

**Berkeley County Council Meeting**  
**400 W. Stephen Street, Suite 201**  
**Martinsburg, WV 25401**

**January 12, 2023**  
**9:30 A.M.**

**Present:**

**James P. Whitacre, President**  
**G. Edgar Gochenour, Vice President**  
**James R. Barnhart, Councilperson**  
**H. D. Boyd, Councilperson**  
**Steve Catlett, Councilperson**  
**Alan J. Davis, County Administrator**  
**Penny Shewell, Office Administrator**

Also Present: Tracie McCormick, Procurement Coordinator; Anthony Delligatti, Legal Director; The Honorable Larry Hess, Assessor; Brian Ross, Director, Community Development

**Re: Call to Order**

President Whitacre called the January 12, 2023 Berkeley County Council Meeting to Order at 9:35 A.M.

**Re: Items from the Public**

Stephen Hart appeared before the Council and spoke regarding excavating being done on the property beside of his. President Whitacre advised that the Director of Community Development and a representative from DEP was in the audience and would be happy to meet with them.

**Re: Agenda**

Vice President Gochenour made a motion to approve the Agenda for the January 12, 2023 Berkeley County Council meeting. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Consent Agenda**

**1. Purchase Order Log**

Councilperson Barnhart questioned the invoice for PTS to transport a patient from New Orleans to Berkeley County. Alan Davis, County Administrator stated that this request came from the Prosecuting Attorney to transport a fugitive from New Orleans to Berkeley County and the invoice would be paid out of her budget.

**2. Internal Budget Revisions**

There were no internal budget revisions to be addressed.

### **3. Changes in Status**

President Whitacre stated that a new hire recommendation was received from the Honorable Shelly Schoppert, Circuit Clerk for Conner Spencer as a Deputy Clerk with an annual salary of \$34,515 effective January 17, 2023.

President Whitacre stated that a new hire recommendation was received from the Honorable Nathan Harmon for Skylar Bingaman as a Deputy effective February 1, 2023 with an annual salary of \$52,466.

President Whitacre stated that a change in status was received from Mike Laing, Chief Court Marshal for Jamey Smith to receive an increase in salary from \$39,017 to \$40,678 due to years of service effective January 15, 2023.

President Whitacre stated that a change in status was received from the Honorable Anthony Petrucci, County Clerk for Mildred Windon to change from Deputy Clerk to Clerk/Assistant Secretary Civil Service effective January 15, 2023 with a salary change from \$46,000 to \$51,000.

President Whitacre stated that a letter of retirement was received from the County Council office from Alan Davis, County Administrator effective June 30, 2023.

President Whitacre stated that a letter of resignation was received from the Prosecuting Attorney's office from Kelly Coly effective February 5, 2023.

President Whitacre stated that a letter of resignation was received from the Sheriff's Department from Bryan Staley effective January 12, 2023.

President Whitacre stated that a letter of resignation was received from the Day Report Center from Michael Marchesani effective January 3, 2023.

President Whitacre stated that a letter of resignation was received from the Day Report Center for Nicole Robertson effective January 4, 2023.

### **4. Approval of Minutes**

There were no changes to the December 29, 2022 Berkeley County meeting minutes.

Councilperson Barnhart made a motion to approve the minutes for the December 29, 2022 Berkeley County Council meeting. Vice President Gochenour seconded the motion. Councilperson Boyd abstained due to absence. The motion carried.

### **5. Council Calendars**

President Whitacre reviewed the Council calendar for the month of January. Mr. Davis spoke to the Council about the public hearing that had been scheduled for January 26<sup>th</sup> and publicized with a Class I legal ad for the Public Nuisance Ordinance and the ad did exactly what it was supposed to do and most of the Council have heard feedback from concerned citizens. The consensus of the Council was to cancel the public hearing and delay the Ordinance for now.

## **6. Board and Commission Calendars**

President Whitacre reviewed the Board and Commission calendar for the month of January. The WRNR radio program was moved from Tuesday to Wednesday of next week and the MPO meeting would be held at the Airport at 1:30 on February 18<sup>th</sup>.

## **7. Cancelled Check Request**

### **Re: Consent Agenda Approval**

Vice President Gochenour made a motion to approve the Consent Agenda for the January 12, 2023 Berkeley County Council meeting. Councilperson Barnhart seconded the motion. The motion carried unanimously.

### **Re: Correction of Assessment Logs, Apportionment of Assessments, Deconsolidation and Consolidation of Properties Applications – Assessor's Office**

The Honorable Larry Hess, Assessor appeared before the Council and presented three (3) personal tax exonerations for reason of tax payer error totaling \$781.21,

Councilperson Barnhart made a motion to approve the three (3) personal tax exonerations for reason of tax payer error totaling \$781.21. Vice President Gochenour second the motion. The motion failed with a vote of zero to five.

Mr. Hess presented nine (9) personal property tax exonerations for reason of office error totaling \$1,447.96.

Vice President Gochenour made a motion to approve the nine (9) personal property tax exonerations totaling \$1,447.96. Councilperson Boyd seconded the motion. The motion carried unanimously.

Mr. Hess presented one (1) real estate exoneration for reason of office error totaling \$92.18.

Councilperson Boyd made a motion to approve the one (1) real estate exoneration for reason of office error totaling \$92.18. Vice President Gochenour seconded the motion. The motion carried unanimously.

### **Re: Board Meeting Reports**

Councilperson Boyd reported that he attended the Roundhouse Authority meeting where they discussed the damage that is beginning to happen to the gutters causing erosion with a repair cost of approximately \$18,000. He also stated that the pipes froze in the sprinkler system room.

Councilperson Barnhart reported that he attended the Public Service Water District board meeting where they reported dealing with water line breaks, especially in Glenwood Forrest. He also reported that they reviewed and approved invoices.

Vice President Gochenour reported that he attended the Public Service Stormwater District meeting with Councilperson Catlett regarding an easement with the church that is now resolved. He also reported that he attended the Development Authority meeting and they will be assisting the Airport with funding for a piece of property. Vice President Gochenour reported that he attended the LEPC meeting

where they are working on a COOP Plan and Emergency Operation Plan and also participating in training exercises. He reported that the 9-1-1 Advisory board stated that the nine (9) trainees graduated out of the academy and are ready to go out on the floor. He also reported that they are getting ready to go to twelve (12) hour shifts with a ten (10) hour shift as well.

Councilperson Catlett reported that he attended the Farmland Protection board meeting where Mark Schiavone reported that he was retiring the end of June. He also reported that they currently have 7,600 acres in protection. Councilperson Catlett reported that he attended the Public Service Sewer District and Stormwater District board meetings and reported that Zach Walburn was resigning.

President Whitacre reported that he attended a gathering with three (3) Generals, Nic Diehl and Bill Walkup from the Airport regarding the progression of the Civilian and Military mix of the Airport. He reported that they also spoke about the 4<sup>th</sup> of July celebration and the stated that they have expended 42% of the budget and fuel sales are at a record high.

**Re: Board and Commission Vacancies**

Councilperson Catlett stated that he had a conflict with the Library board meetings being the same date and time as the Ambulance Authority board. The Council will address next week.

President Whitacre requested to have Gregory Jones scheduled for an interview as a candidate for the Planning Commission, CVB and or Farmland Protection board.

**Re: Honorary County Councilperson**

Vice President Gochenour introduced Chelsea Haines, a student from South Middle School. Miss Haines stated that she like robotics, was President of the Math Field Day Student Council and planned to study Architecture or Engineering. Vice President Gochenour swore in Miss Haines as Honorary County Councilperson and presented her with a certificate.

**Re: Amy Orndoff, Executive Director, Berkeley Senior Services  
FY2023-24 Budget Presentation**

Amy Orndoff, Executive Director, Berkeley Senior Services appeared before the Council and presented her budget for FY2023-24 requesting \$70,000. Ms. Orndoff reviewed the improvements to the Senior Center building and thanked the Council for all their support. She also reviewed the programs offered at the Center.

**Re: Dianne Waldron, Executive Director, Berkeley County Meals on Wheels  
FY2023-24 Budget Presentation**

Dianne Waldron, Executive Director, Berkeley County Meals on Wheels appeared before the Council and presented their FY2023-25 budget requesting \$3,000. Ms. Waldron reviewed the programs and services offered. She also brought one of the volunteer drivers with her who spoke to the Council.

**Re: Board and Commission Interview  
Jimeca Iyomer – Candidate – Criminal Justice Board**

Jimeca Iyomer appeared before the Council and was interviewed as a candidate for the Criminal Justice Board.

**Re: Board and Commission Interview  
Ian Gingold – Candidate – Berkeley County Library Board**

Ian Gingold appeared before the Council and was interviewed as a candidate for the Berkeley County Library board.

Councilperson Boyd made a motion to appoint Ian Gingold to the Berkeley County Library board. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Bob Williams, Director, Berkeley County Parks & Recreation  
Upgrades to PO Faulkner Park**

Bob Williams, Director, Berkeley County Parks & Recreation appeared before the Council and reviewed the upgrades to PO Faulkner Park with Pickle Ball courts. He stated that there would be no cost to the county that these would be paid for by the City of Martinsburg, but wanted to update the Council since the county owned the property.

**Re: Maria Lorensen, Development Director, Hospice  
FY2023-24 Budget Presentation**

Maria Lorensen, Development Director, Hospice appeared before the Council and presented their FY2023-25 budget requesting \$2,500. Ms. Lorensen reviewed the programs and services offered at Hospice and thanked the Council for their support.

**Re: Alan Davis, County Administrator  
Request to Solicit Proposal for \$5 Million in Bank Qualified Capital Financing  
Request from WV Secretary of State for Office Space in the Dunn Building  
2023 IRS Mileage Rate**

Alan Davis, County Administrator stated in May, 2022 the Council agreed to \$3 in LED lighting upgrades for the Judicial Center, Sheriff's Department, Animal Control and Emergency Services buildings to be funded through tax-exempt bank qualified funds and \$7 million of HVAC upgrades for the Sheriff's Department and Judicial Center to be funded through American Rescue Plan Act (ARPA) funds. He stated in December, 2022 the county closed on approximately \$10 million in bond funding to be used for the addition to the Day Report Center. He further stated that the bond documents state that we must first use the bond financing for the DRC with any residual monies available for the LED lighting. Mr. Davis stated that unfortunately, the LED lighting project was currently underway (with \$1.5 million of materials currently being stored at 750 Baltimore Street) and the DRC projects has yet to be bid.

Mr. Davis stated the in December, 2022 the Council awarded the contract for the Dunn Building addition and renovations to Brechbill & Helman in the amount of \$8,969,000 which does not include approximately \$1.5 million in mechanical HVAC systems which would bring the total cost to approximately \$10.5 million of which \$8.9 million ARPA funding has been committed. He stated that the project would be completed sometime in 2024.

Mr. Davis stated to reimburse the county for over \$1.5 million in general funds expended to date for LED lighting and to fund the remaining balance we must, at a minimum, borrow \$3 million in bank qualified funds before the end of FY2023. He further stated if we do not, the unencumbered fund balance entering FY2024 could be so low that the county would have to use rainy day funds to meet expenses for the 1<sup>st</sup> quarter. Mr. Davis stated the Council should also consider the timing on the addition \$2 million

needed to finish the Dunn Building. He stated that this could be done through (1) bond issue or construction loan totaling \$5 million dollars which would combine the LED lighting and Dunn Building into one loan or; (2) a separate line of credit could be established now just for the funds needed for the Dunn Building or; as the Dunn Building nears its end in 2024 bank qualified monies could be obtained to fund the balance of the project.

Mr. Davis stated if the Council approved the funding request for the \$5 million he would put out an RFP.

Councilperson Catlett made a motion to approve the \$5 million in funding and the RFP to be distributed. Councilperson Boyd seconded the motion. The motion carried unanimously.

Mr. Davis stated that he had spoken with the WV Secretary of State and they have requested office space in the Dunn Building. Mr. Davis stated that it would be nice for them to be in the building for the county citizens.

Councilperson Catlett made a motion to provide office space for the WV Secretary of State's Office in the Dunn Building. Councilperson Boyd seconded the motion. The motion carried unanimously.

Mr. Davis reviewed the 2023 IRS mileage rate stating that the rate had been \$0.58.5 effective January 1, 2022 and adopted by the Council. He stated that the IRS made a rare change in June, 2022 to \$0.62.5 which the Council did not adopt. Mr. Davis recommended that the Council adopt the new IRS rate effective January 1, 2023 of \$0.65.5.

Councilperson Barnhart made a motion to adopt the new IRS mileage rate of \$0.65.5 effective January 1, 2023. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Executive Session – Personnel**

Councilperson Barnhart made a motion to go into executive session for personnel issues at 12:23 P.M. Vice President Gochenour seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 12:55 A.M.

No motions were made during or after executive session.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the January 12, 2023 Berkeley County Council meeting.

Submitted by: Penny Shewell

**Penny Shewell, Office Administrator**