CITY OF OAK HILL
MINUTES

City Council Meeting – December 12, 2022

The regular monthly meeting of the Oak Hill City Council was held on December 12, 2022, in the Council Chambers at Oak Hill City Hall at 5:30 p.m.

Call to Order
Mayor Wright called the meeting to order at approximately 5:30 p.m.

Roll Call
City Clerk Ronda Falk called the roll.

PRESENT
Mayor Daniel E. Wright
Ward 1 Councilmembers
Diana Janney
Christa Hodges
David Perry
Ward 2 Councilmembers
Ronald Stephen Hayslette
Charles Smallwood, Jr.
Benitez Jackson

ABSENT
Council-at-Large Tom Oxley

Invocation
Solid Rock Worship Center Paster Greg Hurley led the invocation and sang an uplifting song "Go Tell It On The Mountain".

Pledge of Allegiance
Councilmember Perry led the Pledge of Allegiance.

Reading and Approval of Minutes
Motion- ***Accept the minutes of November 12, 2022, and December 5, 2022, as being presented and corrected.***
Motion made by Councilmember Perry, Seconded by Councilmember Janney.
Motion carried 6-0.

Treasurer's Report
Motion- ***Accept the Treasurer's Report as presented.***
Motion made by Councilmember Perry, Seconded by Councilmember Jackson.
Motion carried 6-0.

Correspondence

No correspondence was received.

A Minute from the Minutes

The mayor disclosed an incident that occurred on December 23, 1948. Fifty-three-year-old Frank Hazlett, dressed up as Santa Claus, fell off a car's running board. He was transferred to Charleston General Hospital; he passed away on Christmas Eve December 24, 1948.

New Business

1. Personnel Matters with Anticipated Executive Session

Motion – ***Enter into executive session in relation to legal issues involving personnel matters.***

Motion made by Councilmember Perry, Seconded by Councilmember Janney.
Councilmember Perry referred to W. VA. Code 6-9A-4 and referenced caselaw Peters v County Commission of Wood County, 205 W. Va. 481 (1999).
Motion carried 6-0.

Council entered into an executive session. Upon return, Councilmember Perry reported no action was taken during the session.

Motion - ***Return to regular session.***

Motion made by Councilmember Perry. Seconded by Councilmember Smallwood, Jr.
Motion carried 6-0.
Council returned to regular session at approximately 5:58 p.m.

2. Charter/Ordinance Review Committee's Recommendation to Amend Charter

The Charter/Ordinance Review Committee's recommendation to amend Sections 6, 7, 9, 10, & 10(a) was reviewed by the council. City Manager Damita Johnson suggested council act upon the changes as the 1st reading. If approved a public hearing will be scheduled for an open discussion at the conclusion of all the recommended changes to the Charter.

SECTION 6. The Council and Mayor; Qualifications; Terms and Salaries; Vacancies; Power of Removal of Officers

RECOMMENDED CHANGES:

Item # 2. All members of Council and the Mayor must be citizens of the United States, qualified voters, and bona fide residents of the City and over the age of 18 years. All members of Council representing a ward must be bona fide residents of the ward which they represent. The required residency must be maintained throughout the term of office. No member of Council or the Mayor shall hold during their term of office any other public office or position~~, including membership on any political executive committee~~.

Item # 7. ~~The Council shall have and is hereby granted the power and authority to remove from office any officer, whether elected or appointive, for cause or upon written charges preferred by any~~

~~responsible citizen of the city to the Council; but to remove from office under this provision at least six members of the Council must be present and at least five shall concur in such removal, and the officer against whom the charges are preferred shall be served with notice of the same, together with the notice of the time of hearing, a reasonable time prior thereto, and shall likewise receive a copy of the charges preferred showing the nature thereof; he shall have the right to be represented before the Council in person and by attorney and may require that all witnesses be sworn and testify under oath before the Council and to have the testimony taken down. In the event of proceedings hereunder against any elective officer of the City no special election as to the question of the recall of such officer shall thereafter be held during the same term of office of that officer and in the event of such special election being held as to any election officer no proceedings shall be had hereunder during the same time of office of that officer as to him, the remedies provided herein and by the recall provision of this charter being mutually exclusive and not cumulative.~~ "See W.Va. Code for authority to remove Council members from office".

Motion – *Approve the recommendations as presented by the Charter/Ordinance Review Committee.*

Motion made by Councilmember Janney. Seconded by Councilmember Perry.

Motion carried 6-0.

SECTION 7. Qualification of Voters; Registration

RECOMMENDED CHANGES:

Item # 1. Every person who shall have resided within the territory of the City for ~~thirty~~ twenty-one days next preceding an election held therein, and who is a qualified voter under the laws and Constitution of this State, and none others, shall be entitled to vote at any election held within the City.

Motion – *Approve the recommendations as presented by the Charter/Ordinance Review Committee.*

Motion made by Councilmember Hodges. Seconded by Councilmember Perry.

Motion carried 6-0.

SECTION 9. Meetings of the Council; Rules of Procedure; Journal

RECOMMENDED CHANGES:

Item # 1. Regular meetings of the Council shall be held on the second Monday of each month, at such hour as the Council may by rule prescribe. Council may also change the day of the meeting if circumstances make it necessary to do so. Special meetings may be held at any time upon the call of the mayor or any four councilmen and upon such notice as the Council may by rule prescribe. A majority of the full membership of the Council shall constitute a quorum for the doing of business but a lesser number may adjourn the meeting from time to time. All meetings of the Council shall be open to the public and any citizen of the City shall have the right to be heard by the Council at such times and under such reasonable rules as the Council may by rule prescribe.

Motion – *Approve the recommendations as presented by the Charter/Ordinance Review Committee.*

Motion made by Councilmember Janney. Seconded by Councilmember Hodges.

Motion carried 6-0.

SECTION 10. Powers of the Council; Appointment and Salary of the City Manager; Qualifications; Removal; Appointment of Chief and Members of Police Department

RECOMMENDED CHANGES:

Item # 2. The Council shall appoint a City Manager to serve for such period of time as it and the Manager may by contract agree, but such contract shall not, in any event, be for a longer period of time and the length of the term then remaining of the Council so appointing the Manager. Such contract shall expressly provide that it is subject to all provisions of this Charter. The Council shall fix the salary of the Manager in such contract. The Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, with special reference to his experience and training in the field of city management. ~~During his tenure of office~~ The City Manager shall reside within the City during his/her tenure. No councilman or Mayor; during ~~his~~ their term of office and for one year thereafter, shall be eligible for appointment as City Manager.

Motion – *Approve the recommendation as presented by the Charter/Ordinance Review Committee.*

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

Motion carried 6-0.

SECTION 10(a) Powers and Duties of the Mayor

RECOMMENDED CHANGES:

Item # 2. ~~In the absence of the Mayor,~~ the Council, by majority vote, shall select one of its members to serve as Vice Mayor and preside at meetings of Council and otherwise perform the Mayor's duties during the Mayor's ~~such~~ absence. This selection shall take place at the first meeting of a newly seated Council.

Motion – *Approve the recommendation as presented by the Charter/Ordinance Review Committee.*

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

Motion carried 6-0.

3. Consideration to Move Municipal Election to County

Fayette County Clerk Michelle Holly attended the meeting to answer questions regarding moving the City's municipal election to the county. She briefed Council on what the process would entail if the city and county would agree to use the county election officials in the city's elections.

Council discussed a three-year cycle coinciding with the county's primary election and the five-year cycle that would coincide with the general election. The following aspects were communicated:

- Cost saving to City in time and money
- Larger voter turnout with more opportunity
- More efficient/no hand-counting votes
- Precincts will need to be modified to follow city limits and wards
- Increase in county election cost to change the ballot to add city elections that may be passed to the city from the county commission
- Change of Election Day

- City races being swallowed up by other races in the county and under-voting due to City elections being positioned at the end of the county ballot
- Losing focus on the city with more political signs from other State and County races

Motion – ***Move the Municipal Election in correlation with the County Clerk's elections and amend the term of service to three years for the upcoming election.***
Motion made by Councilmember Perry, Seconded by Councilmember Janney.
Motion To Amend Main Motion – ***Contingent upon the county commission's fee to provide election services for the city.***
Motion made by Councilmember Hodges, Seconded by Councilmember Janney.
Motion carried 6-0.
The mayor called for a vote on the main motion.
Motion carried 6-0.

4. Review of the Economic Development Committees Tax Incentive Plan to Give B & O Tax Credits to New and Existing Businesses

The Economic Development Coordinator Erin Reid addressed the Council with the committee's recommendation to give new businesses a 50% reduction in B&O taxes for five years and a 50% reduction in B&O taxes for five years for existing businesses that are performing property development of Ten Thousand Dollars or more.
City Manager Johnson will make a few more clarifications as well as create guidelines for existing businesses to follow if Council approves the plan.

Motion – ***New businesses receive a 50% reduction in B&O Taxes for a period of five years and a 50% reduction in B&O Taxes for existing businesses that invest $10,000 or more in property development for a period of five years. Guidelines for property development will be defined by the city manager.***
Motion made by Councilmember Perry, Seconded by Councilmember Hayslette.
Motion carried 6-0.

Councilmember Perry commended Council on their efforts to stimulate economic development in the city.

5. Filing Fee for Municipal Election

The city manager requested Council to set the filing fee the same as in previous years; a $25 fee for candidates running for council and a fee of $50 for candidates running for mayor.

Motion – ***Accept the city manager's recommendation to approve the filing fee for candidates running for council to be set at $25 and $50 for candidates running for mayor.***
Motion made by Councilmember Perry, Seconded by Councilmember Janney.
Motion carried 6-0.

6. Resolution for Virginia Street Sidewalk Project

A $60,000 grant was approved by the WV Department of Transportation Div. of Highways. The total cost of the project is $75,000 with the city being responsible to match 20% ($15,000) of the cost. The city manager requested Council approve the resolution and agreement authorizing her to execute the agreement with the Department of Highway.

Motion – ***Approve the resolution and agreement authorizing the city manager to execute the agreement with the Department of Highway.***
Motion made by Councilmember Janney, Seconded by Councilmember Hodges.
Motion carried 5-0. Councilmember Perry left the meeting.

7. Consideration to Approve Scope of Work and Fee Agreement with Chapman Technical for the Oak Hill Municipal Building

The city manager presented the scope of work and fee agreement received from Chapman Technical Group for the design, bid, and oversight of the new municipal building. The fee proposal is $90,000. Council had a short discussion and the majority determined the price was reasonable.

Motion – ***Approve the scope of work and fee agreement received from Chapman Technical Group.***
Motion made by Councilmember Hayslette, Seconded by Councilmember Jackson.
Motion carried 3-2.
Voting Yea: Councilmember Hayslette, Councilmember Jackson, Councilmember Smallwood, Jr.
Voting Nay:: Councilmember Janney, Councilmember Hodges

Citizen's Comments

Cody Donnally, expressed concerns about the November Council meeting originally scheduled for November 14th was changed to November 7, 2022. He indicated he was not notified of the meeting being changed to an earlier date and he was not given a chance to address the council on their decision to demolish his structure located at 301 Bond Ave.

Presentation ***PROJECT AWARE by Rhonda Chuyka***

Project Aware Manager Chuyka wanted to make the Council and community aware they are increasing awareness of substance use and mental health issues among school-age youth. Currently, Oak Hill High School, Oak Hill Middle School, Valley PK-8, and eighteen schools in five other counties are benefiting from their services. They are providing students who have behavioral health issues with support and mental health services within the school system. Ms. Chuyka shared statistics on West Virginia's youth suicide rate and overdose deaths.

Unfinished Business

8. Consideration to Adopt a Resolution to Lay an Assessment Lien on Property Located on Harris St. (Off-Broadway Ave.), Map 7, Parcel 240, Owned by Andrew Thomas.

The order and demolition report was advertised in accordance with the Oak Hill Municipal Code 11.04.040 Service of Notice and Orders. The before and after photos of the demolition were reviewed by the council.

Motion – ***Adopt the Resolution laying an assessment lien on the property located on Harris St., Map 7, Parcel 240, Owned by Andrew Thomas.***
Motion made by Councilmember Janney, Seconded by Councilmember Smallwood, Jr.
Motion carried 5-0.

9. Demolition Report for the Structure Located at 103 Hayes St., Map 25, Parcel 78, Owned by Tammy Lynn Gibson and Charles Brack

Council reviewed the demolition report, order, and the before and after photos of the demolition. If approved the demolition report and order will be advertised in accordance with the Oak Hill Municipal Code 11.04.040 Service of Notice and Orders due to the Sheriff's Office not being able to execute the previous notice and order.

Motion – ***Approve the order and demolition report of the structure located at 103 Hayes St., Map 25, Parcel 78, owned by Tammy Lynn Gibson and Charles Brack.***
Motion made by Councilmember Janney, Seconded by Councilmember Hodges.
Motion carried 5-0.

10. Bid Opening for Demolition of Structure Located at 146 Richards St., Map 25, Parcel 346, Owned by Kevin and Sharon Marie Bibb

Two proposals have been received from the advertisement for bidders on November 24, 2022, through December 5, 2022. The city manager opened sealed bids from League Builders and Consultants, LLC, and Empire Salvage & Recycling. The proposal from League Builders was $5,475.00; Empire Salvage's proposal was $5,500.00.

Motion - ***Accept the bid from League Builders in the amount of $5,475.00 for the demolition of the structure located at 146 Richards St., Map 25, Parcel 346, owned by Kevin and Sharon Marie Bibb.***
Motion made by Councilmember Janney, Seconded by Councilmember Hodges.
Motion carried 5-0.

11. Consideration of the Planning Commission's Recommendation to Rezone 201 Maple Street from General Business District (B2) to Light Industrial District (I-1) 2nd Reading

The Council had a short discussion in reference to the 2nd reading of the Planning Commission's recommendation to rezone 201 Maple Street. They summarized the zoning history and noted the New River Humane Society is requesting to use the property for storage.

Motion – ***Accept the 2nd reading and adoption to rezone 201 Maple Street from General***

Business District (B2) to Light Industrial District (I-1).
Motion made by Councilmember Hodges, Seconded by Councilmember Jackson.
Motion carried 5-0.

12. Review of Oak Hill Municipal Code (OHMC) 11.16 Vacant Rental or Commercial Property

The city manager informed the council that Attorney Bill File was unable to attend the meeting. In her discussion with Attorney File, he opined Oak Hill Municipal Code 11.16 Vacant Rental or Commercial Property was a good ordinance and suggested enforcing the ordinance rather than amending it.
No action was taken.

Department Reports

Police Report
Fire Dept. Report
Economic Development Coordinator Report
City Manager Report

Council reviewed the submitted reports; there were no questions or comments regarding the reports.

Council and Mayor Comments (with possible actions)

The mayor called for council comments and the following items were discussed:

- A request to remove a tree stump from the sidewalk located at 322 E. Main St.
- Council commended the city on the following:
    1. New LED lights on Main St. and East End
    2. Directional city parking signs that assist individuals from out of town
    3. City Christmas lights.
- David Kirk received compliments for the installation of the lighting in the alleyway between Mountain Laurel Medical Clinic and Spirt & Truth Ministries, and the hanging of the Christmas lights.
- There was an inquiry on whether the City's playgrounds are ADA Compliant. The new city park and parks in Minden will be ADA Compliant. The city plans to add one playground component to Collins Park and the park at Harlem Heights.
- Status of cameras at the park in Harlem Heights and a Kiosk for the Scout Cabin.
- Plans for the Depot.
- Contact and procedure for reporting code violations during the Code Enforcement Officer's absence.
- Ward I and Ward II Population.
- Council recognized the following as outstanding:
    1. Christmas decorations at the bank and throughout the city
    2. Christmas Parade
    3. Oak Hill Middle School Choir at the Tree Lighting Ceremony
- Chapman Technical Groups timetable on the completion of the new City Hall.

- The mayor and members of the council attended the Oak Hill Fire Department's Annual Christmas Banquet. The mayor honored the firefighters with a Proclamation. It was requested the manor read and present the proclamation to Chief Richardson. A picture was taken to commemorate the occasion.

Announcements

1. The City will have a meeting with the business property owners in the TIF District on Tuesday, Dec. 13, 2022, at City Hall, to discuss building design guidelines. Refreshments will be available.
2. The City of Oak Hill will be hosting a dinner for all City of Oak Hill merchants at the New River Convention Center on January 19th.
3. Winners of the December 10th Christmas Parade Float Contest
   Judges Choice – Robert Ewer/Nightmare Before Christmas
   1st Place – Campbell Tile/Polar Express
   2nd Place – Girl Scout Troop 1895/Girl Scouts Present the North Pole
   3rd Place – Pendleton Community Bank/National Lampoons Christmas Vacation
4. There will be a Gingerbread House Contest on Saturday, December 17, 2022, at the Lewis House on Main St.
5. The next regular City Council meeting is scheduled for January 9, 2023.

Future Agenda Items

There were no requests for future items.

There was no further business. The mayor adjourned the meeting at approximately 7:10 p.m.

Ronda Falk, City Clerk

Daniel E. Wright, Mayor