision #4**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Resolution 2016-15. Motion carried unanimously.

**g. Approve/deny Resolution 2016-16--FY 2015-2016 Coal Severance Budget Revision #4**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2016-16. Motion carried unanimously.

**h. Approve/deny FY 2015-2016 Fire/EMS Budget Revision #2**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Fire/Ems Budget Revision #2. Motion carried unanimously.

**i. Approve/deny FY 2015-2016 Water & Sewer Fund Budget Revision #2**

Motion made by Councilman Etherington, seconded by Councilman Collinson to approve the Water/Sewer Budget Revision #2. Motion carried unanimously.

**j. Approve/deny FY 2015-2016 Sanitation Fund Budget Revision #2**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Sanitation Fund Budget Revision #2. Motion carried unanimously.

**k. Approve/deny FY 2015-2016 Parking Fund Budget Revision #2**

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve Parking Fund Budget Revision #2. Motion carried unanimously.

**l. Approve/deny Facility Encroachment Agreement between the City of Martinsburg and CSX Transportation, Inc. (N. Queen Street Underpass Project—water and sewer utility upgrades)—Total current fees--\$24,400**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Facility Encroachment Agreement between the City of Martinsburg and CSX Transportation, Inc. Motion carried unanimously.

Mr. Baldwin explained that this is the first phase of the water and sewer utility upgrades and it allows us to get onto the CSX property to drill. \$9K of the fee is insurance, and the City is looking to secure a better rate with its insurance carrier.

**m. Approve/deny Temporary Right of Entry Agreement between the City of Martinsburg and CSX Transportation, Inc.--\$1,250 to \$5,750, and other possible associated fees**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Temporary Right of Entry Agreement between the City of Martinsburg and CSX Transportation, Inc.

Mr. Baldwin stated that this agreement will allow the City to conduct soil boring.

**n. Approve/deny geotechnical exploration services for sewer relocation for N. Queen Street Underpass Project--\$3,600—Triad Engineering, Inc.**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the geotechnical exploration services. Motion carried unanimously.

**o. Authorize Mayor to sign a letter of Endorsement to the West Virginia ABCA in support of the St. Joseph End of Summer Event, to be held on Saturday, August 13, 2016 from 2-9 PM at the St. Joseph Parish office grounds, 336 S. Queen Street**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to authorize the signing of the letter of endorsement to the WVABCA in support of St. Joseph's End of Summer event. Motion carried unanimously.

**p. Approve/deny Fifteenth Amendment to the Lease, extending the lease agreement between the City of Martinsburg and Berkeley Post 14, American Legion, Inc.—July 1, 2016-December 31, 2016, contingent upon proof of adequate liability insurance**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the 15<sup>th</sup> Amendment to the Lease between the City of Martinsburg and Berkeley Post 14, American Legion, Inc. Motion carried unanimously.

**q. Approve/deny extension of City of Martinsburg banking service contract with Jefferson Security Bank through June 30, 2018 (see attached memo)**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the extension of the City of Martinsburg banking service contract with Jefferson Security Bank through 6/30/18. Motion carried unanimously.

**r. Confirm telephone poll to pay pest control invoice on behalf of the Eastern Panhandle Boys and Girls Club--\$3,000**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to confirm the telephone poll for pest control services for the Boys and Girls Club. Motion carried unanimously.

**s. Approve/deny purchase of Cellabrite Cell Phone Data Retrieval Device and Service and authorize the mayor to sign associated Memoranda of Understanding and Agreement with various local and Federal law enforcement entities (see attached), and other necessary documents to facilitate the reimbursements and licensing**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the purchase of the Cellabrite Cell Phone Data Retrieval Device and associated agreements and other necessary documents. Motion carried unanimously.

**t. Approve/deny renewal of health insurance with HighMark Blue Cross/Blue Shield**

Councilman Knowles asked if this was bid out. Mr. Baldwin stated that it was not necessary to do so, as the rate did not increase and the agent checks markets on behalf of the City.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to approve the renewal of health insurance. Motion carried unanimously.

**u. Approve/deny third amendment to PCS Site Agreement between the City of Martinsburg and Shenandoah Personal Communications Company, a Virginia Company (Shentel)**

Motion made by Councilman J. Baker, seconded by Councilman Knowles, to approve the third amendment to the PCS Site Agreement. Motion carried unanimously.

**v. Discuss and take action as necessary on Option and Ground Lease Agreement between the City of Martinsburg and Vertical Bridge Development II, LLC., for construction/installation of communication facility—Boston Street--\$21,000 annually (paid to the City of Martinsburg)**

A representative from Vertical Bridge stated that this agreement will allow progress with other necessary processes; it does not signify final approval. Mr. Baldwin added that the rental fee due to the City will be \$21K if the tower is built.

Motion made by Councilman J. Baker, seconded by Councilman Knowles, to approve the Option and Ground Lease Agreement. Motion carried unanimously.

**w. Approve/deny confirmatory bench-scale testing for perfluoroalkyl acids (PFAAs)—Big Springs Water Filtration Plant—O'Brien and Gere Engineering, Inc.--\$37,500**

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve the testing. Motion carried unanimously.

**x. Approve/deny bid recommendation for the exterior painting of City Hall, The Market House and Caperton Train Station (bid opening June 8)**

The recommendation was to award the bid for the Market House and City Hall to Stephens Painting and the Caperton Train Station to Ring Painting, as the builders had opted to bid the jobs separately, due to workload.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the bid recommendation as submitted. Motion carried unanimously.

**y. Discuss sidewalk on Mall Drive, take action as necessary**

Mr. Baldwin stated that the City has several options, including filling in with dirt and grass and leveling the area, or considering bump-outs to allow for easier travel and ADA accessibility. Councilman J. Baker offered to meet with Public Works Director Jeff Wilkerson to discuss options and bring recommendations back to Council.

**z. Discuss stormwater drainage culvert on Georgia Avenue (John St. to King St.) and take action as necessary**

Councilman J. Baker also offered to look at this area and bring recommendations back to Council. Mr. Baldwin stated that the culvert alongside the sidewalk is causing a hazard and it is likely up to the City to correct as both the culvert and curb are deteriorating.

**aa. Resolution 2016-17— authorizing HRI Inc.'s Application for June 2016 Payment #30 for the WWTP Upgrade Project-\$813,231.52**

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to approve Resolution 2016-17. Motion carried unanimously.

**bb. Confirm telephone poll for emergency sewer pump-around services and repairs to main sewer line--  
\$\_\_\_\_\_**

Mr. Baldwin explained that this is an emergency service and no cost is yet available.

**17. Executive Session**

**Adjournment**

Motion adjourned by unanimous consent at 9:12 PM.

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George Karos, Mayor

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Gena Long, City Recorder