

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

May 18, 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; Jeff Mauzy, Deputy Legal Director; Elizabeth Lapchak, Grants Administrator; the Honorable Sheriff Nathan Harmon; the Honorable Larry Hess, Assessor; Brian Ross, Community Development Director; Chief Thomas Young; Captain Trent Heckman; Marsha Kelley, Sheriff's Department; Gary Wine, Deputy County Administrator; the Honorable Tony Petrucci, County Clerk; Matthew Umstead, Director, Policies & Procedures; Curtis Trenary, Chief Deputy, Assessor's Office

Re: Call to Order

President Whitacre called the May 18, 2023 Berkeley County Council Meeting to Order at 9:30 A.M.

Re: Items from the Public

Rev. Ed Hall appeared before the Council stating that several churches have come together and are asking for donations for a fund raiser they are holding selling tickets with the proceeds being donated to C-Cap to help the needy and the homeless.

Re: Agenda

Alan Davis, County Administrator stated with Vice President Gochenour permission he was requesting to remove the Councilperson Issues from the Agenda.

Councilperson Catlett made a motion to approve the Agenda with the removal of the Councilperson Issues. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Re: Consent Agenda

1. Purchase Order Log

Vice President Gochenour questioned the invoice for AutoZone Sure Fire. Tracie McCormick advised she would check on it.

2. Internal Budget Revisions and Encumbrances

Alan Davis, County Administrator reviewed the nine (9) internal budget revisions received and one (1) encumbrance.

3. Changes in Status

President Whitacre stated that a new hire recommendation was received from the Honorable Larry Hess, Assessor for Kathy Hawkins as a part time Personal Property Clerk effective date to be determined with an hourly rate of \$15.00.

President Whitacre stated that a letter of resignation was received from the Sheriff's Department from Adam Burns effective May 15, 2023.

Vice President Whitacre stated that a letter of resignation was received from Central Dispatch from Jason Neely effective May 21, 2023.

4. Approval of Minutes

There were no changes to the May 4, 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.

7. Bond Reduction – Pebble Ridge, Section 3E, Lots 27-34, 137-147, 186-194, 201-207 (Final Plat) File #063-04 tied to #2206-185, LC #359 – Engineering Department

8. Letter of Endorsement – Eastern West Virginia Regional Airport Authority

Re: Consent Agenda Approval

Vice President Gochenour made a motion to approve the Consent Agenda for the May 18, 2023 Berkeley County Council meeting. 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 Assessor had nothing to present this week.

Re: Board Meeting Reports

Councilperson Boyd reported that he was unable to attend the Main Street Martinsburg meeting, but advised that he received updates and they reviewed two (2) USDA loan applications for businesses on

Main Street and made board appointments. He also reported that he attended the forum held at the Library.

Councilperson Barnhart reported that he attended the Region 9 board meeting where they reviewed engineering proposals and held a discussion on the Governor attending the upcoming Region 9 board meeting in June at the Airport. He also reported he attended the MPO meeting along with Councilperson Catlett and reported that studies were approved.

Councilperson Catlett reported that he appeared on the WRNR radio program. He also reported that he attended the Public Service Sewer District and Stormwater District board meetings and stated that both are adopting their budgets. He also stated that the attorneys will be getting together soon to prepare the MOU for the Stormwater to get the permit updated. Councilperson Catlett reported that he attended the MPO where they are working on a bicycle plan and freight plan and also making Route 9 West a priority.

Vice President Gochenour reported that he attended the Development Authority property management meeting via zoom where they reported that the Foxcroft buildings 300 and 400 were fully rented. He also reported that he attended the Planning Commission meeting where three (3) public hearings were held and also attended the Parks and Recreation board meeting where they reported the pools were being filled this week. He also reported that he and Councilperson Boyd attended the ribbon cutting ceremony for the trails.

President Whitacre reported that he attended the EPTA meeting via Zoom and reported that the design for the new bus station is almost 100% complete stating that they may need to re-evaluate a few buses. He also reported that they have been in contact with Harpers Ferry and EPTA has approved.

Re: Board and Commission Vacancies

Councilperson Barnhart made a motion to reappoint Ruby Kerns and Lynn Leatherman to the BC Public Service Water District for full terms. Councilperson Catlett seconded the motion. The motion carried unanimously.

President Whitacre requested to have Phillip Barrow, Phillip Petry, David Puffenbuger and John Chapman, III scheduled for interviews as candidates for the Fire board; Helen Harris as a candidate for the Museum board and Mary Terry as a candidate for the Senior Services board.

Re: Elizabeth Lapchak, Grants Administrator U.S Department of Justice FY23 Law Enforcement Agency De-Escalation Grant – Community Oriented Policing Services

Elizabeth Lapchak, Grants Administrator appeared before the Council and reviewed the U.S. Department of Justice FY23 Law Enforcement Agency De-Escalation Grant for Community Oriented Policing Services stating that the grant total was \$250,000 with a 0% match.

Vice President Gochenour made a motion to apply for the grant. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: The Honorable Sheriff Nathan Harmon
The Honorable Larry Hess, Assessor
Out of State License Plates**

Sheriff Harmon appeared before the Council and stated that they have been conducting meetings with the Assessor's Office on how to handle the out of state license plates. He stated that the Deputies have been placing yellow cards on the windshields of cars or doors, He stated that we need to be speaking at Home Owners Association meetings to advise out of state home owners and the Assessor's Office is going to be sending forms from assessments in the field to the Sheriff's Office for tag numbers to be run. He stated that this will require a full time position for someone to answer the phone calls, log and make the presentations. Councilperson Catlett stated that he has attended several meetings and Mr. Wine has IT working on a software program and he commended everyone on their efforts. Mr. Hess appeared before the Council and spoke about program and the need for a full time person to make this program work. Gary Wine, Deputy County Administrator also appeared before the Council and Mr. Davis questioned if this position would be suited to be located in the IT Department. The consensus of the Council was to move forward with a job description for this position.

Vice President Gochenour left the meeting at 10:45 A.M.

**Re: Randy Lilly, Emergency Management Director
Donnie Grubb, Berkeley Medical Center
MOU Berkeley County Council and City Hospital, Inc. dba Berkeley Medical Center**

Randy Lilly, Emergency Management Director along with Donnie Grubb, Berkeley Medical Center appeared before the Council and presented an MOU between the Berkeley County Council and City Hospital, Inc. dba Berkeley Medical Center. Mr. Davis reviewed the partnership with the Council and Berkeley Medical Center. Mr. Lilly stated that the legal department has reviewed the MOU. Mr. Grubb spoke and stated that Berkeley Medical Center will has purchased the medical supplies for the mass casualty unit and will continue to keep the unit stocked with supplies. Mr. Lilly reviewed the supplies carried on the unit. Mr. Lilly stated that the Ambulance Authority was still involved with the mass casualty unit as a resource. Mr. Davis stated that the Ambulance Authority was not part of the MOU partnership.

Councilperson Barnhart made a motion to approve the MOU between the Berkeley County Council and the Berkeley Medical Center. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Brian Costello, Executive Director, Berkeley County Emergency Ambulance Authority
Special Emergency Ambulance Service Fee Ordinance**

Brian Costello, Executive Director, Berkeley County Emergency Ambulance Authority appeared before the Council and reviewed the changes to the Special Emergency Ambulance Service Fee Ordinance.

Councilperson Catlett made a motion to approve the Special Emergency Ambulance Service Fee Ordinance. Councilperson Boyd seconded the motion. The motion carried unanimously.

**Re: The Honorable Sheriff Nathan Harmon
Request for School Resource Officers (SRO's)
Reclassification of Kennel Cleaner to Animal Control Officer
Request to "Over-Run" of Overtime Line Item**

Sheriff Harmon appeared before the Council and stated that the Board of Education has provided funding for three (3) SRO's and not sure if they will go to the city or county. He stated that the state is working on a policy to bring retired officers into the county and working with grant funding for those for Musselman Middle and Spring Mills Middle. Alan Davis, County Administrator stated that the county is currently providing SRO's to schools at the rate of \$52,000 for 200 days per year for an annual cost of \$74,000 without any reimbursement and recommend this be resolved before the new school year.

The consensus of the Council was to go from three (3) to five (5) SRO's, which would be sixty seven (67) to sixty nine (69) Deputies pending a satisfactory MOU between the Board of Education and the County Council.

Councilperson Catlett made a motion to approve the reclassification of Kennel Cleaner to Animal Control Officer. Councilperson Boyd seconded the motion. The motion carried unanimously.

Mr. Davis stated that the funding for this position would need to be moved from the Contingency fund with State Budget Revision # 2.

Sheriff Harmon requesting the Council to assist with his overtime over-run.

Mr. Davis stated that the Council had provided \$280,000 of additional funding last June and the Sheriff provided \$60,000 from his Gun fund. He stated that the Sheriff currently had \$133,965 in his Gun fund. Sheriff Harmon stated that he could not use any funds from his Gun fund to supplement his overtime. Mr. Davis stated that there was \$777,778 in the contingency fund and would need to move \$400,000 to the Sheriff's account and use more than half his contingency.

Councilperson Catlett made a motion to move \$400,000 from contingency into the Sheriff's Overtime budget. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Vice President Gochenour returned to the meeting at 11:47 A.M.

**Re: Alan Davis, County Administrator
Public Service District Water Rate Increase Discussion Action**

Alan Davis, County Administrator reviewed the rate increase for Public Service Water District and stated that he spoke with Hoy Shingleton and he stated that the board is willing to remove any adjustment to the bulk rate which will address the issue from last week.

Hoy Shingleton, board member for the Water District appeared before the Council and spoke regarding the bulk rates for the Water District proposed rate increase. Greg Rhoe, board member for the Water District appeared before the Council and also spoke regarding the bulk rate.

Councilperson Barnhart made a motion to approve the Public Service District Water Rate increase. Councilperson Catlett seconded the motion. The motion carried unanimously.

**Re: Mark Barney, Vice Chair, Solid Waste Authority
Presentation of Awards School Recycling Contest “Operation Greenlid”**

Mark Barney, Vice Chair, Solid Waste Authority appeared before the Council and presented awards for the School Recycling Contest “Operation Greenlid” as follows:

1st Place	St. Joseph School
2nd Place	South Middle School
3rd Place	Hedgesville Middle School

He stated that the Apple Valley Waste provided gift cards 1st Place, \$500, 2nd Place \$300 and 3rd Place \$200.

Re: Executive Session – Economic Development

Vice President Gochenour made a motion to go into executive session for economic development at 12:12 P.M. Councilperson Catlett seconded the motion. The motion carried unanimously.

President Whitacre declared the Council out of executive session at 12:20 P.M.

There were no motions made during or after executive session.

Re: Recess

Councilperson Barnhart made a motion to Recess the May 18, 2023 Berkeley County Council meeting.

Submitted by: _____

Penny Shewell
Penny Shewell, Office Administrator