

1 **STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF**  
2 **MOUNDSVILLE, JANUARY 7, 2020**

3  
4 The Council of the City of Moundsville met in Regular Session in the Council  
5 Chambers on January 7, 2020 at 7:00 p.m.

6  
7 Meeting was called to order by Mayor David Wood who also gave the invocation.

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

15  
16 **MINUTES:**

17  
18 **Regular Council Meeting of December 17, 2019.**

19  
20 Councilperson S. Wood moved to accept and approve the minutes of the regular  
21 council meeting of December 17, 2019, seconded by Councilperson DeWitt.  
22 Motion carried unanimously.

23  
24 **GENERAL PUBLIC HEARING:**

25  
26 \* Carol Derrow, 2006 Center Street and owner of 120 Arlington Avenue mobile  
27 home park. Ms. Derrow said she feels her property falls within the 1 acre criteria  
28 the zoning code. She asked council to consider her request to allow her to install  
29 campers at the Arlington Avenue property.

30  
31 \* Carl Boso, 305 10<sup>th</sup> Street, asked Chief Mitchell why his department was telling  
32 people that he was no longer in the towing business? Mr. Boso asked the Police  
33 Department has not fined Mr. Kudlak for illegal burning? Mayor D. Wood said  
34 Attorney White has already addressed this question.

35  
36 \* Denny Kidd, 1215 Second Street, said water is still running up over the curb on  
37 Second Street to Grant Avenue and residents continue to get water in their  
38 basements. Mr. Kidd also said he was in favor of the campground at 120 Arlington  
39 Avenue.

1 Manager Healy said he suggested to City Engineer Tush removing 1-2 feet of  
2 asphalt from the curb to the street, lowering the height of the asphalt so water  
3 doesn't run over the curb. However, Mr. Tush didn't feel that would correct the  
4 problem.

5  
6 \* Debbie Laing, 116 Arlington Avenue, said she has lived in her house for 25  
7 years, which is a residential neighborhood. She said a petition was submitted at  
8 another meeting with residents who were in opposition of the campground.

9  
10 \* Carole Wood, 106 Arlington Avenue, said she was not in favor of the  
11 campground.

12  
13 **MANAGER ITEMS:**

14  
15 **Discussion and Award of the 2020 Fireworks Quotes.**

16  
17 Quotes were received by Pyrotecnico, New Castle PA for \$19,775.00 and  
18 American Fireworks, Hudson OH for \$20,000.00. Pryrotecnico is providing 1081  
19 shells whereas American Fireworks is providing 1398 shells. Manager Healy  
20 recommended American Fireworks quote.

21  
22 Vice Mayor Hunt moved to accept the quote from American Fireworks for  
23 \$20,000.00 seconded by Councilperson DeWitt. Motion carried unanimously.

24  
25 \* Manager Healy presented the following report to council:

26  
27 1. Update on the 7<sup>th</sup> Street/Lockwood Avenue Project. The contractors have  
28 completed setting the manhole and stacking the manhole barrels, frames and lids to  
29 street level. They have tied in the School Bus garage lateral, the Western Ave. lift  
30 station, the Glen Dale force main, and the sanitary high line for 7th street houses  
31 from Rt. 2 to Lockwood, and back filled around the new manhole. Yesterday they  
32 started to tear down the by-pass pumps and pipes, with assistance from the City  
33 crews. Ohio/WV Excavating will be working on reinstalling the existing manholes  
34 barrels and frames and covers at Henry's Used Cars and repairing the street and  
35 sidewalk. They will also back fill and concrete the two areas of the street that were  
36 excavated for the by-pass pumping and install road plates on them so the residents  
37 could use their driveways. They will use a mixture of gravel and concrete and roll  
38 it in down at 7th and Lockwood intersection. The Sanitary Board will maintain it  
39 this winter until the weather breaks and then replace the street with a more  
40 permanent repair. Ohio/WV Excavating will most likely make the repair to the

1 intersection of 7th and Lockwood this spring or when the weather permits due to  
2 the size of the repair. Project should be completed including clean up etc., by the  
3 end of next week or sooner. The traffic control on 8th Street should have been  
4 removed today, but not on 7th Street, Lockwood or the intersection of 7th and  
5 Lockwood.

6 2. We received \$7,275.98 in payments from Data Max for December 2019. This  
7 brings the total received to the city of \$60,550.24, resulting in \$30,275.12 for the  
8 City.

9 3. The Municipal League Mid-Winter Conference is scheduled for January 26 and  
10 January 27, 2020. City Clerk Hewitt has made reservations for Council. Please  
11 advise her as soon as possible as to whether you will be attending.

12 4. The Marshall County Chamber of Commerce is revising their annual Expo. It  
13 will now be called a “Business & Health Expo”. It will be held March 6 & 7, and  
14 the City will again have a booth. I’ll discuss this more later, but all Council should  
15 consider monitoring the booth for a few hours.

16 5. Pictures will be taken of Council before next week’s Sub-Committee Meeting.  
17 Photographer will be here at 4:00. Please arrive between 4:00 and 4:30. These  
18 pictures are almost the last piece of the puzzle to launch the website. I hope that  
19 can be displayed to Council at the January 21 meeting.

20 6. Again, on behalf of the employees, I want to thank Council for the days off  
21 around the holidays. It was very much appreciated.

22 7. I am looking forward to working with Mayor Wood and Vice-Mayor Hunt to  
23 continue to move Moundsville forward. I think there is nothing but good things  
24 that lie ahead for us and the City of Moundsville.

25  
26 **OLD BUSINESS:**

27  
28 **Items to be Discussed by Council.**

29  
30 \* Councilperson DeWitt thanked council for the flowers they sent during the loss  
31 of her brother.

32 \* Vice Mayor Hunt said the employee Christmas Luncheon was nice and was  
33 thankful for the invitation.

34 \* Councilperson S. Wood asked if a date has been scheduled for the Rental  
35 Property Regulations workshop? Manager Healy said he was hoping to schedule it  
36 sometime toward the end of January.

37 \* Councilperson S. Wood asked if policies have been implemented for due process  
38 of Planning & Zoning issues? Manager Healy said no policy has been  
39 implemented, however, the Planning & Zoning secretary will provide notices for  
40 all interested parties in a timely manner.

1 **NEW BUSINESS:**

2  
3 **Discussion and Approval of an Ordinance for Towing Business as Conditional**  
4 **Uses in a C-1 Corridor Commercial Zone. (First Reading)**

5  
6 Attorney White read the following ordinance by title only to be passed by council  
7 on first reading:

8  
9 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE AMENDING THE**  
10 **ZONING CODE TO PROVIDE FOR TOWING BUSINESSES AS**  
11 **CONDITIONAL USES IN A C-1 CORRIDOR COMMERCIAL ZONE, AND**  
12 **PROVIDING FOR DEFINITIONS AND REGULATIONS RELATING**  
13 **THERE TO. (FIRST READING)**

14  
15 Councilperson Saunders moved to approve the ordinance, seconded by  
16 Councilperson S. Wood.

17  
18 Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the  
19 following tally. 5 yeas. Motion carried unanimously.

20  
21 **Discussion and Approval of an Ordinance Pertaining to the Limit on**  
22 **Collection of Bulk Items in the City of Moundsville. (First Reading)**

23  
24 Attorney White read the following ordinance by title only to be passed by council  
25 on first reading:

26  
27 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF MOUNDSVILLE,**  
28 **WEST VIRGINIA, AMENDING SECTION 953.10 OF THE CITY CODE**  
29 **TO PROVIDE FOR A LIMIT ON COLLECTION OF BULK ITEMS AND**  
30 **FEES FOR THE SAME. (FIRST READING)**

31  
32 Councilperson Saunders moved to approve the ordinance, seconded by  
33 Councilperson DeWitt for discussion.

34  
35 Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the  
36 following tally. 5 yeas. Motion carried unanimously.

37  
38 **Discussion and Approval of an Ordinance to Abandon an Alley. (First**  
39 **Reading)**

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

3  
4 **AN ORDINANCE VACATING, ABANDONING AND ANNULLING A**  
5 **PORTION OF AN ALLEY INTERSECTING THE EAST SIDE OF PURDY**  
6 **AVENUE BETWEEN TWELFTH AND THIRTEENTH STREETS IN THE**  
7 **CITY OF MOUNDSVILLE. (FIRST READING)**

8  
9 Councilperson Saunders moved to approve the ordinance, seconded by  
10 Councilperson DeWitt for discussion.

11  
12 Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the  
13 following tally. 5 yeas. Motion carried unanimously.

14  
15 **Discussion and Approval of an Ordinance Pertaining to Video Lottery in the**  
16 **City of Moundsville. (First Reading)**

17  
18 Attorney White read the following ordinance by title only to be passed by council  
19 on first reading:

20  
21 **AN ORDINANCE OF THE CITY OF MOUNDSVILLE TO AMEND THE**  
22 **ZONING CODE TO PROVIDE THAT VIDEO LOTTERY**  
23 **ESTABLISHMENTS BE CONDITIONAL USES RATHER THAN USES**  
24 **PERMITTED BY RIGHT IN A C-1 CORRIDOR COMMERCIAL ZONE.**  
25 **(FIRST READING)**

26  
27 Councilperson S. Wood moved to approve the ordinance, seconded by Vice Mayor  
28 Hunt.

29  
30 Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the  
31 following tally. 5 yeas. Motion carried unanimously.

32  
33 **Discussion and Approval of a Recommendation by the Moundsville Planning**  
34 **Commission to DENY a Request for Zone Change at 120 Arlington Avenue**  
35 **from R-1 Residential Single Family to Recreation Conservation District.**

36  
37 Councilperson Saunders moved to accept the recommendation by the Moundsville  
38 Planning Commission to deny the request, seconded by Councilperson S. Wood.

39  
40 Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the

1 following tally. 4 yeas, 1 nay. DeWitt voting nay. Motion carried.

2  
3 **Discussion and Approval of a Resolution to Approve Financing Terms for**  
4 **Two Charger Police Cruisers.**

5  
6 Councilperson S. Wood moved to approve the resolution, seconded by Vice Mayor  
7 Hunt. Motion carried unanimously.

8  
9 **Discussion and Approval of a Resolution to Adopt a Written Form for**  
10 **Evaluation of the City Manager’s Performance.**

11  
12 Councilperson S. Wood moved to approve the resolution, seconded by  
13 Councilperson DeWitt.

14  
15 Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the  
16 following tally. 4 yeas, 1 nay. Saunders voting nay. Motion carried.

17  
18 **Discussion and Appointment to the Moundsville Zoning Appeals Board.**

19  
20 Councilperson Saunders moved to re-appoint Charles Rush to the Moundsville  
21 Zoning Appeals Board for a 3 year term, seconded by Councilperson S. Wood.  
22 Motion carried unanimously.

23  
24 **Discussion and Appointment to the Parks & Recreation Board.**

25  
26 Councilperson Saunders moved to appoint Sabrina Montgomery to the  
27 Moundsville Parks & Recreation Advisory Board for a 6 year term, seconded by  
28 Councilperson DeWitt. Motion carried unanimously.

29  
30 **Other Items to be Discussed by Council.**

- 31  
32 \* Councilperson S. Wood requested a flyer for the Daddy/Daughter Dance.  
33 \* Councilperson S. Wood moved for an executive session for real estate &  
34 litigation after the regular session, seconded by Councilperson Hunt. Motion  
35 carried unanimously.  
36 \* Councilperson S. Wood suggested Council members and City Manager volunteer  
37 at community events.  
38 \* Councilperson Hunt requested holes be patched on Highland Avenue &  
39 Campground Road.  
40 \* Councilperson Saunders said he informed the Building Inspector of a problem on

1 Sixth Street.

2 \* Councilperson DeWitt asked if the city had an ordinance pertaining to spot lights  
3 shining into resident's houses? Building Inspector Richmond said we did.

4 \* Councilperson DeWitt said the city needs to correct the water problem on Second  
5 Street that Mr. Kidd has reported. City Manager Healy will look into a solution.  
6 Mayor D. Wood suggested placing something in the paving specs so this kind of  
7 problem doesn't continue to happen.

8

9 **MAYOR ITEMS:**

10

11 \* Mayor D. Wood asked if City Manager Healy has started 2020 budget  
12 preparations? Manager Healy said he & CPA Goddard have discussed the  
13 upcoming budget and Department Head budget packets have been distributed.

14 \* Asked if Manager Healy has a date set for his "State of the City Address".  
15 Manager Healy said he has not scheduled a date.

16 \* Noted January 22, 2020 is the training seminar for the Council, Planning  
17 Commission and the Zoning Appeals Board.

18 \* Announced January will be another Municipal Sales & Use Tax month. Ms.  
19 Goddard said we should receive a check mid January.

20 \* Said the Christmas Luncheon was great and thanked employees and  
21 administration for the work they do.

22 \* Asked if Manager Healy has met with McKinley & Associates to discuss the new  
23 city building? Manager Healy has placed this matter on the sub-committee agenda.

24 \* Mayor D. Wood presented a list of sub committees and other committees:  
25 Finance – Chairperson Judy Hunt, Gene Saunders and Ginger DeWitt; Policy –  
26 Chairperson Sara Wood, Phil Remke and Judy Hunt; Traffic – Chairperson Gene  
27 Saunders, Phil Remke and new councilperson; Recycling – Chairperson Ginger  
28 DeWitt and Sara Wood; Sanitation - Chairperson Gene Saunders, new  
29 councilperson, City Manager, Public Works Director & Foremen; Arts & Culture –  
30 Chairperson Sara Wood, Ginger DeWitt and Judy Hunt; Parks & Recreation  
31 Advisory Board Gene Saunders; Historic Landmark Commission Liaison Phil  
32 Remke and new councilperson; Moundsville Library Board – Mayor David Wood;  
33 MEDC – Mayor David Wood; Business & Health Expo – Judy Hunt, Ginger  
34 DeWitt, Sara Wood & Manager Healy; Belomar – City Manager and Mayor;  
35 Employee Recognition Committee – Judy Hunt, new councilperson and  
36 department heads.

37 \* Asked Manager Healy to discuss the process to appoint a new councilperson for  
38 the vacant seat of David Haynes who was in an at large seat. Mr. Healy reported  
39 the ad was in the paper as well as local news media for the unexpired term.

40 Anyone interested is asked to submit a letter that includes name, address, their

1 interest and their background. Addressed to the City Manager no later than 4:00  
2 p.m., January 17, 2020. Letters will then be distributed and reviewed by City  
3 Council. Council will choose no more than 5 applicants Interviews will be  
4 scheduled during an executive session where council will select an individual.

5 \* Information was provided by the Historic Landmark Commission.

6 \* New Store replacing Peebles at the lower shopping Plaza, Gordman's.

7 \* Information was presented announcing a meeting on plastics.

8  
9 **COMMITTEE ITEMS:**

10  
11 **Discussion and Approval of Recommendations by the Finance Committee.**

12 The finance committee will meet on January 14, 2020 @ 5:00 p.m.

13  
14 **Discussion and Approval of Recommendations by the Policy Committee.**

15 The policy committee will follow the finance meeting.

16  
17 **Discussion and Approval of Recommendations by the Traffic Committee.**

18 The traffic committee will follow the policy meeting.

19  
20 **COUNCIL ITEMS:**

21  
22 \* **Hunt** – Appreciates council's support in the appointment as Vice Mayor. She is  
23 committed to the City of Moundsville and will assist Mayor David Wood.

24 \* **S. Wood** – Asked Manager Healy to share details of the city's sponsoring  
25 Business After Hours. Manager Healy said Business After Hours will be held on  
26 Thursday, January 23, 2019 from 5-7 at the Moundsville Sanitation Building.  
27 Food provided by Mason Dixon BBQ. A cost of \$10 and \$12 at the door. Set up  
28 will be provided by the Moundsville Street Department.

29 \* **DeWitt** – Congratulations to David Wood & Judy Hunt being appointed as  
30 Mayor & Vice Mayor for 2020.

31 \* **Saunders** – Commended Parks & Recreation Director White for organizing  
32 many events at Valley Fork and East End for 2020.

33  
34 Councilperson Saunders moved to recess, seconded by Vice Mayor Hunt. Motion  
35 carried unanimously.

36 Meeting recessed at 8:25 p.m.

37 Meeting reconvened at 8:38 p.m.

38 Executive session began at 8:38 p.m.

39 Executive session recessed at 9:34 p.m.

40 Regular session reconvened at 9:34 p.m.

1  
2 Councilperson Saunders moved to adjourn, seconded by Councilperson S. Wood.  
3 Motion carried unanimously.

4  
5 Meeting adjourned at 9:35 p.m.

6  
7  
8  
9 \_\_\_\_\_  
Sondra J Hewitt, City Clerk

\_\_\_\_\_

David Wood, Mayor

10  
11