

**STATE OF WEST VIRGINIA, COUNTY OF MARSHALL, CITY OF  
MOUNDSVILLE, MAY 5, 2020**

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

Meeting was called to order by Mayor David Wood. This meeting was closed to the public due to Covid-19 Pandemic. However, the meeting was streamed live on Zoom.

Invocation by Councilwoman Judy Hunt.

City Clerk Hewitt called the roll and the following Councilpersons were in attendance: DeWitt, Hickman, Hunt, Remke, Saunders, S. Wood and Mayor David Wood. Also present were City Manager Healy, Police Sgt. Milbert, Acting Finance Director Ankrom, Attorney White and City Clerk Hewitt.

**MINUTES:**

Mayor D. Wood entertained a motion to vote on the following council meeting minutes as a whole. Motion was made by Councilman Saunders and seconded by Councilman Remke. Motion carried unanimously.

Councilman Remke moved to approve the following minutes: Special Council Meeting of February 25, 2020; Regular Council Meeting of March 3, 2020; Special Council Meeting of March 24, 2020; Regular Council Meeting of April 21, 2020, seconded by Councilman Saunders. Motion carried unanimously.

**MANAGER ITEMS:**

1. I will start with an update of operations during the Coronavirus. On Friday, March 13, I issued my first COVID-19 memo to employees. On March 17, I signed a proclamation declaring “A State of Emergency” for the City of Moundsville. The proclamation gave me the authority to issue executive orders, emergency policies, and use and direct City personnel, services, and equipment, to perform acts necessary to the management of this existing and threatened state of emergency, as needed. To that, Mayor Wood and I determined the essential and non-essential employees, and issued “Stay at Home” orders for the non-essential employees on a “week on – week off” basis. This was done to lessen the mingling of employees, therefore doing our part to fight the spread. These employees were

ordered to remain at home during these weeks, and were “on-call” the entire time. Essential employees, Police, Dispatch, Fire, and Sanitation continued to report as usual. On March 23, Governor Justice issued Executive Order 9-20, commonly called the “Stay at Home” Order, further enforcing what the City of Moundsville had already done. Here we are, almost two months later, and I’m glad to report that we are now back at full staff in all departments, due to a repeal of the employee adjustments on May 4. In place are guidelines from Governor Justice and the Marshall County Health Department, including social distancing and sanitizing guidelines. Additionally, every department is checking temperatures and recording them at the beginning of their shift. All of this done in an effort to slowly get back to normal, while still continuing to stop the spread of the virus. All city-owned buildings will continue to be closed to the public, until at least until May 15. I’m happy to say that during this time, we continued to keep the city operating and moving forward. Thank you to all of the City employees who helped through this, and our residents who did their job by staying home, and using things like the drop boxes and on-line payments. I would also like to thank Council for their support in me as we all navigated through uncharted territory.

2. We are now in Week Three of Governor Justice’s West Virginia Strong, The Comeback Plan. This week our small businesses reopened under stringent guidelines, and some restaurants that have the capability of outside seating. Please, please, please remember our small businesses. They need, and will continue to need, all of our support. Please order from local restaurants, buy from local shops and stores, get flowers this spring from a local store. They need and will appreciate everyone’s support. I urge everyone to return to a “normal” life when you feel comfortable to do so. When out, please follow the Public Health guidelines issued by the Marshall County Health Department. Let’s continue to be safe, and not contribute to the spread of this deadly virus.

3. Utility Service Partners is in the process of their spring mailing to advise residents of the Water and Sewer Service Plans. In the last 12 months, 11 residents filed claims on the sewer line and 2 filed claims on the water line. This resulted in a total cost of \$23,396 worth of work completed at no additional cost to the resident, other than their plan premium. Since the City has partnered with Utility Service Partners, over \$120,000 in work has been done in Moundsville.

Additionally, we receive approximately \$1,200 per year from the partnership.

4. We received our first quarter 2020 Municipal Sales Tax payment in April in the amount of \$452,509.81. This was down 5% from 1<sup>st</sup> quarter of 2019, but did include two weeks of the COVID-19 shut-down. The biggest impact we’ll see will be in the current quarter, which we will receive in July, along with the second quarter B&O Tax collections.

5. Update on the latest collections from DataMax: to date, we have received

\$123,552.09, which amounts to \$61,776.05 for the City, after payments.

Additionally, since January 1 of this year, we have collected \$49,038.75 from the WV State Tax Department from attachments to state tax returns from judgements that we have received. To date, that program has netted the City \$115,235.59.

6. As of March 31, we have received \$49,038.75 in deposits from the West Virginia State Tax Department from Income Tax assessments. These are delinquent accounts that we have a judgement against, that are then received from their potential income tax refund. Since the inception of this process, the City has collected \$115,235.59.

7. I met with our Workers Compensation Carrier to discuss our renewal on July 1. He noted that the City has done an excellent job in keeping claims down, with only two claims filed in this fiscal year. He expects our premium to increase just slightly this year. I'd like to commend our Safety and Risk Manager George Carter, who continues to do a great job in helping eliminate missed work time.

8. The on-line pay feature is now working, and not a moment too soon, for payments on municipal fee, public safety fee, and sanitation. It went live in March, and has been a great asset during this current pandemic. There is a convenience charge when using a debit or credit card, but no fee to pay using an EFT through a savings or checking account. Make sure to update your app so that the Pay Now link is on the home page.

8. Our virtual Kick-Off Meeting with McKinley in regards to the new municipal building will be done this Thursday. This will include the me, Mayor Wood, City Clerk Hewitt, and Chiefs Brandon and Mitchell.

9. We have had multiple changes in our employees since our last regular meeting. I will have all of the new employees present at a Council Meeting later, but will review them now. With jobs being bid internally, we have had a carousel of changes. As all of you know, long-time Administrative Secretary Marilyn Kaufman retired in early March. She was replaced by Lacey Williams, who had previously been employed at Bayer Credit Union for 15 years. Karen Richmond from the Data Processing Department, also retired. She was replaced, internally, as Lucretia Maine moved from Revenue Collector to Karen's position. Lucretia's position was filled by Amber Cunningham, who moved from Dispatch. Finance Director Kay Goddard also resigned in March., and will be replaced by Karen Ankrom, the current Treasurer. This move allows the City to have an "in-house" Finance Director for the first time in over twelve years. I want thank Council for their support in making this happen. Karen's spot will be filled by the new Administrative Secretary Lacey Williams. Lacey's experience in finance and banking at Bayer makes her an ideal person to fill the role of Treasurer. A hire for the Administrative Secretary position will be announced soon. We have also hired two new firefighters – Justin Williams and Andrew Furbee, bringing our staff back

to full. Another recent addition to the Street Department was A.J. Myer, and I'm happy to say that Department is at full strength for the first time in many months. Again, once we open up Council Meetings., I will have these employees present to introduce. Also, we will have a large swearing-in ceremony when the situation permits, with families, media, and Council invited.

10. Update on paving: Engineer Tush is finalizing the estimates, and my hope is that we can have them out to bid by mid-May.

11. Councilman Remke and I had a conference call with an attorney from Bowles & Rice, and RED to discuss the TIF Project. We have defined our map, and the Assessor has signed off on the current property values (with one change coming). The next step is a Public Hearing and further legal work.to prepare the application to be submitted to the West Virginia Development Office.

12. Census 2020. As of May 3<sup>rd</sup>, Moundsville had a 53.5% self-response rate, ranking 41<sup>st</sup> in the state. More importantly, in the northern panhandle, a friendly contest was started in conjunction with Jennifer Rohrig, local Census 2020 representative called the BIG 12 Challenge. Leading the pack is Glen Dale with a 68.6% rate. Moundsville currently is in 6<sup>th</sup> place, changing places with Wheeling a few times over the past month. We need to do better. The Census is so important to many things such as obtaining federal funding for education, housing assistance, federal highway planning, family service grants, public safety grants, and much more. If you have not responded, please do so today! If you have responded, thank you! My challenge to you is to ask one person if they have responded. If their answer is no, encourage or help them to do it!

13. As part of our agreement with TSG for the website, they provide analytical data monthly. Some interesting data is during April: the site had a total of 7,372 visits, of which 4,245 of them were first time visitors, a total of 12,942 pages were viewed – with the highest being a news update regarding city operations during the Coronavirus, and 55.5% of the visitors were directed there from the City of Moundsville Facebook page. Remember, one of the goals in the comprehensive plan was to make government more transparent – this is going a long way to accomplish that.

## **OLD BUSINESS:**

### **Discussion and Approval of an Ordinance to Establish Formal Definitions of Medical Marijuana and to Allow Marijuana Dispensaries in Commercial Areas of the City of Moundsville Zoning Code. (Second Reading)**

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

**AN ORDINANCE OF THE CITY OF MOUNDSVILLE AMENDING THE ZONING CODE TO PROVIDE FOR MEDICAL CANNABIS DISPENSARIES AS USES IN C-1 CORRIDOR COMMERCIAL ZONES AND IN C-2 HISTORIC AND NEIGHBORHOOD COMMERCIAL ZONES AND PROVIDING FOR DEFINITION AND REGULATIONS RELATING THERETO. (SECOND READING)**

Councilwoman Hunt moved to approve the above ordinance, seconded Councilwoman Hickman.

Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the following tally. 5 yeas, 2 nays. Remke and Saunders voting nay. Motion carried.

**Discussion and Approval of an Ordinance Pertaining to Require Off Street Parking for New Businesses and Grandfather Existing Businesses. (Second Reading)**

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

**AN ORDINANCE OF THE CITY OF MOUNDSVILLE AMENDING THE ZONING CODE TO ALLEVIATE THE REQUIREMENTS FOR OFF-STREET PARKING FOR CERTAIN STRUCTURES IN C-2 HISTORIC AND NEIGHBORHOOD COMMERCIAL ZONES. (SECOND READING)**

Councilman Remke moved to approve the above ordinance, seconded by Councilwoman Hunt.

Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the following tally. 7 yeas. Motion carried unanimously.

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

\* Councilman Remke asked if the \$10,000 from Pirate Charities is going to be used for the baseball fields or the playground? Councilman Saunders said the funds will be used for the playground. Councilman Remke asked the cost of the playground at East End playground? Manager Healy reported approximately \$65-66,000 and since the original installation there has been an additional \$10,000.

- \* Councilman Remke asked council to reconsider the installation of an outside water pad due to special needs children not being able to be in the sun for long periods of time.
- \* Councilman Remke has concerns about the city's recycling compactor being too slow. He suggested contracting with Jochum's to assist with the recycling program. Manager Healy said the city's plan is to start with paper and cardboard. The discussion of the possibility to contract with Jochum's was discussed. Manager Healy was anticipating a call from Mr. Jochum.
- \* Councilman Remke appreciated the Department Head reports, however, he did not receive a report from the Building Inspection Department.
- \* Councilman Remke moved to bring from the table discussion of revising the City's Charter at the policy committee meeting. Motion failed for lack of a second.
- \* Councilman Remke moved to discuss options for additional housing in the city at a policy committee meeting, seconded by Councilwoman Hickman. Motion carried unanimously.
- \* Councilwoman S. Wood moved to discuss reevaluating the breakdown of the Municipal Sales & Use Tax, seconded by Councilman Remke. Motion carried unanimously.
- \* Councilman Saunders reported an abandoned house near the trailer park on Highland Avenue. He also reported an unlicensed utility trailer on that property. Manager Healy reported he turned the complaint over the Police Chief Mitchell.
- \* Councilwoman DeWitt moved to discuss revising the bicycle on the sidewalk ordinance at the policy committee, seconded by Councilman Saunders. Motion carried unanimously.

### **Receive and File Legal Advertisements.**

Attorney White presented several legal advertisements published in the Moundsville Daily Echo to be received and filed by council.

Councilwoman DeWitt moved to receive and file 30 legal ads, seconded by Councilman Remke. Motion carried unanimously.

## **NEW BUSINESS:**

### **Discussion and Approval of Employee Compensation During the Covid-19 Pandemic.**

City Manager Healy provided council with three options to reward essential workers (Police, Fire and Sanitation) during the Covid-19 epidemic. After some discussion, Councilwoman Hunt moved to reward essential city workers with three additional weeks of vacation. One week can be used in 2020 and the remain two weeks will be carried over to 2021, seconded by Councilman Saunders.

Mayor D. Wood called for a voice vote. City Clerk Hewitt announced the following tally. 6 yeas, 1 nay. Remke voting nay. Motion carried.

### **Discussion and Approval of a Lease Agreement between the City of Moundsville and the Marshall County Board of Education for the Park View School Playground at 37 Oak Avenue.**

Councilman Saunders moved to approve the lease agreement, seconded by Councilman Remke. Discussion was held on renewal date of once every year.

Mayor D. Wood called for a voice vote to approve lease as written. City Clerk Hewitt announced the following tally. 6 nays, 1 yea. D. Wood voting yea. Motion failed.

City Manager Healy was instructed to renegotiate renewal date to every five years.

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

\* Councilwoman Hunt reported junk on the front porch of 805 Tomlinson Avenue and garage is collapsing. Manager Healy will follow up with a work order.

\* Councilwoman Hunt commended the Body & Soul Soup Kitchen for the hundreds of meals they provide to the community and moved to discuss at the finance committee meeting a monetary donation, seconded by Councilman Remke. Motion carried unanimously.

\* Councilwoman S. Wood announced this Tuesday is Giving Tuesday. Three organizations in the city are commended for providing food community. The Salvation Army, Feeding Body & Soul Soup Kitchen and the Shepard's Pantry.

Ms. Wood recommended any kind of support that can be given to those organizations please do so.

\* Councilwoman S. Wood moved to have an executive session for personnel matters, seconded by Councilman Saunders. Motion carried unanimously.

\* Councilwoman S. Wood requested the mile markers on the 12<sup>th</sup> Street walking trail be repainted they are very hard to see.

\* Councilwoman S. Wood reminded council when scheduling Manager's Workshops, don't forget about the Rental Property Regulations and the Façade Program.

\* Councilman Remke commended John White and the Parks staff on walking trail and hopes they are able to keep the weeds from blocking the view of the creek.

### **MAYOR ITEMS:**

\* Mayor D. Wood asked if the offices were still closed to the public. Manager Healy said the office is closed to the public and could potentially stay closed for the duration of May.

\* Council members will be discussing at the finance meeting city revenues, such as B&O and 1%.

\*Mayor D. Wood asked if the city was still under a spending freeze? Manager Healy said we were and it would continue until the rest of this fiscal year and beginning of the new fiscal year.

### **COMMITTEE ITEMS:**

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

1. Discussion of City Sponsorship for Mayor & Manager Choices for Jefferson Avenue Car Show – June 5, 2020. Committee recommends donating \$30 for Mayor and \$30 for Manager Choices.

Manager Healy announced the car show was cancelled for June 5, 2020. Councilwoman Hunt moved to donate \$60 to the Marshall County Chamber of Commerce for their annual fund raiser, seconded by Councilman Remke. Motion

carried unanimously.

2. Discussion of Request for Donation to Appalachian Outreach Fundraiser. Committee recommends donating \$50 to fundraiser.

Councilwoman Hunt said the event was cancelled but made a motion to proceed with the donation, seconded by Councilwoman DeWitt. Motion carried unanimously.

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

1. Discussion of Request for Abandonment of Alley Between Pearl and Diamond Streets from Garfield Street to McKinley Street and Diamond Street Starting from Garfield Street to Lot 170. Committee recommends to direct Attorney White to draft an ordinance to abandon alley and the unused portion of Diamond Street.

Councilman Saunders moved to direct Attorney White to draft an ordinance to abandon the requested alley, seconded by Councilwoman DeWitt. Motion carried unanimously.

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

1. Discussion of Developing an Essay Contest with Middle School Students on the History of the Fostoria Glass Company. Committee recommends moving forward with the program and budgeting \$50.00 for essay finalists.

Councilwoman Wood moved to request of budgeting funds for an essay contest in the next school year, seconded by Councilwoman DeWitt. Motion carried unanimously.

2. Discussion of Developing an Arts & Culture Commission. Committee recommends directing Attorney White to draft an ordinance to include two members of council and three residents as the commission.

Councilman Saunders moved to direct Attorney White to draft the ordinance which will be reviewed at the policy sub-committee meeting, seconded by Councilwoman Hunt. Motion carried unanimously.