

## Minutes of City Council

July 18, 2023

### Regular Session

The Council of the City of Lewisburg met in regular session on Tuesday, July 18, 2023 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.

**PRESENT:** Mayor Beverly White, Councilmembers, Sarah Elkins, Franklin Johnson, John Little, Valerie Pritt & Arron Seams; City Manager Misty Hill, City Clerk Shannon Beatty, Treasurer Susan Honaker, Police Chief Chris Teubert, Director of Public Works Tony Legg and Fire Chief Joey Thomas.

**VISITORS:** Reporter Carolyn Cleaton with the WV Daily News (ZOOM), Reporter Sarah Richardson with the Mountain Messenger; Sally Bray with Carnegie Hall, Patrolman Sheldon Simmons, Greenbrier County Deputy Harmon Rodriguez, Patrolman Rigoberto Rodriguez, Anne Knight, Tag Galyean with the Lewisburg Foundation and Lance Syner.

### **CALL TO ORDER:**

Mayor White called the meeting to order at 7:00 p.m.

#### *Promotion – Patrolman Rigoberto Rodriguez, Jr. to Corporal & related salary increase*

Mayor White and Police Chief Teubert presented Patrolman Rigoberto Rodriguez, Jr. with a patch granting him a promotion to Corporal.

Councilmember Seams made a motion to promote Patrolman Rigoberto Rodriguez to Corporal with a related salary increase effective on Tuesday, July 18, 2023. Councilmember Pritt seconded the motion. With all in favor the motion carried.

#### *Planning Commission Report*

Councilmember Pritt stated the Planning Commission met on July 6, 2023 to discuss a minor subdivision request at 1406 Washington Street East, Map 19, Parcel 125 by Kahsyne, LLC to shift an existing alley over by 10' in order to maximize the use of land that is being deeded to the Lewisburg Foundation for the creation of a parking lot. Tag Galyean stated the Lewisburg Foundation does not yet have a final plan. The Lewisburg Foundation is planning to use monies they receive from the Peyton Foundation to develop 30 parking spaces, 25 trees and 6 electric car charging stations. City Manager Hill stated the Foundation would be required to submit a site plan to the Planning Commission. She noted the City would review the project as a “new build” rather than a historic project. Further discussion ensued about various components the Foundation would like to see included in the project.

Councilmember Pritt made a motion to approve a minor subdivision at 1406 Washington Street East, Map 19, Parcel 125 as submitted by Kahsyne, LLC and recommended for approval by the Planning Commission. Councilmember Elkins seconded the motion. With all in favor the motion carried.

**COMMUNICATIONS FROM THE CITY MANAGER:**

*Arts & Humanities funding request – Carnegie Hall- Taste of Our Town Festival*

Sally Bray, the Development Director for Carnegie Hall presented an Arts & Humanities fund request application from Carnegie Hall in the amount of \$5,000 for the Taste of Our Town Festival to be held on Saturday, October 14, 2023. Bray stated they are asking for funds to help fund artists for live presentations, increased on site signage, and offering a wider variety of family oriented activities.

City Manager Hill stated the Arts & Humanities fund only has \$25,000 for Fiscal Year 23/24. She noted this request along with Carnegie's request for funding for the 40<sup>th</sup> anniversary celebration would deplete the fund in the first month of the fiscal year. She also asked for a copy of Carnegie's budget for the Taste of Our Town Festival. Bray stated she would send a copy of the budget the next day.

Councilmember Little made a motion to table the Arts & Humanities fund request from Carnegie Hall for the Taste of Our Town Festival pending new information including budget information. Councilmember Elkins seconded the motion. With all in favor the motion carried.

*Arts & Humanities funding request – Carnegie Hall- 40<sup>th</sup> Anniversary Celebration*

Sally Bray the Development Director for Carnegie Hall presented an Arts & Humanities Fund request application from Carnegie Hall in the amount of \$5,000 for the Carnegie Hall 40<sup>th</sup> Anniversary Open House & Block Party on Saturday, July 29, 2023. City Council members requested a copy of the budget for the event. Bray noted they would like to have artist demonstrations during the Open House and would like to pay the artists \$150 each for two hours including a Raku demonstration by potter Sean O'Connell. She stated they have received some funding from the Peyton Foundation.

Councilmember Elkins made a motion to approve \$3,500 to help support the cost of the artists and Raku demonstration for the 40<sup>th</sup> Anniversary Open House & Block Party for Carnegie Hall. Councilmember Little seconded the motion. With all in favor the motion carried. Treasurer Honaker stated the City would pay the artists directly. She asked Bray to submit a list of the names of the artists.

*Report from the City Manager*

Stated she and the Director of Public Works had met with Chapman Technical and the contractors for the Water System Improvement Project on Tuesday, July 18, 2023.

-The City is still waiting for one more new filter to arrive for the water plant.

-Concrete has been poured for the Yates tank location.

-The Water Plant is almost ready to go online with new bulk water payment system. She noted customers will be able to pay and fill their tanks at a new location just outside of the water plant.

-The old walls will be taken down and new walls added to the water plant over the next week.

-Water crews have been having issues with the intake pumps. They discovered one of the pumps had a hair line crack that had been causing the issues. A new pump has been installed and another new one has been ordered.

-Met with the Greenbrier County Commission regarding a feasibility study concerning Lewisburg and White Sulphur Springs offering mutual aid to each water system in the case of an emergency. Hill does not feel it would be beneficial to Lewisburg at this time.

-A new billboard design for Downtown Lewisburg has been installed on Interstate 64. Hill stated she had worked with Michael Mills on the design.

**RESOLUTION:**

*Resolution 521, Water System Improvement Project Pay Request #14*

City Clerk Beatty read the title of Resolution 521 for passage:

“RESOLUTION OF THE CITY OF LEWISBURG APPROVING INVOICES RELATING TO SERVICES FOR THE WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT THEREOF.”

Councilmember Seams made a motion to approve Resolution 521. Councilmember Little seconded the motion. With all in favor the motion carried.

*Resolution 522, Public Works Building Pay Request #5*

City Clerk Beatty read the title of the Resolution 522 for passage:

“RESOLUTION OF THE CITY OF LEWISBURG APPROVING INVOICES RELATING TO SERVICES FOR THE PUBLIC WORKS BUILDING CONSTRUCTION AND AUTHORIZING PAYMENT THEREOF.”

Councilmember Seams made a motion to a approve Resolution 522. Councilmember Johnson seconded the motion. With all in favor the motion carried.

*Resolution 524, Coal Severance Fund Budget Revision #1 Fiscal Year 2024*

City Clerk Beatty read Resolution 524 for passage:

**“Coal Severance Fund Budget Fiscal Year 2024 Revision Number 1**

At a regular session of the municipal council held July 18, 2023, 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 18<sup>th</sup> day of July 2023

\_\_\_\_\_  
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 18, 2023, 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 18<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
City Clerk Shannon Beatty, CMC”

Councilmember Seams made a motion to approve Resolution 524. Councilmember Elkins seconded the motion. With all in favor the motion carried.

City Clerk Beatty read Resolution 525 for passage:

**“General Fund Budget Fiscal Year 2024 Revision Number One**

At a regular session of the municipal council held July 18, 2023, the following order was made and entered.

**SUBJECT:** The revision of the Levy Estimate (Budget) for the General 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:

<u>Valerie Pritt</u> _____	Yes or No
<u>Arron Seams</u> _____	Yes or No
<u>John Little</u> _____	Yes or No
<u>Sarah Elkins</u> _____	Yes or No
<u>Franklin Johnson</u> _____	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 18th day of July 2023.

\_\_\_\_\_  
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 July 18, 2023, 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 18th day of July 2023.

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City Clerk Shannon Beatty, CMC

Councilmember Seams made a motion to approve Resolution 525. Councilmember Elkins seconded the motion. With all in favor the motion carried.

*Resolution 526, WV Dept. of Transportation Grant, Lafayette St. Sidewalk*

City Clerk Beatty read the title of Resolution 526 for passage:

WHEREAS, the City of Lewisburg has applied to the West Virginia Department of Transportation for a grant in the amount of three hundred seventy one thousand one hundred forty seven dollars and twenty three cents (\$371,147.23) for the Lewisburg Lafayette Street Sidewalk project; and

WHEREAS, the West Virginia Department of Transportation has approved the \$371,147.23 grant contingent upon the City of Lewisburg agreeing to provide 20% matching funds and executing the agreement attached hereto and made part of this resolution; and

WHEREAS, the 20% match by the City of Lewisburg is \$92,786.81; and

WHEREAS, Lewisburg City Council is of the opinion that it is in the best interest of the citizens of the community for the project to be undertaken and the agreement to be executed; and

NOW THEREFORE, BE IT RESOLVED by the City of Lewisburg this 18th day of July, 2023 that Beverly White, Mayor is authorized to execute the agreement hereto attached.

Councilmember Johnson made a motion to approve Resolution 526. Councilmember Seams seconded the motion. With all in favor the motion carried.

**COMMUNICATIONS FROM THE MAYOR:**

Mayor White read a letter she had received from the Lewisburg Volunteer Fire Department indicating the results of the officers election for the Fire Department. Fire Chief Joey Thomas received a vote of confidence to serve as the Fire Chief again.

Mayor White shared she had received a “Champions for Equality” certificate on behalf of the City of Lewisburg.

Mayor White read a letter from Deva Wagner thanking everyone involved for their efforts on getting the Greenbrier River Trail opened again after the water project construction had closed it last fall. She indicated the two mile section looked better than ever and that she appreciated the new parking lot at Harper Road.

**COMMUNICATIONS FROM CITY COUNCIL MEMBERS:**

Councilmember Johnson shared that he traveled to Chesapeake, WV with Mayor White to help swear in the first African American mayor of Chesapeake, WV, Melissa Hill and City employees.

**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 Deputy Chief Hughes.

**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*

Councilmember Seams reported on the following events of the July 11, 2023 Finance Committee meeting:

*Kroger – WV Local Government Election & Release Opioid Claim*

These releases are necessary for City Council to recertify their commitment to take part in the lawsuits after the June 13, 2023 City election even though the current members of City Council were the same members that served on City Council when the claims were originally filed.

Councilmember Seams made a motion to approve the Kroger – WV Local Government Election and Release opioid claim. Councilmember Elkins seconded the motion. With all in favor the motion carried.

*Mylan Pharmaceuticals, Inc. - WV Local Government Election and Release opioid claim*

Councilmember Seams made a motion to approve the Mylan Pharmaceuticals, Inc. WV Local Government Election and Release opioid claim. Councilmember Johnson seconded the motion. With all in favor the motion carried.

*Amneal – WV Local Government Election and Release opioid claim*

Councilmember Seams made a motion to approve the Amneal WV Local Government Election and Release opioid claim. Councilmember Elkins seconded the motion. With all in favor the motion carried.

*Arts & Humanities Funding Request – Lewisburg Literary Group, Inc.*

Councilmember Seams made a motion to approve the Arts & Humanities funding request from the Lewisburg Literary Group, Inc. in the amount of \$3,000. Councilmember Little seconded the motion. With all in favor the motion carried.

Water System Improvement Project – Change Order 10-1 Pro Contracting, Inc.

Councilmember Seams made a motion to approve Change Order 10-1 with Pro Contracting, Inc. which is a decrease of \$115,360. Councilmember Little seconded the motion. With all in favor the motion carried.

Triton Construction purchase of fill dirt

City Manager Hill stated the City had accumulated a “fill dirt pile” during the site preparation of the Public Works building on Stonehouse road. Triton Construction is starting construction at the Greenbrier Valley Airport and is in need of fill dirt. They will require 300-400 loads of dirt. A price of \$50.00 a load has been negotiated which includes excavation, hauling and liability.

Councilmember Seams made a motion to approve for Triton Construction to purchase fill dirt at the new Public Works Building Construction site assuming all liability and hauling from the site at \$50 a load for the Greenbrier County Airport Authority. Councilmember Johnson seconded the motion. With all in favor the motion carried.

Employee Luncheon – Facility Cost

Councilmember Seams made a motion to approve rental of the Gwen Clingman Center at a cost of \$300 with the possibility that a deposit of \$158 will be returned after the event for the December 15, 2023 event. Councilmember Johnson seconded the motion. With all in favor the motion carried.

Employee Luncheon – Food Cost

Councilmember Seams made a motion approval to have the employee luncheon on December 15, 2023 be catered by the WVSOM catering staff at a cost of \$1,189.30 (\$16.99 a person) Councilmember Johnson seconded the motion. With all in favor the motion carried.

Public Works Building Change Order #2

Councilmember Seams made a motion to approve the Public Works Building Change Order #2 in the amount of \$38,386.20 which is an increase. Councilmember Elkins seconded the motion. With all in favor the motion carried.

**PUBLIC WORKS DEPARTMENT REPORT:**

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.



**APPROVAL OF MINUTES:***Regular Session, June 12, 2023*

Councilmember Seams made a motion to approve the Regular Session June 12, 2023 minutes. Councilmember Little seconded the motion. With all in favor the motion carried.

*Board of Canvass, June 21, 2023*

Councilmember Elkins made a motion to approve the Board of Canvass June 21, 2023 minutes. Councilmember Johnson seconded the motion. With all in favor the motion carried.

*Organizational Meeting, June 30, 2023*

Councilmember Seams made a motion to approve the Organizational meeting June 30, 2023 minutes. Councilmember Pritt seconded the motion. With all in favor the motion carried.

*Special Session, July 11, 2023*

Councilmember Seams made a motion to approve the Special Session July 11, 2023 minutes. Councilmember Pritt seconded the motion. With all in favor the motion carried.

**VISITOR'S REPORTS:**

No reports were given.

**ADJOURNMENT:**

Councilmember Seams made a motion to adjourn the meeting at 8:32 p.m. Councilmember Pritt seconded the motion. With all in favor the motion carried.