

**City Of Martinsburg
Special Council Meeting
March 27, 2012
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 p.m. The following Council Members were present: Rodney Woods, Roger Lewis, Dennis Etherington, Max Parkinson, Richard Yauger, Gregg Wachtel and Betty Gunnoe. Also present were: Mark S. Baldwin, City Manager, Kin Sayre, City Attorney, Gena Long, City Recorder, Michael Covell, City Engineer/Planning Director, Paul Bragg, Fire Chief, Kevin Miller, Police Chief, Steve Knipe, Utilities Director, Brenda Spaulding, Human Resources Director and Mark Spickler, Finance Director.

Mayor Karos noted that two items, 11bb and 11cc would be added.

3. Presentations

There were no presentations.

4. Petitions From Citizens

- Mr. Michael Bochinski, 701 Mill Race Drive, spoke in reference to the recommended budget. Mr. Bochinski stated that he feels there are too many taxes charged and called upon the Mayor and Council to cut taxes and cut the budget, he also recommended making garbage collection "more efficient," by privatizing or collecting once per week.

Mayor Karos thanked Mr. Bochinski for his comments and stated that the City leaders are aware of many of the issues he discussed.

The entire petition, as provided by Mr. Bochinski, is as follows:

My name is Michael Bochinski, of 701 Mill Race Drive, in Martinsburg, and I speak on behalf of myself, and many others in this community. I am a licensed Professional Electrical Engineer, as well as a property owner and landlord for 16 apartments, duplexes, and homes in Martinsburg. While I may not be an expert at accounting, I am very good at math and logic.

When will the City cut its budget? When times are good, spending increases. When times are bad, spending increases. Surely you, Mr. Karos, with nearly 38 years as a Councilman and Mayor, could see your way to cut a mere 10%, or even 5% from the City Budget!

The bottom line is this—the City Budget you are about to approve is nearly \$30 Million Dollars. With a population of 17,500 people that is a cost of \$1,715 for every man, woman and child in Martinsburg. What few people understand is where this money comes from. It comes from US, the taxpayer. And not just successful business owners and landlords, or state grants, Federal grants or the Coal Severance tax. It comes from every city resident, as ALL taxes and fees imposed on corporations and businesses are inevitably passed to the consumer. WE, the private sector citizens, are the true sole source of income for the Government.

On top of the taxes you impose, we still pay directly for most of the essential services provided by the City—we pay directly for water, sewer, garbage collection and fire protection.

As to Business and Occupation taxes—they affect ALL of us!

It's 4% of our electric bills—and the way Potomac Edison is required to calculate it, it is 4% of the TOTAL bill, which includes the tax—so you are, in essence, TAXING the TAX.

It's 3% of our gas bills.

It's 2% of all other utilities, like phone and cable. Even our water, which WE BUY FROM THE CITY, has an additional 2% tax.

If we shop in town, we have to pay for parking.

If we buy products in town, there is a hidden half % tax, on top of the State sales tax.

If we buy liquor, there is a 5% tax.

If we use a contractor in town, there is a 2% tax.

If we hire a professional service such as a lawyer, engineer or accountant, there is a 1% tax.

When we pay rent, there is a 1% tax.

Property taxes are DOUBLED on rental properties. These costs are passed to the tenant, increasing their rent. This directly impacts the poorest in our community, and for the average \$500 a month apartment, it equals MORE than a full month's rent. Your 3% tax increase to the homeowner is a 6% increase to renters.

If we want to fix up a property, we have to pay for a permit. And the greater the value of work, the more you charge us for that permit. And when we are done, our property is assessed at a higher value, thereby increasing our property tax! You are punishing us for good behavior!

If we want to deviate slightly from the zoning ordinances, we have to pay hundreds of dollars just to apply for a variance, and will most likely be turned down.

If we want to add a water service to a new or existing building, there are now thousands of dollars in permit and impact fees.

If we want to start a business, we have to pay for a license and renew that license every year.

For every rental unit, we are charged an additional \$25 registration fee PER UNIT.

To actually manufacture something in the City limits opens the door to a whole myriad of additional taxes and fees on raw goods and commodities that I have yet begun to fathom. And we wonder why Martinsburg, once home to a sizable bakery, furniture manufacturing and many other manufacturing firms, is now littered with large empty buildings and all of the "major employers" touted on the City's website are located OUTSIDE of the City Limits.

Just on Queen Street alone, between Race and King, there are over 20 vacant store fronts!

To Sum up just what the City imposes:

When I turn on a light, I am taxed.

When I turn on my gas stove, I am taxed.

When I flush my toilet, I am taxed.
When I drink a glass of water, I am taxed.
When I put out my garbage, I am taxed.
When I pay rent, I am taxed.
When I shop, I am taxed.
When I buy a bottle of wine, I am taxed.
When I eat, I am taxed.
When I call on my phone, I am taxed.
When I work, I am taxed.
When I pay someone else to work, I am taxed.
When I buy the materials to make something, I am taxed.
When I make that product to sell, I am taxed.
When I sell the product I have made, I am taxed.
When I relax in front of the TV, I am taxed.
When I surf the internet, I am taxed.

And to add insult to injury, even when I pet my dog, I am taxed.
Yes, there is a \$3 City dog tax. Why not a cat tax, and for that matter a tax on parakeets and fish as well. That way you can tax everything that walks, talks, barks, meows, chirps AND gurgles in this town.

We, the people, are demanding you cut spending and tax us less!

Please explain why the Parking Meter budget is over half a million dollars, when it only brings in \$155,000 in meter revenues, fines and parking fees.

Please explain why there is a line item in the budget over \$30,000 for insurance for Council members. Do they get full health insurance for a part time position? What other part time job can you get that offers that?

Why does the City own buildings other than those necessary to conduct the City's business? The City should not be a landlord, renting to businesses or organizations. The City is competing with private businesses. Is the rent they charge commensurate with that of the private sector? Do they have an unfair advantage? Is the City subject to its own licensing, registration, permitting fees, taxes and inspections?

Is our garbage collection as efficient as it needs to be? Can it be privatized or contracted out? Do we need trash pickup twice per week, when most other communities it is but once a week?

And lastly, why are there plans to build a BIGGER City Hall, when private sector companies are downsizing and becoming more efficient in hard times? We do not need yet another Monument to Government.

Like the rest of us, WHY CAN'T THE CITY DO MORE, WITH LESS?!

- Ms. Barbara Bratina, 116 N. Tennessee Avenue, spoke in reference to the recommended budget. Ms. Bratina stated that she is a native of the Eastern Panhandle and has lived in Martinsburg since 1965. She continued by thanking Council for how well they have managed the finances of the City, adding that she feels the City, especially in recent years, has been fiscally responsible when other cities are struggling to balance their budgets. Ms. Bratina added that when there is an economic downturn, government must be sure to responsibly spend taxpayer dollars and she feels Martinsburg's City Council has done a good job distributing funds for the City and has judiciously handled finances. Ms. Bratina said she is proud to live in the City of Martinsburg, pointing that in recent times the City has conducted water and sewer projects, ongoing street pavement, the downtown Square project and the Raleigh Street Extension project, the City has done this without burdening tax payers, by leveraging state and Federal funds. Ms. Bratina attested that the City has a dedicated workforce which provides services with basic, minimum staffing. Ms. Bratina stated that she understands that the proposed budget does not include the increase of fees or taxes while maintaining services that the community has come to rely on. She stated that she has confidence that the Council will be fiscally responsible and do what is best for the City of Martinsburg.

Councilman Rodney Woods commented that the quality of life in a community is dependent upon the services offered. He stated that the budget ensures that when a family awakens to the smell of smoke or the sound of an intruder, competent service is minutes away. Streets will be maintained and snow will be removed and safe drinking water is available because of City services. He also stated that he believes twice a week garbage pick-up is essential to prevent the infestation of rats in garbage collecting in alleyways and behind homes. Councilman Woods added that he would find it unsettling if the first responders did not have the best equipment that the City could afford. Speaking as an educational leader, Councilman Woods stated that "we get what we pay for", that other communities may have City Managers that cost less, but are less effective, adding that the City has always provided prudent financial management.

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

- (a) Martinsburg Planning Commission December 07, 2011 meeting minutes
- (b) Martinsburg Board of Zoning Appeals February 07, 2012 meeting minutes
- (c) Proclamation of Appreciating designating April 25, 2012 National Thank You Day for Elected Officials—Hattie Harris Good Sprits Club International.
- (d) Berkeley County Development Authority February 8, 2012 and March 07, 2012 meeting minutes and financial reports.
- (e) Martinsburg-Berkeley County Parks and Recreation Board February 21, 2012 Meeting Minutes.
- (f) Notice of informational workshop public meeting regarding State Project S302-13-0.81, Federal project BR 0013(058S): North Tennessee Avenue Bridge.

- (g) Hagerstown Eastern Panhandle Metropolitan Planning Organization January 25, 2012 meeting minutes.

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to receive and file items 5a-5g. Motion carried unanimously.

6. Reports of Chairpersons of Council Standing Committees

a. Budget and Finance committee Meeting Minutes—March 21, 2012

Motion made by Councilman Yauger, seconded by Councilman Wachtel, to add the Budget and Finance Committee March 21, 2012 meeting minutes into the official record. Motion carried unanimously.

7. Report of Mayor

(a) Reappoint Mr. Roger Engle to the Martinsburg/Berkeley County Parks and Recreation Board, term 5/1/2012-5/1/2015.

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to accept the recommendation of Mayor Karos and reappoint Mr. Roger Engle to the Martinsburg/Berkeley County Parks and Recreation Board for a term beginning May 1, 2012 and ending May 1, 2015. Motion carried unanimously.

(b) Reappoint Ms. Ginger Grimes to the Shade Tree Commission, term 5/9/2012-5/9/2015.

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to accept the recommendation of Mayor Karos and reappoint Ms. Ginger Grimes to the Shade Tree Commission for a term beginning on May 9, 2012 and ending May 9, 2015. Motion carried unanimously.

(c) Announce Special Council Meeting for April 10, 2012 at 4:30 pm to conduct engineer interviews for the Waste Water Treatment Plant upgrade project (Executive Session).

Mayor Karos announced a Special City Council Meeting for April 10, 2012 for 4:30 PM to conduct engineer interviews for the Waste Water Treatment Plant upgrade project, to take place in Executive Session.

(d) Announce Public Hearing for Thursday, April 12, 2012 (Regular Council Meeting) for purposes of soliciting citizen comments on the Draft FY 2012 Annual Action Plan for Community Development Block Grant (CDBG) and HOME.

Mayor Karos announced a Public Hearing to take place at the Regular Council Meeting on April 12, 2012 for purposes of soliciting citizen comments on the Draft FY 2012 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME.

(e) Announce Special Council Meeting for Tuesday, April 17, 2012 to approve/deny levy rates for 2012-2013 and other business as needed.

Mayor Karos announced a Special Council Meeting for Tuesday, April 17, 2012 to approve/deny levy rates for FY 2012-2013 and other business as needed.

(f) Announce vacancies on the Parking Authority (1) and Shade Tree Commission (1).

Mayor Karos announced vacancies on the Parking Authority and Shade Tree Commission.

8. Report of City Attorney

Legal Counsel Kin Sayre gave an update on *Citizens Defense League v. City of Martinsburg*, stating that a responsive reply brief has been submitted to the 4th Circuit Appeal Court.

9. Report of City Manager

There was no report of the City Manager.

10. Unfinished Business

(a) Third and final reading of Ordinance 2012-01: An Ordinance to provide for the adoption, approval and implementation of an intergovernmental agreement between the City of Martinsburg, West Virginia, a municipal corporation, and Blue Ridge Community and Technical College, a state institution of higher education, to enter into an agreement for an alternate mainline extension agreement

Motion made by Councilwoman Gunnoe, seconded by Councilman Parkinson, to hear and approve the third and final reading of Ordinance 2012-01: An Ordinance to provide for the adoption, approval and implementation of an intergovernmental agreement between the City of Martinsburg, West Virginia, a municipal corporation, and Blue Ridge Community and Technical College, a state institution of higher education, to enter into an agreement for an alternate mainline extension agreement. Motion carried unanimously.

11. New Business

(a) Adopt Resolution 2012-07 to approve General Fund Budget Revision # 3 for FY 2011-2012.

Motion made by Councilman Wachtel, seconded by Councilman Yauger, to adopt Resolution 2012-07 to approve General Fund Budget Revision #3 for the FY 2011-2012. Motion carried unanimously.

(b) Adopt Resolution 2012-08 to approve Coal Severance Tax Fund Budget Revision #2 for FY 2011-2012

Motion made by Councilman Lewis, seconded by Councilman Yauger, to adopt Resolution 2012-08 to approve Coal Severance Tax Fund Budget Revision #2 for FY 2011-2012. Motion carried unanimously.

(c) Approve/deny Police Levy Fund Budget Revision #1 for FY 2011-2012

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve Police Levy Fund Budget Revision #1 for FY 2011-2012. Motion carried unanimously.

(d) Approve/deny Fire/EMS Budget Revision #1 for FY 2011-2012

Motion made by Councilman Yauger, seconded by Councilman Etherington, to approve Fire/EMS Budget Revision #1 for FY 2011-2012. Motion carried unanimously.

(e) Approve/deny Water and Sewer Fund Budget Revision #1 for FY 2011-2012

Motion made by Councilman Yauger, seconded by Councilman Etherington, to approve Water and Sewer Fund Budget Revision #1 for FY 2011-2012. Motion carried unanimously.

(f) Approve/deny Sanitation Fund Budget Revision #1 for FY 2011-2012

Motion made by Councilman Parkinson, seconded by Councilman Yauger, to approve Sanitation Fund Budget Revision #1 for FY 2011-2012. Motion carried unanimously.

(g) Approve/deny Parking Fund Budget Revision #1 for FY 2011-2012

Motion made by Councilman Lewis, seconded by Councilman Parkinson, to approve Parking Fund Budget Revision #1 for FY 2011-2012. Motion carried unanimously.

(h) Approve/deny \$13,900,000 General Fund Budget for FY 2012-2013

Motion made by Councilman Wachtel, seconded by Councilman Woods, to approve the \$13,900,000 General Fund Budget for FY 2012-2013. Motion carried unanimously.

(i) Approve/deny \$112,015 Coal Severance Tax Fund Budget for FY 2012-2013

Motion made by Councilman Yauger, seconded by Councilman Parkinson, to approve the \$112,015 Coal Severance Tax Fund Budget for FY 2012-2013. Motion carried unanimously.

(j) Approve/deny \$4,000,000 Police Levy Fund Budget for FY 2012-2013

Motion made by Councilman Woods, seconded by Councilwoman Gunnoe, to approve the \$4,000,000 Police Levy Budget for FY 2012-2013. Motion carried unanimously.

(k) Approve/deny \$1,650,000 Fire/EMS Fund Budget for FY 2012-2013

Motion made by Councilman Etherington, seconded by Councilman Yauger, to approve the \$1,650,000 Fire/EMS Fund Budget for FY 2012-2013. Motion carried unanimously.

(l) Approve/deny \$6,865,000 Water and Sewer Fund Budget for FY 2012-2013

Motion made by Councilman Yauger, seconded by Councilwoman Gunnoe, to approve the \$6,865,000 Water and Sewer Fund Budget for FY 2012-2013. Motion carried unanimously.

(m) Approve/deny \$2,825,000 Sanitation Fund Budget for FY 2012-2013

Motion made by Councilman Yauger, seconded by Councilman Wachtel, to approve the \$2,285,000 Sanitation Fund Budget for FY 2012-2013. Motion carried unanimously.

(n) Approve/deny \$525,000 Parking Fund Budget for FY 2012-2013

Motion made by Councilman Parkinson, seconded by Councilman Yauger, to approve the \$525,000 Parking Fund Budget for FY 2012-2013. Motion carried unanimously.

(o) Approve/deny Bowles Rice McDavid, Graff & Love to provide City prosecuting attorney services effective July 1, 2012.

Motion made by Councilman Lewis, seconded by Councilman Yauger, to approve Bowles, Rice, McDavid, Graff and Love to provide City prosecuting attorney services, effective July 1, 2012. Motion carried unanimously.

(p) Approve/deny Alternate Mainline Extension Agreement between the City of Martinsburg and Blue Ridge Technical College—See Item 10A

Motion made by Councilman Wachtel, seconded by Councilman Parkinson, to approve the Alternate Mainline Extension Agreement between the City of Martinsburg and Blue Ridge Technical College. Motion carried unanimously.

(q) Approve/deny Resolution 2012-09: A Resolution of the City of Martinsburg authorizing George Karos, Mayor of Martinsburg, to file an application and enter into a contractual agreement with the West Virginia Development Office for the purpose of acquiring funds (\$ 1,500.00) through the Community Participation Grant Program for a thermal imager camera for the Martinsburg Fire Department.

Motion made by Councilman Yauger, seconded by Councilman Etherington, to approve Resolution 2012-09: A Resolution of the City of Martinsburg authorizing George Karos, Mayor of Martinsburg, to file an application and enter into a contractual agreement with the West Virginia Development Office for the purpose of acquiring funds (\$ 1,500.00) through the Community Participation Grant Program for a thermal imager camera for the Martinsburg Fire Department. Motion carried unanimously.

(r) Approve/deny Grant agreement between the West Virginia Department of Health and Human Resource and the City of Martinsburg for the purposes of purchasing a thermal imager camera—Martinsburg Fire Department--\$3,500.00

Motion made by Councilman Wachtel, seconded by Councilwoman Gunnoe, to approve a grant agreement between the West Virginia Department of Health and Human Resource and the City of Martinsburg for the purposes of purchasing a thermal imager camera—Martinsburg Fire Department--\$3,500.00. Motion carried unanimously.

(s) Approve/deny 2012 Street repaving list.

Motion made by Councilman Yauger, seconded by Councilman Wachtel, to approve the 2012 street repaving list. Motion carried unanimously.

(t) Discuss Main Street Martinsburg's request to install an electric vehicle charging station in the East Burke Street parking lot.

Finance Director Mark Spickler discussed the request, which had been approved with contingencies by the Parking Authority at the March 26, 2012 meeting.

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis, to allow Main Street Martinsburg to move forward with the request to install an electric vehicle charging station in the East Burke Street parking lot. Motion carried unanimously.

(u) Approve/deny the temporary closing of a portion of East King Street for Heritage Day Events on Town Square, May 12, 2012.

Motion made by Councilwoman Gunnoe, seconded by Councilman Lewis, to approve the temporary closing of a portion of East King Street for Heritage Day Events on Town Square, May 12, 2012. Motion carried unanimously.

(v) Approve/deny Crossing Agreement #WWVA-120217 between the Winchester and Western Railroad Company and the City of Martinsburg Water and Sewer Department.

City Attorney Kin Sayre explained that these agreements will be between the City of Martinsburg and the Winchester and Western Railroad Company, not the Water and Sewer Department.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve the Crossing Agreement # WWVA-120217 between the Winchester and Western Railroad Company and the City of Martinsburg. Motion carried unanimously.

(w) Approve/deny Longitudinal Agreement # WWVA-120218 between the Winchester and Western Railroad Company and the City of Martinsburg Water and Sewer Department.

Motion made by Councilman Yauger, seconded by Councilman Etherington, to approve the Longitudinal Agreement # WWVA-12018 between the Winchester and Western Railroad Company and the City of Martinsburg. Motion carried unanimously.

(x) Approve/deny Resolution 2012-10: A Resolution of the Council of the City of Martinsburg authorizing execution of an agreement with the West Virginia Department of Transportation, Division of Highways, with regard to establishment and maintenance of a traffic signal system within the municipal limits of the City of Martinsburg.

City Manager Mark Baldwin explained that this is a modification to an existing agreement, which will require less maintenance by the City.

Motion made by Councilman Woods, seconded by Councilman Etherington, to approve Resolution 2012-10: A Resolution of the Council of the City of Martinsburg authorizing execution of an agreement with the West Virginia Department of Transportation, Division of Highways, with regard to establishment and maintenance of a traffic signal system within the municipal limits of the City of Martinsburg. Motion carried unanimously.

(y) Approve/deny Agreement between the City of Martinsburg, the WV Department of Transportation, Division of Highways and McDonald's USA, LLC to modify an existing traffic signal.

Motion made by Councilman Wachtel, seconded by Councilman Etherington, to approve Agreement between the City of Martinsburg, the WV Department of Transportation, Division of Highways and McDonald's USA, LLC to modify an existing traffic signal. Motion carried unanimously.

(z) Approve/deny mosquito control treatments—Erlich \$8,840.00

Motion made by councilman Yauger, seconded by Councilwoman Gunnoe, to approve mosquito control treatments—Erlich--\$8,840.00. Motion carried unanimously.

(aa) Approve/deny bid for 4" Vortex Pump—Sewer plant--\$15,149—John P. Place, Inc.

Motion made by Councilman Yauger, seconded by Councilman Woods, to approve the bid for a 4" Vortex Pump for the Sewer Plant in the amount of \$15,149, payable in to John P. Place, Inc. Motion carried unanimously.

(bb) Approve/deny Main Street Martinsburg's request for Easter Parade route and Easter Egg Roll in Town Square Saturday, April 7, 2012.

Motion made by Councilwoman Gunnoe, seconded by Councilman Wachtel, to approve Main Street Martinsburg's request for the Easter Parade route and Easter Egg Roll in Town Square, Saturday, April 7, 2012. Motion carried unanimously.

(cc) Approve/deny Main Street Martinsburg's request to hold Adam Stephen Sprint as part of Heritage Days events.

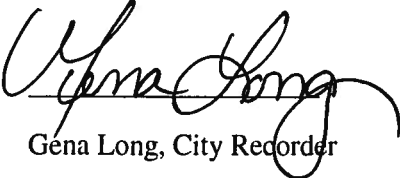
Motion made by Councilwoman Gunnoe, seconded by Councilman Woods, to approve Main Street Martinsburg's request to hold the Adam Stephen Sprint as part of Heritage Day events. Motion carried unanimously.


12. Executive Session

No executive session was needed.

Adjournment

Meeting adjourned by unanimous consent at 5:35 PM.


Gena Long, City Recorder


George Karos, Mayor