

**Minutes of City Council**  
**January 19, 2021**  
**Regular Session**

The Council of the City of Lewisburg met in regular session on Tuesday, January 19, 2021 at 7:30 p.m. VIA a Zoom Teleconference call because of the Covid-19 Pandemic.

**PRESENT:** Mayor Beverly White, Recorder Shannon Beatty, Council members, Heather Blake, Josh Edwards, Sarah Elkins, Mark Etten, and Arron Seams, Treasurer Susan Honaker, Interim City Manager Misty Hill, Fire Chief Joseph Thomas, Planning & Zoning Officer Marsha Cunningham, Director of Public Works Roger Pence and Police Chief Chris Teubert.

**VISITORS:** Reporter Sarah Richardson with the Mountain Messenger, Tina Alvey with the Beckley Register Herald; Anna Saunders with WOAY, Brian Griffith and John Lynch.

**CALL TO ORDER:**

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

**APPROVAL OF MINUTES:**

*December 15, 2020*

Councilmember Elkins made a motion to approve the December 15, 2020 regular session minutes as corrected. Councilmember Edwards seconded the motion. With all in favor the motion carried.

**ORDINANCES:**

*Consider and Act on the Planning Commission Petition to amend the Zoning Ordinance by rewriting the Planned Unit Development portion of the zoning ordinance by, among other things, changing allowed uses and densities, public hearing.*

Mayor White stated the City needed to hold a public hearing regarding changes the Planning Commission recommended to make amendments to the Planned Unit Development portion of the Zoning Ordinance. She noted this is something different per State Code requirements the City has not had to do before. Councilmember Etten stated he noticed that between the proposed ordinance, agenda listing and notice the words “Planned Unit Development” and “Planned Development” were both used. He said he would like Hill to ask Christy DeMuth with WVU Law which was the proper word usage and to have all documents reflect that.

Mayor White opened the floor for comments from the public during a public hearing at 7:34 p.m. for comments regarding the proposed amendments to the Zoning Ordinance by rewriting the Planned Unit Development portion. Hearing no comments from the public she closed the public hearing at 7:38 p.m.

**ORDINANCE:**

Ordinance 290, amend the Zoning Ordinance by rewriting the Planned Unit Development portion of the zoning ordinance, by among other things, changing allowed uses and densities, 1<sup>st</sup> reading.

Recorder Beatty read the following ordinance by title for first reading:

“AN ORDINANCE TO AMEND ARTICLES 1335, 1339, 1351, AND 1355 OF PART THIRTEEN, CHAPTER THREE, OF THE LEWISBURG CITY CODE, REGARDING PLANNED UNIT DEVELOPMENTS.”

Councilmember Etten stated the proposed amendment was prompted by an inquiry from a developer who was interested in creating a multi-use subdivision north of Brush Road. He stated the Planning Commission had been working on this since October of 2019.

Several questions came up needing clarity within the ordinance. Councilmember Joshua Edwards raised concerns about confusing language in the zoning ordinance around where alcohol could and could not be served in a commercial space. Councilmember Heather Blake also cited confusing language around limits for children around childcare centers and childcare homes.

Interim City Manager Hill stated she would seek answers to the question from Christy DeMuth and would report back to City Council. Council member Etten stated the Planning Commission had a meeting scheduled before the next City Council meeting and there would be plenty of time to seek clarity.

Councilmember Edwards made a motion to approve Ordinance 290 on first reading provided that changes as discussed would be made prior to the second reading. Council member Etten seconded the motion. With all in favor the motion carried.

#### **COMMUNICATIONS FROM THE MAYOR:**

##### *Appointments to the Board of Zoning Appeals*

Mayor White presented the names of Brentz Thompson and Andrew Must for reappointment to a three year term and Darrewll Hughes, Jr. to a new three year term on the Board of Zoning Appeals. Terms will run until December 31, 2024.

Councilmember Blake made a motion reappoint Brentz Thompson and Andrew Must to a three year term and appoint Darrewll Hughes, Jr to a new three year term on the Board of Zoning Appeals. Councilmember Edwards seconded the motion. With all in favor the motion carried.

##### *Volunteer of the Year 2020*

Mayor White stated she was happy to announce to the Greater Greenbrier Covid-19 Task Force had been named as the Volunteer of the Year for Lewisburg in 2020.

**PROCLAMATIONS:**

*Martin Luther King, Jr. Week 2021*

Mayor White read a proclamation announcing January 18 to 25, 2021 to be the Reverend Dr. Martin Luther King, Jr. Week in the city of Lewisburg.

**COMMUNICATIONS FROM THE INTERIM CITY MANAGER:**

*Arts & Humanities funding program application, Central Gbr. Little League, John Lynch*

John Lynch, board member of the Central Greenbrier Little League appeared before City Council to request funding from the City's Arts and Humanities fund to enhance the senior baseball field at Lewisburg's Hollowell Park.

Lynch, of Lynch Construction, presented the project on behalf of the Central Greenbrier Little League. The league is seeking to enhance the baseball field at Hollowell Park to feature turf instead of sand. Lynch stated that the overall project enhancement would cost approximately \$76,000 and was seeking \$46,000 from the Arts and Humanities funding grant program.

Lynch stated the request if approved will pay for the turf and its placement. Lynch noted that enhancing the field to the turf surface would drastically reduce game cancellations, bring in state tournaments to the city and will also reduce the city's maintenance cost on the field. He said as the field currently stands, rain forces game cancellations and repair issues due to flooding, the turf surface would take all that away and make the field an attractive location for statewide little league tournaments.

Lynch said the engineering concept is ready and the league has a loan secured for the other \$30,000 to be repaid over a period of five years. Councilmember Etten stated he felt the presentation was pretty compelling. Etten stated that he thought the proposal should go before the Park Commission as part of their budget. He said he felt the Parks Commission should be involved in the project as it pertains to City funding and scope of the project. He noted the Parks Commission has been developing an overall plan for the park system. Treasurer Honaker noted that if this project came back under the City's budget it would have to be bid out and advertised. Lynch stated that if the project had to be bid, it would put the timeline for completion off.

Councilmember Etten stated that because Hollowell Park was a property owned by the City he did not feel that Arts and Humanity funding could be used for this ballfield project. Other councilmembers agreed that the project did not qualify for its arts and humanities funding program but did not strike down the possibility of contributing, but just needed to find the appropriate place for the funding to come from. Councilmembers asked that the Hollowell Baseball field upgrade project be sent to the Lewisburg Parks Commission which will meet on February 2 before coming back to City Council on February 16.

*Financial Statements ending October 31, 2020*

Councilmember Etten stated he would like to request that Department Heads be asked to provide remarks as part of the City Council information packet indicating why their Department budget is either over or under by 5% at amount at least \$1,000. He stated he feels the remarks would be helpful for City Council. Interim City Manager Hill stated that she had asked each Department Head to be ready with these explanations for the meeting at hand. Shannon Beatty, Roger Pence, Chris Teubert and Joey Thomas each presented explanations for their budgets.

*Engagement Letter with City Attorney Tom White*

Interim City Manager Hill reported City Attorney Tom White had forwarded clarification changes to the contract based on questions submitted from City Council.

Councilmember Edwards made a motion to approve the Engagement Letter for services with Tom White with Dinsmore & Shohl, LLP. Councilmember Etten seconded the motion. With all in favor the motion carried.

*Approve funding for Public Works furnishings*

Interim City Manager Hill stated that new furnishings were required for the Public Works Building that was recently purchased. She noted that much of Becky's furniture at the old office had been damaged by water and mold because of leaks in that building. She asked if Council could give her "a not to exceed amount" to spend on furnishings. City Treasurer Susan Honaker suggested the amount of \$20,000. Councilmember asked Hill to do some research on how much it cost as they did not know what furnishings need to be purchased or how much it would cost. Etten stated he was willing to approve \$10,000 for now.

Councilmember Etten made a motion to authorize Interim City Manager Hill to use \$10,000 to purchase furnishings for the new Public Works building. Councilmember Elkins seconded the motion. With all in favor the motion carried.

*Approval of rental space contract*

Interim City Manager Hill stated a retail rental space is available on the first floor of City Hall. She stated she wanted to bring this before City Council to see if they wished to make any changes with the contract before it was rented again. She noted she has had some interest in the rental space. After a lengthy discussion regarding if, how and when to raise the \$900 monthly rent Council decided to have Hill ask City Attorney White work on updating the contract allowing for an increase in rent that could equate to a 3-5 % increase.

Monthly Report

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

1. Hill has been participating in the West Virginia Municipal League, the Covid Task Force and the Governor's teleconference meetings weekly.
2. Has been working on reports for the CARES act funding, employee Covid issues, Covid employee scheduling and working with the Fire and Police Chief on Covid issues.
3. Stated that city employees have done everything that has been asked of them concerning Covid safety and issues.
4. Thanked Becky White and Marsha Cunningham for helping her with a Covid testing site that was held at Dorie Miller Park.
5. Has been working on securing water easements with Mayor White and City Attorney White.
6. Noted the bid bond issue for the 219 North Sidewalk has been paid in full by the contractor.
7. Held a Directors Meeting with city employees in January. She plans to start holding these again.

**VISITORS REPORT:**

No Communications were given.

**COMMUNICATIONS FROM CITY COUNCIL MEMBERS:**

Councilmember Elkins noted that proponents of the Pickle Ball courts at Hollowell Park met with her. She stated they are ready to begin fundraising efforts to raise money to improve the Pickle Ball facilities.

**COMMUNICATIONS FROM THE POLICE DEPARTMENT:**

Police Chief Teubert reported the Police Department answered 219 calls for service in December. The Police Department provided traffic control for the Gary Bland Memorial Parade on December 6, 2020 and the Santa Parade on December 19, 2020. The new WatchGuard camera systems were installed in the Police cruisers on December 30, 2020.

**COMMUNICATIONS FROM THE FIRE DEPARTMENT:**

Fire Chief Thomas reported the Fire Department responded to 115 emergency calls in December. The Fire Department assisted with the Santa parade on December 19, 2020. 23 of the 42 Fire Department members have received the Covid-19 vaccine.

**REPORT FROM THE PUBLIC WORKS DEPARTMENT:**

Director of Public Works Roger Pence reported on the following items:

- The SCADA system receivers for the Retreat development in Caldwell have been completed.
- The Yates and Ruffner tanks are now connected via cellular service instead of phone service. Pence stated this change is saving the City money
- Stated that a few galvanized water lines are scheduled to be replaced.
- Announced that the Streets and Parks department employees are moving into a new office.
- Building and Grounds crews have completed repainting the City Council Chambers.
- The City continues to wait on the City engineers to repair the Lafayette Street storm water issues.
- The 219 South sidewalk project is nearly complete. The City is waiting for trench drains to be installed.
- A pre-construction meeting was held for the Route 219 North sidewalk project. Construction is to begin soon.
- The Lafayette Street sidewalk project might have to be combined with the Lafayette storm water project since they are so closely tied together. He noted that length of sidewalk completed may be shortened because of ADA compliance issues. He stated the Highways Dept. may stop the sidewalk at the alleyway instead of going to the end of the street because of how steep it is there. The steepness means the sidewalk would not be ADA compliant. Councilmember Edwards stated he would hate to see the sidewalk shortened and hopes a solution can be found.

### **EXECUTIVE SESSION:**

Councilmember Seams made a motion to enter into executive session at 9:57 p.m. to discuss the City Manager position Councilmember Elkins seconded the motion.

Councilmember Elkins made a motion to reconvene into regular session at 10:16 p.m. Councilmember Edwards seconded the motion. With all in favor the motion carried.

Councilmember Etten made a motion to appoint Misty Hill as the City Manager. Councilmember Edwards seconded the motion. With all in favor the motion carried.

### **ADJOURNMENT:**

Councilmember Etten made a motion to adjourn the meeting at 10:20 p.m. Councilmember Seams seconded the motion. With all in favor the motion carried.