



# CITY OF OAK HILL MINUTES

## City Council Meeting – March 13, 2023

The regular monthly meeting of the Oak Hill City Council was held on March 13, 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 5:35 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  
Christa Hodges  
David Perry

Ward 2 Councilmembers  
Ronald Stephen Hayslette  
Charles Smallwood, Jr.  
Benitez Jackson

### **ALSO PRESENT**

City Manager Damita Johnson  
City Clerk Ronda Falk  
Attorney Bill File  
Attorney Cam Seagrist (via Zoom)

### **ABSENT**

Council-at-Large Tom Oxley

### **Invocation**

The invocation was administered by Dr. Fr. Jojan Joseph, CST SS Peter & Paul Catholic Church.

### **Pledge of Allegiance**

Councilmember Smallwood Jr. led the Pledge of Allegiance.

The mayor advocated for the reordering of the agenda items; he requested item # 5 be moved down and considered with item # 11. There were no objections.

### **Reading and Approval of Minutes**

The council received copies of the minutes for the 6<sup>th</sup> and 20<sup>th</sup> of February, and the public hearing of March 6, 2023, by ShareFile.

#### **Motion- Accept the minutes as being presented.**

Motion made by Councilmember Perry. Seconded by Councilmember Janney.  
No Discussion.

**The motion carried unanimously. 6-0.**

### **Treasurer's Report**

The Council received copies of the reports for revenue, expenditures, and vendor checks for the month of February by ShareFile.

**Motion**- *Accept the Treasurer's Report as presented. The report revealed the generated income was beyond what was projected.*

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

No Discussion.

**The motion carried unanimously. 6-0.**

### **Correspondence**

No correspondence was received.

### **Citizens' Comments**

The following citizens signed up to speak to the Council:

- Don Williams
- Megan Elmore
- Jim Aleshire
- Bill Hannabass
- Jim Ayers

The city manager suggested the Council move into executive session due to a complaint from Megan Elmore concerning a police department employee.

**Motion**- *Enter in executive session due to the matter involving personnel.*

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion.

**The motion carried unanimously. 6-0.** Chief Whisman attended the executive session.

Council returned from executive session at approximately 6:05 p.m.

**Motion**- *Return to regular session.* The Council reported there were no decisions made or votes taken during the executive session.

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion.

**The motion carried unanimously. 6-0.**

Jim Aleshire inquired about the document displayed in the council chambers that pertains to monthly meeting procedures; he referred to Item # 3 (Personalized Comments) and questioned if these procedures had been or needed to be adopted. He petitioned for a better understanding of how to address individual councilmembers during citizens' comments, and emphasized an individual's right to express a difference of opinion.

Bill Hannabass voiced opposition to the Charter's proposed amendments to Section # 11 and # 12. He expressed it takes authority away from the city manager and recommended the Council abandon the two sections.

Jim Ayers informed the Council that Shawn Laughery, a citizen of Oak Hill won the International World Boxing Foundation (WBF) Heavy Weight Title on March 4, 2023, at the Oak Hill Gymnasium. He suggested the city support the local fighter.

### **A Minute from the Minutes**

The mayor shared excerpts from the council minutes of June 7, and July 5, 1937. He noted on the 7<sup>th</sup> of June, R.R. Thomas was granted a permit to erect the Oak Hill Theatre on Main St., and on the 5<sup>th</sup> of July the street committee was instructed to put up a safety railing at the Mahood property opposite the Lyric Theatre (later known as the Mayfair Theatre) and any other place where a sidewalk was built on a high wall deemed to be dangerous to those using the walkways. They also agreed to pay for a 5-ft concrete sidewalk in front of the post office using WPA labor and the city paying for materials.

### **Unfinished Business**

#### **1. City Park Update by the Thrasher Group and Approval of Funding**

Sam Rich with The Thrasher Group indicated they are completing the initial planning process and ready to move into Phase One of construction. Phase One includes construction, contingencies for construction, as well as design and engineering fees. A narrative scope of work with a line-item cost estimate was presented to the Council. The scope of work included improvements to the baseball fields, backstops, fencing and dugouts including bleachers, a centralized concession stand with a press box with view sheds, restroom building, a skate park with precast concrete ramps, bowls, and different rail features, a full size basketball court, sidewalk connections, and drainage improvements. The project will call for a stormwater permit and some demolition. To reduce costs, The Thrasher Group is working with the city to identify what can be done internally, such as installing water and sewer lines. They plan to help the city find Grant Funding for additional phases of construction.

The Steering Committee requested \$1.7 million be allocated for Phase One of construction for the City Park Project with \$1.6 million focusing on parks and recreation amenities, and \$100,000 for sidewalks, stormwater drainage and tapping into other areas of ARPA funds.

**Motion – Authorize \$1.7 Million for Phase One including funds for sidewalks, drainage, and paving; authorize David Kirk in cooperation with The Thrasher Group to proceed on the city's behalf to do what he deems appropriate in assisting the construction of the City Park Project.**

Motion made by Councilmember Perry. Seconded by Councilmember Hodges.

Discussion: 1) The Council discussed the Lewis Community Foundation being identified as a part of the master plan and focusing on their participation in future phases according to agreements to be determined by the foundation and the city. 2) Council prioritized the ARPA funds to be used for parks, drainage, and sidewalks. 3) Proposing plans for future phases of the project that will include the elimination of the existing Tee Ball field for a picnic shelter. 4) Implementing a city-wide survey on what the citizens would like to see in the park. 5) a designated loop to walk around the park. 6) the city doing more to reduce the estimated cost of \$1.7 million with David Kirk's assistance in having some of the work performed by city workers when applicable. 7) Construction not interfering with the little leagues' baseball season and estimated time for construction to begin in May, and the skate park planned for spring. 8) Enlarging the sign the park is named after upon the completion of the project.

**The motion carried unanimously. 6-0.**

*The Council commended the previous City Manager Bill Hannabass, the current City Manager Damita Johnson, Asst. City Manager David Kirk, GIS Coordinator Tyler Bragg, the Steering Committee members, and Land Development Market Leader Samuel Rich for their significant contributions to the planning, design, and construction of the City Park Project. Each one has performed an essential role in its development. The City Park will have a positive impact on the community and will be enjoyed by many for years to come.*

**Motion – Authorize the city manager to enter into an agreement with the Thrasher Group for the next phase of the City Park project.**

Motion made by Councilmember Hodges. Seconded by Councilmember Perry.

No Discussion.

**The motion carried unanimously. 6-0.**

**2. Consideration to Adopt an Ordinance to Add Deputy Chief Position to Oak Hill Police Department  
– 2<sup>nd</sup> Reading**

**Motion – Accept this as the 2<sup>nd</sup> Reading and adoption of an ordinance adding a deputy chief position to the Oak Hill Police Department.**

Motion made by Councilmember Hodges. Seconded by Councilmember Janney.

No Discussion.

**The motion carried unanimously. 6-0.**

Chief Whisman acknowledged Lieutenant Shannon Prince and appointed him as the first Deputy Chief of the Oak Hill Police Department. Deputy Chief Prince was issued a collar pin.

**A. Consideration to approve the Civil Service Commission’s recommendation to promote the following qualifying officers:**

1. Sergeant Christopher A. Young to the rank of Lieutenant
2. Sergeant James R. Pack to the rank of Lieutenant
3. Corporal Joshua A. Jones to the rank of Sergeant

**Motion – Approve the Civil Service Commission’s recommendation to promote the following qualifying officers:**

***Sergeant Christopher A. Young to the rank of Lieutenant***

***Sergeant James R. Pack to the rank of Lieutenant***

***Corporal Joshua A. Jones to the rank of Sergeant***

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion.

**The motion carried unanimously. 6-0.**

Lieutenant Young and Lieutenant Pack were not in attendance. Sergeant Jones was present and was recognized and issued a collar pin.

The Council commended Chief Whisman for suggesting and achieving his objective to allow for upward mobility within the department.

The Council took a short break. During the break the deputies celebrated the event by taking pictures with family and the council. The meeting returned to session at approximately 6:45 p.m. and the Council continued with unfinished business.

**3. Consideration of Second Reading and Action Upon an Ordinance Entitled:**

**ORDINANCE AUTHORIZING THE FINANCING OF ADDITIONAL COSTS OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SEWERAGE SYSTEM OF THE CITY OF OAK HILL THROUGH THE ACCEPTANCE BY THE CITY OF FUNDING ASSISTANCE IN AN AGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 THROUGH THE WEST VIRGINIA CLEAN WATER SRF PROGRAM; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO ACCEPTANCE OF SUCH FUNDING ASSISTANCE; AND PROVIDING FOR THE APPROVAL OF THE FUNDING ASSISTANCE AGREEMENT RELATING TO SUCH FUNDING ASSISTANCE.**

Attorney Seagrist was available (via Zoom) to answer any questions regarding the Ordinance.

**Motion – Adopt this ordinance entitled:**

**ORDINANCE AUTHORIZING THE FINANCING OF ADDITIONAL COSTS OF CERTAIN ADDITIONS, BETTERMENTS AND IMPROVEMENTS TO THE SEWERAGE SYSTEM OF THE CITY OF OAK HILL THROUGH THE ACCEPTANCE BY THE CITY OF FUNDING ASSISTANCE IN AN AGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000 THROUGH THE WEST VIRGINIA CLEAN WATER SRF PROGRAM; AUTHORIZING EXECUTION AND DELIVERY OF ALL DOCUMENTS RELATING TO ACCEPTANCE OF SUCH FUNDING ASSISTANCE; AND PROVIDING FOR THE APPROVAL OF THE FUNDING ASSISTANCE AGREEMENT RELATING TO SUCH FUNDING ASSISTANCE *as the second reading.***

Motion made by Councilmember Hayslette. Seconded by Councilmember Hodges.

No discussion.

**The motion carried unanimously. 6-0.**

**4. Consideration to Abandon or Submit the Proposed Charter Amendment Section 6,7,9,10, 10(a), 11,12,14,16,19,20,22, and 30 at the Next Municipal Election**

Objections were filed against Section 6,7,9,10,10(a),11,12,14,16,19,20,22, and 30 of the proposed Charter Amendments during the public hearing held on March 6, 2023; the city has not received any withdraws in relation to the objections. The city manager requested the Council table this item and wait the allotted time of 10 days to allow for objections to be withdrawn.

**Motion – Table the consideration to abandon or submit the proposed Charter Amendments Section 6,7,9,10,10(a),11,12,14,16,19,20,22, and 30 until the April meeting.**

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No discussion.

**The motion carried unanimously. 6-0.**

**New Business**

- 5.** This item has been moved down and will be considered with Item # 11.

**6. General Budget Approval for FY 2023-2024**

The City Manager presented the budget and noted two additions. Funding has been allocated for Southern Appalachian Labor School (SALS) and for a full-time Enforcement Officer if Council approves the position. The fiscal budget for 2023-2024 is \$4,557,627.00.

**Motion – Approve the General Budget for Fiscal Year 2023-2024 with the noted additions.**

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No discussion.

**The motion carried unanimously. 6-0.**

**7. Consideration to Employ a Full-time Enforcement Officer**

In anticipation of the Zoning Officer retiring, the city manager advised she would like to have a full-time Officer to train together with the Zoning Officer and Code Enforcement.

**Motion – *Employ a full-time Enforcement Officer/Zoning Officer.***

Motion made by Councilmember Janney. Seconded by Councilmember Hodges.

Discussion: The city manager budgeted the position for July 1<sup>st</sup>, the expense of running advertisements and advertising in Beckley paper, Monster.com, Fayette Tribune, Website, and other venues, allowing three weeks to return resumes, having the employee ready prior to July 1, a full-time code enforcement officer will help enforce established ordinances, and the possibility of not having to yield fees to the County.

**The motion carried unanimously. 6-0.**

**8. Charter/Ordinance Review Committee’s Recommendation to Amend Charter Section 8 City Elections**

The city manager presented the recommended charter amendment for Section 8 City Elections to the Council as the 1<sup>st</sup> reading. The proposed change is recommending the city’s municipal election be a three-year term for individuals elected on June 13, 2023, with the next election to be in conjunction with the 2026 Fayette County Primary Election. The public hearing for the proposed change is scheduled for April 18, 2023, at 5:30 p.m.

**Motion – *Accept this as the first reading for the Charter/Ordinance Review Committee’s recommendation to amend Charter Section 8 City Elections.***

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

Discussion: The members discussed the city receiving a written objection to the proposed Charter Amendment; the likelihood that a future legislative bill will mandate municipalities to have their elections with the county.

**The motion carried unanimously. 6-0.**

**9. Charter/Ordinance Review Committee’s Recommendation to Amend Ordinances**

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 2.20.010 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

**Motion – Accept the 1<sup>st</sup> Reading of the Charter/Ordinance Review Committee’s Recommendation to Amend the following Oak Hill Municipal Code (OHMC) Ordinances:**

- OHMC 2.04 Mayor (Reserved)
- OHMC 2.08.10 Copy and Research Fees
- OHMC 2.10.010 Competitive Bids Required For Construction Of Facilities, Publication Of Solicitation For Sealed Bids
- OHMC 2.14.010 Police Commissioner; Duties
- OHMC 2.20.010 Recreation Committee
- OHMC 2.20.020 Beautification Commission
- OHMC 2.20.30 Museum Commission,
- OHMC 2.20.050 Amphitheater Commission
- OHMC 2.20.70 White Oak Rail Trail Committee

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.  
No Discussion.

**The motion carried unanimously. 6-0.**

**10. Structural Inspection Board (SIB) Recommendation to Demolish the Structure Located at 1614 Main St., Map 12, Parcel 313, Owned by Timothy E. Shieler, Sr.**

City Manager Johnson requested to table this item because the city did not receive confirmation from the Fayette County Sheriff’s Department confirming the property owner had been served the notice to demolish the structure.

**Motion – Table this item until the owner has been served.**

Motion made by Councilmember Janney. Seconded by Councilmember Hodges.  
No Discussion.

**The motion carried unanimously. 6-0.**

Councilmember Hodges requested unanimous consent for the Council to address Item #5 first. There were no objections.

**5. Consideration to Approve the Bears and Brews Festival and the Serving of Alcohol and Wine on July 22, 2023, from 4 p.m. to 10 p.m.**

Punishers Law Enforcement Motor Cycle Club President Harley Volksen requested the Council to approve the Bears and Brews event. He received questions from the Council.

**Motion – Approve the Bears and Brews Festival scheduled on July 22, 2023, from 4 p.m. to 10 p.m.**

Motion made by Councilmember Hodges. Seconded by Councilmember Hayslette.

Discussion: The Council inquired if there had been any issues with the event in the past, the process of monitoring the limit of drinks by tickets and wrist bands, Jones Ave., Kelly Ave., and Central Ave. are the designated areas to be blocked off, the motor cycle club shall apply for a special use permit, protocol on contacting existing business owners that the event will affect and if the event impedes parking, and booth set up and fees.

**The motion carried. 5-0. Councilmember Smallwood, Jr. abstained from voting due to a possible conflict of interest.**

**11. Consideration of Request from Amphitheater Commission to Serve Alcohol at Grooving' in The Hills Event**

Don Williams articulated the amphitheater was under used and wanted to have family friendly events, bring in more traffic, and something positive. They are planning "Grooving in the Hills" events for the Amphitheater and are requesting to serve alcohol. They intend to have these events on four Saturdays during the months of June through September with 2 bands per night, food vendors, and art crafts.

**Motion – Table this item until next month when we can find out the logistics.**

Motion made by Councilmember Hodges. Seconded by Councilmember Perry.

Discussion: The council discussed the city or amphitheater applying for the permit. City liability, ticketing or ID by vendors, blocking off Alumni Lane, contacting vendors on volume/size of alcohol being served, consulting with others who have these types of events, and local breweries.

**The motion carried. 5-0. Councilmember Smallwood, Jr. abstained from voting due to a possible conflict of interest.**

**Department Reports**

**Police Report**

**Fire Dept. Report**

**City Manager Report**

**Beautification Commission Report**

**Code Enforcement Report**

**MS4**

Council reviewed the submitted police, fire Dept., City Manager, and code enforcement reports with no questions or comments. The city manager submitted the Director of Economic Development's report and no questions or comments were received.

MS4 Report: The city manager referred to **Oak Hill Municipal Code 7.02.050 Use of the Public Sewers** and cited "No person shall discharge or cause to be discharged any stormwaters, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer".

**Council and Mayor Comments (with possible actions)**

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

- No curbside brush pickup; designated area behind Collins Park is available for brush disposal



- Possible # 3 Litter Sweeps scheduled for April
- Day Report Center cleaned up Minden Hill
- Municipal League contribution for Tom Oxley
- Request for Structural Inspection Board to review burnt structure on Victory St.
- No activity on burnt trailer in Collinwood Mobile Home Park/request review of code enforcement
- Progress report on deed for Minden Parks
- EPA will present a proposed remedy plan at the Minden Community Center on March 21, 2023, 6-8 p.m.
- Explore the possibility of a Community Garden and report findings at the next council meeting
- Honorable Larry Rowe will present a program on his book Virginia Slavery & King Salt in Booker T. Washington's Boyhood Home on March 18, 2023, at 1 p.m., in celebration of Black History.

### **Announcements**

1. Hubcap Program Kickoff March 14, 2023, between 6-8 at City Limits Bar & Grill in the ballroom.
2. The next regular City Council meeting is scheduled for April 10, 2023.

### **Future Agenda Items**

There were no requests for future items.

There was no further business. The mayor adjourned the meeting at approximately 7:30 p.m.

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Ronda Falk, City Clerk

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Daniel E. Wright, Mayor