

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

**April 20, 2023**  
**9:30 A.M.**

**Present:**

**James P. Whitacre, President**

**G. Edgar Gochenour, Vice President**

**James R. Barnhart, Councilperson**

**R. Stephen Catlett, Councilperson**

**Alan J. Davis, County Administrator**

**Penny Shewell, Office Administrator**

**Councilperson Boyd was not present for the meeting.**

Also Present: Tracie McCormick, Procurement Coordinator; Anthony Delligatti, Legal Director; Will Lorensen, Fiduciary Supervisor; Brian Ross, Community Development Director; Laura Hoffmaster, Senior Planner; Gary Wine, Deputy County Administrator

**Re: Call to Order**

President Whitacre called the April 20, 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 20, 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/Encumbrances**

There were no internal budget revisions or encumbrances to be addressed.

**3. Changes in Status**

There were no changes in status to be addressed.

**4. Approval of Minutes**

There were no changes to the April 6, 2023 Berkeley County Council meeting minutes.

**5. Council Calendar**

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

**6. Board and Commission Calendar**

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

Alan Davis, County Administrator reminded the Council that they have a public hearing on April 27 at 11:00 AM and 6:00 PM for the proposed Stormwater Ordinance and May 11 at 11:00 AM and 6:00 PM for the Water District proposed fee increase.

**Re: Consent Agenda Approval**

Councilperson Catlett made a motion to approve the Consent Agenda for the April 20, 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 Properties Applications – Assessor’s Office**

The Assessor had nothing to present this week.

**Re: Board Meeting Reports**

Councilperson Barnhart reported that he attended the Berkeley-Morgan Health Department board meeting where departmental reports were presented and restaurant closings were presented.

Councilperson Catlett reported that he was unable to attend the Farmland Protection board meeting as he was out of town, but stated that their main focus was to hire a replacement for Mark Schiavone. He also reported that the Public Service Sewer and Stormwater District board meetings were cancelled. Councilperson Catlett stated that he and Vice President Gochenour met with Ron Stephens, Superintendent of Schools and Elaine Bobo and stated that the full Board of Education would like to meet with the Council.

Vice President Gochenour reported that he attended the Planning Commission meeting and reported that they have small projects going on. He also thanked Tim Czaja for filling his spot on the WRNR radio program that he was unable to attend and doing some a wonderful job explaining the programs being offered.

President Whitacre reported that he was unable to attend any meetings due to the passing of his father.

**Re: Board and Commission Vacancies**

Councilperson Barnhart made a motion to reappoint Mary Jane Rinard to the Berkeley-Morgan Health Department board for a five (5) year term. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Brian Ross, Director of Community Development  
Update on Engineering and Planning Departments**

Brian Ross, Director of Community Development appeared before the Council and presented an update on the Engineering and Planning Departments. Mr. Ross provided information on what each department's functions were and reviewed the statistics of permits for 2021 and 2022 and the funding generated from those permits. He also reviewed the upcoming subdivisions.

**Re: Will Lorensen, Fiduciary Supervisor  
Estate Hearing – Elizabeth Kay Washington**

Will Lorensen, Fiduciary Supervisor appeared before the Council and reviewed the history of the estate of Elizabeth Kay Washington. He stated that this matter came before the Fiduciary Commissioner upon the objection of Sidney W. Devonshire, Jr. by counsel as Conservator for his son Sidney W. Devonshire, III, a protected person and heir to the estate of Elizabeth Kay Washington.

Anthon Delligatti, Legal Director appeared before the Council and reminded the Council of the role that they play in this Estate Hearing stating that no testimonies would be heard today and no new evidence could be submitted to the Council at today's hearing.

Susan Snowden, Fiduciary Commissioner appeared before the Council and stated that she wanted to clarify that Sydney Devonshire, III was not a minor, but was incompetent when signing his rights over and recommended that Nakawa Washington be removed as the Administrator of the Estate of Elizabeth Kay Washington based upon documents that were not legal and should not have been qualified and numerous funds that will need to be issued back to the estate.

Hanna French, Esquire, Bowles Rice and legal counsel for Sydney Devonshire, III, grandchild of Elizabeth Kay Washington requesting that Nakawa Washington be removed as Administrator of the estate of Elizabeth Kay Washington and a neutral third party be appointed.

Nakawa Washington appeared before the Council requesting to provide new evidence and testimony to the Council. Mr. Lorensen and Mr. Delligatti both advised that no new evidence or testimony would be allowed to be heard today. Mr. Washington provided documentation that he requested be part of the record.

Vice President Gochenour made a motion to accept the recommendation of the Fiduciary Commissioner, Susan Snowden and remove Nakawa Washington as the Administrator for the estate of Elizabeth Kay Washington and a third party Administrator to be appointed. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Mr. Washington requested that it be noted in the record that he objected to the motion.

**Re: Will Lorensen, Fiduciary Supervisor  
Estate Hearing – Estate of Geary Leon Hoover**

Will Lorensen, Fiduciary Supervisor appeared before the Council and presented the history of the Estate of Geary Leon Hoover. Mr. Lorensen stated that the estate was to be split 50/50 between Susan L. Alkire Hoover, spouse and Administratrix of the estate and Terah L. Ware and Kevin Hoover, children from a previous relationship. James Zane, Attorney for Mr. Hoover along with Mrs. Hoover joined the meeting via ZOOM. Susan Snowden, Fiduciary Commissioner appeared before the Council and stated that she would have preferred the Administratrix to be present for the meeting, but stated that Mrs. Alkire Hoover was not willing to travel from Florida and stated that in her findings she found the Administratrix to be less than forth coming. She reviewed the estate and recommended that Susan L. Alkire Hoover be removed as Administratrix and a third party Administratrix be appointed. Terah L. Ware and Kevin Hoover, children of the decedent appeared before the Council and spoke. Mr. Zane spoke on behalf of his client Mrs. Hoover.

Councilperson Barnhart made a motion to accept the recommendation of the Fiduciary Commissioner and remove Susan L. Alkire Hoover as Administratrix of the Estate of Geary Leon Hoover and appoint a third party. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Will Lorensen, Fiduciary Supervisor  
Estate Hearing – Estate of Billie L. Godwin**

Will Lorensen Fiduciary Supervisor appeared before the Council and reviewed the history of the estate of Billie L. Godwin. Mr. Lorensen requested the Council to accept the will in solemn form.

Councilperson Barnhart made a motion to accept the will in solemn form for the estate of Billie L. Godwin. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Executive Session – Legal Matters**

Councilperson Barnhart made a motion to go into executive session for legal matters at 11:58 A.M. Vice President Gochenour seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 12:22 P.M.

There were no motions made during or after executive session.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the April 20, 2023 Berkeley County Council meeting.

Submitted by: *Penny Shewell*

**Penny Shewell, Office Administrator**