

**City of Martinsburg
Special Council Meeting
Tuesday, April 16, 2019
The J. Oakley Seibert Council Chambers**

With a quorum present, the special session of the Martinsburg City Council was called to order by City Attorney Kin Sayre at 5 PM. The following Council Members were present: Gregg Wachtel, Harriet Johnson, Dennis Etherington, Ken Collinson and Mark Baker. Not present was George Karos, Kevin Knowles and Jason Baker. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, City Attorney Kin Sayre, Economic and Community Development Director Shane Farthing, Fire Chief J.D. Hummingbird and Finance Director Mark Spickler.

In the absence of Mayor Karos, motion was made by Councilman Collinson, seconded by Councilman Etherington, that Councilman Wachtel lead the meeting. Motion carried unanimously.

3. Salute to Flag

Councilwoman Johnson led the salute to the flag.

4. Prayer—

City Attorney Kin Sayre delivered the invocation.

5. Presentations

6. Petitions from Citizens

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

8. Reports of Chairpersons of Council Standing Committees

9. Report of Mayor

a. Appoint Ms. Shari Persad to the Board of Zoning Appeals to fill an unexpired term on the Board of Zoning Appeals through 1/1/2022

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve the Mayor's recommendation. Motion carried unanimously.

10. Report of City Attorney

11. Report of City Manager

12. Unfinished Business

13. New Business

a. Approve/deny FY 2019-2020 Levy Rates

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

b. Approve/deny Special Events Permit 2019-32 for March of Dimes March for Babies Event, to take place along the streets surrounding War Memorial Park on Saturday, April 27, 2019, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$262.50

Motion made by Councilman Etherington, seconded by Councilman Collinson to approve Special Events Permit 1932 contingent upon payment of fees and proof of adequate liability insurance. Motion carried unanimously.

c. Approve/deny request to mark the Hess Street burb of property located at 804 N. Queen Street for one-hour parking and ADA accessible parking

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

Councilman M. Baker stated that there is parking in the rear of the building, but some work needs to be done on the lot. Mr. Baldwin responded that this request would give them one on-street parking space and one ADA space.

d. Authorize Community Engagement and Planning for Downtown Martinsburg gateway corridor per memo from Economic and Community Development Director

Motion made by Councilman Collinson, seconded by Councilman Etherington, to authorize. Motion carried unanimously.

Councilman Etherington added that this is a very good plan and is in conjunction with past and future projects focusing on Queen and King Streets, which is important to the overall image of the City.

14. Executive Session

No executive session necessary.

15. New Business Cont'd

a. Review and Take Action as Necessary Regarding the December 13, 2018 Award of Bid for Gateway/Wayfinding Signage Project to Gable--\$449,940.60

Mr. Sayre explained that the bid documents required that the winning bidder have a WV contractors license at the time of bid. Gable had certified, at the time bid, that they possessed the license. It was discovered during the building permitting process that this was not the case. When asked for proof of license, Gable was able to produce a WV Contractors license dated April 8, 2019, but no license effective at the time of bid, as they had certified.

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to cancel and revoke the award of the December 13, 2018 bid to Gable. Motion carried unanimously.

b. Approve/deny Bid for Gateway/Wayfinding Signage Project to RiteLite Signs--\$454,070

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

City Manager Mark Baldwin stated Rite Lite was the next lowest bidder, that they do possess the appropriate licensing and have agreed to extend the price offered at the time of bid. They have indicated time to completion is approximately 180 days.

c. Approve/deny Construction Administration Phase Fees for Gateway/Wayfinding Singage Project to Frazier Associates

City Manager Mark Baldwin explained that these fees are being requested as Frazier and Alpha have to re-do the work with the award of the bid to a new entity. Frazier is asking for \$5,000 and Alpha Associates is asking for \$2,300

Motion made by Councilman Collinson, seconded by Councilwoman Johnson, to approve. Motion carried unanimously.

City Attorney Kin Sayre stated that these fees will be included in potential claims against Gable.

d. Authorize City Attorney to Investigate Potential Claim(s) against Gable Concerning the December 13, 2018 Award of Bid for Gateway/Wayfinding Signage Project to

Motion made by Councilman Etherington, seconded by Councilman M. Baker, to authorize the investigation. Motion carried unanimously.

Meeting adjourned by unanimous consent at 5:15 PM.

Gregg Wachtel, Acting Mayor

Gena Long, City Recorder