

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

August 24, 2023
9:30 A.M.

Present:

James P. Whitacre, President

G. Edgar Gochenour, Vice President

James R. Barnhart, Commissioner

H. D. Boyd, Commissioner

R. Stephen Catlett, Commissioner

Gary A. Wine, County Administrator

Penny Shewell, Office Administrator

Also Present: Anthony Delligatti, Legal Director; Tracie McCormick, Procurement Coordinator; The Honorable Larry Hess, Assessor

Re: Call to Order

President Whitacre called the August 24, 2023 Berkeley County Commission Meeting to Order at 9:35 A.M.

Re: Items from the Public

Al Benjamin, retired Firefighter appeared before the Commission and thanked and commended the Commission past and present for the work they do for Berkeley County residents.

Cory Rodriquez appeared before the Commission and requested that the Commission put a hold on all residential growth until impact fees can be put into place to assist with the overcrowding of the schools.

Re: Agenda

Commissioner Catlett made a motion to approve the Agenda for the August 24, 2023 Berkeley County Commission 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

There were no internal budget revisions to be addressed.

3. Changes in Status

President Whitacre stated that a new hire recommendation was received from the Honorable Sheriff Nathan Harmon for Logan Andrew McCulley as a Deputy effective September 5, 2023 with an annual salary of \$54,187.

President Whitacre stated that new hire recommendations were received from Mike Laing, Chief Court Marshal for Daniel Wright and Shayne Newton as Court Marshals effective September 5, 2023 with annual salaries of \$39,017.

President Whitacre stated that changes in status were received from Gary Wine, Deputy County Administrator for reclassifications for Brian Ross, Community Development Director to receive an increase effective July 1, 2023 from \$103,500 to \$143,000 and Doug Smith, County Engineer to receive an increase effective July 1, 2023 from \$113,850 to \$140,000 due to taking on additional responsibilities.

President Whitacre stated that a letter of resignation was received from the Day Report Center from James McArthur effective August 17, 2023.

President Whitacre stated that a request was received from the County Clerk's Office to remove Dylan Beavers from payroll effective December 1, 2022.

4. Approval of Minutes

There were no changes to the August 10, 2023 Berkeley County Commission meeting minutes.

5. Commission Calendar

President Whitacre reviewed the Commission calendar for the month of August.

6. Board and Commission Calendar

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

Re: Consent Agenda Approval

Commissioner Catlett made a motion to approve the Consent Agenda for the August 24, 2023 Berkeley County Commission meeting. Commissioner Boyd seconded the motion. The motion carried unanimously.

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

The Honorable Larry Hess, Assessor appeared before the Commission and presented two (2) personal property tax exonerations for reason of tax payer error totaling \$970.98.

Commissioner Barnhart made a motion to approve the two (2) personal tax exonerations for reason of tax payer error totaling \$970.98. Vice President Gochenour seconded the motion. The motion failed with a vote of zero to five.

Mr. Hess presented twenty four (24) personal tax exonerations for reason of office error totaling \$8,418.62.

Commissioner Catlett made a motion to approve the twenty four (24) personal property tax exonerations for reason of office error totaling \$8,418.62. Vice President Gochenour seconded the motion. Commissioner Boyd abstained. The motion carried.

Mr. Hess presented four (4) real estate exonerations for reason of office error totaling \$2,869.38.

Vice President Gochenour made a motion to approve the four (4) real estate exonerations for reason of office error totaling \$2,869.38. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Mr. Hess presented two (2) apportionment of assessments per final divorce order.

Commissioner Barnhart made a motion to approve the two (2) apportionments of assessment per final divorce order. Commissioner Boyd seconded the motion. The motion carried unanimously.

Mr. Hess presented four (4) applications for consolidation of properties.

Vice President Gochenour made a motion to approve the four (4) applications for consolidation of properties. Commissioner Catlett seconded the motion. The motion carried unanimously.

Re: Board Meeting Reports

Commissioner Boyd reported that he attended the first Museum board meeting where they elected officers and toured 110 W. King Street. He stated that they would vote on the by-laws next month and stated that they would meet on the fourth Thursday of every month at 7:00 P.M. and still working on a meeting location. Commissioner Boyd reported that he was not able to attend the Library board meeting tonight so he met with Gretchen Frye yesterday.

Commissioner Barnhart reported that he had no meetings this week.

Commissioner Catlett reported that the Berkeley County Emergency Ambulance Authority board meeting was cancelled due to the lack of a quorum, but did report that 275 citizens benefited from the Homestead exemption. Commissioner Catlett reported that he, Gary Wine, Vice President Gochenour, the Berkeley County Emergency Ambulance Authority staff and the VA staff met about how they could provide assistance. He also reported that he attended the Senior Services board meeting where they approved their \$2.2 million FY budget.

Vice President Gochenour reported that he attended the Planning Commission meeting where eleven (11) public hearings were held. He also reported that he attended the Dunn Building and DRC construction meetings and thanked Gary Wine and Tracie McCormick for the efforts on the construction committee.

President Whitacre reported that he had no meetings this week, however he did appear on the WRNR radio program and spoke about the regional jail bill and the upcoming Air Show.

Re: Board and Commission Vacancies

There were no board and commission vacancies addressed.

**Re: Board and Commission Interview
Cindy Thurston – Candidate – Senior Services Board**

Cindy Thurston appeared before the Commission and was interviewed as a candidate for the Senior Services board.

Commissioner Catlett made a motion to appoint Cindy Thurston to the Senior Services board for a full term. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Resa Ingram-Orsini, Executive Director, Farmland Protection
Request to Close on Easement of Properties**

Resa Ingram-Orsini, Executive Director, Farmland Protection appeared before the Commission requesting to close on easements of properties.

Commissioner Barnhart made a motion to approve the closing on the easements of properties presented. Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Matthew Umstead, Director Policy & Strategic Planning
Annual Report**

Matthew Umstead, Director Policy & Strategic Planning appeared before the Commission and presented the Annual Report.

**Re: Anthony Delligatti, Legal Director
MS4 MOU and Permit Application**

Anthony Delligatti, Legal Director appeared before the Commission and presented the MS4 MOU and the Permit Application. He stated that the Stormwater District will submit the Permit Application. Vice President Gochenour thanked the Sewer and Stormwater board for all their work on this and the Commission staff and legal department.

Commissioner Catlett made a motion to approve the Stormwater MOU with the Berkeley County Public Service Stormwater District. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Commissioner Catlett made a motion to approve the MS4 Permit Application. Vice President Gochenour seconded the motion. The motion carried unanimously.

**Re: Gary Wine, County Administrator
Law Enforcement Rank Structure Change**

Gary Wine, County Administrator reviewed the Law Enforcement rank structure change requested by the Sheriff's Department. He stated that this would be a change not to exceed \$9,000 to promote three (3) Deputies to Corporals which would then provide one (1) Lieutenant, one (1) Sergeant and two (2) Corporals assigned to all shifts.

Commissioner Catlett made a motion to approve the requested Law Enforcement rank structure change not to exceed \$9,000. Commissioner Boyd seconded the motion. The motion carried unanimously.

Re: Executive Session – Real Estate and Legal Matters

Commissioner Catlett made a motion to go into executive session at 10:51 A.M. for real estate and legal matters. Vice President Gochenour seconded the motion. The motion carried unanimously.

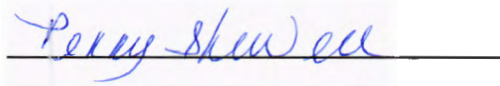
President Whitacre declared the Commission out of executive session at 12:09 P.M.

There were no motions made during or after executive session.

Re: Recess

Commissioner Barnhart made a motion to Recess the August 24, 2023 Berkeley County Commission meeting.

Submitted by:

A handwritten signature in blue ink, reading "Penny Shewell", is written over a horizontal line. The signature is cursive and includes a stylized flourish at the end.

Penny Shewell, Office Administrator