

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

**August 25, 2022**  
**9:30 A.M.**

**Present:**

**James P. Whitacre, President Pro Tem**

**Dan Dulyea, Councilperson**

**James R. Barnhart, Councilperson**

**G. Edgar Gochenour, Councilperson**

**Alan J. Davis, County Administrator**

**Penny Shewell, Office Administrator**

**President Copenhaver did not join the meeting until 11:20 A.M.**

Also Present: Tracie McCormick, Procurement Coordinator; The Honorable Larry Hess, Assessor; Anthony Delligatti, Legal Director; The Honorable Sheriff Nathan Harmon; The Honorable Elaine Mauck, County Clerk; Tracey Guilliams, Grants Administrator; Gary Wine, Deputy County Administrator

**Re: Call to Order**

President Pro Tem Whitacre called the August 25, 2022 Berkeley County Council Meeting to Order at 9:35 A.M.

**Re: Items from the Public**

Councilperson Dulyea asked if any of the Council ever discussed going back to a Commission rather than a Council. The Council requested Mr. Delligatti to research.

**Re: Agenda**

Councilperson Gochenour made a motion to approve the Agenda for the August 25, 2022 Berkeley County Council meeting. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Consent Agenda**

**1. Purchase Order Log**

Alan Davis, County Administrator stated that the payment for the hotel/motel totaled \$110,172 which is the largest we have seen was split between the CVB and Parks & Recreation.

**2. Internal Budget Revisions**

There were no internal budget revisions to be addressed.

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

President Pro Tem Whitacre stated that a new hire recommendation was received from the Honorable Elaine Mauck, County Clerk for Kathy Gochenour as a part time Clerk effective September 1, 2022 with an hourly rate of \$17.82.

Councilperson Dulyea made a motion to approve the new hire recommendation for Kathy Gochenour. Councilperson Barnhart seconded the motion. Councilperson Gochenour abstained due to familial relation. The motion carried.

President Pro Tem Whitacre stated that a change in status was received from Mike Laing, Chief Court Marshal for Stephen Boback to receive an increase due to years of service from \$40,678 to \$43,118 effective September 1, 2022.

President Copenhaver stated that a request was received from the County Clerk to remove Samia Dixon from payroll effective August 17, 2022.

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

There were no changes to the August 11, 2022 Berkeley County Council meeting minutes.

Councilperson Barnhart made a motion to approve the minutes for the August 11, 2022 Berkeley County Council meeting. Councilperson Dulyea seconded the motion. Councilperson Gochenour abstained due to absence. The motion carried.

### **5. Council Calendar**

President Pro Tem Whitacre reviewed the Council calendar for the month of August.

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

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

### **7. Bond Reduction – Associated Asphalt, BCP #2206-169 tied to BCP #2007-0417 (Grading) & BCP #20-01 Bond #CIC197879 – Engineering Department**

**8.**

### **9. Bond Reduction – Linaburg Properties, BCP #2011-341 tied to BCP #2104-087 (Grading) & BCP #2207-206, LOC #5186622-44 – Engineering Department**

### **10. Bond Reduction – Goldfinch Meadows, Phase 1 (Grading), R02146-16 tied to BCP #2111-420 & #41-04 LOC#7300001813-73003 – Engineering Department**

### **11. Bond Reduction – Goldfinch Meadows, Phase 2, (Grading) R00716-17 tied to BCP #2111-420 & #41-04 LOC #871 Engineering Department**

### **12. Order to Open Fund 027 with United Bank for Day Report Center Medicaid Payments for Licensed Behavioral Health Center**

**Re: Consent Agenda Approval**

Councilperson Gochenour made a motion to approve the Consent Agenda for the August 25, 2022 Berkeley County Council meeting. Councilperson Gochenour 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 Council and presented sixteen (16) personal tax exonerations for reason of office error totaling \$2,888.57.

Councilperson Barnhart made a motion to approve the sixteen (16) personal tax exonerations for reason of office error totaling \$2,888.57. Councilperson Dulyea seconded the motion. The motion carried unanimously.

Mr. Hess presented three (3) real estate exonerations for reason of office error totaling \$3,372.15.

Councilperson Gochenour made a motion to approve the three (3) real estate exonerations for reason of office error totaling \$3,372.15. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Board Meeting Reports**

Councilperson Barnhart reported that he had no meetings.

Councilperson Dulyea reported that he attended the CVB meeting where they spoke about funding and the structure of the use of funding and a discussion held on how they can interact more with other boards. He also reported that he was not able to attend the Senior Services board meeting.

Councilperson Gochenour reported that he attended the Landmarks board meeting and reported that they are working with the state to move the bridge away from the mill. He also reported that they are working with the Morgan Cabin group regarding bones located on the Morgan Cabin grounds to determine if they are human or animal remains and how to ensure this is not a burial site.

**Re: Board and Commission Vacancies**

Councilperson Dulyea request to have Matthew Howard scheduled for an interview as a candidate for the CVB.

Councilperson Gochenour made a motion to reappoint Jennifer Schetrompf to the LEPC board for a full term effective December 1, 2021. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Sheriff Nathan Harmon  
Request to Reject Bid for RFP for Ammunition  
SRO Board of Education**

Sheriff Nathan Harmon appeared before the Council and requested to reject the bid received for the ammunition bid since they did not allow 18 to 24 months for delivery. He stated that he would like to reject the bid and re-advertise with an 18 to 24 month delivery rather than 90 days.

Councilperson Gochenour made a motion to reject the bid from Kiesler Police Supply, Inc. for ammunition. Councilperson Dulyea seconded the motion. The motion carried unanimously.

Sheriff Harmon reviewed the SRO for the Board of Education. He stated that the Board of Education did not budget for this and feels an obligation to provide safety to the schools with the SRO's. He stated that he did plan to talk with the state for additional SRO's for the middle schools with grant funding using floating SRO's.

The Council requested this item be tabled for further discussion.

**Re: Sheriff Nathan Harmon  
Gary Wine, Deputy County Administrator  
“Live PD Virtual Ride Along Program”**

Sheriff Harmon stated he would like to be as transparent as possible and believes this can be made possible through ride alongs which would be virtual. He stated that body cam footage would be pulled by Mr. Wine and then provided to Mr. Hornby and he would pay for and edit and work with the footage to create four (4), 30 minute shows per week. Sheriff Harmon stated he would view one (1) hour of footage a week. Anthony Delligatti, Legal Director spoke regarding the liabilities.

The consensus of the Council was to table this until a conversation could be had with the Prosecuting Attorney.

**Re: Kin Sayre, Esquire. City of Martinsburg  
Petition for Annexation**

Kin Sayre, Esquire for the City of Martinsburg appeared before the Council to request to annex a parcel of property, Longview Acres, LLC Tax Map M24 P33, Parcel Map 72 into the City of Martinsburg.

Councilperson Gochenour made a motion to annex the parcel of property, Longview Acres, LLC, Tax Map M24, P33, Parcel Map 72 into the City of Martinsburg. Councilperson Barnhart seconded the motion. The motion carried unanimously.

**Re: Elaine Mauck, County Clerk  
Emergency Precinct Update**

The Honorable Elaine Mauck, County Clerk appeared before the Council and stated she was not able to do an early satellite voting location. She also stated that she would moving Polling Precincts 46 and 42.

Councilperson Barnhart made a motion to move Polling Precincts 46 and 42. Councilperson Dulyea seconded the motion. The motion carried unanimously.

President Copenhaver joined the meeting at 11:20 A.M.

**Re: Tracey Guilliams, Grants Administrator  
Request to Apply for DOT Reconnecting Communities PILOT Discretionary Grant Program  
NPS Historic Preservation Fund History of Equal Rights Preservation Grant**

Tracey Guilliams, Grants Administrator appeared before the Council and reviewed the DOT Reconnecting Communities PILOT Discretionary Grant Program. She stated that the grant project total was \$250,000 with a 20% match.

Vice President Whitacre made a motion to apply for the DOT Reconnecting Communities PILOT Discretionary Grant. Councilperson Gochenour seconded the motion. The motion carried unanimously.

Mrs. Guilliams reviewed the NPS Historic Preservation Fund History of Equal Rights Preservation Grant. She stated that she was requesting \$75,000 with a 0% match and reviewed what the grant would cover.

Councilperson Barnhart made a motion to apply for the NPS Historic Preservation Fund History of Equal Rights Preservation Grant. Councilperson Gochenour seconded the motion. The motion carried unanimously.

**Re: Alan Davis, County Administrator  
State Budget Revision # 03 Fund 001**

Alan Davis, County Administrator reviewed State Budget Revision # 03 for Fund 001.

Vice President Whitacre made a motion to approve State Budget Revision # 03 for Fund 001. Councilperson Dulyea seconded the motion. The motion carried unanimously.

**Re: Leroy Manspile  
Health Department Issues**

Leroy Manspile appeared before the Council and addressed ongoing issues with the Health Department.

**Re: Executive Session – Litigation and Real Estate Acquisition**

Councilperson Barnhart made a motion to go into executive session at 11:46 A.M. to discuss litigation and real estate acquisition. Vice President Whitacre seconded the motion. The motion carried unanimously.

President Copenhaver declared the Council out of executive session at 12:30 P.M.

There were no motions made during or after executive session.

**Re: Recess**

Councilperson Barnhart made a motion to Recess the August 25, 2022 Berkeley County Council meeting.

Submitted by: Penny Shewell

**Penny Shewell, Office Administrator**