

**Minutes of City Council  
September 17, 2019  
Regular Session**

The Council of the City of Lewisburg met in regular session on Tuesday, September 17, 2019 at 7:30 p.m. in the Paul R Cooley Council Chambers at 942 Washington St West, Lewisburg, WV.

**PRESENT:** Mayor Beverly White, Recorder Shannon Beatty; Council members, Heather Blake, Sarah Elkins, Mark Etten, Edward Johns and Arron Seams. Treasurer Susan Honaker, City Manager Jacy Faulkner, Director of Public Works Roger Pence, Police Chief Chris Teubert, Fire Chief Joseph Thomas, Assistant City Manager Misty Hill, Zoning Officer Gary Ford, City Attorney Tom White and Fire Fighter, Randy Chambers.

**VISITORS:** Reporters Peggy Mackenzie with the Mountain Messenger; Bobby Bordelon with the West Virginia Daily News and Tina Alvey with the Register Herald; Jim Morgan, Jr., Emil Stalis, Elizabeth Clark, Colin Rose, Debbie Sizemore, Carol Olson, Danny Gray, Cheryl Gilmore Dobbs, Dale Dobbs, Martha Hilton, Mark Carver, Skip Deegans, Tom Shannon, Susan Seams, James Smith, Brandon Johnson, Joe Taylor, Donna Toney, Will Nestor and Nick Sams

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Recorder Beatty presented the invocation and Council member Seams led the Pledge of Allegiance.

**CALL TO ORDER:**

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

**VISITORS REPORT:**

*Jim Morgan, Jr.*

Jim Morgan, Jr. approached City Council with concerns he had regarding the form of government (Manager/Mayor) City Council selected when the City Charter was updated in September of 2018. He also expressed concerns about the validity of the way the Charter was approved by City Council via an ordinance, with two readings and a public hearing.

City Attorney Thomas White stated the State Code provides for a City Charter to be amended via ordinance the way the City did it. He noted that if City Council feels that something in the Charter is not working they could amend it again. He stated the City has a valid and forcible City Charter in place.

**APPROVAL OF MINUTES:**

*August 20, 2019 Regular Session Minutes*

Councilmember Seams made a motion to approve the August 20, 2019 City Council minutes as presented. Councilmember Elkins seconded the motion. With all in favor the motion carried.

August 20, 2019 Working Session Minutes

Councilmember Seams made a motion to approve the August 20, 2019 working session minutes. With no second the motion did not carry.

Councilmember Etten and Councilmember Johns stated they did not feel the minutes had enough detail in them. Recorder Beatty stated that according to her training with the West Virginia Municipal League, minutes only have to capture motions or action taken. Because this was a working session, no action was taken at the meeting. She stated she has been instructed in her training to paraphrase the action leading up to a motion and to capture the motion.

**PROCLAMATIONS:**

Shriner's Day 2019

Recorder Beatty read a portion of a proclamation designating September 21 as Greenbrier Valley Shrine Day in Lewisburg.

Childhood Cancer Awareness

Recorder Beatty read a proclamation announcing September 18 as "Go Gold" day in Lewisburg to coincide with Childhood Cancer Awareness Day to recognize, support and raise awareness of Childhood Cancer.

US Census 2020

Recorder Beatty read a portion of a proclamation to create a complete count committee for the 2020 US Census.

Debbie Sizemore, a representative from the US Census was present to discuss the importance of creating a complete count committee in Lewisburg. She noted the census would help create temporary jobs in Greenbrier County. She stated that an accurate census count helped communities like Lewisburg receive grant funds and federal aid and programs like SNAP, Headstart and foster care.

**COMMUNICATIONS FROM BOARDS AND COMMISSIONS:**

Planning Commission Report

Zoning Officer Ford reported on the following events of the September 5, 2019 Planning Commission meeting:

- A minor subdivision request for two tracts of land at 2701 Jefferson Street North (Relax Inn) submitted by Phillip Reed was approved by the Planning Commission to split the lot into two tracts.
- A motion to allow a conditional use permit, with the condition to allow six on-site parking spaces on the property did not pass because a quorum vote was not reached by the Planning Commission.

Colin Rose was present at the meeting to submit an application for a Conditional Use Permit to City Council to split a home at 196 Lee Street into a duplex.

Mayor White opened a public hearing at 8:13 p.m. After hearing comments from citizens both for and against the conditional use permit to allow a duplex, discussion centered on whether or not the number of parking spaces needed would diminish the look and value of the neighborhood. The applicant also presented evidence that the requested permit will not:

1. Endanger the public health or safety. (Applicant's representative Paul Thomas stated that at the Planning Commission, safety of the one way street was brought up. He said that it was not responsibility of the applicant to regulate the one way street or speed that motorists drove.)
2. Injure the value of adjoining or abutting property. (Thomas stated that by renovating and repairing the house, the applicant would actually help the value of the homes of the neighbors. He noted the house had become run down.)
3. Be out of harmony with the area in which it is to be located. (Thomas stated there were several other duplexes on the same street.
4. Be out of conformity with the official community plan. (Thomas indicated that the duplex could provide housing for the nearby Osteopathic School of Medicine) Thomas also provided a drawing showing a layout for parking at the duplex. He noted that most of the homes on the street actually had driveways just like the proposed duplex.

Councilmember Etten asked what the layout of the duplex would be. Thomas stated it would one unit upstairs and one unit downtowns. Adjoining neighbor Cheryl Gilman Dobbs voiced her opposition the duplex and issues with the shared driveway. Carol Olson voiced her opposition with what she considered safety issues with additional traffic on the street. Councilmember Johns asked if this was denied could the applicant go before the Board of Zoning Appeals. City Attorney Tom White answered yes.

Mayor White closed the hearing at 9:04 p.m.

Councilmember Elkins made a motion to approve the conditional use permit. Councilmember Johns seconded the motion. With three (3) in favor (Johns, White and Elkins) and three (3) against (Etten, Seams and Blake) the motion did not carry.

*Parks Commission Report*

Parks Chair Sarah Elkins reported on the following events of the September 3, 2019 Parks Commission meeting:

- Director of Public Works Roger Pence gave a report outlining project updates. The parking lot at Dorie Miller Park has been paved and is ready for the parking space lines to be painted. Restrooms at both parks are completed. A new sidewalk is going to be constructed on Feamster Road at the turn into the ballfield at Dorie Miller Park. Football practices are now being held at Hollowell Park. The Public Works Dept. has begun soliciting bids for 50 LED lights at Hollowell Park. The Riverwise Labyrinth at the Boat Launch in Caldwell is being cleaned by the artist who originally created the Labyrinth many years ago.
- WVSOM student member of the Public Works Committee Noel Mellor shared that members of the WVSOM Community Relations student organization are seeking opportunities to volunteer with parks cleanup efforts.

*Historic Landmark Commission annual report*

Historic Landmark Chair Carol Olson distributed and reviewed their annual report. The HLC reviewed 59 applications last year. She thanked City Council for their support of the HLC and for hiring architect Michael Mills to work as a consultant for the HLC. She noted the HLC goes out of their way to avoid denials to applications by working with applicants to find solutions and amendments to applications that work.

**COMMUNICATIONS FROM THE MAYOR:**

*Set the date for Halloween*

Mayor White announced that Halloween will be held on Thursday, October 31 from 6:00 until 8:00 p.m. in Lewisburg at residences that have their porch light on.

Councilmember Blake made a motion to hold Halloween on Thursday, October 31 from 6:00 until 8:00 p.m. in Lewisburg at residences that have their porch light on. Councilmember Seams seconded the motion. With all in favor the motion carried.

*General Operations of the City*

Mayor White stated that this Council, Mayor and administration has been operating in accordance with the guidance set forth in the Organizational meeting on June 25, 2019. The procedures are in line with how the City has operated for a number of years, under previous Councils and administrations. If members are in agreement with those operations, and would like

to see them continue then no action is required. If this body would like to see changes to those operations, then the Council will go through the proper procedure to discuss, deliberate and ultimately vote upon proposed changes.

### **COMMUNICATIONS FROM THE CITY MANAGER:**

City Manager Jacy Faulkner reported on the following administrative events occurring in the City over the past month:

- The unaccounted for water report is at 34.58% for the month of August and no major leaks have been reported.
- The Public Works Department recommends approval of a bid from Greenbrier Technologies and Electric in the amount of \$115,130.43 to replace the sports field lights in all parks facilities.
- City crews are cleaning the pre-sediment basin.
- Lead and copper sampling has been completed.
- City crews are working on Phase II of Dorie Miller renovations. The new restroom is nearly complete.
- The Fire Department received 91 emergency calls over the past month. August 26-30, members of the Fire Department attended arson training. 8 fire hydrants have been replaced.
- The Police Department received 272 calls for service over the past month. One officer has completed their one year probationary period. The Police Department worked with the State Fair of WV to direct traffic during the fair in August.
- Tasers have been ordered for the Police Department
- 11 officers completed their 1<sup>st</sup> aid course.
- Four pedestrians were struck on Court Street and a Failure to Yield to a pedestrian charge was given.
- A suspicious package at Wal-Mart incident was deemed a non-event.
- City Administration has met with insurance agents and this issue will come before City Council for the regular annual insurance renewal.
- The City Manager met with Michael Mills who acts as a consultant for the Historic Landmark Commission.
- The City Manager attended a Greenbrier Economic Development meeting.
- Mayor White and City Manager Faulkner attended a meeting with a representative from the Federal Reserve Bank.
- Erin Hurst from the United Way met with City staff about their fall donation drive.
- Chapman Technical Group inspected the City roof.
- The custodial position at City Hall has been successfully filled.
- Applications for water plant operators are being accepted right now.
- Has successfully met the timeline for the FEMA grant.
- The Fire Department has successfully close the grant for the dive equipment.
- The Zoning Department has reviewed 34 permits for zoning so far this year.

Faulkner stated that if Council would like to hear more or less from her report they can let her know. Councilmember Etten stated he did not feel like she needed to give what amounts to dual reports as the Department Heads usually report on activities in their departments. He suggested she might only want to report on those items that a department head would not already report on.

#### Finance Report

City Manager Faulkner stated that most of the items she could cover in a Finance Report have already been reporting on during the Finance Committee report.

#### Council Committees Discussion

City Manager Faulkner stated that no formal guidelines exist for the Council Committees. The Committees exist as Ad Hoc Working Committees of City Council. She said she had asked Department heads to provide their input about how these committees of City Council have been run. She noted she felt it was important to get feedback from each of the staff members that are key to the Committees. She stated the City currently has three council committees; Public Works, Public Safety and Finance. She noted that staff that are really key to providing input and information to those committees are the Treasurer, Chief of Police, Fire Chief and the Director of Public Works. She referenced a hand out she provided in the Council packets.

She noted that any guidelines that City Council might develop should probably go into the City Code rather than the City Charter. Councilmember Johns asserted that these committees of City Council are extremely important. He said that City Council has to act together to show a “unity of command” He stated he recommends that City Council form a new Council Committee to come up with mission statements and duties for these committees. A discussion about the importance of developing a mission statement and guidelines occurred.

City Attorney Tom White stated he did not agree that the Council Committees did not exist. He noted that by appointment to the committees at the Organizational Meeting of Council June 25 do exist. He stated that Council needs to determine how the committees will be run. He stated the Council has been operating under the rules in effect and that it was appropriate to do so. He stated he thinks that what Mr. Johns is saying is that this body should look at the rules and develop new ones if they want to. City Manager Faulkner suggested that City Council could hold a working session to discuss all of that.

#### **COMMUNICATIONS FROM THE POLICE DEPARTMENT:**

Chief Teubert reported the Police Department did not have more to report than what City manager Faulkner had already reported on. Councilmember Johns indicated he had understood that the Police Department SOG’s would be placed on this City Council agenda. Chief Teubert stated that was not his understanding. He had thought the SOGs would be individually reviewed

section by section by the Public Safety Committee and then brought to City Council after the entire document had been reviewed. Councilmember Etten stated it had also been his impression that the SOGs would be placed on the Council agenda. City Manager Faulkner noted the September City Council agenda was posted and noticed before the Public Safety Committee was held. She stated it would have been impossible to provide the notice required by the State's open meetings law to include a recommendation made at the Friday Public Safety Committee when the Council agenda had to be posted on the Thursday before. Discussion next centered around General Orders. Councilmember Johns stated he did not feel that devices like the newly purchased tasers could be given to officers until the SOGs were revised to include them. Chief Tuebert explained that the tasers were authorized under a general order because a complete review of the SOGs was being conducted. He stated that once the SOGs had been reviewed the any general orders would be incorporated into the SOGs. Teubert remarked that general orders had been and are an accepted practice for the Police Department and City Council. He said that if City Council wished to change that practice they needed to let him know.

#### **COMMUNICATIONS FROM THE FIRE DEPARTMENT:**

Chief Thomas reported the Fire Department did not have more to report than what City Manager Faulkner had reported. He noted a copy of the monthly activity report was included in their council information packet.

#### **COMMUNICATIONS FROM COUNCIL COMMITTEES:**

##### *Public Works Committee Report*

Director of Public Works Pence reported on the following events of the September 10, 2019 Public Works Committee meeting:

- The unaccounted for water report for water loss in the system was 34.58% for the month of August.
- Public works crews are working on phase II of renovations at Dorie Miller Park. The new restroom is near completion. Greenbrier Excavating and Paving will pave the parking lot soon.

He stated that City Manager Faulkner had already covered most of his report in her report.

The Public Works Committee recommended approval of a bid from Greenbrier Technologies and Electric in the amount of \$115,130.40 for (52) 750 watt LED sports lights.

Councilmember Blake made a motion to approve a bid from Greenbrier Technologies and Electric in the amount of \$115,130.40 for (52) 750 watt LED sports lights. Councilmember Johns seconded the motion. With all in favor the motion carried.

Public Safety Committee Report

Public Safety Chair Johns reported on the following event of the September 13, 2019 Public Safety Committee meeting:

- A meeting was held to discuss the Standard Operating Guidelines (SOG) for the Police and Fire Department. Chairman Johns stated that most of the meeting was spent reviewing the Police Department's SOGs because the meeting only lasted an hour. He noted that the Police Department's SOGs were redlined and the Fire Departments SOGs were not. He stated the committee asked Fire Chief Thomas to have the Fire Department SOGs redlined for the next meeting to make review easier.

Chairman Johns stated he had wanted to talk about the mission statement of the Public Safety Committee, he said the Public Safety Committee never even met in 2018. He feels the committee must meet regularly to stay on top of public safety issues in the City. Councilmember Etten stated he the Public Safety Committee would end up meeting more regularly as they reviewed the SOGs.

**COMMUNICATIONS FROM CITY COUNCIL MEMBERS:**

Creation of an Administrative Committee of City Council

Councilmember Johns stated that he would like to see City Council form a new Council Committee called the "Administrative Committee". He asserted this new committee was needed for City Council to function within the boundary of the new form of government which came about when the City Charter was amended. He stated the need was fundamental. He stated within the new form of government, City Council was the governing body asserting that according to State Code and the City Charter, council is the body that determines the rules and regulations which includes rules, guidelines and a mission statement for Council Committees.

Councilmember Elkins asked if every member of City Council would serve on the proposed committee. Johns stated that members that have the time could serve if they wanted to. Councilmember Arron Seams stated that he didn't understand why City Council needed another committee. He said that City Council already meets together. He noted he was confused as to why Council could not make administrative suggestions as Council at City Council meetings. He asserted that he felt City Council wanted to be in compliance with State Code, but that he was not certain another committee was needed to do that. Councilmember Etten stated he did not feel the work could be done during City Council meetings. He noted that it would be hard to make progress in a regular session of City Council. Discussion ensued with Councilmember agreeing that Council needed to do this work and that the work could be started by holding a special session of Council to discuss it.



Councilmember Johns made a motion to hold a special session of City Council to discuss the formation of a new council committee. Councilmember Elkins seconded the motion. With all in favor the motion carried.

*Creation of a Complete Count committee for the US Census*

Councilmember Etten stated Council needed to vote to endorse a complete count committee for the 2020 US Census as they had not done that after the proclamation was read earlier in the meeting.

Councilmember Etten made a motion to endorse a Complete Count Committee for the 2020 US Census. Councilmember Seams seconded the motion. With all in favor the motion carried.

**ADJOURNMENT:**

Councilmember Seams made a motion to adjourn the meeting at 11:05 p.m. Councilmember Etten seconded the motion. With all in favor the motion carried.

