

Minutes of City Council
July 20, 2021
Regular Session

The Council of the City of Lewisburg met in regular session on Tuesday, July 20, 2021 at 7:30 p.m. at 942 Washington Street West, Lewisburg, WV 24901 and via Zoom Teleconference call because of the Covid-19 Pandemic.

PRESENT: Mayor Beverly White, City Manager Misty Hill, Council members, Frank Johnson, Sarah Elkins, John Little, and Valerie Pritt; City Clerk Shannon Beatty
Treasurer Susan Honaker, Police Chief Chris Teubert, Fire Chief Joseph Thomas, Planning & Zoning Officer Marsha Cunningham and Director of Public Works Tony Legg,

ABSENT: Councilmember Arron Seams

VISITORS: Tina Alvey with the Beckley Register Herald, Bobby Bordelon with the West Virginia Daily News; Matthew Bainbridge & Jane Hicks with Civil & Environmental Consultants, Inc., Charles & Kelly Henthorn, Adam Whanger, Roger Kennedy (Via Zoom) and Gailyn Markum with Loot Press (Via Zoom)

CALL TO ORDER:

Mayor White called the meeting to order at 7:30 p.m.

VISITORS REPORT:

Civil & Environmental Consultants, Inc.

Matt Bainbridge and Jane Hicks from Civil & Environmental Consultants, Inc. a company from Bridgeport, WV stated they are interested in doing engineering work in Greenbrier County. They distributed information about their company and introduced themselves.

APPROVAL OF MINUTES:

June 14, 2021

Councilmember Elkins made a motion to approve the June 14, 2021 Board of Canvas minutes. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

June 15, 2021

Councilmember Johnson made a motion to approve the June 15, 2021 regular minutes as amended. Councilmember Little seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

July 13, 2021

Councilmember Elkins made a motion to approve the July 13, 2021 Organizational Session minutes. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

ORDINANCES:

Ordinance 292, 2nd reading and public hearing

City Clerk Beatty read the following ordinance by title for 2nd reading:

“AN ORDINANCE OF THE CITY OF LEWISBURG, WEST VIRGINIA GRANTING A FRANCHISE TO CEBRIDGE ACQUISITIONS, LLC FOR THE CONSTRUCTION AND OPERATION OF A CABLE SYSTEM”

City Manager Misty Hill recommended that City Council table the second reading of Ordinance 292. She noted that Erin Jones, the representative for Suddenlink was unable to attend the meeting. She also cited concerns regarding a current lawsuit held against the franchise by the Public Service Commission. Hill indicated that she had also received phone calls from Lewisburg residents voicing complaints about their service with Suddenlink.

Councilmember Elkins made a motion to table Ordinance 292 until the September 21, 2021 City Council meeting until a representative from Suddenlink can attend a meeting to address questions and to find out the outcome of the August 24, 2021 PSC hearing in regards to Suddenlink. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

Ordinance 293, Updating the Codified Ordinance, 1st reading

City Clerk Beatty read the following ordinance by title for 1st reading:

“AN ORDINANCE OF THE COUNCIL OF THE CITY OF LEWISBURG APPROVING AND ADOPTING THE 2021 REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF LEWISBURG.”

City Clerk Beatty stated this ordinance updates the City Code or Codified ordinances with any ordinances the City has passed since the last update as well as any updates the City needs to make to be in compliance with State Code changes.

Councilmember Little made a motion to approve Ordinance 293 on first reading. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

Ordinance 294, DNA Holdings, II to PUD rezoning, 1st reading

City Clerk Beatty read the following ordinance by title for 1st reading:

“AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF LEWISBURG, WEST VIRGINIA, TO CHANGE THE ZONING OF THE PARCEL OF LAND DESIGNATED AS GREENBRIER COUNTY, LEWISBURG MUNICIPALITY, TAX MAP 6, PARCEL 13, GREENBRIER COUNTY DEED BOOK 616, PAGE 727, LOCATED AT 3060 JEFFERSON STREET NORTH, LEWISBURG, WV, FROM I-1 (LIMITED INDUSTRIAL) TO PUD (PLANNED UNIT DEVELOPMENT) (MAP ATTACHED).”

Councilmember Pritt made a motion to approve Ordinance 294 on first reading. Councilmember Little seconded the motion. Councilmember Elkins asked if this was a recommendation for approval from the Planning Commission. Mayor White answered yes.

With five (5) in favor and one (1) absent (Seams) the motion carried.

RESOLUTIONS:

Resolution 484, Coal Severance Budget revision #1, Fiscal Year 2022

City Clerk Beatty read the following resolution for passage:

“Coal Severance Fund Budget Fiscal Year 2021 Revision Number 1

At a regular session of the municipal council held July 20, 2021 the following order was made and entered.

SUBJECT: The revision of the Levy Estimate (Budget) for the Coal Severance Fund of the City of Lewisburg. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public office the municipal council does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS., as shown on budget revision **number one**, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Council member _____, and duly seconded by Council member _____ the vote thereon was as follows:

_____	Yes	or	No
_____	Yes	or	No
_____	Yes	or	No
_____	Yes	or	No
_____	Yes	or	No

WHEREUPON, Mayor White, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same, is hereby adopted as so stated above, and the Treasurer is authorized to fix her signature on the attached “Request for Revision to Approved Budget” to be sent to the State Auditor for approval.

Adopted this 20th day of July, 2021

Mayor Beverly White

**STATE OF WEST VIRGINIA
COUNTY OF GREENBRIER
MUNICIPALITY OF LEWISBURG, To-wit:**

I, Shannon Beatty, CMC, City Clerk of said municipality, do hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the Council of the City of Lewisburg at a regular meeting held on July 20, 2021 in accordance with law and that Resolution had not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof.

Witness my hand and the Seal of the City of Lewisburg, West Virginia, on this 20th day of July, 2021.

City Clerk Shannon Beatty, CMC”

City Treasurer Honaker indicated the Coal Severance budget had been reviewed at the Finance Committee meeting.

Councilmember Elkins made a motion to approve Resolution 484. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

Resolution 485, Signature Authority for city bank accounts

City Clerk Beatty read the following resolution for passage:

**“RESOLUTION 485
CORPORATE AUTHORIZATION**

I, Shannon Beatty, certify that I am the City Clerk of the above named corporation organized under the laws of WV, Federal Employer I.D. Number **55-6000198**, engaged in business under the trade name of The City of Lewisburg, and that the following is a correct copy of resolution adopted at a meeting of the Council of this corporation duly and properly called and held on July 20, 2021. These resolutions appear in the minutes of this meeting and have not been rescinded or modified.

- A. Be it resolved that ,
1. The City of Lewisburg has several Financial Institutions that are designated as a depository for the funds of this corporation.
 2. This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by the Financial Institutions.
 3. All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of this corporation with the Financial Institutions prior to the adoption of this resolution are hereby ratified, approved and confirmed.
 4. Any persons named below, so long as they act in a representative capacity as agents of this corporation, are authorized to make any and all contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with the Financial Institutions, concerning funds deposited in the Financial Institutions, moneys borrowed from the Financial Institutions or any other business transacted by and between this corporation and the Financial Institutions subject to any restrictions stated below.
 5. Any and all prior resolutions adopted by the Council of this corporation and certified to the Financial Institutions as governing the operation of this corporation’s accounts, are in full force and effect, unless supplemented or modified by this authorization.
 6. This corporation agrees to the terms and conditions of any account agreement, properly opened by any authorized representative of this corporation and authorizes the Financial Institution, regardless of by whom or by what means the facsimile signatures may have been affixed so long as they resemble the facsimile signature specimens in Section C. (Or the facsimile signature specimens that this corporation files with the Financial Institutions from time to time) and contain the required number of signatures for this purpose.

C. If indicated any person listed below (subject to any expressed restrictions) is authorized to:

Name and Title	Signature	Facsimile Signature
(A) Beverly White, Mayor	_____	_____
(B) Shannon Beatty City Clerk	_____	_____

(C) Susan Honaker, Treasurer _____

(D) Misty Hill, City Manager _____

(E) Arron Seams, Councilmember _____

The above individuals are authorized as follows:

Beverly White, Mayor & Shannon Beatty, City Clerk and Arron Seams, City Council member are authorized to exercise all the following:

1. Open any deposit or checking account(s) in the name of the corporation
2. Endorse checks and orders for the payment of money and withdraw funds on deposit with the Financial Institutions. There are two signatures required for this purpose.
3. Borrow money on behalf and in the name of this corporation, sign, execute and deliver promissory notes or other evidences of indebtedness. There are two signatures required for this purpose.
4. Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading stocks, bonds, real estate or other property now owned or hereafter owned or acquired by this association as security for sums borrowed, and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment. Two signatures are required for this purpose.
5. Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in the Financial Institutions. Two signatures are required for this purpose.

Susan Honaker, Treasurer and Misty Hill, City Manager are authorized only to inquire about an account.

D. I further, certify that this association has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolution and to confer the powers granted to the persons name who have full power and lawful authority to exercise the same.

Shannon Beatty, CMC, City Clerk,

Dated: July 20, 2021”

Councilmember Elkins made a motion to approve Resolution 485. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

COMMUNICATIONS FROM THE MAYOR:

Appointment to PSD #1, John Preston

Mayor White offered the name of John Preston for a 6 year term as the City’s appointee on the PSD #1 Board.

Councilmember Pritt made a motion to appoint John Preston for a 6 year term as the City’s appointee on the PSD #1 Board. Councilmember Elkins seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS:

Planning Commission Report

Zoning Officer Marsha Cunningham reported on the following events of the July 1, 2021 Planning Commission meeting:

- A conditional use permit to allow for more than 3 rooms in a bed and breakfast at 332 Lafayette Street for Charles Henthorn was approved by the Planning Commission .

Mayor White opened the floor at 7:53 for a public hearing. Hearing no comments from the public she closed the public hearing at 7:53 p.m.

Councilmember Little made a motion to approve a conditional use permit to allow for more than 3 rooms in a bed and breakfast establishment at 332 Lafayette Street. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

- The Planning Commission recommended approval of a zoning change from I1 to PUD for DNA Holdings on Route 219 North (former Reynolds Property).
- The Planning Commission recommended approval of a preliminary plat for DNA Holdings on Route 219 North (former Reynolds Property). Cunningham noted that DNA Holdings had met all requirements for approval of a preliminary plat.

COMMUNICATIONS FROM THE CITY MANAGER:

Route 219 Sidewalk Project Phase II, Change Order request #1

City Manager Hill stated the design and plan for the stretch of sidewalk associated with the Route 219 North sidewalk project phase II, change order #1 needed to be revised. Roger Kennedy with the City's engineering firm Chapman Technical Group indicated the change was needed because the current sidewalk end had been tied into a sidewalk on Lee Street that was removed last year. He stated the new sidewalk needs to be tied into the sidewalk on the other side of Lee Street adjacent to the WV School of Osteopathic Medicine.

Councilmember Johnson made a motion to approve the Route 219 North Sidewalk Project Phase II, Change order #1 as presented. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

Cares Act Funds, expenditure plan update & expenditure plan

City Manager Hill noted she had recently received a letter from the State of WV that the City needed to expend the Cares Act fund monies by December 31, 2021. She indicated that the previous members of City Council had been taking "baby steps" with Cares Act expenditures. She stated they had picked a few items and were trying to get those closed out before we moved forward on other items. She stated that with the new deadline she hopes to be able to expedite this quicker than what had happened in the past.

Hill reviewed the following listing of Hollowell Park projects:

Junior synthetic field, \$75,000, completed
State Park lights, \$10,000
Walking track lights, \$18,000
Ball field dugouts, \$18,000
ADA restrooms for softball field, \$19,000
Player benches, \$4,000 completed
Paving equipment, \$8,000 completed
Winterization of bathrooms, \$1,500
Lights for batting cages, \$1,000
Poles for Little League field, \$100,000
Mini Park (on hillside) and shelter renovations, \$7,500
Pickle ball courts, \$20,000
Announcing booth windows, \$2,500
Football storage, \$12,000

Hill stated the City has been unable to purchase fencing materials for the dugout because the order keeps being backdated by the manufacturer. She said the field light poles that were installed a few years ago are too short causing the lights to shine into the children's eyes. She noted the existing poles that would be replaced can be reused in the Pickle Ball Court and Skate Park. City Manager Hill stated that City Hall is also on the list for a façade & repointing renovation, a generator, and a new phone system.

City Manager Hill stated that all of the projects would need to be invoiced before the end of the year, city employees will be putting in more hours. Because CARES Act money is reimbursement funds generated by city work and workers, Hill wished to include hazard pay in the plan. Hill reminded City Council that CARES Act reimbursement was brought on and funded by employees working and being here. Hill said the City would not have the reimbursement CARES Act fund if it were not for the employees' dedication. Hill stated, "I applaud them showing up every day and going through what they did with COVID and the regulations."

The total hazard pay, is set around \$1,600 for each employee, making sure that their take-home hazard pay is \$1,500. City Manager Hill stated a final \$100,000 has also been set aside for broadband expansion, but a specific project to fund has not yet been found. She said, the City has a placeholder for \$100,000 for broadband until the City can find out how to hold or expend money for broadband which can't be completed until after December 31, 2021.

After a lengthy discussion councilmembers and Mayor Beverly White, felt strong enough about the plan to authorize City Manager Hill to implement the plan.

Councilmember Little made a motion to approve the use of the CARES Act funds, broken down like this: the Hollowell Park Approved Cares Act Plan less completed items (\$726,537.01) of July 2021, the rough estimate for city hall for \$300,000, the quote for the generator for \$47,000, hazard pay (\$1,500 per employee) of \$92,040.75 to be expended in September, the City Hall phone system, \$12,000 and to authorize the City Administrator to spend or invoice the CARES

Act money by December 31, 2021. Councilmember Elkins seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

Rental Space lease agreement, JL Massie Insurance

Councilmember Johnson made a motion to approve the lease agreement between the City of Lewisburg and JL Massie Insurance for the (first floor of the City Hall Building) property at 938 Washington Street West as presented. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

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.

COMMUNICATIONS FROM COUNCIL COMMITTEES:

Finance Committee Report

City Manager Misty Hill reported on the following events of the June 8, 2021 Finance Committee meeting:

- The Finance Committee recommended approval of the 219 North Sidewalk project phase II pay application #4 in the amount of \$109, 353.60.

Councilmember Elkins made a motion to approve the 219 North Sidewalk project phase II pay application #4 in the amount of \$109, 353.60. Councilmember Little seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

- The Finance Committee recommended approval of the 219 North Sidewalk project phase III pay application #6 in the amount of \$18,675.

Councilmember Pritt made a motion to approve the 219 North Sidewalk project phase III pay application #6 in the amount of \$18,675. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

- The Finance Committee recommended approval to renew the Mills Group contract in an amount not to exceed \$8,000.

Councilmember Elkins made a motion to renew the Mills Group contract in an amount not to exceed \$8,000. Councilmember Johnson seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

- The Finance Committee recommended approval to grant authority to the City Manager to apply for and send information to the State of WV for the American Rescue Plan in the amount of \$1.5 million.

Councilmember Little made a motion to grant authority to the City Manager to apply for an send information to the State of WV for the American Rescue Plan in the amount of \$1.5 million. Councilmember Pritt seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.

REPORT FROM THE PUBLIC WORKS DEPARTMENT:

Director of Public Works Tony Legg reported on the following items of interest:

- The State Little League Tournament was held in Lewisburg and wrapped up on Thursday, July 15, 2021.
- The drying beds at the water plant have been cleaned and the debris hauled to the landfill.
- Crews will start working on cleaning the filters at the water plant soon.
- The curb the DOH installed during the South Jefferson Street sidewalk project on the corner of Foster and Route 219 that extends too far out will be cut back by State crews soon.
- City Council members will visit the water plant on July 27th for a tour.

COMMUNICATIONS FROM CITY COUNCIL MEMBERS:

- On July 19, 2021, Mayor White and Councilmember Pritt welcomed the Newmar camper group to Lewisburg at the State Fairgrounds.

ADJOURNMENT:

Councilmember Pritt made a motion to adjourn the meeting at 9:23 p.m. Councilmember Elkins seconded the motion. With five (5) in favor and one (1) absent (Seams) the motion carried.