

A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BECKLEY CONVENED AT 6:30 PM ON APRIL 26, 2022, IN COUNCIL CHAMBERS.

THOSE PRESENT: Mayor Robert R. Rappold, Recorder-Treasurer Billie Trump, Secretary Susan Miller, IT Director Bill Kelly, Assistant IT Director Amy Evans. Council Members: Cody Reedy, Tom Sopher, Bob Canter, Kevin Price, Sherrie Hunter, Robert Dunlap, and Janine Bullock. The following Department Heads were present: Jeremiah Johnson, GM of Beckley Sanitary Board, Assistant GM of Beckley Sanitary Board, John Peplowski, Attorney for the Beckley Sanitary Board, Gavin Ward, Zach Dobbins, Doug Smith from Thrasher, Chief Bailey of Beckley PD, Captain Morgan, Chief Code Officer, and Shirley Trotter, HR Director. Guests included Dr. Bonny Ball Copenhaver, President of New River Community & Technical College and Scott Hill, Director of Theatre WV.

The Mayor reminded the public that they will be able to make comments when invited to do so by either pressing *3 on their phone and their call will be taken in the order it is received, or if viewing by computer or tablet, raising your hand by right clicking your name and choosing "Raise Hand".

Council members, Department Heads and the public joined the meeting either in Council chambers or by WEB-X from their computer, or by phone, using the weblink or phone number provided the day of the meeting on the City's webpage at Beckley.org or the City's Facebook page.

The Mayor led the Pledge of Allegiance. Council dispensed with the reading of minutes from the regular Council meeting dated April 12, 2022, copies of which had been distributed to each member. Council unanimously approved the minutes on a motion by Councilman Sopher seconded by Councilman Canter. Council dispensed with the reading of minutes from the special Council meeting dated April 19, 2022, and unanimously adopted the minutes on a motion by Councilman Price and seconded by Councilwoman Bullock.

A Resolution to enter into a contract/agreement with USA Pools of Delmarva (USA Management, LLC) in which USA Pools of Delmarva shall manage the City's swimming pools at Historic Black Knight and New River Park and shall provide and maintain adequate staffing levels, including Lifeguards, to operate both locations from May 28, 2022, through September 5, 2022, was adopted by Council on a motion by Councilman Dunlap and seconded by Councilman Price. Councilwoman Hunter thanked everyone that has tried to help the City in this situation. This resolution is hereby incorporated into these minutes.

A Resolution was read in its entirety by Mr. File authorizing the City of Beckley to contribute \$15,000.00 to Theatre West Virginia to assist with the cost of constructing a theatre version of Coalwood WV on the Grandview Stage which will be used in telling the story of the Rocket Boys of McDowell County. The resolution was adopted by Council on a motion made by Councilwoman Hunter and seconded by Councilman Price. This resolution is hereby incorporated into these minutes.

Next, Jeremiah Johnson, General Manager (GM) of the Beckley Sanitary Board (BSB) explained that the Sanitary Board is asking Common Council to approve separate ordinances raising Sanitary/Sewer rates, Stormwater rates, and a project ordinance required for the proposed Sanitary/Sewer projects, per State code. He stated that the Stormwater utility was created in 2007 and the BSB has continued operating on the rates that were established at that time. The rates have not been adjusted in approximately fifteen years. He explained that this rate increase is needed to cover the increased operating expenses, Stormwater improvements and infrastructure improvements. He presented a map titled "Completed Stormwater Projects (2007- 2022)" which shows approximately one hundred ten projects that were completed during the past fifteen years. Of the one hundred ten projects, nineteen occurred in unincorporated areas located outside the City limits but within the watershed. A project is defined as any construction that exceeds 100 linear feet. He introduced another map titled "Planned Stormwater Improvements" which shows areas of needed improvements. The Stormwater improvements are "pay as you go" construction. The BSB did \$2 million in Stormwater bonds several years ago, but they have no remaining bonding capacity. Two projects on this map have been completed, one of which is on Chelsea and Cromwell Lane off Stanaford Rd. The other completed project is on Chase and Jonathan Drive off Eisenhower Dr. (both projects are outside City limits). Two projects are currently under construction. First is the Carter Street, City Avenue project which is a \$1.2 million dollar Sanitary/Sewer and Stormwater replacement project. Also, the project at Kotch and S. Fayette Street. This map also identifies the Hartley, Beckley Little League and Pinecrest Project as the number one priority. The reason it is given the number one priority is because of the number of people impacted.

The need for this project has existed for over fifty years. This is a \$5.6 million project, \$3.2 million will be the Stormwater work. This is an integrated project which requires both Stormwater and Sanitary/Sewer work. Mr. Johnson explained the need for the increased revenue, how the additional income will be used, and the ongoing efforts being made to obtain additional funds through grants and Congressional earmarks. The Sanitary/Sewer rates have not been raised in seven years which is when the Red Brush Project took place. It extended sewer to the Red Brush community. Since that time the BSB completed a \$13 million dollar plant project and did not increase rates. Mr. Johnson explained that there are three ordinances to be acted upon following public hearings this evening. A Sanitary/Sewer Rate Increase Ordinance, the Project Ordinance (for Sanitary/Sewer projects), and the Stormwater Rate Increase Ordinance. The Mayor said that no one likes rate increases. Appalachian Power Company, the Solid Waste Authority, and the WV Parkways Authority have all increased their rates. He said that the cost of pipe today compared to what it was seven or eight years ago in some instances has increased by one hundred percent. Mr. File read by title only and summarized AN ORDINANCE SETTING FORTH THE RATES, FEES, AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF BECKLEY. Mr. File opened the public hearing and clarified that this ordinance is strictly dealing with just the sewerage system and that each ordinance this evening will have a public hearing prior to a vote by Council. The following people spoke in opposition to the ordinance or had questions about it: Ms. Barbara Charles with the NAACP, Xavier Oglesby, Jackie Crouse, Ronnie Pack, Vondie Cook, Jonathon Moore, and Danielle Stewart. The public hearing was closed. The Mayor clarified that the area outlined in black on the maps on display is the MS4 area (which is a watershed) and the City is responsible for the Stormwater in that area, regardless of whether the property is in the City limits. Mr. File read the ordinance again by title only. The ordinance was approved by Council (5 in favor and 2 opposed) on a motion made by Councilman Sopher and seconded by Councilwoman Hunter. The Mayor asked for a show of hands of those voting in favor of the ordinance and a show of hands of those opposing the ordinance. Councilwoman Bullock and Councilman Reedy opposed. The ordinance is hereby incorporated into these minutes.

Next, Mr. File read by title only and summarized an ORDINANCE AUTHORIZING THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF CERTAIN EXTENSIONS, ADDITIONS, BETTERMENTS, AND IMPROVEMENTS TO THE EXISTING PUBLIC SANITARY SEWERAGE SYSTEM OF THE CITY OF BECKLEY. Mr. File explained that this ordinance included and authorized the Hartley Avenue/Beckley Little League/Pinecrest Area Sanitary/Sewer and Stormwater upgrade; combined sewer overflow management plan update and improvements; construction, pumping and treatment equipment modernization program; operations center construction project and all appurtenances related thereto. Mr. File opened the public hearing. Danielle Stewart spoke in opposition to the ordinance. Mr. File closed the public hearing and read the ordinance by title only again. The ordinance was unanimously approved by Council on a motion by Councilwoman Hunter seconded by Councilwoman Bullock. The ordinance is hereby incorporated into these minutes.

Next, Mr. File read by title only and summarized the ORDINANCE AMENDING THE ARTICLE V, SECTIONS. 9-602, 9-603, AND 9-604 OF THE CODE OF THE CITY OF BECKLEY, WEST VIRGINIA AS THE SAME APPLIES TO STORMWATER MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL AND APPLICABLE RATES AND FEES. The following people spoke in opposition to or had questions regarding the ordinance: Mel Kessler, Jackie Crouse, Jody Lovelace-Patrick, Bill Crump, Johnathan Moore, Ronnie Pack, Vondie Crook, Danielle Stewart, and Joe Noggy. (Mr. Johnson clarified that single family residential is defined in the ordinance and BSB bills a flat fee of \$3.75/mo. All single family residential pays the same. The size of one's lot is taken into consideration for non-single family residential. It's billed based upon impervious area. The rate that the owners currently pay is per 1,000 sq. ft. He also explained the need for the increased revenue, how the funds will be used and the projected revenue the rate increase will generate.) Michelle Kincaid, Xavier Oglesby, Jody Patrick, Mr. Brown, Vondie Cook, and Doug Epling also voiced concerns or questions. The Mayor read paragraph four from a letter of support from Autumn Crowe, Program Director for WV Rivers dated April 26, 2022: "WV Rivers supports the proactive approach of the BSB to protect and improve water quality in the watershed surrounding Beckley. We understand that these approaches often require sewer and stormwater rate increases, which can disproportionately affect low- and fixed-income households. We support BSB's work to connect low-income and/or fixed-income customers with household water assistance programs to lessen this impact. Ultimately, leveraging diverse funding sources, including sewer and stormwater rates, collaborative agency funding, and federal infrastructure funding programs, as identified by the BSB, will allow for completion of the most impactful projects. The impacts of these projects are not limited to water quality improvements. In turn, the completion of these projects stand to improve the economic and public health of the City of Beckley." The Mayor read paragraph number two from a letter of support from Jim Fedders, Executive Director of Piney Creek Watershed Association dated April 19, 2022: "The current storm water assessment has not been increased since its initiation in 2007 while inflation has continued to erode purchasing power of these dollars. To begin tackling the long list of storm water projects identified by the BSB, it is imperative that the assessment be increased. This is uncomfortable for me to admit as my wife and I will be subject to the same rate increase as other homeowners in Beckley but it is a necessary cost for a modern and healthy community." A copy of these letters are attached to these minutes.

Mr. File closed the public hearing and read the ordinance by title again. Councilman Sopher asked if he should recuse himself from voting because two family members work for Piney Creek Water Shed. Mr. File said the reason given does not present a legal conflict of interest and he would not be required to abstain or recuse himself. Councilman Sopher did not recuse himself from voting on this ordinance. A motion was made by Councilwoman Hunter and seconded by Councilman Price. Councilman Reedy asked Mr. Johnson how were Stormwater problems handled financially, prior to Stormwater's inception, before 2007.

Mr. Johnson said that in 2004 the City of Beckley became required by federal law to add a MS4 which is a separate municipal sewer storm system permit that is administered by DEP (Dept. of Environmental Protection). This is when the regulatory obligation began. At that time a stormwater management plan was implemented. The Board of Public Works (BPW) handled stormwater situations to the extent that if the resident bought the pipe the BPW would install it. The City looked to the property owners to fund the materials. If an area involving numerous residents required them to collectively buy the pipe and one resident opted out of buying the pipe, the improvement or repair did not take place. By having residents pay a rate for Stormwater and Sanitary/Sewer is a way to help distribute the cost which is how it is done nationally. Councilman Reedy asked Mr. File a question regarding the Hartley Avenue problem. He asked if the City could fund the Hartley Avenue project, then sub-lease the Stormwater to a contractor since it is considered infrastructure. Mr. File said City funds and Sewer funds cannot be comingled with Stormwater funds. Mr. File stated that the BSB does subcontract Stormwater work and it is paid from the Stormwater budget. Mr. File said that the City and the BSB must separate Stormwater from Sewer and the City does not and cannot get involved. Jeremiah said that the City designated the BSB as the responsible entity for the Stormwater system. Jeremiah said that the Sanitary/Sewer side did the same. Councilman Reedy said he would like for the City to assist the Stiffler Street projects. Councilman Reedy said that various churches have reached out to him about the Stormwater rate increase. Councilman Reedy said that businesses will have to raise their prices. He thinks there should be a five-to-ten-year process for the increase instead of it being implemented all at once because it would be easier for people. Councilman Dunlap said that no one responsible for making this decision is happy about it. He said that they have had meetings, workshops, done their due diligence, and had uncomfortable conversations for people who do not work directly for them. Councilman Dunlap said that he knows that this increase is necessary. He said that even though it will affect his family he knows that it is needed. Councilman Dunlap said that there may be a mechanism for the Mayor's efforts to try to fund and assist in this in different ways. He referred to a program at the DHHR which helps with energy related expenses. Mr. Dunlap said that the proposed increases impact everyone directly and that City Council and the Mayor aren't happy about it either. With no further discussion, the Mayor called for a vote by a show of hands indicating those in favor of the ordinance. Council members Sopher, Canter, Dunlap, Price, and Hunter raised their hands. When asked for those opposed, Councilwoman Bullock and Councilman Reedy raised their hands. When asked for those opposed, Councilwoman Bullock and Councilman Reedy raised their hands. The Mayor announced the ordinance is adopted by Council on a vote of 5 in favor and 2 opposed. The ordinance is hereby incorporated into these minutes.

Next was the receipt of bids for asphalt, concrete, stone, and reinforcement rods. There was one bid from Southern WV Paving, Inc.:
Base II or P&L I at \$92.50 per ton, Wearing I at \$97.50 per ton, Curb Mix at \$107.00 per ton and Tennis Mix at \$107.00 per ton. The bid will be given to Councilwoman at Large, Sherrie Hunter and Councilman at Large Cody Reedy to review with Recorder-Treasurer Billie Trump and Board of Public Works Director Jerry Stump for possible award at a future meeting. This bid is incorporated into these minutes.

OLD BUSINESS: No comments.

NEW BUSINESS: Councilwoman Bullock announced that Friday, April 29th Motown's performance begins at 8:00 p.m. at the Mullins Dogwood Festival.

PUBLIC COMMENTS: David Carrington stated that he lived at Beckley Townhomes and was evicted after new ownership bought the property. Mr. File said this may be an issue that WV Legal Aid may be able to help him with. Mr. Carrington said that he received no help from WV Legal Aid. Mr. Carrington stated that he did find a place to live and is not homeless. Councilwoman Bullock asked if he spoke to the Human Rights Commission. Mr. Carrington said that he filed a complaint with them. With there being no further business to discuss the Mayor adjourned the meeting at 8:37 p.m. on a motion by Councilman Dunlap and seconded by Councilman Price.

Mayor

Recorder-Treasurer