

A REGULAR MEETING OF THE COMMON COUNCIL OF THE CITY OF BECKLEY CONVENED AT 6:33 PM ON AUGUST 8, 2023, IN COUNCIL CHAMBERS AND VIA WEB-X.

PRESENT: Mayor Robert R. Rappold, Recorder-Treasurer Billie Trump, City Attorney Bill File, and Secretary Susan Miller. Council Members: Janine Bullock, Robert Dunlap, Sherrie Hunter, Cody Reedy, Tom Sopher, and Kevin Price. The following Department Heads were present: Director of IT Bill Kelly, Assistant Director of IT Amy Evans, Anthony Martin (IT), Captain Coughlin of BFD, Director of Board of Public Works (BPW) Pam Frey, Chief Code Enforcement Officer Donald Morgan, Chief of BPD Dean Bailey, and Director of Parks & Rec. Leslie Baker. Council member Robert Canter attended and participated via WEB-X.

The Mayor called the meeting to order at 6:30 p.m. The public had the option to join 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.

Council dispensed with the reading of minutes from the City Council Workshop dated July 24, 2023, 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 Hunter. Council dispensed with the reading of minutes from the City Council meeting dated July 25, 2023, copies of which had been distributed to each member. Council unanimously approved the minutes as written on a motion by Councilman Sopher and seconded by Councilman Price.

Next, Mr. File presented and summarized an ordinance which regulates mobile food vendors in the City of Beckley. This amends the Beckley zoning law in order to permit mobile vendors to operate within the City limits. Mr. File said the second reading and public hearing of this ordinance will be at the August 22, 2023, Council meeting. This ordinance was recommended by the Planning Commission during its meeting earlier today. The Planning Commission unanimously approved the ordinance and asked that it be forwarded to Common Council with the recommendation that it be adopted. Mr. File read by title the "Ordinance Amending City of Beckley Code Chapter 15, Article I, By Inserting Section 15-37 Mobile Food Vendors And By Adding Mobile Food Vendors As Permitted Use In The B-1 Neighborhood-Highway Business District, B-2 General Business District, B-3 Courthouse Square And M Manufacturing District." The Mayor said the question has been asked if this ordinance interferes with brick-and-mortar restaurants in the City. Mr. File said this ordinance has no bearing on any brick-and-mortar restaurants in the City. The Mayor asked Council if there were any questions or comments regarding the ordinance. Councilman Dunlap asked Mr. File if he agrees that page 3 subsection 5 excludes activities currently being performed by operators of Schwan's food trucks. Mr. File responded that this ordinance would have no effect on the type of business/activities that Schwan's drivers are currently conducting in the City. The ordinance was unanimously approved on a motion by Councilwoman Bullock and seconded by Councilman Price. A copy of the proposed ordinance is hereby incorporated into these minutes.

Next, the Mayor asked Mr. File if the proposed ordinance increasing the number of districts in which long-term care facilities are permitted in the City would benefit the proposed VA Hospital long-term care facility. Mr. File said the currently proposed VA Hospital long-term care facility would benefit from this zoning change if its planned location remains the same. It would also increase the number of districts available to anyone else wanting to establish a long-term care facility in the City. Mr. File said there will be a second reading and public

hearing regarding this ordinance during the August 22nd Council meeting. Mr. File read the ordinance by title, "Ordinance Amending City Of Beckley Code Chapter 15, Article I, By Inserting Sections 15-14 (a) and 15-15 (a) Adding Long-Term Care Facilities To The Permitted Uses In B-1 Neighborhood-Highway Business District And In B-2 General Business District." Mr. File said that there are other districts in the City already permitting long-term care facilities, but these two particular districts did not include it in their permitted uses. Captain Morgan, Chief Zoning Officer, researched the zoning of long-term care facilities in other cities. After doing this research he said the City of Beckley is recommending long-term care facilities be included in permitted uses in the B-1 and B-2 Districts. The Mayor asked if there were any questions regarding this ordinance. There were no questions. Council unanimously approved the ordinance on a motion by Councilman Sopher seconded by Councilwoman Bullock. The proposed ordinance is hereby incorporated into these minutes.

Next on the Agenda was the compensation for the BPD – Approval of an \$8,000.00 across the board increase for sworn police officers. The Mayor asked if there was any discussion on the Agenda item. There were no comments. Council unanimously approved the pay increase of \$8,000.00 for the BPD sworn officers on a motion by Councilman Reedy seconded by Councilman Dunlap.

OLD BUSINESS: Councilman Sopher commented on how much King-Tut Drive-In Restaurant will be missed and he wishes Mr. McKay a happy retirement.

NEW BUSINESS: Councilman Dunlap said he spoke to the gentleman that attends to the City's parking meters. Councilman Dunlap said he was informed that 75-80 of the parking meters are not operating as they should. He asked that the issue of the parking meters be looked into by the City. The Mayor said if it was up to him the City would not have parking meters. However, people that work downtown would take advantage of this and take up parking places in prime locations. The Mayor said that the City's bond obligations have been met and paid off. At one time the City was required to have revenue producing parking meters to help pay off the bonds that were put in place for things like the Beckley Intermodal Gateway (BIG) Project and other parking projects. Recorder-Treasurer Billie Trump said the bond covenants for the BIG Project (which are tied directly to parking revenue) was used to offset the payments on the bonds. He said when the City paid the bonds off on the BIG Project similar projects were paid off early also. The money from parking goes to the general fund and is used for maintenance to the BIG Project for things such as cameras and elevators there. He said the parking revenue pays to maintain the things the City already has.

Councilwoman Hunter asked Mr. Trump about interest being earned on the \$4M that is in reserve. Mr. Trump said it is not a savings account. He said it is a carryover and the City runs a deficit eight months of the year and it needs that revenue to carry over and to carry forward. She asked if it is in an interest-bearing account. Mr. Trump said, no.

Mr. File advised Council that the lawsuit filed by the Raleigh County Commission against the City of Beckley and Beckley Sanitary Board in 2022 regarding legality of Stormwater fees has been settled. Because the City is a defendant, Comon Council is asked to approve the settlement and authorize the Mayor to sign off on the settlement. The terms of the settlement include the dismissal of the lawsuit with prejudice. There will be a joint press release forthcoming. The Stormwater fees are legal. No money will exchange hands and each party is responsible for its own attorney's fees. Council unanimously approved authorizing the Mayor to sign off on this settlement on a motion by Councilman Dunlap seconded by Councilman Price. Mr. File said the Beckley Sanitary Board (BSB) will discuss and approve this settlement tomorrow at its monthly meeting at 9 a.m. Councilman Reedy asked if a Workshop regarding the Board of Public Works (BPW) can be scheduled. The Mayor said a Workshop will be scheduled. Councilman Dunlap asked if Council could receive the link to join the Department Head meetings. The Mayor said yes. The Mayor said that comparisons have been made between real estate purchases by the City and what the City can pay its employees. The Mayor said the purchase of Historic Black Knight is a revenue producer for

the City of both B&O & 1% sales taxes. The Mayor said the City was able to save another building, the Fruits of Labor location, which is also 1% tax producing and it also pays the City B&O taxes. He said either this Council or a previous Council approved both purchases by a majority vote. Councilman Dunlap clarified that what he previously said in the past was that Council's constituents did not necessarily understand and they are conflating those two issues as something that would slight the City's employees. Councilman Dunlap said that he praised the fact that the City was able to secure its bonds with real estate which it could not do previously. The Mayor thanked Councilman Dunlap for his comments. Councilwoman Hunter asked if Council could attend Department Head meetings. The Mayor said the Department Head meetings are online.

PUBLIC COMMENTS: The Mayor announced if calling in by phone dial *3 to raise your hand. If connected by computer: Click the "hand icon" on your participant's panel. Mary West voiced her concerns regarding drivers speeding on Larew Avenue. She stated her concern regarding the four way stop at Earhart Street and Larew Avenue. Chief Bailey said he is looking into this matter. Tom Taylor, an employee at the Board of Public Works (BPW), said the employees in this department need a pay increase. James Watkins, an employee at Board of Public Works (BPW), said the employees at the BPW need a pay increase. The Mayor agreed they need an increase and he said he recommended to Council the BPD receive an initial increase of \$5,500.00, not the \$8,000.00, and the difference be used as a pay increase for the BPW, but Council did not accept his recommendation. The Mayor said the City will continue to work on this issue. Frank Williams said there is an issue with the Multicultural Center (MC) in Beckley. Mr. File said that he will be glad to discuss this at the meeting scheduled for tomorrow at 2:30 p.m. in Council Chambers. Dustin Potter, an employee at the BPW, said the employees at the BPW need a pay increase. Danielle Stewart spoke about pay increases for employees of BPW and other City employees. She also referred to Section II, 2-10 Robert's Rules of Order. With there being no further comments, Council unanimously approved adjourning the meeting on a motion by Councilman Sopher and seconded by Councilwoman Hunter. The Mayor adjourned the meeting at 7:15 p.m.

Mayor

Recorder-Treasurer