

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

**October 21, 2021**  
**9:30 A.M.**

**Present:**

**Douglas E. Copenhaver, Jr. President**

**James P. Whitacre, Vice President**

**Dan Dulyea, Councilperson**

**James R. Barnhart, Councilperson**

**G. Edgar Gochenour, Councilperson**

**Alan J. Davis, County Administrator**

**Penny Shewell, Office Administrator**

Also Present: Tracie McCormick, Procurement Coordinator; The Honorable Larry Hess, Assessor; Monique Boots, Planning Department; Brian Ross, Engineering Director; Steve Aberegg, Engineering Department; Anthony Delligatti, Legal Director

**Re: Call to Order**

President Copenhaver called the October 21, 2021 Berkeley County Council Meeting to Order at 9:35 A.M.

**Re: Items from the Public**

There were no items from the public.

**Re: Agenda**

Vice President Whitacre made a motion to approve the Agenda for the October 21, 2021 Berkeley County Council meeting. Councilperson Dulyea 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 received.

### **3. Changes in Status**

President Copenhaver stated that a change in status was received from Mike Laing, Chief Court Marshal for Noel Ebersole for a salary increase from \$33,928 to \$35,372 due to years of service effective November 1, 2021.

President Copenhaver stated that a letter of resignation was received from the Assessor's Office from Jessie Ambush effective October 18, 2021.

President Copenhaver stated that a letter of resignation was received from the Prosecuting Attorney's Office from Clementine Hopkins effective October 26, 2021.

President Copenhaver stated that a letter of resignation was received from the IT Department from Jerry Appiah effective October 22, 2021.

### **4. Approval of Minutes**

There were no changes to the October 7, 2021 Berkeley County Council meeting minutes.

Councilperson Barnhart made a motion to approve the minutes for the October 7, 2021 Berkeley County Council meeting. Councilperson Gochenour seconded the motion. Vice President Whitacre abstained due to absence. The motion carried.

### **5. Council Calendar**

President Copenhaver reviewed the Council calendar for the month of October.

### **6. Board and Commission Calendar**

President Copenhaver reviewed the Board and Commission calendar for the month of October.

### **7. Bond Release – Stonecrest Phase 1, Section 4, Lots 40-51, BCP File # 2107-263 Tied to BCP File #013-07, Bond # 100363301 – Engineering Department**

### **8. Bond Reduction – Stonecrest PUD Phase 1, Lots 1-10, 76-89, BCP File #2011-320 Tied to BCP File #022-15, Bond #1001057815 – Engineering Department**

### **9. Bond Release – Potomac Station Phase 1, Section 3, Townhomes, Lots 55-67, 84-99 and 195-202, BCP File #2007-093 Tied to BCP File #001-06, Bond #1001046854 - Engineering Department**

### **10. LOC Reduction – Morning Dove II, Phase 5, Lots 129-157, 231-249 & Open Space D, BCP File #2107-261 Tied to BCP File #044-16, LOC #4832911-56 – Engineering Department**

Councilperson Dulyea made a motion to approve the bond reductions/releases contingent upon the fact the final property had been deeded. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Consent Agenda Approval**

Councilperson Barnhart made a motion to approve the Consent Agenda for the October 21, 2021 Berkeley County Council meeting. Councilperson Dulyea 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 two (2) personal tax exonerations for reason of tax payer error totaling \$294.09.

Vice President Whitacre made a motion to approve the two (2) personal tax exonerations for reason of tax payer error totaling \$294.09. Councilperson Dulyea seconded the motion. The motion failed with a vote of zero to five.

**Re: Board Meeting Reports**

Councilperson Barnhart reported that he attended the Health Department board meeting where a discussion was held on COVID. He reported that state rates are dropping, but Berkeley County’s are slow dropping. He also reported that he attended the MPO meeting and provided updates on the transportation improvement plan.

Councilperson Dulyea reported that he attended the ribbon cutting ceremony for the new playground equipment at Poor House Farm Park. He also reported that he attended the Main Street Martinsburg board meeting. Councilperson Dulyea reported that he attended the Roundhouse Authority meeting, but they did not have a quorum and requested a list of the board members to see who see who wasn’t in attendance.

Vice President Whitacre reported that he attended the EPTA board meeting via ZOOM and reported that on demand ridership was up. He also reported that they reviewed the budget and continued to recruit for drivers. He also reported that he attended the Airport Authority meeting and reported that the Charter Service was busy and fuel sales continue to increase.

Councilperson Gochenour reported that he attended the Chuck Taylor Memorial at Poor House Farm Park. He also reported the he attended the Planning Commission meeting where three (3) public hearings were held. Councilperson Gochenour reported that he attended the Parks and Recreation board meeting and reported that programs were in in full swing for winter. He also reported that a lot of the restorative work had been completed on the Dough Boy statue. He reported that he attended the Baker Heights VFD meeting on the construction of the new facility and also attended the Development Authority appreciation breakfast.

President Copenhaver reported that he was unable to attend the Fire board meeting, but stated that the fees were up from last year. He also reported that South Berkeley VFD made a request for 24/7 firefighters.

**Re: Board and Commission Vacancies**

Councilperson Gochenour made a motion to reappoint Ron Stephens, Christina Jackson and Jason Hoover to the LEPC for full terms. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Sandy Hamilton, Executive Director, Berkeley County Development Authority  
Request to Apply for Industrial Access Road Fund for Project Razor**

Sandy Hamilton, Executive Director, Berkeley County Development Authority appeared before the Council and requested to apply for Industrial Access Road funding for Project Razor stating she would need a Resolution from the Council.

Councilperson Barnhart made a motion to approve the request for the Development Authority to apply for Industrial Access Road funding. Councilperson Dulyea seconded the motion. The motion carried unanimously.

President Copenhaver requested a Resolution to be placed on next week's Consent Agenda.

**Re: Tony Lewis, Berkeley County Development Authority  
Revisions to Berkeley County Development Authority By-Laws**

Tony Lewis appeared before the Council and reviewed the proposed revisions to the Berkeley County Development Authority by-laws.

Vice President Whitacre made a motion to approve the revisions to the by-laws with one noted change that term limits be set for three (3) consecutive three (3) year terms at the end of the third term the board member must set out for a full three (3) year term before being reappointed for one (1) more three (3) year term which will be retroactive to the board members current appointment date. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Board and Commission Interview  
Matthew Murphy – Candidate – Fire Board**

Matthew Murphy appeared before the Council and was interviewed as a candidate for the Fire Board.

**Re: Board and Commission Interview  
Clifton Rinehart – Candidate – Fire Board**

Clifton Rinehart appeared before the Council and was interviewed as a candidate for the Fire Board.

**Re: Board and Commission Interview  
William Sions – Candidate – Fire Board**

William Sions appeared before the Council and was interviewed as a candidate for the Fire Board.

**Re: Jill Burkhart  
Bobbi Miller  
Stormwater Management Issues – Spring Hill Farm Subdivision**

Jill Burkhart and Bobbi Miller from Spring Hill Farm Subdivision appeared before the Council and discussed issues they have been having with stormwater in their subdivision and their homes. The Council arranged a meeting with the Engineering Department and the Public Service Stormwater District following the Council meeting.

**Re: Donald Combs  
Funding Lost by VFD's due to COVID**

Donald Combs appeared before the Council and stated that the VFD's have lost funding due to not being able to hold fund raisers due to COVID and would like to know how they can have some of the ARP funding set aside for them. President Copenhaver stated that a committee would be formed to provide a formula for what is need to make a formal request for funding.

**Re: Alan Davis, County Administrator  
DEP Air Quality Lease Agreement  
FY2022-23 Budget Timeline**

Alan Davis, County Administrator reviewed the DEP Air Quality Lease Agreement which would be up for renewal early next year.

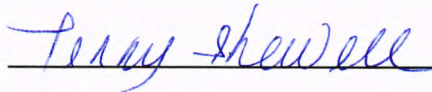
Councilperson Gochenour made a motion to approve the renewal of the DEP Air Quality Lease Agreement. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Mr. Davis reviewed the FY2022-23 budget timeline.

Councilperson Dulyea made a motion to approve the FY2022-23 budget timeline. Vice President Whitacre seconded the motion. The motion carried unanimously.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the October 21, 2021 Berkeley County Council meeting.

Submitted by: 

**Penny Shewell, Office Administrator**