

**Berkeley County Council Meeting**

**April 28, 2022**

**400 W. Stephen Street, Suite 201**

**9:30 A.M.**

**Martinsburg, WV 25401**

**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; Anthony Delligatti, Legal Director; Jeff Mauzy, Deputy Legal Director; The Honorable Sheriff Nathan Harmon; The Honorable Larry Hess, Assessor; Tracey Guilliams, Grants Administrator; Elizabeth Lapchak, Grants Administrator; Jack Laing, Facilities Director

**Re: Call to Order**

President Copenhaver called the April 28, 2022 Berkeley County Council Meeting to Order at 9:35 A.M.

**Re: Items from the Public**

John Christensen with the Eastern Panhandle Labor Council appeared before the Council and spoke regarding Worker's Memorial Day which was April 28, 2022 and requested a moment of silence for the fifteen (15) workers that died in 2021.

Delegate John Hardy appeared before the Council and spoke regarding the infrastructure policies which would be coming from legislature from Bill 4566.

President Copenhaver left the meeting at 9:47 A.M.

Terry Misinger appeared before the Council and wanted to know who gave the Health Department the power to require students to wear mask and requested the Council to repeal the mask requirement in schools.

President Copenhaver returned to the meeting at 9:57 A.M.

**Re: Agenda**

Vice President Whitacre made a motion to approve the Agenda for the April 28, 2022 Berkeley County Council meeting. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Consent Agenda**

**1. Purchase Order Log**

**2. Internal Budget Revisions**

Alan Davis, County Administrator reviewed the one (1) internal budget revision received.

**3. Changes in Status**

President Copenhaver stated that a change in status was received from Mike Laing, Chief Court Marshal for Billy Dildine to receive his five (5) year step increase effective May 1, 2022 from \$35,372 to \$37,494.

President Copenhaver stated that a letter of retirement was received from the IT Department from Brad Race effective August 31, 2022.

President Copenhaver stated that a letter of resignation was received from the Day Report Center from Dylan Hess effective April 22, 2022.

President Copenhaver stated that a letter of resignation was received from the Assessor's Office from Tiffany Sanders effective April 25, 2022.

**4. Approval of Minutes**

There were no changes to the April 14, 2022 Berkeley County Council meeting minutes.

**5. Council Calendar**

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

**6. Board and Commission Calendar**

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

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

**Re: Consent Agenda Approval**

Councilperson Dulyea made a motion to approve the Consent Agenda for the April 28, 2022 Berkeley County Council meeting. Vice President Whitacre seconded the motion. The motion carried unanimously.

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

The Honorable Larry Hess, Assessor appeared before the Council and presented one (1) personal tax exoneration for reason of tax payer error totaling \$185.38.

Councilperson Barnhart made a motion to approve the one (1) personal tax exoneration for reason of tax payer error totaling \$185.38. Councilperson Dulyea seconded the motion. The motion failed with a vote of zero to five.

Mr. Hess presented six (6) personal tax exonerations for reason of office error totaling \$561.18.

Vice President Whitacre made a motion to approve the six (6) personal tax exonerations for reason of office error totaling \$561.18. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Board Meeting Reports**

Councilperson Barnhart reported that he attended the Public Service Water District where they approved a pay application and reviewed financials.

Councilperson Dulyea reported that he attended the CVB meeting where they reviewed applications for bid improvement projects, most applications received were to start up marketing campaigns. He also reported that he attended the Senior Services board meeting where a discussion was held on employees leaving for higher paying jobs.

Vice President Whitacre reported that he attended a ceremony for the Hunter Carlos Willis Aviation Program at Shepherd University along with Councilperson Dulyea.

Councilperson Gochenour reported that he attended the Historic Landmarks Commission meeting and reported that they are still working on an MOU with Morgan Cabin. He reported that they are also working to complete the LIDAR software program on the cemeteries.

President Copenhaver reported that he had no meetings.

**Re: Board and Commission Vacancies**

Councilperson Barnhart made a motion to reappoint Teresa McCabe to the Berkeley Morgan Health Department board for a full term. Vice President Whitacre seconded the motion. The motion carried unanimously.

**Re: Bid Opening – RFP 126 W. King Street Asbestos Removal & Building Demolition**

Alan Davis, County Administrator reviewed the RFP for 126 W. King Street Asbestos Removal & Building Demolition. He stated that the RFP was placed on the county web site and advertised in the Journal with the Certification of Publication present in the bid file and the read ahead. He also stated that a mandatory pre-bid meeting was conducted with two (2) addendums issued.

At 10:00 A.M. President Copenhaver opened the sealed bids as follows:

Bid #	Vendor	Asbestos Removal	Building Demolition	Site Work	Removal of Drive-Thru Teller Machine
Bid # 1	Pittsnogle, LLC Martinsburg, WV			Total all work \$160,146	\$5,000
Bid # 2	Untied Wreckers & Excavating Martinsburg, WV	\$26,000	\$116,000	\$5,000	\$4,000
Bid # 3	Adam's Demolition	\$25,000	\$60,000	\$5,000	\$5,000
Bid # 4	Reclaim Co, LLC	\$23,660	\$64,720	\$2,500	\$0.02

**Re: Sheriff Nathan Harmon  
Request for Compensation Increases**

Sheriff Harmon appeared before the Council to request compensation increases for the civilian staff in Department 701 of the Sheriff's Department. Sheriff Harmon stated that he was using funds from the position eliminated by Rebecca Scales a year ago and would not be filling Ms. Scales position and would like to increase the salaries of the staff who took on those job duties. Sheriff Harmon reviewed in detail the duties of Brandy Sullivan and Marsha Kelley. Councilperson Gochenour asked if the performance evaluations were completed on all civilian staff including the Tax Office to which Sheriff Harmon replied that they were. Councilperson Gochenour stated that once the compensation increases were given, there would not be an opportunity in the future to fill this position, but further stated that the money was in the Sheriff's budget to distribute as he chose, but did not want to see him create a morale issue within his agencies. Sheriff Harmon stated that this was a reconsolidation of his department and he would not be hiring another full time or part time position now or in the future. He stated that he had spoken with the two (2) ladies and they were fine with the additional responsibilities and he stood behind his salary recommendations. Alan Davis, County Administrator stated that he wanted to go on record that he cannot support the increases as he believes they are excessive and wants the record to reflect that the Sheriff's Department will now go from ten (10) full time and one (1) part time positions to nine (9) full time and (1) part time positions and will be reflected in the budget next year as the benefits will not be considered in the budget with the elimination of the position which will create a budget reduction.

Councilperson Gochenour made a motion to approve the increases as requested by Sheriff Harmon for reclassifications and to eliminate one (1) full time position from Fund 701 which will now have nine (9) full time and one (1) part time positions. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Tracey Guilliams, Grants Administrator  
MOU Berkeley County Health Department SMSHA Grant**

Tracey Guilliams, Grants Administrator appeared before the Council and presented an MOU for the Berkeley County Health Department SMSHA Grant.

Councilperson Barnhart made a motion to approve the MOU with the Berkeley County Health Department for the SMSHA Grant. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Rachel Snavelly, Executive Director, Region 9  
Neil Doran, Manager, Eastern WV Regional Airport Authority  
Request for Matching Grant Funds for Air Cargo Feasibility Study**

Rachel Snavelly, Executive Director, Region 9 and Neil Doran, Manager, Eastern WV Regional Airport Authority appeared before the Council to request matching funding for the Air Cargo Feasibility Study. Mr. Doran stated the Airport was requesting the Council to support and partner with them providing a grant match of \$32,483. He stated that air cargo would bring development to the Airport. Rachel Snavelly spoke regarding the grant and the grant match. A discussion followed by the Council stating that they would be willing to provide half the match with the Airport providing the second half of the match,

Vice President Whitacre made a motion to provide half of the grant match for the Air Cargo Feasibility Study for the Airport in the amount of \$16,442. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Executive Session – Economic Development**

Councilperson Barnhart made a motion to go into executive session for economic development at 11:39 A.M. Vice President Whitacre seconded the motion. The motion carried unanimously.

President Copenhaver declared the Council out of executive session at 12:38 P.M.

There were no motions made during or after executive session.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the April 28, 2022 Berkeley County Council meeting.

Submitted by: Penny Shewell

**Penny Shewell, Office Administrator**