

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
FEBRUARY 21, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on February 21, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson David Wood.

City Clerk Hewitt called the roll and the following councilpersons were in attendance: DeWitt, Haynes, Remke, Saunders, Wood and Mayor Wallace. Absent: Simms (attending class). Also present: City Manager Deanna J. Hess, Police Chief Mitchell, Fire Chief Clarke, Street Commissioner Richmond, Building Inspector Schneider, CPA Kathryn Goddard, Attorney Thomas White and City Clerk Hewitt.

**MINUTES:**

**Regular Council Meeting of February 21, 2012.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of February 7, 2012, seconded by Councilperson Saunders. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Lou Ann Johnson of the WV Building Trades Council asked council to join surrounding counties and cities on their "hire local" campaign that is focused on northern WV and the gas industry. She also asked council to pass a resolution to support the utilization of local workers in construction of pipelines, drilling and processing of natural gas from Marcellus Shale.

Councilperson Remke moved to pass the resolution to support the utilization of local workers, seconded by Councilperson Wood. Motion carried unanimously.

\* Thomas Doyle, 103 Cherokee Drive, informed council that he is not the person who is leaving mud on the street that is washing down Cherokee Drive. The property at 100 Cherokee is rented by out of town pipeliners who are bringing the mud with them from job sites. He also reported workers leaving mud on 12<sup>th</sup> Street near the Fairgrounds and girls softball field parking lot is tore up. City Manager Hess will be addressing this problem with Price Gregory.

\* Bob Parsons, 2027 Meighen Avenue, reported that Mulberry Avenue is in need of repairs. The area in front of his house has sunk and when delivery truck drive down Mulberry Avenue his house rattles. His neighbor reported pictures falling off the walls. He also reported dogs barking on Second Street all through the night in his neighborhood waking them at 2, 3, 4 in the

morning. He has reported previously calling the police, waiting for officers but no one showed up.

Street Commissioner Richmond will address Mulberry Avenue. And Chief Mitchell encouraged Mr. Parsons to call the Police Department when the dogs are barking.

## **OLD BUSINESS:**

### **Other Items to be Discussed by Council.**

\* Councilperson Wood commented on information that Councilperson DeWitt and Saunders brought back from the WV Municipal League Conference asking if City Manager Hess was making arrangements for workshops. Manager Hess advised she was addressing that.

\* Councilperson Wood asked Attorney White to elaborate on the meeting he attended with Patrick Kirby, Tom Brown, DEP representatives, City Manager Hess concerning the Fostoria property. Attorney White reported a lot of discussion on amending the voluntary remediation plan (VRP) and time lines for completion. DEP is fairly happy with the progress.

\* Councilperson Saunders reported Moundsville is still having a problem with residents of WV running OH plates on vehicles. Chief Mitchell noted the police department reports OH vehicles to the Marshall County Assessor's Office.

\* Councilperson DeWitt commented on a newspaper article suggesting the Fostoria Site could be used as residential and the possibility of using \$5,000 from the Building Commission account and \$20,000 from the timbering account for RV Park at the Riverfront. City Manager Deanna Hess advised that Chairperson Dave Rickman said the Building Commission is aware that an RV Park can not be located on the Fostoria site without council's approval.

\* Councilperson DeWitt asked if the city was collecting revenue from unpaid citations that have been sent to the State Tax Department withholding State Income taxes? City Clerk Hewitt announced the city collected over \$26,000 in 2011 and approximately \$9,000 in 2012.

\* Councilperson DeWitt feels the city's website should be updated "in house" rather than paying a former employee, who has not updated the website since August 2011. Fellow council members were unaware that a former employee was being paid.

\* Councilperson Saunders asked Chief Mitchell if the scales have been sold? Chief Mitchell advised the scales have not, but he has sent an email to every Police Department in WV and also contacted the company in which the scales were purchased asking if they knew of any market for unused scales.

\* Councilperson Saunders asked how many citizens have signed up for the Citizens Academy? Chief Mitchell reported 9 citizens have applied.

\* Councilperson Haynes asked Fire Chief Clarke if the fire department ran out of water at the house fire on Highland Avenue, he was told this by a firefighter? Chief Clarke reported that he was at the fire but as far as he knew, they did not run out of water. Chief Clarke will investigate and forward a report back to the city manager.

\* Councilperson Remke asked for an update on bringing the campers at the Fairgrounds up to code. The Fair Board is aware of the importance of the electrical boxes and are addressing the issues.

\* Councilperson Remke asked council to review trailer tax as the hotel/motel tax. Attorney White reported the ordinance allows for an exemption on campers and camping trailers. He also reported that city's have no authority on state code.

\* Councilperson Remke asked if the city can charge an amusement fee/admissions tax for the dungeon of horrors. City Clerk advised Mr. Remke the 2% admissions tax is for transient carnivals or circuses.

\* Councilperson Remke asked for council to reconsider sick leave for newly hired city employees to use there sick time or lose it.

\* Councilperson Saunders asked for council to consider opening the end of Juniper Avenue to McKinley instead of Poplar Avenue to 12<sup>th</sup> Street. Request will be on traffic agenda.

## **NEW BUSINESS:**

**Discussion of Zone Change at 1007 Thompson Avenue that was Denied by the Moundsville Planning Commission. (Mr. David Bledsoe appeared before the Moundsville Planning Commission with a request to change his property at 1007 Thompson Avenue from Industrial (I) Zone to Combined Central Business & Highway Commercial and Integrated Commercial Centers District (CCCH) in which the Planning Commission denied)**

Attorney White was asked by council to research the law concerning their authority on the Planning Commission's recommendations. Attorney White reported no court decisions on this issue, but feels comfortable that the language of the statute gives the governing body the authority to either follow or ignore the Planning Commissions advise. The statute provides the governing body (council) make their own changes with the advise of the Planning Commission. Council then has to find the amendment is consistent with the Comprehensive Plan, if not consistent, there would have to have been major changes of an economic, physical or social nature within the area that would not anticipate it when the plan was adopted. Giving his opinion, Attorney White said the decision was up to council. If council decides to award the zone change, Attorney White will have to draft an ordinance for two readings.

Councilperson Haynes commented since the Co-op, Boso and Cunningham properties were awarded zone changes from the Moundsville Planning Commission, he considers those major changes to that area.

Councilperson Wood commented on the recommendation letter from the Moundsville Planning Commission where they noted “there has not been a major change of both an economic and social nature to support the proposed change.” Mayor Wallace and council members questioned the commissions reasons for basing their decision on the fact that no major changes have been made when in fact there have been major changes.

After further discussion, Councilperson Saunders made a motion to direct the City Attorney to draft a zone change ordinance from Industrial (I) to Combined Central Business & Highway Commercial and Integrated Commercial Centers District (CCCH), seconded by Councilperson Haynes.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Remke, Haynes, DeWitt, Mayor Wallace, Wood and Saunders. 6 yeas. Motion carried unanimously.

**Discussion of Vacant Building Registration Exemption for 45 Fostoria Avenue Requested by Carmina Oakland.**

Building Inspector Schneider reported inspecting the property saying the building is structurally sound. The main concern is the sanitary sewer is not connected to the city sewer system, so before the building could be occupied the sewer must be connected. At this time, Building Inspector Schneider considers 45 Fostoria Avenue a vacant structure.

After further discussion, Mayor Wallace made a motion to grant Mrs. Oakland a six (6) month extension to allow her to connect the sewer and rent the property, seconded by Councilperson DeWitt.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Haynes, Saunders, Wood, Mayor Wallace and DeWitt voting yea. Remke voting nay. 5 yeas, 1 nay. Motion carried.

**Discussion and Approval of an Ordinance to Adopt the Revised Employees Policy Manual. (First Reading)**

Attorney White read the following ordinance by title only to be passed by council on first reading:

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA, COMPREHENSIVELY AMENDING AND REENACTING ARTICLE 155 OF THE CODE OF THE CITY OF MOUNDSVILLE, RELATING TO POLICY**

**PROVISIONS FOR EMPLOYEES OF THE CITY OF MOUNDSVILLE, BY REVISING AND REENACTING ALL SECTIONS THEREOF. (FIRST READING)**

Councilperson Saunders made a motion to accept and approve the employee policy ordinance, seconded by Councilperson Haynes.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Saunders, Wood, Mayor Wallace, DeWitt, Haynes and Remke. 6 yeas. Motion carried unanimously.

**Discussion and Approval of a Resolution Authorizing the City of Moundsville to Enter Into a Contractual Agreement with Commercial Insurance for the Renewal of Liability Coverage for 2012-2013.**

Councilperson Wood made a motion to approve the resolution authorizing the City Manager to enter into a contractual agreement for renewal of liability coverage for 2012-2013, seconded by Councilperson Saunders. Motion carried unanimously.

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

\* Councilperson Wood asked City Manager Hess for clarification on the dollar amount of sick leave needed to start funding for retirees again.

\* Councilperson Wood asked Councilperson Saunders if the Chamber of Commerce Riverfront Concerts are prohibited from using the park this year? Councilperson Saunders said the Chamber will sign a lease at no fee and will recognize the Parks & Recreation Board and City of Moundsville as sponsors.

\* Councilperson Wood provided council members with copies of the agenda for Friday night's meeting with Dr. Margaret Stout, WVU Professor and Students, who will be helping to build Moundsville's Comprehensive Plan. The meeting will be held at the MEDC Training Center, Friday, February 24, 2012 at 5:00 p.m. Councilperson Wood also commented on the survey published in the Moundsville Daily Echo asking council, citizens, family members, adults, young adults and high school students to take the time to fill out the form and drop it off at the Moundsville City Building.

\* Councilperson Saunders reminded council that Police Sgt. Don DeWitt will be graduating from the FBI Academy March 16, 2012. Also he & Councilperson Wood will be attending the graduation along with his wife, Councilperson Ginger DeWitt. City Manager Hess suggested ordering a plaque for Sgt. DeWitt on his return.

\* Councilperson Remke asked City Manager Hess how many letters have been sent to owners of vacant buildings and how many have responded? Building Inspector Schneider calculated on his monthly report approximately 58-59 vacant buildings, 40-41 letters sent out and of those letters, the city received payment on 10 buildings.

\* Councilperson Remke suggested council members using I pads instead of the numerous paper copies provided by the City Clerk for council packets.

\* Councilperson Remke would like to see the tax base in other cities as compared to the City of Moundsville.

### **MANAGER ITEMS:**

#### **Appointment to the Moundsville Planning Commission.**

City Manager Hess received a letter from Planning Commission member Sue Lunau asking to be reappointed to the Planning Commission in which Manager Hess has done.

#### **Other Items to be Discussed by City Manager.**

\* City Manager Hess wished to thank the Department Heads, employees and council for their cooperation.

### **COMMITTEE REPORTS:**

#### **Discussion of Recommendations by the Finance Committee.**

1. Discussion of Request for Car Show Sponsorship for Mayor's Choice and City Manager's Choice. Committee recommends sponsorship of \$30 for Mayor's Choice and \$30 for City Manager's Choice.

Councilperson Saunders made a motion to sponsor the Annual Car Show, Mayors Choice \$30 and Manager Choice \$30, seconded by Councilperson Haynes. Motion carried unanimously.

#### **Discussion of Recommendations by the Traffic Committee.**

1. Discussion of Placing Yellow Line and Parking Meter in Front of Ruttenburg's. Committee recommends placing one parking meter and painting one space yellow at location.

City Manager Hess will address the request administratively.

#### **Discussion of Recommendations by the Policy Committee.**

1. Discussion of Building Permit Fees for Construction. Committee recommends to direct the City Attorney to draft ordinance increasing fees.

Councilperson Wood made a motion to direct the City Attorney to draft an ordinance pertaining to Building Permit Fees, seconded by Councilperson Saunders.

Mayor Wallace called for a voice vote. City Clerk announced the following tally. Wood, Saunders, Remke, Haynes, Mayor Wallace voting yea. DeWitt voting nay. 5 yeas, 1 nay. Motion carried.

### **COUNCIL ITEMS:**

\* **Remke** - Reported the street in the 1400 block of Seventh Street needs resurfaced where Gas Company or Sanitary Board repaired a line, filled the hole with concrete, which is now sinking.

\* Reported tenants on Jefferson Avenue not using a dumpster to hold their garbage. Trash and food boxes blowing around Third Street & Jefferson Avenue.

Street Commissioner Richmond advised Mr. Remke those tenants have a hand pickup because they are not able to place a dumpster in the rear of their store.

\* Informed council that an auction is scheduled in March to sell the properties of Mr. Huggins, which includes the property of Pearl Street.

\* Invited council members to Ohio Valley Cost of Freedom meeting on Wednesday, February 23, 2012, 10:00 a.m., at the Prison Training Center.

\* **Saunders** - Announced the Parks & Recreation Board sponsored a Father/Daughter Valentine Dance at the Sanford Center which was a great success. They are planning next years dance to be at the prison.

\* Announced the Parks & Recreation Board will be charging softball teams for practicing on the fields. Also they are hoping to hold fund raisers.

\* **Wood** - Asked if council remembered loaning a department timbering money? Councilperson Saunders commented that money was loaned to the Police Department when they were moving to the new facility.

\* Asked for letters of accommodation from council for officers and employee who helped during a fatal house fire at 13 Highland Avenue. Chief Mitchell elaborated by saying officers went into the house but were unable to go upstairs, officers retreated. The front porch collapsed when volunteer firefighters were on the porch trapping them under debris. Moundsville Officers, Sanitation employee and Marshall County Deputy pulled the firefighters from debris.

\* Asked council members and City Manager to develop and work on goals to guide council as a city. He also feels that council should have a written evaluation rather than a verbal when evaluating the City Manager. He will discuss these items at the policy meeting.

\* **Haynes** - Nothing at this time.

Mayor Wallace made a motion to have an executive session for personnel matters following a short break, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 8:44 p.m.

Meeting reconvened at 8:49 p.m.

Executives Session began at 8:50 p.m.

Executive Session recessed at 9:22 p.m.

Regular Session reconvened at 9:22 p.m.

Councilperson Saunders made a motion to adjourn, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting adjourned at 9:22 p.m.

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Sondra J. Hewitt, City Clerk

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Dennis Wallace, Mayor