

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF**
2 **MOUNDSVILLE, OCTOBER 15, 2019**

3
4 The Council of the City of Moundsville met in Regular Session in the Council
5 Chambers on October 15, 2019 at 7:00 p.m.

6
7 Meeting was called to order by Mayor Phil Remke who also gave the invocation.

8
9 City Clerk Hewitt called the roll and the following Councilpersons were in
10 attendance: DeWitt, Hunt, Saunders, Vice Mayor David Wood, S. Wood and
11 Mayor Remke. Absent: Haynes. Also present were City Manager Healy, Police
12 Chief Mitchell, Asst. Fire Chief Kimple, Building Inspector Richmond, Parks &
13 Recreation Director White, CPA Goddard, Attorney White and City Clerk Hewitt.
14 Absent: Director Stocklask & Chief Brandon.

15
16 **MINUTES:**

17
18 **Regular Council Meeting of October 1, 2019.**

19
20 Councilperson Hunt moved to accept and approve the minutes of the regular
21 council meeting of October 1, 2019, seconded by Councilperson DeWitt. Motion
22 carried unanimously.

23
24 **GENERAL PUBLIC HEARING:**

25
26 * James Francis, 283 Clearview Heights, said he helps UMAC with events on
27 Jefferson Avenue and with maintenance, hanging banners as well as planters. New
28 brackets need to be installed on some of the poles for Veteran banners and asked
29 for help from the Street Department.

30
31 Manager Healy said the Street Department can assist UMAC as time permits.

32
33 * Carol Derrow, 2006 Center Street, said she feels she didn't have due process
34 when she applied for a hearing for a zone change with the Planning Commission
35 concerning her mobile home park on Arlington Avenue. When the hearing was
36 rescheduled, the scheduled date fell on a week that she was out of town, therefore,
37 she was unable to plead her request to the commission. The Planning Commission
38 had denied her request. Mrs. Derrow also said she believes her property is
39 approximately 2 acres and doesn't feel the existing mobile homes are situated on
40 both acres.

1 After discussion between council and City Attorney White, council agreed that
2 Mrs. Derrow should have a reconsideration hearing before the Planning
3 Commission so she can be present.

4
5 **MANAGER ITEMS:**

6
7 **Appointment to the Moundsville Housing Authority. (Manager's**
8 **Appointment and 5 year term)**

9
10 Manager Healy received a letter of intent from Ruth Anderson Bertrand asking to
11 serve on the Moundsville Housing Authority. The appointment is a five year term.

12
13 * Manager Healy provided the following report to council:

- 14
15 1. All Committee Members have returned their score sheets for the Architect
16 Proposals. I will compile the scores and schedule the interviews this week.
17 2. Continued update on the new software system: An on-site visit with AccuFund
18 to work with Karen and Kay will be scheduled for the last week of October.
19 3. The John Marshall Homecoming Parade is tomorrow night. Please inform me
20 if you want to ride or walk in the parade. We will be purchasing candy to be
21 handed out. Parade starts at 6:30, line-up is in front of the Pen.
22 4. I, along with most of Council, attended the Chamber dinner last Thursday night.
23 Coach Jim Crutchfield had a great speech, with a great local feel. It was good to
24 see a table full for Moundsville.
25 5. Paving is continuing, with three streets completed, and others being milled this
26 week.
27 6. The demolition contractor has equipment on site, and will begin removing
28 debris tomorrow.
29 7. The 1% Municipal Sales & Use Tax should be received by next week. We were
30 advised of the amount today – it is \$486,777.58. This amount is \$3,067.20 below
31 the Third Quarter of last year.
32 8. Reminder that I will be attending the WV Solid Waste (Recycling) Conference
33 next week. I will not be in the office Monday and Tuesday, but will be available
34 by phone, text, or e-mail.

35
36 **OLD BUSINESS:**

37
38 **Discussion and Approval of an Ordinance Pertaining to an Increase for**
39 **Council Members. (Second Reading)**

40 Attorney White read the following ordinance by title only to be passed by council

1 on second and final reading:
2

3 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,**
4 **WEST VIRGINIA, AMENDING AND REENACTING SECTION 121.07 OF**
5 **THE CODE OF THE CITY OF MOUNDSVILLE, TO PROVIDE FOR AN**
6 **INCREASE IN COUNCIL MEMBERS' SALARY. (SECOND READING)**
7

8 Vice Mayor D. Wood moved to approve the above ordinance, seconded by
9 Councilperson Hunt. Attorney White said it was brought to his attention the
10 Mayor's amount should be \$1200 not \$1800 and asked council to move to amend
11 the ordinance.
12

13 Mayor Remke moved to insert \$1200 in place of \$1800, seconded by Vice Mayor
14 D. Wood.
15

16 Mayor called for a voice vote on the amendment. City Clerk Hewitt announced the
17 following tally. 5 yeas, 1 nay. DeWitt voting nay. Motion carried.
18

19 Mayor Remke called for a voice vote on the original motion. City Clerk Hewitt
20 announced the following tally. 5 yeas, 1 nay. DeWitt voting nay. Motion carried.
21

22 **Other Items to be Discussed by Council.**
23

24 * Vice Mayor D. Wood asked if the Manager's workshop for the rental property
25 ordinance has been scheduled? Manager Healy said he scheduled the meeting for
26 Tuesday, October 29, 2019 at 5:00 p.m. in the council chambers. He noted
27 landlords will be notified.
28

29 * Vice Mayor D. Wood asked for an update on the police department building.
30 Manager Healy reported the apprentices worked on the building one weekend but
31 discovered they needed an 80 foot lift instead of the 60 foot lift they requested.
32 They were unable to reach the higher points of the roof.
33

34 * Vice Mayor D. Wood asked for an update on the construction of Unified Bank.
35 Manager Healy reported Unified is still hoping to break ground this month.
36

37 * Vice Mayor D. Wood previously reported to Manager Healy a utility trailer
38 blocking the west end of Ninth Street. Manager Healy said it is a city street but
39 Ninth Street dead ends at the resident's driveway. The trailer actually is on the
40 individual's property.

1 * Vice Mayor D. Wood asked the order of properties to be demolished? Manager
2 Healy wasn't aware of any order however, they are starting with the fire damaged
3 property on First Street.

4
5 * Councilperson DeWitt asked Manager Healy for an update on the concrete
6 portion of sidewalk at 12 Locust Avenue that was flipped out onto the resident's
7 property. Manager Healy said the slab was removed so the homeowner could
8 repair a gas line or some sort of line and would notify the Street Department when
9 they were ready to have it put back in place but were told they had to make sure
10 the ground was level for the concrete to be replaced.

11
12 * Councilperson DeWitt said the north side of Henrietta Avenue between Seventh
13 Street & Eighth Street has a large hump. The intersection needs to be leveled out.

14
15 * Councilperson Saunders said a resident on Sixth Street is unhappy that kids
16 continue to walk through their yard. Chief Mitchell said the complainant has a
17 fence around her yard but was attempting to purchase the property next door which
18 is where the kids have been walking through.

19
20 * Councilperson Hunt asked for an update on the sink hole at 90 Highland Avenue.
21 Manager Healy said he sent out a work order but Street Department is trying to
22 catch up some concrete and curb jobs so it should be done soon.

23
24 * Councilperson Hunt asked for an update on the pool roof project. Manager
25 Healy reported windows are being repaired and block work is being done.

26
27 * Councilperson S. Wood asked when the city's website will be finalized and
28 ready to launch? Manager Healy said we are still working on inserting
29 information, staff pictures have been taken, possibly three to four weeks away.

30
31 * Councilperson S. Wood reminded everyone the Arts and Culture Committee will
32 sponsor a pumpkin paint event with free popcorn, candy and cider. The event is at
33 the East End playground shelter Sunday, October 27 from 1-3 p.m.

34
35 **NEW BUSINESS:**

36
37 **Discussion and Approval of an Ordinance Amending the Zoning to Comply**
38 **with WV State Code Section 29-22B-1202 Maintaining 150 Feet Between**
39 **Licensed Video Lottery Premises. (First Reading)**

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

3
4 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE, WEST VIRGINIA,**
5 **PROVIDING TO AMEND THE ZONING ORDINANCE TO PROHIBIT**
6 **VIDEO LOTTERY ESTABLISHMENTS WITHIN 150 FEET OF VARIOUS**
7 **ENUMERATED USES AND TO EACH OTHER. (FIRST READING)**

8
9 Councilperson Hunt moved to approve the above ordinance on first reading,
10 seconded by Councilperson S. Wood for discussion asking if 150 feet was the
11 correct distance the state allows? Attorney White confirmed the question saying
12 the minimum requirement for the state is 150 feet.

13
14 Mayor Remke called for a voice vote on the motion. City Clerk Hewitt called for
15 the following tally. 5 nays, 1 yea. D. Wood voting yea. Motion failed.

16
17 **Other Items to be Discussed by Council.**

18
19 * Councilperson S. Wood moved to discuss at the policy committee meeting
20 capping the amount of video lottery businesses located in city limits, seconded by
21 Mayor Remke. Motion carried unanimously.

22
23 * Councilperson S. Wood moved to discuss at the policy committee the procedure
24 for notifying individuals of Planning Commission and Zoning Appeals meetings,
25 seconded by Councilperson DeWitt. Motion carried unanimously.

26
27 * Councilperson Hunt reported the sidewalk on Sixth Street side of Wilson Law
28 Office is in need of repair.

29
30 * Councilperson Saunders asked for an update of the First Street property.
31 Building Inspector Richmond said the property is in compliant.

32
33 * Councilperson DeWitt reported an area of street at the end of Grant Avenue by
34 Four Sister's Church needs the asphalt repaired.

35
36 * Vice Mayor D. Wood directed a question to Historic Landmark Commission
37 member Carole Wood asking if she received any funding from the Marshall
38 County Commission. She replied the Landmark Commission did not receive any
39 funding.

1 * Vice Mayor D. Wood asked Manager Healy to explain minutes of the
2 Stormwater Board discussion of “a process to bill individual property owners only
3 and bill for commercial and industrial business”. Manager Healy said currently all
4 businesses and residents are billed a flat stormwater rate. The board has been
5 discussing changes to the ordinance that would allow them to bill customers by
6 square footage as opposed to a flat rate.

7
8 * Vice Mayor D. Wood questioned the Water Board minutes discussing lack of
9 state funding to complete paving after completion of the First Street project this
10 year. Manager Healy said they were referring to the states funding to paving First
11 Street will be next year 2020.

12
13 **MAYOR ITEMS:**

14
15 * Mayor Remke moved to have an executive session for real estate matters,
16 seconded by Councilperson Hunt. Motion carried unanimously.

17
18 * Received a thank you card from former City Manager Allen Hendershot who has
19 been very ill. Please keep him in your prayers.

20
21 * The Mayor and Vice Mayor are invited to the Marshall County School Official
22 signing of the American Education Week Proclamation on November 14, 2019
23 12:00 pm at the John Marshall High School Media Center. A light lunch will be
24 provided. RSVP is requested.

25
26 * Thanked City Manager Healy for the pins of the City of Moundsville logo.

27
28 **COMMITTEE REPORTS:**

29
30 **Discussion of Recommendations by the Finance Committee.**

31
32 1. Discussion of Allocation of the Remaining 15% of the 1% Municipal Sales &
33 Use Tax. Committee recommends allocating 2% to Arts & Culture; 2% to
34 Recycling; 1% to the Façade Program; 1% to Historic Landmark Commission; 2%
35 for Technology Upgrades; and the remaining 7% into a Buffer Account.

36
37 Councilperson Hunt moved to allocate the remaining 15% as presented, seconded
38 by Vice Mayor Wood.

39 Mayor Remke called for a voice vote. City Clerk Hewitt announced the following
40 tally. 5 yeas, 1 nay. Saunders voting nay. Motion carried.

1 2. Discussion of Donating \$100 to the Moundsville Honor Guard for American
2 Flag Display Cases. Committee recommends to donate \$100.

3
4 Councilperson Hunt moved to donate \$100 to the Moundsville Honor Guard,
5 seconded by Councilperson Dewitt. Motion carried unanimously.

6
7 3. Discussion & Approval of Entering into an Agreement with Bowles Rice for
8 Legal Services for the TIF Program. Committee recommends the City Manager to
9 enter into agreement.

10
11 Councilperson Hunt moved to authorize the City Manager to enter into an
12 agreement for legal service, seconded by Mayor Remke. Motion carried
13 unanimously.

14
15 **Discussion of Recommendations by the Policy Committee.**

16
17 1. Discussion and Consideration of an Ordinance Prohibiting Weapons Being
18 Carried in City Parks. Committee recommends direct Attorney White to draft an
19 ordinance prohibiting weapons at city parks.

20
21 Vice Mayor D. Wood moved to direct Attorney White to draft an ordinance
22 prohibiting weapons in all city parks & recreation areas, seconded by
23 Councilperson Saunders. Motion carried unanimously.

24
25 2. Discussion & Consideration of an Ordinance Requiring Extermination Prior to
26 Private Demolition. Committee recommends direct Attorney White to draft an
27 ordinance requiring property owners responsible for extermination of premises
28 being demolished.

29
30 Vice Mayor D. Wood moved to direct Attorney White to draft an ordinance,
31 seconded by Councilperson Saunders. Motion carried unanimously.

32
33 3. Discussion of Recent Appointment to the Recreation Advisory Board.
34 Committee recommends direct Attorney White to draft an ordinance adding
35 another member to the advisory board.

36
37 Vice Mayor D. Wood moved to direct Attorney White to draft an ordinance
38 increasing the number of members to the advisory board, seconded by
39 Councilperson Saunders. 5 yeas, 1 nay. DeWitt voting nay. Motion carried.

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

2
3 1. Discussion of Speed Bumps Being Placed on Jackson Avenue. Committee
4 recommends placing two speed HUMPS on Jackson Avenue between 13th & 14th
5 Streets.

6
7 Councilperson Saunders moved to approve placing two speed humps on Jackson
8 Avenue, seconded by Mayor Remke. Motion carried unanimously.

9
10 **COUNCIL ITEMS:**

11
12 * **S. Wood** – Commended City Manager Healy for his social media posts and
13 keeping citizens up to date on events and city matters.

14 * **Hunt** – Concerning the Rental Property ordinance, asked Manager Healy if he
15 was going to notify the landlords to attend the meeting? Manager Healy said this
16 will be a public meeting that will be advertised. Building Inspectors will notify
17 some landlords.

18 * **Saunders** – Thanked Manager Healy for speaking at the Lions Club meeting.

19 * **DeWitt** – Spoke to an individual that was praising Moundsville and feels the city
20 is going in the right direction.

21 * Asked if the Sanitation committee minutes will be discussed by Councilperson
22 Haynes when he is available.

23
24 Mayor Remke moved to recess, seconded by Councilperson S. Wood. Motion
25 carried unanimously.

26
27 Meeting recessed at 8:17 p.m.
28 Executive session began at 8:25 p.m.
29 Executive session recessed at 8:35 p.m.
30 Regular session reconvened at 8:35 p.m.

31
32 Councilperson S. Wood moved to adjourn, seconded by Vice Mayor D. Wood.
33 Motion carried unanimously.

34
35 Meeting adjourned at 8:36 p.m.

36
37
38
39 _____
Sondra J. Hewitt, City Clerk

Phil Remke, Mayor