

**City Of Martinsburg
Regular Council Meeting
March 13, 2014
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 6:30 p.m. The following Council Members were present: Don Anderson, Dennis Etherington, Jason Baker, Max Parkinson, Gregg Wachtel, Kevin Knowles and Roger Lewis. Also present were: Mark Baldwin, City Manager, Kin Sayre and Catherine Delligatti, Legal Counsel, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Chief Kevin Miller, Martinsburg Police Department, Steve Knipe, Utilities Director, Patricia McMillan, Community Development Director and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman led the Salute to the Flag.

4. Prayer— Minister Ugima Tyson, New Beginnings Apostolic Church

As Minister Tyson was not available, Mayor Karos led the invocation.

5. Approve February 20, 2014 Special Meeting Minutes

Motion made by Councilman Parkinson, seconded by Councilman Knowles, to approve the February 20, 2014 Special Meeting Minutes. Motion carried unanimously.

6. Approve January 2014 Administrative and Financial Report.

Motion made by Councilman Parkinson, seconded by Councilmen Baker, to approve the January 2014 Administrative and Financial Report. Motion carried unanimously.

7. Presentations

a. Proclamation—Fair Housing Month—April 2014

The City Recorder read the Proclamation and presented it to Ms. McMillan.

b. Laura Gassler—Martinsburg/Berkeley County Convention and Visitors' Bureau Update

Ms. Gassler spoke about the status of the Martinsburg/Berkeley County CVB, stating that the organization was over \$150,000 in debt one year ago and is now debt free. She also listed some recent achievements and decisions, such as the Rte. 50 Rally, the first travel guide since 2009 and the relocation to the Belle Boyd House. She also stated that Pickin' in the Panhandle and BBQ contest has been discontinued. She also stated that Mark Jordon, local business owner, has recently been hired to work at the front desk.

Ms. Gassler also discussed future plans of the MC_CVB, such as target advertising along the Blue Ridge area into North Carolina, a second geocache trail and working toward attracting more film crews and targeted news stories featuring Berkeley County.

Councilman Lewis complimented Ms. Gassler on a job well done with getting the CVB back on track.

8. Petitions From Citizens

Mr. David Haarberg, 512 Winchester Avenue, addressed Council about several issues and provided the narrative below:

Presented to the Martinsburg City Council on 03/13/2014

Mr. Mayor, members of the City Council, and other public servants present:

My name is David Haarberg. My address is 512 Winchester Avenue. I'm a resident of Ward 2, and co- owner of a business which pays B&O taxes in Martinsburg. I'm committed to improving my neighborhood, my city, and my government for the residents, businesses, and visitors to the city.

I have one comment and three petitions for you tonight.

Comment: I praise this council for approving the Economic Development Strategic Plan at your last meeting. I strongly agree with the Mayor's assessment that this is the most important thing that the city has undertaken in 45 years, more so than the Raleigh Street Extension. Without a bold initiative of this type, the Raleigh Street Extension might become a road to nowhere.

This groundbreaking effort should be expected to generate some consternation, uncertainty, anxiety, and even resistance, especially amongst yourselves and on the city staff. If it does not, you're probably not doing it right.

One of your many important tasks as leaders of the city government will be to turn those natural negative reactions into positive excitement and opportunity for staff to help transform the culture of city government into one committed fully and consistently to innovation, open communication, excellent customer service, citizen participation, and public accountability, all of which are necessary for our success as a city.

I look forward to participating with other city residents and city officials in the neighborhood planning and other aspects of the plan the city has adopted.

Petition 1: That the city follow-through boldly and publicly with plans to greatly reduce or eliminate the B&O tax, specifically by immediately reconsidering and approving a tax plan which reduces the B&O tax the most.

Discussion: It was disappointing to hear that a majority on the city council recently favored a cautious approach to reducing the B&O tax in its application for home rule.

The cautious approach sends the wrong signal to the business community (and the whole community), suggesting that the council is not taking seriously the recommendations of the Economic Development Strategic Plan which it has formally adopted, nor the dire warnings of the consultant who developed the plan concerning the consequences of lackluster implementation and failure. It is common knowledge that the B&O tax is one of the biggest problems the city faces in attracting businesses to the city, and this cautious, "business as usual" approach, involving implementing a sales tax without substantially reducing the B&O tax, will likely be counterproductive.

Petition 2: That the city review the current status of the city's recycling program and promptly revise it to make it more effective and customer-friendly. Options should include bringing the city-run operation up to standards, and contracting out the city's entire waste collection program. The city should also ensure coordination with the Berkeley County recycling program for efficiency and support.

Discussion: With a recent water bill, we received a flyer titled, "Martinsburg Recycles!". On the first line it says,

"All City of Martinsburg residents are reminded that curbside recycling is mandatory, per State Law..."

This same stern admonishment is also found at the top of the city's Recycling web page. I assume that this "reminder" means that lack of participation in the city's curbside recycling program is common and widespread, and a problem well-known to city officials. This admonishment also constitutes passing off the city government's responsibilities to its customers.

The following is why we don't participate in Martinsburg's "mandatory" curbside recycling, and demonstrates how badly it falls short of customer expectations:

The attached chart compares Martinsburg's recycling program with four other nearby cities, and Berkeley County. You'll notice that among the cities compared, Martinsburg's curbside recycling program stands alone as:

- the only program which requires customers to pre-sort their recyclables into separate containers.
- the only program which does NOT provide recycling containers.
- the only program which requires that newspapers be tied with string.
- the only program which does NOT accept other types of paper.
- the only program which does NOT accept any plastic.
- (Even Berkeley County provides free plastic bags for certain items which need to be bagged.)

Martinsburg's program (combined with garbage collection) costs customers about the

same or more than the other cities' programs, but provides much less in service, and does much less for the environment. For a city purportedly determined to pull itself up by the bootstraps, Martinsburg's recycling program suggests a predominant government mindset of meeting minimum statutory standards, rather than meeting common and expected industry standards of service.

We want to recycle, but the city offers an incomplete and ineffective program, and then shakes a stick at us for not participating. We now take our recyclables to Berkeley County's Grapevine Road collection center, which is a more complete and effective program than the city's. Berkeley County recycles practically everything with the only cost being you have to take it to a recycling center and sort it yourself. Even though we do not yet recycle all of the paper we could at Grapevine Road, we have reduced our garbage output to the city from about three bags per week to one. Based on our situation, it seems that an effective, customer-friendly, and thoughtfully implemented curbside recycling program with weekly collection might cut in half or more the amount of garbage generated in the city, and thereby reduce the need for garbage collection to once, rather than twice per week.

Petition 3: That the city immediately take positive steps to provide "an opportunity for citizens to communicate electronically and participate in their local government," through email communication with city staff and offices, as promised in the mayor's welcoming letter on the city's web site.

Discussion: Over a year ago, I wrote the mayor a letter requesting that this promise be fulfilled. The city manager called me to briefly discuss the matter, but nothing appears to have been done. I know from my conversation with Mr. Baldwin that some thought had been given to this issue in the past. It should certainly be a specific action as part of the Economic Development Strategic Plan, since the quality of the city's web site and communications was given critical importance.

The web site should be continuously improved and updated, citizens should be able to send electronic messages or emails to city offices, and city offices should be able to broadcast important notices to citizens who want to receive them.

This is not a novel or difficult thing. It only requires a decision and action. Frederick, Winchester, Ranson, and Charles Town all provide a means for citizens to communicate electronically via their web sites, with Frederick and Winchester, our "benchmark" cities, being the most open and forthright in providing email addresses for individual public servants. It comes down, once again, to whether Martinsburg government wants to meet some minimum standard and do business as usual, or innovate and excel.

Thank you for your consideration of my petitions and your service to the people of Martinsburg.

Mayor Karos thanked Mr. Haarberg and stated the City will discuss his concerns at a later time.

None

10. Reports of Chairpersons of Council Standing Committees

a. Budget and Finance Committee February 25, 2014 meeting minutes

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the Budget & Finance Committee February 25, 2014 meeting minutes. Motion carried unanimously.

Budget and Finance Committee Minutes

February 25 2014—4:30 PM

Present: Max Parkinson, Roger Lewis, Don Anderson, Dennis Etherington

Others in attendance: Mark S. Baldwin, City Manager; Councilmembers Jason Baker and Kevin Knowles, along with Mark B. Spickler, Finance Director; Patricia McMillan, CDBG Director and John McVey from the Journal

Unable to attend: Chairman Gregg Wachtel, Mayor George Karos

Roger Lewis opened the meeting in the absence of Chairman Gregg Wachtel, who was unable to attend, and the following items were discussed.

A. FY 2013-14 General Fund (GF) Budget Update

Finance Director Mark Spickler provided a brief overview of the current budget year indicating we are receiving revenues at the same pace as last year. Additional information will be provided at upcoming meetings for the FY 2014-2015 budget.

B. FY 2014-15 Property Tax Discussion/Committee Recommendation

Finance Director Mark Spickler explained that the State of West Virginia allows for additional 3% revenue in property taxes. He further explained that if the City wished to derive revenues above the 3%, a public hearing would have to be scheduled advertising a property tax increase.

After discussion, consensus of the Committee was to recommend to City Council to maintain the 3% additional revenue and **not** to have a public hearing to increase revenues beyond the 3% additional revenue. Councilman Baker and Councilman Knowles stated that they felt the additional revenue should be 0%.

C. FY 2014-15 General Fund (GF) Budget Meeting Schedule

Future meetings schedule was discussed and agendas will be sent out.

D. Discuss FY 2014-2015 CDBG and HOME recommended budgets

Mark S. Baldwin, City Manager and CDBG Director Patricia McMillan, provided an overview of the request and recommended budget. It was the consensus of the

Committee to recommend approval to City Council for the administration and public services budget.

After discussion, it was also the consensus of the Committee to recommend to City Council the capital improvements recommended budget in the amount of \$171,118 be approved for the City of Martinsburg public improvements request for street repaving and ADA curbs.

The City Manager explained this funding could be utilized for the above mentioned project, thus reducing the General Fund allocation for street repaving (General Fund Street Repaving--\$350,000-\$171,118 = \$178,882). The CDBG funds in the amount of \$171,118 would be utilized in conjunction with the General Fund balance of \$178,882, which would equal \$350,000 for street repaving. The \$171,118 from the General Fund street repaving could then be used for various City projects being discussed at this time (King and Church Street Stormwater Project; N. Queen Street Underpass; E. Burke Street Parking Lot Project; or other projects or for additional street repaving).

The other capital improvement request discussed was from the Boys and Girls Club of the Eastern Panhandle. Their request was for \$141,804 for a new ADA accessible elevator. It was the consensus of the Committee not to recommend funding for this project in this year's CDBG Annual Plan.

E. City Projects Update

No discussion took place on this item.

F. Council as Whole Committee Schedule

Committee was informed that a Council as a Whole Committee meeting is scheduled for Tuesday, March 4, 2014 at 6:00 PM to discuss the City's Home Rule Application.

b. Council a Whole Committee March 4, 2014 meeting minutes

Motion made by Councilman Knowles, seconded by Councilman Baker, to approve the Council as a Whole Committee March 4, 2014 meeting minutes. Motion carried unanimously.

Council as a Whole Committee Minutes

Tuesday, March 4, 2014 6:00 PM

Present: Mayor George Karos, Kevin Knowles, Max Parkinson, Jason Baker, Roger Lewis, Don Anderson, Gregg Wachtel, Dennis Etherington

Others in attendance: Mark Baldwin, City Manager; Kin Sayre, City Attorney; Katie Wilkes Delligatti of Bowles Rice; Department Heads: Jeff Wilkerson, Mike Covell, Chief Bragg, Chief Miller, Mark Spickler; John McVey from The Journal; Matthew Umstead from the Herald Mail; David Anderson, citizen.

Unable to attend: none

Mayor Karos opened the meeting and stated the purpose was to discuss items for the City's Municipal Home Rule application. He further stated that the City has made progress with endorsing several projects and recently accepting the Economic Strategic Development Plan. The following items were discussed in general, keeping in mind specific language will be reviewed per Council's suggestions and Bowles Rice review:

A. Municipal Home Rule Application Discussion/Action for the following items to be considered for application submission:

1. Building and Zoning Administration to allow for on the spot citation authority for external authority sanitation violations and common nuisances.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application. Councilman Baker was not in favor.

2. Eyesores and Dilapidated Buildings to allow for the authority for the City to repair, alter or demolish property, and/or mow unkempt grass, the cost of which would constitute a lien against the property.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application.

3. Contracts with other Jurisdictions to allow for contracts to be authorized by Resolution with other jurisdictions.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application.

4. Delinquent fees collection to allow for the authority to issue liens for delinquent City fees, i.e. garbage fees (State Code presently allows for liens to collect delinquent fees for Police, Fire and Street fees).

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application to allow for liens for garbage fees that are served to owner. Committee also recommended City Attorney to review if the City could have the authority to bill property owner for garbage rather than the tenant and if this was a Home Rule issue or City ordinance change.

5. Disposition of City Property to allow for the authority for the City to convey real property at fair market value directly to any specific business that will provide necessary or convenient resources to the citizenry, i.e. economic development. Also to allow for the authority to sell or lease buildings or land to a non-profit organization for less than fair market value.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application. Committee also requested that language be added to state the City could have the authority to also lease real property.

6. Land Bank Fast Track Authority to allow for an entity to be established to serve as the City's Land Bank Fast Track Authority that would have the authority to purchase liens on delinquent property for tax purposes to the County's annual auctions.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application. Committee also requested that language be added that an entity would have the authority to also purchase liens on delinquent property for tax purposes at the State of West Virginia's auctions.

7. City of Martinsburg Fire Marshals to allow for the City's Fire Marshals to have code enforcement/inspection citation authority.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application. City Attorney is to review if this is a Home Rule issue or if a City ordinance would be appropriate.

8. City of Martinsburg Police Department to allow for the Martinsburg Police Department to have the authority to enter ABCC regulated establishments.

Consensus of the Committee was to forward this to City Council for consideration in the Home Rule application.

9. Municipal Sales Tax to allow for a Municipal Sales Tax up to 1% if the B&O is reduced or eliminated

Kin Sayre, City Attorney, provided an overview of the Home Rule legislation allowing for the Municipal Sales Tax. Mayor Karos and Finance Director Mark Spickler provided an overview of the four (4) exhibits for the Committee to consider.

Mayor Karos stated the thought it was important for the Committee to consider Exhibit B as that was his preference and recommendation. He further stated this exhibit allows for B&O taxes to be eliminated and reduced in certain categories. He also stated that the City needed to go slow in reducing or eliminating B&O tax until such time as the City would know what the actual revenues are from a sales tax. Mayor also pointed out that once a category is reduced or eliminated, you could not re-enact it unless you eliminated the sales tax.

After a great deal of discussion, consensus of the Committee was to forward to City Council Exhibit B for consideration in the Home Rule application. Councilman Knowles stated he was in favor of Exhibit D and referred to statements in the Economic Development Strategic Plan. Other committee members provided statements as to why they were in favor of Exhibit B.

City Manager provided an overview of how the Municipal Sales Tax could assist the City, i.e. creating a better business environment, allowing for planning and construction of capital improvement projects, allowing for essential equipment and vehicles to be purchased for City services and to allocate funds to enhance Police and Fire pension funds and other post-employee benefits (OPEB).

10. Any other items for consideration

No other items were discussed for consideration.

11. Review schedule for meeting requirements to submit Municipal Home Rule Application—Kin Sayre, City Attorney

Kin Sayre, City Attorney, went over the meeting schedule requirements stating that dates may be changed.

B. Discuss SB 487 (2014 Legislation)- A bill authorizing municipalities to implement a 1% sales tax if the B&O tax is reduced or eliminated. This bill mirrors the legislation in the 2013 Home Rule Bill. SB 487 passed the Senate 34-0. SB 487 passed the House of Delegates Political Organization Committee unanimously and is referred to the House of Delegates Finance Committee. If this bill would get to the House floor and passed, it could be enacted by cities without applying for Home Rule.

An overview was provided for SB 487.

Finance Director Mark Spickler updated the Committee on the property tax valuations received from the Berkeley County Assessor's Office. He informed them that the property values decreased once again, resulting in our levy rates being at the maximum. He indicated, at this time, the City realizes new revenue from new properties; however, overall there was a loss of approximately \$100,000 in revenue due to levy rates being capped and the City's inability to increase revenues from 0-3%.

Mayor closed the meeting, thanking everyone in attendance for their participation and input into the ideas for the Home Rule application.

11. Report of Mayor

a. Schedule Special City Council Meeting for Tuesday, March 25, 2014 at 5 PM for purposes of approving the FY 2014 budget and other business as needed

Mayor Karos scheduled the Special City Council Meeting for March 25, 2014 at 5 PM.

b. Schedule Special City Council Meeting for Tuesday, April 15, 2014 at 5 PM to approve/deny FY 2014-2015 levy rates and other business as needed

Mayor Karos scheduled the Special City Council Meeting for April 15, 2014 at 5 PM.

c. Reappoint Richard Lowman to the Parking Authority—term 3/31/2014-3/31/2017

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Mayor's recommendation and reappoint Mr. Lowman to the Parking Authority. Motion carried unanimously.

d. Reappoint Buzz Poland to Martinsburg Parks and Recreation Board. Term 03/01/2014-03/01/2017

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the Mayor's recommendation and reappoint Mr. Poland to the Parks and Recreation Board. Motion carried unanimously.

e. Appoint Christopher Ross to the Planning Commission to fill expired term beginning 1/25/2014-1/25/2017

Motion made by Councilman Baker, seconded by Councilman Parkinson, to approve the Mayor's recommendation and appoint Mr. Ross to the Planning Commission. Motion carried unanimously.

f. Appoint Scott Hamilton to the Planning Commission to fill expired term beginning 3/01/14-3/01/17

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Mayor's recommendation and appoint Mr. Hamilton to the Planning Commission. Motion carried.

g. Appoint Councilman Roger Lewis and Councilman Dennis Etherington as co-chairs for the "Take Pride in Your Community" Spring Clean-up event (See 15 K)

Motion made by Councilman Parkinson, seconded by Councilman Knowles, to approve the Mayor's recommendation and appoint Councilmen Lewis and Etherington as co-chairs. Motion carried unanimously.

h. Reminder of following vacancies

- Parking Authority (2)
- Code Appeals Board (1)
- Board of Zoning Appeals (1 alternate)

12. Report of City Attorney

The City Attorney had nothing further to report.

13. Report of City Manager

a. Projects Update

The City Manager had nothing further to report.

14. Unfinished Business

None

15. New Business

a. First and Second Reading of Ordinance 2014-03: An Ordinance To Amend And Reenact The City Of Martinsburg Personnel Rules And Policies Section VI: Benefits At Section D: Sick Leave And Section K: Personal Leave

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the Mayor's recommendation and reappoint Mr. Poland to the Parks and Recreation Board. Motion carried unanimously.

e. Appoint Christopher Ross to the Planning Commission to fill expired term beginning 1/25/2014-1/25/2017

Motion made by Councilman Baker, seconded by Councilman Parkinson, to approve the Mayor's recommendation and appoint Mr. Ross to the Planning Commission. Motion carried unanimously.

f. Appoint Scott Hamilton to the Planning Commission to fill expired term beginning 3/01/14-3/01/17

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Mayor's recommendation and appoint Mr. Hamilton to the Planning Commission. Motion carried.

g. Appoint Councilman Roger Lewis and Councilman Dennis Etherington as co-chairs for the "Take Pride in Your Community" Spring Clean-up event (See 15 K)

Motion made by Councilman Parkinson, seconded by Councilman Knowles, to approve the Mayor's recommendation and appoint Councilmen Lewis and Etherington as co-chairs. Motion carried unanimously.

h. Reminder of following vacancies

- **Parking Authority (2)**
- **Code Appeals Board (1)**
- **Board of Zoning Appeals (1 alternate)**

12. Report of City Attorney

The City Attorney had nothing further to report.

13. Report of City Manager

a. Projects Update

The City Manager had nothing further to report.

14. Unfinished Business

None

15. New Business

a. First and Second Reading of Ordinance 2014-03: *An Ordinance To Amend And Reenact The City Of Martinsburg Personnel Rules And Policies Section VI: Benefits At Section D: Sick Leave And Section K: Personal Leave*

Motion made by Councilman Knowles, seconded by Councilman Etherington, to hear the first and second readings of Ordinance 2014-03. Motion carried unanimously.

b. First and Second Reading of Ordinance 2014-04: *An Ordinance Providing For The Conveyance Of Nine Thousand One Hundred Forty Nine (9,149) Square-Feet Located Adjacent To The Raleigh Street Extension To C & D Assets, LLC. In Exchange For Two Thousand Two Hundred (2,200) Square-Feet Adjacent To Baltimore Street, To the City Of Martinsburg.*

Motion made by Councilman Etherington, seconded by Councilman Knowles, to hear the first and second readings of Ordinance 2014-04. Motion carried 6-1, Baker, no.

c. Approve/deny Calvary United Methodist Church's request to conduct the annual Good Friday Crosswalk on Friday, April 18, 2014 from 10:30 AM until 12:00 noon, contingent upon proof of adequate liability insurance

Motion made by Councilman Wachtel, seconded by Councilman Anderson, to approve the request for the Good Friday Crosswalk as requested. Motion carried unanimously.

d. Approve/deny Calvary United Methodist Church's request to hold the annual CROP Hunger Walk on Sunday, October 12, 2014 from 2 PM until 5 PM, contingent upon proof of adequate liability insurance

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the CROP Walk as requested. Motion carried unanimously.

e. Discuss Budget and Finance Committee February 25, 2014 recommendations not to conduct public hearing to increase property tax revenue above 3% additional revenue, take action as necessary (Finance Director has additional information since Feb. 25 Budget and Finance Committee meeting—see attached letter from Secretary of State)

Finance Director Mark Spickler explained that the Budget & Finance Committee had recommended a 3% increase, with some wishing for a 0% increase, but the 3% would exceed the maximum imposed by the State, therefore, no action is needed.

Councilman Baker asked if the levy rate would increase. Mr. Spickler stated that if values decrease, rates increase to keep the revenue the same.

Councilman Baker stated that the levy rate should stay revenue neutral as approximately 1/3 of the homes in Martinsburg had a 10% increase; a tax increase may discourage residents from making improvements.

Mr. Spickler stated that Councilman Baker was suggesting rolling back the rate and forfeiting the estimated \$60,000 from new property, which would forfeit the funds typically used to cover expected increases in items such as insurance.

Councilman Baker reiterated that he would like to send the message that those who improve their homes will not be penalized by higher taxes.

Mr. Spickler warned that being maxed out would be very problematic if values continue to decrease.

Motion made by Councilman Lewis, seconded by Councilman Etherington, to proceed with the levy with the recommendations of the Finance Director. Mayor Karos called for a roll call vote:

- Yes: Councilman Lewis, Councilman Parkinson, Councilman Etherington, Councilman Wachtel, Councilman Anderson.
- No: Councilman Baker, Councilman Knowles.

Motion carried 5-2.

f. Approve/Deny Draft FY 2014-2015 Community Development Block Grant Program (CDBG) and HOME investment Partnership Annual Action Plan (See February 25, 2014 Budget & Finance Committee minutes)

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the Draft FY 2014-2015 Community Development Block Grant Program and HOME Investment Partnership Annual Action Plan. Motion carried unanimously.

g. Approve/deny sub-recipient agreement between City of Martinsburg and the Boys and Girls Club of the Eastern Panhandle for improvements to the gym floor---not to exceed \$53,815

City Manager Mark Baldwin explained that the bid for the floor had come in significantly less than expected. This amount, approved last year along with a grant from Randy Smith would more than cover the cost. He recommended giving the Boys and Girls Club the entire approved amount and they could use the excess for maintenance and upkeep.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve the sub-recipient agreement between the City Manager and Boys and Girls Club in an amount not to exceed \$53,815.

h. Authorize Bowles Rice to prepare Home Rule Application per March 04, 2014 Council as a Whole Committee Recommendations (See March 4, 2014 Council as a Whole Committee Minutes)

Motion made by Councilman Etherington, seconded by Councilman Anderson, to authorize Bowles Rice to prepare the Home Rule Application. Motion carried unanimously.

i. Approve/deny agreement between the City of Martinsburg and Patrolman Shane Everhart regarding the post-retirement care and ownership of K-9 Officer Rikki

City Manager Mark Baldwin explained that the agreements had been revised to reflect research by Legal Counsel which showed that historically, the City had provided food for the retired K-9 units.

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the agreement between the City of Martinsburg and Patrolman Shane Everhart regarding the post-retirement care and ownership of K-9 Officer Rikki. Motion carried unanimously.

j. Approve/deny agreement between the City of Martinsburg and Sergeant Craig Phelps regarding the post-retirement care and ownership of K-9 Officer Kardiff

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the agreement between the City of Martinsburg and Sergeant Craig Phelps regarding the post-retirement care and ownership of K-9 Officer Kardiff. Motion carried unanimously.

k. Approve/deny City of Martinsburg's 24 Annual "Take Pride in Your Community" Spring Clean-up event for Saturday, May 17, 2013

Motion made by Councilman Wachtel, seconded by Councilman Anderson and Councilman Knowles, to approve the annual spring clean-up event as requested. Motion carried unanimously.

l. Approve/deny contract for fireworks between Zambelli Fireworks Manufacturing Corporation and the City of Martinsburg--\$10,000 (budgeted)

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve the contract between Zambelli Fireworks Manufacturing Corporation and the City of Martinsburg. Motion carried unanimously.

m. Approve/deny HRI Inc.'s Application for Payment #3 (\$564,825.21) and summary of project completion status

Motion made by Councilman Lewis, seconded by Councilman Etherington, to approve HRI Inc's Application for Payment #3. Motion carried 6-1, Anderson, no.

n. Confirm fees for Alpha Associates, LLC for North Queen Street Underpass Improvements

Motion made by Councilman Lewis, seconded by Councilman Wachtel, to confirm fees for Alpha Associates, LLC for North Queen Street Underpass Improvements. Motion carried 6-1, Anderson, no.

o. Authorize City Manager to advertise for part-time contractual Community Development Administrator position (to administer HUD CDBG and HOME programs)

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to authorize the City Manager to advertise for part-time contractual Community Development Administrator position. Motion carried unanimously.

Councilman Wachtel thanked Ms. McMillan for a job well done in this position.

p. Approve/deny agreement between City of Martinsburg and Dan Ryan Builders for City contribution of 50% of related costs up to \$50,000 for sewer line and laterals installation in conjunction with WWTP Upgrade Project Task "C" (Alternative Entrance Road and Second Water Line)

Utilities Director Steve Knipe explained that this agreement would allow the sanitary sewer lines to be installed along with the water lines, avoiding further work later.

Motion made by Councilman Baker, seconded by Councilman Etherington, to approve the agreement between the City of Martinsburg and Dan Ryan Builders for a City contribution of 50% of related costs, up to \$50,000, for sewer line and laterals. Motion carried, 6-1, Anderson no.

16. Executive Session

There was no executive session needed.

Adjournment

Motion was made by Councilman Wachtel, seconded by Councilman Etherington, to adjourn at 7:30 PM. Motion carried unanimously.


George Karos, Mayor

Gena Long, City Recorder