



CITY OF OAK HILL MINUTES

City Council Meeting – September 11, 2023

The regular monthly meeting of the Oak Hill City Council was held on September 11, 2023, in the Council Chambers at Oak Hill City Hall at 5:30 p.m.

Call to Order

Mayor Briscoe called the meeting to order at approximately 5:35 p.m.

Roll Call

City Clerk Ronda Falk called the roll.

PRESENT

Mayor Charles Briscoe

Council-at-Large Bill Hannabass

Ward 1 Councilmembers

Diana Janney

Roger Evans

Christa Hodges

Ward 2 Councilmembers

Chris Gill

Carlos (PJ) Elder, Jr.

Charles Smallwood, Jr.

ALSO, PRESENT

Damita Johnson, City Manager

Bill File, Attorney

Ronda Falk, City Clerk

WV House of Delegate David Elliott Pritt

Chief Mike Whisman, Oak Hill Police Dept.

Deputy Chief Shannon Prince, Oak Hill Police Dept.

Sergeant Joshua Jones, Oak Hill Police Dept.

Jonathan Carpenter, Thrasher Group Engineer

Sam Rich, Thrasher Group Project Manager

Michael Griffith, Griffith & Assoc. (Via Zoom)

Dixie Kellmeyer, Griffith & Assoc. (Via Zoom)

Steve Hayslette, Former Councilmember

James Birt, CEO of Housed-Up Inc.

Alison Ibarra, Director of Economic Development

Kevin Willis, Business Owners Assoc. Director

Rachel Davis, Business Owners Assoc. Director

Invocation

The invocation was led by Pastor Roger Harding, Fellowship Memorial Baptist Church.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Roger Evans.

Presentation

West Virginia House of Delegate David Elliott Pritt presented a \$3,000 donation to Police Chief Whisman and Mayor Briscoe. The donation will be used to purchase a K9 insert for one of the city's patrol vehicles.

Presentation: Life-Saving Award

Deputy Chief Prince presented Sergeant Joshua Jones with a life-saving award for his heroic actions that helped save an individual's life on July 6, 2023.

Reading and Approval of Minutes

Copies of the minutes from August 7, 2023, and the Special Meeting of August 21, 2023, were provided to the council by ShareFile.

Motion- Approve the minutes as being presented.

Motion made by Councilmember Gill. Seconded by Councilmember Janney.

No Discussion.

The motion carried unanimously. 7-0.

Treasurer's Report

Copies of the revenue, expenditures, and vendor checks for the month of August were provided to the Council by ShareFile.

Motion- Accept the Treasurer's Report as presented.

Motion made by Councilmember Janney. Seconded by Council-at-Large Hannabass.

No Discussion.

The motion carried unanimously. 7-0.

Correspondence

The council agreed to follow past practices and not read the anonymous letter received from Oak Hill Concerned Citizens. The clerk read aloud a letter received from former council members D. Perry, S. Hayslette, M. Fox, D. Wright, and former Council-at-Large Candidate of the June 2023 Election, L. Bickford.

Citizens' Comments

Former Mayor Fred Neudek provided each council member with a booklet on the West Virginia Sports Festival (now known as the Oak Leaf Festival). He also thanked the police dept. for their quick response to the apprehension of a subject robbing his home.

On behalf of the Oak Leaf Festival Committee, Catherine Merritt expressed appreciation to the city workers, police and street departments, and Monty Price for helping accomplish a successful festival.

Darrell Thomas questioned the council on the rate increase for a customer's water usage over two thousand gallons per month.

Michelle Riser informed the council of an upcoming fundraiser event for the American Foundation of Suicide Prevention at the ACE Resort on Sept. 30, 2023. Their main goal is to get resources out to the public because West Virginia ranks fourth in the nation for suicide rates. Counselors, Equine Therapy, and the Sheriff's Dept.'s friendly canine will be available to assist in educating the public. They expect to attract individuals by encompassing this event with trail excursions, live bands, silent auctions, food vendors, merchandise vendors, face painting, and bubble blowing.

Steve Hayslette spoke against raising the sewer rates and requested everyone to look at the financials, trim the excess, and not raise the rates any more than needed. He questioned the city manager on receiving a salary from the city and the Sanitary Board.

Jim Ayers opined on the sewer lines that were installed and connected near the golf course and a trailer court off Allman St. He noted the county installed the Arbuckle sewer system prior to it being annexed into the city; he proposed the council ask the Fayette County Commissioners to assist in funding to help ease the burden on all local citizens. He inquired if the council had the right to change city employees' salaries.

Public Hearing / Sewer Rate Increase

Mayor Briscoe called the Public Meeting to order at 6:02 p.m. Michael Griffith left the meeting. However, Dixie Kellmeyer was available for questioning. There were no public comments during the hearing.

Council-at-Large Hannabass and former Councilmember Hayslette discussed discrepancies in the correspondence that was received and read aloud by the clerk. Hannabass asserted the last rate increase was in 2019, and a high rate of inflation has occurred since the last increase.

The hearing ended at 6:09 p.m. and the mayor proceeded with the unfinished business.

Unfinished Business

1. Consideration to Approve an Ordinance Setting Forth the Rates, Fees, and Charges for Service to Customers of the Sewer System of the City of Oak Hill, West Virginia – 2nd Reading

The city manager explained the working capital reserve account must be 115% over the debt amount; the reserve account has been running at approximately 80% and not meeting the legislative requirement. A great deal of the shortage is due to extra expenses such as price increases since COVID, installation of pipe, and having the equipment and ability to do small projects.

Mr. Carpenter detailed Phase I and moving forward with Phase II of the project. The council reviewed the rate increases' 1st, 2nd, and 3rd steps. The first step will go into effect in 45 days; the second step shall begin in April 2024, and the last step will be upon substantial completion of the project which is estimated to be in the summer of 2025. Ms. Kellmeyer expounded on the cash working capital reserve.

Motion – Approve the ordinance setting forth the rates, fees, and charges for service to customers of the sewer system of the City of Oak Hill.

Motion made by Councilmember Janney. Seconded by Council-at-Large Hannabass.

Discussion: 1) Arbuckle customer's surcharge will be removed on the first step of the rate increase.

2) Expenses were more than income. 3) Increasing utilities. 4) Tools and equipment expenses.

The motion carried. 6-1

Voting Yea: Councilmember Janney, Councilmember Evans, Councilmember Hodges, Councilmember Gill, Council-at-Large Hannabass, Councilmember Elder

Voting Nay: Councilmember Smallwood, Jr.

After a brief discussion, Councilmember Smallwood Jr. changed his vote to “yea” making the Motion unanimous 7-0.

2. Consideration to Approve a Letter of Support for Housed-Up Inc. to Build a Single-room Occupancy Housing Project Designed to Move Participants from Homeless to Housing

Mr. Birt articulated Housed-Up plans to combat homelessness for people with mental health and substance use disorders; he petitioned the council for a letter of support for a single-room-occupancy permanent supportive housing project that will take care of individuals' basic needs of safety, security, food, water, and a place to sleep. A feasibility study will be conducted to ensure the population they will be serving in Fayette and Raleigh County will meet the ADA requirements. There are plans to acquire property through the WV Land Stewardship Corp. The Homeless Management Information System (HMIS) will help monitor the cases and the Service Prioritization Data Assistance Tool (SPEDAT) will assist in measuring the acuity of people who are experiencing homelessness.

Motion – Table the consideration for a letter of support until we learn more about the project.

Motion made by Councilmember Hodges. Seconded by Councilmember Evans.

Discussion: The housing project is considered a group home, and the Fair Housing Act will not allow a municipality to zone or prevent group homes from being established in any location in the city.

The motion carried unanimously. 7-0.

3. Consideration to Appoint and Reappoint Individuals to Boards, Commissions, and Committees

The council reviewed the terms of office and the individuals who would like to be appointed and reappointed. As well as those recommended by the mayor and city manager.

Motion – Appoint Terry VanBuskirk and Benitez Jackson to the Bd of Zoning Appeals (BZA).

Motion made by Council-at-Large Hannabass. Seconded by Councilmember Hodges.

Discussion: 1) BZA Members must not serve on any other elective or appointed office for the city. 2) The members must live within the city limits.

The motion carried unanimously. 7-0.

Motion – Table the Planning Commission appointments.

Motion made by Councilmember Janney. Seconded by Council-at-Large Hannabass.

Discussion: 1) The Zoning Officer serving as a nonvoting or voting member. 2) A member of the council and a member of the Administrative Department must serve on the commission.

The motion carried unanimously. 7-0.

Motion – Table the remaining appointments for the Boards, Commissions, and Committees.

Motion made by Council-at-Large Hannabass. Seconded by Council Member Hodges.
No Discussion.

The motion carried unanimously. 7-0.

4. Consideration to Lien Properties Demolished by the REAP Program

The city manager received inquiries concerning property liens that have been demolished through the REAP program. There have been three properties demolished with funding from the Grant and the city manager advised the city has two more properties that may be demolished if a lien is not attached to the property. The city manager requested not to lien the properties demolished through the REAP program.

Motion – Do not lien properties demolished by the REAP program.

Motion made by Councilmember Gill. Seconded by Janney.

Discussion: 1) Money collected from liens on demolished properties. 2) Plans for a community center on Lincoln St. 3) The Department of Environmental Protection will not require the city to lien the property demolished through the REAP program.

The motion carried unanimously. 7-0.

5. Consideration to Approve Zoning Officer Appointment

Attorney File received a letter seeking a review of the municipal code referencing the Zoning Officer's appointment. After an inspection of the Municipal ordinance adopted on July 5, 1977, it was determined the ordinance was in violation of the Charter and the ordinance shall be amended or repealed.

Motion – Table the item indefinitely.

Motion made by Council-at-Large Hannabass. Seconded by Councilmember Gill.

Discussion: 1) Charter trumps the Ordinance. 2) The Council reviewed sections 4, 11, 12, and 16 of the Charter.

The motion carried. 6-1.

Voting Yea: Council-at-Large Hannabass, Councilmember Janney, Councilmember Evans, Councilmember Gill, Councilmember Smallwood, Jr., Councilmember Elder

Voting Nay: Councilmember Hodges

6. Consideration to Appoint Wes Toney as City Prosecutor

The Selection Committee comprised of the city manager, Attorney File, and Chief Whisman, and Deputy Chief Prince evaluated the three resumes received and recommended the Council appoint Wes Toney.

Motion – Accept the recommendation from the Selection Committee to appoint Wes Toney.

Motion made by Council Janney. Seconded by Councilmember Evans.

No discussion.

The motion carried unanimously. 7-0.

7. Consideration to Annex Greentown Loop Property – 2nd Reading

The city manager reminded the council that the Greentown Loop property is where the welcome sign is being constructed and requested the property deeded to the city be annexed into the city limits of Oak Hill.

Motion – Approve the annexation of the Greentown Loop Property into the city limits of Oak Hill

Motion made by Councilmember Gill. Seconded by Councilmember Elder.

No Discussion.

The motion carried unanimously. 7-0.

New Business

8. Consideration to Approve the Land and Water Conservation Fund (LWCF) Application For City Park Playground with 50% Match

Sam Rich explained the federal grant 3-tier application administered through the State of West Virginia. He reported the community response was the park needed improvement in accessibility, better surfacing, and shade.

He exhibited accessible playground equipment from a manufacturer that produces the equipment, a poured-in-place surface that you can put around the base of the new equipment. Also, the council was shown pictures of Shade sails that can be assembled over top of picnic tables or benches. A budget of \$500,000 included paving, shade sail structures, and poured-in-place rubber surfacing for the accessible playground equipment was prepared and reviewed at a previous meeting. He indicated a smaller project with a 50% local match could be done.

The council debated matching \$150,000 to \$200,000 for a \$400,000 project. The council endorsed Mr. Rich looking at the difference between the two options and returning next month for the Council's authorization.

9. Request to Change November 13th Council Meeting Date to November 6th

The city manager asked the Council to change the regular Council meeting scheduled for November 13, 2023 to November 6, 2023. There were no objections.

Motion – Change the November regular council meeting to November 6, 2023.

Motion made by Council-at-Large Hannabass. Seconded by Councilmember Janney.

No discussion.

The motion carried unanimously. 7-0.

10. Discussion on Future Plans for the Former BB&T Bank Building

The council explored options for the former bank building. The council discussed the building as a home for a Veterans Memorial, demolishing the structure, receiving donations and grant money to renovate the inside, putting the building into private enterprise, and repurposing the property without the building. The council requested an online survey for the public's suggestions.

Ms. Ibarra explained Land banking and how it can assist the city if a decision to sell the property is made. The building does not comply with a great deal of the current building codes and will be expensive to renovate. The New River Gorge Regional Development Authority has offered to help with any plans that the city would have for the property.

11. Consideration to Approve a City of Oak Hill Youth Council Program and Application

Councilmember Hodges presented her vision for the city to have a youth council program for students between 9th and 12th grades. The purpose is to keep individuals involved in our community. She produced an application for the program and desired the Council's input and support.

Motion – Approve the City of Oak Hill Youth Council Program and Application.

Motion made by Councilmember Elder. Seconded by Council-at-Large Hannabass.

No discussion.

The motion carried unanimously. 7-0.

12. Consideration to Repeal Oak Hill Municipal Code (OHMC) 2.20.070 White Oak Rail Trail Committee - 1st Reading

The White Oak Rail Trail will be integrated into the Recreation Committee. Therefore, the council decided to repeal and eliminate the committee.

Motion – Repeal Oak Hill Municipal Code 2.20.070 White Rail Trail Committee.

Motion made by Council-at-Large Hannabass. Seconded by Councilmember Janney.

No discussion.

The motion carried unanimously. 7-0.

13. Update from Business Owners Association

Ms. Ibarra updated the council on the Business Association's progress. The association received a tax ID # and is chartered within the state of West Virginia. Ibarra announced four of the five board members have been filled; they are Kevin Willis, Rachel Davis, Brandon Shaw, and herself. The association will be open to all business owners, service providers, and commercial building owners. The association will focus on improving communication between local businesses and government, help entrepreneurs and encourage collaboration between businesses.

14. Consideration to Amend Ordinance 2.02.08 Council and Mayor Annual Salary: Pay the Mayor and Council Members \$100 per Meeting to Attend Appointed Meetings – 1st Reading

Oak Hill Municipal Code 2.02.08 was amended on September 13, 2021, to increase the salary of the mayor and council. Also at that time, an addition was made to compensate each member of the council \$100.00 for each standing committee they were appointed to when attending the meetings.

Motion – Amend and remove the last paragraph of Oak Hill Municipal Code 2.02.08.

Motion made by Councilmember Hodges. Seconded by Council-at-Large Hannabass.

No discussion.

The motion carried unanimously. 7-0.

Department Reports

There were no questions regarding the submitted department reports.

Police Report

Fire Dept. Report

City Manager Report

Code Enforcement Report

Motion – Accept the department reports.

Motion made by Council-at-Large Hannabass. Seconded by Councilmember Hodges.

No Discussion.

The motion carried unanimously. 7-0.

Council and Mayor Comments

The mayor polled the council members, and the following items were discussed.

- Wheeling for Hope
- Update on the City of Oak Hill logo
- Update on the Fire Department not moving ahead with the addition to the building
- The retention pond has helped Oyler Ave. and Riner Ave.
- Compliments of the well-organized Oak Leaf Festival

Future Agenda Items

None

Announcements

None

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

Ronda Falk, City Clerk

Charles Briscoe, Mayor