

Minutes of City Council
October 15, 2019
Regular Session

The Council of the City of Lewisburg met in regular session on Tuesday, October 15, 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, Sgt. J.D. Hughes; Fire Chief Joseph Thomas, Assistant City Manager Misty Hill, and Zoning Officer Gary Ford.

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., Jerry Laufer, Jerry Janiga, Mary Ann Brewster, Tim Stover, Crystal Montgomery, Lei Devenport, Ahisha Marshall, Donna Toney and Martha Hilton.

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:

Presentation on how to make our traffic intersections safe, Jerry Laufer

Jerry Laufer, a resident of Lewisburg approached City Council to present a suggestion on how to make the traffic intersections in Lewisburg safer. He suggested the City use a “pedestrian scramble” which includes a diagonal crosswalk at each of the main intersections. He stated he also suggested the traffic lights be programmed to stop traffic going in all directions with the use of four red lights while pedestrians cross the road. He said he also recommended the use of an audible sound that would tell pedestrians when it is safe to cross the street.

Jim Morgan, Jr.

Jim Morgan, Jr. presented a list of four questions to City Council. His questions centered on asking about the way the City was being governed. He asked if the ultimate authority of City Council was to approve, modify, or reject each such action or refusal to act. He also directed questions about the actions or non-actions of the City Manager, the staff, City Clerk and directors of the city. When pressed by Council member Johns to answer the questions, Council member Etten remarked he felt like the long run on questions were intended to entrap council

members. He said he did not feel like the questions were fair, or that they could be answered with a simple yes or no.

APPROVAL OF MINUTES:

September 17, 2019

Councilmember Etten made a motion to approve the September 17, 2019 regular session minutes as amended. Councilmember Seams seconded the motion. With all in favor the motion carried.

COMMUNICATIONS FROM THE MAYOR:

Acceptance of City Council member Johns' s resignation

Councilmember Seams made a motion to accept the resignation of Council member Johns as submitted to Mayor White. Councilmember Blake seconded the motion. With five (5) in favor and one (1) abstention (Johns) the motion carried.

COMMUNICATIONS FROM THE CITY MANAGER:

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

- She attended a meeting of the newly created vacation rental committee of the Greenbrier Valley Visitors and Convention Bureau.
- The Historic Landmark Commission received confirmation they have received a grant from the WV Historic Preservation Office.
- Had a conference call with the USDA concerning the City's water application.
- Attended training with the WV State Auditor's office in Beckley.
- Attended the America in Bloom Symposium with City Clerk Shannon Beatty.
- Met with representatives from the Apprentice Network. They have changed the format from a career day to an apprenticeship program for youth.
- Reported that Misty Hill had attended personnel training in Charleston..
- Learned the Historic Landmark Commission had received an "Our Legacy Our Future" Award for Lewisburg's historic district from the State Historic Preservation office.
- Reported the Zoning and Building departments had received as many building permits to date as was received in all of 2018.

COMMUNICATIONS FROM THE LEWISBURG IN BLOOM COMMITTEE:

Lewisburg in Bloom Coordinator Shannon Beatty reported on the following happenings with the Lewisburg in Bloom Committee:

- Announced that Lewisburg won their population category (1,200 -4,000) in the America in Bloom competition at the America in Bloom Symposium in St. Charles, IL in early October.
- Beatty stated Lewisburg was the recipient of a special award “Eye Popping Pots” for the best of use of containers in the landscape which was one of ten awards given across all population categories. Lewisburg also received special recognition for “Community Involvement”.
- The Lewisburg in Bloom Committee will host the annual Christmas Tree Lighting gathering in the Greenspace on Saturday, November 23 at 6 p.m. Free hot chocolate and cookies will be provided to the public.

PROCLAMATIONS:

West Virginia Breast Cancer Awareness Day and Month

Recorder Beatty read a portion of a Proclamation designating October 2019 as West Virginia Breast Cancer Awareness Month in Lewisburg.

RESOLUTIONS:

Proposed Resolution 475

Councilmember Edward Johns stated he felt the proposed resolution was needed because it would codify the City Manager’s responsibilities. He indicated that he drafted the proposed resolution for City Council after an interaction he had with City Manager Jacy Faulkner. He stated he was told in front of City staff that City Council would be told when, if and how much the executive branch decides that City Council will be told. City Manager Faulkner responded by indicating the conversation was regarding a specific incident involving a police matter that was under investigation. She stated she believed the conversation was being taken out of context, and not meant to be applied to other situations. She stated the Police Department is under the direct authority of the Mayor. Councilmember Elkins stated she had never seen an instance of the City Manager not providing information when asked and noted the reprimanding language in the resolution was not appreciated. Councilmember Blake stated that a resolution could not be used to “codify” the City Code. He stated he felt like timely distribution of the Director’s Minutes would help to keep Council informed about what was going on with the daily operations of the city. Etten stated he would not support the resolution unless modifications were made to take out any language that reprimanded City employees

Councilmember Seams stated he was opposed to the resolution. He also noted that codification of the Code could not be made through the passage of resolution but require an ordinance. Seams stated he felt like the resolution was inappropriate and unenforceable.

Councilmember Seams made a motion to postpone proposed resolution 475 indefinitely. Councilmember Blake seconded the motion.

With two (2) in favor (White and Seams), one abstention (Johns) and three (3) opposed (Etten, Blake and Elkins) the motion did not carry.

Councilmember Elkins stated her opposition was to the motion and that she was not in favor of the resolution. Councilmember Etten restated there is an element of reprimand in the resolution that he does not feel is appropriate to be included in a resolution.

Councilmember Etten made a motion to table proposed resolution 475 until the November 2019 City Council meeting. Councilmember Elkins seconded the motion. With five (5) in favor and one (1) abstention (Johns) the motion carried.

Councilmember Elkins reiterated she had never seen an instance in which the Manager had refused to provide information to Council. She said she does not see a need to reprimand the manager. She said Council could use a resolution to formalize transparency between Council and the administration if they felt like there was a need.

COMMUNICATIONS FROM CITY COUNCIL MEMBERS:

Farewell Address from Councilmember Johns

Councilmember Johns stated he did not believe he is what the City expected when he ran for office and that his experience has not been what he expected.

COMMUNICATIONS FROM BOARDS AND COMMISSIONS:

Parks Commission Report

Parks Chair Sarah Elkins reported on the following events of the October 1, 2019 meeting:

- The Parks Commission met at Dorie Miller Park to review progress of the ongoing developments and improvements at the park.
- Director of Public Works Pence stated that he would solicit for bids on the Feamster Road sidewalk project going from North Court Street to Dorie Miller Park in the spring.

COMMUNICATIONS FROM THE POLICE DEPARTMENT:

- Chief Teubert reported the Police Department had received 247 calls for service during the last month.
- A breaking and entering occurred at Frank's Guns and Ammos on September 2, 2019 and two individuals were arrested who had been involved in a multi-state crime spree.
- The 9-1-1 Parade of Lights and the Dare to Cruz Car show were both successful events. The car show had 140 entries.
- The Department gave a tour of the Police Department office to a group of home school students.
- The newly purchased tasers are not in service yet.
- Two officers from the Police Department escorted a man back to WV from OH for a extradition concerning a theft from a contractor in Lewisburg.

Police Department Standard Operating Guidelines (SOGS)

Chief Teubert stated that the five Standard Operating Guidelines (SOGS) on the agenda had been reviewed by the Public Safety Committee for their input. The SOGS under consideration are Arrests, Firearms & Ammunition, Accident Investigation, Body Armor and Conducted Energy Weapon. He asked if Council had any questions about the SOGS. He noted that Councilmember Johns had requested information about the specific types of weapons and Teubert noted that had been provided. He also noted that Councilmember Etten had some question about the uses of "may" and "shall" throughout the SOGS. Teubert said he had the City Attorney review the document and that the document has been amended with those concerns in mind. Teubert stated he had put an effective date of October 15, 2019 but said he would like to ask City Council to consider giving him some latitude with the effective date. He stated that although the City has received the tasers they have not received the cartridges from the manufacturer for the tasers. He stated that if the City makes the effective date of the tasers for October 15, the officers will have to take off their old tasers. He noted they will have to wait until they can train everyone after the cartridges arrive. This would mean the officers would not have tasers to wear. He stated the same thing was happening with the firearms policy. The Department has the new firearms which were approved under the previous administration. He noted they had just received the new ammunition to qualify the weapons but need time to conduct training because the Department's firearms instructor would not be able to conduct training until the first of November. He asked that if Council approves the SOGS to be given the latitude to wait until after training to make them effective. Councilmember Etten asked if setting November 19, 2019 the next Council meeting as the effective date would work?

Councilmember Johns made a motion that the SOGs on arrest, accident investigation and body armor be approved with an effective date of October 22, 2019 Councilmember Etten seconded the motion. With all in favor the motion carried.

Councilmember Etten made a motion to table the firearms and ammunition and Conductive Energy Weapons (CEW) SOGs until the November 19, 2019 City Council meeting. Councilmember Elkins seconded the motion. With all in favor the motion carried.

Councilmember Etten stated City Council needs to consider whether or not using general orders are still appropriate. He noted he could understand using them in an emergency but that he thinks that needs to be the exception not the rule. He said council could still have flexibility on these issues but that he feels like the form of an SOG are more appropriate.

COMMUNICATIONS FROM THE FIRE DEPARTMENT:

Chief Thomas reported the Fire Department responded to 79 emergency calls in September. 45 calls were inside the city limits and 27 calls were in the first due area. The remainder of calls were automatic mutual aid calls.

- The City of Lewisburg has been awarded a \$30,000 grant from the WV Division of Homeland Security to purchase swift water gear.

COMMUNICATIONS FROM COUNCIL COMMITTEES:

Finance Committee Report

Councilmember Etten reported on the following events of the October 8, 2019 Finance Committee meeting:

- The Finance Committee recommended approval of Pay Request #5 for the Civil War Trail grant to put aggregate gravel along the remainder of the trail going from the Greenbrier County Library (which is the City's library) to the Lewisburg Elementary School grounds at a cost not to exceed \$48,696.86.

Councilmember Etten made a motion to pay Pay Request #5 for the Civil War Trail grant to put aggregate gravel along the remainder of the trail going from the Greenbrier County Library to the Lewisburg Elementary School grounds at a cost not to exceed \$48,696.86. Councilmember Seams seconded the motion. With all in favor the motion carried.

- The Finance Committee recommended approval of a grant contract with matching funds in the amount not to exceed \$1,800 for a "restoring historic windows" workshop to be sponsored by the Historic Landmark Commission.

Councilmember Etten made a motion to approve grant contract with matching funds in the amount not to exceed \$1,800 for a "restoring historic windows" workshop to be facilitated by the Historic Landmark Commission. Councilmember Blake seconded the motion. With all in favor the motion carried.

- The Finance Committee tabled consideration of bid approval for lighting upgrades to the sports field at Hollowell Park in order to receive more information about the budget considerations. Director Pence stated the bulk of the parks budget is used in the spring. Director Pence recommended the Greenbrier Technologies & Electrical quote be accepted since there are benefits to having the company that is supplying all the components, diagrams and fixtures be the same company to install the lighting even though they were not the low bidder.

Councilmember Etten made a motion to accept a bid in the amount of \$16,750 (matching funds) from Greenbrier Technologies and Electrical for lighting upgrades at Hollowell Park with \$12,250 coming from the contingencies fund. Councilmember Johns seconded the motion. With all in favor the motion carried.

- The Finance Committee recommended approval of a request for funding of Celebrate Recovery program in the amount of \$1,050 for the purchase of t-shirts and refreshments for the Race to Recovery 5K run/walk event to be held on November 9, 2019.

Councilmember Etten made a motion to approve a request for funding of Celebrate Recovery program in the amount of \$1,050 for the purchase of t-shirts and refreshments for the Race to Recovery 5K run/walk event to be held on November 9, 2019. Councilmember Seams seconded the motion. With all in favor the motion carried.

- The Finance committee recommended acceptance of the bid from Advantage Door Company for the replacement of the garage doors at Fire Station #2 in the amount of \$19,900.00 indicating that there is a 50% funds share from the Lewisburg Fire Department Corporation.

Councilmember Etten made a motion to accept the bid from Advantage Door Company for the replacement of the garage doors at Fire Station #2 in the amount of \$19,900.00 indicating that there is a 50% funds share from the Lewisburg Fire Department Corporation. Councilmember Blake seconded the motion. With all in favor the motion carried.

- The Finance Committee recommended acceptance of the bid from Advantage Door Company to replace the Police Department Garage Doors in the amount of \$4,290.00, to include instillation.

Councilmember Etten made a motion to accept the bid from Advantage Door Company to replace the Police Department Garage Doors in the amount of \$4,290.00, to include instillation. Councilmember Seams seconded the motion. With all in favor the motion carried.

- The Finance Committee recommended approval of a lease agreement with Enterprise for a Public Works customer service vehicle (2020 Ford Ranger) for the monthly amount of \$537.56.

Councilmember Etten made a motion to approve of a lease agreement with Enterprise for a Public Works customer service vehicle (2020 Ford Ranger) for the monthly amount of \$537.56. Councilmember Elkins seconded the motion. With all in favor the motion carried.

Public Works Committee Report

Director of Public Works Pence reported on the following events of the October 8, 2019 meeting:

- The unaccounted for water report for the month of September was 37.38%
- The Director of Public Works reported on ongoing Public Works projects
- Pence mentioned the systems is recovering nicely from the effects of the drought the City experienced in late summer and early fall.

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.