**OAK HILL CITY COUNCIL**

**Minutes**

**September 11, 2017**

The regular session of the Oak Hill City Council convened in the Council Chambers of City Hall on Monday, September 11, 2017 at 6:30 p.m.

**Members Present** **Also Present**

William Hannabass, City Manager

Diana Janney Damita Johnson, City Clerk-Treasurer

Melissa Wilshire

Bruce Coleman

Paul Baker **Absent**

Jeff Atha Fred Dickinson, Mayor

Mike Fox Tom Oxley

Mayor Dickinson was in the hospital on this date. The City Manager temporarily chaired the meeting and asked for council to appoint a chair for the meeting. *Councilor Fox moved to appoint Councilor Coleman to Chair the meeting.* ***Councilor Janney seconded the motion. Motion carried unanimously by those in attendance.***

Due to the upcoming loan closing for the Oak Hill Expanded Sewer project, someone must be appointed to sign documents in the event that the Mayor is not available to sign. ***Councilor Atha moved to appoint Councilor Coleman as the authorized signature for the Mayor if he is not available to sign documents. Councilor Baker seconded the motion. Motion carried unanimously by those in attendance.***

**Call to Order**

Acting Mayor Coleman called the meeting to order.

**Public Comments**

Several residents of Minden expressed their opposition to the upcoming sewer project. They also expressed concern over the possibility of PCBs in the area.

Jim Ayres asked Council if he could withdraw his request for a use permit for his beer only tavern. This will be on the agenda for next month.

Minutes

***Councilor Atha moved to dispense with the reading of and accept the minutes of the meeting August 14 and August 21, 2017. Councilor Janney seconded the motion. Motion carried unanimously by those in attendance.***

***in attendance*.**

Treasurer’s Report

***Councilor Janney moved to approve the financial reports and the vendor checks report as presented by the City Treasurer. Councilor Wilshire seconded the motion. Motion carried unanimously by those in attendance*.**

**Correspondence**

None

Acting Mayor Coleman deviated from the agenda and allowed for the public hearing and other items concerning the expanded sewer project.

1. **Public Hearing on Bond Ordinance of Not More Than $22,625,000** – The Acting Mayor opened the public hearing and asked for any comment by those in attendance. He announced the hearing was for a BOND ORDINANCE AUTHORIZING THE REFUNDING OF THE CITY OF OAK HILL SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2012 AND THE ACQUISITION AND CONSTRUCTION OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE EXISTING PUBLIC SEWERAGE FACILITIES OF THE CITY OF OAK HILL AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF OAK HILL OF NOT MORE THAN TWENTY-TWO MILLION SIX HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($22,625,000.00) IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF OAK HILL SEWER REVENUE BONDS IN TWO SERIES, THE FIRST SERIES TO BE DESIGNATED “SEWER REVENUE BONDS, SERIES 2017 A (WEST VIRGINIA SRF PROGRAM)” AND THE SECOND TO BE DESIGNATED “SEWER REVENUE BONDS, SERIES 2017 B (WEST VIRGINIA INFRASTRUCTURE FUND)”. (THE “SERIES 2017 A AND B BONDS ORDINANCE”).

Cam Siegrist of Bowles, Rice Law Firm was in attendance to answer any questions about the bond ordinance. Christy Gilkey expressed her concern about PCBs in the area. Councilor Baker also asked how the PCBs would be handled during construction.

The Acting Mayor asked for any further comment. None was made. The Acting Mayor closed the Public Hearing.

1. **FINAL ACTION FOLLOWING SUCH PUBLIC HEARING TO GIVE FINAL APPROVAL TO THE ISSUANCE OF THE SERIES 2017 A AND B BONDS, AS DESCRIBED UNDER 1 ABOVE (THE “SERIES 2017 A AND B BONDS”), AND TO PUT THE SERIES 2017 A AND B BONDS ORDINANCE INTO EFFECT** – ***On motion of Jeff Atha, seconded by Mike Fox, and unanimously passed by those in attendance , the said Bond Ordinance was put into effect.***
2. **PUBLIC HEARING ON BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN ASSETS OF ARBUCKLE PUBLIC SERVICE DISTRICT AS ADDITIONS TO THE EXISTING PUBLIC SEWERAGE FACILITIES OF THE CITY OF OAK HILL AND THE FINANCING OF THE COST, NOT OTHERWISE PROVIDED, THEREOF THROUGH THE ISSUANCE BY THE CITY OF OAK HILL OF NOT MORE THAN SIX HUNDRED THOUSAND DOLLARS ($600,000.00) IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF OAK HILL SEWER REVENUE BONDS TO BE DESIGNATED “SERIES 2017 C (ARBUCKLE PUBLIC SERVICE DISTRICT)”;   AND, IN THE ALTERNATIVE, AUTHORIZING THE ASSUMPTION BY THE CITY OF OAK HILL OF THE  OBLIGATIONS OF THE ARBUCKLE PUBLIC SERVICE WITH RESPECT TO ITS SEWERAGE SYSTEM REVENUE BONDS, SERIES 1978 AND RELATED BOND RESOLUTION IN CONNECTION WITH SUCH ACQUISITION. (THE “SERIES 2017 C BONDS ORDINANCE”) -** The Acting Mayor opened the public hearing and asked for any comment by those in attendance. Susie Jenkins asked what we would do with the assets that this purchase included. The City Manager explained that they would be used as part of the project. The Acting Mayor asked for any further comment. None was made. The Acting Mayor closed the Public Hearing.
3. **FINAL ACTION FOLLOWING SUCH PUBLIC HEARING TO GIVE FINAL APPROVAL TO THE SERIES 2017 C BONDS, AS DESCRIBED UNDER 3 ABOVE (THE “SERIES 2017 C BONDS”), AND TO PUT THE SERIES 2017 C BONDS ORDINANCE INTO EFFECT. *On motion of Jeff Atha, seconded by Paul Baker, and unanimously passed by those in attendance, the said Bond Ordinance was put into effect.***
4. **CONSIDERATION OF AND FINAL ACTION ON SUPPLEMENTAL RESOLUTION SUPPLEMENTING AND AMENDING THE SERIES 2017 A AND B BONDS ORDINANCE DESCRIBED IN 1 ABOVE RELATING TO THE SERIES 2017 A AND B BONDS**.

***On motion of Jeff Atha, seconded by Paul Baker, and unanimously passed by those in attendance, the said Bond Ordinance was put into effect.***

1. **CONSIDERATION OF AND FINAL ACTION ON SUPPLEMENTAL RESOLUTION SUPPLEMENTING AND AMENDING THE SERIES 2017 C BONDS ORDINANCE DESCRIBED IN 5 ABOVE RELATING TO THE SERIES 2017 C BONDS. *On motion of Jeff Atha, seconded by Paul Baker, and unanimously passed by those in attendance, the said Bond Ordinance was put into effect***
2. **CONSIDERATION OF AND FINAL ACTION ON ONE OR MORE RESOLUTIONS AUTHORIZING AND APPROVING THE REQUISITION OF THE PROCEEDS OF THE SERIES 2017 A AND B BONDS - *On motion of Jeff Atha, seconded by Paul Baker, and unanimously passed by those in attendance, the said resolution was approved.***
3. **CONSIDERATION OF AND FINAL ACTION ON ONE OR MORE SWEEP RESOLUTIONS AUTHORIZING THE ELECTRONIC TRANSFER OF FUNDS FROM THE BANK ACCOUNT(S) OF THE CITY OF OAK HILL AND/OR ITS SANITARY BOARD TO THE WEST VIRGINIA MUNICIPAL BOND COMMISSION TO PAY DEBT SERVICE ON THE BONDS SERIES 2017 A AND B BONDS AND THE SERIES 2017 C BONDS**. ***On motion of Jeff Atha, seconded by Paul Baker, and unanimously passed by those in attendance, the said resolution was approved.***
4. **POSSIBLE OTHER ACTIONS RELATING TO THE SERIES 2017 A AND B BONDS, THE SERIES 2017 C BONDS AND/OR THE PROJECTS BEING FINANCED WITH THE PROCEEDS OF SUCH BONDS** – No action was needed.

The Acting Mayor polled members of Council for new business and the trail at the Russell Matthew park, the cleanup status of the old Steen-Miller building and Med-Surg, and the house behind Chase Bank was discussed.

**City Manager**

1. **Planning Commission Recommendations  
   A. Definitions  
   B. Zoning - corner of Allman Street and the White Oak Rail Trail, residential - 2**

**C. 86 Buena Vista Dr. - rental facility**

**D. Fowl Ordinance**

86 Buena Vista Dr. **–** Paul Buchler, Bobby Bower, and RC Curtis were in attendance. There was much discussion on this property. Mr. Buchler explained his vision for the house and give a presentation on the details or the project. Mr. Curtis expresses his opposition to permitting this house as a rental facility. The Planning Commission recommends approval of the use permit for this property. ***Councilor Atha moved to accept the recommendation of the Planning Commission and approve request U-57-17-1 at 86 Buena Vista Drive. Councilor Baker* seconded *the motion. Motion carried unanimously by those in attendance.***

Definitions – The City Manager presented the amendment to definitions in the zoning ordinance for a 2nd reading. ***Councilor Atha moved to accept the amendment to definitions for a 2nd reading. Councilor Baker* seconded *the motion. Motion carried unanimously by those in attendance.***

Corner of Allman Street and the White Oak Rail Trail Residential District R-2 – This is a request to change the current zoning to R-2. The Planning Commission recommends the change. ***Councilor Fox motioned to approve the recommendation of the Planning Commission in request LC-37-17-1 as stated above. Councilor Wilshire seconded the motion. Motion carried unanimously by those in attendance.***

Fowl Ordinance – The Planning Commission has recommended an ordinance for fowl that will require a use permit and the Planning Commission and Council will have to hear each case. ***Council member Fox made a motion to accept this as a 1st reading of the fowl ordinance; Councilor Atha seconded the motion. Motion carried unanimously by those in attendance.***

1. **Planning Commission Recommendation** – Zone Change Request for 98.75 acres in Collinwood Acres off Larwood Road, R-2 to RR – Kenneth Raynes is requesting this change so that he can have farm animals. The Planning Commission recommends this zoning change. ***Councilor Fox moved to accept the recommendation of the Planning Commission and change the zoning as requested by Kenneth Raynes. Councilor Wilshire seconded the motion. Motion carried unanimously by those in attendance.***

**Fireworks** – ***Councilor Baker moved to table this item. Councilor Fox seconded the motion. Motion carried unanimously by those in attendance.***

**Fair Housing Act** **– Policy** – (a) Second Reading of Non-Discrimination Ordinance (b) Second Reading of Reasonable Accommodation Ordinance. The City Manager presented both ordinances listed for a 2nd reading. (a) ***Councilor Atha moved to accept the Non-Discrimination Ordinance for a 2nd reading and adoption. Councilor Baker seconded the motion. Motion carried unanimously by those in attendance. (b) Councilor Atha also moved to accept the Reasonable Accommodation Ordinance for a 2nd reading and adoption. Councilor Baker seconded the motion. Motion carried unanimously by those in attendance.***

1. **Tax Increment Financing –** The TIF committee (Bill, Marvin, Mayor, and Jeff) had a conference call with Plateau Medical Center. The City Manager has emailed the County’s Attorney asking for the next steps in the process. He has not had a response as of today.

**Appointments to Boards, Commissions, Committees** –The City Manager contacted Butch Whitlock and he agreed to be reappointed to the Board of Zoning Appeals. ***Council member Fox moved to appoint Butch Whitlock to a 3 year term on the Board of Zoning Appeals. Council member Wilshire seconded the motion. Motion carried unanimously by those in attendance.***

**New Business**

The Acting Mayor polled City Council for new business and a run-down house on Virginia Street was discussed.

**City Manager**

1. **Bid Opening and Award Consideration for a Kubota ATV** – We received one bid from State Equipment in the amount of $16,850. ***Councilor Janney moved to accept the State Equipment bid as long as it meets specifications. Councilor Wilshire seconded the motion. Motion carried unanimously by those in attendance.***
2. **Trick or Treat Date and Time** – ***Councilor Baker moved and Councilor Atha seconded to hold Trick or Treat on Tuesday, October 31, from 6-8 p.m. for children under 12. Motion carried unanimously by those in attendance.***
3. **Rebate of Construction B&O Taxes** **- (a) Plateau Medical Center (b) Fayette County Board of Education –** These two entities have requested consideration in some form of construction B&O Tax rebate. The hospital rebates could be used similar to TIF revenue and the Board of Education is asking for help with the cost of the new schools. (b) **Fayette County Board of Education –** There was discussion on this item and the letter received from the Board. ***Councilor Baker made a motion to rebate the B&O Tax collected on the construction of the schools to the Board of education. Councilor Atha seconded the motion.*** There was more discussion on whether they were asking for construction only or including renovations. ***Councilor Baker withdrew his motion. He then made a motion to table this request until this information can be clarified. Councilor Atha seconded the motion. Motion carried unanimously by those in attendance.*** (a) **Plateau Medical Center – *Councilor Atha moved to rebate the B&O Tax on its renovation project for construction only to Plateau Medical Center. Councilor Janney seconded the motion. Motion carried with Councilor Fox voting no.***
4. **Police Promotion** – Chief Whisman reported that the Civil Service Commission has recommended James R. Pack for promotion to Sergeant and Joshua Jones for promotion to Corporal. ***Council member Atha made a motion, seconded by Council member Wilshire to accept the recommendation of the Civil Service Commission and promote Officer Pack and Jones. Motion carried unanimously by those in attendance.***
5. **Police Pension Report** – The Chief gave an update on the police pension fund for fiscal year ending June 30, 2017. He highlighted the beginning and ending balances as well as the earnings, receipts, and expenditures of the fund. ***Councilor Atha moved to accept the police pension report. Councilor Baker seconded the motion. Motion carried unanimously by those in attendance.***
6. **Rates for GIS Services** – The City Manager presented an adjustment in rates for different size printed maps and storage that may be asked of the GIS Department. ***Councilor Atha moved to approve the rates and policy for GIS services as presented. Councilor Baker seconded the motion. Motion carried unanimously by those in attendance.***

There being no further business appearing, the meeting adjourned.

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City Clerk Mayor