

Minutes of City Council
April 19, 2022
Regular Session

The Council of the City of Lewisburg met in regular session on Tuesday, April 19, 2022 at 7:00 p.m. in the Paul R Cooley Council Chambers at 942 Washington St West, Lewisburg, WV also available VIA a Zoom Teleconference call because of the Covid-19 Pandemic.

PRESENT: Mayor Beverly White, Councilmembers, Sarah Elkins (via Zoom) Franklin Johnson, Valerie Pritt & Arron Seams; City Manager Misty Hill, City Clerk Shannon Beatty, Police Chief Chris Teubert, Director of Public Works Tony Legg, Fire Chief Joey Thomas, Treasurer Susan Honaker and Zoning Officer Marsha Cunningham.

ABSENT: Councilmember John Little

VISITORS: Reporter; Sarah Richardson with the Mountain Messenger and Lyra Bordelon from the West Virginia Daily News and Al Emsch from the Greenbrier County Historical Society.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Mayor White presented the invocation and Council member Pritt led the Pledge of Allegiance.

CALL TO ORDER:

Mayor White called the meeting to order at 7:04 p.m.

VISITORS REPORT:

No visitors reports were given.

APPROVAL OF MINUTES:

March 15, 2022

Councilmember Seams made a motion to approve the regular session March 15, 2022 City Council minutes. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

ORDINANCES:

Ordinance 301, Home Rule amendment for municipal sales & use tax
Second reading and public hearing

City Clerk Shannon Beatty read the title of the following ordinance:

“AN ORDINANCE AUTHORIZING THE CITY OF LEWISBURG TO SUBMIT AN AMENDED WRITTEN PLAN TO THE MUNICIPAL HOME RULE BOARD REQUESTING APPROVAL FOR THE CITY OF LEWISBURG TO ADOPT A MUNICIPAL SALES AND SERVICE TAX AND A MUNICIPAL USE TAX PURSUANT TO W. VA. CODE § 8-1-5a”

Mayor White opened the floor for a public hearing at 7:07 p.m. Hearing comments from Lyra Bordelon Mayor White closed the hearing at 7:08 pm.

Councilmember Pritt made a motion to approved Ordinance 301. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

City Clerk Shannon Beatty read the title of the following ordinance for second reading:

Ordinance A

“ORDINANCE AUTHORIZING THE REFUNDING OF THE SERIES 2009 A BONDS, SERIES 2012 A BONDS AND SERIES 2013 A BONDS AND THE FINANCING OF THE COST THEREOF, NOT OTHERWISE PROVIDED, THROUGH THE ISSUANCE BY THE CITY OF LEWISBURG OF NOT MORE THAN \$3,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REFUNDING REVENUE BONDS, SERIES 2022 A; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BONDS; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO THE ISSUANCE OF SUCH BONDS; AND AUTHORIZING THE SALE AND PROVIDING FOR THE TERMS AND PROVISIONS OF SUCH BONDS AND ADOPTING OTHER PROVISIONS RELATING THERETO. “

Councilmember Seams made a motion to approve Ordinance A for second reading. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

Ordinance B

City Clerk Shannon Beatty read the title of the following ordinance for second reading:

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC WATERWORKS FACILITIES OF THE CITY OF LEWISBURG, AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED THEREOF, THROUGH THE ISSUANCE BY THE CITY OF LEWISBURG OF NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 B (UNITED STATES DEPARTMENT OF AGRICULTURE),

NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 C (UNITED STATES DEPARTMENT OF AGRICULTURE); NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 D (UNITED STATES DEPARTMENT OF AGRICULTURE); NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 E (UNITED STATES DEPARTMENT OF AGRICULTURE); AND NOT MORE THAN \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 F (UNITED STATES DEPARTMENT OF AGRICULTURE) IN FIVE OR MORE SERIES; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF THE BONDS; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilmember Johnson made a motion to approve Ordinance B for second reading. Councilmember Seams seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

City Clerk Shannon Beatty read the title of the following ordinance for second reading:

Ordinance C

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC WATERWORKS FACILITIES OF THE CITY OF LEWISBURG, AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED THEREOF, THROUGH THE ISSUANCE BY THE CITY OF LEWISBURG OF NOT MORE THAN \$15,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE BONDS, SERIES 2022 G (WEST VIRGINIA INFRASTRUCTURE FUND) IN ONE OR MORE SERIES; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF THE BONDS; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilmember Seams made a motion to approve Ordinance C for second reading. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

Ordinance D

City Clerk Shannon Beatty read the title of the following ordinance for first reading:

ORDINANCE AUTHORIZING THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC WATERWORKS FACILITIES OF THE CITY OF LEWISBURG, AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED THEREOF, THROUGH THE ISSUANCE BY THE CITY OF LEWISBURG OF NOT MORE THAN \$15,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF WATER REVENUE

GRANT ANTICIPATION NOTES, SERIES 2022 H (WEST VIRGINIA INFRASTRUCURE FUND), IN ONE OR MORE SERIES; DEFINING AND PRESCRIBING THE TERMS AND PROVISIONS OF THE BONDS; PROVIDING GENERALLY FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE HOLDER OF THE BONDS; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Councilmember Seams made a motion to approve Ordinance D for first reading. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

Ordinance E

City Clerk Shannon Beatty read the title of the following ordinance for first reading:

AN ORDINANCE SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE WATERWORKS SYSTEM OF THE CITY OF LEWISBURG.

Councilmember Pritt made a motion to approve Ordinance E for first reading. Councilmember Seams seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

RESOLUTIONS:

Resolution 491, support for Ukraine

City Clerk Shannon Beatty read the following resolution for passage:

SUPPORT OF UKRAINE

WHEREAS, More than 300,000 Ukrainians called for independence from the Soviet Union and formed a human chain between two cities in January 1990; and

WHEREAS, In December 1991, more than 90 percent of Ukraine's citizens voted in support of independence from the Soviet Union, the first step in establishing a democratic nation; and,

WHEREAS, Since 2015, Russia has failed to live up to the Minsk Agreements and during the past year conducted a large-scale military build-up around Ukraine; and

WHEREAS, On February 24, 2022, Russian forces launched an unprovoked, full-scale invasion of a peaceful, independent country, Ukraine; and

WHEREAS, Many nations, including the United States and its European allies, have condemned in the strongest language this horrifying attack and outright war of

aggression on Ukraine and its citizens in an attempt to overthrow the democracy and occupy Ukraine; and,

WHEREAS, Sanctions have been levied against Russia and its government in response to this attack, with calls for an immediate cease-fire and withdrawal, yet Russia's invasion continues; and,

WHEREAS, The City of Lewisburg joins with other communities, with the United States and with other peace-loving and democratic nations throughout the world in condemning this Putin-led attack on Ukraine and its people, institutions, infrastructure and democracy; and

WHEREAS, Our Hearts go out to the innocent victims of this unfounded and unnecessary war, including the families and children who have been killed and injured or who are fleeing their homeland of Ukraine to escape Russia's unprovoked attack;

NOW, THEREFORE, BE IT RESOLVED that the City of Lewisburg stands with the Ukrainian people and its government in opposing Vladimir Putin's invasion and war against this democratic nation and expresses profound support for Ukraine at this difficult time, while calling upon Russia to halt this deadly and unconscionable aggression against a peaceful neighbor.

ADOPTED the 19th day of April, 2022

Councilmember Seams made a motion to approve Resolution 491, Support for Ukraine as presented. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

PROCLAMATIONS:

Arbor Day

Mayor White read a proclamation celebrating April 8 as Arbor Day in the City of Lewisburg. She announced she enjoyed attending a tree planting and book reading at the "Community School" on Oak Street in what used to be the Bolling School for Arbor Day. City Clerk Beatty stated the fifth graders at Lewisburg Elementary school also participated in an Arbor Day poster contest with a theme entitled "Trees are Terrific and Different" for her first year planning the city's Arbor Day festivities. She noted the posters had been shared on the Lewisburg in Bloom and City of Lewisburg Facebook pages.

Celebrate Osteopathic Medicine Week

Mayor White read a proclamation recognizing April 18-24 as Celebrate Osteopathic Medicine Week and National Osteopathic Week in the City of Lewisburg.

Children's Memorial Flag Day

Mayor White read a proclamation honoring April 29 as Children's Memorial Flag Day in the City of Lewisburg.

COMMUNICATIONS FROM THE MAYOR:

Central Greenbrier Little League

Mayor White announced that the Central Greenbrier Little League had presented the City with a plaque on opening day of the Little League Season. She noted the plaque was in recognition of all of the work the City has done to improve the ball fields and facilities in the City Parks.

Historic Preservation Award

Mayor White announced that Skip Deegans a member of the Historic Landmark Commission received a Historic Preservation award for his work at the Old Stone Church Cemetery at the West Virginia Garden Club Convention on behalf of the Lewisburg House and Garden Club.

COMMUNICATIONS FROM THE CITY MANAGER:

City Manager Misty Hill reported on the following items of interest:

Lay the Levy

City Manager Hill announced the levy rates:

The rates are as follows: Regular current levy rates: Class I \$12.5/\$100 valuation, Class II \$25.000/\$100 valuation and Class IV \$50.000/\$100 valuation

Excess current levy rates: Class I \$6.25/\$100 valuation, Class II \$12.500 /\$100 valuation and Class IV \$25.000/\$100 valuation Councilmember Edwards seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

Mayor White opened the floor for comment and discussion from the public during the public hearing. Hearing no comment from the public, the hearing was closed.

Councilmember Seams made a motion to officially lay the levy for the General Fund. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

North Court Street Paving Bids

Councilmember Seams made a motion to accept the lowest bid in the amount of \$87,820 with a unit cost of \$131.00 from Greenbrier Excavating & Paving, Inc. for the North Court Street

Paving project. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

North House Museum Courtney Street building (pink library)

City Manager Misty Hill stated the City Attorney, Tom White had reviewed the lease. She noted the lease was for just the two buildings, the “pink library” building and the annex building but not for the grounds of Horton Park.

Councilmember Pritt made a motion to approve the Lease and Assumption Agreement between The City of Lewisburg and the Greenbrier Historical Society, Inc as presented. Councilmember Seams seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

Brick Wall and Patio area in Green Space

City Manager Misty Hill stated she and Mayor White had met with Tag Galyean because she was concerned the brick wall beside the green space needed to be replaced. Tag has come up with a new design plan for that area which would include a small bandstand area and the installation of two chess tables that the City has. She stated she would bring the plan back to the Finance Committee for review.

COMMUNICATIONS FROM CITY COUNCIL MEMBERS:

Councilmember Elkins stated that Russell Williams had approached her to ask if the City would be interested in hosting outdoor movies on the lawn of Carnegie Hall again. She stated he indicated there is time to do two outdoor movies this year for a cost of \$1,800. City Manager Misty Mill stated he should submit an Arts and Humanities Grant application.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS:

Planning Commission Report

Zoning Officer Marsha Cunningham reported on the events of the April 7, Planning Commission meeting:

- A site plan review for Pat McHale, Seneca Trail Animal Hospital at 3453 N. Jefferson St. was approved by the Planning Commission.
- A final plat for Don Huber, The Gardens at Blackbird Village was approved.

Parks Commission Report

Parks Chair Sarah Elkins reported on the following events of the April 5, 2022 Parks Commission meeting:

- An update was given regarding the Little League field.

- Vandalism in the Parks system continues to be a problem. City Manager Hill stated that at least two people had been caught because of the video cameras at the Parks.
- Project updates were given
- Councilmember Johnson brought up his concerns about there not being enough recreation areas in the City Park system for children under the age of 5 years old. A short discussion ensued at the Parks Commission meeting.

COMMUNICATIONS FROM THE POLICE DEPARTMENT:

Mayor White stated that a copy of Chief Teubert's report had been included in the information packet and asked if City Councilmembers had any questions for Chief Teubert.

COMMUNICATIONS FROM THE FIRE DEPARTMENT:

Mayor White stated that a copy of Chief Thomas's report had been included in the information packet and asked if City Councilmembers had any questions for the Chief.

Chief Thomas stated he needed to let City Council know about a situation that had come up with the air tanks or "air bottles" for the life packs. He said that a hole had been discovered in one of the air bottles. Because of that the Fire Department inspected all of the air bottles. 24 of the 2013 air bottles were found to have corrosion in them. Mayor White instructed Chief Thomas to start searching for replacement packs. Thomas stated it cost \$225,000 to \$275,000 to replace the air packs. He noted he had a price of \$8,500 to replace a life pack from a vendor. He stated the money is in the budget under "fire service fee" to cover the cost.

COMMUNICATIONS FROM COUNCIL COMMITTEES:

Finance Committee Report

Councilmember Seams reported on the following events of the March Finance Committee meeting:

- The Finance Committee recommended approval of a Video Lottery Revenue Program application in the amount of \$4,000 for the Greenbrier East Project Graduation.

Councilmember Seams made a motion to approve a Video Lottery Revenue Program application in the amount of \$4,000 for the Greenbrier East Project Graduation. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

- The Finance Committee recommended approval of a \$2 an hour wage increase to Rebecca White for the position of Human Resource Director.

Councilmember Seams made a motion to approve a \$2 an hour wage increase to Rebecca White for the position of Human Resource Director. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

- The Finance Committee reviewed an auditor report from Ferrari & Associates regarding the 2021 single year audit because of the Cares Act monies the City had received. Seams noted there were no findings.

COMMUNICATIONS FROM THE PUBLIC WORKS DEPARTMENT:

Mayor White stated that a copy of the Public Work's Director Legg's report had been included in the information packet and asked if City Councilmembers had any questions for the Director.

Public Works bids

City Manager Mill stated the City had received two bids for the new Public Works building. The lowest bid had included a handwritten contingency. She stated City Attorney White indicated the handwritten contingency voided the bid. The second bid was too large and the City Attorney advised not to accept either bid. The project will be bid again.

Water Plant Sediment Basin bids

Public Works Director Tony Legg would like the City to accept the lowest bid of \$22,800 per cleaning from Summit Environmental Service. He stated Summit Environmental Service would honor two cleanings at that price. Legg recommends the City use two cleanings.

Councilmember Seams made a motion to accept the lowest bid from Summit Environmental Services in the amount of \$22,800 per cleaning of the water plant sediment basin for a total cost of \$45,600 for two cleanings. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Little) the motion carried.

ADJOURNMENT:

Councilmember Seams made a motion to adjourn the meeting at 8:20 p.m. Councilmember Pritt seconded the motion. With all in favor the motion carried.