

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

**April 7, 2022**  
**9:30 A.M.**

**Present:**

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

**James P. Whitacre, Vice President**

**James R. Barnhart, Councilperson**

**G. Edgar Gochenour, Councilperson**

**Alan J. Davis, County Administrator**

**Penny Shewell, Office Administrator**

**Councilperson Dulyea was not present for the meeting.**

Also Present: Tracie McCormick, Procurement Coordinator; Anthony Delligatti, Legal Director; Jennifer Swisher, 9-1-1 Director; Gary Wine, Deputy County Administrator; Will Lorensen, Fiduciary Supervisor; Tracey Guilliams, Grants Administrator; Tim Czaja, Community Corrections Director; The Honorable Elaine Mauck, County Clerk; Doug Smith, County Engineer; Laura Hoffmaster, Senior Planner; Brian Ross, Engineering Director

**Re: Call to Order**

President Copenhaver called the April 7, 2022 Berkeley County Council Meeting to Order at 9:35 A.M.

**Re: Items from the Public**

Darrell Palmer from Palmer's Impound appeared before the Council and stated that he still has not received any calls from the Sheriff's Department. He also stated that the ballfields at South Berkeley are unable to be used as they are locked. President Copenhaver advised that those fields are owned and managed by the South Berkeley Little League and were private use only.

Jenny Bidler appeared before the Council and stated that the State Road Engineer came to Jenny Ashton Road and looked at the culvert and were pleased. She also stated that there was an influx of people coming into Berkeley County and she is concerned as she supports the food bank, the Women's Center and the Salvation Army.

**Re: Agenda**

Vice President Whitacre made a motion to approve the Agenda for the April 7, 2022 Berkeley County Council meeting. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Consent Agenda**

**1. Purchase Order Log**

President Copenhaver stated that he had a question regarding tools being purchased from Snap On and spoke with Gary Wine, Deputy County Administrator and he advised they were specialty tools needed and was not a common occurrence.

**2. Internal Budget Revisions**

Alan Davis, County Administrator reviewed the three (3) internal budget revisions received.

**3. Changes in Status**

President Copenhaver stated that change in statuses were received from the Honorable Sheriff Nathan Harmon for Kurt Yoder to be promoted from Sergeant to Lieutenant effective March 11, 2022 with a salary increase from \$64,973 to \$69,214; Adam Boothby to be promoted from Corporal to Sergeant effective March 11, 2022 with a salary increase from \$63,694 to \$68,929 and Nathaniel Chronister to be promoted from Deputy to Corporal effective March 11, 2022 with an annual salary increase from \$54,495 to \$57,189.

President Copenhaver stated that a change in status was received from Will Lorensen, Fiduciary Supervisor for Christina Isenberg to receive a 10% increase which was not received from her lateral transfer from the Assessor's Office to the Fiduciary Office for the forty (40) hour work week with a salary change from \$40,000 to \$43,114 effective January 1, 2022.

President Copenhaver stated that a change in status was received from The Honorable Sheriff Nathan Harmon for Jessica McNeal as she has graduated from the Policy Academy with a salary increase effective April 2, 2022 from \$45,623 to \$47,120.

**4. Approval of Minutes**

There were no changes to the March 24, 2022 Berkeley County Council meeting minutes.

**5. Council Calendar**

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

Alan Davis reviewed the Council's upcoming events on April 14<sup>th</sup> at 11:30 AM, tour of the Judicial Center; April 21<sup>st</sup> at 1:00 PM, meeting to discuss supplemental funding and April 28<sup>th</sup> at 1:00 PM, tour of Clorox.

**6. Board and Commission Calendar**

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

**7. Cancelled Check Request – County Clerk's Finance Office**

**8. Stop Payment Check Request – County Clerk's Finance Office**

**9. Bond Reduction – Dunkin Donuts Falling Waters, BCP File #2203-073 tied to BCP #036-17 & BCP #R00815-20, Bond #100497446 – Engineering Department**

**Re: Consent Agenda Approval**

Councilperson Gochenour made a motion to approve the Consent Agenda for the April 7, 2022 Berkeley County Council meeting. Vice President Whitacre seconded the motion. The motion carried unanimously.

**Re: Councilperson Issues – Councilperson Gochenour  
Use of 420 S. Raleigh Street**

Councilperson Gochenour stated that the Landmarks Commission currently meets in a small space in the Boys & Girls Club and is in need of a temporary location and would like to be able to offer them office space at 420 S. Raleigh Street. Mr. Davis stated that he saw no problems, but would like for Mr. Wine to check for IT and phone access first. The consensus of the Council was to allow the Landmarks Commission to use office space at 420 S. Raleigh Street if compatible for phones and internet on a temporary basis.

**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 four (4) personal property tax exonerations for reason of office error totaling \$1,575.36.

Councilperson Barnhart made a motion to approve the four (4) personal tax exonerations for reason of office error totaling \$1,575.36. Vice President Whitacre seconded the motion. The motion carried unanimously.

**Re: Board and Commission Vacancies**

President Copenhaver stated that a letter of resignation was received from Derick Smith resigning from the Planning Commission effective March 8, 2022 and requested a letter be sent thanking him for his service.

**Re: Jennifer Swisher, 9-1-1 Director  
Proclamation National Telecommunicator Week  
Recognition of Telecommunicator and Supervisor of the Year**

Jennifer Swisher, 9-1-1 Director appeared before the Council and presented a Proclamation for National Telecommunicator Week. Mrs. Swisher read the Proclamation.

Councilperson Gochenour made a motion to adopt the Proclamation for National Telecommunicator Week. Vice President Whitacre seconded the motion. The motion carried unanimously.

Mrs. Swisher recognized Ryan Shumate as Telecommunicator of the Year and presented him with a plaque. Mrs. Swisher also recognized Kim Barrett as Supervisor of the Year and presented her with a plaque.

Chief Deputy Tom Young from the Sheriff's Department recognized Mrs. Swisher for all that she and her staff do for the Sheriff's Department and presented her with a plaque.

The Council thanked Mrs. Swisher and all the Telecommunicators for everything that they do for Berkeley County and its citizens every day.

**Re: Gary Wine, Deputy County Administrator  
Bid Recommendation RFP Comprehensive HVAC Utility Management Service Agreement**

Gary Wine, Deputy County Administrator appeared before the Council and reviewed the RFP for the Comprehensive HVAC Utility Management Service Agreement. Mr. Wine recommended that the bid for HVAC Utility Management Service be awarded to Boland Trane Services in the low bid amount of \$160,525 which will support the Judicial Center, Dunn building, Day Report Center, Emergency Complex and the Historic Courthouse.

Councilperson Barnhart made a motion to approve the bid recommendation for the Comprehensive HVAC Utility Management Service Agreement to Boland Trane Services in the low bid amount of \$160,525. Councilperson Gochenour seconded the motion. The motion carried unanimously.

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

Will Lorensen, Fiduciary Supervisor appeared before the Council and presented sixty three (63) estate accounts for the month of April. Mr. Lorensen read the names of the estates.

Councilperson Barnhart made a motion to approve the sixty three (63) estate accounts as presented. Vice President Whitacre seconded the motion. The motion carried unanimously.

Mr. Lorensen had no estate hearings to be scheduled.

**Re: Tracey Guilliams, Grants Administrator  
Tim Czaja, Community Corrections Director  
Request to Apply for FY2022 BJA Adult Drug Court Discretionary Grant Program and  
MOU as the Fiscal Agent  
Grant Award Acceptance Justice Reinvestment Initiative Program Grant and Resolution**

Tracey Guilliams, Grants Administrator and Tim Czaja, Community Corrections Director appeared before the Council and stated that the current BJA Adult Drug Court Discretionary Grant ended this year and were requesting to extend for another four years. Mrs. Guilliams stated that the max for the grant was \$750,000 and they were requesting \$744,704.55 for four (4) years with a 25% match of \$248,244.38. She also reviewed what the grant would cover. Mr. Davis recognized Mrs. Guilliams and her staff for seeking out these grants.

Vice President Whitacre made a motion to approve the request to apply to extend the grant for another four (4) years with a 25% match of \$248,244.38 and authorize the President to sign. Councilperson Barnhart seconded the motion. The motion carried unanimously.

Mrs. Guilliams reviewed the grant award for the Reinvestment Initiative Grant and Resolution. She stated that the funding had increased by 50% and required at match of \$85,670 in the fifth year and reviewed what the grant would cover.

Vice President Whitacre made a motion to approve the Resolution for the Justice Reinvestment Grant and the match of \$85,670. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Jill Burkhart**  
**Stormwater Management Concerns Spring Hill Farm Subdivision**

Jill Burkhart appeared before the Council and addressed her concerns with stormwater management in Spring Hill Farm Subdivision. She stated that she was pleased that the temporary concerns were addressed, but thought the permanent situation would be resolved before the new owners were moved in. She stated that new home owners are moving in and occupied before completion of final inspection and was advised by Mr. Walburn at the Public Service Stormwater District that the final inspection had failed on March 31, 2022. President Copenhaver stated that Cushwa Lane doesn't have adequate ditch lines on the East side which has not been done by the state. Brian Ross, Director of Division of Community Development appeared before the Council and spoke regarding the issues and stated that the new home owners have not moved in.

**Re: Elaine Mauck, County Clerk**  
**2022 Primary Election Update**

The Honorable Elaine Mauck, County Clerk appeared before the Council and presented an update on the 2022 primary election. Mrs. Mauck distributed a presented a precinct map of 32,000 precinct mismatches which they now have down to 7,200. She stated these were all errors on the state level and has confirmed with Gary Wine, Deputy County Administrator that all data sent from Berkeley County to the state was correct. Mrs. Mauck stated that they were to originally have three (3) early voting precincts, but stated that we now do not meet the requirements and will only have one (1) precinct for early voting for the Primary Election, will have everything done well in advance for the General Election. Gary Wine, Deputy County Administrator appeared before the Council and spoke regarding the voting process.

**Re: Alan Davis, County Administrator**  
**Approval of Mobile Food Vendor – Doggy Style Food Court**  
**Berkeley County Youth Fair**

Alan Davis, County Administrator reviewed the mobile food vendor application for Doggy Style Food Court.

Vice President Whitacre made a motion to approve the mobile food vendor application for Doggy Style Food Court. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Mr. Davis stated that the Council had received the information regarding the 2022 Youth Fair and questioned if the Council wanted to participate again this year.

The consensus of the Council was to participate in the 2022 Youth Fair.

**Re: Executive Session – Real Estate Matters**

Councilperson Barnhart made a motion to go into executive session at 12:04 P.M. to discuss real estate matters. Vice President Whitacre seconded the motion. The motion carried unanimously.

President Copenhaver the Council out of executive session at 1:45 P.M.

Councilperson Gochenour made a motion to make a one time emergency allocation of \$46,125 to the Solid Waste Authority with a formal agreement to be drafted. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the 7, 2022 Berkeley County Council meeting.

Submitted by: Penny Shewell

**Penny Shewell, Office Administrator**