

**Berkeley County Council Meeting**  
**400 W. Stephen Street, Suite 205**  
**Martinsburg, WV 25401**

**January 26, 2023**  
**9:30 A.M.**

**Present:**

**James P. Whitacre, President**

**G. Edgar Gochenour, Vice President**

**James R. Barnhart, Councilperson**

**H.D. Boyd, Councilperson**

**R. Stephen 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; Will Lorensen, Fiduciary Supervisor; Gary Wine, Deputy County Administrator; Tim Czaja, Community Corrections Director; Matthew Umstead, Director, Policies and Strategic Planning; The Honorable Sheriff Nathan Harmon

**Re: Call to Order**

President Whitacre called the January 26, 2023 Berkeley County Council Meeting to Order at 9:35 A.M.

**Re: Items from the Public**

There were no items from the public.

**Re: Consent Agenda**

**1. Purchase Order Log**

There were no questions regarding the Purchase Order Log.

**2. Internal Budget Revisions**

There were no internal budget revisions to be addressed.

**3. Changes in Status**

President Whitacre stated that new hire recommendations were received from Mike Laing, Chief Court Marshal for Rodney Kreps, Fred Walls, Charles Neikirk and Tracy Harmison as Deputy Court Marshals effective February 1, 2023 with an annual salaries of \$39,017.

President Whitacre stated that a change in status was received from the Honorable Anthony Petrucci, County Clerk for Tom Guilliams to increase his salary from \$54,000 to \$58,000 effective January 15, 2023.

President Whitacre stated that a change in status was received from Jennifer Swisher, 9-1-1 Director for Delaney Lison to go from Telecommunicator I to Telecommunicator II effective January 19, 2023 with a salary change from \$50,341 to \$54,443.

President Whitacre stated that a change in status was received from Mike Laing, Chief Court Marshal for Edward Wilson to receive a salary increase for years of service effective November 1, 2022 with a salary change from \$43,118 to \$43,618.

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

Councilperson Catlett stated that a correction needed to be made to a motion that he made and seconded on the January 12, 2023 Berkeley County Council meeting minutes.

#### **5. Council Calendar**

President Whitacre reviewed the Council calendar for the month January.

#### **6. Board and Commission Calendar**

President Whitacre reviewed the Board and Commission calendar for the month of January.

#### **7. Bond Release – Berkeley Ridge Phase 4, Lots 19-38, 190-241 & 258-277, BCP File #053-03 tied to LAMA Case #2010-297, Bond #SU1141153 – Engineering Department**

#### **8. Bond Release – Red Hill Phase 6 (Final Plat Bond) BCP File #2112-460 tied to BCP #033-05, Bond #CIC1912095 – Engineering Department**

#### **9. Bond Reduction – Timberwood East, Phase 2, BCP File #2203-069 tied to BCP File #2209-2271 – Engineering Department**

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

Vice President Gochenour made a motion to approve the Consent Agenda for January 26, 2023 Berkeley County Council meeting. Councilperson Catlett seconded the motion. The motion carried unanimously.

### **Re: Correction of Assessments Log, Apportionment of Assessments, Deconsolidation and Consolidation of Properties Applications – Assessor’s Office**

The Honorable Larry Hess, Assessor appeared before the Council and presented two (2) personal tax exonerations for reason of taxpayer error totaling \$543.92,

Councilperson Barnhart made a motion to approve the two personal tax exonerations for reason of office error totaling \$543.92. Vice President Gochenour seconded the motion. The motion failed with a vote of zero to five.

Mr. Hess presented four (4) personal property tax exonerations for reason of office error totaling \$446.49.

Vice President Gochenour made a motion to approve the four (4) personal tax exonerations for reason of office error totaling \$446.49. Councilperson Boyd seconded the motion. The motion carried unanimously.

Mr. Hess presented one (1) real estate exoneration for reason of tax payer error totaling \$953.85.

Mary Ridgeway appeared before the Council and stated that she never received the assessment form in the mail. Her father also appeared and spoke to the Council.

Councilperson Barnhart made a motion to approve the one (1) real estate exoneration for reason of tax payer error totaling \$953.85. Vice President Gochenour seconded the motion. The motion carried with a vote of three (3) to two (2) with President Whitacre and Vice President Gochenour voting against.

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

Councilperson Boyd reported that he attended the CVB meeting where they are looking for new members. He also reported that they elected officers and have suggested using the new Museum board to tie things together. He also reported that he attended the Roundhouse Authority meeting where they are getting ready to run ads for the elevator and get on the City of Martinsburg Agenda for a one way access.

Councilperson Barnhart reported that he attended the Heath Department board meeting where they reported that the old Ruby Tuesday's building was going to become a car wash. He also reported that he was unable to attend the Water District board meeting.

Vice President Gochenour reported that he and Alan Davis, County Administrator met with contractors for the Dunn Building. He also reported that he met with the Department of Highways regarding road issues with Brian Ross, Director of Community Development, Doug Smith, County Engineer and Laura Hoffmaster, Senior Planner.

Councilperson Catlett reported that he attended the Public Service Sewer District board meeting where a discussion was held with concerns regarding Frontier lines causing damage to sewer and water lines. He also reported that he attended the Public Service Stormwater District board meeting where they need to make a decision about the MS4 permit and signee. Councilperson Catlett stated that he met at the Ambulance Authority facility with Dave Irvin regarding the Authority.

President Whitacre reported that he attended the EPTA meeting and reported that they are moving along with the purchase of two (2) buses and are being built with wheelchair/handicap access.

### **Re: Board and Commission Vacancies**

President Whitacre requested to have Donald Silvius scheduled for an interview as a candidate for the Museum board.

Vice President Gochenour made a motion to reappoint Jimeca Iyomere to the Criminal Justice Board for a full term. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Vice President Gochenour requested to have reappointment letters sent to the expiring Planning Commission board members.

**Re: Honorary County Councilperson**

Vice President Gochenour introduced Esteban Hernandez a student at South Middle School. Mr. Esteban stated that he came here from Mexico two years ago and likes soccer and electronics. Vice President Gochenour swore in Mr. Esteban as Honorary County Councilperson and presented him with a certificate.

**Re: Will Lorensen, Fiduciary Supervisor  
Estate Hearing – Estate of Petrus A. Vanderhorst**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Petrus A. Vanderhorst. He stated that he was requesting to appoint a Fiduciary Commissioner, Susan Snowden.

Vice President Gochenour made a motion to appoint Susan Snowden as Fiduciary Commissioner to the Estate of Petrus A. Vanderhorst. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Gary Wine, Deputy County Administrator  
Memorandum Declaration Surplus Vehicle & Equipment**

Gary Wine, Deputy County Administrator appeared before the Council and stated that he would like to declare the bus that was previously used for community service and some equipment as surplus.

Councilperson Barnhart made a motion to declare the vehicle and equipment listed as surplus. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Elaine Bartoldson, Director, Eastern Panhandle Transit Authority  
FY2023-24 Budget Presentation**

Elaine Bartoldson, Director, Eastern Panhandle Transit Authority appeared before the Council and presented their FY2023-24 budget requesting \$150,000. Ms. Bartoldson stated that ridership was up and 68% of ridership comes from Berkeley County. She also stated that the building project was on point and 90% complete. Ms. Bartoldson stated that they are also purchasing two (2) new buses. Charles Hall, board member appeared before the Council and spoke about Ms. Bartoldson's job performance and her effectiveness and efficiency.

**Re: Tim Czaja, Community Corrections Director  
Home Confinement Staffing Update.**

Tim Czaja, Community Corrections Director appeared before the Council and presented a staffing update on Home Confinement. He stated that in 2018 had three (3) officers and currently have six (6) with the 120 participants which includes the Home Confinement Supervisor which is also running a route. Mr. Czaja stated that he is requesting two (2) additional Home Confinement Officers. Alan Davis, County Administrator suggested that two (2) new Home Confinement Officers be hired now with one (1) additional in July.

Councilperson Catlett made a motion to hire (2) Home Confinement Officers now and save the money from the last five months of this fiscal year to hire another Officer in July. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Matthew Umstead, Chair, Roundhouse Authority  
FY2023-24 Budget Presentation**

Matthew Umstead, Chair, Roundhouse Authority appeared before the Council and presented their FY2023-24 budget presentation requesting \$28,000 for insurance stating that is has doubled from last year. He also stated that they have received \$125,000 from the City of Martinsburg for projects at the machine shop.

**Re: Board and Commission Interview  
Greg Jones- Candidate – Planning Commission, CVB, Farmland Protection**

Greg Jones appeared before the Council and was interviewed as a candidate for the Planning Commission, CVB or Farmland Protection boards.

**Re: Sheriff Nathan Harmon  
2022 Highlights of the Sheriff's Department  
Presentation of Deputy of the Year  
Presentation of Medal of Valor**

The Honorable Sheriff Nathan Harmon appeared before the Council and reviewed the 2022 highlights of the Sheriff's Department. He also recognized John L Burkett, III as "Deputy of the Year" and presented him with a plaque. Sheriff Harmon also presented Deputy David Knotts with the "Medal of Valor" Award.

**Re: Alan Davis, County Administrator  
State Budget Revision # 07 Fund 001**

Alan Davis, County Administrator reviewed State Budget Revision # 07 for Fund 001.

Councilperson Barnhart made a motion to approve State Budget Revision # 007 for Fund 001 as presented by Mr. Davis. Councilperson Boyd seconded the motion. The motion carried unanimously.

**Re: Executive Session – Litigation**

Councilperson Barnhart made a motion to go into executive session at 12:41 P.M. for litigation. Vice President Gochenour seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 1:15 P.M.

There were no motions made during or after executive session.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the January 26, 2023 Berkeley County Council meeting.

Submitted by: 

**Penny Shewell, Office Administrator**