



# CITY OF OAK HILL MINUTES

## City Council Meeting – June 12, 2023

The regular monthly meeting of the Oak Hill City Council was held on June 12, 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, and a quorum was present.

### **PRESENT**

Mayor Daniel E. Wright  
Ward 1 Councilmembers

Diana Janney  
Christa Hodges  
David Perry

Ward 2 Councilmembers

Ronald Stephen Hayslette  
Benitez Jackson  
Charles Smallwood, Jr.

### **Also Present**

Sam Rich, The Thrasher Group  
Joe Bird, Chapman Technical Group  
Damita Johnson, City Manager  
Ronda Falk, City Clerk  
Attorney Bill File

### **Invocation**

Councilmember Janney led the invocation.

### **Pledge of Allegiance**

Councilmember Smallwood, Jr. led the Pledge of Allegiance.

A moment of silence was observed in remembrance of Council-at-Large Thomas Oxley. He served as City Manager beginning in 1987 through 1998, and in 2003 through 2008. He assumed the unexpired term of Council-at-Large in January 2009 and was re-elected in 2011, 2015, and 2019.

### **Presentation Award: PFC Aaron Radcliff**

Patrolman First Class Aaron Radcliff was acknowledged and received a Life Saving Award. The parents, Oak Hill Police Department, and the City of Oak Hill expressed great pride in honoring PFC Radcliff for his quick response and professionalism in a life-threatening emergency. He saved the life of a toddler that had food lodged in his throat blocking his airway.

### **Presentation: Councilmember Jackson**

The Oak Hill City Council recognized Councilmember Jackson for his exemplary community service and leadership as Councilor for Ward II. Mayor Wright presented him a commemorative plaque in appreciation of his achievements.

### **Plaque Honoring Thomas Oxley**

The mayor presented a plaque in memory of Council-at-Large Tom Oxley. His contributions and positive influence on the community will keep his memory alive.

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

***Motion- Approve the minutes as being presented.***

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

**No Discussion. The motion was unanimous. 6-0.**

### **Treasurer's Report**

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

Motion made by Councilmember Perry. Seconded by Councilmember Hodges.

**No Discussion. The motion was unanimous. 6-0.**

### **Correspondence**

The clerk reported there was no correspondence received.

### **Citizens' Comments**

*Mr. Jim Aleshire* questioned each member of the council about how many of the group attended the negotiations on the purchase of the former BB&T Bank building. He recommended the council bring forth a solution to prevent one or two people from negotiating a purchase. He addressed the city's handling of the city's ordinance relating to structures deterioration and the enforcement of the code.

*Mr. Kevin Willis* requested the council provide a letter stating the zoning board's findings regarding his lot on Main Street as a nonconforming use. He noted he received correspondence from Gary Harding requesting to consult the Public Service Commission to ensure he was following their rules. After discussion, the city manager agreed to provide copies of the Board of Zoning minutes and records to Mr. Willis.

### **Unfinished Business**

- 1. Thrasher Report on Contractor Recommendation and Award Bid for Park Renovations**  
Sam Rich with the Thrasher Group updated the council on the bid results. He explained the request for bids was advertised on May 16<sup>th</sup> per WV Code for two consecutive weeks and a pre-bid ensued on May 23<sup>rd</sup> with five general contractors and suppliers expressing interest in the project. However, no bids were received. There is a plan to re-advertise and solicit bids while

making sure the schedule does not conflict with the Fire Dept Bids. They plan to move ahead with the skate park. The council discussed the street department doing the preliminary work which will reduce the cost. The council expressed concern on getting the bids and contracts in place to start the work this summer and completed before the little league games start next season.

**2. Determine Funding for Municipal Building (if needed)**

The bids were opened earlier in the afternoon and the city manager revealed the city needed to pay 1.4 million for renovations for the former bank building and recommended establishing funding before approving a contract with a contractor.

The Council discussed the Building Commission and rainy-day fund as a possibility to fund the renovations. Another option was to issue a bond with Pendleton Community Bank. The payment would approximately be \$5500 to \$6000 a month for 15 years and be paid by revenue received from the sales tax.

Joe Byrd explained how covid has impacted the construction industry since the pandemic began. He acknowledged the difficulty in getting materials as well as the demand for contractors. He described the plans for the 1<sup>st</sup>, 2<sup>nd</sup>, and ground floors to get the building into a move-in condition. He articulated making efficient and functioning office space while holding down cost. He reported the high bid received was \$2,925,000.00 and the remaining bids were within 10% of the lowest bid of \$2,221,000.00 from Dan Hill Construction. He recommended awarding the contract to Dan Hill Construction pending funding.

**Motion – We authorize the city manager to begin negotiations on the sale of the bonds and use the other money as a supplement until such time the bonds are secured.**

Motion made by Councilmember Perry. Seconded by Councilmember Hayslette.

Discussion: The council discussed paying off the initial purchase of the bank building with the 1% sales tax. The rate being lower on a construction bond.

**The motion carried. 4-2.**

Voting Yea: Council Member Perry, Council Member Jackson, Council Member Smallwood Jr., and Council Member Hayslette

Voting Nay: Council Member Janney, and Council Member Hodges.

**3. Chapman Technical Recommendation on Contractor and Award Bid for Municipal Building Renovations**

**Motion – The contract be awarded to Dan Hill Construction as opened by the city manager and recommended by Chapman Technical Group.**

Motion made by Councilmember Perry. Seconded by Councilmember Hayslette.

**No Discussion. The motion carried. 4-2.**

Voting Yea: Council Member Perry, Council Member Jackson, Council Member Smallwood Jr., and Council Member Hayslette

Voting Nay: Council Member Janney, and Council Member Hodges.

**4. Consideration to Appoint a Prosecutor for Municipal Court**

The city manager reported Brian Parsons submitted his resignation as the City Prosecutor effective May 31<sup>st</sup> and she requested direction on hiring his replacement.

**Motion – The position be advertised for 5 days and the mayor and/or the entire council appoint a committee to interview and submit their recommendation to council for approval or disapproval as per the Charter.**

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.

Discussion: The position will be advertised in the Registered Herald, and on social media. The Council recommended the position be advertised as salary negotiable. The city manager would like the position be a contract employee because the new prosecutor will spend approximately 6 hours a month in court. Attorney File recommended council consult with the municipal judge to determine how much time is needed and the judge and prosecutor needed to work closely together. The council discussed the committee consisting of the mayor, Attorney File, City Manager, Police Chief, and two council members.

**The motion was unanimous. 6-0.**

### **New Business**

5. **Coal Severance Budget Revision**

The city manager presented the end of year Coal Severance Report and requested a revision. The fund approximation was \$20,000. However, it received a little over \$39,000. She noted the Street Department expenditures were increased by the same amount.

**Motion – Approved the Coal Severance budget revision.**

Motion made by Councilmember Janney. Seconded by Councilmember Hodges.

**The motion was unanimous. 6-0.**

6. **General Fund Budget Revisions**

The year-end revision revealed an increase in revenues and expenditures by a total of \$271,500.00. There was \$100,000 in contingencies which was redistributed.

**Motion – Accept the General Fund Budget Revision as presented.**

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion..

**The motion was unanimous. 6-0.**

7. **Set Bond for Election Recount**

**Motion – Accept the recommendation of the city manager to set a \$300.00 Bond for a recount.**

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.

Discussion: The council had a short discussion on the details of a recount.

**The motion was unanimous. 6-0.**

8. **Planning Commission Recommendation to Approve the Rezoning to B-2 to Allow the Existing Building to be Torn Down and Moved Over and a New Station and Subway be Built.**

A small section on the property where the Shell station is located is not zoned as B-2. The Planning Commission is recommending the council approve this area to be re-zoned to B-2.

**Motion – Approve the recommendation to rezone the section to B2 to allow the existing building to be torn down and moved over and a new station and subway be built.**

Motion made by Councilmember Perry. Seconded by Councilmember Hodges.

Discussion: The council had a short discussion on the owner receiving a 50% tax break on new construction for 5 years.

**The motion was unanimous. 6-0.**

**9. Six Month Intergovernmental Agreement with Fayette County**

The city manager suggested renewing the agreement for 6 months rather than yearly if the county commission approves. This would allow the code enforcement officer time to get acclimated and he will be able to provide the building inspection services for the city.

**Motion – Renew the Intergovernmental Agreement for a six-month period.**

Motion made by Councilmember Janney. Seconded by Councilmember Perry.

Discussion: The WV State Fire Marshal will grant him a temporary license to be able to do the inspections while he continues to obtain his certification. Ben Love has accepted the position and will begin his employment with the City on June 26<sup>th</sup>.

**The motion was unanimous. 6-0.**

**10. Consideration to Adopt the 2018 International Property Maintenance Code**

The city manager recommended the council adopt the 2018 International Property Maintenance Code. It is an important step that a community can take to establish minimum requirements and Standards for premises, structures, equipment, and facilities to ensure public health safety and welfare of the community and its residents. It is also an all-inclusive code that works in conjunction with the International Residential Code and the International Building Code and lays the groundwork for all other ICC Codes including citation authority, authority for condemnation of unsafe structures, authority for the closing of vacant structures, authority to disconnect utilities, authority to abate violations and recoup the cost of such. In addition, the IPMC lays out the precise requirements for Notice of violation, notice of condemnation and method of service for both.

**Motion – Adopt the 2018 International Property Maintenance Code.**

Motion made by Councilmember Janney. Seconded by Councilmember Hodges.

No Discussion.

**The motion was unanimous. 6-0.**

**11. Resolution to Dissolve Main Street TIF District**

The city received a request from the Fayette County Commission who established the TIF District for Plateau Medical Center. They are petitioning for the TIF District to be dissolved. The hospital is non-profit and there is no increment in the property tax. The city manager suggested the council enter into discussion about the use of the money until it is consumed. The money is currently being used for assessments, building guidelines, and will be used to pay half on the engineering assessment of the buildings on Main Street.

**Motion – Dissolve the Main Street TIF District.**

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion.

**The motion was unanimous. 6-0.**

**12. Consideration to Approve School Resource Officer Contract**

This is a yearly contract with the Fayette County Board of Education; the city has an officer working at the Middle School during the school year. The Board of Education will re-imburse the city for his salary for 200 days.

**Motion – Accept and approve the school resource officer contract with the Fayette County Board of Education contingent upon the reimbursement for 200 days.**

Motion made by Councilmember Perry. Seconded by Councilmember Hodges.

No Discussion:

**The motion was unanimous. 6-0**

**Department Reports**

- A. Police Dept.
- B. Fire Dept.
- C. City Manager
- D. Beautification Commission
- E. Code Enforcement
- F. Director of Economic Development
- G. MS4

There were no questions on the police, fire department, city manager, and Director of Economic Development reports.

Code Enforcement Report. The council had questions concerning inspecting grease traps. They also discussed a problem relating to a property owner's washing machine draining into a neighbor's yard being addressed by the Health Dept.

Beautification Commission The concrete between the light poles at the city parking lot is being painted yellow and the Beautification Committee is planning on stenciling designs such as acorns and leaves to spruce it up. Also, they have talked to the building owners concerning a mural that you can have your picture taken in front of.

MS4 Report. An illicit discharge is a discharge into the city storm sewer system that is not composed entirely of stormwater or uncontaminated ground water. Illicit dischargers include dumping of motor vehicle fluids, household hazardous waste, paint, grass, grass clipping, leaf litter, or animal waste. An illicit discharge may be deliberate or run off from a contaminated site.

There was an illicit discharge in the city over the weekend. A business had their floors polished and cleaning materials were dumped in the parking lot and ended up in the storm sewer system. DEP and DNR investigated the incident.

Street Dept. Report The council questioned David Kirk concerning a large hole on Thomas Dr. and Riner Ave.

**Council / Mayoral Comments** (with possible action)

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

- Safety Committee reviewing and reporting their recommendation for parking on one-side of the street on Jones Ave.
- Parking problem on the corner on Lee Street.
- Notifying owners relating to parking on Thompson Ave.
- Pino Easement
- A pond developed at the Solid Rock Church
- Complaints of tall grass on South Loop Dr. in Hidden Valley
- Increase fines, liens, and hiring summer help to cut grass
- Compliments to city for the added street lights in Minden
- Request to have DOH clean up a fallen tree adjacent to Jim Aleshire's property in Minden
- The city re-applying for another Community Development Block Grant.
- King Coal Chevrolet selling out to Steven Chevrolet
- Meeting protocol versus Freedom of Speech
- Workshop for open Meetings, Ethics, and council members responsibilities
- The Street Dept., Police Dept., and City was recognized for their support during the White Oak Rail Trail Expo
- Canvas date is scheduled for June 21, 2023
- Council shared memories of the late Tom Oxley

Councilmember Perry read a statement and requested to have the statement and accomplishments entered into the minutes. (See Copy A and B)

### **Future Agenda Items**

There were no future agenda items.

### **Announcements**

Election Date June 13, 2023. Voting begins at 6:30 a.m. and the polls will close at 7:30 p.m. Votes will be counted shortly after the polls close, and candidates will be notified of the unofficial votes by email immediately after.

### **Adjournment**

There was no further business. The mayor adjourned the meeting at approximately 8:15 p.m.

---

Ronda Falk, City Clerk

---

Charles H. Briscoe, Mayor