



CITY OF OAK HILL

AGENDA

City Council Special Meeting

February 20, 2023 - 5:30 PM

Call to Order

Purpose of Special Meeting

Consideration to Adopt an Ordinance authorizing the financing of additional costs of certain additions, betterments and improvements to the sewage system of the City of Oak Hill.

Roll Call

Invocation

Pledge of Allegiance

Business

1. Consideration on First 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 AGGREGATE 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

2. Review of the Economic Development Committee's Tax Incentive Plan to Give B&O Tax Credits to New and Existing Businesses – 2nd Reading

3. Clarification of Zoning Correction to the Property in the Plateau District Described as Surface of 208/1000 Acres on Waters of Meadow Fork., Map 30A, Parcel 1 into the Boundary of the City of Oak Hill.

Announcement

There will be a City of Oak Hill Budget Workshop following the Special Meeting.

Adjournment



City Council Special Meeting

February 20, 2023 - 5:30 PM

The Special meeting of the Oak Hill City Council was held on February 20, 2023, in the Council Chambers at Oak Hill City Hall at 5:30 p.m. Due to the mayor's absence, the city manager temporarily called the meeting to order for the council to appoint an acting mayor for the meeting. The motion was made by Councilmember Perry and seconded to appoint Councilmember Hayslette as acting mayor. The motion was carried unanimously by those in attendance.

Acting Mayor Hayslette brought the meeting to order at approximately 5:35 p.m., and the city clerk called the roll. A quorum was present.

PRESENT

Ward 1 Councilmembers

Diana Janney
Christa Hodges
David Perry

Ward 2 Councilmembers

Ronald Stephen Hayslette
Charles Smallwood, Jr.
Benitez Jackson

ALSO PRESENT

Attorney Cam Siegrist (via Zoom)

ABSENT

Mayor Daniel E. Wright
Council-at-Large Tom Oxley

The invocation was offered by Fire Chief Richardson and everyone in attendance recited the Pledge of Allegiance.

Purpose of Special Meeting

Consideration to Adopt an Ordinance authorizing the financing of additional costs of certain additions, betterments, and improvements to the sewage system of the City of Oak Hill.

Business

1. Consideration on First 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 AGGREGATE 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.

Motion – Approve this as the first reading of the 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 aggregate 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.

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.

Discussion: The Council had a brief consultation with Attorney Seagrist on the financing of the costs of additions and improvements to the sewer system and the city entering into a funding assistance agreement with West Virginia Development Authority and the West Virginia Department of Environmental Protection.

The motion carried unanimously 5-0.

2. Review of the Economic Development Committee's Tax Incentive Plan to Give B&O Tax Credits to New and Existing Businesses – 2nd Reading

The Council reviewed the Economic Development Committee's Tax Incentive Plan for new and existing businesses. The city manager explained the incentive plan will expire on June 30, 2026, and participants must complete an application and provide proof of the improvements.

Motion – Accept the recommendation as the second reading and adoption as provided by the Economic Development Committee with an inclusion of the word "existing".

The Incentive Plan will read: "Any **existing** business making \$10,000 or more in exterior improvements to a building (i.e. windows, doors, awnings, roofs, painting, or any other improvement in conjunction with our building design guidelines) will receive a 50% discount on business and occupation tax on the revenues derived from the building improved. This discount is not to exceed the tax amount based on actual revenues of the business up to \$10,000 per quarter. This tax incentive will last for one year after the completion of the improvements. An application shall be completed by the business making the improvements, along with proof of the improvements (i.e. building permit, pictures, list of materials). This incentive will expire on June 30, 2026, and all applications for the tax reduction must be completed by that date.

Any new business locating in Oak Hill will receive a 50% business and occupation tax discount not to exceed the tax amount based on actual revenues of the business up to \$100,000 per quarter. This incentive will last for one year from the opening of the business in Oak Hill.

Motion made by Councilmember Perry. Seconded by Councilmember Janney.

No Discussion.

The motion carried unanimously 5-0.

3. Clarification of Zoning Correction to the Property in the Plateau District Described as Surface of 208/1000 Acres on Waters of Meadow Fork., Map 30A, Parcel 1 into the Boundary of the City of Oak Hill.

In order to resolve a zoning correction, the council revisited its decision to annex Parcel 1 into the corporate limits of the city. The previous minutes were provided to the Council for their review. Although the council had discussed the parcel being brought into the city boundary as Industrial, it was not addressed in the motion. The city manager requested clarification of the Council's intent.

Motion – Clarify Council's intent was to annex the property into the boundary of the city zoned as Industrial for placement of a billboard sign.

Motion made by Councilmember Perry. Seconded by Councilmember Jackson.

Discussion: The council had a short discussion on the placement of the billboard sign.

The motion carried unanimously 5-0.

Announcement

There will be a City of Oak Hill Budget Workshop following the Special Meeting.

Adjournment

There was no further business. The meeting was adjourned at approximately 5:55 p.m.

Ronda Falk, City Clerk

Steve Hayslette, Acting Mayor

CITY OF OAK HILL

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 AGGREGATE 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.

WHEREAS, this Ordinance (together with any resolution supplemental hereto or amendatory hereof, or both, the "Ordinance") is enacted pursuant to the provisions of (i) Chapter 16, Article 13 and (ii) Chapter 22C, Article 2 of the Code of West Virginia, 1931, as amended (collectively, the "Act"), and other applicable provisions of law;

WHEREAS, the City of Oak Hill (the "Local Government") previously issued its City of Oak Hill Sewer Revenue Bonds, Subseries 2017 A-1 (West Virginia SRF Program); Sewer Revenue Bonds, Subseries 2017 A-2 (West Virginia SRF Program); and Sewer Revenue Bonds, Series 2017 B (West Virginia Infrastructure Fund) on September 21, 2017 (collectively, the "Prior Bonds"), to finance costs of the acquisition, construction, renovation, improvement and equipping of certain additions, betterments and improvements to the sewerage system of the Local Government for the benefit of the citizens of Oak Hill and surrounding areas, including without limitation upgrades to the Minden Road wastewater treatment plant of the Local Government (the "Project"), the plans and specifications for which Project have been prepared by The Thrasher Group, Inc., which plans and specifications have heretofore been filed with the Local Government;

WHEREAS, the Local Government has determined that additional funds are needed to finance additional costs of the acquisition, construction, renovation, improvement and equipping of the Project;

WHEREAS, the Local Government is authorized and empowered by the Act to acquire, construct, renovate, improve and equip the Project and to finance costs of such acquisition, construction, renovation, improvement and equipping of the Project from grants or other funding assistance;

WHEREAS, the Local Government has submitted an application for the Project to the West Virginia Department of Environmental Protection (the "DEP") and the West Virginia Water Development Authority (the "Authority");

WHEREAS, after reviewing the application for the Project, the DEP and the Authority have determined to offer funding assistance to the Local Government for the Project

through a principal forgiveness loan in an amount not to exceed \$500,000 (the "Funding Assistance") as to be provided in the Funding Assistance Agreement among the West Virginia Water Development Authority, the West Virginia Department of Environmental Protection and the Local Government (the "Funding Assistance Agreement");

WHEREAS, the Local Government shall endeavor to comply with all terms and requirements set forth in the Funding Assistance Agreement prior to the advancement of funds thereunder; and

WHEREAS, the City Council of the Local Government (the "Governing Body") deems it essential and desirable that this Ordinance be enacted, that the Funding Assistance Agreement be approved, that the exact principal amount, date, and other terms of the Funding Assistance be fixed hereby in the manner stated herein, and that other matters relating to the Funding Assistance be herein provided for.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OAK HILL, AS FOLLOWS:

Section 1. A. There is hereby authorized and ordered the financing of additional costs of the acquisition, construction, renovation, improvement and equipping of the Project in an amount not to exceed \$500,000 with proceeds of the Funding Assistance. The proceeds of the Funding Assistance hereby authorized shall be applied to such costs of the Project and costs of issuance of the Funding Assistance to the extent such costs of issuance are determined to be financed with proceeds of the Funding Assistance.

B. The additional costs of the acquisition, construction, renovation, improvement and equipping of the Project, including but not limited to and costs of issuance of the Funding Assistance, are currently estimated to be in the amount of \$851,536.49, including but not limited to costs of issuance of the Funding Assistance, \$500,000 of which will be obtained from the proceeds of the Funding Assistance and the balance of which will be financed with proceeds of additional sewer revenue bonds to be issued by the Local Government and/or other available funds of the Local Government available for such purpose.

Section 2. The Local Government may, if it finds the same to be acceptable, approve the Funding Assistance Agreement, including all schedules and exhibits attached thereto, by a supplemental resolution adopted by the Governing Body (the "Supplemental Resolution"), and upon such approval the execution and delivery of the Funding Assistance Agreement by the Mayor, City Manager and City Clerk of the Local Government and the performance of the obligations contained therein, on behalf of the Local Government, are hereby authorized, approved and directed.

Section 3. The Local Government hereby affirms all covenants and representations made in the application to the DEP. The Local Government hereby agrees to comply with all covenants, conditions, representations and requirements set forth in the Funding Assistance Agreement upon the approval of such Funding Assistance Agreement by the Supplemental Resolution.

Section 4. The DEP shall advance the proceeds of the Funding Assistance upon receipt of a requisition evidencing the costs incurred, the form of such requisition to be provided in the Funding Assistance Agreement. Such amounts advanced under the Funding Assistance Agreement, subject to the approval of such Agreement by the Supplemental Resolution, shall be deemed forgiven on the 30th day of June in the fiscal year in which they were advanced.

Section 5. The Local Government hereby appoints and designates Pendleton Community Bank, Inc., successor by merger to Bank of Mount Hope, Inc., Oak Hill, West Virginia, as Depository Bank for the Funding Assistance.

Section 6. The proceeds of the Funding Assistance shall be deposited in or credited to the City of Oak Hill Construction Account previously established with the Depository Bank in connection with the issuance of the Prior Bonds, as received by the Local Government for payment of costs of the Project, including costs of issuance of the Funding Assistance to the extent such costs of issuance are determined to be financed with proceeds of the Funding Assistance.

Section 7. Upon the approval of the Funding Assistance Agreement by the Supplemental Resolution, the Mayor, City Manager and City Clerk of the Governing Body are hereby authorized and directed to execute and deliver the Funding Assistance Agreement and such other documents and certificates required or desirable in connection with the Funding Assistance hereby and by the Funding Assistance Agreement approved and provided for, to the end that the Funding Assistance may be delivered to the Local Government pursuant to the Funding Assistance Agreement on or about April 25, 2023.

Section 8. The financing of the additional costs of the acquisition, construction, renovation, improvement and equipping of the Project as described herein, including but not limited to costs of issuance of the Funding Assistance to the extent such costs of issuance are determined to be financed with proceeds of the Funding Assistance, is in the public interest, serves a public purpose of the Local Government and will promote the health, welfare and safety of the residents of the City of Oak Hill.

Section 9. The Local Government hereby approves and accepts all contracts relating to the financing, acquisition, construction, renovation, improvement and equipping of the Project to the extent not previously approved and accepted and the Mayor, City Manager and City Clerk are each hereby authorized and directed to execute and deliver all such contracts.

Section 10. The Local Government hereby approves the costs of issuance and authorizes the payment of the same upon the closing of the Funding Assistance.

Section 11. The Governing Body covenants that all acts, conditions, things and procedures required to exist, to happen, to be performed or to be taken precedent to and in the enactment of this Ordinance do exist, have happened, have been performed and have been taken in regular and due time, form and manner as required by and in full compliance with the laws and Constitution of the State of West Virginia applicable thereto; and that the Mayor, City Manager, City Clerk and members of the Governing Body were at all times when any actions in connection with this Ordinance occurred and are duly in office and duly qualified for such office.

Section 12. Upon enactment hereof, an abstract of this Ordinance, substantially in the form attached hereto as Exhibit A, which is determined by the Governing Body to contain sufficient information as to give notice of the contents hereof, shall be published once a week for 2 successive weeks within a period of 14 consecutive days, with at least 6 full days intervening between each publication, in a qualified newspaper published and of general circulation in the City of Oak Hill, together with the notice set forth therein stating that this Ordinance has been adopted and that the Local Government contemplates entering into the Funding Assistance Agreement, and that any person interested may appear before the Governing Body upon a date certain, not less than 10 days subsequent to the date of the first publication of the said abstract and notice, and present protests, and that a certified copy of the Ordinance is on file in the office of the City Clerk for review by interested parties during the office hours of the City Clerk.

At such hearing, all objections and suggestions shall be heard and the Governing Body shall take such action as it shall deem proper in the premises.

Section 13. This Ordinance shall take effect following the public hearing described in Section 12 above.

Passed on First Reading	February __, 2023
Passed on Second Reading	March __, 2023
Passed on Final Reading and Effective following public hearing held on	April _____, 2023

[SEAL]

Mayor

City Clerk

CERTIFICATION

Certified as a true copy of an Ordinance duly enacted by the City Council of the City of Oak Hill on March __, 2023, and passed on final reading and put into effect following a public hearing held on April __, 2023.

Dated this __ day of April 2023.

[SEAL]

City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

CITY OF OAK HILL
NOTICE OF PUBLIC HEARING
ON SEWER FUNDING ASSISTANCE ORDINANCE

A public hearing will be held on the following entitled Ordinance at a regular meeting of the City Council of the City of Oak Hill to be held on Monday, April 10, 2023 at 5:30 p.m., in the Council Chambers at the Oak Hill City Hall, 100 Kelly Avenue, Oak Hill, West Virginia, and at such hearing any person interested may appear before the City Council and present protests, all objections and suggestions shall be heard by the City Council and it shall then take such actions as it shall deem proper in the premises 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 AGGREGATE 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.

The above-entitled Ordinance was enacted by the City Council of the City of Oak Hill on [March 13, 2023].

The above quoted title of the Ordinance describes generally the contents thereof and the purposes of the funding assistance contemplated thereby. The City of Oak Hill contemplates entering into the Funding Assistance Agreement in the aggregate principal amount of \$500,000 among the West Virginia Water Development Authority, the West Virginia Department of Environmental Protection and the City of Oak Hill (the "Funding Assistance Agreement") described in said Ordinance. The proceeds of the Funding Assistance Agreement will be used to provide financing for the additional costs of the acquisition, construction, renovation, improvement and equipping of certain additions, betterments and improvements to the sewerage system of the City of Oak Hill, including without limitation upgrades to the Minden Road wastewater treatment plant of the City of Oak Hill. No taxes may at any time be levied for the payment amounts advanced pursuant to the Funding Assistance Agreement.

A certified copy of the above-entitled Ordinance is on file at the office of the City Clerk of the City of Oak Hill in the Oak Hill City Hall, 100 Kelly Avenue, Oak Hill, West Virginia, for review by interested parties during regular office hours.

Following the said public hearing, the City Council intends to enact said Ordinance on final reading and put said Ordinance into effect.

Dated: March __, 2023.

/s/ Damita Johnson, City Clerk

Any business making \$10,000 or more in exterior improvements to a building (i.e. windows, doors, awnings, roofs, painting, or any other improvement in conjunction with our building design guidelines) will receive a 50% discount on business and occupation tax on the revenues derived from the building improved. This discount is not to exceed the tax amount based on actual revenues of the business up to \$100,000 per quarter. This tax incentive will last for one year after the completion of the improvements. An application shall be completed by the business making the improvements, along with proof of the improvements (i.e. building permit, pictures, list of materials). This incentive will expire on June 30, 2026 and all applications for the tax reduction must be completed by that date.

Any new business locating in Oak Hill will receive a 50% business and occupation tax discount not to exceed the tax amount based on actual revenues of the business up to \$100,000 per quarter. This incentive will last for one year from the opening of the business in Oak Hill.

CONRAD & CONRAD PLLC
ATTORNEYS AT LAW

ERWIN L. CONRAD
JAMISON T. CONRAD

215 West Maple Avenue
P.O. Drawer 958
Fayetteville, WV 25840

Telephone (304) 574-2800
Fax (304) 574-2460

July 27, 2022

Via Fax No.: 304-469-2801 & U. S. Mail
Damita Johnson, CPA
City Manager
City of Oak Hill
P. O. Box 1245
Oak Hill, W. Va. 25901

**RE: Application of Treetop Property Development, LLC
For annexation of that certain .208 Acre Tract referenced
in the Petition to Annex annexed hereto together with the
Metes and Bounds Description and a Color Map of the Property**

Dear City Manager Johnson:

Please find enclosed herewith the Annexation Application together with the Metes and Bounds Description shown on the attachment together with a color map of the property and its proximity to the City of Oak Hill City Limits.

Should you require anything further, please advise.

Best regards,



Erwin L. Conrad

ELC/rec

Enclosures

Petition to Annex into the Corporate
Limits of the City of Oak Hill

The following property owners hereby petition to be annexed into the City of Oak Hill. The property is properly described

as "Parcel 4: Surface 208/1000 acres on waters of Meadow Fork," shown on Assessor's Tax Map 30A, Parcel 1, Plateau District, Fayette County, W. Va. conveyed to Treetop Property Development, LLC by Homeseekers Limited Liability Company by Deed dated April 1, 2022, of record in the Office of the Clerk of the Fayette County Commission in Deed Book 822, Page 657.

Attached is a metes and bounds description of the said property.

TREETOP PROPERTY DEVELOPMENT, LLC

Thomas E. Ballard III (signed) July 27, date 2022
THOMAS E. BALLARD, III (print)

Sworn to and subscribed

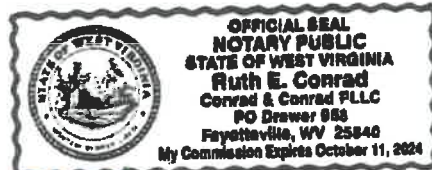
Before me this 27th day

Of July A.D. 20 22

Ruth E. Conrad

Notary Public

My Commission expires October 11, 2024



PETITION TO ANNEX INTO THE CORPORATE LIMITS OF CITY OF OAK HILL

BY

**TREETOP PROPERTY DEVELOPMENT, LLC
(PARCEL 1, TAX MAP 30A, PLATEAU DISTRICT)**

METES AND BOUNDS DESCRIPTION

Tract or Parcel situate in Plateau (formerly Fayetteville) District, Fayette County, West Virginia, more particularly bounded and described as follows, to-wit:

"Beginning at a stake on the old location of the Giles, Fayette & Kanawha Turnpike near a set stone corner to C. T. Jones Estate and running S 2° 14' E. 117 feet to a point on a rock; thence, running with the road that leads to the home of Palmer and others (the Jack Smith Lands) W. 46° 5' E. 187.3 feet to a stake on the side of said road; thence, leaving said road and running North 38° 20' E. 291.1 feet to a stake in the line of said C. T. Jones Estate; thence, running with the said Jones Estate N. 86° 48' W. 323 feet to the beginning, bearing being with reference to the magnetic meridian of 1944 and the Lot of Land containing 1 acre.

There is, however, **EXCEPTED** and **RESERVED** therefrom, a 0.792 acre tract conveyed to the West Virginia Department of Highways as Parcel 69-1, Project F173(28) leaving a residue of .208 of an acre.

See Map Description annexed hereto and incorporated herein by reference.

Map 30A Parcel 1

84



7/28/2022, 10:03:54 AM

Fayette_2020

Red: Band_1

Green: Band_2

1:2,257

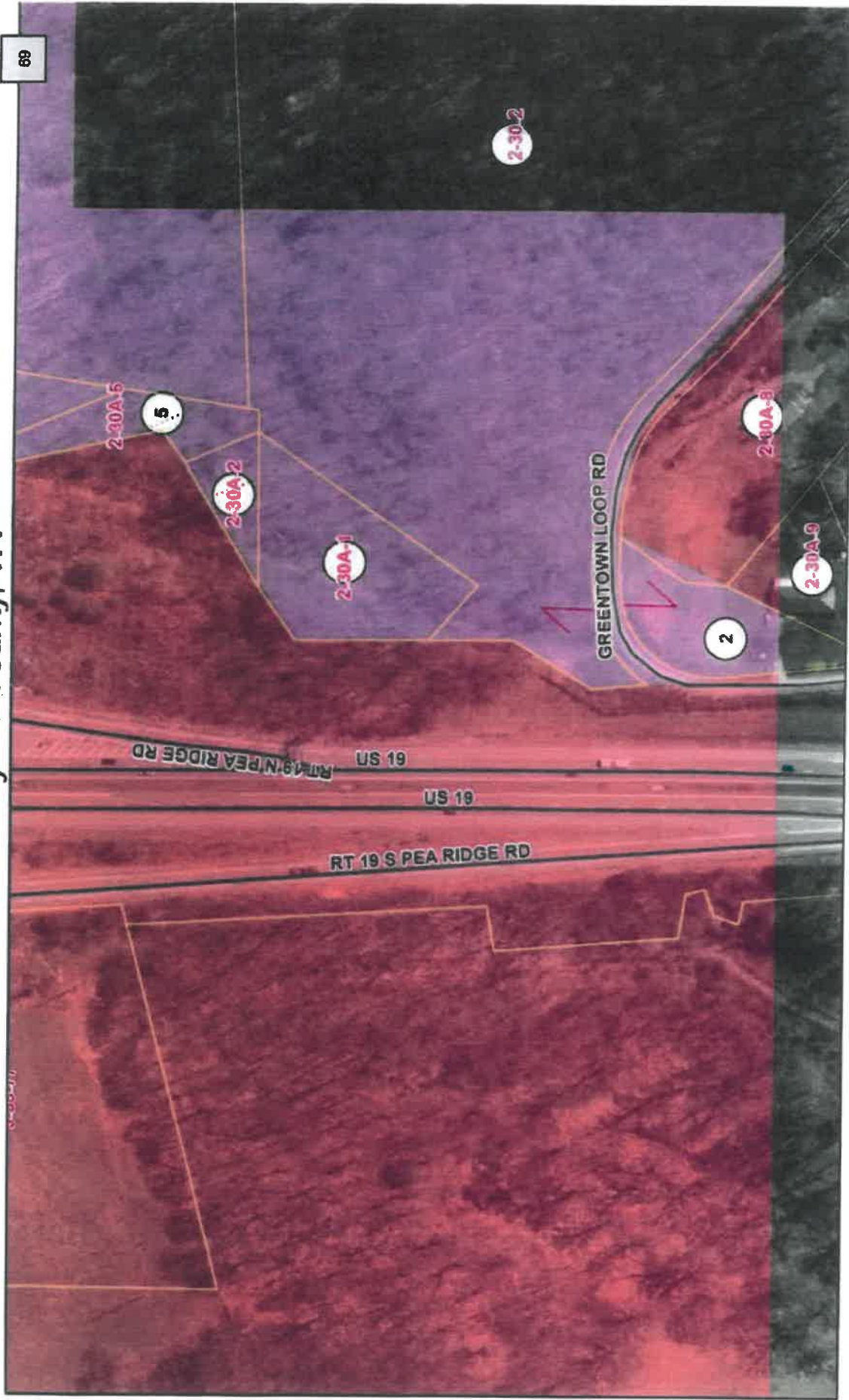
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VITA_Eas_HERE_Garmin_GeoTechnologies Inc NGA_USGS

VITA_Eas_HERE_Garmin_GeoTechnologies Inc NGA_USGS Earthstar Geographics

Fayette County, WV



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7/28/2022, 9:01:45 AM

Zoning	Fayette_2020	Raleigh_2018	County Boundary	LandHooks
R-R	Red: Band_1	Red: Band_1	Parcels	Lot_Lines
R-2	Green: Band_2	Green: Band_2	Fayette_Street	PIN
	Blue: Band_3	Blue: Band_3		

Scale: 1:2,257
 0 0.01 0.02 0.03 0.04 0.09 K
 VITA, Est. HERE, Garmin, GeoTechnologies, Inc., NGA, USGS