CITY OF OAK HILL MINUTES

City Council Meeting - April 10, 2023

The regular monthly meeting of the Oak Hill City Council was held on April 10, 2023, 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; a quorum was present.

PRESENT
Mayor Daniel E. Wright
Ward 1 Councilmembers
Diana Janney

David Perry
Ward 2 Councilmembers
Charles Smallwood, Jr.
Benitez Jackson

ALSO PRESENT
City Manager Damita Johnson
City Clerk Ronda Falk
Atty Cam Siegrist

Spirit of Oak Hill Award Committee Member Tim Jordan
Spirit of Oak Hill Award Committee Member Dewayne Hopkins
Cheryle Jackson

ABSENT
Council-at-Large Tom Oxley
Councilmember Christa Hodges

Invocation

The invocation was administered by Bishop Sam Calloway, Spirit & Truth Ministries.

Pledge of Allegiance
Councilmember Jackson led the Pledge of Allegiance.

Councilmember Perry asked for unanimous consent to address the council and mayor. There were no objections.
The councilor proposed the mayor be authorized to draft an appreciation letter to Pastor Greg Hurley and the Solid Rock Church for the ***Messiah*** presentation. He requested the Director of Economic Development collaborate with Pastor Hurley to have the information placed on the city website in the future.
Also, Councilor Perry proposed a letter be sent to Bishop Calloway expressing gratitude for the Holy Week Prayer Breakfasts hosted by the Brethren Church, Church of God, Methodist Church, and Spirit & Truth Ministries.

Councilmember Hayslette joined the meeting at 5:39 p.m. (via Zoom).

Spirit of Oak Hill **Award** Presentation

The Spirit of Oak Hill Award Committee was established to honor people who go beyond their civic duties and are community-driven. Every three months the award committee acknowledges one individual and one organization. However, this time the committee chose to award two individuals because it was impossible to choose only one.

Individual Award Winner: Randy Day. Presented by Tim **Jordan.**
(Nominated by: Mike Fox)
Mr. Day was recognized as a behind-the-scenes individual that is willing to step up and do what is needed to keep things running smoothly. He is known for coaching softball, minor league, little league, and senior league baseball. As well as umpiring countless games, serving on boards, volunteering at the High School, and Middle School.

Individual Award Winner: Steve Vaynes. Presented by Tim **Jordan.**
(Nominated by: Charles Smallwood, Jr. & Cheryle Jackson)
Mr. Vaynes was acknowledged for the years he contributed to Oak Hill Athletics; Ms. Jackson graciously accepted the award in his absence. She recounted a story about Mr. Vaynes supplying the team with milkshakes at Coach Lilly's request.

Councilor Perry called for unanimous consent for Katie Hayes, Secondary Education Specialist at Fayette County Board of Education be given permission to comment There were no objections.

Ms. Hayes noted Mr. Vaynes was always in the background and provided food and other resources for the teams. She recalled a steakhouse dinner was provided to the team and cheerleaders after every away game. Hayes voiced a special thank you to Vaynes and his family from Oak Hill High School.

Organization Award Winner: River Valley Community Outreach. Presented by Dewayne Hopkins.
(Nominated by: Mountains of Faith Retreat)
The Christian non-profit community outreach is located behind McDonald's at 1556 E. Main St. They have been serving our community for three years; they are dedicated to helping anyone who needs help. They gather and re-distribute new items, such as building supplies and materials, accessories, washers, dryers, stoves, etc. for a nominal price.

A picture was taken to commemorate the occasion.

Generations Health and Wellness Presentation / Freda Filipek & Annie Pysz.

Ms. Freda Filipek described the woman-owned business located on Central Ave. as a multi-specialty clinic. They provide socially necessary services for children who have been removed from their homes. They facilitate the reunification of children with their families, teach life skills, give parenting classes, and supervise visits. They have been granted a waiver for a behavioral health license which will allow them to offer different types of counseling.

Reading and Approval of Minutes

Motion- ***Accept the minutes of March 13 and March 28, 2023, as previously presented.***
Motton made by Councilmember Perry. Seconded by Councilmember Jackson.
No Discussion.
The motion **carried** unanimously. 5-0.

Treasurer's Report

Motion- ***Accept the Treasurer's Report as presented.***

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion.

The motion carried unanimously. 5-0.

Correspondence

No correspondence was received.

Citizens' Comments

William Hannabass disclosed he was denied the opportunity to speak at the Special meeting on March 28, 2023, and this denial was a violation of Oak Hill Municipal Code 2.02.010. He spoke in opposition to the proposed Charter Amendments and urged voters to vote against them. During his public statement, he mentioned individual council members, and a point of order was called.

Point of Order

Councilmember Perry petitioned the mayor to rule on the point of order concerning personalized remarks; The mayor acknowledged the point of order and ruled personal comments are not appropriate. Mr. Hannabass declared freedom of speech as his First Amendment right and continued his statement by reading part of a speech he gave as the incoming mayor in 2007.

Jim Aleshire commented on the fourteen (14} proposed charter amendments being placed on the ballot for the voters. He alluded to Section 11 of the Charter. The proposed amendment involves the city manager making a recommendation for hiring to the council; the council will approve or disapprove the recommendation. If the recommendation is not approved, the hiring process will start over. Several council members were questioned on the meeting procedures displayed in the Council Chamber; if the protocol had been adopted and the author of the document. In his communication with the Ethics Commission, he was informed individuals shouldn't address people by name during the meetings. But it was in the territory of suppressing 1st Amendment rights.

Councilmember Perry specified Attorney File indicated it was not required for the guidelines to be adopted by the full council; the mayor has the standing in which to develop appropriate guidelines. He offered to place the guidelines on the agenda at the next meeting for the council to consider the adoption of the guidelines. He emphasized that it was not legally necessary.

Jim Aleshire questioned why there was no information provided to the public concerning Chapman Technical Group's plans for the former BB&T Bank building. He expressed the citizens had a right to know the renovation cost. He addressed an individual council member in his comments and a point of order was called.

Point of Order

Councilmember Perry requested that individuals around the council chamber not be referred to personally. The mayor ruled in favor of the point of order and Mr. Aleshire proceeded with his statement and questioned how and who negotiated the bank purchase.

Councilmember Perry requested for the city clerk to be authorized to research the minutes of all the meetings when the bank discussion began, the number of public hearings, what was published, and when the committee was authorized to negotiate the purchase of the building. The minutes were to be made available to the public and Mr. Aleshire. There were no objections.

A Minute from the Minutes

The mayor shared an excerpt of the town meeting on July 6, 1903; the minutes revealed the recorder's progress report and Mayor J.H. Duncan's report of the distance of the Cobb Saloon was accepted. The saloon was within the two-mile limit of the city; the recorder was instructed to notify the county court and ask them to either revoke the license or remove the saloon. Mayor Duncan offered his resignation and after some hesitation, his resignation was accepted.

Public Meetings

ORDINANCE AUTHORIZING THE FINANCING OF ADDITIONAL COSTS OF CERTAIN ADDITIONS, BETTERMENTS, AND IMPROVEMENTS TO THE SEWERAGE SYSTEM OF THE CITY OF OAK HIL'7 INCLUDING WITHOUT LIMITATIONS UPGADES TO THE MINDEN ROAD WASTEWATER TREATMENT PLANT OF THE CITY OF OAK HILL, THROUGH THE ACCEPTANCE BY THE CITY OF FUNDING ASSISTANCE IN AN AGGREAGATE PRINOPAL AMOUNT NOT TO EXCEED $500,000 THROUGH THE WEST VIRGINIA CLEAN WATER SRF PROGRAM (THE "0RDINANCE").

The mayor called the Public Meeting to order at 6:10 p.m. City Manager Johnson explained the city expanded the treatment plant when the city assumed control over the Arbuckle Public Service District. Due to a lawsuit, the city went over the estimated cost of the project. The Department of Environmental Protection has offered a forgiveness loan to finish the project. Attorney Siegrist added that $136,000 had already been paid and this $500,000 forgiveness loan will be the final payment in the settlement agreement.

There were no public comments or questions.

Motion - ***Approve the ordinance authorizing the financing of additional costs of certain additions, betterments, and improvements to the sewerage system of the City of Oak Hill, including without limitations upgrades to the Minden Road Wastewater Treatment Plant of the City of Oak Hill, through the acceptance by the city of funding assistance in an aggregate principal amount not to exceed $500,00 through the West Virginia Clean Water SRF Program (the "Ordinance").***

Motion made by Councilmember Perry. Seconded by Councilmember Smallwood, Jr.

The motion carried unanimously. 5-0.

The Public Meeting was closed at 6:15 p.m. and the mayor moved to unfinished business.

Unfinished Business

1. Consideration to Give Final Approval of the Ordinance and to the Acceptance by the City of Funding Assistance in an Aggregate Principal Amount not to Exceed $500,000 Through

the West Virginia Clean Water SRF Program (The "Funding Assistance") and to put the Ordinance into Effect.

This item was approved during the public hearing.

A. Consideration of and Final Action on the Supplemental Resolution Supplementing and Amending the Ordinance Described Above Relating to the Funding Assistance.

Motion ***-Approve the final action on the supplemental resolution supplementing and Amending the Ordinance described above relating to the funding assistance.***

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.

No discussion.

The motion carried unanimously. 5-0

B. Consideration of Possible Other Actions Relating to the Funding Assistance and/or the Project Being Financed with the Proceeds of the Funding Assistance.

There were no additional actions required relating to the funding assistance. The item was withdrawn. Attorney Siegrist will move forward with the closing on April 25, 2023.

2. **Charter/Ordinance Review Committee's Recommendation to Amend Ordinances-2nd Reading**

A. Oak Hill Municipal Code (OHMC) 2.04 Mayor (Reserved)
B. OHMC 2.08.10 Copy And Research Fees
C. OHMC 2.10.010 Competitive Bids Required For Construction Of Facilities; Publication Of Solicitation For Sealed Bids
D. OHMC 2.14.010 Police Commissioner; Duties
E. OHMC 2.20.10 Recreation Committee
F. OHMC 2.20.020 Beautification Commission
G. OHMC 2.20.30 Museum Commission
H. OHMC 2.20.050 Amphitheater Commission
I. OHMC 2.20.70 White Oak Rail Trail Committee

The council reviewed the recommendations from the Charter/Ordinance Review Committee.

Motion ***-Approve the recommendations A thru I from the Charter/Ordinance Review Committee.***

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.

No Discussion.

The motion carried unanimously. 5-0.

New Business

3. Bid Opening for the Purchase of a 2023 Polaris Ranger 1000 EPS for the Oak Hill Fire Department

The city manager received sealed bids from the following:

- United Cycle, 3797 Robert C. Byrd Dr. Beckley, WV **Bid $22,584.60**

- Gravely Tractors & Polaris ATV, #2. Carney Commercial Court, Dunbar, WV 25064 **Bid $20,475.74**
- Lockard's Inc., Route 19 Box 38, Flatwoods, WV 26621 **Bid $21,710.87**
- Pares Superstore, 242 W. Main St-Salem, WV 26426 **Bid $25.292.66.**

Motion -Accept the bid from Gravely Tractors & Polaris in the amount of $20,475.74.
Motion made by Councilmember Perry. Seconded by Councilmember Jackson.
Discussion: The existing Polaris is twenty years old and is being transferred to Parks and Recreation; the bid being awarded is contingent upon the specifications being met.
The motion carried unanimously. 5-0.

Motion ***-Accept the bid in the amount of $20,475.74 if it meets the specifications as reviewed by the Fire Dept. Committee. If the specifications are not met then the city will go to the 2nd, 3rd, and 4th bidder until the specifications are met.***
Motion made by Councilmember Perry. Seconded by Councilmember Janney.
No Discussion.
The motion carried unanimously. 5 - 0

4. Oak Hill Police Department Emergency Hiring

Chief Whisman endorsed the hiring of Samuel Meador Jasper Jr. under the emergency hiring process allowed by the Civil Service Commission.

Motion - ***Hire Samuel Jasper under the temporary provision and begin employment on April 11, 2023, per assignment of the Chief of Police.***
Motion made by Councilmember Perry. Seconded by Councilmember Janney.
Discussion: The police dept is currently short one officer, and *may* lose one or two more officers to another department within the next six months. The city is fortunate to have someone who has already been through the academy and has served as a police officer in the county.
The motion carried unanimously. 5-0.

5. **Consideration to Approve One Day Nonprofit License to Serve Sangria at a Cinco de Mayo Dinner/Celebration Event at SS Peter & Paul Catholic School Cafeteria**

The Catholic School is having a Mexican-themed dinner as a fundraiser and is planning to sell tickets to the event. They have applied for a license to serve alcohol and are asking for the Council's permission to serve the beverage Sangria at the function since the school is within the city limits. No other alcoholic beverage will be sold. The event will be monitored by adult volunteers, no one underage will partake, and alcohol will not be permitted outside the building. The city manager supports the request.

Motion ***-Approve the one-day fundraiser event to serve Sangria at SS Peter & Paul Catholic School.***
Motion made by Councilmember Perry. Seconded by Councilmember Jackson.
Discussion: The council discussed the Bears and Brews approval to serve alcohol. The Amphitheater Committee withdrew its request to serve alcohol at the scheduled summer events. The school would need a letter of support if permission is granted.

Roll Call Vote: Motion carried 4-1.
Voting Yea: Councilmember Perry, Councilmember Smallwood, Jr., Councilmember Hayslette, and Councilmember Jackson.
Voting Nay: Councilmember Janney

6.. **Discussion and Possible Action on a West Virginia Historic Marker for Marian McQuade, Founder of National Grandparents Day**

The council had a short discussion on the city having a West Virginia Highway Historical Marker produced for Marian McQuade, the founder of National Grandparents Day. A special presentation will be observed upon the completion of the marker in honor of her raising awareness and advocating for senior citizens.

Motion - Authorize *the City Manager* to *process a Highway Historical Marker from West Virginia Archives and History for Marian McQuaid and a site be selected at a future point for placement of the marker.*
Motion made by Councilmember Perry. Seconded by Councilmember Janney.
No Discussion.
The motion carried unanimously. 5 -0.

Department Reports

Police Report
Council applauded the Chief and his police department on their community relations.

Fire Dept Report
The Fire Chief received a request for an itemized timetable or projection from the Thrasher Group to be presented to the council for construction or completion of construction on the addition to the Fire Station.

City Manager Report
The city manager was acknowledged for her excellent report and for being objective in making decisions.

Beautification Commission
No report was submitted.

Code Enforcement
There were no questions or comments on the report.

Director of Economic Development
Discussion: The director sent out an email to the council requesting to set a time to meet with everyone individually. The council discussed the terms of employment. The director will attend meetings of the council. Once the new facility is occupied, she will have available office hours that will be determined by the city manager. The terms of supervision under the city manager, conditions, employment premises, and relations are a matter of record.

MS4
The city manager reminded everyone to check storm drains and report anything that shouldn't be in the streams or in the culverts.

Council and Mayor Comments (with possible actions)

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

- 1st Amendment rights versus meeting procedures. This is a question for Atty File.
- Be consistent with procedures

- Request to enter an email from Donald (Deak) M. Kersey, II General Counsel, Deputy Secretary of State concerning Oak Hill Ballot Preparation 2023 (copy A) into the minutes. There were no objections.
- Councilmember Perry requested the minutes reflect his response to a citizen's concerns on all the amendments being placed on the ballot.
  The council adhered to the process and written objections were received on all the proposed amendments. It was decided that they had no choice but to put all the amendments on the ballot because it had been requested by a citizen. The council requested the clerk enter the Oak Hill City Hall outlines and Timeline from March 8, 2021, thru March 14, 2022 into the minutes. (Copy B)
- The hiring process was discussed. The charter amendment proposed by the council is practiced by Washington DC, Charleston, County and State Boards of Education, colleges, and universities. It is a checks and balances system; it allows council members to review, not dictate. Politics can enter the hiring process with one individual more than it can with seven. Council strongly advocates for the checks and balance system; they may know something that was not represented in the resume or application that would assist the city manager or the dept. head in the hiring process.
- Council advocated support for the city manager in choosing to find ways to assist with buyouts in the Minden community. Buyouts were successful in Mt. Hope, Kilsyth, Glen Jean and were based on fair market value+ $30,000. Region 4 Planning and Development Council is working on gathering informafion.
- There was a long discussion concerning the Board of Zoning (BZA} and a variance request from DTE, owner Kevin Willis for a storage yard in a B-2 Zoning District. A hearing is scheduled with the BZA and request a variance. Council reviewed the powers and duties of the Board of Zoning Appeal and determined the Board can hear and decide conditional uses of the zoning title on which the Board is required to act under zoning title.

Motion - Send a letter to the chairman and the zoning officer that they proceed with a variance request under B-2 District.
Motion made by Councilmember Perry. Seconded by Councilmember Jackson.
Discussion: Mr. Willis asked to be permitted to store junk cars and wrecked cars on his lot across from Walgreens for 30 days and the ordinance only allows five days. Storage yards are only allowed in 8-3 and Industrial Districts. If the storage yard is permitted the owner will be required to install a privacy fence. Members of the Board understood the problem was resolved in 2021. But, there was no record of the zoning change.
Roll Call Vote: Motion carried unanimously 5-0.
VotingYea: Councilmember Janney, Councilmember Perry, Councilmember Smallwood, Jr., Councilmember Hayslette, and Councilmember Jackson.

The clerk received a request to send the Motion to the zoning board chairman and Zoning Officer Mr. Gary Harding.

- The council had a conversation about the progress of the Veterans Monument. A letter has been mailed to Senator Deeds who is in the process of scheduling a meeting with the

Department of Highways in Charleston. Also, the Jones Family has been contacted to see if they would reconsider having the monument on the comer of their property.

- Request to get the recreation committee active again.
- Accolades to Assistant City Manager David Kirk on the many projects he has started and completed

Future Agenda Items

There were no requests for future items.

Announcements

The next council meeting is scheduled for May 8, 2023, at 5:30 p.m,

There was no further business. The mayor adjourned the meeting at approximately 7:21 p.m.

Daniel E. Wright, Mayor

Ronda Falk, City Clerk