

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,**  
2 **NOVEMBER 7, 2018**

3  
4 The Council of the City of Moundsville met in regular session in the Council Chambers on  
5 November 7, 2018 at 7:00 P.M.  
6

7 Meeting was called to order by Mayor Allen R Hendershot, who also provided an invocation  
8 followed by the Pledge of Allegiance.  
9

10 Acting City Clerk Kaufman called the roll and the following councilpersons were in attendance:  
11 DeWitt, Haynes, Hunt, Vice Mayor Remke, Saunders, Wood and Mayor Hendershot. Also  
12 present were Interim City Manager Hewitt, Recreation Director Coville, Public Works Director  
13 Stocklask, Assistant Fire Chief Kimple, Police Chief Mitchell, Building Inspector Wilson, CPA  
14 Goddard, Attorney White, and Acting Clerk Kaufman.  
15

16 **MINUTES:**

17 **Regular Council Meeting of October 16, 2018**

18 Councilperson Hunt made a motion to accept the October 16, 2018 minutes as presented. Motion  
19 was seconded by Councilperson DeWitt and carried unanimously.  
20

21 **Special Council Meeting of October 23, 2018**

22 Councilperson Haynes made a motion to accept the October 23, 2018 Special Council Meeting  
23 minutes. Motion was seconded by Vice Mayor Remke. Motion carried unanimously.  
24

25 **GENERAL PUBLIC HEARING:**

26 \*Michael Kuzma, Commander of the Moundsville Veterans Honor Guard, approached Council  
27 for a project undertaken by the Boys Scouts to furnish shadow boxes with a American Flag inside  
28 for families of veterans that are presented at funerals. This case contains a full size flag. These  
29 are offered not only to veterans' families in Marshall County but also to Ohio County and a few  
30 outside in Ohio and Pennsylvania. Requested a donation to continue this. Also, sponsoring a  
31 steak fry this Saturday at the American Legion to help with the cost.  
32

33 Vice Mayor Remke made a motion for the City to donate \$100.00 toward the display cases,  
34 seconded by Councilperson DeWitt. Motion was rescinded to take to Finance Committee for  
35 approval, seconded by Councilperson DeWitt. Motion carried.  
36

37 \*Thomas James, 221 Thorn Avenue, came before Council to make a complaint about the  
38 neighbors living at 223 ½ Thorn Avenue (John Lucas). There are ongoing issues with this  
39 location due to the fact that illegal activity is happening such as drugs and breaking and entering  
40 at his house. This has been in operation for two decades. There have been police officers come  
41 out and closed the street down for search warrants to be executed but nothing changes. His  
42 stolen property has been found in this location. The person doing this has never been jailed. He  
43 has been made a target. Wants something done about this. House needs to be removed.

1 \*Angel Tocar, 223 Thorn Avenue, is experiencing the same issues with this property. Also,  
2 damage is occurring to vehicles. Have called and begged to have this stopped.  
3 Vice Mayor Remke stated that this place is a total dump. Has junk everywhere. Grass is never  
4 cut.

5  
6 Mayor Hendershot asked Police Chief to check into this and report back to Council.  
7 Chief said these people have been cited and been in court. This is an ongoing investigation.

8  
9 \*Don McNabb addressed Council concerning illegal parking within City limits. Wheel chair and  
10 handicap accessible parking spaces lined off for wheel chairs in both the WalMart and Kroger  
11 Plaza are being abused. Has called the Police Department and officer responded to the WalMart.  
12 Called DMV in Charleston and was told that tag or no tag being parked in that area, vehicles can  
13 be towed. Was told the jurisdiction belongs to the City where this occurs. Chief Mitchell stated  
14 the officers will patrol this and can write tickets for handicap and fire lane on private property.

15  
16 **OLD BUSINESS:**

17 **A) Discussion and Approval of an Ordinance Prohibiting the Drilling Into and Extraction**  
18 **of Groundwater Within the Restricted Use Area (901 Lafayette Avenue) (Second Reading)**

19  
20 Attorney White read the ordinance by title only:

21 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST**  
22 **VIRGINIA, CREATING AND ENACTING SECTION 1381.21(b) OF THE MUNICIPAL**  
23 **CODE OF THE CITY OF MOUNDSVILLE TO PROVIDE FOR A RESTRICTED USE**  
24 **AREA IN THE CITY OF MOUNDSVILLE FOR THE PURPOSE OF PROHIBITING**  
25 **THE DRILLING INTO AND THE EXTRACTION OF GROUNDWATER WITHIN SAID**  
26 **RESTRICTED USE AREA (SECOND READING)**

27  
28 Vice Mayor Remke made a motion to approve this ordinance on second reading, which was  
29 seconded by Councilperson Wood. Mayor Hendershot asked for a roll call vote, to which the  
30 Mayor announced the following tally: 7 yeas. Motion carried unanimously.

31  
32 **B) Discussion and Approval of an Ordinance to Permit Family Dwelling Units on the**  
33 **Second and Third Floors of Business Districts. (Second Reading)**

34  
35 Attorney White read the ordinance by title only:

36 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, PROVIDING**  
37 **TO PERMIT MIXED BUSINESS AND RESIDENTIAL USES IN C-2 (HISTORIC AND**  
38 **NEIGHBORHOOD COMMERCIAL DISTRICTS) AS CONDITIONAL USES**  
39 **PURSUANT TO THE MOUNDSVILLE ZONING CODE (SECOND READING)**

40  
41 Councilperson Haynes made a motion to approve this ordinance on second reading, which was  
42 seconded by Vice Mayor Remke. Mayor Hendershot stated this was in the original zoning and  
43 was omitted and being replaced. Mayor called for a roll call vote, to which the Mayor announced

1 the following tally: 7 yeas. Motion carried unanimously.  
2

3 **Other Items to be Discussed by Council**

4 Councilperson Hunt questioned the CPA quote to perform the compilation report for the audit at  
5 \$5,000 to \$10,000. Was an hourly rate mentioned or how many hours this would involve?

6 Mayor Hendershot explained that the estimate was vague because they have not worked with the  
7 City before and not knowing how much time would be involved in gathering information. Kay  
8 Goddard is obtaining some of the information to provide to them so the cost may be less. This  
9 will include all funds: general, water, sanitary and stormwater.

10  
11 Councilperson DeWitt stated there is a house on Washington Avenue that has ongoing issues  
12 with garbage. Interim City Manager and Building Inspection are working on this. Someone may  
13 be trucking in construction materials. Has been told by the owner that there should be a  
14 dumpster there within a week for clean up.

15  
16 Vice Mayor Remke has been in contact with an individual who wants to buy all the dilapidated  
17 houses, tear them down and the vacant lots and build new houses.

18  
19 Councilperson DeWitt questioned the sound system for the council chambers. Interim City  
20 Manager said Vice Mayor Remke had someone from C.A. House look into this and this will be  
21 discussed at the subcommittee meeting.

22  
23 Councilperson Wood asked about the Police Department Building. Interim Manager informed  
24 him that bricks had fallen off the top of the building and has had an architect look at this. Also, a  
25 contractor has secured a lift to go up and remove any loose material to prevent further incidents.

26  
27 Councilperson Wood expressed concern about McKinley's firm who was contacted about a year  
28 ago to assist the city with repairs on this building. Need to decide what direction we want to go  
29 in with future repairs.

30  
31 Interim Manager Hewitt stated that she has a report from M & G Architects on the building and  
32 will forward this to council. Councilperson Saunders questioned continuing to fund the repairs  
33 as there are multiple issues that need attention.

34  
35 Mayor Hendershot stated that a decision cannot be made until the city knows how much money  
36 we will need. Councilperson Hunt stated that we will need actual estimated cost to evaluate if  
37 we should repair or make an investment in another location.

38  
39 Councilman Wood mentioned he has been to both swim dances at Four Seasons Pool and they  
40 were successful.

41  
42 Councilman Haynes suggested that an estimate be obtained on tearing down the police  
43 department building and perhaps purchasing the lot next door and rebuild or to work with Gold,

1 Khourey & Turak to acquire the property at Fifth & Morton. Councilman Remke mentioned  
2 bonds as a way to pay for these building projects and using the 1% to pay back the funds.  
3

4 Councilperson Remke questioned the credit card charges by the citizens. City is being charged  
5 for every transaction and this needs to be addressed with the banks. No fee is being assessed to  
6 the citizens and this should not be. Wants more information for the next Finance Committee  
7 Meeting.  
8

9 Vice Mayor Remke requested an update on the engineering on the Fostoria Bridge. Questioned  
10 which account the 10% would be taken from. Mr. Healy has been in contact with Mr. Keller in  
11 Charleston and it is a matter of waiting on the agreement to come back to the city. Also,  
12 questioned using the 1% sales tax through the Home Rule Board. Can we see where we stand at  
13 the next subcommittee meeting?  
14

15 Vice Mayor Remke turned in a Ford truck parked on Seventh Street improperly tagged that was  
16 wrecked and now is behind the house. Need to follow through on this process of having this  
17 taken care of.  
18

19 Vice Mayor Remke would like to take to Traffic about a planter by the city parking lot by  
20 Ruttenburg's that is causing issues with blocking the view of drivers exiting the lot. Interim  
21 Manager stated this was discussed at last traffic meeting and Mrs Francis with UMAC was  
22 contacted about correcting this.  
23

24 Vice Mayor Remke moved to take to Finance about building new public safety building for all  
25 departments and direct the 1% sales tax to cover bonds and keep moving, seconded by  
26 Councilperson Wood. Discussion followed about other funding options such as rainy day fund.  
27

28 Mayor Hendershot called for a vote. Motion failed.  
29

30 Councilperson Saunders questioned an issue with the sale of fire wood going on and if this  
31 person needs a business license. Interim Manager and City Attorney are still looking into this to  
32 see what is appropriate. This is Gump's property that was annexed. Mayor Hendershot asked  
33 that this matter be clarified at the committee meeting.  
34

35 **NEW BUSINESS:**  
36

37 **A) Discussion and Approval of Additional Expenditures for Computer System Hardware**  
38 **Upgrades.**  
39

40 Interim City Manager Hewitt informed Council that the total amount needed for the computer  
41 upgrades with installation, training and equipment is \$102,620.52. Council had allotted \$75,000  
42 for this making the amount short \$27,620.52.  
43

1 Councilperson Hunt moved to approve the additional expenditure from the General Fund for the  
2 computer system, seconded by Vice Mayor Remke. Motion carried unanimously.

3  
4 **B) Discussion and Approval of a Resolution Supporting Energy Development with**  
5 **Consumer Energy Alliance.**

6  
7 Mayor Hendershot stated that a Resolution has been provided that they would like the City to  
8 enter into to support the expansion of affordable, reliable energy.

9  
10 Vice Mayor Remke made a motion to adopt the Resolution, seconded by Councilperson Hunt.  
11 Motion carried unanimously.

12  
13 **C) Addendum: Discussion of Fire Department Personnel.**

14 Mayor Hendershot suggested that since this deals with personnel, this be done in Executive  
15 Session.

16  
17 Vice Mayor Remke moved to enter Executive Session at the conclusion of the meeting to discuss  
18 fire department personnel, seconded by Councilperson Saunders. Motion carried unanimously.

19  
20 **Other Items to be Discussed by Council.**

21 Councilperson Haynes questioned date set for interviewing for the City Manager position?

22 Vice Mayor Remke stated that a meeting will be held on Friday at 4:00 P.M. to review additional  
23 names . Deadline to bring in City Manager is December 18<sup>th</sup>. Have close to 75 received. Have  
24 begun background checks, which includes financial checks, on three candidates. Mayor  
25 Hendershot distributed questions for consideration and is asking council to provide their  
26 questions. Committee may want to put together the final questions.

27  
28 Councilperson Wood wanted to commend the Police Department for doing an excellent job in  
29 working with Central Elementary for take home meals for students.

30  
31 Fire Department has branched out doing more with the community and will be sponsoring a  
32 Christmas Safety Event at the Fire Department on November 17<sup>th</sup>, day of the Christmas Parade at  
33 the city fire house.

34  
35 Councilperson DeWitt has been asked by several people about Jefferson Avenue Extension  
36 needing a guard rail where you drive off of Route #2 onto the Extension from Glen Dale. She  
37 understands that this is not complete but needs to have the Interim Manager check into this as  
38 well as to check to see if a street light can be added as there is a street light there but does not  
39 shine on the extension.

40  
41 Questioned if city is providing an additional clothing allowance to employees. Interim Manager  
42 stated that this is budgeted so this does not need to be discussed at committee.

1 Councilperson DeWitt requested a traffic mirror be installed on Morton Avenue between Tenth  
2 and Eleventh Street. There is a pole in that area where this could be mounted.

3  
4 Councilperson DeWitt moved to take the traffic mirror request to Traffic Subcommittee,  
5 seconded by Councilperson Hunt. Motion carried unanimously.

6  
7 Councilperson DeWitt questioned placing a speed bump in the alley at the former Marshall Dairy  
8 building. This has become a busy area due to activities at the prison. Was informed by Chief  
9 Mitchell that this is illegal and does not slow traffic.

10  
11 Vice Mayor Remke mentioned the Better Building Program. Meeting was held with building  
12 commission members, Interim Manager and himself. Want to take to Policy utilizing city  
13 pressure with signage so that people can see the house has been tagged by the city, which is one  
14 of the ten steps recommended for the Better Building Project.

15  
16 Vice Mayor Remke made a motion to refer to Policy Committee to adopt an ordinance to permit  
17 signage, seconded by Councilperson Hunt. Motion carried unanimously.

18  
19 Vice Mayor Remke said Committee would like to recommend on-site citations being issued,  
20 which is permitted by Home Rule status, that would involve ticketing for external nuisance  
21 violations by the Code Enforcement Officer through the Better Buildings Program.

22  
23 Vice Mayor Remke moved to take this before Policy for approval of on-site citations, seconded  
24 by Councilperson Saunders.

25  
26 Discussion followed with Mr. Healy who will be attending a seminar tomorrow and will bring  
27 this back concerning the standards, specifications and duties for a code enforcement officer. Will  
28 bring this to next committee meeting.

29  
30 Motion carried unanimously.

31  
32 Vice Mayor Remke mentioned taking to Finance to discuss the current sanitation rates adopted in  
33 2014 before discussing purchasing new garbage trucks to see how much money we are losing at  
34 this time on sanitation.

35  
36 Mayor Hendershot directed a question to City Attorney about researching a sanitation committee.

37  
38 Attorney White stated there is no structure in the City Code. The committee in the past was an  
39 agreed appointed committee by the Mayor. This can be done as a advisory committee.

40  
41 Mayor Hendershot would like citizen involvement. Asked for volunteers from Council. Council  
42 members Saunders, Haynes and Remke offered. Will advertise for a citizen. Asking that Public  
43 Works Director be involved.

1 Councilman Remke moved to take to Finance to discuss the \$16.50 current sanitation rates  
2 before discussing new sanitation vehicles, form a five member committee with three council  
3 members, plus public works director and a citizen, seconded by Councilperson Wood. Motion  
4 failed.

5  
6 Councilman Remke made a motion to form a five member committee with three council  
7 members, department head and one lay person to discuss future rates for sanitation in general to  
8 make recommendation back to Council, seconded by Councilperson Wood. Motion carried.

9  
10 Councilman Remke made a motion to take to Finance to establish a master plan for the city for  
11 future development. Motion failed due to lack of a second. Will bring back at a later date after  
12 new City Manager is employed.

13  
14 Vice Mayor Remke made motion to send to Traffic Committee to allow parking meters to be  
15 covered for deliveries on Jefferson Avenue by Appliance Connection when deliveries are made,  
16 seconded by Councilperson DeWitt. Motion carried.

17  
18 Vice Mayor Remke made a motion to increase parking meter tickets from \$3.00 to \$5.00. Motion  
19 died due to lack of a second.

20  
21 Councilperson Hunt mentioned complaint at the corner of Highland & Stewart where there is a  
22 lot of junk and trash that needs cleaned up.

23  
24 Would like to see an activity report from all the Department Heads to see what progress they are  
25 making in the future. Suggested to wait until new manager is on board.

26  
27 Suggested a program to recognize residents that make major renovations to their homes. Perhaps  
28 a certificate could be presented.

29  
30 Requested Interim Manager to provide a copy of September 30<sup>th</sup> trial balance, general ledger and  
31 budgetary report.

32  
33 Councilperson Saunders reported alley off of Cedar between Third & fourth needs repaired.  
34 Large holes in the alley need filled.

35  
36 Street Department is taking care of a place on Seventh Street. Slab of concrete there with hole  
37 that needs looked at.

38  
39 **MANAGER'S REPORT:**

40 Interim City Manager stated the City has performed an asbestos abatement on the property at 120  
41 Poplar Avenue. Will be advertising for demolition.

42  
43 Interim City Manager will supply a copy of M & G Architects proposal for the Police

1 Department building to Council for subcommittees.  
2

3 Interim City Manager stated the Street Department employees are decorating the city building  
4 with lights for Christmas.  
5

6 Interim City Manager will be in contact with the Home Rule Board for a clarification in writing  
7 about 1% sales tax allocations.  
8

9 **MAYOR ITEMS:**

10 Mayor Hendershot congratulated Councilpersons DeWitt, David Wood and Sara Wood on the  
11 election. Thanked all those that expressed interest and ran for office.  
12

13 Mayor Hendershot will be signing a Proclamation at John Marshall on Friday, November 9<sup>th</sup> at  
14 11:30 for American Education Week.  
15

16 Mayor Hendershot inquired of council as to who would like to participate in the Christmas  
17 Parade. Please advise him of their interest.  
18

19 Mayor Hendershot requested an alley between Poplar and Pine between Second and Jackson be  
20 graveled. Wanted to thank the Street Department for patching the foot of Cherokee Hills and for  
21 the work on a storm water drain on Sandy Avenue.  
22

23 Mayor Hendershot received an invitation to attend the Northern Panhandle Conservation District  
24 Annual Recognition Banquet on November 15<sup>th</sup> at the Highlands Event Center. Need to RSVP if  
25 interested.  
26

27 Mayor Hendershot mentioned subcommittees scheduled for next week. Order of committees will  
28 be Finance, Policy and Traffic.  
29

30 **COUNCIL ITEMS:**

31 Councilperson DeWitt congratulated Dave and Sara Wood on the election.  
32

33 Councilperson Wood - Nothing  
34

35 Councilperson Haynes asked that Council agree at the subcommittee to move forward with  
36 bidding the garbage truck(s).  
37

38 Vice Mayor Remke requested Interim City Manager to write a letter to officials at the Kammer  
39 Plant concerning future plans to perform blasting work like was done when the stacks were  
40 removed recently. People need to be informed of these activities.  
41

42 Vice Mayor Remke offered congratulations to the winners in the election and commended those  
43 that do exercise their right to vote.



1 Vice Mayor Remke stated that the next meeting for the Better Building Committee will be on  
2 November 29<sup>th</sup> at 10:00 A.M. here at the City Building.

3  
4 Councilperson Hunt congratulated David Wood, Ginger DeWitt and Sara Wood on their council  
5 win. Extended appreciation to all the candidates that ran. Expressed thanks to all the men and  
6 women that serve our country and to all veterans.

7  
8 Councilperson Hunt expressed her appreciation to Sondra Hewitt. Stated she is doing a good job  
9 as interim city manager.

10  
11 Councilman Saunders reported an alley off Poplar Avenue. Public Works Commissioner stated  
12 this was repaired. Congratulated Ginger, Sara and Dave on the election.

13  
14 Vice Mayor Remke moved to adjourn meeting and go into Executive Session, seconded by  
15 Councilperson Haynes. Meeting adjourned at 9:10 P.M. for five minutes.

16  
17 Meeting reconvened at 9:20 P.M. for executive session.

18  
19 Councilperson Haynes moved to adjourn Executive Session, seconded by Councilperson Hunt.  
20 Motion carried. Meeting adjourned at 10:10 P.M.

21  
22  
23  
24  
25 

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Marilyn Kaufman, Acting City Clerk

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Allen R. Hendershot, Mayor