

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

September 7, 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; Will Lorensen, Fiduciary Supervisor; Tracey Guilliams, Grants Administrator

Re: Call to Order

President Whitacre called the September 7, 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

Vice President Gochenour made a motion to approve the Agenda for the September 7, 2023 Berkeley County Commission meeting. Commissioner Boyd 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 letter of resignation was received from the Circuit Clerk's Office from Leah Frith effective September 1, 2023.

4. Approval of Minutes

There were no changes to the August 24, 2023 Berkeley County Commission meeting minutes.

5. Commission Calendar

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

6. Board and Commission Calendar

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

Commissioner Barnhart stated that the Region 9 board meeting would be held on September 12 in Jefferson County.

7. Letter of Endorsement

Re: Consent Agenda Approval

Commissioner Catlett made a motion to approve the Consent Agenda for the September 7, 2023 Berkeley County Commission meeting. Vice President Gochenour seconded the motion. The motion carried unanimously.

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

The Assessor’s Office had nothing to present this week.

Re: Board Meeting Reports

Commissioner Boyd reported that he was unable to attend the CVB meeting, but did speak with the board and was advised that the grant proposal for the Roundhouse dance floor was approved and will be able to use for events as well as rented out. He also reported that he was unable to attend the Library board meeting, but did meet with Gretchen Frye for updates.

Commissioner Catlett reported that he participated in the Labor Day breakfast and it was a huge success and raised funds for the War Memorial Park which will be used to replace the Hollow pavilion. He also reported that he attended the Public Service Sewer and Stormwater District board meetings. Commissioner Catlett reported that he appeared on the WRNR radio program regarding the TIF’s. He also reported that he and Vice President Gochenour attended a meeting with CEC regarding Inwood Park. Commissioner Catlett stated that an open meeting was being held today at 4:30 PM at the City Police Station regarding roads and trails.

Vice President Gochenour thanked Commissioner Catlett for his leadership on the Labor Day breakfast. He reported that he attended the Planning Commission meeting where they discussed two small projects. He also reported that he attended the Dunn Building renovation construction meeting. Vice President Gochenour reported that he attended the Out of State Tags meeting with representatives from the Sheriff’s Department and the Assessor’s Office and reported that things were moving well. He also reported that he attended the DRC construction meeting and met with Crabtree, Rohrbaugh & Associates along with Bill Kearns regarding the Health Department expansion.

Vice President Gochenour reported that he attended the public invitation to the Lambert Park with representatives from the City of Martinsburg and the state.

President Whitacre reported that he had no meetings this week, but did attend the Labor Day breakfast.

Re: Board and Commission Vacancies

President Whitacre requested to have Ken Collinson scheduled for an interview as a candidate for the Senior Services board. President Whitacre stated that a letter of resignation was received from Carol Appenzeller from the Museum board and requested that a letter be sent thanking her for her service.

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

Will Lorensen, Fiduciary Supervisor, appeared before the Commission and presented thirty one (31) estate accounts for the month of September.

Commissioner Barnhart made a motion to approve the thirty one (31) estate accounts for the month of September. Commissioner Catlett seconded the motion. The motion carried unanimously.

Mr. Lorensen had no estate hearings to be scheduled.

**Re: Tracey Guilliams, Grants Administrator
Request to Apply for the FY23 JAG Grant**

Tracey Guilliams, Grants Administrator appeared before the Commission to request to apply for the FY23 JAG Grant. She stated that the grant would provide funding assistance for the SRO's with the grant request of \$217,619.00 with a match of \$156,399.

Commissioner Boyd made a motion to approve the request to apply for the FY23 JAG Grant. Commissioner Barnhart seconded the motion. The motion carried unanimously.

**Re: Jennifer Smith, Executive Director, BC Development Authority
Development Authority Updated By-Laws**

Jennifer Smith, Executive Director, BC Development Authority appeared before the Commission and presented the updated by-laws for the Development Authority, not changing any content, but updating any reference from Council to Commission.

Vice President Gochenour made a motion to adopt the updated by-laws for the BC Development Authority. Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Nic Diehl, CEO, Executive Director, Eastern WV Regional Airport
Request to Support 2024 Independence Day Event**

Nic Diehl, CEO, Executive Director, Eastern WV Regional Airport appeared before the Commission to request support for the 2024 Independence Day Event. He stated that he was requesting a commitment of \$125,000 from the Commission. Gary Wine, County Administrator stated that CMC had provided funding with name recognition, but uncertain if those funds have been committed to the Board

of Education and stated that this item should be placed back on next week's Agenda after confirmation could be made.

Re: Public Hearing North and South TIF District's

Gary Wine, County Administrator advised that all advertising for the Public Hearing for the North and South TIF's had been completed to include publishing on the county web site, advertising in the Martinsburg Journal with the Certification of Publication present in the read ahead. Mr. Wine stated that Jennifer Smith, Executive Director, BC Development Authority as well as Jason Turner with Steptoe & Johnson were present to address any questions. Jennifer Smith appeared before the Commission and reviewed the funding of the TIF, stating that the TIF did not increase property taxes, nor change the class of Farmland Protection and did not negatively impact the Board of Education. Jason Turner also appeared before the Commission and reviewed the TIF stating that the TIF could be dissolved at any time.

Commissioner Barnhart made a motion to open the Public Hearing for the North and South TIF Districts. Commissioner Boyd seconded the motion. The motion carried unanimously.

Tom Ressler from Falling Waters appeared before the Commission and expressed his concerns with the TIF and a possible water shortage and increase in traffic.

Matt Cole from Falling Waters appeared before the Commission and stated that he was retired from engineering development and felt that Berkeley County is exceeding its capacity for its resources such as water and others.

Commissioner Barnhart made a motion to close the public hearing. Commissioner Catlett seconded the motion. The motion carried unanimously.

**Re: Gary Wine, County Administrator
SRO Contract Berkeley County Board of Education Addendum**

Gary Wine, County Administrator reviewed the Addendum for the SRO Contract with the Berkeley County Board of Education.

Vice President Gochenour made a motion to approve the Addendum to the SRO Contract with the Berkeley County Board of Education and authorized the President to sign. Commissioner Catlett seconded the motion. The motion carried unanimously.

Re: Public Hearing North and South TIF Districts

President Whitacre was not present for the evening Public Hearing.

Gary Wine, County Administrator advised that all advertising for the Public Hearing for the North and South TIF's had been completed to included publishing on the county web site, advertising in the Martinsburg Journal with the Certification of Publication present in the read ahead. Mr. Wine stated that Jennifer Smith, Executive Director, BC Development Authority as well as Jason Turner with Steptoe & Johnson were present to address any questions. Jennifer Smith appeared before the Commission and reviewed the funding of the TIF, stating that the TIF did not increase property taxes, nor change the class of Farmland Protection and did not negatively impact the Board of Education. Jason Turner also appeared before the Commission and reviewed the TIF stating that the TIF could be dissolved at any time.

Commissioner Catlett made a motion to open the Public Hearing for the North and South TIF Districts. Commissioner Barnhart seconded the motion. The motion carried unanimously.

Cory Rodriguez appeared before the Commission and stated that the county does not have the revenue tools or support from the state to support the infrastructure for the TIF's.

Rodney Trenary appeared before the Commission and had questions regarding the TIF's and the water capacity and what happened to monies left over from the TIF's.

Amy Rhoe appeared before the Commission and stated that we are not prepared and recommended that the Commission not approve this application and need the Planning Commission involved.

Jennifer Smith, Executive Director and Jason Turner, Steptoe and Johnson appeared before the Commission and addressed questions.

Commissioner Barnhart made a motion to close the public hearing. Commissioner Catlett seconded the motion. The motion carried unanimously.

Commissioner Catlett made a motion to approve the Applications for the North and South TIF District. Commissioner Boyd seconded the motion. The motion carried unanimously.

Re: Recess

Commissioner Barnhart made a motion to Recess the September 7, 2023 Berkeley County Commission meeting.

Submitted by: _____


Penny Shewell, Office Administrator