

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF MOUNDSVILLE,
DECEMBER 18, 2012**

The Council of the City of Moundsville met in regular session in the Council Chambers on December 18, 2012 at 7:00 p.m.

Meeting was called to order by Mayor Dennis Wallace.

Invocation by Councilperson Simms after a moment of silence for the victims and their families of Newtown CT shooting.

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

Regular Council Meeting of December 4, 2012.

Councilperson Haynes moved to accept and approve the minutes of the regular council meeting of December 4, 2012, seconded by Councilperson Saunders. Motion carried unanimously.

GENERAL PUBLIC HEARING:

Presentation of Christmas House Decorating Winners: 1st Place - Cole Grimm, 1526 Seventh Street; 2nd Place - Mickey Tomlinson, 430 Filbert Avenue; 3rd Place - Opal Hill, 1207 Third Street.

Presentation of Plaque to Mayor Dennis Wallace.

Vice Mayor Saunders presented Mayor Dennis Wallace with a plaque commemorating 17 years of service as Councilman at Large.

Tom Brown, GAB - Discussion of Former Fostoria Site.

Mr. Brown reported that Triad Engineering Inc provided a risk assessment and submitted a copy to the DEP. Once the risk assessment is returned soil samples will be obtained again and capsulated on site. The Certificate of Completion (COC) will then be awarded. Parris Run is considered a segregated area and will need a separate Certificate of Completion.

Councilperson Wood asked if GAB has any investors. Mr. Brown said a couple investors have been added to the list and others on the list have moved on.

Councilperson Simms asked Mr. Brown if there was anything council or the community can do to help with the process.

Mr. Brown suggested being positive as a community and more receptive to the gas and pipeline workers. A lot of money is going through our community. He also noted that local workers have been hired for certain jobs.

* Walter Rhome, 1500 Water Street, asked council what would be a permitted use on his property to make it a more productive area? And asked if Manager Hess had answers to the question's he asked at the November 20 meeting concerning the neighboring properties?

Attorney White provided the following legal opinion to questions Mr. Rhome asked at a previous meeting: 1) Tractor Trailer bed on blocks in an RM Zone - Under the present status the owner is in technical violation, however if they were to anchor the trailer bed to the ground it would meet the definition of an accessory structure. And also meet the definition in flood zone for an acceptable accessory structure. 2) Backhoe in garage that is open on one end - This is not a violation, the backhoe is in a garage, does not matter if one end is open. 3) Property being used by painters contracted by DOH for the bridge - Section 1381.11 Commercial Equipment Storage was enacted in 1972 citing that no commercial equipment shall be stored in RS, RU, RG, or RM Districts but was repealed in 1994. 4) Barrels stored on the property - Research indicates the property is C-C-C-H zone. The Building Inspector informed Mr. White the barrels are alleged to be spare floats for boat docks for the Marina business. So any business related items are permitted to be stored on that property. 5) Boats & Trailers - On an R-N zone is parked a boat on a trailer and a trailer without a boat & on an R-M zone is parked a boat on a trailer. Mr. White believes this is prohibited under city code section 1381.13(b) and applies to both R-N & R-M zones. Mr. White said the owner will be given notice to the violations.

* James Stultz, 1216 Sixth Street, wished to publicly thank the police and fire departments for their quick discovery and response to a small garage fire at his home. He also wished to thank Mayor Dennis Wallace for his fine leadership as Mayor of the City of Moundsville. The Water Board appreciates his hard work and dedication.

* Councilperson Remke asked Manager Hess to read a letter from the Moundsville Activities Committee to their supporters.

OLD BUSINESS:

Other Items to be Discussed by Council.

* Councilperson DeWitt asked where the city stands concerning the boat docks at the Riverfront Park? Asst. Fire Chief Walker said the Fire Department met with WV DNR who is working on a few different options of cleaning up the debris, finances that are available for the removal, and relocation of the boat docks.

NEW BUSINESS:

Election of Mayor and Vice Mayor for 2013.

Mayor Wallace announced that nominations are open for the election of Mayor for 2013. Councilperson Wood moved to nominate Councilperson Gene Saunders, seconded by Councilperson DeWitt. Councilperson Simms moved to nominate Councilperson Remke, seconded by Mayor Wallace.

Mayor Wallace called for a voice vote of council members in favor of Councilperson Saunders as Mayor for 2013. City Clerk Hewitt announced the following tally DeWitt, Haynes, Remke, Saunders, Simms, Wood and Mayor Wallace. 7 yeas. Motion carried unanimously.

Mayor Wallace moved to nominate Councilperson David Wood as Vice Mayor for 2013, seconded by Councilperson Saunders. Nominations were closed. Mayor Wallace called for a voice vote. City Clerk Hewitt announced the following tally. Haynes, Remke, Saunders, Simms, Wood, Mayor Wallace and DeWitt. 7 yeas. Motion carried unanimously.

Discussion and Approval of a Resolution Authorizing the City Manager to Enter into a Contractual Agreement with the Governor's Community Partnership Office for a Grant Award of \$25,000 for the American Veterans' Traveling Tribute (Cost of Freedom Wall).

Councilperson Simms moved to authorize the City Manager to enter into a contractual agreement for a grant award of \$25,000 for the American Veterans Traveling Tribute, seconded by Councilperson Remke. Motion carried unanimously.

Discussion and Award of the Bids Received for a 2013 GMC Dump Truck for the Street Department.

Councilperson Haynes moved to accept the low bid of \$38,413.83 from Auto Choice for a 2013 Chevrolet Silverado 3500 HD 4 WD, seconded by Councilperson Simms. Motion carried unanimously.

Council members agreed not only to choose the low bid but prefer to purchase from a local dealership.

Receive and File the 2012 Municipal General Election Board of Canvassers' Certificate of Votes Cast Submitted by the Marshall County Clerk's Office

Councilperson Saunders moved to receive and file the 2012 Municipal General Election Board of Canvassers' Certificate of Votes Cast, seconded by Councilperson DeWitt. Motion carried unanimously.

MANAGER ITEMS:

* Manager Hess wished Mayor Wallace luck in his next adventure. Congratulations to newly elected Mayor Saunders and Vice Mayor Wood.

* Merry Christmas and Happy New Year. Thanks to the Department Heads, All the Employees, City Clerk, Secretary, Finance Officer and City Attorney.

* Attorney White presented certificates of publication advertised in the Moundsville Daily Echo to be received and filed by council:

1. Ordinance Pertaining to Failure to Appear in Court
2. Ordinance Pertaining to Stormwater User Fees
3. Ordinance Pertaining to Abandoning Portion of Sidewalk
4. Ordinance Pertaining to Registration of Rental Houses
5. Zoning Variance for Carport at 1305 Lockwood Avenue
6. Zoning Variance for Privacy Fence at 307 Jefferson Avenue
7. Zoning Variance for Signage at 805 Tenth Street

MAYOR ITEMS:

* Mayor Wallace wished to thank his mother Patricia, wife Mary for putting up with him during his terms on council. He wished to thank the every day workers that are not seen, the department heads, the office workers, City Manager and Council for all their support during his 17 years of service. Mayor Wallace wished to thank the Water Board, all the city employees, Attorney White and Finance Officer Kathryn Goddard.

COMMITTEE REPORTS:

Discussion and Approval of Recommendations by the Finance Committee.

No recommendations at this time.

Discussion and Approval of Recommendations by the Traffic Committee.

No recommendations at this time.

Discussion and Approval of Recommendations by the Policy Committee.

No recommendations at this time.

COUNCIL ITEMS:

* **Remke** - Congratulations to Mayor Wallace. He will be missed.

- * Merry Christmas to Department Heads, Employees and Citizens.
- * **Wallace** - Pointed out his class of 1973 was majority on council and included, Bill McConnell, Mark Simms, Paul Musilli, himself and now Phil Remke.
- * **Wood** - Wished to thank Denny for his 16 years of service on council. Everyone new where they stood with Mayor Wallace because he speaks his mind. He will be greatly missed.
- * Wished to thank the employees for the Christmas Luncheon.
- * Announced next council meeting will be held on Wednesday, January 2, 2013.
- * Hopes to discuss in the new year pay raises for employee; work toward the Comprehensive Plan; work with citizens; continue with needed resources; discuss goals and operating budget.
- * Merry Christmas & Happy New Year.
- * **Simms** - Wished to thank Denny for a great 17 years and his great service as a councilperson.
- * Wished to thank Deanna Hess for a great 2012 along with the front office; hopes to continue purchasing better equipment for the employees, in doing so, helps build morale.
- * Requested gravel in alley above Ford Street at Cherokee Hills.
- * Merry Christmas and Happy New Year.
- * **Haynes** - Said he would miss Mayor Wallace.
- * Reported vehicle with bad inspection sticker at 29 Oak Avenue.
- * Reported man hole cover cracked on Fostoria Avenue.
- * **DeWitt** - Said she would miss Denny and thanked him for everything.
- * Congratulations to newly elected Mayor Saunders and Vice Mayor Wood.
- * Merry Christmas and Happy New Year.
- * **Saunders** - Merry Christmas & Happy New Year.
- * Said it was an honor to serve as Vice Mayor with Mayor Wallace. He learned a lot from Denny.

* Merry Christmas and Happy New Year.

Councilperson Saunders moved to have an executive session for Real Estate matters, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting recessed at 8:05 p.m.

Meeting reconvened at 8:10 p.m.

Executive Session began at 8:10 p.m.

Executive Session recessed at 8:40 p.m.

Councilperson Saunders moved to adjourn, seconded by Councilperson Haynes. Motion carried unanimously.

Meeting adjourned at 8:43 p.m.

Sondra J. Hewitt, City Clerk

Dennis Wallace, Mayor