

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,  
JANUARY 19, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on January 19, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Mark Simms.

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

**MINUTES:**

**Regular Council Meeting of January 3, 2012.**

Councilperson Haynes made a motion to accept and approve the minutes of the regular council meeting of January 3, 2012, seconded by Councilperson DeWitt. Motion carried unanimously.

**GENERAL PUBLIC HEARING:**

\* Linda Markey, 21 Fostoria Avenue, reported two dead trees on the cemetery property behind her house. Mrs. Markey asked the Green Lawn Cemetery Association for some assistance but was told the association had no money.

Attorney White suggested that council declare the trees a public nuisance and hazard, notify the property owner and abate the situation. After some discussion, council decided to direct Interim Manager Hess to draft a letter advising the Green Lawn Cemetery Association of dangers the tree is presenting to citizens.

**OLD BUSINESS:**

\* Councilperson DeWitt asked for status on hiring a new Building Inspector. Interim City Manager Hess advised that she is in the process of interviewing three individuals on Thursday, January 19, 2012.

\* Councilperson Saunders asked for status of hiring police officers. Police Chief Mitchell advised that he has interviewed two individuals and in the process of polygraphs and physicals.

\* Councilperson Saunders asked for an update on the Citizens Academy. Chief Mitchell advised that he has prepared a press release announcing the dates and application process. Chief Mitchell is looking at starting the academy the second or third week of March and a February deadline for applications. He would like to place the press release on the city's website but is unsure of the process.

\* Councilperson Saunders asked for an update on property at 329½ Thorn Avenue. Building Inspector Schneider reported that Ms. Darrah's friends have purchased materials to repair the roof which is now approximately 70% complete.

\* Councilperson Saunders asked why nothing was happening at the Fostoria? Attorney White reported that Patrick Kirby wants to set up a meeting to update council on Fostoria. Mr. Kirby will be in touch with Interim City Manager Hess on a date and time.

\* Councilperson Wood asked for a status for the prioritizing the vacant/dilapidated structures for demolition? Fire Chief Clarke reported that Interim City Manager Hess advised the house on North Street depleted the demolition funds.

\* Councilperson Wood asked Interim Manager Hess to review the date that Margaret Stout, WVU Professor, will be visiting Moundsville concerning the Comprehensive Plan. Manager Hess advised that Ms. Stout and her students will be visiting on Friday & Saturday, February 3 & 4, 2012.

\* Councilperson Remke asked Chief Mitchell if he has spoken to the owner of the van parked on Seventh Street? Chief Mitchell reported the van project is a work in progress.

\* Councilperson Remke asked for a status on e-government. Interim City Manager Hess reported she will be in contact with the individuals as soon as the budget is done.

\* Councilperson Remke requested the yellow line request in front of Rutenburgs be placed back on the Traffic agenda. Councilperson DeWitt noted the owner wants a meter and yellow line.

\* Councilperson Remke requested the sign ordinance be place back on the policy agenda. Councilperson Wood advised that Councilperson Remke has obtained several names of business owners in favor of the signs.

\* Councilperson Remke asked Interim City Manager Hess if Building Inspector Schneider should be involved in the interviewing process while hiring another building inspector is being hired? Interim Manager Hess advised it would not be necessary.

\* Councilperson Remke asked how the budget process was coming and suggested funding for economic development and infrastructure.

## **NEW BUSINESS:**

### **Discussion of a Proposal Submitted by the Moundsville Volunteer Fire Department for the Cost and Labor to Install Flood Vents in a Building Constructed in 08/01/2006.**

Councilperson DeWitt said she was hoping to hear from other individuals who received violations from FEMA in the event that they request the city to pay half of their repairs. Building Inspector Schneider noted the violations were documentation follow-up no cost for repairs to the properties.

After further discussion, Councilperson Simms made a motion to split the cost for flood vents and labor with the Moundsville Volunteer Fire Department in the amount of \$1500, seconded by Councilperson Remke.

Councilperson Wood asked CPA Kathryn Goddard where the funding will come from. Ms. Goddard reported miscellaneous City Hall.

Councilperson Saunders asked should the contractor run into some problems and the labor cost increases, who will be responsible for the difference? Brad Varlas replied the city's share is \$1500 and no more.

Mayor Wallace called for all councilpersons in favor. 7 yeas. Motion carried unanimously.

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

\* Councilperson Simms made comment to the election process of candidates obtaining signatures of voting citizens in order to run for a council position. Councilperson at Large is required to obtain 100 signatures and Ward Councilperson is required 50 signatures. Councilperson Simms and Mayor Wallace suggested charging a filing fee of \$5 or \$10. Councilperson Simms requested this items be placed on the Policy agenda.

Attorney White explained the process of a Charter change would be for council to present an ordinance, if the ordinance passes on two readings Charter change would pass. If the ordinance receives even one protest, the ordinance fails, and is then placed on the ballot.

\* Councilperson Wood asked for council to discuss and address budget increases and be sure that all of council is in agreement before voting on the budget.

\* Councilperson Saunders addressed the letter submitted to council by a skateboarder who thinks the Skateboard Committee has forgotten about the park and how desperately the skateboarders would greatly appreciate a place to ride their skateboards. Councilperson Saunders said the committee will start meeting again and is still trying to raise money.

\* Councilperson Remke asked for council to review the tree ordinance at the Policy meeting. His concern is who would be responsible for repairing the sidewalk when tree roots push the sidewalk up.

\* Councilperson Remke asked if the scales have been advertised for sale? Chief Mitchell reported the scales have not been advertised at this time.

## **MANAGER ITEMS:**

### **Pending Litigation.**

Interim City Manager Hess informed council that the City's insurance carrier has asked the city to have no contact with the complainant whose property was allegedly damaged from hydraulic oil spill of a garbage truck. They are investigating the claim and have taken soil samples.

### **Historic Landmarks Commission. (Manager's Appointment)**

Interim Manager Hess received a letter from Jane Klug asking to be re-appointed to the Historic Landmarks Commission. She also received a letter from Hilda Blake and Deanna McDowell who do not wish to be re-appointed.

Manager Hess advised council of three openings on the Historic Landmarks Commission which will be re-advertised.

### **Moundsville Planning Commission. (Manager's Appointment)**

Interim Manager Hess received a letter from Dennis Kidd asking to be re-appointed to the Moundsville Planning Commission.

Manager Hess advised council of three openings on the Moundsville Planning Commission if council would know of any persons of interest. These vacancies will be advertised.

### **Notice of Approved Contract for City of Moundsville Audits.**

Interim City Manager Hess received the approved contract for the City of Moundsville's 2009-2010 & 2010-2011 Audits. CPA Kathryn Goddard will be taking care of scheduling the audit.

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

\* Interim City Manager Hess informed Councilperson Remke of the building he questioned at 401 Jefferson Avenue was owned by a brother & sister. The sister later turned the house over to him. The state does not own the property.

\* Interim City Manager Hess informed Councilperson Remke of the amount of B&O received on the Stormwater separation project was \$3,000; and Rt. 2 improvements \$5,000 is due to the city.

**MAYOR ITEMS:**

\* Mayor Wallace commended Interim City Manager Hess for doing an outstanding job. Council will discuss city manager applicants and schedule interview dates.

\* Mayor Wallace reported the light at First Street & Jefferson Avenue is staying green traveling west even when the light changes.

**COMMITTEE REPORTS:**

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

No recommendations by the Finance Committee.

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

No recommendations by the Traffic Committee.

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

1. Discussion Nepotism Policy. Committee recommends the City Attorney draft an amendment to item #3 of the nepotism ordinance.

Attorney White suggested since the employee policy is being voted upon as a whole, council can agree to make the change and pass the nepotism ordinance as part of the employee policy.

**Certificates of Publication to be Received and Filed.**

Attorney White presented three legal advertisements published in the Moundsville Daily Echo to be received and file by council:

1. Zoning Variance for 259 Jefferson Avenue
2. Zone Change for 1007 Thompson Avenue
3. Zone Change for 107 13<sup>th</sup> Street

Councilperson Simms made a motion to receive and file the certificates of publication, seconded by Councilperson DeWitt. Motion carried unanimously.

**COUNCIL ITEMS:**

\* **Haynes** - Received a complaint of drug dealing behind Gast News Stand. Police Chief Mitchell will pass on the information.

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

\* **Wood** - Asked City Attorney White to advise fellow council members of a former City Attorney's opinion on the roles of the City Manager and Council. Attorney White read a letter from former City Attorney Mike Whorton stressing that council members shall not interfere with the daily operations of employees, or directly give orders to employees and the chain of command.

\* **Remke** - Reported Blakes Photography is in deplorable shape and asked Building Inspector Schneider where the city stands on this property. Inspector Schneider reported sending a vacant building registration & 30 day letter to the owner.

Mayor Wallace asked why this information did not go through the Interim City Manager? Councilperson Remke will forward items through the City Manager in the future.

\* Asked why the minutes have not been put in Echo? City Clerk will check, thought they have been faxed.

\* Asked for an update concerning the tank lid at the Sanitary Plant. Interim City Manager asked Sanitary Board Member Bill McConnell to enlighten council. Mr. McConnell advised that the lid had to be redesigned and would take several months to return it to the plant, possibly June.

\* Asked about the donation to the Fostoria Glass Society. Interim City Manager advised the donation was from the Artisan Center to the Fostoria Glass Society.

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

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

Councilperson Saunders made a motion to have an executive session for personnel matters following the regular session, seconded by Councilperson Simms. Motion carried unanimously.

Councilperson Saunders made a motion to recess before executive session, seconded by Councilperson Simms.

Meeting recessed at 8:15 p.m.

Regular session reconvened at 8:20 p.m.

Executive session began at 8:20 p.m.

Executive session recessed at 8:33 p.m.

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

Meeting adjourned at 8:34 p.m.

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Sondra J. Hewitt, City Clerk

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Dennis Wallace, Mayor