

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

July 13, 2023
9:30 A.M.

Present:

James P. Whitacre, President, Joined the meeting at 10:45 A.M.

G. Edgar Gochenour, Vice President

James R. Barnhart, Commissioner

H. D. Boyd, Commissioner, via telephone conference

R. Stephen Catlett, Commissioner

Gary A. Wine, County Administrator

Penny Shewell, Office Administrator

Also Present: Anthony Delligatti, Legal Director; Brian Ross, Community Development Director; Doug Smith, County Engineer; the Honorable Larry Hess, Assessor; Matthew Umstead, Director, Strategic Planning; Jeff Mauzy, Deputy Legal Director; Laura Hoffmaster, Senior Planner

Re: Call to Order

President Pro Tem Gochenour called the July 13, 2023 Berkeley County Commission Meeting to Order at 9:35 A.M.

Re: Items from the Public

There were no items from the public.

Re: Agenda

Commissioner Barnhart made a motion to approve the Agenda for the July 13, 2023 Berkeley County Commission meeting. Commissioner 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

Gary Wine, County Administrator reviewed the one (1) internal budget received.

3. Changes in Status

President Pro Tem Gochenour stated that a new hire recommendation was received from Tim Czaja, Community Corrections Director for Kara Gilpin as a JOTIPP Case Manager with an annual salary of \$50,676 effective July 31, 2023.

President Pro Tem Gochenour stated that a new hire recommendation was received from the Honorable Larry Hess, Assessor for Kasey Capistran as a Personal Property Tax Clerk with an annual salary of \$31,500 effective date to be determined.

President Pro Tem Gochenour stated that new hire recommendations were received from Mike Laing, Chief Court Marshal for Kevin Cook as a part time Custodian effective July 17, 2023 with an hourly rate of \$17.80 and Paul Kline as a Deputy Court Marshal effective July 17, 2023 with an annual salary of \$39,017.

Vice President Gochenour stated that a change in status was received from Tim Czaja, Community Corrections Director for Ryan Peterson to change from Drug Screening Tech to Lead Drug Screening Tech effective July 1, 2023 with a salary change from \$39,812 to \$43,135.

President Pro Tem Gochenour stated that changes in status were received from the Honorable Sheriff Nathan Harmon to create uniformity for John Cardello effective July 1, 2023 with a salary change from \$62,699 to \$65,801 and William Christian with a salary change from \$84,443 to \$86,132.

President Pro Tem Gochenour stated that a letter of retirement was received from William Wenitsky effective July 21, 2023.

4. Approval of Minutes

There were no changes to the June 29, 2023 Berkeley County Council meeting minutes.

5. Commission Calendar

President Pro Tem Gochenour reviewed the Commission calendar for the month of July.

6. Board and Commission Calendar

President Pro Tem Gochenour reviewed the Board and Commission calendar for the month of July.

- 7. Bond Reduction – 7-Eleven #1045561 (US-11 & Nadenbousch Lane, BCP File # 2303-080 tied to 2111-431; 2012-048; 2203-0243, Performance Bond GM217135 (Grading) – Engineering Department**
- 8. Bond Reduction – Butler’s Crossing Commercial, BCP File #2109-346 tied to 2201-006; 2112-446; 2007-048; 2105-0232, Performance Bond NWV1161 – Engineering Department**
- 9. Bond Release – Spring Mills, Phase 11A, Plat 3, Lots 19-136) BCP File #016-14 tied to LAMA Case #2102-074, 2104-140 & #230-001, Bond #100390856 – Engineering Department**

10. **Bond Release – East Mountain Health Advantage Medical Center, File #031-17 tied to #2211-325, #2211-326 & #R020296-18 (Grading), Bond #1068606466 – Engineering Department**
11. **Bond Release – Nestle Woods Section 2A, BCP File #86-04 tied to 2105-200, Bond #SNN4010162 - Engineering Department**
12. **Bond Reduction – Rutter Store #95 Grading Permit, BCP File #030-19 tied to 2010-0126 & #2301-006, Bond #PB12142900062 – Engineering Department**
13. **Order – Open Fund 061 United Bank for County Clerk Election Administration**
14. **Order – Open Fund 062 United Bank for County Clerk Real Property E-Recording Act**

Re: Consent Agenda Approval

Commissioner Catlett made a motion to approve the Consent Agenda for the July 13, 2023 Berkeley County Commission meeting. Commissioner Barnhart 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 Commission and presented six (6) personal tax exonerations for reason of office error totaling \$12,087.52.

Commissioner Barnhart made a motion to approve the six (6) personal tax exonerations for reason of office error. Commissioner Catlett seconded the motion. The motion carried unanimously.

Mr. Hess presented one (1) real estate exoneration for reason of office error in the amount of \$3.52.

Commissioner Boyd made a motion to approve the one (1) real estate exoneration for reason of office error totaling \$3.52. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Re: Board Meeting Reports

Commissioner Boyd reported that he attended the Roundhouse Authority meeting and reported that they are still waiting on permits for the elevator construction and also reported that they discussed turf for the Frog shop to cut down on the dust. He reported that they are working on the Founders Day weekend for next year and working with the Apollo for the Patsy Cline event.

Commissioner Barnhart reported that he attended the Public Service Water District board meeting where they approved design plans for Boyds Crossing and approved invoices. He also reported that they discussed the Public Ordinance that was before the Commission today.

Commissioner Catlett reported that he attended the Frog Hollow Trail dedication and complimented the City of Martinsburg for a job well done. He also reported that he attended a school safety meeting along with President Pro Tem Gochenour held monthly by the Sheriff and complimented their efforts. Commissioner Catlett reported that he attended the Farmland Protection board meeting with

their new Director conducting her first meeting. He reported that he and President Pro Tem Gochenour met with Ron Stephens and Elaine Bobo from the Board of Education and brought in Tracey Williams, Grants Administrator regarding grants. Commissioner Catlett reported that he attended the WV First Foundation Opioid meeting where Tim Czaja was appointed by the board and complimented President Pro Tem Gochenour on running the meeting.

President Pro Tem Gochenour reported that he attended the LEPC meeting where they are planning a functional exercise and discussed the Red Cross who had assisted 237 people with \$44,000 of financial assistance. He also reported that he attended the school safety meeting along with Commissioner Catlett with Kevin Pummer, the Governor’s appointment being in attendance. President Pro Tem Gochenour reported that he was unable to attend the 911 Advisory board meeting, but reported that he spoke with the Emergency Communications Director who advised they had hired two (2) new certified Telecommunicators.

Re: Board and Commission Vacancies

There were no board and commission vacancies addressed.

Re: Bid Opening – RFP SWAT Sniper Equipment II

Gary Wine, County Administrator reviewed the RFP for the SWAT Sniper Equipment II. He stated that the RFP was placed on the county web site and advertised in the Martinsburg Journal with the Certification of Publication present in the bid file.

At 10:00 President Pro Tem Gochenour opened the sealed bids as follows:

Bid #	Vendor	Bid Total
Bid# 1	Arms Unlimited, Inc.	\$1,105.00 per Unit \$3,315.00 Bid Total
Bid # 2	Silencer Shop	\$1,288.10 per unit \$3,864.30 Bid Total

Re: Bid Opening – SWAT Sniper Equipment III

Gary Wine, County Administrator reviewed the RFP for the SWAT Sniper Equipment III. He stated that the RFP was placed on the county web site and advertised in the Martinsburg Journal with the Certification of Publication present in the bid file.

At 10:05 President Pro Tem Gochenour opened the sealed bids as follows:

Bid #	Vendor	Bid Total
Bid # 1	Kiesler Police Supply, Inc.	Harris Bipods \$136.00 each \$408.00 Bid Total No Bid on Addition Equipment

Re: Bid Opening – RFP SWAT Sniper Equipment I

Gary Wine, County Administrator reviewed the RFP for the SWAT Sniper Equipment I. He stated that the RFP was placed on the county web site and advertised in the Martinsburg Journal with the Certification of Publication present in the bid file.

At 10:10 President Pro Tem Gochenour opened the sealed bids as follows:

Bid #	Vendor	Bid Total
Bid # 1	Gov Smart, Inc,	Nightforce Scope \$1,496.25 each \$4,488.75 Bid Total
Bid # 2	Kiesler Police Supply, Inc.	Nightforce Scope \$1,900.00 each \$5,700.00 Bid Total

Re: Bid Opening – RFP SWAT Equipment

Gary Wine, County Administrator reviewed the RFP for the SWAT Sniper Equipment. He stated that the RFP was placed on the county web site and advertised in the Martinsburg Journal with the Certification of Publication present in the bid file.

At 10:15 President Pro Tem Gochenour opened the sealed bids as follows:

Bid #	Vendor	Bid Total
Bid # 1	Atlantic Tactical, Inc.	\$1,829.26 ach \$25,609.64 Bid Total
Bid # 2	Kiesler Police Supply, Inc.	\$2,100 each \$29,400.00 Bid Total
Bid # 3	Vance Outdoors, Inc.	No Bid

**Re: Board and Commission Interview
Josean Lugo – Candidate – BC Development Authority**

Josean Lugo appeared before the Commission and was interviewed as a candidate for the BC Development Authority.

President Whitacre joined the meeting at 10:45 A.M.

**Re: Jennifer Smith, Executive Director, Development Authority
TIF Application Approval**

Jennifer Smith, Executive Director, BC Development Authority appeared before the Commission to request the Commission to schedule a Public Hearing for the TIF Districts I and II.

Vice President Gochenour made a motion to schedule a Public Hearing for the TIF Districts I and II for the BC Development Authority for Thursday, September 7, 2023 at 11:00 AM and 6:00 PM. Commissioner Catlett seconded the motion. The motion carried unanimously.

Vice President Gochenour made a motion to adopt the Resolution for the North End TIF. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Commissioner Catlett made a motion to adopt the Resolution for the South End TIF. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Re: Public Hearing – Subdivision Regulations

Commissioner Barnhart made a motion to open the Public Hearing for the Subdivision Regulations at 11:00 A.M. Commissioner Catlett seconded the motion. The motion carried unanimously.

Ken Barton, Steptoe & Johnson appeared before the Commission and presented written comments and suggested sending back to the Planning Commission.

Jason Gerhart, Integrity Services appeared before the Commission and presented written comments and encouraged the Commission to send the comments to the Planning Commission and the Roundtable.

Richard Gay, Esquire appeared before the Commission and spoke regarding the decision making of the Commission and the authority allowed by State Code. He also provided written comments.

Greg Yebernetsky appeared before the Commission and stated that he performs survey work in Berkeley County and addressed concerns with the regulations.

Daniel Bennett appeared before the Commission and stated that he was the voice of the home owners and addressed his concerns with the regulations and provided written comments.

Neo Melonas appeared before the Commission and expressed his concerns with the water supply and the public water access.

Gary Frey appeared before the Commission and spoke expressing his concerns with the regulations.

Lynch Christian appeared before the Commission as part of the development community and expressed his concerns and requested the Commission to take the regulations back to the Planning Commission.

Vice President Gochenour made a motion to close the Public Hearing at 11:41 A.M. Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Anthony Delligatti, Legal Director
Amended Order Berkeley County Museum Board**

Anthony Delligatti, Legal Director appeared before the Commission and reviewed the amended Order for the Berkeley County Museum Board which now allows for a ten (10) member board. A discussion by the Council followed.

Commissioner Catlett made a motion to approve the amended Order for the Berkeley County Museum board changing the board to a ten (10) member body. Commissioner Boyd seconded the motion. Commissioner Barnhart opposed the motion. The motion carried.

Commissioner Boyd made a motion to appoint the following as board members to the Museum board:

1 Year Term

Ronnie Good; Robert Mahaffey and Matthew Howard

2 Year Term

Helen Harris
Richard Trenary
Donald Silvius

3 Year Term

Keith Hammersla
Jodi Williams-Price
Carol Appenzellar
Matthew Umstead

Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Gary Wine, Deputy County Administrator
Motorola Annual Maintenance Agreement
Resolution WesBanco Bank
Unencumbered Fund Balance Coal Severance Fund 002**

Gary Wine, County Administrator reviewed the Motorola Annual Maintenance Agreement. He stated that the total cost of the agreement over five (5) years was \$663,211.10 and was an unfunded mandate to be split with payments made once per year over the next five (5) years.

Commissioner Barnhart made a motion to approve the Motorola Annual Maintenance Agreement in the amount of \$663,211.10 over the next five (5) years. Vice President Gochenour seconded the motion. The motion carried unanimously.

Mr. Wine reviewed the Resolution with WesBanco Bank which would name his as the signatory giving him the authority to sign the bond documents and requisitions.

Commissioner Catlett made a motion to approve the Resolution with WesBanco. Commissioner Boyd seconded the motion. The motion carried unanimously.

Mr. Wine reviewed State Budget Revision # 01 for Fund 002 Coal Severance declaring the Unencumbered Fund balance.

Commissioner Catlett made a motion to approve State Budget Revision # 01 for Fund 002. Vice President Gochenour seconded the motion. The motion carried unanimously.

Re: Public Hearing – Subdivision Regulations

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

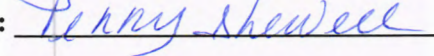
Pat Murphy appeared before the Commission representing the Board of Education and asked that a residential review of students be addressed in the Ordinance for meal reference and to prepare for school space and special needs students.

Kym Mattioli appeared before the Commission and expressed her concerns with the Ordinance. Dan Shergy appeared before the Commission and expressed his concerns with how this Ordinance would affect other Ordinances.

Commissioner Barnhart made a motion to close the Public Hearing. Vice President Gochenour seconded the motion. The motion carried unanimously.

Re: Recess

Commissioner Barnhart made a motion to Recess the July 13, 2023 Berkeley County Commission meeting.

Submitted by: 

Penny Shewell, Office Administrator