

City Of Martinsburg
Special City Council Meeting Minutes
Tuesday, March 22, 2016
5:00 P.M.

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, H.D. Boyd, Dennis Etherington, Kevin Knowles, Gregg Wachtel, Ken Collinson and Jason W. Baker. Also present were: Mark Baldwin, City Manager; Kin Sayre, Legal Counsel; Gena Long, City Recorder, Police Chief Maury Richards, Community Development Administrator Nancy Strine, Finance Director Mark Spickler and City Engineer/Planning Director Michael Covell

3. Presentations

a. Make Comment on ABCA Zoning Form for RC Petty Group, dba MTB Quik Stop—259 N. Queen Street Martinsburg, WV

Mr. Robert Petty, MTB Quik Stop was available for questions. Mr. Petty identified his business location as 249 N. Queen Street, however the application reads 259 N. Queen Street.

Councilman Knowles asked about the hours of operation. Mr. Petty stated that the intended hours are from 7 AM until 10 PM Monday through Friday, 10 AM-10 PM on Saturday and noon until 6 PM on Sunday.

Chief Richards had no comment.

Consensus of Council was to forward the Zoning Form to the ABCA without comment and with the hours listed on the form.

5. Petitions from Citizens

Mr. James Boyd, Falling Waters, commented about the drug and heroin epidemic. He stated that he is frequently offered drugs on Winchester Avenue and other places around the City. Mr. Boyd stated that he has taken Narcan training and has witnessed two deaths of individuals he was attempting to assist since. Mr. Boyd stated that he has worked with other members of the community to get addicts off the streets and into rehab facilities in other locations and he has gotten involved with various family support organizations. He stated that the heroin use and related deaths have gotten worse since January and are now worse than anything he has seen before. Mr. Boyd petitioned Council to make necessary approvals so that the community can help get a handle on the situation, and he would like Council to offer a plan to combat the growing heroin abuse epidemic. Mr. Boyd stated that he is a recovering addict and proof that people can get help and become community members.

Tom Johnson, 901 Hillcrest, asking Council to send Memorandum of Understanding regarding Animal Control back to the County and do nothing. He stated that City residents pay County taxes and fees also, and that the County should not be collecting money from the City for animal control services. Too often lately, Mr. Johnson, the County is intruding on City government when they have no business doing so as they do not support the City or its residents. Mr. Johnson stated that the City is fiscally responsible and the County is not, and the County should not be trying to make up the difference by overcharging the City.

5. Receive and File Reports, Minutes and Correspondence of the Following:

a. U.S. Department of Housing and Urban Development (HUD) notification of FY 2016 allocations for CDBG and HOME, dated February 16, 2016

b. Resolution of Accomplishment for Landau Murphy, as read at the Children's Home Society on March 11, 2016

Motion made by Councilman Etherington, seconded by Councilman Collinson, to receive and file Items 5A-5B. Motion carried unanimously.

6. Reports of Chairpersons of Council Standing Committees

a. Council as a Whole Committee Meeting Minutes—March 15, 2016

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the March 15, 2016 Committee as a Whole Meeting Minutes as follows. Motion carried unanimously.

Committee as a Whole Committee Minutes
Tuesday, March 15, 2016 4:30 PM

Present: Mayor George Karos, Councilmembers Kevin Knowles, Jason Baker, Dennis Etherington, H.D. Boyd, Ken Collinson, Don Anderson and Gregg Wachtel.

Others in Attendance: Mark S. Baldwin, City Manager; Mark B. Spickler, Finance Director; Kin Sayre, City Attorney; and Nancy Strine, Community Development Administrator.

Unable to Attend: None

Mayor Karos opened the meeting and requested that items 4 and 8 on the agenda be moved up in order for City Attorney Kin Sayre to provide comments.

8. Discuss Planning the Three (3) Draft Police Department Ordinances (discussed at the March 10, 2016 Council Meeting) on the March 22, 2016 Special City Council Agenda for Reconsideration to Forward to a Future Council as a Whole Committee Meeting, rather than the Martinsburg Planning Commission

After discussion, City Attorney Kin Sayre provided comments on the proper procedure for this item to be placed on the March 22, 2016 Special City Council agenda.

The consensus of the Committee was to place them on the March 22, 2016 Special City Council agenda for Council to reconsider action taken to forward the three (3) draft Police Department ordinances to the Planning Commission.

4. Animal Control Agreement

Mark Baldwin, City Manager, informed Council that the agreement was up for renewal July 1, 2106. City Attorney Kin Sayre further stated, as discussed in the past, if the City did not want to enter into the agreement and have the County provide the service, the City would have to eliminate the ordinance collecting the dog tag tax. City and County would have to determine responsibility of both parties for animal control.

The consensus of the Committee was to continue working with the County in regards to the FY 2016-2017 Animal Control Agreement.

1. Discuss FY 2016-2017 Recommended Budgets

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

- a. General Fund Budget (GF Budget) \$15,250,000
 - \$750,000 of the 1% sales tax utilized to balance the GF.
 - Property tax levy rates and revenues were also discussed (assessed values decreased again for FY 2016-2017).

- Police Pension Fund Overviewô Finance Director Mark Spickler provided information indicating additional funds should be allocated to the Police Pension Fund to begin to correct the unfunded liability.
- Police OPEB Overview (Health Insurance)ô Finance Director Mark Spickler provided information indicating that additional funds should be allocated to the Police OPEB to begin to correct the unfunded liability.
- Fire Pension Fund Overview-- Finance Director Mark Spickler provided information indicating that additional funds should be allocated to the Fire Pension Fund to begin to correct the unfunded liability.
- Fire OPEB Overview (Health Insurance)ô Finance Director Mark Spickler provided information indicating that additional funds should be allocated to the Fire OPEB to begin to correct the unfunded liability.

b. Coal Severance Tax Fund Budget	\$45,000
c. Police Levy Fund Budget	\$1,228,853
d. Water and Sewer Fund Budget	\$8,340,000
e. Sanitation Fund Budget	\$1,800,000
f. Parking Fund Budget	\$170,000
g. Fire/EMS Fund Budget	\$750,000
h. Outside agencies/other governmental agencies recommendations to be funded from the GF and Coal Severance Account	

After final discussion, the consensus of the Committee was to recommend the budgets for approval at the special City Council meeting to be held on Tuesday, March 22, 2016 at 5 PM.

2. CDBG/HOME budgets

City Manager Mark Baldwin provided an overview of the CDBG/HOME Budgets. The consensus of the Committee was to forward those to the City Council for approval in the draft annual plan

3. Health Insurance

- a. Health Insurance provided to current City employees.
- b. Health Insurance provided to retirees (Fire and Police retirees only)
- c. Health insurance provided to all other City employee retirees (none)
- d. Discuss funding a new health insurance program for all future eligible City of Martinsburg retirees

Finance Director Mark Spickler provided an overview of existing health insurance programs for retirees and current employees. He also provided an example of what it would cost the City to allow for GAP insurance for all employees at retirement. He indicated approximately \$200,000 per year would need to be budgeted if Council determined to move forward in the future with a new program for all employees.

5. City Manager Report (to assist in discussion on budgets, etc., at March 15, 2016 meeting. I anticipate additional committee meetings to be held in the very near future to continue discussions on the information outlined in the report.

City Manager Mark Baldwin provided a brief overview of his report and indicated additional Committee meetings should be scheduled in order to further discuss. The City Manager encouraged Councilmembers to review the document.

6. Rock Cliff Drive Intersection Proposal—The Committee discussed the options and deferred further comment until additional information may be provided by WVDOT on the study.

7. Special City Council Meeting to approve budget(s) Tuesday, March 22, 2016 at 5 PM, J. Oakley Seibert City Council Chambers

Meeting adjourned.

7. Report of Mayor
None

8. Report of City Attorney
a. Discuss the Following Proposed Ordinances:

1. Drug and Gang Houses; Houses of Prostitution and other Disorderly Houses
2. Recklessly Permitting the Physical Condition or Facilities of Residential Real Estate to Become or Remain in any Condition which Endangers the Health or Safety of any Person
3. Requirement of Watchman for Vacant or Open Buildings

Mr. Sayre stated that if Council chooses to remove these from the Planning Commission, it would require a vote to do so. Mayor Karos recommended that, if further discussion or information was needed, that Council send the ordinances to Committee rather than the Planning Commission.

Motion made by Councilman Knowles, seconded by Councilman Collinson to move Item 11P up on the agenda.

Motion made by Councilman Knowles, seconded by Councilman Collinson to reconsider the referral of these ordinances to the Planning Commission. Motion carried unanimously.

Mr. Sayre stated that is now appropriate to discuss these ordinances and what to do with them.

It was moved by Councilman Wachtel, seconded by Councilman Knowles, to send the ordinances for first and second reading at the next Council meeting, without public hearing. Motion carried 6-1, Councilman Baker voting no.

Mr. Sayre stated that, while there will be no public hearing, individuals may always speak during the open petitions from citizens section of the agenda, on any topic.

9. Report of City Manager

None.

10. Unfinished Business

None

11. New Business

a. Adopt Resolution 2016-09 to approve General Fund Budget Revision #3 for FY 2015-2016

Motion made by Councilman Wachtel, seconded by Councilman Collinson, to adopt Resolution 2016-09. Motion carried unanimously.

b. Adopt Resolution 2016-10 to approve Coal Severance Tax Fund Budget Revision #3 for FY 2015-2016

Motion made by Councilman Collinson, seconded by Councilman Baker, to adopt Resolution 2016-10. Motion carried unanimously.

c. Approve/deny Police Levy Fund Budget Revision #1 for FY 2015-2016

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Police Levy Budget Revision #1 for FY 2015-2016. Motion carried unanimously.

d. Approve/deny Fire/EMS Budget Revision #1 for FY 2015-2016

Motion made by Councilman Collinson, seconded by Councilman Knowles, to approve Fire/EMS Budget Revision #1 for FY 2015-2016. Motion carried unanimously.

e. Approve/deny Water and Sewer Fund Budget Revision #1 for FY 2015-2016

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve Water/Sewer Fund Budget Revision #1 for FY 2015-2016. Motion carried unanimously.

f. Approve/deny Sanitation Fund Budget Revision #1 for FY 2015-2016

Motion made by Councilman Etherington, seconded by Councilman Knowles, to approve Sanitation Budget Revision #1 for FY 2015-2016. Motion carried unanimously.

g. Approve/deny Parking Fund Budget Revision #1 for FY 2015-2016

Motion made by Councilman Etherington, seconded by Councilman Collinson, to approve Parking Fund Budget Revision #1 for FY 2015-2016. Motion carried unanimously.

h. Approve/deny \$15,250,000 General Fund Budget for FY 2016-2017

City Manager Mark Baldwin stated that the proposed General Fund Budget does include \$95,000 for Animal Control, not the proposed \$140,000, as it is atypical to receive a MOU regarding animal control before the end of the Fiscal Year.

Councilman Baker asked if the City can revisit the possibility of not funding Animal Control at all. Mr. Baldwin stated that is a possibility, legal counsel and staff are looking at the agreement and various options. He stated that the City does not want to be in the position of providing animal control services. Mr. Baldwin stated the City Attorney has been asked to research the State code to determine if the City is responsible for maintaining an agreement and break down exactly what responsibilities would be the City's and what would be the County's if there is no animal control agreement.

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the FY 2016-2017 General Fund Budget. Motion carried unanimously.

i. Approve/deny \$45,000 Coal Severance Tax Fund Budget for FY 2016-2017

Motion made by Councilman Collinson, seconded by Councilman Etherington, to approve the FY 2016-2017 Coal Severance Tax Fund Budget. Motion carried unanimously.

j. Approve/deny \$1,228,853 Police Levy Fund Budget for FY 2016-2017

Motion made by Councilman Knowles seconded by Councilman Etherington, to approve the FY 2016-2017 Police Levy Fund Budget. Motion carried unanimously.

k. Approve/deny \$750,000 Fire/EMS Fund Budget for FY 2016-2017

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the FY 2016-2017 Fire/EMS Fund Budget. Motion carried unanimously.

l. Approve/deny \$8,340,000 Water and Sewer Fund Budget for FY 2016-2017

Motion made by Councilman Wachtel, seconded by Councilman Knowles, to approve the FY 2016-2017 Water/Sewer Fund Budget. Motion carried unanimously.

m. Approve/deny \$1,800,000 Sanitation Fund Budget for FY 2016-2017

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the FY 2016-2017 Sanitation Fund Budget. Motion carried unanimously.

n. Approve/deny \$170,000 Parking Fund Budget for FY 2016-2017

Motion made by Councilman Knowles, seconded by Councilman Etherington, to approve the FY 2016-2017 Parking Fund Budget. Motion carried unanimously.

o. Approve/deny Draft FY 2016-2017 Community Development Block Grant (CDBG) Program and HOME Investment Partnership Program Annual Action Plan

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to approve the Draft FY 2016-2017 CDBG and HOME Annual Action Plan. Motion carried unanimously.

p. Approve/deny reconsideration of Council's March 10, 2016 vote to forward certain Codified Ordinances to the Planning Commission (See Item 8A 1-3)

See item 8.

q. Approve/deny Community Development Software Project (Planning Department) training hours extension—100 hours--\$17,500

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the additional training hours. Motion carried unanimously.

City Manager stated that the funding will come from the Computer fund.

r. Approve/deny June 14, 2016 City of Martinsburg General Election Poll Worker Assignments (with limited discretion to City Recorder to make adjustments and hire additional alternates as needed)

Motion made by Councilman Etherington, seconded by Councilman Collinson to approve the 2016 Election Poll Worker Assignments, with limited discretion to the City Recorder for adjustments and additional staffing. Motion carried unanimously.

s. Approve/deny sixty (60) month lease for a Connect + 2000 Postage Machine from Pitney Bowes--\$610/month (State Contract)

Motion made by Councilman Etherington, seconded by Councilman Boyd, to approve the lease for the postage machine. Motion carried unanimously.

Councilman Knowles asked why the equipment is being leased for five years. Finance Director Mark Spickler stated that 60 months is a standard time period. The City owns the current postage machine, but the lease will allow for maintenance and some supplies, as well as upgrades and modifications to keep the software current with USPS standards.

t. Approve/deny sixty (60) month lease for a Relay 3000 Inserting System machine from Pitney Bowes--\$635/month (State Contract)

Motion made by Councilman Etherington, seconded by Councilman Boyd, to approve the lease for the Inserting system. Motion carried unanimously.

Councilman Knowles asked why this piece of equipment is being leased rather than purchases. Mr. Spickler stated that there are significant issues with the current machine due to age, but that the City will not be disposing of it. It will be retained as a backup in the case of heavy volume or malfunction, but that the maintenance plan will be allowed to expire.

12. Executive Session

- (a) Discuss pending legal matters with Counsel (if necessary)
- (b) Discuss personnel matters (if necessary)
- (c) Discuss real estate matters involving competitive bids (if necessary)

Motion made by Councilman Etherington, seconded by Councilman Wachtel, to go into executive session for legal matters at 5:36 PM.

Meeting adjourned with unanimous consent at 5:40 PM.

Gena Long, City Recorder

George Karos, Mayor