

A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BECKLEY CONVENED AT 6:30 PM ON SEPTEMBER 27, 2022, IN COUNCIL CHAMBERS FOR COUNCIL MEMBERS AND BY WEB-X FOR THE PUBLIC DUE TO COVID-19.

THOSE PRESENT: Mayor Robert R. Rappold, Recorder-Treasurer Billie Trump, City Attorney Bill File, Secretary Susan Miller, IT Director, Bill Kelly, Assistant IT Director, Amy Evans, Council Members: Cody Reedy, Tom Sopher, Robert Dunlap, Bob Canter, Kevin Price, Janine Bullock, and Sherrie Hunter. The following Department Heads were present: Captain Parsons of Beckley FD, Chief Bailey of Beckley PD, Captain Morgan with the Code Office, and Director of Board of Public Works, Pam Frey. Guest speaker Rob Steptoe with Cruise & Associates and Tom Aman were present.

The Mayor called the meeting to order at 6:30 p.m. Council members, Department Heads and the public joined the meeting either in person 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 and approval of minutes from the City Council meeting dated September 13, 2022, copies of which had been distributed to each member.

Council unanimously approved the minutes as written on a motion by Councilman Price and seconded by Councilwoman Bullock. Council dispensed with the reading and approval of minutes from the Workshop dated September 20, 2022, copies of which had been distributed to each member. Council unanimously approved the minutes as written on a motion by Councilman Dunlap and seconded by Councilman Price.

Next, Councilwoman at Large, Sherrie Hunter made a motion to accept the bid from Lewis Automotive for a new four-wheel drive mid-sized SUV for the Beckley Police Department in the amount of \$30,344.42. The motion was seconded by Councilman Sopher and unanimously approved by Council. The bid was incorporated into the September 13, 2022, minutes.

Next, the Mayor sought Council's approval for Mr. Yahon Smith to join the Beckley-Raleigh County Health Department Board of Directors. A motion was made by Councilwoman Hunter, seconded by Councilman Canter, and unanimously approved by Council.

Next, Mr. File presented the first reading of an Ordinance to utilize Bonds to finance the unfunded liability of the Beckley Police Department and the Beckley Fire Department pension funds. Mr. File stated that the second reading and public hearing will be held during Council's next meeting, October 11, 2022. Mr. File read the Ordinance by title AN ORDINANCE AUTHORIZING AND APPROVING THE ESTABLISHMENT BY THE CITY OF BECKLEY (THE "CITY") OF A PENSION FUNDING PROGRAM AND THE FUNDING OF SUCH PROGRAM WITH THE PROCEEDS OF TAXABLE PENSION FUNDING REVENUE BONDS ("THE BONDS") ISSUED BY THE BECKLEY BUILDING COMMISSION (THE "BUILDING COMMISSION"); AUTHORIZING AND APPROVING THE ISSUANCE BY THE BUILDING COMMISSION OF THE BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$37,000,000 TO FINANCE THE COST OF A PENSION FUNDING PROGRAM INCLUDING THE FUNDING OF A DEBT SERVICE RESERVE FUND FOR THE BONDS, IF REQUIRED, THE PAYMENT OF COSTS OF ISSUANCE OF THE BONDS AND RELATED COSTS; AND TO PAY OTHER COSTS IN CONNECTION THEREWITH, INCLUDING THE ESTABLISHMENT OF A CONTINGENCY RESERVE FUND WITH RESPECT TO THE BONDS AND, IF DEEMED ADVISABLE, THE PURCHASE OF BOND INSURANCE IN CONNECTION WITH THE BONDS; AUTHORIZING AND APPROVING THE ACQUISITION OF REAL PROPERTY AND ASSOCIATED IMPROVEMENTS BY THE CITY FROM THE BECKLEY BUILDING COMMISSION; THE LEASING BY THE CITY, AS LESSOR, OF CERTAIN REAL PROPERTY WITH ALL BUILDINGS, IMPROVEMENTS, FIXTURES, EQUIPMENT, RIGHTS OF WAY AND

APPURTENANCES ASSOCIATED THEREWITH (COLLECTIVELY THE "LEASED PROPERTY") TO THE BUILDING COMMISSION, AS LESSEE, PURSUANT TO A SITE LEASE AGREEMENT TO BE EXECUTED AND DELIVERED BY AN AUTHORIZED OFFICER OF THE CITY; AUTHORIZING AND APPROVING A LEASE AGREEMENT BETWEEN THE BUILDING COMMISSION, AS LESSOR, AND THE CITY, AS LESSEE, WITH RESPECT TO THE REAL PROPERTY (THE "LEASE") TO BE EXECUTED AND DELIVERED BY AN AUTHORIZED OFFICER OF THE CITY; AUTHORIZING THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT TO BE USED IN CONNECTION WITH THE SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE MAYOR OF THE CITY OF A CONTINUING DISCLOSURE AGREEMENT, AN OFFICIAL STATEMENT, AND A BOND PURCHASE AGREEMENT BETWEEN THE BUILDING COMMISSION AND THE PURCHASER OF THE BONDS, AND ACKNOWLEDGED AND AGREED TO BY THE CITY; APPROVING THE ADOPTION BY THE CITY OF CONTINUING DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE CONTINUING DISCLOSURE AGREEMENT TO BE EXECUTED BY THE CITY IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND AUTHORIZING OTHER NECESSARY ACTIONS IN CONNECTION WITH THE FOREGOING. The Mayor introduced Rob Steptoe with Cruise & Associates, Inc. who helped engineer this program with Recorder-Treasurer Billie Trump and City Controller Jessica Chandler. Mr. Steptoe thanked Council and the Mayor for inviting him to the meeting. He said that he appreciates being part of a team with three underwriters that have experience nationally and on the state level. He said that with the new legislation which was passed in March 2022 by WV Legislature House Bill 4756 municipalities are allowed to issue pension funding revenue bonds. Mr. Steptoe introduced Tom Aman with Steptoe & Johnson which dialed in by phone. The names of three other team members of the underwriting group are: Steven DiNicolas from Chicago, Piper Sandler from Charleston, WV, and Cruise & Associates from Morgantown. Any questions by Council that may arise after tonight's meeting can be discussed at the public hearing October 11, 2022, when the Common Council and Building Commission will have the opportunity for input. The public also can voice any questions during the public hearing. Tom Aman said the Building Commission will issue the bonds and as it turns out already owns some of the properties that will be security for the bonds. Part of this is to authorize acquisition by the City of those properties from the Building Commission. There would be lease agreements between the City and the Building Commission that provide the basis to provide the funds for the pension plans and pay the lease rentals that will ultimately repay the bonds, pledging those properties as collateral. The bonds will be publicly offered so there are certain continuing disclosure requirements the City will have. There will be disclosure filings of annual audited financials and certain basic information with respect to the bond issue that will come out of the City's actuarial report. There is an agreement that goes along with this that explains what is anticipated. There is a schedule of the properties that are involved for the acquisition and the leasing. Mr. Aman said that they will have more details October 11, 2022, during the Council meeting. The Mayor said that from his personal perspective he thinks that this is historic for the City of Beckley and puts the City in a leadership position to assure the solvency of our police and fire pension funds. The Mayor commented that he thinks the City has done a wonderful job with these pension funds over the years and Billie has further bolstered those funds with approximately \$450K of additional contributions to the funds in total. The Mayor said that this issue is a dark cloud that hangs over a lot of cities but is very

optimistic it will no longer be an issue for the City of Beckley. Councilman Sopher asked if this ordinance requires three readings. Tom Aman said that under WV State Code 833 and some references to WV State Code 816, the ordinance cannot become effective until adopted on the second reading and a legal ad is published with a notice of public hearing after the second reading. It can't become effective until after the public hearing. The City is proceeding in accordance with the City's regular ordinance procedures with respect to revenue raising measures, which require a legal ad be published and a public hearing, but only two readings for adoption. Councilman Sopher asked if the bond is going to be secured with \$34M. The Mayor clarified that up to \$37M of unincumbered property will secure the bonds. The Mayor stated that Fire Station #1, Fire Station #2, and Black Knight would be involved. Councilman Price said that throughout his tenure and Billie's tenure at the Fire Department the pension system was a shining spot in the State. However, during that time, Huntington's system failed. They were unable to keep up with the payments as required by WV Code. He said that Charleston was going downhill quick as well as other municipalities. Councilman Price commended the Pension Board and the investments made by the Bank of Raleigh and City National Bank. Councilman Price said that what this Council decides to do in the next six or eight weeks will allow Council members in the next fifteen years to say that they are glad the current Council did this because otherwise they would not be able to afford it. Councilman Price said that if Council does not do this now that it will get worse later. He said that the breakeven point of approximately fourteen or fifteen years from now may not look like much during that time but after that it is all "gravy". Councilman Price said no one knows what is going to happen in Charleston if the WV Legislation changes the law. He said this window could close very soon so Council needs to take advantage of this now. Councilman Price said it is a good thing to secure the pension systems for the pensioners and it is a good for the City because of the amount of money they won't have to put towards this in twenty years. The Mayor said that under the current alternative plan that requires the seven percent annual increase it would become unsustainable for the City. The Mayor said a point will be reached where not only are the pension funds guaranteed for perpetuity, but the City will be achieving it in a less expensive manner. Rob Steptoe said that the new legislation requires the reserve fund (the contingency reserve fund) in the amount of ten percent of the amount being financed. This is good public policy. The way the market has its up years and down years, the City could manage and control the contingency reserve fund in the event the City had to mitigate some of those situations in the market or in actuary changes and assumptions. Councilman Dunlap said that after attending the Workshop two things come to mind which are: 1) He thinks this is a great retention tool for Beckley Police Officers. He thinks this is a solid program to help the City attain, acquire, and attract better applicants and keep our talent here in the City PD. 2) He said there has been a lot of people naysaying about the City owning certain pieces of real estate, but one only needs to show up and be involved to see the acquisition of property like Black Knight might have served a short-term benefit, but it also serves a long-term benefit as something that can be levied against so that the City can fully fund the pension program. He recognizes that very few municipalities throughout the state have a fully funded plan. It is a positive statement that Beckley is making about being more solvent and fiscally responsible. The ordinance was unanimously approved by Council as written on a motion by Councilman Price and seconded by Councilwoman at Large Sherrie Hunter. The ordinance is hereby incorporated into these minutes.

OLD BUSINESS: The Mayor announced that Pam Frey will be the new Director of Board of Public Works effective December 1, 2022. Jerry Stump is retiring. The Mayor complimented the Beckley Fire Department on hosting the Fall Summit last week that was attended by Professional Firefighters from all over the State. Ricky Fisher is to be commended along with all the Firefighters that participated in different elements of training. Councilwoman Bullock commented on what a great job Trena Dacal, Executive Director of the United Way did on the Dancing With The Stars fundraiser. Councilwoman Bullock also thanked Mr. Jack Tanner with the Raleigh County Commission on Aging for the great event held there observing National Senior Center Day. Councilwoman Bullock said that Margaret O'Neal with the United Way was the Guest Speaker. Councilman Sopher thanked Board of Public Works for the paving work that is being done. He received a comment from a citizen that lives on Maxwell Hill questioning the Teel Rd. intersection hoping the City could communicate with the State to get that area paved. Pam Frey said that Jerry Stump contacted the State today regarding this. Councilman Sopher said that there is so much traffic that flows through that area.

NEW BUSINESS: Councilwoman Hunter congratulated the first female K-9 Officer, Lauren Birchfield. The name of her K-9 is Gabeo. Councilwoman Hunter thanked the Board of Public Works for all the recycling work that takes place throughout the City. Councilman Sopher also commended Board of Public Works for the community pride displayed on Maxwell Hill Rd. for all the blue recycling boxes curbside on Monday mornings. Pam Frey said the new packer truck has made it possible to finish Maxwell Hill in one day. The Mayor said Councilwoman Hunter was very involved in helping secure the packer truck. Councilwoman Hunter said that it required a lot of work from both her and Pam Frey. The Mayor said that Jill Moorefield Director of Beckley Events has worked hard on the upcoming Chili Night. The anticipated hurricane is making it difficult for the Beckley Events Committee to decide whether to hold the event October 1st as planned or to postpone it. Recorder-Treasurer Billie Trump said that he spoke to Jill earlier today and she is continuing to evaluate the weather forecast and will make a final decision Thursday. The Mayor announced that if calling in by phone dial \*3 to raise your hand. If connected by computer, click the "hand icon" on your participants panel to speak.

PUBLIC COMMENTS: Brian Brown commented about the article in the newspaper regarding downtown parking being leased to Fruits of Labor (FOL). He said that his office is downtown at 328 W. Neville St. He continued to complain about the City's support of FOL and he complained about his perception of lack parking spaces downtown. Mr. Brown said that if you scroll the City of Beckley online you have accolades to FOL and Black Knight and no other businesses in town. Mr. Brown said that it is absurd and ridiculous that a City the size of Beckley only seeks to give acclaim to two businesses when there is a whole City of people and businesses right here that needs attention and devotion. The Mayor said he attended a nice function at FOL today where representatives with the Best National Restaurants chose FOL for that award. He said that FOL is coming on strong and as far as Mr. Brown's comments, the parking lot directly behind his new office on Neville St. will be completed soon. It is larger than the former Zen's parking lot. When the final work is complete on the lot across from FOL it will also include enlarging the current parking lot across from Beckley Water Company by approximately 2 ft. The Mayor said that he thinks that if Mr. Brown is patient and watches things progress that he will find that there is more than enough parking. The lot directly behind his office is much closer than the former Zen's lot. Councilman Dunlap said that after he spoke to

Mr. Brown today he discovered what the Mayor just said about the City's plans to expand the parking lot behind his building. He said that the City was kind to Coffee On Main when they opened. He said that before the City ever purchased the FOL building the City attended the ribbon cutting ceremony for Coffee On Main and asked that waste baskets be moved away from the front of that establishment and the City allowed a temporary mid-day parking space for Coffee On Main's customers. He disagrees that the City has only benefited one entity throughout its history. He said there are a lot of examples where the City has tried to help new businesses. Councilman Dunlap is excited about the expansive parking that is going to be available behind Mr. Brown's business and thinks that it will help him a great deal. The Mayor said that he agrees. Initially WVU Tech had talked to the City and had plans to lease a large portion of the Earwood Street parking lot. However, since then they have worked out an arrangement with the First Baptist Church, that is no longer an issue. That parking lot will be available to the public and is basically at Mr. Brown's doorstep. The Mayor thinks this will help Mr. Brown. A motion made by Councilman Price and seconded by Councilwoman Hunter was unanimously approved by Council to adjourn at 7:05 p.m.

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Mayor

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Recorder-Treasurer