

MUNICIPAL HOME RULE  
PILOT PROGRAM

City of Martinsburg

2015  
PROGRESS  
REPORT

West Virginia State Code §8-1-5a (m) provides:

“Commencing December 1, 2015, and each year thereafter, each participating municipality shall give a progress report to the Municipal Home Rule Board and commencing January 1, 2016, and each year thereafter, the Municipal Home Rule Board shall give a summary report of all the participating municipalities to the Joint Committee on Government and Finance.”

The Municipal Home Rule Board has developed this standard format for Pilot Program participating municipalities to prepare and submit their respective Annual Progress Reports. The intent of this standard format is to gather and compile information in a consistent, easily understood, and efficient manner that will be used to develop a concise and practical summary report to the Joint Committee on Government and Finance.

Annual Progress Reports must be submitted electronically as an individual file in PDF format no later than the close of business on December 1, 2015 by emailing Debbie Browning at [debbie.a.browning@wv.gov](mailto:debbie.a.browning@wv.gov), West Virginia Development Office, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 6, Room 553, Charleston, West Virginia 25305-0311, 304-558-2234.

|  |  |         |
|--|--|---------|
| <b>A. General Information</b>  |  |         |
| Name of Municipality: City of Martinsburg  |  |         |
| Certifying Official: George Karos  | Title: Mayor   |         |
| Contact Person: Mark S. Baldwin  | Title: City Manager  |         |
| Address: 232 N. Queen Street   |  |         |
| City, State, Zip: Martinsburg, WV 25401  |  |         |
| Telephone Number: 304-264-2131, Ext. 277   | Fax Number: 304-264-2137   |         |
| E-Mail Address: markbaldwin17@aol.com  |  |         |
| 2010 Census Population: 17,227   |  |         |
| <b>B. Municipal Classification</b>   |  |         |
| <input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV   |  |         |
| <b>C. Pilot Program Entry Phase</b>  |  |         |
| <input type="checkbox"/> Phase I (2007 Legislation) <input checked="" type="checkbox"/> Phase II (2014 Legislation) <input type="checkbox"/> Phase III (2015 Legislation)  |  |         |
| <b>D. Attest</b>   |  |         |
| I hereby confirm that I am the authorized official for this municipality and certify that the information submitted herein and attached hereto is true and accurate and that this report addresses each and every initiative included in the original Home Rule Pilot Program Plan Application for this municipality and any subsequent amendments, if applicable. |  |         |
| George Karos   |  | 12/1/15 |
| Type Name of Certifying Official   | Signature of Certifying Official   | Date    |

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

#1.

|  |   |   |
|--|---|---|
| <b>Initiative:</b>   | <del>Authority to immediately issue citations for external sanitation violations and common nuisances</del> | Ord. No. 2014-20  |
| Category of Issues Addressed (check all that apply)  |   |   |
| <input checked="" type="checkbox"/> Organization   | <input checked="" type="checkbox"/> Administration  | <input type="checkbox"/> Personnel <input type="checkbox"/> Other |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?  |   |   |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |   |   |
| If yes, when was the ordinance enacted? 12/18/14   |   |   |
| If no, please describe challenges faced in enacting the related ordinance(s)<br>N/A  |   |   |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>See attached information.</p>     |   |   |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>See attached information.</p> |   |   |

#1. **INITIATIVE:** Grant of Authority to Martinsburg City Code Enforcement Officials to Immediately Issue Citations for External Sanitation Violations and Common Nuisances

Since the enactment of Ordinance 2014-20 effective December 18, 2014, the City of Martinsburg took actions to inform the public about the City’s authority to issue citations for exterior sanitation violations and common nuisances. Flyers were provided to the public, identifying common violations. News articles appeared in the local newspaper, specifically addressing the City’s ability for citations. After legal training of code enforcement personnel and internal coordination with city departments and Municipal Court staff was satisfactorily completed, the citation program began July 1, 2015.

| <b>Code Enforcement Citation Program – 7/1/15 to 11/24/15</b> |         |     |
|---|---------|-----|
| <b>CODE ENFORCEMENT BY TYPE</b>                               |         |     |
| Total Code Enforcement Cases                                  | 302     |     |
| Warnings Issued   | 195     | 65% |
| Citations Issued  | 43      | 14% |
| Notices of Violation  | 64      | 21% |
| <b>COMPLIANCE</b>   |         |     |
| Compliance After Warning                                      | 131     | 67% |
| Compliance After Citation                                     | 17      | 40% |
| <b>APPEALS</b>  |         |     |
| Appeals Heard   | 1       |     |
| Dismissed Citations   | 0       |     |
| <b>CITATIONS PAID</b>   |         |     |
| Citations Paid (#)  | 11      | 26% |
| Citations Paid (\$)   | \$1,100 |     |

**SUCSESSES**

Martinsburg is now able to utilize citations as another means of code enforcement to abate exterior sanitation violations and common nuisances, and enables the City to legally go onto properties to abate violations. Warnings and citations were able to address 62 percent of violations in a shorter period of time than standard Notices of Violation (NOV). The citation process has withstood legal challenges presented in municipal court.

**LESSONS LEARNED**

More unsuccessful warnings must become citations, and the City of Martinsburg should dedicate more of its resources to address unpaid citations. The numbers of citations represent an inherently a larger percentage of problem properties, as shown by the lower rate of compliance. This may aid the City in identifying which properties to further evaluate for being a chronic nuisance.

Please use this page to report progress on each **non-tax related initiative** included in your Home Rule Application. Each non-tax related initiative must have a separate page.

#2.

|   |   |   |
|---|---|---|
| <b>Initiative:</b>  | Authority to file liens on real property for costs incurred in abating exterior sanitation and common nuisance violations | Ord. No. 2014-21  |
| Category of Issues Addressed (check all that apply)   |   |   |
| <input checked="" type="checkbox"/> Organization  | <input checked="" type="checkbox"/> Administration  | <input type="checkbox"/> Personnel <input type="checkbox"/> Other |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?   |   |   |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |   |   |
| If yes, when was the ordinance enacted? 12/18/14  |   |   |
| If no, please describe challenges faced in enacting the related ordinance(s)<br>N/A   |   |   |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>See attached information.</p>     |   |   |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>See attached information.</p> |   |   |

#2.

|  |
|--|
| <b>INITIATIVE:</b> Authority to File Liens on Real Property for Costs Incurred In Abating Exterior Sanitation and Common Nuisance Violations |
|--|

Since the enactment of Ordinance 2014-21 effective December 18, 2014, the City of Martinsburg took actions as authorized to abate exterior sanitation and common nuisance violations.

| <b>Liens Filed – 12/18/14 to 11/24/15</b> |            |  |
|---|------------|--|
| <b>LIENS</b>                              |            |  |
| Liens Prepared                            | 28         |  |
| Liens Recorded                            | 24         |  |
| <b>COSTS &amp; REIMBURSEMENTS</b>         |            |  |
| Total Value of Liens                      | \$7,239.45 |  |
| Number of Liens Paid-Off                  | 1          |  |
| Value of Liens Paid-Off                   | \$331.25   |  |

SUCSESSES

Martinsburg is now able to directly file liens when a property owner fails to timely reimburse the City for abating exterior sanitation violations and common nuisances that were not corrected by the property owner. This process is easier to follow and complete during periods of high code enforcement activity, and can largely be done by current City staff with minimal assistance from legal counsel.

LESSONS LEARNED

The City of Martinsburg will be able to abate eligible violations and bill the property owner for costs incurred. As a result of this, there will be more liens to record and monitor. This should result in an increase in the number of liens paid-off, which will reduce the City’s unpaid burden for correcting eligible violations.

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#3.

|  |
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| <b>Initiative:</b> Disposition of City Property without auction - Ord. No. 2014-22   |
| Category of Issues Addressed (check all that apply)<br><input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other   |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?  |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |
| If yes, when was the ordinance enacted? 12/18/14   |
| If no, please describe challenges faced in enacting the related ordinance(s)<br>N/A  |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City has not utilized this initiative to date. This initiative will be utilized when economic development opportunities are presented to the City or initiated by the City for the betterment of our community.</p> |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>   |

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#4.

|   |  |
|---|--|
| <b>Initiative:</b> Entry into contracts with other jurisdictions by resolution  | Ord. No. 2014-23                                   |
| Category of Issues Addressed (check all that apply)   |  |
| <input checked="" type="checkbox"/> Organization  | <input checked="" type="checkbox"/> Administration |
| <input type="checkbox"/> Personnel  | <input type="checkbox"/> Other                     |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?   |  |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |  |
| If yes, when was the ordinance enacted? 12/18/14  |  |
| If no, please describe challenges faced in enacting the related ordinance(s)  |  |
| N/A   |  |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City presently has contracts / agreements with other state and local jurisdictions by ordinance.</p> <p>When future contracts are needed, the City will implement by resolution.</p> |  |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>  |  |

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#5.

|  |  |
|--|--|
| <b>Initiative:</b> Issuance of liens for delinquent City fees  | Ord. No. 2014-24                                   |
| Category of Issues Addressed (check all that apply)  |  |
| <input checked="" type="checkbox"/> Organization   | <input checked="" type="checkbox"/> Administration |
| <input type="checkbox"/> Personnel   | <input type="checkbox"/> Other                     |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?  |  |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |  |
| If yes, when was the ordinance enacted? 12/18/14   |  |
| If no, please describe challenges faced in enacting the related ordinance(s)<br>N/A  |  |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City of Martinsburg is currently working with the City Attorney to implement new procedures for issuing liens for delinquent City fees.</p> |  |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>   |  |

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#6

|   |                  |                                 |           |
|---|------------------|---------------------------------|-----------|
| <b>Initiative:</b> Implement a municipal sales tax  | Ord. No. 2014-25 |                                 |           |
| Was this tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?   |                  |                                 |           |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  |                  |                                 |           |
| If yes, when was the ordinance enacted? 12/18/14  |                  |                                 |           |
| If no, please describe challenges faced in enacting the related ordinance(s)  |                  |                                 |           |
| N/A   |                  |                                 |           |
| <p><b>REVENUES</b> – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.</p> <table> <tr> <td>Sales Tax (July - August, 2015)</td> <td>\$548,914</td> </tr> </table>   |                  | Sales Tax (July - August, 2015) | \$548,914 |
| Sales Tax (July - August, 2015)   | \$548,914        |                                 |           |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.</p> <p>Presently, sales tax revenue is being placed in a special revenue fund (Sales Tax Fund). Use of these funds will be programmed in the future by City Council for capital improvements, operating budget, City services, etc.</p> <p>The City was able to reduce the B&amp;O tax (retail 10%); wholesale - 10% and eliminate amusement tax, estimated to be \$300,000 for FY 2015-2016.</p> <p>For the FY 2015-2016 Budget, the City budgeted \$600,000 of the Sales Tax to be received (\$300,000 for the B&amp;O tax reduction and \$300,000 for health insurance cost increase).</p> |                  |                                 |           |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>  |                  |                                 |           |

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#7.

|  |                  |        |          |           |       |           |            |                        |                 |
|--|------------------|--------|----------|-----------|-------|-----------|------------|------------------------|-----------------|
| <b>Initiative:</b> Reduce B&O taxes  | Ord. No. 2014-26 |        |          |           |       |           |            |                        |                 |
| Was this tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?  |                  |        |          |           |       |           |            |                        |                 |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |                  |        |          |           |       |           |            |                        |                 |
| If yes, when was the ordinance enacted? 12/18/14   |                  |        |          |           |       |           |            |                        |                 |
| If no, please describe challenges faced in enacting the related ordinance(s)<br><br>N/A  |                  |        |          |           |       |           |            |                        |                 |
| <p>REVENUES – In the space below, please provide a brief narrative highlighting revenue amounts and revenue categories realized; revenue amounts and revenue categories reduced; net revenue gain; and, any metrics used to track performance.</p> <p>B&amp;O Tax Reductions (July - September, 2015):</p> <table> <tr> <td>Retail</td> <td>\$62,389</td> </tr> <tr> <td>Wholesale</td> <td>3,862</td> </tr> <tr> <td>Amusement</td> <td>2,000 Est.</td> </tr> <tr> <td><b>TOTAL REDUCTION</b></td> <td><u>\$68,251</u></td> </tr> </table>  |                  | Retail | \$62,389 | Wholesale | 3,862 | Amusement | 2,000 Est. | <b>TOTAL REDUCTION</b> | <u>\$68,251</u> |
| Retail   | \$62,389         |        |          |           |       |           |            |                        |                 |
| Wholesale  | 3,862            |        |          |           |       |           |            |                        |                 |
| Amusement  | 2,000 Est.       |        |          |           |       |           |            |                        |                 |
| <b>TOTAL REDUCTION</b>   | <u>\$68,251</u>  |        |          |           |       |           |            |                        |                 |
| <p>SUCSESSES – In the space below, please provide a brief narrative highlighting projects, improvements, programming, etc. realized through the implementation of this revenue initiative and any metrics used to track performance.</p> <p>Presently, sales tax revenue is being placed in a special revenue fund (Sales Tax Fund). Use of these funds will be programmed in the future by City Council for capital improvements, operating budget, City services, etc.</p> <p>The City was able to reduce the B&amp;O tax (retail 10%; wholesale 10% and eliminate amusement tax), estimated to be \$300,000 for FY 2015-2016.</p> <p>For the FY 2015-2016 Budget, the City budgeted \$600,000 of the Sales Tax to be received (\$300,000 for the B&amp;O tax reduction and \$300,000 for health insurance cost increase).</p> |                  |        |          |           |       |           |            |                        |                 |
| <p>LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>  |                  |        |          |           |       |           |            |                        |                 |

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#8.

|  |  |   |
|--|--|---|
| <b>Initiative:</b>   | Inspection and citation powers of municipal deputy fire marshals | Ord. No. 2014-27  |
| Category of Issues Addressed (check all that apply)  |  |   |
| <input checked="" type="checkbox"/> Organization   | <input checked="" type="checkbox"/> Administration               | <input type="checkbox"/> Personnel <input type="checkbox"/> Other |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?  |  |   |
| Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   |  |   |
| If yes, when was the ordinance enacted? 12/18/14   |  |   |
| If no, please describe challenges faced in enacting the related ordinance(s)   |  |   |
| N/A  |  |   |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>Ordinance has been passed. City Attorney and Fire Chief will ensure all Fire Department personnel that are Municipal Deputy Fire Marshals complete required certifications for this code enforcement activity. To be scheduled in 2016.</p> |  |   |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>   |  |   |

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#9.

|  |
|--|
| <b>Initiative:</b> Purchase tax liens on properties subject to delinquent property taxes; right of redemption by the City  |
| Category of Issues Addressed (check all that apply)<br><input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other   |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?  |
| Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   |
| If yes, when was the ordinance enacted?  |
| If no, please describe challenges faced in enacting the related ordinance(s)<br><br>See below.   |
| <p><b>SUCSESSES</b> – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.</p> <p>The City continues to research the best method to adopt for dealing with municipal liens and delinquent taxes. The next assessment year begins July 1, 2015 and tax year January 1, 2017. The city anticipates enactment of an ordinance prior to June 1, 2016.</p> |
| <p><b>LESSONS LEARNED</b> – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.</p> <p>N/A</p>   |

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#10.

|   |
|---|
| <b>Initiative:</b> Exercise the same authority as the ABCA  |
| Category of Issues Addressed (check all that apply)<br><input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other  |
| Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/> ?   |
| Has the ordinance(s) needed to implement this initiative been enacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |
| If yes, when was the ordinance enacted?   |
| If no, please describe challenges faced in enacting the related ordinance(s)<br><br>See below   |
| SUCSESSES – In the space below, please provide a brief narrative highlighting successes realized through the implementation of this initiative and any metrics used to track performance.<br><br>The City has consulted with the ABCA concerning the implementation of the distance requirements. The ABCA has indicated they will not honor any reduction in the distances and therefore deny licenses. The City and Home Rule Board may need some assistance from the legislature to make the ABCA comply with a home rule ordinance. |
| LESSONS LEARNED – In the space below, please provide a brief narrative highlighting lessons learned during implementation of this revenue initiative that would benefit other municipalities.<br><br>N/A  |