

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

May 11, 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 Tony Petrucci, County Clerk; Will Lorensen, Fiduciary Supervisor

Re: Call to Order

President Whitacre called the May 11, 2023 Berkeley County Council meeting to Order at 9:35 A.M.

Re: Items from the Public

James Kief appeared before the Council questioning water meters and was advised to speak at the public hearing.

Re: Agenda

Councilperson Catlett made a motion to approve the Agenda for the May 11, 2023 Berkeley County Council meeting. Councilperson Boyd seconded the motion. The motion carried unanimously.

Re: Consent Agenda

1. Purchase Order Log

Alan Davis, County Administrator stated that the invoice on page 6 for Varsity Travel in the amount of \$995 for the transport of a juvenile was requested to be pulled from the Purchase Order Log by the Prosecuting Attorney's Office.

2. Internal Budget Revisions

Mr. Davis reviewed the two (2) internal budget revisions received.

3. Changes in Status

President Whitacre stated that changes in status were received from Jennifer Swisher, Emergency Communications Director for Crystal Cutlip and Melanie Collzao to go from Telecommunicator I to Telecommunicator II effective May 15, 2023 with annual salary changes from \$50,341 to \$52,858.

President Whitacre stated that changes in status were received from The Honorable Sheriff Nathan Harmon for Gage Clark and Christopher Smith who graduated from the Academy with annual salary changes from \$52,466 to \$54,187 effective May 6, 2023; Tylor Cooper and Nathaniel Webb who graduated from the Academy with annual salary changes from \$52,466 to \$54,187 effective April 29, 2023.

President Whitacre stated that a letter of resignation was received from Central Dispatch from Destiny Howell effective May 3, 2023.

President Whitacre stated that a letter of resignation was received from the Planning Department from Nathan Emery effective May 19, 2023.

4. Approval of Minutes

There were no changes to the April 27, 2023 Berkeley County Council meeting minutes.

5. Council Calendar

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

6. Board and Commission Calendar

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

Councilperson Barnhart stated that the Health Department board meeting would be held on May 15 rather than May 27.

- 7. Bond Reduction – Hickory Run, Section 2, Phases A & B, BCP File #100-03 tied to #2011-347 – Engineering Department**
- 8. Bond Reduction – Berkeley Ridge, Section 2, Phase 2, Lots 318-399 (Final Plat) File #022-041 tied to #2302-059 & 2302-062, Bond #100694421-Engineering Department**
- 9. Bond Reduction – Berkeley Ridge, Section 2, Phase 1, Lots 278-317 & 400-425 (Final Plat) File #2108-309 tied to #2302-059 & #2305-061, Bond #100619033 – Engineering Department**
- 10. Bond Reduction – Berkeley Ridge, Section 2 (Grading) File #2102-046 tied to #2302-059 & 2302-060, Bond #100589044 – Engineering Department**
- 11. Application to Operate a Mobile Food Vehicle on County Property – Fried Rite, LLC**

Re: Consent Agenda Approval

Vice President Gochenour made a motion to approve the Consent Agenda with the removal of the payment to Varsity Travel from the Purchase Order Log. Councilperson Catlett 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 Honorable Larry Hess, Assessor appeared before the Council and presented six (6) personal tax exonerations for reason of office error totaling \$568.36.

Councilperson Barnhart made a motion to approve the six (6) personal tax exonerations for reason of office error totaling \$568.36. Councilperson Boyd seconded the motion. The motion carried unanimously.

Re: Board Meeting Reports

Councilperson Boyd reported that he attended the Roundhouse Authority meeting and the Roundhouse Foundation meeting. He stated that the Roundhouse would be holding a fund raiser on October 7, 2023 which will be a dinner/Halloween party to raise money to replace the windows. He also reported that they had two (2) new board members in attendance. Councilperson Boyd stated that the HVAC is underway and waiting on the permits to begin the elevator and the steps. He also reported that he met with Gretchen from the Library and they have put together a comprehensive plan which John Stump has reviewed. Councilperson Barnhart stated that the City of Martinsburg approved a one way turn around out of the Roundhouse to Liberty Street and then create a turn around.

Councilperson Barnhart reported that he attended the Public Service Water District board meeting and reported that the Water Resolution for the Pikeside water project had been approved. He also reported that they approved their budget for next year.

Councilperson Catlett reported that he attended the Farmland Protection board meeting where they hired a new Executive Director. He stated that Mr. Schiavone would introduce him to the Council sometime in June. Councilperson Catlett also reported that he attended a meet and greet with Moore Capito who is a candidate for Governor.

Vice President Gochenour reported that the LEPC conducted a table top exercise in Jefferson County, but he was unable to attend, however he spoke with Randy Lilly, Emergency Services Manager and he stated that all went well. He also reported that the Sheriff has requested a sub-committee to address the needs between Law Enforcement and the schools. Vice President Gochenour reported that he met with the Development Authority regarding TIF’s.

President Whitacre reported that he was unable to attend his two (2) meetings this week.

Re: Board and Commission Vacancies

Councilperson Catlett made a motion to reappoint Greg Rhoe to the Sewer District board for a full term. Vice President Gochenour seconded the motion. The motion carried unanimously.

President Whitacre made a motion to reappoint Tana Burkhart and Maria Lorenson to the Airport Authority for full terms. Vice President Gochenour seconded the motion. The motion carried unanimously.

Vice President Gochenour made a motion to reappoint Mary Sue Catlett to the Development Authority for a full term. Councilperson Boyd seconded the motion. The motion carried unanimously.

**Re: The Honorable Tony Petrucci, County Clerk
Update on the Historic Courthouse**

The Honorable Tony Petrucci appeared before the Council and stated that he has an employee who has been working with “Operation Safe School” who have now expanded past schools and will come to your establishment and fire blank rounds of ammunition from different weapons in different areas of the building to let the staff know what the gun sounds like when it is near them or farther away from them in the building and on June 13 from 8:00 AM to 10:00 AM he will be shutting down the Courthouse for the demonstration for employees. He stated that these demonstrations are spearheaded by the FBI and State Police.

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

Will Lorensen, Fiduciary Supervisor appeared before the Council and presented twenty one (21) estate accounts for the month of May.

Councilperson Barnhart made a motion to approve the twenty one (21) estate accounts for the month of May as presented. Vice President Gochenour seconded the motion. The motion carried unanimously.

Mr. Lorensen had two estate hearings to schedule. Mr. Davis scheduled the estate hearing for the Estate of Wallace K. Bishop for Thursday, June 22, 2023 at 10:45 A.M and the estate hearing for the Estate of Eileen T. Seelman for Thursday, June 22, 2023 at 10:50 A.M.

**Re: Alan Davis, County Administrator
Bid Recommendation Day Report Center Addition & Renovations
FY2023-24 Health Insurance Renewals**

Alan Davis, County Administrator reviewed the RFP for the Day Report Center Addition & Renovations. Mr. Davis recommended that the bid be awarded to Waynesboro Construction Co. in the amount of \$5,572,551 which is the lowest responsible bid.

Councilperson Catlett made a motion to award the bid for the Day Report Center Addition & Renovations to Waynesboro Construction Co in the low bid amount of \$5,572,551. Vice President Gochenour seconded the motion. The motion carried unanimously.

Mr. Davis reviewed the health insurance renewals for FY2023-24 stating that no changes were made to Life, Vision, Dental or Health insurance this year, with a 2% increase being received from Highmark Blue Cross Blue Shield which would not affect the employee and recommended that the Council renew the health insurance with Highmark Blue Cross and further recommended that the Opt Out amount remain a \$5,000 or 4 days of paid vacation. Lynn Gibson from Gibson and Associates and Cody Mysakowec from Highmark Blue Cross were present for questions.

Councilperson Catlett made a motion to renew the health insurance with Highmark Blue Cross for FY2023-24. Vice President Gochenour seconded the motion. The motion carried unanimously.

Re: Public Hearing Berkeley County Public Service District Waterworks System Improvement Project and Rate Modification

Alan Davis, County Administrator stated that the required Resolution was received from the Water District and published in the Martinsburg Journal and the Spirit of Jefferson with the Certification of Publications present, posted on the county web site and on the county social media platforms. He stated that the Council had forty five (45) days to make any recommendations or approve the rate modification which would end on May 25, 2023.

Councilperson Barnhart made a motion to open the public hearing for the Berkeley County Public Service Water District System Improvement Project and Rate Modification. Councilperson Catlett seconded the motion. The motion carried unanimously.

James Kief appeared before the Council and stated that the meter rate was out of focus and should keep some rates the same until the meters are replaced.

Ryan Taylor, a citizen of Berkeley County who owns two businesses, Taylor Farms and The Cider Press Restaurant appeared before the Council and expressed his concerns with the increase in the bulk water rates which was at a much higher percentage increase than the other rates and asked the Water District to reconsider the bulk rate.

Greg Rhoe, Chairman for the Water District board appeared before the Council and urged them to support the plan in front of them today.

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

Re: Executive Session – County Council Personnel

Councilperson Boyd made a motion to go into executive session at 11:30 A.M. for County Council personnel. Vice President Gochenour seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 11:55 A.M.

There were no motions made during or after executive session.

Re: Public Hearing Berkeley County Public Service District Waterworks System Improvement Project and Rate Modification

Alan Davis, County Administrator stated that the required Resolution was received from the Water District and published in the Martinsburg Journal and the Spirit of Jefferson with the Certification of Publications present, posted on the county web site and on the county social media platforms. He stated that the Council had forty five (45) days to make any recommendations or approve the rate modification which would end on May 25, 2023.

Vice President Gochenour made a motion to open the public hearing for the Berkeley County Public Service Water District System Improvement Project and Rate Modification. Councilperson Catlett seconded the motion. The motion carried unanimously.

Cory Rodriguez appeared before the Council and stated that he understood the need for the increase and the growth, but would like to have a list of all Senators that provided funding and how much.

He also spoke on many other topics in regards to the water district and how to get funding without raising the rates.

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 May 11, 2023 Berkeley County Council meeting.

Submitted by: *Penny Shewell*

Penny Shewell, Office Administrator