

**City of Martinsburg  
Regular Council Meeting  
Thursday, June 14, 2018  
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order by City Attorney Kin Sayre 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 W. Baker. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, City Attorney Kin Sayre, Police Chief Maury Richards; Fire Chief Paul Bragg; City Engineer/Planning Director Kim Petrucci; Public Works Director Jeff Wilkerson, Finance Director Mark Spickler, CDBG Administrator Nancy Strine and Utilities Director Steve Knipe.

**3. Salute to Flag**

Councilman Collinson led the salute to the Flag.

**4. Prayer—**

Rev. Mark Mooney, Otterbein United Methodist Church delivered the invocation.

As Reverend Mooney has accepted a new assignment, beginning in July, Mayor Karos thanked him for his many years of community service and invocations at the start of Council meetings, wishing him the best of luck.

**5. Approve May 10, 2018 Regular Council Meeting Minutes**

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the May 10, 2018 Regular Council Minutes. Motion carried unanimously.

**6. Approve April 2018 Administrative and Financial Report**

Motion made by Councilwoman Johnson, seconded by Councilman Etherington to approve the April 2018 Administrative and Financial Report. Motion carried unanimously.

**7. Presentations**

**a. Administer Oath of Office to Police Officer Aaron Miller**

**b. Administer Oath of Office to Firefighter/EMT-Basic Dallas Starliper**

The City Recorder administered the Oaths of Office.

**c. Make Comment on ABCA Zoning Form for Martinsburg Operations, LLC. dba The Crossings at Martinsburg, 13857 Apple Harvest Drive**

Ms. Sheila Walker, Executive Director of the Crossings, was present for comment and questions. Ms. Walker stated that The Crossings is an assisted living and memory care facility. The facility can serve 109 residents.

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

**d. Make Comment on ABCA Zoning Form for Eastern Panhandle Bicycle Company, dba Pedalin' Pints—805 E. Moler Avenue**

Ms. Shannon Weber, Eastern Panhandle Bicycle Company, was present for comments or questions. Ms. Weber stated that establishment will be a small craft beer-only tavern, generally open during the hours of operation for the bicycle shop. Light snacks will be served, and the lot next door may be opened for food vendors, pending health department approval.

Motion made by Councilman J. Baker, seconded by Councilman Knowles, to forward the form to the ABCA without comment. Motion carried unanimously.

**e. Veterans' Day Parade—Jamilla Fleet, Four State Community Veterans Engagement Board (move up Item 15J)**

Ms. Jamilla Fleet, Four State CVEB, stated that the organization is requesting permission and support for the Veteran's Day Parade to honor the service of veterans. The parade is to be non-partisan and non-political. The last Veteran's Day Parade in Martinsburg appears to have been held in 1952, and Ms. Fleet stated that it is important to recognize veterans and their sacrifices.

Mayor Karos stated that it appears that the CVEB has worked out the details with the department heads, and the recommended fees for city services totals \$1,549.50.

Ms. Fleet stated that she would like for Council to consider assisting with that cost. Mr. Samuel Rock, 4 State CVEB, added that he is trying to find sponsorship and other ways to mitigate cost, however, the organization is prepared to pay the requested fee.

Mayor Karos stated that the costs are for needed services. City Attorney Kin Sayre added that if cost mitigating factors come available after Council issues approval the organization can work with the department heads on those details. Council can go ahead and approve the request at this time.

**15 J. Approve/deny Special Events Permit 1814 for Four State CVEB's Veterans' Day Parade to take place along the attached route on Saturday, November 10, 2018 from 1-2 PM, to include rolling street closure, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services (\$1,549.50 recommended)**

Motion made by Councilman Collinson, seconded by Councilman Wachtel, to approve as requested, contingent upon proof of insurance and payment of fees. Motion carried unanimously.

**f. Request to Pave Portion of Alley—Christopher Breeze (Move up Item 15 T)**

Mr. Breeze, 708 W. John Street) explained that the condition of the alley behind his home is an issue, between Porter Avenue and Kentucky Avenue. The alley was just graded today and is already showing wear. He offered to pay to have that section paved and he has an estimate from an asphalt contractor. He added that the remainder of the alley is not used.

The Mayor stated that the City does not typically pave or maintain alleys. Mr. Baldwin concurred, adding that, in the past when Council has allowed an alley to be paved, it has been from one end to the other as paving half the alley causes run-off and drainage issues for neighboring properties. The Council is generally petitioned by all of the property owners adjacent to the alley in question; the City then bids out the specifications and the cost is equally shared among the property owners.

Mr. Breeze stated that he cannot afford to pave the entire alley. He did get verbal agreement from other owners that they would not have an issue with the paving of the alley section. He stated that the estimate he received was for three inches of asphalt, and the alley is not heavily travelled.

Mr. Baldwin answered that the City has an interest in ensuring that the alley is paved in such a way that it does not create other issues. Councilman M. Baker added that there is a major storm drain running under the alley. Per Steve Knipe, Utilities Director, there are no other apparent utilities.

The consensus of Council was for the applicable department heads and Mr. Breeze should meet to determine the best course of action.

No further action was taken.

**g. Update on Martinsburg PD and Municipal Court Revisions—Brian Estep, Silling Architects (move up items 15 dd and 15 ee)**

Mr. Estep explained that the change order is in response to structural design improvements discovered during the final quality control analysis, which occurred after the bid process occurred. The improvements will enhance performance of the structural system and the overall long-term stability of the building, helping to prevent cracking of brick and water intrusion over time. The additional cost from W. Harley Miller is very fair, according to Mr. Estep, coming in slightly less than projected.

**dd. Approve/deny Change Order #1 between the City of Martinsburg and W. Harley Miller for the Martinsburg Police Department/Municipal Court—Structural Steel Revisions--\$58,685**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the change order. Motion carried 6-1, Councilman J. Baker no.

**ee. Approve/deny Pay Application #1 for W. Harley Miller for the Martinsburg Police Department/Municipal Court Building--\$175,140.00**

Motion made by Councilman Collinson, seconded by Councilman M. Baker, to approve pay application #1. Motion carried unanimously.

**8. Petitions from Citizens**

Chris Nicewarner, Moose Lodge 120, thanked Council for the removal and donation of the Dedication Stone. The board of officers and members wished to present the Martinsburg Police Department a check for \$2,500 to be used toward the purchase of a bullet proof vest for K9 Officer Atlas.

Barbara Bratina read the following statement into the record:

I am here to ask that you vote no on the Animal Control Agreement from Berkeley County. I pay my taxes to the Sheriff of Berkeley County, just like someone from Bunker Hill or Spring Mills, so I have paid my share for animal control. I also pay my dog tax to the County Assessor just like someone in Bunker Hill or Spring Mills. So why am I taxed again just because I live in the City of Martinsburg.

I am shocked that the Berkeley County Council presented the City of Martinsburg with an incomplete budget, which only shows expenses. The county does not include any revenue which is collected, in their budget. What kind of accounting is this? State law requires that the County Assessor collect a tax on each

dog. The County does not have this tax amount listed in the budget. There are other fees collected for animal control for recovery fees to non-compliance fees which range from \$10 to \$3,000. Yet this revenue is not included in their budget either. It is unconscionable for the County to present a one-sided incomplete budget which does not include revenue received.

Also, to decide our apportionment, the County lists the supposed number of calls received from the City of Martinsburg for animal control. But, there is no delineation as to whether these are repeat calls, phone calls with no agent response, or whether an agent actually went out to handle a situation. There is no way to verify these statistics without the actual phone log records which have not been provided.

There can be no cooperative agreement without an accurate accounting of the facts and figures being presented to the City of Martinsburg. You, our City Council, must follow due diligence with any agreement in which you enter on our behalf. Especially when it concerns the expenditure of our tax money. Without all of the missing information provided by the County you cannot vote to enter into this agreement. Nor should the residents of Martinsburg have to pay twice for this service. Vote no on the Animal Control Agreement with the Berkeley County Council.

Thank you for allowing me my voice.

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

**a. Resolution of Accomplishment—Sanitation Laborer Douglas Myers for 30+ years of service—as read May 16, 2018**

**b. Main Street Martinsburg February 26, 2018, March 19, 2018 and April 16, 2018 Meeting Minutes and Financial Reports**

**c. Board of Zoning Appeals February 6, 2018 Meeting Minutes**

**d. Historic Preservation Review Commission May 7, 2018 Meeting Minutes**

**e. Martinsburg-Berkeley County Library Commission March 23, 2018 Meeting Minutes**

**f. Memorandum from Martinsburg Moose Lodge 120 thanking the City of Martinsburg for the donation of the Dedication Stone from former Moose Lodge (W. Race Street)**

**g. Code Appeals Board May 26, 2016 Meeting Minutes**

**h. Letters to the Editor from Mayor George Karos regarding the renewal of the Police Levy via Special Election**

**i. Letter of resignation from the Eastern West Virginia Regional Airport Authority from Betty Gunnoe, effective 6/30/2018 (end of term)**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to receive and file item 11A-11I. Motion carried unanimously.

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

**a. Council as a Whole Committee May 9, 2018 Meeting Minutes**

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to approve the Council as a Whole Committee Meeting Minutes of May 9, 2018, as follows. Motion carried unanimously.

Council as a Whole Committee Minutes  
Wednesday, May 9, 2018  
4:30 PM

Present: Mayor George Karos, Councilmembers Kevin Knowles, Jason Baker, Dennis Etherington, Ken Collinson, Mark C. Baker and Harriet Johnson

Others in Attendance: Mark S. Baldwin, City Manager; Steve Catlett, as well as Board members and staff from M-BC Parks and Recreation

Unable to Attend: Gregg Wachtel

Mayor Karos opened the meeting explaining the purpose of the meeting was to discuss the City of Martinsburg's Municipal Swimming Pool(s)

Steve Catlett, M-BC Parks and Rec Director, provided an overview of War Memorial Pool and Lambert Pool.

**War Memorial Pool:**

1. Pool is over 20 years old. In 2017, pool was closed for 21 days due to a major leak. Leak has been repaired. City allocated \$50,000.
2. It was the first time in 20 years there was no net revenue at War Memorial Park due to the closure and repair issues.
3. Pool is ready to be open for 2018 season.

**Lambert Pool**

1. Fall of 2107, pool needed repairs; repaired liner, replaced concrete, 8" line repair, etc.
2. Leisure pool—new liner Fall 2017
3. Additional expenses were allocated to keep pool operational.
4. City also continues additional \$25,000 for operations.

Mr. Catlett presented a handout on Lambert Pool, outlining the history, major expenses recently incurred and outlined future expenses.

Per the handout and explanation, City council was informed that approximately \$165,000 would be needed to adequately operate and maintain Lambert Pool. It was also explained that additional expenses may also be needed in the future as the pool was opened in 1975 (44<sup>th</sup> season).

Mr. Catlett, Board members and his staff suggested several options:

- Repair the pool and continue to subsidize operations;
- Consider building a new pool at a different location;
- Eliminate Lambert Pool and consider a different water feature for Lambert Park.

Steve Catlett also informed the Committee it was an opportune time to have discussions with WVU Berkeley Medical Center as they are considering a new indoor wellness center on land they recently purchased off of Tavern Road. Mr. Catlett thought it was a good time to have a discussion between Berkeley Medical Center, Berkeley County Council, City of Martinsburg, the School Board, etc.

After a great deal of discussion and committee members' input, Mayor Karos suggested M-BC Parks and Rec forward a letter to the City of Martinsburg with a recommendation on how they would like to proceed.

**11. Report of Mayor**

**a. Announce Official Results of the City of Martinsburg Special Election to Renew the Police Levy, as held on May 8, 2018**

Motion was made by Councilman Knowles, seconded by Councilman Wachtel, to approve the official results of the election and to enter them into the minutes. Motion carried unanimously.

Mayor Karos thanked the citizens, Police Department and staff for the support of the levy and the work on the election.

The results were as follows:

Ward One	421	112	78.99%
Ward Two	225	98	69.66%
Ward Three	558	129	81.22%
Ward Four	190	94	66.90%
Ward Five	220	95	69.84%
Total	1614	528	75.35%

**b. Fourth of July Fireworks Update/Reminder of City Ordinance and notifications regarding the discharge of fireworks**

**c. Reschedule Regular August Council Meeting for Thursday, August 16, 2018 due to attendance at the WV Municipal League Summer Conference**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve this change. Motion carried unanimously.

**d. Discuss and take action as necessary regarding the following expiring terms on the Eastern Regional Airport Authority—terms expire 6/30/18**

- Ken Collinson
- Jason Barrett
- Vacancy

Motion made by Councilman Knowles, seconded by Councilman Etherington, to reappoint Ken Collinson and Jason Barrett to the Airport Authority through 6/30/2021. Motion carried unanimously.

**e. Reappoint Bill Barney to the Code Appeals Board—7/12/18-7/12/2021**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to reappoint Bill Barney to the Code Appeals Board through 7/12/2021. Motion carried unanimously.

**f. Appoint Kenda Wright Rogers to the Historic Preservation Review Commission to fill an unexpired term ending 1/21/2020**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to appoint Kenda Rogers to the HPRC through 1/21/2020. Motion carried unanimously.

**g. Reappoint Jason Barrett to the Human Relations Committee—7/9/2018-7/9/2020**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to reappoint Jason Barrett to the HRC through 7/9/2020. Motion carried unanimously.

**h. Reappoint the following to the Region 9 Planning and Development Council 7/1/2018 - 6/30/2020**

- **Mark Baldwin**
- **George Karos**
- **Vacancy**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to reappoint Mark Baldwin and George Karos to Region 9. Motion carried unanimously.

**i. Report the following vacancies:**

- **Board of Zoning Appeals (1 alternate)**
- **Parking Authority (2)**
- **Human Relations Committee (2)**
- **Airport Authority (1)**
- **Region 9 (1)**
- **Code Appeals Board (engineer or architect) and alternate (2)**

**12. Report of City Attorney**

**13. Report of City Manager**

**a. Projects Update**

**14. Unfinished Business**

**a. Third and Final Reading of Ordinance 2018-12 Amending the City of Martinsburg Zoning Map to Rezone 5.52 Acres of an Unimproved Parcel off Tavern Road, also identified as Tax Map M4E, Parcel 61 from BS (Service Business) to BC (Community Business)**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to read Ordinance 2018-12 through third and final reading, by title only, and approve. Motion carried unanimously.

**b. Third and Final Reading of Ordinance 2018-13 Amending the City of Martinsburg Zoning Map to Rezone 70.29 Acres of an Unimproved Parcel of Tavern Road, Directly North of Martin's Landing Apartment Complex and Bethel Pentecostal Assembly of God; also Identified as Tax Map M30, Parcel 53 from RP (Planned Residential) to BC (Community Business)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to read Ordinance 2018-13 through the third and final reading, by title only, and approve. Motion carried unanimously.

**15. New Business**

**a. First and Second Reading of Ordinance 2018-14 Approving and Adopting Current Replacement Pages to the Codified Ordinances**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to read Ordinance 2018-14 through the first and second reading, by title only. Motion carried unanimously.

**b. Approve/deny Resolution 2018-08 Concerning the City of Martinsburg 2017-2018 General Fund Budget Revision # 4**

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve Resolution 2018-08. Motion carried unanimously.

**c. Approve/deny Budget Revision # 2 for the FY 2017-2018 Police Levy Fund**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the budget revision. Motion carried unanimously.

**d. Approve/deny Budget Revision #2 for the FY 2017-2018 Fire/EMS Fund**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the budget revision. Motion carried unanimously.

**e. Approve/deny Budget Revision # 2 for the FY 2017-2018 Water and Sewer Fund**

Motion made by Councilman M. Baker, seconded by Councilman Knowles, to approve the budget revision. Motion carried unanimously.

**f. Approve/deny Budget Revision # 2 for the FY 2017-2018 Sanitation Fund**

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the budget revision. Motion carried unanimously.

**g. Approve/deny Budget Revision # 2 for the FY 2017-2018 Parking Fund**

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the budget revision. Motion carried unanimously.

**h. Approve/deny Resolution 2018-09 Approving the FY 2018 Annual Action Plan and Authorizing the Filing of the Application with HUD**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Resolution 2018-09. Motion carried unanimously.

**i. Appointments to the following positions:**

- **City Recorder Gena Long**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the reappointment of Gena Long to City Recorder. Motion carried unanimously.

- **City Judge—Dale Buck**



Motion made by Councilman Knowles, seconded by Councilman J. Baker, to approve the reappointment of Dale Buck to City Judge. Motion carried unanimously.

- **Alternate Judges—Jared Adams and Susan McLaughlin**

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the reappointment of Jared Adams and Susan McLaughlin to Alternate Judges. Motion carried unanimously.

- **City Treasurer—**

Councilman Wachtel nominated Dennis Etherington as City Treasurer. The nomination was seconded by Councilwoman Johnson.

There were no other nominations.

Motion carried 6-1, Councilman J. Baker voting no.

**j. Approve/deny Special Events Permit 1814 for Four State CVEB's Veterans' Day Parade, to take place along attached route on Saturday, November 10, 2018 from 1-2 PM (1.75 total hours) to include rolling street closure, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services—(\$1,549.50 recommended)**

See item 7 E.

**k. Approve/deny Special Events Permit 1815 for Good Samaritan Free Clinic's Block Party, to take place W. Addition Street between Virginia Avenue and S. Raleigh Streets, on Saturday, July 28, 2018 from 12 PM-4PM, (6 total hours) to include barricading of street, contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services—(\$0.00 recommended)**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve special events permit 1815, as requested, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services. Motion carried unanimously.

**l. Approve/deny Special Events Permit 1816 for Main Street Martinsburg's Martinsburg Rocks!, Kids' Summer Concert Series to take place in the Town Square Pedestrian Plaza on the 1st and 3rd Thursday in June, July and August, from 10:30 AM- 1:30 PM (3 total hours), contingent upon proof of adequate liability insurance and payment of any recommended fees for City Services (\$0.00 recommended)**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Special Events Permit 1816, as requested, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services. Motion carried unanimously.

**m. Discuss and take action as necessary regarding FY 2018-2019 Animal Control Agreement see attached memo from Berkeley County Council—\$139,287**

Motion made by Councilman M. Baker, seconded by Councilman Collinson, to table this item. Motion carried unanimously.

**n. Discuss and take action as necessary regarding memorandum from Martinsburg-Berkeley County Parks and Recreation Board with recommendations for future developments/funding for Lambert Park Pool (refer to Council as a Whole Committee for future meeting)**

Motion made by Councilman Etherington, seconded by Councilman Collinson, to table this item. Motion carried unanimously.

**o. Approve/deny agreement between the City of Martinsburg and Nancy S. Strine Consultants, LLC for administration and coordination of CDBG and HOME grants through 6/30/2019**

Motion made by Councilman M. Baker, seconded by Councilman Knowles, to approve the agreement. Motion carried unanimously.

**p. Approve/deny donation of decommissioned bicycles to the Martinsburg Initiative for use in community interaction**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the donation. Motion carried unanimously.

**q. Approve/deny bid recommendation for early warning monitoring systems or comparable for Big Springs and Kilmer Water Treatment Plants—60,283—Xylem, Inc (WVDHHR Office of Environmental Services grant--\$50,000\ City match \$10,283)**

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

**r. Confirm consensus of telephone poll for the purchase of five (5) Martinsburg Police Department Ford Explorers --\$27,534 each—total with outfitting--\$165,870—Stephens Auto Center (state contract)—Police Levy Fund**

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the consensus. Motion carried unanimously.

Councilman J. Baker asked why not all Council members were called. Mr. Baldwin stated that he had sent an email to each Council member and had received enough responses. Motion carried unanimously.

**s. Approve/deny purchase of 60" 700 Series ZTR mower--\$7,495 for Utilities Department—Winchester Equipment Company**

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

**t. Discuss and take action as necessary in regards to a request to pave a portion of alleyway that runs from Porter Avenue westward to the rear of 712 W. John Street**

See Item 7 F.

**u. Approve/deny bid recommendation for Martinsburg Fire Department multi-use sanitizer--\$4230.78—Henry Schein Medical/ EMS (sole provider)—Fire/EMS Fund**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve the bid recommendation. Motion carried unanimously.

**v. Authorize Letter of Endorsement to the ABCA on behalf of the Berkeley County Humane Society Cocktails for Canines Fundraising Event to be held on Saturday, August 4, 2018 at Boydville, 601 S. Queen Street**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to authorize the letter of endorsement. Motion carried unanimously.

**w. Approve/deny renewal of employee health insurance with Highmark Blue Cross/Blue Shield**

Motion made by Councilman Knowles, seconded by Councilman Collinson, to approve the renewal of health insurance with BCBS. Motion carried unanimously.

**x. Approve/deny renewal of workers' compensation insurance with Brick Street**

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the renewal of worker's comp insurance with Brick Street. Motion carried unanimously.

**y. Approve/deny renewal of causality and liability insurance with Travelers Insurance Company**

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the renewal of liability insurance with Travelers. Motion carried unanimously.

**z. Approve/deny construction of stormwater practices (per memo) in compliance with the Canaan Valley Institute stormwater grant approval--\$64,000 (grand funded), in-kind services from City**

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the construction. Motion carried unanimously.

**aa. Approve/deny Deed of Easement and Right of Way between the City of Martinsburg and the Trustees of Mt. Hope Cemetery for a stormwater easement**

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the deed. Motion carried unanimously.

**bb. Approve/deny Change Order #4 for the N. Queen Street Underpass Utility Relocation Project--\$56,361.88 credit to the City**

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the change order. Motion carried unanimously.

**cc. Approve/deny Pay Application # 10 to Snyder Environmental for the N. Queen Street Underpass Utility Relocation Project--\$124,180.56 (final project pay-application)**

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve the pay application. Motion carried unanimously.

**dd. Approve/deny Change Order #1 between the City of Martinsburg and W. Harley Miller for the Martinsburg Police Department/Municipal Court—Structural Steel Revisions--\$58,685**

See item 7 G.

**ee. Approve/deny Pay Application # 1 for W. Harley Miller for the Martinsburg Police Department/Municipal Court building--\$175,140.00**

See item 7G.

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to go into Executive Session at 7:30 PM for legal. Motion carried unanimously.

Meeting adjourned by unanimous consent at 7:42 PM

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George Karos, Mayor

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Gena Long, City Recorder