



CITY OF OAK HILL PUBLIC MEETING MARCH 6, 2023, 5:30 P.M.

Call to Order

Roll Call

Invocation

Pledge of Allegiance

Purpose of meeting

Council's Recommendation to Amend the following Sections of the City of Oak Hill's Charter.

SECTION 6. The Council and Mayor; Qualifications; Terms and Salaries; Vacancies; Power of Removal of Officers

RECOMMENDED CHANGES:

Item # 2. All members of Council and the Mayor must be citizens of the United States, qualified voters, and bona fide residents of the City and over the age of 18 years. All members of Council representing a ward must be bona fide residents of the ward which they represent. The required residency must be maintained throughout the term of office. No member of Council or the Mayor shall hold during their term of office any other public office or position, ~~including membership on any political executive committee.~~

~~Item # 7. The Council shall have and is hereby granted the power and authority to remove from office any officer, whether elected or appointive, for cause or upon written charges preferred by any responsible citizen of the city to the Council; but to remove from office under this provision at least six members of the Council must be present and at least five shall concur in such removal, and the officer against whom the charges are preferred shall be served with notice of the same, together with the notice of the time of hearing, a reasonable time prior thereto, and shall likewise receive a copy of the charges preferred showing the nature thereof; he shall have the right to be represented before the Council in person and by attorney and may require that all witnesses be sworn and testify under oath before the Council and to have the testimony taken down. In the event of proceedings hereunder against any elective officer of the City no special election as to the question of the recall of such officer shall thereafter be held during the same term of office of that officer and in the event of such special election being held as to any election officer no proceedings shall be had hereunder during the same time of office of that officer as to him, the remedies provided herein and by the recall provision of this charter being mutually exclusive and not cumulative. "See W.Va. Code for authority to remove Council members from office".~~

SECTION 7. Qualification of Voters; Registration

RECOMMENDED CHANGES:

Item # 1. Every person who shall have resided within the territory of the City for ~~thirty~~ **twenty-one** days next preceding an election held therein, and who is a qualified voter under the laws and Constitution of this State, and none others, shall be entitled to vote at any election held within the City.

SECTION 9. Meetings of the Council; Rules of Procedure; Journal

RECOMMENDED CHANGES:

Item # 1. Regular meetings of the Council shall be held on the second Monday of each month, at such hour as the Council may by rule prescribe. **Council may also change the day of the meeting if circumstances make it necessary to do so.** Special meetings may be held at any time upon the call of the mayor or any four councilmen and upon such notice as the Council may by rule prescribe. A majority of the full membership of the Council shall constitute a quorum for the doing of business but a lesser number may adjourn the meeting from time to time. All meetings of the Council shall be open to the public and any citizen of the City shall have the right to be heard by the Council at such times and under such reasonable rules as the Council may by rule prescribe.

SECTION 10. Powers of the Council; Appointment and Salary of the City Manager; Qualifications; Removal; Appointment of Chief and Members of Police Department

RECOMMENDED CHANGES:

Item # 2. The Council shall appoint a City Manager to serve for such period of time as it and the Manager may by contract agree, but such contract shall not, in any event, be for a longer period of time and the length of the term then remaining of the Council so appointing the Manager. Such contract shall expressly provide that it is subject to all provisions of this Charter. The Council shall fix the salary of the Manager in such contract. The Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications, with special reference to his experience and training in the field of city management. ~~During his tenure of office~~ **The City Manager shall reside within the City during his/her tenure.** No councilman or Mayor, during ~~his~~ **their** term of office and for one year thereafter, shall be eligible for appointment as City Manager.

SECTION 10(a) Powers and Duties of the Mayor

RECOMMENDED CHANGES:

Item # 2. ~~In the absence of the Mayor,~~ the Council, by majority vote, shall select one of its members to **serve as Vice Mayor and** preside at meetings of Council and otherwise perform the Mayor's duties during ~~the Mayor's such~~ **absence.** **This selection shall take place at the first meeting of a newly seated Council.**

SECTION 11 Council Not To Interfere In Appointments Or Removals

RECOMMENDED CHANGES:

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or any of his subordinates; nor, except upon the express request of the City Manager, shall the Council or any of its members suggest or advise any such appointment or removal, but nothing herein contained shall in any manner affect or abrogate the right of the Council, as a body, to require the Manager to conform to its lawful orders and to be strictly responsible for the proper conduct and administration of his duties. **The City Manager will advertise all vacancies for a period of time that he/she deems appropriate for the position being advertised.**

Interviews for the vacant position will be conducted by the City Manager and the head of the department in which the vacancy occurs. The City Manager will make a recommendation for hiring to Council and Council may approve or disapprove the recommendation. If the recommendation for the position is not approved by Council, the hiring process herein outlined will start over. The City Manager may terminate the employment of any employee working for the City of Oak Hill except those appointed by Council. Either the employee being terminated or the City Manager, within seven (7) days may request a hearing before Council for a final determination of the employee's employment status.

SECTION 12 Powers and Duties Of The City Manager

RECOMMENDED CHANGES:

1. The City Manager shall be the chief executive officer and the head of the administration branch of the City government. He/She shall be responsible to the Council for the proper and efficient administration of all affairs of the City and to that end, subject to the provisions of this Charter, shall have power and shall be required to:

- a. Appoint, and when deemed necessary or advisable, remove, all officers and employees of the City except as otherwise provided by this Charter ~~and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;~~
- b. Prepare the annual budget and submit it to the Council and be responsible for its administration after adoption by the Council;
- c. Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- d. Keep the Council advised concerning the financial condition and future needs of the City and make such recommendations as to ~~him may seem desirable~~ Council;
- e. Perform such other duties as may be required of him/her by this Charter, by general law, or by order of the Council.

2. The Manager may by letter filed with the City Clerk designate some qualified administrative officer of the City to perform the duties of the Manager during his temporary absence or disability. If the Manager fails to make such designation, the Council may by resolution appoint an officer of the City to act for the Manager during his absence or disability.

SECTION 14 Treasurer

RECOMMENDED CHANGES:

The ~~Council~~ City Manager shall appoint a City Treasurer (as per Section 11 of this Charter) to serve at ~~its~~ his/her will and pleasure and shall fix his/her salary. The Treasurer shall be responsible for the custody of all City funds and for their disbursement on such order or requisition as the Council may prescribe. He/she shall, under the supervision of the City Manager, be charged, except as may be otherwise provided by law, with the collection of taxes, special assessments and other revenues. It shall be the duty of the Treasurer to see that the accounts of the City are kept in a detailed and systematic manner, under the proper classification so as to show the bonded and other indebtedness of the City, and the amounts and claims due the City, as well from taxes, levies and assessments as from other sources. The City Treasurer shall, under the direction of the Manager, assist in the preparation of the levy estimate for each year and shall submit the same to the Council in accordance with its direction.

SECTION 16 Administrative Offices and Departments

RECOMMENDED CHANGES:

1. There shall be in the City government a Police Department, a Fire Department, a Street Department and such other administrative departments as may by ordinance be created by the Council. Each department shall have such powers and duties as may be assigned to it by the Council. The City Manager shall appoint, subject to the confirmation thereof by the Council, as the head of each department except the Police Department, a chief or director, who shall be responsible for the efficient administration of the department and subject to the supervision and direction of the Manager. Two or more departments may be headed by the same individual and the Manager may, with the approval of the Council, be the head of one or more departments.

~~2. The Council may by ordinance create, combine, change or abolish offices, departments or agencies, other than those established by this Charter. The Council may assign additional duties or functions to any office, department or agency created by this Charter but may not discontinue or transfer any function or duty assigned by the Charter to any particular office, department or agency.~~

SECTION 19 Ordinances

RECOMMENDED CHANGES:

~~1. In addition to such acts of the Council as are required by this Charter or by general law to be by ordinance, every act of the Council establishing a fine or other penalty or providing for the contracting of indebtedness, shall be by ordinance. All ordinances hereafter enacted shall be enacted in accordance with the provisions of this Charter, the general laws of this State and particularly with the provisions of Chapter Eight A of the West Virginia Code of 1943, as amended.,~~

~~2. The enacting clause of all ordinances shall be: "Be it enacted and ordained by the Council of the City of Oak Hill."~~

The City of Oak Hill will enact ordinances in accordance with § 8-11-4 of West Virginia State Code

SECTION 20 Effect of Charter on Existing Ordinances And Administrative Rules And Regulations

RECOMMENDED CHANGES:

All existing ordinances and all existing administrative rules, regulations and practices, if not inconsistent or in conflict with this Charter, shall continue in full force and effect until repealed or modified by the Council or other competent authority of the City. ~~and, without limiting the generality of the foregoing, the ordinance relating to zoning of the City for business, building and other purposes as adopted on the 7th day of January, 1946, shall remain in full force and effect in all respects.~~ All ordinances, rules, regulations and practices **as that** are inconsistent or in conflict with this Charter shall, unless sooner repealed or modified, continue in full force and effect for a period of sixty days only, and at the end of that period shall to the extent of such inconsistency or conflict be of no further force or effect.

SECTION 22 Preparation, Submission And Adoption Of Budget

RECOMMENDED CHANGES:

1. The City Manager shall **prepare a budget in accordance with West Virginia State Code and present to Council for adoption by the date established by West Virginia Auditors Office.** ~~in accordance with the provisions of this Charter and under such rules and regulations as the Council may prescribe, at least thirty days prior to the beginning of each budget year, submit to the Council a proposed budget and budget explanatory message in the form as desired by the Council. A public hearing on the question of the adoption of the proposed budget shall be held by the Council not later than fifteen days prior to the beginning of the budget year and the budget shall be adopted by the favorable vote of at least a majority of all the members of the Council.~~

~~The budget shall be adopted not later than the twenty-seventh day of the last month of the fiscal year prior to the beginning of the new budget year. Should the Council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been adopted by the Council and shall be in effect for the budget year, but the budget, as adopted, shall be subject to such revision by the Council as may be appropriate for the laying of the levy for the ensuing year.~~

SECTION 30 Preservation Of Prior Taxing Powers

RECOMMENDED CHANGES:

~~The City shall have all the powers of taxation, other than property taxes, which are contained and were granted to its predecessor municipal corporation, and which are not in conflict with general law, as were contained in the Charter of such prior corporation as contained and enacted in House Bill Number 71, Chapter 16 of the Acts of the Legislature of West Virginia, one thousand nine hundred twenty-five.~~

The City shall have all the powers of taxation as prescribed by § 8-13-11 of West Virginia State Code.

Adjournment



MINUTES PUBLIC MEETING

March 6, 2023, 5:30 p.m.

The Public Meeting was held on March 6, 2023, in the Council Chambers at Oak Hill City Hall at 5:30 p.m. The mayor called the meeting to order and explained the reason for the public meeting was to receive input on the proposed changes to the Municipal Charter. The mayor announced objections are required to be in writing and submitted to the city manager.

Pledge of Allegiance & Invocation

Councilmember Perry led the group in the Pledge of Allegiance and performed the Invocation.

Councilmember Perry requested unanimous consent to have the city clerk assist the city manager in conducting the meeting due to her dysphonia. There were no objections.

Roll Call

The City Clerk called the roll and a quorum was present.

PRESENT

Mayor Daniel Wright
Ward 1 Councilmembers
Diana Janney
David Perry
Ward 2 Councilmembers
Ronald Stephen Hayslette
Benitez Jackson
Charles Smallwood, Jr.

ABSENT

Council-at-Large Thomas Oxley
Ward 1 Councilmember Christa Hodges

Also Present

City Manager Damita Johnson
City Clerk Ronda Falk

The city clerk declared that written objections from Bill Hannabass, Chris Gill, and Christa Hodges were received prior to the meeting. The Clerk systematically progressed through the recommended Charter changes. At the conclusion, the meeting attendees were informed Council will meet on March 13, 2023, and make the decision to abandon the changes or submit the proposed amendments to which objections have been filed in the next municipal election; anyone wishing to withdraw their objections will have ten days from the meeting to withdraw their objections.

The clerk read into the record a portion of WV Code §8-4-8.

If, on the date and at the time and place set for the hearing, objections to the amendment or amendments are filed and are not withdrawn then or within 10 days thereafter, the governing body may abandon the proposed amendment or amendments to which objections have been filed, or it may submit the proposed

amendment or amendments, either as a unit or separately, at the next regular municipal election, or at a special municipal election if such governing body by the affirmative vote of two-thirds of its members shall determine and specify that a special municipal election is necessary and if the date of such regular municipal election shall be more than six months from such date, for ratification or rejection.

Public comment

The following residents: Jim Aleshire, Jim Ayers, and Bill Hannabass disclosed their opposing viewpoints. Jim Aleshire and Jim Ayers objected to Section # 11; William Hannabass objected to all proposed amendments and later submitted a written statement offering to withdraw objections to the Charter Amendments for all sections except # 11 and # 12 contingent upon the council abandoning sections # 11 and # 12.

The city clerk acknowledged Charter Sections 6, 7, 9, 10, and 10 (a) were reviewed by the council as the 1st reading at the December 12, 2022, regular meeting, and Charter Sections 11, 12, 14, 16, 19, 20, 22, and 30 were reviewed as the 1st reading at the council's regular meeting on January 9, 2023.

The mayor communicated no written objections will be received after the meeting is adjourned. Council had a five-minute recess. Upon return, the city manager received a written objection from Jim Ayers and Diana Janney.

Total written objections received were:

1. *William Hannabass* opposed Sections 6, 7, 9, 10, 10(a), 11,12, 14, 16, 19, 20, 22, and 30. He submitted a letter stating he will withdraw objections for all sections except Sections # 11 and # 12 contingent upon the council abandoning sections # 11 and # 12.
2. *Chris Gill* opposed Section # 11.
3. *Christa Hodges* opposed Sections # 11 and # 14.
4. *Jim Ayers* opposed Sections # 6, 7, 9, 10, 10(a), 11,12, 14, 16, 19, 20, 22, and 30.
5. *Diana Janney* opposed Sections # 11 and # 12.

Council did not conduct any business or vote on any matter during the public hearing.

Announcement

In Celebration of Black History, the City of Oak Hill will be presenting a program by the Honorable Larry L. Rowe on his book *Virginia Slavery & King Salt in Booker T. Washington's Boyhood Home* on March 18, 2023, at 1:00 p.m.

The public hearing was closed and the meeting was adjourned at approximately 6:20 p.m.

Ronda Falk, City Clerk

Daniel E. Wright, Mayor



CITY OF OAK HILL

CHARTER CHANGE REQUEST

Charter/Ordinance Review Committee's Recommendation to Amend Charter

SECTION 6. The Council and Mayor; Qualifications; Terms and Salaries; Vacancies; Power of Removal of Officers

RECOMMENDED CHANGES:

Item # 2. All members of Council and the Mayor must be citizens of the United States, qualified voters, and bona fide residents of the City and over the age of 18 years. All members of Council representing a ward must be bona fide residents of the ward which they represent. The required residency must be maintained throughout the term of office. No member of Council or the Mayor shall hold during their term of office any other public office or position, ~~including membership on any political executive committee.~~

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SECTION 20 Effect of Charter on Existing Ordinances And Administrative Rules And Regulations

RECOMMENDED CHANGES:

All existing ordinances and all existing administrative rules, regulations and practices, if not inconsistent or in conflict with this Charter, shall continue in full force and effect until repealed or modified by the Council or other competent authority of the City ~~and, without limiting the generality of the foregoing, the ordinance relating to zoning of the City for business, building and other purposes as adopted on the 7th day of January, 1946, shall remain in full force and effect in all respects.~~ All ordinances, rules, regulations and practices ~~as that~~ are inconsistent or in conflict with this Charter shall, unless sooner repealed or modified, continue in full force and effect for a period of sixty days only, and at the end of that period shall to the extent of such inconsistency or conflict be of no further force or effect.

SECTION 22 Preparation, Submission And Adoption Of Budget
RECOMMENDED CHANGES:

1. The City Manager shall prepare a budget in accordance with West Virginia State Code and present to Council for adoption by the date established by West Virginia Auditors Office. ~~in accordance with the provisions of this Charter and under such rules and regulations as the Council may prescribe, at least thirty days prior to the beginning of each budget year, submit to the Council a proposed budget and budget explanatory message in the form as desired by the Council. A public hearing on the question of the adoption of the proposed budget shall be held by the Council not later than fifteen days prior to the beginning of the budget year and the budget shall be adopted by the favorable vote of at least a majority of all the members of the Council.~~

~~The budget shall be adopted not later than the twenty-seventh day of the last month of the fiscal year prior to the beginning of the new budget year. Should the Council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been adopted by the Council and shall be in effect for the budget year, but the budget, as adopted, shall be subject to such revision by the Council as may be appropriate for the laying of the levy for the ensuing year.~~

SECTION 30 Preservation Of Prior Taxing Powers
RECOMMENDED CHANGES:

~~The City shall have all the powers of taxation, other than property taxes, which are contained and were granted to its predecessor municipal corporation, and which are not in conflict with general law, as were contained in the Charter of such prior corporation as contained and enacted in House Bill Number 71, Chapter 16 of the Acts of the Legislature of West Virginia, one thousand nine hundred twenty five.~~

The City shall have all the powers of taxation as prescribed by § 8-13-11 of West Virginia State Code.

Ronda Falk

From: Bill Hannabass <WHannabass@outlook.com>
Sent: Sunday, March 5, 2023 11:19 AM
To: Ronda Falk; Damita Johnson
Subject: Objection to Charter Amendment

Objection to Charter Amendments proposed for the City of Oak Hill. Submitted March 5, 2023 by Bill Hannabass, resident of the City of Oak Hill.

One of the primary responsibilities of the city manager is to ensure that the most qualified personnel are employed in the municipality. Without the necessary authority to hire employees, the city manager may only be able to recommend potential hires to the governing body, while lacking the power and resources to select, hire or fire employees as the situation demands. For this reason, it is essential that the charter grant the city manager autonomous authority and responsibility to hire employees as needed and appropriate.

By allowing the city manager to hire personnel, the municipality can benefit from improved efficiency in hiring and firing decisions. Employees will be more likely to be hired on the basis of merit, as the city manager will be able to select the best candidates for the job rather than simply selecting the most politically advantageous or popular hires. Additionally, potential conflicts of interest, such as those associated with appointing people through a patronage system, can be avoided with this practice.

To summarize, allowing the city manager authority to hire employees should not be amended in the charter. Granting this authority provides the municipality with numerous benefits, including increased efficiency, merit-based hiring practices, and protection from potential legal action. Ultimately, not only will this lead to the successful operation of the municipality, but will ensure that the most qualified personnel are employed.

I hereby formally object to all proposed amendments to the Charter of the City of Oak Hill. Parts of proposed amendments are innocuous, however, are included to make the amendments a long read and confuse the voter if the city council incorrectly decides to put the matter on the ballot. In which case I urge all voters to vote NO to amend the charter. I urge Council to abandon the amendments.

Note: please consider this as an objection **AND** correspondence during the council meeting at which Council takes action to abandon or place the amendments on the ballot.

Sincerely,

Bill Hannabass

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3/6/2023

I William C. Hannabus withdraw
objections to the Charter amendment
for all sections except #11 and #12
contingent upon Council abandoning
sections 11 and 12.

William C. Hannabus

Chris Gill

217 Patterson St.
Oak Hill WV 25901
cdkpgill1@aol.com

March 6, 2023

City of Oak Hill
City Manager, Damita Johnson
100 Kelly Ave, Oak Hill WV, 25901

Dear City Manager, Damita Johnson

I am writing in regards to the proposed Charter changes for the City of Oak Hill.

This letter is to be made known, at the Public Hearing on March 6, 2023, that I stand in objection to the proposed changes to the City Charter in Section 11 as presented.

As an appointed member of the Charter/Ordinance Committee at the time of the meetings I was opposed to the change in Section 11, that headlines, Council Not To Interfere In Appointments Or Removals, and further explains the process.

My stance on this has remained unchanged. I am still in objection to the proposed changes.

By changing this portion of the Charter, I believe the very real possibility will exist, for things such as political motives, favoritism's, personal agendas, political affiliations, etc. to become factors of the City Council for the hiring/firing process of the City Employees.

I ask that you reconsider the changes, and decide to leave the Charter as it is currently with no changes to be considered.

Sincerely yours,



Christopher D. Gill

Ronda Falk

From: Christa Hodges <christahodgesww@gmail.com>
Sent: Monday, March 6, 2023 5:00 PM
To: Damita Johnson; Ronda Falk
Subject: Object

Damita,

I am writing to object to section 11 and section 14.

Thank you

Christa Hodges

3/6/2023

I JAMES AYRES

302 HALSTEAD AVE. OAK HILL

OBJECT TO SEC. 6-7-9-10-10A-11-
12-14-16-19-20-22-30

James Ayres

March 6, 2023

City of Oak Hill
Attn: ^{City} Manager

Dear City Manager

I Am asking to oppose change
in Section 11 and 12.

It should not be changed.
Political motives could exist in
future.

Thank you!
Councilwoman
Diana Tanner
Ward I