

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

April 27, 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; Gary Wine, Deputy County Administrator; The Honorable Larry Hess, Assessor; Tim Czaja, Community Corrections Director; Randy Lilly, Director, Emergency Management; Shawn Wolford, Emergency Services Manager; Elizabeth Lapchak, Grants Administrator; Tracey Guilliams, Grants Administrator; Chad Thompson, Grants Coordinator; Brian Ross, Community Development Director; Jeff Mauzy, Deputy Legal Director

Re: Call to Order

President Whitacre called the April 27, 2023 Berkeley County Council meeting to Order at 9:35 A.M.

Re: Items from the Public

John Christiansen with the Eastern Panhandle Labor Council appeared before the Council and reminded everyone that tomorrow, April 28th was Worker's Memorial Day.

Re: Agenda

Councilperson Catlett made a motion to approve the Agenda for the April 27, 2023 Berkeley County Council meeting. Vice President Gochenour 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

Alan Davis, County Administrator reviewed the one (1) internal budget received.

3. Changes in Status

President Whitacre stated that new a hire recommendation was received from the Honorable Larry Hess, Assessor for Courtney Cook as a Personal Property Clerk effective May 4, 2023 with an annual salary of \$31,500.

President Whitacre stated that new hire recommendations were received from Jack Laing, Facilities Director, for Darrel Prather as a Facilities Worker II effective May 1, 2023 with an annual salary of \$43,135 and Austin Stephens as a Facilities Worker I effective May 8, 2023 with an annual salary of \$33,942.

President Whitacre stated that a letter of resignation was received from the Sheriff's Department from Matthew Larsen effective April 18, 2023.

4. Approval of Minutes

There were no changes to the April 13, 2023 Berkeley County Council meeting.

Vice President Gochenour made a motion to approve the April 13, 2023 Berkeley County Council meeting minutes. Councilperson Boyd seconded the motion. Councilperson Barnhart and Councilperson Catlett abstained due to absence. The motion carried.

There were no changes to the April 18, 2023 Berkeley County Council meeting minutes.

Councilperson Barnhart made a motion to approve the April 18, 2023 Berkeley County Council meeting minutes. Councilperson Catlett seconded the motion. Councilperson Boyd abstained due to absence. The motion carried.

5. Council Calendar

President Whitacre reviewed the Council calendar for the months of April and May.

6. Board and Commission Calendar

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

Councilperson Barnhart stated that the Telemon board meeting has been rescheduled for May 10, 2023.

7. Resolution for Certification for the WV Community Corrections Sub-Committee on Crime Delinquency & Corrections to operate the Berkeley Day Report Center

8. Letter of Endorsement – The Rock

Re: Consent Agenda Approval

Councilperson Catlett made a motion to approve the Consent Agenda for the April 27, 2023 Berkeley County Council meeting. Vice President Gochenour seconded the motion. The motion carried unanimously.

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

The Honorable Larry Hess, Assessor appeared before the Council and presented one (1) personal tax exoneration for reason of taxpayer error totaling \$40.49.

Councilperson Barnhart made a motion to approve the one (1) personal tax exoneration for reason of tax payer error totaling \$40.49. Councilperson Boyd seconded the motion. The motion failed with a vote of zero to five.

Mr. Hess presented seven (7) personal tax exonerations for reason of office error totaling \$1,115.99.

Vice President Gochenour made a motion to approve the seven (7) personal tax exonerations for reason of office error totaling \$1,115.99. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Board Meeting Reports

Councilperson Boyd reported that he had no meetings this week.

Councilperson Barnhart reported that he attended the Public Service Water District board meeting where the Executive Director report and the proposed budget were presented. He also reported that they discussed capacity improvement fees (CIF) and stated that 115 new meters were installed this month with a total of 923 for the year. Councilperson Barnhart also discussed a proposal received from a subdivision wanting water service.

Councilperson Catlett reported that he met with Jim Oulette, Executive Director for the Public Service Water District and Hoy Shingleton regarding property on Ridge Road. He also stated that he would like Mr. Oulette to open the County Council’s public hearing on May 11. Councilperson Catlett stated that he attended the Senior Services board meeting and stated that they need assistance with their web site. He also stated that they held an appreciation dinner for their volunteers and assisted in serving.

Vice President Gochenour reported that he had no meetings this week.

President Whitacre reported that he had no meetings this week.

Re: Board and Commission Vacancies

There were no board vacancies to be addressed.

Re: Honorary County Councilperson

Vice President Gochenour introduced Declan Hall, a senior from Hedgesville High School. Mr. Hall stated that he planned to attend Duke University and study mechanical engineering in hopes to get a job with NASA. Vice President Gochenour swore in Mr. Hall as Honorary County Councilperson and presented him with a certificate.

**Re: Councilperson Issues – Councilperson Catlett
Letter Regarding Flashing Stoplights**

Councilperson Catlett stated that he spoke with Senator Blair and according to 2016 law the county can request to have lights flashing and requested to send a letter to the Department of Highways and copied to the local Legislators. The Council also requested that the previous letter sent to the Legislators regarding the local roads be sent back out to the Legislators.

Re: Bid Opening – Day Report Center Addition and Renovation

Alan Davis, County Administrator reviewed the RFP for the Day Report Center Addition and Renovation located at 520 S. Raleigh Street. He stated that the RFP was distributed to contractors through Crabtree, Rohrbaugh & Associates. He also stated that it was advertised in the Martinsburg Journal with the Certification of Publication present in the bid file and read ahead and also posted on social media.

At 10:00 A.M. President Whitacre opened the sealed bids as follows:

| Bid # | Vendor | Bid Total |
|--------------|---|------------------|
| Bid # | Sorenson Gross Company Springfield, VA | \$6,481,000 |
| Bid # 2 | Waynesboro Construction Company Frederick, MD | \$5,572,551 |
| Bid # 3 | Warner Construction Frederick, MD | \$7,219,000 |
| Bid # 4 | Myers Building Systems, Inc. Clear Spring, MD | \$5,584,900 |
| Bid # 5 | Lantz Construction Company of Winchester Winchester, VA | \$7,393,700 |
| Bid # 6 | Brechbill & Helman Construction Company Chambersburg, PA | \$5,833,000 |

**Re: Gary Wine, Deputy County Administrator
NG9-1-1 Bid Recommendation**

Gary Wine, Deputy County Administrator appeared before the Council and presented the bid recommendation for the NG9-1-1. Mr. Wine stated that this would replace the Enhanced 91-1 system currently used to deliver calls to the communications center. Mr. Wine stated that following onsite vendor interview sessions, he also had discussions with their current customers. He also stated that they have been onsite to many PSAP's while other interview/discussions were remote and found that all three (3) proposals/solutions had their own unique approaches and business models, but he believed the solution that best fits the goals and objectives of Berkeley County is from Motorola and recommended that the bid be awarded to Motorola in the bid amount of \$1,605,445.20 which makes the five (5) year solution a \$320,910.84 annual commitment.

Councilperson Barnhart made a motion to award the bid for the NG9-1-1 to Motorola per Mr. Wine's recommendation and give the President the authority to sign. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Randy Lilly Emergency Management Director
Shawn Wolford, Emergency Manager
Berkeley County Emergency Operation Plan**

Randy Lilly, Emergency Management Director and Shawn Wolford, Emergency Manager appeared before the Council and presented the Berkeley County Emergency Operations Plan. Mr. Lilly reviewed the history of the Emergency Operations Plan and Mr. Wolford reviewed the Continuity of Operations Plan (COOP) Plan and its purpose.

Vice President Gochenour made a motion to approve the Emergency Operations Plan. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Hunter Wilson, Chairman, Berkeley County Fire Board
TIF (Tax Increment Financing) New Bedington Fire Department
Proposed Increase to Fire Fee and Restructure of Commercial Fire Fee**

Hunter Wilson, Chairman, Berkeley County Fire Board appeared before the Council requesting to use \$5.5 to \$6 million dollars of TIF financing for the new Bedington Fire Station. The Council discussed the options of a new public safety building to include the Ambulance Authority and the Sheriff's Department. Mr. Wilson also discussed a proposed increase to fire fees and restructuring of the commercial fire fees and putting this on the next election ballot. No motions were made with further discussion to be had.

Re: Public Hearing – Stormwater Ordinance

Councilperson Catlett made a motion to open the floor for public comment for the Stormwater Ordinance at 11:00 A.M. Vice President Gochenour seconded the motion. The motion carried unanimously.

Ujima Tyson appeared before the Council and questioned why she has to pay a stormwater fee for the area in which she lives. Anthony Delligatti, Legal Director stated that the Ordinance does nothing to address the stormwater fee, but was simply to clarify what the roles are of the County Council and the Stormwater board.

Vice President Gochenour made a motion to close the public hearing. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Elizabeth Lapchak, Grants Administrator
FY23 U.S. Department of Justice
Office of Community Oriented Policing Services for Retention, Recruitment and Diversity in the Workforce**

Elizabeth Lapchak, Grants Administrator appeared before the Council and reviewed the FY23 U.S. Department of Justice Office of Community Oriented Policing Services for Retention, Recruitment and Diversity in the Workplace grant. Ms. Lapchak reviewed what the grant would cover stating the grant project total was \$175,000 with a 0% match.

Councilperson Catlett made a motion to apply for the FY23 U.S. Department of Justice Office of Community Oriented Policing Services for Retention, Recruitment and Diversity in the Workforce grant. Councilperson Boyd seconded the motion. The motion carried unanimously.

**Re: Tracey Guilliams, Grants Administrator
FY23 Implementing Crisis Intervention Teams-Community Policing Development Grant
MOU Mountaineer Behavioral Health, PLLC
MOU Berkeley-Morgan Health Department**

Tracey Guilliams, Grants Administrator appeared before the Council and reviewed the FY23 Implementing Crisis Intervention Teams-Community Policing Development Grant and what the grant would cover. She stated that the total grant project was \$400,000 with a 0% match.

Councilperson Barnhart made a motion to apply for the FY23 Implementing Crisis Intervention Teams-Community Policing Development Grant. Vice President Gochenour seconded the motion. The motion carried unanimously.

Mrs. Guilliams reviewed the MOU with Mountaineer Behavioral Health, PLLC.

Vice President Gochenour made a motion to approve the MOU with Mountaineer Behavioral Health, PLLC and give the President the authority to sign. Councilperson Boyd seconded the motion. The motion carried unanimously.

Mrs. Guilliams reviewed the MOU with the Berkeley-Morgan Health Department.

Councilperson Catlett made a motion to approve the MOU with the Berkeley-Morgan Health Department. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Alan Davis, County Administrator
State Budget Revision #10 Fund 001
WC CoRP Property & Casualty Renewal Recommendation**

Alan Davis, County Administrator reviewed State Budget Revision #10 for Fund 001.

Vice President Gochenour made a motion to approve State Budget Revision #10 for Fund 001 as presented. Councilperson Catlett seconded the motion. The motion carried unanimously.

Mr. Davis reviewed the WV CoRP Property & Casualty Renewal recommendation for FY2023-24. He stated that the renewal rate was not to exceed \$936,471.

Vice President Gochenour made a motion to approve the renewal for FY2023-24 with the WV CoRP Property & Casualty not to exceed \$936,471. Councilperson Catlett seconded the motion. The motion carried unanimously.

Re: Executive Session – County Council Personnel, Legal Matters and Real Estate

Councilperson Barnhart made a motion to go into executive session at 12:40 P.M. for County Council personnel, legal matters and real estate. Councilperson Boyd seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 1:10 P.M.,

Vice President Gochenour made a motion to appoint Gary A. Wine as the new County Administrator effective July 1, 2023 with an annual salary of \$205,000. Councilperson Boyd seconded the motion. The motion carried unanimously.

Re: Public Hearing – Stormwater Ordinance

Vice President Gochenour made a motion to open the Public Hearing for the Stormwater Ordinance at 6:00 P.M. Councilperson Catlett seconded the motion. The motion carried unanimously.

There were no comments from the public.

Vice President Gochenour made a motion to close the public hearing. Councilperson Boyd seconded the motion. The motion carried unanimously.

Re: Recess

Councilperson Barnhart made a motion to Recess the April 17, 2023 Berkeley County Council meeting.

Submitted by: *Penny Shewell*

Penny Shewell, Office Administrator