

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

February 9, 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 Petrucci, Legal Director; Gary Wine, Deputy County Administrator; Randy Lilly, Emergency Management Director; Will Lorensen, Fiduciary Supervisor; Jack Laing, Facilities Director; Brian Ross, Director Community Development; Larry Hess, Assessor

Re: Call to Order

President Whitacre called the February 9, 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: Agenda

Alan Davis, County Administrator stated that Randy Lilly's budget presentation had been moved from 10:15 A.M. to 3:30 P.M. so Katie Spring's budget presentation could be moved from 3:30 P.M. to 10:15 A.M. so she could testify at a trial for the Prosecuting Attorney this afternoon and executive session would be held after Jennifer Swisher's budget presentation.

Vice President Gochenour made a motion to approve the Agenda with the modifications for the February 9, 2023 Berkeley County Council meeting. Councilperson Catlett seconded the motion. The motion carried unanimously.

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 a change in status was received from Tim Czaja, Community Corrections Director for James McArthur to go from Peer Recovery Coach to Case Manager effective February 13, 2023 with a salary change from \$43,768 to \$50,676.

President Whitacre stated that a change in status was received from Brian Ross, Community Development Director for Nathan Emery who has received his certification for Flood Plain Manager effective February 1, 2023 with a salary change from \$58,650 to \$59,150.

4. Approval of Minutes

There were no changes to the January 19, 2023 Berkeley County Council meeting minutes.

5. Council Calendar

President Whitacre reviewed the Council calendar for the month of February.

6. Board and Commission Calendar

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

Councilperson Barnhart stated that the Health Department Board meeting would be held at 4:00 PM in Berkeley Springs and he would not be able to attend the Water District board meeting and Vice President Gochenour would attend in his place.

7. Bond Reduction – Seasonal Services LLC, File #2208-255 tied to #2012-0012 (Grading) Bond #BND76300151 – Engineering Department

8. Request for Permit Fee Waiver-Berkeley County Parks and Recreation – DuPont Soccer Complex

9. Request for Permit Fee Wavier – Berkeley County Parks and Recreation – Spring Mills Park

Re: Consent Agenda Approval

Vice President Gochenour made a motion to approve the Consent Agenda for the February 9, 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 Assessor’s Office had nothing to present this week.

Re: Board Meeting Reports

Councilperson Boyd reported that he attended the Roundhouse Authority meeting where they advertised the bids for the elevators and the concrete floors. He also reported that they have requested to negotiate with the City of Martinsburg on a piece of land on Liberty Street for a turn around. Councilperson Boyd stated that the board nominated Cem Martin as a candidate for the Museum board. He also reported that they discussed preparations for the Home Show.

Councilperson Barnhart reported that he and Vice President Gochenour attended the special Public Service Water District board meeting in the afternoon and Councilperson Catlett attended the morning meeting. He stated that they are looking to borrow \$114 million and discussions are being held on raising the tariff.

Vice President Gochenour reported that he attended the Public Service Sewer District board meeting and helped to facilitate a meeting between Ecolab and the Sewer District. He stated that Ecolab will be doing a lot more testing now. Vice President Gochenour also reported that he attended the Planning Commission meeting where several projects went to final plat.

Councilperson Catlett reported that he attended the Public Service Water District board workshop. He also reported that he attended the Public Service Sewer District board meeting and reported that they have a lot of maintenance projects going on.

President Whitacre reported that he had no meetings this week.

Re: Board and Commission Vacancies

Vice President Gochenour made a motion to reappoint Linda Barnhart to the Planning Commission for a full term. Councilperson Catlett seconded the motion. The motion carried unanimously.

President Whitacre requested to have Daniel Kelly, III scheduled for an interview for the Parks and Recreation Board and the CVB and Richard Campbell for the BC Museum board.

**Re: Gary Wine, Deputy County Administrator
Fleet Vehicle Purchase**

Gary Wine, Deputy County Administrator appeared before the Council and reviewed the need to be able to purchase four (4) vehicles on the lots as they were available as they were needed for replacements.

Vice President Gochenour gave authority to the Fleet Manager, Gary Wine to purchase four (4) vehicles not to exceed \$150,000. Councilperson Catlett seconded the motion, The motion carried unanimously.

**Re: Randy Lilly, Emergency Management Director
FY2023-25 Budget Presentation**

Randy Lilly, Emergency Management Director appeared before the Council and presented his FY2023-24 budget. He spoke about the need to replace turn out gear and training needs.

**Re: Board and Commission Interview
Keith Hammersla – Candidate – BC Museum Board**

Keith Hammersla appeared before the Council and was interviewed as a candidate for the BC Museum board.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Judy M. Kloss**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the estate of Judy M. Koss. Heather Dem Myers, Esquire, appeared before the Council and spoke regarding Melissa Brown, daughter of Judy M. Kloss.

Councilperson Barnhart made a motion to accept the resignation of Jean Baker as Executor of the Estate of Judy M. Kloss. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Jesus Miguel Rodriquez**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Jesus Miguel Rodriquez.

Vice President Gochenour made a motion to accept the copy of the will in solemn form for the Estate of Jesus Miguel Rodriquez. Councilperson Boyd seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Stephanie Porter**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the estate of Stephanie Porter. Tammy McWilliams, Esquire from Trump and Trump representing Mr. Miller appeared before the Council and stated that the co-administrators of the estate represented themselves as the only grandchildren and only heirs and is untrue.

Vice President Gochenour stated that although all parties were notified of the hearing today neither of the co-administrators were present.

Vice President Gochenour made a motion to remove Judith C. Miller and Caleb Waugh as co-administrators of the estate of Stephanie Porter. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Jennifer Swisher, 9-1-1 Director
FY2023-24 Budget Presentation**

Jennifer Swisher, 9-1-1 Director appeared before the Council and presented her FY2023-24 budget.

Re: Executive Session - Legal Matters and County Council Personnel

Councilperson Barnhart made a motion to go into executive session at 11:50 A.M. for legal matters and County Council personnel. Vice President Gochenour seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 12:15 P.M.

There were no motions made during or after executive session.

Councilperson Boyd was not present for the afternoon meeting.

**Re: Board of Review and Equalization # 04
Larry Hess, Assessor**

The Honorable Larry Hess, Assessor appeared before the Council and stated that his office had no appeals, but did have changes to the books.

Curtis Trenary, Assessor's Office appeared before the Council and presented the following changes to the tax record books.

#1	Current	Appraised	Land	Building	Total
02-1E-258		Assessed	7,000	0	7,000
Changed Tax			4,200	0	4,200
Class from 3 to 2	Proposed	Appraised	4,000	0	4,000
		Assessed	2,400	0	2,400
#2	Current	Appraised	142,200	0	142,200
03-20-13.55		Assessed	85,340	0	85,340
Removed 11.79AC					
Keying Error	Proposed	Appraised	82,600	0	82,600
		Assessed	49,580	0	49,580
#3	Current	Appraised	55,000	0	55,000
02-7M177		Assessed	33,000	0	33,000
Keying Error	Proposed	Appraised	300	0	300
		Assessed	300	0	300
#4	Current	Appraised	55,000	0	55,000
02-7M-178		Assessed	33,000	0	33,000
Keying Error	Proposed	Appraised	300	0	300
		Assessed	300	0	300
#5	Current	Appraised	5,500	0	5,500
02-7M-179		Assessed	33,000	0	33,000
Keying Error	Proposed	Appraised	300	0	300
		Assessed	300	0	300

#6 02-7M-180 Keying Error	Current	Appraised	55,000	0	55,000
		Assessed	33,000	0	33,000
	Proposed	Appraised	300	0	300
		Assessed	300	0	300

**Re: Stacy McFarland, Executive Director, American Red Cross Greater Shenandoah Valley Chapter
FY2023-24 Budget Presentation**

Stacy McFarland, Executive Director, American Red Cross Greater Shenandoah Valley Chapter appeared before the Council and presented their FY2023-24 budget requesting \$5,000. She reviewed their programs and how they assist a family after a fire.

**Re: Jack Laing, Facilities Director
FY2023-24 Budget Presentation**

Jack Laing, Facilities Director appeared before the Council and presented his FY2023-24 budget.

**Re: Brian Ross, Community Development Director
FY2023-24 Budget Presentation**

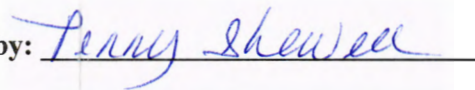
Brian Ross, Community Development Director appeared before the Council and presented his FY2023-24 budget for the Engineering and Planning Departments

**Re: Katie Spriggs, Executive Director, Eastern Panhandle Empowerment Center
FY2023-24 Budget Presentation**

Katie Spriggs, Executive Director, Eastern Panhandle Empowerment Center appeared before the Council and presented their FY2023-24 budget requesting \$47,000. She stated that they are requesting funding for one (1) staff member to stop trafficking. Magistrate Darrell Shull appeared before the Council and spoke about the advocates and how they assist in the courtrooms on domestic violence cases. Ms. Spriggs reviewed the program.

Re: Recess

Councilperson Barnhart made a motion to Recess the February 9, 2023 Berkeley County Council meeting.

Submitted by: 

Penny Shewell, Office Administrator