

**City of Martinsburg
Special Council Meeting
Monday, March 25, 2019
The J. Oakley Seibert Council Chambers**

With a quorum present, the special session of the Martinsburg City Council was called to order by Mayor George Karos at 5:00 PM. The following Council Members were present: Gregg Wachtel (5:07 PM), Harriet Johnson, Dennis Etherington, Kevin Knowles, Ken Collinson and Jason Baker. Not present was Mark Baker. Also present were: Mark Baldwin, City Manager; Gena Long, City Recorder, City Attorney Kin Sayre Police Chief Maury Richards; Fire Chief J.D. Hummingbird and Finance Director Mark Spickler.

3. Salute to Flag

Councilman Knowles led the salute to the flag.

4. Prayer—

Mayor George Karos delivered the invocation.

5. Presentations

a. Administer Oath of Office to Fire Chief J. D. Hummingbird

The City Recorder administered the Oath.

6. Petitions from Citizens

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

a. Eastern Panhandle Transit Authority February 11 and March 5, 2019 Meeting Minutes and Financial Reports

b. City of Martinsburg MS4 Program Annual Report through December 1, 2018

Motion made by Councilman Collinson, seconded by Councilman Etherington, to receive and file items 7a-7b. Motion carried unanimously.

8. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee March 11, 2019 Meeting Minutes

b. Council as a Whole Committee March 18, 2019 Meeting Minutes

c. Council as a Whole Committee March 20, 2019 Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve all sets of minutes as follows. Motion carried unanimously.

**Council as a Whole Committee Minutes
Monday, March 11, 2019
4 PM
Bowles Rice Law Firm**

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

Others in Attendance: Mark S. Baldwin, City Manager; Brenda Spaulding, HR Director and Nicky Smith, Bowles Rice

Unable to Attend: Councilman Mark C. Baker

Mayor Karos opened the meeting, explaining the purpose was to discuss personnel matters.

Motion made by Councilman Knowles, seconded by Councilwoman Johnson, to go into Executive Session.

Council as a Whole Committee Minutes
Monday, March 18, 2019
4:30 PM

Present: Councilmembers Kevin Knowles, Jason Baker, Dennis Etherington, Gregg Wachtel, Harriet Johnson, Ken Collinson

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

Unable to Attend: Mayor George Karos and Councilman Mark C. Baker.

City Manager Mark Baldwin opened the meeting and stated that the mayor was unable to attend tonight. He asked Council if they wanted to recommend a Councilmember to conduct the meeting or to have the City Manager do so. The consensus was to have the City Manager conduct the meeting and the following items were discussed:

1. Discuss FY 2019-2020 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.

a. General Fund Budget:

1. FY 2019-2020 Property Tax Example—Committee Discussion

An example was discussed showing an additional \$33,256 in revenue could be generated with a small property tax increase (allowed by State Code without a public hearing). Committee was informed the GF was balanced without this additional revenue and it was recommended not to increase the levy rate.

Consensus of the Committee was not to increase the levy rate for the additional \$33,256.

2. FY 2019-2020 employee pay increases recommendation—see recommended COLA and Merit pay scale examples

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

Consensus of the Committee was to authorize the 1% COLA increasing the minimum/maximum pay grade ranges and merit pay scale be authorized, effective July 1, 2019.

Councilman Jaxon Baker suggested that the pay plan be reviewed for FY 2020-2021 budget.

Consensus of the Committee was also to evaluate the pay grade classification pay scales for adjustment for next year's budget (FY 2020-21)

Councilman Collinson asked the Finance Director if he was certain the health insurance increase might be 15%. Finance Director stated that is what has been presented to use and is budgeted. However, we are still having discussions with the health care provider in hopes it might be less.

The following budgets were discussed and an overview was provided by Finance Director Mark B. Spickler and Mark S. Baldwin, City Manager

- a. General Fund Budget--\$17,875,000
- b. Coal Severance Tax Fund Budget--\$57,000
- c. Police Levy Fund Budget--\$1,360,000
- d. Fire/EMS Budget--\$830,000
- e. Sales Tax Fund Budget--\$4,500,000
- f. Water and Sewer Fund Budget--\$8,875,000
- g. Sanitation Fund Budget--\$1,850,000
- h. Parking Fund Budget--\$190,000

Councilman Knowles asked if an evaluation could be conducted to decrease the B&O Tax as it relates to Home Rule and Sales Tax. City Manager stated examples could be provided in conjunction with a holistic review of anticipated future revenues and expenditures. Finance Director stated any further decrease in the B&O Tax would result in using additional Sales Tax to balance the General Fund.

Consensus of the Committee was to evaluate future examples and options in reducing the B&O Tax.

Finance Director Mark Spickler asked the Committee if there was any desire to evaluate the Mayor and Council salaries that would be effective July 1, 2020.

Consensus of the Committee was to evaluate examples for Council consideration.

Finance Director Mark Spickler recommended that a Rule 42 be completed to evaluate water and sewer rates.

Consensus of the Committee was to move forward with this recommendation.

Finance Director Mark Spickler stated the Sanitation Budget is balanced and that a review of sanitation rates should be discussed further for FY 2020-21 Budget.

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

2. CDBG/HOME Budgets

City Manager provided and overview for FY 2019-2020.

Consensus of the Committee was to recommend the budget be approved as submitted. However, Councilman Jason Baker requested additional discussion regarding M-BC Parks and Rec proposed new park on E. Burke Street.

Councilman J. Baker stated he has discussed with Steve Catlett, M-BC Parks and Rec Director, about developing a basketball court in his ward. He had also suggested to Mr. Catlett that it could be constructed on the E. Burke Street City-owned property.

Nancy Strine was in attendance and stated she would discuss Steve's project submission and Mr. Baker's request with Steve Catlett.

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

3. The City Manager announced a Special City Council meeting to approve budgets is scheduled for Monday, March 25 at 5 PM in the J. Oakley Seibert Council Chamber.

Motion adjourned.

**Council as a Whole Committee Minutes
Wednesday, March 20, 2019 6 PM**

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

Others in Attendance: Mark S. Baldwin, City Manager; Kin Sayre, City Attorney; Shane C. Farthing, Economic and Community Development Director; members of the media and public.

Unable to attend: Mayor George Karos

City Manager Mark Baldwin opened the meeting and introduced Shane Farthing, Economic and Community Development Director for his presentation on Initial Economic and Community Development Initiatives.

Mr. Farthing opened his presentation and informed the Committee as he goes through his presentation, he would be asking for direction on the initiatives outlined in the Powerpoint. The following items were discussed:

1. Mr. Farthing provided an overview of Public Corporation Structural Options—Urban Renewal Authority vs. Economic Development Authority.

After discussion, consensus of the Committee was for Mr. Farthing to continue to research and evaluate the structure of an Urban Renewal Authority.

2. Initial Policy Recommendations and Tools—Mr. Farthing provided an overview of the following:

- A. Martinsburg Business Ambassador Program
- B. Small Business Technical Program
- C. Better Block Community Improvement Programs

After discussion, consensus of the Committee was for Mr. Farthing to move forward on those programs.

3. Policy recommendations and tools—Mr. Farthing provided an overview of the following:

A. Policy of using CDBG for economic development, including housing improvements as blight abatement

- B. Home Revitalization Loan Fund (Garner est \$500K-\$1M)
- C. Vacant Commercial/Industrial Tax Disincentive
- D. First-time Homebuyer EHAP w/Significant employers
- E. Façade Improvement Program: Consider grant vs. loan
- F. Small Business Low-Interest Loan Fund

After discussion, consensus of the Committee was for Mr. Farthing to move forward with the above policy recommendations and tools.

4. Marketing Approach—Mr. Farthing provided an overview on a digital content marketing approach for economic and community development.

5. Mr. Farthing then wrapped up his presentation discussing the following topics that would need further study:

- a. Civic asset assessment and prioritization
- b. Gateways and greenways
- c. Economic impact of weekend visitors and tourism gap analysis
- d. Business taxes: Good, Bad and Ugly
- e. Parking

Meeting adjourned.

11. Report of Mayor

a. Reminder of Special City Council Meeting for Tuesday, April 16, 2019 (per State Code) at 5 PM to approve levy rates and other items as necessary

e. Appoint Ms. Dena Morgan to the Code Appeals Board to fill unexpired term—10/1/2016-10/1/2019 and further appoint Ms. Morgan for the term 10/1/2019-10/1/2022

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

f. Report the following vacancies:

- **Historic Preservation Review Commission (1)**
- **Board of Zoning Appeals (2 alternates)**
- **Parking Authority (2)**
- **Human Relations Committee (1)**
- **Fire Civil Service Commission (1)**
- **M-BC Convention and Visitors Bureau (1)**

12. Report of City Attorney

13. Report of City Manager

The City Manager pointed out the recent press release regarding the purchase an proposed development of the National Fruit property.

He stated that the had discussed paving needs with the State and District 5 had put the State roads within the City onto the secondary roads list. Updates to follow.

14. Unfinished Business

15. New Business

a. Resolution 2019-04 to approve General Fund Budget Revision #3 for FY 2018-2019

Motion made by Councilman Collinson, seconded by Councilman J. Baker, to approve Resolution 2019-04. Motion carried unanimously.

b. Resolution 2019-05 to approve Coal Severance Tax Fund Budget Revision #3 for FY 2018-2019

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve Resolution 2019-05. Motion carried unanimously.

c. Approve/deny Police Levy Fund Budget Revision #1 for FY 2018-2019

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

d. Approve/deny Fire/EMS Budget Revision #1 for FY 2018-2019

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

e. Approve/deny Sales Tax Budget Revision #1 for FY 2018-2019

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

f. Approve/deny Water and Sewer Fund Budget Revision #1 for FY 2018-2019

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

g. Approve/deny Sanitation Fund Budget Revision #1 for FY 2018-2019

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

h. Approve/deny Parking Fund Budget Revision #1 for FY 2018-2019

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

i. Approve/deny \$17,815,000 General Fund Budget for FY 2019-2020

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

j. Approve/deny \$57,000 Coal Severance Tax Fund Budget for FY 2019-2020

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

k. Approve/deny \$1,360,000 Police Levy Fund Budget for FY 2019-2020

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

l. Approve/deny \$830,000 Fire/EMS Fund Budget for FY 2019-2020

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

m. Approve/deny \$4,500,000 Sales Tax Fund Budget for FY 2019-2020

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

n. Approve/deny \$8,815,000 Water and Sewer Fund Budget for FY 2019-2020

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

o. Approve/deny \$1,850,000 Sanitation Fund Budget for FY 2019-2020

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

p. Approve/deny \$190,000 Parking Fund Budget for FY 2019-2020

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

q. Approve/deny FY 2019-2020 Employee Pay Increases per Council as a Whole Committee

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

r. Approve/deny Resolution 2019-06: Resolution Increasing Minimum Ranges for Each Paygrade by 1.0% for Fiscal Year Beginning June 30, 2019

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Resolution 2019-06. Motion carried unanimously.

s. Approve/deny Draft FY 2019-2020 Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program Annual Action Plan

Mr. Steve Catlett, Martinsburg-Berkeley County Parks and Rec, stated that originally a passive use green space was proposed on the north side of E. Burke Street. It is projected that 90% of the users will walk to the space. After suggestions by Councilman J. Baker, Parks and Rec is considering a half court for basketball on the south side of E. Burke. The suggestion has to go back to the Board for approval and funds will have to be reallocated from the passive green space in the amount of \$20,000.

CDBG/HOME Grant Administrator Nancy Strine stated that the cost of the park is \$60,000, with \$50,000 coming from CDBG funds and \$10,000 coming from Parks and Rec. There is not enough money to do both projects.

Councilman Etherington asked if there is land available for purchase for a whole court in the vicinity. Mr. Catlett stated that they have been looking for a suitable parcel.

Councilman Etherington suggested funding the passive use space while the Board continues to look for a suitable venue, and if one cannot be found to fund the half-court with next year's budget allocation.

Mr. Catlett agreed, adding that the passive park will be a nice fit when the Burke Street bridge is constructed and will serve as another link in the proposed trail system. He agreed that a full court would be nice if property can be located.

Councilman J. Baker stated that High Street is a very long street and he would like to see more options for basketball in the area, such as outside of the Rec Center. He would also like to see the half court on E. Burke Street as children from that end of High Street are currently playing in the street and need a park within a couple blocks of their residences. He strongly suggested moving forward with immediate funding for the half-court on E. Burke Street, even if it meant that Parks and Rec comes back to the City to request further funding.

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the Action Plan with \$20,000 being allocated to the half-court on the south side of E. Burke and \$30,000 being allocated to the passive space on the north side. Motion carried unanimously.

t. Approve/deny Committee recommendation to research and review future examples/options for the City of Martinsburg paygrade classification and pay scales for FY 2020-21 budget year (see 3/18/19 Committee minutes)

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to research and review options. Motion carried unanimously.

u. Approve/deny Committee recommendation to research review future examples/options for possible reduction of Business and Occupation Tax for FY 2020-21 budget year (see 3/18/19 Committee minutes)

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to approve the recommendation to review and research options. Motion carried unanimously.

v. Approve/deny Committee recommendation to complete a Rule 42 to evaluate water/sewer rates (see 3/18/19 Committee minutes)

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the recommendation to conduct a Rule 42. Motion carried; Councilman J. Baker voting no.

w. Approve/deny Committee recommendation to evaluate and determine if adjustment is needed for Mayor and Council salaries, effective 7/1/2020

Motion made by Councilman Knowles, seconded by Councilman J. Baker, to evaluate salaries. Motion carried, Councilman Wachtel and Councilwoman Johnson voting no.

x. Approve/deny bid recommendation for 5" replacement hose for the Martinsburg Fire Department—Whitmer Public Safety Group--\$26,405.15

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

y. Approve/deny Special Events Permit 1916 for Main Street Martinsburg's Snowflake Market to take place in the Town Square Pedestrian Plaza on Saturday November 30-Saturday, December 7, 2019 from 3-7 PM, contingent upon proof of adequate liability insurance and payment of fees for City services--\$0.00

Motion made by Councilman J. Baker, seconded by Councilman Etherington, to approve the permit, as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

z. Approve/deny Special Events Permit 1922 for Deliverance Ministry and Healing's SDC Homeless to Housing Community Day on Saturday, May 18, 2019 from 10 AM until 3 PM in the Town Square Pedestrian Plaza, contingent upon proof of adequate liability insurance and payment of recommended fees for City Services--\$0.00

Motion made by Councilman J. Baker, seconded by Councilman Wachtel, to approve Permit 1922 as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

aa. Approve/deny Special Events Permit 1923 for Deliverance Ministry and Healing's Prayer in the Square every 3rd Tuesday from May 21-December 17, 2019 from 6-7 PM, in the Town Square Pedestrian Plaza contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$0.00

Motion made by Councilman J. Baker, seconded by Councilman Collinson, to approve Permit 1923 as submitted, contingent upon proof of adequate liability insurance. Motion carried unanimously.

bb. Approve/deny Special Events Permit 1924 for Deliverance Ministry and Healing's Winning Souls Block Party to take place on Saturday, July 20, 2019 on the 600 block of N. High Street contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$105.00

Motion made by Councilman Wachtel, seconded by Councilwoman Johnson, to approve Permit 1924, contingent upon proof of adequate liability insurance and payment of \$105 for City services. Motion carried unanimously.

cc. Approve/deny Special Events Permit 1925 for Deliverance Ministry and Healing's Homeless to Housing Back to School event on Saturday, August 24, 2019 from 10 AM until 3 PM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$0.00

Motion made by Councilman Wachtel, seconded by Councilman J. Baker, to approve Permit 1925, contingent upon proof of adequate liability insurance. Motion carried unanimously.

dd. Approve/deny Special Events Permit 1927 for St. John's Lutheran Church's Palm Sunday Gathering at the Square on Sunday, April 14, 2019 from 10-10:15 AM, contingent upon proof of adequate liability insurance and payment of any recommended fees for City services--\$0.00

Motion made by Councilman Etherington, seconded by Councilwoman Johnson, to approve Permit 1927, contingent upon proof of adequate liability insurance. Motion carried unanimously.

Executive Session

Council went into Executive Session for legal and real estate at 5:35 PM.

Meeting adjourned by unanimous consent at 5:45 PM.

George Karos, Mayor

Gena Long, City Recorder