

**City Of Martinsburg
Special Council Meeting
Monday, March 26, 2018
The J. Oakley Seibert Council Chambers**

With a quorum present, the regular session of the Martinsburg City Council was called to order by Mayor Karos at 5:00 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; and Finance Director Mark Spickler

3. Salute to Flag

Councilman Knowles led the salute to the Flag.

4. Prayer—

Mayor Karos

5. Presentations

a. Proclamation—Mayor’s Day of Recognition for National Service—April 3, 2018

The City Recorder read the Proclamation and presented it to Americorp Vista Hannah Badley.

Ms. Badley spoke briefly about her experiences volunteering at the Boys and Girls Club, as well as continuing to serve at the Club as a Vista. Mayor Karos thanked her for her service to the community.

6. Petitions from Citizens

There were no petitions from citizens.

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

a. Historic Preservation Review Commission February 5, 2018 Meeting Minutes

b. Eastern West Virginia Regional Airport Authority January-February 2018 Meeting Minutes and Financial Reports

c. Berkeley County Health Department Harm Reduction Program Update

d. Main Street Martinsburg Board of Directors January 22, 2018 Meeting Minutes and Financial Reports

e. Letter of Resignation, dated January 13, 2018, of Mr. Phil Martin from the Martinsburg Housing Authority, effective April 30, 2018

f. Letter of Appointment, dated March 5, 2018 of Mr. H. D. Boyd to the Martinsburg Fire Civil Service Commission, effective March 16, 2018

g. Hagerstown/Eastern Panhandle Metropolitan Planning Organization Interstate Council January 17, 2018 Meeting Minutes and Projects Update

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to receive and file item 7A-7G. Motion carried unanimously.

8. Reports of Chairpersons of Council Standing Committees
a. Council as a Whole Committee March 19, 2018 Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman J. Baker, to approve the minutes as submitted.
Motion carried unanimously.

Council as a Whole Committee Minutes
Monday, March 19, 2018—4:30 PM

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

Others in Attendance: Mark S. Baldwin, City Manager; Mark B. Spickler, Finance Director; members of the media and public.

Unable to Attend:

Mayor Karos opened the meeting and the following items were discussed.

1. Discuss FY 2018-19 Recommended Budgets:

The City Manager provided an overview of the process in preparing the budgets for Council consideration.

The following budgets were presented for overview by Finance Director, Mark B. Spickler:

1. FY 2018-2019 Property Tax Example—Committee Discussion:

An example was discussed, showing an additional \$44,000 in revenue could be generated with a small property tax increase. Committee was informed that the GF was balanced without this additional tax revenue and it was recommended not to increase the levy rate.

Consensus of Committee was not to increase the levy rates for the additional \$44,000.

2. FY 2018-19 Employee Pay Increases Recommendation—See Recommended COLA and Merit Pay Scale Examples

Employee pay increases for a 1% COLA and Merit was discussed.

Consensus of Committee was to authorize the 1% COLA increasing the minimum/maximum pay grade ranges and merit pay scale be authorized, effective July 1, 2018.

The following budgets were discussed and an overview as provided by Finance Director Mark Spickler:

- A. General Fund Budget--\$16,865,000
- B. Coal Severane Tax Fund Budget--\$52,775
- C. Police Levy Fund Budget--\$1,325,000
- D. Fire/EMS Budget--\$855,000
- E. Sales Tax Fund Budget--\$4,250,000
- F. Water/Sewer Fund Budget--\$8,600,000

- G. Sanitation Fund Budget--\$1,800,000
- H. Parking Fund Budget--\$190,000

Consensus of Committee was to recommend the above-referenced budgets as submitted.

2. CDBG/HOME Budgets

An overview was provided.

Consensus of Committee was to recommend budget be approved as submitted.

3.. City Manager Report—March 19, 2018

City Manager provided an overview of the report. Mayor and several Councilmembers commended the City Manager, Department Heads and City staff for their hard work and dedication to the City.

4. Discuss Town Square Events (time for events)

After a great deal of discussion, Councilman Etherington suggested that up to six (6) hours be granted for requests to use the Town Square for events. These six (6) hours would include set up, event, and break-down of the event. The Committee also suggested that Council have the authority to make exceptions to the hours as needed.

Consensus of the Committee was to forward this recommendation to City Council in order to amend the current ordinance.

Mayor Karos announced a Special City Council meeting to approve the budget(s), scheduled for Monday, March 26, 2018 at 5 PM in J. Oakley Seibert Council Chambers.

Meeting adjourned.

9. Report of Mayor

a. Reminder of Special City Council Meeting for Tuesday, April 17, 2018 at 5 PM to approve levy rates (per State Code) and other business as needed

b. Reminder of upcoming Special Election to Renew Police Levy—Tuesday, May 8, 2018 (in conjunction with WV Primary Election)

10. Report of City Attorney

a. Discuss Events Ordinance—

The City Attorney was satisfied with the proposed changes as presented in the ordinance.

11. Report of City Manager

12. Unfinished Business

a. Third and Final Reading of Ordinance 2018-08 to Repeal Section 709.05—Advertising Permit Required—of the City of Martinsburg Code, Part 7: Business and Taxation Code; Article 709: Advertising and Signs

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to read Ordinance 2018-08 through the third and final reading, by title only, and adopt. Motion carried unanimously.

b. First and Second Reading of Ordinance 2018-09 to Amend and Reenact Section 7: Business and Taxation Code, of the City of Martinsburg Codified Ordinances, at Article 751: License Tax, by Amending Section 751.14: Fees Imposed and Repealing 751.16—751.160 excepting Section 751.102; Laundries and 751.148: Theatrical Shows

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2018-09 through the third and final reading, by title only, and adopt. Motion carried unanimously.

13. New Business

a. Approve Resolution 2018-02 to Approve General Fund Budget Revision #3 for FY 2017-2018

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve Resolution 2018-02. Motion carried unanimously.

b. Approve Resolution 2018-03 to Approve Coal Severance Tax Fund Budget Revision #2 for FY 2017-2018

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2018-03. Motion carried unanimously.

c. Approve/deny Police Levy Fund Budget Revision #1 for FY 2017-2018

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to approve the Police Levy Fund Budget Revision #1 for FY 2017-2018. Motion carried unanimously.

d. Approve/deny Fire/EMS Budget Revision #1 for FY 2017-2018

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the Fire/EMS Budget Revision #1 for FY 2017-2018. Motion carried unanimously.

e. Approve/deny Sales Tax Budget Revision #2 for FY 2017-2018

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Sales Tax Budget Revision #2 for FY 2017-2018. Motion carried unanimously.

f. Approve/deny Water and Sewer Fund Budget Revision #1 for FY 2017-2018

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve the Water/Sewer Fund Budget Revision #1 for FY 2017-2018. Motion carried unanimously.

g. Approve/deny Sanitation Fund Budget Revision #1 for FY 2017-2018

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Sanitation Fund Budget Revision #1 for FY 2017-2018. Motion carried unanimously.

h. Approve/deny Parking Fund Budget Revision #1 for FY 2017-2018

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the Parking Fund Budget Revision #1 for FY 2017-2018. Motion carried unanimously.

i. Approve/deny \$16,865,000 General Fund Budget for FY 2018-2019

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the FY 2018-2019 General Fund Budget as submitted. Motion carried unanimously.

j. Approve/deny \$52,775 Coal Severance Tax Fund Budget for FY 2018-2019

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the FY 2018-2019 Coal Severance Tax Fund Budget as submitted. Motion carried unanimously.

k. Approve/deny \$1,325,000 Police Levy Fund Budget for FY 2018-2019

Motion made Councilman Wachtel, seconded by Councilman M. Baker, to approve the FY 2018-2019 Police Levy Budget as submitted. Motion carried unanimously.

l. Approve/deny \$855,000 Fire/EMS Fund Budget for FY 2018-2019

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the FY 2018-2019 Fire/EMS Budget as submitted. Motion carried unanimously.

m. Approve/deny \$4,250,000 Sales Tax Fund Budget for FY 2018-2019

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the FY 2018-2019 Sales Tax Budget as submitted. Motion carried unanimously.

n. Approve/deny \$8,600,000 Water and Sewer Fund Budget for FY 2018-2019

Motion made by Councilman Collinson, seconded by Councilman Wachtel, to approve the FY 2018-2019 Water/Sewer Fund Budget as submitted. Motion carried unanimously.

o. Approve/deny \$1,800,000 Sanitation Fund Budget for FY 2018-2019

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the FY 2018-2019 Sanitation Fund Budget as submitted. Motion carried unanimously.

p. Approve/deny \$190,000 Parking Fund Budget for FY 2018-2019

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve the FY 2018-2019 Parking Fund Budget as submitted. Motion carried unanimously.

q. Approve/deny Draft FY 2018-2019 Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program Annual Action Plan

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve the draft CDBG and HOME Annual Action Plan as submitted. Motion carried unanimously.

r. Approve/deny FY 2018-2019 Employee Pay Increases per Council as a Whole Committee March 19, 2018 Meeting Minutes (recommended 2% average Merit and 1% COLA for all eligible employees)—effective July 1, 2018

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the FY 2018-2019 employee pay increases as recommended. Motion carried unanimously.

s. Approve/deny Resolution 2018-04: Resolution Increasing Minimum for Each Paygrade by 1.0%, and Increasing the Range between Minimum and Maximum from 70%-85% for Fiscal Year Beginning July 1, 2018

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Resolution 2018-04. Motion carried unanimously.

t. First and Second Reading of Ordinance 2018-10 to Amend and Reenact the City of Martinsburg Codified Ordinance at Article 155: Special Events, Section 155.01: Definitions, at Subsection (q) Town Square Pedestrian Plaza Reservation to add a maximum number of hours for the reservation

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to read Ordinance 2018-10 through the first and second reading, by title only. Motion carried unanimously.

u. Approve/deny Issuance of Special Events Permit 1810 for Good Friday Crosswalk, as requested by the Berkeley County Ministerial Association, for Friday, March 30, 2018, along described route, contingent upon proof of adequate liability insurance and payment of recommended fees for City Services (\$0.00, no waiver allowed by ordinance)

Motion made by Councilman Collinson, seconded by Councilman J. Baker, to approve Special Events Permit 1810, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

v. Approve/deny Issuance of Special Events Permit 1811 for Palm Sunday Gathering at the Square, as requested by St. John's Lutheran Church, in the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of recommended fees for City Service (\$0.00, no waiver allowed by ordinance)

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve Special Events Permit 1811, as requested, contingent upon proof of adequate liability insurance. Motion carried unanimously.

w. Discuss and take action as necessary regarding Habitat for Humanity of the Eastern Panhandle's request to waive certain fees in relation to housing construction

Motion made by Councilman J. Baker to refund \$5,219 in Capital Improvement Fees and Community Development Fees to Habitat for Humanity of the Eastern Panhandle.

City Manager Mark Baldwin explained that refunding the fees would be very problematic as they had already been paid out of CDBG funds, which is a federal grant. He recommended that, if Council wishes to act on this issue, that the motion be to waive these fees on Habitat construction going forward.

Councilman J. Baker acknowledged the recommendation, stating that the end goal is for Habitat to be exempt from these fees in the future. He went on to say that the City does not give Habitat any funding. The Federal Government contributes via CDBG and HOME funding. Habitat is currently the only organization designated as a CHDO, and he is recommending that the City amend current ordinances to allow these fees to be waived for CHDOs. Councilman J. Baker also quoted from the City's Comprehensive Plan that it is recommended that the City work to remove barriers and encourage the construction of affordable housing. Habitat has enjoyed a long and positive relationship with the City of Martinsburg, building 30 homes and plans to build four more in 2018, and to continue to invest in the City over subsequent years. Waiving the fees will allow the full funding of one entire residence in a three-year period, if the current building rate is sustained.

Councilman J. Baker discussed the changes within the organization, stating that Habitat has experienced a complete overhaul in recent years, every penny is carefully watched. He understands that the allowance of a waiver of fees for CHDO organizations opens the door for other non-profits to pursue that designation, which is very difficult to achieve.

Councilman M. Baker seconded the original motion to refund the previously paid fees.

Councilman Knowles asked if waiving the fees for future projects would involve changing ordinances. Mr. Sayre stated that it would. Councilman Knowles recommended that Council look into that.

Councilman Wachtel stated that Habitat has \$45K with which to begin construction and is asking for the waiver of \$5K per house. Waiving these fees would not be financially prudent for the City.

Councilwoman Johnson asked if the \$5K is already considered in the CHDO allotment from CDBG/HOME funds.

Mr. Spickler stated that if this motion is about the refund, Council needs to vote on that before discussing the possibility of changing ordinances for future projects. Refunding this would be an administrative nightmare, Mr. Spickler stated.

Councilman M. Baker asked if Councilman J. Baker would consider changing his motion to draft an ordinance to waive future fees.

Councilman Collinson asked if that is possible, with water and sewer being tied to a tariff, if they can be legally waived. Mr. Sayre stated that could be problematic, he would have to do some research to see what can be waived legally.

Councilman Wachtel called for the question on the original motion.

Councilman J. Baker moved to table the motion. Motion to table died for lack of a second. Via roll call vote, original motion to refund was denied.

Yes: Councilman J. Baker

No: Councilman Wachtel, Councilwoman Johnson, Councilman Etherington, Councilman Knowles, Councilman Collinson, Councilman M. Baker

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to authorize the City Attorney to draft an ordinance to waive fees for future projects.

Mr. Spickler added that the ordinance should clearly state that the organization must be a designated CHDO, not just an eligible non-profit.

Councilman Etherington asked if others could benefit. Mr. Sayre answered that, at this time, there is only one designated CHDO, but others can apply and, if so designated, would be eligible for the same waivers.

Councilman J. Baker agreed, adding that it is very difficult to be designated as a CHDO; the organization must be a non-profit and the money is only applicable for new housing, not renovation of existing housing.

Councilman Knowles called for the question.

Motion carried, Councilman Wachtel, Councilwoman Johnson and Councilman Etherington voting no.

x. Approve/deny purchase of 2018 Dodge Ram 3500, 4x4, V8 with long bed—Public Works Department--\$25,276—Stephens Auto Center (State Contract)

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to approve the purchase a 2018 Dodge Ram, as requested. Motion carried unanimously.

y. Approve/deny purchase of one Mechanical Chest Compression System and related accessories and power supply--\$16,215.52—Physio-Control (Sole Supplier)

Motion made by Councilman Knowles, seconded by Councilman Etherington, to purchase a mechanical chest compression system as requested. Motion carried unanimously.

z. Approve/deny bid recommendation for construction materials testing and inspection for City of Martinsburg Police Station/Municipal Court Building Project--\$16,308—Hillis-Carnes Engineering Associates, Inc. Executive Session

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the bid recommendation for construction materials testing and inspection. Motion carried unanimously.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to go into Executive Session at 5:45 PM for legal. Motion carried unanimously.

Meeting adjourned by unanimous consent at 6:12PM

George Karos, Mayor

Gena Long, City Recorder