

City of Martinsburg
Emergency Special Council Meeting
Tuesday, March 24, 2020
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 5:00 PM. The following Council Members were present: Harriet Johnson, Gregg Wachtel Dennis Etherington, Kevin Knowles, Ken Collinson, Kimberly Nelson and Jason Baker. Also present were: City Manager Mark Baldwin, Gena Long, City Recorder, City Attorney Kin Sayre, Deputy Police Chief George Swartwood and Fire Chief J.D. Hummingbird.

The purpose of this Emergency Meeting of Council was to address the City's response to COVID-19 and to consider the budgets, in the event that a forthcoming Shelter at Home Order was put into effect by Governor Jim Justice in advance of the scheduled March 26, 2020 Special Council Meeting.

3. Salute to Flag

Councilman Baker led the salute to the flag.

4. Prayer—

Mayor George Karos led the invocation.

5. Presentations

6. Petitions from Citizens

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

a. For the Kids, by George January 30, 2020 Meeting Minutes and Director's Report

b. Petition, received March 11, 2020, regarding the Doughboy Memorial Monument relocation to the Town Square Pedestrian Plaza

Motion made by Councilman Baker, seconded by Councilman Knowles, to receive and file Items 7a-7b. Motion carried unanimously.

11. Reports of Chairpersons of Council Standing Committees
Committee as a Whole Minutes—March 16, 2020

Minutes were approved as follows:

Council as a Whole Committee Minutes
Monday, March 16, 2020—4:30 PM

Present: Mayor George Karos, Councilmembers Ken Collinson, Dennis Etherington, Harriet Johnson, Jason Baker (arrived at 5 PM), Kimberly Nelson, Kevin Knowles and Gregg Wachtel

Others in Attendance: Mark S. Baldwin, City Manager and Mark B. Spickler, Finance Director.

City Attorney Kin Sayre provided the Committee an update on COVID-19 as it relates to the CDC recommendations and the WV Governor's Office recommendations. He also provided an overview of the news release the City sent out on March 16, 2020. Attorney Sayre stated that, even though this matter was not on the agenda, he considered it to be an emergency item to be discussed with the Committee.

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

1. Discuss FY 2020-2021 Property Tax Example—Committee Discussion—An example was discussed showing an additional \$23,799 in revenue could be generated with a small property tax increase (allowed by State Code without the public hearing). Committee was informed the General Fund was balanced without the revenue and it was recommended not to increase the levy rate.

Consensus of the Committee was not to increase the levy rates for the additional \$23,799.

2. Highmark Medifil Plan 1 Prescription Issue—Retiree Medicare Supplemental with Prescription Changes—Finance Director Mark B. Spickler provided an example of the Highmark Medifil Plan 1 Prescription changes for retirees under the "closed group plan." He outlined the employees' share for the year is \$13,260; the City's share for the year is \$66,300 for a total of \$79,560. Recommendation of the Finance Director was for the City to undertake the total charge in the amount of \$79,560.

Consensus of the Committee was to forward this to Council for approval.

3. FY 2020-2021 Employee Pay Increases Discussion—City Manager explained the current budgets have the average 3% employee increase budgeted. He further stated Council had requested a review of the City's Pay Classification Plan. He indicated the example in the Committee packet reflects changes to the Pay Classification Plan.

Finance Director Mark Spickler provide an overview and explanation of the recommended pay plan changes. He informed the Committee Pay Grade Adjustments were being made in conjunction with making adjustments for certain positions to allow for retention and recruitment. He also pointed out a merit pay of 1.5% per evaluations, was also recommended.

Consensus of the Council was to forward to city council the recommendation provided in the packet and those recommended by the Finance Director.

- a. General Fund Budget--\$18,600,000
- b. Coal Severance Tax Fund Budget--\$65,000
- c. Police Levy Fund Budget--\$1,400,000
- d. Fire/EMS Budget--\$955,000
- e. Sales Tax Fund Budget--\$4,650,000
- f. Water/Sewer Fund Budget--\$8,925,000
- g. Sanitation Fund Budget--\$1,880,000
- h. Parking Fund Budget--\$210,000

The Finance Director also provided an overview of General Fund revenues and Sales Tax Revenues.

Finance Director indicated he would be removing \$15,000 from the Airport Authority line item General Fund, per Council's action at the March 12, 2020 Regular Council meeting.

Finance Director indicated the Sanitation fund should be monitored for a potential small increase in the next year or so. Billing for Sanitation to be evaluated (to quarterly from yearly and review 18% discount).

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

The City Manager announced a Special City Council meeting to approve budget(s) is scheduled for Thursday, March 24, 2020 at 5 PM in the J. Oakley Seibert Council Chambers

10. Report of Mayor

a. Appoint Roger Engle to the Martinsburg-Berkeley County Convention and Visitor's Bureau to fill and expired term ending December 31, 2021

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

c. Reminder Special City Council Meeting for Tuesday, April 21 2020 (per State Code) at 5 PM to approve levy rates and other business as necessary

Report the following vacancies:

- **Historic Preservation Review Commission (1)**
- **Parking Authority (2)**
- **Planning Commission (1)**

11. Report of City Attorney

a. Update on matters related to COVID-19 and recent *Families First Coronavirus Response Act* Federal Legislation

City Attorney Kin Sayre explained the legislation, which requires two weeks of paid sick leave to employees who need to care for children that have been displaced from school closures, at 2/3 pay. Employees are then entitled to two weeks of unpaid leave, and up to 12 weeks of FMLA, at 2/3 pay.

The Governor's order is to close all non-essential businesses and shelter at home. Per his recommendations to the West Virginia Municipal League, cities should not declare their own States of Emergency, but should follow the Federal and State lead.

Councilman Wachtel asked when schools can open. Mr. Sayre stated that it is up to each County's school system.

The City is not eligible to recover these payments to employees.

Fire Captain James Weller and Police Chief Maurice Richards gave updates on what measures their departments were taking to protect themselves and the public.

City Manager Mark Baldwin stated that City Hall has been closed to the public and many operations have been curtailed. The City would like for Council to approve the recommendations to give all full-time employees eighty hours of sick leave, and for Departments to determine how that should be used to schedule essential work in each department while keeping minimum staffing levels.

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

Councilman Baker asked about reducing garbage pick to once per week. City Manager replied that this had been discussed and Mr. Wilkerson did not feel it was necessary at this time.

Councilwoman Nelson stated that the estimated peak for the virus is April-June, and what the City would do if this continued. City Manager stated that each employee is being required to use forty hours within the next two weeks, dependent on staff, except first responders. The additional forty is being given as a buffer in case an extension is needed. The situation will be reassessed following that.

Councilman J. Baker asked if the Police Department is doing traffic enforcement. Chief Richards responded that interactions are being limited to the extent possible.

City Manager Mark Baldwin thanked the Fire Department and Police Department for the great work.

11. Report of City Manager

12. Unfinished Business

13. New Business

a. Approve/deny Resolution 2020-05 to approve General Fund Budget Revision #3 for FY 2019-2020

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

b. Approve/deny Police Levy Fund Budget Revision #2 for FY 2019-2020

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

c. Approve/deny Fire/EMS Budget Revision #1 for FY 2019-2020

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

d. Approve/deny Sales Tax Budget Revision #1 for FY 2019-2020

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

e. Approve/deny Water and Sewer Fund Budget Revision #1 for FY 2019-2020

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

f. Approve/deny Sanitation Fund Budget Revision #2 for FY 2019-2020

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

g. Approve/deny Parking Fund Budget Revision #1 for FY 2019-2020

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

h. Approve/deny \$18,600,000 General Fund Budget for FY 2020-2021

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

i. Approve/deny \$65,000 Coal Severance Tax Fund Budget for FY 2020-2021

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

j. Approve/deny \$1,400,000 Police Levy Fund Budget for FY 2020-2021

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

k. Approve/deny \$955,000 Fire/EMS Fund Budget for FY 2020-2021

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

l. Approve/deny \$4,650,000 Sales Tax Fund Budget for FY 2020-2021

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

m. Approve/deny \$8,925,000 Water and Sewer Fund Budget for FY 2020-2021

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

n. Approve/deny \$1,880,000 Sanitation Fund Budget for FY 2020-2021

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

o. Approve/deny \$210,000 Parking Fund Budget for FY 2020-2021

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

~~**p. Approve/deny Highmark/Medifil Plan I Prescription retiree Medicare Supplemental (closed group) changes—
\$79,560**~~

q. Approve/deny FY 2020-2021 Employee Pay Increases (1.5% average merit) per Council as a Whole Committee, effective June 28, 2020

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

r. Approve/deny Resolution 2020-06: Resolution Increasing Minimum Ranges for Each Paygrade for Fiscal Year, effective June 28, 2020

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

s. First and Second Reading of Ordinance 2020-04 Amending Ordinance 2019-13 which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to read Ordinance 2020-04 through the first and second reading, by title only. Motion carried unanimously.

t. First and Second Reading of Ordinance 2020-05 Amending Ordinance 2020-04, which Established Job Descriptions for Employees of the City of Martinsburg, West Virginia

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to read Ordinance 2020-05 through the first and second reading, by title only. Motion carried unanimously.

u. Approve/deny Memorandum of Agreement between the City of Martinsburg, the Federal Highway Administration (FHWA), the West Virginia Department of Highways (WVDOH) and the West Virginia State Historic Preservation Officer (WVSHPO) regarding the Train Station Corridor Project (US302-Mar/TI-11.00/TAP-2017(191)D

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

v. Approve/deny Draft FY 2020-2021 Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program Annual Action Plan

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

w. Approve/deny 60-month Martinsburg Municipal Court lease with Xerox (State contract) --\$448.72 monthly

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

x. Approve/deny compensatory leave for Finance Director—124 hours due to special project (legal) requiring work on behalf of the City beyond regular work hour

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

Meeting adjourned by unanimous consent at 5:54 PM.

George Karos, Mayor

Gena Long, City Recorder