

**City Of Martinsburg
Regular Council Meeting
March 14, 2013
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, Kevin Knowles, Jason Baker, Max Parkinson, Roger Lewis and Gregg Wachtel. Also present were: Mark Baldwin, City Manager, Katherine Wilkes, Legal Counsel, Gena Long, City Recorder, Chief Paul Bragg, Martinsburg Fire Department, Deputy Chief Timothy Catlett, Martinsburg Police Department, Steve Knipe, Utilities Director, Jeff Wilkerson, Public Works Director, Michael Covell, City Engineer/Planning Director, and Mark Spickler, Finance Director.

3. Salute to Flag

Councilman Parkinson led the Salute to the Flag.

4. Prayer—Retired Pastor Walter Bowers

Pastor Bowers led the invocation.

Mayor Karos announced that Item 15F shall be considered immediately after item 7A.

5. Approve February 28, 2013 Special Council Meeting Minutes

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve the February 28, 2013 Special Council meeting minutes. Motion carried unanimously.

6. Approve January 2013 Administrative and Financial Report.

Motion made by Councilman Etherington, seconded by Councilmen Parkinson, to approve the January 2013 Administrative and Financial Report. Motion carried unanimously.

8. Presentations

a. Tree planting recommendations per the Chesapeake Bay Community Grant—Herb Peddicord

Mr. Peddicord, West Virginia Division of Forestry, discussed the upcoming tree plantings, which include a public event scheduled for Earth Day to plant trees on John Street and at Oak Street and Charlotte Prather parks. He also discussed a Boyd Avenue community event to plant trees along the median of Boyd Avenue, and other plantings at Ambrose and Leeland parks, which will not be public events.

Mr. Peddicord explained that these plantings will assist in meeting the urban canopy goal and that the City of Martinsburg has approximately 33% tree coverage, final numbers expected soon.

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve tree planting recommendations, per Chesapeake Bay Community Grant. Motion carried unanimously.

b. Administer Oath of Office to Police Corporals Justin Harper, Marybeth Butcher and Andrew Garcia

City Recorder Gena Long administered the Oath of Office to Police Corporals Harper, Butcher and Garcia. Mayor Karos thanked them, on behalf of himself and Council, for their service.

c. Proclamation—Fair Housing Month—April 2013

City Recorder Gena Long read the Proclamation

d. Proclamation—Mayors' Day of Recognition for National Service—April 9, 2013

City Recorder Gena Long read the Proclamation

8. Petitions From Citizens

- Mr. David Heatwole, 304 Bowers Street, addressed the Council regarding a sculpture for the pedestal at the Town Square and Pedestrian Plaza. Mr. Heatwole stated that an art collector in Maryland has agreed to loan an art piece to the City until a state-wide competition can be organized for artists to compete in the design of a permanent sculpture. Mr. Heatwole stated that the loan of the sculpture would be at no cost to the City.

Mayor Karos stated that he would forward the issue to a committee meeting in April.

- Mr. Mark Mulligan, Quakers member, spoke about the dangers of gun violence, citing statistics and discussed the City's firearms ordinance, and current legislation in the State legislature which could overturn such ordinances, if passed. Mr. Mulligan urged Council to speak out in an effort to encourage pursuit of all necessary and reasonable restrictions on sales of firearms

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

- a. Martinsburg Police Department Calendar Year 2012 Statistical Activity Report
- b. Letter from the Department of Housing and Urban Development (HUD) regarding FY 2013 funding

Motion made by Councilman Wachtel, seconded by Councilman Anderson to receive and file item 9A. Mayor Karos thanked Deputy Chief Catlett and Chief Bragg for their annual reports. Motion carried unanimously.

Motion made by Councilman Wachtel, seconded by Councilman Etherington to receive and file item 9B. Motion carried unanimously.

10. Reports of Chairpersons of Council Standing Committees

a. Budget and Finance Committee February 26, 2013 Meeting Minutes

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Budget and Finance Committee February 26, 2013 Meeting Minutes. Motion carried unanimously.

Mayor Karos asked that the above minutes be included in the March 14, 2013 meeting minutes.

Budget and Finance Committee Meeting Minutes
February 26, 2013—4:30 PM

Present: Chairman of Budget and Finance Committee, Gregg Wachtel; Max Parkinson, Dennis Etherington and Don Anderson

Others Present: Mayor George Karos; Mark S. Baldwin, City Manager; Councilmembers Jason W. Baker and Kevin Knowles; Steve Catlett, Mark Spickler, Matthew Umstead, Herald Mail and John McVey, The Journal.

Unable to Attend: Roger Lewis

Chairman Wachtel opened the meeting and the following items were discussed.

A. FY 2012-13 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. He further indicated B&O taxes are approximately \$100,000 short of projections at this time, however, other revenue sources may offset the B&O tax.

B. FY 2013-2014 General Fund (GF) Budget Meeting Schedule

Finance Director and City Manager indicated they have started meeting with department heads to finalize their budgets. Mr. Spickler indicated he is hoping to balance the budget without utilizing an Uncommitted Fund Balance. He also indicated an Uncommitted Fund Balance may have to be utilized depending on revenues received this fiscal year and projected increases in the new fiscal year.

C. FY 2013-2014 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 if the City wished to derive revenues above the 3%, a public hearing would have to be scheduled advertising a property tax increase. Finance Director provided an example that an additional \$219,592 could be collected if 12% additional revenues were collected.

After a great deal of discussion, a motion was made by Councilman Don Anderson and seconded by Councilman Dennis Etherington to maintain the 3% additional revenue and **not** to have a public hearing to increase beyond the 3% additional revenue (no tax increase). Vote 4-0 in favor. Councilman Baker stated he felt the additional revenue increase should be 0%.

D. Wastewater Treatment Plant Rule 42 Rate Analysis Update

City Manager provided an update in regards to the Rule 42 analysis for the Wastewater Treatment Plant Upgrade Project. He further indicated the accountant would be looking at water and sewer rates separately, even though we are a combined system. City Manager indicated he felt there was a good possibility to anticipate a small water rate increase that may be implemented earlier than the sewer rate increase for the sewer project.

11. Report of Mayor

a. Appoint Councilman Roger Lewis and Councilman Dennis Etherington as co-chairs for the "Take Pride in Your Community" Spring Clean-up Event.

Motion made by Councilman Knowles, seconded by Councilman Wachtel, to appoint Councilman Roger Lewis and Councilman Dennis Etherington as co-chairs for the "Take Pride in Your Community" Spring Clean-up Event. Motion carried unanimously.

b. Schedule Strategic Development Plan Interview Committee meetings for Wednesday, March 20, 2013 and Thursday, March 21, 2013 at 4:30 PM. (Executive Session)

Motion made by Councilman Knowles, seconded by Councilman Etherington, to schedule Strategic Development Plan Interview Committee meetings for Wednesday, March 20, 2013 and Thursday, March 21, 2013 at 4:30 PM (Executive Session). Motion carried unanimously.

c. Schedule Special Council Meeting for Tuesday, March 26, 2013 at 5:00 PM to approve FY 2013-2014 budgets and other business as needed.

Motion made by Councilman Etherington, seconded by Councilman Lewis to schedule Special Council Meeting for Tuesday, March 26, 2013 at 5:00 PM to approve FY 2013-2014 budgets and other business as needed. Motion carried unanimously.

d. Schedule Public Hearing for Thursday, April 11, 2013 (Regular Council Meeting) at 6:30 PM for purposes of soliciting citizen comments on the Draft FY 2013 Annual Action Plan for Community Development Block Grant (CDBG) and HOME.

Motion made by Councilman Wachtel, seconded by Councilman Parkinson to schedule Public Hearing for Thursday, April 11, 2013 (Regular Council Meeting) at 6:30 PM for purposes of soliciting citizen comments on the Draft FY 2013 Annual Action Plan for Community Development Block Grant (CDBG) and HOME.. Motion carried unanimously.

e. Schedule Special Council Meeting for Tuesday, April 16, 2013 at 5:00 PM to approve/deny FY 2013-2014 levy rates and other business as needed (Per WV State Code).

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to schedule Special Council Meeting for Tuesday, April 16, 2013 at 5:00 PM to approve/deny FY 2013-2014 levy rates and other business as needed (Per WV State Code). Motion carried unanimously.

12. Report of City Attorney

There was no report of the City Attorney.

13. Report of City Manager

a. Projects update—City Manager

City Manager Mark Baldwin had nothing further to add.

14. Unfinished Business

There was no unfinished business scheduled.

15. New Business

a. First and Second Reading of Ordinance 2013-02—*An Ordinance to Amend the City of Martinsburg Zoning Map to Rezone an Improved Parcel of Real Estate, Consisting of Approximately 17,600 Square-Feet, Also Identified on the Berkeley County West Virginia Tax Map M5, Parcel 8, Postal Address 605 Baltimore Street, Located in the Martinsburg District, Berkeley County, West Virginia, Owned by R&D Investments from its Current Zoning Classification of RUA (Urban Residential Class A) to BS (Service Business).*

Motion made by Councilman Etherington, seconded by Councilman Wachtel to hear the first and second readings of Ordinance 2013-02, by title only. Motion carried unanimously.

b. Approve/deny City of Martinsburg's 23rd Annual "Take Pride in your Community" Spring Clean-up Event for Saturday, May 18, 2013.

Motion made by Councilman Wachtel, seconded by Councilman Anderson, to approve City of Martinsburg's 23rd Annual "Take Pride in your Community" Spring Clean-up Event for Saturday, May 18, 2013. Motion carried unanimously.

c. Approve/deny auction of surplus items—Saturday, April 13, 2013, beginning at 10:00 am at the Public Works shed on Boston Street.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve auction of surplus items—Saturday, April 13, 2013, beginning at 10:00 am at the Public Works shed on Boston Street. Motion carried unanimously.

d. Approve/deny 2013 Main Street events, including letters of endorsement to ABC Commission for Chili Cook-off (Saturday, October 5, 2013), Bike Night (Saturday, August 17, 2013) and Fridays at Five (Fridays in June and July).

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve 2013 Main Street events, including letters of endorsement to ABC Commission for Chili Cook-off (Saturday, October 5, 2013), Bike Night (Saturday, August 17, 2013) and Fridays at Five (Fridays in June and July). Motion carried unanimously.

e. Approve/deny Budget and Finance Committee recommendations not to conduct public hearing to increase property tax revenue above 3% additional revenue.

Motion made by Councilman Etherington, seconded by Councilman Parkinson, to approve Budget and Finance Committee recommendations not to conduct public hearing to increase property tax revenue above 3% additional revenue. Motion carried 6-1, Baker no.

f. Approve/deny tree planting recommendations, per Chesapeake Bay Community Grant

See item 7A.

g. Confirm 8 hours compensatory time for City employees for weather related closure on Wednesday, March 6, 2013.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to confirm 8 hours compensatory time for City employees for weather related closure on Wednesday, March 6, 2013. Motion carried unanimously.

h. Confirm 8 hours compensatory time for City Employees for Special Police Levy Election, May 11, 2013 (per West Virginia State Code).

City Manager Mark Baldwin explained that, as the election is on a Saturday, the City is only obligated to compensate those employees required to work that day, however, Council has granted an additional holiday in the past for special elections that fall on Saturdays. Full-time employee would be granted eight (8) hours and firefighters would be granted twelve (12) hours.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to confirm 8 hours compensatory time for City Employees for Special Police Levy Election, May 11, 2013. Motion carried unanimously.

i. 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 Anderson to approve contract for fireworks between Zambelli Fireworks Manufacturing Corporation and the City of Martinsburg--\$10,000 budgeted Motion carried unanimously.

j. Approve/deny 90% design construction estimate to be submitted to State agencies for the Wastewater Treatment Plant Upgrade Project

City Manager Mark Baldwin explained that this information needs to be submitted to State agencies on March 15, 2013. The original estimates, when the design was 30% complete were a construction cost of \$36 million with a total cost of \$45 million. Now that the design phase is 90% complete, the construction costs are estimated at \$37 million with a total cost of \$49.7 million. He stated that funding agencies are aware of the changes in the estimate.

Utilities Director Steve Knipe explained that the increase in the estimate is due to various changes needed to ensure the treatment plant is in compliance into the future and include geothermal issues, sizing of plant components and the addition of a dump station, which can also be used by the Sanitation Department. He stated that the 90% design estimate should be accurate.

Mr. Baldwin stated that some items are still being evaluated and prices changes could come up during the bidding process, but the DEP needs to begin review ASAP and can begin that process with these figures.

Councilman Lewis asked about items listed in the notations, but not included in the estimated cost. Mr. Knipe replied that items such as moving a water line and adding a second entrance to the plant are to be paid out of the operational budget.

Mr. Baldwin confirmed, stating that estimated cost will be approximately \$300,000 and these items are needed quickly and therefore are not included in the budget being submitted to the State.

Councilman Anderson asked about the cost to residents. Mr. Knipe replied that a Rule 42 rate analysis is scheduled, which will determine the true cost to ratepayers, including operational cost for the plant. Mr. Spickler added that the current sewer rate is \$14/4000 gallons, a very low rate. There will be a significant increase, he stated, possibly to \$35/4000 gallons, but that figure is dependent on grant funds.

Councilman Anderson asked about the term of the bond issue. Mr. Spickler replied that it is a 20 year bond issue at 2% interest and a 1% administrative fee.

Councilman Wachtel reminded Council that this project is mandated. Mayor Karos agreed, adding that it is a federal mandate.

Motion made by Councilman Wachtel, seconded by Councilman Lewis, to approve 90% design construction estimate to be submitted to State agencies for the Wastewater Treatment Plant Upgrade Project. Motion carried unanimously.

k. Approve/deny accountant services for CoxHollidaPrice, LLP to complete West Virginia Public Service Commission Rule 42 Exhibit and Summaries for the Sewer Department-fees not to exceed \$17,000 plus hourly rate to attend PSC hearings if necessary.

Councilman Knowles asked if this service had gone to bid. Mr. Spickler replied that there is some leeway for professional services, it could go out for bid, but because CoxHollidaPrice, LLP has done a Rule 42 analysis for the City previously, it is not likely to get a better price.

Councilman Anderson asked what had been paid for these services in the past. Mr. Spickler stated that the cost was approximately \$20,000 for the last Rule 42 rate analysis, but he was not exactly sure, due to the length of time since it had been done.

Motion made by Councilman Etherington, seconded by Councilman Baker, to approve accountant services for CoxHollidaPrice, LLP to complete West Virginia Public Service Commission Rule 42 Exhibit and Summaries for the Sewer Department-fees not to exceed \$17,000 plus hourly rate to attend PSC hearings if necessary. Motion carried 5-2, Anderson and Wachtel, no.

1. Approve/deny accountant services for CoxHollidaPrice, LLP to complete West Virginia Public Service Commission Rule 42 Exhibit and Summaries for the Water Department—fees for service not to exceed \$8,000 plus hourly rate for PSC hearings if necessary.

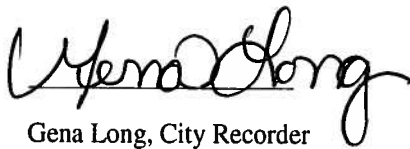
Motion made by Councilman Etherington, seconded by Councilman Lewis, to approve accountant services for CoxHollidaPrice, LLP to complete West Virginia Public Service Commission Rule 42 Exhibit and Summaries for the Water Department—fees for service not to exceed \$8,000 plus hourly rate for PSC hearings if necessary. Motion carried 5-2, Anderson and Wachtel, no.

18. Executive Session

Motion made by Councilman Parkinson, seconded by Councilman Baker to go into Executive Session for real estate and legal matters at 7:31 PM.

Adjournment

Meeting was adjourned by unanimous consent at 7:45 PM.



Gena Long, City Recorder



George Karos, Mayor