

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE**
2 **SEPTEMBER 1, 2015**

4 The Council of the City of Moundsville met in regular session in the Council Chambers on
5 September 1, 2015 at 7:00 pm.

6
7 Meeting was called to order by Mayor David Wood.

8
9 Invocation was given by Councilman Allen Hendershot.

10
11 Acting City Clerk Ankrom called the roll and the following Councilpersons were in attendance:
12 Wood, DeWitt, David Haynes, Paul Haynes, Hendershot, Vice Mayor Saunders, and Simms.
13 Also present were Acting City Manager Hewitt, Police Chief Mitchell, Fire Chief Clarke, Public
14 Works Director Stocklask, Building Inspector Bertrand, Building Inspector Richmond, Attorney
15 Thomas White, and CPA Goddard. Absent was City Manager Hess (vacation).

16
17 **MINUTES:**
18 **Regular Council Meeting of August 18, 2015**

19 Councilman Paul Haynes made a motion to accept the August 18, 2015 Regular meeting
20 minutes as presented and Councilwoman DeWitt seconded.

21
22 Councilman Hendershot pointed out a typographical error on page 4, line 08, which should
23 have read, "dual-wheel vehicles." Councilman Simms motioned to approve the minutes as
24 amended, which was seconded by Vice Mayor Saunders and carried unanimously.

25
26 **GENERAL PUBLIC HEARING:**

- 27 • Mary Tennant of 1300 7th Street spoke on behalf Simpson United Methodist Church
28 asking that a street sign be installed marking "Madison Avenue," which is the name of
29 the one-way road running through Simpson UMC's parking lot between 6th and 7th
30 Streets. Mayor Wood assured that the Traffic Committee will discuss this at their
31 September 8 meeting.
- 32
33 • Ben Schillachi of 718 2nd Street spoke against Home Rule implementation. Mr.
34 Schillachi doesn't believe that, once the sales tax is implemented, it will ever be
35 revoked; and the citizens of Moundsville cannot afford to pay any more. Mr. Schillachi
36 thanked Councilman Hendershot for praying in Jesus' Name! Vice Mayor Saunders
37 commented that Home Rule would, in fact, give City Council the freedom to implement
38 the sales tax, but also remove it, should they chose to do so.
- 39
40 • Bill Sayers of AAA Trailer Court expressed concern about the tree growing on Short
41 Poplar Avenue and hanging over, causing mold on his shed. His insurance company

1 wants something done within 30 days. Mr. Sayers is willing to buy the property, if the
2 liens were removed. The house was torn down by the City and there are no heirs to the
estate. Mr. Sayers was informed that he can have the branches, that are hanging over
4 onto his property, trimmed.

- 5
- 6 • H Carl Boso Jr of 305 10th Street asked for a clarification of an "abandoned vehicle?" Mr.
7 Boso believes a vehicle he owns, which is parked on Parriott Avenue, was improperly
8 tagged. Chief Mitchell stated that the City Ordinance supercedes any other entity's
9 definition.
- 10
- 11 • Korie O'Donnell owns property in the City of Moundsville, and she came to thank City
12 officials for all they did to get the boat docks repaired. There has been good feedback
13 and she knows a lot of hard work went into getting the area fixed up. Mrs. O'Donnell
14 also commented that the Building Inspectors are great to work with! Councilwoman
15 DeWitt expressed some displeasure with the placement of the docks, as it doesn't solve
16 the problem of accumulating debris; however, frequenting boaters are happy to have
17 the docks back!
- 18
- 19 • Brad Varles of 1107 12th Street made himself available to answer questions about his
20 zone change request, which will be discussed later in the meeting.
- 21

22 **OLD BUSINESS:**

23 **A Discussion and Approval of an Ordinance Concerning a Home Rule Application**
24 **(Second Reading)**

25

26 Attorney White read the following ordinance by title only:

27 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,**
28 **AUTHORIZING THE CITY MANAGER TO SUBMIT A MUNICIPAL HOME RULE**
29 **APPLICATION TO THE WEST VIRGINIA MUNICIPAL HOME RULE BOARD (SECOND**
30 **READING)**

31

32 Councilwoman DeWitt made a motion to approve the ordinance authorizing the City Manager
33 to submit the Home Rule Application. Motion was seconded by Councilman Paul Haynes.

34

35 Mayor Wood reviewed the items addressed in the City of Moundsville's Home Rule
36 Application, which does include implementation of a one-half to one percent sales tax,
37 reducing the number of City Business License classifications, and more authority to address
38 dilapidated buildings and sidewalks. Councilman Hendershot commented that City of
39 Wheeling Mayor Andy McKenzie has been very informative and helpful to Moundsville
40 officials; and Home Rule is not just about charging taxes but about gaining more control for
41 the municipality. Councilman David Haynes reminded that the Home Rule application may

1 not even be accepted by the Home Rule Board; and, even if it is, the whole of Council has to
2 agree on implementation.

4 Mayor Wood asked for a roll call vote, to which Acting Clerk Ankrom announced the following
5 tally: 7 yeas. Ordinance is approved unanimously on second reading.

6
7 **B Discussion of a Zone Change Ordinance at 1808 7th Street from R-G General**
8 **Residential to R-N Neighborhood Retail District (Second Reading)**

9
10 Attorney White read the following ordinance by title only:

11 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,**
12 **PROVIDING TO CHANGE A CERTAIN DESIGNATED AREA AT 1808 SEVENTH STREET IN**
13 **THE CITY OF MOUNDSVILLE FROM A GENERAL RESIDENTIAL ZONE TO A**
14 **NEIGHBORHOOD RETAIL ZONE (SECOND READING)**

15
16 Vice Mayor Saunders made a motion to approve the ordinance changing the zone at 1808 7th
17 Street and Councilman Paul Haynes seconded.

18
19 Mayor Wood asked for a roll call vote, to which Acting Clerk Ankrom announced the following
20 tally: 7 yeas. Ordinance is approved unanimously on second reading.

21
22 **Other Items to be Discussed by Council**

23 * Councilman Simms noticed that the "old" section of Smith Mart on 1st Street is being torn
24 down. Inspector Richmond informed Council that some electrical issues caused a delay in the
25 remediation and demolition.

26
27 * Vice Mayor Saunders asked about the Fostoria property. Mayor Wood heard, at the last RED
28 meeting, that Mr. Brown has rejected offers to use the property as a "lay down yard." Acting
29 Manager Hewitt will ask Manager Hess to get an update.

30
31 **NEW BUSINESS:**

32 **Discussion and Approval of a Recommendation by the Moundsville Planning**
33 **Commission for a Zone Change at 1109 12th Street from S-C Special Conservation to C-**
34 **C-C-H Combined Central Business & Highway Commercial and Integrated Commercial**
35 **Centers District**

36
37 Vice Mayor Saunders asked Brad Varlas what his plans were for the property to be changed.
38 Mr. Varlas plans to erect, above the flood plain, a 32'X72' building to house a laundromat and
39 retail sales of mobile home parts and propane. The campers facing 12th Street will be
40 eliminated. Discussion was held on which areas are zoned for the Mobile Home Park and
41 where they are in proximity to the Special Conservation District. Attorney White explained

1 that any "non-conforming uses" will be grandfathered; but he needs to research previous
2 zone changes more thoroughly. Attorney White prompted Council to keep in mind that
3 changing the zone to C-C-C-H opens the door to all allow kinds of businesses.

4
5 The Planning Commission will meet again on September 17; and they are continuing to work
6 on updating the Zoning Ordinances, with help from WVU College of Law attorneys.

7
8 Vice Mayor Saunders then made a motion to direct the City Attorney to draft an ordinance for
9 the zone change at 1109 12th Street. Councilman Hendershot seconded the motion, which
10 carried unanimously.

11
12 **Other items to be Discussed by Council**

- 13 • Councilwoman DeWitt would like to talk with Inspector Richmond, after the Council
14 meeting, about the area behind the former Goddard's Exxon.
- 15
16 • Councilman Simms noticed the house beside the former Emery's Mobile Home Parts is
17 being torn down, which is to allow for expansion of Auto Choice.
- 18
19 • Vice Mayor Saunders asked for the City Manager to do research on Morton Avenue, so
20 more discussion can be held at the September 8 Committee meeting.
- 21
22 • Councilman Hendershot asked newly-appointed Public Works Director Stocklask if he
23 would elaborate on his plans for the future of the Street and Sanitation Departments.
24 Director Stocklask would like to confer with Manager Hess before he makes any
25 proposals.

26
27 **MANAGER ITEMS:**

28 Acting Manager Hewitt had nothing to discuss at this time.

29
30 **MAYOR ITEMS:**

- 31 • Mayor Wood commented that the Better Buildings Program committee is still working and
32 has a list of about 100 properties.
- 33
34 • Mayor Wood informed that McKinley & Associates should be sending a contract to the
35 City Manager, and it will cost \$5,600.00 for 4 Seasons Pool's feasibility study. Mayor Wood
36 is excited about a prospective partnership with Reynolds Memorial Hospital.
- 37
38 • Mayor Wood reported that the Mayors Association met on August 26 at the Sleep Inn, and
39 the meeting was excellent and well-attended! City of Wheeling Mayor McKenzie and Lisa
40 Dooley of the West Virginia Municipal League spoke and they were very informative!

- 1 • Mayor Wood stated that the partnership with RMH will be discussed at the next Parks &
2 Recreation Board meeting. Board members seem to be in favor of setting up a mutually-
3 beneficial plan. Mayor Wood mentioned that the "Swimming with Super Heroes" was
4 cancelled and re-scheduled for September 27. There will be activities at the Pool, skate
5 park, and basketball court. Tickets will be \$5.00 each, for child or adult, and must be
6 ordered online.
7
- 8 • Mayor Wood invited Council to a meeting of the Route 2 4-Lane and I-68 Extension
9 groups, which will be held at the Country Club.
10
- 11 • Mayor Wood reminded those in attendance about the Moundsville High School Alumni
12 Reunion activities to be held this weekend.
13
- 14 • Attorney White asked for a moment to present legal ads:
15 August 14 publication of August 18 Second Reading of Ordinance for City Manager
16 to have Administrative Authority by Park & Recreation Commissioners
17 August 17 publication of Planning Commission Public Hearing for 1414 2nd Street
18 August 27 publication of September 1 Second Reading of Ordinance for 1808 7th
19 Street Zone Change
20 Councilman Simms made a motion to receive and file the legal publications. Motion was
21 seconded by Councilwoman DeWitt and carried unanimously.
22

23 **COMMITTEE REPORTS:**

24 ***Discussion of Recommendations by the Finance Committee***

25 The Finance Committee will meet on September 8, 2015 beginning at 5:00 PM.
26

27 ***Discussion of Recommendations by the Policy Committee***

28 The Policy Committee will meet immediately after the Finance Committee.
29

30 ***Discussion of Recommendations by the Traffic Committee***

31 The Traffic Committee will meet immediately after the Policy Committee.
32

33 **COUNCIL ITEMS:**

34 * **Simms** – Would like to have discussion in Committee about making the Mayor an elected
35 position, but with no more power than is currently available. He also wants to discuss
36 increasing City Council's rate of pay, which would not go into effect until after the 2016
37 election.

38 * Asked about the rescue efforts on Ohio Street, where a man was trapped underneath a
39 trailer. Kevin Wallace operated the Street Department's backhoe to help free the resident.
40 Councilman Simms would like to see the Street, Police, and Fire Department employees
41 recognized for their work during the ordeal. Chief Clarke commented that the Marshall

1 County Sheriff's Department, Moundsville Volunteer Fire Department, and Tri State were also
2 involved.

4 * **Saunders** – Thanked the Sanitary and Stormwater employees for their good work on street
5 repairs in his neighborhood!

6 * Has received complaints, about the noise, from neighbors around the skate park. It was
7 mentioned to install a mat around the perimeter fence.

8 * Expressed frustration about motorists still not coming to a complete stop at Stop signs.

9 * Informed that the Lions Club will be honoring those involved with the Ohio Street rescue.
10

11 * **Hendershot** – Thanked those involved in the Ohio Street rescue and expressed gratitude
12 that none of the rescue workers got injured!

13 * Witnessed an almost-wreck at the corner of 6th Street and Lafayette Avenue. Chief Mitchell
14 noted that he is trying to work with the County, as his department is still short-staffed, and
15 the new officer is at the State Police Academy.
16

17 * **David Haynes** – Commended Manager Hess on the great job she is doing! Several Work
18 Orders he submitted have been taken care of, and he feels Council should be very proud of
19 the employees and the job they are doing!

20 * Opined that Council should continue to support Brad Varlas in his efforts to open a new
21 business!
22

23 * **Paul Haynes** – Thanked Director Stocklask for the great work on the yellow line and curb
24 painting!
25

26 * **DeWitt** – Thanked all City Departments for their great work!

27 * Reminded those present that the Elizabethtown Festival is coming up
28

29 Councilman David Haynes made the motion to adjourn, which was seconded by Councilman
30 Paul Haynes. Meeting adjourned at 8:07 PM.
31
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36 _____
Karen L Ankrom, Acting City Clerk

David Wood, Mayor