

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

April 6, 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; Antony Petrucci, Legal Director; Tracey Guilliams, Grants Administrator; Elizabeth Lapchak, Grants Administrator; Will Lorensen, Fiduciary Supervisor; Doug Smith, County Engineer

Re: Call to Order

President Whitacre called the April 6, 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

Vice President Gochenour made a motion to approve the Agenda for the April 6, 2023 Berkeley County Council meeting. Councilperson Catlett seconded the motion. The motion carried unanimously.

Re: Consent Agenda

1. Purchase Order

There were no questions regarding the Purchase Order Log.

2. Internal Budget Revisions & Encumbrance Requests

Alan Davis, County Administrator reviewed the one (1) encumbrance request received.

3. Changes in Status

President Whitacre stated that a new hire recommendation was received from Tim Czaja, Community Corrections Director for Liam McKee as a Drug Screening Technician effective April 11, 2023 with an annual salary of \$39,812.

President Whitacre stated that a new hire recommendation was received from Penny Shewell, Office Administrator for the County Council for Chad Thompson as a Grant Coordinator effective April 24, 2023 with an annual salary of \$46,000.

President Whitacre stated that a letter of resignation was received from the Prosecuting Attorney's Office from John Lehman effective April 7, 2023.

President Whitacre stated that a letter of resignation was received from the Day Report Center from Erick Noffsinger effective March 30, 2023.

4. Approval of Minutes

There were no changes to the March 23, 2023 Berkeley County Council meeting minutes.

Councilperson Catlett made a motion to approve the minutes for the March 23, 2023 Berkeley County Council meeting. Councilperson Boyd seconded the motion. Councilperson Barnhart abstained due to absence. The motion carried.

5. Council Calendar

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

Mr. Davis reminded the Council that they would need to meet Tuesday, April 18, 2023 at 9:00 A.M. to Lay the Levy. Vice President Gochenour stated that he was due to be on WRNR that morning at 9:00 A.M. and requested Mrs. McCormick to see if she could find a Department Head to take his place. Councilperson Boyd stated he would not be here on April 18th.

6. Board and Commission Calendar

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

- 7. Bond Reduction – Cardinal Point, Section 1, Phase 2, Lots 161-1654, 178-181 & 274-303 (Final Plat), File #048-18 tied to 2211-341 #boar 2211-344, Bond #100516015 – Engineering Department**
- 8. Bond Reduction – Cardinal Point, Section 1, Phase 3, Lots 342-357 & 408-419 (Final Plat) File #048-17 tied to #2011-338, #2011-341 & 2011-346, Bond #100542341 – Engineering Department**
- 9. Bond Reduction – Cardinal Point, Section 1, Phase 3, Lots 342-357 & 408-419 (Final Plat) File #048-18 tied to #2010-276, #2211-341 & #211-345, Bond #100531502 – Engineering Department**
- 10. Bond Reduction – Middle Creek, Phase 3C, (Final Plat) File #027-15 tied to #2203-092 & 2203-094, LOC #5391214-45 – Engineering Department**

11. **Bond Reduction – Berkeley Ridge, Section 2, Phase 1, Lots 278-317 & 400-425 (Final Plat), File #2108-309 tied to #2302-059 & #2302-062, Bond #100619033 – Engineering Department**
12. **Bond Reduction – Berkeley Ridge, Section 2, Phase 2, Lots 318-399 (Final Plat), File #022-041 tied to #2302-059 & #2302-062, Bond #100644204 – Engineering Department**
13. **Bond Reduction - Cardinal Pointe, Section 1, Phase 5, Lots 10-42, 65-70, 95-97, 166-177, 182-185, 272-273, 304-308 (Final Plat) File #048-18 tied to #2011-352, #211-341 & 2211-347 Engineering Department**

Re: Consent Agenda Approval

Councilperson Catlett made a motion to approve the Consent Agenda for the April 6, 2023 Berkeley County Council meeting. Vice President Gochenour seconded the motion. The motion carried unanimously.

Re: Correction of Assessment Logs, Apportionment of Assessments, Deconsolidation and Consolidation of Assessment Applications – Assessor’s Office

The Assessor’s Office had nothing to present this week.

Re: Board Meeting Reports

Councilperson Barnhart reported that he attended the Region 9 board meeting via zoon. He also reported that he attended the Health Department board meeting last week.

Councilperson Boyd reported that he participated in a meeting with the American Water along with Councilperson Catlett and Delegates.

Councilperson Catlett reported that he appreciated Sheriff Harmon and Catie Delligatti, Prosecuting Attorney attending the meeting on Sunday at the site where the residents are having issues with some of the neighboring residents. He also reported that he attended the Workforce 7 board meeting via zoom. Councilperson Catlett reported that he attended the Public Service Sewer and Stormwater District meetings.

Vice President Gochenour reported that he attended the Planning Commission meeting where public hearings were held and Foley Springs requested a waiver request for parking. He also reported that he, and Councilperson Catlett met with the Sheriff, the Prosecuting Attorney, Chief Deputy and two additional Deputies on a property that was having some issues with neighboring residents.

President Whitacre reported that he had no meetings this week.

Re: Board Vacancies

There were no board vacancies addressed.

Re: Honorary County Councilperson

Vice President Gochenour introduced Ella Waters, a junior at Hedgesville High School. Miss Waters stated that she was involved in Leadership Club at her school and they try to do a project every month. She stated that she loved to visit Charleston and hoped to be a WV Senator one day. Vice President Gochenour swore in Miss Waters as Honorary County Councilperson and presented her with a certificate.

**Re: Councilperson Issues – President Whitacre
County Flag**

President Whitacre stated that the county had discussed the idea of creating a county flag. Matthew Umstead appeared before the Council and stated that he had reached out to James Rumsey students for ideas for a county flag and he provided to the Commemoration committee who had selected a few options and presented those options to the Council. President Whitacre suggested that Mr. Umstead redistribute the proposed flag drafts to the full Council. Mr. Davis stated since this would not just be a Council flag, but an entire county flag that this be scheduled as an Agenda item for discussion and action.

**Re: Tracey Guilliams, Grants Administrator
FY23 BJA STOP School Violence Grant
MOU Board of Education FY23 BJA Stop School Violence**

Tracey Guilliams, Grants Administrator appeared before the Council and reviewed the FY23 BJA STOP School Violence Grant.

Councilperson Catlett made a motion to approve to apply for the FY23 BJA STOP School Violence Grant. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Councilperson Barnhart made a motion to approve the MOU with the Board of Education for the FY23 BJA STOP School Violence and authorize the President to sign. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Accounts – Month of April
Estate Hearings to be Scheduled**

Will Lorensen, Fiduciary Supervisor appeared before the Council and presented nineteen (19) estate accounts for the month of April.

Vice President Gochenour made a motion to approve the nineteen (19) estate accounts for the month of April as presented. Councilperson Catlett seconded the motion. The motion carried unanimously.

Mr. Lorensen had no estate hearings to schedule.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Dallas M. Martin**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Dallas M. Martin. He requested that the Council probate the copy of the will in solemn form.

Councilperson Barnhart made a motion to probate the copy of the will of the Estate of Dallas M. Martin in solemn form. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Joan Mitchell Walker**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Joan Mitchell Walker. Mr. Lorensen requested the Council to probate the copy of the will in solemn form.

Vice President Gochenour made a motion to probate the copy of the will of the Estate of Joan Mitchell Walker in solemn form. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Board and Commission Interview
Dean Polk – Candidate – Berkeley County Parks & Recreation**

Dean Polk appeared before the Council and was interviewed as a candidate for the Berkeley County Parks and Recreation board.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Andrea L. Twele**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Andrea L. Twele. He requested the Council to probate the copy of the will in solemn form.

Councilperson Catlett made a motion to probate the copy of the will in solemn form for the Estate of Andrea L. Twele. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Virginia Juanita Cross**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Virginia Juanita Cross. Mr. Lorensen requested the Council to probate the copy of the will in solemn form.

Vice President Gochenour made a motion to probate the copy of the will in solemn form for the Estate of Virginia Juanita Cross. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor
Estate Hearing – Estate of Heloi Michael Tweve**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the Estate of Heloi Michael Tweve requesting the Council to allow Macxensia M. Diba, appointed and acting personal representative to the Estate of Heloi Michael Tweve to resign her position.

Vice President Gochenour made a motion to remove Macxensia M. Diba as the personal representative to the Estate of Heloi Michael Tweve. Councilperson Boyd seconded the motion. The motion carried unanimously.

**Re: Brian Costello, Executive Director, Berkeley County Emergency Ambulance Authority
Non-Residential Ambulance Service Fees**

Brian Costello, Executive Director, Berkeley County Emergency Ambulance Authority appeared before the Council and reviewed the history of the non-residential ambulance service fee structure and how it was created.

Vice President Gochenour thanked Mr. Costello and his staff for all their hard work and efforts on the non-residential ambulance service fee.

Councilperson Catlett made a motion to move ahead with the non-residential service fee with the addition of the Homestead Exemption. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Alan Davis, County Administrator
Reformation from Berkeley County Council to Commission
Test Well for Berkeley County Public Service Water District**

Alan Davis, County Administrator reviewed Senate Bill 649 that would allow for the reformation of the County Council to the County Commission and questioned if the Council wanted to pursue this. The consensus was to become a County Commission. Mr. Davis stated that he would begin the process and would bring back to the Council for a formal vote on June 15, 2023 to become effective July 1, 2023.

Mr. Davis reviewed the request of the Public Service Water District to access to drill a well on the South Berkeley County Water Supply Project Property Tax Lot Number 02-07-0006-0095-0000. He stated that the test site would be under a man hole.

Councilperson Catlett made a motion to grant permission for the Berkeley County Public Service District to perform an exploratory test well site on the aforementioned property and authorize the President to sign the Agreement. Vice President Gochenour seconded the motion. The motion carried unanimously.

Re: Executive Session – Real Estate and Economic Development


Councilperson Barnhart made a motion to go into executive session for real estate and economic development at 11:37 A.M. Vice President Gochenour seconded the motion. The motion carried unanimously.

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

There were no motions made during or after executive session.

Re: Recess

Councilperson Barnhart made a motion to Recess the April 6, 2023 Berkeley County Council meeting.

Submitted by: 

Penny Shewell, Office Administrator