

MUNICIPAL HOME RULE
PILOT PROGRAM

City of Martinsburg

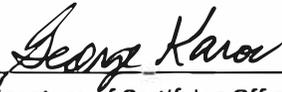
2017
PROGRESS
REPORT

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, 2017, by emailing Courtney Shamblin at courtney.d.shamblin@wv.gov, West Virginia Department of Revenue, West Virginia Home Rule Pilot Program, State Capitol Complex, Building 1, Room W-300, Charleston, West Virginia 25305, 304-558-3356.

| | | |
|--|---|-----------------|
| A. General Information | | |
| 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: 17,513 | | |
| B. Municipal Classification | | |
| <input type="checkbox"/> Class I <input checked="" type="checkbox"/> Class II <input type="checkbox"/> Class III <input type="checkbox"/> Class IV | | |
| C. Pilot Program Entry Phase | | |
| <input type="checkbox"/> Phase I (2007 Legislation) <input checked="" type="checkbox"/> Phase II (2014 Legislation) <input type="checkbox"/> Phase III (2015 Legislation) | | |
| D. Attest | | |
| 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 |  | 11-30-17 |
| 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. Initiative: Authority to immediately issue citations for external sanitation violations and common nuisances. | ORDINANCE 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? December 18, 2014 | |
| If no, please describe challenges faced in enacting the related ordinance(s) N/A | |
| 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. See attached information. | |
| 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. See attached information. | |

#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 the City departments and Municipal Court staff was satisfactorily completed the citation program began July 1, 2015.

CODE ENFORCEMENT CITATION PROGRAM – 12/1/16 – 10/31/17

| <u>CODE ENFORCEMENT TYPE</u> | | |
|-------------------------------------|-------------|-----|
| <u>TOTAL CASES</u> | 502 | |
| Warnings Issued | 422 | 84% |
| Citations Issued | 61 | 12% |
| Notice of Violation | 19 | 4% |
| <u>COMPLIANCE</u> | | |
| Compliance after Warning | 403 | 88% |
| Compliance after Citation | 51 | 84% |
| <u>APPEALS</u> | | |
| Appeals Heard | 0 | |
| Dismissed Citations | 0 | |
| <u>CITATIONS PAID</u> | | |
| Citations Paid (#) | 20 | 33% |
| Citations Paid (\$) | \$ 2,300.00 | |

SUCCESES

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 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

Fewer total cases per month.

Warnings issued percentage is up while citations issued is down. This demonstrates public has started to address violations at warning stage.

Compliance after citations has increased from 59% to 84%.

Percentage of people paying fines improved by 5%.

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| | | | |
|---|--|---|--|
| <p>#2. Initiative: Authority to file liens on real property for costs incurred in abating exterior sanitation and common nuisance violations.</p> | | <p>ORDINANCE NO. 2014-21</p> | |
| <p>Category of Issues Addressed (check all that apply)</p> | | | |
| <p><input checked="" type="checkbox"/> Organization</p> | | <p><input checked="" type="checkbox"/> Administration</p> | |
| <p><input type="checkbox"/> Personnel</p> | | <p><input type="checkbox"/> Other</p> | |
| <p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p> | | | |
| <p>Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> | | | |
| <p>If yes, when was the ordinance enacted? December 18, 2014</p> | | | |
| <p>If no, please describe challenges faced in enacting the related ordinance(s)</p> <p>N/A</p> | | | |
| <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. INITIATIVE: 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.

LIENS FILED – 12/1/16 TO 10/31/17

LIENS

| | | |
|----------------|-----------------|----|
| Liens Prepared | 42 | 28 |
| Liens Recorded | 37 ¹ | 23 |

COSTS & REIMBURSEMENTS

| | | |
|--------------------------|-------------|------------|
| Total Value of Liens | \$11,576.83 | \$3,614.50 |
| Number of Liens Paid Off | 12 | 2 |
| Value of Liens Paid Off | \$ 2,581.38 | \$1,433.23 |

Note¹ – Five (5) liens were paid before being recorded totaling \$466.40

SUCCESES

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. Initiative: Disposition of City property without auction. | ORDINANCE NO. 2014-22 |
| 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? December 18, 2014 | |
| If no, please describe challenges faced in enacting the related ordinance(s) 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>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>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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| #4. Initiative: Entry into contracts with other jurisdictions by resolution. ORDINANCE 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? December 18, 2014 |
| If no, please describe challenges faced in enacting the related ordinance(s) 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>The City presently has contracts / agreements with other state and local jurisdictions by ordinance.</p> <p>In 2017 the City approved two (2) Resolutions to enter into contracts with other Governmental Agencies:</p> <ul style="list-style-type: none"> A. Berkeley County Council – Animal Control B. Berkeley County Board of Education – School Resource Officer |
| <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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| #5. Initiative: Issuance of liens for delinquent City fees. | ORDINANCE 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? December 18, 2014 | |
| If no, please describe challenges faced in enacting the related ordinance(s) 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>The City of Martinsburg has implemented new procedures for issuing liens for delinquent City fees. These new procedures have proven to be more cost effective and have reduced the timeline for obtaining liens.</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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|--|------------------------------|---|--------------------|-------------------------------------|---------------------------|-------------------------|--------------------|
| #6. Initiative: Implement a Municipal Sales Tax | ORDINANCE 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? December 18, 2014 | | | | | | | |
| If no, please describe challenges faced in enacting the related ordinance(s) 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> <table data-bbox="201 814 914 951"> <tr> <td>Sales Tax (September, 2016 – August, 2017)</td> <td>\$4,154,600</td> </tr> <tr> <td>Less B&O Tax Reduction -</td> <td><u>- (285,175)</u></td> </tr> <tr> <td>NET REVENUE GAIN</td> <td>\$3,869,425</td> </tr> </table> | | Sales Tax (September, 2016 – August, 2017) | \$4,154,600 | Less B&O Tax Reduction - | <u>- (285,175)</u> | NET REVENUE GAIN | \$3,869,425 |
| Sales Tax (September, 2016 – August, 2017) | \$4,154,600 | | | | | | |
| Less B&O Tax Reduction - | <u>- (285,175)</u> | | | | | | |
| NET REVENUE GAIN | \$3,869,425 | | | | | | |
| <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 have been programmed by City Council for capital improvements, operating budget, City services, debt reduction, etc.</p> <p>The City was able to reduce B&O Tax (Retail 10%; Wholesale – 10% and eliminate Amusement Tax).</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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|--|------------------------------|--------|------------------|-----------|------------------|-----------|-----------------------------|
| #7. Initiative: Reduce B&O Taxes | ORDINANCE 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? December 18, 2014 | | | | | | | |
| If no, please describe challenges faced in enacting the related ordinance(s) 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&O Tax Reductions (September, 2016 – August, 2017)</p> <table> <tr> <td>Retail</td> <td>\$252,820</td> </tr> <tr> <td>Wholesale</td> <td>\$ 15,355</td> </tr> <tr> <td>Amusement</td> <td>\$ 17,000 (Estimate)</td> </tr> </table> <p>TOTAL REDUCTION: \$285,175</p> | | Retail | \$252,820 | Wholesale | \$ 15,355 | Amusement | \$ 17,000 (Estimate) |
| Retail | \$252,820 | | | | | | |
| Wholesale | \$ 15,355 | | | | | | |
| Amusement | \$ 17,000 (Estimate) | | | | | | |
| <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 have been programmed by City Council for capital improvements, operating budget, City services, debt reduction, etc.</p> <p>The City was able to reduce B&O Tax (Retail 10%; Wholesale – 10% and eliminate Amusement Tax).</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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| <p>#8. Initiative: Inspection and citation powers of Municipal Deputy Fire Marshals</p> <p style="text-align: right;">ORDINANCE 2014-27</p> |
| <p>Category of Issues Addressed (check all that apply)</p> <p> <input checked="" type="checkbox"/> Organization <input checked="" type="checkbox"/> Administration <input type="checkbox"/> Personnel <input type="checkbox"/> Other </p> |
| <p>Was this non-tax initiative a part of your original plan application <input checked="" type="checkbox"/> or a plan amendment <input type="checkbox"/>?</p> |
| <p>Has the ordinance(s) needed to implement this initiative been enacted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>If yes, when was the ordinance enacted? December 18, 2014</p> |
| <p>If no, please describe challenges faced in enacting the related ordinance(s)</p> <p>N/A</p> |
| <p>SUCCESES – 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. Classes have been scheduled; to be completed 2018.</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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| #9. Initiative: Purchase tax liens on properties subject to delinquent property taxes; right of redemption by the City. | | | |
| 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 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) See below. | | | |
| <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>The City continues to research the best method to adopt for dealing with Municipal liens and delinquent taxes. The next Assessment Year beings July 1, 2017 and Tax Year January 1, 2019. The City anticipates enactment of an Ordinance prior to June 1, 2018.</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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| #10. Initiative: Exercise the same authority as the ABCA | ADOPTED ORDINANCE NO. 2016-17 |
| 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? June 30, 2016 | |
| If no, please describe challenges faced in enacting the related ordinance(s) See below. | |
| <p>SUCCESES – 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 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.</p> <p><u>2016 ORDINANCE NO. 2016-17</u> City Council adopted Ordinance No. 2016-17 on June 30, 2016. The Amended City Ordinance states Class A licensed WVABCA establishments shall not be located within 50’ of any church, measured from front door to front door, along the street or streets.</p> <p>This would allow for more economic development opportunities for restaurants or Class A WVABCA establishments to locate in our historic downtown and increase the potential redevelopment of existing buildings.</p> <p>To date, no WVABCA applications have been received for City review to be forwarded to WVABCA for review and comment.</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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| HOME RULE AMENDED PLAN AMENDMENT #1. | ORDINANCE NO. 2016-21 |
| Initiative: Regulate when restaurants may serve alcohol to become a Sunday Brunch Destination | |
| 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 type="checkbox"/> or a plan amendment <input checked="" 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? July 29, 2016 | |
| If no, please describe challenges faced in enacting the related ordinance(s) 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>City Council submitted an Amended Plan to Home Rule Board on July 1, 2016. Home Rule Board approved Amended Plan on July 11, 2016. Council adopted Ordinance No. 2016-21 on July 28, 2016.</p> <p>The Ordinance permitted any private club licensee or private wine bed and breakfast or restaurant to serve beer, wine and alcoholic liquors after the hour of 10:00 a.m. on Sundays.</p> <p>This initiative has increased business activity and tourism opportunities in our community.</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> | |